



**ZIONSVILLE TOWN COUNCIL
MEETING AGENDA
FOR**
Monday January 6, 2020 at 7:00 PM
Zionsville Town Hall Council Chamber
1100 West Oak Street

1. OPENING
 - A. CALL MEETING TO ORDER
 - B. PLEDGE OF ALLEGIANCE
 - C. Swearing In Of New Town Council Members – Mayor Emily Styron
 - D. Election Of Officers For 2020
 - I. President
 - II. Vice-President
2. APPROVAL OF THE MEMORANDUM OF THE December 02, 2019 REGULAR MEETING (Copy Posted).

Documents:

[2019-12-02_TOWN_COUNCIL_MEETING_MEMORANDA.PDF](#)
3. DEPARTMENTAL MONTHLY REPORTS
Reports are submitted by the Town management staff for Council review and posted on the Town's website (WWW.ZIONSVILLE-IN.GOV).
4. PRESENTATION – Martin Berg Of The New Life Recover Center In Lebanon.
5. REQUEST TO SPEAK
6. OLD BUSINESS - None
7. NEW BUSINESS
 - A. Consideration Of Appointments To Various Boards, Commissions, And Committees.

Documents:

[2020-01-06_TC_MEETING_TOWN_COUNCIL_2019_BOARDS_AND_COMMISSIONS_APPOINTMENT_WORKING_LIST.PDF](#)
 - B. Consideration Of A Series Of Amendments To The Town Of Zionsville Zoning Ordinance (Plan Commission Docket #2019-38-OA).

Documents:

[2019-38-OA.PDF](#)
8. OTHER MATTERS
9. APPROVAL OF CLAIMS
10. ADJOURN - The Next Regular Town Council Meeting Is Scheduled For Tuesday January 21, 2020 @ 7:30 AM In The Zionsville

Town Hall Council Chamber. (Note Shift In Date Due To The Martin Luther King Jr. Holiday)



**ZIONSVILLE TOWN COUNCIL
MEETING MEMORANDA
FOR**

Monday December 02, 2019 at 7:00 PM
Zionsville Town Hall Council Chamber
1100 West Oak Street

Date of Preparation: December 9, 2019

Members Present: Josh Garrett, President; Bryan Traylor, Vice-President; Elizabeth Hopper, Jason Plunkett, Kevin Spees, Susanna Suarez and Craig Melton

Also Present: Tim Haak, Mayor; Ed Mitro, Deputy Mayor; Heather Willey and Adam Steuerwald, Town Attorneys; Amy Lacy, Director of Finance & Records, and Town Department Staff.

1. OPENING
 - A. Call meeting to order
 - B. Pledge of Allegiance
2. APPROVAL OF THE MEMORANDUM OF THE November 04, 2019 REGULAR MEETING (copy posted).
COUNCIL ACTION: President Garrett moved to approve the Memoranda of the November 4, 2019 Town Council Meeting. Councilor Spees seconded the motion.
The Memoranda of the November 4, 2019 meeting was approved by a vote of six in favor, zero opposed.
3. DEPARTMENTAL MONTHLY REPORTS – Reports are submitted by the Town Management staff for Council review and posted on the Town website (www.zionsville-in.gov).
4. SWEARING IN OF NEW TOWN COUNCILOR CRAIG MELTON – Mayor Haak.
Mayor Haak administered the Oath of Office to new Town Councilor Craig Melton
5. REQUEST TO SPEAK
6. There were no requests to speak
7. OLD BUSINESS - None
8. NEW BUSINESS
 - A. Consideration of a Re-Appropriation Resolution (year-end budget rectification). **RESOLUTION # 2019-15**
Deputy Mayor Mitro introduced Resolution 2019-15, explaining that this was a year-end rectification for multiple departments in order to keep all appropriation lines positive.
COUNCIL ACTION: Councilor Spees moved to approve Resolution #2019-15. Vice-President Traylor seconded the motion. Resolution #2019-15 was approved by a vote of seven in favor, zero opposed.

B. Consideration of an Additional Appropriation Resolution (\$369,408.42 – Plan Commission Engineering Pass-through. Year-end rectification). **(PUBLIC HEARING) RESOLUTION #2019-16**
Director of Planning and Economic Development Wayne DeLong presented Resolution 2019-16, explaining it was not new money but money which had been collected throughout the 2019 for build passthrough engineering activities. He explained this yearly step merely serves to move the money into the correct line item.
With Proof of Publication for a Public Hearing noted, President Garrett opened the Public Hearing for comment.
With no public comment, President Garrett closed the Public Hearing and called for discussion or a motion.
COUNCIL ACTION: President Garrett moved to approve Resolution #2019-16. Councilor Hopper seconded the motion. Resolution #2019-16 was approved by a vote of seven in favor, zero opposed.

C. Consideration of an Ordinance to vacate a platted utility easement (Rensink Petition) **(FIRST READING & PUBLIC HEARING) ORDINANCE #2019-26**

Deputy Mayor Mitro presented Ordinance 2019-26 and answered questions from the Council.
With Proof of Publication for a Public Hearing noted, President Garrett opened the Public Hearing for comment.
With no public comment, President Garrett closed the Public Hearing.
COUNCIL ACTION: Councilor Suarez moved to introduce Ordinance #2019-26 on first reading.
Councilor Spees seconded the motion. The motion passed with a vote of seven in favor, zero opposed.
President Garrett moved to suspend the rules. Vice-President Traylor seconded the motion.
The motion passed with a vote of seven in favor, zero opposed.
Vice-President Traylor moved to adopt Ordinance #2019-26 on final reading. Councilor Suarez seconded the motion.
Ordinance #2019-26 was adopted by a vote of seven in favor, zero opposed.

D. Consideration of a Resolution to amend the Statement of Benefits for Group 1001 Indiana Holdings, LLC (former Lids Property). **RESOLUTION #2019-17**
Director of Planning and Economic Development Wayne DeLong presented Resolution 2019-17. Chad Sweeny, representing Group 1001, explained the plans and use for the former LIDS property by Group 1001 and answered questions from the council.
COUNCIL ACTION: Vice-President Traylor moved to approve Resolution #2019-17. Councilor Suarez seconded the motion. Resolution #2019-17 was approved by a vote of seven in favor, zero opposed.

E. Consideration of a Resolution Approving Certain Matters in Connection with the Establishment of the Holliday Farms Economic Development Area. **RESOLUTION #2019-18**
Director of Planning and Economic Development Wayne DeLong presented Resolution 2019-18. Representing the petitioner, Attorney Matt Price answered questions from the Council.
COUNCIL ACTION: Councilor Suarez moved to approve Resolution #2019-18. Councilor Spees seconded the motion. Resolution #2019-18 was approved by a vote of seven in favor, zero opposed.

9. OTHER MATTERS

Deputy Mayor Mitro presented the schedule of meetings for 2020. Attorney Heather Willey and Deputy Mayor Mitro answered questions from the Council
COUNCIL ACTION: President Garrett moved to approve the 2020 Schedule of Meetings as presented. Vice-President Traylor seconded the motion. The 2020 Schedule of Meetings was approved by a vote of seven in favor, zero opposed.

Mayor Haak thanked outgoing Councilors Hopper, Spees and Suarez for their service and dedication. He cited the many accomplishments during their time on the Town Council, including the creation and success of South Village, Creekside, the transformation and revitalization of a newly vibrant Main Street, Reorganization 2.0, the modernization of daily Town Hall functions, the new Town Hall building and the addition of over 100 acres of park land.
Mayor Hawk presented the outgoing Councilors with commemorative Main Street bricks, engraved with their names and dates of service to the Town.

President Garrett presented Mayor Haak with an engraved brick as well and thanked him, highlighting his achievements in the past four years, including the 80/20 residential to business percentage, Metronet, Holiday Farms, the creation and success of Z'Works, Public Safety LIT, School Resource Officers in every school, many road and infrastructure improvements, Hate Crimes legislation, support for public art and consistently being rated as the safest and best Town in which to live.

10. APPROVAL OF CLAIMS

COUNCIL ACTION: President Garrett moved to approve claims as presented. Vice-President Traylor seconded the motion. Claims were approved by a vote of seven in favor, zero opposed.

11. ADJOURN

COUNCIL ACTION: Councilor Hopper moved to adjourn the meeting. Councilor Suarez seconded the motion. The motion was approved by a vote of seven in favor, zero opposed.

The next regular Town Council meeting is scheduled for Monday December 16, 2019 @ 7:30 AM in the Zionsville Town Hall Council Chamber.

Respectfully Submitted,

Amelia A. Lacy

Amelia Anne Lacy, Director
Department of Finance & Records
Town of Zionsville

DRAFT

ZIONSVILLE BOARD/COMMISSION/COMMITTEE APPOINTMENTS

Town Council Appointments

Highlighted items are new Council appointments
Non-Highlighted items are Council re-appointments

Plan Commission	Party	4 Year Term after Initial Term	Re-Appt.
Sharon Walker (rural)		Coterminous with Municipal Appointment	2024
Larry Jones (Town)		Coterminous with Municipal Appointment	2024
David Franz (Town)		Coterminous with Municipal Appointment	2024

Park Board	4 Year Term after Initial Term	Re-Appt.
Jill Pack	4 Year Term	2024

Redevelopment Commission	1 Year Term	Re-Appt.
Kent Esra		2021
Sanjay Patel		2021

Economic Development Commission	Re-Appt.
Bob Kuzman	2021
Mark Plassman	2021

Safety Board	1 Year Term	Re-Appt.
Alex Choi		2021
Jason Plunkett		2021
Bryan Traylor		2021

Board of Police Commissioners	Party	3 Year Term after Initial Term	Re-Appt.
Joe Culp	Republican	3 Year Term	2022
Josh Garrett	Republican	3 Year Term	2023
Suzanne Nagy	Democrat	3 Year Term	2023

Zionsville Municipal Building Corporation	1 Year Term	Re-Appt.
Aaron Walton		2021
Larry Jones		2021
Paul Watson		2021

Zionsville-Eagle Township Municipal Building Corporation	1 Year Term	Re-Appt.
Sean McHale		2021
Larry Jones		2021
Craig Melton		2021

Pathway Committee	1 Year Term	Re-Appt.
Jeff Edmondson		2021
Bret Brewer		2021
Sara Martini		2021
Justin Hage		2021
Town Council ex-officio – Craig Melton		2021
Nichole Seiler		2021
John Salewicz		2021
Andi Simmons		2021
Steve Bullington		2021

Zionsville Town Hall Building Corporation	1 Year Term	Re-Appt.
Steven Lonn		2021
Rob French		2021
George Tikijian		2021

PZAZ	1 Year Term	Re-Appt.
Tom Casalini		2021
Mervyn Cohen		2021
Greta Sanderson		2021
Nancy Tikijian		2021
Town Council ex-officio – Brad Burk		2021

Town Prosecutor	1 Year Term	Re-Appt.
Craig Olsinski		2021

MPO Policy Committee	1 Year Term	Re-Appt.
Emily Styron		2021

MPO Technical Committee	1 Year Term	Re-Appt.
Lance Lantz		2021

Water Advisory Board	1 Year Term	Re-Appt.
Brad Burk		2021

Boone County Solid Waste Management District Board	1 Year Term	Re-Appt.
Alex Choi		2021

Architectural Review Committee	1 Year Term	Re-Appt.
Michael Billig		2021
Carol Mullet		2021
Cara Weber		2021
Tom Casalini		2021
Steve Freeland		2021
Steve Herron		2021
Todd Rottmann		2021
David Rausch		2021

Union Township Building Corporation	1 Year Term	Re- Appt.
Charles Naber, Jr.		2021
Christopher Henry		2021
Bryan Traylor		2021

Hussey-Mayfield Memorial Library Board **1 Year Term** **Re-Appt.**
Molly Hanlon 2021

Non-Discriminatory Practices Review Committee **1 Year Term** **Re-Appt.**
Johnny Vargo (Council appointment – resident or business owner member) 2021
Craig Melton (Town Council appointment – Council member) 2021
Brad Burk (Town Council appointment – Council member) 2021
Josh Garrett (Town Council appointment – Council member) 2021

Boone EDC **1 Year Term** **Re-Appt.**
Emily Styron 2021
Joe Culp 2021

Community Development Corporation **1 Year Term** **Re-Appt.**
Brooks Mattice 2021
Cara Weber 2021

White River Alliance Board
Lance Lantz



**CERTIFICATION TO THE
TOWN COUNCIL
OF THE TOWN OF ZIONSVILLE, BOONE COUNTY, INDIANA**

December 18, 2019

To the Town Council of the Town of Zionsville, Indiana:

Be it advised that, pursuant to Indiana Code 36-7-4, on December 16, 2019 the Town of Zionsville Advisory Plan Commission (the "Commission"), by a vote of 5 in favor and 0 opposed, gave a ***Favorable Recommendation*** to proposal 2019-39-OA to amend the text of the Town of Zionsville Zoning Ordinance, applicable to all real property located in the Town of Zionsville, Boone County Indiana.

The proposal amends various Article within the Town of Zoning Ordinance sections including the following:

- a) 192.011 discrepancy between mapped floodplain and actual ground elevations
- b) 194.018 easement obstruction exceptions
- c) 194.020 clarify buffer yards
- d) 194.020 clarify code redirects
- e) 194.047 clarify side yards
- f) 194.078, 194.079 remove artifacting
- g) 194.082 clarify code redirects
- h) 194.095 clarify aggregate rules
- i) 194.109 adding landscape stone as acceptable alternative to mulch under certain conditions
- j) 194.128 clarify relevant commitments are actionable regardless of recordation
- k) 194.128 refine applicability of commitments
- l) 194.163 illuminated Ground Signs within 600 feet of any R for lighting restrictions
- m) 194.165 clarify code redirects
- n) 194.166 Subdivision Entrance "Feature"
- o) 194.164, 194.165 added projecting signage as a sign option in business and industrial districts, and
- p) 195.01 is proposed to include an amendment to Fee Schedule Requirements related to (platting / subdivision fees as they relate to major and minor plats, and clarify code redirects)

The Town of Zionsville Advisory Plan Commission hereby certifies proposal #2019-39-OA to amend the Town of Zionsville Zoning Ordinance (a copy of which is attached to this Certification and incorporated here by this reference) to the Town Council of Zionsville, Indiana, with a **Favorable Recommendation**.

**TOWN OF ZIONSVILLE
ADVISORY PLAN COMMISSION**

David L. Franz, President

Attest: _____

Wayne DeLong, AICP, CPM
Director of Planning and Economic Development
Secretary, Town of Zionsville Advisory Plan Commission

Exhibit A

ORDINANCE NO. 2020-____
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.
2019-39-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 December 16, 2019 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 2019-39-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 December 16, 2019 (Exhibit A); 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 January 6, 2020.

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. The Zoning Ordinance for the Town of Zionsville Boone County, Indiana, is amended as follows: The proposal amends Sections:

- a) 192.011 discrepancy between mapped floodplain and actual ground elevations
- b) 194.018 easement obstruction exceptions
- c) 194.020 clarify buffer yards
- d) 194.020 clarify code redirects
- e) 194.047 clarify side yards

- f) 194.078, 194.079 remove artifacting
- g) 194.082 clarify code redirects
- h) 194.095 clarify aggregate rules
- i) 194.109 adding landscape stone as acceptable alternative to mulch under certain conditions
- j) 194.128 clarify relevant commitments are actionable regardless of recordation
- k) 194.128 refine applicability of commitments
- l) 194.163 illuminated Ground Signs within 600 feet of any R for lighting restrictions
- m) 194.165 clarify code redirects
- n) 194.166 Subdivision Entrance “Feature”
- o) 194.164, 194.165 added projecting signage as a sign option in business and industrial districts
- p) 195.01 is proposed to include an amendment to Fee Schedule Requirements related to (platting / subdivision fees as they relate to major and minor plats, and clarify code redirects)

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 _____ day of _____, 2020. 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 _____ day of _____ 2020, by the Town Council of the Town of Zionsville, Boone County, Indiana, having been passed by a vote of _____ in favor and _____ opposed.

**TOWN COUNCIL OF THE TOWN OF ZIONSVILLE,
BOONE COUNTY, INDIANA**

	YEA Signature	NAY Signature
Brad Burk		
Alex Choi		
Joe Culp		
Josh Garrett		
Craig Melton		
Jason Plunkett		
Brian Traylor		

I hereby certify that the foregoing Resolution was delivered to the Town of Zionsville Mayor Emily Styron on the _____ day of _____ 2020, at _____ m.

ATTEST: _____
Amy Lacy, Director, Department of Finance and Records

**MAYOR'S
APPROVAL**

Emily Styron, Mayor

DATE

**MAYOR'S
VETO**

Emily Styron, Mayor

DATE

§ 192.011 DISCREPANCY BETWEEN MAPPED FLOODPLAIN AND ACTUAL GROUND ELEVATIONS.

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

(B) If the elevation of the site in question is below the base flood elevation, that site shall be included in the SFHA and regulated accordingly.

(C) If the elevation (natural grade) of the site in question is above the base flood elevation **and not located within the floodway**, that site shall be considered outside the SFHA and the floodplain regulations will not be applied. The property owner **shall should** be advised to apply for a LOMA.

(Ord. 2011-09, passed 12-5-2011)

§ 194.018 OBSTRUCTION OF EASEMENTS.

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

(B) The town 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 in the proper exercise of its rights and duties in regard to an easement in favor of the town.

(C) Exception:

- (1) Lateral supported two foot (2') encroachment for housing improvements such as (eaves, gutters, and the like)
- (2) Improvements or objects, other than playsets, that do not have permanent foundations, including but not limited to HVAC units, landscaping and planters.

(Ord. 2000-16, passed 8-28-2000, § 1.18)

§ 194.020 ADDITIONAL SETBACK PROVISIONS.

(A) *Additional front setback provisions.* Front yard setback provisions of this chapter are subject to the following modification: in any block in any district contained in this chapter in which an existing front yard setback is established by existing, legally established buildings or structures on more than 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 chapter.

(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.

(1) A legally established non-conforming, 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.

(2) A legally established non-conforming single-family or two-family dwelling may be enlarged or extended one time along a legally established non-conforming side yard; provided, such legally established non-conforming side yard width is not reduced, the lineal footage of such enlargement or extension does not exceed 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 24 inches into any required front, side or rear yard; required front, side or rear bufferyard; or required front, side or rear perimeter yard.

(D) *Setbacks for restricted uses.* The following uses are subject to the special setbacks which shall include necessary bufferyards prescribed by the following table (in feet). If a use does not appear, or if a figure does not appear for a particular use, the standard setback and bufferyard for the district shall apply.

<i>Use</i>	<i>Front</i>	<i>Side</i>	<i>Rear</i>
Sanitary landfill, privately or publicly owned	300	300	300
Anhydrous ammonia or similar liquid fertilizer storage and distribution	100	100	100
Liquefied petroleum gas, bottled gas dealers			
Commercial facility for breeding non-farm fowl and animals			
Construction/demolition site			
Incinerator			
Junk yard			
Resource recovery facility			
Sanitary landfill, privately or publicly owned petroleum tank			
Farm			
Stable, private on residential lot			
Sale barn for livestock			

Slaughterhouse			
Warehouse (grain storage)			
Transfer station			
Composting facility	100	50	50
Compost/digester facility			
Public water wells, water stations, filtration plants, reservoirs and storage tanks			
Public camp ground or recreational vehicle park	100	40	40
Farm	*	*	*

* See § 194.111 RURAL PARKING AND LOADING REQUIREMENTS. Rural Buffer Yard Requirements Table.

(Ord. 2000-16, passed 8-28-2000, § 1.20)

§ 194.047 URBAN R-SF-2: SINGLE-FAMILY RESIDENTIAL DISTRICT.

(A) *Intent.* The R-SF-2: Single-Family Residential Districts are established to promote and maintain established neighborhoods within the town 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.

(B) *Permitted uses.*

(1) *Primary uses.*

(a) One single-family dwelling, including a modular home dwelling and a manufactured home dwelling;

(b) Residential facility for the developmentally disabled;

(c) Residential facility for the mentally ill, subject to the provisions of § 194.100 of this chapter; and

(d) Child care home (that is used as the primary residence of the person who operates the child care home).

(2) *Special exception uses.*

(a) 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 100 feet from any other lot in any R district; and

(b) Religious use.

(3) *Accessory uses.* See § [194.095](#) of this chapter.

(4) *Home occupations.* See § [194.097](#) of this chapter.

(5) *Temporary uses.* See § [194.096](#) of this chapter.

(C) *Development standards.*

(1) *Water and sewer requirements.* Attachment to public water and sanitary sewer facilities shall be mandatory for a development in this district for lots in any subdivision platted and recorded after 1-1-2000.

(2) *Minimum lot area.* The average lot area shall be not less than one-half 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 following table:

Lot Area	Lots Not on a Cul-De-Sac	Lots on a Cul-De-Sac
1 acre or more	150 feet	120 feet
25,000 square feet to 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:

Lot Area	Lots Not On Cul-De-Sac	Lots on a Cul-De-Sac
1 acre or more	75 feet*	60 feet*
25,000 square feet to 1 acre	50 feet*	40 feet*
15,000 square feet to 25,000 square feet	40 feet*	32 feet*

NOTES TO TABLE:

*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: 20% of the total lot area. Exception: lots within the Brittany Chase or Austin Oaks Subdivisions developed under the jurisdiction of the county's Area Plan Commission and subsequently annexed into the town after 1-1-2004 shall be permitted a maximum lot coverage of 35%. See § [194.095](#) Urban Accessory Uses for additional information.

(6) *Minimum yards and building setbacks.*

(a) Front:

1. A minimum front yard and building setback measured from the proposed right-of-way shall be provided as follows:

Collector/local street/cul-de-sac or other street	35 feet
Primary arterial street	35 feet
Secondary arterial street	35 feet

2. In the case where a proposed right-of-way line does not exist, as determined by the transportation plan for the town or where the existing right-of-way is greater, the existing right-of-way line shall be used for the setback measurement.

(b) Side: a minimum aggregate and individual side yard shall be provided along all side lot lines as follows:

Lots with an area of 1 acre (43, 560 square feet) or greater	Aggregate side yards of 45 feet; no side yard shall be less than 20 feet
Lots with an area between: greater than 25,000 square feet to less than 1 acre (43, 560 square feet)	Aggregate side yards of 30 feet; no side yard shall be less than 12 feet
Lots with an area of 15,000 square feet to 25,000 square feet	Aggregate side yards of 25 feet; no side yard shall be less than ten feet

(c) Rear: a minimum rear yard shall be provided along all rear lot lines as follows:

1. Accessory building or use: five feet, see also § [194.018](#) of this chapter; and
2. Primary building: 25 feet.

(7) *Maximum building height.*

(a) Accessory building: 22 feet, but in no case shall the height of an accessory building exceed the height of the primary building; and

(b) Primary building: 35 feet.

(8) *Minimum main floor area.* The minimum main floor area of the primary building, exclusive of garage, carport, deck, patio and open porches:

(a) One-story building: 1,500 square feet; and

(b) 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 § [194.105](#) of this chapter.
- (10) *Signs.* See §§ [194.160](#) through [194.169](#) of this chapter.
- (11) *Vision clearance areas.* See § [194.021](#) of this chapter.

(D) *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 county's Area Plan Commission, County Commissioners and subsequently annexed into the town on 4-8-2007 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; the plat attached to this section and made a part hereof as Exhibit A; and all provisions of the 1998 Zoning Ordinance of the county (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) *Maximum height of buildings.* 35 feet.
- (2) *Minimum ground floor area.*
 - (a) One-story: 900 square feet; and
 - (b) Multi-story: 750 square feet.
- (3) *Maximum lot coverage.* 70%.
- (4) *Minimum lot area.* 5,000 square feet (in all districts with public sewers).
- (5) *Minimum acreage on utilities.* One-third acre per dwelling unit.
- (6) *Minimum road frontage.* 45 feet (up to 20% of total lots may reduce road frontage by up to 20%).
- (7) *Minimum front yard.* 20 feet from the right-of-way or 70 feet from the center of the road, whichever is greater (not applicable to flag lots).
- (8) *Minimum rear yard, primary structures.* 20 feet.
- (9) *Accessory structures.* Five feet.
- (10) *Minimum side yard.* Five feet.
- (11) *Minimum primary structure width.* 18 feet.
- (12) *Minimum number of parking spaces per lot.* Two 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 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 division (D).

(E) *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 and §§ [194.125](#) through [194.128](#) of this chapter.

(1) *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 7-1-2000 in accordance with [Ch. 193](#) of this code of ordinances may be developed as an open space subdivision in accordance with the provisions of this section and §§ [194.125](#) through [194.128](#) of this chapter.

(3) *Development requirements.*

(a) *Subdivision area (minimum size of a subdivision).* There shall be a minimum of five acres required for the development of an open space subdivision. The tract of land to be divided shall be in one 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.

(b) *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, Ch. 193 of this code of ordinances and any other applicable regulations.

(c) *Project open space.* The total land area saved by using this provision shall be put into project open space, per division (E)(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 §§ [194.125](#) through [194.128](#) of this chapter, may be granted a waiver of the development requirements of the R-SF-2 District to the extent permitted below.

(a) *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:

1. *Minimum lot area.* 6,000 square feet;
2. *Minimum rear yard setback.* 15 feet;
3. *Minimum side yard setback.* Five feet, unless the zero lot line option, noted in division (E)(4)(b) below, is utilized;

4. *Minimum lot frontage.* Minimum lot frontage may be reduced to 15 feet; provided that, each individual lot shall have direct access to a public street;

5. *Maximum lot coverage.* 50%; and

6. *Lot width.* 50 feet.

(b) *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 side yard of each lot to zero feet; provided that:

1. A minimum distance of ten feet shall be required and maintained between all buildings on abutting lots;

2. 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 feet;

3. The aggregate side yard(s) is provided on the lot according to the applicable residential district regulations; and

4. 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 feet.

(c) *Design and construction standards.*

1. 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.

2. 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.*

(a) The amount of permanent open space created by the development of the tract as an open space subdivision shall be:

1. Preserved in its naturally occurring state;

2. Developed only to the extent required to provide for:

a. The passive recreational activities of walking, biking, hiking, picnicking;

b. Developed and maintained as landscape features including, but not limited to, common areas, landscape easements and boulevard entry ways; or

c. Other recreational or amenity features approved by the Plan Commission.

3. Developed into an active recreational area; and

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

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

1. The open space shall be equivalent to or more than the total reduction in lot area. At least 75% of the total amount of open space shall consist of land areas which are at least 50 feet wide.

2. 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:

a. To residents of the open space subdivision and their guests, by way of sidewalk, footpath or combined walkway/bikeway; and

b. For maintenance.

3. 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.

(c) Open space shall be calculated by taking the total land area within lots contained in sketch plan one (as outlined below) and subtracting the total land area within lots contained in sketch plan two (as outlined below).

(6) *Procedures for open space subdivision approval plan documentation and supporting information.*

(a) *Plans.* Prior to applying for primary plat approval, the petitioner shall submit two plans for the tract proposed for a open space subdivision for review by the Building Commissioner.

1. 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 [Ch. 193](#) of this code of ordinances. 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.

2. 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.

(b) *Building Commissioner review.*

1. The Building Commissioner shall compare the two 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 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.

2. 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's Engineer or other appropriate health and safety officials to ensure that all fire and safety issues are addressed.

3. The Building Commissioner shall provide his or 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.

(c) *Plan Commission consideration.*

1. 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 chapter, Ch. 193 of this code of ordinances and the rules of procedures of the town's Plan Commission.

2. 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.

(d) *Findings.*

1. The Plan Commission may approve a development plan (and thereby grant the waivers requested by the petitioner) indicating compliance with this section and §§ [194.125](#) through [194.128](#) of this chapter 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 chapter.

2. Following a disposition of the development plan, the Plan Commission may then consider a primary plat following the requirements and findings of [Ch. 193](#) of this code of ordinances and the rules of procedures of the town's Plan Commission.

(e) *Existing perimeter street lots.*

1. Existing perimeter streets shall be separated by a minimum 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.

2. When lots are to cause houses to back up to an existing perimeter street, there shall be a minimum 150-foot open space buffer with landscaping equal to a Level C pursuant to § [194.109](#) of this chapter.

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

(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 county's 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 general regulations for R districts.

(Ord. 2000-16, passed 8-28-2000, § 2.8; Ord. 2007-01, passed 1-8-2007; Ord. 2017-17, passed 12-4-2017)

§ 194.078 MRO: URBAN U.S. HIGHWAY 421-MICHIGAN ROAD CORRIDOR OVERLAY DISTRICT.

(A) *Purpose, intent and authority.*

(1) 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. The Plan Commission and Town Council, in establishing this zone, do so in compliance with I.C. 36-7-4-600 et seq. and I.C. 36-7-4-1400 et seq.

(2) It is recognized that U.S. Highway 421 is an important corridor to the town. 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.

(3) 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. The boundaries extend 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 1-17-2000, for that portion of U.S. Highway 421 which is now, or shall come to be, within the boundaries of the town. The Official Zone Map for the town is officially amended by the adoption of this chapter 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 §§ [194.125](#) through [194.128](#) of this chapter, 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 division (E) below, 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 division (E) below, 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 theater;
- (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's Board of Health or by the town;
- (21) Refining or manufacturing of petroleum products;
- (22) Refining or manufacturing of asphalt, cement, gypsum, lime, wood preservatives;
- (23) Roadside sales stand;
- (24) Sand and gravel extraction or sales;
- (25) Truck stop;
- (26) Warehouses; and

(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.*

(1) The minimum lot area required within the Overlay Zone is two acres for non-residential uses and one-half 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 division (B) above. 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.

(2) If a parcel of land or subdivision lot was recorded prior to the effective date of this chapter, and said parcel or lot does not contain the minimum lot area required by this division (H), said parcel or lot ("undersized lot") may be used for any use permitted in the Overlay Zone; provided that:

(a) 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);

(b) 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 division (H); and

(c) All other development requirements applicable to the Overlay Zone can be met. This division (H) 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 chapter.

(I) *Height and area requirements building height.*

(1) Minimum: see § [194.060](#) of this chapter.

(2) Maximum: as specified in the primary underlying zoning District.

(3) Front yard for parcels with frontage on U.S. Highway 421 right-of-way:

(a) Minimum: 30 feet, measured from the U.S. Highway 421 right-of-way. This measurement shall include the mandatory 30-foot greenbelt; and

(b) Maximum: 120 feet, measured from the U.S. Highway 421 right-of way. This measurement shall include the mandatory 30-foot greenbelt.

(4) Minimum side and rear yards.

(a) For a non-residentially zoned lot next to an existing R district: 50 feet or two times the building height, whichever is greater. Side and rear yards for residential lots, where adjacent to other residential lots, shall be 15 feet.

(b) For a non-residentially zoned lot next to a business district: 15 feet. Side and rear yards for residential lots, where adjacent to business districts, shall be 25 feet.

(c) For a non-residentially zoned lot next to an industrial district: 20 feet. Side and rear yards for residential lots, where adjacent to other residential lots, shall be 35 feet.

(5) Gross floor area.

(a) All principal business and industrial Buildings shall have a minimum of 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 freestanding or contained in an integrated center, shall exceed 60,000 square feet of gross floor area.

(b) No integrated center shall exceed 125,000 square feet of total gross floor area.

~~(c) New primary buildings within the area known as Eagle Village, which is located between 116th and 121st Streets, shall have a minimum of 1,200 square feet of gross floor area, excluding the floor area of any accessory buildings, and a maximum of 3,500 square feet of gross floor area, excluding the floor area of any accessory buildings.~~

~~(d)~~ (c) Primary residential structures shall meet the minimum floor area specified in the underlying zoning district.

(6) There shall be a 30-foot wide greenbelt within the front yard of all lots with frontage on U.S. Highway 421.

(J) *Architectural design requirements.* In reviewing the architectural design of building(s) proposed to built in the Overlay Zone, factors to be 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 stories, or be designed to appear so from the front and sides. Retail and office buildings are encouraged to be two stories or more in height, with office or residential uses on the second floor. The minimum height for all buildings shall be 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 one and one-half 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 story or 12 feet, but shall not exceed a maximum height of two stories or 20 feet.~~

(4) *Building facades.*

(a) 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 90 feet or greater in width shall be designed with offsets (projecting or recessed) not less than eight feet deep, and at intervals of not greater than 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 50 feet.~~

(b) Facades constructed of more than one material shall only change material along horizontal or vertical lines (not diagonal lines). For material changes at the horizontal line, the heavier material shall always be placed beneath the lighter material. Front and side facades of buildings located on corner lots shall be of the same materials and similarly detailed.

(5) *Roofs.*

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

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

(c) *Flat roofs.*

1. 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.

2. In no case shall rooftop mechanical equipment be visible from adjoining R districts.

3. 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.

4. 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 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.*

(a) 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 75% of the total ground level (first floor) facade area.

(b) 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.

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

1. Brick in a color historically consistent with the architectural style;
2. Stone (limestone, granite, fieldstone and the like); or
3. Split-face block or architectural pre-cast concrete, if surface looks like brick or stone.

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

1. Stone;
2. Smooth cut cedar shingles;
3. Wood clapboard siding;
4. Brick in a color historically consistent with the architectural style;
5. Wood beaded siding; or
6. Stucco with smooth finish, or dryvit (or equivalent), not to exceed 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 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. Highway 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 building shall be oriented to U.S. Highway 421. Where the primary building is designed to have three or more users (such as the case of multiple lease spaces), a maximum of two uses shall be oriented to U.S. Highway 421. Accessory buildings (including residential garages, storage buildings and the like) 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 § [194.126](#) of this chapter.

(2) *Areas to be landscaped.*

(a) *Greenbelt.* The 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 and the like 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 feet; except that, when adjoining a parking area located in the front yard adjoining U.S. Highway 421, the minimum width shall be ten 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 § [194.060](#) of this chapter.

(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 zones or uses, by means of walls, fencing, parapets, penthouse screens, landscaping, camouflage or other approved method.

(3) *Landscaping standards.*

(a) The interior dimensions, specifications and design of any planting area or planting median shall be sufficient to protect the landscaping materials planted therein and to provide for proper growth. The following minimum interior widths for planting areas shall be used:

1. Canopy trees: nine feet;
2. Ornamental trees: seven feet; and
3. Shrubs (only): five feet.

(b) All plant material proposed to be used in accordance with any landscape plan shall meet the following specifications.

1. Shade trees: a minimum trunk diameter of two and one-half inches at six inches above grade, a minimum height of eight feet, and a branching height of not less than one-third or more than one-half of tree height.

2. Ornamental trees: a minimum trunk diameter of one and one-half inches at six inches above grade, a minimum height of six feet, and a branching height of not less than one-third or more than one-half of tree height.

3. Evergreen trees: a minimum height of eight feet, and a width of not less than three-fifths of the height.

4. Deciduous shrubs: a minimum height of 18 inches, no less than six main branches upon planting and a mature height no greater than 36 inches.

5. Evergreen shrubs: a minimum height and spread of 18 inches, maximum mature height of 36 inches.

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

1. A minimum of three shade trees and one ornamental tree shall be provided per 100 linear feet of greenbelt.

2. Shade trees planted within the greenbelt parallel to the U.S. Highway 421 right-of-way shall be spaced neither less than 15 feet apart, nor more than 40 feet apart.

3. Existing shade trees within the greenbelt that have a minimum trunk diameter of four and one-half inches at six 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 100 linear feet.

(d) The primary landscaping materials used adjacent to buildings shall be shrubs, ground covers and ornamental grasses.

(e) Parking lots.

1. *Interior landscaping.* A minimum of one shade tree and five shrubs shall be planted within each parking lot for every seven spaces provided, or not less than 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 shade tree and five shrubs shall be planted within each parking lot for every five spaces provided or not less than 24 trees per acre of parking.

2. *Parking lot perimeter planting.* Where parking areas are located in the front yard, with frontage directly on U.S. Highway 421, a six-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 shade trees, three ornamental trees and 30 shrubs per 100 linear feet.

b. The perimeter planting area shall be provided in addition to the greenbelt area.

c. Existing shade trees within the greenbelt that have a minimum trunk diameter of four and one-half inches at six 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 100 feet.

3. *Front and side parking.* Parking areas within front and side yards shall be completely screened from view. Such screening shall be subject to Plan Commission approval.

(4) *Landscaping installation and maintenance.*

(a) *Installation.* All landscaping approved as part of the landscape plan portion of development plan approval shall be installed prior to the issuance of a certificate of occupancy. If it is not possible to install the required landscaping because of weather conditions, the property owner shall post a bond prior to the issuance of the certificate of occupancy for an amount equal to 125% of the total installed cost of the required landscaping.

(b) *Maintenance.* It shall be the responsibility of the owners and their agents to ensure 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 chapter. 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.

(c) *Changes after approval.* See § [194.127](#) of this chapter.

(d) *Inspection.* The Building Commissioner or his or 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 § [194.108](#) of this chapter.

(2) Landscaping standards: see division (K) 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 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 Plan Commission how coordinated access will occur relative to the overall U.S. Highway 421 Corridor.

(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 front yard setbacks shall be discouraged and limited to a maximum of two 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 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.* See § [194.113](#).

(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 state's 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-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 town's 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 §§ [194.160](#) through [194.169](#) of this chapter 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 non-conforming 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 30%.

(6) *Non-conforming uses.* A development plan shall be submitted to the Plan Commission for its approval when a legally established non-conforming use is altered as follows:

(a) A building has been more than 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; or

(c) If property or building is vacant for more than year.

(P) *Application procedure.* See §§ [194.125](#) through [194.128](#) of this chapter.

(Q) *Validity of approval of the application by the Plan Commission.*

(1) An approved development plan petition shall be valid for two years from the date of approval.

(2) If construction of the building(s) has (have) not started at the end of the two-year period, the development plan request shall be re-submitted to the Plan Commission for consideration and disposition.

(Ord. 2000-16, passed 8-28-2000, § 2.39; Ord. 2016-04, passed 4-5-2016)

§ 194.079 RURAL: OVERLAY DISTRICTS.

(A) *Purpose, intent and authority.*

(1) The purpose of this section is to provide for overlay districts, establish consistent procedures for their establishment and to foster the purposes of this chapter.

(2) The intent of overlay districts is to give the town 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.

(3) The authority to establish overlay districts is based on the goals and objectives of the town's Comprehensive Plan and I.C. 36-7-4-600.

(B) *Establishment of overlay districts*

(1) The establishment of an overlay district shall be a combination of a zoning text amendment and a zoning map amendment and shall be processed concurrently. To simplify the process, the public hearings shall be advertised and held together; when considering the overlay district establishment, the town and the legislative body shall consider the recommendations together, the legislative body's certifications shall be combined, and the adopting ordinances shall be combined.

(2) The town or any participating legislative body of the jurisdiction shall only initiate overlay districts. I.C. 36-7-4-602(b) and (c) and I.C. 36-7-4-607 and 36-7-4-608 shall govern the procedure for the establishment of overlay districts.

(C) *U.S. Highway 421 - Michigan Road Corridor Overlay District.*

(1) *Purpose, intent and authority.*

(a) 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, in establishing this district, do so in compliance with I.C. 36-7-4-600 et seq. and I.C. 36-7-4-1400 et seq.

(b) It is recognized that U.S. Highway 421 is an important corridor to the town. 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.

(c) 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. The boundaries extend 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 1-17-2000, 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 1-1-2003 for that portion of U.S. Highway 421 north of 121st Street within the county. The official zoning maps for the county are officially amended by the adoption of this chapter to include the Overlay District per the boundaries set forth.

(3) *Town approval.* The town 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 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:

- (a) Adult entertainment businesses;
- (b) Amusement park;
- (c) Bulk storage of petroleum products not used for on-site manufacturing;
- (d) Car washes;
- (e) Carnivals, fairs, circuses;
- (f) Confined feed operations;
- (g) Disposal of radioactive materials;
- (h) Drive-through facilities;
- (i) Fertilizer manufacturing, stock yards, slaughtering, leather curing and tanning;
- (j) Flea market;
- (k) Garbage disposal plant/sanitary landfill;
- (l) Go-cart track;
- (m) Grain elevator;
- (n) Junk or salvage yard;
- (o) Manufactured home dwelling sales;
- (p) Mini-warehouses or self-storage facilities;
- (q) Mobile home court;
- (r) Off-premises (outdoor advertising);
- (s) Outdoor storage, with the exception of propane tanks that are for lease or purchase;
- (t) Outdoor theater;
- (u) Penal or correctional institution;
- (v) 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's Board of Health or by the county's Health Department;
- (w) Refining or manufacturing of petroleum products;
- (x) Refining or manufacturing of asphalt, cement, gypsum, lime, wood preservatives;
- (y) Roadside sales stand;
- (z) Sand and gravel extraction or sales;
- (aa) Truck stop;
- (bb) Warehouses; and

(cc) 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 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.*

(a) Building height: see § [194.082](#), Table 3.

(b) Front yard for parcels with frontage on U.S. Highway 421 right-of-way:

1. Minimum: 30 feet, measured from the U.S. Highway 421 right-of-way. This measurement shall include the mandatory 30-foot landscape buffer; and

2. Maximum: 120 feet, measured from the U.S. Highway 421 right-of-way. This measurement shall include the mandatory 30-foot landscape buffer.

(c) Minimum side and rear yards: as specified in the primary underlying zoning district;

(d) Gross floor area.

1. All principal business and industrial buildings shall have a minimum of 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.

~~2. New primary buildings within the area known as Eagle Village, which is located between 116th and 121st Streets, shall have a minimum of 1,200 square feet of gross floor area, excluding the floor area of any accessory buildings, and a maximum of 15,000 square feet of gross floor area, excluding the floor area of any accessory buildings.~~

~~3.2.~~ Primary residential structures, however, shall meet the minimum floor area specified in the underlying zoning district.

(e) Landscape buffer: there shall be a 30-foot 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 shall include, but are not limited to, the following.

(a) *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.

(b) *Building proportion.* Buildings should avoid long, monotonous, uninterrupted walls or roof planes.

(c) *Building height.* The height of new primary buildings shall be at least one and one-half stories, or be designed to appear so from the front and sides. Retail and office buildings are encouraged to be two stories or more in height. The minimum height for all buildings shall be 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 one and one-half 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 story or 12 feet, but shall not exceed a maximum height of three stories.~~

(d) *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 90 feet or greater in width, shall be designed with offsets (projecting or recessed) not less than eight feet deep, and at intervals of not greater than 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 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.

(e) *Roofs.*

1. *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.

2. *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.

3. *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.

(f) *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 window openings associated with this doorway.

(g) *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.

(h) *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.

(i) *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 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.

(j) *Drive-through service units.* Drive-through service units are prohibited in the Overlay District.

(k) *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:

1. 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 and the like); or
 - c. Split-face block or architectural pre-cast concrete, if surface looks like brick or stone.
2. 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 external insulation and finish system (E.I.F.S.); not to exceed 20% of the overall non-window facade area.

3. The exterior building material selection shall be supplemented by the use of multiple colors, textures (e.g., rough, smooth, striated and the like) or architectural elements, (quions, pilasters, soldier courses, friezes, cornices, dentils and the like) on facades visible from the street. (See also division (C)(23) below.)

(11) *Topography.* Design in relation to topography of the site, which minimizes cut and fill and limits maximum on-site slope to 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 or more users (such as the case of multiple lease spaces), a maximum of two uses shall be oriented to U.S. Highway 421. Accessory buildings (including residential garages, storage buildings and the like) 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.*

(a) *Landscape plan.* The applicant shall submit a landscape plan to the town as part of the development plan application, per §§ [194.125](#) through [194.128](#) of this chapter.

(b) *Areas to be landscaped.*

1. *Landscape buffer.* The 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 and the like shall be established within this area.

2. *Foundation plantings.* Foundation plantings shall be included along all sides of any building. The minimum width of the planting area shall be five feet; except that, when adjoining a parking area located in the front yard adjoining U.S. Highway 421, the minimum width shall be ten feet.

3. *Peripheral plantings.* Minimum side and rear yard landscaping shall occur per the requirements of the underlying primary zoning district.

4. *Parking lots.* Per standards specified in this chapter.

5. *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.

(c) *Landscaping standards.*

1. 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 feet;
- b. Ornamental trees: seven feet; and
- c. Shrubs (only): five feet.

2. 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 inches at six inches above grade, a minimum height of eight feet and a branching height of not less than one-third or more than one-half of tree height.

b. Ornamental trees: a minimum trunk diameter of one and one-half inches at six inches above grade, a minimum height of six feet and a branching height of not less than one-third or more than one-half of tree height.

c. Evergreen trees: a minimum height of eight feet, and a width of not less than three-fifths of the height.

d. Deciduous shrubs: a minimum height of 18 inches, no less than six main branches upon planting, and a mature height no greater than 36 inches.

e. Evergreen shrubs: a minimum height and spread of 18 inches, maximum mature height of 36 inches.

3. Landscape buffer: the primary landscaping materials used in the landscape buffer shall be shade trees, ornamental trees, shrubs, ground covers and grass.

a. A minimum of three shade trees and one ornamental tree shall be provided per 100 linear feet of landscape buffer.

b. Shade trees planted within the landscape buffer parallel to the U.S. Highway 421 right-of-way shall be spaced neither less than 15 feet apart nor more than 40 feet apart.

c. Existing shade trees within the landscape buffer that have a minimum trunk diameter of four and one-half inches at six 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 100 linear feet.

4. Foundation plantings: the primary landscaping materials used adjacent to buildings shall be shrubs, ground covers and ornamental grasses.

5. Parking lots.

a. *Interior landscaping.* A minimum of one shade tree and five shrubs shall be planted within each parking lot for every seven spaces provided, or not less than 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 shade tree and five shrubs shall be planted within each parking lot for every five spaces provided, or not less than 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. Highway 421, a six-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 shade trees, three ornamental trees and 30 shrubs per 100 linear feet.

ii. The perimeter planting area shall be provided in addition to the landscape buffer area.

iii. Existing shade trees within the landscape buffer that have a minimum trunk diameter of four and one-half inches at six 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 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 town approval.

d. *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 ensure 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 chapter. This is to include, but is not limited to, replacing dead plantings with identical varieties or a suitable substitute approved by the town, irrigation and mulching of planting areas and keeping the area free of refuse, debris, rank vegetation and weeds.

iii. *Changes after approval.* See §§ [194.200](#) through [194.202](#) of this chapter.

iv. *Inspection.* The town 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.*

(a) Parking spaces required, and the dimensions of those parking spaces.

(b) Landscaping standards: see above.

(c) 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 how coordinated access will occur relative to the overall U.S. Highway 421 Corridor.

(d) 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.

(e) Parking within front yard setbacks shall be discouraged and limited to a maximum of two 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 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.* See § [194.113](#).

(18) *Access to individual tracts.*

(a) 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.

(b) The town shall encourage maximum distances between curb cuts to U.S. Highway 421 in cooperation with the state's 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.*

(a) *Trash collection.* Trash collection and recycling areas shall be enclosed and screened on all sides, with a minimum six-foot tall opaque wall. Trash collection and recycling areas shall be in the rear of all buildings.

(b) *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 approval.

(c) *Emergency access.* All emergency access areas and facilities shall be shown on the site plan and reviewed by the town's Fire Department.

(d) *Signs.* A sign plan for the proposed development shall be submitted to the town 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. Should a development plan-approved sign plan be replaced with a new design, the amended sign plan must go before the town for review and approval. Individual signs that conform to this chapter and to the approved sign plan shall not require further approval, however, such signs shall require an improvement location permit.

(e) *Conforming uses.* A development plan shall be submitted to the town for its approval when a legally established non-conforming use is changed to a conforming use and when either:

1. Any new building is to be constructed; or
2. Any existing building or site development (including addition of parking lot) is expanded by more than 30%.

(f) *Non-conforming uses.* A development plan shall be submitted to the town for its approval when a legally established non-conforming use is altered as follows:

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

(20) *Off-premises (outdoor advertising) signs.* Off-premises signs will not be allowed in the U.S. Highway 421 Overlay District.

(21) *Application procedure.* See § [194.125](#) of this chapter.

(22) *Validity of approval of the application by the town.*

(a) An approved development plan petition shall be valid for two years from the date of approval.

(b) If construction of the building(s) has (have) not started at the end of the two-year period, the development plan request shall be re-submitted to the town for consideration and disposition.

(23) *Waiver of development requirements.*

(a) *Building materials findings.* The town 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:

1. 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;
2. The building materials utilized are appropriate when compared to the building materials utilized on other buildings on the site and surrounding sites;
3. 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
4. The building materials utilized are consistent with the intent and purpose of this chapter.

(b) *Architectural design findings.* The town may grant a waiver of the architectural design requirements of section of this chapter 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:

1. 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;
2. The proposed building is appropriate when compared to the architecture, design and overall exterior character of other buildings on the site and surrounding sites;
3. The building design is consistent with and compatible with other development located along the street; and
4. The proposed building is consistent with the intent and purpose of this chapter.

(Ord. 2000-16, passed 8-28-2000, § 2.40; Ord. 2016-04, passed 4-5-2016)

§ 194.082 AUTHORIZED USES AND REQUIREMENTS.

The uses permitted in the districts established by this chapter are shown in Table 2, Authorized Uses. Where the district column is marked with an “X”, the use is permitted. Where the district column is marked with an “S”, the use may be permitted only as a special exception. Where the district column is marked with a “D”, the use may be permitted only after approval of a development plan by the APC.

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

(B) 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.

<i>Table 3: Residential Uses and Requirements, Single-Family</i>											
<i>Zoning District</i>	<i>AG</i>	<i>RE</i>	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>R-4</i>	<i>LB</i>	<i>UB</i>	<i>GB</i>	<i>PB</i>	<i>AB</i>
Maximum height of buildings	35	35	35	35	35	35	35	35	35	35	35

Minimum ground floor area											
One-story	1,200	1,200	1,200	1,200	900	900	900	900	900	1,200	900
Multi-story	900	900	900	900	750	750	750	750	750	900	750
Minimum acres required per dwelling unit											
Minimum acreage on well/septic	2 acres	3 acres	2 acres	2 acres	2 acres	2 acres	2 acres	2 acres	2 acres	2 acres	2 acres
Minimum acreage on utilities	2 acres	3 acres	1 acre	0.6 acre	0.33 acre	0.23 acre					
Maximum lot coverage	50%	50%	60%	60%	70%	70%	70%	70%	70%	70%	70%
<p>Minimum primary structure width: 18 feet in all districts.</p> <p>Lot width to depth ratio: (3:1).</p> <p>(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).</p>											
<p>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.</p>											
<p>Public water and public sewer connection: required in all districts for lots that are less than one acre in size.</p> <p>Utility connection: required for major residential subdivisions with 15 lots or more.</p>											
<p>Road frontage: 45 feet in all districts: (in subdivisions, up to 20% of total lots may reduce road frontage by up to 20%).</p>											
<p>Minimum front yard (unincorporated areas): in all districts, 20 feet from the right-of-way or 70 feet from the center of the road, whichever is greater (not applicable to flag lots).</p>											
<p>Minimum rear yard for primary structures: 20 feet in all districts.</p>											
<p>Minimum rear yard for accessory structures: 5 feet in all districts.</p>											
<p>Minimum side yard: 5 feet in all districts, except the agricultural district. (For agricultural district, see § 194.111 RURAL PARKING AND LOADING REQUIREMENTS (L) Bufferyards. Rural Bufferyard Requirements Table).</p>											
<p>Number of parking spaces per lot: 2 in all districts.</p>											
<p>Minimum spacing between dwellings created in the agricultural district: 140 feet.</p>											

§ 194.095 URBAN ACCESSORY USES.

(A) *Permitted accessory uses.*

(1) 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.

(2) Accessory uses shall not be permitted on a lot prior to the erection of the primary building.

(3) Accessory uses shall be customarily incidental, and subordinate to, and commonly associated with, the operation of the primary use of the lot.

(4) 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 § [194.019](#) of this chapter.

(2) Accessory uses shall not encroach upon any:

(a) Platted easement; or

(b) 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):

(a) Maximum height above grade:

1. Shall not exceed 48 inches in a required front yard;

2. Shall not exceed six feet in a required side or rear yard;

3. Shall not exceed eight feet if located outside of the minimum required yards, but within the buildable area of a lot;

4. Fence posts may exceed the six-foot maximum height by one foot (see Figure 5, Diagram 1); and

5. 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 Figure 5, Diagram 2.)

(b) Shall comply with all vision clearance area requirements of this chapter, § [194.021](#) of this chapter;

(c) Shall not contain barbed wire, razor wire and similar type wires as a part of the fence, except in the O-1 District, where it may be used only in conjunction with an agricultural use; and

(d) Shall not be electrified in any manner which could intentionally provide for an electrical shock if touched, except in the O-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-1, R-SF-2, R-SF-3, R-SF-4, R-MF-1, R-MF-2 and R-V District shall also comply with the following additional development standards.

(1) *Accessory buildings.*

(a) The total square foot area of all accessory buildings on a lot shall not exceed 50% of the finished floor area of the primary building. Exception: in the R-V District, a detached garage may exceed the 50% calculation above; provided that:

1. It is the only accessory building on the lot;
2. The maximum dimensions of the garage shall not exceed 24 feet by 30 feet; and
3. The total square footage of the garage is less than or equal to the finished floor area of the primary building.

(b) The total number of accessory buildings on a lot shall not exceed two accessory buildings.

(c) The minimum side yard requirements for ~~an~~ accessory building(s) shall comply with the minimum side yard setback requirements of the district in which it is located including aggregate. ~~Such side yard setbacks shall be calculated independently of the side yards required for the primary building.~~

(2) *Swimming pools or hot tubs.*

(a) A swimming pool or hot tub shall not be located between any front lot line and the established front building line.

(b) A swimming pool or hot tub shall not be located in any required side or rear yard.

(c) 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 I.A.C. 20-4-27(c). If a fence is utilized, such fence shall:

1. If erected at grade, be not less than five feet in height; or
2. If erected on the deck of an above ground pool or hot tub, not be less than 36 inches in height measured from the surface of the deck.

(d) 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.

(e) Swimming pools or hot tubs, situated on a lot where the primary building is not occupied for periods of 30 consecutive days or more, shall be equipped with a cover adequate to prevent persons, children or animals from danger or harm.

(f) 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.

(a) *Lot coverage credit.* (Permitted in any R-SF-1, R-SF-2, and R-V District) A onetime credit of 2% additional lot coverage may be sought and utilized for at grade patio if constructed with approved pervious material (inclusive of gravel, decking, and pavers, and in no case exceeding a height greater than six inches from the natural grade established by the overall parcel).

(4) *Satellite dish antennas.*

(a) The regulations of this division (C)(4) shall apply to satellite dish antennas in all R districts which are greater than one meter (39.37 inches) in diameter. These regulations are intended to allow satellite dish antennas to be located in a manner that:

1. Does not unreasonably delay or prevent the installation, maintenance or use of the antenna;
2. Does not unreasonably increase the cost of installation, maintenance or use of the antenna; or
3. Preclude reception of an acceptable quality signal.

(b) The regulations of this division (C)(4) are intended to accomplish the following specific and clearly defined health, safety and aesthetic objectives:

1. To promote the public health and safety by providing criteria for the placement of satellite dish antennas greater than one meter (39.37 inches) 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
2. 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.

(c) 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 inches) in diameter shall be permitted provided that:

1. If ground-mounted, satellite dish antennas shall:
 - a. Not be located in any required front, side or rear yard, or between the established front building line and the front lot line; and
 - b. Not exceed the maximum building height allowed for an accessory structure.

2. If roof-mounted, satellite dish antennas shall:

- a. Not exceed the maximum building height limit allowed for a primary building;
- b. Not extend beyond the horizontal limits of the roof area; and

c. Be installed in accordance with plans certified by a registered civil or structural engineer that the proposed installation complies with the standards listed in §§ 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.

(d) No requirement contained in this division (C)(4) shall be enforced to the extent it:

- 1. Unreasonably delays or prevents installation, maintenance or use of an antenna;
- 2. Unreasonably increases the cost of installation, maintenance or use of an antenna;

or

3. Precludes reception of an acceptable quality signal by an antenna.

(D) *Additional development standards for accessory uses in the R-MF-1, 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 exceeding 36 cubic feet shall:

(a) Be screened on all four sides within a solid-walled or opaque fenced enclosure with gate not less than six feet, nor greater than eight feet, in height above grade;

(b) Be located behind the front building line; and

(c) Not be located in any required yard or required bufferyard.

(2) Parking areas shall comply with the off-street parking regulations of § [194.108](#) of this chapter.

(3) Loading areas shall comply with the off-street loading regulations of § [194.109](#) of this chapter.

(4) Signs shall comply with the sign regulations of §§ [194.160](#) through [194.169](#) of this chapter.

(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 § [194.017](#) of this chapter.)

(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 not encroach into a public street.

Figure 5: Fence Requirements

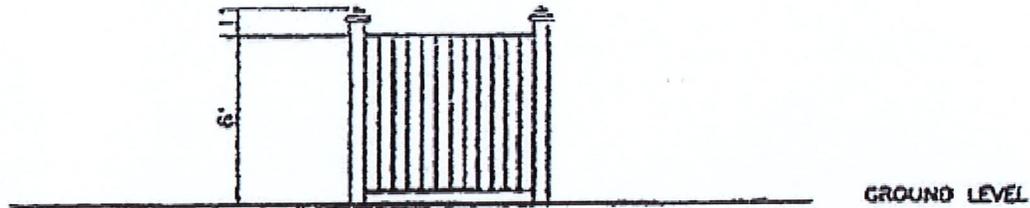


DIAGRAM 1

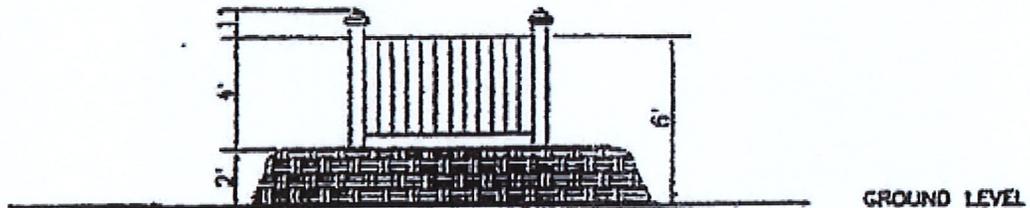


DIAGRAM 2

(Ord. 2000-16, passed 8-28-2000, § 3.1; Ord. 2017-17, passed 12-4-2017)

§ 194.109 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. 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 multi-family residential districts.*

(1) Required front, side and rear yards in business and industrial districts shall be landscaped in compliance with the following.

(a) *Required front yard.* Landscaping in the required front yard shall consist of trees planted in accordance with one of the following alternatives.

1. If deciduous shade (overstory) trees are used: there shall be one tree planted at a maximum of every 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 80 feet.

2. If deciduous ornamental (understory) trees are used: there shall be one tree planted at a maximum of every 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 50 feet.

(b) *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.

1. If deciduous shade (overstory) trees are used: there shall be one tree planted at a maximum of every 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 80 feet.

2. If deciduous ornamental (understory) trees are used: there shall be one tree planted at a maximum of every 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 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 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 12.

(2) Required front, side and rear bufferyards in all business and industrial districts, and front, side and rear perimeter yards in the R-MF-1 and R-MF-2 Districts shall be landscaped in compliance with the requirements of Table 12.

(C) *Foundation planting in business and industrial districts (except the VBD, Village Business District).*

(1) 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).

(2) 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 outlot 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.

(3) Foundation planting areas shall be subject to the following requirements.

(a) 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).

(b) Foundation planting areas shall have a total area in square feet of not less than two feet times the length of the wall (two feet by length of wall equals area for foundation planting) to which the foundation planting is oriented.

(c) Foundation planting areas shall be located:

1. Adjacent to the building; or
2. So as to begin within ten feet of the building (in the case of a sidewalk which runs adjacent to the building).

(d) Foundation planting areas shall maintain a minimum depth in the smallest dimension of six feet.

(e) 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 12.

(D) *Parking lot landscaping in business and industrial districts.*

(1) *Interior parking lot landscaping in business and industrial districts.*

(a) 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 18 feet minimum for every 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 12.

(b) 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.

(c) 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:

1. Preserve existing trees;
2. Create boulevard treatments;
3. Create landscape features;
4. Create common open space areas for passive recreational activities; or
5. Define vehicular and pedestrian traffic patterns.

(d) Each tree shall be a minimum of two and one-half 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:

(a) A compact hedge row located between the front yard or a bufferyard and the edge of the parking area planted three feet on-center and between 24 inches and 30 inches in height at the time of planting; or

(b) 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 one and one-half.

NOTE: Each sample area represents a total length of 400 feet. Depth of the sample areas varies for illustrative purposes only. Trees indicated are at full growth, not at time of planting.

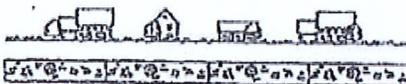
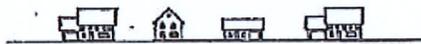
Figure 6: Sample Landscaping

SAMPLE LANDSCAPING
Maximizing Use of Shrubs

SAMPLE LANDSCAPING
Maximizing Use of Evergreens

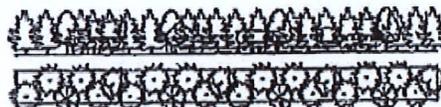
No Bufferyard

No Bufferyard



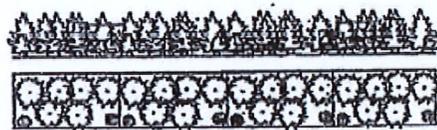
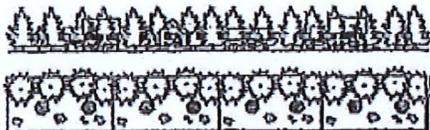
Level A

Level A



Level B

Level B



Level C

Level C

Table 11: Bufferyard and Perimeter Yard Landscaping (Table A)																		
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	BO	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	**

NOTES TO TABLE:
 NR = Landscaping/screening not required
 A= Level A
 B = Level B
 C = Level C
 * =Perimeter yards for the R-MF-1 and R-MF-2 Districts, when located adjacent to all other districts not listed on Table 12 shall be landscaped at Level A
 ** = Landscaping shall be provided based upon the "Applicable District Development Standards" listed in § 194.057(C) of this chapter for each special use district
 (1) = Applicable only to side or rear bufferyards

Table 12: Levels of Plantings - Bufferyards and Perimeter Yards (Table B)
Level A = Any combination of plants selected from the plant categories listed below, which equals or exceeds a plant unit value of 2 for each 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 below, which equals or exceeds a plant unit value of 3 for each 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 below, which equals or exceeds a plant unit value of 4 for each 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 (Table C)

Plant Categories	Plant Unit Value
(Minimum Size at Time of Planting)	
Deciduous shade (overstory)	0.50
-1/2" caliper at 6" above the ground)	
Deciduous ornamental (understory) tree	0.40
1-1/2" caliper at 6" above the ground)	
Evergreen tree (6' high)	0.40
Evergreen tree-narrow spread (4' high)	0.25
Hedge plant (24" - 30" high)	0.05

(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~~ Landscape stone may be used as a landscaping accent, but shall not exceed 20% of the area of the required landscape area in which it is used.

- (1) Exception(s): Substitution of all mulch within the defined area mentioned above for landscape stone may occur if:
 - (a) Minimum number of required plantings are dispersed evenly throughout the defined area, or
 - (b) Building façade is located on a non-frontage elevation.

(F) *Wall, fence or berm.* In addition to living vegetation required above, landscaping in a required yard, required bufferyard 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 feet in height if solid or six feet in height if the sight barrier is less than 50%. Any fence or wall which maintains a height of between 30 inches and three feet if solid or between five feet and six feet if the sight barrier is less than 50% shall

count as up to a 50 plant unit value for each 100-foot increment against the required plant unit value specified by Table 12. 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 feet when located in a multi-family residential or business district or five feet when located in an industrial district, shall have a minimum crown width of two 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 60% of the lineal distance of each 100-foot increment of the yard shall count as up to a 0.50 plant unit value for each 100-foot increment against the required plant unit value specified by Table 12.

(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 bufferyard, 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 feet in height. Any fence or wall which maintains a height of between four feet and six feet shall count as up to a 0.50 plant unit value for each 100-foot increment against the required plant unit value specified by Table 12. 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 feet, shall have a minimum crown width of two 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 60% of the lineal distance of each 100-foot increment of the yard shall count as up to a 0.75 plant unit value for each 100 lineal feet against the required plant unit value specified by Table 12.

(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.

(l) *Credit for preservation of existing trees.*

(1) 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.

(2) A 0.25 plant unit value credit shall be given for every two 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.

(3) An alternative landscape plan which utilizes the designation of a tree save area shall:

(a) 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;

(b) 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

(c) Provide that, in the event trees designated for saving in the tree save area are damaged during construction or die within three 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.

(Ord. 2000-16, passed 8-28-2000, § 3.15)

§ 194.128 EXPIRATION OF APPROVED DEVELOPMENT PLANS AND DEVELOPMENT PLAN WITH COMMITMENTS.

(A) Development plan approvals granted by the Plan Commission, including approvals receiving modifications and amendments, shall be valid for three (3) years from the date of said approval. If development of the project has not materially progressed and begun before the end of said three (3) year period, the approval expires and a new development plan application must be submitted; provided, however, that, the applicant (or party which has been assigned the property being the subject of approval) may appear at a Plan Commission meeting, as a matter of "other business", prior to said expiration date and request consideration of an extension of time before such development plan approval expires, in which event any extension of the Plan Commission grants shall not extend beyond a date which is more than seven years after the date of the most recent development plan approval, including approval of any modification or amendment thereto.

(B) If the recording of commitments is required in connection with approval of a development plan, including approvals receiving modification and amendments, said

approval shall automatically be conditional and shall not become final unless the required commitments are finalized in a manner satisfactory to the Plan Commission. The failure to finalize commitments does not operate to extend the three (3) year expiration period – which begins on the date of approval and/or conditional approval. Finalized means satisfying the following steps: 1) Submitting for Staff approval, 2) Gaining approval, 3) recordation of the approval. ~~and recorded within 90 days after said Plan Commission approval; consequently, if the required commitments are not finalized and recorded within said 90 days, such conditional approval shall expire, and notice of a hearing for re-consideration of the subject development plan by the Plan Commission shall be served and published by the applicant (or party which has been assigned the property being the subject of the approval), as required originally, within 60 days after said conditional approval expires or the development plan filing shall be deemed to have been withdrawn.~~

(Ord. 2015-14, passed 3-2-2015)

§ 194.163 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 or wall otherwise meets ordinance regulations and is clearly incidental to the display itself. (See Figure 5, Diagram 1, for illustrative guides to computation methods.)

(B) *Computation of area of multi-faced 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 sign faces are placed back to back, or at no greater than 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 42 inches apart, the sign area shall be computed by the measurement of one of the faces. (See Figure 7 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.

(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 division (C) above.)

(E) *Maintenance and restoration of legally established non-conforming signs and sign structures.* Any legally established non-conforming sign shall be permitted without alteration in

size or location. Maintenance 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 of its replacement value, it shall not be rebuilt except in conformance with the provisions of this chapter; provided, however, that, nothing herein shall prevent maintenance, repainting or posting of legally established non-conforming signs.

(F) *Number of faces permitted on a freestanding identification sign.* Unless specifically restricted by this chapter, a sign may contain more than one sign face, and may be two-sided; provided, all other provisions of this chapter 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 600 feet of any R district or within an R district shall be illuminated between the hours of 11:00 p.m. and 6:00 am, ~~except legally established ground identification signs, as referenced in § 194.166 of this chapter, service recorded, platted residential subdivisions located within the R-SF-1, R-SF-2, R-SF-3 or R-SF-4 Districts, which ground identification signage shall not be subject to the foregoing illumination restriction.~~

a. Exceptions:

- i. Legally established ground identification signs, as referenced in § 194.166 of this chapter, service recorded, platted residential subdivisions located within the R-SF-1, R-SF-2, R-SF-3 or R-SF-4 Districts.
- ii. Signs which are visibly obstructed from any adjacent R district(s)

(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 one footcandle when measured at the lot line.

(4) This division (H) shall not apply to the following:

(a) 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

(b) Signs that do not exceed two 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 chapter.

(J) *Maintenance of signs.* Nothing contained in this chapter 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 § [194.165](#)(B)(3) of this chapter, 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:

(a) Forty percent of the total area of an awning or canopy; or

(b) Seventy-five percent of the total area of a marquee.

(3) The bottom edge of the awning, canopy or marquee shall:

(a) Not be less than ten feet above grade over a walkway; or

(b) Not be less than 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 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 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-premises signs as accessory structures.* Freestanding on-premises signs and sign structures are hereby declared to be accessory structures. As accessory structures, freestanding on-premises 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-premises signs.* Notwithstanding anything contained in § [194.019](#) of this chapter to the contrary, freestanding on-premises 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-premises sign and sign structure located on the lot to identify such building, business, product, activity or service shall also be removed coincidentally with the removal of such building, business, product, activity or service. Any new on-premises sign or sign structure located after such coincident removal shall be located in compliance with the provisions of this chapter.

(2) When a legally established non-conforming building, or any business, product, activity or service not located in a building, suffers a partial destruction in excess of two-thirds 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 chapter, any on-premises sign or sign structure located on the lot shall also be brought into compliance with the terms of this chapter.

(3) Within 30 days after any lawful non-conforming 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 5% 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:

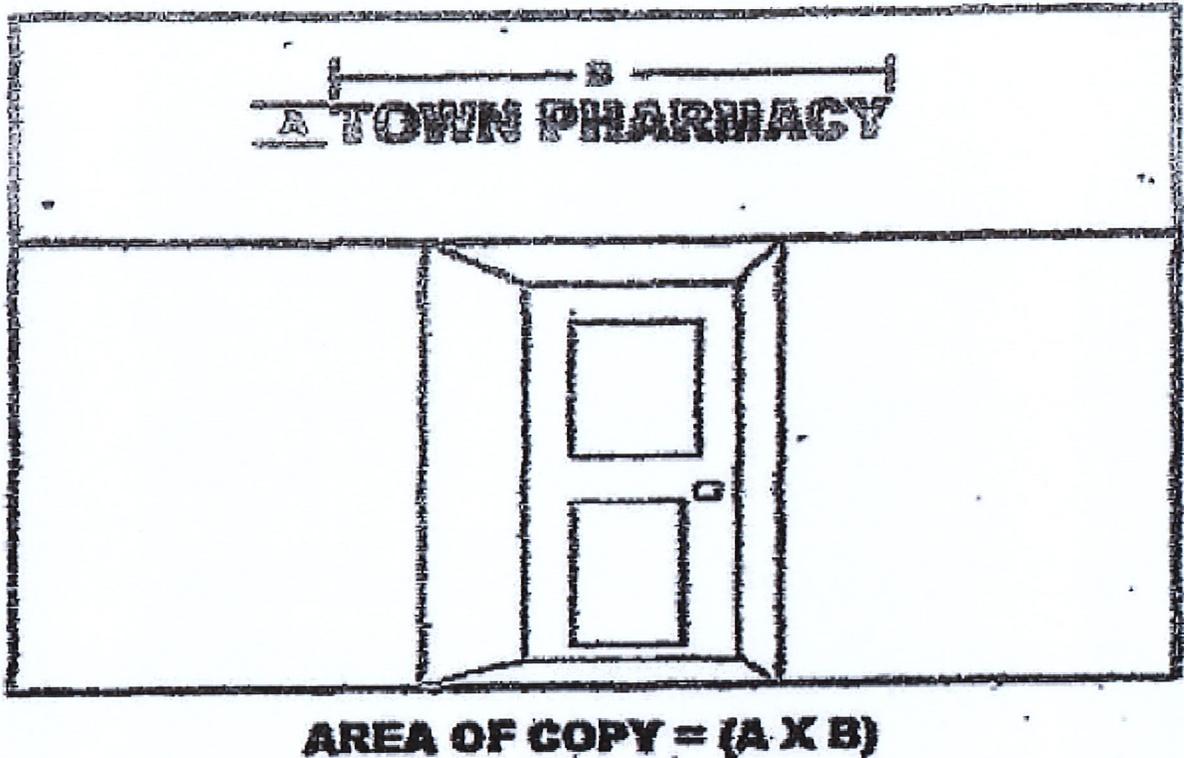
(1) If a single use site, a maximum of one changeable copy sign shall be permitted which may be part of either a freestanding identification sign or a wall sign;

(2) If an integrated center, either one 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 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 40% of the sign surface area of the permitted identification sign.

(a) *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.



(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 section or module, all areas shall be calculated.

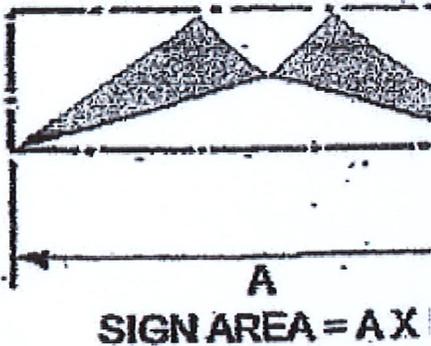
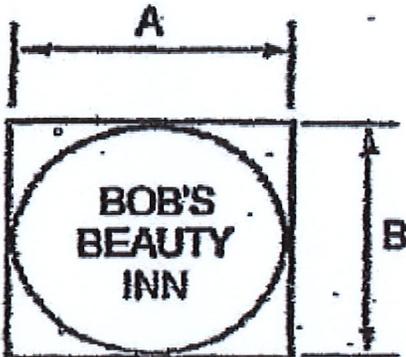
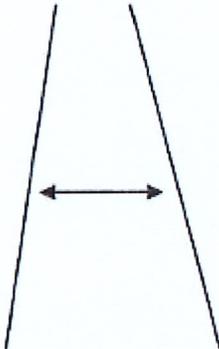
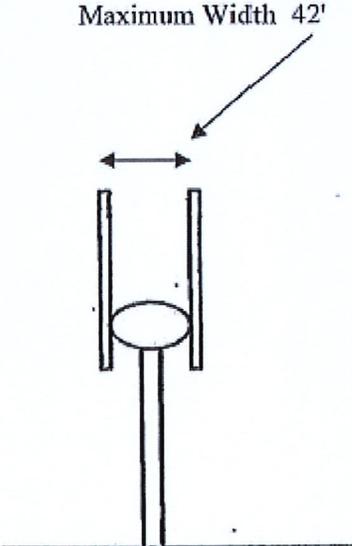
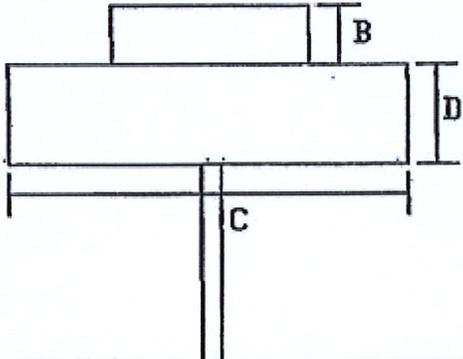


Figure 7: COMPUTATION OF AREA OF MULTI-FACED SIGNS



Maximum Angle between sign faces 15°



TOTAL SIGN AREA = (A x B) + (C x D)

(Ord. 2000-16, passed 8-28-2000, § 6.4; Ord. 2015-01, passed - -2015)

§ 194.164 URBAN ON-PREMISES 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 identification signs (i.e., any combination of freestanding, building, suspended, projecting 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.*

(a) One freestanding identification sign shall be permitted for each street frontage of a lot.

(b) 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 100 feet.

(c) Exception: when a lot has frontage in excess of 500 feet on the same street, one additional freestanding identification sign shall be permitted on that street for each additional 500 feet of frontage; provided that:

1. The minimum separation between freestanding identification signs along the same street shall be 300 feet;

2. The additional freestanding identification sign is oriented to the street with frontage in excess of 500 feet; and

3. 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.*

(a) Maximum sign surface area shall apply individually to each street frontage.

(b) The maximum sign surface area for single use sites shall not exceed:

Street Frontage	Maximum Sign Surface Area
Less than 300 feet	24 square feet
For each additional linear foot of street frontage	0.25 square foot of additional sign surface area
NOTES TO TABLE: Provided, however, that, no freestanding sign shall exceed 72 square feet for single use sites.	

(4) *Minimum front, side and rear setback for freestanding identification signs.*

(a) *Front yard setback.*

1. The minimum front yard setback for any freestanding identification sign shall be:

- a. Required front yard: ten feet from the proposed right-of-way; and
- b. Required front bufferyard: 20 feet from the proposed right-of-way.

2. 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.

(b) *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 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 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 20% 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 chapter.

(C) *Freestanding identification signs for integrated centers.*

(1) *Type of signs.* Freestanding identification signs shall be permitted as follows:

- (a) Ground signs: all business and industrial districts; and
- (b) Pylon signs: B-1, B-2, B-3, all industrial districts.

(2) *Number of signs.*

(a) One freestanding identification sign, which shall include the name of the integrated center, shall be permitted for each street frontage of an integrated center.

(b) 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 100 feet.

(c) Exception: when an integrated center has frontage in excess of 300 feet on the same street, one additional freestanding identification sign shall be permitted on that street; provided that:

1. The minimum separation between freestanding identification signs along the same street is 300 feet;

2. The additional freestanding identification sign is oriented to the street with frontage in excess of 300 feet; and

3. 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.*

(a) 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 300 feet	64 square feet foot
For each additional linear foot of street frontage	0.50 square foot of additional sign surface area

(b) Provided, however, that, no freestanding sign shall exceed 200 square feet for integrated centers.

(4) *Minimum front, side and rear setback for freestanding identification signs.*

(a) *Front setback.*

1. The minimum front setback for any freestanding identification sign shall be:

a. Required front yard: ten feet from the proposed right-of-way; and

b. Required front bufferyard: 20 feet from the proposed right-of-way.

2. 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.

(b) *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 of ten 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.

(a) *Front yard height to setback formula.* Freestanding identification signs may have a maximum height of up to six 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 foot in height for each additional one 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.

(b) *Side and rear yard height to setback formula.* Freestanding identification signs may have a maximum height of up to six 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 foot in height for each additional one 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.

(c) *Maximum height by type of sign structure.*

1. Ground sign: the maximum height of a freestanding ground identification sign shall not exceed six feet in height above grade; and

2. Pylon sign: the maximum height of a freestanding pylon.

(6) *Landscaping.*

(a) Freestanding identification signs for integrated centers shall be surrounded by a landscaped area at least equal to the sign area of the sign erected.

(b) Identification sign shall not exceed 15 feet in height above grade.

(c) 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 20% 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 chapter.

(D) *Building identification signs.*

(1) *Type of signs.* Building identification signs shall be limited to wall **and projecting** signs.

(2) *Number of building identification signs.* Except as restricted by the provisions of division (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.*

(a) The total sign surface area of all building identification signs oriented to an individual facade shall not exceed:

1. Front facade: 5% of the total area of the front facade of the structure or tenant space;

2. Side and rear facades: 3% of the side or rear facade of the structure or tenant space; and

3. The linear measurement of a business identification wall sign shall not exceed 80% of the linear width of the facade of the structure or tenant space on which the sign is located.

(b) Provided that, for any building which has more than one street frontage, the maximum sign surface area of 5% 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 45-degree angle to the street.

(4) *Additional requirements for projecting signs.*

(a) *Maximum height of projecting signs.* Projecting signs shall not extend above the roof line.

(b) *Maximum projection from building for projecting signs.* No projecting sign or sign structure supporting a projecting sign shall extend more than **six feet (6')** from or beyond its supporting building.

(c) *Public Right-of-Way Clearance.* No projecting sign or sign structure shall extend any closer than **two feet (2')** to an imaginary perpendicular vertical plane located at the street pavement line, curb or outside edge of sidewalk.

1. *Exception.* A projecting sign may encroach into the above described Clearance Area and/or air rights of a public right-of-way if approval for such encroachment is obtained from the governmental authority having jurisdiction over said right-of-way prior to the placement of the projecting sign.

(d) *Minimum height above grade for a projecting sign.* The bottom edge of a projecting sign shall not be less than nine feet above grade over a sidewalk or walkway or 15 feet above grade over any type of street, alley, drive or driveway.

(e) *Maximum sign area.* Maximum sign area permitted for a projecting sign shall be **thirty-eight (38)** square feet.

(E) *Incidental signs.*

(1) *Type of signs.* Incidental signs shall be ground or wall signs.

(2) *Number of signs.*

(a) If a lot or integrated center has one driveway, zero incidental directional signs shall be permitted at the driveway entrance or exit.

(b) If a lot or integrated center has more than one driveway, one incidental directional sign shall be permitted for each driveway.

(c) One incidental directional sign or one 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 square feet in sign surface area per sign.

(4) *Maximum sign surface area of incidental signs in the I-ORT, I-2 and I-3 Districts.*

(a) Incidental directional signs shall not exceed six square feet in sign surface area per sign.

(b) Incidental parking and loading signs shall not exceed 32 square feet in sign surface area per sign.

(5) *Minimum front, side and rear yard setback for freestanding incidental signs.*

(a) Front yard setback or front bufferyard setback: three 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.

(b) 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:

(a) Incidental directional signs shall not exceed two and one-half feet in height above grade; and

(b) Incidental parking and loading signs shall not exceed four 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 suspended sign per grade-level tenant.

(2) The maximum sign surface area of a suspended sign shall not exceed five square feet.

(3) All portions of the suspended sign or sign structure shall be not less than eight feet above the sidewalk or finished grade.

(G) *Window signs.*

(1) The sign copy are shall not exceed 5% of the window surface area on which it is placed or through which it is viewed.

(2) 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 §§ [194.125](#) through [194.128](#) of this chapter.

(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) The Building Commissioner shall grant development plan approval upon written finding that the proposed freestanding or building identification sign:

(a) Is consistent with and harmonious to the buildings and sites which they occupy;

(b) Represents a use of design features which will enhance the use or value of area properties;

(c) Utilizes materials and is of a style which is compatible with the Zionsville theme; and

(d) Is consistent with the intent and purpose of this chapter.

(Ord. 2000-16, passed 8-28-2000, § 6.5)

[§ 194.165](#) URBAN ON-PREMISES 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-foot setback from that street.

(2) *Maximum number of freestanding identification signs.*

(a) One freestanding identification sign shall be permitted for each street frontage of a lot.

(b) 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 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 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 feet in height above grade.

(B) *Building identification signs in the VBD -Village Business District.*

(1) *Types of building identification signs permitted.*

(a) Lower level building identification wall signs shall be wall signs, suspended signs, projecting signs awning signs or canopy signs.

(b) 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 signs, which may be wall, projecting, awning or canopy signs. In addition, each tenant space shall be permitted one suspended sign, per division (B)(3) 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 26 feet of building height or the actual

building height. Whichever is less, shall be considered a lower level building identification sign.

(a) *Total sign surface area of lower level building identification signs.*

1. The total sign surface area of all lower level building identification signs oriented to an individual facade shall not exceed:

a. Front facade: 5% of the total area of the first 26 feet or the actual building height, whichever is lesser of front facade of a building; and

b. Side and rear facades: 3% of the total area of the first 26 feet or the actual building height, whichever is lesser, of a side or rear facade of a building.

2. Provided that, for any building which has more than one street frontage, the maximum sign surface area of 5% shall apply to all building facades with street frontages.

(b) *Illumination of lower level building identification signs.* Lower level building identification signs shall not be internally illuminated.

(c) *Additional requirements for lower level projecting signs.*

1. *Maximum height of lower level projecting signs.* Projecting signs shall not extend above the roof line.

2. *Maximum projection from building for lower level projecting signs.* No projecting sign or sign structure supporting a projecting sign shall extend more than six feet from or beyond its supporting building.

3. **Public Right-of-Way Clearance.** No projecting sign or sign structure shall extend any closer than two feet to an imaginary perpendicular vertical plane located at the street pavement line, curb or outside edge of sidewalk.

a. **Exception.** ~~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.~~ A projecting sign may encroach into the above described Clearance Area and/or air rights of a public right-of-way if approval for such encroachment is obtained from the governmental authority having jurisdiction over said right-of-way prior to the placement of the projecting sign.

34. *Minimum height above grade for a lower level projecting sign.* The bottom edge of a projecting sign shall not be less than nine feet above grade over a sidewalk or walkway or 15 feet above grade over any type of street, alley, drive or driveway.

45. *Maximum sign area.* Maximum sign area permitted for a lower level projecting sign shall be 12 square feet.

56. *Internal illumination.* Lower level projecting signs shall not be internally illuminated.

(d) *Additional provisions for lower level suspended signs.*

1. *Maximum sign surface area for suspended signs.* The maximum sign surface area for a suspended sign shall not exceed five square feet.

2. *Maximum number of lower level suspended signs.* One 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).

3. *Minimum height above grade for lower level suspended signs.* All portions of any suspended sign or sign structure shall be not less than eight feet above the sidewalk or finished grade.

(e) *Additional provisions for lower level awning or canopy signs.* Awnings or canopies, as regulated in ~~§ 194.053~~ § 194.062 (C)(7) of this chapter, may contain signs, subject to the following provisions.

1. 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.

2. The portion of the awning or canopy which includes a sign surface shall not exceed 25% of the total area of an awning or canopy.

3. 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 26 feet of building height shall be considered an upper level building identification sign.

(a) *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: 2.5% of the total area of the applicable facade of a building located above 26 feet above grade.

(b) *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 division (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 divisions (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 10% 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 §§ [194.125](#) through [194.128](#) of this chapter.

(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) The Building Commissioner shall grant development plan approval upon written finding that the proposed freestanding or building identification sign:

(a) Is consistent with and harmonious to the buildings and sites which they occupy;

(b) Represents a use of design features which will enhance the use or value of area properties;

(c) Utilizes materials and is of a style which is compatible with the Zionsville theme; and

(d) Is consistent with the intent and purpose of this chapter.

(Ord. 2000-16, passed 8-28-2000, § 6.6)

§ 194.166 URBAN ON-PREMISES SIGNS: SIGNS IN RESIDENTIAL AND OPEN LAND DISTRICTS.

(A) *Signs permitted in the O-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 ground identification or building identification sign per street frontage of the lot, identifying the name or address of the occupant; provided:

(a) The maximum sign surface area shall not exceed two square feet;

(b) 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;

(c) The sign shall not encroach into any public right-of-way;

(d) The maximum height of a ground identification sign shall not exceed four feet;

(e) The sign shall not interfere with the vision clearance area as specified in § [194.021](#) of this chapter; and

(f) The sign shall not be internally illuminated.

(2) *Signs for recorded, platted residential subdivisions in the R-SF-1, R-SF-2, R-SF-3 and R-SF-4 Districts.* In addition to signs permitted in division (A) above for individual lots, a recorded, platted residential subdivision also shall be permitted the following signs: two ground identification signs shall be permitted at each entrance to a recorded, platted residential subdivision; provided:

(a) The signs shall indicate only the name of the subdivision;

(b) The signs shall not exceed 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 § [194.095](#) of this chapter;

(c) The maximum height of a ground identification sign shall not exceed four feet;

(d) The signs shall not encroach into any public right-of-way;

(e) The signs shall not interfere with the vision clearance area as specified in § [194.021](#) of this chapter;

(f) Only one sign shall be permitted in each quadrant of an intersection;

(g) The signs shall not be internally illuminated; and

(h) 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 20% 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 chapter.

(3) Option: Entryway Feature

(a) *Applicability:* Major Subdivisions may have the option of one (1) Entryway Feature per entrance from a perimeter road and/or entryway from another subdivision. This option, if chosen, shall replace signs itemized in § 194.166(2), noted above.

(b) *Limitations:* The entryway feature shall not interfere with the vision clearance area as specified in § [194.021](#) of this chapter; nor shall it encroach into any easements and/or right-of-way per § [194.018](#), itemization of its footprint as common area and/or landscape easement, shall be maintained by the Home Owners Association and not adjacent lot owner(s).

(c) *Size:* The sign portion of the Entryway Feature shall indicate the name of the subdivision and shall not exceed thirty (30) square feet

(d) *Height:* Average overall height of hardscape shall not exceed fifteen feet (15') above grade and should be in proportion and scale of the development and entryway. Hardscape accent points may exceed this maximum (i.e. cupola, spire, etc) as long as accent points are not utilized in a manner that would be interpreted as establishing a new average height. Height of sign portion of the Entryway Feature shall not exceed six feet (6') from grade to top of sign, wherever located within the Entryway Feature.

(e) *Landscaping:* the sign portion of the entryway feature shall be significantly subordinate to the hardscape and landscaping curation of the overall Entryway Feature.

(f) *Lighting:* shall comply with § [194.113](#)

(B) *Signs permitted in the R-MF-1 and R-MF-2 Districts.* Multi-family dwelling uses shall be permitted two ground identification signs at each entrance to a multi-family dwelling project; provided:

(1) The signs shall indicate only the name, address of the management thereof or associated information of the multi-family dwelling project;

(2) Each sign shall not exceed 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 § [194.095](#) of this chapter;

(3) The signs shall maintain a minimum front yard setback of ten 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 feet;

(5) The signs shall not interfere with the vision clearance area as specified in § [194.021](#) of this chapter; 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 20% 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 chapter.

(C) *Signs permitted for business and other uses permitted by special exception in the O-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.*

(a) *Type of signs.* Freestanding identification signs shall be ground signs.

(b) *Number of signs.* One freestanding identification sign shall be permitted for each street frontage of a lot.

(c) *Maximum sign surface area of freestanding identification signs.* Maximum sign surface area shall not exceed 24 square feet.

(d) *Minimum front, side and rear yard setback for freestanding identification signs.*

1. Front yard setback: ten 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.

2. 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.

(e) *Maximum height of freestanding identification signs.* The maximum height of a ground identification sign shall not exceed four feet in height above grade.

(f) *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 20% 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 chapter.

(2) *Building identification signs.*

(a) *Type of signs.* Building identification signs shall be wall signs.

(b) *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.

(c) *Maximum sign surface area of building identification signs.*

1. The total sign surface area of all building identification signs oriented to an individual facade shall not exceed:

a. Front facade: 3% of the total area of a front facade of a building. For any building which has more than one street frontage, the maximum sign surface area of 3% 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 45-degree angle to the street.

b. Side and rear facades: 2.5% of a side or rear facade of building.

2. Provided that, for any building which has more than one street frontage, the maximum building identification sign surface area of 3% shall apply to all building facades with street frontages.

(D) *Incidental signs.* In addition to signs permitted in divisions (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; type of signs.* Incidental signs shall be ground or wall signs.

(2) *Number of signs.*

(a) If a lot has one driveway, zero incidental directional signs shall be permitted at the driveway entrance or exit.

(b) If a lot has more than one driveway, one incidental directional sign shall be permitted for each driveway.

(c) One incidental directional sign or one 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.* Incidental signs shall not exceed two square feet in sign surface area.

(4) *Minimum front, side and rear yard setback for freestanding, incidental signs.*

(a) Front yard setback: three 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 freestanding incidental sign shall be the same as required for an accessory structure in the applicable zoning district.

(5) *Maximum height of incidental signs.* The maximum height of a freestanding, incidental ground sign shall not exceed two and one-half 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 §§ [194.125](#) through [194.128](#) of this chapter.

(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) The Building Commissioner shall grant development plan approval upon written finding that the proposed freestanding or building identification sign:

(a) Is consistent with and harmonious to the buildings and sites which they occupy;

(b) Represents a use of design features which will enhance the use or value of area properties;

(c) Utilizes materials and is of a style which is compatible with the Zionsville theme;

(d) Is consistent with the intent and purpose of this chapter.

(Ord. 2000-16, passed 8-28-2000, § 6.7)



§ 195.01 - FEE SCHEDULE

MISCELLANEOUS

Amendment Effective: July 1, 2020

Home Occupation Registry	\$40			
Zoning Confirmation	\$45			Form letter on Zionsville Letterhead
Zoning Determination	\$65			Includes 2 hours of reserch time; Docket search, VAR/SE/RZ etc.
Research	\$25			per hour every hour over initial 2 hours
Permit Extentions	\$50			One time, up to Six Months
Expired Permit Notification/Renewal	\$250			

ENCROACHMENT AGREEMENTS

Encroachment - Right of Way [ROW]	\$65			Application Fee
Encroachment - Air	\$65			Application Fee
Encroachment - Easement	\$65			Application Fee

LAND USE PETITIONS

Administrative Appeal	\$300			
Zone Map Change				
Residential Districts	\$400	plus	\$100.00	for each acre or any portion thereof
Business or Industrial Districts	\$1,000	plus	\$30	for each acre or any portion thereof
All other Districts	\$1,200	plus	\$30	for each acre or any portion thereof
Variance				
Use				
Residential Use	\$400	plus	\$25	for each variance of Development Standard requested
Other Use	\$1,200			
Development Standards				
Residential Districts	\$375	plus	\$25.00	for each additional Development Standard requested
All other Districts	\$675	plus	\$50.00	for each additional Development Standard requested
Special Exception	\$700			
Amendment or Termination of Commitments of a Variance or Special Exception	\$1,000			
Approvals				
Development Plan	\$675	plus	\$100.00	per acre
Modification or Termination of Development Plan	\$575	plus	\$100.00	per acre
Plat/Subdivision (R-SF-1, R-SF-2, R-V Districts)				
Major Plat - Primary Plat	\$825	plus	\$30.00	per lot
Major Plat - Secondary Plat	\$550	plus		per section (plus \$20 per lot)
Minor Plat - Primary Plat	\$300	plus	\$15.00	per lot
Minor Plat - Secondary Plat	\$550	plus		per section (plus \$20 per lot)
Re-Plat	\$550	plus	\$100.00	per additional lot



LAND USE PETITIONS (Cont.)

Plat/Subdivision (All other Districts)				
Major Plat - Primary Plat	\$1,000	plus	\$5.00	per lot
Major Plat - Secondary Plat	\$400			per section
Minor Plat - Primary Plat	\$1,000	plus	\$5.00	per lot
Minor Plat - Secondary Plat	\$400			per section
Re-Plat	\$500	plus	\$100.00	per additional lot

IMPROVEMENT LOCATION PERMITS (Building Permit Fee Included)

RESIDENTIAL

Single or Two Family Dwellings				
New Building	\$700	plus	\$0.10	per square foot (includes 5 inspections)
Exterior and Interior Remodeling	\$360	plus	\$0.10	per square foot if over 400 square feet of exterior remodeling (includes four inspections)
Addition to an Existing Single or Two Family Dwelling	\$360	plus	\$0.10	per square foot if over 400 square feet (includes four inspections)
Accessory Uses				
Detached Accessory Buildings, (Large), Garages, Carports	\$200	plus	\$0.10	per sq.ft. over 200 square feet of total floor area (includes two inspections)
Detached Accessory Buildings (Small)	\$100	plus	\$0.00	Structure shall be 200 square feet or less in square footage
Swimming Pools, Hot Tubs (above or below Grade)	\$350	plus	\$0.10	per square foot of total pool and deck, or hot tub dimension (includes 2 inspections)
Decks	\$75			floor height of 0-30 inches above grade requires structural plan review and final inspection. (includes 1 inspections)
Decks	\$175			floor height greater than 30 inches above grade- Plans required for verification with Indiana Code requirements. (includes 3 inspections-footing, framing, final)
Demolition	\$100	plus	\$50.00	each additional building
Other residential	\$75			including roofing, patio and electrical permits

Additional Certificate of Occupancy Fee Applies to most permits (see details below)

No ILP is required and no fees are charged for fences.

Square Footage is considered gross area, above grade (as further clarified on the Improvement Location Permit Application form)

COMMERCIAL

Multifamily Dwellings				
Primary Buildings	\$500	plus	\$100.00	per unit (includes 6 inspections per unit)
Accessory Buildings/Structures	\$350	plus	\$0.10	per building/structure; per square foot if over 400 square feet (includes 3 inspections)
Business, Industrial, or Special Use				
New Building	\$500	plus	\$0.17	per square foot of total floor area (includes five base inspections)
Addition to an Existing Building	\$500	plus	\$0.17	per square foot of total floor area added (includes 4 inspections)
Parking Lot Construction or Remodeling (as a Primary Use or as an expansion or remodeling of an existing Parking Lot)	\$5			per Parking Space(includes 2 inspections)
Accessory Buildings / Structures	\$350	plus	\$0.17	per square foot of total floor area over 100 square feet (includes 3 inspections)
Interior Remodel/Tenant Finish	\$350	plus	\$0.17	per square foot (includes 3 inspections)
Demolition	\$200	plus	\$100.00	per additional building
All Other Improvements	\$90			includes 1 inspection



OTHER IMPROVEMENT LOCATION PERMIT FEES

Amended ILP application: <i>(Residential)</i>	\$125			Re-review
Amended ILP application: <i>(Commercial/Industrial)</i>	\$150			Re-review
Duplicate Permit	\$25			
Re-Inspection Fees	\$150			Commercial
Re-Inspection Fees	\$75			Residential

SIGNS

Application Fee	\$25			Does not count against Permit Fee
Final Inspection Fee	\$25			
On-Premise Freestanding Identification (Ground or Pylon)				
<i>up to 24 square feet in area</i>	\$200			
<i>over 24 square feet in area</i>	\$200	plus	\$1.00	per square foot of Sign Area
On-Premise Building Identification (Wall, Projecting, Awning, Canopy)	\$45	plus	\$1.00	per square foot of Sign Area
On-Premise Incidental (any type)	\$50			
On-Premise Suspended	\$50			
Off-Premise (Advertising)	\$300	plus	\$1.00	per square foot of Sign Area

CLEARANCE OF LAND/GRADING PERMIT

2.00 ac. (gross) or less in size	\$50	plus	\$25.00/ac.	
2.01 ac. (gross) in size, or larger	\$125	plus	\$5/ac.	

ANY OTHER IMPROVEMENTS

	\$50			
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CERTIFICATE OF OCCUPANCY / TEMPORARY CERTIFICATE OF OCCUPANCY

PRIMARY USE/BUILDING/STRUCTURE

Residential (single or two family)	\$50			
Residential (multifamily)	\$50			per unit
Business / Industrial / or Special Use	\$50			per leased area / tenant space
All Other	\$25			

ACCESSORY USE/BUILDING/STRUCTURE IN ANY DISTRICT

	\$25			
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ALTERNATE FEE

MUNICIPAL AND SCHOOL FEES

The fees listed in **Section 9.6§ 195.01** 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.

OTHER FEES

For Churches and other not-for-profit organizations, all fees listed in **Section 9.6§ 195.01** 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.

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§ 195.01**, however, that the maximum fee incurred under this Section shall be \$5,000 plus the amount of the normal fee for the permit.

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			
Commercial New Building	\$500			
Residential Other	\$150			
Commercial Other	\$250			



ADDITIONAL DEPARTMENT/MUNICIPALITY FEES THAT MAY BE APPLICABLE WHEN OBTAINING AN IMPROVEMENT LOCATION PERMIT

TOWN OF ZIONSVILLE (as of 1-21-2014)

RESIDENTIAL SINGLE FAMILY

Road Impact Fee	\$1,009		(as of 10-7-2014)
Park Impact Fee	\$1,221		
Sewer Connection & Permit Fee	\$4,025		Wastewater Department #317-873-2332
Stormwater Individual Lot Permit	\$200		Street & Stormwater Department #317-873-4544
Easement Encroachment Permit	\$150		Street & Stormwater Department #317-873-4544
Driveway Review	n/a		Street & Stormwater Department #317-873-4544

COMMERCIAL

Fire Protection Permit	varies		Fire Department #317-873-5358
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The following permits (***IF APPLICABLE***) must be obtained ***BEFORE*** Improvement Location Permit submittal to the Town of Zionsville Planning & Economic Development Department

DRIVEWAY PERMIT

Boone County Highway Department			#765-482-4550 1955 Indianapolis Avenue, Lebanon, IN 46052
State of Indiana Highway Department			#765-362-3700 P.O. Box 667, Crawfordsville, IN 46933

SEPTIC/SEWER & WELL/WATER

Boone County Health Department			#765-483-4458 116 W. Washington, Rm. B201, Lebanon, IN 46052
Clay Township Regional Waste Dist.			#317-844-9200 10701 N College Ave, Ste A, Indpls, IN 46280
Whitestown Municipal Sewers			#317-733-8584 6210 Veterans Dr, Whitestown, IN 46075

STORMWATER DRAINAGE PERMIT

Boone County Surveyor			#765-483-4444 116 W. Washington, Rm. 102, Lebanon, IN 46052
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