TOWN OF ZIONSVILLE
ZONING ORDINANCE
Zionsville, Indiana

As Adopted by the Town Council
on
January 4, 2010
(Reformatted for Readability)

ZIONSVILLE
FOR ALL THE RIGHT REASONS

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ARTICLE 1: GENERAL PROVISIONS

Section 1.1. Title

This Ordinance shall hereinafter be known and cited as "Town of Zionsville Zoning Ordinance."

Section 1.2. Authority

A. This Ordinance is adopted pursuant to the authority contained in **Indiana Code 36-7-4 et seq.**

B. Whenever any provision of this Ordinance refers to or cites a **Section** of the **Indiana Code** and that **Section** is later amended or superseded, this Ordinance shall be deemed amended to refer to the amended **Section** or the **Section** that most nearly corresponds to the superseded **Section**.

Section 1.3. Purpose

In adopting this Ordinance, the Town Council of the Town of Zionsville is acting for the purpose of:

A. Promoting the public health, safety, comfort, morals, convenience, and general welfare;

B. Guiding the future development of the Town of Zionsville;

C. Securing adequate light, air, convenience of access, and safety from fire, flood, and other danger;

D. Lessening or avoiding congestion in public ways;

E. Ensuring that the needs of agriculture, industry, and business be recognized in future growth;

F. Ensuring that residential areas provide healthful surroundings for family life;

G. Ensuring that growth be commensurate with and promotive of the efficient and economical use of public funds; and

H. Preserving, maintaining, and enhancing the architectural and aesthetic characteristics of the Town;

I. Regulating the number, size, type and style of signs permitted on all properties;

J. Fixing reasonable standards to which buildings and structures shall conform;

K. Assuring the orderly use of land developed within the Planning Area of the Master Development Plan for Zionsville, Indiana;

L. Defining the powers and duties of the administrative officers and bodies as provided herein, and;

M. Otherwise accomplishing the purposes of **Indiana Code 36-7-4 et seq**.

Section 1.4. Effective Date

This Ordinance shall be effective on and after the fourteen (14) days after notice of its adoption is published in compliance with **IC 36-7-4-610**.

Section 1.5. Repealer

(Reserved)

Section 1.6. Exclusion

Nothing in this Ordinance or any rules, regulations, or orders issued pursuant to this Ordinance shall be deemed to restrict or regulate or to authorize any unit of government, legislative body, Plan Commission, or Board of Zoning Appeals now or hereafter established, to restrict or regulate the exercise of the power of eminent domain by the State of Indiana, any agency of the State of Indiana, or the Town of Zionsville, or the use of property owned or occupied by the State of Indiana, any agency of the State of Indiana, or the Town of Zionsville, except to the extent such restriction or regulation is permitted by applicable law.

Section 1.7. Interpretation

A. In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the health, safety, comfort, morals, convenience, and the general welfare of the public. In the case of any conflict or inconsistency between two or more provisions of this Ordinance or any other ordinance of the Town of Zionsville, the provision which imposes the greater or higher or more restrictive standard of performance shall control.

B. References to other documentation or standards in this Ordinance shall be interpreted to be the latest version thereof.

Section 1.8. Jurisdiction

Upon (i) adoption of this Ordinance by the Town Council of the Town of Zionsville, and (ii) the effective date of this Ordinance, the Town of Zionsville Plan Commission shall be the duly authorized Plan Commission for the incorporated areas of the Town of Zionsville pursuant to the **Indiana Code**, and this Ordinance shall apply to all real property located within the corporate boundaries of the Town of Zionsville.

Section 1.9. Subdivision of Land

The subdivision of land may occur in any and all zoning districts established by this Ordinance. Whenever a subdivision occurs, regulations and procedures of this Ordinance, the Zionsville Subdivision Control Ordinance, and other relevant Zionsville ordinances and standards shall apply.

Section 1.10. Scope and Application

Except as expressly provided otherwise in this Ordinance:

A. No person may use or occupy any land, building, structure, or improvement or authorize or permit the use or occupancy of any land, building, structure, or improvement under his/her control except in accordance with the applicable provisions of this Ordinance.

B. No land, building, structure, or improvement shall be used and no building shall be erected, reconstructed or structurally altered, which is not in accordance with the applicable provisions of this Ordinance or is arranged, intended or designed to be used for any purpose other than a use which is permitted in the zoning district in which such land, building, structure, or improvement is located.

Section 1.11. Findings

In adopting this Ordinance, the Town Council of the Town of Zionsville have considered, evaluated, and given reasonable regard to:

A. The general policies and patterns of development set out in the Comprehensive Plan for the Town of Zionsville, Indiana;

B. Current conditions and the character of current structures and uses in each zoning district;

C. The most desirable use for which the land in each zoning district is adapted;

D. The conservation of property values throughout the Town of Zionsville, and;

E. The responsible development and growth of the Town of Zionsville.

Section 1.12. Private Provisions

The provisions of this Ordinance are not intended to and do not abrogate any easement, covenant, or other private agreement or restriction.

Section 1.13. Determination of Land Uses not listed in the Zoning Ordinance

It is recognized that this Ordinance may require interpretation to assign all possible land uses to individual zoning districts. For any land use which is not specifically set forth in this Ordinance, staff shall review the land use for consistency with the intent set forth in each zoning district and for compatibility with land use characteristics typical of land uses permitted within those districts. Then, staff shall determine the appropriate zoning district for any land use which is not specifically set forth in this Ordinance. In case of disagreement with the determination of the staff in assigning a land use to an appropriate zoning district, any aggrieved party may file an appeal with the Board of Zoning Appeals pursuant to the provisions of Article 8 of this Ordinance.

If it is (i) determined by the staff and no appeal of the staff's decision is filed with the Board of Zoning Appeals pursuant to the provisions of Article 8 of this Ordinance, or (ii) determined by the Board of Zoning Appeals that a particular use is not permitted in any agricultural, residential, commercial, industrial, or other zoning district provided for in this Ordinance, then such use shall be deemed to require a special exception in the most restrictive agricultural, residential, commercial, industrial, or other zoning district most similar to the particular use (i.e. the O-1 District for open land and agriculturally-related uses; the R-MF-2 District for residentially-related uses; the B-3 District for commercially related uses; or the I-3 District for industrially-related uses).

Section 1.14. Saving Provision

Except as shall be expressly provided for in this Ordinance, the adoption of this Ordinance shall not: (i) abate any action pending under, or by virtue of, any prior ordinance; (ii) discontinue, abate, modify or alter any penalty accruing or about to accrue under, or by virtue of, any prior ordinance; (iii) affect the liability of any person, firm, or corporation under, or by virtue of, any prior ordinance; (iv) waive any right of the Town of Zionsville under any **Section** or provision of any prior ordinance; or, (v)

vacate or annul any rights obtained by any person, firm, or corporation by lawful action of the Town of Zionsville under, or by virtue of, any prior ordinance.

Section 1.15. Amendments

In its continuing administration of the purposes set forth in **Section 8.1**, the Town Council may find it reasonable and necessary to adopt amendments to the text of this Ordinance or determine changes to the Zone Maps incorporated into this Ordinance. All such amendments shall be considered and adopted in compliance with **Indiana Code 36-7-4-600 et seq**., the provisions of this Ordinance and any applicable Rules of Procedure.

Section 1.16. Compliance

Compliance with the terms and provisions of this Ordinance shall be a prerequisite for the use and development of real property within the Town of Zionsville. Failure to comply with the terms and provisions of this Ordinance shall be deemed to be a civil zoning violation enforceable by the Plan Commission or the Board of Zoning Appeals, as provided for in **Indiana Code 36-7-4 et. seq**, and **Section 10** of this Ordinance.

Section 1.17. Infrastructure and Utility Easements

Service easements, including but not limited to those providing for roadways, pipelines, electric power lines, utility infrastructure, telephone lines, relay stations, water lines, pumping stations, sewer lines, lift stations, or cable television lines, shall be exempt from the provisions of this Ordinance. This exemption is not applicable to easements solely for surface drainage or for access easements not related to such service easements.

Section 1.18. Obstruction of Easements

Unless expressly authorized by the appropriate agency or department of the Town of Zionsville, no sign, fence, wall or improvement of any kind shall be erected, planted, or maintained upon easements in favor of the Town.

The Town of Zionsville shall not be responsible for or liable for any loss occasioned by the removal, alteration, or destruction of any sign, fence, wall or improvement by the Town of Zionsville in the proper exercise of its rights and duties in regard to an easement in favor of the Town of Zionsville.

Section 1.19. Nonconforming Lots, Uses, Buildings or Structures

Within the zoning districts established by this Ordinance there exist:

- nonconforming lots of record;
- nonconforming buildings or structures;
- nonconforming uses of land; and
- nonconforming uses within nonconforming buildings or structures

A. which were legally established prior to the effective date of this Ordinance, but which would be prohibited, regulated or restricted under the provisions of this Ordinance.

B. Legally Established Non-Conforming Lots, Buildings, or Structures

C. It is the intent of this Ordinance to permit these legally established nonconforming lots, buildings, or structures to continue until the buildings or structures are structurally modified or removed, but not to encourage their survival. It is further the intent of this Ordinance that legally established nonconforming buildings and structures shall not: (i) be enlarged upon, expanded, or extended; or (ii) be used as grounds for adding other structures or uses which are otherwise prohibited in the same district. Upon structural modification, enlargement, expansion, or extension of a non-conforming building or structure such building or structure and all uses shall be made to be compliant with this Ordinance and all other relevant ordinances and standards.

D. Legally Established Non-Conforming Uses

E. It is the intent of this Ordinance to permit these legally established nonconforming uses to continue until the uses are modified, but not to encourage their survival. It is further the intent of this Ordinance that legally established nonconforming uses shall not be changed, revised, or expanded for uses which are otherwise prohibited in the same district. Upon any change of a non-conforming use, such use shall be made to be compliant with this Ordinance and all other relevant ordinances and standards.

F. Non-Conforming Lots, Buildings, Structures, or Uses Not Legally Established

G. Non-conforming lots of record, nonconforming buildings or structures, nonconforming uses of land, and nonconforming uses within nonconforming buildings or structures that are either illegal or not legally established on the effective date of this Ordinance shall not become legally established or validated by virtue of the enactment of this Ordinance.

H. Incompatibility of Nonconforming Uses

Legally established nonconforming uses are declared by this Ordinance to be incompatible with permitted uses in the zoning district in which such legally established nonconforming uses are located. A legally established nonconforming use of a building or structure, or a legally established nonconforming use of land shall not be altered to another conforming use, extended, expanded, or enlarged, nor shall additional signs for such legally established nonconforming use be erected on the lot, after the effective date of this Ordinance.

I. Avoidance of Undue Hardship

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans for or construction of any building or structure, or the designation of use of any building or structure, for which an Improvement Location Permit has been properly filed for or issued prior to the effective date of this Ordinance, provided that the construction of such building or structure is commenced within six (6) months of such effective date and diligently prosecuted to completion, and provided further that such construction shall be completed and a certificate of occupancy issued within two (2) years of the issuance of said Improvement Location Permit.

J. Nonconforming Lots of Record

Any legally established lot recorded or any legally established platted lot recorded prior to the effective date of this Ordinance, having less than the required minimum lot area or minimum lot width required by the applicable zoning district regulations of this Ordinance, shall be deemed a permitted exception to such minimum lot area or minimum lot width and may be used for any use permitted within the applicable zoning districts in which such lot is located provided that:

1. All other development standards are met; and

2. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership.

K. Nonconforming Buildings or Structures

Where a legally established nonconforming building or structure exists on the effective date of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on: gross floor area; lot coverage; building

height limitations; front, side and rear setbacks and yards; location on the lot; bulk; or other provisions of this Ordinance applicable to the building or structure, such building or structure may continue to exist so long as it remains otherwise lawful, subject to compliance with the following provisions:

1. Such legally established nonconforming building or structure may not be enlarged, expanded, or altered in a way which increases its nonconformity;

2. Should such legally established nonconforming building or structure, or legally established nonconforming portion of a building or structure, be damaged or destroyed by any means to the extent of more than two-thirds (2/3) of the gross floor area of the building or structure immediately prior to the damage or destruction, said building or structure shall not be reconstructed except in conformity with the provisions of this Ordinances; and

3. Should such building or structure be moved for any reason for any distance whatsoever, such building or structure shall thereafter conform to the provisions of this Ordinance.

L. Nonconforming Uses of Land

Where legally established nonconforming uses of land exist on the effective date of this Ordinance which would not be permitted by the provisions of this Ordinance, such uses may be continued so long as they remain otherwise lawful, provided that:

1. Such legally established nonconforming uses shall not be enlarged, expanded, increased or extended to occupy a greater area of land than was occupied on the effective date of this Ordinance;

2. Such legally established nonconforming use shall not be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses on the effective date of this Ordinance; and

3. No additional building or structure shall be erected in connection with such legally established nonconforming use of land.

M. Discontinuation of Nonconformity

If any legally established nonconforming use of land is discontinued or abandoned for more than six (6) months (except when government action impedes access to the premises), any subsequent use of such land shall conform to the provisions of this Ordinance.

N. Legally Established Nonconforming Uses within Legally Established Nonconforming Buildings or Structures

If any legally established nonconforming use is located within a legally established nonconforming building or structure and such legally established nonconforming building or structure becomes unsafe or unlawful by reason of physical condition and is razed, the legally established nonconforming use previously being conducted in such legally established nonconforming building or structure shall be no longer permitted.

If any legally established nonconforming use is located within a legally established nonconforming building or structure and such legally established nonconforming building or structure is damaged or destroyed by any means to the extent of more than two-thirds (2/3) of the gross floor area of the building or structure immediately prior to the damage or destruction the legally established nonconforming use previously being conducted in such legally established nonconforming building or structure shall be extinguished and no longer permitted unless an application in compliance with the provisions of Article 9 is made for an Improvement Location Permit within one-hundred and eighty (180) days of such damage or destruction and an Improvement Location Permit demonstrating compliance with the following regulations is issued pursuant to such application:

1. The proposed redevelopment shall, to the maximum extent practical, comply with the development standards, including but not limited to lot coverage, off-street parking, off-street loading, lighting, landscaping, minimum yards or bufferyards, use of minimum yards and bufferyards, building setbacks, maximum building height, main floor area, and outside storage and operations, applicable to the legally established nonconforming use in the district in which such use is first identified as a permitted use; and

2. The gross floor area and the maximum building height devoted to the legally established nonconforming use shall not be increased, except as such increase is required to comply with other applicable Federal, State or local regulations (i.e. minor enlargements to accommodate ADA Accessibility Guidelines or current Building Code).

O. Repairs and Maintenance

P. On any legally established nonconforming building or structure, or portion of a building or structure, work may be done on the repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that there is no increase in the gross floor area or cubic feet content existing when the building or structure, or portion of a building or structure containing a legally established nonconforming use became nonconforming. Nothing herein shall be deemed to prevent the strengthening, repairing or restoring to safe condition of any building or structure, or part thereof, declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Q. Non-Conforming Rural Districts

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

1. R5- High Density, Multi Family Residential. Permitted uses include all uses currently permitted in the R4 and MF Districts by right, Special Exception, and with Development Plan approval as listed.

2. CR-Commercial Reserve. Uses in the underlying zoning districts of the CR District areas shall be in accordance with the current use table by right, Special Exception, and with Development Plan approval as listed.

3. SC-Shopping Center. Uses in the underlying zoning districts of the SC district areas shall be permitted in accordance with the current table by right, Special Exception, and with the Development Plan approval as listed.

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

Section 1.20. Additional Setback Provisions

A. Additional Front Setback Provisions

Front yard setback provisions of this Ordinance are subject to the following modification.

i). In any block in any district contained in this Ordinance in which an existing front yard setback is established by existing, legally established buildings or structures on more than fifty percent (50%) of the total number of lots within the same block face fronting on the same public street, the minimum required front yard setback for any new building, structure, or addition along such block face shall be no less than the average of such established front yards if such dimension is less than the minimum front yard setback established by this Ordinance.

B. Side and Rear Yard Exceptions

The minimum side and rear yard setback requirements for a lot containing a single-family or two-family dwelling in a residential district shall be subject to the following exceptions:

i). A legally established nonconforming, detached, accessory garage may be reconstructed on an existing foundation even though such reconstruction would not comply with required side or rear yards, provided such reconstruction does not interfere with a vision clearance area or encroach into any right-of-way.

ii). A legally established nonconforming single-family or two-family dwelling may be enlarged or extended one time along a legally established nonconforming side yard provided such legally established nonconforming side yard width is not reduced, the lineal footage of such enlargement or extension does not exceed fifty percent (50%) of the lineal footage of the original dimension of the single-family or two-family dwelling along that side setback, and such enlargement or extension does not interfere with a vision clearance area or encroach into any right-of-way.

C. Setback Exception - Laterally-supported Extensions

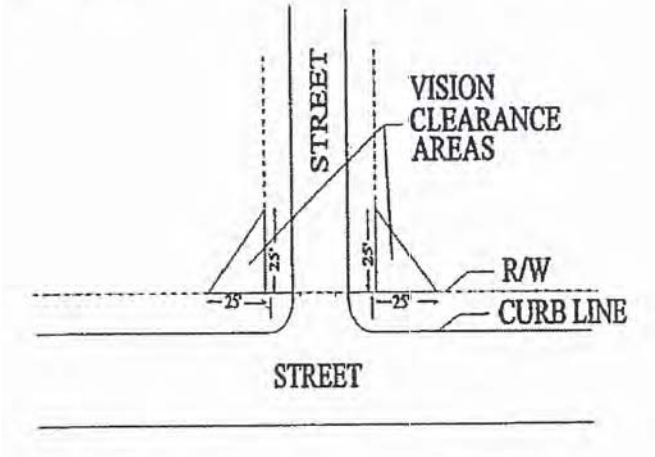
Laterally-supported extensions, such as canopies, eaves, cornices, bay windows, or roof overhangs may extend a maximum of twenty-four (24) inches into any required front, side, or rear yard; required front, side or rear bufferyard; or required front, side, or rear perimeter yard.

Section 1.21. Urban Section Vision Clearance Areas

No building, structure, or improvement, including landscaping, shall be erected, placed, planted or maintained so as to interfere with a vision clearance area located between the heights of two and one-half (2 ½) feet and nine (9) feet above the crown of a street, driveway or alley. A vision clearance area shall be established for all streets, whether public or private, in one of the following manners:

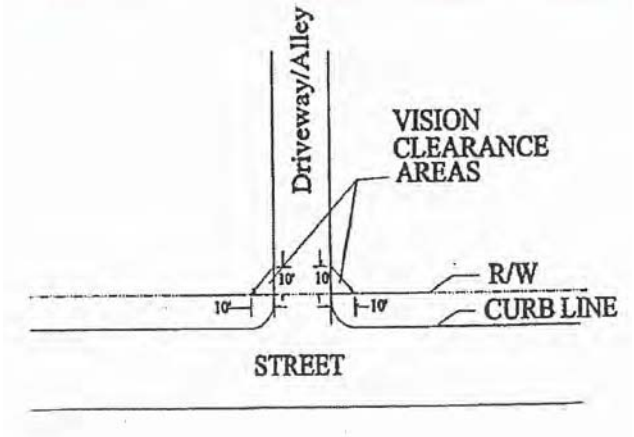
A. At the intersection of streets, vision clearance areas are formed at each corner by the street right-of-way lines and a line connecting points on the right-of-way lines located twenty-five (25) feet away from the intersection of such street right-of-way lines. In the case of a round or corner-cut right-of-way, the measurement shall be taken from the intersection of the right-of-way lines extended.

Figure 1: Vision Clearance Area for Intersecting Streets



B. At the intersection of a street with a driveway or alley, vision clearance areas shall be formed by the intersection of the street right-of-way line and the driveway surface edge or the right-of-way of the alley and a line connecting points ten (10) feet from the intersection of such street right-of-way line and the driveway surface edge or alley right-of-way.

Figure 2: Vision Clearance Area for Streets that Intersect with Driveways or Alleys



Section 1.22. General Regulations for all Urban Residential Districts

A. Dismantling, Repairing, Restoring, or Performing any Work on any Motor Vehicle, Machine, Motor, or Similar Device in an Urban Residential District

Notwithstanding any provision in this Ordinance to the contrary, no person shall dismantle, repair, restore or otherwise perform any work on any motor vehicle, machine, motor, or similar device not owned or leased by that person or a member of that person's family, on any real estate zoned as an urban residential district. In addition, any work performed shall be:

1. Incidental to a permitted use; and

2. Completely within an accessory building or garage; or

3. Completely within an area wholly enclosed from the view of surrounding lots and rights-of-way by a solid structural barrier (either a wall or fence of ornamental stone, brick, wood or a combination thereof), with a maximum height above grade of not less than six (6) feet, nor greater than eight (8) feet.

B. Storing, Maintaining, or Keeping a Motor Vehicle, Machine, Motor, or Similar Device in an urban residential district

Notwithstanding any provision in this Ordinance to the contrary, no motor vehicle, machine, motor, or similar device from which any part material to the operation of the vehicles has been removed, or which is inoperable for any reason, shall be stored, maintained or kept on any property in an urban residential district unless such device is:

1. Owned or leased by the resident of the property on which it is stored or by a member of that person's family; and

2. Completely within an accessory building or garage.

C. Parking, Storing, Maintaining, or Keeping a Commercial Motor Vehicle or Trailer in an urban residential district

Commercial motor vehicles that are in the course of making normal and reasonable service calls are exempt from this provision. Notwithstanding any provision in this Ordinance to the contrary, no commercial motor vehicle or trailer shall be parked, stored, maintained or kept on any property in an urban residential district unless the vehicle:

1. Has a maximum load capacity of three-quarters (3/4) of a ton or less;

2. Serves as the sole vehicular transportation of a resident of the property upon which it is parked, stored, maintained, or kept; and

3. Such vehicle is stored within an accessory building or garage which complies with all the standards and regulations of this Ordinance.

D. Parking, Storing, Maintaining, or Keeping of any Recreational Vehicle in an urban residential district

Notwithstanding any provision in this Ordinance to the contrary, no recreational vehicle shall be parked, stored, maintained, or kept on any property in an urban residential district unless in compliance with the following:

1. Recreational vehicles may be parked or stored:

2. Inside an accessory building or garage; or

3. Outside in such a manner that no part of any such recreational vehicle shall project into any required side or rear yard or in the front yard of the lot other than on the hardsurfaced area of the driveway or interior access drive.

E. Not more than two (2) recreational vehicles shall be permitted to be parked or stored in the open on the same lot at any one time.

F. Parked or stored recreational vehicles shall not be occupied or used for living, sleeping, or housekeeping purposes in any urban residential district.

Section 1.23. Requirements for Submittal of a Traffic Impact Study

A Traffic Impact Study shall be required to be filed with any Zone Map change, development plan approval, variance, or special exception petition when a proposed development meets or exceeds the warrants of the INDOT Applicant's Guide to Traffic Impact Studies (i.e. (i) 150 or more dwelling units; (ii) 15,000 or more square feet of retail space; (iii) 35,000 or more square feet of office space; (iv) 70,000 square feet or more of industrial space; (v) 30,000 square feet or more of educational space; (vi) 120 or more occupied rooms; (vii) 46,000 or more square feet of medical space; or (viii) any mixed use development which generates 100 or more peak hour trips in the peak direction), or as requested and justified in writing by the Building Commissioner.

The definition of a Traffic Impact Study, documentation required in its submission, and procedures for its review and analysis shall be per the Indiana Department of Transportation Applicant's Guide to Traffic Impact Studies, which is incorporated into this Ordinance by reference. Copies of the Applicant's Guide to Traffic Impact Studies are on file and available for public inspection in the office of the Clerk-Treasurer of the Town of Zionsville, Indiana.

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ARTICLE 2: DISTRICTS

Section 2.1. Establishment of Zoning Districts

The following Zoning Districts for the Town of Zionsville are hereby established, and land within the Town of Zionsville is hereby classified, divided and zoned into said Districts as designated on the Official Zone Map, as specified in Article 7 of this Ordinance:

A. Rural Conservation & Agricultural Districts

1. Rural C: Rural Conservation District
2. Rural AP: Rural Agricultural Preservation District
3. Rural AG: Rural General Agricultural District
4. Rural RE: Rural Equestrian District

B. Urban RE: Equestrian/Estate Residential District

C. Urban Residential Districts

1. Urban R-SF-1: Urban Single-Family Residential
2. Urban R-SF-2: Urban Single-Family Residential
3. Urban R-SF-3: Urban Single-Family Residential (Deleted for new subdivisions after July 9, 1990)
4. Urban R-SF-4: Urban Single-Family Residential (Deleted for new subdivisions after July 9, 1990)
5. Urban R-MF-1: Urban Multi-Family Residential District One
6. Urban R-MF-2: Urban Multi-Family Residential District Two
7. Urban R-V: Urban Special Residential

D. Rural Residential Districts

1. Rural R-1: Rural Single-Family Residential

2. Rural R-2: Rural Single- & Two-Family Residential

3. Rural R-3: Rural Single- & Two-Family Residential

4. Rural R-4: Rural Single- & Two-Family Residential

5. Rural MF: Rural Multi-family Residential

E. Urban Business/Commercial Districts

1. Urban B-0: Urban Office

2. Urban B-1: Urban Neighborhood Business

3. Urban B-2: Urban Outdoor Business

4. Urban B-3: Urban Outdoor Business

F. Urban VBD: Urban Village Business

G. Rural Business/Commercial Districts

1. Rural LB: Rural Local Business

2. Rural PB: Rural Professional Business

3. Rural UB: Rural Urban Business

4. Rural GB: Rural General Business

5. Rural AB: Rural Accommodation Business

H. Urban Industrial Districts

1. Urban I-ORT: Urban Office/Research/Technology Industrial

2. Urban I-1: Light Industrial

3. Urban I-2: General Industrial

4. Urban I-3: Heavy Industrial

I. Rural Industrial Districts

1. Rural I1: Rural Light Industrial
2. Rural I2: Rural General Industrial

J. Urban Special Use Districts

1. Urban SU-1: Schools
2. Urban SU-2: Churches
3. Urban SU-3: Golf Course, golf driving range
4. Urban SU-4: Airport or landing field
5. Urban SU-7: Charitable and philanthropic institutions
6. Urban SU-8: Buildings and grounds used by any department of town, township, county, state or federal government
7. Urban SU-9: Cemeteries
8. Urban SU-12: Swimming pool, commercial
9. Urban SU-13: Community center
10. Urban SU-14: Library
11. Urban SU-16: Light and power substation, water tank and similar structures
12. Urban SU-17: Radio or telecommunications, receiving or broadcasting towers, and associated accessory buildings
13. Urban SU-20: Extracting or gravel, sand, peat, and other raw materials

K. Urban Other Districts

1. Urban O-1: Urban Open Land District
2. Urban FP: Urban Floodplain Secondary District
3. Urban MRO: Urban U.S. Highway 421-Michigan Road Corridor Overlay District

L. Rural Other Districts

1. Rural MRO: Urban U.S. Highway 421-Michigan Road Corridor Overlay District

2. Rural AZ: Rural Airport Zoning District

Section 2.2. Rural C: Rural Conservation District

A. Purpose and Intent

1. The Rural C, Rural Conservation, District is hereby established to emphasize the conservation of existing natural resources.

See **Table 1-Rural Authorized Uses and Requirements**

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Section 2.3. Rural AP: Rural Agricultural Preservation District

A. Purpose and Intent

1. The Rural AP, Rural Agricultural Preservation, District is hereby established to restrict non-agriculturally related land uses. Residential development may occur at a substantially decreased rate than other rural residential districts.

2. See **Table 1-Rural Authorized Uses and Requirements**

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Section 2.4. Rural AG: Rural General Agricultural District

A. Purpose and Intent

1. The Rural AG, General Agricultural, District is hereby established to allow the opportunity for further rural residential development beyond constraints of the Rural AP, Rural Agricultural Preservation, District; however, residential development in this district remains limited.

2. See **Table 1-Rural Authorized Uses and Requirements**

3. See **Table 2, Rural Residential Uses and Requirements-Single Family**

4. See **Table 5, Rural Commercial, Industrial, and Other Non-Residential Requirements**

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Section 2.5. Rural RE: Rural Equestrian District

A. Purpose and Intent

1. The Rural RE, Rural Equestrian, Districts hereby established to maintain and conserve a rural, country-like atmosphere and to encourage equestrian uses rather than rural, or urban, residential uses. Residential development may occur but is secondary to the rural equestrian purpose of this district. Further, the lot area requirements of this rural residential district are more restrictive than established rural residential districts; typically at a density of one home per three acres.

2. See **Table 1-Rural Authorized Uses and Requirements**

3. See **Table 2- Rural Residential Uses and Requirements-Single Family**

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Section 2.6. Urban R-E Equestrian/Estate Residential District

Intent -The R-E: Equestrian / Estate Residential ("Horse Country") Districts are established to preserve and protect a unique region within the Zionsville Planning Area. The region features large estate development interspersed with horse farms, agricultural operations and undeveloped wooded, natural tract of land. This area, known locally as "horse country", has long been the defining characteristic of the south central portion of Eagle Township south of State Road 334. The intent of the Estate-Equestrian Land Use Category is to strengthen and protect this unique land use pattern from encroachment of scatter-urban type uses. *Agricultural* and horse farm facilities are encouraged. Single-family residential uses should be similar in scale, density and context with the existing development pattern of the area. Compatibility with adjacent land uses will determine the appropriate density for any development in this category in accordance with the *Comprehensive Plan*.

A. Permitted Uses.

1. Primary Uses

i). Agricultural Uses; including agricultural crop production; tree farms; agricultural livestock production and the harvesting, storage and primary processing of agricultural products produced on the premises; storage offer vehicles, farm equipment, and farm materials by the operator of such farm;

ii). Single Family Dwelling;

iii). Private Horse Stable;

iv). Residential Facility for the Developmentally Disabled;

v). Residential Facility for the Mentally Dl, subject to the provisions of **Section 3.4**;

vi). Child Care Home (that is used as the primary residence of the person who operates the Child Care Home);

vii). Roadside Food Sales Stand (sale of produce grown on the premises);

viii). Nature Reserve or Preserve, Wildlife Sanctuary.

2. Special Exception Uses

   i). Bed and Breakfast

   ii). Communications/Utilities

      (a) Communication Relay Tower;

      (b) Public Utility Substation;

      (c) Public Wells;

      (d) Telecommunication Tower;

   iii). Miscellaneous

      (a) Cemetery;

      (b) Commercial Breeding And Raising of Non-farm Fowl And Animals;

      (c) Sales Barn for Livestock Sale

      (d) Religious Use;

   iv). Recreation

      (a) Private Camp;

      (b) Campground;

      (c) Ball Fields;

      (d) County Club;

      (e) Riding Stable or Multi-use Trails (i.e. Biking, Cross country Skiing, Hiking)

      (f) Golf Course (not including a Golf Driving Range or Miniature Gold Course as the primary use)

   See also **Section 8.3 -Town of Zionsville Board of Zoning Appeals**.

3. Accessory Uses -see **Section 3.1**.

4. Home Occupations -See **Section 3.3**.

5. Temporary Uses -See **Section 3.2**.

B. Development Standards.

1. Water and Sewer Requirements Attachment to public water and sanitary sewer facilities shall be mandatory for all development in this District for Lots in any Subdivision platted and recorded after January 1, 2000. However, well water and septic systems may be utilized in this District, subject to the approval of the Boone County Health Department or the Indiana State Board of Health if the Lot Area is three (3) acres or greater.

2. Minimum Lot Area -Three (3) acres.

3. Minimum Lot Width The Minimum Lot Width at the Building Setback Line shall be not less than provided as follows:

Lots Not on a Cul-D-Sac	Lots on a Cul-D-Sac
200 feet	150 feet

4. Minimum Lot Frontage -The Minimum Lot Frontage on a Public Street shall be not less than provided as follows:

Lots Not on a Cul-De-Sac	Lots on a Cul-De-Sac
100 feet	75 feet

5. Maximum Lot Coverage-Primary or Special Exception Uses and Accessory Uses -fifteen (15) percent of the Total Lot Area.

6. Maximum Lot Depth to Width Ratio -four to one (4: 1).

7. Minimum Yards and Building Setbacks

   i). Front -a minimum Front Yard and Building Setback measured from the Proposed Right-of-Way shall be provided as follows:

   (a) Primary Arterial Street: Sixty (60) feet

   (b) Secondary Arterial Street: Forty (40) feet

   (c) Collector / Local Street / Cul-de-sac or other Street: Forty (40) feet

   In the case where a proposed Right-of-Way line does not exist, as determined by the Transportation Plan for the Town of Zionsville, Indiana,

or where the existing Right-of-Way is greater, the existing Right-of-Way line shall be used for the Setback measurement.

8. Side - a minimum Side Yard of twenty-five (25) feet shall be provided along all Side Lot Lines.

9. Rear - a minimum Rear Yard shall be provided along all Rear Lot Lines as follows:

   i). Residential Primary Building -fifty (50) feet

   ii). Residential Accessory Building -twenty five (25) feet

   iii). Agricultural Building -one hundred fifty (150) feet

   iv). See also **Section 1.18, Obstruction of Easements.2.2.1-2**

10. Maximum Building Height

   i). Residential Primary Building forty (40) feet

   ii). Residential Accessory Building -twenty-two (22) feet

   iii). Agricultural Building - unlimited, provided that for each additional one (1) foot over thirty-five (35) feet in height, one (1) additional foot shall be added to the Minimum Yard and Building Setback requirements.

11. Minimum Main Floor Area -The minimum Main Floor Area of the Residential Primary Building, exclusive of Garage, Carport, Deck, Patio and open Porches:

   i). One-story Building -1,500 square feet.

   ii). Two or more story Building -1,000 square feet, provided that the total Finished Floor Area shall be at least 1,500 square feet.

12. Off-Street Parking -See **Section 3.8**.

13. Signs -See **Article 6**.

14. Vision Clearance Areas -See **Section 1.21**

C. Development Plan Approval Required for Open Space Subdivisions.

All Open Space Subdivisions proposed within an R-E District shall be subject to the filing of a Development Plan for review and approval by the Plan Commission as set forth in this **Section 2.2.1, C**., and **Article 4** of this Ordinance.

1. Open Space Subdivision Provisions.

Intent - Open Space Subdivisions are intended to allow greater flexibility in design and development of Subdivisions in order to provide for more efficient use of land, protect topographical or other natural features or amenities, permit common area and open space reservation and preservation in perpetuity, and reduce overall development costs. The provisions set forth promote imaginative design in the development of Subdivisions, which allows for better utilization of the unique physical qualities of the site in order to preserve them for not only the Subdivision residents, but the community as a whole. To accomplish this purpose, the following regulations and development incentives to the R-E District shall be available when employing the Open Space Subdivision option.

2. Applicability.

In any Subdivision within the R-E Districts, the Primary Plat of which is submitted for approval after July 1, 2000 in accordance with the Town of Zionsville Subdivision Control Regulations may be developed as a Open Space Subdivision in accordance with the provisions of this **Section 2.2.1, C.**, and **Article 4 -Development Plan Approvals**.

3. Development Requirements.

i). Subdivision Area (Minimum size of a Subdivision). There shall be a minimum of fifteen (15) acres required for the development of a Open Space Subdivision. The tract of land to be divided shall be in one (l) ownership or shall be the subject of an application for Primary Plat Approval filed by the owners of the entire tract. The tract shall be developed as a unit and in the manner approved.

ii). Subdivision Density. The overall maximum density of the proposed Open Space Subdivision shall remain the same as that permitted by developing the same tract into developable lots in full compliance with the applicable underlying Residential District regulations, the Town of Zionsville Subdivision Control Regulations, and any other applicable regulations.

iii). Project Open Space. The total land area saved by using this provision shall be put into Project Open Space, per **Section 2.2.1, C., 5** below.

4. Waiver of Development Requirements for Open Space Subdivisions.

Individual Lots with an overall Subdivision that receives Development Plan Approval from the Plan Commission to be developed as a Open Space Subdivision pursuant to this **Section**, and **Article 4** of this Ordinance, may be granted a waiver of the Development Requirements of the R-E District to the extent permitted below:

i). Lot Area, Setback, Frontage, and Coverage Exceptions for Individual Lots.

The following minimum provisions for Lot Area, Rear and Side Yard Setbacks, Lot Frontage and Lot Coverage may be reduced in an Open Space Subdivision to the extent provided for below:

(a) Minimum Lot Area: 21,780 square feet (1/2 acre);

(b) Minimum Rear Yard Setback: Twenty-five (25) feet;

(c) Minimum Side Yard Setback: Fifteen (15) feet, unless the zero lot line option, noted in **Section 2.2.1, C., 4., b., below**, is utilized;

(d) Minimum Lot Frontage: Minimum Lot Frontage may be reduced to fifty (50) feet provided that each individual Lot shall have direct access to a Public Street; and,

(e) Maximum Lot Coverage: Twenty percent (20%).

(f) Lot Width: Fifty (50) feet.

ii). Zero Lot Line Option.

Any Subdivision which is submitted for review and subsequent Primary Plat Approval utilizing the Open Space Subdivision provisions of this

Section, may reduce the minimum Side Yard requirement for one (1) Side Yard of each Lot to zero (0) feet, provided that:

(a) A minimum distance of twenty-five (25) feet shall be required and maintained between a1l Buildings on abutting Lots;

(b) No window or doors shall be provided or maintained on that portion of the Building in which the required Side Yard has been reduced to zero (0) feet;

(c) The aggregate Side Yard(s) is provided on the Lot according to the applicable residential District regulations; and,

(d) An access and maintenance easement shall be recorded which provides for the continual maintenance of the Lot, Buildings, and Structures along the Side Yard which has been reduced to zero (0) feet.

iii). Design and Construction Standards.

All construction projects which are to become part of the Town's system, to be operated and maintained by the Town, shall conform to the Town's Design and Construction Standards.

Construction drawings and specifications (including any variations thereof) shall be approved by the Town and a written permit obtained in accordance with existing ordinances before construction begins.

5. General Requirements for Projects Open Space.

i). The amount of permanent open space created by the development of the tract as an Open Space Subdivision shall be:

(a) preserved in its natural1y occurring state;

(b) developed only to the extent required to provide for: (i) the passive recreational activities of walking, biking, hiking or picnicking; (ii) developed and maintained as landscape features including, but not limited to, common areas, landscape easements, and boulevard entry ways; or, (iii) other recreational or amenity features approved by the Plan Commission; or,

(c) developed into an active recreational area; and,

(d) if the project is located adjacent to any portion of a bicycle/walking/jogging pathway, or the rail trail, as developed by the Town of Zionsville or its Parks Department, a direct linkage to such bicycle/walking/jogging pathway or rail trail from the open space shall be provided.

ii). The development of such open space shall be subject to the following additional requirements:

(a) The open space shall be equivalent to or more than the total reduction in Lot area. At least seventy-five percent (75%) of the total amount of open space shall consist of land areas which are at least fifty (50) feet wide.

(b) The open space created by the development of the tract as a Open Space Subdivision shall further be provided in such a manner that it is accessible: (i) to residents of the Open Space Subdivision and their guests, by way of sidewalk, footpath or combined walkway /bikeway; and, (ii) for maintenance.

(c) The open space shall run perpetually with the Open Space Subdivision and shall not be developed or separated from it at a later date. Provisions shall be made for continuous and adequate maintenance of the open space at a reasonable and non-discriminatory rate of charge.

(d) No over head transmission line easement may be used in calculation of required open space.

iii). Open Space shall be calculated by taking the total land area within Lots contained in Sketch Plan One (as outlined in 6 below) and subtracting the total land area within Lots contained in Sketch Plan Two (as outlined in 6 below).

6. Procedures for Open Space Subdivision Approval Plan Documentation - Plan Documentation and Supporting Information.

i). Prior to applying for Primary Plat approval, the Petitioner shall submit two (2) plans for the tract proposed for an Open Space Subdivision for review by the Building Commissioner.

(a) A Sketch Plan shall depict the development of the tract in full compliance with all use and development standards of the applicable underlying Residential District and the Town of Zionsville Subdivision Control Regulations. This Sketch Plan shall be used to determine the maximum number of developable Lots possible on the tract and set the density of that development.

(b) A Site Plan shall depict the development of the tract as an Open Space Subdivision. The density of the overall development (total number of Lots), shall be no greater than that permitted by the development of the tract depicted in the Sketch Plan. Documentary evidence of the provision of open space in a manner and amount equal to or in excess of that required by this **Section** shall be proved either in written format or in tabular format incorporated into the Site Plan.

ii). Building Commissioner Review. The Building Commissioner shall compare the two (2) plans noted above to determine the appropriateness of the Open Space Subdivision layout for the tract. In determining the appropriateness of the Open Space Subdivision layout, the Building Commissioner shall look for the following attributes:

(a) Protection of unique topographical features on the tract, including, but not limited to: slopes, streams, wooded areas and other natural features;

(b) Protection and preservation of wooded areas, individual trees of significant size, wetlands, or other environmentally sensitive features;

(c) Development of common open space and recreational areas accessible to residents of the Open Space Subdivision including provisions for walkways and bikeways;

(d) More efficient use of land;

(e) Innovative residential environments;

(f) Minimization of the alteration of natural site features by the design and location of individual Lots, Streets, and Buildings. Diversity and originality in Lot layout and individual Building design. shall be encouraged to achieve the best possible relationship between the development and the tract of land on which it is located;

(g) Relationship to surrounding properties, improvement of the view from and of Buildings; and,

(h) Minimization of the land area devoted to motor vehicle access shall be encouraged through the arrangement and location of individual Lots, Streets, and Buildings.

The Building Commissioner shall further review the proposed Open Space Subdivision to ensure that it shall be constructed, arranged, and operated so as not to interfere with the development and use of surrounding properties in accordance with the applicable Residential District regulations, to include any necessary transition along the perimeter of the development with other abutting single-family Residential Districts. In review of the proposed Open Space Subdivision, the Building Commissioner may consult with the Town Engineer or other appropriate health and safety officials to ensure that all fire and safety issues are addressed.

The Building Commissioner shall provide his/her findings in writing to the Petitioner, with a copy forwarded to the Plan Commission. The Petitioner may then proceed with the filing of a Petition for Primary Plat approval, which shall further serve as a Petition for Development Plan Approval. The Primary Plat filed shall be in substantial compliance with the Site Plan submitted to and reviewed by the Building Commissioner or may be revised to address or correct any deficiencies outlined in writing by the Building Commissioner. The Petition for a Primary Plat Approval, and subsequent legal notice of the public hearing regarding the Petition, shall indicate clearly that the Petition is for Primary Plat and Development Plan Approval for an Open Space Subdivision.

iii). Plan Commission Consideration.

The Plan Commission shall make a disposition on the Petition for Development Plan separately from the Petition for Primary Plat Approval

for an Open Space Subdivision in compliance with this Ordinance, the Town of Zionsville Subdivision Control Regulations, and the Rules of Procedures of the Town of Zionsville Plan Commission.

All Petitions for Secondary Plat Approval for an Open Space Subdivision shall comply with the Primary Plat approved by the Plan Commission and any Commitments or Conditions associated with its approval.

iv). Findings.

The Plan Commission may approve a Development Plan (and thereby grant the waivers requested by the Petitioner) indicating compliance with this **Section 2.2.1, C.,** and **Article 4** only upon finding that:

(a) The use or value of area properties shall not be adversely affected. The proposed development shall be in compliance with the applicable general requirements for open space.

(b) The proposed development is appropriate to the site and its surroundings; and,

(c) The proposed development is consistent with the intent and purpose of this Ordinance.

v). Existing Perimeter Street Lots

(a) Existing perimeter streets shall be separated by a minimum fifty (50) foot open space buffer when rear loaded lots or lots served by an access street/drive causing the eventual house to face the existing perimeter street.

(b) When lots are to cause houses to back up to an existing perimeter street there shall be a minimum one-hundred and fifty (150) foot open space buffer with landscaping equal to a Level C pursuant to **Section 3.12** of the Town of Zionsville Zoning Ordinance.

vi). Backyard vistas from internal streets shall be broken up by open space landscape areas along internal street frontage(s) where affected by such view.

Following approval of the Development Plan, the Plan Commission may then consider a Primary Plat following the requirements and findings of the Town of Zionsville Subdivision Control Regulations and the Rules of Procedures of the Plan Commission.

7. Maintenance of Common Open Space.

As a part of the Approval of a Open Space Subdivision, the Petitioner shall submit with the Petition for Primary Plat Approval, and any subsequent Secondary Plat Approvals, for review and approval documentary assurances, in the form of signed and notarized Commitments, that permanent reservation of the open spaces areas shall be made and that adequate provisions are being made for the continuous and adequate maintenance of the Open Space Subdivisions open space, common areas, and recreational areas. The documentary assurance shall be incorporated in the Primary Plat, and subsequent Secondary Plats, and that all documentary assurances shall be recorded with the Office of the Boone County Recorder. No exceptions to, or deviations from, these Commitments shall be permitted unless approved by the Plan Commission. In approving any exceptions to or deviations from these Commitments, the Plan Commission shall provide a finding that the Petitioner has adequately provided for the upkeep, protection and maintenance of open space, common areas or recreational areas through other legally binding perpetual agreements.

D. General Regulations.

See **Section 1.23 -General Regulations for "R" Districts**.

Section 2.7. Urban R-SF-1: Single-Family Residential District

Intent -The R-SF-1: Single-Family Residential Districts are established to promote neighborhoods within the Town of Zionsville by the development of a variety of housing types including Single Family Dwellings and limited public and institutional uses that are compatible with the surrounding residential neighborhoods. The Development Standards in this District provide for a mixture of housing opportunities in compliance with the single-family residential low density land use recommendations of the Master Development Plan of the Town of Zionsville.

A. Permitted Uses.

1. Primary Uses

   i). One (1) Single Family Dwelling, including a Modular Home Dwelling and a Manufactured Home Dwelling

   ii). Residential Facility for the Developmentally Disabled

   iii). Residential Facility for the Mentally Ill, subject to the provisions of **Section 3.4**

   iv). Child Care Home (that is used as the primary residence of the person who operates the Child Care Home)

2. Special Exception Uses

   i). Club House, Golf Course (public and private), Tennis Courts, and similar recreational uses that are an integral part of and for the residents of, a Subdivision or planned unit development in which they are located (not including commercial community swimming pools). Provided, however, that any principal Building or accessory swimming pool shall be located not less than one hundred (100) feet from any other Lot in any "R" District.

   ii). Religious Use

3. Accessory Uses -See **Section 3.1**.

4. Home Occupations -See **Section 3.3**.

5. Temporary Uses -See **Section 3.2**.

B. Development Standards.

1. Water and Sewer Requirements -Attachment to public water and sanitary sewer facilities shall be mandatory for all development in this District for Lots in any Subdivision platted and recorded after January 1, 2000.

2. Minimum Lot Area -The average Lot Area shall be not less than one (1) acre within a Subdivision (as defined by the Primary Plat), and shall have a minimum Lot Area of not less than one-half (1/2) acre or 21,780 square feet.

3. Minimum Lot Width -The minimum Lot Width at the Building Setback Line shall be not less than provided in the following **table**:

Lot Area	Lots Not on a Cul-De-Sac	Lots on a Cul-De-Sac
One (1) acre or more	150 feet	120 feet between
25,000 square feet to one (1) acre	100 feet	80 feet
one-half (1/2) acre to 25,000 square feet	80 feet	64 feet

4. Minimum Lot Frontage -The minimum Lot Frontage on a Public Street shall be not less than provided in the fol1owing **table**:

Lot Area	Lots Not on a Cul-de-sac	Lots on a Cul-de-sac
One (1) acre or more	150 feet	120 feet
25,000 sq ft to one (1) acre	100 feet	80 feet
One-half (1/2) acre to 25,000 sq ft	80 feet	64 feet

* Direct access shall be gained from said public street or an abutting alley.

5. Maximum Lot Coverage -Primary or Special Exception Uses and Accessory Uses -fifteen percent (15%) of the total Lot Area.

6. Minimum Yards and Building Setbacks

i). Front -a minimum Front Yard and Building Setback measured from the proposed Right- of-Way shall be provided as follows:

(a) Primary Arterial Street: Forty (40) feet

(b) Secondary Arterial Street: Forty (40) feet

(c) Collector / Local Street/Cul-de-sac or other Street: Forty (40) feet

In the case where a proposed Right-of-Way line does not exist, as determined by the Transportation Plan for the Town of Zionsville, Indiana, or where the existing Right-of-Way is greater, the existing Right-of-Way is greater; the existing Right-of-Way line shall be used for the Setback measurement.

ii). Side - a minimum aggregate and individual Side Yard shall be provided along all Side Lot Lines as follows:

(a) Lots with an area of one (1) acre or greater: aggregate Side Yards of forty-five (45) feet; no Side Yard shall be less than twenty (20) feet.

(b) Lots with an area between 25,000 square feet to one (1) acre: aggregate Side Yards of thirty (30) feet; no Side Yard shall be less than twelve (12) feet.

(c) Lots with an area of one half (1/2) acre to 25,000 square feet: aggregate Side Yards of twenty-five (25) feet; no Side Yard shall be less than ten (10) feet.

iii). Rear - a minimum Rear Yard shall be provided along All Rear Lot Lines as follows:

(a) Primary Building-twenty-five (25) feet

(b) Accessory Building or Use -five (5) feet

See also **Section 1.18, Obstruction of Easements**

7. Maximum Building Height

i). Primary Building -thirty-five (35) feet.

ii). Accessory Building -twenty-two (22) feet, but in no case shall the height of an Accessory Building exceed the height of the Primary Building.

8. Minimum Main Floor Area - The minimum Main Floor Area of the Primary Building, exclusive of Garage, Carport, Deck, Patio and open Porches:

i). One-story Building -1,800 square feet.

ii). Building greater than one-story -1,200 square feet, provided, that the total Finished Floor Area shall be at least 1,800 square feet.

9. Off-Street Parking-See **Section 3.S**.

10. Signs -See **Article 6**.

11. Vision Clearance Areas -See **Section 1.21**.

C. Development Plan Approval Required for Open Space Subdivisions.

All Open Space Subdivisions proposed within an R-SF-l District shall be subject to the filing of a Development Plan for review and approval by the Plan Commission as set forth in this **Section 2. 3, C.**, and **Article 4** of this Ordinance.

1. Open Space Subdivision Provisions.

Intent -Open Space Subdivisions are intended to allow greater flexibility in design and development of Subdivisions in order to provide for more efficient use of land, protect topographical or other natural features or amenities, permit common area and open space reservation and preservation in perpetuity, and reduce overall development costs. The provisions set forth promote imaginative design in the development of Subdivisions, which allows for better utilization of the unique physical qualities of the site in order to preserve them for not only the Subdivision residents, but the community as a whole. To accomplish this purpose, the following regulations and development incentives to the R-SF-l District shall be available when employing the Open Space Subdivision option.

2. Applicability.

In any Subdivision within the R-SF-l Districts, the Primary Plat of which is submitted for approval after July 1.2000 in accordance with the Town of Zionsville Subdivision Control Regulations may be developed as a Open Space Subdivision in accordance with the provisions of this **Section 2.3. C.**, and **Article 4 -Development Plan Approvals**.

3. Development Requirements.

i). Subdivision Area (Minimum size of a Subdivision).

There shall be a minimum of five (5) acres required for the development of a Open Space Subdivision. The tract of land to be divided shall be in one (1) ownership or shall be the subject of an application for Primary Plat Approval filed by the owners of the entire tract The tract shall be developed as a unit and in the manner approved.

ii). Subdivision Density.

The overall maximum density of the proposed Open Space Subdivision shall remain the same as that permitted by developing the same tract into developable lots in full compliance with the applicable underlying Residential District regulations, the Town of Zionsville Subdivision Control Regulations, and any other applicable regulations.

iii). Project Open Space.

The total land area saved by using this provision shall be put into Project Open Space, per **Section 2.3, C., 5** below.

D. Waiver of Development Requirements in the R-SF-l District for Open Space Subdivisions.

Individual Lots with an overall Subdivision that receives Development Plan Approval from the Plan Commission to be developed as a Open Space Subdivision pursuant to this **Section**, and **Article 4** of this Ordinance, may be granted a waiver of the Development Requirements of the R-SF-I District to the extent permitted below:

1. Lot Area, Setback, Frontage, and Coverage Exceptions for Individual Lots.

The following minimum provisions for Lot Area, Rear and Side Yard Setbacks, Lot Frontage and Lot Coverage may be reduced in a Open Space Subdivision to the extent provided for below:

i). Minimum Lot Area: 6,000 square feet;

ii). Minimum Rear Yard Setback: Fifteen (15) feet;

iii). Minimum Side Yard Setback: Five (5) feet, unless the zero lot line option, noted in **Section 2.3, C., 4., b**., below, is utilized;

iv). Minimum Lot Frontage: Minimum Lot Frontage may be reduced to fifteen (15) feet provided that each individual Lot shall have direct access to a Public Street; and,

v). Maximum Lot Coverage: Fifty percent (50%).

2. Zero Lot Line Option.

Any Subdivision which is submitted for review and subsequent Primary Plat Approval utilizing the Open Space Subdivision provisions of this **Section**, may reduce the minimum Side Yard" requirement for one (1) Side Yard of each Lot to zero (0) feet, provided that:

i). A minimum distance often (10) feet shall be required and maintained between all Buildings on abutting Lots;

ii). No window or doors shall be provided or maintained on that portion of the Building in which the required Side Yard has been reduced to zero (0) feet;

iii). The aggregate Side Yard(s) is provided on the Lot according to the applicable residential District regulations; and,

iv). An access and maintenance easement shall be recorded which provides for the continual maintenance of the Lot, Buildings, and Structures along the Side Yard which has been reduced to zero (0) feet.

3. Design and Construction Standards.

All construction projects which are to become part of the Town's system, to be operated and maintained by the Town, shall conform to the Town's Design and Construction Standards.

Construction drawings and specifications (including any variations thereof) shall be approved by the Town and a written permit obtained in accordance with existing ordinances before construction begins.

E. General Requirements for Project Open Space.

1. The amount of permanent open space created by the development of the tract as a Open Space Subdivision shall be:

i). Preserved in its naturally occurring state;

ii). developed only to the extent required to provide for: (i) the passive recreational activities of walking, biking, hiking or picnicking; (ii) developed and maintained as landscape features including, but not limited to, common areas, landscape easements, and boulevard entry ways; or, (iii) other recreational or amenity features approved by the Plan Commission; or,

iii). developed into an active recreational area; and,

iv). if the project is located adjacent to any portion of a bicycle/walking/jogging pathway, or the rail trail, as developed by the Town of Zionsville or its Parks Department, a direct linkage to such bicycle/walking/jogging pathway or rail trail from the open space shall be provided.

2. The development of such open space shall be subject to the following additional requirements:

i). The open space shall be equivalent to or more than the total reduction in Lot area. At least seventy-five percent (75%) of the total amount of open space shall consist of land areas which are at least fifty (50) feet wide.

ii). The open space created by the development of the tract as a Open Space Subdivision shall further be provided in such a manner that it is accessible: (i) to residents of the Open Space Subdivision and their guests, by way of sidewalk, footpath or combined walkway/ bikeway; and, (ii) for maintenance.

iii). The open space shall run perpetually with the Open Space Subdivision and shall not be developed or separated from it at a later date. Provisions shall be made for continuous and adequate maintenance of the open space at a reasonable and non-discriminatory rate of charge.

iv). No over head transmission line easement may be used in calculation of required open space.

3. Open Space shall be calculated by taking the total land area within Lots contained in Sketch Plan One (as outlined in 6 below) and subtracting the total land area within Lots contained in Sketch Plan Two (as outlined in **6** below).

F. Procedures for Open Space Subdivision Approval-Plan Documentation and Supporting Information.

1. Prior to applying for Primary Plat approval, the Petitioner shall submit two (2) plans for the tract proposed for an Open Space Subdivision for review by the Building Commissioner.

   i). A Sketch Plan shall depict the development of the tract in full compliance with all use and development standards of the applicable underlying Residential District and the Town of Zionsville Subdivision Control Regulations. This Sketch Plan shall be used to determine the maximum number of developable Lots possible on the tract and set the density of that development.

   ii). A Site Plan shall depict the development of the tract as an Open Space Subdivision. The density of the overall development (total number of Lots), shall be no greater than that permitted by the development of the tract depicted in the Sketch Plan. Documentary evidence of the provision of open space in a manner and amount equal to or in excess of that required by this **Section** shall be proved either in written format or in tabular format incorporated into the Site Plan.

2. Building Commissioner Review.

   The Building Commissioner shall compare the two (2) plans noted above to determine the appropriateness of the Open Space Subdivision layout for the tract. In determining the appropriateness of the Open Space Subdivision's layout, the Building Commissioner shall look for the following attributes:

   i). Protection of unique topographical features on the tract, including, but not limited to: slopes, streams, wooded areas and other natural features;

   ii). Protection and preservation of wooded areas, individual trees of significant size, wetlands, or other environmentally sensitive features;

iii). Development of common open space and recreational areas accessible to residents of the Open Space Subdivision including provisions for walkways and bikeways;

iv). More efficient use of land;

v). Innovative residential environments;

vi). Minimization of the alteration of natural site features by the design and location of individual Lots, Streets, and Buildings. Diversity and originality in Lot layout and individual Building design shall be encouraged to achieve the best possible relationship between the development and the tract of land on which it is located;

vii). Relationship to surrounding properties, improvement of the view from and of Buildings; and,

viii). Minimization of the land area devoted to motor vehicle access shall be encouraged through the arrangement and location of individual Lots, Streets and Buildings.

The Building Commissioner shall further review the proposed Open Space Subdivision to ensure that it shall be constructed, arranged, and operated so as not to interfere with the development and use of surrounding properties in accordance with the applicable Residential District regulations, to include any necessary transition along the perimeter of the development with other abutting single-family Residential Districts. In review of the proposed Open Space Subdivision, the Building Commissioner may consult with the Town Engineer or other appropriate health and safety officials to ensure that all fire and safety issues are addressed.

The Building Commissioner shall provide his/her findings in writing to the Petitioner, with a copy forwarded to the Plan Commission. The Petitioner may then proceed with the filing of a Petition for Primary Plat approval, which shall further serve as a Petition for Development Plan Approval. The Primary Plat filed shall be in substantial compliance with the Site Plan submitted to and reviewed by the Building Commissioner or may be revised to address or correct any deficiencies outlined in writing by the Building Commissioner. The

Petition for a Primary Plat Approval, and subsequent legal notice of the public hearing regarding the Petition, shall indicate clearly that the Petition is for Primary Plat and Development Plan Approval for an Open Subdivision.

3. Plan Commission Consideration.

The Plan Commission shall make a disposition on the Petition for Development Plan separately from the Petition for Primary Plat Approval for a Open Space Subdivision in compliance with this Ordinance, the Town of Zionsville Subdivision Control Regulations, and the Rules of Procedures of the Town of Zionsville Plan Commission.

All Petitions for Secondary Plat Approval for a Open Space Subdivision shall comply with the Primary Plat approved by the Plan Commission arid any Commitments or Conditions associated with its approval.

4. Findings.

The Plan Commission may approve a Development Plan (and thereby grant the waivers requested by the Petitioner) indicating compliance with this **Section 2.3, C.**, and **Article 4** only upon finding that:

i). The use or value of area properties shall not be adversely affected.

ii). The proposed development shall be in compliance with the applicable general requirements for open space.

iii). The proposed development is appropriate to the site and its surroundings; and,

iv). The proposed development is consistent with the intent and purpose of this Ordinance.

5. Existing Perimeter Street Lots

i). Existing perimeter streets shall be separated by a minimum fifty (50) foot open space buffer when rear loaded lots or lots served by an access street/drive causing the eventual house to face the existing perimeter street.

ii). When lots are to cause houses to back up to an existing perimeter street there shall be a minimum one-hundred and fifty (150) foot open space buffer with landscaping equal to a Level C pursuant to **Section 3.12 of the Town of Zionsville Zoning Ordinance**.

6. Backyard vistas from internal streets shall be broken up by open space landscape areas along internal street frontage(s) where affected by such view.

Following approval of the Development Plan, the Plan Commission may then consider a Primary Plat following the requirements and findings of the Town of Zionsville Subdivision Control Regulations and the Rules of Procedures of the Plan Commission.

G. Maintenance of Common Open Space.

As a part of the Approval of a Open Space Subdivision, the Petitioner shall submit with the Petition for Primary Plat Approval, and any subsequent Secondary Plat Approvals, for review and approval documentary assurances, in the form of signed and notarized Commitments, that permanent reservation of the open spaces areas shall be made and that adequate provisions are being made for the continuous and adequate maintenance of the Open Space Subdivisions open space, common areas, and recreational areas. The documentary assurance shall be incorporated in the Primary Plat, and subsequent Secondary Plats, and that all documentary assurances shall be recorded with the Office of the Boone County Recorder. No exceptions to, or deviations from, these Commitments shall be permitted unless approved by the Plan Commission. In approving any exceptions to or deviations from these Commitments, the Plan Commission shall provide a finding that the Petitioner has adequately provided for the upkeep, protection and maintenance of open space, common areas or recreational areas through other legally binding perpetual agreements.

H. General Regulations.

See **Section 1.23 -General Regulations for "R" Districts**.

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Section 2.8. Urban R-SF -2: Single-Family Residential District

Intent -The R-SF-2: Single-Family Residential Districts are established to promote and maintain established neighborhoods within the Town of Zionsville by the development of a variety of housing types including Single Family Dwellings and limited public and institutional uses that are compatible with the surrounding residential neighborhoods. The Development Standards and range of Permitted Uses in this District provide for a mixture of housing opportunities in compliance with the single-family residential -low density land use recommendations of the Master Development Plan of the Town of Zionsville.

A. Permitted Uses.

1. Primary Uses

   i). One (l) Single Family Dwelling, including a Modular Home Dwelling and a Manufactured Home Dwelling

   ii). Residential Facility for the Developmentally Disabled

   iii). Residential Facility for the Mentally Ill, subject to the provisions of **Section 3.4**

   iv). Child Care Home (that is used as the primary residence of the person who operates the Child Care Home)

2. Special Exception Uses

   i). Club House, Golf Course (public and private), Tennis Courts, and similar recreational uses that are an integral part of and for the residents of, a Subdivision or planned unit development in which they are located (not including commercial community swimming pools). Provided, however, that any principal Building or accessory swimming pool shall be located not less than one hundred (100) feet from any other Lot in any "R" District.

   ii). Religious Use.

3. Accessory Uses -See **Section 3.1**.

4. Home Occupations -See **Section 3.3**.

5. Temporary Uses -See **Section 3.2**.

B. Development Standards.

1. Water and Sewer Requirements -Attachment to public water and sanitary sewer faci1ities shall be mandatory for a development in this District for Lots in any Subdivision platted and recorded after January 1, 2000.

2. Minimum Lot Area -The average Lot Area shall be not less than one-half (1/2) acre within a Subdivision (as defined by the Primary Plat), and shall have a minimum Lot Area of not less than 15,000 square feet.

3. Minimum Lot Width -The minimum Lot Width at the Building Setback Line shall be not less than provided in the fol1owing **table**:

Lot Area	Lots Not on a Cul-De-Sac	Lots on a Cul-De-Sac
One (1) acre or more	150 feet	120 feet
25,000 square feet to one (1) acre	100 feet	80 feet
15,000 square feet to 25,000 square feet	80 feet	64 feet

4. Minimum Lot Frontage -The minimum Lot Frontage on a Public Street shall be not less than provided in the following **table**:

LotArea	Lots Not On Cul-De-Sac	Lots on a Cul-De-Sac
One (1) acre or more	75 Feet*	60 feet*
25,000 square feet to one (1) acre	50 Feet*	40 Feet*
15,000 square feet to 25,000 square feet	40 feet*	32 feet*

*Direct Access shall be gained from said Public Street or an abutting Alley.

5. Maximum Lot Coverage -Primary or Special Exception Uses and Accessory Uses -twenty percent (20%) of the total Lot Area.

   i). Exception: Lots within the Brittany Chase or Austin Oaks subdivisions developed under the jurisdiction of the Boone County Area Plan Commission and subsequently annexed into the Town of Zionsville after January 1, 2004, shall be permitted a maximum lot coverage of thirty-five percent (35%).

6. Minimum Yards and Building Setbacks

i). Front -a minimum Front Yard and Building Setback measured from the Proposed Right-of-Way shall be provided as follows:

(a) Primary Arterial Street: Thirty-five (35) feet

(b) Secondary Arterial Street: Thirty-five (35) feet

(c) Collector / Local Street / Cul-de-sac or other Street: Thirty-five (35) feet

In the case where a proposed Right-of-Way line does not exist, as determined by the Transportation Plan for the Town of Zionsville, Indiana, or where the existing Right-of-Way is greater, the existing Right-of-Way line shall be used for the Setback measurement.

ii). Side -a minimum aggregate and individual Side Yard shall be provided along all Side Lot Lines as follows:

(a) Lots with an area of one (1) acre or greater: aggregate Side Yards of forty-five (45) feet; no Side Yard shall be less than twenty (20) feet.

(b) Lots with an area between 25,000 square feet to one (1) acre: aggregate Side Yards of thirty (30) feet; no Side Yard shall be less than twelve (12) feet.

(c) Lots with an area of 15,000 square feet to 25,000 square feet: aggregate Side Yards of twenty-five (25) feet; no Side Yard shall be less than ten (10) feet.

iii). Rear -a minimum Rear Yard shall be provided along All Rear Lot Lines as follows:

(a) Primary Building -twenty-five (25) feet

(b) Accessory Building or Use -five (5) feet

See also **Section 1.18, Obstruction of Easements**

7. Maximum Building Height

i). Primary Building -thirty-five (35) feet.

ii). Accessory Building -twenty-two (22) feet, but in no case shall the height of an Accessory Building exceed the height of the Primary Building.

8. Minimum Main Floor Area -The minimum Main Floor Area of the Primary Building, exclusive of Garage, Carport, Deck, Patio and open Porches:

   i). One-story Building -1,500 square feet.

   ii). Building greater than one-story -1,000 square feet, provided, that the total Finished Floor Area shall be at least 1,500 square feet.

9. Off-Street Parking-See **Section 3.8**.

10. Signs -See **Article 6**.

11. Vision Clearance Areas -See **Section 1.21**.

C. Development Standards Exception

Development Standards for the real estate know as The Sanctuary at 121st Street and legally described as:

EXHIBIT A

Approved for development and the plat of which was recorded under the jurisdiction of the Bonne County Area Plan Commission, Boone County Commissioners, and subsequently annexed into the Town of Zionsville April 8, 2007 shall utilize the following Development Standards, notwithstanding anything to the contrary contained in the Ordinance, the Real Estate shall be governed entirely by the Zoning Classification attached to this **Section 2.4**; the Plat attached to the **Section 2.4** and made a part hereof as **Exhibit "A"**; and all provisions of the **1998 Zoning Ordinance of Boone County, Indiana (with May 2006 amendments**) that are applicable to the Zoning Classification and the Plat, all of which are hereby incorporated by reference including without limitation the following development standards:

1. Minimum Height of Buildings: Thirty-five (35) feet.

2. Minimum Ground Floor Area:

   i). One Story: nine hundred (900) square feet

   ii). Multi Story: Seven Hundred fifty (750) square feet.

3. Maximum Lot Coverage: Seventy Percent (70%).

4. Minimum Lot Area Five thousand (5,000) Square feet (in all districts with public sewers)

5. Minimum Acreage: On utilities - One-third (.33) acre per Dwelling unit

6. Minimum Road Frontage: Forty-five (45) feet (up to 20% of total lots may reduce road frontage by up to 20%).

7. Minimum Front Yard: Twenty (20) feet from the right-of-way or Seventy (70) feet from the center of the road, whichever is greater (not applicable to flag lots).

8. Minimum Rear Yard: Primary Structures-Twenty (20) feet.

9. Accessory Structures-Five (5) feet.

10. Minimum Side Yard Five (5) feet.

11. Minimum Primary Structure Width: Eighteen (18) feet.

12. Minimum Number of Parking Spaces Per Lot: Two (2) spaces:

All of the foregoing which shall be subject to any conditions , waivers, variances or other modifications contained in the Zoning Classification or the Plat.

13. Improvement Location Permit: The issuance of all Improvement Location Permits by the Town of Zionsville for the development of the Real Estate and the construction of any residences and accessory structures within said Real Estate shall be governed solely by this subsection of **Section 2.4** of the Ordinance.

D. Development Plan Approval Required for Open Space Subdivisions.

All Open Space Subdivisions proposed within an R-SF-2 District shall be subject to the filing of a Development Plan for review and approval by the Plan Commission as set forth in this **Section 2. 4, C.,** and **Article 4** of this Ordinance.

1. Open Space Subdivision Provisions

Intent -Open Space Subdivisions are intended to allow greater flexibility in design and development of Subdivisions in order to provide for more efficient use of land, protect topographical or other natural features or amenities, permit common area and open space reservation and preservation in perpetuity, and reduce overall development costs. The provisions set forth promote imaginative design in the development of Subdivisions, which allows for better utilization of the unique physical qualities of the site in order to preserve them for not only the Subdivision residents, but the community as a whole. To accomplish this purpose, the following regulations and development incentives to the RSF-2 District shall be available when employing the Open Space Subdivision option.

2. Applicability.

In any Subdivision within the R-SF-2 Districts, the Primary Plat of which is submitted for approval after July 1, 2000 in accordance with the Town of Zionsville Subdivision Control Regulations may be developed as an Open Space Subdivision in accordance with the provisions of this **Section 2.4, C.**, and **Article 4 -Development Plan Approvals**.

3. Development Requirements.

i). Subdivision Area (Minimum size of a Subdivision).

There shall be a minimum of five (5) acres required for the development of an Open Space Subdivision. The tract of land to be divided shall be in one (1) ownership or shall be the subject of an application for Primary Plat Approval filed by the owners of the entire tract. The tract shall be developed as a unit and in the manner approved.

ii). Subdivision Density.

The overall maximum density of the proposed Open Space Subdivision shall remain the same as that permitted by developing the same tract into developable lots in full compliance with the applicable underlying Residential District regulations, the Town of Zionsville Subdivision Control Regulations, and any other applicable regulations.

iii). Project Open Space.

The total land area saved by using this provision shall be put into Project Open Space, per **Section 2.4, C., 5** below.

4. Waiver of Development Requirements in the R-SF-2 District for Open Space Subdivisions.

Individual Lots with an overall Subdivision that receives Development Plan approval from the Plan Commission to be developed as an Open Space Subdivision pursuant to this **Section**, and **Article 4** of this Ordinance, may be granted a waiver of the Development Requirements of the R-SF-2 District to the extent permitted below:

i). Lot Area, Setback, Frontage, and Coverage Exceptions for Individual Lots.

The following minimum provisions for Lot Area, Rear and Side Yard Setbacks, Lot Frontage and Lot Coverage may be reduced in an Open Space Subdivision to the extent provided for below:

(a) Minimum Lot Area: 6,000 square feet;

(b) Minimum Rear Yard Setback: Fifteen (15) feet;

(c) Minimum Side Yard Setback: Five (5) feet, unless the zero lot line option, noted in **Section 2.4, C., 4., b**., below, is utilized;

(d) Minimum Lot Frontage: Minimum Lot Frontage may be reduced to fifteen (15) feet provided that each individual Lot shall have direct access to a Public Street; and,

(e) Maximum Lot Coverage: Fifty percent (50%).

(f) Lot Width: Fifty (50) feet.

ii). Zero Lot Line Option.

Any Subdivision which is submitted for review and subsequent Primary Plat Approval utilizing the Open Space Subdivision provisions of this **Section**, may reduce the minimum Side Yard requirement for one (1) Side Yard of each Lot to zero (0) feet, provided that:

(a) A minimum distance often (10) feet shall be required and maintained between all Buildings on abutting Lots;

(b) No window or doors shall be provided or maintained on that portion of the Building in which the required Side Yard has been reduced to zero (0) feet;

(c) The aggregate Side Yard(s) is provided on the Lot according to the applicable residential District regulations; and,

(d) An access and maintenance easement shall be recorded which provides for the continual maintenance of the Lot. Buildings, and Structures along the Side Yard which has been reduced to zero (0) feet.

iii). Design and Construction Standards.

All construction projects which are to become part of the Town's system, to be operated and maintained by the Town, shall conform to the Town's Design and Construction Standards.

Construction drawings and specifications (including any variations thereof) shall be approved by the Town and a written permit obtained in accordance with existing ordinances before construction begins.

5. General Requirements for Project Open Space.

i). The amount of permanent open space created by the development of the tract as an Open Space Subdivision shall be:

(a) preserved in its naturally occurring state;

(b) developed only to the extent required to provide for: (i) the passive recreational activities of walking, biking, hiking, picnicking; (ii) developed and maintained as landscape features including, but not limited to, common areas, landscape easements, and boulevard entry ways; or, (iii) other recreational or amenity features approved by the Plan Commission; or,

(c) developed into an active recreational area; and,

(d) if the project is located adjacent to any portion of a bicycle/walking/jogging pathway, or the rail trail, as developed by the Town of Zionsville or its Parks Department, a direct linkage to such bicycle/walking/jogging pathway or rail trail from the open space shall be provided.

ii). The development of such open space shall be subject to the following additional requirements:

(a) The open space shall be equivalent to or more than the total reduction in Lot area. At least seventy-five percent (75%) of the total amount of open space shall consist of land areas which are at least fifty (50) feet wide.

(b) The open space created by the development of the tract as a Open Space Subdivision shall further be provided in such a manner that it is accessible: (i) to residents of the Open Space Subdivision and their guests, by way of sidewalk, footpath or combined walkway I bikeway; and, (ii) for maintenance.

(c) The open space shall run perpetually with the Open Space Subdivision and shall not be developed or separated from it at a later date. Provisions shall be made for continuous and adequate maintenance of the open space at a reasonable and non-discriminatory rate of charge.

iii). Open Space shall be calculated by taking the total land area within Lots contained in Sketch Plan One (as outlined in 6 below) and subtracting the total land area within Lots contained in Sketch Plan Two (as outlined in 6 below).

6. Procedures for Open Space Subdivision Approval-Plan Documentation and Supporting Information.

i). Prior to applying for Primary Plat approval, the Petitioner shall submit two (2) plans for the tract proposed for a Open Space Subdivision for review by the Building Commissioner.

(a) A Sketch Plan shall depict the development of the tract in full compliance with all use and development standards of the applicable underlying Residential District and the Town of Zionsville Subdivision Control Regulations. This Sketch Plan shall be used to determine the maximum number of developable Lots possible on the tract and set the density of that development.

(b) A Site Plan shall depict the development of the tract as an Open Space Subdivision. The density of the overall development (total number of lots), shall be no greater than that permitted by the development of the tract depicted in the Sketch-Plan. Documentary evidence of the provision of open space in a manner and amount equal to or in excess of that required by this **Section** shall be proved either in written format or in tabular format incorporated into the Site Plan.

ii). Building Commissioner Review.

The Building Commissioner shall compare the two (2) plans noted above to determine the appropriateness of the Open Space Subdivision layout for the tract. In determining the appropriateness of the Open Space Subdivision's layout, the Building Commissioner shall look for the following attributes:

(a) Protection of unique topographical features on the tract, including, but not limited to: slopes, streams, wooded areas and other natural features;

(b) Protection and preservation of wooded areas, individual trees of significant size, wetlands, or other environmentally sensitive features;

(c) Development of common open space and recreational areas accessible to residents of the Open Space Subdivision including provisions for walkways and bikeways;

(d) More efficient use of land;

(e) Innovative residential environments;

(f) Minimization of the alteration of natural site features by the design and location of individual Lots, Streets, and Buildings. Diversity and originality in Lot layout and individual Building design shall be encouraged to achieve the best possible relationship between the development and the tract of land on which it is located;

(g) Relationship to surrounding properties, improvement of the view from and of Buildings; and,

(h) Minimization of the land area devoted to motor vehicle access shall be encouraged through the arrangement and location of individual Lots, Streets, and Buildings.

The Building Commissioner shall further review the proposed Open Space Subdivision to ensure that it shall be constructed, arranged, and operated so as not to interfere with the development and use of surrounding properties in accordance with the applicable Residential District regulations, to include any necessary transition along the perimeter of the development with other abutting single-family Residential Districts. In review of the proposed Open Space Subdivision, the Building Commissioner may consult with the Town Engineer or other appropriate health and safety officials to ensure that all fire and safety issues' are addressed.

The Building Commissioner shall provide his/her findings in writing to the Petitioner, with a copy forwarded to the Plan Commission. The Petitioner may then proceed with the filing of a Petition for Primary Plat approval, which shall further serve as a Petition for Development Plan Approval. The Primary Plat filed shall be in substantial compliance with the Site Plan submitted to and reviewed by the Building Commissioner or may be revised to address or correct any deficiencies outlined in writing by the Building Commissioner. The Petition for a Primary Plat Approval, and subsequent legal notice of the public hearing regarding the Petition, shall indicate clearly that the Petition is for Primary Plat and Development Plan Approval for an Open Space Subdivision.

iii). Plan Commission Consideration.

The Plan Commission shall make a disposition on the Petition for Development Plan separately from the Petition for Primary Plat Approval for an Open Space Subdivision in compliance with this Ordinance, the Town of Zionsville Subdivision Control Regulations, and the Rules of Procedures of the Town of Zionsville Plan Commission.

All Petitions for Secondary Plat Approval for an Open Space Subdivision shall comply with the Primary Plat approved by the Plan Commission and any Commitments or Conditions associated with its approval.

iv). Findings.

The Plan Commission may approve a Development Plan (and thereby grant the waivers requested by the Petitioner) indicating compliance with this **Section 2.4, C.**, and **Article 4** only upon finding that:

(a) The use or value of area properties shall not be adversely affected.

(b) The proposed development shall be in compliance with the applicable general requirements for open space.

(c) The proposed development is appropriate to the site and its surroundings; and,

(d) The proposed development is consistent with the intent and purpose of this Ordinance.

Following a disposition of the Development Plan, The Plan Commission may then consider a Primary Plat following the requirements and findings of the Town of Zionsville Subdivision Control Regulations and the Rules of Procedures of the Town of Zionsville Plan Commission.

v). Existing Perimeter Street Lots

(a) Existing perimeter streets shall be separated by a minimum fifty (50) foot open space buffer when rear loaded lots or lots served by an access street/drive causing the eventual house to face the existing perimeter street.

(b) When lots are to cause houses to back up to an existing perimeter street there shall be a minimum one-hundred and fifty (150) foot open space buffer with landscaping equal to a Level C pursuant to **Section 3.12** of the Town of Zionsville Zoning Ordinance.

vi). Backyard vistas from internal streets shall be broken up by open space landscape areas along internal street frontage(s) where affected by such view.

vii). Maintenance of Common Open Space.

As a part of the Approval of a Open Space Subdivision, the Petitioner shall submit with the Petition for Primary Plat Approval, and any subsequent Secondary Plat Approvals, for review and approval documentary assurances, in the form of signed and notarized Commitments, that permanent reservation of the open spaces areas shall be made and that adequate provisions are being made for the continuous and adequate maintenance of the Open Space Subdivisions open space, common areas, and recreational areas. The documentary assurance shall be incorporated in the Primary Plat, and subsequent Secondary Plats, and that all documentary assurances shall be recorded with the Office of the Boone County Recorder. No exceptions to, or deviations from, these Commitments shall be permitted unless approved by the Plan Commission. In approving any exceptions to or deviations from these Commitments, the Plan Commission shall provide a finding that the Petitioner has adequately provided for the upkeep, protection and maintenance of open space, common areas or recreational areas through other legally binding perpetual agreements.

7. General Regulations.

See **Section. 1.23 -General Regulations for "R" Districts**.

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Section 2.9. Urban Single-Family Residential Districts

The R-SF-3 District is repealed as a zoning classification to which real estate within the Town of Zionsville can be zoned as of January 21, 2002. The R-SF-3 District, however, shall remain a viable zoning classification for real estate zoned to said District prior to January 21, 2002 and shall continue to be platted and developed in compliance with the development standards of the R-SF-3 District.

Intent -The R-SF-3: Single-Family Residential Districts are established to promote and maintain established neighborhoods within the Town of Zionsvil1e by the development of a variety of housing types including Single Family Dwellings and limited public and institutional uses that are compatible with the surrounding residential neighborhoods. The Development Standards and range of Permitted Uses in this District provide for a mixture of housing opportunities in compliance with the single-family residential medium density land use recommendations of the Master Development Plan of the Town of Zionsville.

A. Permitted Uses.

1. Primary Uses

i). One (1) Single Family Dwelling, including a Modular Home Dwelling and a Manufactured Home Dwelling

ii). Residential Facility for the Developmentally Disabled

iii). Residential Facility for the Mentally Ill, subject to the provisions of **Section 3.4**

iv). Child Care Home (that is used as the primary residence of the person who operates the Child Care Home)

2. Special Exception Uses

i). Club House, Golf Course (public and private), Tennis Courts, and similar recreational uses that are an integral part of and for the residents of, a Subdivision or planned unit development in which they are located (not including commercial community swimming pools). Provided, however, that any principal Building or accessory swimming pool shall be located not less than one hundred (100) feet from any other Lot in any "R" District.

3. Accessory Uses -See **Section 3.1**.

4. Home Occupations -See **Section 3.3**.

5. Temporary Uses -See **Section 3.2**.

B. Development Standards.

1. Water and Sewer Requirements -Attachment to public water and sanitary sewer facilities shall be mandatory for all development in this District.

2. Minimum Lot Area -The minimum Lot Area shall be not less than fifteen thousand (15,000) square feet.

3. Minimum Lot Width -The minimum Lot Width at the Building Setback Line shall be not less than eighty (80) feet.

4. Minimum Lot Frontage -Forty (40) feet on a Public Street and gain direct Access from said Public Street or an abutting Alley.

5. Maximum Lot Coverage -Primary or Special Exception Uses and Accessory Uses -twenty-five percent (25%) of the total Lot Area.

6. Minimum Yards and Building Setbacks

i). Front -a minimum Front Yard and Building Setback measured from the proposed Right-of-Way shall be provided as follows:

(a) Primary Arterial Street: Thirty-five (35) feet

(b) Secondary Arterial Street: Thirty-five (35) feet

(c) Collector/ Local Street, Cul-de-sac or other Street: Thirty-five (35) feet

In the case where a proposed Right-of-Way line does not exist, as determined by the Transportation Plan for the Town of Zionsville, Indiana, or where the existing Right-of-Way is greater, the existing Right-of-Way line shall be used for the Setback measurement.

ii). Side - a minimum aggregate and individual Side Yard shall be provided along all Side Lot Lines as follows: .

(a) aggregate Side Yards of twenty (20) feet;

(b) no Side Yard shall be less than seven (7) feet.

iii). Rear -a minimum Rear Yard shall be provided along All Rear Lot Lines as follows:

(a) Primary Building -twenty (20) feet

(b) Accessory Building or Use -five (5) feet

7. Maximum Building Height

i). Primary Building -thirty-five (35) and not over three (3) stories.

ii). Accessory Building -twenty-two (22) feet, but in no case shall the height of an Accessory Building exceed the height of the Primary Building.

8. Minimum Main Floor Area -The minimum Main Floor Area of the Primary Building, exclusive of Garage, Carport, Deck, Patio and open Porches:

i). One-story Building -1 ,200 square feet.

ii). Building greater than one-story -800 square feet, provided, that the total Finished Floor Area shall be at least 1,200 square feet.

9. Off-Street Parking -See **Section 3.8**.

10. Signs -See **Article 6**.

11. Vision Clearance Areas -See **Section 1.21**.

C. General Regulations.

See **Section 1.23 -General Regulations for "R" Districts**.

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Section 2.10. Urban R-SF-4 Single-family Residential Districts

The R-SF-4 District is repealed as a zoning classification to which real estate within the Town of Zionsville can be zoned as of January 21, 2002. The R-SF-4 District, however, shall remain a viable zoning classification for real estate zoned to said District prior to January 21, 2002 and shall continue to be platted and developed in compliance with the development standards of the R-SF-4 District.

Intent -The R-SF-4: Single-Family Residential Districts are established to promote and maintain established neighborhoods within the Town of Zionsville by the development of a variety of housing types including Single Family Dwellings and limited public and institutional uses that are compatible with the surrounding residential neighborhoods. The Development Standards and range of Permitted Uses in this District provide for a mixture of housing opportunities in compliance with the single-family residential medium density land use recommendations of the Master Development Plan of the Town of Zionsville.

A. Permitted Uses.

1. Primary Uses

i). One (l) Single Family Dwelling, including a Modular Home Dwelling and a Manufactured Home Dwelling

ii). Residential Facility for the Developmentally Disabled

iii). Residential Facility for the Mentally Ill, subject to the provisions of **Section 3.4**

iv). Child Care Home (that is used as the primary residence of the person who operates the Child Care Home)

2. Special Exception Uses

i). Club House. Golf Course (public and private), Tennis Courts, and similar recreational uses that are an integral part of and for the residents of, a Subdivision or planned unit development in which they are located (not including commercial community swimming pools).

Provided, however, that any principal Building or accessory swimming pool shall be located not less than one hundred (l00) feet from any other Lot in any "R" District.

3. Accessory Uses -See **Section 3.1**.

4. Home Occupations -See **Section 3.3**.

5. Temporary Uses -See **Section 3.2**.

B. Development Standards.

1. Water and Sewer Requirements -Attachment to public water and sanitary sewer facilities shall be mandatory for all development in this District for Lots in any Subdivision platted and recorded after January 1, 2000.

2. Minimum Lot Area -The minimum Lot Area shall be not less than ten thousand (10,000) square feet.

3. Minimum Lot Width -The minimum Lot Width at the Building Setback Line shall be not less than seventy (70) feet.

4. Minimum Lot Frontage -Thirty five (35) feet on a Public Street and gain direct Access from said Public Street or an abutting Alley.

5. Maximum Lot Coverage -Primary or Special Exception Uses and Accessory Uses -thirty percent (30%) of the total Lot Area.

6. Minimum Yards and Building Setbacks

i). Front -a minimum Front Yard and Building Setback measured from the proposed Right-of-Way shall be provided as follows:

(a) Primary Arterial Street: Thirty-five (35) feet

(b) Secondary Arterial Street: Thirty-five (35) feet

(c) Collector / Local Street / Cui-de-sac or other Street: Thirty-five (35) feet

In the case where a proposed Right-of Way line does not exist, as determined by the Transportation Plan for the Town of Zionsville, Indiana,

or where the existing Right-of-Way is greater, the existing Right-of-Way line shall be used for the Setback measurement.

ii). Side -a minimum aggregate and individual Side Yard shall be provided along all Side Lot Lines follows:

(a) aggregate Side Yards of sixteen (16) feet;

(b) no Side Yard shall be less than six (6) feet.

iii). Rear -a minimum Rear Yard shall be provided along All Rear Lot Lines as follows:

(a) Primary Building -twenty (20) feet

(b) Accessory Building or Use -five (5) feet

7. Maximum Building Height

i). Primary Building -thirty-five (35) feet and not over three (3) stories.

ii). Accessory Building -twenty-two (22) feet, but in no case shall the height of an Accessory Building exceed the height of the Primary Building.

8. Minimum Main Floor Area -The minimum Main Floor Area of the Primary Building, exclusive of Garage, Carport. Deck, Patio and open Porches:

i). One-story Building -900 square feet.

ii). Building greater than one-story -660 square feet, provided, that the total Finished Floor Area shall be at least 900 square feet.

9. Off-Street Parking-See **Section 3.8**.

10. Signs -See **Article 6.**

11. Vision Clearance Areas- See **Section 1.21**.

C. General Regulations.

See **Section 1.23 -General Regulations for "R" Districts.**

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Section 2.11. Urban R-MF-1: Multi-family Residential Districts

Intent -The R-MF-I: Multifamily Residential Districts are established to promote the development of Multifamily Dwellings and limited public and institutional uses that are compatible with the surrounding residential neighborhood. The Development Standards and range of Permitted Uses are designed to encourage c1ustering in order to promote establishing on-site amenities and to allow Multifamily Dwelling development in compliance with the multifamily land use recommendation of the Master Development Plan of the Town of Zionsville.

A. Permitted Uses.

1. Primary Uses

   i). Multifamily Dwellings

   ii). Residential Facility for the Developmentally Disabled

   iii). Residential Facility for the Mentally Ill, subject to the provisions of **Section 3.4**

   iv). Child Care Home (that is used as the primary residence of the person who operates the Child Care Home)

2. Special Exception Uses Mobile Dwelling Park

3. Accessory Uses -See **Section 3.1**.

4. Home Occupations -See **Section 3.3**.

5. Temporary Uses -See **Section 3.2**.

B. Development Standards -Except Mobile Dwelling Parks.

All uses permitted in the R-MF-l District shall conform to the following development standards.

1. Maximum Project Gross Density Nine (9) Dwelling Units per acre.

2. Attachment to public water and sanitary sewer facilities shall be mandatory for development in this District.

3. Minimum Project Area -There shall be no required minimum project area other than the land area necessary to provide for the development standards of this **Section**.

4. Minimum Project Frontage 150 feet on a Public Street and gain Access from said Public Street.

5. Minimum Setbacks and Perimeter Yard Requirements -a minimum Setback and Perimeter Yard shall be provided along all property lines of the project as follows:

   i). Front -a minimum Front Yard and Building Setback measured from the proposed Right-of-Way shall be provided as follows:

      (a) Primary Arterial Street: Thirty-five (35) feet

      (b) Secondary Arterial Street: Thirty-five (35) feet

      (c) Collector / Local Street / Cul-de-sac or other Street: Thirty-five (35) feet

      In the case where a proposed Right-of-Way line does not exist, as determined by the Thoroughfare Plan for the Town of Zionsville, Indiana, or where the existing Right-of-Way is greater, the existing Right-of-Way line shall be used for the Setback measurement.

   ii). Side Yards -twenty-five (25) feet.

   iii). Rear Yards -twenty-five (25) feet.

6. Use of Perimeter Yards.

   Perimeter Yards shall be landscaped with grass and shrubbery, trees, or hedge, or in combination with other suitable ground cover materials, subject to the requirements of **Section 3.12**, and shall remain as open space free from Structures except where expressly permitted by this Ordinance.

   i). Perimeter Yards:

(a) may include pedestrian walks, Driveways, Interior Access Driveways, flag poles, fences, screening wall and similar appurtenant structures; and,

(b) shall not include Parking Areas or Interior Access Drives.

7. Minimum Interior Yards: In projects containing two or more Buildings, Interior Yards shall be provided as follows:

i). Around Buildings containing Dwelling Units, the greater of: fifteen (15) feet; or ten (l0) feet plus one (l) additional foot for each ten (10) feet of aggregate length of any wall of a Building.

ii). Around Accessory Buildings or Uses -five (5) feet.

iii). The distance between Buildings shall be the sum of each applicable minimum Interior Yard.

iv). Interior Yards shall be measured perpendicular to the Building or Structure at all points.

v). Interior Yards shall not overlap any required Perimeter Yards.

Lakes, ponds, or other water bodies, shall not be included in the calculation and measurement of an Interior Yard.

8. Use of Interior Yards

Required Interior Yards shall be used for open space, and landscaping, provided, however, that up to fifty (50) percent of an Interior Yard may be used for Driveways, Interior Access Drives, Parking Areas, sidewalks, open balconies, uncovered Porches and Patios.

9. Maximum Building Height

i). Primary Building -thirty-five (35) feet, but not to exceed three (3) stories containing a Dwelling Unit.

ii). Accessory Buildings -twenty-five (25) feet.

10. Minimum Floor Area -The minimum Floor Area each Multifamily Dwelling Unit, exclusive of Garage, Carport, Deck, Patio and open Parches shall be:

    i). 1,200 square feet for Dwelling Units located on one story.

    ii). 600 square feet per floor for Dwelling Units located on more than one floor.

11. Off-Street Parking-see **Section 3.8**.

12. Signs -see **Article 6**.

13. Vision Clearance Areas -See **Section 1.21**.

14. Landscaping and Screening Requirements -see **Section 3.12**.

15. Developed Recreational Open Space Requirements

    Developed Recreational Open Space areas equal to, at a minimum, ten (10) percent of the total Lot Area of the project shall be required. Developed Recreational Open Space may include, but not be limited to, such facilities as: playgrounds; tot lots; swimming pools; tennis, vol1eyball or basketball courts; walking and jogging paths, and common recreational buildings. Developed Recreational Open Space areas shall not overlap any required Interior Yards or Perimeter Yards.

16. Requirements for all Private Streets, Interior Access Driveways, and Interior Access Drives for Multifamily Dwelling Projects.

    Individual Buildings and Dwelling Units located within a Multifamily Dwelling project may be served by Private Streets, Interior Access Driveways. and Interior Access Drives developed in compliance with the standards set forth in **Section 3.11** of this Ordinance.

C. Development Standards -Mobile Dwelling Parks.

Mobile Dwelling Parks shall comply with the following Development Standards:

1. Project Area:

    i). Minimum area: Ten (10) acres

ii). Maximum area: Forty (40) acres

Attachment to public water and sanitary sewer facilities shall be mandatory for development of a Mobile Dwelling Park.

2. Minimum Park Frontage: Each Park shall have at least one hundred fifty (150) feet of contiguous Frontage on a Public Street and shall gain direct Access from said street. Each Park containing over thirty (30) dwelling units shall provide at least two (2) Accesses from a perimeter Public Street.

3. Minimum Setbacks and Perimeter Yard Requirements -a minimum Building Setback and Perimeter Yard shall be provided along all property lines of the project as follows:

i). Front -a minimum front Perimeter Yard and Building Setback measured from the Right-of-Way shall be provided as follows:

(a) Primary Arterial Street: sixty (60) feet

(b) Secondary Arterial Street forty (40) feet

(c) Local Street/Cul-De-Sac Street: thirty (30) feet

ii). Minimum side Perimeter Yards and Building Setbacks -thirty (30) feet.

iii). Minimum rear Perimeter Yards and Building Setbacks -thirty (30) feet.

4. Use of Minimum Perimeter Yards All minimum Perimeter Yards shall be landscaped with grass or other suitable ground cover materials, shall remain free from Structures except where expressly permitted below:

i). Minimum Front Perimeter Yards -may include Driveways and shall be landscaped with one (1) deciduous shade tree, ornamental tree, or evergreen tree planted for every forty (40) feet of Frontage along all required Front Yards. Such trees shall be reasonably spaced within and along the required Front Yard.

ii). Minimum Side and Rear Perimeter Yards -may include Interior Access Driveways connecting adjoining Lots and shall be landscaped with one (1) deciduous shade tree. ornamental tree or evergreen tree planted for every thirty (30) feet of linear distance along all required side and rear Perimeter Yards. Such trees shall be reasonably spaced within and along all required. side and rear Perimeter Yards.

5. Mobile Dwelling Placement:

i). Each Mobile Dwelling shall be located on an individual mobile dwelling site~

ii). Minimum mobile dwelling site area:

(a) Single wide units: four thousand (4,000) square feet

(b) Double (or greater) wide units: five thousand (5,000) square feet

iii). Front Building Setback : Ten (10) feet from Right-of-Way of an internal Public Street often (10) feet from the curb line of any interior private street or Interior Access Drive within the Park. Parking Spaces shall not be permitted within this required Setback.

iv). A minimum distance of fifty (50) feet shall be provided between any Mobile Dwelling and any non-Mobile Dwelling within the Mobile Dwelling Park.

v). A minimum distance of twenty-five (25) feet shall be provided between all Mobile Dwellings at their closest point to each other.

vi). Any Mobile Dwelling Accessory Structure open on at least two (2) sides, may project into such require interior yard provided that the distance between such Accessory Structure and any other mobile dwelling, or between such Accessory Structures of two (2) mobile dwellings, shall be at least fifteen (15) feet.

6. Minimum Recreational and Open Space Areas. Developed recreational and common open space areas equal to, at a minimum, ten (10) percent of the total area of the Mobile Dwelling Park shall be required. Land used for the required Perimeter Yard, Mobile Dwelling sites. vehicular areas, Access easements, and Rights-of-Way shall not be considered as part of this required ten (10) percent open space. Items such as drainage swales may be included as open space if, through proper design, they add favorably to the open space inventory and site development of the Mobile Dwelling Park and do not present a health or safety hazard to Mobile Dwelling Park residents.

   Recreational and common open space areas shall be accessible to all Mobile Dwelling Park residents, appropriately located within the Mobile Dwelling Park with respect to the residents they are designed to serve and with regard to adjacent land uses. Accessibility to such areas shall not solely be gained by way of a Mobile Dwelling site.

7. Off-Street Parking -see **Section 3.8**.

8. Open Storage Area: An open storage area shall be provided within the Park boundaries for the purpose of storing travel trailers, campers, boats, and other recreational vehicles owned by Park residents. The open storage area required for the Park shall be computed on the basis of one hundred twenty (120) square feet of space per mobile dwelling site. Such open storage areas shall be screened so as not to be directly visible from any perimeter boundary of the Park and shall be accessible to all Park residents. Travel trailers, campers, boats, and other recreational vehicles shall be permitted to be stored only in such storage areas, whether temporarily or permanently.

9. Paved Stands. All mobile dwellings sites shall be improved as follows:

   i). Concrete runners, concrete pillars or a paved stand shall be provided to accommodate each mobile dwelling.

   ii). An anchoring system or tie-down shall be provided, installed and attached to the mobile dwelling upon its placement on the mobile dwelling site to withstand the specified horizontal, up-lift, overturning wind forces on a mobile dwelling based upon accepted engineering design standards as required by Regulation HSE 21 of the Indiana State Board of Health.

10. Skirting. No later than thirty (30) days after a mobile dwelling has been placed upon a mobile dwelling site, the areas between the bottom of the sides and ends of the mobile dwelling and the surface upon which it is located shall be enclosed by walls made of a visibly opaque skirting material. Mobi1e dwellings shall have skirting or other design attachments instal1ed by the mobile dwelling owner which shall harmonize with the architectural style of the mobile dwelling. Access doors shall be permitted under the mobile dwelling.

11. Maximum Building Height

    i). All mobile dwellings, Accessory Buildings or Structures: twenty-five (25) feet.

    ii). All management offices, common recreation and service Buildings: thirty-five (35) feet.

12. Streets and Sidewalks

    i). Public Streets, Private Streets, Interior Access Drives. Driveways and Off-street Parking areas shall be provided in accordance with **Section 3.11**.

    ii). Sidewalks shall be installed within each Park in accordance with the following:

        (a) Sidewalks are required to be installed on one side of a Street with an improved width of twenty (20) feet or less and on both sides of a Street with an improved width of greater than twenty (20) feet.

        (b) All sidewalks shall be Hard surfaced, shall have a width of no less than four (4) feet, and shall have a thickness of no less than four (4) inches.

13. Signs -See **Article 6**.

14. Vision Clearance Areas -See **Section 1.21**.

D. Development Plan Approval Required.

An Lots located in a R-MF-l District shall be subject to the filing of a Development Plan for review and approval by the Plan Commission, as set forth in **Article 4** of this Ordinance.

E. General Regulations.

See **Section 1.23 -General Regulations for "R" Districts**

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Section 2.12. Urban R-MF-2: Multi-family Residential Districts

Intent -The R-MF-2: Multifamily Residential Districts are established to promote the development of Multifamily Dwellings and limited public and institutional uses that are compatible with the surrounding residential neighborhood. The Development Standards and range of Permitted Uses are designed to encourage Open Spacing in order to promote establishing on-site amenities and to allow Multifamily Dwelling development in compliance with the multifamily land use recommendation of the Master Development Plan of the Town of Zionsville.

A. Permitted Uses.

1. Primary Uses

   i). Multifamily Dwellings

   ii). Residential Facility for the Developmentally Disabled

   iii). Residential Facility for the Mentally Ill, subject to the provisions of **Section 3.4**

   iv). Child Care Home (that is used as the primary residence of the person who operates the Child Care Home)

2. Special Exception Uses Mobile Dwelling Park

3. Accessory Uses See **Section 3.1**.

4. Home Occupations -See **Section 3.3**.

5. Temporary Uses See **Section 3.2**.

B. Development Standards -Except Mobile Dwelling Parks.

All uses permitted in the R-MF-2 District shall conform to the following development standards.

1. Maximum Project Gross Density -Fifteen (15) Dwelling Units per acre.

2. Attachment to public water and sanitary sewer facilities shall be mandatory for development in this District.

3. Minimum Project Area -There shall be no required minimum project area other than the land area necessary to provide for the development standards of this **Section**.

4. Minimum Project Frontage -ISO feet on a Public Street and gain Access from said Public Street.

5. Minimum Setbacks and Perimeter Yard Requirements -a minimum Setback and Perimeter Yard shall be provided along all property lines of the project as follows:

   i). Front -a minimum Front Yard and Building Setback measured from the Proposed Right-of-Way shall be provided as follows:

      (a) Primary Arterial Street: Thirty-five (3S) feet

      (b) Secondary Arterial Street: Thirty-five (35) feet

      (c) Collector/! Local Street / Cul-de-sac or other Street: Twenty-five (25) feet

   ii). Side Yards -twenty-five (2S) feet.

   iii). Rear Yards -twenty-five (25) feet.

6. Use of Perimeter Yards.

   Perimeter Yards shall be landscaped with grass and shrubbery, trees, or hedge, or in combination with other suitable ground cover materials, subject to the requirements of **Section 3.12**, and shall remain as open space free from Structures except where. expressly permitted by this Ordinance.

   i). Perimeter Yards:

      (a) may include pedestrian walks, Driveways, Interior Access Driveways, flag poles, fences, screening wall and similar appurtenant structures; and,

      (b) shall not include Parking Areas or Interior Access Drives.

7. Minimum Interior Yards: In projects containing two or more Buildings, Interior Yards shall be provided as follows:

   i). Around Buildings containing Dwelling Units -Ten (10) feet plus one (1) additional foot for each ten (10) feet of aggregate length of any wall of a Building.

   ii). Around Accessory Buildings or Uses -Five (5) feet.

   iii). The distance between Buildings shall be the sum of each applicable minimum Interior Yard.

   iv). Interior Yards shall be measured perpendicular to the Building or Structure at all points.

   v). Interior Yards shall not overlap any required Perimeter Yards.

   Lakes, ponds, or other water bodies, shall not be included in the calculation and measurement of an Interior Yard.

8. Use of Interior Yards. Required Interior Yards shall be used for open space, and landscaping, provided, however, that up to sixty-five (65) percent of an Interior Yard may be used for Driveways, Interior Access Drives, Parking Areas, sidewalks, open balconies, uncovered Porches and Patios.

9. Maximum Building Height

   i). Primary Building -thirty-five (35) feet, but not to exceed three (3) stories containing a Dwelling Unit.

   ii). Accessory Buildings -twenty-five (25) feet.

10. Minimum Floor Area-The minimum Floor Area of each Multifamily Dwelling Unit, exclusive of Garage. Carport. Deck, Patio and open Porches shall be:

    i). 720 square feet for Dwelling Units located on one story.

    ii). 500 square feet per floor for Dwelling Units located on more than one floor.

11. Off-Street Parking -see **Section 3.8**.

12. Signs -see **Article 6.**

13. Vision Clearance Areas -See **Section 1.21**.

14. Landscaping and Screening Requirements -see **Section 3.12**.

15. Developed Recreational Open Space Requirements

    Developed Recreational Open Space areas equal to, at a minimum, seven (7) percent of the total Lot Area of the project shall be required. Developed Recreational Open Space may include, but not be limited to, such facilities as: playgrounds; tot lots; swimming pools; tennis, volleyball or basketball courts; and common recreational buildings. Developed Recreational Open Space areas shall not overlap any required Interior Yards or Perimeter Yards.

    If the project is located adjacent to any portion of the Greenway Plan as set forth in the Comprehensive Plan, a direct linkage to such Greenway from the open space shall be provided.

16. Requirements for all Private Streets, Interior Access Driveways, and Interior Access Drives for Multifamily Dwelling Projects.

    Individual Buildings and Dwelling Units located within a Multifamily Dwelling project may be served by Private Streets, Interior Access Driveways, and Interior Access Drives developed in compliance with the standards set forth in **Section 3.11** of this Ordinance.

C. Development Standards -Mobile Dwelling Parks.

Mobile Dwelling Parks shall comply with the following Development Standards:

1. Project Area:

   i). Minimum area: Ten (10) acres

   ii). Maximum area: Forty (40) acres

2. Attachment to public water and sanitary sewer facilities shall be mandatory for development of a Mobile Dwelling Park.

3. Minimum Park Frontage: Each Park shall have at least one hundred fifty (150) feet of contiguous Frontage on a Public Street and shall gain direct Access from said street. Each Park containing over thirty (30) dwelling units shall provide at least two (2) Accesses from a perimeter Public Street.

4. Minimum Setbacks and Perimeter Yard Requirements -a minimum Building Setback and Perimeter Yard shall be provided along all property lines of the project as follows:

   i). Front -a minimum front Perimeter Yard and Building Setback measured from the Right-of-Way shall be provided as follows:

      (a) Primary Arterial Street: sixty (60) feet

      (b) Secondary Arterial Street: forty (40) feet

      (c) Local Street / Cul-de-Sac Street: thirty (30) feet

   ii). Minimum side Perimeter Yards and Building Setbacks -thirty (30) feet.

   iii). Minimum rear Perimeter Yards and Building Setbacks -thirty (30) feet.

5. Use of Minimum Perimeter Yards

   All minimum Perimeter Yards shall be landscaped with grass or other suitable ground cover material shall remain free from Structures except where expressly permitted below:

   i). Minimum Front Perimeter Yards -may include Driveways and shall be landscaped with one (1) deciduous shade tree, ornamental tree, or evergreen tree planted for every forty (40) feet of Frontage along all required Front Yards. Such trees shall be reasonably spaced within and along the required Front Yard.

   ii). Minimum Side and Rear Perimeter Yards -may include Interior Access Driveways connecting adjoining Lots and shall be landscaped with one (1) deciduous shade tree, ornamental tree or evergreen tree planted for every thirty (30) feet of linear distance along all required side and rear Perimeter Yards. Such trees shall be reasonably spaced within and along all required side and rear Perimeter Yards.

6. Mobile Dwelling Placement:

   i). Each Mobile Dwelling shall be located on an individual mobile dwelling site.

   ii). Minimum mobile dwelling site area:

      (a) Single wide units: four thousand (4,000) square feet

      (b) Double (or greater) wide units: five thousand (5,000) square feet

   iii). Front Building Setback: Ten (10) feet from Right-of-way of an internal Public Street or ten (10) feet from the curb line of any interior private street or Interior Access Drive within the Park. Parking Spaces shall not be permitted within this required Setback.

   iv). A minimum distance of fifty (50) feet shall be provided between any Mobile Dwelling and any non-Mobile Dwelling within the Mobile Dwelling Park.

   v). A minimum distance of twenty-five (25) feet shall be provided between all Mobile Dwellings at their closest point to each other.

   vi). Any Mobile Dwelling Accessory Structure, open on at least two (2) sides, may project into such require interior yard provided that the distance between such Accessory Structure and any other mobile dwelling, or between such Accessory Structures of two (2) mobile dwellings, shall be at least fifteen (15) feet.

7. Minimum Recreational and Open Space Areas. Developed recreational and common open space areas equal to, at a minimum, ten (10) percent of the total area of the Mobile Dwelling Park shall be required. Land used for the required Perimeter Yard, Mobile Dwelling sites, vehicular areas, Access easements, and Rights-of-Way shall not be considered as part of this required ten (10) percent open space. Items such as drainage swales may be included as open space if, through proper design, they add favorably to the open space inventory and site development of the Mobile Dwelling Park and do not present a health or safety hazard to Mobile Dwelling Park residents.

Recreational and common open space areas shall be accessible to all Mobile Dwelling Park residents, appropriately located within the Mobile Dwelling Park with respect to the residents they are designed to serve and with regard to adjacent land uses. Accessibility to such areas shall not solely be gained by way of a Mobile Dwelling site.

8. Off-Street Parking -see **Section 3.8**.

9. Open Storage Area: An open storage area shall be provided within the Park boundaries for the purpose of storing travel trailers, campers, boats, and other recreational vehicles owned by Park residents. The open storage area required for the Park shall be computed on the basis of one hundred twenty (120) square feet of space per mobile dwelling site. Such open storage areas shall be screened so as not to be directly visible from any perimeter boundary of the Park and shall be accessible to all Park residents. Travel trailers, campers, boats, and other recreational vehicles shall be permitted to be stored only in such storage areas, whether temporarily or permanently.

10. Paved Stands. All mobile dwellings sites shall be improved as follows:

    i). Concrete runners, concrete pillars or a paved stand shall be provided to accommodate each mobile dwelling.

    ii). An anchoring system or tie-down shall be provided, installed and attached to the mobile dwelling upon its placement on the mobile dwelling site to withstand the specified horizontal, up-lift, overturning wind forces on a mobile dwelling based upon accepted engineering design standards as required by Regulation HSE 21 of the Indiana State Board of Health.

11. Skirting. No later than thirty (30) days after a mobile dwelling has been placed upon a mobile dwelling site, the areas between the bottom of the sides and ends of the mobile dwelling and the surface upon which it is located shall be enclosed by walls made of a visibly opaque skirting material. Mobile dwellings shall have skirting or other design attachments installed by the mobile dwelling owner which shall harmonize with the architectural style of the mobile dwelling. Access doors shall be permitted under the mobile dwelling.

12. Maximum Building Height

i). All mobile dwellings, Accessory Buildings or Structures: twenty-five (25) feet.

ii). All management offices, common recreation and service Buildings: thirty-five (35) feet.

13. Streets and Sidewalks

i). Public Streets, Private Streets, Interior Access Drives, Driveways and Off-Street Parking areas shall be provided in accordance with **Section 3.1**1.

ii). Sidewalks shall be installed within each Park in accordance with the following:

(a) Sidewalks are required to be installed on one side of a Street with an improved width of twenty (20) feet or less and on both sides of a Street with an improved width of greater than twenty (20) feet,

(b) All sidewalks shall be hard surfaced, shall have a width of no less than four (4) feet, and shall have a thickness of no less than four (4) inches.

14. Signs -See **Article 6**.

15. Vision Clearance Areas -See **Section 1.21**.

D. Development Plan Approval Required.

All Lots located in a R-MF-2 District shall be subject to the filing of a Development Plan for review and approval by the Plan Commission, as set forth in **Article 4** of this Ordinance.

E. General Regulations. See **Section 1.23 -General Regulations for "R" Districts**.

Section 2.13. Urban Special Residential

Intent -The R-V Village Residential District is established to promote and maintain the historic core or village neighborhoods within the Town of Zionsville. The Development Standards reinforce the traditional height, bulk and area features of these neighborhoods to maintain their scale and proportion in compliance with the village residential land use recommendation of the Master Development Plan of the Town of Zionsville.

A. Permitted Uses.

1. Primary Uses

   i). Single-family Dwelling, including a Modular Home Dwelling and a Manufactured Home Dwelling

   ii). Residential Facility for the Developmentally Disabled

   iii). Residential Facility for the Mentally Ill, subject to the provisions of **Section 3.4**.

   iv). Child Care Home (that is used as the primary residence of the person who operates the Child Care Home)

2. Special Exception Uses, subject to the provisions of **Section 8.3**:

   i). Two Family Dwelling

   ii). Religious Use

3. Accessory Uses -See **Section 3.1**.

4. Home Occupations -See **Section 3.3**.

5. Temporary Uses -See **Section 3.2**.

B. Development Standards.

1. Minimum Lot Area -8,000 square feet. Attachment to public water and sanitary sewer facilities shall be mandatory for development in this District.

2. Minimum Lot Width -fifty (50) feet.

3. Minimum Lot Frontage -fifty (50) feet on a Public Street and gain direct Access from said Public Street or an abutting Alley.

4. Maximum Lot Coverage -Primary or Special Exception Uses and Accessory Uses -thirty-five (35) percent of the Lot.

5. Minimum Yards and Building Setbacks

   i). Front -a minimum Front Yard and Building Setback measured from the existing Right-of-Way shall be provided as follows:

   (a) Primary Arterial Street: Thirty (30) feet

   (b) Secondary Arterial Street: Thirty (30) feet

   (c) Collector / Local Street /

   Cul-de-sac or other Street: Twenty (20) feet

   Exception: In any Block Face in which an existing Front Yard Setback is established by existing, legally established Buildings or Structures on fifty percent (50%) or more of the total number of Lots within the same Block Face fronting on the same Public Street, the minimum required Front Yard Setback for any new Building, Structure or addition along such Block Face shall be the average of such established Front Yards if such dimension is less than or greater than the minimum Front Yard Setback established by this Ordinance. In the case of a new Building or Structure, the Lot on which the Building or Structure is to be erected shall not be included in the calculation of the average of the established Front Yards for the Block Face.

   ii). Side -a minimum Side Yard of five (5) feet shall be provided along all Side Lot Lines. However, in no case shall the distance between any two Buildings, whether located on the same Lot or on abutting Lots, be less than ten (10) feet. Driveways shall be required to meet the minimum Side Yard requirement.

   See also **Section 1.20, B, Side and Rear Yard Exceptions**.

iii). Aggregate Side -a minimum Aggregate Side Yard of fifteen (15) feet shall be provided on all Lots.

iv). Rear -a minimum Rear Yard shall be provided along all Rear Lot Lines as follows:

(a) Primary Building -twenty (20) feet

(b) Accessory Building -five (5) feet

See also **Section 1.20, B., Side and Rear Yard Exceptions**.

6. Maximum Building Height

i). Primary Building -thirty-five (35) feet and not over three (3) stories.

ii). Accessory Building -twenty-two (22) feet, but in no case shall the height of an Accessory Building exceed that of the Primary Building.

7. Minimum Main Floor Area -The minimum Main Floor Area of the Primary Building, exclusive of Garage, Carport, Deck, Patio and open Porches:

i). One-story Building -900 square feet per Dwelling Unit.

ii). Two or more story Building -650 square feet per Dwelling Unit, provided, that the total Finished Floor Area shall be at least 900 square feet.

8. Off-Street Parking -See **Section 3.8**.

9. Signs -See **Article 6**.

10. Vision Clearance Areas -See **Section 1.21**.

C. General Regulations.

See **Section 1.23 -General Regulations for "R" Districts**.

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Section 2.14. Rural R-1: Rural Single-family Residential

A. Purpose and Intent

The R-1, Rural Single-family Residential, District is hereby established to be a low-density rural residential district. The lot area and minimum floor area requirements are intended to be larger than the other rural residential districts, and development in this district typically has a density of less than one home per two acres.

B. Please refer to the **Rural Zoning District Tables**:

Table Page
Table One-Land Use Districts: 168-169
Table Two-Authorized Uses: 170-180
Table Three-Residential Uses and Requirements
Single Family: 181
Table Four-Residential Uses and Requirements
Two Family and Multi Family Dwellings: 182
Table Five- Residential Uses and Requirements
Mobile Home Parks Established after January 1, 1999 182
Table Six-Commercial, Industrial, and Other
Non-Residential Requirements 183

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Section 2.15. Rural R-2: Rural Single- & two-family Residential

A. Purpose and Intent

The R-2, Rural Single-family & two-family Residential, District is hereby established to be low-density single-family district, which could include two-family dwellings by development plan approval. This district is primarily suited for rural residential development in areas contiguous to the urban centers of the County. Development in this district typically ranges from 0.50 homes per acre (without public water and public sewer) to 1.75 homes per acre (with public water and public sewer).

B. Please refer to the **Rural Zoning District Tables**:

Table	Page
Table One-Land Use Districts:	**168-169**
Table Two-Authorized Uses:	**170-180**
Table Three-Residential Uses and Requirements Single Family:	**181**
Table Four-Residential Uses and Requirements Two Family and Multi Family Dwellings:	**182**
Table Five- Residential Uses and Requirements Mobile Home Parks Established after January 1, 1999	**182**
Table Six-Commercial, Industrial, and Other Non-Residential Requirements	**183**

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Section 2.16. Rural R-3: Rural Single- & two-family Residential

A. Purpose and Intent

The R-3, Rural Single-family & two-family Residential, District is hereby established to be a medium-density single-family district, which may include two-family dwellings by development plan approval. Development in this district typically ranges from 1.75 homes per acre to 3.00 homes per acre. In this district, residential development at these densities requires connection to public water and public sewer.

B. Please refer to the **Rural Zoning District Tables**:

Table Page
Table One-Land Use Districts: 168-169
Table Two-Authorized Uses: 170-180
Table Three-Residential Uses and Requirements
Single Family: 181
Table Four-Residential Uses and Requirements
Two Family and Multi Family Dwellings: 182
Table Five- Residential Uses and Requirements
Mobile Home Parks Established after January 1, 1999 182
Table Six-Commercial, Industrial, and Other
Non-Residential Requirements 183

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Section 2.17. Rural R-4: Rural Single- & two-family Residential

A. Purpose and Intent

The R-4, Rural Single- & two-family Residential, District is hereby established for high-density single-family dwellings and may include two-family dwellings by development plan approval. Single- and two-family development in this district typically ranges from 3 homes per acre to 4.25 homes per acre. Two-family development typically ranges from 7 units per acre to 12 units per acre. In this district, single- and two-family development at these densities requires connection to public water and public sewer utilities.

B. Please refer to the **Rural Zoning District Tables**:

Table Page
Table One-Land Use Districts: 168-169
Table Two-Authorized Uses: 170-180
Table Three-Residential Uses and Requirements
Single Family: 181
Table Four-Residential Uses and Requirements
Two Family and Multi Family Dwellings: 182
Table Five- Residential Uses and Requirements
Mobile Home Parks Established after January 1, 1999 182
Table Six-Commercial, Industrial, and Other
Non-Residential Requirements 183

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Section 2.18. Rural MF: Rural Multi-family Residential

A. Purpose and Intent

The R-5, Rural Multi-family Residential, District is hereby established as a high-density multi-family residential district. Development in this district is typically at a density of 7 to 12 dwelling units per acre. Development in this district requires connection to public water and public sewers.

B. Please refer to the **Rural Zoning District Tables**:

Table Page
Table One-Land Use Districts: 168-169
Table Two-Authorized Uses: 170-180
Table Three-Residential Uses and Requirements
Single Family: 181
Table Four-Residential Uses and Requirements
Two Family and Multi Family Dwellings: 182
Table Five- Residential Uses and Requirements
Mobile Home Parks Established after January 1, 1999 182
Table Six-Commercial, Industrial, and Other
Non-Residential Requirements 183

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Section 2.19. Urban B-O: Office Business District

A. Intent -B-O: Office Districts are established to promote the development of areas where office uses, compatible office-type businesses, and some public and semi-public uses are developed in close proximity with commercial areas while serving as a buffer or transitional area between commercial areas and existing or future residential areas. Uses within the B-O Districts are regulated in character to assure harmonious development with the Residential Districts which the B-O Districts buffers from more intense commercial development.

B. Permitted Uses.

1. Primary Uses

i). Communication/Utilities

(a) Telephone Exchange

ii). Miscellaneous

(a) Clinic, Medical, Dental, or Optometrists

iii). Educational Use

(a) Child Care Center;

(b) Day Nursery;

(c) Nursery School;

(d) Kindergarten;

(e) School-Commercial, Trade Or Business

iv). Office-Any Type

v). Professional Services

(a) Automated Teller Machines/ATMs (excluding free- standing machines);

(b) Bank/Savings & Loan/

(c) Credit Union

(d) Designer Services;

(e) Musician or Artist Studio;

(f) Photographic Studio;

(g) Travel Agency

vi). Government Use

(a) Governmental services (excluding Police or Fire Station);

(b) Post Office (without Storage of Delivery Vehicles)

vii). Semi-Public Facilities

(a) Museum;

(b) Religious Use

2. Special Exception Uses

i). Communication/Utilities

(a) Public Wells

ii). Public Facilities

(a) Community Center;

(b) Parking Garage

iii). Miscellaneous

(a) Drive-through Customer Service Units:

(b) Freestanding Automated Teller Machines/ATMs

iv). Residential

(a) Assisted-Living Facility;

(b) Nursing Home;

(c) Convalescent Home

3. Accessory Uses -See **Section 3.1**.

In addition, subordinate, appropriate, and incidental to the above permitted Primary Uses, the following uses shall be considered Accessory Uses in this

District, and shall be permitted as a supportive service within the same Building as the Primary Use served:

i). Cafeteria/ Restaurant (serving only employees and guests of the primary use);

ii). Drug Store / Pharmacy;

iii). News Dealers and Newsstands;

iv). Office Supplies;

v). Photocopying and Duplicating Services

These additional Accessory Uses shall:

vi). have a total gross floor area which does not exceed ten (10) percent of the total Gross Floor Area of the Primary Building in which the use is located;

vii). be for the primary purpose observing the occupants, employees, or guests of the Primary Use; and,

viii). not be permitted any exterior Freestanding or Building Identification Signs.

4. Temporary Uses -See **Section 3.2**.

C. Development Standards.

1. Water and Sewer Requirements· Attachment to public water and sanitary sewer facilities shall be mandatory for development in this District.

2. Minimum Lot Width and Frontage -each Lot or Integrated Center shall have a minimum Lot Width and Frontage on a Street of fifty (50) feet.

3. Yards and Setbacks

i). Front -a minimum Front Yard and Building Setback measured from the Proposed Right-of-Way shall be provided as follows:

Street Classification	Front Yard	Front Bufferyard
Limited Access Street:	Thirty (30) feet	Thirty (30) feet
Any other Street:	Ten (10) feet	Twenty (20) feet

In the case where a Proposed Right-of-Way line does not exist, as determined by the Transportation Plan, or where the existing Right-of-Way is greater, the existing Right-of-Way line shall be used for the setback measurement.

ii). Minimum Side and Rear Yard and Setback -shall be provided from the Lot Line as follows:

(a) Minimum Side Yard -Ten (10) feet

(b) Minimum Side Bufferyard-Twenty-five (25) feet

(c) Minimum Rear Yard -Ten (10) feet

(d) Minimum Rear Bufferyard-Twenty-five (25) feet

iii). Minimum Yards for Out Lots -Out Lots within an Integrated Center shall provide a Minimum Yard of five (5) feet along all Lot Lines in common with other Out Lots or with the main portion of the Integrated Center. If any portion of an Out Lot abuts the perimeter of the Integrated Center, that portion of the Out Lot shall be required to comply with the applicable Minimum Front, Side or Rear Yard requirements set forth above. The main portion of the Integrated Center shall not be required to provide a Minimum Yard along the Lot Line in common with an Out Lot.

4. Use of Minimum Yards and Bufferyards

Use of Minimum Yards and Bufferyards -all Minimum Yards and Bufferyards shall be landscaped with grass, trees, shrubbery, or hedge or in combination with other suitable ground cover materials and shall remain free from structures except where expressly permitted below:

i). Minimum Front Yards and front Bufferyards -may include Driveways and shall be maintained as open space free from Buildings or other Structures in compliance with the landscaping requirements set forth in **Section 3.12**;

ii). Minimum Side and Rear Yards -minimum Side and Rear Yards may include Interior Access Driveways connecting to adjoining Lots provided that the remainder of said Yards shall be maintained as open space free from Buildings or Structures in compliance with the landscaping requirements set forth in **Section 3.12**;

iii). Minimum Side and Rear Bufferyards -shall be landscaped with grass and shrubbery, trees, or hedge, or in combination with other suitable ground cover materials and maintained in compliance with the landscaping requirements set forth in **Section 3.12**.

5. Maximum Building Height-Forty-five (45) feet.

6. Off-Street Parking -see **Section 3.8**.

7. Off-Street Loading-see **Section 3.9**

8. Signs -see **Article 6**.

9. Vision Clearance Areas -see **Section 1.21**.

10. Landscaping and Screening Requirements -see **Section 3.12**.

11. Outdoor Operations -All uses and operations (except Off-Street Parking, Off-Street Loading and delivery, walk-up customer service windows) shall be conducted completely within enclosed Buildings except where expressly permitted below:

    Trash container(s) exceeding thirty-six (36) cubic feet shall:

i). be completely screened on all four (4) sides with a solid-walled or opaque fenced enclosure with gate not less than six (6) feet or greater than eight (8) feet in height above Grade;

ii). be located behind the established front building line; and,

iii). not be located in a required yard or Bufferyard.

D. Development Plan Approval Required.

All Lots in a B-O District shall be subject to the filing of a Development Plan for review and approval by the Plan Commission as set forth in **Article 4** of this Ordinance.

1. Architectural Design Requirements.

i). Design Theme

Buildings shall be designed to incorporate the salient features of and be consistent with or complementary to the Zionsville Theme. incorporating the architecture, design and overall aesthetic exterior character of a Building consistent with the Georgian, Federal, Greek Revival or Victorian Architectural styles.

ii). Building Materials

(a) Exposed foundations shall be constructed of one (1) or more of the following;

i. Brick in a color historically consistent with the selected architectural style;

ii. Stone (limestone, granite, fieldstone. etc.);

iii. Architectural pre-case concrete, if surface looks like brick or stone.

(b) Facade walls shall be constructed of any combination of:

i. Stone;

ii. Clapboard siding;

iii. Brick in a color historically consistent with the selected architectural style;

iv. Beaded siding; or,

v. Dryvit.

In order to create variation and interest in the built environment, all new Buildings or Building additions shall use the exterior Building materials specified below. In addition, the exterior Building material selection shall be supplemented by the use of multiple colors, textures (e.g. rough, smooth,

striated, etc.) or architectural elements, (quions, pilasters, soldier courses, friezes, cornices, dentils, etc.) on each facade. Two (2) or three (3) Building materials (excluding glass in windows or doors and roofing material) shall be utilized for all facades visible from a Street or Alley. The primary Building material shall be one of the following:

vi. brick;

vii. stone;

viii. clapboard; or,

ix. dryvit,

and shall constitute a minimum of sixty (60) percent of the available wall area (exclusive of window and doors) of each applicable facade.

iii). Roofs

(a) Pitched Roofs

Roofs shall be simply and symmetrically pitched and only in the configuration of gables and hips, with pitches ranging from 4:12 to 14:12. Pitched roofs shall be clad in wood shingles. slate. composition asphalt shingle or standing-seam metal panels. Shingle or panel color shall be appropriate to the design of the Building.

(b) Shed Roofs

Shed roofs are permitted only when the ridge is attached to an exterior wall of a Building, with pitches ranging from 4: 12 to 14: 12.

(c) Flat roofs

Flat roofs are permitted when consistent with the selected style of architecture, if edged by a railing or parapet, and if rooftop mechanical equipment is either camouflaged on all sides or visually integrated into the overall design of the Building.

In no case shall rooftop mechanical equipment be visible from adjoining "R" Districts. All vents, attic ventilators, turbines, flues and other roof penetrations shall be painted to match the color of the roof, or painted flat black. Gutters and downspouts shall be appropriate to or visually integrated with the selected architectural style of the Structure. Dormers, belvederes,

cupolas and pergolas may be utilized as a design element, so long as they are designed with the details, proportions, style, and materials consistent with the selected architectural design of the Building.

iv). Entrances

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

v). Windows

All window design shall be compatib1e with the style, materials, color, details and proportion of the Building. The number of panes, the way the window opens, the trim around the window and whether the window is embellished with shutters shall be consistent with the selected architectural style of the Building.

vi). Storefronts

Storefronts shall be integrally designed with the overall facade character. Ground floor retail, service and restaurant uses may use large pane display windows, provided, however, such windows shall not exceed seventy-five percent (75%) of the total ground level (first floor) facade area. Buildings with multiple storefronts shall be of unified design, through the use of common Building materials, architectural details, Signs and lighting consistent with the overall Building style. Each individual tenant shall have a primary entrance to the storefront from the exterior of the Building.

vii). Awnings, Canopies

In addition to the provisions of **Section 6.4. L**., fixed or retractable Awnings or Canopies are permitted, provided: they complement the Building's architectural style, Building materials, colors, and details; do not conceal architectural features (such as cornices, columns, pilasters, or decorative details); do not impair facade composition; and are designed as

an integral part of the facade. Metal, plastic, or aluminum awnings are prohibited.

2. Lighting Requirements

Lighting of all Off-Street Parking Areas shall be a "shoebox" style lighting. All exterior lighting, including wall pack lighting, shall be of Metal Halide.

i). Light standards and fixtures on a Lot, including free-standing light fixtures and those attached to Buildings, security lights, and architectural lights, shall be of consistent design and materials.

ii). Parking Lot lights shall be of uniform size, design and height.

iii). All free-standing lights shall be of either: a down lighting" style with the light element completely shielded on all sides and the top; or be equipped with a refractor so as to direct light downward onto the Lot.

iv). Lighting shall not cause illumination beyond any Lot Line or onto any Right-of-Way, based upon the zoning District of the real estate on the opposite side of such Lot Line or Right-of-Way, in excess of:

(a) If Adjoining Business or Industrial Districts -one (l) foot candle.

(b) If Adjoining Open Land, Residential or Special Use Districts -one-half (0.5) foot candle.

v). Architectural or Sign lighting shall be so directed and shielded so that the light element is not visible from any point along an adjacent public Right-of-Way.

3. Building Orientation.

Rear Building facades shall not face a Public Street. No Loading Spaces shall be permitted to face a Street.

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Section 2.20. Urban B-1: Urban Neighborhood Business

Intent -The B-1: Neighborhood Business Districts are established to promote development of areas for convenience uses which tend to meet the daily needs of the residents of the immediate residential Districts. Uses within the B-1 Districts are regulated in intensity and character to assure harmonious development with the residential Districts served and are limited in size and scale to promote pedestrian access and ensure compatibility of this District with adjacent residential development.

A. Permitted Uses.

1. Primary Uses

i). Child Care Center

ii). Personal Service

(a) Barber or Beauty Shop

(b) Health Spa; Fitness Center; or Tanning Salon

(c) Locksmith

iii). Clothing Service

(a) Dressmaking; Dry Cleaning and Laundry Establishment (Including Self-Service);

(b) Millinery or Fabric Shop;

(c) Shoe Repair Shop; Tailor and Pressing Shop

iv). Communication/Utilities

(a) Telephone Exchange

v). Semi-Public Facilities

(a) Community Center;

(b) Religious Use

vi). Retail

(a) Antique Shop;

(b) Apparel Shop;

(c) Appliance Store;

(d) Art Gallery;

(e) Arts & Crafts Store;

(f) Book Store;

(g) Card Shop; Camera Store; Clock Shop;

(h) Coin or Stamp Shop;

(i) Computer Store;

(j) Department Store;

(k) Drug Store;

(l) Fabric Store;

(m) Flower Shop / Florist;

(n) Frame Shop;

(o) Furniture Store;

(p) Gift Shop;

(q) Hardware Store;

(r) Hobby, Toy, or Game Shop;

(s) Jewelry Store;

(t) Music Shop;

(u) News dealer;

vii). Retail Food Sales and Service

(a) Bakery; Candy Store;

(b) Convenience Store (no gasoline sa1es);

(c) Dairy Bar / Ice Cream Store /Yogurt Store;

(d) Delicatessen;

(e) Grocery;

(f) Meat Market;

(g) Restaurant (drive-through service units prohibited)

viii). Miscellaneous

(a) Clinic: Medical, Dental,

(b) Chiropractic, or Optometrists;

(c) Bed & Breakfast

ix). Office, Any Type

x). Professional Services

(a) Bank / Savings & Loan / Credit Union, including Bank Machines (drive-through service units and freestanding Automated Teller Machines/ATMs prohibited);

(b) Photographic Studio;

(c) Travel Agency

(d) Pet Shop;

(e) Shoe Store;

(f) Stationery and Book Store;

(g) Video Tape Rental or Sales

2. Special Exception Uses

i). Communication/Utilities

(a) Public Utility Substation;

(b) Public Wells

ii). Miscellaneous

(a) Print Shop;

(b) Drive-through Customer Service Units;

(c) Freestanding Automated Teller Machines (ATMs)

iii). Food Sales and Service

(a) Roadside Food Sales Stand;

(b) Liquor Store;

(c) Tavern/Bar

iv). Public Facilities

(a) Neighborhood Recycling Collection Point

v). Governmental Use

(a) Police or Fire Station;

(b) Post Office

vi). Recreation

(a) Arcade; Dancing, Aerobics, GymnasticsStudio

(b) Lodge or Private Club Recreation

3. Accessory Uses -See **Section 3.1**.

4. Temporary Uses -See **Section 3.2**.

B. Development Standards.

1. Water and Sanitary System Requirements -attachment to public water and sanitary sewer facilities shall be mandatory for development in this District.

2. Minimum Lot Width and Frontage -each Lot or Integrated Center shall have a minimum Lot Width and Frontage on a Public Street of fifty (50) feet.

3. Yards and Setbacks.

i). Front -a minimum Front Yard and Building Setback measured from the Proposed Right of-Way shall be provided as follows:

Street Classification	Front Yard	Front Bufferyard
Limited Access Street:	Thirty (30) feet	Thirty (30) feet
Any other Street:	Ten (10) feet	Twenty (20) feet

In the case where a Proposed Right-of-Way line does not exist, as determined by the Transportation Plan, or where the existing Right-of-Way

is greater, the existing Right-of Way line shall be used for the setback measurement.

ii). Minimum Side and Rear Yard and Setback -shall be provided from the Lot Line as follows:

(a) Minimum Side Yard -zero (0) feet

(b) Minimum Side Bufferyard-twenty-five (25) feet

(c) Minimum Rear Yard -zero (0) feet

(d) Minimum Rear Bufferyard -twenty-five (25) feet

iii). Minimum Yards for Out Lots -Out Lots within an Integrated Center shall provide a Minimum Yard of five (5) feet along all Lot Lines in common with other Out Lots or with the main portion of the Integrated Center. If any portion of an Out Lot abuts the perimeter of the Integrated Center, that portion of the Out Lot shall be required to comply with the applicable Minimum Front, Side or Rear Yard requirements set forth above. The main portion of the Integrated Center shall not be required to provide a Minimum Yard along the Lot Line in common with an Out Lot.

4. Use of Minimum Yards and Bufferyards

Use of Minimum Yards and Bufferyards -all Minimum Yards and Bufferyards shall be landscaped with grass, trees, shrubbery, or hedge, or in combination with other suitable ground cover materials and shall remain free from structures except where expressly permitted below:

i). Minimum Front Yards and front Bufferyards -may include Driveways and shall be maintained as open space free from Buildings or Structures in compliance with the landscaping requirements set forth in **Section 3.12**;

ii). Minimum Side and Rear Bufferyards -shall be landscaped with grass and shrubbery, trees, or hedge, or in combination with other suitable ground cover materials and maintained in compliance with the landscaping requirements set forth in **Section 3.12**.

5. Maximum Building Height -Thirty-five (35) feet and not to exceed three (3) stories.

6. Maximum Gross Floor Area -No single use, whether free-standing or contained in an Integrated Center, shall exceed fifteen thousand (15.000) square feet of Gross Floor Area.

   No Integrated Center shall exceed thirty thousand (30,000) square feet of total Gross Floor Area.

7. Off-Street Parking -see **Section 3.8**.

8. Off-Street Loading -see **Section 3.9**

9. Signs -see **Article 6**.

10. Vision Clearance Areas -see **Section 121**

11. Landscaping and Screening Requirements -see **Section 3.12**

12. Outdoor Operations -All uses and operations (except Off-Street Parking, Off-Street Loading and delivery, walk-up customer service windows) shall be conducted completely within enclosed Buildings, except where expressly permitted below:

    i). Outdoor seating shall not be located between a Building Line and a Bufferyard.

    ii). Trash container(s) exceeding six (6) cubic feet shall:

        (a) be completely screened on all four (4) sides with a solid-walled or opaque fenced stall with gate not less than six (6) feet in height;

        (b) be located behind the established front Building line; and,

        (c) not be located within a required yard or Bufferyard.

C. Development Plan Approval Required.

   All Lots in a B-1 District shall be subject to the filing of a Development Plan for review and approval by the Plan Commission as set forth in **Article 4** of this Ordinance.

1. Architectural Design Requirements.

i). Design Theme

Buildings shall be designed to incorporate the salient features of and be consistent with or complementary to the Zionsville Theme, incorporating the architecture, design and overall aesthetic exterior character of a Building consistent with the Georgian. Federal, Greek revival or Victorian Architectural styles.

ii). Building Materials

(a) Exposed foundations shall be constructed of one (1) or more of the following:

i. Brick in a color historically consistent with the selected architectural style;

ii. Stone (limestone, granite, fieldstone, etc.); or,

iii. Architectural pre-case concrete, if surface looks like brick or stone.

(b) Facade walls shall be constructed of any combination of:

i. Stone;

ii. Clapboard siding;

iii. Brick in a color historically consistent with the selected architectural style;

iv. Beaded siding; or,

v. Dryvit.

In order to create variation and interest in the built environment, all new Buildings or Building additions shall use the exterior Building materials specified below. In addition, the exterior Building material selection shall be supplemented by the use of multiple colors, textures (e.g. rough, smooth, striated, etc.) or architectural elements, (quions, pilasters, soldier courses, friezes, cornices, dentils, etc.) on each facade. Two (2) or three (3) Building materials (excluding glass in windows or doors and roofing material) shall be utilized for all facades visible from a Street or Alley. The primary Building material shall be one of the following:

vi. brick;

vii. stone;

viii. clapboard; or,

ix. dryvit,

and shall constitute a minimum of sixty (60) percent of the available wall area (exclusive of window and doors) of each applicable facade.

iii). Roofs

(a) Pitched Roofs

Roofs shall be simply and symmetrically pitched and only in the configuration of gables and hips, with pitches ranging from 4:12 to 14:12.

Pitched roofs shall be clad in wood shingles, slate, composition asphalt shingle or standing-seam metal panels. Shingle or panel color shall be appropriate to the design of the Building.

(b) Shed Roofs

Shed roofs are permitted only when the ridge is attached to an exterior wall of a Building, with pitches ranging from 4:12 to 14:12.

(c) Flat roofs

Flat roofs are permitted when consistent with the selected style of architecture, if edged by a railing or parapet, and if rooftop mechanical equipment is either camouflaged on all sides or visually integrated into the overall design of the Building.

In no case shall rooftop mechanical equipment be visible from adjoining "R" Districts. All vents, attic ventilators, turbines, flues and other roof penetrations shall be painted to match the color of the roof, or painted flat black. Gutters and downspouts shall be appropriate to or visually integrated with the selected architectural style of the Structure.

Dormers, belvederes, cupolas and pergolas may be utilized as a design element, so long as they are designed with the details, proportions, style, and materials consistent with the selected architectural design of the Building.

iv). Entrances

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

v). Windows

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

vi). Storefronts

Storefronts shall be integrally designed with the overall facade character. Ground floor retail, service and restaurant uses may use large pane display windows, provided however, such windows shall not exceed seventy-five percent (75%) of the total ground level (first floor) facade area. Buildings with multiple storefronts shall be of unified design, through the use of common Building materials, architectural details, Signs and lighting consistent with the overall Building style. Each individual tenant shall have a primary entrance to the storefront from the exterior of the Building.

vii). Awnings, Canopies

In addition to the provisions of **Section 6.4. L.,** fixed or retractable Awnings or Canopies are permitted, provided: they complement the Building's architectural style, Building materials, colors, and details; do not conceal architectural features (such as cornices, columns, pilasters, or decorative details); do not impair facade composition; and are designed as

an integral part of the facade. Metal, plastic, or aluminum awnings are prohibited.

2. Lighting Requirements

Lighting of all Off-Street Parking Areas shall be a bronze "shoebox" style lighting. All exterior lighting, including wall pack lighting, shall be of Metal Halide.

i). Light standards and fixtures on a Lot, including free-standing light fixtures and those attached to Buildings, security lights, and architectural lights. shall be of consistent design and materials.

ii). Parking Lot lights shall be of uniform size, design and height.

iii). All free-standing lights shall be of either: a "down lighting" style with the light element completely shielded on all sides and the top; or be equipped with a refractor so as to direct light downward onto the Lot.

iv). Lighting shall not cause illumination beyond any Lot Line or onto any Right-of-Way, based upon the zoning District of the real estate on the opposite side of such Lot Line or Right-of-Way, in excess of;

(a) If Adjoining Business or Industrial Districts -one (1) foot candle.

(b) If Adjoining Open Land, Residential or Special Use Districts -one-half (0.5) foot candle.

v). Architectural or Sign lighting shall be so directed and shielded so that the light element is not visible from any point along an adjacent public Right-of-Way.

3. Building Orientation.

Rear Building facades shall not face a Public Street. No Loading Spaces shall be permitted to face a Street.

Section 2.21. Urban B-2: Urban General Business District

A. Intent -The B-2: General Business Districts are established to provide a location for higher volume and higher intensity commercial uses than the B-1 District. Activities in this District are often large space users located along a Primary Arterial Street.

B. Permitted Uses.

1. Primary Uses

i). Any Uses Permitted in the **B-1 District** (except Child Care Center

ii). Professional Services

(a) Print Shop;

(b) Veterinary Clinic/Hospital (indoor boarding and runs)

iii). Automobile Service

(a) Automobile Repair-minor;

(b) Automobile Parts sales (new);

(c) Automobile quick oil change facility;

(d) Car wash (automated and self);

(e) Gasoline Service Station;

(f) Painting and Customizing;

(g) Tire or Muffler Service Center

iv). Personal Service

(a) Hotel;

(b) Motel;

(c) Mortuary/Funeral Home;

v). Public Facilities

(a) Parking Garages

(b) Surface Parking Lots

vi). Clothing Service

(a) Costume Shop

(b) Tuxedo Rental

vii). Recreation

(a) Dancing, Aerobics, Gymnastics Studio

(b) Banquet Hall

(c) Billiard Room

(d) Bowling Alley;

(e) Lodge or Fraternal Organization

(f) Miniature Golf

(g) Night Club; (see **Section 2.12, B, 13**);

(h) Skating Rink-Ice or Roller (indoor);

(i) Tennis/Racquet Club (indoor);

(j) Theatre (indoor)

viii). Food Sales and Service

(a) Convenience Store (gasoline sales permitted) (see **Section 2.12, B, 13**);

(b) Restaurant (drive through service units permitted) (see **Section 2.12, B, 13**);

(c) Tavern/Bar (see **Section 2.12, B, 13**)

ix). Governmental Use

(a) Police or Fire Station;

(b) Post Office;

x). Retail

(a) Department Store;

(b) Home Improvement Store

(c) Liquor Store (see **Section 2.12, B, 13**)

(d) Paint/Wall Covering/Floor; Covering Store;

(e) Radio, Television, Electronics;

(f) Sales or Service;

(g) Sporting Goods Store

(h) Tobacco Store

xi). Miscellaneous

(a) Bus Station;

(b) Hospital;

(c) Rehabilitation Center;

(d) Repair of Electronics;

2. Special Exception Uses

i). Communication/Utilities

(a) Public Utility Substation;

ii). Retail

(a) Lumber Yard;

(b) Satellite Dish Sales or Service

iii). Recreation

iv). Public Facilities

(a) Neighborhood Recycling Collection Point

3. Accessory Uses -See **Section 3.1**.

4. Temporary Uses -See **Section 3.2**.

C. Development Standards.

1. Water and Sanitary System Requirements -attachment to public water and sanitary sewer facilities shall be mandatory for development in this District.

2. Minimum Lot Width and Frontage -each Lot or Integrated Center shall have a minimum Lot Width and Frontage on a Public Street of fifty (50) feet.

3. Yards and Setbacks.

   i). Front -a minimum Front Yard and Building Setback measured from the Proposed Right-of-Way shall be provided as follows:

Street Classification	Front Yard Front	Front Bufferyard
Limited Access Street:	Thirty (30) feet	Thirty (30) feet
Any other Street:	Ten (10) feet	Thirty (30) feet

   In the case where a Proposed Right-of-Way line does not exist, as determined by the Transportation Plan, or where the existing Right-of-Way is greater, the existing Right-of-Way line shall be used for the setback measurement.

   ii). Minimum Side and Rear Yard and Setback -shall be provided from the Lot Line as follows:

   (a) Minimum Side Yard -zero (0) feet

   (b) Minimum Side Bufferyard -thirty (30) feet

   (c) Minimum Rear Yard -zero (0) feet

   (d) Minimum Rear Bufferyard-thirty (30) feet

   iii). Minimum Yards for Out Lots -Out Lots within an Integrated Center shall provide a Minimum Yard of five (5) feet along all Lot Lines in common with other Out Lots or with the main portion of the Integrated Center. If any portion of an Out Lot abuts the perimeter of the Integrated Center, that portion of the Out Lot shall be required to comply with the applicable Minimum Front, Side or Rear Yard requirements set forth above. The main portion of the Integrated Center shall not be required to provide a Minimum Yard along the Lot Line in common with an Out Lot.

4. Use of Minimum Yards and Bufferyards

Use of Minimum Yards and Bufferyards -all Minimum Yards and Bufferyards shall be landscaped with grass, trees, shrubbery, or hedge, or in combination with other suitable ground cover materials and shall remain free from structures except where expressly permitted below:

i). Minimum Front Yards and Bufferyards -may include Driveways and shall be maintained as open space free from Buildings or Structures in compliance with the landscaping requirements set forth in **Section 3.12**;

ii). Minimum Side and Rear Bufferyards -shall be landscaped with grass and shrubbery, trees, or hedge, or in combination with other suitable ground cover materials and maintained in compliance with the landscaping requirements set forth in **Section 3.12**.

5. Maximum Building Height -Forty-five (45) feet.

6. Off-Street Parking -see **Section 3.8**.

7. Off-Street Loading -see **Section 3.9**

8. Requirements for Drive-Through, Off-Street Stacking Spaces -see **Section 3.10**

9. Signs -see **Article 6**.

10. Vision Clearance Areas -see **Section 1.21**

11. Landscaping and Screening Requirements -see **Section 3.12**

12. Outdoor Operations -All uses and operations (except Off-Street Parking, Off-Street Loading and delivery, walk-up, or drive-through customer service windows) shall be conducted completely within enclosed Buildings, except where expressly permitted below:

i). Outdoor seating shall not be located between a Building Line and a Bufferyard.

ii). Trash container(s) exceeding thirty-six (36) cubic feet shall:

(a) be completely screened on all four (4) sides with a solid-walled or opaque fenced enclosure with gate not less than six (6) feet or greater than eight (8) feet in height above Grade;

(b) be located behind the established front Building line; and,

(c) not be located within a required yard or Bufferyard yard.

13. Separation from "R" Districts -Taverns, package liquor stores, night clubs, convenience stores, fast-food or drive-through restaurants shall not be located within one hundred (100) feet, measured in any direction, of an "R" District. The measurement shall be taken from the exterior of the Building (or the tenant bay of the establishment if the use is an Integrated Center), to the zoning boundary of the "R" District.

14. Maximum Gross Floor Area No single use, whether free-standing or contained in an Integrated Center, shall exceed sixty thousand (60,000) square feet of Gross Floor Area.

    No Integrated Center shall exceed one hundred twenty-five thousand (125,000) square feet of total Gross Floor Area.

D. Development Plan Approval Required.

All Lots in a B-2 District shall be subject to the filing of a Development Plan for review and approval by the Plan Commission as set forth in **Article 4** of this Ordinance.

1. Architectural Design Requirements.

i). Design Theme

Buildings shall be designed to incorporate the salient features of and be consistent with or complementary to the Zionsville Theme, incorporating the architecture, design and overall aesthetic exterior character of a Building consistent with the Georgian, Federal, Greek Revival, or Victorian Architectural styles.

2. Building Materials

i). Exposed foundations shall be constructed of one (l) or more of the following:

(a) Brick in a color historically consistent with the selected architectural style;

(b) Stone (limestone, granite, fieldstone, etc.);

(c) Architectural pre-case concrete, if surface looks like brick or stone.

ii). Facade walls shall be constructed of any combination of:

(a) Stone;

(b) Clapboard siding;

(c) Brick in a color historically consistent with the selected architectural style;

(d) beaded siding; or,

(e) Dryvit.

In order to create variation and interest in the built environment, all new Buildings or Building additions shall use the exterior Building materials specified below. In addition, the exterior Building material selection sha11 be supplemented by the use of multiple colors, textures (e.g. rough, smooth, striated, etc.) or architectural elements, (quions, pilasters, soldier courses, friezes, cornices, dentils, etc.) on each facade. Two (2) or three (3) Building materials (excluding glass in windows or doors and roofing material) shall be utilized for all facades visible from a Street or Alley. The primary Building material shall be one of the following:

i. brick;

ii. stone;

iii. clapboard; or,

iv. dryvit

and shall constitute a minimum of sixty (60) percent of the available wall area (exclusive of window and doors) of each applicable facade.

3. Roofs

i). Pitched Roofs

Roofs shall be simply and symmetrically pitched and only in the configuration of gables and hips, with pitches ranging from 4:12 to 14:12.

Pitched roofs shall be clad in wood shingles, slate, composition asphalt shingle or standing-seam metal panels. Shingle or panel color shall be appropriate to the design of the Building.

ii). Shed Roofs

Shed roofs are permitted only when the ridge is attached to an exterior wall of a Building, with pitches ranging from 4:12 to 14-12.

iii). Flat roofs

Flat roofs are permitted when consistent with the selected style of architecture, if edged by a railing or parapet, and if rooftop mechanical equipment is either camouflaged on all sides or visually integrated into the overall design of the Building. In no case shall rooftop mechanical equipment be visible from adjoining "R" Districts. All vents, attic ventilators, turbines, flues and other roof penetrations shall be painted to match the color of the roof, or painted flat black. Gutters and downspouts shall be appropriate to or visually integrated with the selected architectural style of the Structure.

Dormers, belvederes, cupolas and pergolas may be utilized as a design element, so long as they are designed with the details, proportions, style, and materials consistent with the selected architectural design of the Building.

4. Entrances

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

5. Windows

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

6. Storefronts

   Storefronts shall be integrally designed with the overall facade character. Ground floor retail, service and restaurant uses may use large pane display windows, provided, however, such windows shall not exceed seventy-five percent (75%) of the total ground level (first floor) facade area. Buildings with multiple storefronts shall be of unified design, through the use of common Building materials, architectural details, Signs and lighting consistent with the overall Building style. Each individual tenant shall have a primary entrance to the storefront from the exterior of the Building.

7. Awnings, Canopies

   In addition to the provisions of **Section 6.4, L**., fixed or retractable Awnings or Canopies are permitted, provided: they complement the Building's architectural style, Building materials, colors, and details; do not conceal architectural features (such as cornices, columns, pilasters, or decorative details); do not impair facade composition; and are designed as an integral part of the facade. Metal, plastic, or aluminum awnings are prohibited.

E. Lighting Requirements

   Lighting of all Off-Street Parking Areas shall be a "shoebox" style lighting. All exterior lighting, including wall pack lighting. shall be of Metal Halide.

1. Light standards and fixtures on a Lot, including free-standing light fixtures and those attached to Buildings. security lights, and architectural lights, shall be of consistent design and materials.

2. Parking Lot lights shall be of uniform size, design and height.

3. All free-standing lights shall be of either: a "down lighting" style with the light element completely shielded on all sides and the top; or be equipped with a refractor so as to direct light downward onto the Lot.

4. Lighting shall not cause illumination beyond any Lot Line or onto any Right-of-Way, based upon the zoning District of the real estate on the opposite side of such Lot Line or Right-of-Way, in excess of:

   i). If Adjoining Business or Industrial Districts -one (1) foot candle.

   ii). If Adjoining Open Land, Residential or Special Use Districts -one-half (0.5) foot candle.

5. Architectural or Sign lighting shall be so directed and shielded so that the light element is not visible from any point along an adjacent public Right-of-Way.

F. Building Orientation.

Rear Building facades shall not face a Public Street. No Loading Spaces shall be permitted to face a Street.

Section 2.22. Urban B-3: Urban Outdoor Business

Intent -The B-3: Outdoor Business Districts are established to provide areas for those retail sales and service establishments which are characterized by outdoor display or sales of merchandise (automobile sales or rental), outdoor activities (commercial recreational enterprises), or those uses requiring extensive land areas (lumber yards, "big box" retail establishments). These types of uses tend to draw customers from a regional, rather than local, area. This District should be located on a Primary Arterial Street or similar heavy commercial thoroughfare and should avoid being located adjacent to "R" Districts.

A. Permitted Uses.

1. Primary Uses

i). Any Use Permitted in the **B-2 District**

ii). Professional Services

(a) Veterinary Clinic/Hospital (indoor or outdoor boarding or runs)

iii). Automotive

(a) Automobile, Truck or Bus Sales or Service;

(b) Automobile, Truck or Bus Rental;

(c) Automobile Repair-major;

(d) Automobile parts sales (new or used)

(e) RV and Camper Sales or Service;

(f) Auto Service Center;

(g) Boat Sales

iv). Recreation

(a) Indoor or Outdoor Commercial

(b) Recreational Enterprise, including, Miniature Golf, Skating Rink-Ice or Roller

(c) Tennis/Racquet Club,

(d) Theatre

v). Food and Sales Service

(a) Farmers Market;

(b) Roadside Food Sales Stand

vi). Retail

(a) Lumber Yard;

(b) Satellite Dish Sales or Service

vii). Miscellaneous

(a) Self-Storage (Mini-) Warehouses;

(b) Tool or Equipment Rental

2. Special Exception Uses

i). Communication/Utilities

(a) Public Utility Substation;

(b) Public Wells

ii). Miscellaneous

(a) Contractor, any type;

(b) Manufactured Home Sales

iii). Recreation

(a) Arcade

iv). Public Facilities

(a) Neighborhood Recycling Collection Point

3. Accessory Uses - See **Section 3.1**.

4. Temporary Uses - See **Section 3.2**.

B. Development Standards

1. Water and Sanitary System Requirements - attachments to public water and sanitary sewer facilities shall be mandatory for development in this District.

2. Minimum Lot Width and Frontage - each Lot or Integrated Center shall have a minimum Lot Width and Frontage on a Public Street if fifty (50) feet.

3. Yards and Setbacks.

i). Front -a minimum Front Yard and Building Setback measured from the Proposed Right-of-Way shall be provided as follows:

Street Classification	Front Yard Front	Bufferyard
Limited Access Street:	Thirty (30) feet	Thirty (30) feet
Any other Street:	Ten (10) feet	Thirty (30) feet

In the case where a Proposed Right-of-Way line does not exist, as determined by the Transportation Plan, or where the existing Right-of-Way is greater, the existing Right-of--Way line shall be used for the setback measurement.

ii). Minimum Side and Rear Yard and Setback -shall be provided from the Lot Line as follows:

(a) Minimum Side Yard -zero (0) feet

(b) Minimum Side Bufferyard -forty (40) feet

(c) Minimum Rear Yard -zero (0) feet

(d) Minimum Rear Bufferyard -forty (40) feet

iii). Minimum Yards for Out Lots -Out Lots within an Integrated Center shall provide a Minimum Yard of five (5) feet along all Lot Lines in common with other Out Lots or with the main portion of the Integrated Center. If any portion of an Out Lot abuts the perimeter of the Integrated Center, that portion of the Out Lot shall be required to comply with the applicable Minimum Front, Side or Rear Yard requirements set forth above. The main portion of the Integrated Center shall not be required to provide a Minimum Yard along the Lot Line in common with an Out Lot.

4. Use of Minimum Yards and Bufferyards

Use of Minimum Yards and Bufferyards -all Minimum Yards and front Bufferyards shall be landscaped with grass, trees, shrubbery, or hedge, or in combination with other suitable ground cover materials and shall remain free from structures except where expressly permitted below:

i). Minimum Front Yards and Bufferyards -may include Driveways and shall be maintained as open space free from Buildings or Structures in compliance with the requirements set forth in **Section 3.12**;

ii). Minimum Side and Rear Bufferyards -shall be landscaped with grass and shrubbery, trees, or hedge, or in combination with other suitable ground cover materials and maintained in compliance with the requirements set forth in **Section 3.12**.

5. Maximum Building Height -Forty-five (45) feet.

6. Off-Street Parking -see **Section 3.8**.

7. Off-Street Loading -see **Section 3.9**.

8. Requirements for Drive-Through, Off-Street Stacking Spaces -see **Section 3.10**

9. Signs -see **Article 6**.

10. Vision Clearance Areas -see **Section 1.21**.

11. Landscaping and Screening Requirements -see **Section 3.12**.

12. Outdoor Operations -All uses and operations (except Off-Street Parking, Off-Street Loading. and delivery, walk-up customer service windows) shall be conducted completely within enclosed Buildings, except where expressly permitted below:

i). Outdoor display and sales areas shall:

(a) not be located between a Building Line and a Bufferyard;

(b) not be located in any minimum Yard or Bufferyard, off-street Parking Area, or off street Loading Area;

(c) be of concrete, asphaltic pavement, brick, flagstone or comparable material maintained in good condition;

(d) be provided with bumper or wheel guards along the perimeter of any vehicular display area; and,

(e) not interfere with walks, Parking Areas, Loading Areas, Driveways, Interior Access Driveways, or Interior Access Drives.

ii). Trash container(s) exceeding thirty-six (36) cubic feet shall;

(a) be completely screened on all four (4) sides with a solid-walled or opaque fenced enclosure with gate not less than six (6) feet or greater than eight (8) feet in height above Grade;

(b) be located behind the established front Building line; and,

(c) not be located within a required yard or Bufferyard.

iii). Separation from "R" Districts -Taverns, package liquor stores, night clubs, convenience stores, fast-food or drive-through restaurants shall not be located within one hundred (l00) feet, measured in any direction, of an "R" District. The measurement shall be taken from the exterior of the Building (or the tenant bay of the establishment if the use is an Integrated Center), to the zoning boundary of the "R" District.

iv). Maximum Gross Floor Area-No Single use, whether free-standing or contained in an Integrated Center, shall exceed sixty thousand (60,000) square feet of Gross Floor Area.

No Integrated Center shall exceed one hundred twenty-five thousand (125,000) square feet of total Gross Floor area.

C. Development Plan Approval Required.

All Lots in a B-3 District shall be subject to the filing of a Development Plan for review and approval by the Plan Commission as set forth in **Article 4** of this Ordinance.

1. Architectural Design Requirements.

i). Design Theme

Buildings shall be designed to incorporate the salient features of and be consistent with or complementary to the Zionsville Theme, incorporating the architecture, design and overall aesthetic exterior character of a Building consistent with the Georgian, Federal, Greek Revival, or Victorian Architectural styles.

ii). Building Materials

(a) Exposed foundations shall be constructed of one (I) or more of the following:

i. Brick in a color historically consistent with the selected architectural style;

ii. Stone (limestone, granite, fieldstone, etc.);

iii. Architectural pre-case concrete, if surface looks like brick or stone.

(b) Facade walls shall be constructed of any combination of:

i. Stone;

ii. Clapboard siding;

iii. Brick in a color historically consistent with the selected architectural style;

iv. Beaded siding; or,

v. Dryvit.

In order to create variation and interest in the built environment, all new Buildings or Building additions shall use the exterior Building materials specified below. In addition, the exterior Building material selection shall be supplemented by the use of multiple colors, textures (e.g. rough, smooth, striated, etc.) or architectural elements, (quions, pilasters, soldier courses, friezes, cornices, dentils, etc.) on each facade. Two (2) or three (3) Building materials (excluding glass in windows or doors and roofing material) shall be utilized for all facades visible from a Street or Alley. The primary Building material shall be one of the following:

vi. brick;

vii. stone;

viii. clapboard; or,

ix. dryvit,

and shall constitute a minimum of sixty (60) percent of the available wall area (exclusive of window and doors) of each applicable facade.

iii). Roofs

(a) Pitched Roofs

Roofs shall be simply and symmetrically pitched and only in configuration of gables and hips, with pitches ranging from 4:12 to 14:12.

Pitched roofs shall be clad in wood shingles, slate, composition asphalt shingle or standing-seam metal panels. Shingle or panel color shall be appropriate to the design of the Building.

(b) Shed Roofs

Shed roofs are permitted only when the ridge is attached to an exterior wall of a Building, with pitches ranging from 4:12 to 14:12.

(c) Flat Roofs

Flat roofs are permitted when consistent' with the selected style of architecture, if edged by a railing or parapet, and if rooftop mechanical equipment is either camouflaged on all sides or visually integrated into the overall design of the Building.

In no case shall rooftop mechanical equipment be visible from adjoining "R" Districts. All vents, attic ventilators, turbines, flues and other roof penetrations shall be painted to match the color of the roof, or painted flat black. Gutters and downspouts shall be appropriate to or visually integrated with the selected architectural style of the Structure.

Dormers, belvederes, cupolas and pergolas may be utilized as a design element, so long as they are designed with the details, proportions, style, and materials consistent with the selected architectural design of the Building.

iv). Entrances

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

v). Windows

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

vi). Storefronts

Storefronts shall be integrally designed with the overall facade character. Ground floor retail, service and restaurant uses may use large pane display windows, provided, however, such windows shall not exceed seventy-five percent (75%) of the total ground level (first floor) facade area. Buildings with multiple storefronts shall be of unified design, through the use of common Building materials, architectural details, Signs and lighting consistent with the overall Building style. Each individual tenant shall have a primary entrance to the storefront from the exterior of the Building.

vii). Awnings, Canopies

In addition to the provisions of **Section 6.4, L.,** fixed or retractable Awnings or Canopies are permitted, provided- they complement the Building's architectural style, Building materials, colors, and details; do not conceal architectural features (such as cornices, columns, pilasters, or decorative details); do not impair facade composition; and are designed as an integral part of the facade. Metal, plastic, or aluminum awnings are prohibited.

2. Lighting Requirements

i). Lighting of all Off-Street Parking Areas shall be a "shoebox" style lighting. All exterior lighting, including wall pack lighting, shall be of Metal Halide.

Light standards and fixtures on a Lot, including free-standing light Fixtures and those attached to Buildings, security lights, and architectural lights, shall be of consistent design and materials.

ii). Parking Lot lights shall be of uniform size, design and height.

iii). All free-standing lights shall be of either: a "down lighting" style with the light element completely shielded on all sides and the top; or be equipped with a refractor so as to direct light downward onto the Lot.

iv). Lighting shall not cause illumination beyond any Lot Line or onto any Right-of-Way, based upon the zoning District of the real estate on the opposite side of such Lot Line or Right-of-Way, in excess of:

(a) If Adjoining Business or Industrial Districts -one (1) foot candle.

(b) If Adjoining Open Land, Residential or Special Use Districts -one-half(O.5) foot candle.

v). Architectural or Sign lighting shall be so directed and shielded so that the light element is not visible from any point along an adjacent public Right-of-Way.

3. Building Orientation.

Rear Building facades shall not face a Public Street. No Loading Spaces shall be permitted to face a Street.

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Section 2.23. Urban VBD: Urban Village Business

Intent -The VBD (Village Business) District is composed of the downtown business center. The regulations are intended to: (i) be compatible with, and strengthen the existing character of the historic downtown and its unique Main Street area; and, (ii) promote a concentrated business area which maximizes the use of properties, encourages pedestrian activity, and discourages interruptions in the continuity of business frontages.

A. Permitted Uses.

1. Primary Uses Drive-Through Service Units shall not be permitted for any uses noted below.

i). Automotive

(a) Automobile Sales -Minor

ii). Retail Food Sales and Service

(a) Bakery;

(b) Neighborhood Market (no gasoline sales);

(c) Dairy Bar / Ice Cream Store / Yogurt Store (retail sales);

(d) Delicatessen;

(e) Farmers Market;

(f) Grocery;

(g) Meat Market;

(h) Restaurant

iii). Residential

(a) Dwelling Units (upper level)

iv). Clothing Service

(a) Costume Rental

(b) Dressmaking

(c) Dry Cleaning and Laundry Establishment

(d) Millinery Shop (Fabric Shop)

(e) Shoe Repair Shop

(f) Tailor and Pressing Shop

v). Retail

(a) Antique Shop

(b) Apparel Shop

(c) Appliance Store

(d) Art Gallery

(e) Art and Craft Store

(f) Bicycle Sales

(g) Camera Store

(h) Card Shop

(i) Clock Shop

(j) Coin & Stamp Shop

(k) Computer Store

(l) Department Store

(m) Drug Store

(n) Fabric Store

(o) Flower Shop

(p) Floor Coverings

(q) Frame Shop

(r) Furniture Store

(s) Gift Shop

(t) Hardware Store

(u) Hobby, Toy, or Game Shop

(v) Home Improvement Store

(w) Jewelry Store

(x) Music Shop

(y) News dealer

(z) Paint/Wall Cover Store

(aa) Pet Store

(bb) Shoe Store

(cc) Supporting Goods Store

(dd) Stationary and Book Store

(ee) Tobacco Store

(ff) Variety Store

(gg) Video Tape Rental or Sales

vi). Office/Professional Services

(a) Architect

(b) Artist

(c) Bank Machines/Automated Teller Machines (ATMS) (freestanding units not permitted)

(d) Bank/Savings & Loan/ Credit Union

(e) Consultant

(f) Dentist or Physician

(g) Design Services

(h) Engineer

(i) Insurance Agent

(j) Lawyer

(k) Musician

(l) Pharmacist

(m) Photographic Studio

(n) Professional Offices

(o) Real Estate Office

(p) Service Organization Office

(q) Travel Agency

vii). Personal Service

(a) Barbershop

(b) Beauty Shop

(c) Locksmith

(d) Tanning Salon

2. Special Exception Uses

i). (Government Use

(a) Governmental Offices

(b) Post Office (without Storage of Delivery Vehicles)

ii). Recreation

(a) Dancing. Aerobics, Gymnastics Studio

(b) Lodge or Fraternal Organization

(c) Social Hall

iii). Public Facilities

(a) Community Center

(b) Museum

(c) Park

(d) Parking Garage

(e) Commercial parking lot (surface)

(f) Religious Use

iv). Miscellaneous

(a) Print Shop

(b) Drive-Through Service Unit

(c) Outdoor seating for restaurants, subject to the provisions of **Section 2.14, B., 9**,

(d) Outdoor display of Merchandise, subject to the provisions of **Section 2.14, B., 9**,

v). Retail

(a) Garden Supply

(b) Pet Shop

vi). Personal Service

(a) Bed & Breakfast

(b) Health Spa or Fitness Center

vii). Liquor Sales and Service

(a) Liquor Store

(b) Tavern/Bar

3. Accessory Uses -See **Section 3.1**.

4. Temporary Uses -See **Section 3.2**.

B. Development Standards.

1. Water and Sanitary System Requirements -attachment to public water and sanitary sewer facilities shall be mandatory for development in this District.

2. Minimum Lot Width and Frontage -each Lot shall have a minimum Lot Width and Frontage on a Public Street of forty (40) feet and gain Access from said Public Street or abutting Alley.

3. Maximum Lot Coverage -One hundred percent (100%) of the Lot Area.

4. Maximum Gross Floor Area -No single use, whether free-standing or contained in an Integrated Center, shall exceed five thousand (5,000) square feet of Floor Area on the ground floor.

5. No Integrated Center shall exceed fifteen thousand (15,000) square feet of Floor Area on the ground floor.

6. Yards and Setbacks

   i). Minimum Front Yard for any Building or Structure (except surface Parking) shall be zero (0) feet.

   ii). Exceptions:

      (a) In any Block Face in this District in which an existing Front Yard Setback of greater than zero (0) feet is established by existing, legally established Buildings or Structures on more than fifty percent (50%) of the total number of Lots within the same Block Face fronting on the same Public Street, the required Front Yard Setback for any new Building, Structure or addition along such Block Face shall be the average of such established Front Yards. In the case of a new Building or Structure, the Lot on which the Building or Structure is to be erected shall not be included in the calculation of the average of the established Front Yards for the Block Face.

      (b) Minimum Front Yards required for surface Parking Lots.

   iii). Primary Use.

      Depth of yard -six (6) feet, measured from and paralleling the Right-of-Way. Except where interrupted by a Driveway, all minimum Front Yards shall be free from Buildings or Structures, landscaped with grass or other suitable ground cover materials and shall include the following: Landscaping -one (1) deciduous shade tree, ornamental tree, or evergreen tree planted for every thirty (30) feet of Frontage along the required Front Yard. The Minimum size of trees to be planted shall be as required in **Table 3.12-C**.

   iv). Accessory Use.

      Parking Lots shall not be permitted between a Front Building Line and a Front Lot Line.

7. Awnings and Canopies may encroach over the sidewalk onto Public Right-of-Way, provided:

i). Awnings:

When the width of all Awning along the direction of a particular Building facade is ten (10) feet or less, the horizontal projection of such Awnings shall not exceed six (6) feet from the facade of any supporting Building (See Diagram 1). The vertical distance from the top to the bottom of such Awnings shall not exceed six (6) feet, including any valance (See Diagram 1).

When the width of all Awnings along the direction of a particular Building facade exceed ten (10) feet, the horizontal projection of such Awnings shall not exceed four (4) feet from the facade of any supporting Building (See Diagram 1). The vertical distance from the top to the bottom of such Awnings shall not exceed four (4) feet, including any valance (See Diagram 1).

The horizontal projection of any Awning may extend to a point not closer than two (2) feet from any Street curb, pavement edge, or edge of an Interior Access Drive.

ii). Canopies

(a) The maximum width of any Canopy shall be ten feet (See **Diagram 2**).

(b) The horizontal projection of any Canopy may extend to a point not closer than two (2) feet from any Street curb, pavement edge, or edge of an Interior Access Drive (See **Diagram 2**).

(c) The outer column support shall be located in the outer one third (1/3) of the walk area (See **Diagram 2**).

(d) In no case shall the minimum distance between the entry and the column support be less than four (4) feet.

(e) The vertical distance from the top to the bottom of the Canopy shall not exceed an average of four (4) feet, including any valance. the highest point of the Canopy shall not be higher than four (4) feet above the door opening or sixteen (16) feet.

(f) Canopies shall not be spaced closer than twenty (20) feet from each other, measured from center line to center line (See Diagram 2).

(g) Minimum Clearance, Awnings and Canopies Height above finished Grade: All potions of any Awning or Canopy, excluding the column supports for a Canopy, shall be not less than nine (9) feet above the finished Grade (See Diagram 2). An Awning or Canopy valance shall be not less than eight (8) feet above the finished Grade. (See also **Section 6.5, On-Premise Signs: VBD Village Business District**)

8. Minimum Side and Rear Yard and Setback -shall be from the Lot Line as follows: Minimum Side Yard -zero (0) feet,

i). Minimum Side Bufferyard -ten (10) feet,

ii). Minimum Rear Yard -zero (0) feet,

iii). Minimum Rear Bufferyard -ten (10) feet,

measured from and paralleling the Lot Line, shall be provided along such Side or Rear Lot Line. Except where interrupted by a Driveway, all minimum Bufferyards shall be free from Buildings or Structures, landscaped with grass or other suitable ground cover materials in compliance with **Section 3.12** of this Ordinance.

9. Building Height:

i). Primary Structure:

(a) Minimum Height -twenty-two (22) feet,

(b) Maximum Height -thirty-five (35) feet and not over three (3) stories. However, in no case shall the height of a Primary Structure exceed the average Building Height established by existing, legally established Buildings or Structures within the same Block Face fronting the same Public Street. In the case of a new Building or Structure, the lot on which the Building or Structure is to be erected shall not be inc1uded in the calculation of the average of the established Buildings or Structures for the Block Face.

ii). Accessory Structure: twenty-two (22) feet.

iii). In the Village Business District, maximum Building Height shall be the vertical distance measured from finished Grade to the highest point of the Building, including parapets, towers, chimneys or any other ancillary Structure or embellishment.

10. Off-Street Parking -The total number of Off-Street Parking Spaces required for any use the VBD District, calculated per the provisions of **Section 3.8**, shall be reduced by fifty 50) percent.

11. Off-Street Loading -see **Section 3.9**.

12. Signs -See **Article 6**.

13. Vision Clearance Areas -The provisions of **Section 1.21** shall not apply to the VBD District.

14. Outdoor Operations -Except for the following uses which may be conducted outdoors, all uses and operations in the VBD District shall be conducted completely within enclosed Buildings:

i). Off-Street Parking, Off-Street Loading and delivery;

ii). Walk-up customer service windows or Automated. Teller Machines (ATMs), provided they are not free standing and are set flush with the facade of the Building.

iii). Trash container(s) exceeding thirty-six (36) cubic feet shall:

(a) be completely screened on all four (4) sides with a solid-walled or opaque fenced. enclosure with gate not less than six (6) feet, nor greater than eight (8) feet in height above Grade;

(b) be located behind the established front Building line; and,

(c) not be located within a required yard or Bufferyard.

iv). Outdoor seating for restaurants or outdoor display of merchandise may be conducted only upon the grant of a Special Exception by the Board of Zoning Appeals, and subject to the following regulations:

(a) shall not reduce the effective sidewalk width measured from the back the curb, to less than five (5) feet;

(b) shall be located against the Building facade;

(c) shall not block access points to the business or the Building;

(d) shall be permitted only along the business tenant bay or storefront facade;

(e) shall be permitted only during the hours of operation of the business and shall be removed at the close of each business day; and,

(f) shall require an encroachment permit from the Building Commissioner.

C. Development Plan Required.

All Lots located in the VBD District shall be subject to the filing of a Development Plan for review and approval by the Plan Commission, as set forth in **Article 4** of this Ordinance. In review of a Development Plan, the Plan Commission shall base its review on compliance with the following requirements:

1. Architectural Design Requirements.

i). Design Theme

Buildings shall be designed to incorporate the salient features of and be consistent with or complementary to the Zionsville Theme, incorporating the architecture, design and overall aesthetic exterior character of a Building consistent with the Georgian, Federal, Greek Revival, or Victorian Architectural styles.

ii). Building Materials

(a) Exposed foundations shall be constructed of one (1) or more of the following:

Brick in a color historically consistent with the selected architectural style;

Stone (limestone, granite, fieldstone, etc.); or,

Architectural concrete, if surface looks like brick or stone.

(b) Facade walls shall be constructed of any combination of:

i. Stone;

ii. Wood clapboard siding;

iii. Brick in a color historically consistent with the selected architectural style; or,

iv. Wood beaded siding.

In order to create variation and interest in the built environment, all new Buildings or Building additions shall use the exterior Building materials specified below. In addition, the exterior Building material selection shall be supplemented the use of multiple colors, textures (e.g. rough, smooth, striated, etc.) or architectural elements, (quions, pilasters, soldier courses, friezes, cornices, dentils, etc.) on each facade. Two (2) or three (3) Building materials (excluding glass in windows or doors and roofing material) shall be utilized for all facades visible from a Street or Alley. The primary Building material shall be one of the four options noted in (2) above and shall constitute a minimum of sixty (60) percent of the available wall area (exclusive of window and doors) of each applicable facade.

iii). Roofs

(a) Pitched Roofs

Roofs shall be simply and symmetrically pitched and only in the configuration of gables and hips, with pitches ranging from 4:12 to 14:12. Pitched roofs shall be clad in wood shingles, slate, and composition asphalt shingle or standing-seam metal panels. Shingle or panel color shall be appropriate to the design of the Building.

(b) Shed Roofs

Shed roofs are permitted only when the ridge is attached to an exterior wall of a Building, with pitches ranging from 4: 12 to 14:12.

(c) Flat roofs

Flat roofs are permitted when consistent with the selected style of architecture. if edged by a railing or parapet, and if rooftop mechanical equipment is either camouflaged on all sides or visually integrated into the overall design of the Building.

In no case shall rooftop mechanical equipment be visible from adjoining "R" Districts.

All vents, attic ventilators, turbines, flues and other roof penetrations shall be painted to match the color of the roof, or painted flat black. Gutters and downspouts shall be appropriate to or visually integrated with the selected architectural style of the Structure.

Dormers, belvederes, cupolas and pergolas may be utilized as a design element, so long as they are designed with the details, proportions, style, and materials consistent with the selected architectural design of the Building.

(d) Entrances

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

(e) Windows

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

(f) Storefronts

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

(g) Awnings, Canopies

In addition to the provisions of **Section 2.14, B,S .,a.**,(3), fixed or retractable Awnings or Canopies are permitted, provided: they complement the Building's architectural style, Building materials, colors, and details; do not conceal architectural features (such as cornices, columns, pilasters, or decorative details); do not impair facade composition; and are designed as an integral part of the facade. Metal, plastic, or aluminum Awnings or Canopies are prohibited.

iv). Lighting Requirements

Lighting of all Off-Street Parking Areas shall be a bronze "shoebox" style lighting. An exterior lighting, including wall pack lighting, shall be of Metal Halide.

(a) Light standards and fixtures on a Lot, including free-standing light fixtures and those attached to Buildings, security lights, and architectural lights, shall be of consistent design and materials.

(b) Parking Lot lights shall be of uniform size, design and height.

(c) All free-standing lights shall be of either: a "down lighting" style with the tight element completely shielded on all sides and the top; or be equipped with a Refractor so as to direct light downward onto the Lot.

(d) Lighting shall not cause illumination beyond any Lot Line or onto any Right-of-Way based upon the zoning District of the real estate on the opposite side of such Lot Line or Right-of-Way, in excess of:

If Adjoining Business or Industrial Districts - one (1) foot candle

If Adjoining Open Land, Residential or Special Use Districts - one-half (0.5) foot candle.

(e) Architectural or Sign lighting shall be so directed and shielded sp that the light element is not visible from any point along an adjacent public Right-of-Way.

Figure 3: Awning Requirements

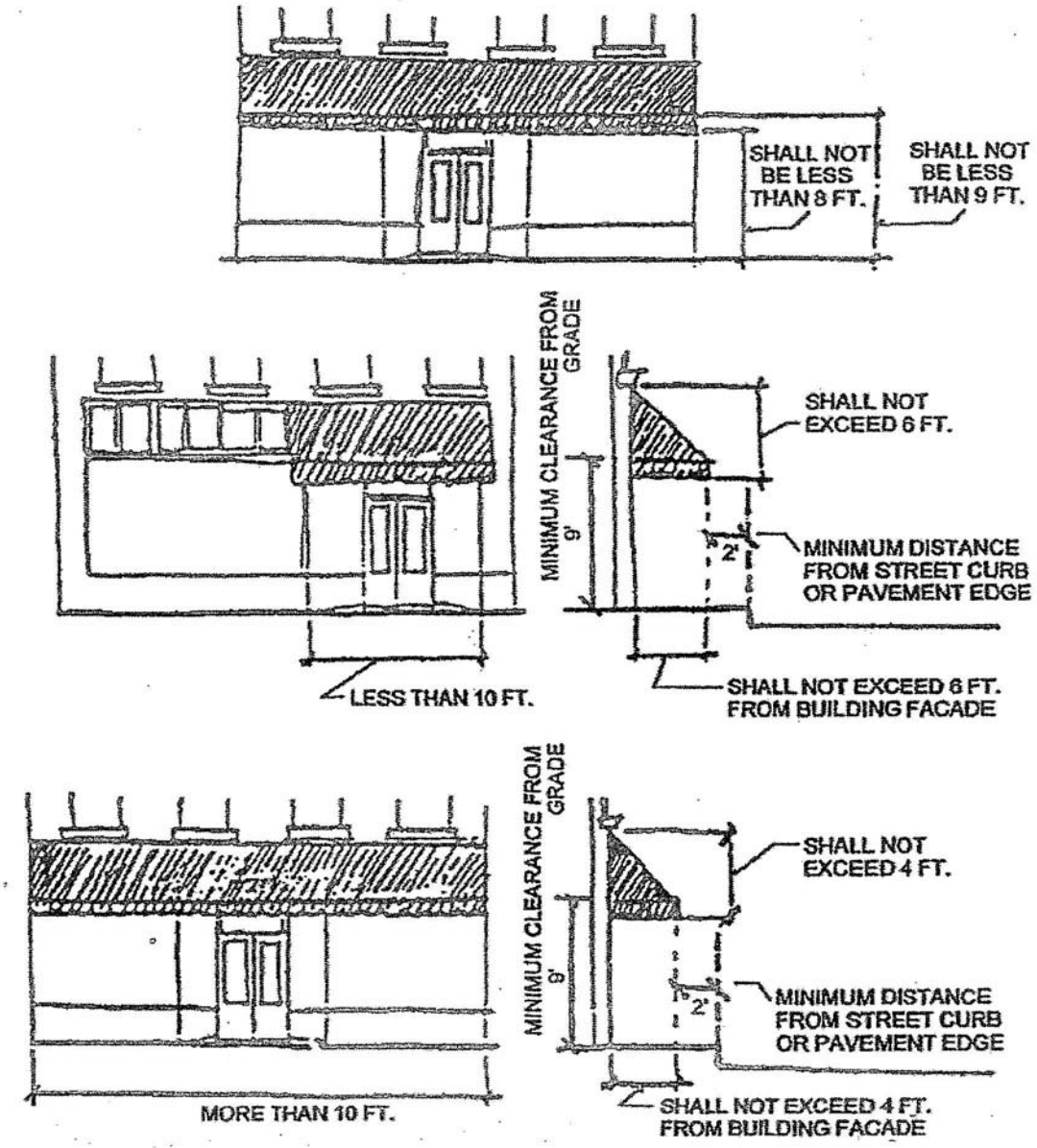
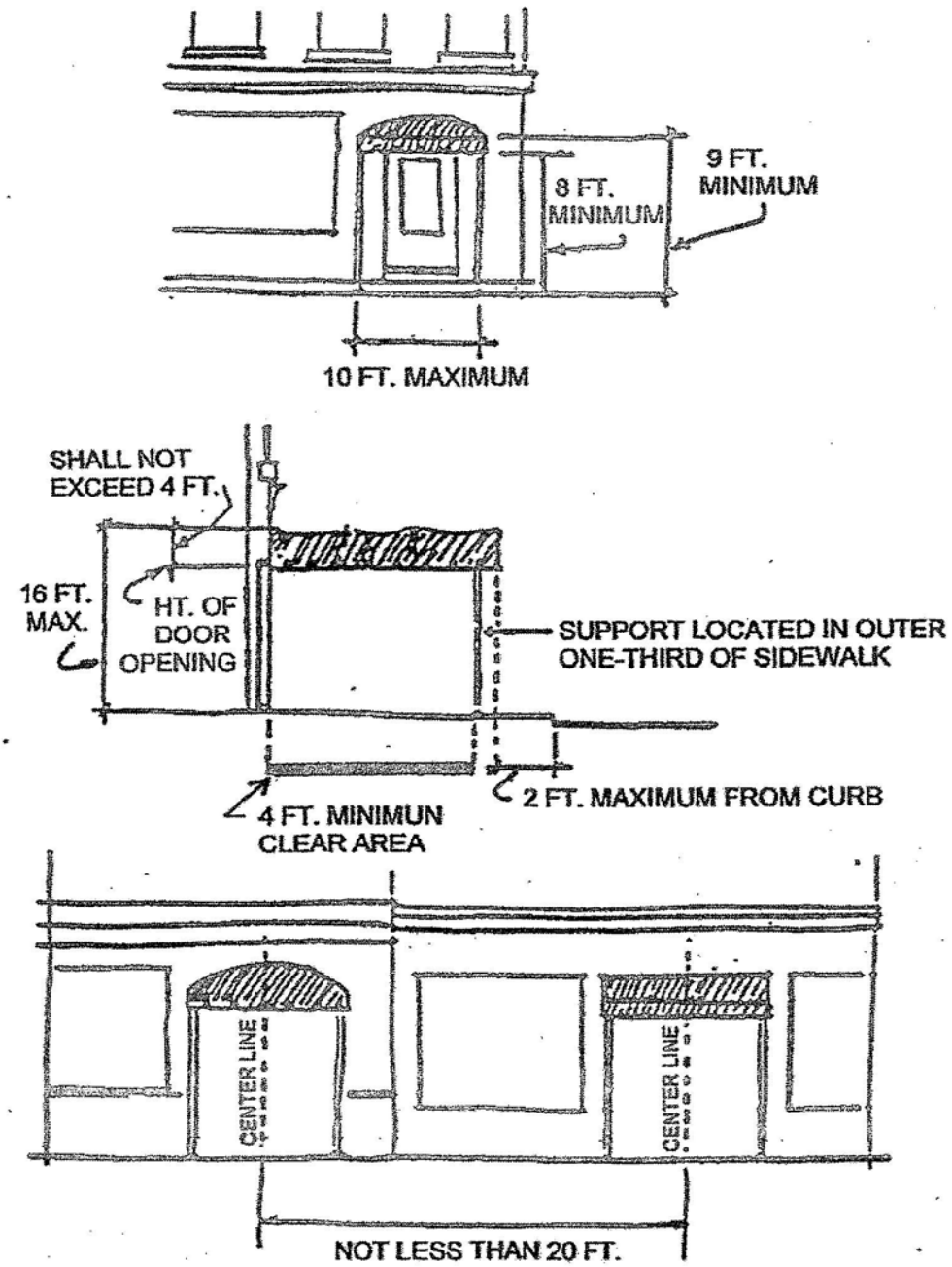


Figure 4: Canopy Requirements



Section 2.24. Rural LB: Rural Local Business

A. Purpose and Intent

The LB, Rural Local Business, District is hereby established to be designed and located in rural neighborhoods to accommodate the primary needs of that locality. This district would place convenience and necessity facilities close to consumers in limited areas close to residents.

B. Please refer to the **Rural Zoning District Tables**:

Table Page
Table One-Land Use Districts: 168-169
Table Two-Authorized Uses: 170-180
Table Three-Residential Uses and Requirements
Single Family: 181
Table Four-Residential Uses and Requirements
Two Family and Multi Family Dwellings: 182
Table Five- Residential Uses and Requirements
Mobile Home Parks Established after January 1, 1999 182
Table Six-Commercial, Industrial, and Other
Non-Residential Requirements 183

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Section 2.25. Rural PB: Rural Professional Business

A. Purpose and Intent

The PB, Rural Professional Business, District is hereby established as a buffer generally between rural commercial and rural residential districts permitting selected businesses and professional uses having limited contact with the public.

B. Please refer to the **Rural Zoning District Tables**:

Table Page
Table One-Land Use Districts: 168-169
Table Two-Authorized Uses: 170-180
Table Three-Residential Uses and Requirements
Single Family: 181
Table Four-Residential Uses and Requirements
Two Family and Multi Family Dwellings: 182
Table Five- Residential Uses and Requirements
Mobile Home Parks Established after January 1, 1999 182
Table Six-Commercial, Industrial, and Other
Non-Residential Requirements 183

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Section 2.26. Rural UB: Rural Urban Business

A. Purpose and Intent

The UB, Rural Urban Business, District is hereby established to address the needs of existing and future downtown development. This district carries virtually all of the characteristics of the GB, Rural General Business, District but without setbacks, buffer yards, or other design requirements common to suburban development.

B. Please refer to **the Rural Zoning District Tables**:

Table Page
Table One-Land Use Districts: 168-169
Table Two-Authorized Uses:. 170-180
Table Three-Residential Uses and Requirements
Single Family: 181
Table Four-Residential Uses and Requirements
Two Family and Multi Family Dwellings: 182
Table Five- Residential Uses and Requirements
Mobile Home Parks Established after January 1, 1999 182
Table Six-Commercial, Industrial, and Other
Non-Residential Requirements 183

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Section 2.27. Rural GB: Rural General Business

A. Purpose and Intent

The GB, Rural General Business District, is hereby established to include central business districts in established urban places in the Town of Zionsville Rural Area. This district would be used for most types of business and service areas.

B. Please refer to the **Rural Zoning District Tables**:

Table Page
Table One-Land Use Districts: 168-169
Table Two-Authorized Uses: 170-180
Table Three-Residential Uses and Requirements
Single Family: 181
Table Four-Residential Uses and Requirements
Two Family and Multi Family Dwellings: 182
Table Five- Residential Uses and Requirements
Mobile Home Parks Established after January 1, 1999 182
Table Six-Commercial, Industrial, and Other
Non-Residential Requirements 183

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Section 2.28. AB: Rural Accommodation Business

A. Purpose and Intent

The AB, Rural Accommodation Business, District is hereby established to include areas adjacent to interstate interchanges and is designed to serve the needs of the public traveling on these major thoroughfares.

B. Please refer to the **Rural Zoning District Tables**:

Table Page

Table One-Land Use Districts: 168-169
Table Two-Authorized Uses: 170-180
Table Three-Residential Uses and Requirements
Single Family: 181
Table Four-Residential Uses and Requirements
Two Family and Multi Family Dwellings: 182
Table Five- Residential Uses and Requirements
Mobile Home Parks Established after January 1, 1999 182
Table Six-Commercial, Industrial, and Other
Non-Residential Requirements 183

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Section 2.29. Urban I-ORT Urban Office/Research/Technology Industrial

Intent -The I-ORT: Office/Research/Technology Industrial Districts are established to promote the development of research facilities, testing laboratories, and administrative facilities which are generally compatible in physical appearance and service requirements to office uses. Other uses, such as distribution, warehouse, and flex-space centers, and light manufacturing or assembly operations which are generally free from objectionable elements such as odor, dust, smoke or glare and are operated within enclosed Structures, are also permitted. This District is designed to function as a "gateway" District, with easy access and high visibility from primary transportation routes, while acting as a transitional use or buffer between heavy industrial or outdoor commercial Districts and lower intensity residential or commercial uses.

A. Permitted Uses.

1. Primary Uses

i). Administrative

(a) Corporate Headquarters;

(b) Offices any type (no ancillary public retail or service-commercial components)

ii). Education / Support Services

(a) School-Commercial, Trade or Business; Industrial Training Facility;

(b) Day Care Center

iii). Communications/Utilities

(a) Data Processing /Analysis;

(b) Telecommunication Tower;

(c) Telephone Exchange

iv). Educational Use

(a) School -Commercial, Trade or Business; Industrial Training Facility

v). Industrial Uses Agri-Science,

(a) Agri-Science, Medical or Dental Laboratories, or Research. Facilities;

(b) Assembly of Previously Manufactured parts, Subassemblies or Components;

(c) Distribution Center (shall contain an office component occupying a minimum of twenty (20) percent of the gross square footage of the Building);

(d) Engineering Laboratories;

(e) Flex-Space;

(f) Manufacture of, or Light Assembly or Repair of Previously Manufactured Parts for:

i. Appliances: light; portable; household;

ii. Bicycles, Motorcycles, or parts; Cabinets;

iii. Carpets /Rugs;

iv. Clocks and Watches;

v. Cloth products from finished cloth (i.e. apparel); Communication equipment and assembly; Computers, Computer Equipment;

vi. Containers;

vii. Cosmetics;

viii. Electric Hand Tools;

ix. Electric Motors; Electrical components and sub--assemblies;

x. Ice or Dry Ice;

xi. Jewelry (including engraving);

xii. Leather Products from Finished Leather;

xiii. Light Component Parts of Products;

xiv. Office Equipment including assembly;

xv. Office machinery, electrical and mechanical;

xvi. Optical Goods;

xvii. Paper box and paper products from finished paper;

xviii. Recording Instruments;

xix. Signs;

xx. Textiles;

(g) Research Laboratories or Research and Development Center;

(h) Warehouse (shall contain an office component occupying a minimum of twenty (20) percent of the gross square footage of the Building);

vi). Miscellaneous

(a) Engraving (non-retail);

(b) Mail Order Distribution;

(c) Offices, in Conjunction with a Use Permitted by this **Section;**

(d) Printing or Publishing Facility;

(e) Upholstery;

(f) Wholesale Business

2. Special Exception Uses

i). Governmental Use

ii). Post Office

3. Accessory Uses -See **Section 3.1**.

4. Temporary Uses -See **Section 3.2**.

B. Development Standards.

1. Water and Sanitary System Requirements -attachment to public water and sanitary sewer facilities shall be mandatory for development in this District.

2. Minimum Lot Width and Frontage -each Lot or Industrial Park shall have a minimum Lot Width and Frontage of 100 feet on a Public Street

3. Yards and Setbacks.

i). Front -a minimum Front Yard and Building Setback or Front Bufferyard, measured from the Proposed Right-of-Way shall be provided as follows:

Street Classification	Front Yard Front	Bufferyard
Limited Access Street:	fifty (50) feet*	fifty (50) feet*
Primary Arterial Street:	fifty (50) feet*	fifty (50) feet·*
Secondary Arterial Street:	forty (40) feet·*	fifty (50) feet·*
Collector Street:	forty (40) feet*	fifty (50) feet*
Local Street / Cul-de-sac Street	forty (40) feet*	fifty (50) feet·*
Other Street:		

o See **Section 2.15, D**., regarding Development Incentives

In the case where a Proposed Right-of-Way line does not exist, as determined by the Transportation Plan, or where the existing Right-of-Way is greater. the existing Right-of-Way line shall be used for the setback measurement.

ii). Minimum Side and Rear Yard and Setback -shall be provided from the Lot Line as follows:

(a) Minimum Side Yard -ten (10) feet

(b) Minimum Side Bufferyard-thirty (30) feet

(c) Minimum Rear Yard -ten (10) feet

(d) Minimum Rear Bufferyard -thirty (30) feet

4. Use of Minimum Yards and Bufferyards

Use of Minimum Yards and Bufferyards -all Minimum Yards and Bufferyards shall be landscaped with grass, trees, shrubbery, or hedge, or in combination with other suitable ground cover materials and shall remain free from Structures except where expressly permitted below:

i). Minimum Front Yards and Bufferyards -may include Driveways and shall be maintained as open space free from Buildings or Structures in compliance with the landscaping requirements set forth in **Section 3.12**;

ii). Minimum Side and Rear Yards -minimum Side and Rear Yards may include Interior Access Driveways connecting to adjoining Lots provided that the remainder of said yards shall be maintained as open space free from Buildings or Structures in compliance with the landscaping requirements set forth in **Section 3.12**;

iii). Minimum Side and Rear Bufferyards -shall be landscaped with grass and shrubbery, trees, or hedge, or in combination with other suitable ground cover materials and maintained in compliance with the landscaping requirements set forth in **Section 3.12**.

5. Maximum Building Height -Unlimited, provided, however, that the Setback for that portion of the Building or Structure which is in excess of forty-five (45) feet shall be increased by one (l) foot each one (1) foot of Building or structural height above forty-five (45) feet until the ultimate height of Building or Structure is allowed.

6. Off-Street Parking -see **Section 3.8**.

7. Off-Street Loading -see **Section 3.9**.

8. Signs -See **Article 6**.

9. Vision Clearance Areas -see **Section 1.21**.

10. Landscaping and Screening Requirements -see **Section 3.12**.

11. Outside Storage and Operations.

i). Operations

All operations, servicing and processing (except Off-Street Parking and Off-Street Loading) shall be conducted within completely enclosed Buildings.

ii). Storage

All storage of materials or products shall be within completely enclosed Buildings; or permanent Structures.

C. Development Plan Approval Required.

All Lots in an I-ORT District shall be subject to the filing of a Development Plan for review and approval by the Plan Commission. The Development Plan shall demonstrate compliance with the following Development Requirements and compliance with the provisions set forth in **Article 4** of this Ordinance.

1. Architectural Design.

i). Building Design

Any portion of a Lot which is within four hundred (400) feet of the Right-of-Way of any Street identified in the Transportation Plan by its functional classification (**Figure 4-1, Road Classifications**), as a Primary, Secondary or Collector Street, any new Building or Building addition shall be designed to incorporate the salient features of and be consistent with or complementary to the Zionsville Theme, incorporating the architecture, design and overall aesthetic exterior character of a Building consistent with the Georgian, Federal, Greek Revival, or Victorian Architectural styles.

(See also **Section 2.15, D. "Waiver of Development Requirements"**)

2. Building Materials

In order to create variation and interest in the built environment, all new Buildings or Building additions shall use the exterior Building materials specified below on any facade of the Building that is visible from a Street:

i). Two (2) or three (3) Building materials (excluding: glass in windows or doors; doors; and roofing material), shall be utilized for any facades visible from a Street.

ii). The primary Building material for any facade visible from the Street shall be one of the following: brick; architectural concrete, if the surface of the architectural concrete simulates brick or stone (examples include, but are not limited to: limestone, marble, or, granite); pre-cast concrete, if the surface of the pre-cast concrete is: a} painted; b} textured (e.g. rough, striated, imprinted with a pattern or form); or c} designed to simulate brick or stone (examples include, but are not limited to: limestone, marble, or, granite); External Insulation and Finish System (E.I.F.S.); or, stone.

iii). The primary Building material shall constitute a minimum of sixty (60) percent of the available wall area (exclusive of window and doors) of any facade visible from the Street.

iv). The exterior Building material selection shall be supplemented by the use of multiple colors, textures (e.g. rough, smooth, striated, etc.) or architectural elements, (quions, pilasters, soldier courses, friezes, cornices, dentils, etc.) on facades visible from the Street.

(See also **Section 2.15, D. "Waiver of Development Requirements")**

3. Roofs

i). Pitched Roofs

Roofs shall be simply and symmetrically pitched and only in the configuration of gables and hips, with pitches ranging from 4:12 to 14:12.

Pitched roofs shall be clad in wood shingles. slate, composition asphalt shingle or standing-seam metal panels. Shingle or panel color shall be appropriate to the design of the Building.

ii). Shed Roofs

Shed roofs are permitted only when the ridge is attached to an exterior wall of a Building, with pitches ranging from 4:12 to 14: 12.

iii). Flat roofs

Flat roofs are permitted when consistent with the selected style of architecture, if edged by a railing or parapet, and if rooftop mechanical

equipment is either camouflaged on all sides or visually integrated into the overall design of the Building.

In no case shall rooftop mechanical equipment be visible from adjoining "R" Districts. All vents, attic ventilators, turbines, flues and other roof penetrations shall be painted to match the color of the roof, or painted flat black. Gutters and downspouts shall be appropriate to or visually integrated with the selected architectural style of the Structure.

Dormers, belvederes, cupolas and pergolas may be utilized as a design element, so long as they are designed with the details, proportions. style, and materials consistent with the selected architectural design of the Building.

4. Entrances

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

5. Windows

All window design shall be compatible with the style, materials, color, details and proportion of the Building. The number of panes, the way the window opens, and the trim around the window shall be consistent with the selected architectural style of the Building.

6. Awnings, Canopies

In addition to the provisions of **Section 6.4, L.,** fixed or retractable Awnings or Canopies are permitted, provided:

i). they complement the Building's architectural style, Building materials, colors, and details;

ii). do not conceal architectural features (such as cornices, columns, pilasters, or decorative details);

iii). do not impair facade composition; and,

iv). are designed as an integral part of the facade. Plastic Awnings and Canopies are prohibited.

7. Lighting Requirements

Lighting of all Off-Street Parking Areas, Outside Storage, or Outdoor Operations shall be a "shoebox" style lighting. AU exterior lighting, including wall pack lighting, shall be of Metal Halide.

i). Light standards and fixtures on a Lot, including free-standing light fixtures and those attached to Buildings, security lights, and architectural lights, shall be of consistent design and material.

ii). Parking Lot lights shall be of uniform size, design and height.

iii). All free-standing lights shall be of either: a "down lighting" style with the light element completely shielded on all sides and the top; or be equipped with a refractor so as to direct light downward onto the Lot.

iv). Lighting shall not cause illumination beyond any Lot Line or onto any Right-of-Way, based upon the zoning District of the real estate on the. opposite side of such Lot Line or Right-of-Way, in excess of:

(a) If Adjoining Business or Industrial Districts -one (1) foot candle.

(b) Adjoining Open Land, Residential or Special Use Districts -one-half (0.5) foot candle.

v). Architectural or sign lighting shall be so directed and shielded so that the light element is not visible from any point along' an adjacent public Right-of-Way.

8. Building Orientation.

Rear Building facades shall not face a Public Street. No Loading Spaces shall be permitted to face a Street.

D. Waiver of Development Requirements

1. Building Design Findings

   The Plan Commission may grant a waiver of the Building Design Development Requirements of **Section 2.15, C., 1.,** a., of this Ordinance and approve a Building design which does not incorporate the salient features of the Zionsville Theme, or incorporate the architecture, design and overall aesthetic exterior character of, a Building consistent with the Georgian, Federal, Greek Revival, or Victorian Architectural styles upon finding that:

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

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

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

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

2. Building Materials Findings

   The Plan Commission may grant a waiver of the Building materials Development Requirements of **Section 2.1 S, C., 1., b.,** of this Ordinance and approve the use of alternate exterior Building materials on any facade of a Building that is visible from a Street upon finding that:

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

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

iii). the Building materials utilized are consistent with and compatible with other Building materials utilized on, and with the overall exterior character of, other Buildings and development located along the Street; and

iv). the Building materials utilized are consistent with the intent and purpose of this Ordinance.

E. Development Incentives

1. Front Yard and Front Bufferyard Reduction.

i). Purpose.

In order to facilitate urban development and improve quality of landscaping in the built environment, the depth of a required Front Yard or Front Bufferyard may be reduced as follows, if such reduction is approved by the Plan Commission in connection with the review and approval of a Development Plan:

ii). The minimum Front Yard and Front Bufferyard may be reduced to a minimum of:

(a) Front Yards -twenty (20) feet

(b) Front Bufferyards thirty (30) feet

provided, however that the landscaping required for said yard shall be increased as follows:

Front Yards: to Level A landscaping, per the landscaping requirements of **Section 3.12, Tables A, B, and C.**

Front Bufferyards: to a Level C, per the landscaping requirements of **Section 3.12**, **Tables A, B, and C.**

iii). Findings.

The Plan Commission may approve such required depth of Front Yard or Front Bufferyard reduction only upon finding that:

(a) the level of landscaping within the required [(i) Front Yard I (ii) Front Bufferyard shall meet or exceed [(i) Level A I (ii) Level C] Landscaping, per the landscaping requirements of **Section 3.12**; and, the Building shall be placed at the reduced Setback Line.

(b) the proposed development is appropriate to the site and its surroundings; and,

(c) the proposed development is consistent with the intent and purpose of this Ordinance.

Section 2.30. Urban I-1: Urban Light Industrial

Intent -The I-I: Light Industrial Districts are established to encourage development of assembly and processing facilities which may require limited amounts of Outside Storage. These activities require extensive community facilities, and excellent Access to Arterial Streets or Collector Streets. Permitted Uses in this District may have limited Outdoor Storage/service areas and may generate heavy traffic, but such operations shall be subject to specific Development Standards.

A. Permitted Uses.

1. Primary Uses

i). Administrative Uses

(a) Corporate Headquarters;

(b) Offices any type (no ancillary retail or service-commercial components).

ii). Agricultural Uses

(a) Commercial Greenhouse;

(b) Cropland., Orchards, or Animal Husbandry;

(c) Plant Nursery;

(d) Accessory uses related thereto

iii). Communications/Utilities

(a) Data Processing /Analysis;

(b) Telecommunication Tower;

(c) Telephone Exchange

iv). Educational Use

(a) School -Commercial.

(b) Trade or Business;

(c) Industrial Training Facility

v). Food Sales and Service

(a) Wholesale Produce Terminal

vi). Industrial Uses

(a) Assembly of Previously Manufactured parts, Sub-assemblies or Components;

(b) Distribution Center;

(c) Engineering Laboratories;

(d) Light Assembly or Repair of Previously Manufactured Parts:

i. Appliances: light; portable; household;

ii. Bicycles, Motorcycles, or parts;

iii. Cabinets;

iv. Carpets / Rugs;

v. Clocks and Watches;

vi. Cloth products from finished cloth (i.e. apparel); Communication equipment and assembly;

vii. Computers, Computer Equipment; Containers;

viii. Cosmetics;

ix. Electric Hand Tools;

x. Electric Motors;

xi. Electrical components and sub-assemblies;

xii. Ice or Dry Ice;

xiii. Jewelry (including engraving);

xiv. Leather Products from Finished Leather;

xv. Light Component Parts of Products;

xvi. Office Equipment including assembly;

xvii. Office machinery, electrical and mechanical;

xviii. Optical Goods;

xix. Paper box and paper products from finished paper;

xx. Recording Instruments;

xxi. Signs;

xxii. Textiles;

(e) Research Laboratories;

(f) Warehouse

vii). Miscellaneous

(a) Dental Laboratory;

(b) Engraving (non-retail);

(c) Mail Order Distribution;

(d) Offices, in Conjunction with a Use Permitted by this **Section**;

(e) Printing, Publishing;

(f) Upholstery;

(g) Business

viii). Governmental Use

(a) Fire Station;

(b) Police Station;

(c) Post Office

ix). Miscellaneous

(a) Artificial Lake:

(b) Self-storage (Mini-) Warehouse Wholesale (not permitted within the U.S. Highway 421 Michigan Road Corridor Overlay District);

2. Special Exception Uses

i). Communication/Utilities

(a) Public Utility Substation;

(b) Public Wells;

ii). Public Facilities

(a) Recycling Facility;

(b) Resource Recovery Facility;

(c) Transfer Station

3. Accessory Uses -See **Section 3.1**.

4. Temporary Uses -See **Section 3.2**.

B. Development Standards.

1. Water and Sanitary System Requirements -attachment to public water and sanitary sewer facilities shall be mandatory for development in this District.

2. Minimum Lot Width and Frontage -each Lot, Integrated Center or Industrial Park shall have a minimum Lot Width and Frontage of seventy-five (75) feet on a Public Street.

3. Yards and Setbacks.

i). Front -a minimum Front Yard and Building Setback measured from the Proposed Right-of-Way shall be provided as follows:

Street Classification	Front Yard	Front Bufferyard
Limited Access Street:	fifty (50) feet*	fifty (50) feet*
Primary Arterial Street:	fifty (50) feet*	fifty (50) feet*
Secondary Arterial Street:	fifty (40) feet*	fifty(50)feet*
Collector Street:	fifty (40) feet*	fifty (50) feet·*
Local Street / Cul-de-sac, Other Street:	fifty (40) feet*	fifty (50) feet*

* See **Section 2.16, D.,** regarding Development Incentives.

In the case where a Proposed Right-of-Way line does not exist, as determined by the Transportation Plan, or where the existing Right-of-Way is greater, the existing Right-of-Way line shall be used for the setback measurement.

ii). Minimum Side and Rear Yard and Setback· shall be provided from the Lot Line as follows:

(a) Minimum Side Yard -twenty (20) feet·

(b) Minimum Side Bufferyard -thirty (30) feet

(c) Minimum Rear Yard -twenty (20) feet·

(d) Minimum Rear Buffer yard -thirty (30) feet

o See **Section 2.16, D.,** regarding Development Incentives.

4. Use of Minimum Yrds and Bufferyards

Use of Minimum Yards and Bufferyards -all Minimum Yards and Bufferyards shall be landscaped with grass, trees, shrubbery, or hedge, or in combination with other suitable ground cover materials and shall remain free from Structures except where expressly permitted below:

i). Minimum Front Yards and Bufferyards -may include Driveways and shall be maintained as open space free from Buildings or Structures in compliance with the landscaping requirements set forth in **Section 3.12**;

ii). Minimum Side and Rear Yards -minimum Side and Rear Yards may include Interior Access Driveways connecting to adjoining Lots provided that the remainder of said yards shall be maintained as open space free from Buildings or Structures in compliance with the landscaping requirements set forth in **Section 3.12**;

iii). Minimum Side and Rear Bufferyards -shall be landscaped with grass and shrubbery, trees, or hedge, or in combination with other suitable ground cover materials and maintained in compliance with the landscaping requirements set forth in **Section 3.12**.

5. Maximum Building Height -thirty-five (35) feet.

6. Off-Street Parking -see **Section 3.8**.

7. Off-Street Loading -see **Section 3.9**.

8. Signs -See **Article 6**.

9. Vision Clearance Areas -see **Section 1.21**.

10. Landscaping and Screening Requirements -see **Section 3.12**.

11. Outside Storage and Operations.

i). Operations

All operations, servicing and processing located within six-hundred (600) feet of any "R" District boundary or any SU-l, SU-2, SU-7, SU-12, SU-13, or SU-14 District boundary (except Outside Storage, Off-Street Parking and Off-Street Loading) shall be conducted within completely enclosed Buildings.

ii). Storage

All storage of materials or products within six-hundred (600) feet of any "R" District or any SU-I, SU-2, SU-7, SU-12, SU-13, or SU-14 District boundary shall be either:

(a) within completely enclosed Buildings; or,

(b) effectively screened within a lattice slatted, chain link, wood shadow box or similar type fenced area, with ornamental, non-solid or chain link gates. The height of said fence shall be at least six (6) feet and shall not exceed eight (8) feet. Materials or products stored within the enclosure shall not exceed the height thereof. The storage area shall be surrounded by landscaping installed in compliance with the provisions of **Section 3.12** for Level B Buffer yard and Perimeter Yard Landscaping.

iii). Amount of Outside Storage and Operations

The total area devoted to Outside Storage and operations shall not exceed twenty-five (25) percent of the Gross Floor Area of enclosed Structures or Buildings on the Lot.

C. Development Plan Approval Required.

All Lots in an I-1 District shall be subject to the filing of a Development Plan for review and approval by the Plan Commission. The Development Plan shall

demonstrate compliance with the following Development Requirements and compliance with the provisions set forth in **Article 4** of this Ordinance.

1. Architectural Design.

i). Building Design

Any portion of a Lot which is within four hundred (400) feet of the Right-of-Way of any Street identified in the Transportation Plan by its functional classification (**Figure 4-1, Road Classifications**), as a Primary, Secondary or Collector Street, any new Building or Building addition shall be designed to incorporate the salient features of and be consistent with or complementary to the Zionsville Theme, incorporating the architecture, design and overall aesthetic exterior character of a Building consistent with the Georgian, Federal, Greek Revival, or Victorian Architectural styles.

(See also **Section 2.16, D. "Waiver of Development Requirements"**)

ii). Building Materials

In order to create variation and interest in the built environment, all new Buildings or Building additions shall use the exterior Building materials specified below on any facade of the Building that is visible from a Street:

(a) Two (2) or three (3) Building materials (excluding: glass in windows or doors; doors; and, roofing material), shall be utilized for any facades visible from a Street.

(b) The primary Building material for any facade visible from the Street shall be one of the following:

i. brick;

ii. architectural concrete, if the surface of the architectural concrete simulates brick or stone (examples include, but are not limited to: limestone, marble, or, granite);

iii. pre-cast concrete, if the surface of the pre-cast concrete is: a) painted; b) textured (e.g. rough, striated, imprinted with a pattern or form); or c) designed to simulate brick or stone (examples include, but are not limited to: limestone, marble, or, granite);

iv. External Insulation and Finish System (E.I.F.S.); or,

v. stone.

(c) The primary Building material shall constitute a minimum of sixty (60) percent of the available wall area (exclusive of window and doors) of any facade visible from the Street.

(d) The exterior Building material selection shall be supplemented by the use of multiple colors, textures (e.g. rough, smooth, striated, etc.) or architectural elements, (quions, pilasters, soldier courses, friezes, cornices, dentils, etc.) on facades visible from the Street.

(See also **Section 2.16, D. "Waiver of Development Requirements"**)

iii). Roofs

(a) Pitched Roofs

Roofs shall be simply and symmetrically pitched and only in the configuration of gables and hips, with pitches ranging from 4:12 to 14:12.

Pitched roofs shall be clad in wood shingles, slate, composition asphalt shingle or standing-seam metal panels. Shingle or panel color shall be appropriate to the design of the Building.

(b) Shed Roofs

Shed roofs are permitted only when the ridge is attached to an exterior wall of a Building, with pitches ranging from 4:12 to 14:12.

(c) Flat roofs

Flat roofs are permitted when consistent with the selected style of architecture, if edged by a railing or parapet. and if rooftop mechanical equipment is either camouflaged on all sides or visually integrated into the overall design of the Building.

In no case shall rooftop mechanical equipment be visible from adjoining "R" Districts. All vents, attic ventilators. turbines, flues and other roof penetrations shall be painted to match the color of the roof, or painted flat black. Gutters and downspouts shall be appropriate to or visually integrated with the selected architectural style of the Structure.

Dormers, belvederes, cupolas and pergolas may be utilized as a design element. so long as they are designed with the details, proportions, style, and materials consistent with the selected architectural design of the Building.

iv). Entrances

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

v). Windows

All window design shall be compatible with the style, materials, color, details and proportion of the Building. The number of panes, the way the window opens, and the trim around the window shall be consistent with the selected architectural style of the Building.

vi). Awnings, Canopies

In addition to the provisions of **Section 6.4, L .,** fixed or retractable Awnings or Canopies are permitted, provided:

(a) they complement the Building's architectural style, Building materials, colors, and details;

(b) do not conceal architectural features (such as cornices. columns, pilasters, or decorative details);

(c) do not impair facade composition; and,

(d) are designed as an integral part of the facade. Plastic Awnings and Canopies are prohibited.

2. Lighting Requirements

Lighting off all Off-Street Parking Areas, Outside Storage, or Outdoor Operations shall be a "shoebox" style lighting. All exterior lighting, including wall pack lighting, shall be of Metal Halide.

i). Light standards and fixtures on a Lot, including free-standing light fixtures and those attached to Buildings, security lights, and architectural lights, shall be of consistent design and materials.

ii). Parking Lot lights shall be of uniform size, design and height.

iii). All free-standing lights shall be of either: a "down lighting" style with the light element completely shielded on all sides and the top; or be equipped with a refractor so as to direct light downward onto the Lot.

iv). Lighting shall not cause illumination beyond any Lot Line or onto any Right-of-Way, based upon the zoning District of the real estate on the opposite side of such Lot Line or Right-of-Way, in excess of:

(a) If Adjoining Business or Industrial Districts -one (1) foot candle.

(b) Adjoining Open Land, Residential or Special Use Districts· one--half (0.5) foot candle.

v). Architectural or sign lighting shall be so directed and shielded so that the light element is not visible from any point along an adjacent public Right-of-Way.

3. Building Orientation.

Rear Building facades shall not face a Public Street. No Loading Spaces shall be permitted to face a Street.

D. Waiver of Development Requirements

1. Building Design Findings

The Plan Commission may grant a waiver of the Building Design Development Requirements of **Section 2.16, C., t., a.,** of this Ordinance and approve a Building design which does not incorporate the salient features of the Zionsville Theme, or incorporate the architecture, design and overall aesthetic exterior character of, a Building consistent with the Georgian, Federal, Greek Revival, or Victorian Architectural styles upon finding that:

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

ii). the proposed Building is appropriate when compared to the architecture, design and overall exterior character of other Bui/dings on the site and surrounding sites;

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

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

2. Building Materials Findings

The Plan Commission may grant a waiver of the Building materials Development Requirements of **Section 2.16, C., 1., b.,** of this Ordinance and approve the use of alternate exterior Building materials on any facade of a Building that is visible from a Street upon finding that:

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

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

iii). the Building materials utilized are consistent with and compatible with other Building materials utilized on, and with the overall exterior character of, other Buildings and development located along the Street; and

iv). the Building materials utilized are consistent with the intent and purpose of this Ordinance.

E. Development Incentives

1. Front Yard and Front Bufferyard Reduction.

i). Purpose.

In order to facilitate urban development and improve quality of landscaping in the built environment, the depth of a required Front Yard or Front Bufferyard may be reduced as follows, if such reduction is approved by the Plan Commission in connection with the review and approval of a Development Plan:

ii). The minimum Front Yard and Front Bufferyard may be reduced to a minimum of:

(a) Front Yards -twenty (20) feet

(b) Front Bufferyards thirty (30) feet provided. however that the landscaping required for said yard shall be increased as follows:

Front Yards: to Level A landscaping, per the landscaping requirements of **Section 3.12**, **Tables A, B, and C.**

Front Bufferyards: to a Level C. per the landscaping requirements of **Section 3.12**, **Tables A, B. and C**.

iii). Findings.

The Plan Commission may approve such required depth of Front Yard or Front Bufferyard reduction only upon finding that:

(a) the level of landscaping within the required [(i) Front Yard I (ii) Front Bufferyard shall meet or exceed [(i) Level A I (ii) Level C] Landscaping, per the landscaping requirements of **Section 3.12**; and, the Building shall be placed at the reduced Setback Line.

(b) the proposed development is appropriate to the site and its surroundings; and,

(c) the proposed development is consistent with the intent and purpose of this Ordinance.

2. Use of Required Side and Rear Yards in Integrated Centers or Industrial Parks.

i). Purpose.

In order to facilitate urban development and to enhance the quality or landscaping in the built environment, the Plan Commission may, in connection with the review and approval of a Development Plan, approve the use of required Side and Rear Yards which abut other required Side or Rear Yards of Lots located within the same Integrated Center or Industrial Park for Parking Areas, Loading Areas, Interior Drives, Interior Access Drives, or Outdoor Storage.

ii). Findings.

The Plan Commission may approve such use of required Side and Rear Yards only upon finding that:

(a) the level of landscaping within the required (i) Front Yard I (ii) Front Bufferyard] shall meet or exceed [(i) Level A I (ii) Level C] Landscaping, per the landscaping requirements of **Section 3.12**;

(b) the area of required foundation planting areas located along the Building, as required by **Section 3.12, c**., has been increased to Level B Plantings as set forth in **Table 3.12-B**.;

(c) the Plant Unit Value contained in such enlarged foundation planting areas shall have been increased to Level B Plantings as set forth in **Table 3.12-B.**;

(d) the proposed development is appropriate to the site and its surroundings; and,

(e) the proposed development is consistent with the intent and purpose of this Ordinance.

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Section 2.31. Urban I-2: Urban General Industrial

Intent -The I-2: General Industrial Districts are established to encourage development of manufacturing and processing facilities. Uses permitted in this District generally include those manufacturing and industrial activities which cannot be operated economically without creating some conditions which may be objection-able to the occupants of adjoining properties and for that reason must be grouped in areas where similar industrial uses are now located or where the Permitted Uses will be best located in accordance with the Comprehensive Plan. Uses in this District require extensive community facilities and excellent Access to Arterial Streets. Permitted Uses in this District may have Outdoor Storage/service areas and may generate heavy traffic, but such operations shall be subject to specific Development Standards.

A. Permitted Uses.

1. Primary Uses

i). Any Use Permitted by the I-1 District in **Section 2.16**. A of this Ordinance

ii). Administrative Uses

(a) Corporate Headquarters;

(b) Offices -any type (no ancillary retail or service-commercial components).

iii). Automobile Service

(a) Painting and Customizing;

(b) Racing and Testing

iv). Food Products

(a) Bakery, Industrial (no retail); Brewing or Distillation of Liquor or Spirits

v). Utilities

(a) Storage Tanks -Non-hazardous material

vi). Industrial Uses

Manufacture Assembly or Repair of:

(a) Appliances, Major Electric or Gas;

(b) Bottled Gas Storage and Distribution;

(c) Bottling of Beverages (any type);

(d) Bottling / Packaging of Food (secondary processing and packaging of food products initially processed off of the premises);

(e) Boats;

(f) Cans;

(g) Ceramic and Clay Products;

(h) Coating (excluding tar products);

(i) Construction Equipment or Machinery;

(j) Dairy and Milk Products;

(k) Detergents or Soaps;

(l) Electric Materials;

(m) Electroplating Operations;

(n) Elevators;

(o) Fabrication of Structural Metal Products;

(p) Glass Products;

(q) Granaries, Grain Processing or Milling;

(r) Furniture;

(s) Machinery or Machinery Components;

(t) Machine Shop;

(u) Malt Products;

(v) Marine Equipment;

(w) Mattresses;

(x) Medical, Surgical or Dental Instruments or Supplies;

(y) Musical Instruments;

(z) Pharmaceutical Products;

(aa) Phonograph Records, Tapes or Compact Disks;

(bb) Photographic Equipment;

(cc) Pre-manufactured Parts, Sub-assemblies or Components;

(dd) Prefabricated Wood, Building or Structural Members;

(ee) Refrigeration or Service Industry Machinery;

(ff) Sports Equipment;

(gg) Starch;

(hh) Petroleum Tank Farm (Storage);

(ii) Tobacco Products;

(jj) Tools and Implements, (electrical or non-electrical);

(kk) Toys;

(ll) Transmission Reconditioning;

(mm) Terminal;

(nn) Welding;

vii). Office/Professional Services

(a) Construction Companies, Contractor and home Remodeling Companies (including storage of materials and equipment with accessory offices but no retail commercial activities)

viii). Miscellaneous

(a) Automobile Body Shop or Painting;

(b) Heavy Construction Equipment Sales or Service;

(c) Self-Storage (Mini-) Warehouse (not permitted Truck within the U.S. Highway 421-Michigan Road Corridor Overlay District);

(d) Power Plant (Electric, Steam, or Thermal);

(e) Tool and Die Shop;

(f) Vehicle Storage (New or Operable only)

2. Special Exception Uses

   i). Communication / Utilities

      (a) Public Utility Substation;

      (b) Public Wells;

   ii). Miscellaneous

      (a) Recycling Facility

      (b) Resource Recovery Facility;

      (c) Transfer Station

3. Accessory Uses -See **Section 3.1**.

4. Temporary Uses -See **Section 3.2**.

B. Development Standards.

1. Water and Sanitary System Requirements -attachment to public water and sanitary sewer facilities shall be mandatory for development in this District.

2. Minimum Lot Width and Frontage -each Lot, Integrated Center or Industrial Park shall have a minimum Lot Width and Frontage of 75 feet on a Public Street.

3. Yards and Setbacks.

   i). Front -a minimum Front Yard and Building Setback measured from the Proposed Right-of-Way shall be provided as follows:

Street Classification	Front Yard	Front Bufferyard
Limited Access Street:	fifty (50) feet*	seventy-five (75) feet*
Primary Arterial Street:	fifty (50) feet*	seventy-five (75) feet·*
Secondary Arterial Street:	forty (40) feet*	seventy-five (75) feet*
Collector Street:	forty (40) feet*	seventy-five (75) feet*
Local Street / Cul-de-sac, other Street:	forty (40) feet*	seventy-five (75) feet*

* See **Section 2.17, D., regarding Development Incentives**.

In the case where a Proposed Right-of-Way line does not exist, as determined by the Transportation Plan, or where the existing Right-of-Way

is greater, the existing Right-of-Way line shall be used for the setback measurement.

ii). Minimum Side and Rear Yard and Setback -shall be provided from the Lot Line as follows:

(a) Minimum Side Yard -twenty (20) feet *

(b) Minimum Side Bufferyard -fifty (50) feet

(c) Minimum Rear Yard -twenty (20) feet *

(d) Minimum Rear Bufferyard -fifty (50) feet

* See **Section 2.17, D., regarding Development Incentives**.

4. Use of Minimum Yards and Bufferyards

Use of Minimum Yards and Bufferyards -all Minimum Yards and Bufferyards shall be landscaped with grass, trees, shrubbery, or hedge, or in combination with other suitable ground cover materials and shall remain free from Structures except where expressly permitted below:

i). Minimum Front Yards and Bufferyards -may include Driveways and shall be maintained as open space free from Buildings or Structures in compliance with the landscaping requirements set forth in **Section 3.12**;

ii). Minimum Side and Rear Yards -minimum Side and Rear Yards may include Interior Access Driveways connecting to adjoining Lots provided that the remainder of said yards shall be maintained as open space free from Buildings or Structures in compliance with the landscaping requirements set forth in **Section 3.12**;

iii). Minimum Side and Rear Bufferyards -shall be landscaped with grass and shrubbery, trees, or hedge, or in combination with other suitable ground cover materia1s and maintained in compliance with the landscaping requirements set forth in **Section 3.12**.

5. Maximum Building Height -thirty-five (35) feet.

6. Off-Street Parking -see **Section 3.8**.

7. Off-Street Loading -see **Section 3.9**.

8. Signs -See **Article 6**.

9. Vision Clearance Areas -see **Section 1.2 1**.

10. Landscaping and Screening Requirements -see **Section 3.12**.

11. Outside Storage and Operations.

i). Operations

All operations, servicing and processing located within six-hundred (600) feet of any "R"District boundary or an SU-l, SU-2. SU-7, SU-12, SU-13 or SU-14 District boundary (except Outside Storage, Off-Street Parking and Off-Street Loading) shall be conducted within completely enclosed Buildings.

ii). Storage

All storage of materials or products within six-hundred (600) feet of any "R" District boundary or an SU-1, SU-2, SU-7, SU-12, SU-13 or SU-14 District shall be either:

(a) within completely enclosed Buildings; or,

(b) effectively screened within a lattice slatted, chain link, wood shadow box or similar type fenced area, with ornamental, non-solid or chain link gates. The height of said fence shall be at least six (6) feet and shall not exceed eight (8) feet. Materials or products stored within the enclosure shall not exceed the height thereof. The storage area shall be surrounded by landscaping installed in compliance with the provisions of **Section 3.12** for Level B Bufferyard and Perimeter Yard Landscaping.

iii). Amount of Outside Storage and Operations

The total area devoted to Outside Storage and operations shall not exceed fifty (50) percent of the Gross Floor Area of enclosed Structures or Buildings on the Lot.

C. Development Plan Approval Required.

All Lots in an I-2 District shall be subject to the filing of a Development Plan for review and approval by the Plan Commission. The Development Plan shall demonstrate compliance with the following Development Requirements and compliance with the provisions set forth in **Article 4** of this Ordinance.

1. Architectural Design.

i). Building Design

Any portion of a Lot which is within four hundred (400) feet of the Right-of-Way of any Street identified in the Transportation Plan by its functional classification (**Figure 4-1, Road Classifications**), as a Primary, Secondary or Collector Street, any new Building or Building addition shall be designed to incorporate the salient features of and be consistent with or complementary to the Zionsville Theme, incorporating the architecture, design and overall aesthetic exterior character of a Building consistent with the Georgian, Federal, Greek Revival, or Victorian Architectural styles.

(See also **Section 2.17, D. "Waiver of Development Requirements"**)

ii). Building Materials

In order to create variation and interest in the built environment, all new Buildings or Building additions shall use the exterior Building materials specified below on any facade of the Building that is visible from a Street:

(a) Two (2) or three (3) Building materials (excluding: glass in windows or doors; doors; and, roofing material), shall be utilized for any facades visible from a Street.

(b) The primary Building material for any facade visible from the Street shall be one of the following:

i. brick;

ii. architectural concrete, if the surface of the architectural concrete simulates brick or stone (examples include, but are not limited to: limestone, marble, or, granite); precast concrete, if the surface of the pre-cast concrete is: a) painted; b) textured (e.g. rough. striated, imprinted with a pattern or form); or c) designed to simulate

iii. brick or stone (examples include, but are not limited to: limestone, marble, or, granite);

iv. External Insulation and Finish System (E.I.F .S.); or,

v. stone.

(c) The primary Building material shall constitute a minimum of sixty (60) percent of the available wall area (exclusive of window and doors) of any facade visible from the Street.

(d) The exterior Building material selection shall be supplemented by the use of multiple colors, textures (e.g. rough, smooth, striated, etc.) or architectural elements, (quions, pilasters, soldier courses, friezes, cornices, dentils, etc.) on facades visible from the Street.

(See also "Waiver of Development Requirements")

iii). Roofs

(a) Pitched Roofs

Roofs shall be simply and symmetrically pitched and only in the configuration of gables and hips, with pitches ranging from 4:12 to 14:12.

Pitched roofs shall be clad in wood shingles, slate, composition asphalt shingle or standing-seam metal panels. Shingle or panel color shall be appropriate to the design of the Building.

(b) Shed Roofs

Shed roofs are permitted only when the ridge is attached to an exterior wall of a Building, with pitches ranging from 4:12 to 14:12.

(c) Flat roofs

Flat roofs are permitted when consistent with the selected style of architecture, if edged by a railing or parapet, and if rooftop mechanical equipment is either camouflaged on all sides or visually integrated into the overall design of the Building.

In no case shall rooftop mechanical equipment be visible from adjoining "R" Districts. All vents, attic ventilators, turbines, flues and other roof penetrations shall be painted to match the color of the roof, or painted flat black. Gutters and downspouts shall be appropriate to or visually integrated with the selected architectural style of the Structure.

Dormers, belvederes, cupolas and pergolas may be utilized as a design element, so long as they are designed with the details, proportions, style, and materials consistent with the selected architectural design of the Building.

iv). Entrances

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

v). Windows

All window design shall be compatible with the style, materials, color. details and proportion of the Building. The number of panes, the way the window opens, and the trim around the window shall be consistent with the selected architectural style of the Building.

vi). Awnings. Canopies

In addition to the provisions of **Section 6.4, L.,** fixed or retractable Awnings or Canopies are permitted, provided:

(a) they complement the Building's architectural style, Building materials, colors, and details;

(b) do not conceal architectural features (such as cornices, columns, pilasters, or decorative details);

(c) do not impair facade composition; and,

(d) are designed as an integral part of the facade. Plastic Awnings and Canopies are prohibited.

2. Lighting Requirements

Lighting of all Off-Street Parking Areas, Outside Storage, or Outdoor Operations shall be a "shoebox" style lighting. All exterior lighting, including wall pack lighting, shall be of Metal Halide.

i). Light standards and fixtures on a Lot, including free-standing light fixtures and those attached to Buildings, security lights, and architectural lights, shall be of consistent design and materials.

ii). Parking Lot lights shall be of uniform size, design and height.

iii). All free-standing lights shall be of either. a "down lighting" style with the light element completely shielded on all sides and the top; or be equipped with a refractor so as to direct light downward onto the Lot.

iv). Lighting shall not cause illumination beyond any Lot Line or onto any Right-of-Way, based upon the zoning District of the real estate on the opposite side of such Lot Line or Right-of-Way, in excess of:

(a) If Adjoining Business or Industrial Districts -one (I) foot candle.

(b) Adjoining Open Land, Residential or Special Use Districts -one half (0.5) foot candle.

v). Architectural or sign lighting shall be so directed and shielded so that the light element is not visible from any point along an adjacent public Right-of-Way.

3. Building Orientation.

Rear Building facades shall not face a Public Street. No Loading Spaces shall be permitted to face a Street.

D. Waiver of Development Requirements

1. Building Design Findings

The Plan Commission may grant a waiver of the Building Design Development Requirements of **Section 2.17, C., 1., a.,** of this Ordinance and approve a Building design which does not incorporate the salient features of the Zionsville Theme, or incorporate the architecture, design and overall aesthetic exterior character of. a Building consistent with the Georgian, Federal. Greek Revival or Victorian Architectural styles upon finding that:

i). the Building design represents an innovative use of Building materials or design. or site design features which will not be detrimental to the use or value of area properties.

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

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

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

2. Building Materials Findings

The Plan Commission may grant a waiver of the Building materials Development Requirements of **Section 2.17, C., I., b.,** of this Ordinance and approve the use of alternate exterior Building materials on any facade of a Building that is visible from a Street upon finding that:

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

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

iii). the Building materials utilized are consistent with and compatible with other Building materials utilized on, and with the overall exterior character of, other Buildings and development located along the Street; and

iv). the Building materials utilized are consistent with the intent and purpose of this Ordinance.

E. Development Incentives

1. Front Yard and Front Bufferyard Reduction.

i). Purpose.

In order to facilitate urban development and improve quality of landscaping in the built environment, the depth of a required Front Yard or Front Bufferyard may be reduced as follows, if such reduction is approved by the Plan Commission in connection with the review and approval of a Development Plan:

ii). The minimum Front Yard and Front Bufferyard may be reduced to a minimum of:

(a) Front Yards -twenty (20) feet

(b) Front Bufferyards -forty (40) feet,

provided however that the landscaping required for said yard shall be increased as follows:

(c) Front Yards: to Level A landscaping, per the landscaping requirements of **Section 3.12**, **Tables A, B, and C**.

(d) Front Bufferyards: increase the point value for the landscaping required in a Front Bufferyards to a point value of5.0 for each one-hundred (100) lineal feet, per the landscaping requirements of **Section 3.12**, **Tables B, and C.**

iii). Findings.

The Plan Commission may approve such required depth of Front Yard or Front Bufferyard reduction only upon finding that:

(a)

i. the level of landscaping within the required Front Yard shall meet or exceed Level A Landscaping. per the landscaping requirements of **Section 3.12**, **Tables A., B., and C**.;or,

ii. the level of landscaping within the required Front Bufferyard shall meet or exceed a point level of5.0 for each one-hundred lineal feet, per the landscaping requirements of **Section 3.12**, **Tables B., and C.**

the Building shall be placed at the reduced Setback Line.

(b) the proposed development is appropriate to the site and its surroundings; and,

(c) the proposed development is consistent with the intent and purpose of this Ordinance.

2. Use or Required Side and Rear Yards in Integrated Centers or Industrial Parks.

i). Purpose.

In built environment, the Plan Commission may, in connection with the review and approval of a Development Plan, approve the use of required Side and Rear Yards which abut other required Side or Rear Yards of Lots located within the same Integrated Center or Industrial Park for Parking Areas, Loading Areas, Interior Drives, Interior Access Drives, or Outdoor Storage.

ii). Findings.

The Plan Commission may approve such use of required Side and Rear Yards only upon finding that:

(a)

i. the level of landscaping within the required Front Yard shall meet or exceed Level A Landscaping, per the landscaping requirements of **Section 3.12**; or,

ii. the level of landscaping within the required Front Bufferyard shall meet or exceed a point value of5.0 per one-hundred (100) lineal feet, per the landscaping requirements of **Section 3.12**;

(b) the area of required foundation planting areas located along the Building, as required by **Section 3.12**, C., has been increased to Level B Plantings as set forth in **Table 3.12-B.**;

(c) the Plant Unit Value contained in such enlarged foundation planting areas shall have been increased to a Level B Plantings as set forth in **Table 3.12-B**.;

(d) the proposed development is appropriate to the site and its surroundings; and,

(e) the proposed development is consistent with the intent and purpose of this Ordinance.

Section 2.32. Urban I-3 Heavy Industrial District

Intent -The I-3 Heavy Industrial Districts are established to encourage development of heavy manufacturing and processing facilities which may require substantial amounts of Outside Storage. These activities require extensive community facilities, and excellent Access to Arterial Streets. Permitted Uses in this District may have extensive Outdoor Storage/service areas and may generate heavy traffic, but such operations shall be subject to specific Development Standards. The Permitted Uses provided for in this District should never be located in close proximity to residential areas.

A. Permitted Uses.

1. Primary Uses

i). Communications/Utilities

(a) Telephone Exchange

ii). Industrial Uses

(a) Ceramic Products, Pottery or Glazed Tile;

(b) Concrete Mixing / Batching Plant, Production of Concrete Block and Shapes, Cinder Blocks;

(c) Foundries;

(d) Glass Production;

(e) Iron or Steel Production;

(f) Liquid Fertilizer Storage or Distribution (Commercial);

(g) Lumber Mill;

(h) Processing of Forest products such as, But Not Limited To: Plaining Mills, Saw Mills, Mill Work. Wood Pallets or Skids;

(i) Manufacture, Assembly or Repair of: Abrasive, Asbestos, Metallic and Nonmetallic Mineral Products; Boiler Tanks; Engines or Turbines; Farm Machinery or Equipment; Meat and Meat Products, Packing, Processing; Railroad Equipment; Rubber or Rubber Products;

(j) Mineral Extraction, Borrow Pit, Topsoil Removal or Storage Areas;

(k) Oil Processing, Refining or Manufacture;

(l) Sheet Metal Shop

2. Special Exception Uses

i). Any Use Permitted by the I-1 and I-2 Districts in **Section 2.15. A. and 2.16, A**, of this Ordinance

ii). Miscellaneous

(a) Utility Pole Yard or Pipe Yard;

(b) Bulk Storage or Petroleum Products;

(c) Coke Ovens, Blast Furnaces;

(d) Fat Rendering;

(e) Manufacture of: Batteries, Wet or Dry; Chemical or Gases; Creosote, including Treatment;

(f) Explosives or Fireworks;

(g) Fertilizer;

(h) Plastic Materials and Synthetic Resin;

(i) Smelting or Refining or Nonferrous Metals;

(j) Tar, Tar Paper, or Tar Products - Manufacture or Processing;

(k) Production of Emulsified Asphalt or Preparation of Asphaltic Concrete Paving Materials;

(l) Sand, Gravel or Aggregate Washing,

(m) Processing (not including Mining or dredging);

(n) Scrap Metal, Junk or Salvage, Storage or Operation, (including automobile or truck wrecking or recycling, construction materials, recycling, or similar uses);

(o) Slaughtering or Meat Packing;

(p) Vehicle Storage (Wrecked or Inoperable);

(q) Wrecker Service;

(r) Any Similar Use Requiring Outside Storage.

(s) Recycling Facility;

(t) Resource Recovery Facility;

(u) Transfer Station

(v) Telecommunication Tower

3. Accessory Uses -See **Section 3.1**.

4. Temporary Uses -See **Section 3.2**.

B. Development Standards.

1. Water and Sanitary System Requirements -attachment to public water and sanitary sewer facilities shall be mandatory for development in this District.

2. Minimum Lot Width and Frontage -each Lot. Integrated Center or Industrial Park shall have a minimum Lot Width and Frontage of 100 feet on a Public Street.

3. Yards and Setbacks.

i). Front -a minimum Front Yard and Building Setback measured from the Proposed Right-of-Way shall be provided as follows:

Street Classification	Front Yard Front	Bufferyard
Limited Access Street:	fifty (50) feet*	one-hundred (I00) feet*
Primary Arterial Street:	fifty (50) feet*	one-hundred (100) feet*
Secondary Arterial Street:	fifty (50) feet*	one-hundred (100) feet*
Collector Street:	fifty (50) feet·*	one-hundred (100) feet*
Local Street / Cul-de-sac, Other Street:	fifty (50) feet*	one-hundred (l00) feet*

* See **Section** regarding Development Incentives.

In the case where a Proposed Right-of-Way line does not exist, as determined by Right-of-Way line shall be used for the setback measurement.

ii). Minimum Side and Rear Yard and Setback -shall be provided from the Lot Line as follows:

(a) Minimum Side Yard -twenty (20) feet*

(b) Minimum Side Bufferyard - seventy-five (75) feet

(c) Minimum Rear Yard -twenty (20) feet *

(d) Minimum Rear Bufferyard -seventy-five (75) feet

*See **Section 2.18. D., regarding Development Incentives**.

4. Use of Minimum Yards and Bufferyards

Use of Minimum Yards and Bufferyards -all Minimum Yards and Bufferyards shall be landscaped with grass, trees, shrubbery, or hedge, or in combination with other suitable ground cover materials and shall remain free from Structures except where expressly permitted below:

i). Minimum Front Yards and Bufferyards -may include Driveways and shall be maintained as open space free from Buildings or Structures in compliance with the landscaping requirements set forth in **Section 3.12**;

ii). Minimum Side and Rear Yards -minimum Side and Rear Yards may include Interior Access Driveways connecting to adjoining Lots provided that the remainder of said yards shall be maintained as open space free from Buildings or Structures in compliance with the landscaping requirements set forth in **Section 3.12**;

iii). Minimum Side and Rear Bufferyards -shall be landscaped with grass and shrubbery, trees, or hedge, or in combination with other suitable ground cover materials and maintained in compliance with the landscaping requirements set forth in **Section 3.12**.

5. Maximum Building Height-forty-five (45) feet, provided however, that the Setback for that portion of the Building or Structure which is in excess of thirty-five (35) (feet shall be increased by one (l) foot each one (1) foot of Building or structural height above thirty-five (35) feet until the ultimate height of Building or Structure is allowed.

6. Off-Street Parking-see **Section 3.8**.

7. Off-Street Loading -see **Section 3.9**.

8. Signs -See **Article 6**.

9. Vision Clearance Areas -see **Section 1.21**.

10. Landscaping and Screening Requirements -see **Section 3.12**.

11. Outside Storage and Operations.

i). Operations

All operations, servicing and processing located within six-hundred (600) feet of any "R" District boundary or an SU-I, SU-2, SU-7, SU-12, SU-13. or SU-14 District boundary (except Outside Storage, Off-Street Parking and Off-Street Loading) shall be conducted within completely enclosed Buildings.

ii). Storage

All storage of materials or products within six-hundred (600) feet of any "R" District boundary or an SU-I, SU-2, SU-7, SU-12, SU-13, or SU-14 District boundary shall be either:

(a) within completely enclosed Buildings; or,

(b) effectively screened within a lattice slatted, chain link. wood shadow box or similar type fenced area, with ornamental, non-solid or chain link gates. The height of said fence shall be at least six (6) feet and shall not exceed eight (8) feet. Materials or products stored within the enclosure shall not exceed the height thereof. The storage area shall be surrounded by landscaping installed in compliance with the provisions of **Section 3.12** for Level B Bufferyard and Perimeter Yard Landscaping.

iii). Amount of Outside Storage and Operations

The total area devoted to Outside Storage and operations shall not exceed fifty (50) percent of the Lot Area.

C. Development Plan Approval Required.

All Lots in an I-3 District shall be subject to the filing of a Development Plan for review and approval by the Plan Commission. The Development Plan shall demonstrate compliance with the following Development Requirements and compliance with the provisions set forth in **Article 4** of this Ordinance.

1. Architectural Design.

i). Building Design

Any portion of a Lot which is within four hundred (400) feet of the Right-of-Way of any Street identified in the Transportation Plan by its functional classification (**Figure 4-1, Road Classifications**), as a Primary, Secondary or Collector Street, any new Building or Building addition shall be designed to incorporate the salient features of and be consistent with or complementary to the Zionsville Theme, incorporating the architecture, design and overall aesthetic exterior character of a Building consistent with the Georgian, Federal, Greek Revival, or Victorian Architectural styles.

(See also **Section 2.18, D. "Waiver of Development Requirements")**

ii). Building Materials

In order to create variation and interest in the built environment, all new Buildings or Building additions shall use the exterior Building materials specified below on any facade of the Building that is visible from a Street:.

(a) Two (2) or three (3) Building materials (excluding: glass in windows or doors; doors; and roofing material), shall be utilized for any facades visible from a Street.

(b) The primary Building material for any facade visible from the Street shall be one of the following:

i. brick;

ii. architectural concrete, if the surface of the architectural. Concrete simulates brick or stone (examples include, but are not limited to: limestone, marble, or, granite);

iii. pre-cast concrete, if the surface of the pre-cast concrete is: a) painted; b) textured (e.g. rough, striated, imprinted with a pattern or form); or c) designed to simulate brick or stone (examples include, but are not limited to: limestone, marble, or, granite);

iv. External Insulation and Finish System (E.LF.S.); or,

v. stone.

(c) The primary Building material shall constitute a minimum of sixty (60) percent of the available wall area (exclusive of window and doors) of any facade visible from the Street.

(d) The exterior Building material selection shall be supplemented by the use of multiple colors, textures (e.g. rough, smooth, striated, etc.) or architectural elements, (quions, pilasters, soldier courses, friezes, cornices, dentils, etc.) on facades visible from the Street.

(See also **Section 2.18, D. "Waiver of Development Requirements")**

iii). Roofs

(a) Pitched Roofs

Roofs shall be simply and symmetrically pitched and only in the configuration of gables and hips, with pitches ranging from 4:12 to 14:12. Pitched roofs shall be clad in wood shingles, slate, composition asphalt shingle or. standing-seam metal panels. Shingle or panel color shall be appropriate to the design of the Building.

(b) Shed Roofs

Shed roofs are permitted only when the ridge is attached to an exterior wall of a Building, with pitches ranging from 4:12 to 14:12.

(c) Flat roofs

Flat roofs are permitted when consistent with the selected style of architecture, if edged by a railing or parapet, and if rooftop mechanical equipment is either camouflaged on all sides or visually integrated into the overall design of the Building.

In no case shall rooftop mechanical equipment be visible from adjoining "R" Districts. All vents, attic ventilators, turbines, flues and other roof penetrations shall be painted to match the color of the roof, or painted flat black. Gutters and downspouts shall be appropriate to or visually integrated with the selected architectural style of the Structure.

Dormers, belvederes, cupolas and pergolas may be utilized as a design element, so long as they are designed with the details, proportions, style, and materials consistent with the selected architectural design of the Building.

iv). Entrances

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

v). Windows

All window design shall be compatible with the style, materials, color, details and proportion of the Building. The number of panes, the way the window opens, and the trim around the window shall be consistent with the selected architectural style of the Building.

vi). Awnings, Canopies

In addition to the provisions of **Section 6.4, L.,** fixed or retractable Awnings or Canopies are permitted, provided:

(a) they complement the Building's architectural style, Building materials, colors, and details;

(b) do not conceal architectural features (such as cornices, columns, pilasters, or decorative details);

(c) do not impair facade composition; and,

(d) are designed as an integral part of the facade. Plastic Awnings and Canopies are prohibited.

2. Lighting Requirements

Lighting of all Off-Street Parking Areas, Outside Storage, or Outdoor Operations shall be a "shoebox" style lighting. All exterior lighting, including wall pack lighting, shall be of Metal Halide.

i). Light standards and fixtures on a Lot, including free-standing light fixtures and those attached to Buildings, security lights, and architectural lights, shall be of consistent design and materials.

ii). Parking Lot lights shall be of uniform size, design and height.

iii). All free-standing lights shall be of either: a "down lighting" style with the light element completely shielded on all sides and the top; or be equipped with a refractor so as to direct light downward onto the Lot.

iv). Lighting shall not cause illumination beyond any Lot Line or onto any Right-of-Way, based upon the zoning District of the real estate on the opposite side of such Lot Line or Right-of Way, in excess of:

(a) If Adjoining Business or Industrial Districts -one (1) foot candle.

(b) Adjoining Open Land, Residential or Special Use Districts one-half (0.5) foot candle.

v). Architectural or sign lighting shall be so directed and shielded so that the light element is not visible from any point along an adjacent public Right-of-Way.

3. Building Orientation.

Rear Building facades shall not face a Public Street. No Loading Spaces shall be permitted to face a Street.

D. Waiver of Development Requirements

1. Building Design Findings

The Plan Commission may grant a waiver of the Building Design Development Requirements of **Section 2.18, C., 1., a.,** of this Ordinance and approve a Building design which does not incorporate the salient features of the Zionsville Theme, or incorporate the architecture, design and overall aesthetic exterior character of, a Building consistent with the Georgian, Federal, Greek Revival, or Victorian Architectural styles upon finding that:

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

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

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

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

2. Building Materials Findings

The Plan Commission may grant a waiver of the Building materials Development Requirements of **Section 2.18, C., 1., b.,** of this Ordinance and approve the use of alternate exterior Building materials on any facade of a Building that is visible from a Street upon finding that:

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

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

iii). the Building materials utilized are consistent with and compatible with other Building materials utilized on, and with the overall exterior character of. other Buildings and development located along the Street; and

iv). the Building materials utilized are consistent with the intent and purpose of this Ordinance.

E. Development Incentives

1. Front Yard and Front Buffer yard Reduction.

i). Purpose. In order to facilitate urban development and improve quality of landscaping in the built environment, the depth of a required Front Yard or Front Bufferyard may be reduced as follows, if such reduction is approved by the Plan Commission in connection with the review and approval of a Development Plan:

ii). The minimum Front Yard and Front Bufferyard may be reduced to a minimum of:

(a) Front Yards -thirty (30) feet

(b) Front Bufferyards -fifty (50) feet,

provided, however that the landscaping required for said yard shall be increased as follows:

Front Yards: to Level B landscaping, per the landscaping requirements of **Section 3.12**, **Tables A, B, and C**.

Front Bufferyards: increase the point value for the landscaping required in a Front bufferyard to a point value of5.0 for each one-hundred (100) lineal feet, per the landscaping requirements of **Section 3.12**, **Tables B, and C.**

iii). Findings.

The Plan Commission may approve such required depth of Front Yard or Front Bufferyard reduction only upon finding that:

(a)

i. the level of landscaping within the required Front Yard shall meet or exceed Level B Landscaping, per the landscaping requirements of **Section 3.12, Tables A., B., and C.;** or,

ii. the level of landscaping within the required Front Bufferyard shall meet or exceed a point level of 5.0 for each one-hundred (100) lineal feet, per the landscaping requirements of **Section 3.12**, **Tables B., and C.** the Building shall be placed at the reduced Setback Line.

(b) the proposed development is appropriate to the site and its surroundings; and,

(c) the proposed development is consistent with the intent and purpose of this Ordinance.

2. Use of Required Side and Rear Yards in Integrated Centers or Industrial Parks.

i). Purpose.

In order to facilitate urban development and to enhance the quality or landscaping in the built environment, the Plan Commission may, in connection with the review and approval of a Development Plan, approve the use of required Side and Rear Yards which abut other required Side or Rear Yards of Lots located within the same Integrated Center or Industrial Park for Parking Areas, Loading Areas, Interior Drives, Interior Access Drives, or Outdoor Storage.

ii). Findings.

The Plan Commission may approve such use of required Side and Rear Yards only upon finding that:

(a)

i. the level of landscaping within the required Front Yard shall meet or exceed Level B Landscaping, per the landscaping requirements of **Section 3.12**; or,

ii. the level of landscaping within the required Front Bufferyard shall meet or exceed a point value of 5.0 per one-hundred (l00) lineal feet, per the landscaping requirements of **Section 3.12**;

(b) the area of required foundation planting areas located along the Building, as required by **Section 3.12**, C., has been increased to Level B Plantings as set forth in **Table 3.l2-B**.;

(c) the Plant Unit Value contained in such enlarged foundation planting areas shall have been increased to Level B Plantings as set forth in **Table 3.12-B**.;

(d) the proposed development is appropriate to the site and its surroundings; and,

(e) the proposed development is consistent with the intent and purpose of this Ordinance.

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Section 2.33. Rural Industrial District

REQUIREMENTS FOR INDUSTRIAL USES.

The following performance standards shall apply to all industrial uses, in addition to the previous requirements.

A. Smoke.

1. No industry in the I1 District may emit more than ten smoke units per hour per stack or smoke in excess of Ringelman No. 2. However, once during any 24-hour period, for soot blowing, process purging and fire cleaning, each stack may emit an additional ten smoke units, and during that period it may emit smoke up to arid including Ringelman No. 3.

2. No industry in the I2 District may emit more than 30 smoke units per hour per stack or smoke in excess of Ringelman No. 2. However, once during any 24-hour period, for soot blowing, process purging and fire cleaning, each stack may emit an additional ten smoke units, and during that period it may emit smoke up to and Including Ringelman No. 3.

B. Odor. No industrial use in any district may release an odor that is detectable at the lot line.

C. Toxic materials. No gases or fumes toxic to persons or injurious to property shall be permitted to escape beyond the building in which it occurs.

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

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

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

G. Exceptions. **Divisions (A) through (F)** above, inclusive, do not apply to:

1. Site preparation or construction, maintenance, repair, alterations or improvements of buildings, structures, equipment or other improvements on or within the lot lines;

2. The operation of motor vehicles or other facilities for the transportation of personnel, materials or products; and

3. Safety or emergency warning signals or alarms necessary for the protection of life, limb or property.

H. Special restrictions. Any industrial operation or activity must, in addition to the above, conform with any applicable acts of the state and federal government. Where the requirements of this chapter are more restrictive, they shall take precedence. All relevant federal and state permits or approvals are required prior to issuance of an improvement location permit.

Section 2.34. Rural I1: Rural Light Industrial

A. Purpose and Intent

The I1, Rural Light Industrial, District is hereby established to accommodate light industrial uses within the Town of Zionsville Rural Area in which all operations, including storage of materials would be confined within a building, and would include warehousing operations.

Please refer to the **Rural Zoning District Tables**:

Table Page
Table One-Land Use Districts: 168-169
Table Two-Authorized Uses: 170-180
Table Three-Residential Uses and Requirements Single Family: 181
Table Four-Residential Uses and Requirements Two Family and Multi Family Dwellings:..... 182
Table Five- Residential Uses and Requirements Mobile Home Parks Established after January 1, 1999 182
Table Six-Commercial, Industrial, and Other Non-Residential Requirements 183

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Section 2.35. Rural I2: Rural General Industrial

A. Purpose and Intent

The I2, Rural General Industrial, District is hereby established to accommodate all types of industrial uses within the Town of Zionsville Rural Area which may require enclosed or unenclosed spaces for storage, manufacturing, and fabricating.

Please refer to the **Rural Zoning District Tables**:

Table Page
Table One-Land Use Districts: 168-169
Table Two-Authorized Uses: 170-180
Table Three-Residential Uses and Requirements Single Family: 181
Table Four-Residential Uses and Requirements Two Family and Multi Family Dwellings:..... 182
Table Five- Residential Uses and Requirements Mobile Home Parks Established after January 1, 1999 182
Table Six-Commercial, Industrial, and Other Non-Residential Requirements 183

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Section 2.36. Urban Special Use Districts

Intent These Districts are composed of uses which have unique physical and operational characteristics which do not allow them to be easily categorized into a specific land use type (residential, commercial, industrial). Uses in these Districts may be appropriate to and compatible with a broader range of adjacent land uses. However, certain operational features of the uses (i.e. parking, hours of operation, intensity of use) require that they be scrutinized in their location within the Town of Zionsville to ensure that these operational features will not have an adverse impact on adjacent uses. Because of this, a greater range of flexibility is built into the review of Development Standards and all SU Districts require Development Plan review and approval by the Plan Commission.

A. Permitted Uses.

1. Primary Uses

i). SU 1 Schools, or school related facilities

ii). SU 2 Churches

iii). SU 3 Golf course, golf driving range

iv). SU 4 Airport or landing field

v). SU 7 Charitable and philanthropic institutions

vi). SU 8 Buildings and grounds used by any department of Town, Township, County, State, or Federal Government

vii). SU 9 Cemeteries

viii). SU 12 Swimming pool, commercial

ix). SU 13 Community center

x). SU 14 Library

xi). SU 16 Light and power substation, water tank and similar structures

xii). SU 17 Radio or Telecommunications receiving or broadcasting towers, including Wireless Telecommunications Facilities, and associated accessory buildings

xiii). SU 20 Extracting of gravel, sand, peat and other raw materials.

2. Special Exception Uses

   Public Utility Structures and Facilities, including telephone exchanges and minor electrical substations.

3. Accessory Uses See **Section 3.1**.

4. Temporary Uses See **Section 3.2**.

B. Development Standards.

All development permitted within the Special Use Districts shall conform to the Development Standards applicable to the specified zoning District as follows:

Special Use District	Applicable District Development Standards
SU 1	See subsection 2.19, D., below
SU 2	B O
SU 3	B 3
SU 4	I 3
SU 7	B O
SU 8	B 2
SU 9	B O
SU 12	B 3
SU 13	B 1
SU 14	B O
SU 16	I 1
SU 17	I 2, and per the requirements of **Section 3.6**.
SU 20	I 3, and per the requirements of **Section 2.19, D**., below.

C. Development Plan Approval Required.

All Lots located in a Special Use (SU) District shall be subject to the filing of a Development Plan for review and approval by the Plan Commission, as set forth in **Article 4** of this Ordinance. The applicable Development Requirements shall

be those of the Commercial or Industrial District corresponding to the Special Use District noted in **Section 2.19, B**., above.

D. Additional Development Requirements for the SU 20 District.

In addition to the regulations of **Section 2.19 A., B., and C**. above, the additional Development Requirements of this subsection shall apply to the SU 20 District . In the event of conflict between this subsection and the regulations of **Section 2.19, A., B., and C.,** the most stringent specifications shall govern.

Intent It is the intent of this subsection to establish reasonable and uniform limitations and controls for the production of sand, gravel, borrow, and other mineral or earthen materials through excavation or mining to the extent permitted by applicable Law. Restrictive limitations and controls are deemed necessary and in the public interest to effect practices which will provide for production of sand, gravel, borrow and other mineral or earthen materials which will:

i). take into consideration the surface use of land;

ii). the value and character of the existing improvements in the Districts where such production is hereinafter permitted;

iii). the desirability of the area for residential or other Permitted Uses; and,

iv). any other factor directly relating to the public health, comfort, safety and general welfare in these Districts.

2. Filing Procedures

i). The filing procedures and requirements of a Development Plan for review and approval by the Plan Commission, shall be as set forth in **Article 4** of this Ordinance; and,

ii). The filing of an Operational Plan, per the requirements of **Section 2.19, E., 4** below.

3. Permit Required

No extracting of gravel, sand, peat, and other raw materials shall occur unless an Improvement Location Permit has been issued by the Town of Zionsville

and a Development Plan and Operational Plan are approved by the Plan Commission.

4. Bonding

Prior to the issuance of an Improvement Location Permit, as required by **Section 2.19, E., 2**. above, applicant shall provide a corporate surety bond for the faithful performance of all applicable requirements of this Ordinance, including the operation and the completion and reclamation of the extraction or mining operations in accordance with the approved Site and Operational Plan, as required by this Ordinance. Such Improvement Location Permit may be issued and bond filed for the total operation or for one (1) or more phases thereof, as shown on the Site and Operational Plan. If the operation is to be accomplished in phases, each new phase of the operation shall require a new Improvement Location Permit, Site and Operational Plan, and corporate surety bond.

The corporate surety bond shall be in an amount equal to one hundred and ten percent (110%) of the estimated cost of performance of all applicable requirements of this Ordinance, as determined by the Town Engineer and be with surety approved by the Town of Zionsville. Said bond shall run jointly and severally to the Town of Zionsville and any other governmental agency requiring a similar bond. Said bond shall specify the time for the completion of all of the applicable requirements of this Ordinance, and shall specify the total operational area, or phase thereof, covered by the bond.

5. Operational Plan

An Operational Plan shall detail the operational area, or phase thereof, covered by the Development Plan. The Operational Plan shall further detail the:

i). method of extraction or mining;

ii). hours of operation;

iii). storage of equipment;

iv). stockpiling of materials; and,

v). plan and timetable for reclamation of the real estate within the operational area, or phase thereof, upon completion of extraction or mining within the operational area, or phase thereof.

6. Perimeter Yards

The minimum required depth of required Perimeter Yards surrounding the operation shall be one hundred (100) feet.

No extraction or mining operation, or portion thereof, shall be permitted within said Perimeter Yard.

7. Landscaping

Landscaping of said Perimeter Yard shall conform to Level C requirements as specified in **Section 3.12**, **Tables A., B., and C**. Said landscaping shall be installed within six (6) months of the commencement of any extraction or mining operations on the real estate.

8. Fencing

Fencing of the entire perimeter of the operational area, or phase thereof, shall be required to ensure safety and restrict access. Said fencing shall be located on or within ten (10) feet of the Lot Line and shall be a minimum of six (6) feet in height, measured from Grade, and shall be no higher than ten (10) feet in height, measured from Grade. Said fencing shall be installed prior to the commencement of any extraction or mining operations on the real estate.

9. All extractions or mining shall either be made to a water producing depth. Such depth shall be not less than eight (8), measured from the low water mark, or graded or back filled with non toxic, non noxious and non flammable solids to assure the following:

i). That the excavated or mined area shall not collect and permit to remain therein stagnant water.

ii). That the surface of such area shall be graded or back filled as necessary so as to reduce the peaks and depressions thereof to a surface which shall result in a gently rolling topography to minimize erosion and which is in substantial conformity to the immediately surrounding land area.

iii). That the surface of the area noted in **Section 2.19, E., 7., b**. above is landscaped in compliance with the approved Development Plan.

10. The banks of all excavated or mined areas not graded or back filled as provided in **Section 2.19, E., 7**. above shall be sloped to the water line at a slope which shall be not less than one and one half (1 ½) feet horizontal, to one (1) foot vertical. Said bank shall be surfaced with a minimum of six (6) inches of suitable soil and the same shall be either sodded or seeded with grass seed.

11. Within six (6) months of the completion of the extraction or mining operations, all Buildings, Structures, stockpiles, and equipment associated with the operations shall be removed from the real estate.

Section 2.37. Urban O-1: Urban Open Land District

Intent -The 0-1: Open Land Districts are established to include land being used for agricultural activities, flood plain, and other rural uses, located near the periphery of the jurisdictional boundary, which is not expected to develop for intensive urban or suburban uses within the near future. It is the intent of this District to allow Agricultural Uses- to conserve the desirable characteristics of the land, and to protect the open area from the encroachment of scatter urban-type uses that may inhibit the overall development of the community in accordance with the Comprehensive Plan.

A. Permitted Uses.

1. Primary Uses

i). Agricultural Uses; including agricultural crop production; tree farms; agricultural livestock production and the harvesting, storage and primary processing of agricultural products produced on the premises; storage of farm vehicles, farm equipment, and farm materials by the operator of such farm;

ii). Single Family Dwelling -limited to the farmstead for the Agricultural Use;

iii). Residential Facility for the Developmentally Disabled;

iv). Residential Facility for the Mentally III, subject to the provisions of **Section 3.4**;

v). Child Care Home (that is used as the primary residence of the person who operates the Child Care Home);

vi). Roadside Food Sales Stand (sale of produce grown on the premises);

vii). Nature Reserve or Preserve, Wildlife Sanctuary.

2. Special Exception Uses

i). Agricultural Uses

(a) Confinement Feeding Yards

ii). Communications/Utilities

(a) Communication Relay Tower;

(b) Public Utility Substation;

(c) Public Wells;

(d) Telecommunication Tower

iii). Recreation

(a) Private Camp;

(b) Campground

(c) Ball Fields;

(d) Country Club;

(e) Riding Stable or Multi-Use rails (i.e. Biking, Cross Country Skiing, Hiking)

(f) Golf Course (not including a Golf Driving Range or Miniature Golf Course as the Primary use)

iv). Industrial Uses

(a) Liquid Fertilizer Storage and Distribution Commercial);

(b) Mineral Extraction, Borrow Pit,

(c) Topsoil Removal Storage Areas

v). Miscellaneous

(a) Cemetery;

(b) Commercial breeding and raising of Non- farm Fowl and Animals; Kennel; Sales Barn for Livestock Sale; Bed & Breakfast

3. Accessory Uses -see **Section 3.1**.

4. Home Occupations -See **Section 3.3**.

5. Temporary Uses -See **Section 3.2**.

B. Development Standards.

1. Water and Sewer Requirements -well water and septic systems may be utilized in this District, subject to the approval of the Boone County Health Department or the Indiana State Board of Health.

2. Minimum Lot Area -five (5) acres.

3. Minimum Lot Width -Two hundred fifty (250) feet.

4. Minimum Lot Frontage -Two hundred fifty (250) feet on a Public Street and gain direct Access from said Public Street.

5. Maximum Lot Coverage -ten (10) percent.

6. Maximum Lot Depth to Width Ratio -four to one (4: 1).

7. Minimum Yards and Building Setbacks

   i). Front -a minimum Front Yard and Building Setback measured from the Proposed Right of- Way shall be provided as follows:

      (a) Primary Arterial Street: Sixty (60) feet Secondary Arterial Street: Forty (40) feet Collector/ Local Street / Cul-de-sac or other Street: Forty (40) feet

      (b) In the case where a proposed Right-of-Way line does not exist, as determined by the Transportation Plan for the Town of Zionsville; Indiana, or where the existing Right-of Way is greater, the existing Right-of-Way line shall be used for the Setback measurement.

   ii). Side -a minimum Side Yard of fifty (50) feet shall be provided along all Side Lot Lines.

   iii). Rear -a minimum Rear Yard shall be provided along all Rear Lot Lines as follows:

      (a) Residential Primary Building -fifty (50) feet

      (b) Residential Accessory Building -twenty five (25) feet

      (c) Agricultural Building-one hundred fifty (150) feet

      See also **Section 1.18, Obstruction of Easements**.

8. Maximum Building Height-

   i). Residential Primary Building -thirty-five (35) feet

   ii). Residential Accessory Building -twenty-two (22) feet

   iii). Agricultural Building-unlimited, provided that for each additional one (1) foot over thirty-five (35) feet in height, one (1) additional foot shall be added to the Minimum Yard and Building Setback requirements.

9. Minimum Main Floor Area -The minimum Main Floor Area of the Residential Primary Building, exclusive of Garage, Carport, Deck, Patio and open Porches:

   i). One-story Building -1,500 square feet.

   ii). Two or more story Building -1,000 square feet, provided, that the total Finished Floor Area shall be at least 1,500 square feet.

10. Off-Street Parking-See **Section 3.8**.

11. Signs -See **Article 6**.

12. Vision Clearance Areas -See **Section 1.21**.

Section 2.38. Urban FP: Urban Floodplain Secondary District

Intent -The purpose of this District is to guide development in the Flood hazard areas in order to reduce the potential for loss of life and property, reduce the potential for health and safety hazards, and to reduce the potential for extraordinary public expenditures for Flood protection and relief Under the authority granted to local units of government to control land use within their jurisdiction, which includes taking into account the effects of flooding, the Town Council hereby adopts the following Floodplain management regulations in order to accomplish the following:

to prevent unwise developments from increasing Flood or drainage hazards to others;

to protect new Buildings and major improvements to Buildings from Flood damage;

to protect human life and health from the hazards of flooding;

to lessen the burden on the taxpayer for Flood control projects, repairs to Flood-damaged public facilities and utilities, and Flood rescue and relief operations;

to maintain property values and a stable tax base by minimizing the potential for creating Flood blighted areas; and,

to make Federally subsidized Flood insurance available for property in the Town of Zionsville by fulfilling the requirements of the National Flood Insurance Program.

A. Duties of the Building Commissioner.

1. The Building Commissioner shall implement the regulations contained in this **Section**. The Building Commissioner is appointed to review all development and Subdivision proposals to insure compliance with this **Section**, including but not limited to the following duties:

   i). Ensure that all development activities within the SFHAs of the jurisdiction of the Town of Zionsville meet the requirements of this **Section**.

ii). Provide information and assistance to citizens upon request about permit procedures and Floodplain construction techniques.

iii). Ensure that construction authorization has been granted by the Indiana Natural Resources Commission for all development projects subject to **Section 2.20, C.,** and maintain a record of such authorization (either copy of actual permit or letter of recommendation).

iv). Maintain a record of the "as-built" elevation of the top of the Lowest Floor (including Basement) of all new or substantially improved Buildings constructed in the SFHA. Inspect before, during and after construction.

v). Maintain a record of the engineer's certificate and the "as built" floodproofed elevation of all Buildings subject to **Section 2.20, C** .

vi). Cooperate with state and federal Floodplain management agencies to improve base Flood and Floodway data and to improve the administration of this **Section**. Submit reports as required for the National Flood Insurance Program.

vii). Maintain for public inspection and furnish upon request regulatory Flood data, SFHA maps, Letters of Map Amendment (LOMA), Letters of Map Revision (LOMR), copies of DNR permits and letters of recommendation, federal permit documents, and "as built" elevation and flood proofing data for all Buildings constructed subject to this ordinance.

viii). Notify adjacent communities and State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA.

B. Regulatory Flood Elevation.

1. This **Section**'s protection standard is the regulatory Flood. The best available regulatory Flood data is listed below. Whenever a party disagrees with the best available data, the party submitting the detailed engineering study needs to replace existing data with better data and submit it to the Department of Natural Resources for review and approval.

i). The regulatory Flood elevation and Floodway limits for the SFHAs of all Rivers and Creeks identified in the Flood Insurance Study for the Town of Zionsville shall be as delineated on the 100 year Flood profiles in the Flood Insurance Study of the Town of Zionsville dated December 15, 1981, and the corresponding SFHA's of those part of unincorporated Boone County that have been annexed into the Town of Zionsville or may be annexed into the Town of Zionsvi1le shall be delineated on the one hundred (100) year Flood profiles of the Flood Insurance Study of Boone County prepared by the Federal Emergency Management Agency and dated September 16,1982.

ii). The regulatory Flood elevation for each SFHA delineated as an "AH Zone" or "AO Zone" shall be that elevation (or depth) delineated on either the Flood Insurance Rate Map of the Town of Zionsville or Boone County, as applicable.

iii). The regulatory Flood elevation for each of the remaining SFHAs delineated as an "A Zone" on the either the Flood Insurance Rate Map of the Town of Zionsville or Boone County (as applicable) shall be according to the best data available as provided by the Department of Natural Resources.

iv). If the SFHA is delineated as "AH Zone or AO Zone," the elevation (or depth) will be delineated on either the Flood Insurance Rate Map of the Town of Zionsville or Boone County, as applicable. If the SFHA is delineated as "Zone A" on the Flood Insurance Rate Map of either the Town of Zionsville or Boone County, as applicable, the Regulatory Flood elevation shall be according to the best data available as provided by the Department of Natural Resources.

C. Improvement Location Permit.

1. No person, firm, corporation, or government body not exempted by state law shall commence any, "development" in the SFHA without first obtaining an Improvement Location Permit from the Building Commissioner. The Building Commissioner shall not issue an Improvement Location Permit if the proposed "development" does not meet the requirements of this **Section**.

i). The application for an improvement location permit shall be accompanied by the following:

(a) A description of the proposed development.

(b) Location of the proposed development sufficient to accurately locate property and Structure in relation to existing roads and streams.

(c) A legal description of the property site.

(d) A site development plan showing existing and proposed development locations and existing and proposed land grades.

(e) Elevation of the top of the Lowest Floor (including Basement) of all proposed development. Elevation should be in National Geodetic Vertical Datum of 1929 (NOVD) or North American Vertical Datum (NAVD). In either case the conversion formula should be included.

ii). Upon receipt of an application or request for an Improvement Location Permit, the Building Commissioner shall determine if the site is located within an identified Floodway, Floodway Fringe or within the Floodplain where the limits of the Floodway have not yet been determined.

(a) If the site is in an identified Floodway, the Building Commissioner shall require the applicant to forward. The application, along with all pertinent plans and specifications, to the Department of Natural Resources and apply for a permit for construction in a Floodway.

Under the provisions of **Indiana Code 14-28-1** a permit from the Natural Resources Commission 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 Building. No action shall be taken by the Building Commissioner until a permit has been issued by the Natural Resources Commission granting approval for construction in the Floodway. Once a permit has been issued by the Natural Resources Commission, the Building Commissioner may issue the Improvement Location Permit, provided the provisions contained in **Sections 2.19, D. and E**. have been met. The Improvement Location Permit cannot be less restrictive than the permit issued by the Natural Resources Commission.

(b) If the site is located in an identified Floodway Fringe, then the Building Commissioner may issue the Improvement Location Permit provided the provisions contained in **Section**s 2.19, D. and E. have been met. The key provision is that the top of the Lowest Floor of any new or substantially improved Structure shall be at or above the Flood Protection Grade (FPG).

(c) If the site is in an identified Floodplain where the limits of the Floodway and Floodway Fringe have not yet been determined (shown as Zone A on the Flood Insurance Rate Map), and the drainage area upstream of the site is greater than one square mile, the Building Commissioner shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Department of Natural Resources for review and comment.

No action shall be taken by the Building Commissioner until either a permit for construction in the Floodway or a letter of recommendation citing the 100 year Flood elevation and the recommended Flood Protection Grade has been received from the Department of Natural Resources.

Once the Building Commissioner has received the proper permit or letter of recommendation approving the proposed development, an Improvement Location Permit may be issued provided the conditions of the Improvement Location Permit are not less restrictive than the conditions received from Natural Resources and the provisions contained in **Section**s 2.19, D. and E. have been met.

(d) If the site is in an identified Floodplain where the limits of the Floodway and Floodway Fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Building Commissioner shall require the applicant to provide an engineering analysis showing the limits of the Floodway, Floodway Fringe, and 100-year elevation for the site.

D. Preventing Increased Damages.

1. No development in the SFHA shall create a damaging or potentially damaging increase in Flood heights or velocity or threat to public health and safety.

i). Within the Floodway identified on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map, the following standards shall apply:

(a) No development shall be allowed which acting alone or in combination with existing or future development, will cause any increase in the elevation of the Regulatory Flood; and.

(b) For all projects involving channel modifications or fin (including levees), the Town of Zionsville shall submit the data and request that the Federal Emergency Management Agency revise the Regulatory Flood data.

ii). Within all SFHAs identified as A Zones (no 100 year Flood elevation or Floodway/Floodway Fringe delineation has been provided) the following standard shall apply:

The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the Regulatory Flood elevation more than one-tenth (0.1) of one (1) foot and will not increase Flood damages or potential Flood damages.

iii). Public Health Standards in all SFHAs

(a) No development in the SFHA shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the Flood Protection Grade, unless such materials are stored in a flood proofed storage tank or Building constructed according to the requirements of **Section 2.20, E**.

(b) New and replacement sanitary sewer lines and on-site waste disposal systems may be permitted providing all manholes or other above ground openings are located above the FPG, or those which are located below the FPG are watertight.

E. Protecting Buildings.

1. 1. In addition to the damage prevention requirements of **Section 2.19, D.,** all Buildings to be located in the SFHA shall be protected from Flood damage below the FPG.

i). The Building protection requirements apply to the following situations:

(a) Construction or placement of any new Building 1ireater than 400 square feet;

(b) structural alterations made to an existing Building that increase the market value of the Building by more than 50% (excluding the value of the land);

(c) any subsequent alterations;

(d) reconstruction or repairs made to a damaged Building that are valued at or more than 50% of the market value of the Building (excluding the value of the land) before damage occurred;

(e) installing a Manufactured Home on a new site or a new Manufactured Home on an existing site. This **Section** does not apply to returning the existing Manufactured Home to the same site it lawfully occupied before it was removed to avoid Flood damage; and

(f) installing a travel trailer or Recreational Vehicle on a site for more than 180 days.

ii). This Building protection requirement may be met by one of the following methods. The Building Commissioner shall maintain a record of compliance with these Building protection standards as required in

(a) A residential or nonresidential Building may be constructed on a permanent land fill in accordance with the following:

i. The fill shall be placed in layers no greater than one (1) foot deep before compacting to 95% of the maximum density obtainable with the Standard Proctor Test method.

ii. The fill should extend at least ten (10) feet beyond the foundation of the Building before sloping below the FPG.

iii. The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than three (3) horizontal to one (1) vertical.

iv. The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.

v. The top of the Lowest Floor, including Basements, shall be at or above the FPG.

(b) A residential or nonresidential Building may be elevated in accordance with the following:

i. The Building or improvements shall be elevated on posts, piers, columns, extended walls, or other types of similar foundation provided:

a. Walls of any enclosure below the elevated floor shall be designed to automatically equalize hydrostatic Flood forces on the walls by allowing for the entry and exit of Flood waters, through providing a minimum of two openings (in addition to doorways and windows) having a total area of one (1) square foot for every two (2) square feet of enclosed area subject to flooding. The bottom of all such opening shall be no higher than one (1) foot above Grade.

b. Any enclosure below the elevated floor is used for storage of vehicles and Building Access.

ii. The foundation and supporting members shall be anchored and aligned in relation to Flood flows and adjoining Structures so as to minimize exposure to known hydrodynamic forces such as buoyancy, current, waves, ice, and floating debris.

iii. All areas below the FPG shall be constructed of materials resistant to Flood damage. The top of the Lowest Floor (inc1uding Basement) and all electrical, heating, ventilating, plumbing and air conditioning equipment and utility meters shall be located at or above the FPG. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG.

(c) Manufactured Homes and Recreational Vehicles to be installed or substantially improved on a site for more than 180 days must meet one of the following anchoring requirements:

i. The Manufactured Home shall be elevated on a permanent foundation such that the Lowest Floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all Manufactured Homes to be placed on a site;

a. Outside a Manufactured Home Park or Subdivision;

b. in a New Manufactured Home Park or Subdivision;

c. in an expansion to an existing Manufactured Home Park or Subdivision; or

d. in an existing Manufactured Home Park or Subdivision on which a Manufactured Home has incurred "substantial damage" as a result of a Flood.

ii. This requirement applies to all Manufactured Homes to be placed on a site in an existing Manufactured Home Park or Subdivision that has not been substantially damaged by a Flood. The Manufactured Home shall be elevated so that the Lowest Floor of the Manufactured Home chassis is supported by reinforced piers or other foundation elements that are no less than 36 inches in height above Grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(d) Recreational Vehicles placed on a site shall either:

i. be on the site for less than 180 consecutive days;

ii. 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,

iii. meet the requirements of Manufactured Homes" in **Section 2.20, D**.

(e) A non-residential building may be flood proofed to the FPG (in lieu of elevating) if done in accordance with the following:

i. Registered Professional Engineer shall certify that Building has been designed so that below the FPG, the Structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory Flood. The Building design shall take into account Flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice.

ii. Flood proofing measures shall be operable without human intervention and without an outside source of electricity.

F. Other Development Requirements.

1. The Building Commissioner shall review all proposed Subdivisions to determine whether the Subdivision lies in a Flood Hazard Area as defined elsewhere by this **Section**. If the Building Commissioner finds the Subdivision to be so located, the Building Commissioner shall forward plans and materials to the Indiana Department of Natural Resources for review and Comment. The Building Commissioner shall require appropriate changes and modifications in order to assure that:

i). it is consistent with the need to minimize Flood damages;

ii). all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate Flood damage;

iii). adequate drainage is provided so as to reduce exposure to Flood hazards;

iv). on-site waste disposal systems, if provided, will be so located and designed to avoid impairment of them or contamination from them during the occurrence of the Regulatory Flood.

2. Developers shall record the 100 year Flood elevation on all Subdivision plats containing lands (identified elsewhere by this **Section**) within a Flood hazard area prior to submitting the plats for approval by the Commission.

3. All owners of Manufactured Home Parks or Subdivisions located within the SFHA identified as Zone A on the community's FHBM or FIRM shall develop an evacuation plan for those Lots located in the SFHA and file it with the Department and have it filed with and approved by the appropriate community emergency management authorities.

G. Variances.

1. The Board may grant a variance to the terms and provisions of this **Section** provided the applicant demonstrates that:

   i). there exists a good and sufficient cause for the requested variance;

   ii). the strict application of the terms of this **Section** will constitute an exceptional hardship to the applicant;

   iii). the granting of the requested variance will not increase Flood heights, create additional threats to public safety, cause additional public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances; and,

   All variances shall give the minimum relief necessary and be such that the maximum practical Flood protection will be given to the proposed construction.

2. The Board may grant a variance to the terms and provisions of this **Section** subject to the following standards and conditions:

   i). No variance for a residential use within a Floodway subject to **Section 2.20, C.** may be granted.

   ii). Any variance granted in a Floodway subject to **Section 2.20, B**. will require a permit from the Department of Natural Resources.

   iii). Variances to the Building Protection Standards of **Section 2.20, E.** may be granted only when a new Structure is to be located on a Lot of one acre or less in size, contiguous to and surrounded by Lots with existing Structures constructed below the Flood Protection Grade.

iv). Variances may be granted for the reconstruction or restoration of any Structure individually liste4 on the Register of Historic Places or the Indiana State Survey of Historic Architectural, Archaeological and Cultural Sites, Structures, Districts and Objects.

v). The Board shall issue a written notice to the recipient of a variance that the proposed

3. Construction will be subject to increased risks to life and property and could require payment of increased Flood insurance premiums.

H. 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 **Section** does not create any liability on the part of the Town of Zionsville, Department of Natural Resources, or the State of Indiana, for any Rood damage that results from reliance on this **Section** or any administrative decision made lawfully there under.

I. Violations

Failure to obtain an Improvement Location Permit in the SFHA or failure to comply with the requirements of a permit or conditions of a variance shall be deemed to be a violation of this **Section**. All violations shall be considered a common nuisance and shall be treated as such. All violations shall be punishable by a fine not exceeding $500.00 a day.

1. A separate offense shall be deemed to occur for each day the violation continues to exist.

2. The Building Commissioner shall inform the owner that any such violation is considered a willful act to increase Flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.

3. Nothing herein shall prevent the Town of Zionsville from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

J. Abrogation and Greater Restrictions.

This **Section** repeals and replaces other ordinances adopted by the Town Council of the Town of Zionsville to fulfill the requirements of the National Flood Insurance program, including the Flood Control Secondary District of this Ordinance. However, this **Section** does not repeal the original resolution or ordinance adopted to achieve eligibility in the Program. Nor does this **Section** repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this **Section** and other easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall take precedence. In addition, the Town Council of the Town of Zionsville shall assure that all National Flood Insurance Program regulations and laws **(312 lAC] 0, IC 14-28-1 and IC 14-28-3)** are met.

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Section 2.39. MRO: Urban U.S. Highway 421-Michigan Road Corridor Overlay District

A. Purpose, Intent and Authority

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

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

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

B. District Boundaries

The boundaries of the Overlay Zone are hereby established as shown on the Official Zone Map for the Town of Zionsville, County of Boone, and State of Indiana. The boundaries extend four hundred (400) feet on either side of the U.S. Highway 421 Right-of-Way, as shown on INDOT's plans numbered **STP-**

1352(008), as they existed on January 17, 2000, for that portion of U.S. 421 which is now, or shall come to be, within the boundaries of the Town of Zionsville. The Official Zone Map for the Town of Zionsville, County of Boone, and State of Indiana is officially amended by the adoption of this Ordinance to include the Overlay Zone per the boundaries set forth.

C. Plan Commission Approval

The Plan Commission must approve, approve with conditions, or disapprove the Development Plan for any tract of land in the Overlay Zone per the provisions of **Article 4** of this Ordinance, including, without limitation, any proposed development in connection with a residential subdivision. However, Development Plan approval by the Plan Commission is not required for Single-family Dwellings to be constructed on individual single-family Lots within any residential subdivision.

D. Permitted Uses

All uses which are permitted in a given site's underlying primary zoning Districts, except those uses expressly excluded in **Section 2.21, E.,** of this Ordinance, are permitted in the Overlay Zone.

E. Permitted Special Exceptions

All special exceptions, which are permitted (upon obtaining the grant of a special exception from the Board of Zoning Appeals) in the underlying primary zoning District(s), except the uses expressly excluded in **Section 2.21, E.,** of this Ordinance, are permitted in the Overlay Zone.

F. Excluded Uses

The following uses are prohibited in the Overlay Zone.

1. Adult Entertainment Businesses;
2. Amusement park
3. Bulk storage of petroleum products not used for on-site manufacturing;
4. Car Washes;

5. Carnivals, fairs, circuses;

6. Disposal of radioactive materials;

7. Drive-through facilities;

8. Fertilizer manufacturing. stock yards, slaughtering, leather curing and tanning;

9. Flea market;

10. Garbage disposal plant/sanitary landfill;

11. Go-cart track;

12. Grain elevator;

13. Junk or salvage yard;

14. Manufactured Home Dwelling sales;

15. Mini-warehouses or self-storage facilities;

16. Mobile home court;

17. Outdoor Storage, with the exception of propane tanks that are for lease or purchase;

18. Outdoor theatre;

19. Penal or correctional institution;

20. Reclaiming processes involving materials or chemicals that are considered dangerous to the health, safety, and welfare of the general public as determined by the State Board of Health or by the Town of Zionsville;

21. Refining or manufacturing of petroleum products;

22. Refining of manufacturing of asphalt, cement, gypsum, lime, wood preservatives;

23. Roadside sales stand;

24. Sand and gravel extraction or sales;

25. Truck stop;

26. Warehouses;

27. Water slide.

G. Accessory Buildings and Uses

All Accessory Buildings and Uses which are permitted in the underlying primary zoning District(s) shall be permitted, except that any detached Accessory Building in any Development Plan shall be architecturally compatible with the Primary Building(s) with which it is associated.

H. Minimum Lot Area

The minimum Lot Area required within the Overlay Zone is two (2) acres for non-residential uses and one half (1/2) acre for residential uses. All Lots within the Overlay Zone shall be subject to Development Plan Approval, with the exception of individual Lots for Single-Family Dwellings, as set forth in **Section 2.21. B.,** of this Ordinance. For Lots located only partially within the Overlay Zone, a Development Plan shall be submitted to the Plan Commission for the entire tract to be developed.

If a parcel of land or Subdivision Lot was recorded prior to the effective date of this Ordinance, and said parcel or Lot does not contain the minimum Lot Area required by this Paragraph, said parcel or Lot ("Undersized Lot") may be used for any use permitted in the Overlay Zone provided that:

1. At the time of recordation of the Undersized Lot on the Effective Date, the Undersized Lot met the requirements for minimum Lot Area then in effect for a lot in the underlying primary zoning District(s).

2. The owner of the Undersized Lot must include, up to the minimum tract size, any adjoining vacant land {not separated by a Street or public way} owned, or owned by an affiliate, on or before the Effective Date or at the time of application which. if combined with the Undersized Lot, would create a tract which conforms, or more closely conforms, to the minimum tract size requirements of this Paragraph; and,

3. All other development requirements applicable to the Overlay Zone can be met.

This Paragraph does not preclude the sale or other transfer of any parcel of land within a tract after the approval of a Development Plan for the entire tract. However, the development of the parcel must still conform to the Development Plan for the entire tract as approved or amended by the Plan Commission, and all other applicable requirements contained in this Ordinance.

I. Height and Area Requirements

1. Building Height:

i). Minimum: See **Section 2.21., 1., 3.,** of this Ordinance.

ii). Maximum: As specified in the primary underlying zoning District.

2. Front Yard for Parcels with Frontage on U.S. 421 Right-of-Way:

i). Minimum: Thirty (30) feet, measured from the U.S. Highway 421 Right-of-Way. This measurement shall include the mandatory thirty (30) foot Greenbelt.

ii). Maximum: One hundred twenty (120) feet, measured from the U.S. Highway 421 Right-of Way. This measurement shall include the mandatory thirty (30) foot Greenbelt.

3. Minimum Side and Rear Yards:

i). For a non-residentially zoned Lot next to an existing "R" District: Fifty (50) feet or two (2) times the Building height, whichever is greater. Side and Rear Yards for residential Lots, where adjacent to other residential Lots. shall be Fifteen (15) feet.

ii). For a non-residentially zoned Lot next to a Business District: Fifteen (15) feet. Side and Rear Yards for residential Lots, where adjacent to Business Districts, shall be Twenty-five (25) feet.

iii). For a non-residentially zoned Lot next to an Industrial District: Twenty (20) feet. Side and Rear Yards for residential Lots, where adjacent to other residential Lots. shall be Thirty-five (35) feet.

4. Gross Floor Area: All principal business and industrial Buildings shall have a minimum of two thousand five hundred (2,500) square feet of Gross Floor Area, excluding the Floor Area of any Accessory Buildings. Accessory Buildings need not meet the minimum Floor Area requirement. No Single use, whether free-standing or contained in an Integrated Center, shall exceed sixty thousand (60,000) square feet of Gross Floor Area.

   No Integrated Center shall exceed one hundred twenty-five thousand (125,000) square feet of total; Gross Floor Area.

   New Primary Buildings within the area known as Eagle Village, which is located between 116m and 121st Streets, shall have a minimum of one thousand two hundred (1,200) square feet of Gross Floor Area, excluding the Floor Area of any Accessory Buildings, and a maximum of three thousand five hundred (3,500) square feet of Gross Floor Area, excluding the Floor Area of any Accessory Buildings.

   Primary residential Structures shall meet the minimum Floor Area specified in the underlying zoning District.

5. Greenbelt:

   There shall be a thirty (30) ft. wide greenbelt within the Front Yard of all Lots with frontage on 421.

J. Architectural Design Requirements

In reviewing the architectural design of Building(s) proposed to built in the Overlay Zone, factors to he considered by the Plan Commission shall include but are not limited to the following:

1. Design Theme:

   Buildings shall be designed with an overall Zionsville Theme consistent with or complementary to the Colonial, Federal, Georgian, Victorian, or Greek

Revival Periods. New Buildings are not required to be imitative, but must incorporate the salient features of these architectural styles. Preexisting Buildings on adjoining Lots shall not be a factor in the design of new Buildings.

2. Building Proportion:

Buildings should avoid long. monotonous, uninterrupted walls or roof planes.

3. Building Height:

The height of new Primary Buildings shall be at least one and one-half (1- 1/2) stories, or be designed to appear so from the front and sides. Retail and office Buildings are encouraged to be two (2) stories or more in height, with office or residential uses on the second floor. The minimum height for all Buildings shall be twenty (20) feet, either at the roof line or at the top of the parapet wall. Single family Dwellings shall have at least 50% of the Structure reaching 1 ½ stories or 20 feet at the roof line. New Buildings within the area known as Eagle Village, which is located between 116th and 121st Streets, may have a height of one (1) story or twelve (12) feet, but shall not exceed a maximum height of two (2) stories or twenty (20) feet.

4. Building Facades:

Facades shall have a defined base or foundation, a middle or modulated wall, and a top formed by a pitched roof or articulated cornice, in each instance appropriate to the Building style. Buildings with continuous facades that are ninety (90) feet or greater in width, shall be designed with offsets (projecting or recessed) not less than eight (8) feet deep, and at intervals of not greater than sixty (60) feet. New Buildings within the area known as Eagle Village, which is located between 116 and 121st Streets, shall not have a continuous facade exceeding fifty (50) feet.

Facades constructed of more than one material shall only change material along horizontal or vertical lines (not diagonal lines). For material changes at the horizontal line, the heavier material shall always be placed beneath the lighter material. Front and side facades of Buildings located on Corner Lots shall be of the same materials and similarly detailed.

5. Roofs:

i). Pitched Roofs

Roofs shall be simply and symmetrically pitched and only in the configuration of gables and hips, with pitches ranging from 4:12 to 14:12.

Pitched roofs shall be clad in wood shingles, slate, composition asphalt shingle or standing seam metal panels. Shingle or panel color shall be appropriate to the design of the Building.

ii). Shed Roofs

Shed roofs are permitted only when the ridge is attached to an exterior wall of a Building, with pitches ranging from 4:12 to 14:12.

iii). Flat roofs

Flat roofs are permitted when consistent with the selected style of architecture, if edged by a railing or parapet, and if rooftop mechanical equipment is either camouflaged on all sides or visually integrated into the overall design of the Building.

In no case shall rooftop mechanical equipment be visible from adjoining "R" Districts.

All vents, attic ventilators, turbines, flues and other roof penetrations shall be painted to match the color of the roof, or painted flat black. Gutters and downspouts shall be appropriate to or visually integrated with the selected architectural style of the Structure.

Dormers, belvederes, cupolas and pergolas may be utilized as a design element, so long as they are designed with the details, proportions, style, and materials consistent with the Buildings selected architectural design.

6. Entrances

The main Building or tenant space pedestrian entrances shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, and other design elements appropriate to the selected architectural

style and details of the Building as a whole. The location, orientation, proportion and style of doors shall reflect the chosen style of the Building. Building facades for industrial and Warehouse uses shall be designed with a main entrance and at least two (2) window openings associated with this doorway.

7. Windows:

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

8. Awnings:

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

9. Storefronts:

Storefronts shall be integrally designed with overall facade character. Ground floor retail, service and restaurant uses should generally have large pane display windows; however, they shall not' exceed seventy-five percent (75%) of the total ground level (first floor) facade area.

Buildings with multiple storefronts shall be of unified design, through the use of common materials, architectural details, Signs and lighting consistent with the overall Building style.

10. Drive-Through Service Units:

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

11. Suitability of Building materials:

Unless otherwise approved-by the Plan Commission; Building materials shall be consistent with or complementary to those which replicate Colonial,

Federal, Georgian, Victorian and Greek Revival Periods of American architecture, as follows:

i). Exposed foundations shall be constructed of one or more of the following:

(a) Brick in a color historically consistent with the architectural style;

(b) Stone (limestone, granite, fieldstone, etc.); or,

(c) Split-face block or architectural pre-cast concrete, if surface looks like brick or stone.

ii). Facade walls shall be constructed of any combination of:

(a) Stone;

(b) Smooth cut cedar shingles;

(c) Wood clapboard siding;

(d) Brick in a color historically consistent with the architectural style;

(e) Wood beaded siding; or,

(f) Stucco with smooth finish, or dryvit (or equivalent), not to exceed twenty percent (20%) of the overall non-window facade area.

12. Topography:

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

13. Landscape Design:

Design of proposed landscaping in relation to Structures.

14. Consistency with Style and Period:

Overall aesthetics of the proposed Building, including color, are consistent with the architectural style and period.

15. Building Orientation:

The Primary Building shall be oriented to U.S. Hwy. 421, so that the front of the Building faces the highway. In the case where there is more than one

Primary Building on a Lot, at least one (1) Building shall be oriented to U.S. 421. Where the Primary Building is designed to have three (3) or more users (such as the case of multiple lease spaces), a maximum of two (2) uses shall be oriented to U.S. 421. Accessory Buildings (including residential garages, storage Buildings, etc.) shall be located behind the Primary Building.

K. Landscaping Requirements

1. Landscape Plan.

The applicant shall submit a Landscape Plan to the Plan Commission as part of the Development Plan application, per **Section 4.2** of this Ordinance.

2. Areas to be Landscaped:

i). Greenbelt. The thirty (30) foot Greenbelt shall be composed of grass and landscape areas. The incorporation of walkways and bikeways into the design is encouraged; however, no Parking Areas, through roads, Buildings, Accessory Structures, etc. shall be established within this area.

ii). Foundation Plantings. Foundation plantings shall be included along all sides of any Building. The minimum width of the planting area shall be five (5) feet, except that when adjoining a Parking Area located in the Front Yard adjoining U.S. 421, the minimum width shall be ten (10) feet.

iii). Peripheral Plantings. Minimum Side and Rear Yard landscaping shall occur per the requirements of the underlying primary zoning District.

iv). Parking Lots. Per standards specified in **Section 2.21,1.,** of this Ordinance.

v). Screening Areas. All air conditioning units, HV AC systems, exhaust pipes or stacks, overhead doors, legally non-conforming Outside Storage areas, and satellite dishes shall be integrated into the overall building design or screened from the U.S. Highway 421 Right-of-Way and adjoining residential zones or uses, by means of walls, fencing, parapets, penthouse screens, landscaping, camouflage, or other approved method.

3. Landscaping Standards

i). The interior dimensions, specifications and design of any planting area or planting median shall be sufficient to protect the landscaping materials planted therein and to provide for proper growth. The following minimum interior widths for planting areas shall be used:

(a) Canopy Trees; Nine (9) Feet;

(b) Ornamental Trees; Seven (7) feet;

(c) Shrubs (only); Five (5) feet;

ii). All plant material proposed to be used in accordance with any Landscape Plan shall meet the following specifications.

(a) Shade trees: a minimum trunk diameter of two and one-half (2 1/2) inches at six (6) inches above grade, a minimum height of eight (8) feet, and a branching height of not less than one-third (1/3) or more than one-half (1/2) of tree height.

(b) Ornamental trees: a minimum trunk diameter of one and one-half (1 1/2) inches at six (6) inches above grade, a minimum height of six (6) feet, and a branching height of not less than one-third (1/3) or more than one-half (1/2) of tree height.

(c) Evergreen trees: a minimum height of eight (8) feet, and a width of not less than three fifths (3/5) of the height.

(d) Deciduous shrubs: a minimum height of eighteen (18) inches, no less than six (6) main branches upon planting, and a mature height no greater than thirty-six (36) inches.

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

iii). Greenbelt. The primary landscaping materials used in the Greenbelt shall be shade trees, ornamental trees, shrubs, ground covers and grass.

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

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

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

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

v). Parking Lots.

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

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

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

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

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

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

4. Landscaping Installation and Maintenance

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

ii). Maintenance. It shall be the responsibility of the owners and their agents to insure proper maintenance ofal1 trees, shrubs and other landscaping approved as part of the Landscape Plan portion of Development Plan approval in accordance with the standards set by this Ordinance. This is to include, but is not limited to, replacing dead plantings with identical varieties or a suitable substitute approved by the Building Commissioner, irrigation and mulching of planting areas, and keeping the area free of refuse. debris. rank vegetation and weeds.

iii). Changes after Approval. See **Section 4.3** of this Ordinance.

iv). Inspection. The Building Commissioner or his/her designee may visit any tract within the Overlay Zone to inspect the landscaping and check it against the approved plan on file.

L. Parking Requirements

1. Parking Spaces required, and the dimensions of those Parking Spaces: see **Section 3.8**.

2. Landscaping standards: see **Section 2.21, J.** above.

3. Parking Lots shall be designed to provide coordinated access to Parking Areas on adjoining tracts or parcels within the Overlay Zone. preferably via a frontage road network. Sites utilizing frontloaded Parking Areas shall provide for continuous access across the rear of the site to adjoining tracts or parcels. As part of the Development Plan submission. the petitioner shall provide a Site

4. Circulation Plan that illustrates to the Plan Commission how coordinated access will occur relative to the overall U.S. Highway 421 Corridor.

5. All Parking Areas and drives (including residential Driveways) shall be paved with asphalt or concrete. Brick pavers or other decorative pavements may be used as accents in Parking Area design. Poured-in-place concrete curbs shall be used.

6. Parking within Font Yard Setbacks shall be discouraged and limited to a maximum of two (2) rows of the total required parking, except that within the area known as Eagle Village, which is located between 116th and 121" Streets, there shall be a maximum of one (1) row of parking. Parking within the Front Yard Setbacks shall be subject to minimum Greenbelt width, minimum Bufferyard requirements and maximum Building Setback standards.

M. Lighting Requirements

1. Lighting Plan.

   A Lighting Plan for the proposed development (excluding single-family development) shall be filed as part of the Development Plan application, per **Section 4.2** of this Ordinance.

2. Design.

   All lighting standards, including those on Buildings, security lights and architectural lights within the development area shall be of uniform design and materials. Parking lot streetlights shall also be of uniform height not to exceed twenty-four (24) feet. Poles for such lights shall have a minimum diameter of six (6) inches for poles up to twelve (12) feet in height and a minimum of eight (8) inches diameter for poles between twelve (12) and twenty-four (24) feet in height. Luminaries for such lights shall be in proportion to the pole diameter and height. All lights within gas station canopies and adjacent to residential areas shall be of a "down lighting" type with the light element completely shielded on all sides and top. The Plan Commission may approve decorative lighting should it be more appropriate to the overall site design.

3. Intensity.

Lighting shall not cause illumination beyond any residential Lot line or Street Right-of-Way line in excess of **O.I**-foot candles of light. Lighting shall not cause illumination beyond any nonresidential tract or parcel line or Street Right-of-Way line in excess of 0.3-foot candles of light.

N. Access to Individual Tracts

The purpose of this **Section** is to make the closing of all curb cuts along U.S. Highway 421 possible by Establishing a common access road to the rear parking lots of all tracts within the Overlay Zone. Frontage Streets and common entrances shared by several properties and development shall be encouraged and may be required at the discretion of the Plan Commission. In those cases where tracts can be accessed via connection to a Primary or Secondary Arterial Street, Local Street, or adjoining parking lot, curb cuts shall not be established on U.S. Highway 421. The Plan Commission shall encourage maximum distances between curb cuts to U.S. Highway 421 in cooperation with the Indiana Department of Transportation. Bicycle and pedestrian circulation to and through the site shall be coordinated with vehicular access, Greenbelt design, and parking.

O. Other Requirements

1. Trash Collection. Trash collection and recycling areas shall be enclosed and screened on all sides, with a minimum six (6) foot tall opaque wall. Trash collection and recycling areas shall be in the rear of all Buildings.

2. Loading Areas.

   Loading Areas and trash collection areas shall be permitted per the needs of the business establishments and shall be identified on the Development Plan. Loading Spaces and overhead doors shall face to the rear of all Buildings. Should a Loading Space be located adjacent to or visible from a Public Right-of-Way, or established on the side of a Building through any circumstance. it shall be screened per Plan Commission approval

3. Emergency Access.

   All emergency access areas and facilities shall be shown on the Site Plan and reviewed by the Zionsville Fire Chief.

4. Signs.

   A Sign Plan for the proposed development shall be submitted to the Plan Commission for its approval as part of the Development Plan application. Signs for each proposed use shall be uniform in character as to color and architectural design as approved by the Plan Commission. Should a Development Plan-approved Sign Plan be replaced with a new design. the amended Sign Plan must go before the Plan Commission for review and approval. Individual Signs which conform to both **Article 6** of this Ordinance and to the approved Sign Plan shall not require further approval. however, such Signs shall require an Improvement Location Permit.

5. Conforming Uses.

   A Development Plan shall be submitted to the Plan Commission for its approval when a Legally Established Nonconforming Use is changed to a conforming use and when either:

   i). Any new Building is to be constructed; or,

   ii). Any existing Building or site development (including addition of parking lot) is expanded by more than thirty percent (30%).

6. Nonconforming Uses.

   A Development Plan shall be submitted to the Plan Commission for its approval when a Legally Established Nonconforming Use is altered as follows:

   i). A Building has been more than sixty percent (60%) destroyed.

   ii). Any expansion of a Building or site development (including addition of parking lot). Normal· maintenance and repair is exempt from the Development Plan approval requirement.

   iii). If property or Building is vacant for more than (1) year.

P. Application Procedure --See **Article 4** of this Ordinance.

Q. Validity of Approval of the Application by the Plan Commission.

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

Section 2.40. Rural : Overlay Districts

A. Purpose, Intent and Authority

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

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

The authority to establish overlay districts is based on the goals and objectives of the Town of Zionsville's Comprehensive Plan and **Indiana Code 36-7-4-600**.

B. Establishment of Overlay Districts

The establishment of an overlay district shall be a combination of a zoning text amendment and a zoning map amendment and shall be processed concurrently. To simplify the process, the public hearings shall be advertised and held together; when considering the overlay district establishment, the Town of Zionsville and the legislative body shall consider the recommendations together, the legislative body's certifications shall be combined, and the adopting ordinances shall be combined.

The Town of Zionsville or any participating legislative body of the jurisdiction shall only initiate overlay districts. **IC 367-4-602 (b) and (c)** and **IC 36-7-4-607 and 608** shall govern the procedure for the establishment of overlay districts.

C. A. U.S. Highway 421 - Michigan Road Corridor Overlay District

1. Purpose, Intent, and Authority

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

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

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

2. District Boundaries

The boundaries of the Overlay District are hereby established as shown on the Official Zoning Maps for the Town of Zionsville, Indiana. The boundaries extend four hundred (400) feet on either side of the U.S. Highway 421 Right-of-Way, as shown on INDOT's plans numbered STP-135-2(008), as they existed on January 17, 2000, for that portion of U.S. HIGHWAY 421 south of

121st Street (also known as Greenfield Road or County Road 550 South) and as it existed on January 1, 2003 for that portion of U.S. Highway 421 north of 121st Street within Boone County, Indiana. The Official Zoning Maps for Boone County, Indiana are officially amended by the adoption of this Ordinance to include the Overlay District per the boundaries set forth.

3. Town of Zionsville Approval

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

4. Permitted Uses

All uses which are permitted in a given site's underlying primary zoning Districts, except those uses expressly excluded are permitted in the Overlay District.

5. Permitted Special Exceptions

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

6. Excluded Uses

The following uses are prohibited in the Overlay District.

i). Adult Entertainment Businesses;

ii). Amusement park

iii). Bulk storage of petroleum products not used for on-site manufacturing;

iv). Car Washes;

v). Carnivals, fairs, circuses;

vi). Confined feed operations;

vii). Disposal of radioactive materials;

viii). Drive-through facilities;

ix). Fertilizer manufacturing, stock yards, slaughtering, leather curing and tanning;

x). Flea market;

xi). Garbage disposal plant/sanitary landfill;

xii). Go-cart track;

xiii). Grain elevator;

xiv). Junk or salvage yard;

xv). Manufactured Home Dwelling sales;

xvi). Mini-warehouses or self-storage facilities;

xvii). Mobile home court;

xviii). Off-Premise (Outdoor Advertising):

xix). Outdoor Storage, with the exception of propane tanks that are for lease or purchase;

xx). Outdoor theatre;

xxi). Penal or correctional institution;

xxii). Reclaiming processes involving materials or chemicals that are considered dangerous to the health, safety, and welfare of the general public as determined by the State Board of Health or by the Boone County Health Department;

xxiii). Refining or manufacturing of petroleum products;

xxiv). Refining of manufacturing of asphalt, cement, gypsum, lime, wood preservatives;

xxv). Roadside sales stand;

xxvi). Sand and gravel extraction or sales;

xxvii). Truck stop;

xxviii). Warehouses;

xxix). Water slide.

7. Accessory Buildings and Uses

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

8. Minimum Lot Area

The minimum Lot Area required within the Overlay District shall be those dictated by the requirements of the underlying zoning District. All Lots within the Overlay District shall be subject to Development Plan Approval, with the exception of individual Lots for Single-family Dwellings. For Lots located only partially within the Overlay District, a Development Plan shall be submitted to the Town of Zionsville for the entire tract to be developed and the entire tract shall be subject to the requirements of these Ordinances.

9. Height and Area Requirements

i). Building Height:

(a) Minimum

(b) Maximum: As specified in the primary underlying zoning District.

ii). Front Yard for Parcels with Frontage on U.S. Highway 421 Right-of-Way:

(a) Minimum: Thirty (30) feet, measured from the U.S. Highway 421 Right-of-Way. This measurement shall include the mandatory thirty (30) foot Landscape Buffer .

(b) Maximum: One hundred twenty (120) feet, measured from the U.S. Highway 421 Right-of-Way. This measurement shall include the mandatory thirty (30) foot Landscape Buffer

iii). Minimum Side and Rear Yards: As specified in the primary underlying zoning District.

iv). Gross Floor Area:

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

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

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

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

10. Architectural Design Requirements In reviewing the architectural design of Building(s) proposed to be built in the Overlay District, factors to be considered by the Town of Zionsville shall include but are not limited to the following:

i). Design Theme: Buildings shall be designed with an overall Theme consistent with or complementary to the Colonial, Federal, Georgian, Victorian, or Greek Revival Periods. New Buildings are not required to be imitative, but must incorporate the salient features of these architectural styles. Pre-existing Buildings on adjoining Lots shall not be a factor in the design of new Buildings.

ii). Building Proportion: Buildings should avoid long, monotonous, uninterrupted walls or roof planes.

iii). Building Height: The height of new Primary Buildings shall be at least one and one-half (1 ½) stories, or be designed to appear so from the front and sides. Retail and office Buildings are encouraged to be two (2) stories or more in height. The minimum height for all Buildings shall be twenty (20) feet, either at the roof line or at the top of the parapet wall. Single-family Dwellings shall have at least 50% of the Structure reaching 1 ½ stories or 20 feet at the roof line. New Buildings within the area known as Eagle Village, which is located between 116th and 121st Streets, may have a height of one (1) story or twelve (12) feet, but shall not exceed a maximum height of three (3) stories.

iv). Building Facades: Facades shall have a defined base or foundation, a middle or modulated wall, and a top formed by a pitched roof or articulated cornice, in each instance appropriate to the Building style. Buildings with continuous facades that are ninety (90) feet or greater in width, shall be designed with offsets (projecting or recessed) not less than eight (8) feet deep, and at intervals of not greater than sixty (60) feet. New Buildings within the area known as Eagle Village, which is located between 116th and 121st Streets, shall not have a continuous facade exceeding fifty (50) feet. Facades constructed of more than one material shall only change material along horizontal or vertical lines (not diagonal lines). For material changes at the horizontal line, the heavier material shall always be placed beneath the lighter material. Front and side facades of Buildings located on Corner Lots shall be of the same materials and similarly detailed.

v). Roofs:

(a) Pitched Roofs

Roofs shall be simply and symmetrically pitched and only in the configuration of gables and hips, with pitches ranging from 4:12 to 14:12.

Pitched roofs shall be clad in wood shingles, slate, composition asphalt shingle or standing-seam metal panels. Shingle or panel color shall be appropriate to the design of the Building.

(b) Shed Roofs

Shed roofs are permitted only when the ridge is attached to an exterior wall of a Building, with pitches ranging from 4:12 to 14:12.

(c) Flat roofs

Flat roofs are permitted when consistent with the selected style of architecture, if edged by a railing or parapet, and if rooftop mechanical equipment is either camouflaged on all sides or visually integrated into the overall design of the Building.

In no case shall rooftop mechanical equipment be visible from adjoining Residential Districts or from U.S. Highway 421. All vents, attic ventilators, turbines, flues and other roof penetrations shall be painted to match the color of the roof, or painted flat black. Gutters and downspouts shall be appropriate to or visually integrated with the selected architectural style of the Structure.

Dormers, belvederes, cupolas and pergolas may be utilized as a design element, so long as they are designed with the details, proportions, style, and materials consistent with the Buildings selected architectural design.

vi). Entrances:

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

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

vii). Windows:

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

viii). Awnings:

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

ix). Storefronts:

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

x). Drive-Through Service Units:

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

xi). Suitability of Building materials:

In order to create variation and interest in the built environment, all new Buildings or Building additions shall use the exterior Building materials specified below. Building materials shall be consistent with or

complementary to those which replicate Colonial, Federal, Georgian, Victorian and Greek Revival Periods of American architecture, as follows:

(a) Exposed foundations shall be constructed of one or more of the following:

i. Brick in a color historically consistent with the architectural style;

ii. Stone (limestone, granite, fieldstone, etc.); or,

iii. Split-face block or architectural pre-cast concrete, if surface looks like brick or stone.

(b) Facade walls shall be constructed of any combination of:

i. Stone;

ii. Smooth cut cedar shingles;

iii. Wood clapboard siding;

iv. Brick in a color historically consistent with the architectural style;

v. Wood beaded siding; or,

vi. Stucco with smooth finish, or External Insulation and Finish System (E.I.F.S.); not to exceed twenty percent (20%) of the overall non-window facade area.

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

11. Topography:

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

12. Landscape Design:

Design of proposed landscaping in relation to Structures.

13. Consistency with Style and Period:

    Overall aesthetics of the proposed Building, including color, are consistent with the architectural style and period.

14. Building Orientation:

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

15. Landscaping Requirements

    i). Landscape Plan.

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

    ii). Areas to be Landscaped:

    (a) Landscape Buffer. The thirty (30) foot Landscape Buffer shall be composed of grass and landscape areas. The incorporation of walkways and bikeways into the design is encouraged; however, no Parking Areas, through roads, Buildings, Accessory Structures, etc. shall be established within this area.

    (b) Foundation Plantings. Foundation plantings shall be included along all sides of any Building. The minimum width of the planting area shall be five (5) feet, except that when adjoining a Parking Area located in the Front Yard adjoining U.S. Highway 421, the minimum width shall be ten (10) feet.

    (c) Peripheral Plantings. Minimum Side and Rear Yard landscaping shall occur per the requirements of the underlying primary zoning District.

    (d) Parking Lots. Per standards specified in this Ordinance.

(e) Screening Areas. All air conditioning units, HVAC systems, exhaust pipes or stacks, overhead doors, legally non-conforming Outside Storage areas, and satellite dishes shall be integrated into the overall building design or screened from the U.S. Highway 421 Right-of-Way and adjoining residential Districts or uses, by means of walls, fencing, parapets, penthouse screens, landscaping, camouflage, or other approved method.

iii). Landscaping Standards

(a) The interior dimensions, specifications and design of any planting area or planting median shall be sufficient to protect the landscaping materials planted therein and to provide for proper growth. The following minimum interior widths for planting areas shall be used:

i. Canopy Trees: Nine (9) feet;

ii. Ornamental Trees: Seven (7) feet;

iii. Shrubs (only): Five (5) feet.

(b) All plant material proposed to be used in accordance with any Landscape Plan shall meet the following specifications.

i. Shade trees: a minimum trunk diameter of two and one-half (2 ½) inches at six (6) inches above grade, a minimum height of eight (8) feet, and a branching height of not less than one-third (1/3) or more than one-half (½) of tree height.

ii. Ornamental trees: a minimum trunk diameter of one and one-half (1 ½) inches at six (6) inches above grade, a minimum height of six (6) feet, and a branching height of not less than one-third (1/3) or more than one-half (½) of tree height.

iii. Evergreen trees: a minimum height of eight (8) feet, and a width of not less than three-fifths (3/5) of the height.

iv. Deciduous shrubs: a minimum height of eighteen (18) inches, no less than six (6) main branches upon planting, and a mature height no greater than thirty-six (36) inches.

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

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

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

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

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

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

(e) Parking Lots.

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

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

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

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

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

iii. Front and Side Parking. Parking Areas within front and Side Yards shall be completely screened from view. Such screening shall be subject to Town of Zionsville approval.

iv). Landscaping Installation and Maintenance

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

(b) Maintenance. It shall be the responsibility of the owners and their agents to insure proper maintenance of all trees, shrubs and other landscaping approved as part of the Landscape Plan portion of Development Plan approval in accordance with the standards set by this Ordinance. This is to include, but is not limited to, replacing dead plantings with identical varieties or a suitable substitute approved by the Town of Zionsville, irrigation and mulching of planting areas, and keeping the area free of refuse, debris, rank vegetation and weeds.

(c) Changes after Approval. See **Section VI** of this Ordinance.

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

16. Parking Requirements

i). Parking Spaces required, and the dimensions of those Parking Spaces.

ii). Landscaping standards: see above.

iii). Parking Lots shall be designed to provide coordinated access to Parking Areas on adjoining tracts or parcels within the Overlay District, preferably via a frontage road network. Sites utilizing front-loaded Parking Areas shall provide for continuous access across the rear of the site to adjoining tracts or parcels. As part of the Development Plan submission, the petitioner shall provide a Site Circulation Plan that illustrates to the Town of Zionsville how coordinated access will occur relative to the overall U.S. Highway 421 Corridor.

iv). All Parking Areas and drives (including residential Driveways) shall be paved with asphalt or concrete. Brick pavers or other decorative pavements may be used as accents in Parking Area design. Poured-in-place concrete curbs shall be used.

v). Parking within Front Yard Setbacks shall be discouraged and limited to a maximum of two (2) rows of the total required parking, except that within the area known as Eagle Village, which is located between 116th and 121st Streets, there shall be a maximum of one (1) row of parking. Parking within the Front Yard Setbacks shall be subject to minimum Landscape Buffer width, minimum Bufferyard requirements and maximum Building Setback standards.

17. Lighting Requirements

i). Lighting Plan. A Lighting Plan for the proposed development (excluding single-family development) shall be filed as part of the Development Plan application, per **Section VI** of this Ordinance.

ii). Design. All lighting standards, including those on Buildings, security lights and architectural lights within the development area shall be of uniform design and materials. Parking lot streetlights shall also be of uniform height not to exceed twenty-four (24) feet. Poles for such lights shall have a minimum diameter of six (6) inches for poles up to twelve (12) feet in height and a minimum of eight (8) inches diameter for poles between twelve (12) and twenty-four (24) feet in height. Luminaries for such lights shall be in proportion to the pole diameter and height. All lights within gas station canopies and adjacent to residential areas shall be of a "down lighting" type with the light element completely shielded on all sides and top. The Town of Zionsville may approve decorative lighting should it be more appropriate to the overall site design.

iii). Intensity. Lighting shall not cause illumination beyond any residential Lot line or Street Right-of-Way line in excess of 0.1-foot candles of light. Lighting shall not cause illumination beyond any non-residential tract or parcel line or Street Right-of-Way line in excess of 0.3-foot candles of light.

18. Access to Individual Tracts The purpose of this **Section** is to make the closing of all curb cuts along U.S. Highway 421 possible by establishing a common access road to the rear parking lots of all tracts within the Overlay District. Frontage Streets and common entrances shared by several properties and developments shall be strongly encouraged, especially in those cases where tracts can be accessed via connection to a Primary or Secondary Arterial Street, Local Street, or adjoining parking lot. The Town of Zionsville shall encourage maximum distances between curb cuts to U.S. Highway 421 in cooperation with the Indiana Department of Transportation. Bicycle and pedestrian circulation to and through the site shall be coordinated with vehicular access, Landscape Buffer design, and parking.

19. Other Requirements

i). Trash Collection. Trash collection and recycling areas shall be enclosed and screened on all sides, with a minimum six (6) foot tall opaque wall. Trash collection and recycling areas shall be in the rear of all Buildings.

ii). Loading Areas. Loading Areas and trash collection areas shall be permitted per the needs of the business establishments and shall be identified on the Development Plan. Loading Spaces and overhead doors shall face to the rear of all Buildings. Should a Loading Space be located adjacent to or visible from a Public Right-of-Way, or established on the side of a Building through any circumstance, it shall be screened per Town of Zionsville approval.

iii). Emergency Access. All emergency access areas and facilities shall be shown on the Site Plan and reviewed by the Town of Zionsville Fire Department.

iv). Signs. A Sign Plan for the proposed development shall be submitted to the Town of Zionsville for approval as part of the Development Plan application. Signs for each proposed use shall be uniform in character as to color and architectural design as approved by the Town of Zionsville. Should a Development Plan-approved Sign Plan be replaced with a new design, the amended Sign Plan must go before the Town of Zionsville for review and approval. Individual Signsthat conform to this Ordinance and to the approved Sign Plan shall not require further approval, however, such Signs shall require an Improvement Location Permit.

v). Conforming Uses. A Development Plan shall be submitted to the Town of Zionsville for its approval when a Legally Established Nonconforming Use is changed to a conforming use and when either:

(a) Any new Building is to be constructed; or,

(b) Any existing Building or site development (including addition of parking lot) is expanded by more than thirty percent (30%).

vi). Nonconforming Uses. A Development Plan shall be submitted to the Town of Zionsville for its approval when a Legally Established Nonconforming Use is altered as follows:

(a) A Building has been more than sixty percent (60%) destroyed.

(b) Any expansion of a Building or site development (including addition of parking lot). Normal maintenance and repair is exempt from the Development Plan approval requirement.

(c) If property or Building is vacant for more than (1) year.

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

21. Application Procedure.

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

23. Waiver of Development Requirements.

i). Building Materials Findings The Town of Zionsville may grant a waiver of the Building materials Development Requirements and approve the use of alternate exterior Building materials on any facade of a Building upon finding that:

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

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

(c) the Building materials utilized are consistent with and compatible with other Building materials utilized on, and with the overall exterior character of, other Buildings and development located along the Street; and

(d) the Building materials utilized are consistent with the intent and purpose of this Ordinance.

ii). Architectural Design Findings

The Town of Zionsville may grant a waiver of the Architectural Design Requirements of **Section** of this Ordinance and approve an Architectural

design which does not incorporate the overall theme or incorporate the architecture, design and overall aesthetic exterior character of a Building consistent with the Georgian, Federal, Greek Revival, or Victorian Architectural styles upon finding that:

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

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

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

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

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Section 2.41. Rural AZ: Rural Airport Zoning District

A. Purpose and Intent

The AZ, Rural Airport Zoning, District is hereby established to include airports and heliports and all other facilities and uses appropriate and common with the taking off and landing of aircraft along with storage and servicing of such aircraft.

Please refer to the **Rural Zoning District Tables**:

Table Page
Table One-Land Use Districts: 168-169
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Section 2.42. DISTRICTS

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

Table 1: Land Use Districts

Conservation and Agriculture Districts		
C	Conservation	This district is established to emphasize the conservation of existing natural resources.
AP	Agricultural Preservation	This district is established to restrict non-agriculturally related land uses. Residential development may occur at a substantially decreased rate than other districts.
AG	General Agricultural	The Agricultural Zoning District is intended to maintain the rural and scenic qualities of Boone County by preserving farm land and significant open lands while allowing landowners a reasonable return on their holdings. It is further intended to provide for controlled rural residential growth beyond the limits of the urban service districts of the City of Lebanon, while maintaining the viability of existing Boone County agricultural activities, providing for farming opportunities for future farmers, allowing current farmers to realize the monetary value of their land, protecting historic, scenic or environmentally sensitive areas, and ensuring that rural residential growth can be adequately served by public roadways, fire and police protection, and public schools, without requiring unplanned and/or inordinate public expenditures. To achieve this intent, the Agricultural District is designated to (a) minimize the loss of farm lands and significant open lands to residential uses through the establishment of contiguous parcels of non-residential acres, and (b) maximize the clustering of rural residential lots on the least number of acres located on existing farm lands and significant open lands.
RE	Rural Equestrian	This district is established to maintain and conserve a rural, country-like atmosphere and to encourage equestrian uses rather than residential uses. Residential development may occur but is secondary to the rural equestrian purpose of this district. Further, the lot area requirements ofthis district are more restrictive than established residential districts; typically at a density of one home per three acres.
AZ	Airport Zoning	This district is designed to include airports and heliports and all other facilities and uses appropriate and common with the taking off and landing of aircraft along with storage and servicing off such aircraft.
Residential Districts		
R1	Low Density Single Family Residential	This is a low-density suburban residential district. The lot area and minimum floor area requirements are larger than the other residential districts. Development in this district is typically at a density of less than one home per two acres.

R2	Low Density Single Family and Two-Family Residential	This is a low-density single-family district, which could include two-family dwellings by Development Plan Approval. This district is primarily suited for suburban residential development in areas contiguous to the urban centers of the County. Development in this district typically ranges from .50 homes per acre (without public water and public sewer) to 1.75 homes per acre (with public water and public sewer).
R3	Medium Density Single Family and Two-Family Residential	This is a medium density single-family district, which may include two family dwellings by Development Plan Approval. Development in this district typically ranges from 1.75 homes per acre to 3.00 homes per acre. In this district, residential development at these densities requires connection to public water and public sewer utilities.
R4	High Density Single Family and Two-Family Residential	This district is established for high-density single-family dwellings and may include two-family dwellings by Development Plan Approval. Single and two-family development in this district typically ranges from 3 homes per acre to 4.25 homes per acre. Two-family development typically ranges from 7 units per acre to 12 units per acre. In this district, single and two-family development at these densities requires connection to public water and public sewer utilities.
MF	High Density Multi-Family Residential	This is a high-density multi-family district. Development in this district is typically at a density of 7 to 12 dwelling units per acre. Development in this district requires connection to public water and public sewers.
Commercial Districts		
LB	Local Business	This district is designed and located in neighborhoods to accommodate the primary needs of that locality. This district would place convenience and necessity facilities close to consumers in limited areas close to residences.
PB	Professional Business	This district is established as a buffer generally between commercial and residential districts permitting selected business and professional uses having limited contact with the public.
UB	Urban Business	This district is designed to address the needs of existing and future downtown development. This district carries virtually all of the characteristics of the GB District but without setbacks, buffer yards, or other design requirements common to suburban development.
GB	General Business	This district is designed to include central business districts in established urban places. This district would be used for most types of business and service uses.
AB	Accommodation Business	This district is established to include areas adjacent to Interstate interchanges and is designed to serve the needs of the public traveling on these major thoroughfares.
Industrial Districts and PUD's		
I1	Light Industrial	This district is established to accommodate light industrial uses in which all operations, including storage of materials would be confined within a building, and would include warehousing operations.
I2	General Industrial	This district is established for all types ofindustrial uses requiring both enclosed and unenclosed spaces for storage, manufacturing, and fabricating.
PUD	Planned Unit Development	This district is established to encourage improved land development and building site design, to encourage and allow a variety of innovative uses, building types and arrangements, to allow development of land areas so planned, located or situated as to merit and justify consideration as a PUD district.

Section 2.43. AUTHORIZED USES AND REQUIREMENTS

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

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

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

Table 2: Authorized Uses

Education	**C**	**AP**	**AG**	**RE**	**R1**	**R2**	**R3**	**R4**	**MF**	**AB**	**LB**	**GB**	**UB**	**PB**	**I1**	**I2**	**AZ**
Art & Music Schools												X	X	X			
Colleges & Universities					S	S	X	X	X						S		
Elementary & Secondary Schools			D		X	X	X	X	X		X	X	X	X			
Junior Colleges & Technical Institutes					S	S	X	X	X								
Libraries & Information Centers			D		X	X	X	X	X								
Trade or Business School												X	S	S	X		
Non-Industrial Farm, Agricultural, Animal Related Uses																	
Animal Day Care Facility			S								X	X	X		X	X	
@ Commercial Greenhouse		S	X									X			X	X	
Kennel, Small			S								X	X			S	S	
Kennel, Large			S												S	S	
Kennel, Unlimited			S												S	S	

	C	AP	AG	RE	R1	R2	R3	R4	MF	AB	LB	GB	UB	PB	I1	I2	AZ
@ Roadside Produce Stand		S	X								X	X			X	X	
@ Sale Barn for Livestock		S	X												S	X	
@ Veterinary Animal Hospital			S									X	X	X	X	X	
Farm	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	
Hay, Grain, Feed Stores		X	X								X	X			X	X	
Landscape Contractor		S	S								S	S			S	S	
Plant Nursery		S	X								X	X			X	X	
Government																	
@ Penal or Correctional Institutuion												S			S	S	
@ Police, Postal, or Fire Station			D		X	X	X	X	X	X	X	X	X	X	X	X	
Municipal or Government Buildings			D		X	X	X	X	X	X	X	X	X	X	X	X	
Publicly Owned Park or Recreational Facility	X	X	D		X	X	X	X	X	X	X	X	X	X	X	X	
Industrial Uses																	
@Anhydrous Ammonia or Similar Liquefied Fertilizer Storage & Distribution		S	S												S	X	
@Auction Sales Yard (Excluding Livestock)												S			S	X	
@ Commercial Facility for Breeding Non-Farm Fowl & Animals		X	X												S	X	
@Confined Feeding		X	X														
@ Contractors Storage															S	X	
@ Industrial, General																X	
@ Junk Yard															S	X	
@ Light Industrial Park															X	X	
@ Liquefied Petroleum Gas, Bottled Gas Dealers															S	X	
@ Manufacturing, Use, or Storage of Explosives															S	S	
@ Mineral Extraction		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	

	C	AP	AG	RE	R1	R2	R3	R4	MF	AB	LB	GB	UB	PB	I1	I2	AZ
@ Open Material Storage															S	X	
@ Petroleum Tank Farm															S	X	
@ Slaughter House		S	S												S	X	
@ Truck Freight Terminal															X	X	
@ Warehouse (General)												S			X	X	
@ Warehouse (Grain Storage)		S	S									S			S	X	
@ Wholesale Produce Terminal			S									S			X	X	
Farm Product Processing												X	X		X	X	
Food Processing												X	X		X	X	
Fuel Dealers												X			X	X	
Light Industry															X	X	
Linen Supply												S			X	X	
Warehousing,Storage, or Recycliug of Hazardous Waste		*	*	*	*	*	*	*	*	*	*	*		*	*	*	
Warehousing,Storage, or Recycliug of Radioactive Waste		*	*	*	*	*	*	*	*	*	*	*		*	*	*	
Wholesale Business												X			X	X	
Non-Profit Membership Organizations																	
Business Associations												X	X	X	X	X	
Charitable Institutions												X	X	X	X	X	
Church or Temple			D		X	X	X	X	X	X	X	X	X	X			
Civic, Social, Religious, Political, or Fraternal Organizations												X	X	X	X	X	
Recreation, Amusement, Tourism																	
@ Fairgrounds			X												X	X	
@ Golf & Country Clubs					X	X	X	X	X						X	X	
@ Golf Driving Range & Miniature Golf Course										X		X			X	X	
@ Hotel or Motel										X		X	X		X		
@ Outdoor Recreation Facility		S	S												S	S	
@ Outdoor Shooting Range,		S	S												S	X	

	C	AP	AG	RE	R1	R2	R3	R4	MF	AB	LB	GB	UB	PB	I1	I2	AZ
Public or Private																	
@ Public Camp Ground or Recreational Vehicle Park		S	S								S			S	S	S	
@ Race Track															S	X	
@ Stable, Private		X	X	X	X	X	S								X	X	
@ Stadium, Coliseum															X	X	
@ Theater, Outdoor			S												X	X	
Bed and Breakfast			S		S	S	S	S	S	X	S	X	X				
Billiard & Pool Establishments												X	X				
Bowling Alleys												X	X		X		
Dance Halls, Studios & Schools												X	X				
Indoor Recreation Facility												X		X	X	X	
Lodge or Private Club												X	X		X		
Motion Picture Theater												X	X				
Museum & Art Gallery												X	X	X			
Public Golf Course					X	X	X	X	X								
Seasonal Hunting & Fishing Lodge		X	D														
Skating												X			X		
Stable, Public			X	S								X			X	X	
Residential																	
@ Day Care Center		S	S					S	S		X	X	X	X	X	X	
@ Minor Residential Subdivision			S	S	X	X	X	X		X	X	X	X	X	S	S	
@ Mobile Home Park					D	D	D	D									
Customary Home Occupation (Accessory Use)		X	X	S	S	S	S	S	S	X	X	X	X	X	X	X	
Dwelling-Multi-Family									D		D	D	D	D			
@ Dwelling-Single Family			S	X	X	X	X	X		X	X	X	X	X	S	S	
Dwelling-Two Family						D	D	D		D	D	D	D	D			
Farm Seasonal Worker Housing		X	X												X	X	

	C	AP	AG	RE	R1	R2	R3	R4	MF	AB	LB	GB	UB	PB	I1	I2	AZ
Fraternity, Sorority or Student Housing								D	D			D					
Group Residential Facility						S	X	X	X		X	X	X		S		
Major Residential Subdivision				S	X	X	X	X	X	X	X	X	X	X	S	S	
Nursing Home								D	D		D	D		D	D		
Orphanage							D	D	D					D			
Temporary Mobile Home		X	X	X	X	X	X	X	X	X	X	X		X	X	X	
Retail, Trade, Food Stores																	
@ Drive-In Restaurant										S	S	X	X				
Cafeteria, Restaurant										X	X	X	X				S
Candy, Nut & Confectionary										X	X	X	X				
Carry Out Restaurant										S	S	X	X				
Dinner Theater												X	X				
Fruits & Vegetables										X	X	X	X				
Grocery, Bakery, Meat & Fish, Dairy Products, Health Foods											X	X	X				
Night Club										X		X	X				
Tavern											S	X	X				
Retail, Trade, General Merchandise																	
@ Shopping Center											D	D	D				
Antique Store											S	X	X				
Apparel Shop, Shoes, Custom Tailoring											X	X	X				
Bait Sales											X	X	X				
Bicycle Shops											X	X	X				
Boat Sales												X	S				
Book & Stationary Store											X	X	X	S			
Camera & Photographic Supply												X	X				
China, Glassware, Metal ware											S	X	X				
Department Store												X	X		X		
Drapery, Curtain & Upholstery												S	X	X			
Drug Store											S	X	X	S			

	C	AP	AG	RE	R1	R2	R3	R4	MF	AB	LB	GB	UB	PB	I1	I2	AZ
Electrical Supply Store												X	X		X	X	
Farm & Garden Supply												X	X		X		
Farm Implements & Equipment Sales												X			X	X	
Floor Coverings											S	X	X				
Florists, Furriers											X	X	X				
Gift, Novelty & Souvenir Shops										S		X	X				
Hardware or Variety Store											X	X	X		X		
Hobby, Toy & Game Shops												X	X				
Household Appliances, Furniture											S	X	X				
Jewelry Store												X	X				
Liquor Store											S	X	X				
Lumber & Building Materials												X			S	X	
Monument Sales												X	X		X		
Music & Video Stores											S	X	X				
News Dealers										X	X	X	X	X			
Paint, Glass & Wallpaper												X	X		X		
Pet Shops												X	X				
Plumbing, Heating & Air Conditioning Dealer												X	X		X	X	
Sporting Goods												X	X				
Studio Business		S	S		S	S	S	S	S		X	X	X	X			
Tobacco Sales											X	X	X				
Services, General																	
Accounting, Auditing, & Bookkeeping Service												X	X	X	X	X	
Advertising Agencies												X	X	X			
Agricultural Credit Institutions											X	X	X	X			
Attorney Services											X	X	X	X			
Auto License Bureaus											X	X	X	X			
Bank and Branch Banks											X	X	X	X	X		

	C	AP	AG	RE	R1	R2	R3	R4	MF	AB	LB	GB	UB	PB	I1	I2	AZ
Blueprinting & Photocopying											S	X	X		X		
Bond & Mortgage Company, Savings & Loan, Installment Sales, Finance											X	X	X	X			
Clothing Rental												X	X				
Coin Operated Laundry & Dry Cleaning											X	X	X				
Collection Agencies												X	X	X			
Commercial Testing Laboratories												X			X	X	
Counselor-At-Law											X	X	X	X			
Detective Agencies & Protective Services												X	X	X			
Diaper Service												X	S		X		
Disinfecting and Exterminating Services												X	X				
Dressmaking											X	X	X				
Electrical Repair Shop											S	X	X		X	X	
Engineering & Architectural Service												X	X	X	X	X	
Insurance Agents, Brokers & Service											X	X	X	X			
Newspaper Publishing												X	X	X	X		
Private Employment Agencies												X	X	X			
Professional Office											X	X	X	X	X		
Real Estate Service												X	X	X	X		
Reupholster & Furniture Repair											S	X	X		X	X	
Shoe Repair											X	X	X				
Stenographic Service												X	X	X			
Stock Brokers and Dealers											X	X	X	X			
Tailoring & Pressing Shops											X	X	X		X		

	C	AP	AG	RE	R1	R2	R3	R4	MF	AB	LB	GB	UB	PB	I1	I2	AZ
Temporary Help Supply Services												X	X	X			
Watch, Clock & Jewelry Repair											S	X	X				
Services, Medical																	
@ Convalescent Homes								D	D					D			
@ Clinic											X	X	X	X			
@ Hospitals								X	X		X			X			
Blood Banks												X	X	X			
Life Care Facility								X	X					X	X		
Medical and Dental Laboratories												X	X	X			
Medical Office											X	X	X	X			
Services, Personal																	
@ Cemetery or Crematory		X	X												X	X	
Barber Shop, Beauty Shop											X	X	X	X			
Mortuary												X	X	X			
Photographic Studio												X	X				
Reducing and Health Salons												X	X		X		
Solid Waste Disposal Facilities																	
@ Compost/ Digester Facility		SW	SW												SW	SW	
@ Composting Facility		XW	XW	XW	XW	XW	XW	XW	XW	SW	SW	SW		XW	XW	XW	
@ Construction/ Demolition Site			SW												SW	SW	
@ Incinerator		SW	SW												SW	SW	
@ Resource Recovery Facility		SW	SW														
@ Sanitary Landfill, Privately Owned			SW												SW	SW	
@ Sanitary Landfill, Publicly Owned			XW												XW	XW	
@ Transfer Station		SW	SW												XW	XW	
Landfill, Hazardous Waste or Radioactive Waste			*	*	*	*	*	*	*	*	*	*		*	*	*	
Long Term Permitted Clean Fill Disposal Site			XW	XW	XW	SW					SW	XW		XW	XW	XW	
Long Term			XW	XW	XW	SW				SW	SW	XW		XW	XW	XW	

	C	AP	AG	RE	R1	R2	R3	R4	MF	AB	LB	GB	UB	PB	I1	I2	AZ
Permitted Clean Fill Processing Site																	
Restricted Waste Site			XW	*	*	*	*	*	*	*	*	*		*	*	*	
Temporary Permitted Clean Fill Disposal Site			XW	XW	XW	XW	XW	XW	XW	XW	XW	XW		XW	XW	XW	
Temporary Permitted Clean Fill Land Reclamation Site			XW	XW	XW	XW	XW	XW	XW	XW	XW	XW		XW	XW	XW	
Temporary Permitted Clean Fill Processing Site			XW	XW	XW	XW	XW	XW	XW	XW	XW	XW		XW	XW	XW	
Utilities, Transportation, Communications/Vehicle Dealers, Repair & Services																	
@ Airport or Heliport			S											S	S	X	
@ Public Water Wells, Water Stations, Filtration Plants, Reservoirs, & Storage Tanks	S	X	X		X	X	X	X	X	X	X	X	X	X	X	X	
@ Telephone Exchange, or Public Utility Station	S	S	S	S	S	S	S	S	S	S	X	X	X	X	X	X	
@ Wireless Communication Facility		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
Mass Transit Station			X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Off-Premises Signs										X		X			X	X	
Radio or Television Station or Studio												X		X	X	X	
Transmission Lines for Utilities	S	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
@ Automatic Car Wash										X	S	X	X		X	X	
@ Parking Lot										X	X	X	X	X	X	X	
@ Truck Service Center										X		X	S		X	X	
Automobile Body Shop & Painting												S	S		S	X	
Automobile or Motorcycle Sales												X	X		X	X	
Automobile Parts												X	X		X		

	C	AP	AG	RE	R1	R2	R3	R4	MF	AB	LB	GB	UB	PB	I1	I2	AZ
Supply																	
Automobile Repair, Service Station										X	S	X	X		X	X	
Mobile Home, Travel Trailer, Camper Sales & Service												X	S		X	X	
Parking Garage												X	X	X	X	X	
Passenger Car Rental										S		X	X		X	X	
Storage & Dismantling of Disabled Vehicles																X	
Tire, Battery & Accessory Structures										S	S	X	X		X		
Truck Sales, Rental, Leasing, Repair												X	X		X	X	

Table 3: Residential Uses and Requirements-Single Family

Zoning District	AG	RE	R1	R2	R3	R4	LB	UB	GB	PB	AB
Maximum Height of Buildings	35	35	35	35	35	35	35	35	35	35	35
Minimum Ground Floor Area											
One Story	1,200	1,200	1,200	1,200	900	900	900	900	900	1,200	900
Multi Story	900	900	900	900	750	750	750	750	750	900	750
Minimum Acres Required per Dwelling Unit											
Minimum Acreage on well/septic	2 Acres	3 Acres	2 Acres	2 Acres	2 Acres	2 Acres	2 Acres	2 Acres	2 Acres	2 Acres	2 Acres
Minimum Acreage on Utilities	2 Acres	3 Acres	1 Acre	0.6 Acres	0.33 Acres	0.23 Acres	0.23 Acres	0.23 Acres	0.23 Acres	0.23 Acres	0.23 Acres
Maximum Lot Coverage	50%	50%	60%	60%	70%	70%	70%	70%	70%	70%	70%
Minimum Primary Structure Width: 18 feet in all districts Lot Width to Depth Ratio: (3:1) (All newly created residential lots in all the above zoning districts, will not establish a lot depth which is 3 times greater than the lot width)											
Minimum Lot Area: 5,000 square feet in all districts with public sewers. 2 acres in all districts without public sewers, and 3 acres in the RE district, with or without public											
Public water & Public sewer Connection: required in all districts for lots that are less than one acre in size. Utility Connection: required for major residential subdivisions with 15 lots or more.											
Road Frontage: 45 feet in all districts: (in subdivisions, up to 20% of total lots may reduce road frontage by up to 20%)											
Minimum Front Yard (Unincorporated Areas): in all districts, 20 feet from the right of way or 70 feet from the center of the road, whichever is greater (not applicable to flag lots)											
Minimum Rear Yard for Primary Structures: 20 feet in all districts											
Minimum Side Yard: 5 feet in all districts except the Agricultural District.											
Number of Parking Spaces per Lot: 2 in all districts											
Minimum Spacing between dwellings created in the Agricultur10al District: 140' feet											

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

Zoning District	R2	R3	R4	MF	LB	UB	GB	PB	AB
Maximum Density (units per acre)									
Two-Family Dwellings	1.75	3	4.25	NA	4.25	4.25	4.25	4.25	4.25
Multi-Family Dwellings	NA	NA	NA	7	20	20	20	20	12
Maximum Height of Buildings	35	35	50	50	50	50	50	50	50
Minimum Ground Floor Area (per dwelling unit)									
One Story	900	700	700	700	700	500	500	700	700
Multi Story	450	400	400	400	400	350	350	400	400
Minimum Front Yard in All Districts: 20 feet									
Minimum Side and Rear Yard in All Districts: 10 feet									
Number of Parking Spaces per Dwelling Unit in All Districts: 2									
Public Water & Public Sewer Connection Required in All Districts for All Development									

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

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

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

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

ARTICLE 3:

Section 3.1. Urban Accessory Uses.

A. Permitted Accessory Uses.

Accessory Uses shall be permitted in all zoning Districts, provided, however, that the Primary Use which is supported by the Accessory Use is a Permitted Use within the District to which a Lot is zoned.

Accessory Uses shall not be permitted on a Lot prior to the erection of the Primary Building.

Accessory Uses shall be customarily incidental, and subordinate to, and commonly associated with, the operation of the Primary Use of the Lot.

By way of example only, some typical Accessory Uses are: Garages; Carports; Porches; Decks; Awnings; Canopies; mini-barns; storage sheds; fences; Patios; outdoor fireplaces; bathhouses; cabanas; children's playhouses; swings; Game Courts, including tennis or basketball courts; Parking Areas; Signs; swimming pools; hot tubs; radio sending and receiving antennas; Satellite Dish Antennas;' and, storage Buildings.

B. Development Standards for Accessory Uses.

1. Accessory Uses shall comply with all Development Standards of the applicable zoning District unless an exception is specifically provided for in **Section 1.19** of this Ordinance.

2. Accessory Uses shall not encroach upon any;

   i). blatted easement; or

   ii). recorded easements for, infrastructure, utilities, or drainage, or for access to such infrastructure, utilities or drainage; unless specifically authorized by the terms of such platted easement or recorded easement, or by written consent of the agency in whose favor the easement is granted.

3. Fences (including wood, chain link, solid, architectural screen, lattice-work or masonry):

   i). Maximum Height Above Grade:

(a) Shall not exceed forty-eight (48), inches in a required Front Yard;

(b) Shall not exceed six (6) feet in a required Side or Rear Yard.

(c) Shall not exceed eight (8) feet if located outside of the minimum Required Yards, but within the Buildable Area of a Lot;

(d) Fence posts may exceed the six (6) foot maximum height by one (I) foot (see Diagram 1);

(e) Shall include in the height measurement any grade mounding, inconsistent With the ground level of the land surrounding the fence, which increases the height of the fence (see **Diagram 2**); ,

ii). Shall comply with all Vision Clearance Area requirements of this Ordinance, **Section 1.21;**

iii). Shall not contain barbed wire, razor wire and similar type wires as a part of the fence except in the 0-1 District, where it may be used only in conjunction with an Agricultural Use;

iv). Shall not be electrified in any manner which could intentionally provide for an electrical shock if touched except in the 0-1 District, where it may be used only in conjunction with an Agricultural Use.

C. Additional Development Standards for Accessory Uses in any "R" district.

Accessory Uses permitted in any R-SF-l, R-SF-2. R-SF-3, R-SF-4, R-MF-l, R-MF-2. and R-V District shall also comply with the following additional Development Standards:

1. Accessory Buildings:

i). The total square foot area of all Accessory Buildings on a Lot shall not exceed fifty (50) percent of the Finished Floor Area of the primary Building.

Exception: In the R-V District, a detached Garage may exceed the fifty (50) percent calculation above, provided that:

(a) it is the only Accessory Building on the Lot;

(b) the maximum dimensions of the Garage shall not exceed twenty-four (24) feet by thirty (30) feet; and,

(c) the total square footage of the Garage is less than or equal to the Finished Floor Area of the primary Building.

ii). The total number of Accessory Buildings on a Lot shall not exceed two (2) Accessory Buildings.

iii). The minimum Side Yard requirements for an Accessory Building shall comply with the minimum Side Yard Setback requirements of the District in which it is located. Such Side yard Setbacks shall be calculated independently of the Side Yards required for the Primary Building.

2. Swimming Pools or Hot Tubs:

i). A swimming pool or hot tub shall not be located between any Front Lot Line and the established Front Building Line.

ii). A swimming pool or hot tub shall not be located in any required Side or Rear Yard.

iii). The swimming pool or hot tub shall be enclosed by either: a fence, which shall be adequate to prevent persons, children or animals from harm, and shall be equipped with a self closing. self-latching gate; or a safety pool cover complying with the provisions of **IAC 20¬4-27(c).**

If a fence is utilized, such fence shall:

(a) if erected at Grade, be not less than five (5) feet in height; or,

(b) if erected on the deck of an above ground pool or hot tub, not be less than thirty-six (36) inches in height measured from the surface of the deck.

iv). No pool or hot tub shall be erected or constructed unless adequate distance from overhead electrical wires is provided in accordance with the National Safety Code and the National Electrical Code, current editions.

v). Swimming pools or hot tubs, situated on a Lot where the Primary Building is not occupied for periods of thirty (30) consecutive days or more, shall be equipped with a cover adequate to prevent persons, children or animals from danger or harm.

vi). All swimming pools or hot tubs, including associated decking and aprons, shall be included in the calculation of Maximum Lot Coverage.

3. Patios, Porches, gazebos and Decks.

Patios, Porches, gazebos and Decks shall comply with all Maximum Lot Coverage, Minimum Yards and Building Setback, and Maximum Building Height regulations of the applicable zoning District for Primary Buildings.

4. Satellite Dish Antennas.

i). The regulations of this Subsection shall apply to Satellite Dish Antennas in all "R" Districts which are greater than one meter (39.37") in diameter. These regulations are intended to allow Satellite Dish Antennas to be located in a manner that:

(a) does not unreasonably delay or prevent the installation, maintenance or use of the antenna;

(b) does not unreasonably increase the cost of installation, maintenance or use of the antenna; or

(c) preclude reception of an acceptable quality signal.

ii). The regulations of this Subsection are intended to accomplish the following specific and clearly defined health, safety and aesthetic objectives:

(a) To promote the public health and safety by providing criteria for the placement of Satellite Dish Antennas greater than one meter (39.31") in diameter which ensure that all such installations are performed in a manner which limits endangerment of life and property on the site and on surrounding properties if the antennas should collapse or are felled by ice or high winds; and,

(b) To ensure the aesthetic harmony of residential areas by providing for a harmonious Streetscape, consistent with the Comprehensive Plan, uncluttered by non-residential Structures, including guy wires, poles, masts, cables or other appurtenances which can create a visual blight offensive to those who reside, work or travel in the Town of Zionsville.

iii). The following regulations are intended to meet the above objectives without unnecessarily burdening the Federal interests in ensuring the availability of satellite services and in promoting fair and effective competition among competing communication service providers.

In any "R" District, Satellite Dish Antennas greater than one meter (39.37") in diameter shall be permitted provided that:

(a) If ground mounted, Satellite Dish Antennas shall:

i. not be located in any required front, side or rear yard, or between the established Front Building Line and the Front Lot Line; and,

ii. not exceed the Maximum Building Height allowed for an Accessory Structure.

(b) If roof-mounted, Satellite Dish Antennas shall:

i. not exceed the Maximum Building Height limit allowed for a Primary Building;

ii. not extend beyond the horizontal limits of the roof area; and,

iii. be installed in accordance with plans certified by a registered civil or structural engineer that the proposed installation complies with the standards listed in **Section 623.0 and 624.0 of the BOCA Basic Building Code**. Furthermore, written documentation of such compliance, include load distribution within the Building's support Structure,' shall be furnished.

iv). Limitations on Enforcement

No requirement contained in this Subsection shall be enforced to the extend it:

(a) unreasonably delays or prevents installation, maintenance or use of an antenna;

(b) unreasonably increases the cost of installation, maintenance or use of an antenna; or,

(c) precludes reception of an acceptable quality signal by an antenna.

D. Additional Development Standards for Accessory Uses in the R-MF-l, R-MF-2, and all Commercial and Industrial Districts.

No Accessory Use or Structure shall be permitted in any required Front, Side or Rear Yard unless specifically authorized by the applicable zoning District regulations. In addition, the following Accessory Uses shall also comply with the following requirements:

1. Trash containers -Trash containers exceeding thirty-six (36) cubic feet shall:

   i). be screened on all four (4) sides within a solid-walled or opaque fenced enclosure with gate not less than six (6) feet, nor greater than eight (8) feet, in height above Grade;

   ii). be located behind the Front Building Line; and,

   iii). not be located in any required Yard or required Bufferyard.

2. Parking Areas -shall comply with the Off-Street Parking Regulations of **Section 3.8** of this Ordinance.

3. Loading Areas -shall comply with the Off-Street Loading Regulations of **Section 3.9** of this Ordinance.

4. Signs -shall comply with the Sign Regulations of Article 6 of this Ordinance.

5. Gasoline dispensers -shall not be located within any required Front, Side or Rear Yard and shall be provided with adequate on-site maneuverability for both customer vehicles and supply vehicles (bulk delivery) so as to avoid any interference with through traffic on any public Right-of-Way.

E. Underground Facilities.

Underground facilities, excluding utilities, shall not be located in or under any required Front, Side or Rear Yard. (See also **Section 1.17, Infrastructure and Utility Easements**)

F. Game Courts.

Game Courts shall not be located in any required Front, Side or Rear Yard, or between the established Front Building Line and the Front Lot Line. However, a basketball goal may be located in a Driveway or Interior Access Drive in any "R" District, so long as the Game Court for the basketball goal does n encroach into a Public Street.

Figure 5: Fence Requirements

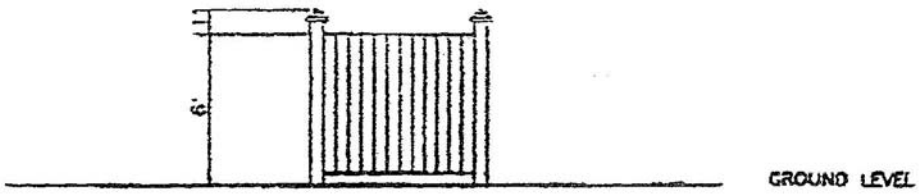


DIAGRAM 1

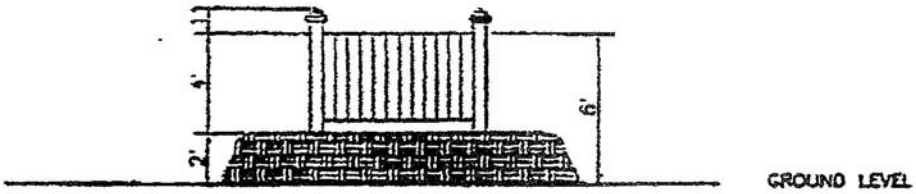


DIAGRAM 2

Section 3.2. Urban Temporary Uses, Structures and Buildings

A. Permits Required.

A Temporary Use, Structure or Building which is in compliance with the provisions of this **Section**,

Shall be allowed in any District. A Temporary Use, Structure or Building which will be converted into a permanent Primary or Accessory Use after the cessation of the Temporary Use shall be required to obtain an Improvement Location Permit prior the establishment of the use or the construction of any Structure or Building. A Temporary Use, Structure or Building which will be removed from the site upon cessation of the Temporary Use shall be exempt from the requirements of this Ordinance to obtain an Improvement Location Permit.

B. Permitted Temporary Uses, Structures and Buildings.

By way of example only, permitted Temporary Uses, Structures and Buildings include: construction trailers, sales offices, model homes, Garage Sales and seasonal retail sales.

C. Duration.

Except for Garage Sales, Seasonal Retail Sales, and mobile classrooms, a Temporary Use, Structure or Building shall be permitted for an initial period not to exceed one (1) year, which may be renewed for an additional one (1) year period by the Building Commissioner upon showing of good cause.

D. Compliance with Development Standards.

Any Temporary Use, Structure or Building shall comply with all applicable Development Standards and Setback requirements in the District in which the Temporary Use, Structure or Building is located.

E. Cessation of Use.

All Structures, Buildings or debris associated with the Temporary Use shall be removed from the site immediately upon completion or cessation of the Temporary Use.

F. Additional Regulations for Garage Sales.

Notwithstanding any regulations above to the contrary, a Garage Sale may be conducted only on a premises subject to the following additional regulations:

1. A Garage Sale may be conducted two (2) times each calendar year and shall not exceed three (3) consecutive days in duration;

2. A Garage Sale shall only be conducted during the hours from sunrise to sunset;

3. All personal property exhibited outdoors during a Garage Sale shall be placed within a Building or Structure or otherwise removed from the premises immediately following the end of the Garage Sale;

4. Garage Sale Signs shall comply with the applicable provisions of Article 6.

5. Nothing in this **Section** shall be construed to prohibit one (1) or more owners from conducting a combined Garage Sale on one (1) of the premises owned by the participants, provided that there is compliance with all other provisions of this **Section**.

G. Additional Regulations for Temporary Seasonal Retail Sales Uses.

Any temporary Seasonal Retail Sales use, Structure or Building shall also comply with the following regulations:

1. The temporary Seasonal Retail Sales use shall be located in a zoning District which would permit it as a permanent use on the real estate.

2. The use or Structure shall comply with all Setback requirements for a Primary Building on the site;

3. A minimum of three (3) Off-Street Parking Spaces shall be provided on-site for the temporary Seasonal Retail Sales use;

4. The location of the temporary Seasonal Retail Sales use and its required amount of Parking Spaces shall not interfere with any required Parking Spaces or safe and efficient flow of vehicular and pedestrian traffic around the Parking Area for the permanent Primary Use of the site;

5. Signs for the temporary Seasonal Retail Sales shall comply with the provisions of the Sign Regulations for Freestanding Identification Signs for a Single Use Site, and for Building Identification Signs; and

6. Notwithstanding the provisions above to the contrary, Seasonal Retail Sales uses shall not exceed sixty (60) days in duration.

H. Additional Regulations for Mobile Classrooms.

Mobile classrooms shall be permitted only as a Temporary Use in compliance with the following requirements:

1. Mobile classrooms shall be for use by a Religious Use or school only.

2. Mobile classrooms shall be permitted by the grant of a special exception by the Board of Zoning Appeals.

3. Applicants for a special exception shall submit a site plan in compliance with the provisions of **Section 4.2** of this Ordinance at the time of filing a petition for special exception.

4. Special Exceptions for Mobile Classrooms shall be conditioned upon the Applicant making progress towards accomplishing the goals of development indicated the Site Plan within a reasonable period of time as established by the Board of Zoning Appeals.

5. Special exceptions for mobile classrooms shall be reviewed annually by the Board of Zoning Appeals to determine if the applicant is making progress towards accomplishing the goals of development indicated on the site plan.

I. Additional Regulations for Temporary: Construction Offices, Real Estate Sales Trailer.

A temporary ILP for a temporary Construction Office, Real Estate Sales Trailer shall be valid for a maximum of one (1) year from its issuance. An extension of time, not to exceed six (6) months, may be granted by the Building Commissioner for good cause shown. Said request for extension shall be filed with the Building Commissioner prior to the termination date of the temporary ILP.

1. Adequate Access and Parking Areas shall be provided. Such Access and Parking Areas shall not interfere with traffic movement on abutting or adjacent Streets.

2. No public address systems or other noise producing devices shall be permitted.

3. No floodlights or other exterior lighting, beyond that commonly associated with the use of the site, shall be permitted or directed upon the premises.

4. No later than thirty (30) days after the termination date of the temporary construction office, temporary real estate sales trailer, the site must be returned to as nearly as reasonably possible to its original condition, or an Improvement Location Permit obtained for either any improvements which are to remain, or for additional, permanent development of the site.

5. Temporary real estate sales office trailer.

i). Shall be for a temporary period of one (1) year from the date of grant or upon completion of the model home, whichever occurs first. The temporary real estate office trailer shall be removed from the property not later than one (1) year from obtaining an Improvement Location Permit. In the event that said temporary real estate sales office trailer has not been removed within said one (1) year period, or upon completion of the model home, the Petitioner shall be in violation of this Ordinance and enforcement may ensure.

ii). A gravel parking area for not less than three (3) cars shall be installed in the property prior to commencement of the temporary real estate sales office trailer

iii). All temporary Off-Street Parking shall be removed upon the removal of the temporary real estate trailer, and the property shall be returned to its undeveloped state in preparation for the future construction of a Single-family Dwelling in full compliance with the provisions of the applicable District and Plat, filed with the Office of the Recorder of Boone County, Indiana.

iv). The temporary real estate sales office trailer shall be skirted and landscaped around the base to enhance the appearance. A landscape plan shall be submitted for review and approval by the Building Commissioner prior to the issuance of an Improvement Location Permit. Landscaping shall be installed in compliance with the approved landscape plan.

J. Model Homes.

A temporary Improvement Location Permit may be issued for the use of one model home in an approved subdivision. This Improvement Location Permit will be reviewed annually, upon request, prior to the expiration of each one year period by the Building Commissioner for a one year renewal. The Building Commissioner may administratively issue the renewal provided there have been no registered violations or infractions with the utilization of the model home. Violations and/or infractions shall be verified by the Building Commissioner upon site inspection and completion of a filed written report. If a Home Owners Association has been established, a letter of recommendation for approval from the Home Owners Association must accompany the renewal request. If the Improvement Location Permit renewal request is denied by the Building Commissioner the applicant may appeal this decision to the Board of Zoning Appeals.

1. Adequate Access and Parking Areas shall be provided. Such Access and Parking Areas shall not interfere with traffic movement on abutting or adjacent Streets.

2. No public address systems or other noise producing devices shall be permitted.

3. No floodlights or other exterior lighting, beyond that commonly associated with the use of the site, shall be permitted or directed upon the premises.

4. Signage: Pursuant to Article 6 of the Town of Zionsville Zoning Ordinance.

5. Temporary real estate sales office in a model home

   i). The location of the temporary sales office shall be contained entirely within the Model Home on the Lot.

   ii). Shall be for a period of one (1) year from the date of approval of Improvement Location Permit for model home and may run concurrently. Accordingly, in the event that said temporary sales office located in the Model home has not been removed on or before the expiration of the model home Improvement Location Permit, the applicant shall be in violation of this approval and enforcement may ensure. Upon expiration and removal of the temporary sales office from the Model Home, the Model Home shall revert to and be utilized specifically as a single-family residence only.

   iii). Any temporary off-street parking, installed specifically to serve the sales office/model home, shall be removed upon the removal of the temporary real estate sales office from the structure.

Section 3.3. RURAL PROPERTY DEVELOPMENT STANDARDS

A. USE

No building or land shall be used, and no building shall be erected, reconstructed, or structurally altered, which is used for any purpose other than a use which is permitted and specified in a District in which such building or land is located, and which is in accordance with the requirements of this ordinance.

B. ACCESSORY USES

Accessory uses shall be operated and maintained under the same ownership and on the same lot or contiguous lot as the primary use.

C. ACCESSORY STRUCTURES

Accessory structures shall be permitted in all zoning districts provided the following requirements have been met.

1. Accessory structures shall not be erected prior to the primary structure, except structures which classify as Farm Buildings, as stated under the definitions **section** of this Ordinance.

2. Accessory structures shall be clearly subordinate in height, area, bulk extent, and purpose to the primary structure.

3. The following accessory structures are permitted in all districts and may be installed in any required yard without an ILP: landscape vegetation, swing sets, children's tree houses, bird baths, bird houses, curbs, fences, lamp posts, mail boxes, name plates, parking spaces, utility installations for local services, retaining walls, walks, drainage installations, housing for domestic pets provided it is not for profit and does not constitute a kennel as defined in this Ordinance.

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

5. Wireless communications facilities are permitted in all districts and may be installed without an ILP provided they are co-located upon an existing or pre-approved wireless communication facility, or they are no taller than 15 feet and visually integrated or camouflaged against a structure other than another antenna.

6. The following accessory structures are permitted in all zoning districts and require an application f or an ILP certifying that all applicable requirements of the ordinance have been met.

   i). Buildings such as garages, carports, enclosed patios, bath houses, gazebos, cabanas, greenhouses, storage sheds, stables, and other structures over 50 square feet in area.

   ii). Home occupation structures in accordance with this ordinance.

   iii). In-ground swimming pools subject to a 5' high fence placement around the pool area and/or a mechanical pool cover over the pool.

   iv). Signs as set forth in this ordinance.

   v). Antennas and amateur radio towers over 30 feet in height measured from the roofline.

D. TEMPORARY USES

Temporary uses shall be permitted in all zoning districts subject to approval by the Director based on their decision that the use will not detrimentally affect the health, welfare, safety or morals of the neighborhood under consideration for such use.

1. The following are general provisions that must be met before approval:

   i). The duration of a permit is stated herein, however, the Director may renew such permit for a use in 30-day increments if so requested.

   ii). Temporary uses shall be subject to all of the regulations of the applicable zoning district.

   iii). Adequate access and off-street parking facilities shall be provided

   iv). Public address systems shall not be used in areas of concentrated residential development.

   v). Floodlights and other lighting shall be directed upon the premises and shall not be detrimental to adjoining properties.

   vi). Signs shall not flash or blink or resemble traffic and emergency warning signals.

   vii). Upon termination, the lot shall be put in a clean condition devoid of trash and remnants of the temporary use.

2. The following are permitted temporary uses subject to the issuance of an ILP and a Certificate of Occupancy.

   i). Temporary office

   ii). Model home or model apartment

3. The following are permitted temporary uses subject to the issuance of an ILP.

   i). Incidental signs on the same property, necessary for the sale, rental, or lease of

ii). Announcement signs necessary to explain the character of a building enterprise for a maximum of 18 months.

iii). Mobile homes as emergency shelters when needed until construction or emergency ends.

iv). Other uses deemed temporary by the BZA subject to all conditions the BZA may deem necessary.

4. The following are permitted temporary uses that do not require an ILP or Certificate of Occupancy.

i). Parking area designated for a special event for a maximum of 30 days.

ii). Other uses deemed temporary by the BZA subject to all conditions the BZA may deem necessary.

E. LOTS

Every primary structure hereafter erected shall be located on an individual lot which fronts on a street or private drive. No building or structure shall hereafter be erected or located on a lot unless such lot conforms with the lot area regulations of the District in which it is located or in accordance with the **Non-Conforming Uses section** of this ordinance.

F. CONVERSIONS

Structures originally designed for occupancy by two families or less converted to occupancy by more than two families shall secure an ILP. Such structures shall show no evidence of change to indicate the extra dwelling units. All fire escapes or stairways leading to a second or higher floor shall be completely enclosed within the converted building.

G. BUILDINGS RELOCATED

No buildings or structures shall be moved from one lot or premises to another unless such building conforms to the regulations of the district to which such building shall be moved and an ILP has been secured.

H. BUILDING HEIGHT

All buildings hereafter shall comply with the height regulations of the District in which it is located, with the exception of the following:

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

2. Spires and church steeples may be erected or changed to any height that is not otherwise prohibited.

I. YARDS

1. Architectural features (cornices, chimney, eave, sill, canopy, or similar feature) or open platforms, porches, or landings may extend into a required side or rear yard not more than two feet, and may project into a required front yard not more than three feet.

2. In the case of a through or corner lot, any property line abutting a street shall be considered a front property line and the setback from that line shall conform to the front yard setback regulations of that District. Corner lots shall have two front yard setbacks and two side yard setbacks.

3. Where 25% or more of the lots in a block are occupied by buildings, the average setbacks of such buildings determine the front yard setback in the block. If there are no other buildings within 330 feet of the proposed building in either direction, then the standard setback for the District shall apply.

4. Front yard setback lines established in recorded subdivisions establish the front yards in such subdivisions, provided that after the adoption of this ordinance, no subdivision shall be platted with building setback lines less than the required front yard of the District in which it is located.

5. One-half of an alley, abutting the rear or side of a lot may be included in the rear yard setback or side yard setback, respectively, but such alley space shall not be included for loading and unloading berths.

J. RESTRICTIONS ALONG STREAMS

(See Storm Drainage, Erosion, and Sediment Control Ordinance)

1. No permanent structures may be erected, and if erected in violation of this **section**, no such structure may be used if the location is within 75 feet of the center line of any legal tile ditch, or within 75 feet of the existing top edge of any legal open ditch as determined by the Town of Zionsville's Surveyor.

2. No authorization of a use, under this ordinance, includes the authority to discharge liquid or solid wastes into public waters except as permitted under the Stream Pollution Control Law (Acts 1943, Chapter 214, as amended). Plans and specifications for proposed public or district sewage or other waste treatment and disposal facilities must be approved by the Stream Pollution Control Board of the State of Indiana, except when connecting to a public sewer utility.

K. FLOOD PROTECTION

Structures shall be permitted in accordance with Federal and State requirements and the Flood Hazard Management Ordinance of the Town of Zionsville, Indiana pertaining to construction in flood hazard areas.

L. BULK STORAGE

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

M. OUTSIDE STORAGE

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

N. LIGHTING

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

O. TRASH RECEPTACLES

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

Section 3.4. URBAN Home Occupations

A. INTENT

It is the intent of this Article to provide for Home Occupations that conform to the standards set forth below. The standards in this **Section** are intended to insure compatibility of Home Occupations with other Permitted Uses and with the residential character of the neighborhood plus clearly establishing the secondary or incidental status of Home Occupations in relation to the Primary Use for Dwelling purposes.

B. REQUIRED CONDITIONS

Home Occupations shall be permitted in all residential Districts subject to the following conditions:

1. Home Occupations shall be limited to Family members residing within the Dwelling and who make the Dwelling their primary place of residence. The employment of one (1) non-resident employee also shall be permitted.

2. The use of the Dwelling Unit for the Home Occupation shall be incidental and subordinate to the use for residential purposes by the occupants. No more than twenty-five (25) percent of the Gross Floor Area of the Dwelling Unit shall be used in the conduct of the Home Occupations.

3. There shall be no structural alterations to the interior of the Dwelling to accommodate a Home Occupation which would render the Dwelling undesirable for residential use.

4. There shall be no structural additions, enlargements or exterior alterations changing the residential appearance of the Dwelling or the Lot or other visible indications of the conduct of the Home Occupation.

5. There shall be no additional or separate entrance added to the Dwelling for the purpose of conducting the Home Occupation.

6. There shall be no internal or external alterations, construction features, or use of electrical or mechanical equipment which would change the fife rating of the Structure.

7. There shall be no Outside Storage or outside display of any kind related to the Home Occupation.

8. All aspects of the Home Occupation shall be conducted within the Dwelling Structure in which the occupant makes his/her residence. No Home Occupation shall be conducted in any detached Accessory Building.

9. There shall be no traffic generated by a Home Occupation which is greater in volume than that which would be normally expected in the residential area in which the Home Occupation is located.

10. There shall be no equipment or process used in the Home Occupation which creates noise, vibration, glare, smoke, fumes, odors, or electrical interference detectable to the normal senses at any point beyond the Lot Line.

11. There shall be no electrical or mechanical equipment utilized in the Home Occupation which will create any visual or audible interference with radio or television reception or which will cause fluctuations in line voltage off the premises.

12. The Home Occupation shall not involve the use of commercial vehicles for delivery of materials to or from the premises other than vehicles normally associated with residential home delivery (i.e., postal or united parcel vehicles). See also **Section 10.6, (Violations).**

13. The Home Occupation shall not involve the use of On-Premise Signs which call attention to the fact that the Dwelling is being used for business purposes.

14. The Dwelling shall not be altered in its appearance and the Home Occupation shall not be con-ducted in such a manner as to differentiate the Dwelling from the residential character of the area by either use of colors, materials, construction, separate entrances, lighting, Signs or other means.

15. No stock in trade (except for articles produced on the premises by residents of the Dwelling) shall be displayed or sold upon the premises.

C. PROHIBITED HOME OCCUPATIONS

The following uses, by the nature of the investment or operation, have a pronounced tendency, once started, to rapidly increase beyond the limits specified above for Home Occupations and impair the use, value and quiet enjoyment of adjacent residential properties. Therefore, the uses specified below shall not be permitted as Home Occupations:

1. Antique, Book, or Gift Shop.
2. Appliance Repair. large or small.
3. Auto Vehicle Repairs, major or minor.
4. Bed and Breakfast.
5. Contractor (other than a personal office, see also **Section 3.3, D., 7**).
6. Dance Studio.
7. Freight, Trucking or Shipping.
8. Lawn Mower or Bicycle Repair.
9. Medical or Dental Clinic.
10. Painting of Vehicles, Trailers, Boats, etc.
11. Photo Developing. (see also, **Section 3.3, D., 8**)
12. Private Schools with Organized Classes.
13. Restaurants, Eating or Drinking Establishments.
14. Television or Radio Repair.
15. Tool or Equipment Rental.
16. Tooling, Welding or Machine Shop.
17. Veterinary Clinic, Kennel. or Stable.
18. Any use not in compliance with the intent and conditions set forth in this **Section**.

D. PERMITTED HOME OCCUPATIONS

By way of example, the following uses, when conducted in compliance with the conditions set forth above, qualify as permitted Home Occupations:

1. Artists; Musician's; or Writer's Studio.
2. Barber or Beautician
3. Cake Making or Decorating (not a catering facility)
4. Child Care for five (5) or less children at any time (add language regarding State Statute)
5. Dressmaking, Millinery, Sewing or Tailoring
6. Home School
7. Personal Office for a(n):

i). Accountant;

ii). Architect;

iii). Broker;

iv). Consultant;

v). Contractor;

vi). Engineer;

vii). Insurance Agent;

viii). Lawyer;

ix). Planner;

x). Real Estate Agent;

xi). Sales Representative;

xii). Notary Public.

8. Photography Studio (dark room development involving chemicals not permitted)

9. Services provided by Clergymen

10. Teaching or Tutoring, including musical instruments or dance. when limited to one pupil at a time.

11. Washing or Ironing for others (not a commercial laundry or Laundromat)

12. Weaving

13. Other uses that comply with the intent and conditions set forth in this **Section**.

Section 3.5. RURAL Home Occupations

All persons conducting Home Occupations shall register the Home Occupation with the Town of Zionsvil1e on forms provided by the Clerk-Treasurer's Office.

A. HOME OCCUPATIONS

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

Table 7: Permitted Types of Home Occupations

Permitted Uses	Domestic crafts, dressmaking, millinery, sewing, weaving, tailoring, ironing, washing, custom home furnishings work, carpentry work, furniture repair, hair grooming.
Permitted Uses, but limited to advice and consultation	Law, medicines, architecture, engineering, accounting, planning, real estate, insurance, notary public, manufacturer's agent, clergy, writing, music, painting, photography, academic tutoring, outdoor instructional studio for one student at a time.

Prohibited Uses	Real estate office, insurance office, clinic, doctor's office dress shop, millinery shop, funeral home, bed and breakfast. Outdoor instructional studios for more than one student at a time, day care center, animal hospital, kennel, trailer rental, and all uses associated with vehicles dealers, repair and services

B. STANDARDS

1. The primary use of the primary structure or dwelling unit shall remain residential and the operator of the home occupation shall remain a resident in the dwelling unit.

2. A home occupation and all activities and materials related to such occupation may be permitted in a single accessory structure provided that such structure is subordinate to the primary residence in terms of height, setback, area, and bulk and compatible with the primary residence in terms of materials.

3. The operator conducting the home occupation shall be the sole entrepreneur, and he shall not employ any other person other than a member of the immediate family residing in the residence and one non-family member.

4. No structural additions, enlargements, or exterior alterations changing the residential appearance to a business appearance shall be permitted.

5. No more than 25% of the floor area of any one story of the dwelling unit shall be devoted to such home occupation.

6. Outside storage of machinery, equipment, or materials shall not be permitted.

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

8. No provision for more than two extra off-street parking or loading facilities, other than the requirements and permitted facilities of the zone district, shall be permitted. No part of a minimum required setback distance shall be used for off-street parking or lading facilities and no additional driveway to serve such home occupations shall be permitted.

9. No display of goods or external evidence of the home occupation shall be permitted, except for signs in accordance with the **Sign section** of this ordinance.

10. No stock in trade for commodities, other than those prepared, produced, or created on the premises by the operator of the home occupation, shall be kept or sold on the premises.

11. No electrical or mechanical equipment shall interfere with local radio communications and television reception, or cause fluctuation in line voltage off the premises.

Section 3.6. Urban Special Regulations for Residential Facilities for the Mentally Ill.

A Residential Facility for the Mentally Ill as defined in this Ordinance and by **Indiana Code 12-7-2-167** may not be located within three thousand (3,000) feet of another Residential Facility for the Mentally Ill, as measured between Lot Lines.

Section 3.7. Urban Special Regulations for Adult Entertainment Businesses

A. INTENT

In the development and adoption of this **Section**, it is recognized that there are some Adult Entertainment Business uses which due to their very nature have certain objectionable operational characteristics particularly when located in close proximity to residential neighborhoods, thereby having a deleterious impact upon property values and the quality of life in such surrounding areas. It has been acknowledged by communities across the nation that state and local governmental entities have a special concern in regulating the operation of such Adult Entertainment Businesses under their jurisdiction to ensure that these adverse effects will not contribute to the blighting or down grading of adjacent neighborhoods. The special regulations deemed necessary to control the undesirable externalities arising from these Adult Entertainment Businesses are set forth below. The purpose of these controls and regulations is to preserve the integrity and character of residential neighborhoods, to deter the spread of urban blight and to protect minors from the objectionable operational characteristics of these Adult Entertainment Business uses by restricting their close proximity to churches, parks, schools, day care and Child Care facilities, and residential areas.

B. PROHIBITIONS

The Establishment, Enlargement, Reconstruction, Resumption or Structural Alteration of any Adult Entertainment Business shall be prohibited if such Adult Entertainment Business is within one thousand (1000) feet of two (2) other such Adult Entertainment Businesses or within six hundred (600) feet of any existing church, school, day care facility, Child Care facility, park, agricultural District, or "R" District within the Corporate limits of the Town of Zionsville, Indiana.

Provided further, that no Adult Entertainment Business shall be Established, Enlarged, Reconstructed, Resumed, or Structurally Altered unless the site or proposed site is located in an I-2, General Industrial District, or I-3, Heavy Industrial District and has been approved as a Special Exception Use by the Board of Zoning Appeals.

C. MEASUREMENT OF DISTANCES

The distance between one Adult Entertainment Business and another Adult Entertainment Business shall be measured in a straight line, without regard to intervening Structures or objects, from the closest exterior structural wall of each such business. The distance between an Adult Entertainment Business, and any church, school, park. day care facility, Child Care facility, agricultural District, or residential District shall be measured in a straight line, without regard to intervening Structures or objects, from the closest exterior structural wall of the Adult Entertainment Business to the nearest Lot Line of the church, school, day care facility, Child Care facility, park, agricultural District or "R" District.

D. EXTERIOR DISPLAY

Notwithstanding any other provisions of this Ordinance to the contrary, all exterior displays for an Adult Entertainment Business shall comply with the following regulations.

1. No Adult Entertainment Business shall be conducted in any manner that permits the observation of any material depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas by display, decorations, Sign, show window or other opening from any Public Right-of-Way.

2. Number of Signs. Not more than one (1) Business Wall Sign shall be permitted for an Adult Entertainment Business and said Business Wall Sign shall be permitted only on the front facade of the Building. In addition to the one (1) permitted Business Wall Sign. an Adult Entertainment Business may be permitted not more than one Ground Sign Structure if it is permitted by the Zionsville Zoning Ordinance, Article 6, and any amendments thereto, and which meets all of the requirements of the zoning District in which it is located. All other Sign Structures shall be prohibited.

3. Sign Surface Area. The Sign Surface Area of a Business Wall Sign for an Adult Entertainment Business shall not exceed an amount equal to five percent (5%) of the front Building facade of the first floor elevation (first ten (10) feet) of the premises occupied by the Adult Entertainment Business, or one hundred (100) square feet, whichever is the lesser. The maximum Sign Surface Area of a Ground Sign Structure. where permitted. shall not exceed one (1) square foot for each lineal foot of Frontage of the Lot, or twenty-four (24) square feet, which is the lesser.

4. Lighting, Signs and Sign Structures may be illuminated. provided, however, such illumination shall not be by way of exterior lighting (e.g., spot or flood lights).

E. CONTINUATION OF NONCONFORMING USE

This **Section 3.**5 is subject to the provisions of **Section 1.19 -Nonconforming Lot, Uses, Buildings or Structures**.

Section 3.8. Urban Special Regulations for Wireless Telecommunications Facilities.

A. APPLICATION

Notwithstanding any other provision of this Ordinance and in addition to other applicable provisions, Wireless Telecommunications Facilities, when such are permitted by federal law and the laws of the State of Indiana, shall be regulated and governed by the use regulations and requirements of this **Section**. However, this **Section** shall not apply nor be construed to apply to Amateur Radio Operators who are licensed to operate a radio or transmitter by the Federal Communications Commission under Part 97 of the Federal Communications Commission's Rules.

B. PROCEDURES

Wireless Telecommunication Facilities are hereby declared Special Exception Uses in all Districts contained in this Ordinance.

The applicant for a Wireless Telecommunication Facility Special Exception shall demonstrate that they have exhausted all efforts to locate the proposed Telecommunications Antennas upon existing Buildings or Structures in the geographical area of the proposed Telecommunications Antennas. The applicant shall submit a master plan for its Wireless Telecommunication Facilities throughout the Town of Zionsville. The master plan shall demonstrate efforts to minimize the size and number of Telecommunications Antenna locations throughout the geographical area, taking into consideration existing technology.

The placement of Telecommunications Antennas upon existing telecommunications Towers may be administratively approved by the Building Commissioner.

C. DEVELOPMENT STANDARDS

1. In addition to complying with the requirements for a Special Exception Use for the Zoning District of the property, all Wireless Telecommunications Facilities shall comply with the following additional requirements:

i). The maximum height of a Telecommunications Tower, including Antenna Array, shall not exceed one hundred and twenty (120) feet above Grade.

ii). No new Telecommunications Towers shall be located within five thousand (5,000) feet from another Telecommunications Tower.

iii). All guys and guy anchors shall be located within the buildable area of the Lot and shall not be located within any Front, Side or Rear Yard Setback or front, side or rear Bufferyard Setback and, in any event, no closer than five (5) feet to any Lot Line.

iv). The base of a Telecommunications Tower and all guy anchors shall be enclosed by security fencing.

v). Equipment Buildings must be similar in color and character to the main or adjoining Building or Structure or blend with the landscaping and other surroundings immediately adjacent to the equipment Building and shall be screened by a chain link or wrought iron fence with landscaping installed in compliance with the provisions of **Section 3.12** for Level B Landscaping Requirements.

vi). A Telecommunications Tower shall be erected and operated in compliance with the most current Federal Communication Commission and Federal Aviation Administration rules and regulations and other applicable federal and state standards.

vii). A Telecommunications Tower shall be:

(1) used by three (3) or more wireless communications providers; or providers including providers such as cellular or PCS providers using Antenna each other with no more than three (3) degrees of twist and sway at the top elevation and the owner of the Telecommunications Tower and the property on which it is located must certify to the Town that the Antenna is available for use by another wireless Telecommunications provider on a reasonable and non-discriminatory basis and at a cost not exceeding the market value for the use of the facilities. If a portion of the Telecommunications Tower is to be leased to other wireless communications providers. the portions of the actual or proposed lease that demonstrate compliance with the requirements of this paragraph shall be submitted with the application for Special Exception.

viii). All Telecommunications Towers shall be of a tapering monopole construction, except that another type Telecommunications Tower may be allowed upon showing that the alternate type of Telecommunications Tower would cause less visual impact on surrounding property than a similar monopole Structure.

ix). No lettering, symbols, images, trademarks, Signs, or advertising shall be placed on or affixed to any part of a Telecommunications Tower, Antenna Array or Antenna, other than as required by FCC regulations regarding Telecommunications Tower registration or other applicable law.

x). The need for the requested site and the nature of any existing sites shall be documented and the manner in which the placement will promote the Town of Zionsville Telecommunications Policies shall be demonstrated.

xi). Telecommunications Towers shall be constructed to minimize potential safety hazards. Telecommunications Towers shall be constructed so as to meet or exceed the most recent EIA-222 standards, and prior to issuance of a Building Permit, the Building Inspector shall be provided with an engineer's certification that the Telecommunications Tower~ design meets or exceeds those standards. Guyed Telecommunications Towers shall be located in such a manner that if the Telecommunications Tower should fall along its longest dimension. the Telecommunications Tower will remain within the Lot Lines and avoid habitable Structures, Public Streets, utility lines and other Telecommunications Towers.

xii). Telecommunications Towers and equipment Buildings shall be located: to minimize their number, height and obtrusiveness; to minimize visual impacts on the surrounding area; and, in accordance with the following Town of Zionsville Telecommunications Policies:

(a) Ensure that the height of Telecommunications Towers have the least visual impact and is no greater than required to achieve service area requirements and potential) collocation, when visually appropriate.

(b) Demonstrate that the selected site for a new Telecommunications Tower provides the least visual impact on residential areas or the public way and illustrate that the selected site provides the best opportunity to minimize the visual impact of the proposed facility.

(c) Site Telecommunications Towers to minimize being visually solitary or prominent when viewed from residential areas or the public way. The Telecommunications Tower should be obscured by vegetation, tree cover. topographic features, and Buildings or other Structures to the maximum extent feasible.

(d) Place Telecommunications Towers to ensure that historically significant landscapes are Protected. The views of and vistas from architecturally or historically significant Structures should not be impaired or diminished by the placement of Telecommunications Towers.

(e) The Board of Zoning Appeals may grant a Special Exception which does not fully comply with the Telecommunications Policies contained herein for Telecommunications Towers when the Board of Zoning Appeals determines that such a grant better accomplishes the Telecommunications Policies set out in this subsection than would a strict application of these Telecommunication Policies. Such deviations from the Town of Zionsville Telecommunications Policy shall be no greater than necessary to accomplish those policies.

xiii). No signals or lights or illumination shall be permitted on Telecommunications Towers unless required by the Federal Communications Commission, the Federal Aviation Administration, or the Town of Zionsville.

xiv). If any additions, changes, or modifications are to be made to a Telecommunications Tower, the Building Commissioner shall have the authority to require proof, through the submission of engineering and structural data, that the addition, change, or modification conforms to structural wind load and all other requirements of the current Building Code adopted by the Town of Zionsville.

xv). Telecommunications Towers which have not been used for a period of one (1) year shall be removed. The last Telecommunication service provider to use a Telecommunications Tower shall notify the Building Commissioner or its designee within thirty (30) days that use of a Telecommunications Tower has been discontinued.

xvi). All Telecommunications Towers shall comply with all ordinances of the Town of Zionsville not in conflict with this **section**.

2. Antennas mounted on existing Buildings or Structures.

i). Roof-mounted Telecommunications Antennas are allowed on non-residential Buildings in all zoning Districts without further zoning proceedings. provided a Non-Whip Antenna . does not exceed the height of the Building by more than ten (10) feet and is screened from view from any adjacent Public Right-of-Way and provided a Whip Antenna does not exceed the height of the Building by more than fifteen (15) feet and is located no closer than fifteen (15) feet to the perimeter of the Building. Prior to installation of a roof mounted Telecommunications Antenna, the Building Inspector shall be provided with an engineer's certification that the roof will support the proposed Telecommunications Antenna and associated roof-mounted equipment. Roof-mounted Telecommunications Antenna and associated equipment shall be screened with enclosures or facades having an appearance that blends with the Building on which they are located or by locating them so that they are not visible from an adjacent Public Right-of-Way.

ii). Building-mounted Telecommunications Antennas of the Non-Whip Antenna type are allowed on non-residential Buildings in all zoning Districts without further zoning proceedings. provided the Non-Whip Antenna is mounted flush with the exterior of the Building so that it projects no more than thirty (30) inches from the surface of the Building to which it is attached and the Non-Whip Antenna's appearance is such as to blend with the surrounding surface of the Building.

iii). Associated equipment shall be placed either within the same Building or in a separate Building which matches the existing Building in character and Building materials or blends with the landscaping and other surroundings immediately adjacent to the separate Building housing the equipment. Associated equipment for roof-mounted Telecommunications Antennas may be located on the roof of the Building if it is screened from view from any adjacent Public Right-of-Way.

iv). Telecommunications Antennas are allowed without further zoning proceeding on existing utility. lighting, Telecommunications Towers and Sign Structures exceeding fifty (50) feet in height above Grade, provided that the Telecommunications Antenna does not exceed the height "of the Structure by more than ten (10) feet if a Non-Whip Antenna or fifteen (15) feet if a Whip Antenna. Existing Structures may be rebuilt if necessary to support the load of the new Telecommunications Antenna without further zoning proceedings if the rebuilt Structure is substantially similar in appearance to the existing Structure it replaces.

v). Telecommunications Antennas located on existing Buildings or Structures are not subject to the five thousand (5,000) foot separation requirement.

vi). When an application for an Improvement Location Permit to locate a Telecommunications Antenna on an existing Building or other Structure is made, the Director shall be provided with color photo simulations showing the site of the existing Structure with a photorealistic representation of the proposed Telecommunications Antenna and the existing Structure or any proposed reconstruction of the Structure as it would appear viewed from the closest residential property and from adjacent Public Right-of-Way. The applicant shall also submit photographs of the same views showing the current appearance of the site without the proposed Telecommunications Antenna.

3. Telecommunications Antennas shall not be constructed or used within the Town of Zionsville without all approvals and permits first having been secured.

4. Within thirty (30) days of the enactment of this Ordinance, and during each January thereafter, providers of personal wireless services, as that term is defined by federal law, operating in the Town of Zionsville shall provide the Town with their respective master plan for Wireless Telecommunications Facilities, including detailed maps, showing the precise locations and characteristics of all Telecommunications Antennas and Telecommunications Towers serving any portion of the Town and indicating coverage areas for current and future Telecommunications Antennas and Telecommunications Towers and shall provide the Town with any updates to the above documents. Updated documents shall be provided to the Town within three (3) months of their creation.

Section 3.9. RURAL Special Regulations

A. MINOR SUBDIVISIONS AND SINGLE-FAMILY HOMES IN THE AG DISTRICT

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

1. APPROVAL

Minor subdivision approval shall be in accordance with the applicable section of the Subdivision Control Ordinance. Single-Family Homes in the AG District shall be in accordance with the procedure set forth for Special Exception.

2. DRIVEWAYS

In order to prevent strip-lot development and preserve rural character, it is necessary to encourage the sharing of driveways.

i). New driveways for minor subdivisions in the AG District shall be in accordance with **Table 3** of this ordinance. Lots shall share a common driveway cut when possible.

ii). When applicable, new driveways in the AG District shall be along the property line to make it possible to share the driveway with an adjoining lot in the future. In addition, the commitment may be required that the owner share the driveway when necessary.

3. CLUSTER DESIGN

In order to preserve agricultural ground, minor subdivisions in the AG District shall be laid out in a cluster design. This is best accomplished by contiguously grouping the lots in such a manner so as to consume the least amount of land possible given the constraints of the landscape.

4. BUFFERING

In order to protect residential uses from agricultural activities and vice- versa, the perimeter of the minor subdivision and lots for Single-Family Homes in the AG District shall have Bufferyard Ag.

5. COMMITMENTS

In order to protect residential uses from agricultural activities and vice-versa, commitments may be required by the BZA at the time of Special Exception approval in accordance with **IC 36-7-4-921**. Such commitments must be recorded with the Office of the Boone County Recorder prior to the issuance of an ILP. Commitments mandated by the BZA may include, but are not limited, to the following:

i). Right-to-Farm Law of Indiana.

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

ii). Future Residential Subdivision.

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

B. ADULT ENTERTAINMENT BUSINESSES

All adult entertainment businesses shall be required to comply with the following standards.

1. INTENT

In the development and adoption of this **section**, it is recognized that there are some adult entertainment business uses which due to their very nature have certain adverse secondary effects in the form of objectionable operational characteristics particularly when located in close proximity to residential neighborhoods, thereby having a deleterious impact upon property values and the quality of life in such surrounding areas. It has been acknowledged by communities across the nation that state and local governmental entities have a special concern in regulating the operation of such adult entertainment businesses under their jurisdiction to ensure that these adverse secondary effects will not contribute to the blighting or down grading of adjacent neighborhoods. The special regulations deemed necessary to control the undesirable externalities arising from these adult entertainment businesses are set forth below. The purpose of these controls and regulations is to preserve the integrity and character of residential neighborhoods, to deter the spread of urban blight and to protect minors from the objectionable operational characteristics of these adult entertainment business uses by restricting their close proximity to churches, parks, fairgrounds, schools, day care centers, and residential areas including AG districts.

2. PROHIBITIONS

The establishment of an adult entertainment business, as defined, shall be prohibited if such adult entertainment business is within one thousand (1000) feet of another such adult entertainment business or within six hundred (600) feet of any existing church, school, day care center, park, fairground, AG district, or “R” district within the jurisdiction of the Town of Zionsville Plan Commission.

3. MEASUREMENT OF DISTANCES

The distance between one adult entertainment business and another adult entertainment business shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior structural wall of each such business. The distance between an adult entertainment business, and any church, school, park, fairground, day care center, AG district, or “R” district shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior structural wall of the adult entertainment business to the nearest lot line of the church, school, day care center, park, fairground, AG district or "R" district.

4. EXTERIOR DISPLAY

Notwithstanding any other provisions of this Ordinance to the contrary, all exterior displays for an adult entertainment business shall comply with the following regulations.

i). No adult entertainment business shall be conducted in any manner that permits the observation of any material depicting, describing or relating to specified sexual activities or specified anatomical areas by display, decorations, sign, show window or other opening from any public right-of-way.

ii). Number of Signs. Not more than one (1) wall sign shall be permitted for an adult entertainment business and said wall sign shall be permitted only on the front facade of the building. In addition to the one (1) permitted wall sign, an adult entertainment business may be permitted not more than one (1) freestanding sign, and which meets all of the requirements of the zoning district in which it is located.

iii). Sign Surface Area. The maximum sign area of a wall sign for an adult entertainment business shall not exceed an amount equal to five percent (5%) of the front building facade of the first floor elevation (first ten (10) feet) of the premises occupied by the adult entertainment business, or one hundred (100) square feet, whichever is the lesser. The maximum combined sign area of a freestanding sign shall not exceed one (1) square foot for each lineal foot of frontage of the lot, or twenty-four (24) square feet, which is the lesser.

(a) Lighting

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

5. CONTINUATION OF NONCONFORMING USES

This Part is subject to the provisions of **Section VIII Nonconforming Uses**.

C. AIRPORT USES

The following uses and facilities are considered to be appropriate and common for the safe and efficient take-off and landing of aircraft and are hereby permitted with any airport or heliport. However, if a runway is extended, or direction of a runway is changed, the owners shall petition the Town of Zionsville Plan Commission for approval.

1. Runways with a maximum 60,000 lb weight limit
2. Storage hangars
3. Service hangars
4. Landing Lights
5. Taxi-ways
6. On-premise illuminated signs (see **table 11**)
7. Terminals/offices
8. One (1) on-site employee residence
9. Terminal navigational aids
10. Tie-downs
11. Weather gauge instruments
12. Beacons
13. Fuel storage tanks and pumping systems
14. Flight school
15. Meeting facilities
16. Employee break room/kitchenette

Section 3.10. Urban Performance Standards.

A. SCOPE AND APPLICABILITY

All new uses established after the effective date of this Ordinance shall comply with the following performance standards. Any use in existence prior to the date of this Ordinance shall not be altered or modified so as to conflict with the following performance standards.

B. PERFORMANCE STANDARDS

1. Vibration

No use shall cause earth vibration or concussions detectible beyond the Lot Lines without the aid of instruments.

2. Smoke, Dust and Particulate Matter

Smoke, dust and particulate matter and any other airborne material shall not exceed the limits established by the Indiana Department of Environmental Management Rules regarding fugitive dust.

3. Noxious Matter

No use shall discharge across Lo(Lines any noxious, toxic or corrosive matter, fumes or gases in such concentration as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.

4. Odor

No use shall emit across Lot Lines odors in such quantities as to be readily detectible at any point along the Lot Lines and as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.

5. Noise

No use shall produce noise in such a manner as to endanger the public health, safety or welfare or cause injury to property. Operational or production noise shall be muffled so as not to become detrimental due to intermittence, beat frequency, shrillness or vibration.

Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association. Measurements shall be made using the flat network of the sound level meter. Impulsive type noises shall be subject to the

performance standards hereinafter prescribed provided that such noises shall be capable of being accurately measured with such equipment. Noises capable of being so measured; for the purposes of this **Section**, shall be those noises which cause rapid fluctuations of the needle of the sound level meter with a variation of no more than plus or minus two decibels (dB). Noises incapable of being so measured, such as those of an irregular and intermittent, shall be controlled so as not to become a nuisance to adjacent uses.

At no point on the boundary of an "R" District, Special Use District, Business District, or Industrial District shall the sound pressure level of any operation or plant, other than background noises produced by sources not under control of this **Section**, such as the operation of motor vehicles or other transportation facilities, exceed the decibel (dB) limits in the octave bands designated as follows.

Octave Band Frequency (Cycles per Second)	Along Residential or Special Use District Boundaries (dB)	Along Business or Industrial District Boundaries (dB)
0 to 74	72	79
75 to 150	67	74
151 to 300	59	66
301 to 600	52	59
601 to 1,200	46	53
1,201 to 2,400	40	47
2,401 to 4,800	34	41
Above 4,800	32	39

6. HEAT

No use shall produce heat creating a hazard perceptible from any point beyond the Lot Lines.

7. LIGHT/GLARE

i). Intent

It is the intent of lighting standards to provide for illumination levels on individual Lots which are adequate for the safe and efficient movement of individuals or vehicles to and from a Lot and within a Lot. Light intensity shall not be so great as to cause objectionable glare beyond any Lot Line.

ii). General

No use shall produce light or glare creating a nuisance or hazard perceptible from any point beyond the Lot Lines.

iii). Lighting Regulations

All lighting in Business, Industrial, and Special Use Districts, as well as the R-MF-l and RMF-2 Districts, and shall comply with the following regulations:

(a) Lighting shall not cause illumination beyond any Lot Line or onto any Right-of-Way, based upon the zoning District of the real estate on the other side of such Lot Line or Right-of-Way, in excess of:

i. If Adjoining Business or Industrial Districts -one (1) foot candle.

ii. If Adjoining Residential or Special Use Districts -one-half (0.5) foot candle.

(b) Architectural or Sign lighting shall be so directed and shielded so that the light element is not visible from any point along an adjacent public Right-of-Way.

8. WASTE

No use shall accumulate within the Lot or discharge beyond the Lot lines any waste matter, whether liquid or solid, in violation of the applicable standards and regulations of the Boone County Health Department, the Indiana State Board of Health, the Stream Pollution Control Board of the State of Indiana, in such a manner as to endanger the public health, safety or welfare or cause injury to property.

Section 3.11. Urban Off-Street Parking Regulations.

A. Parking for Buildings, Structures or Uses.

All new development, Building additions or conversions of use for which an Improvement Location Permit is required by this Ordinance shall provide required Off-Street Parking Areas in accordance with the following regulations.

B. Existing Parking Areas.

Off-Street Parking Areas shall not be reduced below the minimum requirement for such use as required by this Ordinance. Any Off-Street Parking Areas existing prior to the effective date of this Ordinance which were already below the standards established by this Ordinance shall not be further reduced.

C. Location of Parking Areas.

Off-Street Parking Areas shall be located on the same Lot, within the same Integrated Center, or within three hundred (300) feet of the Building or use served by the Off-Street Parking Area. Off-Street Parking for any use shall be located within a' zoning District which permits the use for which the Off-Street Parking is required.

D. Design and Construction of Parking Areas.

The following standards shall apply to the design of Off-Street Parking Areas required by this Ordinance in all Districts (except for Single Family Dwellings and Agricultural Uses located in the 0-1 District).

1. Standard Parking Schemes.

The layout of all Parking Areas shall be in compliance with the requirements set forth in **Table 3.8A -Parking Lot Design**.

2. Surface of Parking Areas.

All required Off-Street Parking Areas and the ingress/egress to and from such Off-Street Parking Areas shall be hard surfaced with asphalt, concrete or other material to provide a dust-free surface. A gravel surface may be used for a period not to exceed six (6) months after the commencement of the use for which the Parking Area is provided, where ground or weather conditions are not immediately suitable for permanent surfacing as specified herein.

3. Distance from Buildings in Business and Industrial Districts

All Parking Spaces, Parking Areas and Interior Access Drives located in any Business and Industrial District shall maintain a minimum five (5) foot separation from the wall of a Building.

4. Definition of Parking Spaces

All Parking Spaces shall be provided with wheel stops or other devices to insure that motor vehicles do not encroach beyond the Parking Area or into a required Yard .

E. Minimum Number of Off-Street Parking Spaces.

Off-Street Parking for all uses shall be provided in accordance with the minimum requirements set forth in **Table 3.8-B**. When the computation of required Parking Spaces results in a fraction of one-half (1/2) or greater, the number of required Parking Spaces shall be rounded up to the next whole number.

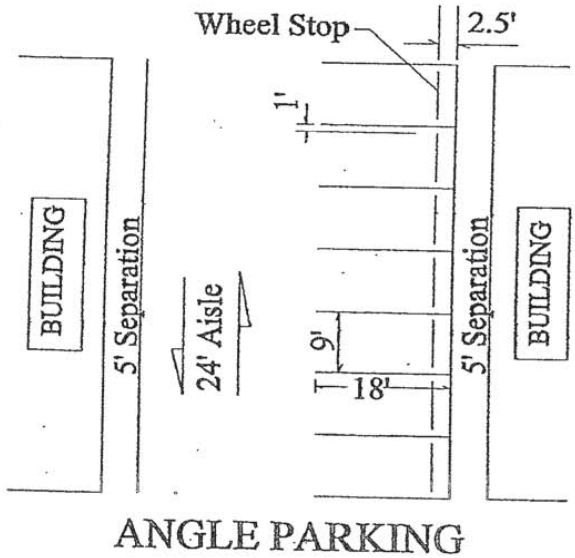
F. Required Parking for the Disabled.

Every Parking Lot and Parking Garage available to the public shall have Parking Spaces reserved for the use of physically handicapped persons according to the following schedule (as required by ADA Accessibility Guidelines for Buildings and Facilities. Chapter 4.1.2 (5)(a), published in the Federal Register, Volume 56, No. 144, dated July 26, 1991):

Total Parking Spaces Required	Minimum Number of Reserved Spaces
1-25	1
26- 50	2
51-75	3
76 -100	4
101 -150	5
151-200	6
201 -300	7
301-400	8
401 -500	9
501 -1000	Two percent (2%) of the total number of parking spaces
1011 and over	Twenty (20), plus one (1) for each one hundred (100) spaces over one thousand (1000).

Table 8: Parking Lot Design

Angle of Parking	Space Width of Parking Space	Depth of Parking Space	Width of Maneuvering Aisle
61 °- 90°	9’-0”	18’-0”	24’-0”
46 °- 60°	9’-0”	18’-0”	18’-0”
45 °	8’-6”	18’-0”	15’-0”
Parallel	8’-0”	22’-0”	12’-0”



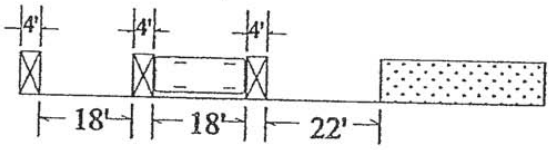


Table 9: Required Off-Street Parking

USE REQUIREMENT	MINIMUM PARKING
1. ANY Business RECREATIONAL ENTERPRISE involving the assembling of persons (unless otherwise specified in this table):	
a. INDOOR	One (1) Parking Space for each two hundred fifty (250) square: feet of Gross Floor Area.
b. OUTDOOR	One (1) Parking Space for each two hundred (200) square feet of Gross Floor Area plus one (1) Parking Space for each six hundred (600) square feet of site area accessible to the public, exclusive of the Parking Area.
2. AUTOMOBILE SALES	
a. MAJOR	ONE (1) Parking Space for each five hundred (500) square feet of Gross Floor Area, plus one (1) space for each seven thousand (7000) square feet of outdoor display area.
b. MINOR	One (1) Parking Space for each one thousand (l000)

	square feet of show room space and one (1) space for each service bay.
3. TRUCK, BUS, BOAT, RECREATIONAL VEHICLE OR RECREATIONAL VEHICLE OR MOTORCYCLE SALES OR RENTAL	One (1) Parking Space for each five hundred (500) square feet of Gross Floor Area, plus one (1) space for each seven thousand (7,000) square feet of outdoor display area.
4. BANKING: B~SAVINGS AND LOAN, CREDIT UNION	
a. COMBINED DRIVE-THROUGH	One (1) Parking Space for each WALK-IN FACILITIES (250) square feet of Gross Floor Area.
b. DRIVE-TIIROUGH FACILITY ONLY	One (1) Parking Space for each drive-up bay
c. WALK•IN FACILITY ONLY	One (1) Parking Space for each two hundred (200) square feet of Gross Floor Area.
5. BOWLING ALLEYS:	a. Four (4) Parking Spaces for each alley/lane If, in addition, there are other uses or accessory uses located within or operated in conjunction with the bowling alley, such as restaurants, night clubs, and the like, additional Parking Spaces, calculated based upon the parking requirements for that specific use, shall be provided (calculation shall be based upon the total square feet of Gross Leasable Floor Area for uses located within or operated in conjunction with the bowling alley. One (1) Parking Space for each four (4) permanent seats in the sanctuary.
6. a. RELIGIOUS USES, including Church, Synagogue or Temple:	
b. AUDITORIUM, ASSEMBLY HALLS, RECITAL HALLS:	One (1) Parking Space for each four (4) seats at maximum capacity calculated pursuant to Fire Code.

7. COMMUNITY CENTERS, MUSEUMS, CMC CLUBS" AND PHILANTIIROPIC INSTITIJTIONS:	One (1) Parking Space for each four hundred (400) square feet of Gross Floor Area.
8. COVENIENCE STORE	Three and one half (3.5) Parking Spaces for each one-thousand (1000) square feet of Gross Floor Area. Parking Spaces at gasoline pumps may be included in the calculation of required parking.
9. DAY NURSERIES, CHILD CARE CENTERS, KINDERGARTENS, NURSERY SCHOOLS:	One (1) Parking Space for each eight (8) pupils based upon maximum. Capacity.
10. FIRE STATION:	Three (3) Parking Spaces for truck bay, plus a minimum of three (3) additional Parking Spaces.
11. FURNITURE/FLOOR OR WALL COVERING STORE	One (1) Parking Space for each four hundred (400) square feet of Gross Floor Area.
12. GASOLINE SERVICE STATIONS, TIRE AND AUTO SERVICE CENTER, AUTOMOBILE REPAI~OTHER AUTO SERVICE FUNCTIONS:	One (1) Parking Space for each two hundred (200) square feet of Gross Floor Area devoted to retail sales, plus two (2) spaces per service bay, (a service bay shall not be considered a Parking Space)" plus three (3) customer spaces
13. GASOLINE SERVICE STATION CONVENIENCE STORE	Same as (7) CONVIENENCE STORE
14. GROCERY - SUPERMARKET	One (1) Parking Space for each two hundred (200) Square feet of Gross Floor Area.
15. HARDWARE-PAINT-HOME IMPROVEMENT STORE	One (1) Parking Space for each three hundred (300) square feet of Gross Floor Area plus one (1) Parking Space for each one thousand (1000) square feet of the facility devoted to outside operations or storage, exclusive of the Parking Area.
16. HEALTH SPA- FITNESS CENTER	a. One (1) Parking Space for each two hundred (200) square feet of Gross Floor Area

	b. If, in addition, there are other uses or accessory uses located within or operated in conjunction with the health spa or sports club. such as dining areas, restaurants, night clubs, retail stores and the like, additional Parking Spaces, ca1culated based upon the parking requirements for that specific use, shall be provided (calculation shall be based upon the total square feet of Gross Leasable Floor Area for such uses located within or operated in conjunction with the health spa or sports club).
17. HOTELS, MOTELS:	a. One (1) Parking Space for each rental sleeping unit. b. If: in addition to sleeping units, there are other uses or accessory uses located within or operated in conjunction with the Hotel or Motel, such as ballrooms, meeting rooms, dining areas, retail stores, auditoriums, restaurants, night clubs, and the like, additional Parking Spaces, calculated based upon the parking requirements for that specific use, shall be provided (calculation shall be based upon the total square feet of Gross Leasable Floor Area for such uses located within or operated in conjunction with the Hotel or Motel).
18. LIBRARY:	One (1) Parking Space for each four hundred (400) square feet of Gross Floor Area.
19. MEDICAL, DENTAL, OPTOMETRISTS CLINICS OFFICES	One (1) Parking Space for each two hundred (200) square feet of Gross Floor Area
20. MINI-WAREHOUSES	One (1) Parking Space for each two hundred square feet of Gross Floor Area devoted to office space, plus one (1) Parking Space per resident/ manager, plus one (1) Parking Space for each thirty (30) storage units. Required Off-Street Parking Spaces shall not be utilized as rental or leased spaces.

21. MINIATURE GOLF	Four (4) Parking Spaces for each golf hole, plus one (1) space per each one hundred (100) square feet devoted to Accessory retail or amusement establishments.
22. MORTUARY - FUNERAL HOME-CREMATORIES	One (1) Parking Space for each fifty (50) square feet of floor area in parlors and assembly rooms.
23. NURSING CARE, CONVALESCENT HOME, HOSPITAL, SANITARIUMS, REHABILITATION CENTERS:	One (1) Parking Space for each two (2) patient beds.
24. OFFICE Business USE, GENERAL: (To include, but not be limited to) BUSINESS-PROFESSIONAL OFFICE, POST OFFICE-OFFICE PARK, RESEARCH CENTER OFFICES FOR AN INDUSTRIAL USE	Three and One-Half (3.5) Parking Spaces for each one thousand (1000) square feet of Gross Floor Area.
25. TENNIS-RACQUET CLUB:	Four (4) Parking Spaces per game court, plus one (I) Parking Space for each two hundred (200) square feet of the remaining Gross Floor Area in the Building devoted to office or retail activities.
26. RESIDENTIAL:	
a. SINGLE FAMILY DWELLING (INCLUDING INDIVIDUAL MOBILE DWELLINGS) AND TWO• FAMILY DWELLINGS	Two (2) Parking Spaces per Dwelling Unit
b. MULTIFAMILY DWELLINGS	Two (2) Parking Spaces per Dwelling Unit for the first fifty (50) Dwelling Units, plus one and three-quarter (1.75) Parking Spaces for each additional Dwelling Unit over fifty (50).
27. RESTAURANT:	One (1) Parking Space per each three (3) customer seats (including outdoor seating areas) (minimum of five (5) Parking Spaces required).

a) FAMILY (DINE IN ONLY)	
b) FAST FOOD, WITH OR WITHOUT DRIVE-THROUGH	One (1) Parking Space per each five (5) customer seats (minimum of five (5) Parking Spaces required).
c) FAST FOOD, DRIVE-THROUGH ONLY (NO SEATING)	One (1) Parking Space per one hundred (l00) square fuel of Gross Floor Area (minimum of four (4) Parking Spaces required).
28. TAVERNS AND NIGHT CLUBS	One (1) Parking Space per each seventy-five (75) Square feet of Gross Floor Area.
29. RETAIL OR Business USES INDIVIDUAL, FREESTANDING USES: including but limited to: BAKERIES; DRUG STORES; BEAUTY AND BARBER SHOPS; LIQUOR STORES; LAUNDROMATS; PHOTO STUDIOS; JEWELRY, GIFT, APPLIANCE AND SIMILAR STORES; PERSONAL SERVICE SHOPS;	Three and one ha1f(3.5) Parking Spaces for each one thousand (1000) square fuel of Gross Leasable Floor Area shall be required for any individual, freestanding retail or service Business use unless listed separately in this **section**, in which case the parking requirement noted for that specific use shall be utilized. Provided, however, that in no case shall any individual use provide less than five (5) Parking Spaces.
	a. If the total Gross Leasable Floor Area of an Integrated Center is less than 400,000 square feet, four (4) Parking Spaces for each one thousand (1,000) square feet of Gross Leasable Floor Area shall be required.,
30. RETAIL OR SERVICE business USES-INTEGRATED CENTERS	b. If the total Gross Leasable Floor Area of an Integrated Center is greater than 400,000 square feet but less than 600,000 square feet, four and one half (4.5) Parking Spaces for each one thousand (1,000) square feet of Gross Leasable Floor Area shall be required,
	c. If the total Gross Leasable Floor Area of an integrated center is greater than 600,000 square feet, five (5) Parking Spaces for each one thousand

	(1,000) square feet of Gross Leasable Floor Area shall be required. Provided however: (1) in no case shall any individual use provide less that five (5) Parking Spaces: and, (2) The following individual uses: Grocery store; theaters-motion picture or legitimate, bowling alley; or night club; shall provide Parking Spaces as required for the individual use by this **section** and such of the Gross Leasable Area calculation of the Integrated Center.
31. SKATING RINK (Roller Rink)	One (1) Parking Space for each two hundred (200) square feet of Gross Floor Area in the building.
32. SCHOOLS: Business, TRADE OR BUSINESS:	One (1) Parking Space for each one hundred (100) Square feet of Gross Floor Area in the Building, or one (1) Parking Space per each twenty-five (25) Square feet of classrooms, whichever provides the greatest number of spaces.
33. THEATER, INDOOR	One (1) Parking Space for each three (3) seats.
34. ASSEMBLY, MANUFACTURING, OR SIMILAR INDUSTRIAL USE	a. One (1) Parking Space for each one thousand (1000) square feet of Gross Floor Area devoted to such use. b. If, in addition, there is space devoted to office retail, or other uses specified elsewhere in these regulations, parking required for such additional use shall also be provided.
35. DISTRIBUTION, WAREHOUSE, OR SIMILAR USE	a. One (1) Parking Space for each three thousand (3000) Square feet of Gross Floor Area b. If, in addition, there is space devoted to office. Retail or other uses specified elsewhere in these

regulations, parking required for such additional use shall be provided.

36. USES NOT SPECIFIED

For any use not specified above, specific requirements shall be determined by the Building Commissioner and shall be based upon requirements for similar uses, expected demand and traffic generated by the proposed use, and other information from appropriate traffic engineering and planning criteria.

Section 3.12. Urban Off-Street Loading Regulations.

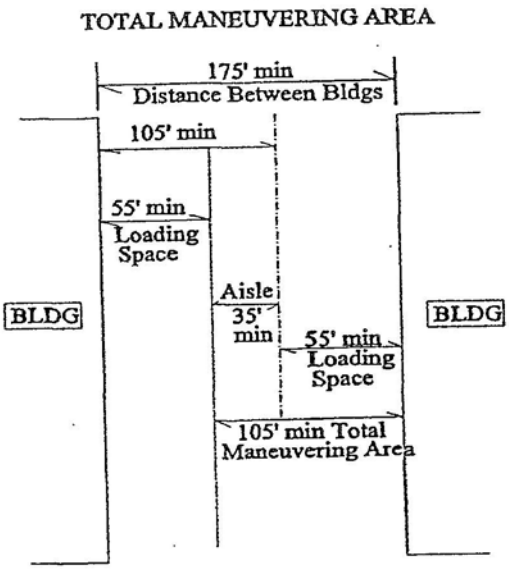
A. Loading for Buildings, Structures or Uses.

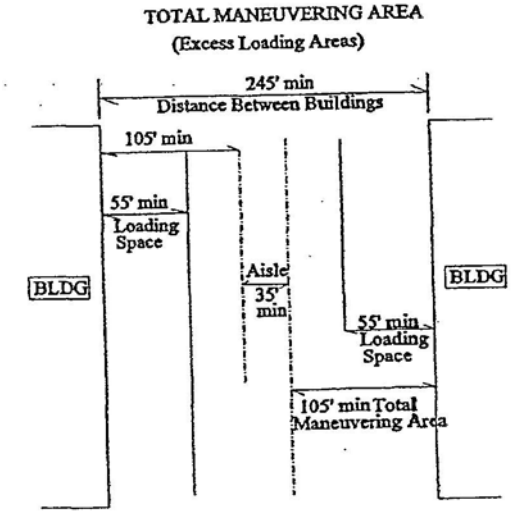
All Business or industrial development or conversions of use for which an Improvement Location Permit is required by this Ordinance shall provide Off-Street Loading Areas in accordance with the following regulations.

B. Design and Construction of Loading Areas.

The following standards shall apply to the design of Off-Street Loading Areas:

1. Loading Space Dimensions -A required or excess Off-Street Loading Space shall be at Least twelve (12) feet in width by at least fifty-five (55) feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least fifteen (15) feet.





2. Minimum Aisle Width -Each required Off-street Loading Space shall open directly upon an aisle or Interior Access Drive with a width of at least thirty-five (35) feet and creating a total maneuvering area, inclusive of the Loading Space, of at least one hundred and five (105) feet, unless subject to the provisions of **Section 4.11, C.**, below.

3. Each maneuvering area, aisle and Interior Access Drive shall be so designed and (Excess Loading Areas) located as to provide safe and efficient ingress/egress to each Loading Space and so that trucks do not back from or into a Public Street, or onto an adjoining property (unless the subject property and the adjoining property are located within the same Industrial Park and such maneuvering area is subject to a recorded easement allowing such maneuvering).

C. Design of Excess Loading Areas

Any use which provides Loading Spaces at a rate of greater than four (4) Loading Spaces and more than two (2) times the minimum required by this Ordinance shall provide a total maneuvering area of at least one-hundred and five (105) feet which is separate and distinct from the minimum aisle width requirement of thirty-five (35) feet.

D. Location of Off-Street Loading Spaces.

1. All Loading Spaces shall be located on the same Lot as the use served.

2. All Loading Spaces shall be oriented toward a Side or Rear Lot Line.

3. No Loading Space shall be located between the Front Lot Line and the front line of any portion of the Building served.

4. No Loading Space shall be located in a required Side or Rear Yard or required side or rear Bufferyard.

E. Use of Loading Area.

Space allocated for required or excess Off-Street Loading Spaces and associated maneuverability shall not be used to satisfy Off-Street Parking Space requirements.

F. Surface of Loading Areas.

All Off-Street Loading Areas and the ingress/egress to and from such Off-Street Loading Areas shall be hard surfaced with asphalt, concrete or other material to provide a dust-free surface. A gravel surface may be used for a period not to exceed six (6) months after the commencement of the use for which the Loading Area is provided, where ground or weather conditions are not immediately suitable for permanent surfacing as specified herein.

G. Minimum Number of Off-Street Loading Spaces.

Off-Street Loading Spaces for all uses shall be provided in accordance with the minimum requirements set forth in **Table 3.9-A**.

Table 10: Required Off-Street Loading

Gross Floor Area of Building (Square Feet) Spaces	Required Number of Loading
≤10,000	0
10,000 -40,000	1
40,000 -100,000	2
100,000 -200,000	3
Each Additional 200,000	1 Additional Or portion thereof.

Section 3.13. Urban Requirements for Drive-Through Off-Street Stacking Spaces

A. General Provisions

The purpose of off-street stacking space regulations is to promote public safety by alleviating on-site and off-site traffic congestion from the operation of a facility which utilizes a Drive-Through Service Unit ("service unit"). Any use having a service unit shall provide required off-street stacking spaces ("stacking spaces ") as follows:

1. Each stacking space shall be not less than eight and one half (8 1/2) feet in width and seventeen and one half (17 1/2) feet in length, with additional stacking spaces for necessary turning and maneuvering.

2. The area required for stacking spaces shall be exclusive of and in addition to any required Parking Space, Loading Space, Driveway, aisle and Required Yard. unless specifically noted.

3. A Parking Space at any component of a service unit (window, menu board, order station, or service bay) shall be considered to be a stacking space.

4. An area reserved for stacking spaces shall not double as a circulation Driveway or maneuvering area.

5. Sites with stacking spaces shall include an exclusive bypass aisle, Driveway or other circulation area in the parking lot design to allow vehicles to bypass the stacking area.

6. A service unit may project up to one (1) foot into the stacking area.

7. A service unit shall not be permitted on the side or rear of a Building, or within the Side or Rear Yard of a Building, which abuts an "R" District, SU-l (Church), SU-2 (School), District unless the side or rear setback of each component of a service unit is located more than one hundred (100) feet from the "R", SU-l, or SU-2 Districts.

8. Service units may contain more than one component part. Service units may contain such components as menu board(s), order stations, pay windows, food /service pickup windows, or service bays. The final component of a service unit shall be the last component reached before exiting the service unit. In the case of car washes, the final component of a service unit is the entrance to the car wash Building itself.

B. Site Plan Submission

All stacking spaces and circulation pattern(s) shall be demonstrated on the site plan that is submitted at the time of filing for an Improvement Location Permit.

The submitted site plan shall also delineate:

1. All existing and proposed points of ingress and egress, circulation and maneuvering areas, off-street Parking and Loading Areas; and,

2. Separately tabulate the number of required off-street Parking, Loading, and stacking Spaces in a conspicuous place on the plan for easy reference.

Use/Facility	Number of Stacking Spaces Required

1. Bank: (Including ATM's)	Six (6) stacking spaces, measured from the final component of each service unit; one (1) stacking space after the final component of each service unit.
2. Drive-In Theatre:	Before the ticket service window or area, stacking spaces shall be equal to twenty percent (20%) of the total off-street parking capacity of the theatre. The in-bound reservoir area shall not connect or conflict in any way with exit driveways.
3. Car Wash (as either a Primary Use or as an Accessory Use):	
a. Self-service or Hand wash	Three (3) stacking spaces, measured from the final component of each service unit; two (2) stacking spaces after the final component of each service unit.
b. Semi-or Fully Automatic	Twenty (20) stacking spaces, measured component of each service unit; six (6) stacking spaces reserved to vacuuming or drying of vehicles may count in the exit stacking space figure. Parking Spaces not required in the calculation for minimum required off-street parking may be utilized for the stacking space calculation.
4. Restaurants:	Total number of stacking spaces required
Number of Drive-Through Service Units:	
One (1)	Six (6) stacking spaces, measured from the final component of the service unit; two (2) stacking spaces after the final component of the service unit.

Two (2)	Eight (8) stacking spaces, measured from the final component of each service unit; two (2) stacking spaces after the final component of each service unit..
For each additional Drive through Service Unit	Four (4) stacking spaces, measured from the final component of each service unit; one (1) stacking space after the final component of each service unit.
5. All Other Facilities Utilizing a Drive-Through Service Unit	Including, but not limited to laundry and dry cleaning stations, photo drop off/pick-up stations, automobile oil change or lubrication facilities, or drug stores: Three (3) stacking spaces, measured from the final component of the service unit; one stacking space after the final component of each service unit.

Section 3.14. Urban Requirements for All Private Streets, Interior Access Driveways, and Interior Access Drives.

All Private Streets, interior Access Driveways, and interior Access Drives shall be developed to the following standards:

A. Minimum pavement width avai1able for through traffic, exclusive of Parking Spaces:

1. Residential Districts:

-1 way traffic, no parking -twelve (12) feet

-1 way traffic, parking on one or both sides -twenty-four (24) feet

-2 way traffic, no parking -twenty (20) feet

-2 way traffic, parking on one or both sides -twenty-four (24) feet

2. Business or Industrial Districts:

-1 way traffic, no parking -eighteen (18) feet

-1 way traffic, parking on one or both sides -thirty (30) feet

-2 way traffic, no parking -twenty-four (24) feet

-2 way traffic, parking on one or both sides -thirty-six (36) feet

B. Minimum pavement depth and materials for through traffic widths noted in **Section 3.11, A.,** above, exclusive of Parking Areas, shall be those specified by the Subdivision Control Regulations of the Town of Zionsville, Indiana (Subdivision Control Regulations), provided, however, curbing shall not be required. The requirements for minimum pavement depth and materials listed in the Subdivision Control Regulations are incorporated into this Ordinance by reference. Two copies of the Subdivision Control Regulations are on file and available for public inspection in the office of the Clerk-Treasurer of the Town of Zionsville, Indiana.

C. Private Streets, interior Access Driveways, and interior Access Drives shall be privately maintained in good repair and reasonably free of chuckholes, standing water, weeds. dirt, trash, debris, mud, ice and snow by the owner, project management, owner's association or other similar organization.

Section 3.15. Urban Landscaping Requirements

A. Intent.

Landscaping of required Yards and required Bufferyards is an essential element of the design of a site with respect to promoting the public health, safety, comfort, convenience and general welfare of the Town of Zionsville. Landscaping is intended to lessen the impact of development on the environment by reducing glare and heat buildup, promoting the creation landscape islands for pedestrian safety, to break up large expanses of pavement, and to reduce storm water run-off. Landscaping provides a critical buffering effect between higher intensity Districts and lower intensity Districts (e.g., typically between Business or Industrial Districts and abutting or adjacent residential and specific Special Use (SU), Districts).

B. Landscaping of Required Front, Side and Rear Yards, Required Front, Side and Rear Perimeter Yards, and Required Front, Side and Rear Bufferyards in All Business, Industrial and Multifamily Residential Districts.

1. Required Front, Side and Rear Yards in Business and Industrial Districts shall be landscaped in compliance with the following:

i). Required Front Yard -Landscaping in the required Front Yard shall consist of trees planted in accordance with one of the following alternatives:

(a) If deciduous shade (overstory) trees are used:

There shall be one (1) tree planted at a maximum of every forty (40) feet on center of linear distance along all required Front Yards.

These required trees may be grouped together in the required Front Yard; however, in no case shall spacing between the trees exceed eighty (80) feet.

(b) (2) If deciduous ornamental (understory) trees are used:

There shall be one (1) tree planted at a maximum of every twenty-five (25) feet on center of linear distance along all required Front Yards.

These required trees may be grouped together in the required Front Yard; however, in no case shall spacing between the trees exceed fifty (50) feet.

ii). Required Side Yard and required Rear Yard -Landscaping in the required Side Yard and required Rear Yard shall consist of trees planted in accordance with one of the following alternatives:

(a) If deciduous shade (overstory) trees are used:

There shall be one (1) tree planted at a maximum of every fifty (50) feet on center of, linear distance along all required Side Yards and required Rear Yards. These required trees may be grouped together in the required Side Yard and required Rear Yard; in no case shall spacing between the trees exceed eighty (80) feet.

(b) If deciduous ornamental (understory) trees are used:

There shall be one (1) tree planted at a maximum of every thirty-five (35) feet on center of linear distance along all required Side Yards and required Rear Yards.

These required trees may be grouped together in the required Side Yard and required Rear Yard; however, in no case shall spacing between the trees exceed fifty (50) feet.

Deciduous shade trees and deciduous ornamental trees may be grouped together in the required yards, however, in no case shall spacing between a deciduous shade tree and a deciduous ornamental tree exceed fifty (50) feet.

The minimum size of all required landscape plant materials, at the time of planting, shall comply with the plant sizes listed in **Table 3.12-C**.

2. Required front, side and rear Bufferyards in all Business and Industrial Districts, and front, side and rear Perimeter Yards in the R-MF-l and R-MF-2 Districts shall be landscaped in compliance with the requirements of **Table 3.12-A, Table 3.12-B and Table 3.12-C.**

C. Foundation Planting in Business and Industrial Districts (except the VBD -Village Business District).

Foundation planting areas shall be required for all new Buildings and Building additions in all Business and Industrial Districts (except the VBD-Village Business District). In the case of a Single Use Site or a primary Building in an Integrated Center located on a Business District, foundation planting areas are required along the front and side of the Building. In the case of a Building located on an Out Lot in a Business District or any Building located in an Industrial District, the front, side and rear of the Building shall have foundation planting areas. Foundation planting areas shall be subject to the following requirements:

1. Foundation planting areas shall be calculated individually for each applicable front, side or rear of a Building and shall be located along such front. side or rear of a Building (except for those portions of the front or side of a Building devoted to pedestrian ingress/egress, vehicular ingress/egress, loading or drop-off zones);

2. Foundation planting areas shall have a total area in square feet of not less than two (2) feet times the length of the wall (2' X length of wall =area for foundation planting) to which the foundation planting is oriented;

3. Foundation planting areas shall be located (i) adjacent to the Building, or (ii) so as to begin within ten (l0) feet of the Building (in the case of a sidewalk which runs adjacent to the Building);

4. Foundation planting areas shall maintain a minimum depth in the smallest dimension of six (6) feet; and,

5. Foundation planting areas shall be landscaped with grass and shrubbery, trees. or hedge, or in combination with other suitable ground cover materials and maintained as a foundation planting strip in compliance with the requirements for a Level A Plantings as set forth in **Table 3.12-B**.

D. Parking Lot Landscaping in Business and Industrial Districts.

1. Interior Parking Lot Landscaping in Business and Industrial Districts.

All new surface Parking Lots and expanded surface Parking Lots (except for semi-truck loading and maneuvering areas and Parking Areas) located in any Business or Industrial District shall include at least one interior landscape island measuring eight feet by eighteen feet (8' X 18') minimum for every fifteen (15) Parking Spaces. Each interior landscape island shall contain at least one Deciduous Shade (Overstory) Tree, Deciduous Ornamental (Understory) Tree or Evergreen Tree. All trees shall comply with the size at time of planting as indicated in **Table 3.12-C**.

Space devoted to interior landscape islands shall be in addition to any required Front, Side or Rear Yards, required front, side or rear Bufferyards, or required foundation plantings.

The area devoted to interior landscape islands may be located individually in the interior of the Parking Lot or may be aggregated into one or more landscape areas. When located individually. interior landscape islands shall be located so as to define vehicular and pedestrian traffic patterns. When aggregated into one or more landscape areas, interior landscape islands shall function to: preserve existing trees, create boulevard treatments, create landscape features, create common open space areas for passive recreational activities, or define vehicular and pedestrian traffic patterns.

Each tree shall be a minimum of two and one half (2 1/2) feet away from the outside of any permanent barrier of a landscaped area or edge of the parking area.

2. Perimeter Landscaping of Parking Lots in Business and Industrial Districts.

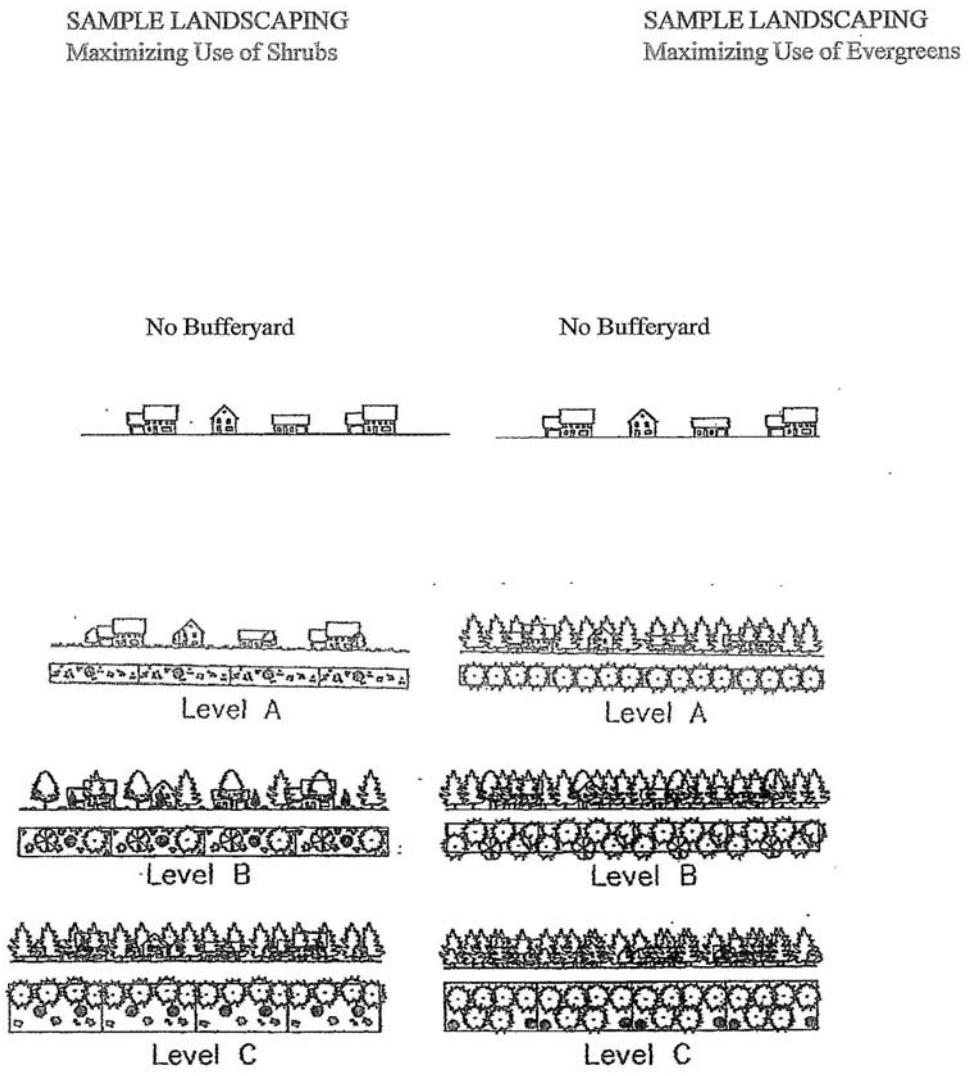
In addition to landscaping provided in required Yards and required Bufferyards, if a Parking Area is located between a Building and a required Front Yard or between a Building and a required front, side or rear Bufferyard.

the side of the Parking Area facing the Front Yard or the front, side or rear Bufferyard shall be screened by

i). a compact hedge row located between the Front Yard or a Bufferyard and the edge of the Parking Area planted three feet on-center (3' o.c.) and between twenty-four and thirty inches (24" -30") in height at the time of planting; or

ii). hedge plants in combination with: an ornamental, decorative fence or masonry wall or earthen berm provided that the Plant Unit Value of the hedge, wall or berm equals 1.5.

Figure 6: Sample Landscaping



NOTE:

Each sample area represents a total length of four hundred (400) feet. Depth of the sample areas varies for illustrative purposes only. Trees indicated are at full growth, not at time of planting.

Table 11: BUFFERYARD AND PERIMETER YARD LANDSCAPING

Zoning Of Subject Property"																		
	O-1	R-SF-1	R-SF-2	R-SF-3	R-SF-4	R-V	R-MF-1	R-MF-2	B-O	B-1	B-2	B-3	VBD	I-ORT	I-1	I-2	I-3	SU
O-1	NR	NR	NR	NR	NR	NR	A	A	A	A	B	C	A(1)	B	B	C	C	* *
R-SF-1	NR	NR	NR	NR	NR	NR	B	B	B	B	C	C	A(1)	B	B	C	C	* *
R-SF-2	NR	NR	NR	NR	NR	NR	B	B	B	B	C	C	A(1)	B	B	C	C	* *
R-SF-3	NR	NR	NR	NR	NR	NR	B	B	B	B	C	C	A(1)	B	B	C	C	* *
R-SF-4	NR	NR	NR	NR	NR	NR	B	B	B	B	C	C	A(1) A	B	B	C	C	* *
R-V	NR	NR	NR	NR	NR	NR	B	B	B	B	C	C	(1)	B	B	C	C	* *
R-MF-1	NR	NR	NR	NR	NR	NR	A	A	B	B	B	C	A(1) A	B	B	B	C	* *
R-MF-2	NR	NR	NR	NR	NR	NR	A	A	B	B	B	C	(1)	B	B	B	C	* *
Interstate Freeway	A	A	A	A	A	A	A	A	A	A	A	A	NR	A	A	A	A	* *

NR = Landscaping/Screening not required. A= Level A B = Level B C = Level C

*. =Perimeter Yards for the R-MF-l and R-MF-2 Districts, when located adjacent to all other Districts not listed on **Table 3.12-A** shall be landscaped at Level A. U

* *= Landscaping shall be provided based upon the ".Applicable District Development Standards" listed in **Section 2.18. B** for each Special Use District.

(1) = Applicable only to side or rear Bufferyards.

Table 12: LEVELS OF PLANTINGS -BUFFERYARDS AND PERIMETER YARDS

Level A= Any combination of plants selected from the Plant Categories listed in Table 3.12-C which equals or exceeds a Plant Unit Value of2.0 for each one-hundred (100) lineal feet. provided that at least 50% of the required Plant Unit Value shall be derived from Deciduous Shade (Overstory) Trees, Deciduous Ornamental (Understory) Trees, Evergreen Trees or Evergreen Trees –Narrow Spread.

Level B = Any combination of plants selected from the Plant Categories listed in Table 3.12-C which equals or exceeds a Plant Unit Value of 3.0 for each one-hundred (100) lineal feet. provided that at least 25% of the required Plant Unit Value shall be derived from Deciduous Shade (Overstory) Trees or Deciduous Ornamental (Understory) Trees and at least 25% of the Plant Unit Value shall be derived from Evergreen Trees or Evergreen Trees-Narrow Spread.

Level C = Any combination of plants selected from the Plant Categories listed in **Table 3.12-C** which equals or exceeds a Plant unit Value of4.0 for each one-hundred (100) lineal feet, provided that at least 25% of the required Plant Unit Value shall be derived from Deciduous Shade (Overstory) Trees or Deciduous Ornamental (Understory) Trees and at least 50% of the Plant Unit Value shall be derived from Evergreen Trees or Evergreen Trees -Narrow Spread.

Table 13: Plant Unit Values

Plant Categories (Minimum size at Time of Planting)	Plant Unit Value
Deciduous Shade (Overstory) (2 ½" caliper at 6" above the ground)	.50
Deciduous Ornamental (Understory) Tree 91 ½" caliper at 6" above the ground)	.40
Evergreen Tree (6' high)	.40
Evergreen Tree-Narrow Spread (4' high)	.25
Hedge Plant (24" – 30" high)	.05

E. Ground Cover Within Required Landscaping.

All landscaping required above shall, at a minimum, consist of living vegetation (i.e., trees and shrubs) and grasses or ground cover materials, or preserved existing natural vegetation (i.e., thickets). Loose stone, rock or gravel may be used as a landscaping accent, but shall not exceed twenty (20) percent of the area of the required landscape area in which it is used.

F. Wall, Fence or Berm.

In addition to living vegetation required above, landscaping in a required Yard, required Buffer yard, or required Perimeter Yard may include a fence, wall or berm as regulated below.

1. Fence or Wall in a Front Yard.

An ornamental, decorative fence or masonry wall may be used in conjunction with required Front Yard or required front Bufferyard landscaping. Any fence or wall used in a Front Yard shall not exceed three (3) feet in height if solid or six (6) feet in height if the sight barrier is less than fifty (50) percent. Any fence or wall which maintains a height of between thirty (30) inches and three (3) feet if solid or between five (5) feet and six (6) feet if the sight barrier is less than fifty (50) percent shall count as up to a 50 Plant Unit Value for each one-hundred (100) foot increment against the required Plant Unit Value specified by **Table 3.12-B**. Chain link may be used as a fencing material, however, a chain link fence shall not count as a Plant Unit Value.

2. Berm in a Front Yard or Front Bufferyard.

An undulating earthen berm. may be used in conjunction with required Front Yard or required front Bufferyard landscaping. Any berm used in a Front Yard shall have a maximum height not to exceed three (3) feet when located in a Multifamily Residential or Business District or five (5) feet when located in an Industrial District, shall have a minimum crown width of two (2) feet and shall have a side slope of not greater than three feet horizontal to one foot vertical (3: 1). Any berm shall be planted and covered with live vegetation. A retaining wall may be used on the side of the berm facing away from the Public Right-of-Way. Any berm which maintains its maximum height for a minimum of sixty (60) percent of the lineal distance of each 100 foot increment of the Yard

shall count as up to a .50 Plant Unit Value for each one-hundred (100) foot increment against the required Plant Unit Value specified by **Table 3.12-B**.

3. Fence or Wall in a Side or Rear Yard or Side or Rear Bufferyard.

   An ornamental, decorative fence or masonry wall may be used in conjunction with required Side or Rear Yard, required side or rear Buffer yard, or required side or rear Perimeter Yard landscaping. Any fence or wall used in a Side or Rear Yard or side or rear Bufferyard shall not exceed six (6) feet in height. Any fence or wall which maintains a height of between four (4) feet and six (6) feet shall count as up to a .50 Plant Unit Value for each one-hundred (l00) foot increment against the required Plant Unit Value specified by **Table 3.12-B**. Chain link may be used as a fencing material, however, a chain link fence shall not count as a Plant Unit Value.

4. Berm in a Side or Rear Yard or Side or Rear Bufferyard.

   An undulating earthen berm, may be used in conjunction with required Side or Rear Yard, required side or rear Bufferyard, or required side or rear Perimeter Yard landscaping. Any berm used in a Side or Rear Yard or side or rear Bufferyard shall have a maximum height not to exceed six (6) feet, shall have a minimum crown width of two (2) feet and shall have a side slope of not greater than three feet horizontal to one foot vertical (3:1). Any berm shall be planted and covered with live vegetation. A retaining wall may be used on the side of the berm facing away from the Side or Rear Lot Line. Any berm which maintains its maximum height for a minimum 'of sixty (60) percent of the lineal distance of each 100 foot increment of the Yard shall count as up to a .75 Plant Unit Value for each one-hundred (100) lineal feet against the required Plant Unit Value specified by **Table 3.12-B**.

G. Installation of Landscaping.

All landscaping required by this **Section** shall be:

1. installed prior to commencement of the use on the real estate; or,

2. if seasons and weather conditions are not appropriate for the installation of landscaping immediately prior to commencement of the use, all landscaping required by this **Section** shall be installed by the end of the next planting season after the use is commenced.

H. Maintenance of Landscaping.

The owner or property manager shall:

1. Maintain all required landscaping by keeping lawns mowed, all plants maintained as disease-free, and planting beds groomed (except in areas of preserved existing natural vegetation (i.e., thickets); and,

2. Replace any required planting, which is removed or dies after the date of planting. Such replacement shall occur during the next planting season.

I. Credit for Preservation of Existing Trees.

In order to encourage the preservation of existing stands of trees or tree rows and to enhance the quality of the built environment, the Plan Commission may approve an alternative landscape plan which utilizes the designation of one or more Tree Save Areas in lieu of new plantings within a required Yard, a required Perimeter Yard, a required Bufferyard, foundation plantings or interior landscape islands in Parking Lots.

A .25 Plant Unit Value credit shall be given for every two (2) caliper inches of trees saved per 100 foot increment. The credit shall count towards the required new plantings within such 100 foot increment of a required Yard, a required Perimeter Yard, a required Bufferyard, foundation plantings or interior landscape islands in Parking Lots.

An alternative landscape plan which utilizes the designation of a Tree Save Area shall:

1. provide that all trees which are to be preserved in a Tree Save Area shall be maintained without injury and with sufficient area for the root system to sustain the tree;

2. provide that protective care and physical restraint barriers at the drip line, such as temporary protective fencing. shall be provided in the Tree Save Area to prevent alteration, compaction or increased depth of the soil in the root system area prior to and during groundwork and construction; and,

3. provide that, in the event trees designated for saving in the Tree Save Area are damaged during construction or die within three (3) years of completion of construction on the site, replacement trees shall be planted in the designated Tree Save Area to equal the credited Plant Unit Value of the tree which was damaged or which died.

Section 3.16. RURAL: Manufactured Homes

MANUFACTURED HOMES

A. PERMANENT PLACEMENT

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

1. All zoning regulations pertaining to the individual site shall be met;

2. The minimum area of a structure shall conform with the square footage requirements established in the **Residential Uses and Requirements table**;

3. The structure shall be attached and anchored to a permanent foundation in conformance with the appropriate building code and with manufacturer's installation specifications;

4. The entire area between the floor joists of the structure and the underfloor grade shall be completely enclosed with a permanent perimeter enclosure constructed in accordance with the terms of the appropriate building code; the manufacturer's installation specifications; and requirements set forth by the Indiana Administrative Building Council;

5. The structure shall possess all necessary building, water, and sewage disposal permits prior to placement of the structure upon the lot;

6. The wheels, axles, and hitches shall be removed;

7. The structure shall be covered with an exterior material customarily used on site-built structures;

8. The roof of the structure shall be shingled and pitched, rather than flat;

9. In areas outside of a mobile home park, manufactured homes shall have a width no less than 18 feet to be considered compatible with surrounding conventional construction.

B. TEMPORARY RESIDENTIAL OCCUPANCY

1. During Construction. In all zoning districts, a permit may be issued for the temporary placement and occupancy of a manufactured or mobile home outside of a mobile home park, to a person intending to build a permanent residence on the property. The temporary permit is for a period of two years and may be renewed for an additional one-year period if construction of the dwelling has started but has not been completed.

2. Health Issue. A permit may also be issued to an applicant whose own health or the health of another necessitates care, and where the facts show that an unnecessary hardship would occur if not permitted to locate a manufactured or mobile home adjacent to the residence of one who is able to provide such care or in need of such care. The permit would be for the lifetime of the person needing care and is renewable every fourth year from the date of issuance.

3. Regulations. The following regulations shall apply to the temporary occupancy of a manufactured or mobile home:

   i). The structure is to be located on the same property as an existing residence or located on property on which a permanent residence with a valid ILP is intended to be built within two years.

   ii). The structure should be served by the same address, water supply, and sewage facilities serving the existing residence or the residence under construction, subject to the approval of the Boone County Board of Health.

   iii). The structure shall remain on its wheels and shall not be placed on a permanent foundation.

   iv). Applicable front, side, and rear yard regulations of the district in which it is located are to be observed.

v). Occupancy of the structure is restricted to relatives, persons employed in the care of the property owner (employed on the premises of the property owner) or the owner of the property who intends to construct a permanent residence.

vi). The structure used for temporary occupancy shall have a ground floor area greater than 500 square feet.

vii). The manufactured or mobile home shall be tied down as per the requirements of the One and Two Family Dwelling Code or the manufacturer's recommendation.

viii). The perimeter of the manufactured or mobile home shall be completely enclosed except for access and ventilation openings. The perimeter enclosure may consist of skirting materials installed in accordance with the manufacturer's installation specifications and secured as necessary to provide stability, minimize vibrations, and minimize susceptibility to wind damage and to provide adequate insulation to protect exposed piping. Perimeter enclosures other than skirting shall meet requirements of the One and Two Family Dwelling Code and the requirements set forth by the Fire and Building Department of the Town of Zionsville.

C. TEMPORARY NON-RESIDENTIAL OCCUPANCY

.Mobile homes, trailers, or vans may be utilized as contractor's offices, watchman’s shelters, or tool and equipment storage on the project site and only during the period of construction.

D. PERMANENT RESIDENTIAL OCCUPANCY

.Mobile homes may be permanently occupied when located in a mobile home park. Such mobile home park shall have an approved Development Plan and be developed in accordance with the requirements of this ordinance. Mobile homes for permanent occupancy shall meet the standards in **Table 5**, and Mobile Home Parks shall have the following requirements:

1. The placement of any mobile home requires a building permit.

2. No electric lines shall pass over any mobile home.

3. All mobile homes shall be skirted prior to being occupied.

4. When applicable by the terms of this ordinance, accessory structures for storage on individual sites are subject to all applicable setback requirements and require a building permit.

5. Driveways shall be provided on the site where necessary for convenient access to service entrances of buildings, to delivery and collection points for refuse and other material, and elsewhere as needed.

6. Resident parking shall be provided either on the trailer site or in common parking facilities, and shall be designed so as not to interfere with pedestrian walkways and to allow adequate space for visitor parking either along the street or in common parking areas.

7. Walkways

   i). Where possible, walkways leading to frequently used public facilities should be through interior areas removed from the vicinity of streets. Public pedestrian sidewalks should be at least four feet in width and paved with a suitable material for use in all weather conditions.

   ii). Individual walkways shall be provided from a public walkway, street, or parking area to the individual mobile home stands. These walkways shall be at least 1.5 feet in width and should be paved with a suitable material for use in all weather conditions.

8. Covenants

   .Covenants shall be submitted and recorded with the Development Plan approval of the Mobile Home Park. Such covenants must contain/address the following:

   i). The Mobile Home Park owner shall furnish each occupant of a mobile home site with a copy of the recorded Covenants.

   ii). The placement or replacement of each mobile home shall be in accordance with and shall follow the procedures set forth by the Town of Zionville's Zoning Ordinance.

   iii). When applicable by the terms of this ordinance, accessory structures are subject to all applicable site setbacks and require a building permit.

iv). It shall be the responsibility of the Mobile Home Park owner to see that all sites and open spaces are kept in a neat and orderly condition at all times.

v). In order not to impede safety vehicles, no on-street parking of boats, trailers, semi-trucks, etc. shall be permitted.

Section 3.17. RURAL Parking and Loading Requirements

A. PURPOSE.

1. To reduce traffic problems and hazards by eliminating unnecessary on-street parking and loading. Every use of land except those located in the RURAL UB District must include on-premises parking and loading sufficient for the needs normally generated by the use, as provided by this **section**.

2. Off-street parking spaces shall be used only for the parking of vehicles of occupants, patrons, visitors, or employees and shall not be used for any kind of loading, sales, servicing, or continuous storage of vehicles for more than 48 hours.

3. Automotive vehicles or trailers of any type without plates in an inoperable condition so as to be deemed dead storage shall be prohibited in residential Districts other than in completely enclosed buildings and shall not be parked or stored in any District unless specifically authorized under the terms of this ordinance.

4. Space allotted to loading berths and loading areas shall not be used to satisfy parking space requirements.

B. NONCONFORMING PARKING, ENLARGEMENT OR ALTERATION OF EXISTING STRUCTURE

1. No use lawfully established prior to the effective date of this **section** shall be required to provide and maintain the parking and loading requirements of this **section**, provided that parking and loading spaces required by any previous ordinance pursuant to state statutes shall be continued and maintained.

2. For any nonconforming use which is hereafter damaged or partially destroyed, and which is lawfully reconstructed, re-established, or repaired, parking and loading facilities equivalent to those maintained at the time of such damage or partial destruction shall be restored and continued in operation, provided, however, it is not necessary to restore or maintain parking or loading facilities in excess of those required by this ordinance for equivalent new uses.

3. When the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, floor area, beds, seating capacity, or other unit of measurement, parking and loading facilities shall be provided for such increase in intensity of use.

4. When the existing use of a building, structure or premises shall be changed or converted to a new use permitted by this ordinance, parking and loading facilities shall be provided as required for the new use.

5. Parking and loading facilities in existence on the effective date of this **section** shall not be reduced below or if already less than, shall not be further reduced below, the requirements for a new use under this **section**.

C. DESIGN FLEXIBILITY

1. Due to particularities of any given development, the inflexible application of required parking spaces may result in parking and loading spaces in excess of need. Upon the written request of the applicant, the Director may authorize a reduction of required parking spaces not to exceed 10%. Approval of reduction of required parking spaces by the Director shall be in writing and shall include justification for allowing such reduction.

2. Upon written request by the applicant, up to 25% of the dedicated parking area may remain unpaved and in greenspace until such time as the need for maximum parking is determined. This decision and determination shall be at the discretion of the Director. Such decision shall be ratified by or appealed to the Town of Zionsville. Such greenspace shall not be counted toward required parking landscaping or bufferyards.

D. REQUIRED PARKING SPACES

1. In determination of required parking spaces, any fraction of less than one-half shall be disregarded, while a fraction one-half or greater shall be counted as one parking space.

2. For uses not specified in this **section** or in the instance requirements for an adequate number of spaces is unclear, the number of spaces shall be determined by the administrative official on the basis of similar requirements, the number of persons served or employed and the capability of adequately serving the visiting public. Such determination may be reviewed by the Town of Zionsville or appealed to the BZA.

3. Unless noted in accordance with this **section**, the number of required automobile parking spaces shall be considered the minimum allowable number of spaces for any particular use.

Table 14: Parking Requirements

Use	Required Parking
College, University, Trade, or Business Schools	1 per 3 students and employees
Elementary or Junior High School	3 per classroom
High School	6 per classroom
Government Uses, Library, Information Center	1 per 250sqft
Commercial Greenhouse	1 per 3 employees plus 1 per 125sqft of sales area
Veterinary Animal Hospital, Kennel	1 per 3 animal spaces (cages or pens)
Automobile Sales, Repair, or Service Station	1 per 200sqft feet of gross floor area, plus 1 per employee, plus 1 per 1,000sqft of lot
Commercial Facility for Raising Non-farm Fowl and Animals	1 per 3 employees plus 1 per 125sqft of sales area
Industrial Uses, Confined Feeding, Slaughter House, Warehouse, Wholesale	1 per 2 employees

Golf and Country Clubs	3 per golf hole
Outdoor Recreation Facility	5 per acre
Non-Profit Membership Organizations, Stadium, Coliseum, Theater	1 per 5 seats
Hotel, Motel, Bed and Breakfast	1 per sleeping room
Bowling Alleys	4 per lane
Lodge or Private Club	1 per 800sqft of gross floor area
Stable, Public	1 per 5,000sqft of lot area
Day Care Center	1 per 6 children plus 1 per 2 employees
Residential Dwellings	2 per dwelling unit
Group Residential Facility, Nursing Home	1 per 4 residents
Retail Trade: Eating and Drinking Establishments	1 per 3 seats
Retail Trade: General Merchandise, Services: General, Medical, and Personal	1 per 200sqft of gross floor area
Trailer or Farm Implement Sales Area	1 per 1,000sqft of lot and floor area
Convalescent Home	1 per 4 residents
Hospital	1 per 4 beds, plus 1 per doctor, plus 1 per 3 employees, plus 1 per hospital vehicle
Medical Office, Clinic	1 per 2 employees plus 3 per doctor
Cemetery, Crematory or Mortuary	1 per 2 employees plus 1 per 6 seats
Mass Transit Station	1 per 2 employees plus 1 per 4 public seats

E. JOINT USE

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

F. SATELLITE PARKING

Parking shall be required on site, except as provided in this **section**; however, the may grant satellite parking to any nonresidential use by Special Exception. At least part of such parking must be within 300 feet of the proposed use. A site development plan must accompany any such application for Special Exception and must include the following:

1. Adjacent streets, alleys and lots.

2. All uses to be served including the location, use and number of parking spaces provided.

3. A layout drawn to scale indicating aisles, driveways, entrances, exits, turn-off lanes, parking spaces, setbacks, drainage facilities, landscaping, lighting, pavement, and identification signs including location, size and design.

4. All satellite parking shall be developed, maintained and used in accordance with the approved site development plan and all other requirements.

5. Any change or other modification of uses served or number or parking spaces shall require amendment and re-approval by the BZA.

G. BICYCLE PARKING

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

H. DIMENSIONS OF PARKING SPACES

1. Each parking space shall contain a rectangular area nine feet wide and 19 feet long, exclusive of pedestrian passageways, access drives, aisles, ramps, or landscaped areas. Handicapped parking spaces shall conform to state and federal requirements regarding handicap accessibility.

2. In parking areas containing 10 or more parking spaces, up to 20% of the spaces may contain a rectangular area only 7.5 feet wide and 15 feet long. Such spaces shall be conspicuously designated as reserved for small or compact cars.

3. Parking areas set aside for parallel parking shall contain a rectangular area nine feet wide and 22 feet long.

4. Parking aisle widths shall conform to the following **table**:

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

Each loading space shall be of a size not less than that required for parking space but scaled larger to delivery vehicles expected to be used.

5. Driveways shall be a minimum 10 feet for one-way traffic and 18 feet for two-way traffic, except that a 10-foot driveway is permissible for two-way traffic when the driveway is not longer than 50 feet and provides access to a maximum of five parking spaces.

I. GENERAL DESIGN

1. Nonresidential parking or loading areas along the street-front should be minimized. When possible, parking or loading areas should be placed to the rear of the structure. All parking or loading areas shall be designed with appropriate means of movement and shall be so arranged that movement can proceed safely without posing a danger to pedestrians or other vehicles. No parking area shall be so designed as to require backing into a public street, public or private pedestrian access way, or from a public alley.

2. All parking or loading spaces shall be designed, arranged and regulated as to open directly upon an aisle or driveway without obstruction.

3. All parking areas shall be striped and channelized as appropriate. Parking spaces shall be marked and access lines clearly defined, including directional arrows to guide internal movement and directional signs as necessary.

4. All parking or loading areas shall be maintained in good condition and free of weeds, dirt, trash, and debris.

5. Parking spaces shall be provided with bumper guards or wheel stops along the perimeter of the parking area so located that no part of a parked vehicle will extend beyond the boundary of the parking area.

6. No more than 15 parking spaces shall be permitted in a continuous row.

7. All parking areas consisting of more than 60 spaces shall provide separate pedestrian walkways. Such walkways should generally be oriented perpendicular to and between parking bays.

   i). One walkway can serve as a collector for up to four rows of parking spaces.

   ii). The walkway should be a minimum of four feet wide, allowing an additional 30 inches on each side for overhanging of vehicles.

   iii). All walkways should be constructed to be clearly defined through the use of material, landscaping or other form of delineation.

8. Any use which fronts upon and utilizes access to a primary or secondary arterial shall provide and utilize a common frontage or access lane for the purpose of access, parking and loading.

9. Required parking spaces may be open to the sky or enclosed in a structure. Parking structures shall be treated as any major structure and shall be subject to all applicable structural requirements of this ordinance and the issuance of an ILP.

10. Parking structures shall be designed to be architecturally compatible with their surroundings, including appearance, size, scale, building materials, and bulk.

11. All parking areas shall conform to state and federal requirements regarding handicap accessibility.

J. SURFACE

All parking or loading areas for five or more automobiles shall be developed in accordance with the following standards:

1. Parking and loading areas shall be graded and surfaced with an all weather paving material such as asphalt, concrete, or other material that will provide equivalent protection against potholes, erosion, and dust. However, a gravel surface may be used for a period not exceeding one year after the date of granting the occupancy permit where ground conditions are not immediately suitable for permanent surfacing as specified in this **section**.

2. All areas shall be striped and channelized as appropriate. Parking stalls shall be marked and the access lines clearly defined, including directional arrows to guide internal movement.

K. LANDSCAPING

Parking lots should be effectively landscaped with trees and shrubs to reduce the visual impact of glare, headlights, and parking lot lights from the public right-of-way and from adjoining properties. In addition, parking lots should be adequately shaded to reduce the amount of reflected heat.

1. Perimeter Bufferyard. Parking or loading areas abutting any street-front or residential use shall provide a perimeter Bufferyard C for parking and Bufferyard E for loading areas or that required for the proposed use in the Bufferyard **section** of this ordinance, whichever is greater.

2. Interior Landscaping. Interior landscaping shall be comprised of one canopy tree and three shrubs for every 15 parking spaces.

3. Maintenance. Maintenance of landscaping for parking and loading areas shall be in accordance with the Bufferyard **section** of this ordinance.

4. Lighting. Lighting provided to illuminate off-street parking areas shall be so arranged, shielded and directed upon the parking area in such a manner as to not reflect or cause glare into adjacent properties or interfere with street traffic.

5. Loading and Unloading. Uses, except those that do not receive or transport goods in quantity by truck delivery, shall be provided loading berths. Each loading and unloading berth must include a 12 foot by 45 foot loading space with a 14 foot height clearance. Loading and unloading berths must be a minimum distance from the nearest residential use in accordance with the following **table**:

Loading Berth Requirements and Distance from RURAL Residential Uses			
		Required Berths	Berth Distance from Residential Uses (feet)
Retail or Department Store, Wholesale Storage, Warehousing or other Business Use			
	3,000 to 15,000sqft gross floor area	1	
	Each 15,000sqft or additional fraction of gross floor area	1 additional	
Office Building	25,000 to 100,000sqft gross floor area	1	
	100,000 to 350,000sqft gross floor area	2	
	Each 200,000 or additional fraction of gross floor area	1 additional	
Industrial Use	Less than 15,000sqft gross		1

	floor area		
	15,000 to 40,000sqft gross floor area	2	
	40,000 to 100,000sqft gross floor area	3	
	Each 40,000 or additional fraction of gross floor area	1 additional	
Commercial facility for breeding and raising Non-farm fowl and animals		1	100
Commercial Greenhouse (15,000 square feet or less)		1	50
Commercial Greenhouse (More than 15,000 square feet)		2	50
Hospital (200 beds or less)		1	50
Hospital (200 to 500 beds)		2	50
Hospital (more than 500 beds)		3	50
Stadium or Coliseum		2	50
Airport		Same as Industrial	100
Mineral Extraction, Borrow Pit, Topsoil Removal and Their Storage Areas		Same as Industrial	300
Outdoor Commercial Recreational Enterprise		Same as Industrial	50
Truck Freight Terminal		Same as Industrial	100

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

L. BUFFERYARDS

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

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

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

Existing Use	Bufferyard	Existing Use
Width	Proposed Use	
Existing Use		

1. LOCATION, MAINTENANCE, PLANTING SIZE, AND LANDSCAPE PLAN

i). Bufferyards shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line.

ii). At the discretion of the Director, the width of the bufferyard may include all or a portion of rights-of-way, drainage easements, and utility easements, however plantings shall not be located on any portion of these areas. With this discretion, the Director must ensure that the effectiveness of the required bufferyard shall not be compromised.

iii). All plant material that dies must be replaced within six months so as to maintain the approved bufferyard and landscape plan.

iv). Deciduous trees are to be a minimum of two inches in diameter or eight feet tall at the time of planting. Evergreen trees shall be a minimum of five feet tall at the time of planting.

v). Any existing plant material which otherwise satisfies the requirements of this **section** may be counted toward satisfying all such requirements.

vi). The following plant material substitutions shall satisfy the requirements of this **section**.

(a) In all bufferyards evergreen, canopy or evergreen understory trees may be substituted for deciduous canopy trees without limitation.

(b) In all bufferyards, evergreen or conifer shrubs may be substituted for deciduous shrubs without limitation. A landscape plan shall be submitted with each applicable application. Such plan shall be a site plan drawn to scale showing the location, type, size, and category of each plant unit used.

vii). When it has been proven that the required plantings of a bufferyard cannot be installed because of existing easements or other unavoidable site constraints, the Director shall have the discretion to allow the substitution of alternative vegetation, provided that the total number of plantings does not decrease.

2. DETERMINATION OF BUFFERYARD REQUIREMENTS

i). To determine the type of bufferyard required between two adjacent parcels, the following procedure shall be followed.

(a) Identify the zoning district of the proposed land use by referring to the horizontal column of the **Table 7, Bufferyard Requirements**.

(b) Identify the zoning district of the adjacent parcels by referring to the vertical column of the **Table 7, Bufferyard Requirements**.

(c) Determine the bufferyard required on each boundary of the subject parcel by referring to the **Table 7, Bufferyard Requirements** and then to the options for that bufferyard.

ii). The required bufferyards constitute the total bufferyard required between the adjacent land uses. Any of the alternatives for the required bufferyard shall satisfy the requirement of buffering between adjacent land uses.

3. BUFFERYARD REQUIREMENTS

i). Bufferyard requirements are stated in terms of the width of the bufferyard and the number of plant units required per 100 linear feet of bufferyard. The requirements of a bufferyard may be satisfied by any of the alternatives illustrated. The quantity and type of plant materials required by each bufferyard are specific and identified in the Appendix. The specifications of each bufferyard and its alternatives are illustrated in this **section**. Each alternative depicts the total bufferyard located between two parcels.

ii). Whenever a wall, fence, or berm is required within a bufferyard, these are shown as "Fence/Berm" in the following **table**, wherein their respective specifications are also shown. Whenever a wall is required in addition to a berm, the wall shall be located between the berm and the higher intensity use, in order to provide maximum sound absorption.

iii). If the development on the adjoining use is existing, planned, or deed-restricted for solar access, understory trees may be substituted for canopy trees where canopy trees would destroy solar access.

iv). If the development borders a jurisdictional boundary outside that of this ordinance, the bufferyard used shall be based on the district most comparable to that of this ordinance, at the discretion and approval of the Director.

v). The exact placement of required plants and structures shall be the decision of each user except that the following requirements shall be satisfied.

(a) Evergreen (or conifer) plant materials shall be planted in clusters rather than singly in order to maximize their chances of survival.

(b) Berms with masonry walls required of bufferyard J and K options are intended to buffer more significant nuisances from adjacent uses and, additionally, to break up and absorb noise, which is achieved by the varied heights of plant materials between the wall and the noise source.

(c) When berms with walls are required, the masonry wall shall be closer than the berm to the higher intensity use.

(d) Within a bufferyard, a planting area at least five feet wide containing 15% of the total plant requirements (based on the multiplier = 1) shall be located between the masonry wall and the higher intensity class use. These plants shall be chosen to provide species and sizes to reduce noise in conjunction with the wall.

vi). All bufferyard areas shall be live vegetation and seeded with lawn or prairie grasses unless such ground cover is already established.

vii). Bufferyards may contain natural water amenities or areas established for drainage provided that planting requirements are still satisfied.

viii). Where drainage and utility easements

4. USE OF BUFFERYARDS

A bufferyard may be used for passive recreation; it may contain pedestrian, bike, or equestrian trails, provided that no plant material is eliminated, the total width of the bufferyard is not reduced, and all other regulations of the ordinance are met. In no event, however, shall permanent structures be permitted in bufferyards including ice-skating rinks, stables, swimming pools, and tennis courts.

5. OWNERSHIP OF BUFFERYARDS

Bufferyards may remain in the ownership of the original developer of a land use, or they may be subjected to deed restrictions and subsequently be freely conveyed, or they may be transferred to any consenting grantees, such as adjoining landowners, a park or forest preserve, or an open space or conservation group, provided that any such conveyance adequately guarantees the protection of the bufferyards for the purposes of this ordinance.

6. EXCESS BUFFERYARD

Where the bufferyard required between a land use and vacant land turns out to be greater than that bufferyard which is required between the first use and the subsequently developed use, the following uses apply:

i). The subsequent use may provide one half of the buffer required. The existing use may expand its use into the original buffer area, provided that the resulting total bufferyard between the two uses meets the bufferyard requirements.

ii). The existing use may enter into agreements with abutting landowners to use its existing buffer to provide some or all of the required bufferyard of both land uses. The total buffer shall equal the requirements. Provided that such an agreement can be negotiated, the initial use may provide the second use some or all of its required bufferyard and/or extra land on which it might develop. The existing use may reduce its excess buffer by transferring part or the entire excess buffer to the adjoining landowner to serve as its buffer. Any remaining excess buffer area may be used by the existing use for expansion of that use or for transfer by it to the adjoining landowner to expand that adjoining use.

7. BUFFERYARD BETWEEN LIKE USES

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

RURAL Bufferyard Requirements														
Adjacent District	District if Proposal Use													
	C	AP	AG	R1	R2	R3	R4, MF	PB	LB	GB	UB	AB	I1	I2
C	-	-	-	-	-	-	-	-	-	-	-	-	-	-
AP	-	-	Ag	Ag	Ag	Ag	Ag	Ag	Ag	Ag	Ag	Ag	Ag	Ag

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

Access	-	-	-	B	B	B	B	B	B	C	-	D	E	F

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

Bufferyard Class & Alternatives		Bufferyard Width (feet)	Plant Unit Multiplier	Plant Units Required per 100 Linear Feet: Canopy Trees	Understory Trees	Shrubs	Evergreen/ Conifers	Required Fence/Berm
AG (no plantings permitted in the 30 feet closest to agricultural zoning.)								
	1	40.0	-	-	-	-	-	-
A				1	1	0	0	
	1	5.0	1.0	1	1	0	0	-
	2	7.5	0.8	0	1	0	0	-
	3	10.0	0.6	0	1	0	0	-
	4	12.5	0.4	0	0	0	0	-
B				1	2	0	0	
	1	10.0	1.0	1	2	0	0	-
	2	15.0	0.8	1	2	0	0	-
	3	20.0	0.6	1	1	0	0	-
	4	25.0	0.4	0	1	0	0	-
C				1	2	3	0	
	1	10.0	1.0	1	2	3	0	-
	2	15.0	0.8	1	2	2	0	-
	3	20.0	0.6	1	1	2	0	-
	4	25.0	0.4	0	1	1	0	-
D				2	4	6	0	
	1	15.0	1.0	2	4	6	0	-
	2	20.0	0.8	2	3	5	0	-
	3	25.0	0.6	1	2	4	0	-
	4	30.0	0.4	1	2	2	0	-
E				3	6	9	0	
	1	10.0	0.9	3	5	8	0	F1
	2	20.0	1.0	3	6	9	0	-
	3	25.0	0.8	2	5	7	0	-
	4	30.0	0.6	2	4	5	0	-
F				5	10	15	0	
	1	10.0	0.8	4	8	12	0	F3
	2	15.0	0.9	5	9	14	0	F2
	3	20.0	1.0	5	10	15	0	-
	4	25.0	0.8	4	8	12	0	-
	5	30.0	0.6	3	6	9	0	-
G				4	6	24	12	
	1	15.0	0.7	3	4	17	8	F3
	2	20.0	0.8	3	5	18	9	F4
	3	25.0	1	4	6	24	12	-
	4	30.0	0.8	3	5	19	10	-
	5	40.0	0.6	2	4	14	7	-
H				5	8	30	15	
	1	20.0	0.6	3	5	18	9	F5
	2	30.0	1.0	5	8	30	15	F4 or B2
	3	40.0	0.8	4	6	24	12	F3 or B1
	4	50.0	0.6	3	5	18	9	-
I				6	9	36	18	
	1	25.0	0.6	4	5	22	11	F6
	2	30.0	0.8	5	7	29	14	F5
	3	40.0	1.0	6	9	36	18	F4 or B2
	4	50.0	0.8	5	7	29	14	F3 or B1
	5	75.0	0.6	4	5	22	11	-
J				8	12	48	24	
	1	30.0	0.6	5	7	29	14	BW2
	2	40.0	0.8	6	10	38	19	F6 or BW1
	3	50.0	1.0	8	12	48	24	B3 or F5
	4	75.0	0.8	6	10	38	19	B2 or F4
K				10	15	60	30	
	1	50.0	0.6	6	9	36	18	BW3
	2	75.0	0.8	8	12	48	24	BW2
	3	100.0	1.0	10	15	60	30	BW1 or F6
	4	125.0	0.8	8	12	48	24	B3 or F5

Fence, Berm and Wall Requirements

		Height (feet)		Material
Fences				
	F1	3.7		wood picket
	F2	4		wood rail
	F3	6		wood stockade
	F4	8		wood stockade
	F5	6		masonry wall
	F6	8		masonry wall
Berms				
	B1	4		earth
	B2	5		earth
	B3	6		earth
Berm Walls		Berm	Wall	
	BW1	4	6	earth berm & masonry wall
	BW2	5	7	earth berm & masonry wall
	BW3	6	8	earth berm & masonry wall

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

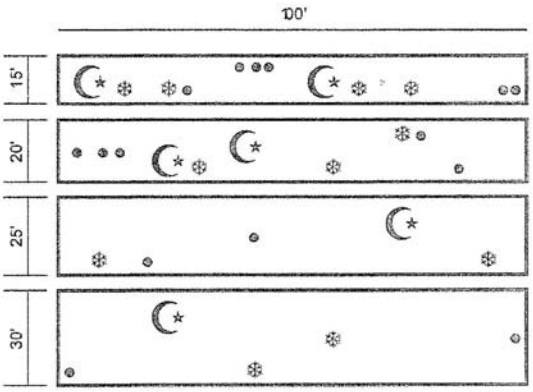


Table 15: RURAL Plant Materials Recommended for Bufferyards

Scientific Name	Common Name	Soil Type			Growth Rate	
		Hydric	Mesic	Xeric	Fast	Slow
Canopy Trees						
Acer spp.	Maple					
Aesculus hippocastanum	Common Horsechestnut					
Ailanthus altissima	Tree of Heaven					
Betula spp.	Birch					
Carya spp.	Hickory					
Catalpa spp.	Northern Catalpa					
Celtis occidentalis	Common Hackberry					
Fagus grandifolia	American Beech					
Fraxinus spp.	Ash					
Ginkgo biloba	Ginkgo Tree					

Gleditsia spp.	Honeylocust					
Gymnocladus diocius	Kentucky Coffeetree					
Juglans spp.	Walnut					
Plantanus spp.	Sycamore					
Populus spp.	Poplar					
Prunus serotina	Black Cherry					
Quercus spp.	Oak					
Salix spp.	Willow					
Tilia spp.	Linden					
Ulmus spp.	Elm					
Canopy Trees - Evergreen						
Abies spp.	Fir					
Juniperus spp.	Juniper					
Larix spp.	Larch					
Picea spp.	Spruce					
Pinus spp	Pine					
Thuja occidentalis	American Arborvitae					
Tsuga canadensis	Canadian Hemlock					
Understory Trees						
Acer spp.	Maple					
Aesculus glabra Ohio	Buckeye					

Alnus spp.	Alder					
Amelanchier spp.	Serviceberry					
Betula spp.	Birch					
Carpinus carolinia	American Hornbeam					
Cercidiphyllum japonicum	Japanese Katsuratree					
Chionanthus virginicus	White Fringetree					
		Soil Type			**Growth Rate**	
Scientific Name	**Common Name**	**Hydric**	**Mesic**	**Xeric**	**Fast**	**Slow**
Cornus spp. Dogwood /	Cherry					
Crataegus spp.	Hawthorn					
Eleagnus spp.	Olive					
Euonymus atropurpureus	Eastern Wahoo					
Lindera benzoin	Spicebush					
Magnolia spp.	Magnolia					
Malus spp.	Crab Apple					
Morus alba	White Mulberry					
Ostrya Virginia	Ironwood					
Prunus spp.	Plum					
Pyrus spp.	Pear					
Syringa japonica	Japanese Tree Lilac					
Shrubs						

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

Myrica pennsylvanica	Northern Bayberry					
Prunus spp.	Plum					
Ptelea trifoliata	Hope Tree					
Rhamnus frangula	Buckthorn					
		Soil Type			**Growth Rate**	
Scientific Name	**Common Name**	**Hydric**	**Mesic**	**Xeric**	**Fast**	**Slow**
Rhodotypes scandens	Black Jetbead					
Rhus spp.	Sumac					
Ribes spp. Gooseberry	Gooseberry					
Rosa spp.	Rose					
Rubus spp.	Raspberry					
Sambucus canadensis	Elderberry					
Shepherdia canadensis	Buffaloberry					
Spiraea spp.	Spirea					
Symphoricarpos orbiculatus	Indian Currant					
Syringa spp.	Lilac					
Viburnum spp.	Viburnum					
Evergreen Shrubs						
Juniperus spp.	Juniper					
Pinus mugo Mugo	Pine					
Taxus spp.	Yew					

Section 3.18. Urban Works of Art

A. Works of Art that is clearly artistic in nature and which do not promote commercial interests are allowed and exempt from this Ordinance.

B. If in the discretion of the Director of Planning it is determined that there is a commercial message or interest incorporated into the work of art said work of art shall be considered a sign and shall only be permitted and regulated as such:

C. Two (2) dimensional works of art placed on the façade of buildings shall not exceed 30% of the facade of a building which they are placed.

D. Appeals of the decision of the Director shall be made pursuant to **Section 8.3 C.1.a.** of this Ordinance.

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ARTICLE 4:

Section 4.1. Development Plans Required for Development in Certain Districts.

In order to assure the compatibility of new development or major additions to existing development with the surrounding community, all new construction, Building additions, new or expanded surface Parking Areas, exterior Building renovations, and Freestanding or Building Signs located in the following Districts shall be subject to the approval of a Development Plan by the Plan Commission:

- Urban RE (Equestrian Estate Residential District)
- Urban R-SF-1 (Urban Single Family Residential District 1)
- Urban R-SF-2 (Urban Single Family Residential District 2)
- Urban R-SF-3 (Urban Single Family Residential District 3)
- Urban R-SF-4 (Urban Single Family Residential District 4)
- Urban R-MF-l (Multi-family Residence District 1)
- Urban R-MF-2 (Multi-family Residence District 2)
- Urban R-V (Urban Special Residential District)
- Urban B-0 (Office District)
- Urban B-1 (Neighborhood Business) District
- Urban B-2 (General Business District)
- Urban B-3 (Highway Business District)
- Urban VBD (Village Business District)
- Urban I-ORT (Office/Research/Technology/ Industrial District)
- Urban I-1 (Light Industrial District)
- Urban I-2 (General Industrial District)
- Urban I-3 (Heavy Industrial District)
- Urban All SU (Special Use) Districts
- Urban O-1 (Urban Open Land District)
- Urban FP (Urban Floodplain Secondary District)
- Urban MRO (Urban U.S. Highway 421-Michigan Road Corridor Overlay District)
- Rural C (Rural Conservation District)
- Rural AP (Rural Agricultural Preservation District)
- Rural General Agricultural District
- Rural RE (Rural Equestrian District)
- Rural R-1 (Rural Single Family Residential)
- Rural R-2 (Rural Single & two-family Residential)
- Rural R-3 (Rural Single & two-family Residential)

- Rural R-4 (Rural Single & two-family Residential)
- Rural MF (Rural Multi-family Residential)
- Rural LB (Rural Local Business)
- Rural PB (Rural Professional Business)
- Rural UB (Rural Urban Business)
- Rural GB (Rural General Business)
- Rural AB (Rural Accommodation Business)
- Rural I 1 (Rural Light Industrial)
- Rural I 2 (Rural General Industrial)
- Rural MRO (Rural U.S. Highway 421-Michigan Road Corridor Overlay District)
- Rural AZ (Rural Airport Zoning District)

In addition, Cluster Subdivisions proposed for the R-SF-I and R-SF-2 Districts also shall be subject to the approval of a Development Plan by the Plan Commission.

A. Development Requirements.

Land in each of the Districts noted above is subject to the following Development Requirements:

1. Each site shall demonstrate compliance with all Development Standards of the applicable District and all applicable provisions of the Subdivision Control Ordinance.

2. Submission of a Site Plan, Overall Plan, Building Elevations, Sign Plan, Landscape Plan, and Lighting Plan, as set forth in **Section 4.2** of this Ordinance.

In review of the proposed Development Plan, the Plan Commission shall assess whether said Development Plan addresses the findings as enumerated in B. below.

B. Findings.

The Plan Commission shall make written findings concerning any decision to approve or disapprove a Development Plan filed under this Article.

The Plan Commission shall grant Development Plan Approval upon written finding that the proposed development:

1. The proposed development is consistent with the intent and purpose of the Comprehensive Plan;

2. The proposed Development Plan satisfies the Development Requirements specified in this Ordinance; and,

3. The proposed Development Plan otherwise complies with the Development Standards and requirement for Development Plan Approval required by this Ordinance.

Section 4.2. Plan Documentation and Supporting Information

Except as expressly provided otherwise in this Ordinance, a Development Plan shall contain a Site Plan, Overall Plan, Building Elevations, Sign Plan, Lighting Plan and Lighting Plan that comply with the following requirements:

A. Site Plan.

A site plan filed in connection with the submission of a Development Plan shall be drawn to scale of not more than 1 "=100' and shall include the following items:

1. North arrow and scale.

2. Address of the site.

3. Proposed name of the development

4. Area map insert showing the general location of the site referenced to major Streets and section lines.

5. Legal description of the real estate.

6. Boundary lines of the site including all dimensions of the site.

7. Names, center-lines and Right-of-Way widths of all Streets, Alleys and easements.

8. Layout, number and dimension of all Lots and Out Lots with zoning Setback Lines or Building Setback Lines.

9. Location and dimensions of all existing Structures, including paved areas.

10. Location and dimensions of all proposed Structures, including paved areas, and indicated by crosshatching.

11. Location and name of all existing and proposed Public or Private Streets, Access easements and Rights-of-Way within two-hundred (200) feet of the real estate.

12. Location of all Floodway and Floodway Fringe areas within the boundaries of the site.

13. Location of all existing and proposed utility facilities and easements, including, but not limited to: sanitary sewer, water, storm water management, electric. gas, telephone and cable.

14. Use of each Structure by labeling including approximate density or size of all proposed uses and Structures on the site (e.g. parking -# of Parking Spaces required and provided, residence -# of Dwelling Units per acre, office -Gross Floor Area).

15. Structures proposed for demolition should be indicated as such.

16. Distance of all Structures from Front, Rear and Side Lot Lines. (This distance is measured as a line from the point where the Structure is closest to the Lot Line. This line is perpendicular to the Lot Line.).

17. Location of any proposed or existing Driveway and its width at the Lot Line. (Any connection to an Alley must also be indicated).

18. All Improvements to Street system on-site and off-site.

19. Sidewalk plan or alternate plan for pedestrian ways.

20. Measurement of curb radius or taper.

21. Names of legal ditches and streams on or adjacent to the site.

22. Location, dimensions, and type (e.g. ground, pole, Wall) of all Signs on the site. Include separate elevations of proposed Sign Structures with all dimensions drawn to scale.

23. Location, size and species of all proposed and existing trees over six (6) inches in caliper at four and one-half (4 -1/2) feet above Grade and all proposed and existing landscaping.

24. Areas reserved for park, recreation, conservation, wetland, common area. lake or other similar uses.

25. Drainage Plan for all watersheds in and around the proposed development. indicating the general drainage pattern of Streets and Lots, the location of all drainage channels and sub-surface drainage structures, the proposed method of disposing of all stormwater runoff from the proposed development including data to show that the proposed outlet(s) are adequate to accommodate the drainage requirements of the development, and all existing and proposed detention facilities.

26. A preliminary erosion control plan for all areas of site disturbance.

27. Any other information requested in writing by the Plan Commission or Building Commissioner.

Building Commissioner, in its sole discretion, may waive or relax any of the Site Plan requirements listed above, as circumstances dictate.

B. Overall Plan.

An Overall Plan shall be required when the proposed development is a part of a larger development (example: a Lot, an outlot. or a building within an Integrated Center, Industrial Park, or multifamily project).

An Overall Plan filed in connection with the submission of a Development Plan shall be drawn to scale of not more than 1 "=100' and shall include the following items:

1. North arrow and scale.

2. Address of the site.

3. Proposed name of the development.

4. Area map insert showing the general location of the site referenced to major Streets and section lines.

5. Legal description of the real estate.

6. Boundary lines of the site including all dimensions of the site.

7. Names, center-lines and Right--of Way widths of all Streets, Alleys and easements.

8. Layout, number and dimension of all Lots and Out Lots with zoning Setback Lines and Building Setback Lines.

9. Location and name of all existing and proposed Public or Private Streets. Access easements and Rights-of Way within two-hundred (200) feet of the real estate.

10. Location of all Floodway and Floodway Fringe areas within the boundaries of the site.

11. Location of all existing and proposed utility facilities and easements, including. but not limited to: sanitary sewer, water, storm water management, electric, gas. telephone and cable.

12. All Improvements to Street system on-site and off-site.

13. Sidewalk plan or alternate plan for pedestrian ways.

14. Location, dimensions, and type (e.g. ground, pole. wall) of all Signs on the site. Include separate elevations of proposed Sign Structures with all dimensions drawn to scale.

15. Areas reserved for park. recreation, conservation. wetland, common area. lake or other similar uses.

16. Any other information requested in writing by the Plan Commission or Building Commissioner.

Building Commissioner, in its sole discretion, may waive or relax any of the Overall Plan requirements listed above, as circumstances dictate.

C. Building Elevations.

Building Elevations shall be required when the proposed development includes the construction, addition to or renovation of a Building.

Building Elevations filed in connection with the submission of a Development Plan shall be drawn to scale and shall include the following items:

1. Address of the site.

2. Proposed name of the development.

3. Scale.

4. Elevations for each facade of the Building.

5. Specification of the type of Building materials to be used for all wall, window, roof and other architectural features.

6. Specification of the color(s) proposed for all materials and features.

7. Placement, size, color and illumination details for any proposed Wall Sign.

8. Details of any exterior architectural lighting proposed on or around the Building.

9. Any other information requested in writing by the Plan Commission or Building Commissioner.

Building Commissioner. in its sole discretion, may waive or relax any of the Building Elevation requirements listed above, as circumstances dictate.

D. Sign Plan.

A sign plan shall be required when the proposed development includes freestanding or Building Signs.

Sign Plans filed in connection with the submission of a Development Plan shall be drawn to scale and shall include the following items:

1. Address of the site.

2. Proposed name of the development.

3. Scale

4. A site plan indicating the location of any existing or proposed Freestanding Signs or the placement of any existing or proposed Wall Signs.

5. Elevation of proposed Signs including size, materials and color.

6. Illumination details for proposed Signs.

7. Placement, size, color and il1umination details for any proposed Wall Sign superimposed on an elevation of the applicable facade of the Building.

8. Any other information requested in writing by the Plan Commission or Building Commissioner.

Building Commissioner, in its sole discretion, may waive or relax any of the Sign Plan requirements listed above, as circumstances dictate.

E. Landscape Plan.

Landscape Plans filed in connection with the submission of a Development Plan shall be drawn to scale of not more than 1 "=100' and shall include the following items:

1. Address of the site.

2. Proposed name of the development.

3. Scale.

4. The location of any existing or proposed Freestanding Signs.

5. Outline of all existing or proposed Buildings or Structures, including Parking Areas, Loading Areas, and walkways.

6. Boundary lines of the site.

7. Location of all Floodway and Floodway Fringe areas within the boundaries of the site.

8. All existing elevations and proposed land contour lines having at least two (2) foot intervals.

9. Proposed sidewalk or alternate plan for pedestrian ways.

10. Size, species and spacing (on center) of all proposed trees, landscaping and ground cover.

11. (If tree preservation is proposed), Survey of existing trees in Required Yards and Yards which abut upon an "R" District, indicating exact location of existing trees over six (6) inch caliber at four and one-half (4 -112) feet above Grade and all flowering trees, shrubs and evergreens over six (6) feet in height.

12. (If tree preservation is proposed), Description of methods to preserve trees without injury and with sufficient area for the root system to sustain the tree.

13. (If tree preservation if proposed), Description of protective care and physical restraint barriers at the drip line to prevent alteration, compaction or increased depth of the soil in the root system area prior to and during groundwork and construction.

14. Any other information requested in writing by the Plan Commission or Building Commissioner. Building Commissioner, in its sole discretion, may waive or relax any of the Landscape Plan requirements listed above, as circumstances dictate.

F. Lighting Plan.

Lighting Plans shall be required if the proposed development includes any exterior Building or site lighting.

Lighting Plans tiled in connection with the submission of a Development Plan shall be drawn to scale of not more than 1"=100' and shall include the following items:

1. North arrow and scale.

2. Address of the site.

3. Proposed name of the development

   Boundary lines of the site including all dimensions of the site.

4. Outline of all existing or proposed Building or Structures. including Parking Areas, Loading Areas. and walkways.

5. Type and location ofal1 exterior of lighting fixtures. including, wattage and type of light.

6. Intensity of lighting at base of light Structure and at the Lot Line measured in foot candles.

7. If architectural Building lighting is proposed, elevations for each facade of the Building indicating the location, type and intensity of Lighting on each Building facade and the intensity of such lighting at the Lot Line measured in foot candles.

Building Commissioner, in its sole discretion, may waive or relax any of the Lighting Plan requirements listed above, as circumstances dictate.

Section 4.3. Procedures for Submission and Review of Development Plans

A. Application.

1. Application for Development Plan Approval by the Plan Commission shall be in compliance with the following procedures:

i). Who May File.

Development Plans may be initiated by a petition signed by:

(a) the owner(s) of the land involved in the petition; or.

ii). the owner(s) authorized agent. with submission of a notarized consent form from the owner(s)

iii). Filing Deadline

All Development Plan petitions shall be filed at least thirty (30) days prior to the initial public hearing at which they are to be considered by the Plan Commission.

iv). Form of Filing

All Development Plan Approval petitions shall be on forms provided by the Town of Zionsville. In addition, site plans, surveys, legal descriptions, Building elevations, Sign details, proposed commitments and any other relevant supporting documentation shall be of a usable scale and quality.

v). Findings of Fact

The petitioner shall; at the time of filing of the petition, file proposed detailed written findings of fact.

vi). Specifying of Request

All Development Plan Approval petitions shall specify the approvals requested. Any items, even if indicated on the proposed plans, shall not be considered a part of the request presented to the Plan Commission fur its consideration unless such approvals are specified in the petition.

vii). Docketing by Staff

Each petition filed in proper and complete form pursuant to the guidelines established by the Plan Commission shall, within ten (10) days of filing, be numbered and docketed by the Staff for an initial hearing by the Plan Commission.

viii). Investigation of Petitions

Upon assignment of a number and hearing date, the Staff shall distribute a copy of the petition and relevant supporting documentation to the Town Engineer and other applicable Town Officials for review and comment.

ix). Notice Requirements

Notice of all petitions for Development Plan approval public hearing before the Plan Commission shall be given to all interested parties or property owners in the following manner:

(a) Notice by Publication.

Notice shall be published by the Plan Commission in accordance with **I.C. 5-3-1** at least ten (10) days prior to the date of the public hearing.

(b) Notice by Mailing.

Notice, in a form approved by the Secretary in accordance with the requirements on **I.C. 36-7-4-604**, shall be mailed to each interested party.

Notice by mailing shall be given by certified mail. return receipt requested, at least ten.

(10) days prior to the date of the hearing.

Interested parties for a Development Plan approval shall include all owners of adjoining parcels to a depth of one (1) ownership surrounding the perimeter of the area included in the Petition.

In the case of property which has been submitted to the Horizontal Property Law

(**I.C. 36-1-6**), notice shall be given only to the association of co-owners.

(c) Affidavit of Notice.

An Affidavit of Notice shall be filed in compliance with **Article V., 54 of the Rules of Procedure, Town of Zionsville Plan Commission**.

x). Public Hearings

xi). All public hearings regarding a Development Plan Approval before the Plan Commission shall be conducted in accordance with the procedures set forth in the Rules of Procedure of the Plan Commission.

2. Application for Development Plan Approval by the Building Commissioner shall be accomplished in compliance with the following procedures:

i). Compliance with **Section 4.3,A.,1.,a.,c.,d., and e**. of this Ordinance.

ii). Contact the Building Commissioner to make an appointment to deliver the required plans and provide a brief explanation of the proposed Development Plan.

iii). Building Commissioner shall have a period of not more than ten (l0) days in which to review the proposed Development Plan and either make a decision concerning the Development Plan, or request in writing, additional information from the applicant.

iv). Building Commissioner may seek the advice and comment from Staff prior to making a decision.

v). may occur without public notice and without a public hearing.

vi). If: in the sole discretion of the Building Commissioner, the proposed Development Plan is of such a nature. that a full review by the Plan Commission is warranted, the Development Plan may be forwarded to the Plan Commission for its review and approval

vii). Any decision of the Building Commissioner under this **Section**, may be appealed by any interested party to the Plan Commission within thirty (30) days of such decision by filing a letter with the Plan Commission requesting a hearing by the Plan Commission. Said appeal shall be heard by the Plan Commission at the Plan Commission ~ next regularly scheduled public hearing for which published notice of the appeal pursuant to **I.C.5-3-1** can be provided.

B. Fees.

In order to defray administrative costs, the fees as set forth in the Fee Schedule as approved by the Plan Commission for Development Plan Approval by the Plan Commission are to be paid by the applicant at the time of filing an application for Development Plan Approval.

C. Findings.

All findings specified above for the approval or denial of a Development Plan shall be reduced to writing and signed by the President or Secretary of the Plan Commission, or by the Building Commissioner for those Development Plans approved per **Section 4.3, A, 2**., and retained as a part of the permanent record of the determination.

D. Amendments.

1. Amendments to Development Plans pending determination by the Plan Commission.

Amendments to Development Plans pending determination by the Plan Commission may be made by the Petitioner at any time prior to a vote being called for by the Plan Commission. If, in the sole discretion of the Plan Commission, the proposed amendment is of such a nature that additional time is needed for review, the Plan Commission may continue the consideration of such amended Development Plan to the next meeting of the Plan Commission. The Plan Commission, at its discretion, may require that additional notice be given.

2. Amendments to Development Plans pending determination by the Building Commissioner.

   Amendments to Development Plans pending determination by the Building Commissioner may be made by the applicant at any time prior to a determination being made by the Building Commissioner. If, in the sole discretion of the Building Commissioner, the proposed amendment is of such a nature that additional time is needed for review, the amended Development Plan Shall be deemed a new filing and shall be reviewed with the time frames set forth above for the review of Development Plans by the Building Commissioner.

3. Amendments to Approved Development Plans.

   Minor amendments to Development Plans which have already received approval from the Plan Commission and which do not involve: (a) an increase in height, area, bulk, or intensity or type of land uses; (b) the designation of additional land uses; (c) the reduction in Perimeter Yards; (d) the addition of Driveways or Access points; or, (e) reduction in the amount of Parking for any use, may be authorized by the Building Commissioner without a public hearing in its continuing administration of the Development Plan if, in the determination of the Building Commissioner, the requested minor amendments do not adversely impact the purpose or intent of the overall development.

   A minor amendment to an approved Development Plan shall be filed with the Building Commissioner in the form of an application for an Improvement Location Permit, accompanied by a written request from the Petitioner for a minor amendment to the Development Plan. Such written request shall specify the amendment(s) requested. The Building Commissioner shall review the application for an Improvement Location Permit per Article 9 of this Ordinance.

   Such minor amendments authorized by the Building Commissioner shall be reported, in writing, to the Plan Commission at the next regular meeting of the Plan Commission.

   If the Building Commissioner determines that the proposed minor modification is of such a nature as to adversely impact the purpose or intent of the overall development, or if the proposed modification includes: (a) an increase in

height, area. bulk, or intensity or type of land uses; (b) the designation of additional land uses; (c) the reduction in Perimeter Yard; (d) the addition of Driveways or Access points; or, (e) reduction in the am01mt of Parking for any use, petitioner shall be required to file a new petition for Development Plan Approval.

Any decision of the Building Commissioner regarding the amendment of Development Plan may be appealed by any interested party to the Plan Commission within thirty (30) days of such determination by filing an Approval Petition.

E. Modification or termination of Development Plan Approval

Any modification to or termination of a previously approved Development Plan shall be filed as an Approval Petition for public hearing before the Plan Commission following the procedures set forth in this Article.

F. Review of Development Plan by the Plan Commission

The Plan Commission may do the following:

1. Impose conditions of the approval of a Development Plan if the conditions are reasonably necessary to satisfy the Development Requirements specified in this Ordinance for approval of the Development Plan; or,

2. Provide that approval of a Development Plan is conditioned on the furnishing to the Plan Commission of a bond or written assurance that:

   i). Guarantees the timely completion of a proposed public improvement in the proposed Development;

   ii). Is otherwise satisfactory to the Plan Commission; and,

3. Permit or require the owner or real property to make a written Commitment under **Article 8, Section 8.2, D** of this Ordinance.

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ARTICLE 5: PLANNED UNIT DEVELOPMENT.

ORDINANCE NO. 2010-04
OF THE
TOWN OF ZIONSVILLE, INDIANA

AN ORDINANCE TO AMEND
THE TOWN OF ZIONSVILLE
ZONING ORDINANCE
FOR THE
TOWN OF ZIONSVILLE,
BOONE COUNTY, INDIANA
AND FIXING A TIME WHEN THE SAME
SHALL TAKE EFFECT

Plan Commission Petition No. 2009-03-OA

WHEREAS, I.C. 36-7-4, et seq., empowers the Town of Zionsville Advisory Plan Commission, Boone County, Indiana, to hold public hearings and make recommendations to the Town Council of the Town of Zionsville, Boone County, Indiana, concerning ordinances for the zoning and districting of all lands within the incorporated areas of the Town of Zionsville, Boone County, Indiana; and,

WHEREAS, in accordance with I.C. 36- 7-4-600 et seq., the Town of Zionsville Advisory Plan Commission, Boone County, Indiana conducted a public hearing on May 17, 2010 to consider a proposal to amend the Town of Zionsville Zoning Ordinance for the Town of Zionsville, Boone County, Indiana, (the "Ordinance") filed as petition 2009-03-OA; and,

WHEREAS, the Town of Zionsville Advisory Plan Commission certified the proposal to amend the Ordinance to the Town Council of the Town of Zionsville, Boone County, Indiana, with a favorable recommendation on May 17, 2010; and,

WHEREAS, the Town Council of the Town of Zionsville, Boone County, Indiana, considered the Proposal to amend the Ordinance at its regular meeting on June 7, 2010.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ZIONSVILLE, BOONE COUNTY, INDIANA, IN ACCORDANCE WITH I.C. 36-7-4-600 et. seq., AND ALL ACTS AMENDATORY AND SUPPLEMENTAL THERETO, AS FOLLOWS:

Section 1. Repeal existing Article 5: URBAN Planned Unit Development and RURAL Article 5: Planned Unit Developments and replace with following new Article 5

Planned Unit Development District: Applicable in Urban and Rural Areas.

5.1 Planned Unit Development District (PUD) This district is a zoning district that may contain a single use or any combination of residential, commercial and industrial uses for a PUD. Planned Unit Developments shall be planned as integral units. The approval process for a PUD involves rezoning the property upon approval of a developer's application for a specific planned unit development project. The purpose of these regulations is to provide the community the benefits of efficiency, economy, and flexibility by encouraging unified development of sites, while deriving for the Town the advantages of improved appearance, compatibility of uses, optimum services by community facilities and better handling of vehicular access and circulation. A Planned Unit Development should preserve the natural amenities of the land through maintenance of conservation areas and open spaces within developments. Review of the Planned Unit Development by the Plan Commission should assure that such developments are consistent with the objectives of the Town's Comprehensive Plan.

5.2 General Conditions Any real estate may be rezoned Planned Unit Development District in order to accomplish the following:

(a) The characteristics of the specific site development and its land uses proposed for the subject real estate are compatible with the surrounding area if the development were limited to those plans and uses as submitted.

(b) Land uses, which would not otherwise be permitted to locate within the existing zoning districts, are proposed for development on a parcel under single or multiple ownership or management.

(c) Exceptions or variations from the size, setback, frontage, density, uses, or other development standards which are established for a given land use in the other zoning districts are permitted as a part of the Planned Unit Development District.

(d) The objectives and goals of smart growth are incorporated through the utilization of such initiatives as conservation developments, integrated mixed-use developments, and performance-based implementation developments.

5.3 Uses Within a Planned Unit Development

It is the intent of the PUD to provide flexibility with regard to the mixture of land uses. Within a PUD, any land use may be permitted if such use or uses can be shown to provide an orderly relation and function to other uses in the development and to existing land uses, compatible with such existing land uses, as well as with due regard to the Comprehensive Plan of Town of Zionsville. The permitted use or uses of property located in the PUD shall be determined at the time the zoning district and development plan is approved, and development within the PUD district shall be limited to those uses, as and where specifically requested as part of the application and approval by the Town Council.

5.4 Guidelines for Design
The following principals for proposing a PUD are recommended, but not all inclusive:

(a) The proposed development should be designed to produce an environment of stable and desirable character not out of harmony with its surrounding neighborhood and the Town's Comprehensive Plan.

(b) Interest and variety should be sought, by means of street design and changes in and mixtures of building types, heights, facades, setbacks, planting, or size of open space. The design should be harmonious as a whole and not simply from street-to-street.

(c) Streets should curve to discourage fast movement of traffic; traffic calming devices should be integrated into street design; group parking areas should be screened, so that the vehicles are substantially hidden from the street.

(d) The natural amenities of the land should be preserved through maintenance of conservation areas and open spaces. A minimum of at least twenty (20) percent of the gross area of the site should be retained in open space.

(e) Height of buildings in excess of thirty-five (35) feet should be designed and planned to be reasonably consistent with the neighboring property and foster efficient use of existing public services and facilities.

(f) Within a primarily residential development, commercial and office uses, if proposed, should be scaled so that they primarily serve the occupants of the development. Commercial and office uses within the development should be at the front of the development and be accessed by an internal collector road.

(g) Structures or buildings located at the perimeter of the development should face outwardly and be properly screened in a manner that sufficiently protects the privacy and amenities of the adjacent and neighboring property uses.

5.5 Lot Area and Lot Width, General There shall be no requirements for minimum lot size, minimum lot width, lot coverage, yards and building setbacks, or height requirements that apply to a PUD. These requirements should be proposed by the applicant of the PUD and shall be as approved by the Plan Commission via a detailed site plan, or a detailed site plan accompanied by a written narrative describing the development restrictions applicable to the PUD.

5.6 Water and Sewer All uses within a PUD shall be connected to water and sewer services and shall not be on well and septic.

5.7 Procedure for Approval of a Planned Unit Development District The filing of a plan for a PUD shall be considered an amendment to the Official Zoning Map for the

Town of Zionsville and shall meet the requirements for amendments specified in this resolution and all applicable land use regulations for the Town of Zionsville. An application for rezoning to the PUD District may be considered simultaneously with, or to be combined with, preliminary plat approval as allowed by this ordinance and the Town of Zionsville Subdivision Control Ordinance; if preliminary plat approval is requested simultaneously by the applicant, said rezoning application for the Planned Unit Development District shall contain all information required for a preliminary plat and rezone approval.

(a) Applications for special uses and development standards variances from the Board of Zoning Appeals shall not be necessary when proposing a PUD.

(b) Amendments, deviations, or other changes from the approved PUD shall be processed as a zoning amendment with a public hearing by the Plan Commission and final approval by the Town Council; consequently, any addition of uses, change of plans, or increase in size or density of an approved PUD shall require a separate application for amendment of the original approved PUD and shall follow the same process as other rezoning requests to change the zoning map incorporated by reference into this Ordinance.

(c) Waivers of the Subdivision Control Ordinance from the Plan Commission shall not be necessary when proposing a PUD.

(d) The Plan Commission shall review the proposals prior to submitting a recommendation to the Town Council. The Plan Commission may recommend reasonable conditions to the Town Council to protect neighboring properties or uses.

(e) Approval by the Town Council pursuant to I.C. 36-7-4-608 constitutes creation of the Planned Unit Development District. The Town Council may impose conditions on the approval of a PUD, require a bond, or allow or require a written commitment in accordance with I.C. 36-7-4-1512.

5.8 Additional Information to Be Provided The following information shall be provided by way of a development plan or plat, or combination thereof, which may be accompanied by a written report or narrative description of the development restrictions applicable to the PUD.

(a) The proposed title of the project and the name of the engineer, architect, designer, or landscape architect, and the development.

(b) A location map showing the position of the proposed development in relationship to the surrounding area.

(c) A general description of the proposal, stating the purpose and goals of the development, and the design features incorporated for meeting these goals.

(d) A discussion of the proposed standards for development, including restrictions on the use of the property, density standards, yard requirements and restrictive covenants.

(e) A discussion as to how accessory uses and buildings will be considered.

(f) Location, height, and material of all fences, walls, screens, planting, and landscaping. Plans for protection of abutting properties, including buffers, screening, and landscaping.

(g) Proposed development timetable, including all planned phases of the project.

(h) The boundaries of the property involved, the location of all existing easements, section lines, and property lines, existing streets, buildings, and other existing physical features in or adjoining the project.

(i) The location and character of construction of proposed streets, alleys, driveways, curb cuts, entrances and exits, loading areas (including numbers of parking and loading spaces), and outdoor lighting systems.

(j) The location and sizes of existing and proposed sanitary and storm sewers, water mains, culverts, and other underground facilities in or near the project.

(k) The location of proposed lots, setback lines, and easements, and proposed reservations for parks, parkways, playgrounds, school sites, and open spaces.

(l) The location and height of all proposed main and accessory buildings and structures, including typical elevations of such structures.

(m) Proposed location, intended use, and character of all buildings, including a tabulation of the total number of dwelling units if proposed.

(n) Location, character, size, and height of proposed signs and their orientation in relation to surrounding properties.

(o) A tabulation of the total number of acres in the project, gross and net, and the percentage square footage thereof proposed to be devoted to different dwelling types, commercial uses, other non-residential uses, off-street parking, streets, parks, schools, green space, conservation areas, and other public and private reservations.

(p) A tabulation of the total number of dwelling units of various types in the project and the overall project density in dwelling units per acre, gross and net, as required by district regulations.

(q) A discussion of the mechanism for matters not covered by the PUD to default to zoning regulations of the Town of Zionsville.

(r) A detailed legal description of the location of the site.

5.9 Review Standards In considering and acting upon applications for rezoning to the Planned Unit Development District, the Plan Commission and Town Council may consider and base their recommendation and decision, respectively, on the following information:

(a) conformity to the purpose and intent of the PUD
(b) quality of site design
(c) integration of a variety of land uses, building types, and densities
(d) preservation of natural features
(e) compatibility with adjacent and neighboring land uses
(f) provision and type of open space and the provision of other amenities designed to benefit the general public
(g) consistency with the goals and objectives of the Comprehensive Plan
(h) adequacy of utilities and other public works
(i) provision for an appropriate_performance bond and its maintenance upon approval of the proposed development.

5.10 Final Plat Required A final plat and development plan shall be submitted for review for compliance with the approved PUD by the Building Commissioner. Upon certification by the Building Commissioner that said final plat or development plan complies with the PUD as approved, it shall be recorded in the office of the Recorder of Boone County, Indiana, prior to submission of an application for an Improvement Location Permit. The development plan shall be certified by the Building Commissioner as approved in a form acceptable to the Boone County Recorder, and as to plats, according to the certification requirements established in the Subdivision Control Ordinance. The plat shall comply with all laws, regulations, and resolutions governing the approval of subdivisions and, in addition, shall show all the features required by the PUD. A development plan of PUD shall be recorded regardless of whether a subdivision is proposed.

Section 2. Savings Clause: If any title, section, subsection, phrase, clause, sentence, or word of this Ordinance shall for any reason be held invalid or unconstitutional by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect.

Section 3. Construction of Clause Headings: The clause headings appearing herein have been provided for convenience and reference and do not purport and shall not be deemed to define, limit or extend the scope or intent of the clause to which they appertain.

Section 4. Repeal of Conflicting Ordinances: The provisions of all other Town ordinances in conflict with the provisions hereof, if any, are of no further force or effect and are hereby repealed.

Section 5. **Severability:** If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remainder of this Ordinance.

Section 6. **Duration and Effective Date:** The provisions of this Ordinance shall become and remain in full force and effect upon adoption and publication according to Indiana Law and until its repeal by ordinance.

Introduced and filed on the 7TH day of JUNE, 2010. A motion to consider on First Reading was sustained by a vote of _____ in favor and _____ opposed, pursuant to Indiana Code 36-5-2-9.8.

DULY PASSED AND ADOPTED this 7TH day of JUNE _____, 2010, by the Town Council of the Town of Zionsville, Boone County, Indiana, having been passed by a vote of 5 in favor and 2 opposed.

TOWN OF ZIONSVILLE, INDIANA
BY ITS TOWN COUNCIL

Matthew M. Price

Matthew M. Price, President

✓ For _____ Opposed

Timothy Haak

✓ For _____ Opposed

Valerie Swack

Valerie Swack

_____ For ✓ Opposed

W.W. Harris II

Welton W. Harris II

_____ For ✓ Opposed

Candace L. Ulmer

Candace Ulmer

✓ For _____ Opposed

Judith Essex

For Opposed

Steve Mundy

For Opposed

ATTEST:

Edward J. Mitro, Town Manager

ARTICLE 6: SIGN REGULATIONS

Section 6.1. Intent, Application, and Findings.

A. Intent, Application

This Ordinance creates the legal framework for Sign regulations that are intended to facilitate an easy and agreeable communication between people. It is recognized that Signs serve an important function and, therefore, the reasonable and adequate display of Signs is permitted under the provisions of this ordinance.

The intent of these Sign Regulations is to:

1. create a comprehensive and balanced system of Sign control that accommodates both the need for a well-maintained, safe and attractive community, and the need for effective business identification and communication.

2. encourage Signs which, by their design, are integrated with and harmonious to the Buildings and sites which they occupy;

3. eliminate excessive and confusing Sign displays;

4. preserve and improve the appearance of the Town of Zionsville as an attractive place in which to live and work and as an attraction to non-residents who come to visit or trade;

5. safeguard and enhance property values;

6. support and complement land use objectives of the Comprehensive Plan and this Ordinance;

7. protect public and private investment in Buildings and open spaces;

8. eliminate potential hazards to motorists and pedestrians resulting from Signs; and,

9. promote the public health, safety, morals and general welfare of the Town of Zionsville.

The regulations contained in this Article shall apply to the location, erection and maintenance of Signs in any zoning District regulated by this Ordinance.

B. Findings

The Town Council finds:

1. The manner of the erection, location and maintenance of Signs affects the public health, safety. morals, and the public welfare of the people of this community;

2. The safety of motorists, pedestrians, and other users of the Public Street and property is affected by the number, size, location, and appearance of Signs that are intended to and result in the diversion of the attention of the groups listed.

3. The construction, erection, and maintenance of Signs suspended or projecting from, or placed on the tops of, Buildings, walls, or other Structures may constitute a direct danger to pedestrian and vehicular traffic below. Especially during period of strong winds; and to effective fire-fighting and other emergency services.

4. Uncontrolled and unlimited Signs may result in a roadside clutter that impedes the flow of information from businesses to consumers thereby harming the economic health of the community, and that impedes the flow of information from traffic Signs and signals creating hazards to motorists and pedestrians.

It is therefore necessary for the promotion and preservation of the public health, safety, and welfare of the people of this community, as well as to preserve the Zionsville Theme, that the erection, connection, location and maintenance of Signs be regulated and controlled.

Section 6.2. Urban Exempt Signs

Unless otherwise specifically stated, Signs that comply with the provisions contained in this subsection shall be exempt from all other provisions of this Ordinance, except the provisions for a Vision Clearance Area as specified in **Section 1.21** which shall apply.

A. Building Lighting - Highlighting of structural/architectural elements of Buildings, such as roof lines, doors, window or wall edges, by illumination shall not be considered a Sign, nor regulated by this Ordinance, pro-vided, however, if such highlighting or outlining contains text or logos, such items shall be considered Signs and regulated by this Ordinance according to the Sign type and District in which it is located. Highlighting or outlining of structural/architectural elements of Buildings using exposed neon or similar tubing (to include, but not be limited to high intensity fluorescent (HIF) tubing, incandescent tubing, halogen high intensity discharge systems (mo), and light-emitting diode (LED) tubing), shall be prohibited. In no case shall such Building lighting be flashing or animated.

B. Flags, pennants, emblems, or insignia of any nation, state or political subdivision shall be permitted, provided the setback requirements for Signs, and the maximum height requirements for Buildings and Structures in the applicable District, are met.

C. Integral, decorative, or architectural features of Buildings, so long as such features or works do not contain logos, letters, or trademarks, except as noted in E., 4, below.

D. Interior Signs - Signs located:

1. within the interior of any Building, or within an enclosed lobby or court of any Building; or,

2. located within the inner or outer lobby, court or entrance of any theater, that are not viewable or intended to be viewable from the Public Right-of-Way and do not qualify as "Window Signs" as herein defined.

E. Miscellaneous Signs, including but not be limited to:

1. Signs giving property identification, names, or numbers, of occupants, and containing two (2) square feet or less in Sign Surface Area;

2. Signs posted on private property relating to private property, private parking, no trespassing or danger from animals and containing two (2) square feet or less in Sign Surface Area;

3. Signs indicating the location of public telephones and restrooms, underground public utilities, or similar location Signs and containing four (4) square feet or less in Sign Surface Area; and,

4. Signs which are integral to the Building and indicating the name of the Building, date of erection, monumental citations, commemorative tablets and the like, when carved into stone, concrete or similar material or made of bronze, aluminum or other permanent type construction and made an integral part of the Building.

F. Official Signs -authorized by a government or governmental subdivision which give traffic, directional, or warning information, and Signs of public service companies indicating danger and aide to service or safety which are erected by, or on the order of, a public officer in the performance of their public duty.

G. Public Signs and Public Notices -Signs required or specifically authorized for a public purpose by any law, statute or ordinance, which may be any type, number, area, height above grade, location or illumination required by the law, statute or ordinance under which the Signs are erected.

H. Seasonal or Holiday Displays -provided they contain no commercial message, are primarily decorative in nature, and are clearly incidental and commonly associated with any national or religious holiday.

I. Tombstones.

J. One Temporary Building Identification Banner may be allowed:

1. Upon approval of an application for a permanent Building Identification Sign.

2. Not to exceed sixty (60) days from the approval or installation of the Permanent Building Identification sign

3. The temporary banner shall not be larger than 32 square feet.

4. There shall be no permit or fee for this temporary banner

K. Signs related to Grand Openings or Town-Recognized Special Events -provided that the maximum Sign Surface Area of each such Sign shall not exceed thirty-two (32) square feet. Signs permitted under this subsection include Pennants and Banners.

1. For Grand Openings: Signs for grand opening may be erected on-premise only not more than ten (10) days prior to the grand opening and shall be removed no more than five (5) days after the event. In no case shall such Signs remain on the premises for more than thirty (30) consecutive days.

2. For Town-Recognized Special Events: Signs for Town-recognized special events may be erected on-premise or off-premise. Such Signs may be erected throughout the year; however, the maximum number of days such Signs may be displayed shall not exceed a total of thirty (30) days per year.

L. Temporary Signs -One (1) Temporary Sign shall be permitted on a Lot, subject to the following:

1. Temporary Freestanding Sign in any residential District:

   i). Maximum Sign Surface Area -six (6) square feet.

   ii). Maximum Sign height -four (4) feet, measured from Grade;

   iii). Setback -not within the Public Right-of-Way, nor within the Vision Clearance Area.

2. Temporary Freestanding Sign in any other zoning District:

   i). Maximum Sign Surface Area -sixteen (16) square feet.

   ii). Maximum Sign height -four (4) feet, measured from Grade; or,

   iii). Setback -not within the Public Right-of-Way, nor within the Vision Clearance Area.

3. Temporary Window Sign, in all Districts shall not exceed five (5) percent of the window on which it is placed or through which it is viewed.

In no case shall any Temporary Sign be allowed to remain for a period longer than one (1) year.

A Temporary Sign which is for a specific event, service or activity shall be posted no more than thirty (30) days prior to the event, service or activity, and shall be removed within five (5) days of the conclusion of such event, service or activity.

A Temporary Sign shall be permitted on a Lot only upon prior authorization by the owner of sand Lot.

Any Sign which meets the Ordinance definition of an On-Premise Business Sign shall not be considered or allowed as a Temporary Sign.

Section 6.3. Urban Prohibited Signs

The following Signs shall be prohibited in all zoning Districts:

A. Signs located on, in or above the Right-of-Way of any Street or Alley, except for: (i) official Signs or Signs erected on behalf of or pursuant to authorization of a governmental body; or, (ii) Projecting Signs as permitted by **Section 6.6 (On-Premise Signs: VBD District).**

B. Signs which interfere with Street intersections. No Sign, permanent or temporary, shall be erected so that it interferes with the Vision Clearance Area provided for in **Section 1.21**.

C. Signs which interfere with, obstruct the view of, or be confused with any authorized traffic Sign, signal, or device.

D. Outline lighting of Lot Lines or open sales areas.

E. Portable Signs, including but not limited to: A-or T -frame Signs; Signs on trailer frames; menu and sandwich board Signs; Balloon Signs; Wind Signs; umbrellas used for advertising; and, Signs attached to or painted on a vehicle parked and visible from the Public Right-of-Way, provided, however, a vehicle which is used in the normal day-to-day operation of the business shall not be considered a Portable Sign.

F. Any rotating beam, beacon, intermittent light, lights of changing degrees of intensity, or flashing, animated or scrolling illumination, including but not limited to Electronic Variable Message Signs, in connection with any Sign Surface.

G. Signs attached to trees.

H. Signs attached to utility poles, except for Signs erected on behalf of or pursuant to authorization of a governmental body.

I. Pennants, banners, streamers and wind Signs, except that pennants and banners may be used in connection with a special event as provided for by **Section 6.2, K**.

J. Signs that bear or contain statements, words or pictures of an obscene, pornographic, immoral character, or which contain advertising matter which is untruthful or will offend public morals or decency.

K. Signs or any portion thereof which moves or assumes any motion or gives the illusion of moving.

Section 6.4. Urban General Regulations

The following regulations shall apply to Signs in all Districts:

A. Computation of Area of Individual Signs.

The area of a Sign face (which is also the Sign area of a Wall Sign or other Sign with only one face) shall be computed by means of the smallest square, rectangle or combination thereof that will encompass the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the Sign from the backdrop or Structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence of wall otherwise meets Ordinance regulations and is clearly incidental to the display itself(see Diagram 1 for illustrative guides to computation methods).

B. Computation of Area of Multifaced Signs.

The Sign area for a Sign with more than one face shall be computed by adding together the Sign area of all Sign faces viewable from anyone point. When two (2) Sign faces are placed back to back, or at no greater than fifteen (15) degrees from one another, so that both faces cannot be viewed from any point at the same time, and when such Sign faces are part of the same Sign Structure and are not more than forty-two (42) inches apart, the Sign area shall be computed by the measurement of one (1) of the faces (see Diagram 2 for illustrative guides to computation methods).

C. Computation of Sign Height.

The height of a Sign shall be computed as the distance from the base of the Sign or Sign Structure at Grade (exclusive of any filling. berming. mounding. or excavating solely for the purpose of locating the Sign), to the top of the highest attached component of the Sign (see **Section 11.2, page 22**).

D. Grade Mounding

Earth mounding. inconsistent with the ground level of the land surrounding the Sign Structure, shall be included in the measurement of the Sign height (See also **Section 6.4, C "Computation of Height" and Section 11.2, page 22**).

E. Maintenance and Restoration of Legally Established Nonconforming Signs and Sign Structures.

of such Signs shall not include any changes made to the size, height or bulk of the Sign or the temporary or permanent removal of the Sign. If such Sign is damaged exceeding two-thirds U of its replacement value, it shall not be rebuilt except in conformance with the provisions of this Ordinance. Provided, however, that nothing herein shall prevent maintenance, repainting, or posting of legally established Nonconforming Signs.

F. Number of Faces Permitted on a Freestanding Identification Sign.

Unless specifically restricted by this Ordinance, a Sign may contain more than one (1) Sign face, and may be two-sided, provided all other provisions of this Ordinance shall be met.

G. Use of Neon in Sign Illumination.

Exposed neon or similar tubing (to include, but not be limited to high intensity fluorescent (HIF) tubing, incandescent tubing, halogen high intensity discharge systems (HID), and light-emitting diode (LED) tubing), shall not be utilized as an external illumination component of any Sign. Neon or similar tubing noted above may be utilized to internally illuminate a Sign.

H. Illuminated Signs.

1. No Sign within six hundred (600) feet of any "R" District shall be illuminated between the hours of 11:00 p.m. and 6:00 a.m.

2. Lighting directed towards a Sign shall be shielded so that it illuminates only the Sign Surface and does not shine on, cause glare to or otherwise impair the vision of the driver of any motor vehicle traveling on a Public Right-of-Way.

3. Signs that are illuminated shall not create glare or light spillage across the lot lines. The illumination level of a Sign shall not exceed 1.0 footcandle when measured at the Lot Line.

4. This subsection shall not apply to the following:

i). Signs that constitute an integral part of a vending machine, telephone booth, device that indicates time or weather conditions, or similar device whose principal function is not to convey an advertising message; or,

ii). Signs that do not exceed two (2) square feet in area and that convey the message that a business enterprise is open or closed or that a place of lodging does or does not have a vacancy.

I. Cutting of Trees or Shrubs.

No person, for the purpose of increasing or enhancing the visibility of any Sign, shall damage, trim, destroy, or remove any trees, shrubs or other vegetation located:

1. Within any Public Street Right-of-Way unless the work is done pursuant to the express written authorization of the governmental department having jurisdiction over said Public Street;

2. On property that is not under ownership or control of the person doing or responsible for such work unless the work is done pursuant to the express authorization of the person owning the property where such trees or shrubs are located; or,

3. In any area where such trees or shrubs are required to remain under a permit issued under this Ordinance.

J. Maintenance of Signs.

Nothing contained in this Ordinance shall be construed to prevent the maintenance, repainting or posting of legally established Signs. Maintenance shall include the replacement of Sign Surfaces within a Sign Structure provided that the Sign Structure is not removed or changed in any dimension.

K. Awning, Canopy and Marquee Signs.

In any District in which Building Identification Wall Signs are permitted, except for those in the VBD District, which shall be regulated by **Section 6.6, B, 3**, the use of an Awning, Canopy or Marquee Sign shall be allowed and considered Wall Signs subject to the following provisions:

1. The total area of the Awning, Canopy or Marquee (i.e., the combined two dimensional surface area of all sides of the Awning, Canopy or Marquee) shall not exceed the Sign Surface Area for Wall Signs allocated to the facade of the Building upon which the Awning, Canopy or Marquee is attached.

2. The portion of the Awning, Canopy or Marquee which includes a Sign Surface shall not exceed:

   i). forty (40) percent of the total area of an Awning or Canopy; or,

   ii). seventy-five (75) percent of the total area of a Marquee.

3. The bottom edge of the Awning, Canopy or Marquee shall:

   i). not be less than ten (10) feet above Grade over a walkway; or,

   ii). not be less than fifteen (15) feet above Grade over a Driveway or Interior Access Drive.

4. The maximum projection of an Awning, Canopy or Marquee shall:not extend more than eight (8) feet from or beyond its supporting Building; and, not extend any closer to an imaginary perpendicular vertical plane located at the Street pavement line, curb or outside edge of sidewalk than three (3) feet. An Awning, Canopy or Marquee is in compliance with the above regulations and may project into the air rights of a Public Right-of-Way if approval for such encroachment into the air rights of a Public Right-of-Way is obtained from the governmental authority having jurisdiction prior to the placement of the Awning, Canopy or Marquee.

5. Awnings and Canopies shall not be illuminated from the inside or backside.

L. Freestanding On-Premise Signs as Accessory Structures.

Freestanding On-Premise Signs and Sign Structures are hereby declared to be Accessory Structures. As Accessory Structures, Freestanding On-Premise Signs and Sign Structures may not occupy a Lot without a Primary Use or Building also being legally located on the Lot.

M. Removal of Freestanding On-Premise Signs.

Notwithstanding anything contained in **Section 1.19** to the contrary, Freestanding On-Premise Signs, including Business Identification Signs and Incidental Signs, and Sign Structures, shall be subject to the following removal provisions:

1. When the Building, or any business, product, activity or service offered on the premise not located in a Building, is removed, any On-Premise Sign and Sign Structure located on the Lot to identify such Building, business, product, activity or service shall also be removed coincidently with the removal of such Building, business, product, activity or service. Any new On-Premise Sign or Sign Structure located after such coincident removal, shall be located in compliance with the provisions of this Ordinance.

2. When a Legally Established Nonconforming Building, or any business, product, activity or service not located in a Building, suffers a partial destruction in excess of two-thirds (2/3) of the Gross Floor Area and such Building, business, product, activity or service must be removed and brought into compliance with the terms of this Ordinance, any On-Premise Sign or Sign Structure located on the Lot shall also be brought into compliance with the terms of this Ordinance.

3. Within thirty (30) days after any lawful Nonconforming Sign or Sign Structure meet the Ordinance definition of an Abandoned Sign, the Sign or Sign Structure shall be removed.

N. Gasoline Service Station Signs

Gasoline Service Stations shall be subject to the following exceptions:

1. If a Freestanding Business Identification Sign is permitted, such Business Identification Sign may contain pricing information.

2. Business Identification Signs may be located on a gasoline island Canopy, spandrels or pump islands, provided that such Signs do not exceed five (5) percent of the surface area of the facade of the Canopy, spandrel or pump island upon which the Sign is located.

3. Business Identification Signs may be located on either a spandrel or a pump island, but not both.

O. Changeable Copy Signs.

Changeable Copy Signs shall be permitted as part of an otherwise permitted Identification Sign, provided that:

1. If a Single Use Site, a maximum of one (1) Changeable Copy Sign shall be permitted which may be part of either a Freestanding Identification Sign or a Wall Sign;

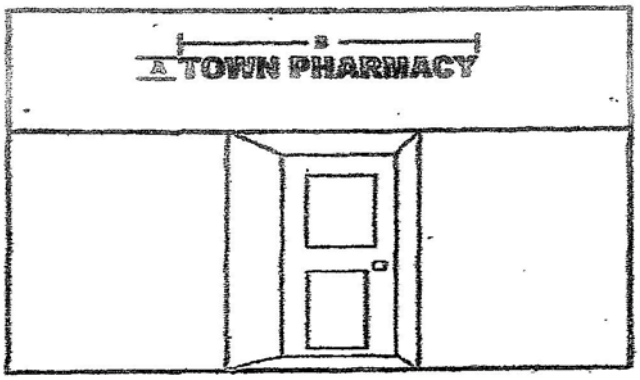
2. If an Integrated Center, either one (1) Changeable Copy Sign shall be permitted as part of a Freestanding Identification Sign, or each individual use with an Integrated Center shall be permitted one (l) Changeable Copy Sign as part of a Wall Sign.

3. A Changeable Copy Sign may be used as part of either a Freestanding Identification Sign or as part of a Wall Sign, but not both.

4. The Changeable Copy Sign shall not exceed forty (40) percent of the Sign Surface Area of the permitted Identification Sign.

Area of Copy

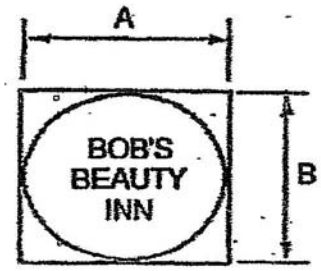
The entire area within a single, continuous perimeter composed of squares or rectangles, which enclose the extreme limits of the advertising message, announcement or decoration of a fascia or Wall Sign.



AREA OF COPY = (A X B)

Area of Sign

The area of the largest single face of the Sign within a perimeter which forms the outside shape including any frame, forms an integral part of the display, but excluding the necessary supports or uprights on which the Sign may be placed. If the sign consists of more than one (1) section or module, all areas shall be calculated.



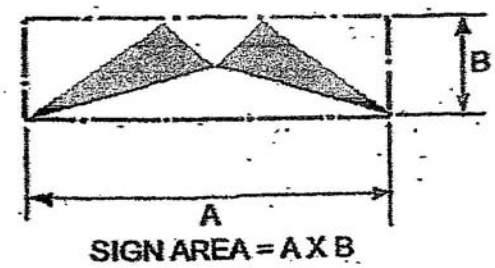
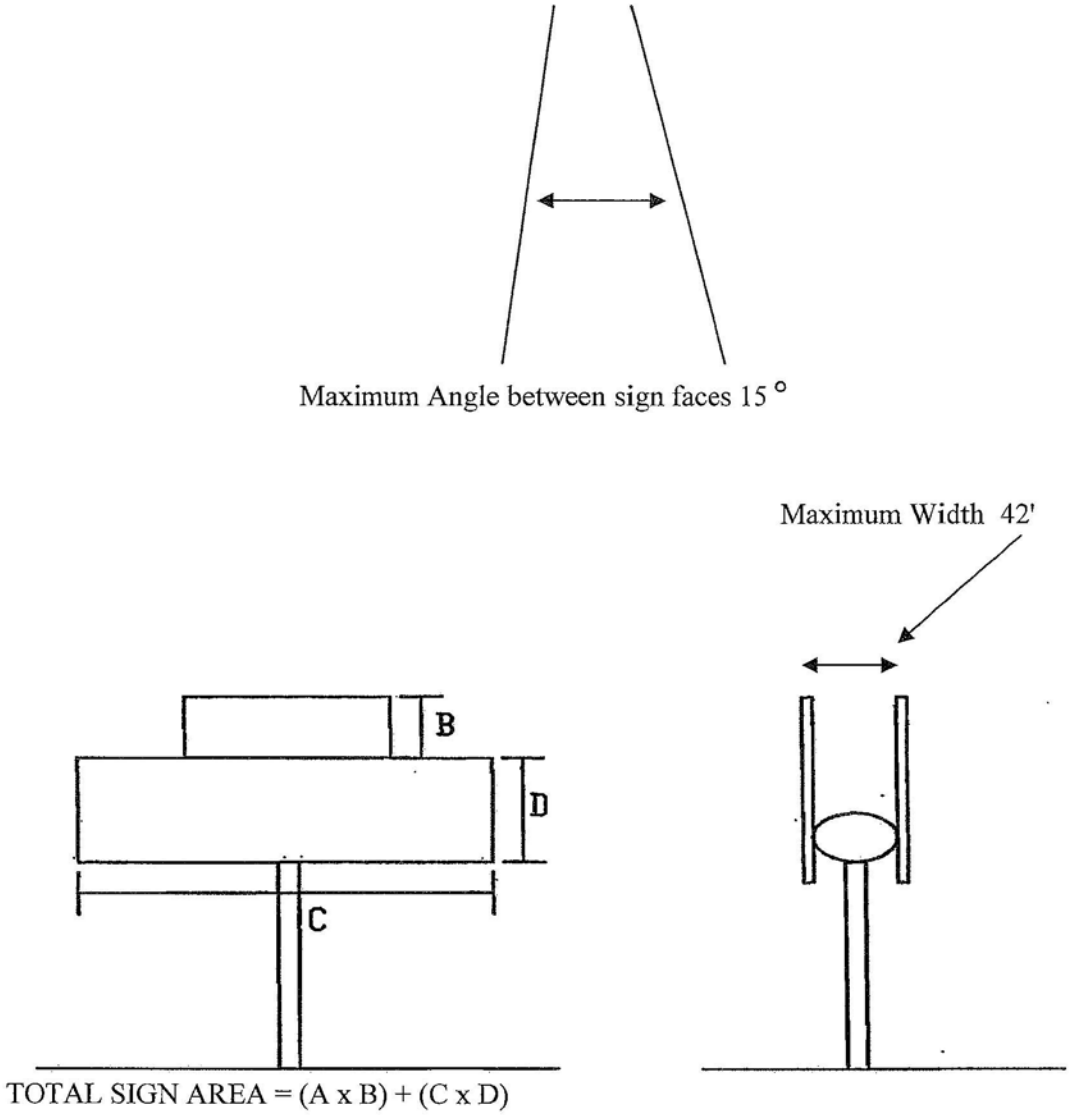


Figure 7: COMPUTATION OF AREA OF MULTI-FACED SIGNS



Section 6.5. Urban On-Premise Signs: Business and Industrial Districts

(Except for the VBD -Village Business District)

A. Maximum Number of Signs Permitted

No individual business shall be permitted more than four (4) Identification Signs (i.e., any combination of Freestanding, Building, Suspended, or Window Signs). In order to qualify as an individual business entitled to Signs, there shall be a

separate exterior entrance to the business operation or tenant space. Sign panels identifying a business on Freestanding Identification Signs for Integrated Centers shall count toward the total number of Signs Permitted for an individual business.

B. Freestanding Identification Signs for Single Use Sites

1. Type of Signs.

Freestanding Identification Signs shall be permitted as follows:

Ground Signs -all Business and Industrial Districts

2. Number-of Signs.

One (1) Freestanding Identification Sign shall be permitted for each Street Frontage of a Lot.

When a Lot has more than one (1) Street Frontage and qualifies for an additional Freestanding Identification Sign, the minimum separation between Freestanding Identification Signs oil the Lot, regardless of the orientation of the Freestanding Identification Signs, shall be one hundred (100) feet.

Exception -When a Lot has Frontage in excess of five hundred (500) feet on the same Street, one (1) additional Freestanding Identification Sign shall be permitted on that Street for each additional five hundred (500) feet of Frontage, provided that:

i). the minimum separation between Freestanding Identification Signs along the same Street shall be three hundred (300) feet;

ii). the additional Freestanding Identification Sign is oriented to the Street with Frontage in excess of five hundred (500) feet; and,

iii). the total Sign Surface Area of all Freestanding Identification Signs does not exceed the maximum Sign Surface Area permitted below.

3. Maximum Sign Surface Area of Freestanding Signs.

Maximum Sign Surface Area shall apply individually to each Street Frontage.

The maximum Sign Surface Area for Single Use Sites shall not exceed:

Street Frontage	Maximum Sign Surface Area
less than three hundred (300) feet	twenty-four (24) square feet
for each additional linear foot of Street Frontage	0.25 square foot of additional Sign Surface Area

Provided, however, that no Freestanding Sign shall exceed seventy-two (72) square feet for Single Use Sites.

4. Minimum Front, Side and Rear Setback for Freestanding Identification Signs.

i). Front Yard Setback -The minimum Front Yard Setback for any Freestanding Identification Sign shall be:

(a) Required Front Yard -ten (10) feet from the Proposed Right-of-Way.

(b) Required Front Bufferyard -twenty (20) feet from the Proposed Right-of-Way.

In a case where a Proposed Right-of-Way line does not exist, as determined by the

Transportation Plan, or where the existing Right-of-Way is greater, the existing Right-of-Way line shall be used for the setback measurement.

ii). Side and Rear Yard Setback or Side and Rear Bufferyard Setback -The minimum Side or Rear Yard Setback for a Freestanding Identification Sign shall be the greater of five (S) feet or that required for any Building or Structure in the applicable zoning District.

5. Maximum Height of Freestanding Identification Signs.

Ground Sign -The maximum height of a Freestanding Ground Identification Sign shall not exceed six (6) feet in height above Grade.

6. Landscaping.

Freestanding Identification Signs for single use sites shall be surrounded by a landscaped area at least equal to the Sign area of the Sign erected. Landscaping shall consist of living vegetation (annuals, perennials, ornamental grasses,

hedge plants or trees) and natural ground cover materials. Loose stone, rock or gravel may be used as a landscaping accent, but shall not exceed twenty (20) percent of the landscaped area. Plant materials used to satisfy this provision shall not be used to satisfy the calculations of landscaping required by any other provisions of this Ordinance.

C. Freestanding Identification Signs for Integrated Centers.

1. Type of Signs.

Freestanding Identification Signs shall be permitted as follows:

i). Ground Signs -All Business and Industrial Districts

ii). Pylon Signs -B-l, B-2, B-3, all Industrial Districts

2. Number of Signs.

One (1) Freestanding Identification Sign, which shall include the name of the Integrated Center, shall be permitted for each Street Frontage of an Integrated Center.

When an Integrated Center has more than one Street Frontage and qualifies for an additional Freestanding Identification Sign, the minimum separation between Freestanding Identification Signs on the Integrated Center, regardless of the orientation of the Freestanding Identification Signs, shall be one hundred (l00) feet.

Exception -When an Integrated Center has Frontage in excess of three hundred (300) feet on the same Street, one (l) additional Freestanding Identification Sign shall be permitted on that Street, provided that:

i). the minimum separation between Freestanding Identification Signs along the same Street is three hundred (300) feet;

ii). the additional Freestanding Identification Sign is oriented to the Street with Frontage in excess of three hundred (300) feet; and,

iii). the total Sign Surface Area of all Freestanding Identification Signs does not exceed the maximum Sign Surface Area permitted below.

3. Maximum Sign Surface Area of Freestanding Signs for an Integrated Center.

Maximum Sign Surface Area shall apply individually to each Street Frontage.

The maximum Sign Surface Area shall not exceed:

Street Frontage	Maximum Sign Surface Area
less than three hundred (300) feet	sixty-four (64) square feet foot
for each additional linear foot of Street Frontage	0.50 square foot of. Additional Sign Surface Area

Provided, however, that no Freestanding Sign shall exceed two hundred (200) square feet for Integrated Centers.

4. Minimum Front, Side and Rear Setback for Freestanding Identification Signs.

i). Front Setback -The minimum front Setback for any Freestanding Identification Sign shall be:

(a) Required Front Yard -ten (10) feet from the Proposed Right-of-Way.

(b) Required Front Bufferyard -twenty (20) feet from the Proposed Right-of-Way.

In a case where a Proposed Right-of-Way line does not exist, as determined by the Transportation Plan, or where the existing Right-of-Way is greater, the existing Right-of-Way line shall be used for the setback measurement.

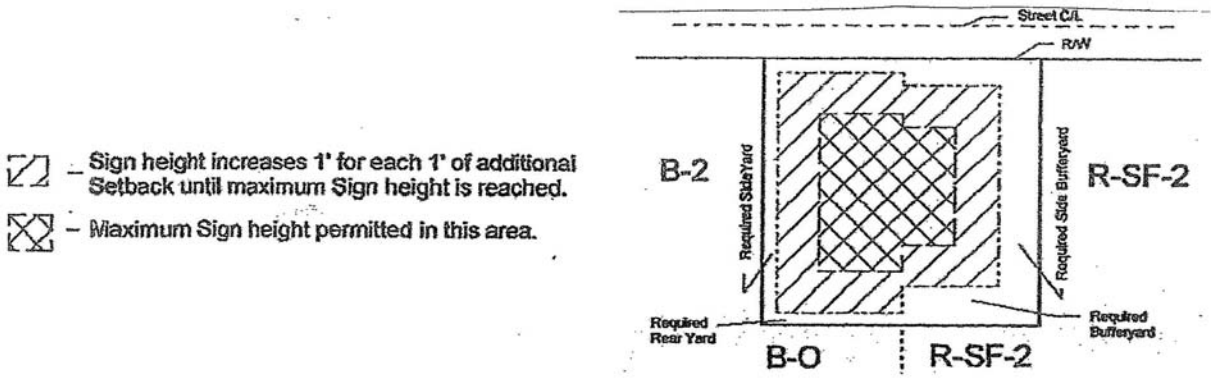
ii). Side and Rear Setback or Side and Rear Bufferyard Setback -The minimum Side or Rear Yard Setback for a Freestanding Identification Sign shall be the greater often (10) feet or that required for any Building or Structure in the applicable zoning District.

5. Maximum Height of Freestanding Identification Signs.

The maximum height of a Freestanding Identification Sign shall be determined by the location of the Freestanding Identification Sign in relation to the required Front, Side and Rear Yards for the site.

i). Front Yard Height to Setback Formula.

Freestanding Identification Signs may have a maximum height of up to six (6) feet above Grade level when located at the minimum required Front Yard or minimum required front Bufferyard Setback. The maximum height may be increased by one (1) foot in height for each additional one (1) foot of Setback from the minimum required Front Yard or minimum required front Bufferyard Setback until the maximum height allowed for the applicable type of Sign Structure is reached.



ii). Side and Rear Yard Height to Setback Formula:

Freestanding Identification Signs may have a maximum height of up to six (6) feet above Grade level when located at the minimum required Side or Rear Yard or minimum required side or rear Bufferyard Setback. The maximum height may be increased by one (1) foot in height for each additional one (1) foot of Setback from the minimum required Side or Rear Yard or minimum required side or rear Bufferyard Setback until the maximum height allowed for the applicable type of Sign Structure is reached.

iii). Maximum Height by Type of Sign Structure:

(a) Ground Sign -The maximum height of a Freestanding Ground Identification Sign shall not exceed six (6) feet in height above Grade.

(b) Pylon Sign -The maximum height of a Freestanding Pylon Identification Sign shall not exceed fifteen (15) feet in height above Grade.

6. Landscaping.

Freestanding Identification Signs for Integrated Centers shall be surrounded by a landscaped area at least equal to the Sign area of the Sign erected.

Landscaping shall consist of living vegetation (annua1s, perennials, ornamental grasses, hedge plants or trees) and natural ground cover materials. Loose stone, rock or gravel may be used as a landscaping accent, but shall not exceed twenty (20) percent of the landscaped area. Plant materials used to satisfy this provision Shall not be used to satisfy the calculation of landscaping required by any other provisions of this Ordinance.

D. Building Identification Signs.

1. Type of Signs.

Building Identification Signs shall be limited to Wall Signs.

2. Number of Building Identification Signs.

Except as restricted by the provisions of **Section 6.5, A**, above, there shall be no limit to the number of Wall Building Identification Signs per facade, provided that the total Sign Surface Area of all Wall Signs located on each Building facade shall not exceed the maximum Sign Surface Area for the Building facade upon which such Signs are located.

3. Maximum Sign Surface Area of Building Identification Signs.

The total Sign Surface Area of all Building Identification Signs oriented to an individual facade shall not exceed:

i). Front Facade -five (5) percent of the total area of the front facade of the Structure OT tenant space;

ii). Side and Rear Facades -three (3) percent of the side or rear facade of the Structure or tenant space; and,

iii). The linear measurement of a Business Identification Wall Sign shall not exceed eighty (80) percent of the linear width of the facade of the Structure or tenant space on which the Sign is located.

Provided, that for any Building which has more than one (I) Street Frontage, the maximum Sign Surface Area of five (5) percent shall apply to all Building facades with Street Frontages. A Building facade shall be determining to have Street Frontage when it is parallel to the Street or is at no greater than a forty-five (45) degree angle to the Street.

E. Incidental Signs.

1. Type of Signs.

   Incidental Signs shall be Ground or Wall Signs.

2. Number of Signs.

   i). If a Lot or Integrated Center has one (1) Driveway, zero (0) Incidental Directional Signs shall be permitted at the Driveway entrance or exit;

   ii). If a Lot or Integrated Center has more than one (1) Driveway, one (l) Incidental Directional Sign shall be permitted for each Driveway; and,

   iii). One (1) Incidental Directional Sign or one (1) Incidental Parking and Loading Sign shall be permitted at each critical turning point along an Interior Access Drive when required to safely direct vehicular traffic (e.g., to direct vehicular traffic to: a drive-up window; a customer or employee Parking Area; or, a delivery or Loading Area).

3. Maximum Sign Surface Area of Incidental Signs in the Business Districts.

   Incidental Signs shall not exceed six (6) square feet in Sign Surface Area per Sign.

4. Maximum Sign Surface Area of Incidental Signs in the I-ORT, I-1, I-2, and I-3 Districts.

   i). Incidental Directional Signs shall not exceed six (6) square feet in Sign Surface Area per Sign.

   ii). Incidental Parking and Loading Signs-, shall not exceed thirty-two (32) square feet in Sign Surface Area per Sign.

5. Minimum Front, Side and Rear Yard Setback for Freestanding Incidental Signs.

   i). Front Yard Setback or Front Bufferyard Setback -three (3) feet from Proposed Right-of-Way.

In a case where a Proposed Right-of-Way line does not exist, as determined by the Transportation Plan, or where the existing Right-of-Way is greater, the existing Right-of*Way line shall be used for the setback measurement.

ii). Side and Rear Yard Setback or Side and Rear Bufferyard Setback ~ the same as required for any Building or Structure in the applicable zoning District.

6. Maximum Height of Incidental Signs.

The maximum height of a Freestanding Incidental Ground Sign shall not exceed:

i). Incidental Directional Signs shall not exceed two and one half(2.5) feet in height above Grade.

ii). Incidental Parking and Loading Signs shall not exceed four (4) feet in height above Grade.

F. Suspended Signs in Integrated Centers.

Suspended Signs shall be permitted on any Building containing two or more individual. non-related and separately operated uses subject to the following regulations:

1. There shall be no more than one (1) Suspended Sign per grade-level tenant.

2. The maximum Sign Surface Area of a Suspended Sign shall not exceed five (5) square feet.

3. All portions of the Suspended Sign or Sign Structure shall be not less than eight (8) feet above the sidewalk or finished Grade.

G. Window Signs.

The Sign copy are shall not exceed five (5) percent of the window surface area on which it is placed or through which it is viewed.

The Sign surface area of Window Signs shall be calculated separately from the calculation of other. Building Identification Signs and shall not be included in the total area of other Building Identification Signs permitted.

H. Development Plan Approval Required.

1. All Freestanding and Building Identification Signs in the Business and Industrial Districts shall be subject to the filing of a Development Plan for review and approval by the Building Commissioner as set forth in Article 4 of this Ordinance.

2. Development Plan Approval petitions for Signs in the Business and Industrial Districts shall be submitted as a part of the application for an Improvement Location Permit for Signs.

3. Findings.

   The Building Commissioner shall grant Development Plan Approval upon written finding that the proposed Freestanding or Building Identification Sign:

   i). Is consistent with and harmonious to the Buildings and sites which they occupy;

   ii). Represents a use of design features which will enhance the use or value of area properties;

   iii). Utilizes materials and is of a style which is compatible with the Zionsville Theme;

   iv). Is consistent with the intent and purpose of this Ordinance.

Section 6.6. Urban On-Premise Signs: VBD Village Business District

A. Freestanding Identification Signs in the VBD -Village Business District.

1. Type of Freestanding Identification Signs Permitted.

   Freestanding Identification Signs shall be Ground Signs.

   Provided, however, Freestanding Identification Signs shall not be permitted on a Street Frontage when the Lot contains a Building that has less than a ten (10) foot Setback from that Street.

2. Maximum Number of Freestanding Identification Signs.

One (1) Freestanding Identification Sign shall be permitted for each Street Frontage of a Lot.

When a Lot has more than one Street Frontage and qualifies for an additional Freestanding Identification Sign, the minimum separation between Freestanding Identification Signs on the Lot, regardless of the orientation of the Freestanding Identification Signs, shall be fifty (50) feet.

3. Maximum Sign Surface Area of Freestanding Identification Signs. Maximum Sign Surface Area shall apply individually to each Street Frontage. The maximum Sign Surface Area shall not exceed twelve (12) square feet per Street Frontage.

4. Minimum Front Setback for Freestanding Identification Signs.

   There shall be no minimum required Front Setback for Freestanding Identification Signs. provided, however such Signs shall not encroach into any Public Right-of-Way. sidewalk, or any Vision Clearance Area.

5. Maximum Height of Freestanding Identification Signs.

   The maximum height of a Freestanding Identification Sign shall not exceed four (4) feet in height above Grade.

B. Building Identification Signs in the VBD -Village Business District.

1. Types of Building Identification Signs Permitted.

   i). Lower level Building Identification Wall Signs shall be Wall Signs, Suspended Signs, Projecting Signs Awning Signs, or Canopy Signs.

   ii). Upper level Building Identification Signs shall be Wall Signs.

2. Maximum number of Building Identification Signs.

   Each tenant space within a Building shall be permitted a maximum of two (2) Signs, which may be Wall, Projecting, Awning, or Canopy Signs. In addition, each tenant space shall be permitted one (1) Suspended Sign, per **Section 6.6. B ., 3., d**., below. Provided, however, the total Sign Surface Area for the Building shall not be exceeded.

3. Requirements for Lower Level Building Identification Signs.

Any Building Identification Signs located on the first twenty-six (26) feet of Building height or the actual Building height. whichever is less, shall be considered a lower level Building Identification Sign.

i). Total Sign Surface Area of lower level Building Identification Signs.

The total Sign Surface Area of all lower level Building Identification Signs oriented to an individual facade shall not exceed:

(a) Front Facade -five (5) percent of the total area of the first twenty-six (26) feet or the actual Building height. whichever is lesser. of front facade of a Building; and,

(b) Side and Rear Facades -three (3) percent of the total area of the first twenty-six (26) feet or the actual Building height, whichever is lesser, of a side or rear facade of a Building.

Provided, that for any Building which has more than one Street Frontage, the maximum Sign surface area of five (5) percent shall apply to all Building facades with Street Frontages.

ii). Illumination of lower level Building Identification Signs.

Lower level Building Identification Signs shall not be internally illuminated.

iii). Additional requirements for lower level Projecting Signs.

(a) Maximum Height of lower level Projecting Signs. Projecting Signs shall not extend above the roof line.

(b) Maximum Projection from Building for lower level Projecting Signs. No Projecting Sign or Sign Structure supporting a Projecting Sign shall extend more than six (6) feet from or beyond its supporting Building. No Projecting Sign or Sign Structure shall extend any closer than two (2) feet to an imaginary perpendicular vertical plane located at the Street pavement line, curb or outside edge of sidewalk. Projecting Signs in compliance with the above regulations may project into the air rights of a Public Right-of-Way if approval for such encroachment into the air rights of a Public Right-of-Way is obtained from the governmental authority having jurisdiction prior to the placement of the Projecting Sign.

(c) Minimum Height Above Grade for a lower level Projecting Sign. The bottom edge of a Projecting Sign shall not be less than nine (9) feet above Grade over a sidewalk or walkway. or fifteen (15) feet above Grade over any type of Street, Alley, Drive or Driveway.

(d) Maximum Sign Area permitted for a lower level Projecting Sign shall be twelve (12) square feet. .

(e) Lower Level Projecting Signs shall not be internally illuminated.

iv). Additional provisions for lower level Suspended Signs.

(a) Maximum Sign Surface Area for Suspended Signs. The Maximum Sign Surface area for a suspended sign shall not exceed five (5) square feet.

(b) Maximum Number of lower level Suspended Signs. One. (1) Suspended Sign shall be permitted per each Building facade (if containing a single use) or grade level tenant space (if the Building contains more than one business).

(c) Minimum Height above Grade for lower level Suspended Signs. AU portions of any Suspended Sign or Sign Structure shall be not less than eight (8) feet above the sidewalk or finished Grade.

v). Additional provisions for lower level Awning or Canopy Signs.

Awnings or Canopies, as regulated in **Section 2.14, B., 5., a., (3)**, may contain Signs, subject to the following provisions:

(a) The total area of the Awning or Canopy (i.e. the combined two dimensional surface area of all sides of the Awning or Canopy shall not exceed the Sign Surface Area allocated to the facade of the Building upon which the Awning, or Canopy is attached.

(b) The portion of the Awning or Canopy which includes a Sign .Surface shall not exceed twenty4ive (25) percent of the total area of an Awning or Canopy.

(c) Awnings or Canopies shall be neither internally illuminated. nor illuminated from inside or underneath the Awning or Canopy in such a manner that the entire Awning or Canopy is lit up.

4. Requirements for Upper Level Building Identification Signs.

Any Building Identification Signs located above the first twenty-six (26) feet of Building height shall be considered an upper level Building Identification Sign.

i). The total Sign Surface Area of upper level Building Identification Signs.

The total Sign Surface Area of all upper level Building Identification Signs oriented to an Individual facade shall not exceed:

Front, Side, or Rear Facade -two and one-half (2.5) percent of the total area of the applicable facade of a Building located above twenty-six (26) feet above Grade.

ii). Illumination of upper level Building Identification Signs.

Upper level Building Identification Signs shall not be internally illuminated.

C. Incidental Signs.

1. Type of Incidental Signs.

Incidental Signs shall be Wall Signs.

2. Number of Incidental Signs.

There shall be no limit on the number of Incidental Wall Signs and such Signs shall be exempt from the total number of Building Identification Signs permitted by **Section 6.6. B.. 2** above. However, such Signs shall be calculated in the total Sign Surface Area for the Building facade on which they are placed.

D. Window Signs (Building Identification and Incidental).

The provisions of **Section 6.6, B**, and **C** above shall not apply to Window Signs. Window Signs shall comply separately with the following:

1. Maximum Number of Window Signs. There shall be no limit on the number of Window Signs permitted.

2. Maximum area of window coverage for Window Signs.

The Sign copy area shall not exceed ten (10) percent of the window surface area on which it is placed or through which it is viewed.

3. Illumination of Window Signs. Window Signs shall not be internally illuminated.

E. Development Plan Approval Required.

1. All Freestanding and Building Identification Signs in the VBD District shall be subject to the filing of a Development Plan for review and approval by the Building Commissioner as set forth in Article 4 of this Ordinance.

2. Development Plan Approval petitions for Signs in the VBD District shall be submitted as a part of the application for an Improvement Location Permit for Signs.

3. Findings.

The Building Commissioner shall grant Development Plan Approval upon written finding that the proposed Freestanding or Building Identification Sign:

i). Is consistent with and harmonious to the Buildings and sites which they occupy;

ii). Represents a use of design features which will enhance the use or value of area properties;

iii). Utilizes materials and is of a style which is compatible with the Zionsville Theme;

iv). Is consistent with the intent and purpose of this Ordinance.

Section 6.7. Urban On-Premise Signs: Signs in Residential and Open Land Districts

A. Signs Permitted in the 0-1 District; and R-SF-1, R-SF-2, R-SF-3, R-SF-4 Districts.

1. Individual Lots containing Single Family Dwellings, Two-Family Dwellings. Residential Facilities for the Mentally Ill, Residential Facilities for the Developmentally Disabled, and Child Care Home Uses shall be permitted one (1) Ground Identification or Building Identification Sign per Street Frontage of the Lot, identifying the name or address of the occupant, provided:

   i). The maximum Sign Surface Area shall not exceed two (2) square feet;

   ii). The Sign shall be constructed a material(s) which blends in with the residential character of the neighborhood, such as but not limited to, wood or stone;

   iii). The Sign shall not encroach into any Public Right-of-Way;

   iv). The maximum height of a Ground Identification Sign shall not exceed four (4) feet;

   v). The Sign shall not interfere with the Vision Clearance Area as specified in **Section 1.21**; and,

   vi). The Sign shall not be internally illuminated.

2. Signs for Recorded, Platted Residential Subdivisions in the R-SF-l, R-SF-2, R-SF-3, and R-SF-4 Districts.

   In addition to Signs permitted in **Section 6.7, A**., above for individual Lots, a recorded, platted residential subdivision also shall be permitted the following Signs:

   Two (2) Ground Identification Signs shall be permitted at each entrance to a recorded, platted residential Subdivision provided:

   i). The Signs shall indicate only the name of the Subdivision;

   ii). The Signs shall not exceed twenty-four (24) square feet in Sign Surface Area each. If a Sign is located on a fence or wall, only the area of the actual Sign itself shall be calculated in determining the maximum Sign Surface Area, not the fence or wall itself. Fence or wall height shall comply with **Section 3.1, B., 3**.;

iii). The Maximum height of a Ground Identification Sign shall not exceed four (4) feet;

iv). The Signs shall not encroach into any Public Right-of-Way;

v). The Signs shall not interfere with the Vision Clearance Area as specified in **Section 1.21**;

vi). Only one (1) Sign shall be permitted in each quadrant of an intersection;

vii). The Signs shall not be internally illuminated; and,

viii). The Signs shall be surrounded by a landscaped area at least equal to the Sign area of the Signs erected. Landscaping shall consist of living vegetation (annuals, perennials, ornamental grasses, hedge plants or trees) and natural ground cover materials. Loose stone, rock or gravel may be used as a landscaping accent, but shall not exceed twenty (20) percent of the landscaped area. Plant materials used to satisfy this provision shall not be used to satisfy the calculations of landscaping required by any other provisions of this Ordinance.

B. Signs Permitted in the R-MF-l and R-MF-2 Districts.

Multifamily Dwelling Uses shall be permitted two (2) Ground Identification Signs at each entrance to a Multifamily Dwelling project provided:

1. The Signs shall indicate only the name, address of the management thereof, or associated information of the Multifamily Dwelling project;

2. Each Sign shall not exceed twenty-four (24) square feet in Sign Surface Area each. If a Sign is located on a fence or wall, only the area of the actual Sign itself shall be calculated in determining the maximum Sign Surface Area, not the fence or wall itself. Fence or wall height shall comply with **Section 3.1. B., 3.;**

3. The Signs shall maintain a minimum Front Yard Setback of ten (10) feet from the Proposed Right-of-Way. In the case where a Proposed Right-of-Way line does not exist, as determined by the Transportation Plan, or where the existing Right-of-Way is greater, the existing Right-of-Way line shall be used for the setback measurement. The Signs shall maintain a minimum Side and Rear Yard Setback consistent with the requirements for an Accessory Structure in the District to which the real estate is zoned;

4. The Maximum height of a Ground Identification Sign shall not exceed four (4) feet;

5. The Signs shall not interfere with the Vision Clearance Area as specified in **Section 1.21**; and,

6. The Signs shall not be internally illuminated.

7. The Signs shall be surrounded by a landscaped area at least equal to the Sign area of the Sign erected. Landscaping shall consist of living vegetation (annuals, perennials, ornamental grasses, hedge plants or trees) and natural ground cover materials. Loose stone, rock or gravel may be used as a landscaping accent, but shall not exceed twenty (20) percent of the landscaped area. Plant materials used to satisfy this provision shall not be used to satisfy the calculations of landscaping required by any other provisions of this Ordinance.

C. Signs Permitted for Business and Other Uses Permitted by Special Exception in the 0-1 District and the "R Districts.

The following regulations shall apply to all businesses and other uses permitted in the Residential Districts by Special Exception.

1. Freestanding Identification Signs.

i). Type of Signs.

Freestanding Identification Signs shall be Ground Signs.

ii). Number of Signs.

One (I) Freestanding Identification Sign shall be permitted for each Street Frontage of a Lot.

iii). Maximum Sign Surface Area of Freestanding Identification Signs.

Maximum Sign Surface Area shall not exceed twenty-four (24) square feet.

iv). Minimum Front, Side and Rear Yard Setback for Freestanding Identification Signs.

(a) Front Yard Setback -ten (10) feet from Proposed Right-of-Way. In the case where a Proposed Right-of-Way line does not exist, as determined by the Transportation Plan, or where the existing Right-of-Way is greater, the existing Right-of-Way line shall be sued for the setback measurement.

(b) Side and Rear Yard Setback -The minimum Side or Rear Yard Setback for a Freestanding Identification Sign shall be the same as required for an Accessory Structure in the applicable zoning District.

v). Maximum Height of Freestanding Identification Signs.

The maximum height of a Ground Identification Sign shall not exceed four (4) feet in height above Grade.

vi). Landscaping.

The Sign shall be surrounded by a landscaped area at least equal to the Sign area of the Sign erected. Landscaping shall consist of living vegetation (annuals, perennials, ornamental grasses, hedge plants or trees) and natural ground cover materials. Loose stone, rock or gravel may be used as a landscaping accent, but shall not exceed twenty (20) percent of the landscaped area. Plant materials used to satisfy this provision shall not be used to satisfy the calculations of landscaping required by any other provisions of this Ordinance.

2. Building Identification Signs.

i). Type of Signs.

Building Identification Signs shall be Wall Signs.

ii). Number of Building Identification Signs.

There shall be no limit, to the number of Wall Building Identification Signs, provided that the total Sign Surface Area of all Wall Identification Signs located on a Building shall not exceed the maximum Sign Surface Area for the Building.

iii). Maximum Sign Surface Area of Building Identification Signs.

The total Sign Surface Area of all Building Identification Signs oriented to an individual facade shall not exceed:

(a) Front Facade -three (3) percent of the total area of a front facade of a Building. For any Building which has more than one (1) Street Frontage, the maximum Sign Surface Area of three (3) percent shall apply to all Building facades with Street Frontages. A Building facade shall be determined to have Street Frontage when it is parallel to the Street or is at no greater than a forty-five (45) degree angle to the Street.

(b) Side and Rear Facades -two and one half (2 1/2) percent of a side or Rear facade of building.

Provided, that for any Building which has more than one Street Frontage, the maximum Building Identification Sign Surface Area of three (3) percent shall apply to all Building facades with Street Frontages.

D. Incidental Signs.

In addition to Signs permitted in **Section 6.7, B., and C**., above, Incidental Signs shall be permitted in the R-MF-1 and R-MF-2 Districts, and shall apply to all businesses and other uses permitted in the "R" Districts by Special Exception.

1. Incidental Signs.

i). Type of Signs.

Incidental Signs shall be Ground or Wall Signs.

2. Number of Signs.

i). If a Lot has one (1) Driveway, zero (0) Incidental Directional Signs shall be permitted at the Driveway entrance or exit;

ii). If a Lot has more than one (1) Driveway, one (1) Incidental Directional Sign shall be permitted for each Driveway; and,

iii). One (1) Incidental Directional Sign or one (1) Incidental Parking and Loading Sign shall be permitted at each critical turning point along an Interior Access Drive when required to safely direct vehicular traffic (e.g., to direct vehicular. traffic to: a customer or employee Parking Area; or, a delivery or Loading Area).

iv). Maximum Sign Surface Area of Incidental Signs.

Incidental Signs shall not exceed two (2) square feet in Sign Surface Area.

v). Minimum Front, Side and Rear Yard Setback for Freestanding, Incidental Signs.

(a) Front Yard Setback -Three (3) feet from Proposed Right-of-Way. In the case where a Proposed Right-of-Way line does not exist, as determined by the Transportation Plan, or where the existing Right-of-Way is greater, the existing Right-of-Way line shall be used for the setback measurement.

(b) Side and Rear Yard Setback -The minimum Side or Rear Yard Setback for a Free-standing Incidental Sign shall be the same as required for an Accessory Structure in the applicable zoning District.

vi). Maximum Height of Incidental Signs.

The maximum height of a Freestanding, Incidental Ground Sign shall not exceed two and one half (2 1/2) feet in height above Grade.

E. Development Plan Approval Required.

1. All Freestanding and Building Identification Signs in the "R" Districts shall be subject to the filing of a Development Plan for review and approval by the Building Commissioner as set forth in Article 4 of this Ordinance.

2. Development Plan Approval petitions for Signs in the "R" Districts shall be submitted as a part of the application for an Improvement Location Permit for Signs.

3. Findings.

The Building Commissioner shall grant Development Plan Approval upon written finding that the proposed Freestanding or Building Identification Sign:

i). Is consistent with and harmonious to the Buildings and sites which they occupy;

ii). Represents a use of design features which will enhance the use or value of area properties;

iii). Utilizes materials and is of a style which is compatible with the Zionsville Theme;

iv). Is consistent with the intent and purpose of this Ordinance.

Section 6.8. Urban On-Premise Signs: Signs in Special Use Districts

A. Maximum Number of Signs Permitted

No individual Special Use shall be permitted more than four (4) Identification Signs (i.e., any combination of Freestanding, Building. Suspended, or Window Signs).

B. Freestanding Identification Signs for Single Use Sites

1. Type of Signs. Freestanding Identification Signs shall be Ground Signs.

2. Number of Signs.

One (1) Freestanding Identification Sign shall be permitted for each Street Frontage of a Lot.

When a Lot has more than one (1) Street Frontage and qualifies for an additional Freestanding Identification Sign, the minimum separation between Freestanding Identification Signs on the Lot, regardless of the orientation of the Freestanding identification Signs, shall be one hundred (100) feet.

Exception -When a Lot has Frontage in excess of five hundred (500) feet on the same Street, one (1) additional Freestanding Identification Sign shall be permitted on that Street for each additional five hundred (500) feet of Frontage. provided that:

i). the minimum separation between Freestanding Identification Signs along the same Street shall be three hundred (300) feet;

ii). the additional Freestanding Identification Sign is oriented to the Street with Frontage in excess of five hundred (500) feet; and,

iii). the total Sign Surface Area of all Freestanding Identification Signs does not exceed the maximum Sign Surface Area permitted below.

3. Maximum Sign Surface Area of Freestanding Signs.

Maximum Sign Surface Area shall apply individually to each Street Frontage.

The Maximum Sign Surface Area shall not exceed:

Street Frontage	Maximum Sign Surface Area
less than three hundred (300) feet	twenty-four (24) square feet for
each additional linear foot of Street Frontage	0.25 square foot of additional Sign Surface Area.

Provided, however, that no Freestanding Sign shall exceed seventy-two (72) square feet.

4. Minimum Front, Side and Rear Setback for Freestanding identification Signs.

i). Front Yard Setback -The minimum Front Yard Setback for any Freestanding Identification. Sign shall be:

(a) Required Front Yard -ten (10) feet from the Proposed Right-of-Way.

(b) Required Front Bufferyard-twenty (20) feet from the Proposed Right-of-Way.

In the case where a Proposed Right-of-Way line does not exist, as determined by the Transportation Plan, or where the existing Right-of-Way is greater, the existing Right-of-Way line shall be used for the setback measurement.

ii). Side and Rear Yard Setback or Side and Rear Bufferyard Setback -The minimum Side or Rear Yard Setback for a Freestanding Identification Sign shall be the greater of five (5) feet or that required for any Building or Structure in the applicable zoning District.

5. Maximum Height of Freestanding Identification Signs.

   Ground Sign -The maximum height of a Freestanding Ground Identification Sign shall not exceed six (6) feet in height above Grade. .

6. Landscaping.

   Freestanding Identification Signs shall be surrounded by a landscaped area at least equal to the Sign area of the Sign erected. Landscaping shall consist of living vegetation (annuals, perennials, ornamental grasses, hedge plants or trees) and natural ground cover materials. Loose stone, rock or gravel may be used as a landscaping accent, but shall not exceed twenty (20) percent of the landscaped area. Plant materials used to satisfy this provision shall not be used to satisfy the calculations of landscaping required. by any other provisions of this Ordinance.

7. Illumination.

   Freestanding Identification Signs shall not be internally illuminated.

C. Building Identification Signs.

1. Type of Signs.

   Building Identification Signs shall be limited to Wall Signs and Suspended Signs.

2. Number of Building Identification Signs. One (1) Wall Building Identification Sign per tenant space per facade. In addition, each tenant space shall be permitted one (1) Suspended Sign, per **Section 6.8, C., 4,** below.

3. Maximum Sign Surface Area of Building Identification Signs.

   The total Sign Surface Area of all Building Identification Signs. including Wall and Suspended Signs, oriented to an individual facade shall not exceed:

i). Front Facade -three (3) percent of the total area of the front facade of the Structure or tenant space. For any Building which has more than one (1) Street Frontage, the maximum Sign Surface Area of three (3) percent shall apply to all Building facades with Street

Frontages. A Building facade shall be determining to have Street Frontage when it is parallel to the Street or is at no greater than a forty-five (45) degree angle to the Street.

ii). Side and Rear Facades -two and one half (2 1/2) percent of the side or rear facade of the Structure or tenant space; and

iii). The linear measurement of a Business Identification Wall Sign shall not exceed-eighty (80) percent of the linear width of the facade of the Structure or tenant space on which the Sign is located.

4. Additional provisions for lower level Suspended Signs.

i). Maximum Sign Surface Area for Suspended Signs. The Maximum Sign Surface area for a suspended sign shall not exceed five (5) square feet.

ii). Maximum Number of lower level Suspended Signs. One (1) Suspended Sign shall be permitted per each Building facade.

iii). Minimum Height above Grade for lower level Suspended Signs.

All portions of any Suspended Sign or Sign Structure shall be not less than eight (8) feet above the sidewalk or finished Grade.

D. Incidental Signs.

1. Type of Signs.

Incidental Sighs shall be Ground or Wall Signs.

2. Number of Signs.

i). If a Lot or Integrated Center has one (1) Driveway, zero (0) Incidental Directional Signs shall be permitted at the Driveway entrance or exit;

ii). If a Lot or Integrated Center has more than one (1) Driveway, one (1) Incidental Directional Sign shall be permitted for each Driveway; and,

iii). One (1) Incidental Directional Sign or one (1) Incidental Parking and Loading Sign shall be permitted at each critical turning point along an Interior Access Drive when required to safely direct vehicular traffic (e.g., to direct vehicular traffic to: a customer or employee Parking Area; or. a delivery or Loading Area). .

3. Maximum Sign Surface Area of Incidental Signs.

4. Incidental Signs shall not exceed six (6) square feet in Sign Surface Area per Sign.

Minimum Front, Side and Rear Yard Setback for Freestanding Incidental Signs.

i). Front Yard Setback or Front Bufferyard Setback -three (3) feet from Proposed Right-of-Way. In the case where a Proposed Right-of-Way line does not exist, as determined by the Transportation Plan, or where the existing Right-of-Way is greater, the existing Right-of-Way line shall be used for the setback measurement.

ii). Side and Rear Yard Setback or Side and Rear Bufferyard Setback -the same as required for any Building or Structure in the applicable zoning District.

5. Maximum Height of Incidental Signs.

The maximum height of a Freestanding Incidental Ground Sign shall not exceed:

i). Incidental Directional Signs shall not exceed two and one half (2.5) feet in height above Grade.

ii). Incidental Parking and Loading Signs shall not exceed four (4) feet in height above Grade.

E. Window Signs.

The Sign copy shall not exceed five (5) percent of the total Grade level window surface area of the Building facade on which it is placed or through which it is viewed.

The Sign surface area of Window Signs shall be calculated separately from the calculation of other Building Identification Signs and shall not be included in the total area of other Building Identification Signs permitted.

Window Signs shall not be internally illuminated.

F. Development Plan Approval Required.

1. All Freestanding and Building Identification Signs in the Special Use Districts shall be subject to the filing of a Development Plan for review and approval by the Building Commissioner as set forth in Article 4 of this Ordinance.

2. Development Plan Approval petitions for Signs in the Special Use Districts shall be submitted as a part of the application for an Improvement Location Permit for Signs.

3. Findings.

The Plan Commission shall grant Development Plan Approval upon written finding that the proposed Freestanding or Building Identification Sign:

i). Is consistent with and harmonious to the Buildings and sites which they occupy;

ii). Represents a use of design features which will enhance the use or value of area properties;

iii). Utilizes materials and is of a style which is compatible with the Zionsville Theme;

iv). Is consistent with the intent and purpose of this Ordinance.

Section 6.9. Urban Off-Premise Outdoor Advertising Signs

A. Districts Allowed.

Off-Premise Outdoor Advertising Signs shall be a permitted in the-I-2•General Industrial District and the I-3 Heavy Industrial District, provided, however, that Off-Premise Outdoor Advertising Signs shall not be permitted within six hundred (600) feet of the Proposed Right-of-Way of U.S. Highway 421- Michigan Road.

B. Type of Signs.

Off-Premise Outdoor Advertising Signs shall be Pole or Ground Signs.

C. Maximum Sign Surface Area for Off-Premise Outdoor Advertising Signs.

1. Sign Surface Area -an Off-Premise Outdoor. Advertising Sign shall not exceed seventy-two (72) square feet in Sign Surface Area;

2. Number of Displays -an Off-Premise Outdoor Advertising Sign shall not contain more than two (2) Advertising Signs per Sign Surface;

3. Extensions Allowed -temporary extensions or embellishments integrally incorporated into the Sign Surface having: a vertical height of no more than two (2) feet above the top of a Sign; a maximum horizontal dimension of no more than one (I) foot beyond the sides of the Sign; and, a maximum vertical dimension of one (1) foot below the bottom of the Sign, shall be allowed.

D. Spacing Between Off-Premise Outdoor Advertising Signs.

The minimum distance between Off-Premise Outdoor Advertising Signs shall be as specified below.

1. Linear Spacing -The minimum distance between Off-Premise Outdoor Advertising Signs located along and oriented towards the same side of a Public Street shall be two thousand five hundred (2,500) linear feet subject to the following:

i). The spacing requirement shall be applied equally to both sides of the Street at the same time regardless of whether the Off-Premise Outdoor Advertising Signs are on the same side of the Street;

ii). The spacing requirement shall be applied continuously along a Street to all Off-Premise Outdoor Advertising Signs oriented towards that Street in either direction whether the Off Premise Outdoor Advertising Signs are in the same block or are in different blocks separated by an intersecting Street;

iii). For purposes of applying the spacing requirement to; Off-Premise Outdoor Advertising Signs, Pole or Ground Signs shall be treated the same, whether double-faced or single-faced; and,

iv). Off-Premise Outdoor Advertising Signs located at the same intersection are not in violation of the minimum spacing requirement specified herein, because of their nearness to one another if they are located so that their messages are directed towards traffic flowing in different directions.

2. Measurement of Linear Spacing -The method of measurement of the spacing between Off Premise Outdoor Advertising Signs oriented towards the same Street shall be along the centerline of the Street to which the Off-Premise Sign is oriented from the point in the Street's centerline closest to the leading edge of the Off-Premise Sign.

3. Radial Spacing. In no event shall an Off-Premise Outdoor Advertising Sign be closer than one thousand (1,000) feet from any other Off-Premise Outdoor Advertising Sign regardless of location or orientation.

E. Minimum Front, Side and Rear Yard Setback for Off-Premise Outdoor Advertising Signs.

1. Front Yard Setback -The minimum Front Yard Setback for an Off-Premise Outdoor Advertising Sign shall be sixty (60) feet from the Proposed Right-of-Way.

2. Side and Rear Yard Setback -Off-Premise Outdoor Advertising Signs may have a maximum height of up to four (4) feet above Grade when located at the minimum required Side or Rear Yard Setback. The maximum height may be increased-by one (l) foot in height for each additional one (1) foot of Setback from the minimum required Side or Rear Yard until the maximum height allowed for an Off-Premise Outdoor Advertising Sign is reached.

F. Maximum Height of Off-Premise Outdoor Advertising Signs.

The maximum height of an Off-Premise Outdoor Advertising Ground Sign shall not exceed six (6) feet in height above Grade.

The maximum height of an Off-Premise Outdoor Advertising Pole Sign shall not exceed fifteen (15) feet in height above Grade.

G. Construction of Off-Premise Outdoor Advertising Signs.

The supports, uprights, bracing and framework of an Off-Premise Outdoor Advertising Pole Sign shall be of steel construction.

H. Separation from "R" Districts.

No Off-Premise Outdoor Advertising Sign shall be located within six hundred (600) feet of any "R" District.

Section 6.10. RURAL : Signs

SIGNS. The purpose of this **section** is 1) to encourage the effective use of signs as a means of communication in the county; 2) to maintain and enhance the aesthetic environment and the county's ability to attract sources of economic development and growth; 3) to minimize the possible adverse effect of signs on nearby public and private property; 4) and to enable the fair and consistent enforcement of these sign restrictions.

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

1. STATE REQUIREMENTS. Signs and advertising structures are also subject to the requirements of The Highway Advertising Control Act of 1967, as amended. All signs and advertising structures shall conform to the provisions of said Act. Should this ordinance and the Act be in conflict, the requirements of the more restrictive shall apply.

2. LOCAL REQUIREMENTS. Signs and advertising structures may be subject to local ordinances of incorporated cities or towns in the jurisdictional area of this ordinance. Should the two be in conflict, the requirements of the more restrictive shall apply.

3. SIGNS ALLOWED WITH AND WITHOUT PERMITS. Signs shall be allowed on private property in accordance with **Table 11, Sign Regulations.** The letter "X" means such sign is allowed without a permit in the appropriate zoning districts. The letter "P" means such sign is allowed only with permit approval in the appropriate zoning districts. Special conditions may apply in some cases. If an "X" or "P" is not present, such sign is not allowed in the zoning district under any circumstances. Although permitted under the previous paragraph, a sign designed by a "P" or "X" in **Table 11, Sign Regulations** shall be allowed only if:

i). The sum of the area of all signs on the lot conforms to the maximum permitted sign area (as determined by the formula for the zoning district in which the lot is located).

ii). The size, location, and number of signs on the lot conform with the requirements which establishes permitted sign dimensions by sign type, and with any additional limitations;

iii). The characteristics of the sign conform with the requirements and to any additional limitations listed in **Table 11**.

4. DESIGN, CONSTRUCTION, AND MAINTENANCE OF SIGNS. All signs shall be designed, constructed, and maintained in accordance with the following standards:

i). All signs shall comply with applicable provisions of the Uniform Building Code and the electrical code.

ii). Except for banners, flags, and window signs conforming in all respects with the requirements of this ordinance, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, building, or another structure by direct attachment to a rigid wall, frame, or structure.

iii). All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this ordinance.

5. PERMITS FOR SIGNS IN THE PUBLIC RIGHT-OF-WAY. No signs shall be allowed in the public right-of-way, except for the following:

i). Permanent Signs. Permanent signs shall be in accordance with the conditions of the **Table** included in this ordinance regarding, Sign Regulations. Such permitted permanent signs include public signs erected by or on behalf of a governmental body, public transit company, or public utility.

ii). Emergency Signs. Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public

iii). Other Signs Forfeited. Any sign installed or placed on public property, except in conformance with the requirements of this **section**, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the county shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

6. SIGNS EXEMPT FROM REGULATION UNDER THIS ORDINANCE. The following signs shall be exempt from regulation under this ordinance:

i). Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance;

ii). Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the lot line of the lot or parcel on which such sign is located;

iii). Works of art that do not include a commercial message;

iv). Commercial murals on barns, silos, etc;

v). Holiday lights and decorations with no commercial message; and

vi). Traffic control signs on private property, such as Stop, Yield, and similar signs, the face of which meet the Department of Transportation standards and which contain no commercial message of any sort.

vii). Temporary campaign signs displayed for not more than one month before and two days after said election is held.

7. SIGNS PROHIBITED UNDER THIS ORDINANCE. All signs not expressly permitted under this ordinance or exempt from regulation hereunder are prohibited in the county. Such signs include, but are not limited to: beacons, pennants, strings of lights not permanently mounted to a rigid background, and inflatable signs and tethered balloons.

8. GENERAL PERMIT AND INSPECTION PROCEDURES. The following shall be procedure for locating or modification of all sign permits under this ordinance.

i). Applications.

All applications for sign permits shall be submitted on an application form published by the Town of Zionsville. One application may include multiple signs on the same lot, however a separate permit will be issued and a separate fee will be collected for each sign.

ii). Site Plan.

For any lot on which the owner proposes to erect one or more signs requiring a permit, the owner shall submit a site plan containing the following:

(a) A plot plan of the lot, at such scale as may be reasonably required.

(b) Location of buildings, parking lots, driveways, and landscaped areas on such lot.

(c) Computation of the total sign area for all signs, the height of each sign, and the number of signs.

(d) An accurate indication on the plot plans of the proposed location of each present and future sign of any type, whether requiring a permit or not. Incidental signs need not be shown.

iii). Fees.

Upon the issuance of a permit, the applicant shall provide all applicable fees, as established in the Town of Zionsville Fee Schedule.

iv). Computations.

(a) Computation of Area of Individual Signs. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest shape that will encompass the extreme limits of the sign, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.

(b) Computation of Area of Multifaceted Signs. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces.

(c) Computation of Height. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is lower.

(d) Computation of Maximum Total Permitted Sign Area for a Lot. The permitted sum of the area of all individual signs on a lot shall be computed by applying the formula contained in the **Table** included in this ordinance regarding Sign Regulations to the road frontage, building frontage, or wall area, as appropriate, for the zoning district in which the lot is located. Lots fronting on two or more streets are allowed the permitted sign area for each street frontage. However, the total sign area that is oriented toward a particular street may not exceed the portion of the lot's total sign area allocation that is derived from the lot, building, or wall area frontage on that street.

v). Inspection.

A final inspection of each permit for a new sign or modification of an existing sign will be performed six months after the issuance of such permit or earlier if owner requests. If the construction is not substantially complete at the time of inspection, the permit shall lapse and become void. If the construction is complete and in full compliance with this ordinance and with the building and electrical codes, a permanent label identifying the sign and permit number shall be affixed. If the construction is substantially complete but not in full compliance with this ordinance and applicable codes, the owner or applicant shall be notified of the deficiencies and shall be given an additional 30 days from the date of inspection for the deficiencies to be corrected. If the deficiencies are not corrected by such date, the permit shall lapse. If the construction is then complete, a

permanent label identifying the sign(s) and applicable permit number shall be affixed.

vi). Lapse of a Sign Permit.

A continuing sign permit shall lapse automatically if the business or activity on the premises is discontinued for a period of 180 days or more.

9. NONCONFORMING SIGNS AND SIGNS WITHOUT PERMITS. Except as otherwise provided herein, the owner of any lot or other premises on which exists a sign that does not conform with the requirements of this ordinance, a previous applicable ordinance, or for which there is no valid sign permit issued under a previous ordinance shall be obligated to remove such sign.

i). Nonconforming Existing Signs, Permits, and Terms.

A sign that would be permitted under this ordinance only with a sign permit, but which was in existence at the time this ordinance went into effect, and which was constructed in accordance with the ordinance and other applicable laws in effect on the date of its construction, but which by reason of its size, height, location, design, or construction is not in conformance with the requirements of this ordinance, shall be classified as a Nonconforming Sign. A change in the information on the face of an existing nonconforming sign is allowed. However, any nonconforming sign shall either be eliminated or made to conform to the requirements of this **section** upon proposed expansion of the sign or if the face area of such sign has been damaged beyond 50%.

ii). Lapse of Permit for a Nonconforming Sign.

A permit for a nonconforming sign shall lapse and become void under the same circumstances as those under which any other sign permit may lapse and become void.

10. VIOLATIONS. Any of the following shall be a violation of this ordinance and shall be subject to the enforcement remedies and penalties provided by this ordinance, and by state or federal law:

i). To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the zone lot on which the sign is located;

ii). To install, create, erect, or maintain any sign requiring a permit without such a permit;

iii). To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the zone lot on which sign is located;

iv). To fail to remove any sign that is installed, created, erected, or maintained in violation of this ordinance, or for which the sign permit has lapsed; or

v). To continue any such violation. Each such day of a continued violation shall be considered a separate violation when applying the penalty portions of this of this ordinance.

11. ENFORCEMENT AND REMEDIES. A violation of this **section** of the ordinance shall be considered a violation of the zoning ordinance and shall be enforced accordingly.

Table 16: RURAL Sign Regulations

		AG	R1	R2	R3, R4, MF	LB	PB	GB, UB	AB	AZ, 11,12
Total Number of all types of Signs Permitted										
	Per Lot	1	1	1		1				
	Per lot per linear feet of road				1/200		1/100	1/200	1/200	1/200
Lighting										
	Animated, Exposed Bulbs, or									
	Internal/External Illumination					X	P (k)	P	P	P
Regulations for On-Premises Freestanding Signs										
Regulations	Maximum Combined area	6	6	6	12	40	40	80	160	80
Maximum Height (feet)		5	5	5	5	12	12	12	36	12
Setback (feet) (j)		2	2	2	2	2	5 (h)	5 (h)	10	10
Type	Residential (a)	P	P	P	P					
	Incidental (b)				X (b)	X	X (b)	atX	X	X
	Other	P			P	P	P	P	P	P
Regulations for Off-Premises Freestanding Signs										
	Permitted Districts							P	P	P

	(i)									
	Maximum Area (per side)							100	200	150
	Maximum Height (feet)							35	5	35
	Setback (feet) (j)							20	20	20
Regulations for All Other Signs										
Regulations	Maximum Area (sq. ft.)	2	2	2	2	10				
	Maximum Wall Area (%)						10%	15%	15%	20%
Type	Banner (b), Canopy						P	P	P	P
	Incidental (b)				X (e)	X	X (b)	X	X	X
	Marquee (f), Roof-Integral, Temporary (h)									
	Residential (a)	P	P	P				P	P	
	Suspended (f)					P				
	Wall					P	P	P	P	P
	Flag (g)	X	X	X	X	X	X	X	X	X

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

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

i). No commercial message allowed on sign, except for a commercial message drawing attention to an activity legally offered on the premises.

ii). No commercial message of any kind allowed on sign if such message is legible from any location off the lot on which the sign is located.

iii). Only address and name of occupant allowed on sign.

iv). May include only building name, date of construction, or historical data on historic site; must be cut or etched into masonry, bronze, or similar material.

v). No commercial message of any kind allowed on sign.

vi). If such a sign is suspended or projects above a public right-of-way, the issuance and continuation of a sign permit shall be conditioned on the sign owner obtaining and maintaining in force liability insurance for such a sign in such form and such amount as the Director may reasonably from time to time determine, provided that the amount of such liability insurance shall be at least $500,000 per occurrence per sign.

vii). Flags of the United States, the state, the city, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided that such a flag shall not exceed 60 square feet in area and shall not be flown from a pole the top of which is more than 40 feet in height. These flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting any one or more of these conditions shall be considered a banner sign and shall be subject to regulation as such.

viii). Maximum sign height is 12 feet, and minimum setback is five feet; however, in no case shall the actual sign height exceed the actual sign setback from any adjacent lot that is zoned and used for residential purposes. For example, if the sign is set back seven feet from such a lot, it may be no more than seven feet high.

ix). Must be 1,000 from any other off-premises sign on the same side of the road, measured along the right-of way.

x). In addition to the setback requirements on this **table**, signs shall be located such that there is at every street intersection a clear view between heights of three feet and 10 feet in a triangle formed by the corner and points on the curb 30 feet from the intersection or entranceway.

xi). No direct light or significant glare from the sign shall be cast onto any adjacent lot that is zoned or used for residential purposes.

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ARTICLE 7: DISTRICTS AND MAPS

Section 7.1. Official Zone Map

All real property located within the corporate boundaries of the Town of Zionsville and under the jurisdiction of the Plan Commission as set forth in this Ordinance is hereby divided into Districts as shown on the Official. Zone Map which, together with all explanatory matter, is incorporated by reference and declared to be a part of this Ordinance.

Section 7.2. Identification of the Official Zone Map

The Official Zone Map shall be identified by: the signature of the Plan Commission President; the attestation of the Secretary; and, the Seal of the Plan Commission under the following words: "This is to certify that this is the Official Zone Map of the Town of Zionsville, County of Boone, State of Indiana", together with the date of adoption of this Ordinance.

Section 7.3. Official Zone Map Changes

If, after the certification of the Official Zone Map by the Plan Commission, the Town Council, in accordance with the provisions of this Ordinance and **Indiana Code 36-7-4-600 et seq**., changes any of the district boundaries or other matter portrayed on the Official Zone Map, such changes shall be entered by Staff on a Working Copy of the Official Zone Map which is maintained in the office of the Clerk-Treasurer of the Town of Zionsville. The Working Copy of the Official Zone Map shall be available for public inspection and reference during all normal business hours. In case of discrepancy between changes noted on the Working Copy of the Official Zone Map and the official printed record of the Town Council, the official printed record of the Town Council shall control.

In the event that the Official Zone Map becomes worn, damaged, destroyed; lost, or difficult to interpret, Staff shall, on an as needed basis, prepare a revised Official Zone Map for review and recommendation by the Plan Commission at a public hearing for which proper notice is provided. A revised Official Zone Map shall incorporate all official actions of the Town Council related to matters depicted on the Official Zone Map since the adoption of the prior Official Zone Map. A revised Official Zone Map may also include revisions to correct drafting errors and changes in the base information related to plats or streets.

The Plan Commission shall certify its recommendation of such revised Official Zone Map to the Town Council for official adoption by the Town Council. Any revised Official Zone Map shall be identified as described above with the addition of the phrase "As amended to and including the Town Council docket of(applicable date)."

No change of any nature shall be made in the Official Zone Map, or matter shown thereon. except in conformity with the amendment procedures set forth in this Ordinance.

Section 7.4. Retention and Preservation of Records

Unless the prior Official Zone Map has been lost or completely destroyed, the prior Official Zone Map, along with all available records pertaining to its adoption or amendment, shall be retained and preserved in the office of the Clerk-Treasurer of the Town of Zionsville.

Section 7.5. Interpretation of the Official Zone Map

Where uncertainty exists with respect to the boundaries of Districts shown on the Official Zone Map, the following rules shall apply to the interpretation of those boundaries:

A. Boundaries indicated as approximately following the center lines of thoroughfares, highways, Streets or Alleys shall be construed to follow the center lines.

B. Boundaries indicated as approximately following platted Lot lines shall be construed to follow the platted Lot lines.

C. Boundaries indicated as approximately following the corporate boundary of the Town of Zionsville shall be construed as following the corporate boundary of the Town of Zionsville.

D. Boundaries indicated as approximately following the center lines of former railroad rights-of-way, streams, rivers, lakes or other bodies of water shall be construed as fol1owing the center lines.

E. Boundaries indicated as approximately following Floodplain lines shall be construed to follow the Floodplain lines.

F. Boundaries indicated as parallel to or extensions of features indicated on the sub-sections above shall be so controlled. Distances not specifically indicated on the Official Zone Map shall be determined by the scale of the map.

G. Where a discrepancy exists between the depictions on the Official Zone Map and the text of a legal description accompanying an ordinance for zone map change duly adopted by the Town Council, the text of the legal description shall control. .

H. Where physical or cultural features existing on the ground do not agree with those shown on the Official Zone Map, or in other circumstances not covered above, the Staff shall interpret the boundaries. Any party dissatisfied with the interpretation of the Staff may appeal such interpretation to the Board of Zoning Appeals.

Section 7.6. Zoning of Newly Annexed Land

Any land which is annexed to the Town of Zionsville shall be zoned as follows:

A. Land which was zoned to an agricultural or residential classification pursuant to the zoning ordinance of Boone County shall be assigned an R-SF-2 District zoning classification of the Town of Zionsville Zoning Ordinance upon annexation to the Town of Zionsville with the exception that any land designated as "Equestrian/Estate Residential" of the Future Land Use Map of Chapter 6 (Land Use) of the Zionsville Master Development Plan, adopted as Resolution #2002-01 of the Town Council of the Town of Zionsvil1e, Indiana, shall be assigned an R-E District zoning classification of the Town of Zionsville Zoning Ordinance;

B. Land which was zoned to a business classification pursuant to the zoning ordinance of Boone County shall be assigned a B-1 District zoning classification of the Town of Zionsville Basic Zoning Ordinance upon annexation to the Town of Zionsville;

C. Land which was zoned to an industrial classification pursuant to the zoning ordinance of Boone County shall be assigned an I-ORT District zoning classification of the Zionsville Basic Zoning Ordinance upon annexation to the Town of Zionsville; and,

D. Land which was zoned to any zoning classification pursuant to the zoning ordinance of Boone County other than those identified in paragraphs A through C above shall be assigned an 0-1 District zoning classification of the Zionsville Basic Zoning Ordinance upon annexation to the Town of Zionsville;

Unless, in any of the foregoing circumstances, the Town Council of the Town of Zionsville, Boone County, Indiana assigns a different zoning c1assification(s) to the land in the ordinance annexing the land based upon evidence or testimony presented at the annexation hearing required under **IC 35-4-3-2.1**

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ARTICLE 8: ADMINISTRATIVE AND DECISION MAKING BODIES

Section 8.1. Town Council of the Town of Zionsville

The Town Council of the Town of Zionsville shall have the following powers and duties in connection with the implementation of the Comprehensive Plan and this Ordinance:

A. Approve, reject or amend a comprehensive plan, or segment thereof, certified to it by the Plan Commission.

B. Initiate amendments to the text of this Ordinance.

C. Adopt, reject or amend proposals to amend or partially repeal the text of this Ordinance.

D. Initiate amendments to the text of the Zionsville Subdivision Control Ordinance.

E. Adopt, reject or amend proposals to amend or partially repeal the text of the Zionsville Subdivision Control Ordinance.

F. Adopt or reject proposals to amend zone maps.

G. Such additional powers and duties as may be set forth for the Town Council elsewhere in this Ordinance or Indiana State Law.

Section 8.2. Town of Zionsville Plan Commission

A. Establishment.

The Town of Zionsville Plan Commission is hereby re-established in accordance with **Indiana Code 36-7-4-200 et seq**.

B. Membership, Qualifications and Terms.

The membership of the Plan Commission, the qualification of its members and the terms of membership shall be in accordance with **Indiana Code 36-7-4-200 et seg.**

C. Duties and Powers.

The Plan Commission is hereby vested with the duties and powers imposed upon and granted to an advisory plan commission under the advisory planning law, including, without limitation, the powers and duties listed below. To effectuate

the purposes of this Ordinance, the Plan Commission may, to the fullest extent permitted by applicable laws:

1. Supervise and make rules for the administration of the affairs of the Plan Commission;

2. Prescribe uniform rules pertaining to investigations and hearings, and other matters authorized by Indiana Planning and Zoning Laws;

3. Keep a complete record of all departmental proceedings;

4. Record and file all bonds and contracts and assume responsibility for the custody and preservation of all papers and documents of the Plan Commission;

5. Prepare, publish and distribute reports, ordinances and other material related to the Plan Commission activities authorized by Indiana State Law or this Ordinance;

6. Adopt a seal;

7. Certify to all official acts;

8. Supervise the fiscal affairs of the Plan Commission;

9. Prepare and submit an annual budget and be limited in all expenditures to the provisions made for expenditures by the Town Council;

10. Prescribe the qualifications of, appoint, remove, and fix the compensation of the employees of the Plan Commission;

11. Delegate authority to its employees to perform ministerial acts in all cases except where final action of the Plan Commission is necessary;

12. Designate a hearing examiner or a committee of the commission to conduct any public hearing required to be held by the Plan Commission;

13. Make recommendations to the Town Council concerning:

    i). The adoption of the Comprehensive Plan and amendments to the Comprehensive Plan;

ii). The adoption or text amendment of this Ordinance or the Zionsville Subdivision Control Ordinance;

iii). The adoption or amendment of a PUD District Ordinance; and,

iv). Proposals to change the Official Zone Maps;

14. Render decisions concerning and approve Plats or replats of Subdivisions;

15. Render decisions concerning Development Plans and amendments to Development Plans;

16. Assign Street numbers to Lots and Structures, renumber Lots and Structures. and to name or rename Streets;

17. Establish advisory committees of citizens;

18. Establish executive committees;

19. Negotiate for grants-in-aid and agree to terms and conditions attached to such grants-in-aid;

20. Subject to final confirmation and approval by the Town Council of the Town of Zionsville, establish a schedule of reasonable fees to defray the administrative costs connected with:

i). processing and hearing administrative appeals and petitions for zone map change, special exceptions, variances, planned unit development approvals, and Development Plan approvals;

ii). issuing Improvement Location Permits and special exception permits; and,

iii). other official actions taken under this Ordinance;

21. Invoke any legal, equitable, or special remedy available under this Ordinance or applicable law for the enforcement of the provisions of this Ordinance or actions taken hereunder;

22. Establish an alternate procedure for the more expedient disposition of variances of Development Standards, special exceptions, variances of use and adopt rules governing the alternate procedure; and,

23. Exercise all powers conferred on it by State law, local ordinance, or rule in the manner so prescribed. This **Section** shall not be construed as a limitation on such powers.

D. Commitments Required by the Plan Commission.

1. Commitments.

The Plan Commission may, when in the discretion of the Plan Commission it is deemed necessary to:

(i) assure the compatibility of a proposed development with surrounding properties; or (ii) to minimize the potential for the occurrence of detrimental effects from any attributes of a proposed development on surrounding properties, require or permit the owner of a parcel of property to make written Commitments concerning the use or development of the subject property in connection with a Development Plan Approval as provided for in this Ordinance, or in connection with recommending approval of a zone map change to any zoning District classification contained in this Ordinance to the Town Council as a condition of development.

The Commitments shall be reduced to writing in recordable form and signed by the owner(s) of the real estate. The Commitments shall be in effect for: (i) as long as the real estate to which they apply remains zoned to the classification to which the real estate was zoned when the Commitments were made; or (ii) modified or terminated as provided below. The Commitments shall authorize their recording by Staff in the Office of the Recorder of Boone County, Indiana upon the final approval of the zone map change by the Town Council. Following the recording of the Commitments, Staff shall return the original recorded Commitments to petitioner and shall retain a copy of the recorded Commitments in its file.

The Plan Commission, Owners of all parcels of ground adjoining the real estate and an owners of real estate within the area included in the petition who were not petitioners for approval, and other specially affected persons designated in such Commitments shall be entitled to enforce such Commitments pursuant to **Indiana Code 36-7-4-1015** or as otherwise provided applicable law.

The Commitments required by the Plan Commission shall be in substantially the form set forth in **Exhibit "A"** of this Ordinance.

2. Modification of Commitments by the Plan Commission.

Commitments required or permitted by the Plan Commission may be modified or terminated by a decision of the Plan Commission, made at a public hearing after notice to adjoining owners has been given pursuant to the Rules of Procedure of the Plan Commission. Any modification or termination of the Commitments shall not be effective until: (i) reduced to writing; (ii) approved by the Plan Commission; (iii) executed and notarized by the present owner(s) of the real estate; and, (iv) recorded in the Office of the Recorder of Boone County, Indiana.

The modification or termination of Commitments shall be in substantially the form set forth in **Exhibit "B"** of this Ordinance.

Section 8.3. Town of Zionsville Board of Zoning Appeals

A. Establishment.

The Town of Zionsville Board of Zoning Appeals is hereby established in accordance with **Indiana Code 36-7-4-900 et seq**.

B. Membership, Qualifications and Terms.

The membership of the Board of Zoning Appeals, the qualification of its members and the terms of membership shall be in accordance with **Indiana Code 36-7-4~900 et seq**.

C. Duties and Powers.

1. The Board of Zoning Appeals shall have the duty and power to:

i). Hear and determine appeals from and review any order, requirement, decision, or determination made by Staff, or administrative official under this Ordinance.

ii). Hear and determine appeals from and review any order, requirement, decision,' or determination made by an administrative board or other body except the Plan Commission in relation to the enforcement of this Ordinance.

iii). Hear and determine appeals from and review any order, requirement, decision, or determination made by Staff, an administrative board or other body except the Plan Commission in relation to the enforcement of those provisions of this Ordinance requiring the procurement of an Improvement Location Permit or a Certificate of Occupancy.

iv). Hear, and approve or deny, all special exceptions in accordance with the provisions of **Section 8, C., 4**., below.

v). Hear, and approve or deny, all variances from Development Standards of this Ordinance. A variance from Development Standards may be approved only upon written determination that:

(a) the approval will not be injurious to the public health, safety, morals and general welfare of the community;

(b) the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and,

(c) the strict application of the terms of this Ordinance would result in an unnecessary hardship in the use of the property.

vi). Hear, and approve or deny, all variances of use from the terms of this Ordinance. A variance of use may be approved only upon written determination that:

(a) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;

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

(c) The need for the variance arises from some condition peculiar to the property involved;

(d) The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and,

(e) The approval does not interfere substantially with the Comprehensive Plan.

2. Conditions.

The Board of Zoning Appeals may impose reasonable conditions as a part of its approval of any special exception or variance from the terms of this Ordinance.

3. Rules

The Board of Zoning Appeals shall adopt rules concerning: the filing of appeals; applications for special exceptions and variances; the giving of notice; the determination of interested parties to receive notice; the conduct of hearings; the determination between use variances and Development Standards variances; the creation, form, recording, modification, enforcement and termination of Commitments; and, the designation of which specially affected persons and classes of specially affected persons are entitled to enforce Commitments.

4. Special Exceptions

i). Statement of Purpose.

Certain land uses have characteristics and locational impacts which, if inappropriately located, may have a detrimental effect upon other land uses within the Town. It is therefore recognized that such land uses should be regulated in order to preserve property values, as well as promote the public health, safety. comfort, community moral standards, convenience and general welfare of the Town of Zionsville.

ii). Uses Permitted by Special Exception.

Only those uses identified in each individual zoning District as uses permitted by special exception shall be permitted by special exception in each zoning District.

iii). Grant of a Special Exception.

The Board of Zoning Appeals is hereby authorized to grant Special Exceptions to permit uses designated as uses permitted by special exception in each zoning District subject to the following requirements:

(a) A petition for Special Exception shall be filed with the Board of Zoning Appeals in accordance with the requirements for the filing of a variance, except as such requirements may be modified in this **Section**. Such petition shall include proposed detai1ed Findings of Fact pursuant to **Section 8, C., 4., c., (3),** below, in support of the determinations required to be made by the Board of Zoning Appeals.

(b) A petition for Special Exception may contain a request for a variance of Development Standards of the zoning District determined to be inappropriate for the individual Special Exception Use. The Board of Zoning Appeals may approve such a variance only if such waiver is specifically requested in said petition and specifically approved by the Board of Zoning Appeals. Any Development Standards for which a variance is granted shall require additional findings by the Board of Zoning Appeals as specified in **Section 8, C., 1., e**., above, for the grant of a variance of Development Standards.

(c) The Board of Zoning Appeals may grant a Special Exception only upon a determinations that:

i. The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;

ii. The proposed use will not injure or adversely affect the adjacent area or property values therein; and,

iii. The proposed use will be consistent with the character of the District, land uses authorized therein and the Town of Zionsville Comprehensive Plan.

(d) Additional Findings of Fact -Religious Use.

In addition to the Findings of Fact listed in (3) above, the additional Finding shall be met in order for the Board of Zoning Appeals to grant a Special Exception for a Religious Use:

• The Religious Use shall comply with the Off-Street Parking requirements of **Section 3.8**.

Additional traffic created by the Religious Use will not injure or adversely affect the adjacent area or property values therein, as satisfactorily determined by the Board of Zoning Appeals in its review of a Traffic Impact Study, following the thresholds prescribed in **Section 2.2, C., 27 of the Town of Zionsville Subdivision Control Ordinance**, incorporated into this Ordinance by reference herein.

(e) Conditions for the Grant of a Special Exception.

The grant of a Special Exception shall be subject to the following conditions:

i. The proposed use shall conform to all Development Standards of the applicable zoning District (unless a waiver of such Development Standards is requested as part of the Special Exception petition and approved by the Board o/Zoning Appeals as set forth above).

ii. The proposed use shall conform to all conditions attached to the grant of the Special Exception by the Board of Zoning Appeals. Such conditions may include any reasonable site, development, operational standards, performance standards, requirements, and restrictions deemed necessary to ensure compliance with the Findings of Fact determinations. The grant of a Special Exception may be for a limited period of time, as specified by the Board of Zoning Appeals.

(f) Basis of Board of Zoning Appeals Review.

In reviewing a Special Exception petition and making a determination as to compliance with the required findings of fact, the Board of Zoning Appeals shall give consideration to the particular needs and circumstances of each Special Exception application and shall examine the following items as they relate to the proposed use:

i. Topography and other natural site features;

ii. Zoning of the site and surrounding properties;

iii. Driveway locations, street access and vehicular and pedestrian traffic;

iv. Parking amount, location and design;

v. Building character;

vi. Landscaping, screening and buffering;

vii. Open space and other site amenities; and,

viii. Availability and adequacy of streets, sanitary facilities, potable water, and storm water management system and other utilities.

5. Other Powers

The Board of Zoning Appeals shall exercise all powers conferred on it by State law, local ordinance, or rule in the manner so prescribed. This **Section** shall not be construed as a limitation on such powers.

D. Commitments Required by the Board of Zoning Appeals.

1. Commitments

The Board of -Zoning Appeals may permit or require the owner of a parcel of property to make a written Commitment concerning the use or development of that parcel in the case of a petition for a special exception, variance from the terms of this Ordinance or a variance of Development Standards. All such Commitments shall be in recordable form and shall be recorded in the office of the Boone County Recorder and shall take effect upon the granting of the special exception or variance. Unless modified by a decision of the Board of Zoning Appeals, a recorded Commitment shall be binding on the owner of the parcel, each subsequent owner, and each other person acquiring an interest in the parcel.

The Commitments required by the Board of Zoning Appeals shall be in substantially the form set forth in **Exhibit "C^{n}** of this Ordinance.

By permitting or requiring Commitments, the Board of Zoning Appeals does not obligate itself to approve or deny any request. This **Section** does not affect the validity of any covenant, easement, equitable servitude, or other land use restriction created in accordance with law.

2. Modification of Commitments by the Board of Zoning Appeals

A Commitment may be modified or terminated only by a decision of the Board of Zoning Appeals made at a public hearing after notice to adjoining owners has been given pursuant to the Rules of Procedure of the Board of Zoning

Appeals. Any modification or termination of the Commitments shall not be effective until: (i) reduced to writing; (ii) approved by the Board of Zoning Appeals; (iii) executed and notarized by the present owner (s) of the real estate; and, (iv) recorded in the Office of the Recorder of Boone County, Indiana.

The modification or termination of Commitments shall be in substantially the form set forth in **Exhibit "D"** of this Ordinance

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ARTICLE 9: DEVELOPMENT REVIEW PROCEDURES

Section 9.1. Required Permits and Approvals

Intent -The Development Review Procedures for the Town of Zionsville are intended to provide for the protection of the public health, safety. morals and general welfare of the residential and business citizens of the Town of Zionsville by providing for the thorough review of all permit applications and development petitions so that informed decisions regarding such permit applications and development petitions may be rendered while balancing the needs of the development community for the timely review of those permit applications and development petitions.

Section 9.2. Improvement Location Permits

A. Improvement Location Permit Required.

1. In order to ensure that the provisions of this Ordinance relative to:

2. how real property is developed, maintained, and used;

3. the requirements for site conditions, such as ponds, fills, landscaping and utilities;

4. provisions for the treatment of uses, structures or conditions that are in existence; and

5. restrictions on development in areas prone to flooding,

no Building, Structure, Improvement, Sign, use of land, or clearance of land may be altered, changed, placed, erected, located, or allowed unless the Building, Structure, Improvement, Sign, use of land, or clearance of land and its location conform to the provisions of this Ordinance and an Improvement Location Permit for the alteration, change, placement, erection or location of such Building, Structure, Improvement, Sign, use of land, or clearance of land has been issued.

An Improvement Location Permit for the clearance of land shall not be issued until Primary Plat Approval (for land located in the R-SF-I, R-SF-2, R-SF-3, R-SF-4, and R-V Districts), or Development Plan Approval (for land located in any District except the 0-1 District), has been obtained from the Plan Commission for the applicable land.

B. Duration of Improvement Location Permit.

An Improvement Location Permit shall be valid for the longer of:

1. one (1) year after date of issuance; or

2. the length of any required Building Permit, if such Building Permit is obtained for the Building, Structure, Improvement or Sign covered by the Improvement Location Permit within one (1) year after the date of issuance of the Improvement Location Permit.

The Building Commissioner shall have the power to extend the period of validity of any Improvement Location Permit one (1) or more times, provided, however, the total time period of all extension(s) shall not exceed six (6) months.

C. Review of Improvement Location Permit Application.

1. Improvement Location Permits for Single Family and Two Family Dwellings and Related Accessory Buildings or Structures

   The Staff may take up to five (5) business days to study an application for an Improvement Location Permit. During such five (5) business day period, the Staff may consult with other appropriate technical consultants. If, after such five (5) day period, the Staff has not requested any additional information or stated any objections in writing to the applicant, and the proposed Building, Structure or Improvement, and the proposed use conform in all respects to the provisions of this Ordinance, the Staff shall issue the Improvement Location Permit.

2. Improvement Location Permits for All: Multifamily, Commercial, Industrial or Special Exception Buildings, Structures, Improvements or Uses; Signs; and Accessory Buildings, Structures or Improvements Related to Multifamily, Commercial, Industrial or Special Exception Uses.

   The Staff may take an additional ten (10) business days, beyond the review period specified above, in which to study the application, during which time the Staff may consult with other appropriate technical consultants. If, after such additional ten (l0) day period, the Staff has not requested any additional information or stated any objections in writing to the applicant, and the proposed Building, Structure, Improvement or Sign, and the proposed use conform in all respects to the provisions of this Ordinance, the Staff shall issue the Improvement Location Permit.

3. Improvement Location Permit for All Multifamily, Commercial, Industrial or Special Exception Buildings, Structures, Improvements or Uses.

   An application for an Improvement Location Permit for any multifamily, commercial, industrial or special exception Building, Structure, Improvement or use shall be certified by a registered professional engineer or architect verifying that the Building. Structure, Improvement or use intended will be in compliance with all applicable use regulations, Development Standards and performance standards of the District in which the Building, Structure, Improvement or use is to be located.

4. Improvement Location Permits for Buildings, Structures, Improvements, Signs or Uses Authorized by Special Exception or Variance.

   In addition to the requirements above, an Improvement Location Permit for a Building, Structure,

   Improvement, Sign or use authorized by Special Exception or Variance shall not be issued until:

   i). receipt by the Staff of written notice from the Board that the application therefore has been approved by the Board; and,

   ii). a determination by the Staff that said Improvement Location Permit application is in full compliance with the terms of any conditions which may have been imposed by the Board and commitments which may have been made by the owner.

D. Public or Semi-Public Sanitary Sewer Required.

   An application for an Improvement Location Permit for any Building, Structure, Improvement or use shall not be approved until it has been ascertained by the Staff that:

1. the proposed Building, Structure, Improvement or use will be served by a public or semi-public sanitary sewer system; or

2. the proposed Building, Structure, Improvement or use will be served by a septic system or other method of sanitary waste disposal approved by the Zionsville Fire and Building Department.

E. Appeal of Determination.

Any determination by the Staff concerning the issuance of an Improvement Location Permit may be appealed to the Board of Zoning Appeals by any party claiming to be adversely affected by that decision.

F. Record of Permits.

A record of all Improvement Location Permits shall be kept on file in the Office of the Clerk-Treasurer and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the Building or land affected and shall be available for public inspection and copying as provided by applicable State law.

G. Amended Improvement Location Permit.

When a builder, developer or owner of any Building, Structure, Improvement or Sign for which an Improvement Location Permit has been obtained, for any reason, proposes that the construction of said Building, Structure, Improvement or Sign deviate from the plans filed with the Improvement Location Permit application and approved by the Staff, the builder, developer or owner shall make application for an Amended Improvement Location Permit. The Staff shall review the application for the Amended Improvement Location Permit in accordance with the procedures set forth above to determine compliance of the Amended Improvement Location Permit application with the provisions of this Ordinance and any other applicable conditions, covenants or restrictions. If such Amended Improvement Location Permit application is found to be in compliance, the Staff shall issue an Amended Improvement Location Permit. Any determination by the Staff with respect to an Amended Improvement Location Permit shall be subject to the same appeal rights and procedures as set forth above for an initial application for an Improvement Location Permit.

H. General Exemptions.

Notwithstanding anything contained in this Article to the contrary, no Improvement Location Permit shall be required for minor repairs or alterations to Buildings, Structures, Improvements or Signs where:

1. the cost of such repairs or alterations does not exceed $500.00; and,

2. there is no increase in Finished Floor Area, useable space, or any dimension of any portion of a Sign.

I. Revocation in Event of Violation.

(If the Staff determines that construction or development is proceeding or has proceeded in violation of any applicable law, ordinance, rule, regulation, site plan, zoning Commitment, or Condition of approval, or that the Improvement location Permit has been issued in violation of any applicable law, ordinance, rule. regulation, site plan, zoning commitment, or condition of approval, the Staff may revoke said Improvement location Permit. In the event that an Improvement Location Permit is revoked, the Staff shall send written notice of the revocation to the permit applicant.

Section 9.3. Compliance With Other Laws, Ordinances, Rules or Regulations.

The issuance of an Improvement Location Permit does not substitute for or supersede the requirement to obtain approvals specified in other laws, ordinances, rules and regulations, as the same may be amended from time to time, before the construction of any Building, Structure, Improvement or Sign, including, but not limited to:

A. Zionsville Building Code;

B. Zionsville Subdivision Control Ordinance;

C. Any other applicable federal, state or local law, ordinance, rule or regulation, including, but not limited to:

1. Erosion Control Regulations of the Boone County Soil and Water Conservation District; and,

2. State or Federal Environmental Permits.

Section 9.4. Application and Approval

A. Application and Site Plan Requirements.

When an Improvement Location Permit is required by this Ordinance, an application for an Improvement Location Permit shall be filed with the Building Commissioner. Said application shall be on a form prescribed by the Plan Commission and accompanied by a site plan consistent with the requirements set forth below.

1. A site plan for a Single Family Dwelling or a Two-Family Dwelling on a platted Lot shall be drawn to scale of not more than 1"=100' showing:

   i). North arrow;

   ii). Address of the Lot;

   iii). Legal description of the Lot;

   iv). Names, center-lines and Right-of-Way widths of all Streets, Alleys, thoroughfares, public ways, water ways, or railroad Right-of-Ways abutting or within the Lot;

   v). The location and dimensions of all Buildings. Structures or Improvements currently existing on the Lot;

   vi). Structures proposed for demolition should be indicated as such;

   vii). The location and dimensions of all proposed Buildings, Structures or Improvements, including fences, sheds. paved areas, storage areas, Parking Areas (indicate if parking is hardsurfaced. Cross-hatch or shade lightly all proposed Buildings;

   viii). Location of any proposed or existing Driveway and its width at the property line. (Any connection to an alley must also be indicated);

   ix). The distance from Lot lines for all existing and proposed Buildings, Structures, Improvements or Signs (This distance is measured as a line from the point where the Building, Structure, Improvement or Sign is closest to the property line. This measurement it taken perpendicular to the property line.);

   x). The height of the existing and proposed Buildings, Structures or Improvements; and,

   xi). All other information required by the Staff for the proper administration of this Ordinance.

2. A site plan for any Commercial, Industrial or Special Exception Use shall be drawn to scale of not more than 1"= 100' showing:

i). North arrow;

ii). Address of the site;

iii). The actual shape, size and dimensions of the Lot;

iv). Area map or sketch to indicate the location of the Lot;

v). Names, center-lines and right-of-way widths of all streets, alleys. thoroughfares, public ways, water ways, or railroad right-of-ways abutting or within the Lot;

vi). The location and dimensions of all Buildings, Structures, Improvements or Signs currently existing on the Lot;

vii). Structures proposed for demolition should be indicated as such;

viii). The location and dimensions of all proposed Buildings, Structures, Improvements or Signs, including fences, sheds, paved areas, storage areas, Parking Areas (indicate if parking is hard surfaced). Cross-hatch or shade lightly all proposed Buildings;

ix). Location of any proposed or existing Driveway and its width at the property line. (Any connection to an Alley must also be indicated);

x). (If applicable) Location, dimensions, and type (e.g. ground, pole, wall) of all Signs on the site, existing and proposed. Include separate elevations of proposed Sign Structures with all dimensions drawn to scale;

xi). The distance from Lot lines for all existing and proposed Buildings, Structures, Improvements or Signs (This distance is measured as a line from the point where the Building, Structure, Improvement or Sign is closest to the property line. This measurement is taken perpendicular to the property line.);

xii). The height of the existing and proposed Buildings, Structures, Improvements or Signs;

xiii). The number of dwelling units (if applicable) of existing and proposed Buildings or Structures;

xiv). The current and proposed use to be made of all Buildings, Structures, Improvements or lands within the Lot (e.g. parking, residence, office, storage);

xv). vocational Engineering information regarding all utilities to provide service to the Buildings or Structures on the Lot;

xvi). The location and dimensions of all off-street parking and off-street loading facilities;

xvii). The location and dimensions of all fences, walls or other screening and buffering devices;

xviii). Location, size and species of all proposed and existing trees (six (6) inches or larger at four and one-half (4.5) feet above grade) and landscaping;

xix). Site Data Summary (a text summary in table format describing: square footage of existing and proposed Buildings; existing, proposed and required parking; existing, proposed and required loading; proposed and permitted Maximum Building Height; accommodation of drainage, sanitary sewer, water and other utility services; legal description; lighting; and landscaping);

xx). The seal of the registered professional engineer or architect responsible for the site plan; and,

xxi). all other information required by the Staff for the proper administration and enforcement of this Ordinance.

The Building Commissioner may waive or relax any of the site plan requirements listed above, as circumstances dictate.

3. The site plan shall be attached to the application for an Improvement Location Permit when such application is submitted to the Building Commissioner and shall be retained in the Office of the Clerk-Treasurer as a public record.

4. Each application for an Improvement Location Permit for a Building. Structure or use shall include an application for a Certificate of Occupancy.

5. The Plan Commission may promulgate rules, regulations. and procedures. in addition to those listed herein. as to the form and processing of the applications, site plans, and permits required by this Ordinance.

Section 9.5. Certificate of Occupancy

A. Certificate of Occupancy Required.

No Building, Structure, Improvement (except Signs) or use for which an Improvement Location Permit is required by the provisions of this Ordinance shall be used for the purpose contemplated by the Improvement Location Permit until a Certificate of Occupancy has been issued by the Staff.

B. Issuance of Certificate of Occupancy.

Within two (2) days of notification of completion of work on the proposed Building, Structure or use, the applicant for an Improvement Location Permit shall notify the Staff of completion of work authorized by the Improvement Location Permit. The Staff, or its designee, shall, within fourteen (14) days inspect the premises for compliance with the provisions of this Ordinance and the Improvement Location Permit.

A Certificate of Occupancy pursuant to this Ordinance shall be issued only upon a finding by the Staff that the proposed Building, Structure or use has been developed, located or to be used in accordance with the provisions of:

1. This Ordinance; and

2. The Improvements Location Permit

C. Temporary Certificate of Occupancy

A Temporary Certificate of Occupancy may be issued by the Staff if the proposed Building, Structure or use complies with the provisions of Article 9.5B., above, except that certain external site features (e.g., finish coat for asphalt Parking Areas or landscaping) have not been completed due to ground or weather conditions which are not immediately suitable for permanent installation. The duration of the Temporary Certificate of Occupancy shall be specified on the Temporary Certificate of Occupancy, provided however, in no case shall a Temporary Certificate of Occupancy exceed six (6) months in duration. In cases of extreme hardship or weather conditions, and for good cause shown, The

Building Commissioner may grant a one (1) time extension of not to exceed three (3) months.

Section 9.6. Fees

In order to defray administrative costs associated with the processing of development petitions and Improvement Location Permits, the Plan Commission shall establish a Schedule of Fees which are to be paid by the applicant at the time of filing a development petition or application for an Improvement Location Permit. Said Schedule of Fees shall include fees for: Improvement Location Permits; petitions for zone map changes; applications for development plan approvals; petitions for variance; and other administrative matters as determined by the Plan Commission, at a public hearing. which are in the best interest of providing required services at a reasonable fee to the general public.

A. Schedule of Fees

1. LAND USE PETITIONS:

i). Administrative Appeal	$300.00
ii). Zone Map Change:	
(a) Residential Districts	$400.00 (plus $100.00 for each acre or any portion thereof)
(b) Business or Industrial Districts	$1000.00 (plus $25.00 for each acre or any portion thereof)
(c) All other Districts	$1000.00 (plus $25.00 for each acre or any portion thereof)
iii). Variance:	
(a) Use:	
i. Residential use	$300.00 (plus $25.00 for each variance of Development Standard requested)
ii. Other use	$1000.00
(b) Development Standards:	
i. Residential Districts	$300.00 (plus $25.00 for each additional Development Standard requested)
ii. all other Districts	$600.00 (plus $50.00 for each additional Development Standard requested)

iv).	Special Exception:	$600.00
v).	Amendment or Termination of Commitments of a Variance or Special Exception	$1000.00
vi).	Approvals:	
	(a) Development Plan	$600.00 + $100.00/acre
	(b) Modification or Termination of Development Plan	$500.00 + $100.00/acre
vii).	Plat/Subdivision (R-SF-1, R-SF-2, R-V Districts):	
	i. Primary Plat	$750.00 (plus $30.00) per lot)
	ii. Secondary Plat	$500.00 per section plus $20.00 per lot
	iii. Re-Plat	$500.00 plus $100.00 per additional lot
	iv. Minor Plat	$150.00 (plus $15.00 per lot)
	(b) Plat/Subdivision (All other Districts):	
	i. Primary Plat	$1000.00 (plus $5.00 per lot)
	ii. Secondary Plat	$400.00 per section
	iii. Re-Plat	$500.00 plus $100 per additional lot

2. IMPROVEMENT LOCATION PERMITS (Building Permit Fee Included)

<u>Residential:</u>

i).	Single or Two Family Dwellings	
	(a) New Building	$625.00, plus $0.10 per square foot includes 5 inspections
	(b) Exterior and Interior Remodeling	$200.00 (includes four inspections)
	(c) Addition to an Existing Single or Two Family Dwelling	$200.00 (includes four inspections)
	(d) Accessory Uses	

i.	Detached Accessory Buildings, Garages, Carports	$150.00 plus $0.10 per sq.foot over120 square feet of total floor area (fee includes two inspections)
ii.	Swimming Pools, Hot Tubs (above or below Grade)	$300.00 plus $0.10 per square foot of total pool and deck, or hot tub dimension (fee includes 2 inspections)
(e)	Demolition	$100.00 base fee, plus $50.00 for each additional building
ii).	All other residential (includes roofing and electrical permits)	$50.00

No ILP is required and no fees are charged for fences or patios.

COMMERCIAL:

iii). MULTIFAMILY DWELLINGS:

(a)	Primary Buildings	$500.00, plus $100.00 per unit (fee includes 6 inspections per unit)
(b)	Accessory Buildings/ Structures	$350 per building or structure (fee includes 3 inspections)

iv). Business, Industrial, or Special Use

(a)	New Building	$500.00 plus $0.15 per square foot of total floor area (fee includes five base inspections)
(b)	Addition to an Existing Building	$500.00 plus $0.10 per square foot of total floor area added (fee includes 4 inspections)
(c)	Parking Lot Construction or Remodeling (as a Primary Use or as an expansion or remodeling of an existing Parking Lot)	$5.00 per Parking Space (fee includes 2 inspections)
(d)	Accessory Buildings / Structures	$250.00 plus $0.15 per square foot of total floor area over 100 square feet (fee includes 3 inspections).
(e)	Interior Remodel/Tenant Finish	$300.00 plus $0.10 per square foot (fee includes 3 inspections)
(f)	Demolition	$200.00, plus $100.00 per additional building
(g)	All Other Improvements	$75.00 (fee includes 1 inspection)
(h)	Amended ILP application: (Residential)	$25.00 Re-review

(i)	Amended ILP application: (Commercial/Industrial)	$50.00 Re-review
(j)	Duplicate Permit	$25.00
v).	INSPECTION FEES	$75.00 Commercial $50.00 Residential
vi).	SIGNS	
(a)	On-Premise Freestanding Identification (Ground or Pylon)	
i.	up to 24 square feet in area	$200.00
ii.	over 24 square feet in area	$200.00, plus$1.00 per square foot of Sign Area
(b)	On-Premise Building Identification (Wall, Projecting, Awning, Canopy)	$45.00, plus $1.00 per square foot of Sign Area
(c)	On-Premise Incidental (any type)	$50.00
(d)	On-Premise Suspended	$50.00
(e)	Off-Premise (Advertising)	$300.00, plus $1 .00 per square foot of Sign Area.
vii).	CLEARANCE OF LAND/GRADING PERMIT:	$50.00, plus $25.00 per acre - If applied for separately from a Primary Plat or Development Plan Approval Petition (this fee is included in the filing fee for a Primary Plat or Development Plan Approval Petition).
viii).	Any Other Improvements	$50.00

3. Certificate of Occupancy. Temporary' Certificate of Occupancy

Primary Use/Building/Structure		
(a)	Residential (single or two family)	$50.00
(b)	Residential (multifamily)	$50.00 per unit
(c)	Business / Industrial / or Special Use	$50.00 per Leased area / tenant space
(d)	All Other	$25.00
Accessory Use/Building/Structure in any District		$25.00

B. Alternate Fee

1. Municipal and School Fees

The fees listed in **Section 9.6** shall not be applicable to all Zionsville Community School Corporation Buildings, Structures or facilities with the exception of commercial building inspection fees, which shall be reduced by one-half. All required inspections are to be scheduled with the Town of Zionsville. The waiver of these Improvement Location Permit fees exempts neither the Zionsville Community School Corporation from compliance with all provisions of this Ordinance.

2. Other Fees

For Churches and other not-for-profit organizations, all fees listed in **Section 9.6** shall be reduced by one-half, including all required building inspection fees.. Documentation of charitable **(501 c3)** status shall be submitted with the petition or request for an Improvement Location Permit in order to verify an organization's not-for-profit status. All required inspections to be scheduled with the Town of Zionsville.

C. Fees for Improvement Location Permit Obtained After Commencement of Work.

If work for which an Improvement Location Permit is required has commenced in violation of the provisions of this Ordinance, the Improvement Location Permit fee shall be five (5) times the applicable amount stated in **Section 9.6**, however, that the maximum fee incurred under this **Section** shall be $5,000.00 plus the amount of the normal fee for the permit.

D. Late Fees on Inspections. The following fees will be assessed when construction has been performed beyond a required inspection, i.e., pouring concrete prior to a footing inspection, insulating prior to the rough-in inspection and using or occupying new construction prior to a Certificate of Occupancy (C/O). Upon receipt of the late fee, the inspection must be scheduled and performed before work can resume.

Single or Two Family Dwellings New Building	$350.00
Commercial New Building	$500.00

Residential Other	$150.00
Commercial Other	$250.00

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ARTICLE 10: ENFORCEMENT

Section 10.1. Authority

Staff is hereby designated to enforce the terms and provisions of this Ordinance.

Section 10.2. Alleged Violations

Whenever Staff receives a complaint or has reason to suspect that an alleged violation of the terms and provisions of this Ordinance are occurring, Staff shall investigate the complaint or suspicion and shall take whatever action is warranted in accordance with the provisions of this Article 10.

Section 10.3. Responsibility for Violations

The owner, tenant, or occupant of any Building or land or part thereof and any architect, builder, contractor, agent or other person who participates in, assists, directs, creates, or maintains any situation that is in violation of the terms and provisions of this Ordinance, may be held responsible for the violation, suffer the penalties, and be subject to the remedies herein provided.

Section 10.4. Inspection of Property -Right of Entry

Staff may enter upon any premises at any reasonable time for the purpose of inspecting all lands located within the jurisdiction of the Plan Commission and carrying out their duties in the enforcement of this Ordinance. Prior to entering upon any premises, Staff shall furnish sufficient identification and information to enable the owner, tenant or occupant to determine the purpose of the inspection and that the person conducting the inspection is an authorized representative of the Town of Zionsville.

In the event that entry is denied by the owner, tenant or occupant of a premises, the Building Commissioner may make application to any court of competent jurisdiction for the issuance of a search warrant. Such application shall identify the premises upon which entry is sought and the purpose for which entry is desired. The application shall state the facts giving rise to the belief that a condition which is in violation of this Ordinance exists' on the premises, or that such a violation in fact exists and must be abated, and that the condition or violation is not a lawful nonconforming use to the best of the affiant's belief. Any warrant issued pursuant to-such application shall order such owner, tenant or occupant to permit entry to Staff for the purposes stated therein.

Section 10.5. Stop-Work Order

Staff is empowered to issue a Stop-Work Order requiring the suspension of land improvement of any kind when any of the following circumstances exist:

A. A site Improvement is occurring without an Improvement Location Permit or any other permit required by this Ordinance having first been obtained; or,

B. A site Improvement is occurring in violation of: the terms, conditions or provisions of this Ordinance; the terms, provisions, conditions or commitments of a variance grant or special exception; the terms of commitments made or conditions imposed in connection with the approval of a Development Plan; commitments made in connection with a petition for zone map amendment; or, other approval grant authorized by this Ordinance.

The Stop-Work Order shall be posted on the property in a conspicuous place, or personally delivered to the owner, tenant or occupant, or person in charge and state the conditions under which construction or other activity may be resumed. Staff shall meet with the recipient of a Stop-Work Order upon request to explain the conditions under which construction or other activity may be resumed.

The Plan Commission may institute a lawsuit in a court of competent jurisdiction to enforce the provisions of a Stop Work Order.

Section 10.6. Violations

Each of the following shall be deemed civil zoning violations which may be enforced by the designated enforcement entity in accordance with the provisions set forth in **Section 10.7** below:

A. The location, erection, or maintenance of any Sign not specifically permitted by this Ordinance;

B. The failure to obtain an Improvement Location Permit when one is required by the terms and provisions of this Ordinance;

C. The outdoor storage of junk, trash or debris in any zoning District the provisions of which do not specifically permit such a use;

D. The storage of inoperable Motor Vehicles, Abandoned Motor Vehicles, Unregistered Motor Vehicles, or Motor Vehicle parts in any zoning District the provisions of which do not specifically permit such a use;

E. The parking or storage, in any zoning District the provisions of which do not specifically permit such a use, of any Motor Vehicle used or designed: (a) for use in pulling, towing, hauling, transporting; or, (b) as a temporary or permanent base, platform or support for equipment, machinery, materials or other goods (including but not limited to stake body trucks, dump trucks, trucks or tractors having dual real wheels or more than two axles, semi-trailer tractors, semi-trailers and trailers having dual real wheels or more than one axle or having an overall length of more than twelve feet);

F. The Outdoor Storage or display of merchandise or goods in any zoning District the provisions of which do not specifically permit such a use or in violation of the zoning District Development Standards regulating such a use;

G. The conduct of any activity in a residential zoning District that is not specifically enumerated as a permitted primary or accessory use in that zoning District, and which activity has not been legally established by a currently valid variance, special exception or other approval grant;

H. Failure to comply with zoning District Development Standards, including but not limited to landscaping, paving of Parking Areas, minimum Parking Space requirements, trash dumpster enclosure, fencing or screening requirements;

I. The failure to comply with: the terms, provisions, conditions or commitments of a variance grant or special exception; the terms of Commitments made in connection with the approval of a Development Plan; Commitments made in connection with a petition for zone map amendment; or, other approval grant authorized by this Ordinance;

J. The violation of a Stop-Work Order issued pursuant to this **Artic1e 10;**

K. Dismantling, repairing, or restoring or performing any work on any Motor Vehicle, machine, motor, or similar devise in an "R" District in violation of **Section 1.23** of this Ordinance;

L. Storing, maintaining or keeping a Motor Vehicle, machine, motor, or similar devise in an "R" District in violation of **Section 1.23** of this Ordinance;

M. Parking, storing, maintaining or keeping a commercial Motor Vehicle or trailer in an "R" District in violation of **Section 1.23** of this Ordinance;

N. Parking, storing, maintaining or keeping of any Recreational Vehicle in an "Rn District in violation of **Section 1.23** of this Ordinance; and

O. Failure to comply with any other provisions of this Ordinance.

Section 10.7. Penalties for Violation

Any person who commits a civil zoning violation as defined in **Section 10.6**, above, may be issued a citation by Staff.

Subject to the provisions of **Section 10.7, A. and B. below**, each ten (10) days a civil zoning violation remains uncorrected is a distinct and separate civil zoning violation subject to an additional citation and fine in the amount prescribed in this Ordinance.

A. Procedures.

1. Staff may issue a citation to a person who commits a civil zoning violation or allows a civil zoning violation to be committed on real estate in which the person has a possessory or ownership interest. The citation may be served by personal service, by certified mail, by First Class U.S. Mail, or by placement in a conspicuous place on the property where the violation occurs and shall serve as notice that a civil zoning violation has been committed.

2. No citation shall be issued unless the person who commits a civil zoning violation or allows a civil zoning violation to be committed on real estate in which the person has a possessory or ownership interest has been served with a notice to correct the civil zoning violation at least ten (10) days before the issuance of a citation to allow said person an opportunity to correct the violation and to come into compliance with the applicable zoning ordinance or regulation. However, the service of a notice to correct the civil zoning violation is not required before issuing a citation for violation of a Stop-Work Order issued pursuant to this **Article 10**.

3. If a person who is served with a notice to correct a civil zoning violation or receives a citation ejects to file a petition for Zone Map Change, Variance, Special Exception or Development Plan Approval or take other appropriate action to correct such violation, then the person must indicate the intent to file such a petition or take other such appropriate action on the served notice or citation and return a copy to the Plan Commission. A person shall have ten (10) days from service of a notice to correct the civil zoning violation or receipt of a citation to file the petition or take other such appropriate action. During the pendency of said ten (10) day period or petition, if one is filed, the issuance of additional citations and additional monetary fines as prescribed in **Section 10.7, B.** shall be stayed. A person who files the petition within said time period shall pursue the petition in an expeditious and diligent manner. If a petition is not filed or other appropriate action is not taken within said ten (10)

day period or if a petition is filed and the petition is subsequently denied, withdrawn or dismissed and the civil zoning violation continues, then a lawsuit may be commenced by the Plan Commission, Board of Zoning Appeals or appropriate enforcement official as provided by applicable laws.

B. Fines.

The monetary fine for the first citation for a civil zoning violation shall be fifty dollars ($50.00), and the following monetary fines shall apply for each subsequent citation:

Second Citation	$100.00
Third Citation	$150.00
Fourth Citation	$200.00
Each additional	$300.00

Provided, however, in no event shall a subsequent citation be issued within ten (10) days of the issuance of a previous citation, nor shall the total monetary fine for each civil zoning violation exceed two thousand five hundred dollars ($2,500.00).

All fines prescribed by this Article 10 for civil zoning violations shall be paid to the Clerk-Treasurer of the Town of Zionsville, who shall render to the person making the payment a receipt stating the amount and purpose for which the fine has been paid, a duplicate of which shall be made a part of the records of the Town. Payment of fines by check shall be made out to "The Town of Zionsville": All fines thus received shall be deposited with the General Fund of the Town of Zionsville.

C. Trial for Civil Zoning Violations.

1. A person who receives a citation for a civil zoning violation may elect to stand trial for the violation by indicating on the citation his intent to stand trial and returning a copy of the citation to the Plan Commission. The returned copy of the citation shall serve as notice of the person's intent to stand trial, and the issuance of additional citations and additional monetary fines as prescribed in **Section 10.7, B**. shall be stayed upon receipt of the notice. The notice of the person's intent to stand trial shall be given at least five (5) days before the date that payment of the citation is due as. set forth in **Section 10.7, C., 2.** below. Upon receipt of the notice of intention to stand trial, a lawsuit may be commenced by the Plan Commission, Board-of-Zoning Appeals or appropriate enforcement official as provided by applicable law to enforce the terms and provisions of this Ordinance.

2. If a person who receives a citation fails to:

   i). pay the assessed fine within forty-five (45) days after the issuance of a citation;

   ii). file a petition or take other appropriate action as prescribed in **Section 10.7, A., 3. above**; or,

   iii). give notice of his intention to stand trial as prescribed in **Section 10.7, C., 1. above**, the Plan Commission, Board of Zoning Appeals or designated enforcement official may file a lawsuit as provided by applicable law to enforce the terms and provisions of this Ordinance.

3. Seeking a civil penalty as authorized in this Article does not preclude the designated enforcement entity from seeking alternative and additional relief from the Court in the same action, or from seeking injunctive relief or any other remedy in a separate action for the enforcement of **Indiana Code 36-7-4** or any ordinance adopted or action taken under **Indiana Code 36-7-4**.

ARTICLE 11: DEFINITIONS

Section 11.1. Interpretation of Terms or Words

The language of this Ordinance shall be interpreted in accordance with the following regulations:

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 "shall" is mandatory, the word "may" is permissive;

D. The words "used" or "occupied" include the words "intended", "designed", "constructed", "altered", or "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 shall be interpreted as follows:

1. “And" indicates that all the connected items, conditions, provisions or events shall apply.

2. "Or" indicates that the 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 shall apply singly but not in combination.

G. The terms "more intense" and "less intense" are terms used herein to describe relationships between particular zoning Districts. This relationship is based upon the uses permitted within each District. A "more intense" District permits its more uses or a greater density of uses than a "less intense" District. District intensity groupings progress from Agricultural, to Residential, to Commercial, to Industrial Districts, in the sequence listed within each group of Districts from least intense to the most intense.

Section 11.2. Definitions

The following terms or words used in the text of this Ordinance shall have the following meanings, unless a contrary meaning is: (i) required by the context of a particular sentence or phrase; or (ii) specifically prescribed in a particular sentence or phrase:

ABANDONED SIGN: Any lawful Nonconforming Sign or its supporting Sign Structure which remains without a message or whose display surface remain clank for a period of:

(a) one (1) year or more (for a Sign or its supporting Sign Structure which conforms to this Ordinance at the time of adoption); or,
(b) sixty (60) days (for a Sign or its supporting Sign Structure which does not conform to the provisions of this Ordinance at the time of adoption); or,
(c) any Sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned.

ACCESS: The way in which vehicles ingress and egress a Lot from a Street fronting along said Lot.

ACCESS DRIVE: That area within the Right-of-Way between the pavement edge or curb and the Right-of-Way line to provide ingress and egress to and from a Lot.

ACCESSORY (STRUCTURE, BUILDING OR USE): A subordinate Structure, building or use that is customarily associated with, and is appropriately and clearly Incidental and subordinate in use, size, bulk, area and height to the primary Structure, building, or use, and is located on the same Lot as the Primary Building, Structure, or use.

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

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

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

ADULT DRIVE-IN THEATER: An open lot or part thereof, with appurtenant facilities, devoted primarily to the presentation of motion pictures, films, theatrical productions

and other forms of visual productions, for any form of consideration, to persons in motor vehicles or on outdoor seats in which a preponderance of the total presentation time is devoted to the showing of materials distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons.

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

ADULT ENTERTAINMENT BUSINESS: an 1) Adult Bookstore (an establishment having as a preponderance of its stock in trade or its dollar volume in trade any merchandise for sale, trade or lease which are distinguished or characterized by their emphasis on Adult Matter); 2) Adult Motion Picture Theater (any establishment, to which the public is permitted or invited, used for presenting films, motion pictures, video cassettes, slide or similar photographic reproductions in which a preponderance of the total presentation time is devoted to showing of materials which are distinguished or characterized by an emphasis on Adult Matter); 3) Adult Cabaret (a nightclub, bar, theater, restaurant or similar establishment which frequently features live performances by topless or bottomless dancers, strippers, or similar entertainers, whether professional or amateur, where such performance are distinguished or characterized by an emphasis on, or by exposure of, Adult Matter); 4) Adult Live Entertainment Arcade (any Building or Structure which contains or is used for commercial entertainment where the patron directly or indirectly is charged a fee to view from an enclosed or screened area or booth a series of live dance routines, strip performance or other gyrational choreography which performance are distinguished or characterized by an emphasis on, or by exposure of, Adult Matter); 5) Adult Motel (a Hotel, Motel or similar establishment offering public accommodations for any form of consideration which provides patrons, upon request, with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproduction which are distinguished or characterized by an emphasis upon the depiction or description of Adult Matter); or, 6) Adult Service Establishment (any Building, Structure, premises or other facility, or any part thereof, under common ownership or control which provides a preponderance of services involving Adult Matter).

ADULT MATTER: any of the following:

(a) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola; or

(b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(c) Human genitals in a state of sexual stimulation or arousal;

(d) Acts of human masturbation, sexual intercourse or sodomy;
(e) Fondling or other erotic touchings of human genitals, pubic regions, buttocks or female breasts;
(f) Flagellation or torture in the context of a sexual relationship;
(g) Masochism, erotic or sexually oriented torture, beating or the infliction of pain;
(h) Erotic touching, fondling or other such contact with an animal by a human being; or
(i) Human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth in "e" through "h" above.

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

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

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

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

ADVERTISING SIGN: See Sign, Advertising.

AGRICULTURE: Areas in which the general use of land is devoted to one or more of the following;
1. Tillage of soil in the production of crops.
2. Production or maintenance of hay and pasture crops.

3. Husbandry or production of livestock or poultry, and horses, and their products, excluding dogs and other small animals commonly kept as household pets.
4. Growing of trees for the production of timber or timber products, erosion control and other purposes commonly found in agricultural areas.
5. The science or art of horticultural processes, by which land is used for cultivating fruits, vegetables, ornamental plants, and other activities.

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

AGRICULTURAL USE: An operation which consists of the following uses, individually or in combination: the production of grain or livestock; stables; forest or tree production; pasture; setting aside land in a government set-aside reserve program; a farmstead; uses accessory to agricultural operations on the site; or, uses accessory to agricultural operations in the area.

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

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

ALLEY, PRIVATE: A privately held Right-of-Way for public use as a secondary means of public Access to a Lot otherwise abutting upon a Public or Private Street and not intended for traffic other than public services and circulation to and from said Lot.

ALLEY, PUBLIC: Any Public Right-of-Way which has been dedicated or deeded to and accepted by the public for public use as a secondary means of public Access to a Lot otherwise abutting upon a Public Street and not intended for traffic other than public services and circulation to and from said Lot.

AMUSEMENT ARCADE: A type of indoor commercial amusement/recreation establishment where more than four (4) amusement machines are available to the public.

AMUSEMENT MACHINE: An amusement device operated by means of the insertion of a coin, token, or similar object for the purpose of entertainment, amusement or skill; or for the playing of which a fee is charged. "Amusement Machine" does not include vending machines which do not incorporate gaming amusement or skill feature, nor does the term include a coin-operated mechanical musical device.

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

ANTENNA: any Structure or device used to collect or radiate electromagnetic waves, including both directional Antennas, such as panels, and dishes, and omni-directional Antennas, such as Whip Antennas, but not including satellite earth stations.

ANTENNA: A device that is designed to receive:

(a) direct broadcast satellite service, including direct-to-home satellite services;
(b) video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services; or,
(c) television broadcast signals.

ANTENNA ARRAY: a Structure attached to a Telecommunications Tower that supports a Telecommunications Antenna.

ANTENNA, RADIO / ELEVISION: A wire or combination of wires and support Structures designed for directly transmitting electric waves (broadcast radio or television) into space, or receiving them therefrom.

ANTENNA, SATELLITE DISH: A dish shaped device which may be free standing or mounted on a building or Structure and is designed to receive direct broadcast satellite service.

ARTIFICIAL LAKE: Either: (i) an artificially created body of water which is not required in connection with a storm water management system; or (ii) that portion of an artificially created body of water developed in connection with a storm water management system which exceeds the capacity required to manage the 100 year storm event.

AUTHORIZED AGENT: Any party duly authorized in writing by the Owner of a subject parcel to act on the Owner's behalf with respect to a petition for zone map change, Subdivision Plat, Development Plan approval or vacation of land.

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

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

AUTOMOBILE REPAIR -MAJOR: Servicing and repairs which include muffler repair or installation, brake repair or installation, shock replacement, transmission repair, tire recapping, motor overhaul, or body or fender repair work (not including the dismantling or wrecking of motor vehicles, or the storage of inoperable, damaged or wrecked vehicles, other than those awaiting immediate repair).

AUTOMOBILE REPAIR -MINOR: Servicing and repairs limited to tune-ups, oil changes, sale and installation of lubricants, tires, batteries and other minor maintenance operations.

AUTOMOBILE SALES -MAJOR: The sale of Motor Vehicles including the repair and servicing of vehicles as set out in the definition of Auto Repair -Major. This use includes the outdoor display and/or storage offer sale vehicles.

AUTOMOBILE SALES -MINOR: The sale of new or used Motor Vehicles including the repair and servicing of vehicles as set out in the definition of Automobile Repair -Major. This use limits the available show room space to a maximum of two thousand five hundred (2500) square feet and 110 more than six (6) showroom vehicles on display. This use further limits service bays for not more than six (6) vehicles. Outdoor display or storage offer sale Motor Vehicles is prohibited.

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

AWNING: A roof-like cover, often of fabric, metal, plastic, fiberglass or glass designed and intended for protection from the weather or as a decorative embellishment, and which is supported by and projects from a wall or roof of a Structure over a window, door, walk or the like.

BANNER: A temporary Sign of lightweight fabric or similar material mounted to a pole or Building at one or more edges. Flags of any governmental or political unit shall not be considered Banners.

BASEMENT: That portion of a building with an interior vertical height clearance of not less than seventy-eight (78) inches and having one-half or more of its interior vertical height clearance below Grade level.

BED AND BREAKFAST: The commercial leasing of bedroom(s) for guest(s) within a private, owner-occupied, One or Two Family Dwelling Unit. Such leasing provides temporary accommodations, typically including a morning meal, to overnight guests for a fee. Such leasing may also provide for the temporary accommodation of daytime meetings or receptions for guests for a fee. Such leasing caters largely to tourists and the traveling public.

BILLBOARD: See Sign, Advertising.

BLOCK: A tract of land bounded by Streets, or by a combination of Streets and public parks, cemeteries, railroad Rights-of-Way, shorelines Municipal boundary lines.

BLOCK FACE: The Frontage of a Block, which may contain one or more Lots, along one side of a Public or Private Street between intersections.

BOARD (OF ZONING APPEALS): The Town of Zionsville Advisory

BOARDING HOUSE: A building or part of a building, other than Hotels, Motels, restaurants, Bed and Breakfast, or Multifamily Dwellings, containing accommodation facilities in common where lodging, typically with meals reserved solely for the occupants thereof, is provided for a fee.

BOND: See Performance Bond; or, Maintenance Bond.

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

BUFFERYARD: A Front, Side or Rear Yard of a non-residential land use on a Lot which faces or abuts a residential zoning District. A Bufferyard may include landscape plantings, fences, walls or berms to provide screening or buffering for adjacent residential properties.

BUILDABLE AREA: The area of a Lot remaining after the minimum yard and open space requirements of the applicable zoning ordinance(s) have been met.

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 (pertaining only to **Section 2.20** of this Ordinance): see "structure."

BUILDING COMMISSIONER: The person, authorized and empowered to issue Building permits, make inspections, order corrections of violations, issue Certificates of Occupancy, and perform such other duties as commonly performed in the execution of this office, as appointed by the Town Council.

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

BUILDING HEIGHT, MAXIMUM: See Maximum Building Height.

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

BUILDING LINE: A line parallel to any Front, Side or Rear Lot Line which passes through the nearest point of any Building or Structure.

BUILDING LINE, FRONT: A line parallel to any Front Lot Line which passes through the nearest point of any Building or Structure and terminates at the point of contact with any Side Lot Line.

BUILDING LINE, SIDE: A line parallel to any Side Lot Line which passes through the nearest point of any Building or 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 Building or Structure and terminates at the point of contact with any Side Lot Line.

BUILDING PERMIT: A permits issued by the Town of Zionsville in compliance with the terms and provisions of the Town of Zionsville Building Code.

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

BUSINESS DAY: A day when the offices of the Clerk-Treasurer of the Town of Zionsville are open to the public for the transaction of business for the entire period of its normal operating hours.

CANOPY: A roof-like cover, often of fabric, metal, plastic, fiberglass or glass on a support, which is supported in total or impart, from the ground and providing shelter over, for example, a doorway, outside walk, Interior Access Drive or Parking Area.

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

CARPORT: A roofed Structure designed and intended to shelter the automotive vehicle of occupant or owner of the premises, with at least one (1) side open to the weather.

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

CERTIFICATE OF OCCUPANCY: A certificate signed by the Building Commissioner, stating that the occupancy and use of land or Building or Structure referred to the certificate complies with the provisions of the Zionsville Zoning Ordinance, Subdivision Control Ordinance, variance, special exception or Development Plan approval.

CHILD CARE: A service that provides for the care, health, safety, and supervision of a child's social, emotional, and educational growth. (For reference see **Indiana Code 12-7-2**.)

CHILD CARE CENTER: A Building where at least seventeen (17) children receive Child Care from a provider:

(a) while unattended by a parent, legal guardian, or custodian;
(b) for regular compensation; and,
(c) for more than four (4) hours but less than twenty-four (24) hours in each often (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays. This term also applies to a Building where Child Care is provided to less than seventeen (17) children if the provider has applied for a license under **IC 12-17.2-4** and meets the requirements under **IC 12-17.2-4**. (For reference see **Indiana Code 12-7-2**.)

CHILD CARE HOME: A residential Structure in which at least six (6) children (not including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative) at any time receive Child Care from a provider:

(a) while unattended by a parent, legal guardian, or custodian;
(b) for regular compensation; and,
(c) for more than four (4) hours but less than twenty-four (24) hours in each often (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.

This term includes a Class I Child Care Home, and a Class I1 Child Care Home as such terms are define: by **I.C. 12-7-2-33.7 and 33-8** respectively.

CHILD CARE MINISTRY: A Child Care operated by a church or religious ministry that is a religious organization exempt from federal income taxation under **Section 501 of the Internal Revenue Code. (For reference see Indiana Code 12-7-2.**)

CHILD CARING INSTITUTION:

(a) A residential facility:
    (1) that provides Child Care on a twenty-four (24) hour basis for more than ten (10) children; or
    (2) with a capacity of not more than ten (10) children that does not meet the residential Structure requirements of a Group Home; or
(b) An institution that:
    (1) operates under a license issued under **IC 12-17.4**;
    (2) provides for delivery of mental health services that are appropriate to the needs of the individual; and,
    (3) complies with the rules adopted under **IC 4-22-2 by the Division of Family and Children**. For reference see **Indiana Code 12-7-2**.)

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

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

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

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

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

CLUSTER: A development design technique that concentrates Buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space and preservation of environmentally sensitive features in perpetuity.

CLUSTER SUBDIVISION: A form of development that permits its a reduction in the minimum lot: area, width, setback and Open Space requirements, and to concentrate development in specific areas of the Subdivision while also maintaining the same overall density permitted under a conventional Subdivision in a given zoning District, and, the remaining Land Area is devoted to Open Space, or recreational areas in perpetuity.

COMMITMENT: An official agreement concerning and running with the land as recorded in the office of the Boone County Recorder.

COMPREHENSIVE PLAN: The Zionsville Master Development Plan approved by the Plan Commission and the Town Council pursuant to **I.C. 36-7-4-500, et.** ~as amended from time to time.

CONCEPTUAL PLAT REVIEW: A cursory review of a Sketch Plan for a proposed Subdivision in which Staff provides initial review comments to a prospective petitioner on the design and layout of a proposed Subdivision.

CONDITION: An official agreement between the municipality and the petitioner concerning the use of development of the land as imposed by the Board of Zoning Appeals or the Plan Commission.

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

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

COMMON SPACE: An area that is held in common by a homeowners' association, a recognized land trust or conservancy, or a public entity and is not located in rights-of-way.

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

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

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

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

CONDOMINIUM: A Building, group of Buildings, or portion thereof, in which units are owned individually, and the Structure, common areas, or facilities are owned by all the owners on a proportional, undivided basis.

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

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

CONSERVATION AREA: Designated open space further defined as Primary and Secondary Conservation Areas. Primary Conservation Areas include wetlands, lands that are generally inundated, land within the 100- year floodplain, and slopes exceeding 25%. Secondary Conservation Areas typically include parks and natural resources such as

forests, meadows, farm fields, wildlife habitat, and water quality protection or other reasons.

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

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

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

COUNTY: The County of Boone, Indiana.

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

CUT: An excavation. The difference between a point on the original ground and a designated point of lower elevation on the final Grade. Also, the material removed in excavation.

DECIBEL: A unit of measurement of the intensity of loudness of sound DECK: A ground-supported, unenclosed, platform Accessory Structure, usually constructed of wood, of which any permanent horizontal area(s) of the platform is raised above Grade level and is designed and intended for the recreational enjoyment of the occupant(s) and guest(s) of the Primary Use or Structure.

DECK: A ground supported, unenclosed, platform Accessory Structure, usually constructed of wood, of which any permanent horizontal area(s) of the platform is raised above Grade level and is designed and intended for the recreational enjoyment of the occupant(s) and guest(s) of the Primary Use or Structure.

DENSITY, GROSS: A unit of measurement which represents the number of units per acre of land on the aggregate total land to be developed.

DETENTION FACILITY: A facility constructed or modified to restrict the flow of storm water to a prescribed maximum rate, and to temporarily detain flow of storm water to a prescribed maximum rate, and to temporarily detain concurrent excess waters that accumulate behind the outlet. Detention facilities may have either dry bottoms, or west bottoms in the form of a lake or pond.

DEVELOPED RECREATIONAL OPEN SPACE: The total horizontal area of those portions of a Lot which are located outside of any required Yard and which are set aside and developed for the recreational use and enjoyment of all residents of a project. .

DEVELOPER: Any person engaged in developing a lot or group of lots or structures thereon for use or occupancy DEVELOPMENT (Pertaining only to **Section 2.20** of this Ordinance): Any man-made change to improved or unimproved real estate including but not limited to:

(a) construction, reconstruction, or placement of a Building or any addition to a Building;
(b) installing a Manufactured Home on a site, preparing a site for a Manufactured Home or installing a travel trailer on a site for more than one hundred eighty (180) days;
(c) installing utilities, erection or walls and fences, construction of roads, or similar projects;
(d) construction of flood control structures such a levees, dikes, channel improvements, etc.;
(e) mining, dredging, filling grading, excavation, or drilling operations;
(f) construction or reconstruction of bridges or culverts;
(g) storage or materials; or
(h) any other activity that might change the direction, height, or velocity offload or surface waters.

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

DEVELOPMENT PLAN: A Specific plan for multifamily residential, commercial, industrial or special use development of property that contains the plan documentation and supporting information required by this Ordinance and satisfies the Development Requirements specified in this Ordinance.

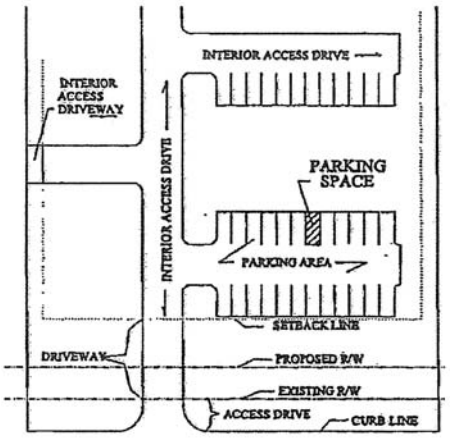
DEVELOPMENT REQUIREMENTS: Development Standards plus any additional requirements specified in this Ordinance which must be satisfied in connection with the approval of a Development Plan.

DEVELOPMENT STANDARDS: Area, bulk, height and other applicable regulations of a zoning District contained in the Ordinance which govern the physical development of real estate.

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 established by this Ordinance.

DRAINAGE POND: An artificially created body of water which is required in connection with a storm water management system.

DRIVE, INTERIOR ACCESS: A way for internal vehicular movement in and around an individual Lot or Integrated Center.



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

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

DRIVE-THROUGH SERVICE UNIT: A feature of an establishment which encourages or permits customers to request and receive services or to order and obtain goods while remaining in or on a motor vehicle. Component parts of a drive-through service unit may include menu boards, order stations, pay windows, food/service pickup windows, or service bays.

DRIVEWAY: Access for vehicular egress/ingress between the Right-of-Way of a Public or Private Street and the minimum required Setback Line on a Lot.

DRIVEWAY, INTERIOR ACCESS: A minor, Private Street providing for vehicular egress/ingress between the minimum required Setback Lines of separate Lots or between Lots within the boundaries of an Integrated Center.

DWELLING: Any Building, or portion of a Building, which is designed or used primarily for residential purposes, including a Single Family, Two Family and Multifamily Dwelling but not including Hotels, Boarding Houses, lodging houses and tourist Dwellings.

DWELLING, MANUFACTURED HOME: A Dwelling Unit which is designed and fabricated in one or more modules at a location other than the home site, by assembly-line type production techniques or by other construction methods unique to an off-site

manufacturing process; provided, that each module must bear a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Law of 1974; and provided further, that each unit must have been built after January 1, 1981, and must have at least 950 square feet of Main Floor Area (exclusive of Garages, Carports, and open Porches).

DWELLING, MOBILE: A movable or portable Dwelling Unit that:

(a) is fabricated in one or more modules at a location other than the home site, by assembly-line type (b) is production techniques or by other construction methods unique to an off-site manufacturing process;
(b) is designed for occupancy by one Family;
(c) is erected or located as specified by the Town of Zionsville Building Code; and,
(d) was either:
    (1) constructed prior to June 15, 1976 and bears a seal attached under Indiana Public Law 135, 1971, certifying that it was built in compliance with the standards established by the Indiana Administrative Building Council; or,
    (2) constructed subsequent to or on June 15, 1976 and bears a seal, certifying that it was built in compliance with the Federal Mobile Home Construction and Safety Standards law.

DWELLING, MODULAR HOME: A Dwelling Unit which is fabricated in one or more modules at a location other than the home site, by assembly-line type production techniques or by other construction methods unique to an off-site manufacturing process, designed for residential occupancy; provided. that each module must bear the seal certified that it was built in compliance with Indiana Public Law 360; and, provided further, that the unit must have been built in compliance with the CABO One and Two-Family Dwelling Code.

DWELLING, MULTIFAMILY: A Building consisting of three (3) or more Dwelling Units, including Condominiums, with varying arrangements of entrances and party walls.

DWELLING, SINGLE FAMILY: An individual, detached Building containing one (1) Dwelling Unit which is either built in compliance with the CABO One and Two-Family Code and the Town of Zionsville Building Code:

a) a Modular Dwelling: or
b) a Manufactured Dwelling.

DWELLING, TWO FAMILY: A Building consisting of two (2) Dwelling Units which may be either attached side by side or one above the other, and each Dwelling Unit having a separate or combined entrance.

DWELLING UNIT: A room or group of rooms designed and equipped exclusively for use as living quarters for only one (1) Family and its household employees, including eating, lawful cooking, sleeping space and sanitary facilities reserved solely for the occupants

thereof. The term shall include Mobile Dwellings, Modular Dwellings and Manufactured Dwellings but shall not include recreational vehicles.

EASEMENT: A grant by a property owner to specific persons, the general public, corporations, utilities, or others, for the purposed of providing services or access to the property or through the property to adjacent property.

EIA-222: Electronics Industries Association Standard 222, "Structural Standards for Steel Antenna Towers and Antenna Support Structures".

EROSION: The removal of surface materials by the action of natural elements.

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

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

EXCAVATION: Any act by which earth, sand, gravel, rock, or other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated, or bulldozed and shall include the conditions resulting therefrom.

EXISTING MANUFACTURE HOME PARK OR SUBDIVISION: (Pertaining only to **Section 2.20** of this Ordinance): 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 Floodplain management regulations adopted by the community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: (Pertaining only to **Section 2.20** of this Ordinance): 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).

FAMILY: One or more human beings related by blood, marriage, adoption, foster care or guardianship, together with Incidental domestic servants and temporary, non-compensating guests; or, not more than four (4) human beings not so related, occupying a Dwelling Unit and living as a single housekeeping unit.

FARM: An area comprising 20 acres or more which is primarily adapted, by reason or nature, for the use for agricultural purposes.

FARM BUILDINGS: A structure on a farm which hosts agricultural storage of livestock, poultry, grain, feed, hay, farm machinery, or other similar nonresidential uses.

FBFM (pertaining only to **Section 2.20** of this Ordinance): Flood Boundary and Floodway Map.

FEMA (pertaining only to **Section 2.20** of this Ordinance): Federal Emergency Management Agency.

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

FHBM (Pertaining only to **Section 2.20** of this Ordinance): Flood Hazard Boundary Map.

FILL: Any act by which earth, sand, gravel, rock, or any other similar material is placed, pushed, dumped, pulled, transported, or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the conditions resulting therefrom. The difference in elevation between a point on the original ground and a designated point of higher elevation of the final Grade. The material used to make a fill.

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

FIRM (Pertaining only to **Section 2.20** of this Ordinance): Flood Insurance Rate Map.

FLEX-SPACE: A light industrial use which includes a combination of office space and either warehouse or light assembly operations, provided that a minimum of fifteen (15) percent of the Gross Floor Area of each tenant space shall be devoted to office use.

FLOODWAY (Pertaining only to **Section 2.20** of this Ordinance): 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 a river or stream.

FLOOD (pertaining only to **Section 2.20** of this Ordinance): 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.

FLOODPLAIN (pertaining only to **Section 2.20** of this Ordinance): 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 Floodway Fringe Districts.

FLOOD PROTECTION GRADE or the "FPG"(pertaining only to **Section i.20** of this Ordinance): The elevation of the regulatory Flood plus two feet at any given location in the SFHA.

FLOODWAY (pertaining only to **Section 2.20** of this Ordinance): 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.

FLOODWA Y FRINGE (pertaining only to **Section 2.20** of this Ordinance): Those portions of the Floodplain lying outside the Floodway.

FLOOR AREA: For Single Family Dwellings and Two Family Dwellings, the sum of all horizontal surface areas of all floors of all roofed portions of a Building enclosed by and within the surrounding exterior walls or roofs, or the centerline(s) of party walls separating such Buildings or portions thereof. The Floor Area of a Building shall exclude all areas with a vertical height clearance less than seventy-eight (78) inches, exterior open balconies, and open Porches.

For Multifamily Dwellings, the sum of all horizontal surface areas of all floors of all roofed portions of all Buildings enclosed by and within the surrounding exterior walls or roofs, or the centerline(s) of party walls separating such Buildings or portions thereof. However, this shall not include the following:

a) All areas with a vertical height clearance less than seventy-eight (78) inches;
b) All exterior open balconies, and open Porches;
c) Floor area or Basement Floor Area devoted to Off-Street Parking or Off-Street Loading, including aisles, ramps and maneuvering space; Floor Area or Basement Floor Area provided for recreational uses, available use, available to occupants **Article 11: Definitions**
d) of two or more Dwelling Units within a project; or
e) Basement Floor Area provided for storage facilities, allocated to serve individual Dwelling Units within a project.

FLOOR AREA, FINISHED: That portion of Floor Area constructed, completed and usable for living purposes with normal living facilities which includes sleeping, dining, cooking, sanitary, or combination thereof. A Floor Area or portion thereof used only for storage purposes and not equipped with the facilities mentioned above shall not be considered Finished Floor Area.

FLOOR AREA, GROSS: For Dwelling Units, 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 Basements, cellars and attics.

For Commercial or Industrial Buildings or Structures, the sum of all horizontal surface areas of all floors of a Building or Structure measured from the exterior faces of the exterior walls or from the center line of walls separating abutting Buildings or Structures.

FLOOR AREA, GROSS LEASABLE: That portion of the Gross Floor Area which is designated for the exclusive use and occupancy of a tenant.

FLOOR AREA, MAIN: That portion of the Finished Floor Area located on the first floor of the Dwelling Unit.

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

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.

GAME COURT: In Residential Districts, a type of recreation facility which consists of an unpaved or paved, Accessory, surface area of ground open and essentially unobstructed to the sky, on the same Lot as the primary Structure, designed and intended for the playing of a recognized sport as an Accessory, recreational activity by the occupants and guests of the primary Structure, which may include fencing, screening, nets, goals, or other necessary appurtenances required for recreational use.

GARAGE: An Accessory Building to a residential use, or an enclosed area attached to or integrated into a residential Building, which is primarily designed and intended to be used for the storage of the private vehicle(s) for the occupant(s) of said residence and is not a separate commercial enterprise available to the general public.

GARAGE, PARKING: Any Building or Structure designed and intended for the storage of motor vehicles for compensation.

GARAGE SALE: A public or private sale conducted by the owner or occupier of a premises of six or more items of personal property owned by the owner or occupier of the premises, which personal property was not acquired by the owner or occupier for the purpose of resale.

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

GASOLINE SERVICE STATION: Any Building, land area or other premises or portion thereof, used or intended to be used for the retail dispensing or sales of vehicular fuels, which may include as an Accessory Use: minor automotive repairs; the sale and installation of lubricants, tires, or batteries; car washes; and similar uses. Such establishments shall provide a facility where gasoline and other motor fuels are stored and subsequently dispensed by means of fixed, approved dispensing equipment by customers or employees.

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

GRADE: The average level of the finished surface of the ground five (5) feet from the Building, Structure or proposed Building pad; provided, however, for the purposes of the Town of Zionsville Subdivision Control Ordinance, the term Grade, when

referring to "street grade" shall mean the slope oaf Street specified in percentage (%) terms.

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

GROUP HOME: A residential facility licensed by the Community Residential Facilities Council, or its successor in authority, and authorized by **I.C. 12-17.4-5** in which care is provided on a twenty-four (24) hour basis for not more than ten (10) children in need of services or who have committed a delinquent act.

HARDSURFACED AREA: Quality of an outer area being solidly constructed of pavement, brick, paving stone, or a combination thereof.

HAZARDOUS WASTE: Means a waste or combination of wastes that, because of its quantity; concentration; or physical, chemical, and/or infectious characteristics; may:

1. Cause or significantly contribute to an increase in mortality or increase in serious irreversible, or
2. incapacitating reversible illness: or
3. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

HAZARDOUS WASTE LANDFILL: A facility approved by the EPA and sited by the State of Indiana for the disposal of hazardous wastes as defined elsewhere in this ordinance.

HELIPORT: See Airport.

HOME OCCUPATION: An occupation or business activity carried on within a legally established Dwelling Unit by a resident of said Dwelling, where the occupation or business activity:

(a) is clearly Incidental and subordinate to the residential use;
(b) does not alter the interior or exterior residential character of the Dwelling Unit;
(c) is carried on within the principal Building and only by members of the Family occupying the premises; and,
(d) does not include any Outdoor Storage or activities other than receipt or delivery associated with the business activity.

HOTEL: Any Building or group of Buildings containing five (5) or more rooms without direct entrance to or from the outside, designed or intended to be occupied for sleeping purposes by guests for a fee, often with general kitchen and dining room facilities provided within the Building or an Accessory Building, and which caters to the traveling public.

IMPROVEMENT: Any man-made, immovable item which becomes part of, placed upon, or is affixed to real estate.

IMPROVEMENT LOCATION PERMIT: A permit stating that the proposed erection, construction, enlargement or moving of a Building or Structure, and uses thereof, complies with the provisions of the Zoning Ordinance and the Subdivision Control Ordinance.

INCIDENTAL: A minor occurrence or condition which is customarily associated with a Permitted Use and is likely to ensue from normal operations.

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

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

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

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

INDUSTRIAL PARK: See Integrated Center.

INSTITUTION: Any home, orphanage, or other facility maintained or conducted by a group of persons, a firm, association, corporation, or governmental body engaged in receiving and caring for dependent, neglected, handicapped, or permanently disabled persons, or children in danger of becoming delinquent or in operating for gain a private business of boarding children who are unattended by parents or guardians, or persons in loco parentis.

INTEGRATED CENTER: An area of development (commercial, industrial, or any combination of commercial, industrial and residential uses) of one or more Lots, comprised of:

(a) Two or more individual, non-related and separately operated uses in one Building sharing common site facilities;

(b) One or more Buildings containing non-related and separately operated uses occupying a common site, which utilizes one or a combination of common site

facilities, such as Driveways, Parking Areas, Interior Access Drives, maintenance and similar common services; or,

(c) One or more Buildings containing non-related and separately operated uses occupying individual sites, which are interrelated by the utilization of one or a combination of common facilities, such as Driveways, internal Public or Private Street network developed in accordance with an approved Subdivision, Parking Areas, maintenance or other services.

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

JUNK YARD: Any place at which personal property is or may be salvaged for reuse, resale, or reduction or similar disposition and is owned, possessed, collected, accumulated, dismantled, or assorted, including but not limited to, used or salvaged base metal or metals, their compounds or combinations, used or salvaged rope, bags, paper, rags, glass, rubber, lumber, millwork, brick and similar property except animal matter; and used motor vehicles, machinery or equipment which does not carry a current, valid license, and is used, owned or possessed for the purpose of wrecking or salvaging parts therefrom.

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

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

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

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

LANDSCAPE EASEMENT: An area located in a subdivision that may be privately owned, but is reserved to provide greenspace and bufferyards. Restrictions for Landscape Easements will reflect those of Regulated Drain Easements.

LETTER OF MAP AMENDMENT (LOMA) (pertaining only to **Section 2.20** of this Ordinance): An amendment to the currently effective FEMA map that establishes that a property is not located in a Special Flood Hazard Area (SFHA). A LOMA is only issued by FEMA.

LETTER OF MAP REVISION (LOMR) (pertaining only to **Section 2.20** of this Ordinance): An official revision to the currently effective FEMA map. It is issued by FEMA and changes Flood zones, delineations, and elevations.

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

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

LOADING AREA: A hard-surfaced, off-street area maintained and intended for the maneuvering and temporary parking of vehicles while transferring goods or materials to and from a facility. Loading Area includes the Loading Space and maneuvering area required to enter the Loading Space.

LOADING, OFF-STREET: A Loading Area located completely on a Lot and accessed via Interior Access Drives, Interior Access Driveways, Access Drives, or Driveways in which no individual Loading Spaces gain direct Access to a Public or Private Street.

LOADING SPACE: A hard-surfaced, off-street area used for the temporary parking of a commercial vehicle while transferring goods or materials to and from a facility.

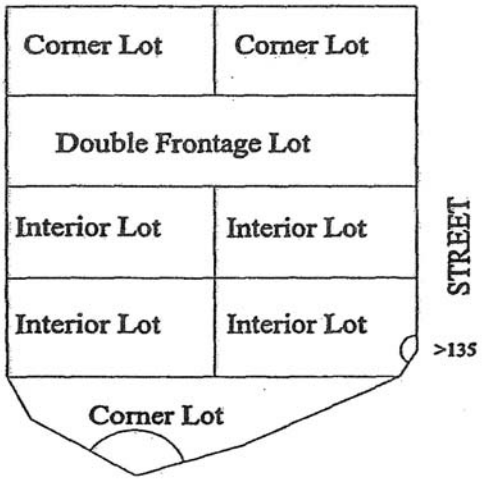
LOT: A piece, parcel, plot or tract of land designated by its owner or developer to be used, developed or built upon as a unit under single ownership or control and may consist of:

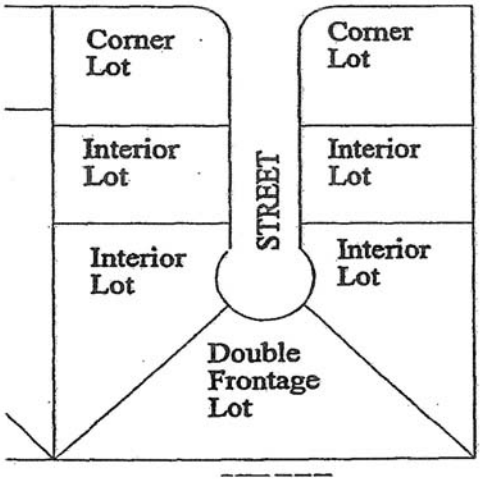
(a) a single Lot of Record;
(b) a portion of a Lot of Record; or
(c) a combination of complete Lots of Record, or complete Lots of Record and portions of Lots of Record, or of portions of Lots of Record.

A Lot mayor may not coincide with a Lot of Record. For purpose of this definition, the ownership of a Lot is further defined to include:

(a) the person(s) who holds either fee simple title to the property or is a life tenant as disclosed in the records of the township assessor; or,
(b) a long-term lessee (but only if the lease is recorded among the records of the Boone County Recorder and has a term (exclusive of non-exercised extensions and renewals) of at least twenty-five (25) years remaining before its expiration at the time of applying for a permit).

Provided, however, for the purposes of the Town of Zionsville Subdivision Control Ordinance, the term Lot shall mean that portion of a Subdivision which is proposed to be recorded in the office of the Boone County Recorder as a Lot of Record.





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

LOT, CORNER: A Lot abutting two (2) or more Streets at their intersections, or upon two parts of the same Street forming an interior angle of less than one-hundred and thirty-five (135) degrees.

LOT COVERAGE: The total ground area within the Lot or project covered by the primary Structure plus any Accessory Structures (including Decks, Patios, above-ground pools, in-ground pools, Garages, Carports and storage sheds), excluding Driveways, sidewalks, fences and walls not attached in any way to a roof.

LOT DEPTH: The distance from the midpoint of the Front Lot Line to the midpoint of the Rear Lot Line.

LOT, DOUBLE FRONTAGE: A Lot abutting two (2) parallel Streets, or abutting two (2) Streets which do not intersect at the boundaries of the Lot.

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

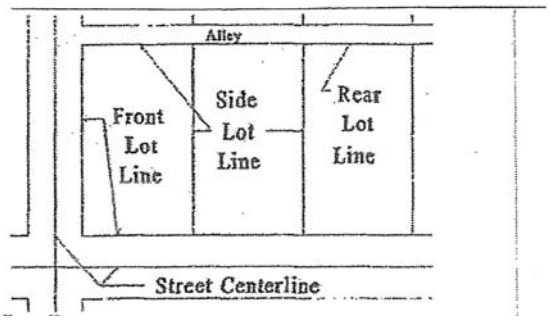
LOT, INTERIOR: A lot other than a Corner Lot or Through Lot.

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

LOT, THROUGH:. A lot having frontage on two parallel or approximately parallel street.LOT LINE: The line of separation of a Lot from any abutting Street or adjoining Lot, provided, however, for the purposes of the Town of Zionsville Subdivision Control Ordinance, the term Lot Line shall mean the line of separation between a Lot of Record and any abutting Street or adjoining Lot of Record.

LOT LINE, FRONT: The Lot Line separating a Lot from any abutting Street. In the case of a Through Lot, the Lot line which most closely parallels the primary entrance of the primary Structure shall be considered the Front Lot Line.

LOT LINE: The line of separation of a Lot from any abutting Street or adjoining Lot, Provided, however, for the purposes of the Town of Zionsville Subdivision Control Ordinance, the term Lot Line shall mean the line of separation between a Lot of Record and any abutting Street of adjoining Lot of Record.



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 ten (10) feet in length within the Lot, parallel to and at the maximum distance from the Front Lot Line. However, in the case of a Corner Lot, any Lot Line which intersects with a Front Lot Line shall not be considered a Rear Lot Line.

LOT LINE, SIDE: Any Lot Line not designated as a Front or Rear Lot Line.

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 minimum Front Yard and minimum Building Setback Line required by this Ordinance.

LOWEST FLOOR (Pertaining only to **Section 2.20** of this Ordinance): The lowest of the following:

(a) the top of the basement floor;
(b) the top of the Garage floor, if the Garage is the lowest level of the Building.
(c) the top of the first floor of Buildings elevated on pilings or constructed on a crawl space with permanent openings; or
(d) the top of the floor level of any enclosure below an elevated Building where the walls of the enclosure provided any resistance to the flow of flood waters unless:
    (1) the walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, through providing a minimum of two (2) openings (in addition to doorways and windows) having a total area of one (1) square foot for every two (2) square feet of enclosed floor area subject to flooding. The bottom of all such openings shall be no higher than one (1) foot above the enclosed area's floor.
    (2) such enclosed space shall be usable for non-residential purposes and Building access

MAINTENANCE BOND: A legally binding agreement whereby the Subdivider posts a surety in a form acceptable to the Plan Commission for the maintenance of Improvements, installations, and Lot Improvements required by the Town of Zionsville Subdivision Control Ordinance, any other applicable ordinances of the Town of Zionsville, and any requirements, covenants, Conditions or Commitments which may be imposed by the Plan Commission

MAJOR RESIDENTIAL SUBDIVISION: See Subdivision, Major Residential

MANUFACTURED HOME (Pertaining only to **Section 2.20** of this Ordinance): A Structure, transportable in one (1) 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. As defined in **IC 22-12-1-16**, a dwelling unit (as defined in **P.I. 312**), designed and built in a factory which bears a seal certifying that it was built in compliance with the **Federal Manufactured Housing Construction and Safety Standards Law**, and certified by the State of Indiana. Such manufactured home shall be constructed after January 1, 1981, classified as residential design, and exceed 750 square feet of occupied space, and exceed 12 feet in width. Occupied space does not include porches, terraces, garages, pullout, or expansion rooms.

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

MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS CODES: Title VI of the 1974 Housing and Community Development Act (**42 USC 5401 et**

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

MASSAGE: Any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external parts of the human body with the hands or with the aid of any mechanical electrical apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointment, or other such similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his behalf will pay money or give any other consideration or any gratuity therefore. However, massage as used in this ordinance shall not apply to the activity of any person who is registered or licensed by the United States Government or any agency thereof, by the State of Indiana or any agency thereof, by Boone County or any agency thereof, or registered or licensed by any agency or association authorized to so register or license by any statute or ordinance of the United States, the State of Indiana, or Boone County, while such person so registered or licensed is performing the services for which the registration or license was issued and during the period of time said registration or license is in effect.

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

MAXIMUM BUILDING HEIGHT: The vertical distance measured from finished Grade to the highest point if the roof.

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

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

MINOR RESIDENTIAL SUBDIVISION: See Subdivision, Minor Residential

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

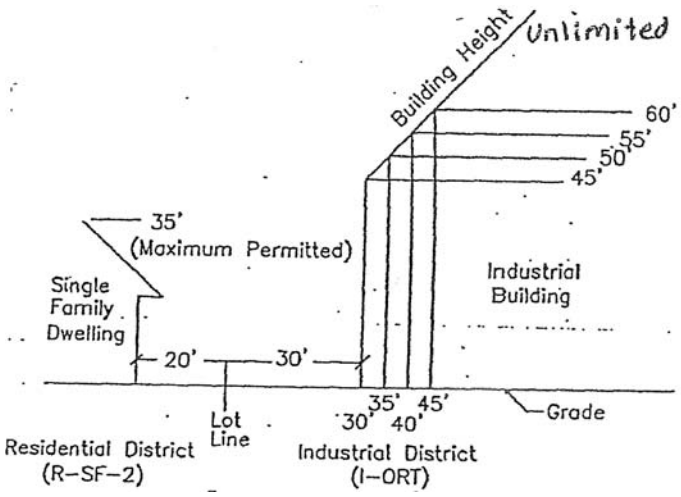
1. Certified in a factory and fabricated to the standards outlined in Indiana **Public Law 135** pursuant to **IC 91¬5-1**;
2. Designed to be transported after fabrication on its own wheels; and
   Arriving at the site where it is to be occupied as a dwelling complete, including the major appliances,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

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

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

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

MONUMENT: Any permanent marker used to identify any tract, parcel, Lot or Street line.



MOTEL: Any Building or group of Buildings containing five (5) or more rooms with at least twenty-five percent (25%) of all rooms having direct entrance to and from the outside without the necessity of passing through the main lobby of the Building(s), designed and intended to be occupied for sleeping purposes by guests for a fee, where general kitchen and dining room facilities may be provided within the Building or an Accessory Building, and which caters to the traveling public.

MOTOR VEHICLE: Except as otherwise provided in this Ordinance, a vehicle that is self-propelled. The term does not include a "farm tractor", "implement of husbandry" or motorized bicycle. The defamations for **Indiana Code Chapter 9-13-2**, applicable to Motor Vehicles law generally are hereby incorporated by reference hereto.

MOTOR VEHICLE, ABANDONED:

a. A vehicle located on public property illegally.
b. A vehicle left on public property without being moved for three (3) days.
c. A vehicle located on public property in such a manner as to constitute a hazard or obstruction to the movement of pedestrian or vehicular traffic on a Public Right-of-Way.
d. A vehicle that has remained on private property without the consent of the owner or person in control of that property for more than forty-eight (48) hours.
e. A vehicle from which the engine, transmission, or differential has been removed or that is otherwise partially dismantled or inoperable and left on public property.
f. A vehicle that has been removed by a towing service or public agency upon request of an officer enforcing a statute or an ordinance other that this Ordinance if the impounded vehicle is not claimed or redeemed by the owner or the owner's agent within twenty (20) days after the vehicle's removal.
g. A vehicle that is at least three (3) model years old, is mechanically inoperable, and is left on private property continuously in a location visible from public property for more than twenty (20) days.

MOTOR VEHICLE, UNREGISTERED: Any vehicle which is not registered as required by Indiana law, specifically **Indiana Code Section 9-18-2-1** and the requirements to obtain the appropriate indicia of ownership, such as a license plate or renewal tag, and display the same as required by **Indiana Code Section 9-18-2-7** and all regulations of the Indiana Bureau of Motor Vehicles.

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

NEIGHBORHOOD RECYCLING COLLECTION POINT: A site where individuals bring household recyclable materials to either drop off without compensation, or, to redeem the materials for monetary compensation. Beyond any limited sorting, no other processing of the materials takes place at the site. All materials are stored completely within the Structure while awaiting periodic shipment to the processing facilities. While these collection points may be developed as freestanding sites, they typically are Accessory Uses sharing the site of a larger Primary Use. Possible Structures for this type of operation include such Recycling Containers as "igloos", reverse vending machines, trailers, or similar Structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION (Pertaining only to **Section 2.20** of this Ordinance): 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 Floodplain management regulations adopted by a community.

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

NONCONFORMING BUILDING OR STRUCTURE, LEGALL Y ESTABLISHED: Any continuous, lawfully established Building or Structure erected or constructed prior to the time of adoption, revision or amendment of the zoning ordinance but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning District.

NONCONFORMING USE, LEGALLY ESTABLISHED: Any continuous, lawful land use having commenced prior to the time of adoption, revision or amendment of the zoning ordinance but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning District.

NON-RESIDENTIAL SUBDIVISION: See Subdivision, Non-Residential.

NON-WHIP ANTENNA: an Antenna which is not a Whip Antenna, such as dish Antennas, panel Antennas, etc.

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

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

OFFICE PARK: See Integrated Center.

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

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

OPEN SPACE: (Pertaining only to **Section 2.20** of this Ordinance): An area of land not covered by buildings. Parking Structures, or Accessory Uses except for recreational Structures. Open Space may include nature areas; stream and Floodplains; meadows or open fields containing baseball, football and soccer fields. Gold courses, etc.; swimming pools; bicycle paths etc. Open Space does not include Street Right-of-Way, platted Lot Area, private yard, patio areas, or land scheduled for future development.

ORPHANAGE: An institution for the care of children whose parents are incapacitated or deceased OPEN SPACE (Pertaining only to **Section 2.20** of this Ordinance): An area of land not covered by Buildings, parking Structures, or Accessory Uses except for recreational Structures. Open Space may include nature areas; stream and Floodplains; meadows or open fields containing baseball, football, and soccer fields, golf courses, etc.; swimming pools; bicycle paths; etc .. Open Space does not include Street Right-of-Way, platted Lot Area, private yard, patio areas, or land scheduled for future development.

OUT LOT: That portion of land in a Subdivision, Integrated Center or planned development which is:

(a) usually located adjacent to a Street or Frontage Street; and, (b) is intended for an additional and separate Building or Buildings in the development.

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

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

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

PARKING AREA: Any area of paving other than an open exhibition or display area, not inclusive of Interior Access Drives, Driveways, Interior Access Driveways and Access Drives, intended for the temporary storage of automotive vehicles including Parking Spaces and the area allocated to the egress/ingress of automotive vehicles to and from the actual Parking Space.

PARKING GARAGE: See Garage, Parking.

PARKING, OFF-STREET: A Parking Area located completely on a Lot and accessed via Interior Access Drives, Interior Access Driveways, Access Drives, or Driveways in which no individual Parking Spaces gain direct Access to a Public or Private Street.

PARKING LOT: The primary or Accessory Use of a Lot or a portion of a Lot for the parking of automotive vehicles.

PARKING SPACE: An off-street portion of the Parking Area, which shall be used only for the temporary placement of an operable motor vehicle.

PATIO: A hardsurfaced area Accessory Structure •to a Primary Use or Structure of which the horizontal area is at Grade level with at least one (1) side open to the weather and essentially unobstructed to the sky. This area is specifically designed and intended for the recreational enjoyment of the occupant(s) and guest(s) of the Primary Use or Structure and is not designed or intended for use by automotive vehicles.

PAVEMENT: A layer of concrete, asphalt or coated macadam used on street, parking area, sidewalk, or airport surfacing.

PENNANT: A Sign of lightweight plastic, fabric, or other similar material, whether or not containing a message of any kind, which is suspended from a rope, wire or string, usually in a series, and which is designed to move in the wind. Flags of any government or political unit shall not be considered pennants.

PERFORMANCE BOND: A legally binding agreement whereby the Subdivider posts a surety in a form acceptable to the Plan Commission for the construction of Improvements, installations and Lot Improvements required by the Town of Zionsville Subdivision Control Ordinance, any other applicable ordinances of the Town of Zionsville, and any requirements, covenants, conditions or commitments which may be imposed by the Plan Commission.

PERMITTED USE: The use of land or the use of a Building or Structure on land which is allowed, either as a matter of right or under limited conditions (i.e., as a Special Exception Use, an Accessory Use, a Home Occupation, or a Temporary Use) in the zoning District applicable to the land.

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

PLAN COMMISSION: The Town of Zionsville Plan Commission established pursuant to the Advisory Planning Law of the State of Indiana.

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

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

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

PLAT: A drawing, map, plan or other graphic representation of a Subdivision of a tract of land or a replat of such a tract of land into Lots of Record.

PORCH: A roofed Structure with at least one side exposed to the weather, supported from the ground and attached to or part of a Building at the area of entrance or exit to said Building.

PRIMARY BUILDING: The Building in which the primary Permitted Use of the Lot is conducted.

PRIMARY CONSERVATION AREAS: This category includes wetlands, lands that are generally inundated (under ponds, lakes, or creeks), land within the 100 year floodplain, and slopes exceeding 25%.

PRIMARY PLAT: Any initial request for the Subdivision of real estate filed before the Plan Commission pursuant to **I.C. 36-7-4-700, et. seq**.

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

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

PRIMARY USE: A Permitted Use of land or a Permitted Use of a Building or Structure on land which is allowed as a matter of right in the zoning District applicable to the land, subject only to compliance with the Development Standards applicable to that zoning District.

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

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

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

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

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

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

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

QUALIFYING TRACT: Any tract where twenty (20) or more cubic yards of earth are moved.

"R" DISTRICT: The R-SF-I, R-SF-2, R-SF-3, R-SF-4, R-MF-I, R-MF-2, and R-V Residential Zoning Districts.

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

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

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

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

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

RECREATIONAL VEHICLE:

(a) A self-propelled or towed vehicle designed and intended specifically for temporary living, travel, and leisure activities, including, but not limited to, boats, motor homes, travel trailers and camping trailers.

(b) (Pertaining only to **Section 2.20** of this Ordinance): A vehicle which is (I) built on a single chassis; (2) four hundred (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 a permanent Dwelling, but as temporary living quarters for recreational camping, travel, or seasonal use.

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

RECYCLING CONTAINER: A receptacle designed and intended for the collection of cleaned, sorted, solid household waste products, including, but not limited to glass, plastic, metal and paper.

RECYCLING FACILITY: A recycling operation involving further processing (relative to a Neighborhood Recycling Collection Point) of materials to improve the efficiency of subsequent hauling. Such a facility typically features sorting, the use of a crushing apparatus, and the storage of the material until it is shipped out.

REGULATORY FLOOD (Pertaining only to **Section 2.20** of this Ordinance): The Flood having a one percent (1 %) probability of being equaled or exceeded in any given year, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in **Section 11.2** of this Ordinance. The "Regulatory Flood" is also know by the term "Base Flood".

RELIGIOUS USE: A land use and all Buildings and Structures associated therewith devoted primarily to the purpose of divine worship together with reasonably related Accessory Uses, which are subordinate to and commonly associated with the Primary Use, which may include but are not limited to educational, instructional, social, residential or Child Care Ministry uses.

RESEARCH PARK: See Integrated Center.

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

RESIDENTIAL FACILITY FOR THE DEVELOPMENTALLY DISABLED: A facility which provides residential services for not more than eight (8) developmentally disabled individuals in a program described in **I.C. 12-11-1-1**.

RESIDENTIAL FACILITY FOR THE MENTALLY ILL: A facility which provides residential services for mentally ill individuals in a program described in **I.C. 12-22-2-3.**

RESOURCE RECOVERY: The processing of solid waste into commercially valuable materials or energy.

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

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

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 Boone County Recorder.

RIGHT-OF-WAY, EXISTING: The total Right-of-Way width of a Street as created or expanded by the most recent grant, declaration or conveyance for that is recorded by the office of the Boone County Recorder.

RIGHT-OF-WAY, PUBLIC: Specific and particularly described strip of land, property, or interest therein dedicated to and accepted by the municipality, County or State to be devoted to and subject to use by the general public for general transportation purposes or conveyance of utilities whether or not in actual fact improved or actually used for such purposes, as set forth in a written grant, declaration or conveyance that is recorded by the office of the Boone County Recorder.

RIGHT -OF-WAY , PRIVATE: Specific and particularly described strip of privately-held land devoted to and subject to use for general transportation purposes or conveyance of utilities whether or not in actual fact improved or actually used for such purposes, as set forth in a written grant, declaration or conveyance that is recorded by the office of the Boone County Recorder.

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

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

RUNOFF: The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil but runs off the surface of the land.

RUNOFF FROM A FULLY DEVELOPED AREA UPSTREAM: The surface water runoff that can be reasonably anticipated upon maximum development of that area of the watershed located upstream from the subject tract, as permitted by prevailing zoning or any existing Comprehensive Plan.

SANITARY LANDFILL: Means a solid waste land disposal facility designed to accommodate general types of solid waste as elsewhere defined in this ordinance, excluding waste regulated by **329 IAC 3**, and operated by spreading the waste in thin layers, compacting it to the smallest practical volume, and covering it with cover material at the end of each working day. This definition does not include a Clean Fill Site, or a Construction/Demolition Site, which are defined elsewhere in the ordinance.

SEASONAL RETAIL SALES: A Temporary Use established for a fixed period of time, for the retail sale of seasonal products, including but not limited to, such items as food, Christmas trees, and live plants. This use mayor may not involve the construction or alteration of any permanent Building or Structure.

SECONDARY CONSERVATION AREAS: This category shall typically include all or part of the following kinds of resources: woodlands; aquifer recharge areas; poorly drained soils; significant wildlife habitat areas; prime farmland; historic, archaeological or cultural features listed (or eligible to be listed) on national, state or county registers or inventories; scenic views into the property from existing public roads; or other features unique to the site. Secondary Conservation Areas therefore typically include forest, meadows, pastures, farm fields, part of the ecologically connected matrix of natural areas significant for wildlife habitat, water quality protection or other reasons.

SECONDARY PLAT: Any Plat approved by the Plan Commission and authorized for filing with the Boone County Auditor and for recording by the Office of the Boone County Recorder in accordance with **I.C.36-7-4-710**.

SECRETARY: The Secretary of the Plan Commission as duly appointed by the Plan Commission in accordance with **I.C. 36-7-4-304**.

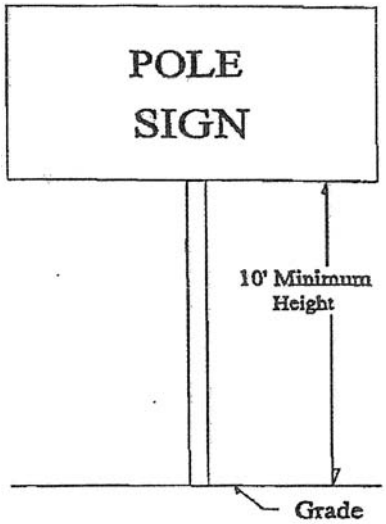
SEDIMENTATION: The process by which mineral or organic matter is accumulated or deposited by moving wind, water, or gravity

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

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

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

SETBACK: 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 a Building, Structure, or portion thereof, can be located from a Lot Line or right-of-way line.

SETBACK, MINIMUM SIDE: The minimum distance from a Side Lot Line required by this Ordinance, measured perpendicularly from the Side Lot Line, to the closest point of the Building, Structure, Sign Structure, Parking Area or any other permanent Improvement.

SFHA OR SPECIAL FLOOD HAZARD AREA (Pertaining only to **Section 2.20** of this Ordinance): Those lands within the jurisdiction of the Town that are subject to inundation by the regulatory flood. The SFHAs of the Town are generally identified as such on the Flood Insurance Rate Map of the Town Prepared by the Federal Emergency Management Agency and dated June 15, 1989. The SFHAs of those parts of unincorporated Boone County that are within the extraterritorial

jurisdiction of the Town or that may be annexed into the Town are generally identified as such on the Flood Insurance Rate Map prepared for Boone County by the Federal Emergency Management Agency and dated March 16, 1982.

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

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

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

limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible front the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

12. projecting sign - any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.
13. residential sign - any sign located in a residential district that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of the zoning ordinance.
14 . roof sign - any sign erected and considered wholly on an over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.
15. roof sign, integral - any sign erected or constructed as an integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.
16. suspended sign - a sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.
17. temporary sign - any sign that is used only temporarily and is not permanently mounted.
18. wall sign - any sign attached parallel to, but within six inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

SIGN: Any Structure, fixture, placard, announcement, declaration, device, demonstration or insignia used for direction, information, identification or to advertise or promote any business, product, goods, activity, services or interests.

SIGN, A-FRAME: A Portable Sign containing two (2) Sign Faces and whose framing is hinged at the apex at an angle less than forty-five (45) degrees.

SIGN, ADVERTISING: An Off-Premise Sign which directs attention to any business, profession, product, activity, commodity, or service, that is offered, sold, or manufactured on property or premises other than that upon which the Sign is located. Also known as an Outdoor Advertising Sign.

SIGN, AWNING: A Building Identification Sign or graphic printed on or in some fashion attached directly to the material of an awning.

SIGN, BALLOON: A temporary Sign consisting of a bag made of light weight material which is either (i) filled with a gas lighter than air or (ii) continuously filled with

blown air, and designed to rise or float in the atmosphere or is attached to the ground or a Building.

SIGN, BUSINESS: See, Sign, Identification.

SIGN, CANOPY: Any Sign that is part of or attached to a canopy over a door, entrance, or window.

SIGN, CHANGEABLE COPY: See Reader Board Sign or Electronic Variable Message Sign.

SIGN, CONSTRUCTION: A Temporary Sign which identifies the construction activity on a property and announces the project, owner or developer, contractor, subcontractor, architect, engineer, funding sources or related information.

SIGN, DIRECTIONAL: Any Incidental Sign which serves solely to designate the location of or direction to any place or area located on the same Lot.

SIGN, DIRECTORY: An on-premise Sign on which the name, title, Street number, or use of Building is displayed.

SIGN, ELECTRONIC VARIABLE MESSAGE (EVMS): A Sign, or portion thereof, where the message copy includes characters, letters or illustrations that can be changed or rearranged electronically without touching or physically altering the primary surface of the Sign. Message copy may be changed in the field or from a remote location.

SIGN, FREESTANDING: A Sign that is attached to, erected on or supported by some Structure (such as a pole, mast or frame) that is Grade not itself an integral part of or attached to a Building or Structure whose principal function is something other than the support of a Sign.

SIGN, GROUND: Any Freestanding Sign constructed in or on the ground surface with a maximum height not exceeding six (6) feet above Grade.

SIGN, IDENTIFICATION: Any Sign which is limited to the name, address and number of a Building, institution or person and to the activity carried on in the Building or institution, or the occupancy of the person.

SIGN, INCIDENTAL: A Sign relating to the Lot or use thereof and designated Accessory Uses, direction, identification, information, construction, or real estate for sale, lease, or rent.

SIGN, MARQUEE: Any Building Identification Sign painted, mounted, constructed or attached in any manner on a marquee.

SIGN, NONCOMMERCIAL OPINION: A Sign which does not advertise products, goods, businesses, or services and which expresses an opinion or point of view.

SIGN, NONCONFORMING: A Sign which qualifies as a Legally Established Nonconforming Structure.

SIGN, OFF-PREMISE: See Sign, Advertising.

SIGN, ON-PREMISE: A Sign which directs attention to a Building, business, product, activity, or service offered on the property on which the Sign is located.

SIGN, PARKING AND LOADING: Any Incidental Sign which serves to designate the location of any Parking or Loading Area on a Lot and may include the name of the owner or the establishment for which such Parking or Loading Area it is provided.

SIGN, POLE: Any Freestanding Sign which has its supportive Structure(s) anchored in the ground and which as the lowest portion of its Sign display surface elevated a minimum of ten (10) feet above the Grade.

SIGN, PORTABLE: Any Sign or Sign Structure not securely attached to the ground or other permanent Structure, or: a Sign designed to be transported from place to place, including but not limited to Signs transported by means of wheels; a Sign attached to A-or T-frames; a menu and sandwich board Sign; a balloon used as a Sign, umbrella used for advertising; and, a Sign attached to or painted on a vehicle parked and visible from the Public Right-of-Way, unless said vehicle is used in the normal day-to-day operation of the business.

SIGN, PROJECTING: Any Sign which is affixed to a Building or wall in such a manner that the leading edge extends more than eighteen (18) inches beyond the surface of such Building or wall face.

SIGN, PYLON: Any Freestanding Sign anchored in the ground with its Sign display surface extending upward from the ground surface and which has a height exceeding six (6) feet above Grade.

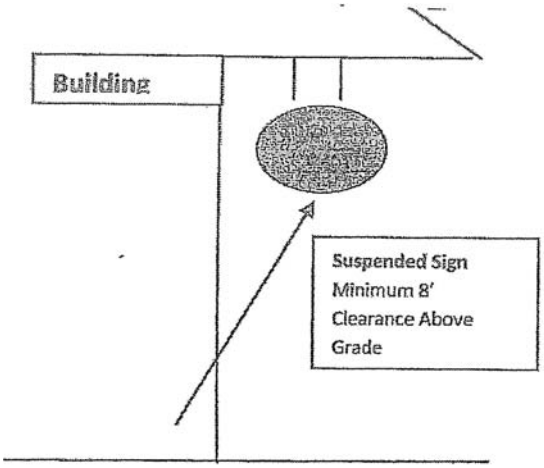
SIGN, READER BOARD: A Sign, or portion thereof, where the message copy includes characters, letters or illustrations that can be physically altered without altering the primary surface of the Sign. The message copy of a Reader Board Sign can be changed manually in the field or through remote electronic or electric techniques. Methods of changing the message copy include the use of: (i) changeable letters, numbers, symbols and similar characters; (ii) changeable pictorial panels; or, (iii) rotating panels or other similar devices.

SIGN, ROOF: Any Sign erected on or wholly constructed upon a roof of any Building and supported solely on the roof Structure.

SIGN, SPANDREL: Any Sign that is a part of or attached to the spandrel.

SIGN STRUCTURE: Any Structure including supports, uprights, acing and framework which supports or is capable of supporting any Sign

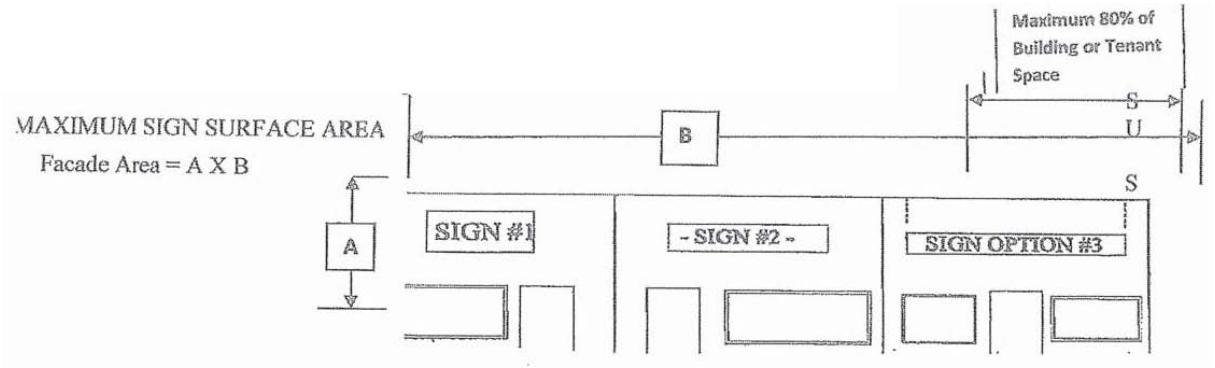
SIGN SURFACE: The surface of the Sign upon, against, or through which the message of the Sign is exhibited.



SIGN SURFACE AREA: The area of a Sign Surface (which is also the Sign Surface Area of a Wall Sign or other Sign with only one face). Sign Surface Area shall be computed by using the smallest square, rectangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the Sign from the backdrop or Structure against which it is placed, but not including any supporting framework, bracing or decorative fence or wall when such fence or wall otherwise meets the applicable regulations of this Ordinance and is clearly incidental to the display itself.

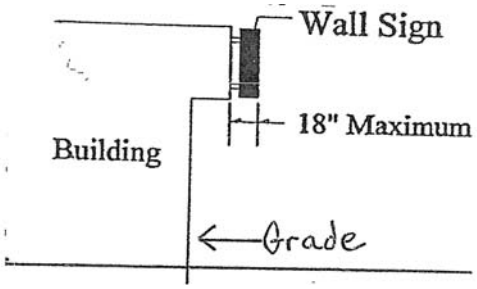
SIGN, SUSPENDED: Any Sign that is suspended from the underside of a horizontal plane surface and is connected to the horizontal plane surface.

SIGN, T-FRAME: A Portable Sign utilizing an inverted "T"style of framing to support.



SIGN, TEMPORARY: Any Sign or Sign Structure which is not permanently affixed or installed, and is intended to be displayed for limited periods only. Examples of such Signs include, but are limited to the following: Real estate, construction, special event, Garage Sale, or homes improvement/remodeling Sign

SIGN, WALL: Any Sign attached to or erected on a wall of a Building or Structure, with the exposed face of the Sign in a plane parallel to the plane of said wall, within eighteen (18) inches of said wall, and containing only one Sign display surface.



SIGN, WIND: A Sign of lightweight fabric or similar material attached at one end to a pole or similar apparatus so as to swing freely, inflate and flutter by movement of the wind.

SIGN, WINDOW: Any Sign placed: (i) inside of and within two (2) feet of a window; or, (ii) upon a window panes or glass, and is intended to be seen from the exterior of the window.

SINGLE USE SITE: A Lot which is developed and intended for use by one Permitted Use.

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

SKETCH PLAN: A graphic representation of a site or Subdivision, drawn to an appropriate scale by hand or other drawing method, capable of depicting the general pattern proposed for a development or Subdivision layout in compliance with the applicable provisions of the Zionsville Zoning Ordinance or the Zionsville Subdivision Control Ordinance.

SLOPE: The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per one hundred (100) feet of horizontal distance.

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

SOIL STABILIZATION: Chemical or structural treatment of a mass of soil to increase or maintain its stability or otherwise improve its engineering properties.

SOLID WASTE: Garbage; refuse; sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility; or other discarded materials including solid, liquid, semi-solid, or contained gaseous material resulting from industrial,

commercial, mining, or agricultural operations or from community activities. However, the term solid waste does not include:

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

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

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

SPANDREL: A roof-like Structure that covers the gasoline pump dispenser, serves as a second-tier canopy, is a lighting source for the dispensing area, serves to identify the gasoline pumps by numerical designation, and may display Signs.

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

SPECIAL EXCEPTION USE: The use of land or the use of a Building or Structure on land which is allowed in the zoning District applicable to the land only through the grant of a Special Exception by the Board of Zoning Appeals.

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

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

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

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy;

3. Fondling or other erotic touchings of human genitals, pubic regions, buttocks or female breasts;
4. Flagellation or torture in the context of a sexual relationship;
5. Masochism, erotic or sexually oriented torture, beating or the infliction of pain;
6. Erotic touching, fondling or other such contact with an animal by a human being; or Human Excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth in division (1) through (6) above.

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

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

STAFF: The Building Commissioner, or any attorney, employee or agent of the Town of Zionsville, Indiana, as designated by the Plan Commission.

STATE: The State of Indiana.

STORAGE AND TRANSFER ESTABLISHMENT: A facility at which products, goods or materials are received from various locations and temporarily warehoused while awaiting distribution or shipment via a subsequent carrier, possibly along with other products, goods or materials to another destination.

STORAGE, OUTSIDE: The storage of any product, goods, equipment, machinery, vehicles, boats, supplies, Building materials or commodities, including raw, semi-finished and finished materials for a period of time in excess of one (1) week, the storage of which is not accessory to a residential use, and which is visible from ground level, provided, however, that vehicular parking and the display of automobiles, boats, trucks or farm equipment associated with a legally established dealership shall not be deemed Outside Storage.

STORY: That part of a Building, with an open height of no less than seventy-eight inches (78"), except a mezzanine, included between the upper surface of one floor and the lower surface of the next floor, or if there is no floor above, then the ceiling next above. A Basement shall constitute a Story only if it provided Finished Floor Area.

STREET: Any Public or Private Right-of-Way, with the exception of Alleys, essentially open to the sky and open and dedicated to the general 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, COLLECTOR: A Street primarily designed and intended to carry vehicular traffic movement at moderate speeds (e.g. 35 mph) between local street and arterials while allowing direct access to abutting property(ies).

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 property(ies).

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 (example Interstates 1-465 or 1-65).

STREET, LOCAL –A: Street, not classified as a Primary Arterial Street, Secondary Arterial Street or Collector Street, designed and intended to carry low volumes of vehicular traffic movement at low speeds within the immediate geographic area with direct Access to abutting properties.

STREET, PRIMARY ARTERIAL: A Street so designated by the Transportation Plan for the Town of Zionsville, Indiana, as amended.

STREET, PRIVATE: A privately-held Right-of-Way, with the exception of Alleys, essentially open to the sky and open to the general 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 with the exception of Alleys essentially open to the sky and open to the general 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 p[purposes. A Public Street may be comprised of pavement, shoulders, gutters, curbs, sidewalks, Parking Space, and similar features.

STREET, SECONDARY ARTERIAL: A Street so designated by the Transportation Plan for the Town of Zionsville, Indiana, as amended.

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, Signs and Billboards.

STRUCTURE (Pertaining only to **Section 2.20** of this Ordinance): 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 and travel trailers to be installed on a site for more than one hundred eighty (180) days.

STRUCTURAL ALTERATION: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the exterior walls or roof SUBDIVIDER: The owner, developer, or Authorized Agent of the owner or developer of real estate, who is responsible for all designs, reservations and Improvements related to the petition for Primary or Secondary Plat approval or the development of a Subdivision.

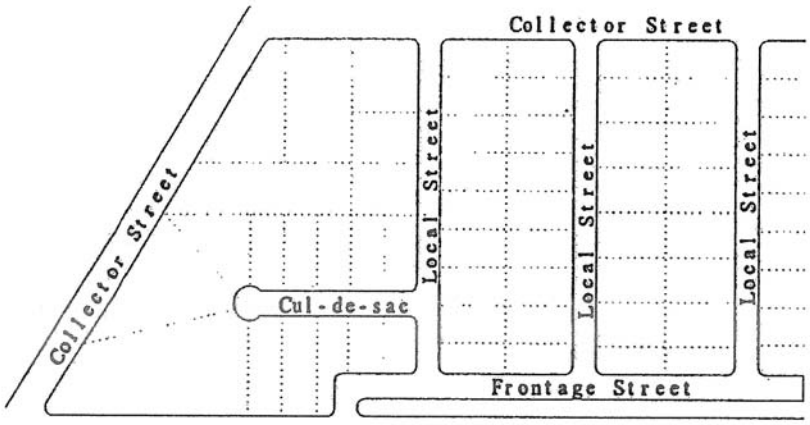
SUBDIVISION: The division of a parcel of land into two (2) or more Lots, parcels, sites, units, Plats, or interest~ for the purpose of offer, sale, lease, or development, either on the installment plan or upon any and all other plans, terms, and conditions, including resubdivision. Subdivision includes the division or development of land opened for residential and nonresidential 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:

(a) a division of land into two (2) or more tracts all of which are at least five (5) acres in size;
(b) a division of land for the sale or exchange of tracts by adjoining landowners to correct errors in an existing legal description, provided that no additional Building sites other than for Accessory Buildings are created by the division;
(c) a division of land for the acquisition of Street or utility Right-of-Way or easement;
(d) a division of land for the sale or exchange of tracts between adjoining land owners, provided that no additional development sites other than for Accessory Buildings are created by the division;
(e) a division of land into cemetery plots for the purpose of burial; and,
(f) a division of a Lot of Record, which is or may be legally developed with a Two Family Dwelling or a Multifamily Dwelling, into Sub-Lots for the purpose of transfer of ownership of the individual Dwelling Units and their associated portion of the Lot of Record, provided that no additional development sites are created by the division and that no Sub-Lots are created which do not contain a Dwelling Unit.

SUBDIVISION, MAJOR RESIDENTIAL:

(a) A Subdivision of a tract of land into four (4) or more parcels or Lots, including any remainder of the original tract, for Single Family or Two Family Dwelling purposes;
(b) Any Single Family or Two Family Dwelling Subdivision which involves the creation of new Streets, extension of water lines or sewer lines, or the creation of public Improvements; or
(c) Subdivision for a Multifamily Dwelling development.

SUBDIVISION, MINOR RESIDENTIAL: A Subdivision of a tract of land into less than four (4) parcels or Lots, including any remainder of the original tract, for Single Family or Two Family Dwelling purposes, which does not involves the creation of new Streets, extension of water lines or sewer lines, or the creation of public improvements.



SUBDIVISION, NON-RESIDENTIAL: A Subdivision of a tract of land for any commercial, industrial, or Special Exception Use.

SUB-LOTS: Portions of a Lot of Record created in connection with the transfer of ownership of individual Dwelling Units in a Two Family or Multifamily Dwelling.

SUBSTANTIAL IMPROVEMENT (Pertaining only to **Section 2.20** of this Ordinance): Any reconstruction, rehabilitation, addition, or other improvement of a Structure, the cost of which equals or exceeds forty percent (40%) of the market value of the Structure before the "start of construction" of the improvement. This term includes Structures which have incurred "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 or any alteration of an "historic Structure", provided that the alteration will not preclude the Structure's continued designation as an "historic Structure" .

SWALE: A low lying stretch of land which gathers or carries surface water runoff.

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

TELECOMMUNICATIONS: the transmission between or among points specified by the user of information of the user's choosing, without change in the form or content of the information as sent and received.

TELECOMMUNICATIONS ANTENNA: an Antenna used to provide a Telecommunications Service.

TELECOMMUNICATIONS SERVICE: the offering of Telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

TELECOMMUNICATIONS TOWER: a Structure more than ten (10) feet tall, built primarily to support one or more Telecommunications Antennas.

TEMPORARY SEASONAL RETAIL SALES: A Temporary Use established for a fixed period of time, for the retail sale of seasonal products, including, but not limited to, such items as food, Christmas trees, pumpkins, and live plants. This use mayor may not involve the construction or alteration of any permanent Building or Structure.

TEMPORARY USE: A land use established for a limited and fixed period of time with the intent to discontinue such use upon the expiration of the time period.

THOROUGHFARE: See Street.

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

TRANSPORTATION PLAN: The Zionsville Regional Transportation Plan, a segment of the Comprehensive Plan for the Town of Zionsville, Indiana, adopted pursuant to **IC-36-7-4**, that sets forth the location, alignment, dimensions, identification and classification of Primary Arterial Streets, Secondary Arterial Street and other public ways as a plan for the development, redevelopment, improvement, and extension and revision thereof.

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

TOPSOIL: Surface soils and subsurface soils which presumably are fertile soils and soil materials, ordinarily rich in organic matter of humus debris. Topsoil is usually found in the uppermost soil layer call the "A Horizon".

TOWN COUNCIL: The Town Council of the Town of Zionsville, Indiana.

TOWN ENGINEER: The licensed engineer designated by the Town of Zionsville to furnish engineering assistance and advice in the administration of the Zionsville Zoning Ordinance and the Zionsville Subdivision Control Ordinance.

TOWN STANDARDS: **The Town of Zionsville. Zionsville. Indiana Construction Standards for Paving and Surfacing. Storm Sewer. Gravity Sanitary Sewer. Force Main. Submersible Lift Station, adopted by the Town Council April, 1994**,

as amended. Those drawings, memorandum and specifications established by the Town Engineer, under the authority and adoption of the Town Council, for the sole purpose of identifying the minimum quality and performance standards for facilities, or components thereof, which, in the opinion of the Town Engineer, may impact the integrity of the Street and public works systems, thereby impacting the public health, safety, comfort, convenience and general welfare of the Town of Zionsville.

TRANSFER STATION: A facility where solid waste is transferred from a vehicle or container to another vehicle or container for transportation. The term does not include the following

(a) facility where the solid waste that is transferred has been generated by the facility;

(b) a Recycling Facility. (For reference see **Indiana Code 13-7-1**.)

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

UNDERGROUND FACILITIES: An Accessory Structure which is at least seventy-five (75) percent subterranean, utilized for storage of personal property or as a temporary shelter for people, such as a storm cellar or fallout shelter.

VARIANCE (pertaining only to **Section 2.20** of this Ordinance): means a grant of relief from the requirements of this **Section** which permits

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

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

WATERCOURSE: A permanent stream, intermittent stream, river, brook, creek, channel, or ditch for water whether natural or manmade.

WHIP ANTENNA: an omni-directional dipole Antenna of cylindrical shape which is no more than six (6) inches in diameter.

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

YARD: An open space, unobstructed to the sky, extending fully across the Lot while situated between the Front, Side or Rear Lot Line and the established Front, Side or Rear Building Line.

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, INTERIOR: An open space, unobstructed to the sky, extending out from the wall of a Multifamily Dwelling.

YARD, M1NIMUM: An open space unobstructed to the sky, extended fully across the Lot situated between a Lot Line and a Setback Line. Minimum Yards may be a Front Yard, a Side Yard or a Rear Yard depending on which Lot Line the required Yard abuts.

YARD, PERIMETER: An open space, unobstructed to the sky, extending fully across the Lot while situated between any Front, Side and Rear Lot Line and the minimum required front, side and rear Setback.

YARD SALE: See Garage Sale.

YARD, SIDE: An open space, unobstructed to the sky, extending fully across the Lot while situated between a 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.

ZERO LOT LINE: The zoning practice of place a Building on one (1) of the Side Lot Lines in order to increase the useable Side Yard space by combining the required Side Yards into one (1).

ZIONSVILLE THEME: The architecture, design, and overall aesthetic exterior character of a Building which is consistent with the Georgian, Federal, Greek Revival, or Victorian Architectural Styles, and which enhances the overall visual and physical landscape, streetscape, and associated surroundings

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ARTICLE 12: SEVERABILITY

Section 12.1. Severability

It is hereby declared to be the intention of the Town Council of the Town of Zionsville, Indiana, that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any such section, paragraph, sentence, clause, or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect any remaining sections, paragraphs, sentences, clauses or phrases of this Ordinance because the same would have been enacted without the incorporation into this Ordinance of such unconstitutional or invalid section, paragraph, sentence, clause, or phrase