

City of Lebanon Indiana



Unified Development Ordinance

Adopted February 26, 2024

Table of Contents

- 
- 1 General Provisions
 - 2 Zoning Districts
 - 3 Permitted Uses
 - 4 LEAP Lebanon Innovation District
 - 5 Design and Maintenance
 - 6 Improvement Standards
 - 7 Subdivision Regulations
 - 8 Process and Permits
 - 9 Administration and Enforcement
 - 10 Definitions

Chapter 1 General Provisions

I.1	TITLE.....	3
I.2	AUTHORITY AND PURPOSE	3
I.3	HOW TO USE THIS DOCUMENT.....	4
I.4	INTERPRETATION AND APPLICATION	4
I.5	INCORPORATION OF OTHER DOCUMENTS	5
I.6	REPEAL OF PRIOR ORDINANCES.....	5
I.7	EFFECTIVE DATE.....	5
I.8	PUBLIC UTILITY INSTALLATIONS	6
I.9	ZONING MAP	6
I.10	ANNEXATION AND INITIAL ZONING	7
I.11	NONCONFORMING USES AND STRUCTURES	7
I.12	NONCONFORMING LOTS.....	9
I.13	NONCONFORMING SIGNS	9

LEBANON
INDIANA

I.1 TITLE

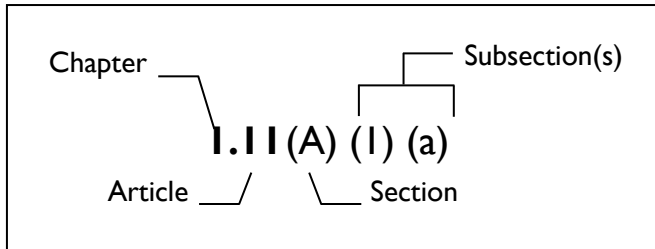
These regulations are referenced as the “City of Lebanon Indiana Unified Development Ordinance,” and may be cited and referred to as the “Zoning Ordinance”, “Subdivision Control Ordinance”, “Unified Development Ordinance”, “UDO” or “Ordinance”.

I.2 AUTHORITY AND PURPOSE

- A. **Authority.** This Ordinance is adopted according to the authority of IC 36-7-4 et seq. If sections of Indiana Code or Indiana Administrative Code referenced in this Ordinance are amended or replaced, this Ordinance is amended to refer to the updated section of code.
- B. **Scope.** This Ordinance applies to all real property located within the corporate boundaries of the City of Lebanon, Indiana, and to real property in Boone County the Boone County Board of Commissioners have relinquished zoning jurisdiction to the City. The use of land and structures must comply with all provisions of this Ordinance, including obtaining required permits and certificates.
- C. All projects approved prior to the effective date of this Ordinance adhere to the terms and conditions of approval and written commitments made under the zoning ordinance that was at the time of filing. An improvement location permit issued prior to the effective date of this Ordinance may be completed and occupied according to the approved plans, provided construction begins within one year of the effective date and is diligently pursued to completion. After completion the structure is subject to the provisions of I.11 Nonconforming Uses and Structures if it does not meet the requirements of this Ordinance.
- D. **Purpose.** This Ordinance is intended to guide the growth and development of the community according to the Lebanon Comprehensive Plan (consistent with IC 36-7-4-601(c) et seq.) to:
 - 1. Promote the public health, safety, and general welfare;
 - 2. Secure adequate light, air, convenience of access, and safety from fire, flood, and other danger;
 - 3. Restrict development in areas prone to flooding;
 - 4. Protect the historic and architectural heritage of the community;
 - 5. Conserve property values and minimize the conflicts between land uses;
 - 6. Assure adequate and efficient transportation, water, sewerage, schools, parks, drainage, and other public requirements and facilities; and
 - 7. Promote the efficient and economical use of public funds while being sensitive to the surrounding environment and neighboring development.

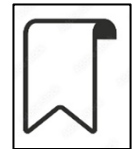
1.3 HOW TO USE THIS DOCUMENT

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



Document Navigation

- Certain aspects of the electronic format of this document allow the user to quickly navigate the document by clicking on hyperlinks.
- Article headings in the chapter's table of contents will direct the user to that article within the chapter.
- In-line text cross-references to other articles within this document which are colored and emphasized will direct the user to the cross-referenced article.
- On the Permitted Use Table, [3.2 Use Matrix](#), click the use links for a description of the use and any conditions or limitations associated with the use.
- When using a digital version of the document, opening the bookmark icon on the left side of the screen, will allow navigation throughout the document.
- Cross-references to documents and websites outside of this document are provided for convenience only. The accuracy of these links is not guaranteed.



Adobe Reader
Bookmark Icon

1.4 INTERPRETATION AND APPLICATION

- A. Severability.** It is the declared intention of the Common Council that the provisions of this Ordinance are severable. If any provision or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, that decision does not affect the validity of any portion the Ordinance except the portion declared invalid.
- B. Minimum Requirements.** The provisions of this Ordinance are the minimum requirements for the promotion of the public health, safety, and general welfare. If two or more provisions within this Ordinance conflict or are inconsistent with one another, then the most restrictive provision controls. Where graphics or illustrations within this Ordinance conflict with the text of the Ordinance, the text provision controls.
- C.** This Ordinance is not intended to invalidate any easement, covenant, or any other private agreement, provided that where the regulations of this Ordinance are more restrictive (or impose higher standards or requirements), the provisions of this Ordinance control.
- D. Defined Words.** Words used in a special sense in this Ordinance are defined. All other words have the meaning inferred from their context in this Ordinance or their generally accepted definitions (see [CHAPTER 10 - DEFINITIONS](#)).

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

I.5 INCORPORATION OF OTHER DOCUMENTS

- A. Improvement Location Permits, development plans, and subdivisions must conform to the principles and standards established by this Ordinance.
- B. The following documents are incorporated, as amended, by cross-reference into this Ordinance:
- The City of Lebanon Comprehensive Plan
 - The City of Lebanon Thoroughfare Plan
 - The City of Lebanon Construction Standards and Specifications
 - The City of Lebanon Bicycle and Pedestrian Master Plan

I.6 REPEAL OF PRIOR ORDINANCES

After the effective date of this Ordinance, all provisions of the prior Unified Development Ordinance of Lebanon, Indiana are repealed.

I.7 EFFECTIVE DATE

- A. This Ordinance comprises a replacement ordinance for the jurisdiction of the City of Lebanon, as described in [IC 36-7-4-602\(a\)](#). Accordingly, the prior Lebanon Zoning Ordinance, Subdivision Control Ordinance, and Unified Development Ordinance are repealed on the effective date of this Ordinance.
- B. The effective date of this Ordinance is the latest of the following dates:
- The final day on which notice of the adoption of the penalty provisions of this Ordinance is published under [IC 36-7-4-610\(a\)](#).
 - The day on which this Ordinance is filed with the Clerk-Treasurer's office under [IC 36-7-4-610\(f\)](#).
 - March 1, 2024.
- C. This subsection applies to any application for a permit pending before the Lebanon Planning Department on the effective date of this Ordinance. The Applicant may request the Administrator treat the application as an application filed according to this Ordinance instead of the prior Lebanon Unified Development Ordinance. If the Administrator grants the request, the application is then approved or denied by the Planning Department, the BZA, the Plan Commission, or the Council according to the provisions of this Ordinance.

I.8 PUBLIC UTILITY INSTALLATIONS

Structures and land used for public utility installations are subject to the provisions of this Ordinance to the extent permitted under Indiana law. All structures for a public utility installation, including substations, must be effectively landscaped and must require approval of a development plan ([8.6 Development Plan Review](#)) and improvement location permit ([8.21 Improvement Location Permit](#)).

I.9 ZONING MAP

- A. **Official Zoning Map.** The zoning map for the jurisdiction of the Plan Commission in effect on the date of adoption of this Ordinance is included as part of this Ordinance. The map may be known and referred to as the “Official Zoning Map” and as the “Zoning Map”. The Official Zoning Map is in the office of the Department and may be maintained as an [electronic zoning map](#). Copies of the Official Zoning Map must be labeled as copies and contain the last date of modification. The Official Zoning Map should be revised annually or as the Plan Commission determines necessary.
- B. **Determination and Interpretation of District Boundaries.** The following rules apply where uncertainty exists about the exact boundaries of any Zoning District as shown on the Zoning Map:
1. Zoning District boundaries shown within or parallel to the lines of streets, easements, railroad lines and rights-of-way follow the centerline of the affected street, easement, or right-of-way. At the boundaries of the jurisdiction of the Plan Commission, district boundaries include the full width of such streets, easements, and rights-of-way.
 2. Zoning District boundaries indicated as follow, or being parallel to section or fractional sectional lines, lot lines, or city corporation lines are interpreted as following or paralleling such lines.
 3. Zoning District boundaries indicated as approximately following the centerline of streams, rivers, or other bodies of water are interpreted to follow such centerlines.
 4. Zoning District boundaries indicated as approximately following the parcel lines as established by the City are interpreted to follow such parcel lines.
 5. If the boundary line of a district divides a lot in a manner essentially perpendicular to a street, the district which applies to the larger part of the lot applies to the entire lot.
 6. In the case of uncertainty, the Administrator will interpret the intent of the Zoning Map and determine the location of the boundary in question. If the Administrator cannot definitively determine the location of a Zoning District boundary, the BZA may determine the location of the Zoning District boundary.
- C. **Procedure Relating to Annexed or Vacated Areas.** Land annexed into the City remains as zoned, unless changed by an amendment to this Ordinance. Whenever any right-of-way or other similar area is vacated, the Zoning Districts adjoining each side of the right-of-way or the area automatically extend to the center of such vacation. All areas included in the vacation are subject to all appropriate provisions of the extended Zoning District. In the event of a partial vacation, the adjoining Zoning District, or Zoning District nearest the portion vacated, extends automatically to include all the vacated area.

I.10 ANNEXATION AND INITIAL ZONING

Consistent with the principles and policies of the Comprehensive Plan and this Ordinance, the Plan Commission provides the Common Council with a suitable zoning district designation for land being annexed into the City. In the absence of a zoning district recommendation by the Plan Commission, the land is designated R I. If a different zoning classification is desired by the property owner, the owner submits a concept plan with the annexation application.

I.11 NONCONFORMING USES AND STRUCTURES

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

- A. This article does not prevent restoring to a safe condition all or part of a structure declared unsafe by an official charged with protecting the public safety. This restoration cannot be used to enlarge the nonconforming structure nor be used as grounds for adding other structures or uses prohibited by this Ordinance.
- B. Any nonconforming use or structure previously granted a variance remains subject to the conditions imposed when the variance was granted.
- C. Any nonconforming use or structure granted a special exception permit remains subject to conditions imposed when the special exception permit was granted.
- D. **Change In Ownership.** A change in ownership does not affect the legal nonconforming status.
- E. Any property, lot or structure rendered nonconforming solely by the action of a governmental agency modifying any street, is exempt from these nonconformance provisions.
- F. **Legal Nonconforming.** Legal nonconformance can occur by an amendment to this Ordinance and not due to a change to the property, resulting in the property no longer conforming to the standards of the applicable Zoning District. When this situation occurs, the property is considered legal nonconforming and is subject to the terms of this Ordinance.
- G. **Illegal Nonconforming.** A building, structure, sign, or lot constructed or used without an approved building permit, improvement location permit, or approval from the BZA or Plan Commission is considered illegal nonconforming when it does not conform to this Ordinance. An illegal nonconforming property is subject to enforcement and penalties as set forth in **CHAPTER 8 - PROCESS AND ENFORCEMENT**, and all other applicable state or municipal law. The illegal nonconforming property must be altered to conform with all applicable standards and regulations of this Ordinance.
- H. A structure being used by a legal nonconforming use may be expanded an aggregate of up to 10% of the gross floor area that existed on the passage date of this Ordinance. Expansions must conform to all applicable standards of this Ordinance.

- I. **Honoring Previous Permits.** Nothing in this Ordinance requires changes in plans for the construction or designated use of a building which has been issued a Building Permit or Improvement Location Permit, and the actual construction begun within 90 days of permit issuance, so long as the entire building is completed according to the plans filed before the effective date of this ordinance. Actual construction is defined as work completed beyond the preparation stage and into the stage of construction where the changes or additions are permanent.
- J. **Nonconforming Uses and Structures.** The lawful use of a building or premise, existing at the time of the adoption or amendment of this Ordinance may be continued although the use does not conform to all the provisions of this Ordinance, subject to the following conditions:
 1. A nonconforming use may be extended throughout a building provided the size of the structure is not increased.
 2. Whenever a nonconforming use has been changed to a conforming use, it cannot be changed back to a nonconforming use.
 3. Buildings cannot be erected upon any premises devoted to a nonconforming use, except when conforming to the provisions of this Ordinance.
 4. If a nonconforming use is discontinued for 12 months, the use cannot be reestablished or resumed. Subsequent use or occupancy of the land or structure must comply with the regulations of the zoning district where the land or structure is located. When a period of discontinuance is caused by government action, strikes, material shortages or acts of God, and without any contributing fault of the owner or occupant, the period will not be considered in calculating the length of the discontinuance.
 5. Except for single family dwellings, any legal nonconforming structure damaged or destroyed by more than 50% of the replacement cost cannot be restored unless the replacement structure conforms to the regulations of the zoning district where it is located. This regulation does not authorize the creation of a new nonconformity or increase the degree of any nonconformity existing prior to such damage or destruction. Restoration or repair of the building or other structure must be started within 6 months from the date of damage or destruction, and diligently prosecuted to completion.
 6. Nothing in this code prevents the strengthening or restoring to a safe condition of any part of any building declared unsafe by proper authority.
 7. Normal maintenance and repair, including replacement, installation, or relocation of nonbearing walls, nonbearing partitions, fixtures, wiring or plumbing, may be performed on any structure devoted fully or partially to a legal nonconforming use.

I.12 NONCONFORMING LOTS

- A. **Single Nonconforming Lots of Record.** In any district, a permitted use and its customary accessory uses may be erected on any single lot of record after the effective date of this Ordinance, despite limitation imposed by this Ordinance. This lot must be in separate ownership and not contain continuous frontage with other lots of the same ownership. This provision applies even though the lots fail to meet the requirements for area and/or width generally applicable in the district. The lot size and width must meet the minimum standards of the Health Department. The width of the lot, measured at the building line, must be at least 75% of the width required by the zoning district. The lots are required to meet all other lot development standards for their district.
- B. **Lots in Combination.** If 2 or more lots with continuous frontage and single ownership are of record on the effective date of this Ordinance, and if all or part of the unimproved lots do not meet the requirements established for lot width and area, the land involved is considered an undivided parcel to meet the minimum requirements of this Ordinance. No portion of the parcel can be used or sold, nor can the parcel be divided to create a lot, in a manner which diminishes compliance with lot width and area Ordinance requirements.

I.13 NONCONFORMING SIGNS

- A. **Legally Nonconforming.** Any sign lawfully existing on the effective date of this Ordinance, as amended, not conforming to all the standards and regulations of this Ordinance is considered a legal nonconforming sign. The following apply to legal nonconforming signs:
1. Pre-existing Signs. Legally nonconforming signs are permitted until a major change is made to the sign. Major changes include changing the size, height, adding lights, altering light intensity, replacing the sign cabinet, and/or relocating the sign.
 2. Sign Condition. Legal nonconforming signs must be kept in good repair, safe, neat, clean, and attractive condition. In the event nonconforming signs are maintained or are demolished by any force to 50% or more of the fair market value of the sign structure, the sign must conform to this Ordinance.
 3. Sign Removal. A nonconforming sign advertising a business no longer conducted on the premises must be removed by the owner of the premises within 30 days of the business ceasing operation. If the owner does not remove the sign, the Administrator gives the owner 30 days written notice to remove it. Upon failure to comply with this notice, the Administrator may remove the sign at cost to the owner.
 4. Right-of-way Acquisition.
 - a. Existing Conforming Signs. For a legally established sign that would become a legal nonconformity due to its setback from the new right-of-way line or its position within a redefined sight visibility triangle by virtue of the right-of-way acquisition by any government entity, the sign must be relocated to a position in compliance with the regulations of **5.10 Sight Visibility Triangle**. The cost of the relocation should be factored into the price paid for the additional right-of-way during the condemnation proceedings, and the property owner is responsible for accomplishing the relocation within 90 days of receiving payment for the right-of-way.

- b. Existing Legal Nonconforming Signs. For a legal nonconforming sign where the nonconformity is increased due to its setback from the new right-of-way line or its position within a redefined sight visibility triangle by virtue of right-of-way acquisition by any government entity, the sign must be relocated to a position in compliance with the regulations of **6.4 Signage** and **5.10 Sight Visibility Triangle**. The cost of the relocation should be factored into the price paid for the additional right-of-way during the condemnation proceedings, and the property owner is responsible for accomplishing the relocation within 90 days of receiving payment for the right-of-way.
 - c. Existing Illegal Nonconforming Signs. For illegal nonconforming signs discovered during right-of-way acquisition by any government entity, the sign must be removed at the cost of the property owner.
5. Annexation. If land is annexed to the City of Lebanon, any sign that does not conform to the sign standards at annexation has legal nonconforming status if:
- a. Under applicable federal, state, county, and local regulations, the sign was legal in all respects immediately prior to annexation; and
 - b. The annexation was not conditioned upon the removal or modification of the sign. Any sign not meeting such requirements is an illegal nonconforming sign.

Zoning Districts

Chapter 2

2.1	ESTABLISHMENT OF ZONING DISTRICTS	3
2.2	RESIDENTIAL DISTRICTS	4
2.3	COMMERCIAL DISTRICTS	6
2.4	INDUSTRIAL DISTRICTS	8
2.5	SPECIAL DISTRICTS	9
2.6	OVERLAY DISTRICTS, GENERALLY	11
2.7	DOWNTOWN OVERLAY DISTRICT	11
2.8	FLOODPLAIN OVERLAY DISTRICT	14
2.9	HISTORIC PRESERVATION OVERLAY DISTRICT	41
2.10	RECREATION OVERLAY DISTRICT	51
2.11	THOROUGHFARE OVERLAY DISTRICT	53

LEBANON
INDIANA

2.1 ESTABLISHMENT OF ZONING DISTRICTS

- A. **Establishment Of Zoning Districts.** The City of Lebanon is divided into the following zoning districts:
- B. **Residential Districts**
- R1 Residential District
 - R2 Residential District
 - R3 Residential District
 - R4 Residential District
 - R5 Residential District
 - R6 Residential District
- C. **Commercial Districts**
- NB Neighborhood Business District
 - GB General Business District
- D. **Industrial Districts**
- LI Light Industrial District
 - GI General Industrial District
- E. **Special Districts**
- DT Downtown District
 - IN Institutional District
 - LEAP LEAP Lebanon Innovation District
 - PUD Planned Unit Development District
- F. **Overlay Districts**
- DT Downtown Overlay District
 - FP Floodplain Overlay District
 - HD Historic District Overlay District
 - RO Recreation Overlay District
 - TO Thoroughfare Overlay District

2.2 RESIDENTIAL DISTRICTS

A. Purpose

- R1** The **R1 Residential District** provides areas for very low density, single-family residential land uses developed in suburban-style subdivisions as a transition between rural areas and higher density residential development. Connection to public utilities is required.
- R2** The **R2 Residential District** provides areas for low-density single-family, and two-family dwellings under certain conditions, developed in suburban-style subdivisions. Connection to public utilities is required.
- R3** The **R3 Residential District** provides areas for moderate density single-family and two-family dwellings, and single-family attached dwellings under certain conditions, developed in suburban-style subdivisions. Connection to public utilities is required.
- R4** The **R4 Residential District** provides for areas for moderate density mixed residential uses including single-family attached and detached dwellings and two-family dwellings. Small-scale multifamily dwellings are permitted under certain conditions. Connection to public utilities is required.
- R5** The **R5 Residential District** provides for medium density mixed-residential uses of all types organized as walkable communities. These uses can occur as small-scale infill developments or as part of a larger new development. Connection to public utilities is required.
- R6** The **R6 Residential District** provides for high-density mixed-residential uses of all types in an urban setting or suburban sites with good access to transportation systems and utilities, such as a large apartment complex on a greenfield site. Connection to public utilities is required.

	R1	R2	R3	R4	R5	R6
B. Lot Requirements						
Maximum Density (units/acre)	1.75	3.0	4.5	6.0	10.0	22.0
Single-Family Detached Dwelling						
Minimum Lot Frontage/Street Frontage	60'	50'	40'	40'	30'	25'
Minimum Living Area (SF)	1,800	1,600	1,400	1,200	1,000	800
Two-Family Detached Dwelling						
Minimum Lot Frontage/Street Frontage	-	25'	23'	20'	15'	12'
Minimum Living Area per Dwelling (SF)	-	1,200	1,100	1,000	900	700
Single-Family Attached Dwelling						
Minimum Lot Frontage/Street Frontage	-	-	20'	18'	16'	16'
Minimum Living Area (SF)	-	-	1,300	1,200	1,100	1,000
Multifamily Dwelling						
Minimum Lot Frontage/Street Frontage	-	-	-	40'	35'	30'
Minimum Living Area per Dwelling (SF)	-	-	-	(1)	(1)	(1)

	R1	R2	R3	R4	R5	R6
C. Building Placement Requirements						
Minimum Front Yard Setback	30'	25'	20'	20'	15'	10'
Minimum Street Side Yard Setback	20'	17'	15'	10'	8'	5'
Minimum Side Yard Setback (2)	15'	10'	7.5'	5'	5'	5'
Minimum Rear Yard Setback	25'	20'	20'	15'	15'	10'
Minimum Front-Load Garage Setback	30'	25'	20'	20'	20'	20'
D. Building Requirements						
Maximum Building Height	40'	35'	35'	35'	45'	50'
Maximum Lot Coverage	35%	40%	50%	60%	70%	80%
Notes:						
(1) The multifamily dwelling minimum living area requirement is based upon the type of dwelling unit as follows: Efficiency unit – 550 SF; One bedroom unit – 650 SF; Two-bedroom unit – 800 SF; Three-bedroom unit – 950 SF; for each additional bedroom over three – an additional 100 SF						
(2) The side yard setback between attached units within the same building is 0'.						
E. Permitted Uses						
See 3.2 Use Matrix						
F. Parking Requirements						
See 6.3 Parking						
G. Architectural Standards						
See 7.18 Residential Architectural Standards						

2.3 COMMERCIAL DISTRICTS

A. Purpose

NB The **NB Neighborhood District** intends to provide for the development of convenience business uses meeting the daily needs of residents living in adjacent residential neighborhoods. This district should be strategically located with access to a collector and arterial streets. Connection to public utilities is required.

GB The **GB General Business District** provides for well-planned commercial and office uses. Uses within the district typically require high visibility, arterial frontage, good pedestrian and vehicular access, and adequate parking. Uses in this district should be confined to nodes to discourage commercial strip development and its externalities. Connection to public utilities is required.

	NB	GB
B. Lot Requirements		
Minimum Lot Size	6,000' ⁽¹⁾	40,000
Minimum Lot Width	50'	100'
Minimum Lot Frontage/Street Frontage ⁽²⁾	50'	80'
C. Building Placement Requirements		
Minimum Front Setback		
Where abutting a residential district	25'	25'
All others	10'	15'
Minimum Side Setback		
Where abutting a residential district	10'	10'
All others	5'	10'
Minimum Rear Setback		
Where abutting a residential district	10'	20'
All others	0'	10'
D. Building Requirements		
Maximum Building Height	45'	65'
Maximum Lot Coverage	85%	75%

Notes:

- (1) Residential uses must meet the Multifamily Dwelling Minimum Living Area per Dwelling Unit requirements in [2.2 Residential Districts](#).
- (2) Any lot without street frontage must have an unobstructed access easement at least 25' wide ([7.23\(E\) Cross-Access Easements](#)).

E.	Permitted Uses
	<i>3.2 Use Matrix</i>
F.	Parking Requirements
	<i>6.3 Parking</i>
G.	Architectural Standards
	<i>7.19 Business and Mixed-Use Architectural Standards</i>

2.4 INDUSTRIAL DISTRICTS

A. Purpose

LI The **LI Light Industrial District** provides locations for production, small-scale manufacturing, assembly, warehousing, research and development facilities, and similar land uses. This district accommodates only industrial uses completely contained within structures and do not involve the outdoor storage of materials or the release of potential environmental pollutants. Connection to public utilities is required.

GI The **GI General Industrial District** provides for general industrial manufacturing, production, assembly, warehousing, research and development facilities, and similar land uses. This district accommodates a variety of industrial uses in locations and conditions that minimize land use conflicts. The GI district is in areas with good access to major thoroughfares and where large shipping truck traffic does not disrupt local streets. Connection to public utilities is required.

	LI	GI
Maximum Density (units/acre)	-	-
Minimum Lot Size	5 acres	5 acres
Minimum Lot Width	200'	200'
Minimum Lot Frontage/Street Frontage ¹	150'	150'

C. Building Placement Requirements

Minimum Front Setback	50'	100'
Minimum Side Setback	25'	50'
Minimum Rear Setback	50'	50'
Min. Separation of Primary and Accessory Buildings	10'	10'

D. Building Requirements

Maximum Building Height	50'	50'
Maximum Lot Coverage	75%	75%

Notes:

- (1) Any lot without street frontage must have an unobstructed access easement at least 25' wide ([7.23\(E\) Cross-Access Easements](#)).
- (2) A building may exceed the maximum building height if the required building setbacks are increased 2 feet for each foot the building exceeds the maximum building height up to a maximum of height of 150 feet.

E. Permitted Uses

[3.2 Use Matrix](#)

F. Parking Requirements

[6.3 Parking](#)

G. Architectural Standards

[7.20 Industrial Architectural Standards](#)

2.5 SPECIAL DISTRICTS

A. Purpose

DT The **DT Downtown District** covers the central business district of Lebanon. It protects the unique historic character of the downtown area while establishing the district as a specialty business, residential, and shopping district. This district also permits the development of mixed-use buildings. Storefront first-floor uses should engage passing pedestrians with office and residential uses on the upper floors of the building. This district prohibits large-scale uses not aligned with the urban form of downtown such as big-box retailers and similar uses. Connection to public utilities is required.

IN The **IN Institutional District** provides for institutional facilities including park and recreational facilities, schools, places of worship, and government/ municipal facilities. This district provides institutional uses a district that meets their unique development needs while considering of the impact of such uses on the adjacent properties. This district ensures that institutions are appropriately integrated into the community and well-served by transportation routes, infrastructure, and utilities. Connection to public utilities is required.

LEAP The **LEAP Lebanon Innovation District** is intended for large, specialized sites for bio-pharmaceutical manufacturing, electro-chemical manufacturing, life sciences and bio tech, ag tech, microelectronics, battery innovation, clean technologies, electrification and EV innovation, mixed-use, and a corporate campus. The district is intended to be a major employment center providing a unique space for cross pollination and collaboration between research and development labs and advanced manufacturing. See [CHAPTER 4: LEAP LEBANON INNOVATION DISTRICT](#).

PUD The **PUD Planned Unit Development District** provides more development flexibility than is possible through customary zoning regulations. This district is intended to encourage large-scale, identity-creating developments that mix uses, building types, and building arrangements; provide greater flexibility for sites with natural constraints to conserve natural resources; and allow a review process for creative building types that do not fit well into other zoning districts. The approval of Planned Unit Developments follows the process in [8.7 Planned Unit Development](#).

	DT	IN
B. Lot Requirements		
Minimum Lot Size	-	1 acre
Minimum Lot Width	-	100'
Minimum Lot Frontage/Street Frontage ⁽¹⁾	-	50'

Notes:

- (1) Any lot without street frontage must have an unobstructed access easement at least 25' wide ([7.23\(E\) Cross-Access Easements](#)).

C. Building Placement Requirements

Minimum Front Setback		
Where abutting a residential district	20'	50'
All others	0'	
Minimum Street Side Setback		
Where abutting a residential district	20'	15'
All others	0'	
Minimum Side Setback		
Where abutting a residential district	7.5'	25'
All others	0'	
Minimum Rear Setback		
Where abutting a residential district	15'	50'
All others	0'	
Min. Separation of Primary and Accessory Buildings		10'

D. Building Requirements

Maximum Building Height (I)	70'	60'
Maximum Lot Coverage	100%	75%

E. Permitted Uses

[3.2 Use Matrix](#)

F. Parking Requirements

[6.3 Parking](#)

G. Architectural Standards

[7.18 Residential Architectural Standards](#)

Notes:

- (I) Buildings facing the Courthouse Square cannot exceed a maximum height of the lesser of 50 feet or 4 stories.

2.6 OVERLAY DISTRICTS

One or more overlay districts may apply to a site in addition to the underlying zoning district regulations. When an overlay district overlaps other over or where conflicting regulations occur, the following hierarchy determines which regulations control:

1. Floodplain Overlay District
2. Downtown Overlay District
3. Thoroughfare Overlay District
4. Recreational Overlay District
5. Underlying zoning district

2.7 DOWNTOWN OVERLAY DISTRICT

- A. **Intent.** The intent of the Downtown Overlay District is to promote the continuation of higher density mixed-use development downtown and to ensure compatibility between existing and new development in keeping with traditional downtown development patterns. The district:
1. Requires design standards that assure compatible size, scale, and massing of structures for new construction;
 2. Preserves existing historic character by encouraging rehabilitation of existing buildings;
 3. Protects property values and encourage continued investment;
 4. Encourage revitalization through mixed-use pedestrian-oriented developments;
 5. Is consistent with the goals and policies of the Lebanon Comprehensive Plan.
- B. **Boundaries.** The boundaries of the Downtown Overlay District are shown on the Official Zoning Map. More specifically, the Downtown Overlay District is divided into two subareas:
- A Commercial Core; and
 - An Integrated Residential/Commercial Area.
- C. **Applicability.** This article applies to any:
1. Lot being used, altered, or excavated.
 2. Existing uses being expanded, changed, or new uses added.
 3. Streetscape improvements including exterior facades, landscaping, lighting, street furnishings, or other improvements.
 4. Building or structure being located, erected, constructed, reconstructed, moved, altered, converted, or enlarged that would require a Development Plan. Projects requiring an Improvement Location Permit or a Certificate of Compliance may need to comply with requirements of these sections at the discretion of the Administrator.

D. Procedures

1. Development Plan approval by the Plan Commission is required for proposed developments or expansions of more than 30%.
2. Single-family uses on individual lots do not require Plan Commission approval. They are reviewed administratively by the Technical Advisory Committee and approved by the Administrator.
3. Mixed-use buildings are required to obtain a Certificate of Compliance when a new lease/agreement is made or when there is a change of use or tenant. The Certificate of Compliance may require an inspection for compliance with the Building Code. These projects generally require only staff review but the Administrator may require review by the Technical Advisory Committee.

E. Development and Design Standards. The following standards provide guidance for quality design and compatible development consistent with the historic character of the area.

1. Streets. The existing street grid must be maintained, including provisions for alleys, where possible. New construction must observe maximum setbacks and locate close to the right-of-way to engage the pedestrian and encourage street activity.
2. Sidewalks
 - a. Sidewalks must be at least 6 feet wide.
 - b. Special paving is encouraged for sidewalks in the Commercial Core.
 - c. Special paving is required for crosswalks to distinguish the pedestrian areas from vehicular areas.
 - d. Supporting columns, landscaping, street furniture, street trees, and signs, are permitted within the sidewalk area within the Downtown Overlay district provided that at least 42 inches of horizontal clearance is maintained at all times.
 - e. Vertical clearance of at least 9 feet is required between the established grade of the right-of-way and the underside of the encroaching structure.
3. Off-Street Parking. Off-street parking cannot be in the front yard of any lot within the Commercial Core.
4. Loading. Loading dock entrances for nonresidential uses must be screened so the loading dock is not visible from the public street right-of-way or adjacent residential uses.
5. Vehicle and Driveway Access
 - a. Curb cuts from public streets are prohibited if an alley is present adjacent to the side or rear property line.
 - b. Shared driveways are encouraged for lots that do not abut alleys.
6. Landscaping and Screening. A corridor landscape buffer is not required in the Downtown Overlay District.
7. Street Trees. Street trees must be planted at least 2 feet from the curb. In the Commercial Core, street trees are planted within tree wells or tree grates. A minimum sidewalk clearance of 42 feet must be maintained. At least 25 square feet of planter area must be provided for each tree.

8. Lighting. Ornamental street lights should maintain the style established by existing lighting on the Courthouse Square. The pole height of the light cannot exceed 20 feet.
9. Fencing and Walls
 - a. Chainlink fencing is prohibited in the front yard. Fencing in the front yard must be at least 50% open.
 - b. Retaining walls located adjacent to a sidewalk along a public street cannot exceed a height of 2 feet. Retaining walls must be split-face or textured finish concrete block faced with stone, brick, or stucco.
10. Signs
 - a. Sign area for uses in the Downtown Overlay District are 1.5 square feet per linear foot of building frontage to an aggregate maximum of 100 square feet. The aggregate sign area may be increased to 150 square feet if a combination of sign types (awning, projecting, suspended) is used.
 - b. Signs must be externally illuminated.
 - c. Within the Commercial Core, ground signs and electronic message board signs are prohibited except an institutional use is permitted one electronic message board as long as it does not exceed 40% of the total area of the sign.
 - d. Within the Integrated Residential/Commercial area, post signs cannot exceed a height of 5 feet nor a sign area of 20 square feet.
11. Public Art. Public art including, but not limited to, sculptures, play equipment, children's fountains, bicycle racks, and street furniture is encouraged on private property, within public spaces, and within off-street public right-of-way, if a sidewalk clearance of 60 inches is maintained.
12. Use Location.
 - a. Commercial Uses
 - i. Ground floor commercial uses should be oriented to the street.
 - ii. Within the Commercial Core, all commercial and mixed-use structures must have commercial uses located on 100% of the ground floor.
 - iii. Within the Integrated Residential/Commercial area, all commercial and mixed-use structures must have commercial uses located on 50% of the ground floor.
 - b. Residential Uses. For nonresidential, mixed-use, and multifamily residential structures, residential uses cannot be placed in any location within the first floor of a building that faces a collector street, arterial street, or interstate.

13. Architectural Standards.

- a. Transparency (building facade/windows). At least 50% of each facade between 2 feet and 10 feet high must be transparent. First-floor residential buildings and places of worship are excluded from this requirement.
- b. Front Porch. New residential construction in neighborhoods where more than 70% of homes have front porches of 32 square feet or more are required to have a front porch of at least 32 square feet.
- c. Building Mass
 - i. Small-Scale Residential Uses. New small-scale residential construction must be similar in scale as the two adjacent homes on either side of the lot, and the three homes across the street.
 - ii. Nonresidential and Multifamily Uses
 - New construction and renovations must be compatible with existing development patterns and oriented to the street.
 - Within the Commercial Core, the minimum building height is 2 floors.
- d. "Story" Change. A clear delineation between each "story" of the structure provided by a consistent cornice line is required.
- e. Residential Garages. Garages must be accessed from the alley or side street. If front-loading, the garage face must be set back at least 10 feet from the front facade.
- f. Storefronts. Storefronts should be internally illuminated with spots or other lighting, to display the business or its products. Exterior lighting may be affixed to the buildings.

F. **Prohibited Uses and Structures.**

1. All uses prohibited by the Thoroughfare Overlay District are prohibited in the Downtown Overlay District.
2. Within the Commercial Core, drive-through facilities and car ports are prohibited.

G. **Accessory Uses and Mechanical Equipment Areas.** Accessory uses and building mechanical equipment areas must be located to the side or rear of the principal structure and where least visible from the public right-of-way.

2.8 FLOODPLAIN OVERLAY DISTRICT

The flood hazard areas of the City are subject to periodic inundation resulting in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, that adversely affect the public health, safety, and general welfare. Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage contribute to the flood loss. To minimize the threat of such damages and to achieve the purposes of this article These regulations are.

Zoning Districts

Floodplain Overlay District

- A. **Intent.** The intent of this article is to promote the public health, safety, and general welfare and minimize public and private losses due to flood conditions in specific areas by provisions designed to:
1. Protect human life and health.
 2. Minimize expenditure of public money for costly flood control projects.
 3. Minimize the need for rescue and relief efforts associated with flooding undertaken at public expense.
 4. Minimize prolonged business interruptions.
 5. Minimize damage to public facilities and utilities (such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges) located in floodplains.
 6. Maintain a stable tax base by providing uses of flood prone areas that minimize flood blight.
 7. Ensure that occupants of special flood hazard assume responsibility for their actions.
 8. Minimize the impact of development on adjacent properties in and around flood prone areas.
 9. Ensure the flood storage and conveyance functions of the floodplain are maintained.
 10. Minimize the impact of development on the natural, beneficial values of the floodplain.
 11. Prevent floodplain uses that are either hazardous or environmentally incompatible.
 12. Meet community participation requirements of the National Flood Insurance Program.
- B. To accomplish its purposes, these regulations include provisions for:
1. Restricting or prohibiting uses that are dangerous to health, safety, and property due to water hazards, or that result in damaging increases in flood heights or velocities.
 2. Requiring uses vulnerable to floods be protected against flood damage at the time of initial construction.
 3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, that accommodate or channel flood waters.
 4. Controlling filling, grading, dredging, excavating, and other development activities that may increase flood damage.
 5. Preventing or regulating the construction of flood barriers that divert flood waters or increase flood hazards in other areas.

C. **Definitions**

Unless specifically defined below, words or phrases used in this article are interpreted with the meanings they have in common usage and to give these regulations the most reasonable application.

Accessory Structure means a structure with a floor area of 400 square feet or less on the same parcel as a principal structure the use of which is incidental to the use of the principal structure. An accessory structure excludes structures used for human habitation.

1. Accessory structures are considered walled and roofed where the structure includes at least two outside rigid walls and a fully secured roof.

2. Examples of accessory structures include detached garages, carports, storage and tool sheds, and small boathouses.
3. The following may have uses that are incidental or accessory to the principal structure on a parcel but are generally not considered to be accessory structures by the NFIP:
 - Structures in which any portion is used for permanent or temporary human habitation, either whether as a permanent residence or as temporary or seasonal living quarters, such as a detached garage or carriage house that includes an apartment or guest quarters, or a detached guest house on the same parcel as a principal residence;
 - Structures used by the public, such as a place of employment or entertainment; and
 - Development that does not meet the NFIP definition of a structure for floodplain management purposes. Examples include, but are not necessarily limited to, a gazebo, pavilion, picnic shelter, or carport that is open on all sides (roofed but not walled).

Addition (to an existing structure) means any walled and roofed expansion to the perimeter of a structure where the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition connected by a firewall or separated by independent perimeter load-bearing walls is considered new construction.

Alteration of a watercourse means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other modification that may alter, impede, retard, or change the direction and/or velocity of the flow of water during conditions of the base flood.

Appeal means a request for a review of the Floodplain Administrator's interpretation of any provision of this article, a request for a variance, or a challenge of a Board decision.

Area of special flood hazard is the land within a community subject to a 1% or greater chance of being flooded in any given year.

Base flood means the flood having a 1% chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 1% annual chance flood or 100-year flood.

Base Flood Elevation (BFE) means the water surface elevation of the base flood in relation to a specified datum, usually the North American Vertical Datum of 1988.

Basement means that portion of a structure having its floor sub-grade (below ground level) on all sides.

Best Available Flood Layer (BAFL) means floodplain studies and any corresponding floodplain maps prepared and/or approved by the Indiana Department of Natural Resources which provide base flood elevation information, floodplain limits, and/or floodway delineations for flood hazards identified by approximate studies on the currently effective FIRM (Zone A) and/or for waterways where the flood hazard is not identified on available floodplain mapping.

Building – See "Structure."

Community means a political entity that has the authority to adopt and enforce floodplain ordinances for the areas within its jurisdiction.

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

Development means, for floodplain management purposes, any man-made change to improved or unimproved real estate include, but are not limited to:

1. Construction, reconstruction, or placement of a structure or any addition to a structure.
2. Installing a manufactured home on a site, preparing a site for a manufactured home, or installing a recreational vehicle on a site for more than 180 days.
3. Installing utilities, erection of walls and fences, construction of roads, or similar projects.
4. Construction of flood control structures such as levees, dikes, dams, channel improvements, etc.
5. Mining, dredging, filling, grading, excavation, or drilling operations.
6. Construction and/or reconstruction of boat lifts, docks, piers, and seawalls.
7. Construction and/or reconstruction of bridges or culverts.
8. Storage of materials.
9. Any other activity that might change the direction, height, or velocity of flood or surface waters.

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

Elevation Certificate means a FEMA form that is routinely reviewed and approved by the White House Office of Management and Budget under the Paperwork Reduction Act, that is encouraged to be used to collect certified elevation information.

Enclosed area (enclosure) is an area of a structure enclosed by walls on all sides.

Enclosure below the lowest floor – See “Lowest Floor” and “Enclosed Area.”

Existing manufactured home park or subdivision means a manufactured home park or subdivision where the construction of facilities servicing the lots where the manufactured homes are affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the City’s first floodplain ordinance.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities servicing the lots (including, but are not limited to, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA means the Federal Emergency Management Agency.

Fill means any material deposited or placed that has the effect of raising the level of the ground surface above the natural grade elevation. Fill material includes consolidated material such as concrete and brick and unconsolidated material such as soil, sand, gravel, and stone.

Flood or **Flooding** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.
3. Mudslides (i.e., mudflows) that are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

Flood or flooding also includes the collapse or subsidence of land along the shore of a lake or similar body of water because of erosion or undermining caused by waves or current of water exceeding anticipated cyclical levels that result in a flood as defined above.

Flood Hazard Area means areas subject to the 1% annual chance flood. (See “Special Flood Hazard Area”)

Flood Insurance Rate Map (FIRM) means an official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study (FIS) means the official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM, and the water surface elevation of the base flood.

Flood prone area means any land area acknowledged by a community as being susceptible to inundation by water from any source. (See “Floodplain”)

Flood Protection Grade (FPG) is the BFE plus 2 feet at any given location in the SFHA.

Floodplain or **flood prone area** means any land area susceptible to being inundated by water from any source. (See “Flood”)

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

Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance), and other applications of police power that control development in flood prone areas. The term describes state or local regulations in any combination, that provide standards for the purpose of flood damage prevention and reduction.

Floodproofing (dry floodproofing) is a method of protecting a structure that ensures the structure and its utilities and sanitary facilities, is watertight to the floodproofed design elevation with walls that are substantially impermeable to the passage of water. All structural components of these walls can resist hydrostatic and hydrodynamic flood forces, including the effects of buoyancy and anticipated debris impact forces.

Floodproofing certificate is a form used to certify compliance for non-residential structures as an alternative to elevating structures to or above the FPG.

Floodway is the channel of a river or other watercourse and the adjacent land areas that must be reserved to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

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

Fringe or **Flood Fringe** is the portion of the floodplain lying outside the floodway.

Functionally dependent use means a use that cannot perform its intended purpose unless it is located or carried out near water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

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

Highest adjacent grade means the highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

Historic structure means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register,
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district,
3. Individually listed on a state inventory of historic places in states with historic preservation programs that have been approved by the Secretary of the Interior, or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by (a) an approved state program as determined by the Secretary of Interior, or (b) directly by the Secretary of Interior in states without approved programs.

Hydrologic and hydraulic engineering analysis means analyses performed by a professional engineer licensed by the State of Indiana, according to standard engineering practices that are accepted by the Indiana Department of Natural Resources and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.

IDNR means the Indiana Department of Natural Resources.

International Code Council-Evaluation Service (ICC-ES) Report means a document presenting the findings, conclusions, and recommendations from a particular evaluation. ICC-ES reports provide information about what code requirements or acceptance criteria were used to evaluate a product, and how the product should be identified, installed.

Letter of Final Determination (LFD) means a letter issued by FEMA during the mapping update process that establishes final elevations and provides the new flood map and flood study to the community. The LFD initiates the six-month adoption period. The community must adopt or amend its floodplain management regulations during this six-month period unless the community has previously incorporated an automatic adoption clause.

Letter of Map Change (LOMC) is a general term used to refer to the several types of revisions and amendments to FEMA maps that can be accomplished by letter. They are broken down into the following categories:

1. **Conditional Letter of Map Revision (CLOMR)** means FEMA's comment on a proposed project that would, upon construction, result in modification of the SFHA through the placement of fill outside the existing regulatory floodway.
2. **Conditional Letter of Map Revision Based on Fill (CLOMR-F)** means a letter from FEMA stating a proposed structure that will be elevated by fill would not be inundated by the base flood.
3. **Letter of Map Amendment (LOMA)** means an amendment by letter to the currently effective FEMA map establishing that a building or parcel of land is not located in a SFHA through the submittal of property specific elevation data. A LOMA is only issued by FEMA.
4. **Letter of Map Amendment Out as Shown (LOMA-OAS)** means an official determination by FEMA stating the property or building is correctly shown outside the SFHA as shown on an effective NFIP map. Therefore, the mandatory flood insurance requirement does not apply. An out-as-shown determination does not require elevations.
5. **Letter of Map Revision (LOMR)** means an official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.
6. **Letter of Map Revision Based on Fill (LOMR-F)** means FEMA's modification of the SFHA shown on the FIRM based on the placement of fill outside the existing regulatory floodway.

Lowest adjacent grade means the lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

Lowest floor means, for floodplain management purposes, the lowest elevation described among the following:

1. The lowest floor of a building.
2. The basement floor.
3. The garage floor if the garage is connected to the building.
4. The first floor of a structure elevated on pilings or pillars.

5. The floor level of any enclosure, other than a basement, below an elevated structure where the walls of the enclosure provide any resistance to the flow of floodwaters. Designs for meeting the flood opening requirement must either be certified by a registered professional engineer or architect or meet or exceed the following criteria:
 - The walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of floodwaters.
 - At least 2 openings are designed and maintained for the entry and exit of floodwater, and these openings provide a total net area of at least one square inch for every one square foot of enclosed area. The bottom of all such openings must be no higher than one foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher. Doorways and windows do not qualify as openings.

Manufactured home means a structure, transportable in one or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. This term does not include a "recreational vehicle."

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mitigation means sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is to protect people and structures and to minimize the cost of disaster response and recovery.

Natural grade for floodplain management purposes means the elevation of the undisturbed natural surface of the ground. Fill placed prior to the date of the initial identification of the flood hazard on a FEMA map is also considered natural grade.

New construction for floodplain management purposes means any structure for which the "start of construction" commenced on or after the effective date of a floodplain management regulations adopted by the City and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision where the construction of facilities for servicing the lots where the manufactured homes are affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the City's first floodplain ordinance.

North American Vertical Datum of 1988 (NAVD 88) as adopted in 1993 is a vertical control datum used as a reference for establishing varying elevations within the floodplain.

Obstruction includes, but are not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, canalization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across or projecting into any watercourse that may alter, impede, retard or change the direction or velocity of the flow of water; or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

One-percent annual chance flood is the flood that has a 1% chance of being equaled or exceeded in any given year. See "Regulatory Flood".

Physical Map Revision (PMR) is an official republication of a community's FEMA map to effect changes to 1% annual chance flood elevations, floodplain boundary delineations, regulatory floodways, and planimetric features. These changes typically occur because of structural works or improvements, annexations resulting in additional flood hazard areas, or correction to base flood elevations or SFHAs.

Prefabricated Building is a building that is manufactured and constructed using prefabrication. It consists of factory-made components or units that are transported and assembled on-site to form the complete building.

Principally above ground means that at least 51% of the actual cash value of the structure, less land value, is above ground.

Recreational vehicle means a vehicle that is:

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

Regulatory flood means the flood having a 1% chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in **2.8(D)(2)** of this article. The "Regulatory Flood" is also known by the term "Base Flood", "One-Percent Annual Chance Flood", and "100-Year Flood".

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

Riverine means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Solid waste disposal facility means any facility involved in the storage or disposal of non-liquid, non-soluble materials ranging from municipal garbage to industrial wastes that contain complex and sometimes hazardous substances. Solid waste also includes sewage sludge, agricultural refuse, demolition wastes, mining wastes, and liquids and gases stored in containers.

Special Flood Hazard Area (SFHA), synonymous with "areas of special flood hazard" and floodplain, means those lands within the jurisdiction of the City subject to a 1% or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies as Zones A, AE, A99. The SFHA includes areas that are flood prone and designated from other federal, state, or local sources of data including, but are not limited to, best available flood layer maps provided by or approved by the Indiana Department of Natural Resources, historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.

Start of construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means either the first placement of permanent

construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include: (a) land preparation, such as clearing, grading, and filling, (b) the installation of streets and/or walkways, (c) excavation for a basement, footings, piers, foundations, or the erection of temporary forms, or (d) the installation of accessory buildings, such as garages or sheds not occupied as dwelling units. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether that alteration affects the external dimensions of the building.

Structure means a walled and roofed building, including a gas or liquid storage tank, which is principally above ground. The term includes manufactured homes, prefabricated buildings, above-ground gas or liquid storage tanks, and recreational vehicles installed on a site for more than 180 consecutive days.

Substantial damage means damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

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

Variance is a grant of relief from the requirements of this article consistent with the variance conditions herein.

Violation means the failure of a structure or other development to be fully compliant with this article.

Walled and roofed means a building that has two or more exterior rigid walls and a fully secured roof and is affixed to a permanent site.

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

D. General Provisions

1. Applicability: This article applies to all SFHAs and known flood prone areas within the jurisdiction of the City.
2. Basis for Establishing Regulatory Flood Data: This section's protection standard is the regulatory flood. The best available regulatory flood data is listed below.
 - a. The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs within the jurisdiction of the City, delineated as an "AE Zone" on the Boone County, Indiana and Incorporated Areas FIRM is determined from the 1% annual chance flood profiles in the Flood Insurance Study of Boone County, Indiana and Incorporated Areas and the corresponding FIRM as well as any subsequent updates, amendments, or revisions, prepared by FEMA with

the most recent date. Should the floodway limits not be delineated on the FIRM for a studied SFHA designated as an "AE Zone", the limits of the floodway will be according to the best available flood layer as provided by IDNR.

- b. The regulatory flood elevation, floodway, and fringe limits for each of the SFHAs within the jurisdiction of the City, delineated as an "A Zone" on the Boone County, Indiana and Incorporated Areas FIRM, as well as any subsequent updates, amendments, or revisions, prepared by FEMA with the most recent date, must be according to the best available flood layer provided by IDNR, provided the upstream drainage area from the subject site is greater than one square mile. Whenever a party disagrees with the best available flood layer data, the party needs to replace existing data with better data that meets current engineering standards. To be considered, this data must be submitted to IDNR for review and subsequently approved.
 - c. In the absence of a published FEMA map, or absence of identification on a FEMA map, the regulatory flood elevation, floodway, and fringe limits of any watercourse in the community's known flood prone areas is according to the best data available as provided by IDNR, provided the upstream drainage area from the subject site is greater than one square mile.
 - d. Upon issuance of a Letter of Final Determination (LFD), any more restrictive data in the new (not yet effective) mapping/study is utilized for permitting and construction (development) purposes, replacing all previously effective less restrictive flood hazard data provided by FEMA.
3. Establishment of Floodplain Development Permit. A Floodplain Development Permit is required in conformance with the provisions of this article prior to the commencement of any development activities in areas of special flood hazard.
4. Compliance. No structure can be located, extended, converted, or structurally altered within the SFHA without full compliance with the terms of this article and other applicable regulations. No land or stream within the SFHA can be altered without full compliance with the terms of this article and other applicable regulations.

Where an existing or proposed structure or other development is affected by multiple flood zones, by multiple base flood elevations, or both, the development activity must comply with the provisions of this article applicable to the most restrictive flood zone, and the most conservative (highest) base flood elevation affecting any part of the existing or proposed structure; or, for other developments, affecting any part of the area of the development.

5. Abrogation and Greater Restrictions. This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and another conflict or overlap, the more stringent restrictions apply.
6. Discrepancy between Mapped Floodplain and Actual Ground Elevations
- a. In cases where there is a discrepancy between the mapped floodplain (SFHA) on the FIRM and the actual ground elevations, the elevation provided on the profiles governs.
 - b. If the elevation of the site in question is below the base flood elevation, that portion of the site is included in the SFHA and regulated accordingly.

- c. If the elevation (natural grade) of the site in question is above the base flood elevation, that portion of the site is considered outside the SFHA and the floodplain regulations will not be applied. The property owner should apply for a Letter of Map Amendment (LOMA).
7. Interpretation. In the interpretation and application of this article all provisions are considered as minimum requirements, construed in favor of the governing body, and deemed neither to limit nor repeal any other powers granted under state statutes.
8. Warning and Disclaimer of Liability. The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this article does not create any liability on the part of the City, IDNR, or the State of Indiana, for any flood damage that results from reliance on this article or any administrative decision lawfully made.
9. Penalties for Violation. Failure to obtain a Floodplain Development Permit in the SFHA or failure to comply with the requirements of a Floodplain Development Permit or conditions of a variance is deemed a violation of this article and subject to enforcement.
 - a. A separate offense occurs each day the violation continues to exist.
 - b. The Floodplain Administrator informs the owner that such a violation is considered a willful act to increase flood damages and therefore may cause suspension of a Standard Flood Insurance Policy.
 - c. The City is not prevented from taking other lawful action to prevent or remedy violations. All enforcement costs, including attorney's fees, accrue to the persons responsible.

E. Administration

1. Designation of Administrator. The Common Council appoints the Administrator to administer and implement the provisions of this section and is referred to as the Floodplain Administrator.
2. Permit Procedures. Application for a Floodplain Development Permit is made to the Floodplain Administrator on forms furnished by the Department prior to any development activities and may include plans describing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, and drainage facilities.
 - a. At the application stage the following information is required:
 - A description of the proposed development.
 - Location of the proposed development sufficient to accurately locate property and structures in relation to existing roads and streams.
 - A legal description of the property.
 - For the reconstruction, rehabilitation, or improvement of an existing structure or an addition to an existing building, a detailed quote and description of the total work to be completed including but not limited to interior work, exterior work, and labor as well as a certified valuation of the existing (pre-improved or pre-damaged) structure;

- A site plan showing existing and proposed improvements and existing and proposed land grades.
 - A letter from a licensed professional surveyor or engineering noting that an elevation reference benchmark has been established or confirmed for those projects requiring elevations to be met.
 - Verification that connection to either a public sewer system or to an approved on-site septic system is available and approved by the respective regulatory agency for proposed structures with plumbing.
 - Elevation of the top of the lowest floor (including basement) of all proposed structures in Zones A and AE. Elevation should be in NAVD 88.
 - Elevation in NAVD 88 to which any non-residential structure will be floodproofed.
 - Plans showing the locations and specifications for flood openings for any proposed structure with enclosed areas below the flood protection grade.
 - Plans showing materials to be used below the flood protection grade for any proposed structure are flood resistant.
 - Plans showing how any proposed structure will be anchored to resist flotation or collapse.
 - Plans showing how any electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities are designed and/or located. Elevations should be in NAVD 88. A description of the extent to which any watercourse will be altered or relocated because of proposed development. A hydrologic and hydraulic engineering study is required, and any watercourse changes submitted to IDNR for approval and then to FEMA as a Letter of Map Revision.
 - Any additional information, as requested by the Floodplain Administrator, that may be necessary to determine the disposition of a proposed development or structure with respect to the requirements of this ordinance.
- b. At the construction stage the following information is required: Upon establishment of the lowest floor of an elevated structure or structure constructed on fill, it is the duty of the applicant to submit to the Floodplain Administrator an elevation certificate for the building under construction. The Floodplain Administrator reviews the elevation certificate. Any deficiencies detected during the review must be corrected by the applicant before work is allowed to continue. Failure to submit the survey or failure to make required corrections is cause to issue a stop-work order for the project.
- c. At the completion of construction, the following information is required:
- For any structure requiring certification of elevation, an elevation certificate that depicts the “as-built” lowest floor elevation and other applicable elevation data is required to be submitted by the applicant to the Floodplain Administrator. The elevation certificate is prepared and certified by a registered land surveyor.

- For an elevated structure constructed on fill, a fill report is required to be submitted to the Floodplain Administrator to verify the required standards were met, including compaction.
 - For a floodproofing measure, a floodproofing certificate is required to be submitted by the applicant to the Floodplain Administrator. The floodproofing certificate is prepared and certified by a registered professional engineer or architect.
3. Duties and Responsibilities of the Floodplain Administrator. The Floodplain Administrator is authorized to enforce the provisions of this article. The Floodplain Administrator is authorized to render interpretations of this article consistent with its intent and purpose. Duties and responsibilities of the Floodplain Administrator include:
- a. Enforce the provisions of this article.
 - b. Evaluate application for permits to develop in Special Flood Hazard Areas to assure that the permit requirements of this ordinance have been satisfied.
 - c. Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.
 - d. Issue permits to develop in Special Flood Hazard Areas when the provisions of these regulations have been met or refuse to issue the same in the event of noncompliance.
 - e. Advise permittee that additional Federal, State and/or local permits may be required. If specific Federal, State and/or local permits are known, require that copies of such permits be provided and maintained on file with the floodplain development permit.
 - f. Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in Special Flood Hazard Areas identified by FEMA, must meet the development standards of these regulations.
 - g. For applications to improve structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator:
 - Verifies and documents the market value of the pre-damaged or pre-improved structure,
 - Compares the cost to perform the improvement; or the cost to repair a damaged building to its pre-damaged condition; or, the combined costs of improvements and repair, if applicable, to the market value of the pre-damaged or pre-improved structure. The cost of all work must be included in the project costs, including work that might otherwise be considered routine maintenance. Items/activities that must be included in the cost in keeping with guidance published by FEMA to ensure compliance with the NFIP and to avoid any conflict with future flood insurance claims of policyholders within the community,
 - Determines and documents whether the proposed work constitutes substantial improvement or repair of substantial damage. The determination requires evaluation of previous permits issued for improvements and repairs as specified in the definition of “substantial improvement” for proposed work to repair damage caused by flood, the

determination requires evaluation of previous permits issued to repair flood-related damage as specified in the definition of substantial damage, and

- Notifies the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the applicable general and specific standards of this article are required.
- h. Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a watercourse and submit copies of such notifications to FEMA.
- i. Ensure that construction authorization has been granted by IDNR for all development projects subject to the **Provisions for Flood Hazard Reduction** section and maintain a record of such authorization (either copy of actual permit/authorization or floodplain analysis/regulatory assessment).
- j. Verify the upstream drainage area of any proposed development site near any watercourse not identified on a FEMA map to determine if the above subsection is applicable.
- k. Assure that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished.
- l. Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with the **Permit Procedures** subsection.
- m. Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed in accordance with the **Permit Procedures** subsection.
- n. Make on-site inspections of projects according to the **Administrative Procedures** subsection.
- o. Coordinate with insurance adjusters prior to permitting any proposed work to bring any flood-damaged structure covered by a standard flood insurance policy into compliance (either a substantially damaged structure or a repetitive loss structure) to ensure eligibility for ICC funds.
- p. Ensure that an approved connection to a public sewer system or an approved on-site septic system is planned for any structures (residential or non-residential) to be equipped with plumbing.
- q. Provide information, testimony, or other evidence as needed during variance hearings.
- r. Serve notices of violations, issue stop-work orders, revoke permits and take corrective actions according to the **Administrative Procedures** subsection.
- s. Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, Letters of Map Change (LOMC), copies of DNR permits, letters of authorization, and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and “as-built” elevation and floodproofing data for all buildings constructed subject to this article.
- t. Coordinate map maintenance activities and associated FEMA follow-up according to the **Map Maintenance Activities** subsection.

- u. Utilize and enforce all Letters of Map Change (LOMC) or Physical Map Revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community.
- v. Request any additional information that may be necessary to determine the disposition of a proposed development or structure with respect to the requirements of this ordinance.

4. Administrative Procedures

- a. Inspections of Work in Progress. As the work pursuant to a permit progresses, the Floodplain Administrator makes as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and terms of the permit. In exercising this power, the Administrator has a right, upon presentation of proper credential, to enter on any premises within the territorial jurisdiction at any reasonable hour for the purposes of inspection or other enforcement action.
- b. Stop Work Orders
 - Upon notice from the Floodplain Administrator, work on any building, structure or premises done contrary to the provisions of this article must immediately cease.
 - The notice is in writing and given to the owner of the property, or to his agent, or to the person doing the work, and states the conditions under which work may be resumed.
- c. Revocation of Permits
 - The Floodplain Administrator may revoke a permit or approval, issued under the provisions of this article, in cases where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.
 - The Administrator may revoke a permit upon determination by the Floodplain Administrator that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this article.
- d. Floodplain Management Records
 - Regardless of any limitation on the period required for retention of public records, records of actions associated with the administration of this ordinance must be kept on file and maintained under the direction of the Floodplain Administrator in perpetuity. These records include permit applications, plans, certifications, Flood Insurance Rate Maps; Letter of Map Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations required by this ordinance; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this ordinance.
 - These records are available for public inspection at the Lebanon City Hall at 401 S Meridian Street Lebanon, IN 46052.

- e. Periodic Inspection. Once a project is completed, periodic inspections may be conducted by the Floodplain Administrator to ensure compliance. The Floodplain Administrator has a right, upon presentation of proper credential, to enter on any premises within the territorial jurisdiction of the Department at any reasonable hour for the purposes of inspection or other enforcement action.

5. Map Maintenance Activities

To meet NFIP minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that the City flood maps, studies, and other data identified in the **Basis for Establishing Regulatory Flood Data** subsection accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

a. Requirement to Submit New Technical Data

- i. For all development proposals that impact floodway delineations or base flood elevations, the community ensures that technical data reflecting such changes be submitted to FEMA within 6 months of the date such information becomes available. These development proposals include:
 - Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries.
 - Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the Special Flood Hazard Area.
 - Alteration of watercourses that result in a relocation or elimination of the Special Flood Hazard Area, including the placement of culverts; and Subdivision or large-scale development proposals requiring the establishment of base flood elevations.
- ii. It is the responsibility of the applicant to have required technical data for a Conditional Letter of Map Revision or Letter of Map Revision and submitted to FEMA. IDNR will review the submittals as part of a partnership with FEMA. The submittal should be mailed to the IDNR at the address provided on the FEMA form (MT-2) or submitted through the online Letter of Map Change website. Submittal and processing fees for these map revisions are the responsibility of the applicant.
- iii. The Floodplain Administrator requires a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for proposed floodway encroachments that increase the base flood elevation.
- iv. Floodplain development permits issued by the Floodplain Administrator are conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to this section.

- b. Right to Submit New Technical Data. The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission includes appropriate supporting documentation made in writing by the Common Council and may be submitted to FEMA at any time.

- c. Annexation/Detachment. Upon occurrence, the Floodplain Administrator notifies FEMA in writing whenever the boundaries of the City have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the Boone County, Indiana, and Incorporated Areas FIRM accurately represents the City boundaries, include within such notification a copy of a map of the City suitable for reproduction, clearly showing the new corporate limits or the new area for which the City has assumed or relinquished floodplain management regulatory authority.
6. Variance Procedures
 - a. The BZA hears and decides appeals and requests for variances from requirements of this article.
 - b. The BZA hears and decides appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the administration of this article. Any person aggrieved by the decision of the BZA may appeal the decision to the Boone County Circuit Court.
 - c. In acting upon applications, the BZA considers all technical evaluations, relevant factors, standards specified in other sections of this Ordinance, and;
 - The danger of life and property due to flooding or erosion damage.
 - The danger that materials may be swept onto other lands to the injury of others.
 - The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - The importance of the services provided by the proposed facility to the community.
 - The necessity of the facility to a waterfront location, where applicable.
 - The compatibility of the proposed use with existing and anticipated development.
 - The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage.
 - The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - The expected height, velocity, duration, rate of rise, and sediment of transport of the floodwaters at the site.
 - The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
 - d. A written report addressing each of the above factors is submitted with the application for a variance.
 - e. Variances from the provisions of this article are only be granted when the BZA can make positive findings of fact based on evidence submitted at the hearing for the following:
 - A showing of good and sufficient cause.

Zoning Districts

Floodplain Overlay District

- A determination that failure to grant the variance results in exceptional hardship.
- A determination that granting the variance does not increase flood heights, increase threats to public safety, add extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.
- f. No variance for a residential use within a floodway subject to the **Provisions for Flood Hazard Reduction** section may be granted.
- g. Any variance granted in a floodway subject to the **Provisions for Flood Hazard Reduction** section requires a permit from IDNR.
- h. Variances to the **Provisions for Flood Hazard Reduction** section, are granted only when a new structure is located on a lot 0.5 acres or less in size, contiguous to and surrounded by lots with existing structures constructed below the FPG.
- i. Variances may be issued for the repair or rehabilitation of “historic structures” upon a determination that the proposed repair or rehabilitation will not preclude the structure’s continued designation as an “historic structure” and the variance is the minimum to preserve the historic character and design of the structure.
- j. Variances may be issued for new construction, substantial improvements, and other development necessary for the conduct of a functionally dependent use.
- k. Variances are only issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- l. Upon consideration of the factors listed above and the purposes of this article, the BZA may attach conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- m. Any applicant to whom a variance is granted is given written notice specifying the difference between the Flood Protection Grade and the elevation to which the lowest floor is to be built and stating that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- n. The Floodplain Administrator maintains the records of appeal actions and report any variances to FEMA or IDNR upon request.

F. Provisions for Flood Hazard Reduction

I. Floodplain Status Standards

- a. **Floodways** (Riverine). Located within SFHAs, established in the **Basis for Establishing Regulatory Flood Data** subsection, are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters, that carry debris, potential projectiles, and has erosion potential. Under the provisions of the Flood Control Act (**IC 14-28-1**) a permit for construction in a floodway from IDNR is required prior to the issuance of a local building permit for any excavation, deposit, construction, or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing, and paving undertaken before the actual start of construction of the structure. General licenses and exemptions to the requirements of the Flood Control Act (**IC 14-28-1** and **312 IAC 10**) may apply to qualified additions/improvements to existing lawful residential

structures, rural bridges, logjam removals, wetland restoration, utility line crossings, outfall projects, creek rock removal, and prospecting.

- If the site is in a regulatory floodway as established in the **Basis for Establishing Regulatory Flood Data** subsection, the Floodplain Administrator requires the applicant to forward the application, along with all pertinent plans and specifications, to IDNR and apply for approval for construction in a floodway, provided the activity does not qualify for a general license or exemption ([IC 14-28-I](#) or [312 IAC 10](#)).
 - No action can be taken by the Floodplain Administrator until approval has been granted by IDNR for construction in the floodway, or evidence provided by an applicant that the development meets specified criteria to qualify for a general license or exemption to the requirement of the Flood Control Act. The Floodplain Development Permit must meet the provisions contained in this article.
 - The Floodplain Development Permit cannot be less restrictive than an approval issued for construction in a floodway issued by IDNR, or the specified criteria used to qualify for a general license or exemption to the Flood Control Act for a specific site/project. However, a community's more restrictive regulations, if any, take precedence.
 - In floodway areas identified on the FIRM, development cannot cause an increase in flood levels during the occurrence of the base flood discharge without first obtaining a Conditional Letter of Map Revision and meeting requirements of the **General Provisions** section. A Conditional Letter of Map Revision cannot be issued for development that would cause an increase in flood levels affecting a structure and such development should not be permitted.
 - In floodway areas identified by the IDNR through detailed or approximate studies but not yet identified on the effective FIRM as floodway areas, the total cumulative effect of the proposed development, when combined with all other existing and anticipated development, cannot adversely affect the efficiency of, or unduly restrict the capacity of the floodway. This adverse effect is defined as an increase in the elevation of the regulatory flood of at least 0.15 of a foot as determined by comparing the regulatory flood elevation under the project condition to that under the natural or pre-floodway condition as proven with hydraulic analyses.
 - For all projects involving channel modifications or fill (including levees) the City submits the data and request that the FEMA revise the regulatory flood data per mapping standard regulations found at 44 CFR §65.12.
- b. **Fringe** (Riverine). If the site is in the fringe (either identified on the FIRM or identified by IDNR through detailed or approximate studies and not identified on a FIRM), the Floodplain Administrator may issue the local Floodplain Development Permit provided the provisions contained in this article have been met.
- c. **SFHAs without Established Base Flood Elevation and/or Floodways/Fringes** (Riverine)

Drainage area upstream of the site is greater than one square mile:

If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined, and the drainage area upstream of the site is greater than one

square mile, the Floodplain Administrator requires the applicant to forward the application, along with all pertinent plans and specifications, to the IDNR for review and comment.

No action can be taken by the Floodplain Administrator until written approval from the IDNR (approval for construction in a floodway, letter of authorization, or evidence of general license qualification) or a floodplain analysis/regulatory assessment citing the 1% annual chance flood elevation and the recommended Flood Protection Grade has been received from the IDNR.

Once the Floodplain Administrator has received the proper written approval, evidence of general license qualification, or floodplain analysis/regulatory assessment approving the proposed development from IDNR, a Floodplain Development Permit may be issued, provided the conditions of the Floodplain Development Permit are not less restrictive than the conditions received from IDNR, and the provisions contained in this article have been met.

Drainage area upstream of the site is less than one square mile:

If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Floodplain Administrator requires the applicant to provide an engineering analysis showing the limits of the floodplain and 1% annual chance flood elevation for the site.

Upon receipt, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in this article have been met.

d. SFHAs not Identified on a Map

- If a proposed development site is near a waterway with no SFHA identified on a map, the Floodplain Administrator verifies the drainage area upstream of the site. If the drainage area upstream of the site is verified as being greater than one square mile, the Floodplain Administrator requires the applicant to forward the application, along with all pertinent plans and specifications, to IDNR for review and comment.
- No action can be taken by the Floodplain Administrator until written approval from IDNR (approval for construction in a floodway, letter of authorization, or evidence of general license qualification) or a floodplain analysis/regulatory assessment citing the 1% annual chance flood elevation and the recommended Flood Protection Grade has been received from IDNR.
- Once the Floodplain Administrator has received the proper written approval, evidence of general license qualification, or floodplain analysis/regulatory assessment approving the proposed development from IDNR, a Floodplain Development Permit may be issued, provided the conditions of the Floodplain Development Permit are not less restrictive than the conditions received from the IDNR and the provisions contained in this article have been met.

2. General Standards

In all areas of special flood hazard, the following provisions are required:

- a. All new construction, reconstruction, or repairs made to a repetitive loss structure, and substantial improvements must be anchored to prevent flotation, collapse, or lateral movement of the structure.
- b. New construction and substantial improvements must be constructed with materials and utility equipment resistant to flood damage below the FPG.
- c. New construction and substantial improvements must incorporate methods and practices that minimize flood damage.
- d. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities must be located at or above the FPG for residential structures. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities must be located at or above the FPG or designed so as to prevent water from entering or accumulating within the components below the FPG for non-residential structures. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG.
- e. New and replacement water supply systems must be designed to minimize or eliminate infiltration of floodwaters into the system.
- f. New and replacement sanitary sewage systems must be designed to minimize or eliminate infiltration of floodwaters into the system.
- g. On-site waste disposal systems must be located and constructed to avoid impairment to them or contamination from them during flooding.
- h. Any alteration, repair, reconstruction, or improvements to a structure complying with the provisions of this article must meet the requirements of “new construction” as contained in this article.
- i. Base flood elevation data must be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) containing 50 or more lots or containing 5 or more acres.
- j. Where an existing or proposed structure or other development is affected by multiple flood zones, by multiple base flood elevations, or both, the development activity must comply with the provisions of this article applicable to the most restrictive flood zone and the highest base flood elevation affecting any part of the existing or proposed structure; or for other developments, affecting any part of the area of the development.
- k. Fill projects that do not involve a structure must be protected against erosion and scour during flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes cannot be steeper than 3’ horizontal to 1’ vertical.
- l. Non-conversion agreements are required for all new or substantially improved elevated structures with an enclosure beneath the elevated floor, accessory structures, and open-sided shelters.

- m. Construction of new solid waste disposal facilities, hazard waste management facilities, salvage yards, and chemical storage facilities are not permitted in areas of special flood hazard.

3. Specific Standards - Building Protection Requirement

In addition to the general standards described in the **Provisions for Flood Hazard Reduction** section, structures located in the SFHA must be protected from flood damage below the FPG. This building protection requirement applies to the following situations:

- a. Construction or placement of a residential structure.
- b. Construction or placement of a non-residential structure.
- c. Addition or improvement made to an existing structure where the cost of the addition or improvement equals or exceeds 50% of the value of the existing structure (excluding the value of the land). An addition or improvement project that is continuous in scope or time is considered as one project for permitting purposes.
- d. Reconstruction or repairs made to a damaged structure where the costs of restoring the structure to its before damaged condition equals or exceeds 50% of the market value of the structure (excluding the value of the land) before damage occurred (the costs of any proposed additions or improvements beyond restoring the damaged structure to its before damaged condition must be included in the cost).
- e. Installing a manufactured home on a new site or a new manufactured home on an existing site.
- f. Installing a travel trailer or recreational vehicle on a site for more than 180 days.
- g. Reconstruction or repairs made to a repetitive loss structure.
- h. Addition or improvement made to any existing structure with a previous repair, addition or improvement constructed since the City's first floodplain ordinance.

4. Specific Standards - Residential Construction.

- a. New construction or substantial improvement of any residential structures must meet provisions described in the **Floodplain Status Standards** and **General Standards** subsections found in this section.
- b. In Zone A and Zone AE, new construction or substantial improvement of any residential structure must have the lowest floor, including basement, at or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters must be provided according to the standards below. Should fill be used to elevate a structure, the standards below must be met.
- c. Fully enclosed areas formed by foundation and other exterior walls below the flood protection grade must meet the following requirement:
 - i. Designed to preclude finished living space and designed to allow for the automatic entry and exit of floodwaters to equalize hydrostatic flood forces on exterior walls. Flood openings must be designed and installed in compliance with criteria set out in FEMA Technical Bulletin I. Engineered flood openings must be designed and certified by a registered design professional (requires supporting engineering certification or

make/model specific ICC-ES Report), or meet the following criteria for non-engineered flood openings:

- Provide a minimum of two openings on different sides of an enclosure. If there are multiple enclosed areas, each is required to meet the requirements for enclosures, including the requirement for flood openings in exterior walls.
- The bottom of all openings must be no more than one foot above the higher of the final interior grade (or floor) and the finished exterior grade immediately under each opening.
- If the floor of the enclosure is below the BFE, the openings must be located wholly below the BFE.
- If the floor of the enclosure is at or above the BFE, but below the FPG, the openings must be located wholly below the FPG.
- Doors and windows do not qualify as openings.
- Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- Openings are to be not less than 3 inches in any direction in the plane of the wall. This requirement applies to the hole in the wall, excluding any device that may be inserted such as typical foundation air vent device.

ii. The floor of such enclosed area must be at or above grade on at least one side.

d. A residential structure may be constructed on a fill according to with the following:

- i. Fill must be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with either the Standard or Modified Proctor Test method. The results of the test showing compliance must be retained in the permit file.
- ii. Fill must extend 10 feet beyond the foundation of the structure before sloping below the BFE.
- iii. Fill must be protected against erosion and scour during flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes cannot be steeper than 3' horizontal to 1' vertical.
- iv. Fill must not adversely affect the flow of surface drainage from or onto neighboring properties.
- v. Fill must be composed of clean granular or earthen material.

e. A residential structure may be constructed using a stem wall foundation (also called chain wall, raised-slab-on-grade, and slab-on-stem-wall-with-fill). Any backfilled stem wall foundation (also called chain wall, raised-slab-on-grade, and slab-on stem-wall-with-fill) must be backfilled with compacted structural fill, concrete, or gravel that supports the floor slab. No flood openings are required for this type of construction.

5. Specific Standards – Non-Residential Construction.

- a. New construction or substantial improvement of any non-residential structures (excludes accessory structures) must meet provisions described in the **Floodplain Status Standards** and **General Standards** subsections found in this section.
- b. In Zone A and Zone AE, new construction, or substantial improvement of any commercial, industrial, or non-residential structure (excludes accessory structures) must either have the lowest floor, including basement and, elevated to or above the FPG or be floodproofed to or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters must be provided according to the standards below. Should fill be used to elevate a structure, the standards below must be met.
- c. Fully enclosed areas formed by foundation and other exterior walls below the flood protection grade must meet the following requirement:
 - i. Designed to preclude finished living space and designed to allow for the automatic entry and exit of floodwaters to equalize hydrostatic flood forces on exterior walls. Flood openings must be designed and installed in compliance with criteria set out in FEMA Technical Bulletin I. Engineered flood openings must be designed and certified by a registered design professional (requires supporting engineering certification or make/model specific ICC-ES Report), or meet the following criteria for non-engineered flood openings:
 - Provide a minimum of two openings on different sides of an enclosure. If more than one enclosed area is present, each must have openings on exterior walls (having a total net area of not less than one square inch for every one square foot of enclosed area).
 - The bottom of all openings must be no more than one foot above the higher of the final interior grade (or floor) and the finished exterior grade immediately under each opening.
 - Doors and windows do not qualify as openings.
 - Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
 - Openings are to be not less than 3 inches in any direction in the plane of the wall. This requirement applies to the hole in the wall, excluding any device that may be inserted such as typical foundation air vent device.
 - ii. The floor of such enclosed area must be at or above grade on at least one side.
 - iii. If the floor of the enclosure is below the BFE, the openings must be located wholly below the BFE.
 - iv. If the floor of the enclosure is at or above the BFE, but below the FPG, the openings must be located wholly below the FPG.

Zoning Districts

Floodplain Overlay District

- d. A nonresidential structure may be constructed on a permanent land fill according to the following:
 - i. Must be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with either the Standard or Modified Proctor Test method.
 - ii. Must extend 10 feet beyond the foundation of the structure before sloping below the BFE.
 - iii. Must be protected against erosion and scour during flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes cannot be steeper than 3' horizontal to 1' vertical.
 - iv. Cannot adversely affect the flow of surface drainage from or onto neighboring properties.
 - v. Must be composed of clean granular or earthen material.
 - e. A nonresidential structure may be floodproofed according to the following:
 - i. A Registered Professional Engineer or Architect certifies the structure has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The structure design considers flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. The certification is provided to the Floodplain Administrator.
 - ii. Floodproofing measures must be operable without human intervention and without an outside source of electricity.
 - f. A nonresidential structure may be constructed using a stem wall foundation (also called chain wall, raised-slab-on-grade, and slab-on-stem-wall-with-fill). Any backfilled stem wall foundation must be backfilled with compacted structural fill, concrete, or gravel that supports the floor slab. No flood openings are required for this type of construction.
6. Specific Standards – Manufactured Homes and Recreational Vehicles.
- a. These requirements apply to all manufactured homes to be placed on a site in the SFHA:
 - i. The manufactured home must be elevated on a permanent foundation such that the lowest floor must be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 - ii. Fully enclosed areas formed by foundation and other exterior walls below the FPG must be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in the ***Provisions for Flood Hazard Reduction*** section.
 - iii. Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.
 - b. Recreational vehicles placed on a site in the SFHA must either:
 - i. Be on site for less than 180 days and be fully licensed and ready for use on a public highway (defined as being on its wheels or jacking system, is attached to the site only by quick

disconnect type utilities and security devices, and has no permanently attached additions),
or

- ii. Meet the requirements for “manufactured homes” as stated earlier in this section.

7. Specific Standards – Accessory Structures

Within SFHAs, new construction or placement of an accessory structure must meet the following standards:

- a. Must have a floor area of 400 square feet or less.
- b. Use is limited to parking of vehicles and limited storage.
- c. Cannot be used for human habitation.
- d. Must be constructed of flood resistant materials.
- e. Must be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters.
- f. Must be firmly anchored to prevent flotation.
- g. Service facilities such as electrical and heating equipment must be elevated or floodproofed to or above the FPG.
- h. Must be designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in the **Provisions for Flood Hazard Reduction** section.
- i. Cannot have subsequent additions or improvements that would preclude the structure from its continued designation as an accessory structure.

8. Specific Standards – Free-standing Pavilions, Gazebos, Decks, Carports, and Similar Development.

Within SFHAs, new construction or placement of free-standing pavilions, gazebos, decks, carports, and similar development must meet the following standards:

- a. Must have open sides (having not more than one rigid wall).
- b. Must be anchored to prevent flotation or lateral movement.
- c. Must be constructed of flood resistant materials below the FPG.
- d. Any electrical, heating, plumbing and other service facilities must be located at/above the FPG.
- e. Cannot have subsequent additions or improvements that would preclude the development from its continued designation as a free-standing pavilion, gazebo, carport, or similar open-sided development.

9. Specific Standards – Above Ground Gas or Liquid Storage Tanks

Within SFHAs, all newly placed aboveground gas or liquid storage tanks must meet the requirements for a non-residential structure as required in the **Provisions for Flood Hazard Reduction** section.

10. Standards for Subdivision and Other New Developments

- a. All subdivision proposals and all other proposed new development must be consistent with the need to minimize flood damage.
- b. All subdivision proposals and all other proposed new development must have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- c. All subdivision proposals and all other proposed new development must have adequate drainage provided to reduce exposure to flood hazards.
- d. In all areas of special flood hazard where base flood elevation data area not available, the applicant provides a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and all other proposed new development (including manufactured home parks and subdivisions containing 50 or more lots or 5 or more acres, whichever is less.
- e. All subdivision proposals must minimize development in the SFHA and/or limit density of development permitted in the SFHA.
- f. All subdivision proposals must ensure safe access into/out of SFHA for pedestrians and vehicles (especially emergency responders).
- g. Streets, blocks lots, parks and other public grounds must be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible the floodplains must be included within parks or other public grounds.

11. Standards for Critical Facilities

Construction of new critical facilities must be, to the extent possible, located outside the limits of the SFHA. Construction of new critical facilities must be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA must have the lowest floor elevated to or above the FPG at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the FPG must be provided to all critical facilities to the extent possible.

2.9 HISTORIC PRESERVATION OVERLAY DISTRICT

- A. **Intent.** To promote the educational, cultural and general welfare of the citizens of the City and to ensure harmonious and orderly growth and development of the municipality; to maintain established residential neighborhoods in danger of having their distinctiveness destroyed; to enhance property values and attract new residents; to ensure the viability of the traditional downtown area and to enhance tourism within the City, it is necessary to preserve the qualities relating to the City's history and harmonious outward appearance of its structures. This purpose is advanced through the restoration and preservation of historic areas and buildings, the construction of compatible new buildings where appropriate, and the maintenance and insurance of compatibility regarding style, form, proportion, texture, and material between historic buildings and those of contemporary design. It is the intention of the City through this overlay to preserve and protect historic and architecturally

worthy buildings, structures, sites, monuments, streetscapes, and neighborhoods which impart a distinct aesthetic quality to the City and serve as visible reminders of its historic heritage.

- B. **Definitions.** For the purposes of this Overlay, the following definitions apply unless the context clearly indicates or requires a different meaning. Words in the present tense include the future tense. The singular number includes the plural, and the plural, the singular. The word PERSON includes a firm, a partnership, a limited liability company or a corporation, as well as an individual. Terms not defined in this section have the meanings customarily assigned to them.

Alteration. A material or color change in the external architectural features of any building, structure, or site within a historic district.

City. The City of Lebanon, Indiana.

Classifications

- (1) Contributing. A “C” classification means the property is at least 40 years old but does not meet the criteria for an “O” or “N” classification. These resources are important to the density or continuity of the area’s historic fabric. Contributing structures can be listed in the National Register only as part of a historic district.
- (2) Non-Contributing. Property classified as “NC” is not included in an inventory unless it is located within the boundaries of a historic district. These properties may be less than 50 years old, or they may be older structures that have been altered in a way that they have lost their historic character, or they may be otherwise incompatible with their historic surroundings. These properties are not eligible for listing in the National Register.
- (3) Notable. A classification of “N” means that the property does not merit the outstanding rating, but it is still above average in its importance. A notable structure may be eligible for the National Register.
- (4) Outstanding. The “O” classification means that the property has sufficient historic or architectural significance that is listed, or is eligible for individual listing, in the National Register of Historic Places. Outstanding resources can be of local, state, or national importance.

Demolition. The complete or substantial removal of any building, structure, or site located in a historic district.

Historic District. A single building, structure, object, or site or a concentration of buildings, structures, objects, spaces, or sites, the boundaries of which are described or delineated on a map approved in an ordinance adopted under this Overlay.

Interested Party. One of the following:

- (1) The Mayor;
- (2) The Common Council;
- (3) The City Plan Commission;
- (4) A neighborhood association, incorporated or unincorporated, a majority of whose members are residents of a historic district designated by this article;

- (5) An owner or occupant of property located in a historic district established by an ordinance adopted under this article;
- (6) Historic Landmarks Foundation of Indiana, Inc., or any of its successors; or
- (7) The state historic preservation officer designated under [IC 14-21-1](#).

Preservation Guidelines. Criteria, locally developed, which identify local design concerns to assist property owners in maintaining the character of the designated district or buildings during the process of rehabilitation or new construction.

Primary Area. The principal area of historic and/or architectural significance within a historic district as delineated on the map establishing the boundaries of the historic district.

Routine Maintenance. Work not requiring a certificate of appropriateness.

Secondary Area. An area in a historic district delineated on the map establishing the boundaries of the historic district that is adjacent to a primary area and which has a visual relationship to the primary area and could affect the preservation of the primary area. The purpose of designating a secondary area is to assure its compatibility and harmony with an adjacent, primary area.

Streetscape. Appearance from a public way, the distinguishing characteristics of which are created by the width of the street and sidewalks, their paving materials and color, the design of the street furniture (e. g., streetlights, trash receptacles, benches and the like) use of plant materials such as trees and shrubs, and the setback, mass and proportion of those buildings which enclose the street.

Visual Compatibility. Those elements of design that meet the guidelines set out in 2.9(G).

C. Historic Districts, Conservation Districts and Guidelines

1. Recommendations for establishment. All recommendations for the establishment of a historic district must be a written report based on the criteria outlined in this section. A recommendation for establishing a historic district may be initiated from either of the following two sources:
 - a. Based on its survey, the Preservation Commission may draw and submit historic district maps for Common Council approval; or
 - b. Owners of property in fee simple wishing to establish a historic district which includes their property may petition the Preservation Commission to consider drawing and submitting a map or maps of the property to the Common Council for its approval. The Preservation Commission may establish in its rules criteria to be met before it considers a petition.
2. Conservation districts. The Preservation Commission may recommend, and the Common Council may provide that the establishment of a historic district occurs in two phases. During the first phase, which continues for a period of three years from the date the ordinance is adopted, a certificate of appropriateness is required for the following activities: the demolition of any building; the moving of any building; and any new construction of a principal building or accessory building or structure subject to view from a public way.
 - a. At the expiration of the initial three-year period, the first phase of a conservation district continues, and the second phase does not become effective if a majority of the property owners in the district object to the Preservation Commission, in writing, to the requirement that certificates of appropriateness be issued for the following activities:

- A conspicuous change in the exterior appearance of historic buildings by additions, construction, alteration, or maintenance involving exterior color changes;
 - A change in walls and fences or construction of walls and fences, if along public ways; and
 - A conspicuous change in the exterior appearance of non-historic buildings subject to view from a public way by additions, reconstruction, alteration, or maintenance involving exterior color change.
- b. The objections of a majority of the property owners must be received by the Preservation Commission not earlier than 180 days or later than 60 days before the third anniversary of the adoption of the ordinance.
3. Preservation Commission preparation of historic district maps. To establish a historic district, the Preservation Commission first prepares a map describing the district in accordance with the following:
- a. The map is based on a survey conducted by the Preservation Commission which identifies historic buildings, structures and sites located within the City;
 - b. A district may be limited to the boundaries of a property containing a single building, structure, or site; and
 - c. The map may divide the district into primary and secondary areas as follows:
 - Primary area. The principal area of historic and architectural significance; or
 - Secondary area. An area adjacent to a primary area which has a visual relationship to the primary area and could affect the preservation of the primary area. The purpose of designating a secondary area is to assure its compatibility and harmony with an adjacent primary area.
4. Map; classification.
- a. The Preservation Commission classifies and designates on the map all buildings, structures and sites within each historic district described on the map. Buildings, structures, and sites are classified as historic or non-historic. Historic buildings, structures and sites must possess identified historic or architectural merit of a degree warranting their preservation. The Preservation Commission further classifies and designates all buildings and structures within a proposed historic district as follows:
 - Outstanding;
 - Notable; or
 - Contributing.
 - a. Non-historic buildings, structures and sites are those not classified on the map as historic, in lieu of other classifications, the Preservation Commission may devise its own system of further classification of historic buildings, structures, and sites.
5. Common Council approval of maps of historic districts. Before a historic district is established and the building classifications take effect, the map setting forth the district's boundaries and

building classifications must be submitted to and approved in an ordinance by the Common Council.

6. Recording the fact of designation. The map establishing boundaries of a historic district may be recorded in the Office of the County Recorder.

D. Interim Protection

1. When submitting a map to the Common Council under 2.9(C)(3), the Preservation Commission may declare one or more buildings or structures that are classified and designated as historic on the map to be under interim protection.
2. Not more than two working days after declaring a building, structure or site to be under interim protection under this section, the Preservation Commission shall, by personal delivery or first-class mail, provide the owner or occupant of the building, structure or site with a written notice of the declaration. The written notice must:
 - a. Cite the authority of the Preservation Commission to put the building, structure, or site under interim protection under this section;
 - b. Explain the effect of putting the building, structure, or site under interim protection; and
 - c. Indicate that the interim protection is temporary.
3. A building or structure put under interim protection under division (A) above remains under interim protection until the map is:
 - a. Submitted to; and
 - b. Approved in an ordinance or rejected by the Common Council.
4. While a building, structure or site is under interim protection under this section:
 - a. The building, structure or site may not be demolished or moved; and
 - b. The exterior appearance of the building, structure or site may not be conspicuously changed by:
 - Addition;
 - Reconstruction; or
 - Alteration.
5. The Preservation Commission may approve a certificate of appropriateness at any time during the period of interim protection, provided the proposed change meets the criteria for considering effect of actions on historic buildings in 2.9(E)(4) of this article and any proposed preservation guidelines prepared for the building, structure or site, but the certificate of appropriateness has no effect, and no action may be taken pursuant thereto, unless the map including the building, structure or site is approved by the Common Council.

E. Certificates of Appropriateness.

1. Certificates of appropriateness (COA) required. A certificate of appropriateness must be issued by the Preservation Commission before a permit is issued for, or work is begun on, any of the following:
 - a. Within all areas of a historic district:
 - The demolition of any building or structure;
 - The moving of any building or structure;
 - A conspicuous change in the exterior appearance of any historic building or any part of or appurtenance to a building, including walls, fences, light fixtures, steps, paving and signs by additions, reconstruction, alteration or maintenance involving exterior color change if cited by individual ordinance; or
 - Any new construction of a principal building or accessory building or structure subject to view from a public way.
 - b. Within a primary area of a historic district:
 - A change in walls and fences, or the construction of walls and fences along public ways; or
 - A conspicuous change in the exterior appearance of non-historic buildings subject to view from a public way by additions, reconstruction, alteration and/or maintenance involving exterior color change.
 - c. Within a conservation district:
 - The moving of any building;
 - The demolition of any building; or
 - Any new construction of a principal building or accessory building or structure subject to view from a public way.
2. Application for certificates of appropriateness. An application for a certificate of appropriateness is made in the office of the Preservation Commission or its designee on forms provided by that office. All applications are subject to the rules and requirements established by the Preservation Commission. Rules may include, but are not limited to, filing deadlines and application requirements such as sketches, drawings, photographs, descriptions or other information which the Preservation Commission requires to make a decision.
3. Approval or denial of certificates of appropriateness. The Preservation Commission may approve or deny certificates of appropriateness for any actions covered by this article. If an application for a certificate of appropriateness is approved by the Preservation Commission or is not acted on by the Preservation Commission within 60 days after it is filed, a certificate of appropriateness is issued. The Preservation Commission may grant an extension of the 30-day limit if the applicant agrees to it. The Preservation Commission must report its findings and the reasons for its decision in written form and supply the applicant with a copy of its report. A copy of the certificate of appropriateness must be submitted with the application for a building or demolition permit; no

building or demolition permit can be issued unless a copy of the certificate of appropriateness is provided by the applicant with the application.

4. Criteria for considering effect of actions on historic buildings. The Preservation Commission, in considering the appropriateness of any reconstruction, alteration, maintenance or moving of a historic building, structure, site or any part of or appurtenance to the building or structure, including walls, fences, light fixtures, steps, paving and signs requires that the work be done in a manner that will preserve the historical and architectural character of the building, structure or appurtenance. In considering historic and architectural character, the Preservation Commission considers, among other things, the following:
 - a. Purposes of this article;
 - b. Historical and architectural value and significance of the building, structure, site or appurtenance;
 - c. Compatibility and significance of additions, alterations, details, materials or other non-original elements which may be of a different style and construction date than the original;
 - d. The texture, material, color, style and detailing of the building, structure, site or appurtenance;
 - e. The continued preservation and protection of original or otherwise significant structure, material, and ornamentation;
 - f. The relationship of buildings, structures, appurtenances, or architectural features similar to one within the same historic district, including for primary areas, visual compatibility as defined in 2.9(G); and
 - g. The position of the building or structure in relation to the street, public right-of-way and to other buildings and structures.

F. Staff Approvals

1. The Preservation Commission may authorize the staff of the Preservation Commission, on behalf of the Preservation Commission, to grant or deny an application for a certificate of appropriateness.
2. The Preservation Commission specifies by rule the types of applications for certificates of appropriateness that the staff of the Preservation Commission is authorized to grant or deny. The staff may not be authorized to grant or deny an application for a certificate of appropriateness for the following:
 - a. The demolition of a building, structure or site;
 - b. The moving of a building or structure;
 - c. The construction of an addition to a building or structure; or
 - d. The construction of a new building or structure.

G. Visual Compatibility

1. For new construction, contemporary design and non-historic buildings. To preserve and encourage the integrity of historic buildings, structures, sites, monuments, streetscapes and

neighborhoods and to ensure their compatibility with any new work, the construction of a new building or structure, and the moving, reconstruction, alteration, color change, major maintenance or repair conspicuously affecting the external appearance of any non-historic building, structure or appurtenance within the primary area must be generally of a design, form, proportion, mass, configuration, building material, texture, color and location on a lot compatible with other buildings in the historic district and with places to which it is visually related.

2. Criteria for considering visual compatibility within historic primary areas. Within the primary area of a historic district, new buildings, structures, as well as buildings, structures and appurtenances that are moved, reconstructed, materially altered, repaired or changed in color, must be visually compatible with buildings and places to which they are visually related generally in terms of the following visual compatibility factors:
 - a. Height. The height of proposed buildings must be visually compatible with adjacent buildings;
 - b. Proportion of building's front facade. The relationship of the width of a building to the height of the front elevation must be visually compatible with buildings, squares and places to which it is visually related;
 - c. Proportion of openings within the facility. The relationship of the width of the windows to the height of windows in a building must be visually compatible with buildings, squares and places to which it is visually related;
 - d. Relationship of solids to voids in front facades. The relationship of solids to voids in the front facade of a building must be visually compatible with buildings, squares and places to which it is visually related;
 - e. Rhythm of spacing of buildings on streets. The relationship of a building to the open space between it and adjoining buildings must be visually compatible with buildings, squares and places to which it is visually related;
 - f. Rhythm of entrances and porch projections. The relationship of entrances and porch projections of a building to sidewalks must be visually compatible with buildings, squares and places to which it is visually related;
 - g. Relationship of materials, texture, and color. The relationship of the materials, texture and color of the facade of a building must be visually compatible with buildings, squares and places to which it is visually related;
 - h. Roof shapes. The roof shape of a building must be visually compatible with buildings, squares and places to which it is visually related;
 - i. Wall of continuity. Appurtenances of a building or site, such as walls, wrought iron fences, evergreen landscape masses and building facades, must form cohesive walls of enclosure along the street, if necessary to ensure visual compatibility of the building to the buildings and places to which it is visually related;
 - j. Scale of the building. The size of a building and the building mass of a building in relation to open spaces, windows, door openings, porches and balconies must be visually compatible with the buildings and places to which it is visually related; and

- k. Directional expression of front elevation. A building must be visually compatible with buildings, squares, and places to which it is visually related in its directional character, including vertical character, horizontal character or non-directional character.

H. Preservation of Historical and Architectural Character Upon Alteration Or Relocation Mandated.

1. A historic building or structure or any part of or appurtenance to a building or structure, including stone walls, fences, light fixtures, steps, paving and signs may be moved, reconstructed, altered, or maintained only in a manner that will preserve the historical and architectural character of the building, structure or appurtenance.
2. A historic building may be relocated to another site only if it is shown that preservation on its current site is inconsistent with the intent of this article.

I. Appeal Provisions

1. The purpose of this section is to preserve historic buildings that are important to the education, culture, traditions, and economic values of the City and to afford the City, historical organizations, property owners and other interested persons the opportunity to acquire or to arrange for the preservation of these buildings.
2. If the Preservation Commission denies the issuance of a certificate of appropriateness for the demolition of a building, structure or site, a demolition permit may be issued by other agencies and a building, structure or site may be demolished, but only after the property owner has demonstrated to the Preservation Commission that the historic building, structure or site is incapable of earning an economic return on its value, as appraised by a licensed real estate appraiser.
3. Notice of the proposed demolition must be given for a period fixed by the Preservation Commission, based on the Preservation Commission's classification on the approved map, but not less than 60 days nor more than one year. Notice must be posted on the premises of the building or structure proposed for demolition in a location clearly visible from the street. In addition, notice must be published in a newspaper of general local circulation at least three times before demolition, with the first publication not more than 15 days after the application for a permit to demolish is filed, and the final publication at least 15 days before the date of the permit.
4. The Preservation Commission may approve a certificate of appropriateness at any time during the notice period under 2.9(l)(3) above. If the certificate of appropriateness is approved, a demolition permit is issued without further delay, and demolition may proceed.

J. Maintenance

1. Maintenance, generally. Historic buildings, structures and sites must be maintained to meet the applicable requirements established under state statutes for buildings generally so as to prevent the loss of historic material and the deterioration of important character defining details and features.
2. Ordinary repairs and maintenance. Nothing in this section should be construed so as to prevent the ordinary repairs and maintenance of any building, structure or site, provided that the repairs or maintenance do not result in a conspicuous change in the design, form, proportion, mass,

Zoning Districts

Historic Preservation Overlay District

configuration, building material, texture, color, location or external visual appearance of any structure, or part thereof.

K. Relationship With Zoning Districts

1. Zoning districts lying within the boundaries of the historic district are subject to regulations for both the zoning district and the historic district.
2. If there is a conflict between the requirements of the zoning district and the requirements of the historic district, the more restrictive requirements apply.

L. Paint Colors. In the ordinance approving the establishment of a historic district, the City may exclude changes in paint colors from the activities requiring the issuance of a certificate of appropriateness under § 97.07 of this article before a permit may be issued or work begun.

M. Interested Parties

1. An interested party has a private right of action to enforce and prevent violation of provisions of this article or an ordinance adopted by the City under this article, and with respect to any building, structure, or site within a historic district, and has the right to restrain, enjoin or enforce by restraining order or injunction, temporarily or permanently, any person from violating a provision of this article or an ordinance adopted under this article.
2. The interested party does not have to allege or prove irreparable harm or injury to any person or property to obtain relief under this section.
3. The interested party bringing an action under this section does not have to post a bond unless the court, after a hearing, determines that a bond should be required in the interest of justice.
4. The interested party that brings an action under this section is not liable to any person for damages resulting from bringing or prosecuting the action unless the action was brought without good faith or without a reasonable belief that a provision of this article, or an ordinance adopted by a unit under this article had been or was about to be violated.
5. An interested party who obtains a favorable judgment in an action under this section may recover reasonable attorney's fees and court costs from the person against whom judgment was rendered.
6. An action arising under this section must be brought in the City Court and no change of venue from the county is allowed in the action.
7. The remedy provided in this section is in addition to other remedies that may be available at law or in equity.

N. Penalty

1. Any person, whether as principal, agent, owner, lessee, tenant, contractor, builder, architect, engineer or otherwise, who violates any provision of this article is subject to a fine as follows, for each offense:
 - a. Not less than \$10 nor more than \$2,500 for demolition; and
 - b. Not less than \$10 nor more than \$300 for all other offenses.
2. Each day of the existence of any violation of this article is a separate offense.

3. The erection, construction, enlargement, alteration, repair, demolition, color change, moving or maintenance of any building, structure or appurtenance which is begun, continued or maintained contrary to any provisions of this article is hereby declared to be a nuisance and in violation of this article and unlawful. The City may institute a suit for injunction in the City Court to restrain any person or government unit from violating any provision of this article and to cause the violation to be prevented, abated or removed. That action may also be instituted by any property owner who is adversely affected by the violation of any provision of this article.
4. The remedies provided for in this section are cumulative and not exclusive and in addition to any other remedies provided by law.
5. Any person or party aggrieved by a decision or action taken by the Preservation Commission is entitled to a judicial review hereof in accordance with [IC 4-21.5-5](#).

2.10 RECREATION OVERLAY DISTRICT

- A. **Intent.** The Recreation Overlay District allows certain commercial uses within non-commercial districts along the City's trail network. Appropriate commercial uses:
 - Are small-scale, neighborhood-oriented retail sales or services businesses;
 - Are compatible with the surrounding neighborhood with minimal adverse impacts on abutting properties;
 - Appeal to customers walking, skating, or biking to the business from the trail and surrounding neighborhood;
 - Have hours of operation generally aligning with the dawn-to-dusk use of the trail; and
 - Provide amenities to the neighborhood without harming the overall character of the community.
- B. **District Boundaries.** The boundaries of the Recreation Overlay District are established on the Official Zoning Map. The boundaries extend 200 feet from the centerline of the designated trails identified on the Thoroughfare Plan. If any portion of a lot lies within this Overlay, the entire lot is within the Overlay. If the parcel does not abut the trail, the use must be oriented to, and easily accessed from, the trail.
- C. **Approvals.** Development Plan approval by the Plan Commission is required for all uses permitted by this Overlay when located within a residential district. Uses permitted by this Overlay located in a non-residential district are approved by the Administrator. Uses permitted by this Overlay require Design Review Approval unless otherwise waived in writing by the Administrator ([8.5 Design Review Process](#)).
- D. **Underlying District Uses.** All permitted and conditional uses in the underlying zoning district are permitted in the Recreation Overlay District, unless expressly prohibited by the Overlay.
- E. **Permitted Uses.** The following uses are permitted within the Overlay District:
 1. Sales, service, and rental of bicycles, skates, scooters, and similar vehicles customarily used on trails.
 2. Small-scale eating establishments such as shops selling coffee, ice cream, pizza, pastries, etc.
 3. In non-residential districts, medium-scale restaurants offering a wider variety of food and drink.

4. Sales of clothing, products, and accessories for activities customarily occurring on the trail.
5. Other uses determined by the Administrator to serve trail users.

F. Access Standards

1. Access to Individual Lots. No vehicular access is permitted on the lot between the principal building and the trail. Access to on-site parking areas must occur from the side yard or yard opposite the trail.
2. Connectivity. Streets, alleys, or vehicular circulation lanes must provide for access to adjacent non-residential lots. Where appropriate, the street, alley, or lane must extend to the property line of the lot. The Administrator may approve an access easement allowing future connections in lieu of constructing the street, alley, or lane to the property line.
3. Vision Clearance. Unless otherwise approved by the Administrator in writing, improvements must comply with **5.10 Sight Visibility Standards**.
4. Dedication of Right-of-Way. In developments adjoining or including existing streets that do not conform to the minimum right-of-way dimensions established in the Thoroughfare Plan or City Construction Standards, the Owner must dedicate additional width along either one or both sides of such streets sufficient to meet the requirements of the Thoroughfare Plan. If the Owner only controls the property on one side of the street, then sufficient right-of-way must be dedicated to bring the half right-of-way up to the dimensions required in the Thoroughfare Plan.

G. Site Design Standards

1. Parking Location. Parking spaces cannot be located: (a) between the principal building and the trail, (b) within any required perimeter landscape buffer, and (c) within a required setback when abutting a residential use.
2. Parking Requirement. Due to the nature of the use permitted by this Overlay, the minimum number of required parking spaces may be reduced by 40%. Off-Street public parking spaces within 600 feet of the property may count toward the required parking spaces.
3. Landscaping. Where a use permitted by this Overlay abuts a residential use or district, a perimeter landscape buffer at least 10 feet wide must be provided. The buffer must have a 6' high privacy fence and 1 shade tree and 10 large shrubs per 100 linear feet of the buffer. The Administrator may approve other landscape designs that provide equal or better buffering of the abutting residential property.
4. Outdoor Storage. Outdoor storage is prohibited for uses permitted by this Overlay.
5. Outdoor Sales Display. Outdoor sales display is permitted where adjacent to the trail or street and must meet the requirements of **5.1(H) Outdoor Sales, Display, and Storage**.
6. Trash Enclosures. Trash enclosures must be located to minimize their visibility from the trail, a public right-of-way, and adjacent properties. Trash enclosures must be screened and landscaped per **6.1(P) Trash Receptacles**.

- H. **Architectural Design Standards.** In addition to the architectural requirements of the base zoning district, uses permitted by this Overlay must comply with the following:
1. Building Orientation. The principal building must be oriented toward the trail. The main entrance must face the trail unless otherwise approved by the Administrator.
 2. Building Materials. Vinyl siding and aluminum siding are prohibited on all buildings.

2.11 THOROUGHFARE OVERLAY DISTRICT

- A. **Intent.** The purpose of the Thoroughfare Overlay District is to:
1. Promote coordinated, quality development for all sites, buildings, and structures abutting the major thoroughfares within the City;
 2. Establish standards promoting high quality, innovative site design while encouraging efficient land use; and
 3. Encourage capital investments in adjacent properties.

Any change in land use permitted by this Ordinance on existing lots located within the Boundaries of the Thoroughfare Overlay District as defined above is subject to the provisions herein.

- B. **District Boundaries.** The boundaries of the Thoroughfare Overlay District are established as shown on the Official Zoning Map. The boundaries extend 400 feet from the centerline of the designated thoroughfares of State Road 32, State Road 39, Indianapolis Avenue, and Lafayette Avenue. If any portion of a lot lies within an Overlay District, the entire lot is within the Overlay.
- C. **Applicability.** Any change of use, all new development, and any expansion of 30% or more existing lots, structures or buildings are subject to the provisions of this Overlay. Residential Uses are exempt from the provisions of this overlay.
- D. **Plan Commission Approval.** Development Plan approval by the Plan Commission is required for all proposed development within the Thoroughfare Overlay District. Individual single- or two-family lots are exempt from the requirements of the Overlay District unless they are part of a major subdivision.
- E. **Permitted and Conditional Uses.** All permitted and conditional uses in the underlying zoning district are permitted in the Thoroughfare Overlay District, unless expressly prohibited by the Overlay.
- F. **Restricted Uses**
1. The following uses are prohibited within all areas of the Overlay:
 - Adult Businesses
 - Airport
 - Auto Repair
 - Boat or Marine Equipment Sales & Service
 - Farm Equipment Sales & Service (not fully enclosed)
 - Heliport
 - Highway Maintenance Garage

- Junk Yard, Salvage Yard Operation
 - Outdoor Storage
 - Penal or Correctional Institution
 - Radio or Television Transmission Tower
 - Raising of Non-Farm Fowl and Animals, Commercially
 - Sanitary Fill
 - Sewage Treatment or Disposal Plant
 - Used Motor Vehicle and Motorcycle Sales
 - Wholesale/Warehousing/Industrial Services not contained entirely within buildings
2. The following uses are conditional uses within all areas of the Overlay:
- Drive Through Establishments (Drive-through windows may be permitted as accessory uses, subject to the provisions of this section)
 - Gas Stations/Charging Stations
- G. **Accessory Buildings.** Any detached accessory building must be architecturally compatible with the principal building.
- H. **Site Layout..** Development plans must address the entire parcel. Plans should indicate phasing, be prepared in accordance with the requirements of [8.6 Development Plan Review](#), and comply with the following:
1. The site layout considers the relationship between all buildings on the site. Building entries are generally oriented towards the adjacent streets.
 2. Pedestrian access on all public and private streets is provided at the time of initial development.
 3. Pedestrian connectivity between uses is included.
 4. Internal drive aisles connecting multiple lots are used to maximize connectivity and minimize points on the abutting thoroughfare.
 5. The orientation and access of outlots is illustrated on the plan.
- Parking.** In addition to the standards contained in [6.3 Parking](#) the following apply:
1. Off-street parking between the street and the front facade of the structure cannot exceed 50% of the required parking. Parking located between the street and the front facade is not allowed within the required front yard or within the required corridor buffer.
 2. Pedestrian areas in parking lots must be demarcated with special paving, color, height or striping for increased safety.
 3. Electric vehicle charging stations are encouraged in parking lots within 1500' of the interstate.
- I. **Architectural Standards**
1. Metal building construction and post building construction (also known as pre-engineered building systems) is prohibited.

2. Commercial facades must have a minimum of 50% masonry. Masonry construction may consist of brick, granite, sandstone, slate, limestone, marble, or other hard and durable all-weather stone. Ashlar, cut stone, and dimension stone construction techniques are acceptable. Brick material used for masonry construction must be hard fired all-weather standard size brick or other all-weather facing brick. This provision does not apply to large scale distribution centers and manufacturing uses exceeding 100,000 square feet.
3. The use of smooth-faced concrete block, untextured smooth- faced tilt-up panels, and standing seam metal panels is prohibited. The Administrator approves or denies the use of all composite and alternative materials that replicate the appearance and durability of those listed below. All exterior building materials must be high quality, and limited to any combination of the following:
 - a. brick or face tile;
 - b. wood;
 - c. native stone;
 - d. glass (reflective glass is limited to a maximum of 50% of the area of any facade wall on which glass is used);
 - e. tinted and/or textured concrete masonry units (such as split-face block and burnished block);
 - f. architectural precast concrete or tilt-up concrete panels that are textured using the following techniques: exposed aggregate, bush-hammered, sand blasted, or other concrete finish as approved by the Plan Commission or Administrator;
 - g. architectural metal, limited to a maximum of 50% of the area of any facade wall on which architectural metal is used;
 - h. Exterior Insulation and Finish Systems (EIFS); and
 - i. Fiber cement board
4. Building Orientation. All structures must be sited to front on public ways or give the appearance of a front-like facade on public ways. The main entrance of the structure must face the street and be clearly articulated using architectural detailing.

J. Landscaping Corridor Buffer

1. A landscape area of at least 20 feet is required along the thoroughfare. Walkways and bikeways should be incorporated into the design. Parking lots, roads, drive aisles, buildings, and structures are prohibited within the corridor buffer unless required for public safety. Encroachments, when needed, should be minimized. Where perimeter parking lot landscaping is required per [6.1\(J\)\(3\)](#), the required planting may be placed within the 20-foot landscape area. Additional landscape area depth at the parking lot is not required.
2. Properties abutting I-65 must provide a landscape area at least 30-feet wide adjacent to the interstate planted with at least 6 trees and 15 large shrubs per 100 linear feet of buffer. At least 50% of the required plants must be evergreens.
3. Foundation Plantings. Plantings are required on all sides of non-residential buildings or structures to cover 75% of the building's perimeter excluding entryways and service bays. The planting area

must be at least 5 feet wide. Plants used adjacent to buildings include shrubs, ground cover, ornamental grasses. Trees are encouraged in larger planting spaces.

K. Pedestrian Facilities

1. A sidewalk at least 6 feet wide must be provided along the frontage adjacent to a public or private street.
2. Sidewalks are required along both sides of a major access drive and one side of a secondary access drive.
3. A continuous, delineated pedestrian network at least 6 feet wide from the perimeter public sidewalk to the principal customer entrance of all principal buildings is required.
4. Sidewalks at least 8 feet wide are required along any facade featuring a customer entrance.
5. Pedestrian walkways must be distinguished from driving surfaces using special pavers, bricks, or scored concrete.

L. Drive-through Facilities. Drive-through facilities must:

1. Be designed as an integrated architectural element of the overall design of the building;
2. Confine stacking to the rear of the parcel with the outlet of the facility to the rear or side of the building; and
3. Not allow stacking of vehicles onto adjoining properties, public rights-of-way, or interior drives.

Permitted Uses

Chapter 3

3.1	PERMITTED USES	3
3.2	USE MATRIX	4
3.3	USE DESCRIPTIONS AND STANDARDS.....	8
3.4	TEMPORARY USES	37



3.1 PERMITTED USES

- A. **Applicability.** Land can only be used, and structures can only be used, erected, or structurally altered, for allowable uses in the Zoning District where they are located.
- B. **Land Use Specified.** Each land use is either a permitted, not permitted, or a Conditional Use in each Zoning District as set forth in [3.2 Use Matrix](#) (the “Use Table”) or elsewhere in this Ordinance.
- C. **Conditional Uses.** A Conditional Use designation does not imply the use will be disallowed but it requires a greater degree of scrutiny because of the potential adverse impact upon the immediate neighborhood and the community. The Board of Zoning Appeals reviews a Conditional Use for its characteristics and impacts to determine suitability in a zoning district. The approval of the Conditional Use is subject to a public hearing by the Board of Zoning Appeals according to [8.4 Conditional Use Process](#).
- D. **Unlisted or Questionable Land Uses.** Any use not listed in the use table or otherwise permitted by this Ordinance is prohibited. The Administrator determines land use placement if it is not specifically listed. This determination may be appealed to the Board of Zoning Appeals consistent with [8.3 Appeals of Administrative Decisions](#).
- E. **Primary Use Classifications.** All primary land uses in the Use Table are organized into one of the following five general land use classifications:
- Residential Primary Uses
 - Civic, Public and Institutional Primary Uses
 - Commercial Sales, Service and Repair Primary Uses
 - Industrial, Manufacturing and Wholesale Primary Uses
 - Agricultural Primary Uses
- F. **Explanation of Table Cell Entries.** Each of the cells on the Permitted Use Table indicates if a use is permitted or not. For descriptions and possible limitations for each use, click the name of each use to be directed to [3.3 Use Descriptions and Standards](#).
- Permitted Use (“P”). A “P” in a table cell indicates the use is permitted in the respective zone district and subject to compliance with the use limitations referenced in the second column of the use table (“Use Limitations”).
 - Use Not Permitted (blank cell). A blank table cell indicates the use is not permitted in the zone district.
 - Use Subject to Conditional Use Review (“C”). A “C” in a table cell indicates the use is generally appropriate in the zoning district and goes through Conditional Use review. Conditional Uses may have the potential for limited impacts on adjacent properties or on the established character of the neighborhood context or zone district. “C” uses are subject to BZA public hearing according to Conditional Use Review, which grants the Board the authority to impose conditions on the specified use to mitigate any potential impacts. Such uses must comply with any applicable use limitations as well as the review criteria stated in [8.4 Conditional Use Process](#).

3.2 USE MATRIX

P = Permitted Use C = Conditional Use	RI	R2	R3	R4	R5	R6	NB	GB	LI	GI	DT	IN	Parking Maximums (except as noted)
RESIDENTIAL PRIMARY USES													
Dwellings - Single-Family Detached	P	P	P	P	P	P	C				P		Min. 2 spaces/unit
Dwellings - Duplex		C	P	P	P	P					P		Min. 1.25 spaces/unit
Dwellings - Bungalow Court			P	P	P	P					P		Min. 1.25 spaces/unit
Dwellings - Townhouse			C	P	P	P					P		Min. 1.25 spaces/unit
Dwellings - Apartment Building: Small				C	P	P	C				P		Min. 1.25 spaces/unit
Dwellings - Apartment Building: Large					C	P		C			P		Min. 1.25 spaces/unit
Accessory Dwelling Unit	C	C	P	P	P	P					C		Min. 1 space/unit
Assisted Living Facilities					C	P	C	P			P	P	Min. 0.83 spaces/bedroom
Childcare Home	C	C	C	C	C	C	C				C		Min. 0.28 spaces/bedroom
Fraternity, Sorority, or Student Housing					C	P					C	P	Min. 1.38 spaces/bedroom
Group Residential Facility	C	C	C	C	C	C							Min. 0.28 spaces/bedroom
Live/Work Dwelling			C	P	P	P	C	C			P	C	Min. 1.25 spaces/bedroom
Mobile Home Park													Min. 2 spaces/unit
Nursing Home, Hospice			C	P	P		C	P				P	Min. 0.83 spaces/bedroom
Residence for Older Adults					C	P	C	P			P	C	Min. 0.75 spaces/bedroom
Rooming or Boarding House						C							Min. 0.75 spaces/bedroom
Senior Housing					C	P	C	P			C	C	Min. 1 space/bedroom
Upper Story Residential							P	P	P		P	P	Min. 1 space/bedroomC
CIVIC, PUBLIC, AND INSTITUTIONAL USES													
Animal Shelter	C							C	C	C		C	2.75 spaces/1000 sf GFA
Banquet Facilities and Reception Halls					C	C	P	P	C		C	P	1 space/1000 sf GFA
Campground/RV Park	C							C	C			C	1.5 spaces/campsite
Cemetery	C	C	C	C	C	C		C				C	1.1 spaces/1000 sf GFA
Childcare Facilities						C	P	P	P	C	P	P	1.1 spaces/1000 sf GFA
Club or Lodge							P	P				P	.55 spaces/1000 sf GFA
Community Center	C	C	C	C	C	C	P	P			P	P	.55 spaces/1000 sf GFA
Conference Center							C	P	P		P	P	2.75 spaces/1000 sf GFA
Correctional Institution												C	4.4 spaces/1000 sf GFA
Fairgrounds	C								C			P	No requirement
Golf Course, Country Club, Driving Range	C							C	C			C	1.1 spaces/1000 sf GFA
Hospital							C	P	P	C	C	P	3 spaces/bed

Permitted Uses

Use Matrix

P = Permitted Use C = Conditional Use	R1	R2	R3	R4	R5	R6	NB	GB	LI	GI	DT	IN	Parking Maximums (except as noted)
Libraries and Museums	C	C	C	C	C	C	P	P			P	P	1 space/1000 sf GFA
Municipal & Government Buildings							P	P	P	P	P	P	1.1 spaces/125 sf GFA
Parks and Playgrounds	P	P	P	P	P	P	P	C	P	C	P	P	1.1 spaces/50 sf GFA
Places of Worship	C	C	C	C	C	C	C	P	C		C	C	.55 spaces/1000 sf GFA
Public and Religious Assembly, All Others	C	C	C	C	C	C	C	P			C	C	.55 spaces/1000 sf GFA
Schools – K - 12	C	C	C	C	C	C	C	C	C		C	P	2.2 spaces/1000 sf GFA
Schools - Vocational							C	P	P		C	P	1.1 spaces/1000 sf GFA
University or College								P	C		C	P	1.1 spaces/1000 sf GFA
Utility, Major Impact								P	P	C	C	P	.55 spaces/1000 sf GFA
Utility, Minor Impact							C	P	C	P	C	C	.55 spaces/1000 sf GFA
COMMERCIAL SALES, SERVICE, AND REPAIR USES													
Adult Business - All Types										C			1.1 spaces/125 sf GFA
Animal Sales and Services, Household Pets Only							C	P			C		2.75 spaces/1000 sf GFA
Animal Sales and Services, All Others								P	P	C			1.65 spaces/1000 sf GFA
Arts, Recreation, Entertainment, Indoor	C						C	P	C	C	P	C	2.75 spaces/1000 sf GFA
Arts, Recreation, Entertainment, Outdoor	C							P	C		C	C	2.75 spaces/1000 sf GFA
Auction Houses							C	P	P		C	P	2.75 spaces/1000 sf GFA
Auto/Motorcycle/Boat/Light Truck Sales or Rentals								P	P				.55 spaces/1000 sf GFA
Automobile Services, Heavy										P			.55 spaces/1000 sf GFA
Automobile Services, Light								P	P	P			.55 spaces/1000 sf GFA
Banks and Financial Institutions							P	P	P	C	P	P	2.75 spaces/1000 sf GFA
Bed and Breakfast Establishments	C						C	C			C		1.1 spaces/room
Dental/Medical Office or Clinic							C	P	C		P	C	2.2 spaces/1000 sf GFA
Food Catering Service								P	P		C		2.75 spaces/1000 sf GFA
Gas Station/Charging Station							C	P	P	C		C	3.5 spaces/1000 sf GFA
Grocery or Market							C	P			C	C	2.75 spaces/1000 sf GFA
Heavy Vehicle/Equipment Sales, Rentals & Service									P	P			.55 spaces/1000 sf GFA
Hotel or Motel								P	P		P	P	1.1 spaces/room
Kennel								C	C	C		C	1.65 spaces/1000 sf GFA
Mobile Merchant Activity							P	P	P	P	P	P	No requirement
Office, All Others							P	P	P		P	P	2.2 spaces/1000 sf GFA
Parking Garage							C	P			P	P	No requirement
Parking Lot								P	P		C	P	No requirement
Pawn Shop								C		C			2.75 spaces/1000 sf GFA

Permitted Uses

Use Matrix

P = Permitted Use C = Conditional Use	R1	R2	R3	R4	R5	R6	NB	GB	LI	GI	DT	IN	Parking Maximums (except as noted)
Restaurants - Counter service, no drive-thru							P	P	P	C	P	P	5.5 spaces/1000 sf GFA
Restaurants - Counter service, with drive-thru							C	P	C		C	C	5.5 spaces/1000 sf GFA
Restaurants - Drive-thru only							C	P	C			C	3 spaces/1000 sf GFA
Restaurants – Table service							P	P	C		P	P	5.5 spaces/1000 sf GFA
Retail Sales and Service, Outdoor								P	C		C		2.75 spaces/1000 sf GFA
Retail Sales, Service & Repair, Special Handling							C	C	C		C		2.75 spaces/1000 sf GFA
Retail Sales, Service & Repair, All Others							P	P			P		2.75 spaces/1000 sf GFA
Sports and/or Entertainment Arena or Stadium								P	C		C	P	1.1 spaces/4 seats or spaces/ 40 sf GFA
Taverns							P	P	C		P	C	5.5 spaces/1000 sf GFA
Truck Stop/ Travel Center								C	C	C			3.5 spaces/1000 sf GFA
Winery, Microbrewery, or Distillery	C						C	P	C		P	C	5.5 spaces/1000 sf GFA
INDUSTRIAL MANUFACTURING AND WHOLESALE USES													
Airport												C	.55 spaces/1000 sf GFA
Automobile Parts Recycling Business										C			.55 spaces/1000 sf GFA
Automobile Towing Service Storage Yard								C	P	P			.55 spaces/1000 sf GFA
Bottled Gas Storage and Distribution										C			.55 spaces/1000 sf GFA
Chemical Manufacturing and Storage										C			.55 spaces/1000 sf GFA
Communication Services							C	P	C	P	C	C	2.2 spaces/1000 sf GFA
Composting Facility										C		C	No requirement
Contractors– General									C	P			.55 spaces/1000 sf GFA
Contractors– Heavy/Contractor Yard										P			.55 spaces/1000 sf GFA
Data Center								C	P	P			.55 spaces/1000 sf GFA
Food Preparation and Sales, Commercial									P	P			.55 spaces/1000 sf GFA
Heliprot										C		C	No requirement
Laboratory, Research, and Development Services								P	P	C			.55 spaces/1000 sf GFA
Manufacturing or Refinement of Asphalt, Cement, Gypsum, Lime, or Wood Preservatives										C			.55 spaces/1000 sf GFA
Manufacturing, Fabricating, & Assembly – General									P	P			.55 spaces/1000 sf GFA
Manufacturing, Fabricating, & Assembly – Heavy										C			.55 spaces/1000 sf GFA
Mass Transit Facility (Bus/Light-Rail)					C	C		P	C	C	C	P	.55 spaces/1000 sf GFA
Mineral Extraction										P			No requirement
Rail Distribution Yards										C			.55 spaces/1000 sf GFA
Recycling Center									C	P			No requirement
Recycling Drop-Off Facilities	C	C	C	C	C	C	P	P	P	P	C	P	.55 spaces/1000 sf GFA

Permitted Uses

Use Matrix

P = Permitted Use C = Conditional Use	R1	R2	R3	R4	R5	R6	NB	GB	LI	GI	DT	IN	Parking Maximums (except as noted)
Recycling Plant, Scrap Processor									C	C			.55 spaces/1000 sf GFA
Salvage or Junk Yards										C			.55 spaces/5000 sf GFA
Sand & Gravel Extraction or Sales										P			No requirement
Self-Storage Facilities								C	P	P			.11 spaces/1000 sf GFA
Small Cell Facility	C	C	C	C	C	C	C	C	C	C	C	C	No requirement
Solar Energy Conservation System									C	P		C	No requirement
Solid Waste Facility										C		C	No requirement
Telecommunication Facilities – All Others							C	P	P	P	C	C	No requirement
Telecommunication Towers								P	P	P		C	No requirement
Transportation Services – Rail & Air									C	C			.55 spaces/1000 sf GFA
Truck Freight Terminal/Distribution Center										C			.28 spaces/1000 sf GFA
Vehicle Storage, Commercial										P			.55 spaces/1000 sf GFA
Wholesale Trade or Storage, General										C			.55 spaces/1000 sf GFA
Wholesale Trade or Storage, Light									C	P			.55 spaces/1000 sf GFA
AGRICULTURE USES													
Agricultural Products Sales & Storage	C									P			.55 spaces/1000 sf GFA
Aquaculture									P	P			.55 spaces/1000 sf GFA
Confined Feeding Operation										C			No requirement
Farm	C	C								C			No requirement
Farm Equipment Sales & Service	C							C	C	C			.55 spaces/1000 sf GFA
Fertilizer Storage & Distribution										P			.55 spaces/1000 sf GFA
Grain and Feed Mills										P			No requirement
Plant Nursery									C	C		C	.55 spaces/1000 sf GFA
Riding Stables and Academies	C								C				No requirement
Roadside Produce Stand	C							C	C				.55 spaces/1000 sf GFA
Sale Barn for Livestock										C			.55 spaces/1000 sf GFA
Slaughterhouse										C			.55 spaces/1000 sf GFA

3.3 USE DESCRIPTIONS AND STANDARDS

RESIDENTIAL USES

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

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

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

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

Dwelling - Apartment Building: Small: An Apartment Building: Small is a structure that consists of 3–6 side-by-side and/or stacked dwelling units, typically with one shared entry or individual entries along the front. This type has the appearance of a large-sized family home and is appropriately scaled to fit within traditional residential or mixed density residential. This type enables appropriately scaled, well-designed higher densities, provides a broad choice of housing types, and promotes walkability. Parking is typically located in the rear of the lot behind the building.

Dwelling - Apartment Building: Large: An Apartment Building: Large is a medium-to-large-sized structure that consists of 7-30 side-by-side and/or stacked dwelling units, typically with one shared entry. Used in an infill development context, this type is appropriately scaled to fit within mixed density residential neighborhoods or sparingly within large lot predominantly single-family residential neighborhoods. On larger sites, multiple buildings per lot may be appropriate. This type enables appropriately scaled, well-designed higher densities, provides a broad choice of housing types, and promotes walkability.

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

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

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

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

Group Residential Facility: A facility licensed by the State of Indiana to provide a homelike setting to the developmentally disabled and/or the mentally ill. This provides the benefits of a group living situation as an alternative to hospitalization or institutionalization. A minimum separation of 1,500 feet is required between locations.

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

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

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

1. A Live/Work Dwelling use is not a "residential use" or "residential district" or "protected use," nor in any other way be accorded residential protection (e.g., separation) against the effects of surrounding industrial uses as may otherwise be required by this Ordinance.
2. Any repair, assembly, or fabrication of goods is limited to the use of hand tools or domestic mechanical equipment.
3. The commercial activity must not exceed 50% of the gross floor area of the use.
4. The commercial activity cannot have more than 2 employees or assistants on the premises at one time. The employees or assistants may be in addition to residents of the Live/Work Dwelling.
5. Two signs are allowed. The signs are limited to a combined maximum total area of 20 square feet. The signs must be non-animated, non-illuminated wall or window signs.
6. No outside storage is allowed.
7. Nonresidential storage in the Live/Work Dwelling is limited to no more than 10% of the space dedicated to the commercial activity.

Mobile Home Park: A parcel of land containing two or more dwelling sites, with required improvements and utilities, that are leased for long term placement of manufactured home dwellings. A Mobile Home Park does not involve sales of Manufactured Home Dwellings in which unoccupied units are parked for inspection or sale.

- A. **Intent.** These standards identify the minimum requirements for the use and installation of manufactured homes consistent with the requirements of [*IC 36-7-4-1106*](#) and the intent of this Ordinance.

B. **General Standards**

1. Design Standards. Manufactured homes in a residential zoning district must comply with the minimum design standards of the residential district as set forth in [*7.18 Residential Architectural Standards*](#).
2. Storage Space. Each home must have an enclosed, waterproof storage space at least 20 square feet, either as an accessory structure on each home site, behind the skirting, or at a central storage facility.
3. Emergency Shelter. Each manufactured home park must have a structure adequate to shelter residents from tornados and other severe weather events. The shelter must be of sufficient size to accommodate 2.5 people per home site within the development.
4. Entrances and Interior Roads. All interior manufactured home park streets must be dedicated to the public or be private streets. All interior streets must meet the design and construction standards for public streets, including intersections, sidewalks, street trees, etc. If private streets are used, street easements must substitute for the interior street right- of-way.
5. Compliance Verification. The following information must be provided to the Administrator when applying for an Improvement Location Permit:
 - a. Access. A letter from the Lebanon Street Department, approving the design of access points to public streets.
 - b. Sanitary Sewer Service. A letter from Lebanon Utilities verifying adequate sanitary sewer service available to the homes.
 - c. Drainage. A letter from Lebanon Drainage Board verifying drainage approval for the site.

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

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

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

1. A Rooming and Boarding House use is not considered a Residential Care use.
2. A Rooming and Boarding House use is not considered a Student Housing use.

Senior Housing: A residential complex containing multifamily dwellings designed for and occupied by senior citizens (persons 60 years of age or older, or couples where either the husband or wife is 60 years of age or older). Such facilities may include a common gathering and dining facilities but exclude nursing care.

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

CIVIC, PUBLIC, AND INSTITUTIONAL USES

Animal Shelter: A facility used to care for and house lost, stray, homeless, abandoned, or unwanted animals; including those found running at-large or otherwise subject to impoundment consistent with applicable laws. Animal shelter includes facilities for adoption, medical treatment, and cremation.

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

Campground/RV Park: Any site, lot, field, or tract of land designed with facilities for short term and/or seasonal occupancy by campers through the use of recreational vehicles, travel trailers, tents, cabins, or other temporary accommodations, but not including mobile homes.

Cemetery: Any land or structure dedicated to and used for the interment, entombment, or inurnment of human or animal remains. A cemetery may include a crematorium. A crematorium must be at least 500 feet from a residential district. Where the use abuts a residential use, a 6-foot-wide planter area landscaped with tightly spaced shrubs at least 6 feet high at maturity is required to create an effective, year-round screen.

Childcare Facilities: Any place other than a family home in which people receive child care services during any part of a day not exceeding 13 hours in any 24-hour period and licensed pursuant to the City and State requirements. These standards apply to childcare centers in all Zoning Districts and do not apply to Child Care Homes.

1. A childcare center must not be located on a lot with a property line within:
 - 1,000 feet of any known business that has a permit for hazardous materials or regulated substances, excluding underground fuel storage tanks;
 - 1,000 feet of any known business handling compressed flammable gases more than 1,500 pounds;
 - 1,000 feet of any known business handling flammable liquids more than 10,000 gallons.
 - 500 feet of another childcare center.

2. Separation distance is measured from the property line of the proposed day care facility to the use, storage, or handling areas for the regulated substances. For businesses containing a childcare center on site, the distance is measured from the exterior wall of the childcare center to the areas containing the regulated substances.
3. The childcare center operator has the burden of proof of demonstrating compliance with the separation requirement.
4. Drop-off and pick-up of children from vehicles is permitted only in driveways, approved parking areas, or the street directly in front of the facility.
5. All outdoor play and activity areas must be enclosed with a fence at least 4½ feet high.
6. All outdoor play and activity areas must be separated from vehicular circulation and parking areas, equipment enclosures, storage areas, and refuse and recycling storage areas.

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

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

1. A community center cannot have an outdoor public address system or any type of amplified music or sound device within 200 feet of a residential use.
2. Overnight accommodations are prohibited.
3. Where a community center includes accessory outdoor recreation or entertainment services facilities within or abutting a residential district, all outdoor lighting must be extinguished when the outdoor facilities are not in use, by 10:00 p.m. Sunday through Thursday, and by 11:00 p.m. Friday and Saturday.

Conference Center: A facility used for service organizations, business and professional conferences, and seminars limited to accommodations for conference attendees. The accommodations can include sleeping, eating, and recreation. A conference center is not designed to be utilized only by the general public for overnight purposes.

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

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

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

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

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

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

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

1. Special care is required when locating specialty parks (such as dog parks and skate parks) in residential areas.
2. Neighborhood parks and pocket parks less than 2 acres in area do not have to provide off-street parking.
3. Park buffering may incorporate pedestrian access points where access in and out of the park would be beneficial to nearby residents.
4. No active recreational use (e.g., playing field, playground, swimming pool, etc.) can be located within 25 feet of any residential property line.
5. Any recreation facility not completely enclosed (e.g., basketball or racquet sport courts) must be at least 50 feet from the boundary of a residential district.
6. Scoreboards and public address (PA) systems are prohibited on parks less than 75 acres. Scoreboards or PA systems are prohibited within 500 feet of a residential use.
7. Outdoor lighting must be extinguished when outdoor facilities are not in use, by 10:00 p.m. Sunday through Thursday, or 11:00 p.m. Friday and Saturday.

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

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

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

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

Schools – K-12: An institution for the teaching of children or adults including primary and secondary schools. This use also includes physical improvements and structures related to the activity of teaching, as well as associated accessory uses and structures, including maintenance areas, parking athletic fields, outdoor study areas, etc.

University or College: An institution for post-secondary education, public or private, offering courses in general, technical, or religious education and operated not-for-profit. It operates in buildings owned or leased by the institution for administrative and faculty offices, student and faculty housing, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, community rooms and facilities, athletic facilities, fraternities, and sororities. A university may include for-profit businesses and facilities that are incidental to the educational, cultural, and athletic functions and which lease space from the institution university shall not include trade schools operated for profit.

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

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

1. Sanitary sewage treatment plants must be at least 500 feet from any residential district. This requirement may be reduced by the Administrator if the applicant can show a smaller separation will have no significant effect on the nearby residential district.
2. Solid waste facilities must be in a completely enclosed structure and at least 500 feet from any residential district.
3. The expansion of transmission line capacity does not require a zoning permit provided such expansion may be accomplished within an existing right-of-way or with existing structures or poles.

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

1. Electric substations are prohibited in residential districts.
2. Exposed electric substation transformers must be enclosed by a fence or wall at least 6 feet high and adequate to obstruct view, noise, and passage of persons.
3. A minor impact utility use must be at least 50 feet from the nearest boundary of any lot containing a single- or two-unit dwelling use existing at the time of application for the utility use unless the utility has been sited and designed to assure its compatibility with adjacent dwelling units.

COMMERCIAL SALES, SERVICES, AND REPAIR USES

Adult Business: Adult Business are subject to the following regulations:

A. Location

1. An adult business must be separated at least 1,000 feet from any existing protected use and at least 1,000 feet of any residentially zoned district, planned business district, institutional district, or any of the following residentially related uses:
 - a. Churches, monasteries, chapels, synagogues, convents, rectories, religious article, or religious apparel stores;
 - b. Schools up to and including the 12th grade including their play areas; and
 - c. Public playgrounds, public swimming pools, public parks, and public libraries.
2. Distances are measured from all property lines of any regulated use, from the boundary line of all residentially zoned districts, and from all property lines of any residentially related use.

B. Definition. An adult business establishment is designated as a regulated use and is defined as:

1. An establishment having a significant portion of its stock in trade books, magazines, or periodicals distinguished by their emphasis on matter relating to specified sexual activities or specified anatomical areas; or
 2. An establishment with a section of its floor space or display area devoted to the sale or display of such material; or
 3. An enclosed building with an attendance capacity for less than 50 people used for presentation relating to specified sexual activities or specified anatomical areas; or
 4. An adult club, restaurant, theater, hall, or similar place featuring topless dancers, exotic dancers, strippers, male or female impersonators or similar entertainers exhibiting:
 - a. specified anatomical areas that are less than completely and opaquely covered (1) human genitals; (2) the pubic region of the human body; (3) buttocks; (4) female breasts below a point immediately above the nipple; and (5) human male genitals in a discernibly turgid state even if completely and opaquely covered; or
 - b. performing specified sexual activities that include (1) human genitals in a state of sexual stimulation or arousal; (2) acts of human masturbation, sexual intercourse, or sodomy; and (3) fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts.
- C.** Any material depicting, describing, or relating to specified sexual activities or specified anatomical areas must not be visible from any public right-of-way.
- D.** The regulated use is permitted a sign based on the allowed sign area of the zoning district where the use is located provided that the sign message is limited to written description of material and/or services provided on the premises. The sign must not include any graphic depiction of material and/or services available on the premises.

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

1. The retail sale, grooming, care, or boarding of domestic or household animals only, and which may include overnight accommodations. The retail sale of domestic animals (e.g., pet store) is permitted.
2. The maintaining, raising, harboring and/or boarding of 4 or more dogs, or 6 or more cats, or 6 or more dogs and cats is considered a primary “animal services and sales - household pets only” use.
3. Provision of veterinary medicine, dentistry, or surgery services by licensed veterinary practitioners for household or domestic pets only.

An Animal Sales and Services, Household Pets use must comply with the following:

1. All sales and services must be for household pets only. Wild or dangerous animal services and sales are prohibited.
2. Overnight boarding is permitted within a completely enclosed building. For uses over 20,000 s.f. in GFA dedicated primarily to retail sales, no more than 15% of the GFA can be devoted to overnight boarding.
3. The use must be completely enclosed except outdoor animal runs or other areas in which dogs are allowed outside of an enclosed structure off leash (an “outdoor run”). An outdoor run must comply with the following conditions:
 - Outdoor runs are not permitted within 20 feet of a residential structure in a residential district.
 - The outdoor run may operate only between 6:30 a.m. and 9:00 p.m.
 - No more than 25 non-neutered or non-spayed dogs older than 6 months may be kept on the premises at any time.
4. Facilities must be constructed, maintained, and operated so animal sounds and smells cannot be discerned on adjacent lots when the outdoor run is not in use.

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

1. Wild or dangerous animal boarding and breeding services are prohibited.
2. No more than 25 non-neutered or non-spayed dogs older than 6 months may be kept on the premises at any time.
3. Overnight accommodations are allowed.
4. Where located abutting a residential district, a minimum 50-foot-wide landscaped buffer must be provided. The buffer is intended to substantially mitigate potential adverse effects from the animal service use.

Art, Recreation, and Entertainment, Indoor: A public or private facility that provides indoor entertainment including, video arcades, virtual reality games, and mechanical rides. In all residential districts where permitted, seating capacity in a permitted Arts, Recreation, and Entertainment, Indoor use is limited

to no more than 100 people. Where the use abuts a residential use, a 6-foot-wide planter area landscaped with tightly spaced shrubs at least 6 feet high at maturity is required to create an effective, year-round screen.

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

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

Automobile Services, Light: Establishments providing routine maintenance and minor repair servicing of automobiles, which may include washing, cleaning, waxing, greasing, tire repair, wheel alignment, brake repair, muffler replacement, engine tune-up, flushing of radiators, servicing of air conditioners, and other activities of minor repair and servicing. Automobile wash, laundry, detail, or polishing shops must comply with the following:

1. The structure housing the primary use must be setback at least 10 feet from a residential district
2. Adequate landscaping and solid fencing must be installed to control the effects of noise when a bay is located adjacent to a residential use or a residential district.
3. If the use abuts a residential district, the hours of operation are limited to 7:00 a.m. to 10:00 p.m.
4. In addition to any other required off-street parking, the use must provide for each washing stall, enough hard-surfaced and dust-free space on the lot to accommodate at least 3 vehicles waiting to be washed.

Automobile Services, Heavy: Establishments providing major repairs and servicing of automobiles, including engine overhaul or replacement, body work, upholstery work, glass replacement, transmission overhaul, brake repair with drum and disc grinding, replacement of electrical accessories such as starters and alternators, frame alignment, and rebuilding of wrecked automobiles, excluding commercial wrecking, dismantling, junk yard, truck, and tractor repair. An Automobile Services, Heavy use must comply with the following:

1. The lot must be enclosed with a solid fence or wall except for:
 - No more than 40% of the street frontage containing the entrance to the use is required to have a fence;
 - The street frontage of an automobile retail display area; or
 - Any portion of a lot line containing a building wall.
2. The fence or wall must be constructed high enough to conceal vehicles, equipment, or parts located on the lot; provided the wall or fence does not interfere with vision clearance at the intersections ([*5.10 Sight Visibility Triangle*](#)).
3. Permitted fence or wall materials consist of wood, brick, masonry, or other similar durable materials as approved by the Administrator. Salvaged doors, corrugated or sheet metal, and chain link are prohibited fence or wall materials.

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

1. Outdoor public address or loudspeaker systems are prohibited.
2. Accessory uses and activities may include the retail sale of vehicle accessories, oil, grease, antifreeze, tires and batteries, and other similar products; and providing services of installing the above items, making minor mechanical adjustment, washing and polishing vehicles.
3. The facility must not include heavy automobile service uses as an accessory or primary use unless permitted as a primary use in the subject Zoning District.
4. Adjoining residential districts must be protected from the external effects of permitted outdoor vehicle or equipment display or storage areas by landscape buffers or an opaque fence or wall at least 5 feet high, by landscaped employee or public parking areas, or by other means to achieve the same protection purpose.
5. Vehicles being displayed, serviced, or stored cannot be parked on streets, alleys, public sidewalks, or public landscaped parkways.
6. As permitted, vehicles displayed outside a completely enclosed structure may have individual signs and, when provided, the signs must be located inside the vehicles.
7. For facilities engaged only in the rental of automobiles, the land area assigned for storage of rental automobiles must not be included when computing required off-street parking spaces.

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

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

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

1. The bed and breakfast is occupied as a residence by the property owner.
2. Exterior alteration changing the residential appearance of the building is not permitted.
3. The principal building must have a total floor area of at least 1,500 square feet. Each bed and breakfast unit more than one requires an additional 500 square feet of total floor area.
4. Dining and other facilities are exclusively for the use of the residents and registered bed and breakfast guests and not open to the public.
5. When located in a residential district, parking must be located behind the bed and breakfast and screened according to the provisions of [6.1 Landscaping](#).

Dental/Medical Office or Clinic: An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, other health care professionals, or similar professions. Up to 20 patients or clients may stay overnight at any one time in a Dental/Medical Office or Clinic use. Where the use abuts a residential use, a 6-foot-wide planter area landscaped with tightly spaced shrubs at least 6 feet high at maturity is required to create an effective, year-round screen.

Food Catering Service: An establishment where food and/or beverages, intended for sale or distribution, are prepared in bulk or individual portions, for service in bulk or individual portions, at another location. This use includes commercial test kitchens and similar facilities.

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

1. A gas station or charging station must be separated by at least 500 feet from residential districts or uses.
2. Gas stations or charging stations must group at intersection nodes. The use must be located on corner lots and not mid-block parcels. A minimum separation of 1,320 feet is required between:
 - Station intersection nodes, and
 - Proposed and existing stations.
3. Fuel sales cannot exceed more than 8 vehicle fueling dispensers and 8 charging stations.
4. On corner lots, service station canopies are prohibited between the primary building and the abutting street with the highest roadway classification.
5. The support structures for gasoline service station canopies must be wrapped in materials complementing the principal building and the canopy roof materials must match the color and texture of the principal building. To reduce the visual impact of the canopy, the clearance between the underside of the canopy and ground cannot exceed 16 feet and the canopy fascia cannot be more than 30 feet wide. Under the canopy lighting cannot exceed an average of 35 footcandles.
6. All advertising signage on the building, canopy, pumps, pump handles, etc. counts toward the total permitted sign square footage.

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

1. Accessory outdoor sales and displays, including outdoor sales of fruits or vegetables, must occupy no greater than 25% of the gross floor area of the structure containing the food sales or market primary use.
2. Outdoor storage is prohibited unless enclosed by a fence or wall adequate to conceal such storage from adjacent residential property or public right-of-way.

Heavy Vehicle/Equipment Sales, Rentals and Service: Establishments primarily engaged in the sales, leasing, or rental, and related servicing, of high capacity mechanical devices for moving earth or other materials, and mobile power units including: carryalls, graders, loading and unloading devices, cranes, drag lines, trench diggers, tractors, augers, bulldozers, concrete mixers and conveyors, harvester combines and other major agricultural equipment and similar devices, trucks in excess of one-and-one-half tons or equipment for use in agriculture, mining, industry, business, transportation, building, or construction; or automobile hitches or trailers, house trailers, recreational vehicles, and boats, but excluding commercial wrecking, dismantling, or junk yard. A Heavy Vehicle/Equipment Sales, Rentals, and Service use must be located at least 500 feet from the nearest boundary of any residential district existing at the time of application. This requirement may be reduced by the Administrator if the applicant can show a smaller separation will have no significant effect on the nearby residential district. No dead storage, repair work, or dismantling is permitted on the premises.

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

Kennel: An establishment which houses four (4) or more dogs, cats, or other small animals, and where boarding, grooming, breeding, training, or selling of animals is conducted either for commercial or non-commercial purposes.

Mobile Merchant Activity:

1. Definitions. For this use description, the following terms have the following meanings:

Outdoor sales location means any area outside a permanent building or structure that is located either (a) in the public right-of-way or (b) on property where the sale of goods occurs immediately adjacent to, or is visible from, the public right-of-way.

Sale of goods means the display, offer, or sale of food or merchandise by a person who uses a fixed location of unimproved real property, a temporary or mobile building or structure, a vehicle, a cart, a stand, or a table, excluding vending machine sales.

Sale of services means the offer or sale of services by a person who uses a fixed location of unimproved real property, a temporary or mobile building or structure, a vehicle, a cart, a stand, or a table.

Mobile merchant activity means the sale of goods or the sale of services from an outdoor sales location.

2. Temporary Use Permit Required

- a. Mobile merchant activity is only permitted after the approval and issuance of a temporary use permit.
- b. A temporary use permit is not required if the Mobile merchant activity consists solely of:
 - i. The sale of goods or services to benefit a charitable cause, organized and conducted by an organization that is exempt from the Indiana gross retail tax under IC 2.5-5-26, provided that: (a) the sale of goods or services occurs for no more than 30 days in a

- calendar year; and (b) each person who engages in the sale of goods or services possesses a card or letter identifying they are authorized by the organization to engage in such sales,
 - ii. An auction of goods or services that originate primarily on the property where the auction occurs, and that were not moved to the property from another location for the purpose of sale at the auction, conducted by an auctioneer licensed under IC 25-6.1,
 - iii. The sale of goods or services on commercial property that occurs during the regular hours of operation of the business located on the property,
 - iv. A garage sale, or
 - v. The sale of newspapers.
 - c. The Administrator issues a permit to each qualified applicant if:
 - i. The zoning district permits Mobile merchant activity at the proposed outdoor sales location, and
 - ii. In the opinion of the Administrator, the Mobile merchant activity does not pose a threat to the public health, safety, or welfare, and would not significantly inconvenience nearby residents or other members of the public.
 - d. A temporary use permit is only valid for the approved duration. A vendor who wishes to continue Mobile merchant activity after the expiration of the permit must file a new temporary use permit application.
 - e. A temporary use permit cannot be transferred to any other person.
 - f. The Administrator may impose other reasonable restrictions on the issuance of a temporary use permit.
3. Restrictions on Mobile Merchant Activity
- a. Mobile merchant activity cannot:
 - i. Create an unsafe condition or situation,
 - ii. Impede the flow of pedestrian or vehicular traffic, or obstruct or hinder the view of pedestrians or motorists, on any street, alley, sidewalk, or right-of-way,
 - iii. Take place within the travel portion of any street or alley, or any median, while such street or alley is open to vehicular traffic,
 - iv. Locate on any public property or right-of-way without written authorization from the governmental agency with control over the public property,
 - v. Operate between the hours of 10:00 p.m. and 6:00 a.m., except as approved as part of an event,
 - vi. Operate within 1,000 feet of a public or private school between the hours of 7:00 a.m. and 4:00 p.m. on days when school is in session,
 - vii. Use more than 1 loudspeaker, bell, or other device to advertise to the general public the food or merchandise for sale,

- viii. Emit a sound or signal louder than 100 decibels at full volume,
 - ix. Use a loudspeaker, bell, or other device giving an audible signal to advertise the presence of the vehicle while the vehicle is in motion, or
 - x. Generate litter by the vendor or customers that is not promptly removed by the vendor.
 - b. The Mobile merchant activity must:
 - i. Display the temporary use permit during its hours of operation, and
 - ii. Display the prices of the food, merchandise, or services being sold.
 - c. If the Mobile merchant activity involves food or beverages the following regulations apply:
 - i. When a ground-floor restaurant is present on a block, the vendor cannot operate and dispense food on the same side of the street within the same block as the restaurant,
 - ii. Foods that present a substantial likelihood of liquid matter, particles, or part of the food dropping to the street or sidewalk during the process of carrying or eating the food must be sold in proper containers to minimize mess,
 - iii. Beverages dispensed in disposable containers must have any separable opening tabs removed at the time the beverage is sold, unless otherwise requested by the purchaser, and
 - iv. Vendors must take precautions to prevent stains or other damage to the area around the vehicle, stand, cart, etc.
- 4. Enforcement and Penalties
 - a. The Administrator or any city law enforcement officer may determine if a person engaged in Mobile merchant activity has a permit and is following the permit requirements. If the Administrator or officer who issues a violation citation has reason to believe the violation will continue after issuing the citation, the Administrator or officer may take possession of any tangible goods being offered for sale. The goods may be retained by the City until the enforcement action is concluded.
 - b. The Administrator may revoke a temporary use permit if the application contained a material misstatement, or the operation of the temporary use violates a health code or zoning requirement.
 - c. Any 3 violations of this Ordinance by the same vendor within any 12-month period is automatic cause for revocation of that vendor's temporary use permits and the vendor cannot apply for a temporary use permit for 12 months from the date of revocation.
 - d. Violations of these regulations are also subject to enforcement procedures per **CHAPTER 9: ADMINISTRATION**.

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

Parking Garage: A structure of two or more stories used for the temporary parking or storage of more than four motor vehicles. A parking garage is limited to enclosed structures or structures enclosed except for portions of the parking structure over 45 feet above grade. Any unenclosed parking deck must have screening walls at least 4 feet in height. All lighting on the unenclosed parking deck must use fully shielded fixtures which are installed to not project glare off the lot.

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

Pawn Shop: An establishment primarily engaged in the loaning of money on the security of property pledged in the keeping of the pawnbroker, and the sale of the property. A Pawn Shop cannot be established, operated, or maintained within 1,000 feet of another pawn shop.

Restaurant – Counter Service, No Drive-Thru: An establishment whose principal business is the sale of edible, prepared food stuffs and/or beverages for consumption on or off the premises. This type of restaurant typically offers food service over a counter, having a limited menu of items already prepared and held for service, or prepared, fried, or grilled quickly, or heated in a microwave oven.

Restaurant – Counter Service with Drive-Thru: An establishment whose principal business is the sale of edible, prepared food stuffs and/or beverages for consumption on or off the premises. This type of restaurant typically offers food service over a counter or through a drive-through facility. This type of restaurant typically has a limited menu of items already prepared and held for service, or prepared, fried, or grilled quickly, or heated in a microwave oven.

Restaurant – Drive-Thru Only: An establishment whose principal business is the sale of edible, prepared food stuffs and/or beverages for consumption off the premises. This type of restaurant offers food service only through a drive-through facility or walk-up window. There is no seating for guests inside the building. This type of restaurant typically has a limited menu of items already prepared and held for service, or prepared, fried, or grilled quickly, or heated in a microwave oven.

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

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

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

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

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

Sports and/or Entertainment Arena or Stadium: A large structure with tiers of seats for spectators at sporting or other recreational events. A Sports and/or Entertainment Arena or Stadium use must be at least 500 feet from a residential district. This requirement may be reduced by the Administrator if the applicant can show a smaller separation will have no significant effect on the nearby residential district.

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

Truck Stop/Travel Center: A facility designed and used to provide services to the trucking industry including, but not limited to, fuel stations, repair shops, truck washes, restaurants, convenience stores, weight scales, and shower facilities, all as part of a unified facility.

Winery and Microbrewery and Distillery: A facility where wine, beer, or spirits are sold for consumption onsite or off the premises and may include the production of wines, beers, or spirits, a restaurant, beverage room, or retail store as accessory uses.

INDUSTRIAL, MANUFACTURING, AND WHOLESALE USES

Airport: A facility operated by an airport authority or governmental entity that provides infrastructure and services for air travel, together with all activities commonly associated with the operation of a major air carrier facility. Such services, infrastructure, and activities may include but are not limited to: landing fields; facilities for the parking, storage, fueling, repair, and rental of aircraft; passenger and baggage terminals; air cargo operations and associated facilities; public transportation infrastructure, including terminals and stations; safety facilities such as fire and police stations; open space uses such as agriculture, parks, golf courses, and recreation; energy production; retail, concessions, and other uses designed primarily to serve airline passengers, other airport users, and space; and other accessory uses as determined by the Administrator. The use must be located at least 500 feet from any residential district. This requirement may be reduced by the Administrator if the applicant can show a smaller separation will have no significant effect on the nearby residential district.

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

Automobile Towing Service Storage Yard: The assembling or standing of damaged or impounded vehicles for indeterminate periods of time, excluding the wrecking, dismantling, or repairing of vehicles. The use must be located at least 500 feet from any residential district. This requirement may be reduced by the Administrator if the applicant can show a smaller separation will have no significant effect on the nearby residential district.

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

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

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

Composting Facility: A commercial or public solid waste processing facility where yard or garden waste is transformed into soil or fertilizer by biological decomposition. The use must be located at least 500 feet from any residential district. This requirement may be reduced by the Administrator if the applicant can show a smaller separation will have no significant effect on the nearby residential district.

Contractors, General: An establishment providing general contracting and/or building construction services for residential, farm, industrial, or commercial uses, and which typically does not involve outdoor storage of machinery or equipment. This definition includes general building contractors; plumbing, heating, air-conditioning; painting and paper hanging; electrical work; masonry, stonework, and plastering; carpentry and floor works; roofing, siding, and sheet metal work; glass and glazing work; installing building equipment; and special trade contractors. Building materials and company vehicles must be screened or located so not visible from a perimeter street or adjacent residential use.

Contractors, Heavy/Contractor Yard: Establishments providing general contracting and/or construction services other than for buildings, such as for highways and streets, bridges, sewers, and flood control projects, and which may involve outdoor storage of machinery or equipment, or a contractor yard for vehicles, equipment, materials and/or supplies. The use must be located at least 500 feet from any residential district. This requirement may be reduced by the Administrator if the applicant can show a smaller separation will have no significant effect on the nearby residential district.

Data Center: All or part of a building designed or primarily used for the storage, processing, and transmission of computer data, and which houses computer systems, data storage and retrieval systems, data transmission facilities, and associated equipment, including electrical power conditioning equipment, cooling systems, uninterruptible power supplies, and backup generators. Data centers do not provide any retail sales or service to the public.

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

Heliport: A facility for landing or take-off area for rotor craft that may include a passenger terminal and/or routine servicing of rotor craft. The use must be located at least 500 feet from any residential district. This requirement may be reduced by the Administrator if the applicant can show a smaller separation will have no significant effect on the nearby residential district.

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

1. A research and development facility, training facility, production studio, laboratory, display/showroom/sales facility, or other similar use which typically has a high ratio of square feet of floor area per employee.
2. A building or part of a building devoted to the testing and analysis of any product. No manufacturing is conducted on the premises except for experimental or testing purposes.
3. A business primarily engaged in the development or engineering of computer software or computer hardware, but excluding retail sales, computer hardware manufacturers, and computer repair services.
4. A facility for the servicing of technological equipment and/or office machinery, such as computers, copying machines and word processing equipment.

5. A facility for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.
6. A facility devoted to the testing and analysis of any product, including medical laboratories, biological product manufacturing, and blood and organ banks.
7. A laboratory that provides bacteriological, biological, medical, x-ray, pathological and similar analytical or diagnostic services to doctors or dentists. No fabricating is conducted on the premises, except the custom fabrication of dentures or similar dental appliances. This definition excludes in-patient or overnight care, animal hospitals, veterinarians, or other similar services.

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

Manufacturing or Refinement of Asphalt, Cement, Gypsum, Lime, or Wood Preservatives:

Establishments primarily engaged in manufacturing asphalt and tar paving mixtures or various compositions of asphalt or tar with other materials; manufacturing plaster, plasterboard, and other products composed wholly or chiefly of gypsum; manufacturing quicklime, hydrated lime, and "dead-burned" dolomite from limestone, dolomite shells, or other substances; or treating wood, sawed or planed in other establishments, with creosote or other preservatives to prevent decay and to protect against fire and insects. The use must be located at least 500 feet from any residential district. This requirement may be reduced by the Administrator if the applicant can show a smaller separation will have no significant effect on the nearby residential district.

Manufacturing, Fabricating, and Assembly – General: A manufacturing establishment primarily engaged in the fabrication or assembly of products from prestructured materials or components; or a manufacturing establishment whose operations include storage of materials; processing, fabrication, or assembly of products; and loading and unloading of new materials and finished products, and does not produce or utilize in large quantities as an integral part of the manufacturing process, toxic, hazardous, or explosive materials. Because of the nature of its operations and products, little or no noise, odor, vibration, glare, and/or air and water pollution is produced, and, therefore, there is minimal impact on surrounding properties. The use must be located at least 500 feet from any residential district. This requirement may be reduced by the Administrator if the applicant can show a smaller separation will have no significant effect on the nearby residential district.

Manufacturing, Fabricating, and Assembly – Heavy: A manufacturing establishment whose operations include storage of materials; processing, fabrication, or assembly of products; and loading and unloading of new materials and finished products. Toxic, hazardous, or explosive materials may be produced or used in large quantities as an integral part(s) of the manufacturing process. Noise, odor, dust, vibration, or visual impacts, as well as potential public health problems in the event of an accident, could impact adjacent properties. The use must be located at least 500 feet from any residential district. This requirement may be reduced by the Administrator if the applicant can show a smaller separation will have no significant effect on the nearby residential district.

Mass Transit Facility (Bus/Light Rail): A facility for bus, fixed rail, or other types of transportation service available to the public that move relatively large numbers of people at one time. In all residential districts, the use is limited to a stop or station for the mass passenger transit system; and parking for the use of passengers or employees of the passenger transit provider.

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

stone. Mineral Extraction is prohibited within urban areas as defined in [*IC 36-7-4-1103*](#). A fence at least 6-feet tall is required where the use is accessible to the public. Where the use abuts a residential use, a 6-foot-wide planter area landscaped with tightly spaced shrubs at least 6 feet high at maturity is required to create an effective, year-round screen. The use must be located at least 200 feet from a residential use or district.

Rail Distribution Yards: A facility for the operation of a line-haul or short-line freight railroad. The use must be located at least 500 feet from any residential district. This requirement may be reduced by the Administrator if the applicant can show a smaller separation will have no significant effect on the nearby residential district.

Recycling Center: A facility where recoverable resources, such as newspapers, magazines, glass, metal cans, plastic materials, tires, grass and leaves, and similar items, except mixed, unsorted municipal waste or medical waste are collected, stored, flattened, crushed, bundled or separated by grade or type, compacted, baled or packaged for shipment to others for the manufacture of new products. This use does not include SIC group 5015 (motor vehicle parts, used), which is listed as a separate use.

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

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

Salvage or Junk Yards: A place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including automobile wrecking yards, house wrecking and structural steel materials and equipment, but excluding the purchase or storage of used furniture and household equipment, used cars in operable condition, used or salvaged materials as part of manufacturing operations. The use must be located at least 500 feet from any residential district. This requirement may be reduced by the Administrator if the applicant can show a smaller separation will have no significant effect on the nearby residential district.

Sand and Gravel Extraction or Sales: Establishments primarily engaged in the extraction of sand and gravel from an open pit to be processed and sold for commercial purposes. The use must be located at least 500 feet from any residential district. This requirement may be reduced by the Administrator if the applicant can show a smaller separation will have no significant effect on the nearby residential district.

Self-Storage Facility: All or part of a building used for the storage of personal goods and/or materials. In Commercial Districts, where permitted, Self-Storage Facilities cannot have individual entrances to storage units from the exterior of the structure.

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

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

2. If the Administrator determines a wireless provider's activity in the right-of-way creates an imminent risk to public safety, the Administrator may provide written notice to the wireless provider demanding correction of the risk. If the wireless provider fails to address the risk within 24-hours of the notice, the City may take action to reasonably address the risk and charge the wireless provider the documented cost of such actions.
3. Permitted Use. A wireless provider has the right as a permitted use (subject to review and conditions) to collocate Small Cell Facilities and install, maintain, modify, operate, and replace poles in the right-of-way. Structures and facilities must be installed and maintained to not create a safety hazard, obstruct, or hinder the public's safe use of the right-of-way, or obstruct the legal use of the right-of-way by utilities.
4. Permit Requirements
 - a. A permit is required prior to collocating a Small Cell Facility or installing a new, modified, or replacement pole or support structure associated with a Small Cell Facility. The City may require an applicant to obtain additional permits provided the additional permits do not apply exclusively to Small Cell Facilities. If a wireless provider fails to comply with the permit requirements, the City, in its sole discretion, may restore the right-of-way to its prior condition and charge the wireless provider the documented cost of restoration, plus a penalty not to exceed \$1,000.
 - b. Within rights-of-way under the control of the Indiana Department of Transportation ("INDOT"), the wireless provider requests the City's written consent to the wireless provider's application for an INDOT permit. The City cannot unreasonably withhold their consent.
 - c. Applications required by this article are filed with the Administrator on forms provided by the Administrator in the number and manner designated. The applicant may designate portions of the application containing proprietary or confidential information by clearly marking each such page as "proprietary" or "confidential." The City endeavors to protect the designated materials from public disclosure to the fullest extent permitted by State law.

Solar Energy Conservation System: Any system designed to convert solar energy into electricity for the purpose of selling the electricity at wholesale and for use in locations other than where it is generated. Solar panels, collection and feeder lines, generation tie lines, substations, ancillary buildings, solar monitoring stations, and related accessory structures are all considered to be a part of the system. A large-scale solar energy system must comply with all applicable local, state, and federal codes, including the State of Indiana Uniform Building Code and the National Electric Code. Systems with a nameplate capacity less than 10 megawatts are not considered a commercial Solar Energy Conservation System. Large-scale solar energy systems, where permitted, must meet the requirements of this Article.

1. Setbacks. Large-scale solar arrays must meet the zoning district setback requirements. The setback distance is measured from the edge of the solar array to the property line.
2. Separation from a Nonparticipating Property.
 - a. If the separation provided between a solar panel and the outer wall of a dwelling located on a nonparticipating property is 250 feet or less, a landscape buffer meeting or exceeding 6.1(O)(4) Buffer Standards is required. If the separation provided is greater than 250 feet, no landscape buffer is required.

- b. The separation and/or buffering requirements above may be waived or modified upon written consent of the owner of each affected nonparticipating property.
3. Height. The solar panels cannot exceed a height of 25 feet when the arrays are at full tilt.
4. Vegetation Requirements. Perennial vegetated ground cover must be planted, established, and maintained around and under solar panels and within any required landscape buffers. Pollinator-friendly vegetative cover is encouraged.
 - a. To the maximum extent feasible for the site conditions, the ground cover should be a diverse seed mix of native species specific to the local area. The applicant should seek guidance from a Landscape Architect, the Soil and Water Conservation District office, or the Indiana Native Plant Society.
 - b. The owner/operator must maintain the ground cover removing invasive or noxious plant species identified by the Indiana Invasive Species Council without harming perennial vegetation.
 - c. Solar energy systems proposing to install, establish, and maintain pollinator-friendly vegetative cover must demonstrate the quality of their habitat by using guides such as Purdue University 2020 Indiana Solar Site Pollinator Habitat Planning Scorecard, or other third party solar-pollinator scorecards designed for Midwestern ecosystems, soils, and habitat.
 - d. Projects certified and maintained as pollinator-friendly compliant are exempt from landscaping requirements and post-construction stormwater management controls that may be otherwise required under the County's development regulations, unless required due to written commitments or conditions of approval.
5. Fencing. A large-scale solar energy system must be completely enclosed with fencing at least 6 feet high. Barbed wire is not permitted as perimeter fencing for the site. Barbed wire fencing is permitted where needed for security at substations and switchyards or where required by applicable codes (e.g. National Electrical Code or Indiana Uniform Building Code).
6. Underground Cables. All cables up to 34.5 kilovolts located between inverter locations and project substations must be buried underground at a depth of at least 36 inches. Module-to-module collection cables, transmission lines, substations, junction boxes, and other typical aboveground infrastructure may be located above ground. Cables and lines located outside of the solar energy system site may be located: (a) above ground or (b) cables or lines up to 34.5 kilovolts may be buried underground at a depth of at least 48 inches.
7. Glare. A large-scale solar energy system must be designed and constructed to minimize glare on adjacent properties and roadways and not interfere with vehicular traffic, including air traffic.
8. Signal Interference. A large-scale solar energy system must be designed and constructed to minimize and mitigate impacts to television signals, microwave signals, agricultural global positioning systems, military defense radar, radio reception, or weather and doppler radar.
9. Sound. The applicant of a large-scale solar energy system must demonstrate the operation of the system will not exceed an hourly average sound level of 50 A-weighted decibels at the outer wall of a dwelling unit located on an adjacent nonparticipating property. This requirement may be waived or modified upon written consent of the owner of each affected nonparticipating property.

10. Foundations. The application for building permits must include a certification by a qualified engineer that the design of the solar panel racking and support is within accepted professional standards, given local soil and climate conditions.
11. Stormwater Requirements. A large-scale solar energy system is subject to stormwater management and erosion and sediment control provisions and Nonpoint Pollution Discharge Elimination System (NPDES) permit requirements. Solar collectors are not considered impervious surfaces if the project complies with the Vegetation Requirements above.
12. Substations and Switchyards. Within a project, substations or switchyards may be required to be owned by the utility and not the solar energy system operator. The minimum lot area of the utility-owned parcel is 5 acres.
13. Site Plan Required. Site plan approval is required for large-scale solar energy systems per [8.6 Development Plan Review](#). The site plan must show the locations of all solar arrays, electric equipment, and all other solar energy system components relevant to a review of the site.
14. Decommissioning. A decommissioning and site restoration plan and a financial surety are required to ensure that facilities are properly removed after their useful life.
 - a. The surety must be for an amount equal to the estimated cost of decommissioning the solar energy system as calculated by a third-party licensed engineer or person with suitable experience decommissioning solar energy systems, as agreed upon by the project owner and the County. The required surety may be posted in increments as follows:
 - i. An amount equal to 25% of the total estimated decommissioning costs posted no later than the start date of the system's full commercial operation.
 - ii. An amount equal to 50% of the total estimated decommissioning costs posted no later than the 5th anniversary of the start date of the system's full commercial operation.
 - iii. An amount equal to 100% of the total estimated decommissioning costs posted no later than the 10th anniversary of the start date of the system's full commercial operation.
 - iv. The total estimated decommissioning costs must be reevaluated by a third-party licensed engineer or person with suitable experience, as noted above, in connection with the surety required at the 10th anniversary of the start date of the system's full commercial operation. Such reevaluation is required at least once every 5-year period after the 10th anniversary of the start date of the system's full commercial operation. The total amount of the surety posted must be adjusted as necessary after each reevaluation.
 - v. The total estimated decommissioning costs may be net of any estimated salvage value attributable to the system at the time of decommissioning.
 - b. The decommissioning and site restoration plan must identify the provisions for removing all structures, foundations, roads, gravel areas, and cables associated with the project to a depth of at least 36 inches. The ground must be restored to a condition reasonably similar to the condition before the start of construction activities for the solar energy system.
 - c. The owner must provide the Legislative Body and the County with written notice of the owner's intent to decommission at least 60 days prior to discontinuing commercial operation. After the discontinuation of commercial operation, the decommissioning and site restoration plan is implemented.

- d. If the solar energy system does not generate electricity for 18 consecutive months, it is considered abandoned. All solar energy system components must be removed by the owner within 1 year of the date of abandonment.
- e. If the owner fails to remove all the solar energy system components within 1 year after the proposed date of the final decommissioning or date of abandonment, the Legislative Body may engage qualified contractors to enter the project site, remove the system components, sell any components removed, and remediate the site. The Legislative Body may initiate proceedings to recover any costs incurred.

Solid Waste Facility: An establishment in which municipal solid waste is collected, separated by material, compacted, baled, or packaged for shipment to others for the manufacture of new products or for disposal. No manufacturing, remanufacturing, fabrication, or processing of new products occurs in this facility. This use may include a waste transfer station. The use must be located at least 500 feet from any residential district. This requirement may be reduced by the Administrator if the applicant can show a smaller separation will have no significant effect on the nearby residential district.

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

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

1. All cell towers and wireless communications facilities within the City must comply with the provisions of this article. Approvals granted are not effective until the applicant and City have a written agreement setting the terms and conditions to occupy and use any public rights-of-way or facilities. Approvals do not confer any exclusive right, privilege, license, or franchise to public rights-of-way or facilities unless specifically established in the written agreement.
2. The following facilities are exempt from the provisions of this article unless they are located within a recognized Historic District:
 - A single ground- or building-mounted receive-only radio or television antenna including any mast, for the sole use of the tenant occupying a residential parcel where the radio or television antenna is located; with an antenna height not exceeding 25 feet;
 - A ground- or building-mounted citizens band radio antenna including any mast, if the height (post and antenna) does not exceed 35 feet;
 - A ground-, building-, or tower-mounted antenna operated by a federally licensed amateur radio operator as part of the amateur radio service, if the height (post and antenna) does not exceed 35 feet;
 - A ground- or building-mounted receive-only radio or television satellite dish antenna, which does not exceed 36 inches in diameter, for the sole use of the resident occupying a residential parcel on which the satellite dish is located; provided the height of the dish does not exceed the height of the ridgeline of the primary structure on the parcel;
 - All citizens band radio antenna or antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service which existed at the time of the adoption of this title;

- Mobile services providing public information coverage of news events of a temporary nature;
 - Handheld devices such as cell phones, business band mobile radios, walkie talkies, cordless telephones, garage door openers and similar devices as determined by the Administrator or designated agent; and
 - Government owned and operated receive and/or transmit telemetry station antennas for supervisory control and data acquisition (SCADA) systems for water, flood alert, traffic control devices and signals, storm water, pump stations and/or irrigation systems, with heights not exceeding 35 feet.
3. For purposes of IC 8-1-32-3 and Section 332(c)(7)(B) of the Federal Telecommunications Act of 1996 as in effect on July 1, 2015, the BZA will exercise the authority to conduct hearings, to make decisions, and to approve the issuance or denial of Improvement Location Permits (except for co-location) under this chapter. The Administrator will exercise the authority to review applications for completeness, within the meaning of IC 36-7-4-1109, and to issue Improvement Location Permit's under this chapter.
 4. The Administrator reviews the completeness of applications to construct or modify wireless facilities. Within 10 business days of filing, the Administrator will notify the applicant if the application is complete and if a public hearing will be required. If no public hearing is required, the Administrator acts on the request. When a public hearing is required, the BZA conducts the hearing and acts on the request.
 5. To be considered complete, the application must contain the information listed below. Applications requesting co-location only are required to provide the information in 1, 2, 3, and 4:
 - a. A statement that the applicant either provides wireless communications service or owns/provides infrastructure required for such service.
 - b. The name, business address, and point of contact of the applicant.
 - c. The location of the proposed or affected wireless support structure or wireless facility.
 - d. A construction plan conforming with all applicable Building Code requirements.
 - e. Evidence showing the application complies with the criteria for a special exception.
 - f. For applications requesting approval for the construction of a new wireless support structure:
 - (i) a construction plan describing the proposed wireless support structure and all equipment and network components, (ii) evidence supporting the proposed location, and (iii) a sworn statement from the individual responsible for the proposed location demonstrating co-location of wireless facilities on an existing wireless support structure is not a viable option because co-location:
 - Would not result in the same wireless service functionality, coverage, and capacity;
 - Is technically infeasible; or
 - Is an economic burden to the applicant.
 - g. For applications requesting modification of a wireless support structure, a construction plan describing the proposed modifications to the affected wireless support structure and all equipment and network components.

6. Failure by the Administrator to timely notify an applicant of an application's completeness is a nonfinal zoning decision, and the applicant is entitled to expedited judicial review of the nonfinal zoning decision.
7. **Deadlines for Final Action**
 - a. For applications for co-location only, final action must occur within 45 days of the date the applicant is notified the application is complete. This type of application does not require a public hearing, but the Administrator reviews the application for compliance with applicable code requirements before issuing the Improvement Location Permit.
 - b. For applications to construct a new wireless support structure or substantially modify a wireless support structure, final action must occur within 90 days of the date the applicant is notified the application is complete, or within 120 days if special exception variance approval is necessary.
 - c. If an applicant requesting additional time to amend its application agrees to a continuance, the time periods prescribed above are extended for a corresponding amount of time. Failure by the Administrator or BZA to take final action within the required period is a nonfinal zoning decision, and the applicant is entitled to expedited judicial review of the nonfinal zoning decision.
8. The following provisions apply to all applications submitted under this chapter:
 - a. The Administrator and BZA must comply with all applicable provisions of [Section 332\(c\)\(7\)\(B\) of the Federal Telecommunications Act of 1996](#) as in effect on July 1, 2015, and [Section 6409\(a\) of the Middle Class Tax Relief and Job Creation Act of 2012](#) as in effect on July 1, 2015.
 - b. Neither the Administrator nor BZA may require an applicant to submit information about or evaluate an applicant's business decisions regarding the applicant's designed service, customer demand, service quality, or desired signal strength to a particular location.
 - c. Neither the Administrator nor BZA may release to the public any records required to be kept confidential under federal or state law, including the trade secrets of applicants, as provided in the [Access to Public Records Act \(IC 5-14-3\)](#) and other applicable laws.
 - d. The BZA must not impose a fall zone requirement larger than the area where the wireless support structure is designed to collapse per the applicant's engineering certification for the structure, unless evidence submitted by a professional engineer demonstrates the applicant's engineering certification is flawed.
 - e. The Administrator or BZA must not require or impose conditions regarding the installation, location, or use of wireless service facilities on utility poles or electrical transmission towers.
 - f. Application fees must be similar to fees for applications for similar types of commercial or industrial development. Fees imposed by a third-party providing review assistance to the Administrator or BZA must be based on actual, direct, and reasonable costs incurred for the review, processing, and hearing of the application, and may not include:
 - Travel expenses incurred by the third-party in its review of an application; or
 - Direct payment or reimbursement of third-party fees charged on a contingency basis.

9. All Communication Facilities must meet the following requirements:
 - a. The height of the antenna support structure cannot exceed 200 feet.
 - b. The antenna support structure must be set back a minimum of 40 feet from the property line unless the adjoining parcel is zoned or used for a residential use. If the antenna adjoins a residential, the minimum setback equals the height of the support structure.
 - c. Except as required by the Federal Aviation Administration or Federal Communications Commission, the antenna support structure cannot be artificially illuminated and cannot display strobe lights.
 - d. Signs or advertising is prohibited upon an antenna support structure and associated equipment structures.
 - e. The support structure and any antenna located on the support structure must be designed to blend into the surrounding environment using color and camouflaging architectural treatment.
 - f. All utility buildings and structures accessory to the antenna support structure must be architecturally designed to blend into the surrounding area.
 - g. A landscape plan for the communication facility must be submitted with the application and must be substantially like landscaping required for other uses in business or industrial districts.
 - h. All communication facilities must be designed to accommodate the user's equipment and the equipment of at least 2 additional service providers.
 - i. A qualified and licensed engineer must approve the design of the antenna support structure and certify its construction complies with the requirements of this article.
 - j. All applications must include a notarized letter of intent committing the antenna support structure owner or lessee on behalf of themselves and their successors in interest that the antenna support structure must be shared with additional users if the additional user agrees to meet reasonable terms and conditions of shared use.
 - k. Transmissions from a communication facility cannot interfere with any existing public safety communications.
 - l. Communication facilities or their related improvements cannot be sited to create a significant threat to the health or survival of rare, threatened, or endangered plant or animal species.
 - m. Communication facilities or their related improvements cannot be sited in a manner that would damage an archaeological site or have an adverse effect on the historic character of a historic or cultural resource.
 - n. A communication facility cannot be sited so that its presence threatens the health or safety of migratory birds.
 - o. Potential adverse impacts to nearby public use areas such as parks or trails must be minimized.
10. If a wireless communication facility structure is abandoned or remains unused for a period of 6 months, the owner must remove the structure and all associated facilities from the site. Such removal must be completed within 12 months of the cessation of site operations. If a structure is not removed within the required time, the Administrator may remove the structure and associated facilities. The cost of the removal is the responsibility of the owner of the parcel.

Use Descriptions and Standards

Transportation Services: Passenger services provided by public, private, or non-profit entities using modes such as express buses, minibuses, or vans. The use must be located at least 500 feet from any residential district. This requirement may be reduced by the Administrator if the applicant can show a smaller separation will have no significant effect on the nearby residential district.

Truck Freight Terminal/Distribution Center: Any premises used by a motor freight company as a carrier of goods, that is the origin or destination point of goods being transported, for the purpose of storing, transferring, loading, and unloading goods, but excluding loading and unloading of freight accessory to an otherwise permitted use on the site. The use must be located at least 500 feet from any residential district. This requirement may be reduced by the Administrator if the applicant can show a smaller separation will have no significant effect on the nearby residential district.

Vehicle Storage, Commercial: Establishments primarily engaged in the assembling or standing of operable vehicles for periods of more than one day. Such use does not include the storage of damaged, dismantled, or impounded vehicles. This land use need not be enclosed. The use must be located at least 500 feet from any residential district. This requirement may be reduced by the Administrator if the applicant can show a smaller separation will have no significant effect on the nearby residential district. The use must be located at least 500 feet from any residential district. This requirement may be reduced by the Administrator if the applicant can show a smaller separation will have no significant effect on the nearby residential district.

Wholesale Trade or Storage, General: Establishments primarily engaged in one or more of the following activities: Selling durable and nondurable goods to retailers, to industrial, commercial, institutional, farm, or building trade contractors; to professional businesses; or to other wholesalers. Activities may include physically assembling, sorting, and grading goods into large lots and breaking bulk for redistribution in smaller lots; the sale at wholesale and/or storage or warehousing of toxic and/or hazardous materials; providing support services primarily to other businesses. Operations with more than 25 percent of sales to retail customers are categorized as “retail sales” rather than as “wholesale trade” uses. This use excludes self-storage facilities. The use must be located at least 500 feet from any residential district. This requirement may be reduced by the Administrator if the applicant can show a smaller separation will have no significant effect on the nearby residential district.

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

AGRICULTURE USES

Agricultural Product Sales and Storage: A principal use engaged in the sale or rental of farm tools and equipment, grain, tack, animal care products, and farm supplies. This excludes the sale of large farm implements, such as tractor and combines, but does include food sales and farm machinery repair services that are incidental to the principal use.

Aquaculture: An agricultural use in which food fish, shellfish or other marine foods, aquatic plants, or aquatic animals are cultured or grown to sell them or the products they produce. Includes fish hatcheries, growing tanks or raceways; the processing, storage, packaging and distribution of shellfish and fish; and accessory uses such as feed storage and water treatment facilities. The outdoor storage of waste material from fish processing is prohibited. The use must be located at least 500 feet from any residential district. This requirement may be

reduced by the Administrator if the applicant can show a smaller separation will have no significant effect on the nearby residential district.

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

Farm: Land being used for agricultural purposes.

Farm Equipment Sales and Service: A use primarily engaged in the sale/rental and/or service of farm tools and implements, and/ or the sale of feeds, grain, tack, animal care products, and farm supplies. Does not include the sale or distribution of agricultural chemicals, including fertilizer.

Fertilizer Storage and Distribution: An establishment that stores, distributes, and sells fertilizers primarily for agricultural crop production use.

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

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

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

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

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

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

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

3.4 TEMPORARY USES

- A. **Intent.** Temporary uses are permitted according to the requirements of this Article. Where applicable, a Temporary Use permit is required.
- B. **General Provisions**
 - 1. The duration of the temporary use is stated below. Renewal of a Temporary Use Permit may be required.
 - 2. Temporary uses are subject to the regulations of the district where the use is located.
 - 3. All temporary uses must occur outside any rights-of-way.
- C. **Permitted Temporary Uses**
 - 1. Temporary Home Sales Facilities. Temporary model homes or sales trailers are permitted in a development until the earlier of (a) building permits are issued for 90% of the lots included in the preliminary plat or (b) two years from the recording date of the secondary plat for the most recent section of the development. An Improvement Location Permit is required.
 - a. Location. Temporary home sales facilities must be located on a lot within the development where the homes are being sold.
 - b. Uses. The use of the facility is limited to sales purposes for prospective buyers.
 - c. Lighting. Exterior lighting of model homes is limited to typical household exterior lighting.
 - d. Parking. Model homes must provide at least 5 off-street parking spaces for the use of salespersons and potential buyers. The parking spaces must conform to the size requirements of this Ordinance and be surfaced with concrete or asphalt. Temporary sales trailers must provide at least 2 off-street parking spaces. The spaces may be surfaced with stone meeting the requirements of the Lebanon Street Department.
 - e. Landscaping. Temporary home sales facilities must conform with the following landscaping requirements:
 - i. Model homes must provide landscaping consistent with what will be provided for homes to be constructed in the development.
 - ii. Temporary sales trailers must provide a landscape area extending from the trailer for 5 feet in each direction. The landscaping must include a variety of shrubs and other materials consistent with the landscaping design of the development. The trailer site must be graded to ensure proper drainage and finished with a combination of grass seed and sod appropriate to prevent erosion and provide a lawn consistent with the homes to be built in the development.
 - f. Model Home Conversion. Prior to the conversion of a model home for use as a residence, all signage must be removed, and the garage area restored.
 - g. Sales Trailer Conversion. Any builder using a temporary sales trailer and either constructing an approved model home, or removing the trailer, must restore the trailer site to pre-installation conditions, removing the trailer and any associated signage and lighting. If the

Permitted Uses

Temporary Uses

trailer is to be replaced by a model home, the trailer and all associated site features must be removed prior to the issuance of a permanent certificate of occupancy for the model home.

2. Special Event. A parking lot may be designated for a special event, no more than 7 days prior to and 3 days after the event. Temporary signs may be used in connection with a special event but cannot be used for more than 10 days.
3. Festivals. Bazaars, carnivals, and similar temporary uses are permitted for a maximum of 10 consecutive days.
4. Garage/Yard Sales. Garage/yard sales are permitted to occur 4 times per calendar year, for a maximum of 12 days per calendar year. All items sold at a garage/yard sale must be owned by the owner or occupier of the premises or by a participant at the sale. Items for sale cannot be property acquired expressly for the purpose of resale. Items exhibited for sale outside during a garage/yard sale, as well as all supplies, shelving, tables, etc., must be placed within a building immediately following the last day of the sale. All signs erected for such garage/yard sale must be immediately removed at the conclusion of the sale. A permit is not required for a garage/yard sale.
5. Seasonal Sales. Sale of Christmas trees, outdoor tent theater, seasonal fruits and vegetables from roadside stands, and tent sales are permitted for a maximum of 60 days and no more than 4 sales per year.

D. Standards

1. Adequate access and off-street parking that does not interfere with traffic movement on adjacent streets.
2. No public address systems or other noise producing devices are permitted in a residential district.
3. Flood lights and other lighting must be directed upon the premises and not be detrimental to adjacent properties.
4. The lot must be restored to a clean condition upon termination of the temporary use.

LEAP District

Chapter 4

4.1	APPLICABILITY	3
4.2	DEFINITIONS.....	3
4.3	SUBDISTRICT DESCRIPTION	8
4.4	LEAP DISTRICT CONCEPT PLAN	8
4.5	GENERAL USE REGULATIONS.....	9
4.6	DEVELOPMENT AND DESIGN STANDARDS.....	9
4.7	PARKING STANDARDS	21
4.8	LANDSCAPING STANDARDS.....	27
4.9	SIGNAGE	35
4.10	EXTERIOR LIGHTING	38
4.11	SUBDIVISION OF LAND	39
4.12	STORMWATER.....	44
4.13	DECLARATIONS OF COVENANTS AND OWNERS' ASSOCIATIONS	46
4.14	ADMINISTRATION AND ENFORCEMENT	46
4.15	RIGHTS-OF-WAY	49
4.16	ANNEXATION.....	50
4.17	EXHIBIT A – LAND USE TABLE.....	51
4.18	EXHIBIT B – PARKING.....	69

4.1 APPLICABILITY

- A. **Applicability.** This chapter applies to all property designated as Planned Unit Development District to be known as the LEAP Lebanon Innovation Planned Unit Development District (the “LEAP District”) on the official Zoning Map.
- B. **Development of LEAP District.** Development of the LEAP District shall be governed entirely by (i) the provisions of this chapter and its exhibits; (ii) those applicable provisions of the UDO as specifically referenced in this Ordinance, (iii) those applicable provisions of the Declaration of Covenants, Conditions, Easements, and Restrictions for LEAP Lebanon Innovation and Research Park as recorded under Boone County instrument number 2023002712, and (iv) those applicable provisions of the Right-of-Way Agreements for LEAP Lebanon Innovation and Research.
- C. **Conflict.** In the event of a conflict between the documents listed in **section 4.1(B)**, the provisions within this chapter apply and control.

4.2 DEFINITIONS

Aa

ADMINISTRATIVE REVIEW AND APPROVAL: Shall mean, where applicable, review and approval by the City of Lebanon Planning Director or designee, and/or subject to approval by the City of Lebanon Advisory Plan Commission, and/or the Board of Zoning Appeals or designee, as specifically set forth by this Ordinance, the UDO, and as required by State law, and/or by the Architectural Review Committee (hereinafter the “ARC”), as defined and set forth therein by the Declaration.

ALTERNATIVE VEHICLE: Shall mean a Vehicle that is autonomous and is designed for delivery services and/or passenger travel. For the purposes of this Ordinance, an Alternative Vehicle is not an Electric Vehicle or a Hybrid Vehicle, but nothing herein shall define the form of propulsion required for this type of Vehicle.

ARCHITECTURAL REVIEW COMMITTEE: Shall have the meaning and responsibilities set forth in Section 8.1 of the Declaration.

ASSOCIATION BOARD: Shall mean the Board of Directors of the Association as provided in the Bylaws.

ASSOCIATION: Shall mean the LEAP Lebanon Owners Association, Inc., an Indiana nonprofit corporation, or such other Indiana nonprofit corporation as may hereafter be formed by the IEDC in its sole discretion for the purpose of owning, managing, maintaining, preserving, repairing, replacing, operating, and administering the Common Area and for other purposes as set forth in the Declaration and herein.

Bb

BETTERMENTS: Shall mean the (a) wayfinding and district identification signage; (b) plantings and landscaping; (c) paved surfaces, such as Multi-Use Pathways, (i) behind any curbs and (ii) at specialty intersections or crosswalks; (d) granite curbs; (e) walls; (f) railings; (g) public art; (h) streetscape furnishings (trash receptacles, planters, benches, tree gates, bollards, bicycle racks); (i) bus stops; and (j) street lights

(including, without limitation, street lighting located within the Property to the extent required under the ROW Agreement), as located within the rights-of-way of the LEAP District.

BYLAWS: Shall mean, the Bylaws of the Association, as amended from time to time.

Cc

CAMPUS LIKE SETTING: Shall mean a Site on which a program conducts activities in multiple buildings at the same time with shared parking, access, and amenities.

CITY: Shall mean, the City of Lebanon, Indiana.

COMMERCIAL VEHICLE: Shall mean any Vehicle (including an Electric, Hybrid or Alternative Vehicle as defined within this Ordinance) that is used to generate income, and which, by appearance, is any other than usual or customary personal family transportation. These may include school buses, buses used for public transportation, limousines, , trucks or tractors having dual rear wheels and more than 2 axles, semi-trailer tractors, semi-trailers and trailers having an overall length of more than 12 feet, or Drones. Vehicles and trailers used for the transport of livestock or goods associated with and located upon the premises of a property used for farming or grazing shall not be construed as to meet the definition of a Commercial Vehicle.

COMMON AREA: Shall have the meaning set forth in the Declaration.

CORRIDOR, ECO: Shall mean an enhanced and improved Stream Corridor as more particularly described in **LEAP Design Guidelines**.

CORRIDOR, MAJOR ROADWAY: Shall mean a Road or Street within the LEAP District that accommodates higher traffic volume and speeds. A Major Roadway Corridor includes certain Road typologies that are further described within **LEAP District Concept Plan** and **LEAP Design Guidelines**, in any current or future alignment, for existing or new Roads or Streets.

CORRIDOR, MINOR ROADWAY. Shall mean a Road or Street within the LEAP District with lower traffic volume and speeds. A Minor Road Corridor includes certain Road typologies that are further described within **LEAP District Concept Plan** and **LEAP Design Guidelines**, in any current or future alignment, for existing or new Roads or Streets. Unless otherwise stated herein, Minor Roadway Corridors are all other roads not specified as a Major Roadway Corridor within this Ordinance.

CORRIDOR, NATURAL: Shall mean any new or existing man-made or natural resource, natural system, and/or natural habitat including any new or existing man-made or natural Stream-Corridor, Stormwater Conveyance, and/or Eco-Corridor within the LEAP District boundaries.

CORRIDOR, ROADWAY: Shall mean Major Roadway Corridors or Minor Roadway Corridors, as applicable.

CORRIDOR, STREAM: Shall mean a stream corridor within the LEAP District that is considered a buffer or an area of land directly adjacent to a stream or tributary.

CORRIDOR, TRAIL: Shall mean a Multi-Use Pathway, Trail, and/or the Big-4 Trail.

CORRIDOR: Shall mean all Corridors, including but not limited to an Eco-Corridor, Major Roadway Corridor, Minor Roadway Corridor, Natural Corridor, Road Corridor, Stream Corridor and/or Trail Corridor, and/or whichever specific Corridor is applicable and/or referenced in each particular section of the Ordinance.

COUNTY: Shall mean, Boone County, Indiana.

Dd

DECLARATION: Shall mean the Declaration of Covenants, Conditions, Easements, and Restrictions for LEAP Lebanon Innovation and Research Park, as recorded under instrument number 2023002712 by the Boone County Recorder, and as amended from time to time.

DEVELOPER, CONTROLLING: Shall mean the Indiana Economic Development Commission and any successors or assignee as set forth under or permitted by the Declaration.

DEVELOPER: Shall mean any individual, corporation, partnership, or entity engaged in the improvement of a parcel of land or construction of a Structure within the LEAP District.

DIRECTOR: Shall mean the Director of the City Planning Department, or designee.

DRONE: Shall mean an autonomous flying or ground-based robot that can be remotely controlled with software within its embedded systems.

Ee

ELECTRIC VEHICLE: Shall mean a Vehicle that uses one or more electric motors for propulsion powered autonomously by a battery, or a similar source that requires charging from an external source, as well as Hybrid Vehicles that are powered by a motor that draws electricity from a battery with a back-up by an internal combustion engine.

Gg

GREEN PERFORMANCE AND ENERGY DEVELOPMENT STANDARDS: Shall mean a set of procedures that promote sustainability best practices in development and construction within the LEAP District.

GREENBELT, INTERNAL RESIDENTIAL: Shall mean a required Greenbelt located between a Residential District (as such term is defined in the UDO) that exists at the time of passage of this Ordinance, and a non-residential LEAP District use.

GREENBELT, ROADWAY: Shall mean a Greenbelt adjacent to a Major or Minor Corridors, as required under the terms of this Ordinance.

GREENBELT: Shall mean an area of land that is dedicated specifically for green space or buffering where development is prohibited. Walkways, drive access, Stormwater Conveyances, utility infrastructure, Natural/Eco Corridors and other items of that nature are permitted within the Greenbelt.

Ii

IMPROVEMENTS: Shall mean, with respect to any Site or in the Common Area, any building, structure or construction which affects the exterior appearance of such Site or Common Area, as applicable, including by way of illustration, but not limitation, all land preparation or excavation, fill and grading, utilities, pipes, lines,

wires and other facilities, landscaping, buildings (whether fully or partially enclosed), garage, parking structures, parking areas, curbing, paving, fences, walls, exterior screening, poles, towers, antenna, aerials, lighting, driveways, ponds, lakes, fountains, signboard, walkways, jogging paths, signs, exterior communications equipment and facilities, and any construction which affects the exterior color or appearance of any building or structure. The term “Improvements” includes such improvements that may be permanent or temporary, stationary, or moveable, or that may be above, on or below ground level.

LI

LEAP DISTRICT PERIMETER SETBACKS: Shall mean Setbacks interior to the outside extents of the LEAP District Perimeter as defined by the LEAP District.

LEAP DISTRICT PERIMETER: Shall mean the Roadway or land boundaries, as applicable, of the LEAP District.

LEAP DISTRICT: Shall mean the portion of the Project LEAP Area that will be subject to the PUD, which has been annexed into the City, as amended.

LILLY PROJECT AREA: Shall mean the portion of the Project LEAP Area (approximately 602 acres) that is currently owned and being developed by Eli Lilly and Company, which will not be subject to the PUD.

LOADING AREA: Shall mean an off-road area, parking space, or parking dock used for loading or unloading of cargo, products, or materials from Commercial Vehicles.

Mm

MULTI-USE PATHWAY: Shall mean a public way, separate from a street, alley, or other Vehicle Roadway, designed for, and used by, pedestrians, cyclists and others using methods of personal transportation and recreation equipment which is surfaced with asphalt, concrete, and or decorative pavers.

Oo

OPEN SPACES: Shall mean spaces that create pedestrian-friendly amenity zones that encourage community connections.

OUTDOOR STORAGE FACILITIES: Shall mean covered storage areas completely screened and fenced from view of a Corridor and/or adjacent commercial and residential uses, for purposes integral to uses and/or temporary storage for construction related to the development of the LEAP District.

Pp

PROJECT LEAP AREA: Shall mean the approximately 9,000-acre strategic area including land that has not yet been annexed into the City.

Rr

RENEWABLE UTILITY SYSTEM: Shall mean a system of renewable resources or utilities such as solar, Utility Solar, wind, Utility Wind, hydro, biomass, or other systems.

ROADWAY: Shall mean a Road or Street as defined in the UDO, or the Road Typographies set forth in **LEAP Design Guidelines** to this Ordinance.

Ss

SITE: Shall mean the lot or lots upon which a major development is to occur or has occurred in the LEAP District.

SMR: Shall mean a Small Modular Reactor, such as those contemplated for use by major universities.

STORMWATER CONVEYANCE: Shall mean the water system that moves Stormwater from one location to another and may include retention areas or ponds. Stormwater Conveyance systems can be natural or man-made.

STORMWATER: Shall mean the material amount of surface water resulting from rain and/or snow/hail melt.

SUBDISTRICT: Shall mean specific zoning districts designated within this Ordinance and further illustrated in **LEAP Design Guidelines**. Specific descriptions applicable to each Subdistrict are set forth below in [4.3 Subdistrict Descriptions](#).

SUSTAINABLE DEVELOPMENT: Shall mean the development of a Site, area or Building using environmental and industry best practices and/or resources to achieve the goals of the Project LEAP Area. This type of development also includes sustainable landscaping and green performance best practices/standards with a focus of low-impact development, Stormwater best practices, and innovative approaches in the development of natural resources.

Tt

TRIP GENERATION: Shall mean predicted number of vehicular trips to and from a study area.

Uu

UNIFIED DEVELOPMENT ORDINANCE: Shall mean the City UDO, in effect on the date of the enactment of this Ordinance.

Ww

WALKWAY: Shall mean a pedestrian Trail, Sidewalk, or Multi-Use Pathway.

Yy

YARD, FRONT: Shall mean a Yard extending across the full width of the Lot between the Front Lot Line and the Primary Building.

YARD, REAR: Shall mean a Yard extending across the full width of the Lot between the Rear Lot Line and the Primary Building.

4.3 SUBDISTRICT DESCRIPTION

- A. **INDUSTRIAL – MEGA SITE (IM)** - The Industrial Mega Site Subdistrict has parcels comprising a Site that is generally over 1,000 acres in size with direct access to a primary road connection to the interstate. This Subdistrict focuses on advanced manufacturing, innovative manufacturing and research and development uses. On-site renewable energy generation is encouraged in this Subdistrict. This Subdistrict may also include park, Stormwater Conveyance, and public service uses.
- B. **INDUSTRIAL – ADVANCED MANUFACTURING (IA)** - The Advanced Manufacturing Subdistrict will generally have parcels comprising a Site under 1,000 acres in size with direct or near direct access to a primary road connection to the interstate. This Subdistrict focuses on advanced manufacturing, innovative manufacturing and research and development uses. On-site renewable energy generation is encouraged in this district. This Subdistrict may also include park, Stormwater Conveyance, and public service uses.
- C. **MIXED-USE VILLAGE (MU)** - The Mixed-Use Village Subdistrict aims for a mix of specific land uses and is the only Subdistrict that permits mixed-use, residential, retail, and commercial uses and development. This Subdistrict focuses on higher density, vertical mixed-use development at its core, surrounded by a mix of residential development typologies. This Subdistrict may also include park, Stormwater Conveyance, and public service uses. The Mixed-Use Village Subdistrict (MU) is the overarching Subdistrict, with 3 separate subcategories therein as set forth below:
 - 1. **MIXED-USE 1 (MU1)** - MU1 focuses on mixed-use, multifamily, office and higher education uses and is in the core of the Mixed-Use Village Subdistrict.
 - 2. **MIXED-USE 2 (MU2)** - MU2 focuses on residential multi-family uses such as townhomes, extending outward from the core of the Mixed-Use Village Subdistrict.
 - 3. **MIXED-USE 3 (MU3)** - MU3 focuses on residential uses such as single family, extending outward from the residential multi-family toward the edges of the Mixed-Use Village Subdistrict.

4.4 LEAP DISTRICT CONCEPT PLAN

The **LEAP District Concept Plan** provides a general vision for the development of the LEAP District that illustrates the conceptual arrangement of the PUD area, land uses, general layouts of lots, buildings, and thoroughfares. The **Leap District Concept Plan** illustrates one way that the sites could be developed. The final layout will be designed in logical phases, with Site plans for each building or phase, subject to the terms and conditions of this LEAP District Ordinance. The **Leap District Concept Plan** is incorporated herein as **LEAP District Concept Plan**.

4.5 GENERAL USE REGULATIONS

- A. General. If this Ordinance does not address a certain development standard category in the UDO, then **CHAPTER 2 – ZONING DISTRICTS** shall apply to that development standard regarding the LEAP District. If any conflict arises between the UDO and this Ordinance, the terms and provisions stated within this Ordinance shall control.
- B. Permitted/Prohibited Uses.
1. The LEAP District Ordinance provides a mix of compatible uses arranged in a logical manner as illustrated in **LEAP District Concept Plan**.
 2. The list of Permitted Uses by Subdistrict follows and is incorporated herein. If the list of Permitted Uses does not identify a category of use, that use is deemed to be a Prohibited Use, unless designated as a Conditional Use. Furthermore, certain types of identified uses are also listed to be expressly Prohibited.
 3. Permitted Uses. The letters/symbols below represent the following categories of uses that are addressed within this Ordinance. The specific uses for each Subdistrict, and whether each listed use is either permitted, prohibited, or permitted with conditions, are set forth in **Exhibit A – Land Use Table**, as follows:
 - a. “P” represents permitted uses or “use by right”.
 - b. “-” represents prohibited in the noted Subdistrict.
 - c. “C” represents conditional uses or uses with conditions. Each conditional use is set forth in the Conditional Use Standards.
 4. Unlisted Categories. Categories of uses not listed in this Ordinance or within **Exhibit A – Land Use Table** shall be subject to Administrative review and approval if a similar, directly transferable use is defined within this Ordinance or the UDO.
 5. Strictly Prohibited Uses. **Exhibit A – Land Use Table** includes a list of Strictly Prohibited uses in all Subdistricts that are subject to this Ordinance.

4.6 DEVELOPMENT AND DESIGN STANDARDS

- A. General. All height, setback, scale, lot coverage, character, and other such physical considerations for development and design standards are as proposed herein, and as further expounded upon and encouraged throughout **LEAP Design Guidelines**, attached, and incorporated herein.
- B. Dimensional Standards. The dimensional standards set forth below shall apply to the LEAP District as more particularly defined within **Table 4-1** of this Ordinance. Exceptions and conditions to this article and **Table 4-1** are further detailed in **section 4(L)** below.

LEAP District
Development and Design Standards

Table 4-1: Dimensional Standards

LAND USE					
CATEGORY	Industrial		Mixed-Use Town Center (MU1 - Mixed Use & Multifamily) *****	Mixed-Use Residential (MU2 – Multifamily & Townhome) *****	Mixed-Use Residential (MU3 - Single Family) *****
	Mega (IM)	Advanced Manufacturing (IA)			
SETBACK: *					
LEAP DISTRICT PERIMETER (only those portions of the Building with a Height above 50 feet are required to meet the increased setback)					
BUILDING	Industrial Uses – 500 Ft. (Minimum)+ 5 Ft. increase in Setback for every 1 Ft. in Height over 50 Ft. ** Office Uses – 200 Ft. (Minimum) + 3 Ft. increase in Setback for every 1 Ft. in Height over 50 Ft. ** Commercial/Government Uses – 50 Ft. (Minimum)	Industrial Uses – 300 Ft. (Minimum)+ 5 Ft. increase in Setback for every 1 foot in Height over 50 Ft. ** Office Uses – 200 Ft. (Minimum) + 3 Ft. increase in Setback for every 1 Ft. in Height over 50 Ft. *** Commercial/Government Uses – 50 Ft. (Minimum)	-	-	-
PARKING	Industrial Uses - 200 Ft. (Minimum) Office Uses – 80 Ft. (Minimum) Commercial/Government Uses - 30 Ft. (Minimum)	Industrial Uses – 80 Ft. (Minimum) Office Uses – 80 Ft. (Minimum) Commercial/Government Uses - 30 Ft. (Minimum)	-	-	-
INTERNAL SETBACK (Applicable only between nonresidential uses within the LEAP District and existing Residential Districts (as defined in the UDO), measured from the property line of the existing residential property.)					
BUILDING	400 Ft. (Minimum)**	300 Ft. (Major)**	160 Ft.** (MU1 District Perimeter Only)	160 Ft.** (MU2 District Perimeter Only)	160 Ft.** (MU3 District Perimeter Only)
PARKING	200 Ft. (Minimum)**	160 Ft. (Major)**	-	-	-
ROADWAY CORRIDOR (not applicable to Roadways along LEAP District Perimeter)					

LAND USE					
CATEGORY	Industrial		Mixed-Use Town Center (MU1 - Mixed Use & Multifamily) *****	Mixed-Use Residential (MU2 – Multifamily & Townhome) *****	Mixed-Use Residential (MU3 - Single Family) *****
	Mega (IM)	Advanced Manufacturing (IA)			
BUILDING	400 Ft. (Minimum)**	300 Ft. (Major)** 250 Ft. (Minor)** 50 Ft. (Major) (Minimum)	0 Ft. (Minimum) 25 Ft. (Maximum)	15 Ft. (Minimum) 25 Ft. (Maximum)	25 Ft. (Minimum) 35 Ft. (Maximum)
PARKING	200 Ft. (Minimum)	150 Ft. (Major) 100 Ft. (Minor) 50 Ft. (Major) (Minimum)	See Parking Standards	See Parking Standards	See Parking Standards
NATURAL CORRIDOR (not applicable to Real Estate along LEAP District Perimeter).					
BUILDING	Industrial Uses – 500 Ft. (Minimum)+ 5 Ft. increase in Setback for every 1 Ft. in Height over 75 Ft. ***** Office Uses – 200 Ft. (Minimum) + 3 Ft. increase in Setback for every 1 Ft. in Height over 75 Ft. ***** Commercial/Government Uses – 50 Ft. (Minimum) Or 1,000 Ft. (Minimum), whichever is less *****	400 Ft.	160 Ft.	160 Ft.	160 Ft.
PARKING	300 Ft.	250 Ft.	150 Ft.	150 Ft.	150 Ft.
YARD					
FRONT, SIDE	-	-	0 Ft.	5 FT. ***	15 Ft.
REAR			10 Ft.	10 Ft.	15 Ft.
MINIMUM DENSITY:					
DWELLING UNITS PER ACRE	-	-	15 Units	10 Units	4-6 Units

LAND USE					
CATEGORY	Industrial		Mixed-Use Town Center (MU1 - Mixed Use & Multifamily) *****	Mixed-Use Residential (MU2 – Multifamily & Townhome) *****	Mixed-Use Residential (MU3 - Single Family) *****
	Mega (IM)	Advanced Manufacturing (IA)			
MAXIMUM HEIGHT: *****					
HEIGHT	250 Ft.	200 Ft.	75 Ft.	50 Ft.	35 Ft.
ACCESSORY BUILDING HEIGHT	300 ft. or 150% of the Total Primary Building Height, whichever is less.	200 ft.	25 Ft.	25 Ft.	25 Ft.
MAXIMUM LOT COVERAGE (total impervious surface):					
LOT COVERAGE	70%*	70%*	90%	80%	70%
*If 25% of existing mature trees are preserved in addition to the LEAP District preservation efforts, maximum lot coverage may be increased by 10%. ** 160' Roadway Greenbelt and/or Internal Residential Greenbelt as required in 4.8 Landscaping Standards. *** 80' Roadway Greenbelt as required in 4.8 Landscaping Standards, **** Reforestation or Mesic Prairie Planting and/or Restoration and Invasive Removal as required in 4.8 Landscaping Standards. *****For attached structures, Setbacks are by development/structure. ***** Indiana State Statute, FAA Height Regulations and exceptions as specified in section 4.6(C) apply.					

C. Height

1. Building heights shall meet the Dimensional Standards as listed in [Table 4-1](#), unless otherwise noted below.
2. Viewshed. Building design shall be mindful of the viewshed from adjacent properties as well as the impact of solar envelope and orientation.
3. General Height Exceptions
 - a. The maximum Height may be varied for the following circumstances: Antennae, Appurtenances, chimneys, architectural elements, elevator bulkheads, fire towers, necessary mechanical equipment, roof-mounted Solar Energy Systems, smokestacks, stair towers, Utility Substations and related facilities, Water tanks/Towers and/or steeples.
 - b. The exceptions noted in this section shall not interfere or waive any applicable Indiana State Statute, including but not limited to [IC 8-21-10-7](#), or any applicable Federal Aviation Administration (FAA) restrictions or regulations.

D. Setbacks. Buildings and parking lots shall meet the Dimensional Standards as listed in [Table 4-1](#).

E. Permitted Encroachments

1. **General Requirements.** Permitted encroachments shall not interfere with the sight visibility triangle or any required Setbacks/spacing required by Indiana State Building Code or Fire Code.
2. **Permitted Encroachments.** Encroachments or projections shall be permitted as follows:
 - a. All Yards. Entrances, landings, steps, awnings, and other architectural features may encroach into the required yards up to 10 feet.
 - b. Side Yards. Bay windows, bump-outs, basement window egress well, or similar features may encroach up to 5 feet. Air Conditioners, waste receptacles and mechanical equipment shall not encroach upon the required Side Yard and shall be properly screened.
3. **Additional Encroachments.** Additional encroachments may be permitted if they meet the following criteria:
 - a. Sight Visibility. Proposed encroachment does not interfere with sight visibility triangle.
 - b. Utility Easement. Proposed encroachment does not interfere with utility easements.
 - c. Natural Corridor Setbacks. Proposed encroachment does not interfere with Natural Corridor Setbacks.
 - d. Building Code. Proposed encroachment does not interfere with Indiana Building Code requirements.

F. Building Locations. Buildings shall minimally meet the Dimensional Guidelines in [Table 4-1](#). Additional standards for each subdistrict shall be set forth in in **LEAP Design Guidelines**.

1. General Requirements, Site Constraints. Placement and location of Buildings should consider Site constraints such as the natural environment, views from surrounding uses, and access to Multi-Use Pathways, sidewalks, and Roadway Corridors.
2. Subdistricts
 - a. Mega Site (IM) and Advanced Manufacturing (IA). Buildings within the IM and IA Subdistricts shall create a Campus Like Setting and shall use screening and/or buffering to buffer adjacent uses and Roadway Corridors from the industrial use.
 - b. Pedestrian and Vehicular Traffic. Buildings shall be placed so that pedestrians and vehicular traffic can easily and safely access Buildings and Site access points.
 - c. Dock Doors and Mechanical Installations. Building placement should prevent views of dock doors and mechanical installations from adjacent uses or Roadway Corridors. Additional standards are found in [6.3\(C\) Loading Berths](#).
 - d. Mixed-Use Village Center (MU, MUI, MU2, MU3). Buildings within the Mixed-Use Village Center Subdistrict shall be oriented close to the street edge to encourage a more connected and pedestrian- friendly environment.
3. Infill Development. Infill Development shall mean the construction of Buildings or other facilities on previously unused or underutilized land. Infill Development shall substantially comply with the **LEAP District Concept Plan** as the LEAP District is built-out over time.

G. **Architectural Performance Standards: Delineation and Articulation.** Architectural variation and thoughtfully designed structures are important elements in meeting the Project LEAP Area goals and sustainability principles. To further these goals and principles, the following standards in this Ordinance and related Exhibits shall be prioritized.

- I. Horizontal Delineation. Horizontal building facades shall be designed to be varied with the use of offsets, building materials and colors to create visual interest.
 - a. Architectural Features. Architectural features, such as lighting, windows, entry areas, columns and other elements can assist with creating horizontal delineations along the facade.
 - b. Blank or Absent. Horizontal wall planes shall not be blank or absent of delineation.
 - c. Horizontal delineation requirements as set forth more particularly below in **Table 4-2** shall apply to all facades facing the road and trail corridors unless otherwise specified within the Ordinance. If a façade wall faces an internal lot, all sides (side, rear, and front) shall be required to follow the guidelines set forth in **Table 4-2**.

Table 4-2: Industrial Horizontal Delineation

Buildings with walls 300 ft. or less in length frontages to road corridors and/or trail corridors:	
Material Change	20% of the Building needs to be a different material
Façade Offsets	2 ft. per every 50 ft.
Buildings with walls 300 ft. or more in length frontages to road corridors and/or trail corridors:	
Material Change	15% of the Building needs to be a different material
Façade Offsets	1 ft. per every 50 ft.

2. Vertical Delineation. Vertical delineation requirements are set forth more particularly below in **Table 4-3**. Vertical facade lengths shall create visual interest and avoid blank walls on each Building or Structure.
 - a. The vertical plane along a building facade should have offsets, changes in color or building material, and architectural features that add to the visual interest of a wall or Building.
 - b. Visual Breaks. Visual breaks along a wall may use architectural features to help visually demonstrate the delineation between floors or levels.
 - c. Architectural Features. Architectural features, such as columns, windows, entry/exits, towers and other elements can create vertical elements along the facade.
 - d. Primary Entry/Exit. Primary entrances and exits should be easily identifiable with variation or differences in height.
 - e. Mixed-Use Village Subdistrict (MU). Ground floor levels shall be differentiated from upper levels by use of elements such as material changes, signage, and/ or other elements that help create level differentiation between floors.
 - i. Fenestration requirements for the ground floor and upper floors for the Mixed-Use Village Subdistrict can be referenced in **LEAP Design Guidelines**.
 - ii. Building entries should be clearly defined to allow easy identification and vertical delineation.

Table 4-3: Vertical Delineation

	Industrial (IM & IA)	Mixed-Use (MU, MUI, MU2, MU3)
Buildings up to 40 Feet in Height:		
Color or Texture Change	3 Locations at 10 Ft. Height (Min)	2 Locations at 12 Height (Min)
Visual Wall Break	1 Locations	1 Locations
Buildings over 40 Feet in Height:		
Color or Texture Change	3 Locations at 20 Ft. Height (Min)	3 Locations at 12 Ft. Height (Min)
Visual Wall Break	1 Locations	2 Locations

4. Corner Articulation in Mixed Use Village Subdistrict (MU). Building corners that face or can be viewed from Major Roadway Corridors, shall use changes in color or building material and architectural features to continue the visual interest from wall to corner.
 - a. Architectural elements and material changes shall wrap around the corners of the Building, extending at least 25 feet from the corners.
 - b. Using the requirements for Vertical and Horizontal delineation toward creating corner articulation is encouraged.
 - c. Visual interest created through glass or other transparent materials along a building corner, is also encouraged.

H. Anti-Monotony

1. Diversity. The LEAP District shall aim to create a variety of colors, patterns, materials, and other architectural features throughout Buildings and Structures to avoid the appearance of repetition and to create variety.
2. Architectural Features. Buildings shall use a variety of architectural features and elements to create visual interest along the facades as set forth in **Table 4-2: Horizontal Delineation** and **Table 4-3: Vertical Delineation** of this Ordinance. Features such as lighting, windows, towers, columns, offsets (both vertical and horizontal), and other architectural elements can be used along the building facade. **LEAP Design Guidelines** references additional encouraged standards related to Architectural Features within the LEAP District.
3. Fenestration
 - a. Industrial-(IM) and (IA)
 - i. Building Frontages. Building frontages should have a minimum of 30% fenestration at the ground floor level.
 - ii. Major Road or Trail Corridors. Fenestration is only required along facades that face Major Roadway or Trail Corridors.
 - iii. For guidance related to the transportation framework of the LEAP District, please refer to **LEAP District Concept Plan** for the Transportation Framework Map.

b. Mixed-Use Village Center (MU)

- i. Non-Residential Ground Floor. Non-residential ground floor levels shall have a minimum of 40% fenestration.
 - ii. Upper Floors. Levels above the ground floor shall have a minimum of 30% fenestration.
- c. Window Graphics. Non-residential buildings are allowed to install window graphics, but each window must maintain 50% opacity. Window graphics should only be placed on first floor windows to maintain inviting and interesting buildings throughout the LEAP District and prevent blank walls.

I. **Building Materials**

1. Exterior building materials shall be durable, quality materials that are visually compatible with the overall development. Varying patterns, textures and colors shall be used to create variety in Building design and assist with delineation and articulation requirements. **Table 4-4** of this Ordinance lists the prohibited and permitted building materials.
2. To help with articulation, delineation and increased visual interest, exterior facades of buildings shall be designed to include multiple building materials. Mixed-Use Village Subdistrict building design shall use a minimum of 3 materials listed within **Table 4-4** of this Ordinance while Industrial Subdistricts (IM) and (IA) buildings shall use a minimum of 2 materials listed within **Table 4-4** of this Ordinance.
3. Permitted, Prohibited & Limited
 - a. Building materials in **Table 4-4** fall under 3 categories: Permitted, Prohibited and Limited.
 - i. Permitted. Permitted building materials are permitted outright and do not have percentage limits.
 - ii. Prohibited. Prohibited materials are strictly prohibited and shall not be used as a building material for any reason.
 - iii. Limited. Limited building materials, unless otherwise noted, shall not exceed 50% of the total exterior facade of a building.
 - iv. Usage of other innovative building materials require Administrative review and approval to determine suitability for the LEAP District.
4. All repairs or replacements of building materials are subject to Administrative review and approval.
5. **Table 4-4** sets forth the approved Building Materials for the LEAP District according to each Subdistrict.

Table 4-4: Building Materials

IM - Mega Industrial IA - Advanced Manufacturing		MUI - Mixed-Use Town Center MU2 - Mixed-Use Neighborhood Townhouse MU3-Mixed-Use		Neighborhood- Single Family
P – Permitted		X – Prohibited		L - Limited
Material	Subdistrict			
	IM	IA	MUI	MU2/MU3
EXTERIOR BUILDING MATERIALS - VERTICAL SURFACES (WALLS)				
CONCRETE				
Cast-In-Place Concrete	P ²	P ²	P ²	L
Poured Concrete (Including Form-Lined)	P	P	L	L
Pre-Cast Concrete (Including Tilt Up)	P ³	P ³	X	X
Split-Faced Block or Architectural Pre-Cast Concrete	L	L	P	P
EXTERIOR INSULATION FINISHING SYSTEMS (EIFS)				
Non-Drainable EIFS	X	X	X	X
Drainable EIFS	L ¹	L ¹	X	X
FIBER CEMENT				
Fiber Cement, Large Format Panels	L	L	P	P
Fiber Cement Siding	L	L	P	P
GLASS				
Glass Curtain Walls	L	P	P	X
Glazing	P	P	P	P
Glass Block	L	L	L	L
Glass (Clear, Colored, Sand Blasted, Etched etc.)	L	P	P	P
MASONRY				
Brick	P	P	P	P
Concrete Masonry Units (Smooth Faced)	L	L	X	X
Concrete Masonry Units (Glazed)	P	P	P	X
Stucco	L ⁵	L ⁵	P	P
METAL				
Insulated Metal Panels (High Recycled Content)	P	P	P	P
Non-Insulated Metal Panels (Siding)	L ⁴	L ⁴	L ⁴	L ⁴
Steel or Aluminum Siding (Horizontal or Vertical, Commercial)	L	L	L	L
STONE				
Stone	P	P	P	P
WOOD				
Engineered Wood Product	L	P	P	P
Wood Siding	L	L	P	P
OTHER				
Vinyl Siding	X	X	X	L

IM - Mega Industrial IA - Advanced Manufacturing	MUI - Mixed-Use Town Center MU2 - Mixed-Use Neighborhood Townhouse MU3-Mixed-Use		Neighborhood- Single Family	
	P – Permitted	X – Prohibited	L - Limited	
Material	Subdistrict			
	IM	IA	MUI	MU2/MU3
Exposed Structure	L	P	P	P
Solar Panels	P	P	P	L
Porcelain and/or Ceramic Panels	L	L	L	L
Storefront (Aluminum, Wood, Steel)	L	P	P	X
Terracotta	L	P	P	P
Vegetated Living Wall	P	P	P	P
Exterior Sun-shading Fins or Louvers	P	P	P	P
EXTERIOR BUILDING MATERIALS – HORIZONTAL SURFACES (ROOFS OR SOFFITS)				
Standing Seam Metal Roof	P	P	P	P
Thermoplastic Polyolefin (TPO)	P	P	P	P
Green Roof	P	P	P	P
Skylights	P	P	P	P
Solar Panels (Rooftop)	P	P	P	P
Modified Bitumen	L	L	X	X
Asphalt Shingles	X	L	P	P
Clay Tile Shingles	X	X	X	X
Wood Soffit	X	X	P	P
Metal Soffit	P	P	P	P
Vinyl or Plastic Soffit	X	X	X	P
1 Should not exceed 50% of the building facade and be installed above the first floor or equivalent. 2 Low carbon concrete mixes are recommended. 3 Only if paired with an insulated backup wall system. 4 Only if backup wall system meets insulation requirements. 6 Only if development also requires envelope commissioning.				

J. Outdoor Storage, Dock Doors and Mechanical Installations, Loading Areas, and Service Facilities

1. General. The LEAP District encourages all Site design to include appropriate placement of truck dock doors and Outdoor Storage Facilities to ensure Corridor aesthetics are preserved and that adjacent properties are protected from activities associated with industrial and manufacturing uses. To accomplish this goal, the following standards shall apply to Outdoor Storage Facilities, dock doors, mechanical installations, Loading Areas, and service facilities.
2. Outdoor Storage
 - a. Outdoor Storage Facilities shall be located on the side or rear of the building.
 - b. Outdoor Storage Facilities shall not be larger than 25% of the total square footage of the buildings on-site, or 2 acres, whichever is less.

- c. Outdoor storage facilities that face an existing Residential District, the Mixed-Use Districts, and/or any Corridor shall have a minimum Setback of 200 ft within the IM Subdistrict and 80 ft within the IA Subdistrict.
 - d. Buffering
 - i. Buffering shall include a berm or fence/ wall and landscaping and have a minimum height of 10 ft.
 - ii. Landscaping shall be installed to create a screening effect to protect the view-shed of adjacent uses.
 - e. All Outdoor storage facilities, related setbacks and buffers, and surrounding landscaping within the LEAP District are subject to Administrative review and approval and shall comply to all applicable local regulations, local ordinances, and state law.
- 3. Loading Areas, Dock Doors, and Mechanical Installations. Loading Areas, dock doors and mechanical installations within the LEAP District shall be designed as follows:
 - a. Mixed-Use Village (MS): Loading areas, dock doors, and mechanical installations within the LEAP District shall be located on the side or rear of the building and are encouraged to be interior facing on the Site. Screening or buffering should complement the building design and overall Site character.
 - b. Industrial (IM)(IA): Dock doors shall be setback at least 100 feet from the property line from similar adjacent uses and 150 feet from the property line for abutting residential or commercial uses.
 - c. Loading Areas. The designs for Loading Areas should consider circulation within the Site and should be placed along Major Roadway Corridors to not impede traffic flow within and to/from the Site. Where possible, entrances should be placed off driveways and be connected to intersections (signaled or non-signaled). Loading Areas should not interfere with pedestrian infrastructure and/or Walkways.
 - d. Mechanical installations, at the ground level, shall be minimally visible from Corridors, and shall be properly screened from public view and located to the side or rear of the Building. Rooftop-mounted equipment shall be screened all sides viewable from Corridors. Screening should be discrete and blend with the existing Building materials, colors, and design-styles used within Building design.
- 4. Additional Standards. Additional illustrations related to Outdoor Storage, Dock Doors, and Mechanical Installations, Loading Areas, Service Facilities and Equipment is set forth in **LEAP Design Guidelines**.
- K. **Encouraged Green Performance Standards, Energy Development, and related Building Design Standards**
 - I. Encouraged General Development and Building Design Standards. **LEAP Design Guidelines** shall be referenced for the encouraged Building and design standards within the LEAP District as related to Green Performance Standards, Energy Development guidelines, Building Orientation and Solar Performance, and Envelope Performance.

2. Encouraged Green Performance Standards. The LEAP District strives to be a model sustainable community and as such every Site developed is encouraged to demonstrate high levels of sustainability and performance matrix's for energy, water and resource efficiency. **LEAP Design Guidelines** references additional encouraged standards as related to Green Performance.
3. Encouraged Energy Guidelines. Energy Efficiency is highly encouraged within the LEAP District. **LEAP Design Guidelines** references additional encouraged standards related to Building Orientation and Solar Performance.
4. Encouraged Envelope Performance Standards. Insulation is an important component of energy efficiency. Buildings and Structures within the LEAP District shall meet or exceed State energy regulation requirements to minimize heat transfer and enhance occupant thermal comfort. **LEAP Design Guidelines** references additional encouraged standards related to Insulation, Air Tightness, Thermal Bridging, and Glazing requirements.
5. Encouraged Performance Matrix. **Table 4-5** of this Ordinance demonstrates the Performance Matrix for the LEAP District as it relates to the encouraged standards for Green Performance, Energy Development and related Building Design Standards in each Subdistrict and Use classification.

Table 4-5: Green Performance

	Type	Encouraged Performance Metrics	Encouraged Stretch Goal Performance Metrics
Residential	Single Family Residential	-	Zero Energy Certification Passive House (CPHC)
	Multi-Family Residential	LEED Gold	Zero Energy Certification Passive House (CPHC)
Civic	K-12 School	LEED Gold Passive House (CPHC)	Zero Energy Certification Living Building Challenge Petal
	Institutional	LEED Gold	Zero Energy Certification Living Building Challenge Petal Well Silver
Mixed-Use	Office and Retail	LEED Gold	Zero Energy Certification Living Building Challenge Petal Well Gold
	Mixed-Use Residential	LEED Gold	Zero Energy Certification Living Building Challenge Petal Well Silver Well Gold
Industrial	Industrial	LEED Silver	LEED Platinum Zero Carbon

L. LEAP District Perimeter Setbacks

1. Required LEAP District Perimeter Setbacks, as specified in [Table 4-1](#) shall credit other applicable minimum Setbacks at a 1:1 ratio.
2. Required LEAP District Perimeter Setbacks shall provide mitigation of views from an adjacent existing Residential District by utilizing a landscaping buffer (including an 80 Ft. or 160 Ft. Internal Residential Greenbelt as required) and berms, walls, or fencing. Additional Stormwater BMP's, as specified in [4.12\(C\)\(1\) Stormwater Management](#), are permitted and encouraged within LEAP District Perimeter Setbacks.
3. Required Natural Corridor Setbacks shall provide Reforestation or Mesic Prairie Planting and/or Restoration and Invasive Removal as required in [4.8 Landscape Standards](#).
4. Renewable Utility Systems
 - a. Utility - Wind. A Utility Wind turbine shall have a maximum Height of 90 Ft. from the base to the bottom of the turbine. A minimum of 30 Ft. of clearance between the propeller and the ground shall be required. Utility level wind applications are prohibited in LEAP District Perimeter Setbacks and Greenbelts. In addition, accessory wind applications are prohibited in required Greenbelts. Other accessory and utility scale wind applications shall be a maximum of 50 acres in size per parcel and be outside the required LEAP District Perimeter.
 - b. Utility - Solar. Utility Solar applications are prohibited in LEAP District Perimeter Setbacks and Greenbelts. In addition, accessory solar applications are prohibited in required Greenbelts. Other accessory and utility scale solar applications shall be a maximum of 50 acres in size per Site. Building mounted and parking lot solar canopies are excluded from this condition.

- M. Modifications, Exceptions and Conditions.** Any request for the modification, exception, or conditional use of any Development and Design Standards in this article, or one of the referenced exhibits, shall require Administrative review and approval.

4.7 PARKING STANDARDS

- A. Purpose. The LEAP District seeks to optimize parking. The amount of parking required by use and the parking design standards shown in **LEAP Design Guidelines** are intended to expand upon the parking provisions for a typical development to ensure a more cohesive parking management plan within the LEAP District. Among the objectives of the LEAP District is to reduce impervious surface area, encourage efficient shared use of parking areas, provide for electric vehicle, alternative vehicle, and bicycle parking, and to encourage flexibility in the Site design and operations of the parking use.
- B. General Parking Standards Applicable to All Districts and Subdistricts. Parking areas shall promote safe pedestrian and vehicular circulation, minimize the impacts of automobiles, and use the minimum amount of parking spaces necessary throughout the Site and shall follow the following standards and any applicable sections of City Code and/or state law.
1. Parking Dimensions and Design
 - a. Parking Dimensions. All parking dimensional requirements shall follow those set forth within the UDO and the Indiana Manual of Uniform Traffic Control Devices, as amended.

- b. Curbs. Curbs are typically required, but exceptions may be granted subject to Administrative review and approval to improve stormwater design, or if the parking is temporary (for construction work period or one year or less after the Site construction period). All curbs shall be designed and built per City Standards.
- 2. Off-Street Parking
 - a. Surfacing. Off-street parking areas shall be durable and use a surface such as concrete, brick paver, asphalt, approved pervious concrete, permeable pavers or other durable material as approved by the City Engineer.
 - b. Location. Required off-street parking spaces shall be located on the lot in which they are required unless otherwise permitted by off-site or shared parking standards.
- 3. Parking Calculation. Off-Street Parking shall be calculated by using the floor area of the use, unless otherwise noted, and shall not include utility areas, restrooms or areas designed for exclusively storage. Parking calculations resulting in fractional spaces shall be rounded up to the next highest whole number, if any fraction is .5 or greater.
- 4. Unlisted Parking Requirement Determination. If the required parking spaces is unclear, the parking space requirement shall be determined based upon the following considerations: (1) Number of employees or persons served; (2) Capability of adequately servicing the visiting public; and (3) Site constraints or existing conditions.
- 5. Shared Parking. Where a mix of land uses creates staggered peak periods of parking demand, shared parking agreements that assist in reducing the total amount of required parking by up to 50% of required spaces are encouraged. Shared parking agreements for off-street parking for 2 or more Buildings or uses are permitted, subject to Administrative review and approval, subject to the following:
 - a. Parking Study. A parking study that demonstrates the peak hours of uses do not coincide and that the overall peak parking needs shall be met. This parking study must be prepared by a qualified planner, engineer, landscape architect, or architect with experience in mixed-use Buildings and parking.
 - b. Landscaped Open Space. The reduced parking results in less impervious surfaces and provides additional landscaped Open Space.
 - c. Shared Parking Location. The shared parking is conveniently within 1/4-mile feet of all the Buildings or uses served.
 - d. Pedestrian Connections. If the shared parking involves more than one parking lot, pedestrian connections shall be maintained between the lots. Additional standards regarding pedestrian access to parking areas is set forth in **LEAP Design Guidelines**.
 - e. Shared Parking Agreement. A shared parking agreement between the owners of property within the LEAP District, acceptable to the City Attorney or designee, shall be executed, which acceptance cannot be unreasonable withheld, conditioned, or delayed.

6. Deferral and/or Banking of Parking Spaces. Construction of a portion of the parking spaces may be deferred, deferred and/or banked parking is subject to the following requirements, all subject to Administrative review and approval:
 - a. Parking Space Need. The developer shall demonstrate that the required number of parking spaces is not needed for their business or operational characteristics.
 - b. Pedestrian Amenities. The site design includes pedestrian amenities, provision for convenient use of transit or shuttles, on-site use of ride-hailing, priority parking for car poolers, or other travel demand management techniques to support travel to the site by means besides an automobile.
 - c. Deferred Parking Site Plan. A deferred parking site plan shall identify the area where parking is being deferred, including dimensions and parking lot layout.
 - d. Sufficient Area. An area of sufficient size to meet the deferred number of parking spaces, along with setbacks, landscaping, access drives, aisles, other required parking lot features, and stormwater management, shall be retained as open space.
 - e. Landscaping. Landscaping, such as parking lot trees, that would otherwise be required for the banked parking shall be installed in the area of the banked parking.
 - f. Performance Guarantee. A performance guarantee or other provision has been made to construct the parking and related features if the use changes or if the City requests that all or part of the parking lot be constructed due to new activities in the building, congested parking conditions, lack of fire lane space, or changes in conditions where additional parking is needed.
7. Parking Reductions. All requests for parking reductions are subject to Administrative review and approval.
 - a. Industrial Sites. Reduction in Advanced Manufacturing or Mega Site Subdistricts. Up to a 25% in reduction in required parking may be allowed upon the completion of a parking needs projection.
 - b. Reduction of Bike Facilities. In addition to the required bicycle parking, an applicant may request additional vehicle parking spaces be converted to bicycle parking for up to 10% of the maximum parking required.
 - c. Reduction for Car Share or Other Alternative Transportation. An applicant may request additional vehicle parking spaces to reduce the required number of spaces up to 10% to accommodate additional space for car sharing and/or parking for other alternative vehicle transportation.
- C. **Additional Parking Standards for Industrial Uses in IM and IA.** Any requested modifications to the standards set forth below are subject to Administrative review and approval.
 1. Surface Parking Lot. Surface parking lots shall be a maximum dimension of 100' x 150' before required landscape separation.
 2. Landscape Separation. Separation shall consist of 3 sides of any of the following or combination herein: planters, swales or landscaped medians including trees.

3. Surface Parking Solar Canopies. Surface parking lots larger than 300 cars shall be covered by solar canopies at a minimum of 25% of the parking area. Smaller surface parking lots are encouraged to use solar canopy coverage.
 4. Parking Lot Drainage. Parking lots shall drain into swales or landscaped areas for pre-treatment of Stormwater runoff. Refer to [4.12 Stormwater](#) for more details on drainage standards for Stormwater.
 5. Swales or Landscaped Area. Swales or landscaped areas along surface parking lots shall be a minimum of 10 feet wide and shall run the entire length of parking stall areas. Landscaped areas shall be designed to support large, mature tree growth.
 6. Parking Stall Materials. 35% of parking stalls shall be porous in nature, using materials such as permeable pavers or porous concrete.
 7. Electric Vehicle Parking
 - a. For parking lots between 500 – 1000 parking spaces, a minimum of 50 electric vehicle parking spaces is encouraged.
 - b. For parking lots between 100-500 parking spaces, a minimum of 5% electric vehicle spaces is encouraged.
 - c. For parking lots smaller than 100 spaces, a minimum of 5% electric vehicle spaces is encouraged.
 - d. It is recommended that 10% of accessible parking spaces have electric vehicle charging stations.
 - e. It is recommended that electric vehicle spaces shall be closest to the main entrance (exclusive of spaces designated for the handicapped) with a power outlet for use by the parked car.
 8. Alternative Vehicles. One vehicle parking space designated for shared-use parking of alternative vehicles shall count as 4 regular vehicle parking spaces. Alternative vehicle parking spaces shall be identified and reserved by signs installed and enforced by the owner of the parking facility.
 9. Standard Modification. Requested modifications to the standards are subject to the approval of the Architectural Review Committee.
- D. **Single-Family Residential Parking**. Single-Family residential lots shall meet the following:
1. Outdoor Parking Spaces. One parking space is required for each single-family home. Parking alongside each other shall be permitted if accessed from the front of the lot.
 2. Driveway Width. Driveways shall not be more than 3 cars wide, except that wider pavement is allowed on the approach to a multi-car garage.
 3. Garages
 - a. Setback. Garages shall be setback a minimum 10 feet from the primary façade of a house. If an alleyway is present, front-load garages are not permitted.
 - b. Garage Size. Garages shall not be larger than a 3-car garage or make up more than 40% of a façade.

- c. Garage Location. There shall be at least 25 feet between the edge of the house and/or garage edge of a sidewalk and the front of a garage to help ensure parked Vehicles do not block a sidewalk.
- 4. Electric Vehicle Parking. One parking spot (inside or outside a garage) is encouraged to have capabilities for an Electric Vehicle (EV) charging station or ability to plug in.
- E. **Multi-Family Residential Parking**. Multifamily residential lots within the LEAP District shall meet the following:
 - 1. Parking Lot Screening. All parking is recommended to be screened and located behind a building or in the rear of the lot.
 - a. Maximum Dimension. Surface parking lots shall have a maximum dimension of 65' x 150' before required landscaped separation.
 - b. Landscape Separation. Separation shall consist of 3 sides of any of the following or combination herein: planters, swales or landscaped medians including trees. Required parking lot landscaping shall count toward this requirement.
 - 2. Parking Structures. Parking structures may be located anywhere, if they are screened by one or more of the following: liner building, porous screening material or living screening material.
 - 3. Parking Stall Materials. 35% of parking stalls of surface parking lots shall be porous in nature, using materials such as permeable pavers or porous concrete.
 - 4. On-Street Parking. On-street parking shall be permitted, count towards required parking minimums, and shall follow any requirements per the City Standards.
- F. **Accessible Parking Spaces**. Accessible parking shall be required to comply with the regulations of per the Americans with Disabilities Act (ADA) of 1990 and any other federal, state, or local law, as amended.
- G. **Vehicle Storage**. All Districts and Subdistricts are subject to Lebanon City Code and applicable state law pertaining to the storage and parking of vehicles.
 - 1. General. Vehicles shall not be parked or stored in a dedicated landscaped area.
 - 2. Unregistered and Inoperable Vehicles. Unregistered and/or inoperable vehicles without a current license plate, inspection sticker or in such a condition to be deemed dead shall be prohibited in all districts unless located within an enclosed building. Recreational, commercial or trailers of any type are included in this requirement.
 - 3. Principal Structure. No Vehicle shall be parked, stored, or allowed to remain on a property that does not contain a principal structure, unless it is a parking area, lot or garage that is permitted as the principal use.
 - 4. Stored Vehicles to be Salvaged/Repaired. Outdoor storage of vehicles to be salvaged or repaired shall are prohibited unless in an enclosed structure.
 - 5. Recreational Vehicle Storage. Storage and/or parking of recreation vehicles in all districts shall be prohibited unless in an enclosed structure.

6. Commercial Vehicles in Residential Areas. Parking and/or storage of commercial vehicles on residential use sites shall meet the following requirements:
 - a. Number of Vehicles. No more than one automobile may be parked or stored on a residential use property at one time.
 - b. Large trucks, machinery, semi-trailers, tractors, trailers, cargo trailers, moving trucks or similar vehicles are prohibited from parking in residential use areas.
 - c. These requirements shall not apply to commercial vehicles used for on-site construction and/or temporary loading or unloading of goods.
7. Commercial Vehicle Storage. Commercial vehicles may not be stored on-site, and vehicles must be stored in dedicated parking areas or within an enclosed structure.

H. Bicycle Parking

1. General. Bicycle parking requirements shall apply to all subdistricts.
2. Required Bicycle Parking. It is recommended that a minimum of 2.5 bicycle parking spaces per 10 vehicle parking spaces or 50 bicycle parking spaces, whichever is less.
3. Bicycle Parking Design. Bicycle parking shall be a mix of long-term and short-term parking.
 - a. Long-Term Bicycle Parking. Long-term bicycle parking shall provide sufficient amenities for employees, residents, and other long-term users to allow for long-term storage of bicycles longer than 2 hours. Long-term bicycle parking for residents or employees may be within the building or covered in a secure area adjacent to the building.
 - b. Short-Term Bicycle Parking. Short-term bicycle parking shall provide sufficient amenities for visitors, customers, and other short-term users for a short-term period of 2 hours or less with sufficient bicycle racks as determined by the Planning Director.
4. Bicycle Parking Location
 - a. The required bicycle parking should be distributed so that some bike parking is conveniently available along the street or near the building entrance to encourage its use.
 - b. Bicycle parking shall be located on paved or pervious surface and shall not be located on soft surfaces such as required landscaped area and/or lawn.
- I. **Loading Area Standards.** Administrative review and approval shall determine if loading area parking spaces shall be required and if a parking study is needed to be completed by the Developer.
- J. **Electric Vehicle Charging Stations**
 1. Electric vehicle charging station parking requires the underground conduit infrastructure for electric vehicle charging spaces. The Director shall determine the number of spaces to be wired and signed.
 2. Required electric vehicle charging spaces that are connected to charging station equipment shall be marked for the exclusive use of electric vehicles and shall be posted with signage indicating that the space is to be used solely for electric vehicle charging purposes.

3. Adequate battery charging station protection, such as concrete-filled steel bollards, shall be used. Curbing may be used in lieu of bollards, if the battery charging station is set back a minimum of 24 inches from the face of the curb.
 4. Information shall be posted identifying voltage and amperage levels, and any time of permitted use, fees associated with use, or safety information related to the electric vehicle charging station.
 5. Contact information shall be provided on the equipment for reporting purposes when the electric vehicle charging station is not functioning correctly, or other problems are encountered by the user.
- K. **Modifications, Conditions, and Exceptions.** Any request for the modification, exception, temporary, or conditional use of any parking standards as set forth in this article, or one of the referenced Exhibits, shall require Administrative review and approval.

4.8 LANDSCAPING STANDARDS

A. General Standards

1. Landscape Character. The general landscape character of the LEAP District is a naturalized prairie landscape with clustered tree plantings and existing tree preservation.
2. Tree Preservation. Existing trees in good condition shall be preserved to the best of the site developer's ability. Existing trees kept on site shall count toward overall site, greenbelt, or other buffer requirements, and is dependent upon the location of each tree, at a ratio of one existing tree being equivalent to 2 required trees.
3. Invasive Removal. Any invasive species that exist in the roadway greenbelt areas or developed part of the site are required to be removed at the time of installation.
4. Mow-Strip. A minimum 5-foot mow-strip shall be installed along both of all walks and vehicular drives.
5. All landscaping, unless otherwise noted, shall follow the requirements within in the UDO.

B. Roadway Greenbelt

1. Depth. The start of the Roadway Greenbelt shall be measured from the property line and/or back of utility easement and shall follow these standards:
 - a. Roads. Along Major and Minor Roadways, Roadway Greenbelts shall extend at least the required depth ([Table 4-6](#)) along the entire length of road frontage. Required setbacks to parking and buildings are defined in [Table 4-1](#).
 - b. Breaks and Tapering. Breaks and/or tapering in depth may occur as necessary to accommodate vehicular or pedestrian access points, stormwater systems, or other natural site features that are to remain.
 - c. Mixed-Use Village Boulevard. Mixed-Use Village Boulevard Roadway Greenbelts in the Mixed-Use Village Subdistrict may require a lesser depth to accommodate additional pedestrian amenities, however any variation from the standard Roadway Greenbelt depths listed in [Table 4-6](#) requires Administrative review and approval.

- d. Roadway Greenbelt Depth Table. Refer to [Table 4-6](#) below for buffer depth per site Subdistrict.

Table 4-6: Greenbelt Depth

Subdistrict	Minimum Depth
Mega Site	80 Ft. or 160' as required in Table 4-1
Advanced Manufacturing	80 Ft. or 160' as required in Table 4-1
Mixed-Use	5 Ft.
Public Trail	10 Ft. from Edge of Public Trail or other walkway type easement Except where impacted by the Big 4 Trail whereby the minimum depth will be 60 Ft. from the Trail centerline

2. Landscape Design

- a. Trees. Trees should be clustered and grouped to create and maintain a degree of visual permeability yet partially screen development from residential areas.
- b. Berms and Mounding. Mounding and/or berms are required to be located adjacent to the roadway edge in the Industrial Subdistricts (Mega Site and Advanced Manufacturing) and designed per requirements set forth in this section:
 - i. Height. Berm Heights shall range from 6 feet to 8 feet and the top of the berm widths shall range from 2 feet to 4 feet.
 - ii. Slope. Slopes shall meet the following requirements:
 - (a) The front slope, facing toward the Roadway, of the berm shall be sloped at a maximum 8:1 gradient.
 - (b) The back slope, facing inward toward the site, of the berm shall be sloped at a maximum 4:1 gradient.
 - (c) Continuous mounds are not permitted.
 - iii. Grading. Berm grading shall ripple and vary in both vertical and horizontal dimensions, while remaining within the acceptable slope tolerances.
 - iv. Existing and Constructed Landforms. Existing and constructed landforms may be incorporated into Roadway Greenbelts in the Industrial Subdistricts to help visually screen more intense uses.
- c. Tree Groupings
 - i. Naturalistic Clusters. Tree groupings shall be spaced in randomized, naturalistic clusters distributed evenly throughout the Roadway Greenbelt area.
 - ii. Berm Trees. Tree groupings shall be placed directly on the front/ top/ back sides of berms with arrangement to remain clustered and randomized.
 - iii. Gaps. Gaps may be provided between clustered tree groupings to reinforce a natural character.

- d. Tree Alignment. Trees shall not be aligned with multiple trees along a single axis.
 - e. Roadway Greenbelt Fences. Fences may be integrated into the required Roadway Greenbelt area, provided the design of fences meet the following criteria:
 - i. Integrated fences should be a minimum of 4 feet, and at a maximum of 6 feet in height, unless required for security within Advanced Manufacturing and Mega Site Subdistrict.
 - ii. Fences shall be constructed of wood or composite wood, unless otherwise noted herein or within an exhibit.
 - iii. Fences shall be post-and-rail style, or an approved alternate.
 - iv. Security fencing may be metal rail or chain-link, shall be coated, and be a maximum of 8 feet tall, unless otherwise allowed herein.
 - v. Fences shall not interfere with the sight visibility triangle as required in the UDO.
 - vi. The maximum uninterrupted length of fence plane shall be 100 feet.
3. Minimum Required Plantings
- a. Deciduous Trees – 10 trees per 200 linear feet
 - i. Native Species. 100% of the trees shall be native species with a minimum of 5 different species used throughout.
 - ii. Tree Installation Size. Trees should have a variety of sizes from 1.5 inch in caliper to 3 inches in caliper at time of installation and should minimally have 50% of the trees at two inches in caliper or larger at time of installation. Excluding the 10 required deciduous, required Greenbelts shall be permitted to install a minimum of one inch caliper trees, if creating a naturalized cluster or reforested area.
 - iii. Tree Spacing. Trees shall be randomly spaced in a staggered pattern between 8 feet and 20 feet on-center.
 - b. Evergreen Trees – 4 trees per 200 linear feet
 - i. Native Species. A minimum of 25% of the proposed trees shall be native species.
 - ii. Tree Installation Size. Trees shall be 6 feet in height at minimum at time of installation.
 - iii. Tree Spacing. Trees shall minimally be spaced in clusters of 2 to 3 between 10 feet and 12 feet on-center.
 - c. Ornamental Trees/Large Shrubs – 4 trees per 200 linear feet
 - i. Native Species. 75% of trees shall be native species with at least 5 different species used.
 - ii. Trees shall be at least one inch caliper minimum at time of installation, or if clustered form 6 feet in height minimum at time of installation.
 - iii. Tree Placement and Spacing. Trees shall be located in naturalized or clustered groups throughout the site with a mixture of species, sizes, and types.

- d. Tall Grass and Forbs Prairie Mix and Perennials. A mixture of native tall grass and forbs prairie mix and/or perennials shall be included throughout all Greenbelt areas in all naturalized areas at a minimum of 1,700 square foot per 200 linear foot of the Greenbelt. Remaining areas will be seeded with turf grass or additional meadow planting.

C. Internal Residential Greenbelt

- a. Description. A Greenbelt is required between non-residential LEAP District uses and existing Residential Districts to create a buffer.
- b. Depth. The start of the Internal Residential Greenbelt shall be measured from the property line and/or back of utility easement and shall be a minimum of 160 Ft as required in [Table 4-I](#). Internal Residential Greenbelts shall only be required along property lines where non-residential LEAP District and existing Residential Districts meet.
- c. Minimum Required Plantings. The minimum required plantings shall follow the requirements listed above in **4.8(B)(3)** of this article.

D. Stream Corridor Buffers

- 1. Location. Buffers shall extend the entire length of all existing streams/ creeks, wetlands, and proposed drainage ways.
- 2. Width. Along streams/creeks, wetlands and proposed drainage ways buffers shall be 300 feet in width from the top of the bank or edge of the wetlands (whichever applies) where they are adjacent to proposed parking, buildings, service areas, and internal roads. Width shall be measured based off the water's bank edge.
- 3. Landscape Character. The general character of the LEAP District stream buffer is defined as a naturalized riparian edge landscape with clustered tree plantings, native wet meadow grass/forbs seed mix and existing tree preservation where possible. Any new trees added within this area shall be grouped in clusters to create a natural character.
- 4. Required Plantings
 - a. Requirements include shade trees at 6 trees per 200 linear foot interval in clustered and naturalistic groups intermixed with ornamental trees or large shrubs at a 4 per 200 linear foot interval.
 - b. A mixture of native trees, appropriate seeds/planting mix, and/or perennials shall be included throughout in all stream areas and in all naturalized areas with at least 1,700 square feet per 100 linear feet of buffer.
 - c. A mixture of at least 25% one to 2 inch caliper trees shall be required with the remainder allowed to be saplings.
 - d. Stormwater best management practice (BMP) can replace required standards if allowed pursuant to this chapter or relevant Exhibit.

5. Stormwater Conveyance Features

- a. Stormwater Conveyance Features. Stormwater Conveyance features (ponds, swales, channels, or other features) shall be designed to have a naturalized appearance and be planted and graded in an attractive manner to be aesthetically integrated into the surrounding landscape.
 - b. Stormwater Conveyance systems that pass through and/or connect to streams or buffers should be designed following all engineering and regulatory agency requirements.
 - c. Stormwater Conveyance features should have a simple edge of meadow grass, wetland plantings (in emergent areas), and tree groupings.
 - d. Stormwater Conveyance features shall have a natural shape and be planted and graded in an attractive manner to be aesthetically integrated into the surrounding landscape.
6. Landforms. Existing and constructed landforms may be incorporated into the perimeter aesthetic to aid in the visual screening and landscape character. When possible, clearcutting of existing woodlands shall be avoided when landform construction occurs.

E. **Parking Lot Landscaping.** Parking lots shall include landscaped areas and plantings in the interior and perimeter of the parking lot, per the requirements listed below:

1. Minimum landscaped area shall meet the requirements of 6.1(j) Parking Lot Landscaping.
2. Plant materials shall be installed in groups or clusters to create natural character. Landscaping shall be located within island areas and within 20 feet of the edge of the parking area including the edge of drives.
3. All naturalized landscape areas shall follow native landscape maintenance requirements.
4. Plant Materials and Variety. 100% of trees and shrubs shall be native. The remaining beds shall be 60% planted with a mixture of native plants and/or perennials. Stormwater BMPs can replace required standards subject to Administrative review and approval.
5. Parking Island. Parking lots shall include one island per 50 parking spaces. Islands shall be a minimum width of 10 ft. and located at the required interval to help traffic circulation and provide pedestrian safety.
 - a. Stormwater BMP is encouraged in these areas.
 - b. Planted areas may be installed at a lower grade than the parking lot pavement, include curbing at the edge of a landscaped area and have openings or gaps allowing drainage from the pavement to enter and percolate through the landscaped areas if used for stormwater management purposes.
 - c. If areas are installed at a lower grade, the applicant shall confirm with City Utilities or Engineering that all local requirements are being met.
 - i. Curbs and Vehicle Stops. All off-street parking lots, access drives and aisles, and other Vehicle maneuvering areas shall provide curbs or similar devices of a minimum of 5 inches high to prevent vehicles, electric vehicles and/or alternative vehicles from overhanging on or into public right-of-way, sidewalks, walkways, adjacent property, or landscape areas.

- ii. Solar Canopy. If a parking lot installs a solar canopy:
 - (a) Parking Spaces. Parking spaces may be covered with canopies that provide a platform for solar energy systems.
 - (b) Maneuvering Lanes. Maneuvering lanes shall not be covered with canopies.
 - (c) Height. The minimum clearance below a solar canopy shall be 9 feet. The height of a solar energy canopy shall not exceed the maximum height for accessory structures in the LEAP District.
- 6. Streetscape Elements and Site Furnishings. Streetscape elements and site furnishings (e.g., benches, trash receptacles, light fixtures, bollards, fountains, bicycle racks, etc.) placed within the interior area or within the 20 feet perimeter area of an off-street parking area shall be compatible with the architectural buildings/structure and streetscape features or furnishing used on site.

F. Landscape Modification

- 1. Temporary parking for construction workers is exempt from landscape requirements in **section 4.8(E)**.
- 2. Modifications to landscape standards may be considered if all the following criteria are met:
 - a. The overall intent of the landscape section is met.
 - b. The location of certain required landscape elements is allowed based on the site conditions.
 - c. The resultant design provides screening of the parking and buildings from the roadway corridor and adjacent uses that are less intense than the use on the Site.
 - d. Rooftop and other equipment is screened from view of the roadway corridors and any residential or mixed uses.
 - e. Truck parking, loading, docks, and other similar activities are screened from view from the roadway corridors and adjacent properties.

G. Maintenance, Installation, Establishment and Protection

- 1. All trees, shrubs and ground covers shall be planted according to American Standard for Nursery Stock (ANSI Z60.1). The City's planting details shall be required on the landscape plan prepared by a licensed Landscape Architect.
- 2. All landscaping approved as part of an Improvement shall be installed prior to issuance of the Certificate of Occupancy; provided, however, that when because of weather conditions, it is not possible to install the approved landscaping before the issuance of a Certificate of Occupancy, a Certificate of Occupancy may be issued subject to Administrative review and approval.
- 3. Maintenance
 - a. It shall be the responsibility of property owners to ensure proper maintenance of landscape as specified within the approved Development Plan.
 - b. Naturalized Landscape Areas. All naturalized landscape areas (prairie grassland/ woodland plantings, Stormwater ponds, existing tree areas) shall follow native landscape maintenance guidelines.

- c. Any required landscaping that dies shall be replaced within 6 months with a suitable planting material of like kind. Trees shall be replaced with a similar caliper as installed upon original installation of material.
- d. Parking Areas. Landscaping within parking areas shall be installed and maintained so to not:
 - i. Interfere with pedestrian access to sidewalks and structures;
 - ii. Cause damage to buildings;
 - iii. Interfere with utilities (both above and below ground);
 - iv. Interfere with Vehicle parking or circulation; and
 - v. Restrict or interfere with sight lines for vehicular or pedestrian traffic throughout the Site.
- 4. Installation. Plant materials shall be installed in groups or clusters to create natural character.
- 5. Establishment Period. During the establishment period (i.e., first one to 2 years) tree plantings may need to be watered as needed during times of drought to remain in healthy, growing condition. Fencing/Trunk guards around the bases of trees during the establishment period should be provided to ensure protection and proper establishment.
- 6. Tree Protection. During construction, the Developer shall install a 4 foot-tall site barrier at the drip line of all existing trees to remain until construction is complete. This shall be installed to ensure existing trees are not damaged during construction.

H. Walls and Fences

1. General

- a. Materials. Walls and fencing should use high quality materials and colors that are compatible with the primary structure on the property.
- b. Water Flow. Walls and fences shall not disrupt the flow of water in a required drainage easement, nor shall they prevent proper Stormwater runoff.
- c. Sightlines. Walls and fences shall be located in such a manner to not interfere with sightlines, or the sight visibility triangle as described in the UDO.
- d. Pond. Walls and fences shall maintain a minimum Setback of 15 feet from the top of a bank of a pond to allow proper access and maintenance.
- e. Breaks/Variation. Walls and fences shall provide variation in height, recesses, columns or other projections if the fence and/or wall exceeds an uninterrupted length of 100 Ft.

2. Fencing

- a. Fencing and Landscaping. Fencing shall be used in combination with landscaping buffering or used to screen service areas.
- b. Use of landscaping and planting around fencing is encouraged, specifically in areas of high visibility.

c. Materials

- i. Wood or composite fences, ornamental iron and other innovative fence types are encouraged.
 - ii. Chain link fences are prohibited in the Mixed-Use Subdistrict, chain link fences may be used in the Industrial Subdistrict on the side and rear yards but shall not be used in the Front Yard.
 - iii. Industrial Chain Link. Chain link fences used shall be vinyl coated and shall be reinforced with a landscape screen at a minimum height of 4 feet.
- d. The following materials and/or fence types are strictly prohibited subject to Administrative review and approval for security or safety applications:
- i. Electrified;
 - ii. Barbed wire;
 - iii. Razor wire; and
 - iv. And stockage fences (on non-agriculture properties).
- e. Screening. Fences used for the purpose of screening shall be a maximum of 6 feet in height.
- i. Industrial Screening. Fences within the Industrial Subdistrict shall be allowed up to a maximum of 8 feet in height.
 - ii. Residential Screening. On all residential zoned properties, fences for the purposes of screening shall only be permitted in the side or rear yards.
- f. Decorative. Fencing used for decorative purposes shall be a maximum of 3.5 feet in height.
- g. Service Areas. Fences shall be a minimum of 8 feet in height in service areas.
- h. Transparency. Fences located in front yards shall have a required transparency of 50%, unless otherwise noted in this chapter.

10. Walls

- a. Walls should be used in instances for additional safety, screening and to provide a more durable, permanent option to fencing.
 - b. Use of landscaping along the wall is encouraged, specifically in areas of high visibility.
 - c. Walls shall be constructed of brick, stone or concrete masonry units and should be compatible with the materials and colors used on the primary Building on Site.
 - d. Walls shall be a minimum of 8 feet in height around service areas.
 - e. Walls shall not be in front yards.
- i. **Additional Standards**. Refer to **LEAP Design Guidelines** for additional standards on design, maintenance, Open Space types, residential requirements, plant lists and other landscaping-related topics.

- J. **Modifications or Exceptions.** Any request for the modification, exception, or conditional use of any Development and Design Standards in this article, or one of the referenced Exhibits, shall require Administrative review and approval.

4.9 SIGNAGE

- A. **Permitting, Application and Enforcement.** All signage, unless otherwise noted in this chapter shall meet the requirements set forth in **6.4 Signage**.
- B. **Table 4-7** of this article sets forth the sign requirements for the LEAP District.

Table 4-7: Sign Requirements

IM - Mega Site		IA - Advanced Manufacturing		MU - Mixed-Use	
Land Use	Permitted/ Prohibited	Size	Height (Max)	Location/ Setback	Number of Signs (Maximum)
Awnings, Attached Canopies & Marquees ²					
IM	Permitted ¹	1.5 Sq. Ft. Per Lineal Foot of Building Frontage (Maximum 75 Sq Ft)	First Story	Curb Line: 3Ft. (Min)	1
IA	Permitted ¹				1
MU	Permitted		Roof Line	Project (into ROW): 6 Ft. (Max) Curb Line: 3Ft. (Min)	1
Billboards					
All Subdistricts	Prohibited	-	-	-	-
Electronic Message Center Sign					
IM	Permitted	50 Sq Ft. Or 50% of the total allowable sign area, whichever is greater. (Max)	15 Ft.	15 Ft. (from Sidewalk/Trail/ROW/Multi- Use Path, whichever is closest)	1
IA	Permitted		15 Ft.		1
MU	Prohibited	-	-	-	-
Monument/Ground Sign					
IM	Permitted	1 Sq Ft. Per Lineal Foot of Building Frontage (Maximum 150 Sq Ft)	15 Ft.	20 Ft. (from Sidewalk/Trail/ROW/Multi- Use Path, whichever is closest)	1
IA	Permitted		15 Ft.		1
MU	Permitted	-	-	-	-
Pole Sign					
All Subdistricts	Permitted ³	20 Sq Ft. (Max)	15 Ft.	1 Ft. (from Sidewalk/Trail/ROW/Multi- Use Path whichever is closest)	-
Projecting Signs ²					
IM	Permitted	15 Sq. Ft. (Max)		Projection: 4 Ft. (Max)	1

IM - Mega Site		IA - Advanced Manufacturing		MU - Mixed-Use	
Land Use	Permitted/ Prohibited	Size	Height (Max)	Location/ Setback	Number of Signs (Maximum)
IA	Permitted		First Story	Wall Separation: 6 Inches (Minimum)	1
MU	Permitted		Roof Line ⁴		1
Wall Sign					
IM	Permitted	2 Sq Ft. Per Lineal Foot of Building Frontage (Maximum 300 Sq Ft.)	Roof Line	-	4 ⁵
IA	Permitted			-	
MU	Permitted	2 Sq Ft. Per Lineal Foot of Building Frontage (Maximum 50 Sq Ft.)	First Story Window	-	2 ⁵
1 Marquees shall be prohibited. 2 Signs shall have a minimum clearance of eight feet from ground level. 3 Wayfinding Signage for the LEAP District ONLY. 4 Subject to Administrative review and approval. Proposed Sign must not interfere with sight lines and/or create a nuisance for residential units in mixed-use Buildings. 5 Total combined sign sq ft. shall not exceed the maximum listed in sign size					

C. **Sign Area and Height.** Sign area and height calculations shall follow the calculation and measurement requirements listed in the UDO.

D. **Sight Visibility and Additional Location Requirements**

1. Clearance from Utilities. Signs and associated sign elements shall have a minimum clearance of 5 feet from any utility pole, streetlight, electric fixture, or associated utility element.
2. Sight Visibility Triangle. All signage shall maintain a clear sight visibility triangle as per the requirements in the UDO.

E. **Illumination of Signs**

1. External Illumination. Externally illuminated signs shall be permitted in all Districts.
2. Indirect Illumination. Indirectly illuminated signs must be shielded to prevent direct glare or light ray visibility from the right-of-way or any adjacent use.
3. Internally Illuminated. Internally illuminated signs shall be permitted in Industrial Subdistricts, unless otherwise noted, and halo-lit or reverse channel lit letters may be permitted in all Subdistricts.
4. Foot-Candle Requirements. Lighting should not be overly intense for the area of illumination and consider the impact on the surrounding environment. A maximum of 0.5 a Foot-Candle overspill onto adjacent properties or Roadways is permitted. Lighting shall be designed and located to prevent overspill and keep lighting within the Site, unless otherwise noted. Lighting within commercial sites shall not exceed a maximum of 3 Foot-Candles for signage to be lit. Signage for the purpose of public safety shall be exempt from Foot-Candle requirements.

5. Color and Intensity. Lighting sources for illuminating signs shall have a consistent color and intensity. Dimming or brightening due to ambient light sensors shall be excluded from this requirement.
- F. **Design and Construction**. All signs shall be designed and constructed to meet the following requirements:
 1. Signs shall be safe and stable;
 2. Signs shall be designed such that supporting frameworks are contained within and/or behind the face of the sign and screened from view to the best of their ability;
 3. Building signs shall be designed to be compatible with the character of the Building;
 4. Sign components, such as wiring, shall be incorporated into the sign and hid from view to the best of their ability;
 5. Signs shall be constructed in accordance with the Indiana Building Code and the UDO.
- G. **Exempt and Temporary Signs**. Exempt and temporary signs shall follow the requirements listed in the UDO.
- H. **Incidental Signs**. Incidental (wayfinding or directional) signs shall follow the following requirements:
 1. Signs may be internally illuminated but shall not be animated or flash;
 2. Signs shall require review from the ARC;
 3. Signs shall meet the requirements of this chapter and all other standards referenced within;
 4. Signs guiding traffic, pedestrian or other guiding signage shall meet all Indiana Department of Transportation standards; and
 5. Directional signage shall be limited to one sign per access point. Heights over five ft. shall be subject to Administrative review and approval.
- I. **Non-Conforming Signs**. Non-Conforming signage shall follow the requirements listed in the UDO.
- J. **Multiple Tenants**. For Buildings with more than one tenant, a sign shall be permitted for each tenant having a separate direct means of public access from the outside.
- K. **Residential Signs**. All residentially zoned properties shall not be permitted signage, unless expressly permitted within the chapter or listed as an exempt and/or temporary sign allowance within the UDO.
- L. **Additional Sign Specific Standards**
 1. Awnings, Attached Canopies & Marquees. Signage shall be flat or painted upon the surface of the awning and/or canopy.
 2. Electronic Message Center Sign
 - a. Message Change. Signs shall not change message more than 2 times per minute.
 - b. Illumination. Electronic signs shall have light sensing devices to adjust brightness as lighting conditions change throughout the day. Brightness shall be dimmed after the close of business or sign utilization by 50%.

- c. Flashing. Sign messages shall not flash or cause distraction to pedestrians or vehicular traffic.
 - d. Sign Malfunction. If a sign malfunctions, a default static image or message shall display and/or the message shall freeze.
 - e. Glare or Excessive Brightness. Electronic signs shall be placed as such to prevent glare or excessive brightness toward residential properties.
3. IEDC and LEAP Lebanon Owners Association, Inc. shall be exempt from restrictions on temporary signage, real-estate signage, and shall be able to install interpretive, public art, wayfinding, and other creative signage types on sites subject to Administrative review and approval.
- M. **Other Signs**. Other types of signs not mentioned in this article and/or within **LEAP Design Guidelines** shall first require Administrative review and approval, and where applicable, the following items shall be considered when providing signage approvals and guidance:
- 1. Sight Visibility. The proposed sign does not interfere with the sight visibility triangle.
 - 2. Utility Easement. The proposed sign does not interfere with utility easements.
 - 3. Natural Corridor Setbacks. The proposed sign does not interfere with Natural Corridor Setbacks.
 - 4. Building Code. The proposed sign does not interfere with Indiana Building Code requirements.
 - 5. Subdistrict. The proposed sign is appropriate for the district in which it will be located.
 - 6. Nuisance. Proposed sign will not become a nuisance for adjacent properties.
 - 7. Vision of LEAP District. The proposed sign is consistent with the goals and vision of the LEAP District as a whole.
- N. **Additional Guidelines**. Refer to **LEAP Design Guidelines** for additional guidelines on sign-related topics.
- O. **Modifications or Exceptions**. Any request for the modification, exception, or conditional use of any Sign Standards as set forth in this article, or one of the referenced Exhibits, shall require Administrative review and approval.

4.10 EXTERIOR LIGHTING

- A. **Location**. Lighting shall be located to allow the full area to be illuminated without causing excessive overspill and/or safety concerns.
- B. **Direction of Lighting**. Lighting shall be oriented to face downward or toward the area that is intended for illumination.
- 1. Façade Lighting. Façade lighting shall be directed downward and shielded to prevent glare.
 - 2. Lighting Along Property Line. Lighting proposed along property lines adjacent to residential properties should be mindful of overspill and glare.

- C. **Height.** The Height of lighting should be appropriately scaled to the area of illumination, excessive Height should be avoided.
 - 1. Roadway and Parking Lot Lighting. Roadway and parking lot lighting may range between 20 to 25 feet in Height above grade.
 - 2. Pedestrian Pole Lighting. Pedestrian pole lighting shall be 14 feet in Height above grade.
 - 3. Trail Lighting. Trail lighting may range in Height anywhere from 4 to 14 feet above grade.
- D. **Public Street Lighting.** Public street lighting shall use the most current American National Standard Practice for Roadway Lighting ANSI/IESNA RP-08 as guidance for all public street lighting.
- E. **Lighting Illumination Intensity.** Lighting within non-residential Sites shall not exceed 3 footcandles for areas intended to be lit. The lighting maximum may be raised up to a maximum of 6 footcandles in targeted areas subject to approval by the ARC, if safety concerns are present. A maximum of 0.5 a footcandle overspill onto adjacent properties or Roadways is permitted.
 - 1. Lighting Design. Lighting shall comply with International Dark-Sky Association (IDA) friendly goals by minimizing light pollution, light brightness, and preventing negative effects on the natural environment, while keeping users safe. Lighting shall be designed and located to prevent overspill and keep lighting within the Site, unless otherwise noted.
 - 2. Operating Hours. After operating hours on-site lighting shall be dimmed, turned off, or use a lighting sensor to help lower lighting intensity.
 - 3. Streetlighting. Streetlighting shall provide the minimally necessary amount of lighting for public safety.
 - 4. Public Safety. Applications intended for public safety use shall be exempt from maximum light intensity or overspill.
- F. **Photometric Plan.** A photometric plan shall be required for all Subdistricts for review by the ARC for overspill and/or excessive lighting. Single-Family Residential uses shall be exempt from this requirement.
- G. **Additional Guidelines.** Refer to **LEAP Design Guidelines** for additional guidelines on design, dark-sky friendly lighting, materials and styles and other lighting-related topics.
- H. **Modifications or Exceptions.** Any requested modification, exception, or conditional use of Lighting Standard listed within this article, or within one of the referenced Exhibits, shall require Administrative review and approval.

4.1 I SUBDIVISION OF LAND

- A. **Non-Residential Entrance and Drive Standards.** Entrance and driving standards shall follow the requirements listed in the UDO, unless otherwise noted in this article. Driveway access points shall be minimized and limited as much as possible along corridors.
 - 1. Driveway Alignment. Driveways shall be aligned with driveways across the road or spaced at least 150 feet apart.

2. Driveway Spacing. Driveways along the same side of the road shall be spaced a minimum of 200 feet from the closest driveway or access point to prevent left-hand turn conflicts.
 3. Access Points/Driveways. Access points or driveways shall ensure access for typical vehicles or truck traffic (unless additional access points are provided). Uses with higher traffic volumes or truck traffic may require a deceleration taper or lane as determined by City Engineer and/or traffic study.
 4. Shared Access. Shared access with adjoining properties through cross-access agreements or easements is encouraged.
 - a. Shared driveways or access points shall be used in instances where traffic operations may be impacted, driveways are poorly spaced or when shared access provides better circulation and access between Sites.
 - b. Undeveloped Property. If an undeveloped site is adjacent or adjoining to the proposed site for development, the Site for development shall accommodate a future shared access connection.
 5. Corner Clearance. Access point must adhere to vision clearance standards to not interfere with sight lines and access.
- B. **Trails**. The trail network within LEAP District begins at the Big 4 Trail and expands outward into the LEAP District, and in most cases is recommended to follow along major eco-corridors, which provides interest and access to the natural environment.
1. Minimum Trail Width. Trails shall be a minimum of 10 feet wide, unless under special consideration then the trail may be a minimum of 8 feet and should provide space for multiple types of users.
 2. Trail Design. Design of trails should reference the American Association of Highway and Transportation Officials (AASHTO) guide for bicycle facilities and pedestrian facilities, and any published guidelines per the Indiana Department of Natural Resources (DNR).
- C. **Sidewalks**. Sites shall include sidewalks built to building entrances, connections to parking areas, and connections to or created for pedestrian amenities. Sidewalks shall follow the guidelines set forth below:
1. Minimum Public Sidewalk/Parking Area Connection Width. A minimum 5-foot-wide sidewalks shall be installed for public sidewalks and parking area of over 25 parking spaces.
 - a. The sidewalk shall provide a direct connection from internal drives to the entrance of the building.
 - b. A crosswalk shall be clearly delineated with striping or the use of non-slip materials that contrast with the parking lot's primary material.
 - c. Appropriate stop or yield signs shall be installed to indicate where pedestrians are crossing vehicular aisles in the parking lots.
 2. Minimum Public Road/Multi-Use Pathway Connection Width. A minimum 8-foot-wide sidewalk should be installed along public roads and sidewalks connecting to multi-use pathways.

3. Accessibility. All sidewalks should accommodate accessibility needs.
 4. Sidewalk Buffer. Sidewalks shall be buffered from Roadways and parking lots with landscaping, such as a tree lawn area or other innovative landscaping treatment.
 5. Crosswalks/Crossing Areas. Pedestrian crosswalks and crossing areas should be provided within parking areas of 100 spaces or more, to create safe spaces and circulation for pedestrians. In addition, public roads shall include crosswalks and/or signals where traffic studies deem appropriate.
 6. Illumination. Walkways shall be illuminated within and along parking areas. Walkways shall follow requirements in 4.10 Exterior Lighting.
 7. Materials. All walkways shall be paved with a resilient surface such as asphalt, concrete and/or decorative pavers. Site conditions may require boardwalks to be installed. All public walkways shall be ADA accessible. Pervious pavement applications are encouraged and are subject to review and approval from ARC.
 8. Location. Walkway locations should consider the most common pedestrian pathways such as entrances, exits and parking areas.
 - a. Location of walkways should allow for safe site or corridor circulation and contribute positively to the pedestrian experience.
 - b. Walkway locations may be within or outside of the ROW or easement.
 - c. Walkway locations shall create contiguity to property lines connecting with existing or planned adjacent pedestrian infrastructure.
 - d. Existing public access, ROW, or easements shall be identified on all development plans.
- D. **Traffic Impact Studies**. As specific development projects are identified and initiated in the LEAP District, traffic impact studies will be required to be conducted so that appropriate roads can be designed, improved, and constructed to facilitate the traffic for the specific project, the LEAP District, the Project LEAP Area, and the community at large. The traffic studies will follow the national manuals and procedures of the Institute of Transportation Engineers (ITE). These studies will include the following:
1. Traffic Analysis. Background traffic analysis shall discuss existing information available, any issues with construction or other factors that would influence the timing of data collection, and the inclusion of other projects.
 2. Study Preparation. The traffic study should be prepared in accordance with the Institute of Transportation (ITE) Recommended Practice for Transportation Impact Assessments. The Traffic Impact Study must be prepared by an ITE certified Transportation Planner or Traffic Engineer, with an ITE Certified Professional Traffic Operations Engineering requirement for any design or traffic signal study.
 3. Trip Generation Analysis. As each development is submitted, the Developer shall provide a Trip Generation Estimate using the Institute of Transportation (ITE) Trip Generation manual.
 - a. Use. The estimate should provide the corresponding ITE land use codes, the variables used (acres, square footage, employees, residents), and the traffic projected for the AM and PM

Peak Hours of the street network, and daily traffic counts. The Director may also accept actual counts from a similar use, if those counts were collected in compliance with ITE standards.

- b. Additional Estimates. The ARC may also require an estimate of the peak hours for the particular use or a Saturday or other peak hour, depending on the use.
 - c. Trips. The Trip Generation comparison may include a reduction in trips for pass-by trips, internal trips (trips that remain within the project site), and people trips for those walking, using bikes, transit, shuttles, or other non-auto trips, in accordance with the ITE Trip Generation Handbook or similar publications by a transportation organization.
 - d. Timeline. This estimate should be submitted prior to, or with, the proposed Site Plan.
4. Predicted Traffic. If the use would generate more than 500 trips in a peak hour, or 2,000 or more trips daily, or if required by the Director, the Developer shall submit a Traffic Impact Study.
 5. Traffic Impact Study Requirements. The traffic impact study shall include, at a minimum, the following:
 - a. Study Area. The Developer, in consultation with the City Engineer, shall establish the study area to be included, including intersections that are expected to be impacted (*Example*. Where 5% or more of the future traffic at the intersection is associated with the use.)
 - b. Level of Service. Existing traffic conditions including level of service for intersections in the study area.
 - c. Truck Trips. The Director may require a separation of truck trips from other Vehicles.
 - d. Existing Non-Auto Trips. Existing non-motorized and transit trips.
 - e. Distribution of Trips. A distribution of the new trips onto the transportation network. The distribution should consider the road typologies as described in the **LEAP District Concept Plan** and explain how the routing is consistent with the intended function of those Roadways. The Director may require that routing of Vehicles and non-motorized travel be distinguished.
 - f. Background Traffic. A review of the background traffic included in the study, the trips associated with other developments that are approved or being reviewed in the area that could influence the improvements needed to accommodate the new traffic.
 - g. Existing, Background and New Traffic. An analysis of the existing traffic plus background traffic at the time the use opens, and the total traffic including the new use.
 - i. Information should be provided in HCM format, with a computerized analysis projecting the operating conditions (such as Synchro, Vissim, or other modeling as appropriate).
 - ii. The Developer may be able to provide the existing condition modeling to use as a base.
 - iii. The final study needs to be provided so that the Developer may use that information for other traffic impact studies.
 - iv. The Director may require an analysis of other non-motorized improvements that are needed.

- h. For an Industrial Megasite project (1,000 acres or more), new traffic modeling may be required by the Director in order to evaluate whether existing roads should be widened, or new roads, interchanges, or other road improvement scenarios may be required in order to accommodate new traffic to the Industrial Megasite.
 - i. Mitigation. Potential improvements to traffic flow shall be provided that could include:
 - i. Additional ROW acquisition;
 - ii. Roadway widening;
 - iii. Intersection improvements, new traffic signals or use of adaptive or other signal systems, roundabouts, Intelligent Transportation System (ITS) or technology improvements;
 - iv. New roads;
 - v. Changes to truck routing, improvements to Roadway conditions, or other measures to direct trucks to Roadways approved for their use;
 - vi. Pedestrian improvements and crossings
 - vii. If the project will be done in phases, different timing scenarios may be required.
 - j. Implementation. For traffic flow mitigation and the timing of improvements, a schedule and an outline of the implementation shall be provided by the Developer.
 - i. Sketches may be required that illustrate the improvements and confirm that the ROW is available or identify where additional ROW is needed.
 - ii. Staging may be required during the construction of the project or during Roadway Corridor improvements.
- 6. Other Analysis. Other analysis, on a case-by-case basis could include a study of truck routes, non-motorized improvements, access management options, a Travel Demand Management Program to reduce auto trips in the peak hours, an analysis of crashes and methods to reduce them, or similar traffic related analyses.
- 7. Approval and Review. The traffic impact study shall be subject to Administrative review and approval.
- 8. Indiana Department of Transportation. If the project has access to an INDOT highway, the Scope of Work and the recommended mitigation should also be approved by INDOT.
- E. **Additional Guidelines**. Refer to **LEAP Design Guidelines**, for any other additional guidelines on Subdivision of Land topics.
- F. **Modifications or Exceptions**. Any requested modification, exception, or conditional use of any Subdivision of Land Standard listed within this article, or within one of the referenced Exhibits, shall require Administrative review and approval.

4.12 STORMWATER

A. City of Lebanon Stormwater Code and Stormwater Technical Manual

1. City of Lebanon Stormwater Code. The City of Lebanon Stormwater Code, (“City Stormwater Code”) shall regulate Stormwater within the LEAP District unless otherwise specified herein.
2. Drainage System. All new developments within the City require a drainage system. The drainage system must be designed and constructed per the City of Lebanon Stormwater Technical Manual (“City Stormwater Manual”), unless otherwise stated within the Ordinance.

B. Conflicting Regulations.

Provisions set forth herein shall be deemed as additional requirements to the minimum standards set forth under City Code, the UDO, or the City Stormwater Code, and as a supplemental requirement to Indiana’s Construction Stormwater General Permit (“CSGP”) related to Stormwater discharge associated with construction activity, as well as Indiana’s Municipal Separate Storm Sewer System General Permit (“MS4GP”) related to Stormwater runoff associated with municipal Stormwater Conveyances. If conflicting requirements arise between this Ordinance, City Code, the UDO, the City Stormwater Code, CSGP, and/or the MS4GP, the most restrictive requirement shall apply.

C. Purpose and Intent

1. Sustainable Stormwater Management. Sustainable Stormwater management techniques shall be employed to minimize the LEAP District’s impact on Stormwater. Stormwater shall be mitigated on-site at a ratio permissible by the City of Lebanon Stormwater Code and Stormwater Technical Manual Stormwater Standards.
2. Hydrological Cycles. The overall strategy for stormwater management throughout all LEAP District Sites is to mimic the historic hydrological cycles of the region and to manage Stormwater using natural methods for controlling the volume and rate of surface flow to minimize the need for pumping or underground conveyance. This approach aims to maximize the ability to create a sustainable Stormwater system with a mix of on-site and off-site detention as a Stormwater best management practice (BMP).
3. Stormwater Accommodation. This LEAP District Ordinance includes sufficient space in the Natural Corridors and Roadways to accommodate Stormwater. Where possible, Stormwater Conveyances shall be interconnected as part of a LEAP District-wide system providing infrastructure for multiple users. Stormwater may also occur in Greenbelts, Corridors, and/or Setbacks.

D. Supplemental Stormwater Requirements

1. Existing Conditions Performance Measurement
 - a. Stormwater Study. A study of the Stormwater management capacity of the existing Site conditions shall be conducted to calculate the impact of the proposed development on the Site’s ability to manage Stormwater within the Site and its boundaries naturally. The LEAP District has been designed to manage Stormwater volumes using strategies employed apart from individual Building Sites.

- b. Preliminary Civil Engineering. Preliminary civil engineering calculations shall be performed for on-site Stormwater management volumes during Schematic Design to determine the projected runoff volume under the proposed design conditions and under natural land cover conditions that exist on-site prior to any site disturbance.
 2. General Release Rates. Pursuant to City of Stormwater Code and City Stormwater Manual, the release rates for developments up to and including the 10-year return period storm may not exceed the pre-developed peak 2-year return period Stormwater runoff rate. The release rate for developments for the 11- 100-year return period storms shall not exceed the pre-developed peak of the 10-year return period rate.
 3. On-Site Detention Requirements
 - a. Stormwater Best Management Practice (BMP). A minimum of 35% of Stormwater is required to be preferably retained or at least detained on site as part of a Stormwater BMP including the following:
 - Bioswales/bioretenention
 - Green roof system
 - Hybrid ditch
 - Permeable pavers
 - Pervious concrete paving
 - Rain gardens
 - Rainwater cistern
 - Retention or detention ponds on site (landscaped with native grasses and forbs)
 - Stormwater curb extension
 - Stormwater presetting zone
 - Two-stage ditch
 - Wetland banking
 - b. Retention, Banking and Ditches. If a Natural Corridor buffer Setback exists within a Site, applications of desired Wetland Banking, bioswales/bioretenention, retention or detention ponds, or hybrid ditches shall be in those Natural Corridors.
 - c. Invasives. If any regulated legal drain easement is required to be relocated, vacated, or modified as part of a project, approval by the Boone County Drainage Board will be required. Additionally, invasives removal and re-planting with native species on a 1:1 ratio shall be required pursuant to approval by the Boone County Drainage Board.
 4. Off-site Detention Requirements
 - a. Stormwater Banks. Within the LEAP District, the- LEAP Lebanon Owner's Association, Inc. or its successors shall be able to establish and maintain "Stormwater Banks" designed to detain required Stormwater on behalf of within the LEAP District pursuant to the individual Site Developer agreement. This bank shall be created as part of a larger park amenity. An individual user may be able to buy "credits" within this district to detain Stormwater as part of a regional detention/retention facility to satisfy Stormwater requirements as determined by the City of Lebanon Stormwater Code and Stormwater Manual in the form of a "Stormwater Bank."

Declarations of Covenants and Owners' Associations

- b. Construction and Maintenance. Construction and ongoing maintenance costs shall be created as a permanent covenant with upfront construction costs borne by the user, yearly maintenance costs, and a maintenance and performance bond required.
- 5. Wetland Mitigation
 - a. Regulated Wetlands. For regulated Wetlands, mitigation, as applicable, may occur on-Site pursuant to Indiana State Statute and other applicable laws, and mitigation may occur off-Site, dependent upon, including but not limited to, the availability of credits in the Indiana Department of Natural Resources In-Lieu Fee Easement Program.
 - b. Wetland Banks. Within the LEAP District, IEDC and LEAP Lebanon Owners Association, Inc. or its successors shall be able to establish and maintain private Wetland Banks or engage with the Indiana Department of Natural Resources in the creation of In-Lieu Fee Easements.
- 6. Open Space and Stormwater
 - a. Open Space. A maximum of 50% of required useable open space may come from: Wetlands, Natural Corridors, and equivalent land.
 - b. On-Site or Off-Site Stormwater Areas. On-Site or off-Site Stormwater areas may only qualify as Open Space if they are located and designed for public use and benefit as an amenity to the development.

4.13 DECLARATIONS OF COVENANTS AND OWNERS' ASSOCIATIONS

- A. **Declaration**. The Declaration applies to certain portions of the LEAP District, was prepared by the IEDC, and was recorded with the Recorder of Boone County, Indiana. Pursuant to the terms of the Declaration, multiple declarations of covenants and multiple corresponding owners' associations may be applicable to different portions of the LEAP District.
- B. **Owners' Associations**. Owners' Associations shall be established and be responsible for the ongoing upkeep and maintenance of any privately-owned common grounds, structures, signs, etc. as outlined in the Association documents and any other specific development improvements noted as their responsibility in this Ordinance.

4.14 ADMINISTRATION AND ENFORCEMENT

- A. **Administration**. Administration of this LEAP PUD Ordinance shall be subject to **CHAPTER 8 – PROCESS AND PERMITS** and **CHAPTER 9 – ADMINISTRATION AND ENFORCEMENT**, unless specifically set forth by this Ordinance. If any conflict arises between the UDO and this Ordinance, the terms and provisions stated within this Ordinance shall control.
- B. **Architectural Review Committee**. The Declaration established an Architectural Review Committee (“ARC”) which has authority over all land within its jurisdiction, as well as any future land that becomes subject to the jurisdiction of any declarations entered within the Project LEAP Area. The organization and procedures of the ARC shall be as set forth in the Declaration and accompany Association documents. The ARC shall review first and approve all proposed development and

Improvements within the LEAP District under the jurisdiction of the ARC, as well as any proposed changes to an existing Structure. Therefore, a letter of support from the ARC shall accompany any City Building Permit application for the construction or modification of a Structure.

C. Development Plan Approval

1. With respect to any portion of the Real Estate other than areas on which lots are developed for Single-Family Dwellings, the platting into smaller sections shall be permitted, but shall not be required to divide the Real Estate into smaller areas for purposes of conveying title to a parcel or creating separate tax parcels. The creation of smaller parcels for the purpose of conveying title or creating separate tax parcels shall not create property lines to which Setbacks or any other standards of this Ordinance shall be applied, if development of the parcels shall conform to an approved Development Plan.
2. Primary (preliminary) and secondary (final) platting shall be required with respect to any portion of the Real Estate on which lots are developed for Single-Family or Two-Family Dwellings. All secondary plats for any portion of the Real-Estate shall be approved administratively by the Department and shall not require a public hearing before the Plan Commission, so long as the proposed secondary plat substantially conforms to the approved primary plat.
3. If there is a Substantial Alteration in the approved Design Plan or Primary Plat, review and approval of the amended plans shall be made by the Plan Commission, or a committee thereof, pursuant to the Plan Commission's Rules of Procedure. Minor Alternations and Material Alterations may be approved by the Director.
4. As part of the Development Plan review, Developers shall define sustainability goals as encouraged within the **LEAP Concept Plan** and **LEAP Design Guidelines** with respect to Green Performance and Energy Standards.
5. The Director shall have the sole and exclusive authority to approve without conditions, approve with conditions, or disapprove the final Development Plans and/or Secondary Plats (collectively, the "FDP") for the Real Estate; provided however, that approval shall not be unreasonably withheld, conditioned, or delayed if the FDP is in substantial conformance with the corresponding approved Design Plan and/or Primary Plat and is in conformance with the Development Standards. If the Director disapproves any FDP, the Director shall set forth in writing the basis for the disapproval and schedule the request for approval of the FDP for a hearing before the full Plan Commission.
6. Combined Hearing Procedure. Notwithstanding the foregoing and pursuant to [**IC 36-7-4-403.5**](#), for Development Plan proposals that would otherwise require more than one public hearing (or other meeting) to be held by the Plan Commission, the Applicant may opt to follow the alternative combined hearing procedure as set forth below ("Request"):
 - a. Upon receiving a Request under this section, the Director shall notify all members of the Council if the Director intends to grant the request, which notice must include a synopsis of the affected proposals. Any member of the Council may then, within 3 business days after being so notified, communicate with the Director if in the opinion of the member, the combined hearing procedure should not be used for one or more of the effected proposals. If the Director receives such an objection from any Council member, the Director shall not place the affected proposals upon an agenda for a combined hearing procedure.

- b. If no objections are received, the Director may grant a request. In such event, the Director shall then place all affected proposals upon a Hearing Officer's agenda for a combined hearing procedure, instead of placing the matter upon the agenda of the Commission or the Board of Zoning Appeals. Notwithstanding any other rule, notice of hearings held pursuant to a combined hearing procedure shall be published or sent not less than 10 days prior to the hearing date (including the date of the hearing).
- c. Copies Submitted to all Commission Members. Copies of all proposals placed upon a committee's agenda for a combined hearing procedure shall also be submitted to all members of the Commission, no less than 10 days before the scheduled date for that agenda. Any member of the Commission may then communicate with the Director and, if in the opinion of the member, the proposals should be placed upon the Commission's agenda (or the BZA agenda, or both), the Director shall then remove such proposals from the Hearing Officer's agenda and transfer them to the Commission's agenda (or the agenda of the BZA, or both).
- d. For hearings held under the combined hearing procedure, the Director or his designee shall serve as the Hearing Officer.
- e. In conducting the combined hearing procedure under this subsection, the Hearing Officer may exercise the following:
 - i. Powers of the Hearing Officer under IC 36-7-4-402(d) in relation to the 600 Series-Zoning Ordinance;
 - ii. Powers of the plat committee under the 700 Series-Subdivision Control;
 - iii. Powers of a BZA under the 900 Series- Board of Zoning Appeals; and
 - iv. Powers of the Plan Commission staff or a hearing examiner or committee of the plan commission under the 1400 Series- Development Plans.
- f. Decisions of the Hearing Officer under this subsection may be excepted to or appealed as follows:
 - i. Decisions under the authority of IC 36-7-4-402(d) in relation to powers granted under the 600 Series-Zoning Ordinance shall be appealed to the Commission in the same manner as decisions of the hearing examiner under IC 36-7-4-402(d) may be appealed.
 - ii. Decisions under the authority of the 700 Series-Subdivision Control shall be appealed to the plan commission in the same manner as decisions of the plat committee may be appealed.
 - iii. Decisions under the authority of the 900 Series-Board of Zoning Appeals shall be appealed to the Plan Commission, within in 5 days after the decision is rendered, and the Plan Commission shall consider the petition in the same manner as the petition would be considered by a Board of Zoning Appeals.

D. Controlling Developer and Architectural Review Committee Consent

1. A written consent by the Controlling Developer or its assigns shall accompany any permit or approval request pertaining to the Real Estate by a Developer, user, owner, or tenant. Permits or approvals may include, but are not limited to:
 - a. Improvement Location Permit for any improvements within the LEAP District;
 - b. Development Plan for any improvements within the LEAP District;
 - c. Sign permit for any signs within the District;
 - d. Building permits for any Buildings within the District;
 - e. Primary or secondary plat approval for any part of the LEAP District;
 - f. Any text amendment or other variations to the terms and conditions of this Ordinance (i.e., request for a modification to Development Requirements).
 2. A letter of support for construction or modification of a residential structure from the Architectural Review Committee shall accompany any building permit application.
- E. Permitting Requirements.** The standards of **CHAPTER 8 – PROCESS AND PERMITS** apply to the development of the Real Estate unless otherwise modified by this Ordinance.
- F. Violations and Enforcement.** The enforcement of any violations of this chapter, including violations of conditions and safeguards established in connection with the granting of subsequent variances, special uses, or Development Plan approvals, shall be subject to and governed by the authority and procedures in **CHAPTER 9 – ADMINISTRATION AND ENFORCEMENT**.

4.15 RIGHTS-OF-WAY

- A. General.** Developer has agreed to cause to be constructed:
1. Certain Roadway improvements (the “Road Improvements”) as may be amended, modified, or supplemented, within certain rights-of-way pursuant to the terms of that certain Memorandum of Understanding involving right-of-way improvements associated with the Project LEAP Area (the “MOU”); and
 2. Certain infrastructure and elements which the City and/or the County do not typically construct on public Roadways, which additional infrastructure and elements (as more particularly defined as “Betterments” within the MOU and will serve and benefit the LEAP District).
- B. Vacations of Rights-of-Way.** Any required vacations of Rights-of-Way currently located within the LEAP District shall follow State and local law and procedures.
- C. Maintenance of Rights-of-Way.** Maintenance of all Rights-of-Way located within the LEAP District shall be performed pursuant to the terms and conditions agreed upon between the Developer, the City, and the County, and as set forth within the Right-of-Way Maintenance Agreement executed by IEDC and the City.

- D. If this Ordinance or the MOU does not address a certain development standard regarding Rights-of-Way, then **CHAPTER 7 – SUBDIVISION REGULATIONS** applies to that development standard regarding the LEAP District Right-of-Way. If any conflict arises between the UDO, this Ordinance, or the MOU, the terms and provisions stated within this Ordinance shall control.

4.16 ANNEXATION

As indicated on page 6 of the **LEAP District Concept Plan**, there are parcels of land located within the area generally depicted by the **LEAP District Concept Plan** that are either: (i) controlled by the Controlling Developer but are not yet currently annexed into the City; or (ii) not currently controlled by the Controlling Developer (collectively the “Non-PUD Real Estate”). Therefore, the Non-PUD Real Estate is not currently identified as being part of the Real Estate located within the PUD. In the Controlling Developer’s discretion, once the Non-PUD Real-estate comes under control of the Controlling Developer and/or is annexed into the City, it is anticipated that such annexed property will be designated as, assigned as and made subject to, the provisions and requirements of this **LEAP District Ordinance**, the relevant sections of the City UDO, and Indiana Code.

4.17 EXHIBIT A – LAND USE TABLE**A. Land Use Table**

P = Permitted Use C = Conditional Use	DISTRICTS		
	IM	IA	MU
Advanced Manufacturing Research, Development, and Training	P	P	P
Aerospace Product and Parts	P	P	
Agriculture and Agricultural Technology	P	P	P
Alternative Energy Refueling Station	P	P	P
Anchor Institutions, Including Major Universities and Hospitals	P	P	P
Animal Day-Care Facility, Animal Shelter			C
Any Private or Public Education Facility			P
Art and Music Center			P
Artisan Manufacturing			P
Assisted Living Facility/Nursing Home			P
<u>Bar</u>			C
Bed and Breakfast			P
<u>Beer, Wine, and Liquor Retailers</u>			C
Catering Establishment			P
<u>Chemical and Allied Supplies Wholesalers</u>	C	C	
<u>Child Care Center (Daycare)</u>	C	C	P
Clay Product and Refractory	C	C	
College or University	C	C	C
Commercial Banking			P
Community Farms/Gardens			P
Computer and Peripheral Equipment	P	P	
Computer Systems Design and Related Services	P	P	P
Contractor's Warehouse/Storage Facility (enclosed)	C		
Corporate Headquarters, Offices and Business Parks	P	P	P

Exhibit A – Land Use Table

P = Permitted Use C = Conditional Use	DISTRICTS		
	IM	IA	MU
Data Center, including Computer Infrastructure Providers, Data Processing, and Related Services	P	P	P
Drugs and Druggists' Sundries, Wholesalers	P	P	
Electrical Equipment	P	P	
Electrical Vehicle Charging Station Facility	P	P	P
<u>Engine, Turbine, and Power Transmission Equipment</u>	C	C	
Fabrication, Light	P	P	
<u>Gasoline Refueling Station</u>			C
<u>Glass and Glass Supplies or Products, Wholesalers</u>	C	C	
Government Service Offices	P	P	P
Governmental Facility (Emergency Services, Post Office, General Municipal etc.)	P	P	P
<u>Grocery and Convenience Retailers</u>			C
Group Homes			C
Health Care and Social Assistance Services			P
Hotel		C	P
Hotel Full Service		C	P
<u>Industrial Machinery</u>	C	C	
Kindergarten/Preschool			P
Large-scale Offices and Personal or Professional Services		P	P
Large-scale Places of Worship, Neighborhood Serving Institutions/Infrastructure, and Other Places of Assembly			P
<u>Large-Scale Retailing</u>			C
<u>Laundry Service, Commercial</u>			
Machinery, Equipment, and Supplies, Wholesalers	C	C	
Medical and Diagnostic Laboratories	P	P	P
Medical Office and Facilities		P	P
Meeting or Conference Center	P	P	P
Mixed-use Residential (Retail First Floor, Residential Upper Floors)			P

Exhibit A – Land Use Table

P = Permitted Use C = Conditional Use	DISTRICTS		
	IM	IA	MU
Mixed-use Retail (Retail First Floor, Residential Upper Floors)			P
Motor Vehicle and Motor Vehicle Parts and Supplies; Wholesalers	C	C	
<u>Motor Vehicles and Related Parts</u>	C	C	
Multifamily			P
Office for Professional and Management Development Training	P	P	P
Open Space, Stormwater or Conservation	P	P	P
<u>Other General-Purpose Machinery</u>	C	C	
<u>Other Transportation Equipment</u>	C	C	
Parks	P	P	P
Pasturage	P	P	P
Pharmaceutical and Medicine	P	P	
Plastics Products	C	C	
Production of High-Technology or Biotechnology Related Goods	P	P	
Railroad Rolling Stock Manufacturing	C	C	
<u>Recreation, Commercial Indoor</u>			C
<u>Recreation, Commercial Outdoor</u>			C
Research and Development	P	P	P
Research and Technology Businesses and Institutions with a High Degree of Thematic or Economic Link to the Anchor Institution	P	P	P
<u>Restaurant Drive-Thru</u>		C	C
Restaurant without Drive-Thru Food Sales			P
Rubber Products	C	C	
Savings Institutions and Other Depository Credit			P
School of General Education or Secondary Education			P
School, Trade or Business	C	C	C
Scientific Research and Development Services	P	P	P
Semiconductor and Other Electronic Components	P	P	
Semiconductor and Related Devices	P	P	

Exhibit A – Land Use Table

P = Permitted Use C = Conditional Use	DISTRICTS		
	IM	IA	MU
Senior Housing			P
Single-family Attached			P
Single-family Detached			C
Small-Scale Offices and Personal or Professional Services			P
Small-scale Places of Worship, Neighborhood Serving Institutions/Infrastructure, and Other Places of Assembly			P
Small-Scale Retailing			P
Solar Cells, Solar Lighting Fixtures, Panels, and similar solar goods for industrial or residential use	P	P	
Solar Power Structure Construction	C	C	
Special Education			P
State, Nonprofit, or Higher Educational Research, Training, and/or Educational Facility	P	P	P
Structured Parking	P	P	C
Telecommunications/Radio/Television Tower	C	C	C
Theater (Indoor)			P
Utility - Lift Station	P	P	P
Utility - Power Generating Plant (Including SMR)	C	C	
Utility - Power Generation - Wind	C	C	
Utility - Power Substation	P	P	P
Utility - Wastewater Treatment Plant	P	P	
Utility - Water Tower	P	P	P
Utility – Water Treatment Plant/Wellfield	P	P	
Utility-Solar Commercial	C	C	C
Vendor, Temporary (Farmer’s Market, Street Fair, Etc.)	P	P	P
Visitor Center		P	P
Wetland Bank/Mitigation Site	P	P	P
Wholesale Trade	C	C	

Exhibit A – Land Use Table

- B. **Strictly Prohibited Use List.** Any uses not listed as Permitted is Prohibited. The following uses are explicitly prohibited:

STRICTLY PROHIBITED USE LIST
Alternative Financial Services Business (payday loan)
Animal Slaughtering and Processing
Automobile Service Station
Automobile and Motor Vehicle/Motorcycle Sales and Service
Automotive Parts, Accessories, and Tire Retailers
Automobile/Motor Vehicle Repair, Major
Automobile/Motor Vehicle Repair, Minor
Bakery, Wholesale
Asphalt, Concrete or Mixing Batch Plants and Crushing Operations & Outdoor Storage of Aggregate Materials
Adult Entertainment Businesses
Adult Services Establishment (Adult Uses)
Blast Furnace, Steel Furnace, Blooming or Rolling Mill; Smelting of Copper, Iron, or Zinc Ore
Boat/RV Storage Facility (outdoor)
Building Supply Store, including Lumber and Other Construction Materials Merchant Wholesalers and Building Material and Supplies Dealers
Campground/RV Park
Commercial Breeding and Raising of Nonfarm Animals and Fowl
Commercial Large-scale/Industrial Composting, including Other Nonhazardous Waste Treatment and Disposal
Commercial Repair Services
Commercial Truck and Freight Terminals/Logistics
Contractor's Warehouse/Storage Facility (unenclosed)
Coal and/or Gas Fired Commercial Generating Power Plant
Crematory
Electric Appliance Sales
Farm Equipment Sales and Service
Farm Products Processing (drying of grain excluded)
Fireworks Sales (permanent)
Inoperable Vehicle Storage (outdoor)
Junk Yards and Salvage Yards
Kennels, Commercial
Landfill Operation and Commercial Recycling Centers or Transfer Stations
Lumberyard

STRICTLY PROHIBITED USE LIST	
Manufacturing of Explosives and their Storage	
Mineral Extraction	
Mobile Home Sales and Service	
Natural Resource Extraction or Mining (coal, natural gas, oil, stone)	
Penal or Correctional Institution	
Pesticide, Fertilizer, or Other Agricultural Chemical Storage and Distribution (unrelated to project site manufacturing)	
Petroleum and Coal Products Manufacturing	
Produce Terminal, Wholesale	
Production, Refining, Storage of Petroleum or Other Flammable or Combustible Materials	
Raising and Breeding of Nonfarm Fowl and Animals, Commercial	
Recreational Vehicle Sales and Service	
Seasonal Fishing or Hunting Lodge	
Self-Storage Facilities or Mini Warehouses	
Semi tractor/Trailer Storage Not Affiliated with an Onsite User's Operations	
Shooting Range or Gallery, including Skeet Shooting and Archery Ranges	
Sludge Composting	
Sludge Disposal Sites	
Solid Waste Collection, Combustion, or Incineration	
Steel Mills and Similar Heavy Manufacturing Plants	
Truck Driving School	
Truck Sales and Service Center	
Truck Stop and Travel Centers	
Warehousing, Distribution, and Storage	
Waste Collection, Treatment, and Disposal	
Wholesale Produce	
<i>Any other use not listed as Permitted, unless approved as a similar use to another Permitted Use by the Architectural Review Board.</i>	

C. Conditional Use Standards

1. Advanced Manufacturing, Research, Development & Training. Shall mean the manufacturing and/or production of high-level technology or biotechnology related goods related to innovative manufacturing practices, education and uses.
2. Aerospace Product and Parts. Establishments primarily engaged in manufacturing, assembling, repairing, testing, and storage of aircraft, missiles, space vehicles, and their engines, propulsion units, auxiliary equipment, and parts, the development and production of prototypes of aerospace

products, the factory overhaul and conversion of aircraft and propulsion systems, research and development related to aerospace products and parts, and administrative and office uses related to the above.

3. Agriculture and Agricultural Technology. Shall mean science or practice of farming, including cultivation of the soil for the growing of crops and the rearing of animals to provide food and other products, and the practice of innovative farming methods including test plots, research and development, and aquaponics/hydroponics.
4. Anchor Institutions, including major universities and hospitals (research and technology businesses and institutions with a high degree of thematic or economic link to the anchor institution). Shall mean large and stable institutions whose actions have an impact on the health, education, and social and economic strength, of their surrounding communities. Moreover, anchor institutions elevate population health by providing jobs and partnering with and investing in local businesses and community initiatives.
5. Alternative Energy Refueling Station. A facility that provides fuel to motor vehicles other than traditional gasoline and diesel fuel. This can include fuels such as electricity, hydrogen, biodiesel, and natural gas. Alternative energy refueling stations must be located at least 100 feet from any residential property line. Alternative energy refueling stations that store or use hydrogen must be located at least 200 feet from any residential property line.
6. Animal Day-Care Facility, Animal Shelter. A facility that provides care and supervision for animals in the absence of their owners or to care for and house lost, stray, homeless, abandoned, or unwanted animals, including those found running at-large or otherwise subject to impoundment consistent with applicable laws. Animal shelter includes facilities for adoption, medical treatment, and cremation.
7. Any Private or Public Education Facility. An institution for the teaching of children or adults including primary and secondary schools. This use also includes physical improvements and structures related to the activity of teaching, as well as associated accessory uses and structures, including maintenance areas, parking athletic fields, outdoor study areas, etc.
8. Art and Music Center. Shall mean a functional community center with a specific remit to encourage arts practice and to provide facilities such as theatre space, gallery space, venues for musical performances, workshop areas, educational facilities, technical equipment, etc.
9. Artisan Manufacturing. Establishments primarily engaged in the production of goods by hand or with small-scale, light mechanical equipment, with minimal to no noise, vibration, fumes, or other nuisances. Artisan manufacturing businesses may include: food and bakery products, non-alcoholic beverages, printmaking, household appliances, leather products, jewelry and clothing/apparel, metal work, furniture, glass or ceramic production, paper manufacturing, electronic goods, and similar products. This use does not include: large-scale manufacturing operations, heavy machinery or equipment, processes that produce noise, vibration, fumes, or other nuisances, and the outdoor storage of materials.
10. Assisted Living Facility/Nursing Home. Assisted living facilities are typically designed for seniors who are still able to live independently but need some assistance with activities of daily living such as bathing, dressing, and eating. Nursing homes, on the other hand, provide 24-hour skilled nursing care for seniors who have more complex medical needs.

11. Bar. An establishment primarily engaged in the sale and service of alcoholic beverages for consumption on the premises. Bars may also serve food, but their primary revenue is derived from the sale of alcohol. Bars may also offer entertainment, such as live music or dancing.

Bars must be a minimum of 500 ft. from the nearest school or childcare facility.

12. Bed and Breakfast. A transient lodging establishment, generally in a single-family dwelling or detached guesthouse, primarily engaged in providing overnight or otherwise temporary lodging for the public and may provide meals for compensation. Bed and breakfast inns must meet the following standards:
- The bed and breakfast is occupied as a residence by the property owner.
 - Exterior alteration changing the residential appearance of the building is not permitted.
 - The principal building must have a total floor area of at least 1,500 square feet. Each bed and breakfast unit more than one requires an additional 500 square feet of total floor area.
 - Dining and other facilities are exclusively for the use of the residents and registered bed and breakfast guests and not open to the public.
 - When located in a residential district, parking must be located behind the bed and breakfast and screened according to the provisions of [6.1 Landscaping](#).

13. Beer, Wine, and Liquor Retailers

Beer, Wine, and Liquor Retailers must be a minimum of 500 ft. from the nearest school or childcare facility.

14. Catering Establishment. Shall mean an establishment where the food and meals are prepared on the premises and such food and meals are delivered to another location for consumption.
15. Chemical and Allied Supplies Wholesalers. Establishments that primarily engage in the wholesale distribution of industrial and commercial chemicals, and allied products. This includes a wide range of chemicals, such as acids, bases, solvents, gases, and dyes, as well as allied products such as laboratory equipment, safety gear, and cleaning supplies. This use does not include the retail sales of chemicals to the public, manufacturing of chemicals, and disposal of hazardous waste.
- Consistent with applicable law, all required precautions shall be taken to avoid any potential health and safety hazards.
 - Uses shall have an additional 100 Ft. Setback in addition to the dimensional requirements listed in the [Table 4-1: Demensional Standards](#).
16. Child Care Center (Daycare). An establishment primarily engaged in providing child care services during any part of a day not exceeding 13 hours in any 24-hour period and licensed pursuant to the City and State requirements.
- Child Care Center (Daycare) shall be in compliance with all Indiana licensing requirements.
 - Child Care Centers within IM and IA districts shall be limited to support the uses within each district.

- c. Child Care Centers must be a minimum of 500 Ft. from the nearest Beer, Wine and Liquor Retailers, and/or Bars.
- 17. Clay Product and Refractory. Shall mean, establishments primarily engaged in shaping, molding, glazing, and firing pottery, ceramics, and plumbing fixtures made entirely or partly of clay or other ceramic materials.
- 18. Commercial Banking. Establishments primarily engaged in providing financial services to businesses, government agencies, and institutions like colleges and universities. Commercial banks provide a wide range of services, including deposit accounts, loans, lines of credit, payment processing, and more.
- 19. College or University. An institution for post-secondary education, public or private, offering courses in general, technical, or religious education and operated not-for-profit. It operates in buildings owned or leased by the institution for administrative and faculty offices, student and faculty housing, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, community rooms and facilities, athletic facilities, fraternities, and sororities. A university may include for-profit businesses and facilities that are incidental to the educational, cultural, and athletic functions and which lease space from the institution university shall not include trade schools operated for profit.
- 20. Community Farms/Gardens. Shall mean a property under 5 acres explicitly used for small-scale gardening or vegetable farming by means of volunteers as part of a parks or recreation activity including incidental sales of food grown on site.
- 21. Computer and Peripheral Equipment. Establishments primarily engaged in the production of electronic devices designed to be used in conjunction with a computer, including: central processing units (CPUs), monitors, keyboards, mice, printers, scanners, plotters, USB drives, memory cards, and other similar equipment.
- 22. Computer Systems Design and Related Services. Establishments primarily engaged in providing services related to the design, development, implementation, and maintenance of computer systems, software, and networks. This use may also provide consulting services on information technology (IT) matters.
- 23. Contractor's Warehouse/Storage Facility (Enclosed). A facility used for the storage of materials and equipment used by contractors in the construction or renovation of buildings and other structures. It may also include space for minor repairs and maintenance of equipment.
- 24. Corporate Headquarters, Offices, and Business Parks. The primary office of a company, where its senior management is located, and its major business decisions are made. This use also includes the planned development of office buildings, light industrial facilities, and related commercial uses.
- 25. Data Center, including computer infrastructure providers, data processing, and related services. Shall mean, a facility that provides shared access to applications and data using a complex network, computer, and storage infrastructure.
- 26. Drugs and Druggists' Sundries Wholesale. Establishments primarily engaged in the merchant wholesale distribution of biological and medical products; botanical drugs and herbs; and pharmaceutical products intended for internal and/or external consumption in such forms as ampoules, tablets, capsules, vials, ointments, powders, solutions, and suspensions.

27. Electrical Equipment. Establishments primarily engaged in the manufacture or production of electrical devices or apparatus such as transformers, switchgears, substations, power lines, generators, batteries, solar panels, and electric vehicle charging stations.
28. Electrical Vehicle Charging Station Facility. A commercial or industrial use that provides electric vehicle charging services to the public and may include supporting facilities, such as restrooms and waiting areas.
29. Engine, Turbine, and Power Transmission Equipment. Establishments primarily engaged in the process of designing, manufacturing, and assembling engines, turbines, and power transmission equipment.
 - a. Consistent with applicable law, all required precautions shall be taken to avoid any potential health and safety hazards.
 - b. Uses shall have an additional 100 Ft. Setback in addition to the dimensional requirements listed in the Table 4-1: Dimensional Standards.
30. Fabrication, Light. Shall mean engineering, assembly, or manufacturing on-site with no outdoor storage or noise or emissions more than applicable regulatory standards, local ordinances, or state law.
31. Gasoline Refueling Station. An establishment primarily engaged in the supply and dispensation of retail gasoline, diesel fuel, oil, grease, batteries, tires and motor vehicle accessories, and where minor repair services may be provided. This use does not include major vehicle repair.
 - a. Gasoline Refueling Stations shall be located on the major road corridors within MU or along the edges of the district.
 - b. Gasoline Refueling stations shall be permitted one main building with one canopy.
 - c. The edges of the station property lines shall be sufficiently landscaped to create a buffer between the road corridor and the use.
32. Glass and Glass Supplies or Products Wholesalers. Establishments primarily engaged in the sale of glass and glass products to retailers and other businesses, typically in large quantities.
 - a. Consistent with applicable law, all required precautions shall be taken to avoid any potential health and safety hazards.
 - b. Uses shall have an additional 100 Ft. Setback in addition to the dimensional requirements listed in the Table 4-1: Dimensional Standards.
33. Governmental Facility (Emergency Services, Post Office, General Municipal, etc.). A building, structure, or land used by a government agency to provide services to the public, such as state and local government buildings, police stations, fire stations, and other public safety facilities, transportation facilities, and infrastructure facilities.
34. Government Services Offices. A building or facility utilized in the operation of local government. Municipal buildings and facilities include office space for the operation of administrative functions, police, fire, public works, emergency services, disaster relief, municipal parking lots, garages, and storage facilities, wastewater treatment facilities, municipal wells and enclosures and lift stations.

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

Grocery and Convenience Retailers shall be designed as such to meet the standards of the district and incorporated into the mixed-use fabric.

36. Group Home. A facility licensed by the State of Indiana to provide a homelike setting to the developmentally disabled and/or the mentally ill. This provides the benefits of a group living situation as an alternative to hospitalization or institutionalization.
37. Health Care and Social Assistance Services. Facilities or services that provide health care or social assistance to individuals, families, and groups. This includes a wide range of services, such as: medical and surgical services, dental services, mental health services, day care, social services, vocational rehabilitation, employment training, and other similar services.
38. Hotel. An establishment offering lodging with or without meals principally to transient guests and that provides a common entrance, lobby, halls and stairways.
39. Hotel Full Service. An establishment providing transient lodging and a variety of other amenities and services to guests, such as: on-site restaurant(s) and bar(s), group meeting spaces and banquet facilities, fitness center and/or spa, valet parking, extended room service, and concierge services.
40. Industrial Machinery. Establishments primarily engaged in the manufacture, assembly, repair, or storage of machines or equipment used in the production or processing of goods or materials.
- a. Consistent with applicable law, all required precautions shall be taken to avoid any potential health and safety hazards.
 - b. Uses shall have an additional 100 Ft. Setback in addition to the dimensional requirements listed in the Table 4-1: Demensional Standards.
41. Kindergarten/Preschool. A facility that provides educational and care services to children between the ages of three and six. Kindergartens/preschools may be operated by public or private entities.
42. Large-Scale Offices and Personal or Professional Services. Office buildings or complexes that have a total floor area of 100,000 square feet or more. These offices may be used by a variety of businesses, including corporations, government agencies, educational institutions, and businesses that provide services to individuals or businesses such as financial services, legal services, medical services, and other types of professional services.

43. Large-Scale Places of Worship, Neighborhood Serving Institutions/Infrastructure, and Other Places of Assembly. A church, synagogue, temple, mosque, or other permanent place where 2,000 or more people regularly assemble for religious worship or secular activities, and which are maintained and controlled by a body organized to sustain the religious or public assembly. A public or religious assembly use must comply with the following:
- a. The following operations must be terminated by 11:00 p.m.:
 - i. Daily operations of uses and activities accessory to a primary public or religious assembly use, such as accessory recreation uses or activities; and
 - ii. Daily operations of other primary uses located on the same zone lot as the public or religious assembly use, such as child care centers or elementary or secondary schools, but not including a primary household living use located on the same zone lot.
 - b. Conference center, club, or lodge use is prohibited.
44. Large-scale Retailing. An establishment primarily engaged in the sale of a wide variety of goods in a single physical location, typically with a floor area of at least 50,000 square feet. Large-scale retailers often operate as part of a chain and sell a mix of products, including food, clothing, electronics, and home goods.
- a. Large Scale Retailing shall be designed as such to meet the standards of the district and incorporated into the mixed-use fabric.
 - b. Large Scale Retailing shall not create sprawling buildings.
45. Laundry Service, Commercial. An establishment primarily engaged in providing laundry and dry-cleaning services to the public for a fee. This includes, but is not limited to, laundromats, dry cleaning shops, and linen supply services.
- Laundry services shall follow all jurisdiction requirements for chemical storage and removal.
46. Machinery, Equipment, and Supplies, Wholesalers. Shall mean businesses that are engaged in supplying various goods for industrial or construction purposes with no outdoor storage or noise or emissions more than applicable regulatory standards, local ordinances, or state law.
47. Medical and Diagnostic Laboratories. Facilities where medical tests are performed on samples of blood, urine, tissue, and other bodily fluids and materials. The results of these tests are used to diagnose and monitor diseases, as well as to assess the effectiveness of treatments.
48. Medical Offices and Facilities. An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, other health care professionals, or similar professions. Up to 20 patients or clients may stay overnight at any one time in a Dental/Medical Office or Clinic use. Where the use abuts a residential use, a 6-foot-wide planter area landscaped with tightly spaced shrubs at least 6 feet high at maturity is required to create an effective, year-round screen.
49. Meeting or Conference Center. A facility used for meetings, conferences, conventions, and other events, typically with a variety of meeting rooms and spaces of different sizes, as well as amenities such as catering, audiovisual equipment, and business services.

50. Mixed-Use Retail (Retail First Floor, Residential Upper Floors). A building that combines retail uses on the first floor (such as grocery stores, drugstores, restaurants, cafes, bakeries, salons and spas, clothing stores, gift shops, hardware stores, banks, etc.) with residential uses (such as apartments and condominiums) on the upper floors. This type of development is intended to create vibrant and walkable communities where people can live, work, and shop in the same place. The following development standards apply to a Mixed-Use Retail use:
- The minimum height of buildings is 3 stories.
 - The maximum height of buildings is 8 stories.
 - The minimum lot size is 5,000 square feet.
 - At least 50% of the ground floor frontage must be used for retail uses.
 - Residential units must be accessed from a separate entrance from the retail uses.
51. Motor Vehicle and Motor Vehicle Parts and Supplies; Wholesalers. Businesses that primarily engage in the merchant wholesale distribution of automobiles and other motor vehicles, motor vehicle supplies, tires, and new and used parts.
- a. Consistent with applicable law, all required precautions shall be taken to avoid any potential health and safety hazards.
 - b. Uses shall have an additional 100 Ft. Setback in addition to the dimensional requirements listed in the Table 4-1: Demensional Standards.
52. Multi-Family. A medium-to-large-sized building containing 7 or more dwelling units, typically with one shared entry. Used in an infill development context, this use is appropriately scaled to fit within mixed density residential neighborhoods. On larger sites, multiple buildings per lot may be appropriate.
53. Office for Professional and Management Development Training. Facilities primarily engaged in providing space for businesses and organizations that offer short-duration courses and seminars for management and professional development, such as training in areas such as leadership, communication, project management, and sales. Prohibited Uses
54. Open Space, Stormwater, or Conservation. A land use designed to protect and preserve natural resources, provide recreational opportunities, and reduce stormwater runoff. This use includes forests, wetlands, meadows, streams, and lakes.
55. Other General-Purpose Machinery. Establishments primarily engaged in the manufacture of machinery that is not specifically designed for a single purpose, but can be used for a variety of tasks, such as lathes, milling machines, grinders, and drill presses.
- a. Consistent with applicable law, all required precautions shall be taken to avoid any potential health and safety hazards.
 - b. Uses shall have an additional 100 Ft. Setback in addition to the dimensional requirements listed in the Table 4-1: Demensional Standards.
56. Other Transportation Equipment. Establishments primarily engaged in the manufacture of transportation equipment that is not classified elsewhere on the Use Matrix. This use includes the manufacture of motorcycles, bicycles, tricycles, and other pedal-powered vehicles, all-terrain vehicles (ATVs) and utility terrain vehicles (UTVs), golf carts and other motorized vehicles designed for use on golf courses, snowmobiles and other motorized vehicles designed for use on

snow and ice; aircraft parts and accessories, such as engines, propellers, landing gear, and avionics, spacecraft and related equipment, such as satellites, launch vehicles, and mission control systems, railroad locomotives, passenger cars, and freight cars, subway cars, light rail vehicles, and buses, ships, boats, and other marine vessels, forklifts, cranes, and other industrial trucks.

- a. Consistent with applicable law, all required precautions shall be taken to avoid any potential health and safety hazards.
- b. Uses shall have an additional 100 Ft. Setback in addition to the dimensional requirements listed in the **Table 4-1: Demensional Standards**.

57. **Pasturage**. A land use primarily engaged in the grazing of livestock. This use includes land that is used to grow grasses, legumes, and other forage crops or land that is naturally covered in vegetation that is suitable for grazing.
58. **Parks**. An area of land designed for active or passive recreational use, including all natural and man-made open space and landscaping, facilities, playing fields, and buildings that are consistent with the general purposes of recreation.
59. **Pharmaceutical and Medicine**. Establishments primarily engaged in the development and operation of pharmaceutical and medical facilities, including pharmaceutical manufacturing and research facilities, medical device manufacturing and research facilities, clinical trial facilities, outpatient surgery centers, diagnostic imaging centers, laboratories, veterinary clinics, pharmacies, and medical supply stores.
60. **Plastic Products**. Establishments primarily engaged in manufacturing, processing, or selling plastic products. This includes businesses that produce plastic goods from raw materials, as well as businesses that recycle plastic waste.
61. **Production of High-Technology or Biotechnology Related Goods**. Establishments primarily engaged in manufacturing, assembly, processing, or testing of high-technology or biotechnology related goods, including: semiconductor chips, computer hardware and software, medical devices and pharmaceuticals, aerospace and defense products, energy products, and advanced materials.
62. **Railroad Rolling Stock Manufacturing**. An establishment primarily engaged in the process of designing, building, and repairing locomotives, railcars, and other vehicles that operate on railway tracks. These uses may include large assembly buildings, welding shops, machine shops, paint shops, and outdoor storage areas for raw materials and finished products.

Outdoor storage of materials is prohibited unless covered indoors or screened with a wall.

63. **Research and Development**. Facilities and businesses that are engaged in the systematic investigation, inquiry, or experimentation aimed at the discovery of new knowledge or in the improvement of existing applications, processes, products, or services. This use may include laboratories, testing facilities, design studios, prototyping facilities, and office space for researchers and engineers.

64. Research and Technology Businesses and Institutions with a High Degree of Thematic or Economic Link to the Anchor Institution. Uses that promote and support the development of research and technology businesses and institutions that are highly aligned with the thematic or economic focus of the anchor institution designed to create a cluster of innovation and economic activity that will benefit the entire community.
65. Recreation, Commercial Indoor. A public or private facility that provides indoor entertainment including, video arcades, virtual reality games, and mechanical rides. In all residential districts where permitted, seating capacity in a permitted Arts, Recreation, and Entertainment, Indoor use is limited to no more than 100 people. Where the use abuts a residential use, a 6-foot-wide planter area landscaped with tightly spaced shrubs at least 6 feet high at maturity is required to create an effective, year-round screen.
- a. The indoor commercial recreational structure must be at least 100 feet from residential districts and 100 feet from existing residences in nonresidential districts.
 - b. Sound associated with any indoor recreation facility shall not be audible outside of the building in which the activity is occurring.
66. Recreation, Commercial Outdoor. A public or private facility that provides outdoor entertainment including waterslides, water parks, go-cart tracks, miniature golf, batting cages and mechanical rides and games.
- a. Outdoor commercial recreation facilities must be at least 300 feet from residential districts and 300 feet from existing residences in nonresidential districts.
 - b. Any field, court or facility that is open past 9:00 PM shall be located a minimum of 150 Ft. from a residentially zoned property.
 - c. Lighting shall be designed to avoid glare or overspill onto adjacent properties.
67. Restaurant Drive Thru. An establishment whose principal business is the sale of edible, prepared food stuffs and/or beverages for consumption on or off the premises. This type of restaurant typically offers food service over a counter or through a drive-through facility. This type of restaurant typically has a limited menu of items already prepared and held for service, or prepared, fried, or grilled quickly, or heated in a microwave oven.
- a. Any drive thru facing or adjacent to a residential use shall face outdoor speakers away from residential use. Screening or buffering is encouraged.
 - b. Service areas and outdoor speakers shall be buffered or screened from adjacent uses.
 - c. Stacking lanes shall be clearly marked and shall be designed with a bypass lane. Stacking lanes may not be located on the front of the building and must be located to the side or behind the principal structure.
68. Restaurant without Drive-Thru Food Sales. An establishment whose principal business is the sale of edible, prepared food stuffs and/or beverages for consumption on or off the premises. This type of restaurant typically offers food service over a counter, having a limited menu of items already prepared and held for service, or prepared, fried, or grilled quickly, or heated in a microwave oven.

69. Rubber Products. Shall mean intermediate and/or finished products manufactured using Rubber Compounds for manufacturers and consumers.
70. Savings Institutions and Other Depository Credit. An establishment primarily engaged in providing banking services including accepting deposits from individuals and businesses and then lending that money out to others.
71. School of General Education or Secondary Education. Shall mean public, private, or charter school that provides preschool and/or K-12 education.
72. School, Trade or Business. A school established to provide for the teaching of industrial, clerical, managerial, or artistic skills. This definition applies to private entities that do not offer a complete educational curriculum (e.g., professional schools, dance schools, business schools, trade schools, art schools, etc.).
73. Scientific Research and Development Services. Establishments primarily engaged in conducting original investigation, undertaken on a systematic basis to gain new knowledge (research), and in the application of research findings or other scientific knowledge for the creation of new or significantly improved products or processes (experimental development).
74. Semiconductor and Other Electronic Components. Establishments primarily engaged in the manufacture, fabrication, or assembly of semiconductor devices or other electronic components.
75. Semiconductor and Related Devices. Facilities that manufacture or process semiconductor devices, such as integrated circuits, transistors, and diodes.
76. Single-Family – Attached. A small- to medium-sized building typically containing 2 to 6 dwelling units, including duplexes, triplexes, quadplexes, townhomes, and condominiums.
77. Single-Family – Detached. A detached structure on a lot containing one dwelling unit. Typically, this building type has a front-load garage, but side-load garages are possible on corner lots or wider lots and rear-load garages are possible on lots abutting an alley.
78. Senior Housing. A residential complex containing multifamily dwellings designed for and occupied by senior citizens (persons 60 years of age or older, or couples where either the husband or wife is 60 years of age or older). Such facilities may include a common gathering and dining facilities but exclude nursing care.
79. Small-Scale Offices and Personal or Professional Services. Office buildings or complexes that have a total floor area of less than 100,000 square feet. These offices may be used by a variety of business or professional activities including tax preparation, accounting, architecture, legal services, psychological counseling, real estate, and securities brokering, and professional consulting services.
80. Small-Scale Retailing. An establishment primarily engaged in the sale of goods or services to the public in a retail establishment that is less than 5,000 square feet in gross floor area. Small-scale retail establishments may include, but are not limited to, convenience stores, specialty shops, and restaurants.

81. Small-Scale Places of Worship, Neighborhood Serving Institutions/Infrastructure, and Other Place of Assembly. A church, synagogue, temple, mosque, or other permanent place where 1,000 or fewer people regularly assemble for religious worship or secular activities, and which are maintained and controlled by a body organized to sustain the religious or public assembly. This use typically does not have outdoor sports fields or other accessory uses of a scale that raise concerns about traffic, lighting, noise, or other externalities that may impact neighboring residential areas.
82. Solar Cells, Solar Lighting Fixtures, Panels and Similar Solar Goods for Industrial, Residential, or Utility Use. Shall mean the system or collector that converts solar radiation into usable energy for industrial or residential use.
83. Solar Power Structure Construction. An establishment primarily engaged in manufacturing, assembling, and installation of structures that collect, store, or convert solar energy into electricity or heat, including photovoltaic panels, solar thermal panels, and solar concentrators.
84. Special Education. Shall mean public, private, or charter school or center that provides education for children or adults with physical or developmental disabilities or handicaps.
85. State, Non-Profit, or Higher Education Research, Training, and/or Educational Facility. A facility that is primarily used for research, training, and/or educational activities conducted by or for a state or local government agency, a non-profit organization, or a higher education institution. These facilities may include: laboratories, classrooms, libraries, computer centers, conference rooms, offices, and support facilities like storage and maintenance areas.
86. Structured Parking. A structure of two or more stories used for the temporary parking or storage of more than four motor vehicles. A parking garage is limited to enclosed structures or structures enclosed except for portions of the parking structure over 45 feet above grade. Any unenclosed parking deck must have screening walls at least 4 feet in height. All lighting on the unenclosed parking deck must use fully shielded fixtures which are installed to not project glare off the lot.
- Structured Parking shall be designed such that the first-floor shields or buffers the view into the garage. First floors shall be designed to be pedestrian friendly and avoid unsightly views. Retail is encouraged on the first floor of the parking garage.
87. Telecommunications/Radio/Television Tower. Any structure designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, and other similar structures.
88. Theater (Indoor). A facility designed or used for the showing of motion pictures or the presentation of live theatrical performances, concerts, lectures, or other similar events.
89. Utility - Lift Station. Shall mean a pump station that uses energy to move sewage to a higher elevation.
90. Utility – Power Generating Plant (including SMR). A facility that produces electricity for commercial or industrial use that may use a variety of fuel sources, including fossil fuels, nuclear energy, renewable energy sources, or a combination of these.

91. Utility - Power Generation - Wind. Shall mean wind power generation for the purpose of wholesale to the power grid. See [3.3 Use Descriptions and Standards](#).
 92. Utility - Solar Commercial. Shall mean solar power generation for the purpose of wholesale to the power grid. See [3.3 Use Descriptions and Standards](#).
 93. Utility - Power Substation. A facility used to transform, transmit, and/or switch electrical power, typically consisting of transformers, circuit breakers, switches, and other electrical equipment.
 94. Utility - Wastewater Treatment Plant. A facility that treats wastewater from residential, commercial, and industrial sources through a variety of physical, chemical, and biological processes to remove pollutants from wastewater so that it can be safely discharged into the environment.
 95. Utility - Water Treatment Plant/Wellfield. A facility that extracts, treats, and stores water for drinking and other purposes.
 96. Utility - Water Tower. A structure used to store water for public consumption. It is typically elevated to provide pressure to the water distribution system.
 97. Vendor, Temporary (Farmer's Market, Street Fair, etc.). A person or business that sells goods or services from a temporary location, such as a cart, kiosk, tent, or truck, for a limited period of time.
 98. Visitor Center. Shall mean a public or private center focused on educating, informing, and orienting persons visiting the LEAP District or interested in the type of innovative uses contemplated in the LEAP District -- in a building or Campus Like Setting.
 99. Wetland Bank/Mitigation Site. Shall mean a system where Wetland and mitigation site areas are protected, restored, or created to compensate for the authorized destruction, impacts or alteration of other Wetlands. Nothing within this definition restricts the Association or IEDC from establishing a Wetland Bank.
 100. Wholesale Trade. Establishments primarily engaged in one or more of the following activities: Selling durable and nondurable goods to retailers, to industrial, commercial, institutional, farm, or building trade contractors; to professional businesses; or to other wholesalers. Activities may include physically assembling, sorting, and grading goods into large lots and breaking bulk for redistribution in smaller lots; the sale at wholesale and/or storage or warehousing of toxic and/or hazardous materials; providing support services primarily to other businesses. Operations with more than 25 percent of sales to retail customers are categorized as "retail sales" rather than as "wholesale trade" uses. This use excludes self-storage facilities. The use must be located at least 500 feet from any residential district. This requirement may be reduced by the Administrator if the applicant can show a smaller separation will have no significant effect on the nearby residential district.
- D. **Accessory Use Standards.** Accessory uses shall follow the requirements of the UDO unless otherwise stated in this Ordinance.
1. Setbacks. Accessory uses shall follow the dimensional guidelines listed in [Table 4-1: Dimensional Standards](#).
 2. Height. Accessory structures shall follow the height guidelines set in [Table 4-1: Dimensional Standards](#).

Exhibit B – Parking

3. **Solar and Wind.** Accessory solar and wind uses shall be permitted pursuant to standards set forth in **3.3 Use Descriptions and Standards.**

E. **Temporary Uses.** Temporary uses, as described in the table below, may operate seasonally or for a specific set time, may be allowed as an accessory use to the principal use or for use of a vacant lot, with Administrative review and approval. Temporary uses shall follow the requirements listed within this section and the UDO.

1. **Access and Parking.** Temporary uses shall have adequate access to/from the temporary use and parking facilities. Access and Parking shall not interfere with vehicular or pedestrian traffic, and alternative paths signage shall be displayed if traffic is disrupted.
2. **Noise.** Noise producing devices shall not be excessive and shall be mindful of surrounding adjacent properties and uses.
3. **Lighting.** Lighting shall be directed toward the temporary use and shall not cause glare or become a nuisance to adjacent properties or uses.
4. **Post Temporary Use Site Condition.** Sites shall be returned to a clean condition. All temporary use remnants shall be removed at the termination of the temporary use.

P = Permitted Use	Districts		
	IM	IA	MU
Festivals			P
Garage Sales/Yard Sales			P
Other Uses	P	P	P
Special Event	P	P	P
Seasonal Sales	P	P	P
Temporary Home Sales Facilities			P
Temporary Office	P	P	P
Temporary Parking for Construction Workers	P	P	P

4.18 EXHIBIT B – PARKING**Table 4-8: Parking Required By Use**

Principal Use	Maximum Spaces (Except as Noted)	Notes
Research & Development, Technology & Offices		
Advanced Manufacturing Research, Scientific Research, Development, and Training	4 spaces/1000 sq. ft. or determined by parking study	
Corporate Headquarters, Offices and Business Parks	1 space/300 sq. ft. (gross floor area) or determined by parking study	
Data Center, including Computer Infrastructure Providers, Data Processing, and Related Services	2 spaces/3 employees during shift with greatest number of employees or determined by parking study	
Government Service Offices	3 spaces/1000 sq. ft. + 1 space/vehicle maintained on site or determined by parking study	

LEAP District
Exhibit B – Parking

Principal Use	Maximum Spaces (Except as Noted)	Notes
Hospitals	1.75 spaces/bed + 1 space/175 sq. ft. of hospital-related office, research and administrative space or determined by parking study	
Major Universities	5 spaces/1000 sq. ft. + 1 space/university vehicle maintained on site or determined by parking study	
Medical and Diagnostic Laboratories	2 spaces/3 employees during shift with greatest number of employees or determined by parking study	
Medical Office and Facilities, Health Care Facilities & Social Assistance Services	7 spaces/1,000 sq ft. (gross floor area) or determined by parking study	
Wholesalers		
Wholesale Trade or Storage	2 spaces /each 3 employees during shift with the greatest number of employees + 1/each vehicle maintained on site	
Industrial and Manufacturing		
Industrial and Manufacturing (including advanced manufacturing and mega-sites)	1 space per employee on largest shift or determined by parking study	
Transportation Uses & Utilities		
Alternative Energy Refueling and/or Electrical Vehicle Charging Station	1 space per employee	
Railroad Rolling Stock Manufacturing	2 spaces/3 employees during shift with greatest number of employees + 1 space/vehicle maintained on site	
Solar Farms, Commercial	no spaces required	
Utility - Lift Station	no spaces required	
Utility – Power Generation (Plant, Wind, Solar)	1 space per employee	
Utility - Power Substation	1 space per employee	
Utility - Wastewater Treatment Plant	1 space per employee	
Agriculture, Forestry & Fishing and Hunting		
Agriculture, Forestry, Fishing and Hunting	No spaces required	Spaces required for dwelling units on site apply
Pasturage	No spaces required	Spaces required for dwelling units on site apply
Commercial		
Animal Day-Care Facility, Animal Shelter	1 space/employee + 1 space per 10 animals + 1 area designed for one-site drop-off and pickup (animal day care only)	
Bars, Lounges, Tavers & Nightclubs	22 spaces/1000 sq ft (useable floor area)	
Beer, Wine, and Liquor Retailers	4/1000 sq ft.	If alcohol sales occur within a grocery or convenience retailer, parking must be met per use requirements
Child Care Center (Daycare)	1 space per employee + 1 space per vehicle used directly for the business. 1	

LEAP District
Exhibit B – Parking

Principal Use	Maximum Spaces (Except as Noted)	Notes
	space per 20 children (for whom a license has been issued by the state of Indiana) 1 area designated for on-site drop-off and pickup.	
Commercial Banking, Savings Institutions and/or Other Depository Credit	1/200 sq ft. + 2 spaces/24 hour atm + 4 stacking spaces/window or station + 1 bypass lane	
Gasoline Refueling Station	1 space per employee	
General Retail	1 space/ 200 sq ft.	
Grocery and Convenience Retailers	4/1000 sq ft + 5% of overall spaces for drive-up/pick-up spaces	
Home Improvement Centers (Over 40,000 Sq Ft.)	5.5 spaces/1000 sq ft (gross leasable floor area)	
Laundry Service, Commercial	1.5 space/5 washers + 1 space /company vehicle + 1 space/employee with the shift with the greatest number of employees	
Mixed-Use Retail (Retail First Floor)	1.5 space per unit or determined by parking study	
Personal, Professional Services	2/1000 sq ft. + 1 space/employee with the shift with the greatest number of employees	
Recreation, Commercial Indoor	1 spaces per 4 persons at maximum capacity	
Recreation, Commercial Outdoor	1 spaces per 4 persons at maximum capacity	
Repair Services	1.5 spaces/bay + 1 space/1000 sq ft. + 1 space/company vehicle stored on site	
Restaurant	18 spaces/1,000 sq ft. (gross leasable floor area) or .5 space/seat, whichever is greater	
Restaurant (Standard)	12 spaces/1000 sq ft. (gross leasable floor area) or .5 space/seat, whichever is greater + any spaces required for banquet or meeting rooms	
Restaurant (Drive-Thru)	2/1000 sq ft + 5 space/window + 1 bypass lane + 5 spaces for pick up	
Restaurant (Carry Out, less than 6 Tables)	6 spaces + 4 spaces for employees	
Shopping Center	5 spaces/1000 sq ft. + additional spaces for restaurants	
Entertainment, Art and Music Center	1 space per 4 persons based on the occupant load of all indoor and outdoor areas. a minimum of 10 spaces is required for each use.	
Visitor Center	1.5/1000 sq ft + 1 space/employee with the shift with the greatest number of employees	
Hotel, Bed and Breakfast or Temporary Lodging	1 space per guest room + 1 space per employee during shift with the greatest amount of staff	
Meeting or Party Hall	4/1000 sq ft + 1 space per employee during shift with the greatest amount of staff	

LEAP District
Exhibit B – Parking

Principal Use	Maximum Spaces (Except as Noted)	Notes
Residential		
Age Restricted Housing (Assisted Living Facility, Nursing Home, Senior Housing etc.)	1/unit + 1 visitor space for each 10 units provided that there is a parking management plan for peak times during the holidays and special days, such as temporary off-site employees shuttles.	Visitors spaces shall be conveniently located throughout
Multi-Family Residential	1.5/unit + 1 visitor space for every 5 units	Visitors spaces shall be conveniently located throughout
Single-Family – Attached	1/unit	
Single-Family – Detached	2/unit	
Group Homes	3 spaces/unit	
Mixed-Use Residential (Residential Upper Floors)	1.5/unit + 1 visitor space for every 5 units	
Educational or Institutional		
School - Kindergarten/Preschool	1 space per employee + 1.5 spaces/classroom + 1 area designated for on-site drop-off and pickup	
School - Elementary/Middle	1.5 spaces/classroom + 1 space/employee + 1 area designated for on-site drop-off and pickup	
School - High	1.5 spaces/classroom + 1 space/employee + 1 space/5 students + 1 area designated for on-site drop-off and pickup	
College, University, Higher Education Training	1.5 space per 5 students+ 1 space/full-time employee	
Places of Worship, Neighborhood Serving Institutions/Infrastructure, and Other Places of Assembly	1 space/3 persons allowed under occupancy of main assembly or meeting area	
Parks	1 space per acre	
Other		
Other; Unlisted	Similar uses shall use the table above, and unlisted uses without a similar use shall provide a parking study, information or equivalent for Administrative Review and Approval.	

Design and Maintenance

Chapter 5

5.1	ACCESSORY USES AND STRUCTURES.....	3
5.2	BUILDING STANDARDS	11
5.3	FENCE AND WALL STANDARDS	11
5.4	HEIGHT STANDARDS	13
5.5	INFILL DEVELOPMENT STANDARDS.....	13
5.6	LOT STANDARDS.....	16
5.7	PERFORMANCE STANDARDS	17
5.8	PROPERTY MAINTENANCE STANDARDS.....	21
5.9	SETBACK STANDARDS.....	24
5.10	SIGHT VISIBILITY TRIANGLE	24
5.11	SINGLE-FAMILY TO MULTIFAMILY CONVERSION STANDARDS	25
5.12	SHORT-TERM RENTALS.....	26
5.13	YARD STANDARDS.....	27

LEBANON
INDIANA

5.1 ACCESSORY USES AND STRUCTURES

- A. **Intent.** Accessory structures are permitted in all zoning districts according to the provisions of this article. Accessory structures must be clearly subordinate in height, area, and bulk to the principal structure. Accessory structures are not permitted prior to the erection of the principal building unless a temporary Use Permit is obtained ([8.21 Improvement Location Permit](#)).
1. Location
- Accessory structures cannot be located closer to the front lot line than the building facade line of the principal structure.
 - Accessory structures shall not encroach upon any required landscaping or bufferyard.
2. Area. In a residential district on a lot less than one acre, an accessory structure cannot exceed 100% of the principal structure area. Accessory structures located in non-residential districts cannot exceed 25% of the principal structure area but may be a minimum of 200 square feet regardless of the size of the principal structure.
- B. **Permitted Accessory Structures**
- Appurtenant features such as walks, driveways, curbs, drainage installations, chimneys, garages, gazebos, hot tub enclosures, carports, canopies, pool houses, porches, patios, greenhouses mailboxes, lamp posts, bird baths and structures of a like nature, are permitted.
 - Accessory buildings for residential uses must be set back at least 10 feet behind the front facade of the principal building. This requirement does not apply to residential uses on parcels 5 acres or larger.
 - An accessory building 200 square feet or smaller must be a minimum of 5 feet from the side and rear lot lines and located outside of all easements. An accessory building over 200 square feet must meet the minimum setbacks for principal buildings, except as otherwise established by this article.
 - The keeping of no more than 3 domestic pets is permitted, provided it is not for profit and not construed as a kennel.
 - Fences, walls, and structural screens are permitted when they do not impede intersection visibility. ([5.10 Sight Visibility Triangle](#) and [5.3 Fence and Wall Standards](#)).
 - Off-street motor vehicle parking and loading areas are permitted, see [6.3 Parking](#).
 - Signs, see [6.4 Signs](#).
- C. **Accessory Use Standards.** Accessory Uses are permitted in all zoning districts according to the provisions of this article.
- Accessory uses must be incidental, subordinate to, and commonly associated with, the operation of the principal use of the lot and be operated and maintained under the same ownership as the principal use.
 - Accessory uses are not permitted prior to the operation of the principal use unless a temporary Improvement Location Permit is obtained according to [8.21 Improvement Location Permit](#).

D. Accessory Dwelling Units

1. An accessory dwelling unit must only be located within a single-family detached dwelling or as a separate dwelling unit on the same lot or parcel with a principal dwelling.
2. No more than one accessory dwelling is permitted on any lot or parcel.
3. The accessory dwelling unit must share the same sewage disposal and water supply systems as the principal dwelling unit.
4. A minimum of one off-street parking space is required for the accessory dwelling unit in addition to the off-street parking spaces required for the principal dwelling unit.
5. The accessory dwelling unit is limited to a maximum of 25% of the total living area of the principal dwelling or 800 square feet, whichever is less, but not less than 400 square feet.
6. The accessory dwelling must contain no more than a living area, one bedroom, one bath and a kitchen.
7. The owner of the property must live on the premises, either in the principal dwelling or the accessory dwelling, and maintain that address as the primary place of residence.
8. The accessory dwelling unit must be occupied by no more than two people.
9. No new access points or driveways may be created or installed on the abutting street for vehicular access to the accessory dwelling unit.
10. If separate from the principal dwelling unit, the accessory dwelling must meet all setback requirements of the principal dwelling and must not exceed 25 feet high.
11. A detached accessory dwelling unit must conform to all applicable building design and material requirements of **7.18 Residential Architectural Requirements**, applicable to the principal dwelling.
12. As a condition of approval, the owner must prepare a deed restriction or other legal instrument to be reviewed and approved by the Administrator. Following approval by the Administrator, the applicant records the instrument with the County Recorder and provides a copy to the Administrator. The instrument must include a statement that the principal dwelling and the accessory dwelling will remain in the same ownership.

E. Antennae and Satellite Dishes. Radio and television antennae, satellite dishes, and amateur radio antennae are permitted, subject to the standards below, except satellite dishes less than 2 feet in diameter are exempt from these requirements.

1. Ground-mounted satellite dishes and antennae are prohibited in any front or side yard.
2. Ground mounted dishes and antennae must be placed between the rear of the primary structure and the rear property line, set back at least 5 feet from all property lines.
3. Ground mounted antennae cannot exceed 12 feet in height in any residential district or 75 feet in height in any nonresidential district and obscured from the public right-of-way by buildings or landscaping.

4. Roof or building mounted antennae cannot exceed 9 feet in elevation or 4 feet above the highest building elevation, whichever is less.
- F. **Home Occupations.** Home occupations are permitted as accessory uses to residential uses subject these requirements. A Home Occupation Permit is required.
1. Home occupations cannot adversely affect the residential character of the district or interfere with the reasonable enjoyment of adjoining properties. Home occupations are subject to meet the following requirements:
 2. The principal use must remain residential, and the operator of the home occupation must be a resident in the dwelling unit.
 3. The home occupation cannot employ any other person on-site other than an immediate family member residing on the premises.
 4. Structural additions, enlargements, or exterior alterations changing the residential appearance to a business appearance are prohibited.
 5. No additional or separate entrance incongruent with the residential character of the dwelling may be constructed for the home occupation.
 6. No more than 25% of the floor area of the dwelling unit can be devoted to the home occupation.
 7. The home occupations must be conducted entirely within the dwelling unit. The home occupation cannot be conducted within any accessory building.
 8. Extra off-street parking or loading facilities for the home occupation are prohibited.
 9. Home occupations cannot involve on-site customers, employees, meetings, or other events that necessitate the installation of any additional off- street parking spaces. Home occupations presenting a significant increase in the amount of traffic on neighborhood streets are not permitted.
 10. No display of goods or external evidence of the home occupation is permitted, except for one sign per [6.4 Signage](#).
 11. A home occupation cannot involve retailing from the residence, including the display of inventory visible from the street or sidewalk and/or the sale of commodities requiring customers to visit the premises.
 12. Equipment or processes creating noise, vibration, glare, fumes, odors, or electrical or electronic interference, including interference with radio or television reception, are prohibited.
 13. Uses that, by their investment or operation, have a pronounced tendency to rapidly increase beyond the limits permitted for home occupations and impair the use and value of a residential area are prohibited including: Medical, Dental, Law, Insurance and Real Estate Offices; Houses of Worship; Dance Studios; Automobile Repair; Private Clubs; Welding Shops; Barber Shops and Beauty Parlors; Boarding House; Animal Hospitals and Kennels; Trailer Rentals
 14. The provisions of this article do not supersede any deed restriction, covenant, or documents that prohibit a home occupation within a dwelling unit.

15. **Time Limit.** Home occupation permits are valid for a period of 2 years from the initial approval date.
 16. **Renewal.** Home occupation permits may be renewed, provided this article has not been violated. Requests for renewals must be submitted in writing to the Administrator, at least one month before the expiration of the home occupation permit.
 17. **Inspection.** The Administrator may inspect the premises upon application for a home occupation permit, upon renewal of such permit, or upon receipt of any complaints of a violation to determine compliance with these regulations.
- G. **Multifamily Accessory Structures and Uses.** Management offices in multifamily dwellings and other facilities normally associated with tenants' convenience, such as vending machines and washing machines are permitted, provided there is no exterior display, and they are screened according to **5.1(H) Outdoor Sales, Display, and Storage.**
- H. **Outdoor Sales, Display, and Storage**
1. **General Provisions.** The following standards apply to outdoor sales, display, and storage in all districts:
 - a. Outdoor displays cannot not be located in any required yards or off- street parking or loading areas.
 - b. Display areas must be concrete, asphalt, or other permanent paving material and maintained in good condition.
 - c. Approved permanent outdoor display areas can be used at any time and for any duration to display products or seasonal sales; including vending machines, propane tanks, and ice machines without the need for another permit when new items are displayed.
 - d. The maximum area for outdoor sales and display cannot exceed 10% of the principal structure or primary tenant space.
 2. **Types of Uses**
 - a. **Outdoor Vending.** Vending machines, propane displays, and the like must be located under a covering that is part of the principal structure. They may also be enclosed with a knee wall extending from the principal structure and topped with transparent fencing.
 - b. **Automobile Dealership.** The outdoor display, storage, and parking of vehicles for sale is allowed, provided all preparation, repair, and maintenance of vehicles is enclosed. Perimeter and interior landscaping standards for parking lots apply though plant material may be clustered to maximize display.
 - c. **Industrial Uses.** All industrial use operations, services and processing must be conducted within completely enclosed buildings. Storage of raw, processed, or finished materials for industrial use must occur within completely enclosed buildings. The storage of raw, processed, or finished materials for industrial use within the ID district may be unenclosed, subject to the screening standards of **6.1(R) Screening Requirements.**

- d. Storage. These provisions apply in all zoning districts.
 - i. Storage in Required Yards or Right-of-Way
 - a) Storage of materials incidental to a principal use in a nonresidential district is permitted, provided the storage is located within an enclosed structure.
 - b) No portion of any required yard can be used for the permanent storage of motor vehicles, storage containers (PODS), semi-tractors, trailers, airplanes, boats, or parts thereof, rubbish, garbage, junk, tent or building materials, except during construction and in accordance with the terms of this ordinance.
 - c) Storage within any right-of-way is prohibited.
 - d) For this section, permanent storage means the presence of stored materials for a period of 48 or more consecutive hours in a one-week period.
 - ii. Bulk Storage
 - a) Structures, buildings, or above ground tanks used for bulk storage of flammable or explosive liquids, gases, or other materials, cannot be located closer than 50 feet to the property line.
 - b) The entire premises where the bulk storage is located must be enclosed with a 6-foot-high opaque fence or equivalent.
 - c) Lots containing bulk storage must be screened according to the provisions of **6.1 Landscaping**.
 - iii. Open Storage. Open storage must meet the following provisions:
 - a) The open storage must be accessory to the primary use of the premises.
 - b) Open storage must be located behind the front or exterior wall of the primary building facing any street and must comply with all yard regulations of this ordinance and with **5.10 Sight Visibility Triangle**.
 - c) Open storage cannot cover more than 5% of the lot area or an area more than twice the ground floor area of the primary building, whichever is less.
 - d) Open storage must be screened according to the provisions of **6.1 Landscaping**.
- 3. **Recreational Vehicles**. The storage or parking of recreational vehicles (including travel-trailers, utility trailers, motorcycle trailers, boats, snowmobile, etc.) is permitted in residential zoning districts and at residential uses, subject to **6.3 Parking** and the following:
 - a. The wheels of any recreational vehicle must not be removed except for repairs. The vehicle cannot be permanently fixed to the ground preventing its easy removal.
 - b. Recreational vehicles may be stored or parked by the owner on a paved surface behind or alongside the principal building if no part of the vehicle projects beyond the front façade of the building or into a side setback.

- c. Only one recreational vehicle is permitted to be parked or stored in the open on residential property at any one time.
- d. A recreational vehicle may be temporarily parked in the front yard of a residential lot for a period not exceeding a total of 48 hours in a one-week period.
- e. A parked or stored recreational vehicle cannot be occupied or used for living, sleeping, or housekeeping purposes.
- f. The Administrator may require a landowner to verify that the vehicle is licensed and operational.

I. Solar Energy Conversion Systems – Accessory Use

- 1. Solar energy systems are a permitted accessory use in all zoning districts, subject to the requirements of this article. Solar carports and associated electric vehicle charging equipment are a permitted accessory use on surface parking lots in all districts regardless of the existence of another building. Ground-mounted systems do not count toward the maximum number of accessory structures permitted.
- 2. Solar energy systems must meet the following height requirements:
 - a. Building or roof-mounted solar energy systems cannot exceed the maximum height allowed in the zoning district where the solar energy system is located. For purposes of height measurement, solar energy systems other than building-integrated systems are permitted the same height exceptions as building-mounted mechanical equipment.
 - b. Ground- or pole-mounted solar energy systems cannot exceed 15 feet in height when oriented at maximum tilt.
 - c. Solar carports in non-residential districts cannot exceed 20 feet in height.
- 3. A solar energy system must meet the accessory structure setback for the zoning district where it is located and the requirements below.
 - a. Roof- or Building-mounted Solar Energy Systems. The collector surface and mounting devices for roof-mounted solar energy systems cannot extend beyond the exterior perimeter of the building on which the system is mounted or built, unless the collector and mounting system has been explicitly engineered to safely extend beyond the edge, and setback standards are not violated. Exterior piping for solar hot water systems is allowed to extend beyond the perimeter of the building on a side yard. Solar collectors mounted on the sides of buildings and serving as awnings are considered building-integrated systems and are regulated as awnings.
 - b. Ground-mounted Solar Energy Systems. Ground-mounted solar energy systems cannot extend into a side or rear yard setback when oriented at minimum design tilt.
- 4. Solar energy systems in residential districts must minimize visual impacts from the public right-of-way to the extent that doing so does not adversely affect the cost or efficacy of the system, consistent with IC 36-7-2-8.
 - a. Building-integrated Photovoltaic Systems. Building-integrated photovoltaic solar energy systems are allowed even if the system is visible from the public right-of-way. If the building

component where the system is integrated meets all required setback, land use, or performance standards for the district where the building is located.

- b. Aesthetic Restrictions. Roof-mounted or ground-mounted solar energy systems cannot be restricted for aesthetic reasons if:
 - i. The system is not visible from the closest edge of any public right-of-way other than an alley.
 - ii. Roof-mounted systems on pitched roofs visible from a right-of-way have the same pitch as the roof and are no more than 10 inches above the roof.
 - iii. Roof-mounted systems on flat roofs visible from a right-of-way are not more than 5 feet above the finished roof. Such systems are exempt from any rooftop equipment or mechanical system screening requirements.
 - c. Reflectors. Solar energy systems using a reflector to enhance solar production must minimize the glare from the reflector onto adjacent or nearby properties.
5. A ground-mounted system must meet the lot coverage requirements for the zoning district where it is located except:
- a. Ground-mounted systems are exempt from lot coverage or impervious surface standards if the soil under the collector is maintained in vegetation and not compacted.
 - b. Solar carports in non-residential districts are exempt from lot coverage limitations.
6. Solar energy systems requiring a building permit or Improvement Location Permit must provide a site plan with the permit application.
7. Electric solar energy system components must have an Underwriters Laboratory (UL) or equivalent listing and solar hot water systems must have a Solar Rating and Certification Corporation (SRCC) or equivalent rating.
8. Solar energy systems require approval of local building code officials, consistent with the State of Indiana Building Code. Solar thermal systems must comply with HVAC-related requirements of the Energy Code and applicable Indiana State Plumbing Code requirements. Photovoltaic systems must comply with the Indiana State Electric Code.
9. For grid-tied solar energy systems, the interconnection application must be submitted to the utility prior to applying for required City permits. Off-grid systems are exempt from this interconnection application requirement.
- J. **Swimming Pools**. Swimming pools must meet the requirements below and require an Improvement Location Permit.
- 1. Private swimming pools must be: (1) enclosed by a self-latching fence at least 6 feet in height, located at least 3 feet from the edge of the water on all sides, and maintained to prevent access to children or animals, or (2) an automatic pool cover is required.
 - 2. If any side of a private swimming pool lies within 25 feet of an abutting residential use, that side of the pool must have:
 - a. A solid planting screen maintained to a height of 8 feet and a depth of 6 feet; or

- b. Solid screen of suitable construction material to a height of 8 feet and a depth of 6 feet; or
- c. A solid screen of suitable construction material to a height of 8 feet that will act as a sound barrier.

K. Wind Energy Conversion Systems – Accessory Use

1. Wind energy conversion systems (WECS) are a permitted accessory use in all zoning districts, subject to the requirements of this article. Wind energy conversion systems do not count toward the maximum number of accessory structures permitted. Most of the energy produced by an accessory WECS should be consumed only on the property where it is located.
2. As accessory uses WECS must be:
 - a. Installed on a certified tubular free-standing tower, a lattice tower, or a monopole tower. Towers may be guyed or self-supporting.
 - b. Filtered, shielded, or otherwise designed and constructed to not cause electro-magnetic interference.
 - c. Grounded to protect against lightning strikes.
 - d. Designed with automatic over speed control to render the system inoperable when winds are blowing at higher speeds than the machine's capability.
 - e. Equipped with a redundant breaking system, including both aerodynamic over speed controls and mechanical breaks. Mechanical brakes must be operated in a fail-safe mode. Stall regulation is not a sufficient braking system for over speed protection.
3. The WECS owner and operator must make reasonable efforts to minimize shadow flicker to any occupied building on a non-participating landowner's property.
4. A WECS must be setback from property lines at least 120% of the total height of the WECS.
5. A WECS must comply with the maximum height limitation for the zoning district where it is located.
6. WECS must be white, light gray, or another non-obtrusive color. Blades may be black to facilitate deicing. Finishes must be matte or non-reflective and meet Federal Aviation Administration color requirements. No advertising or signage is allowed on a WECS.
7. A WECS requires an Improvement Location Permit. The permit application includes a site plan and a description of the project addressing: the number and type of turbines, generating capacity, tower design and height, blade arc diameter, total height, means of connection with the electrical grid, potential equipment manufacturers, and all related accessory structures. The manufacturer's engineer or another qualified professional engineer must certify that the turbine, foundation, and tower design are within accepted professional standards given local soil and climate conditions.
8. Electric WECS components must have an Underwriters Laboratory (UL) or equivalent listing.
9. Wind energy conversion systems require approval of local building code officials, consistent with the State of Indiana Building Code.

10. For grid-tied WECS, the interconnection application must be submitted to the utility prior to applying for required City permits. The WECS must be designed to meet the utility's requirements for interconnection and operation. Automatic and a manual controls that render the system inoperable in case of loss of utility power is required. Off-grid systems are exempt from these requirements.

5.2 BUILDING STANDARDS

- A. Every building erected must be located on a lot and according to this Ordinance.
- B. A lot used for single-family residential purposes must have only one principal building devoted to residential use, except as otherwise permitted in this ordinance.
- C. A lot used for multifamily purposes may have more than one principal building devoted to residential use.
- D. A lot in a non-residential district may have more than one principal building devoted to non-residential uses.

5.3 FENCE AND WALL STANDARDS

- A. **General Standards.** Fences and walls are permitted in all zoning districts after obtaining a fence permit per **8.18 Fence Permit**. Fences and walls must conform with the following requirements:
 1. All fences and walls must present the non-structural face outward.
 2. A fence or wall cannot disrupt the flow of water in any drainage easement, or otherwise impede stormwater runoff.
 3. Location
 - a. Fences and walls are prohibited within easements unless prior written consent of the easement holder is provided. Any fence or wall located in an easement may be removed by the easement holder. The owner is solely responsible for the cost of removing and replacing the fence or wall.
 - b. A fence or wall cannot be closer than 3 feet to a property line unless providing a site survey or a notarized letter of approval from the neighbors allowing the fence on a property line.
 - c. A fence or wall may cannot be placed within a right-of-way or Sight Visibility Triangle (**5.10 Sight Visibility Triangle**).
 - d. At least 15 feet of separation is required between a fence and the top of bank of a pond to provide for emergency access and maintenance.
 - e. Fences can only be placed within common areas as part of an approved Development Plan.
 4. Buffer Yards. A fence or wall cannot be placed in any required buffer yard that does not specifically provide for the inclusion of fences.

Design and Maintenance

Fence and Wall Standards

5. Materials. Fences and walls must be constructed of wood, decorative metal, textured masonry, stone, synthetic materials styled to simulate natural materials other material approved by the Administrator.
 6. Height Exceptions. Fences specifically required by this Ordinance for screening, telecommunications facilities, or other purposes may exceed the maximum heights established by this Article consistent with the appropriate specific requirements of this Ordinance.
 7. Height Measurement. The height of a fence is determined by measuring from the adjacent grade to the highest point of the fence, excluding fence posts. Fence posts may exceed the maximum height of the fence by up to one foot.
 8. Sports Fence Exceptions. Protective fences at sports facilities (such as baseball backstops or fencing around tennis courts) may exceed the height requirements and be constructed of chain link fence.
- B. **Residential Fence and Wall Standards**. These standards are applicable to residential uses in all districts:
1. Fences and walls cannot exceed 6 feet in height in a side street side or rear yard or 48-inches in height in any front yard.
 2. Front yard fences must be at least 50% open.
 3. Where fences or walls are used in combination with required landscaping on the perimeter of residential subdivisions in a designated common area or easement, the majority of landscaping must be placed on the street side of the fence or wall.
 4. Chain-link fences are only permitted in the rear and side yards and must be vinyl coated.
 5. Prohibited Fences. Electrified, barbed wire, razor wire, and stockade fences are prohibited on all non-farm residential property.
- C. **Nonresidential Fence and Wall Standards**. These standards are applicable to non-residential uses in all districts:
1. Fences and walls cannot exceed 8 feet in any side, street side, or rear yard.
 2. Decorative fences or walls constructed of high-quality materials such as brick, stone, decorative block, metal or wood not exceeding 4 feet in height and may be located in any front yard, provided they are at least 50% open.
 3. Landscaping must be used to complement the fence.
 4. Breaks should be provided by variation in height, columns, recesses, and projections. The maximum uninterrupted length of a fence or wall is 100 feet.
 5. Chain-link fences are only permitted in the rear and side yards and must be vinyl coated. Where chain-link fencing is used to meet screening requirements, it must be reinforced with a landscape screen at least 6 feet high.
 6. Prohibited Fences. Electrified, barbed wire, chain-link, razor wire, and stockade fences are prohibited on all non- farm property. Uses in the General Industrial District and penal and correctional facilities are exempt from this standard.

5.4 HEIGHT STANDARDS

- A. The maximum height permitted is noted in the zoning district standards except as provided below.
1. General Exceptions. Church steeples; Spires, belfries, and cupolas; and Industrial-related storage tanks, mechanical equipment, and smokestacks may be up to twice the permitted height regulations for the district.
 2. Height of Residential Structures. In the districts limiting the height of single-family residential structures to 35 feet, a dwelling may be increased up to 40 feet if the required side yards are increased 2 additional feet for each foot the structure exceeds 35 feet in height.
 3. Telecommunications Towers and Antenna. The height of telecommunication towers and antenna must meet the requirements of **3.3 Telecommunications Towers**.
 4. Amateur Radio Towers. Amateur radio towers must meet the requirements of **5.1(E) Antenna and Satellite Dishes**.
 5. Necessary Appurtenances. The following structural elements may exceed the permitted height standards for the zoning district in which they are located by up to 10 feet:
 - Necessary mechanical appurtenances;
 - Utility substations and related essential facilities;
 - Water tanks;
 - Chimneys;
 - Fire towers;
 - Stair towers;
 - Stage bulkheads;
 - Elevator bulkheads; and
 - Other similar facilities or structures.
 6. Water Towers. Water towers may exceed the permitted height standards for the zoning district in which they are located and may be erected to a maximum height of 200 feet.
- B. **FAA Requirements**. Nothing in this Ordinance, including the height exceptions above should be interpreted as waiving any height regulations related to air travel. All applicable Federal Aviation Administration (FAA) restrictions and regulations apply to all structures.

5.5 INFILL DEVELOPMENT STANDARDS

- A. **Intent**. Infill development is new development or redevelopment that occurs in an area where at least 66% of all lots on both sides of the same street block containing the subject lot have been developed. It is the general intent of this article to:
1. Accommodate growth by encouraging and facilitating new development on vacant, bypassed, and underutilized land.
 2. Accommodate development in older, established residential neighborhoods, or neighborhoods platted under a previous zoning ordinance.

3. Encourage efficient use of land and public service.
4. Provide developers and property owners flexibility so that they can achieve high quality design and develop infill projects that strengthen existing neighborhoods.
5. Improve approval certainty by providing clear infill development standards.

B. General Requirements

1. The development plan, site plan, or minor plat must incorporate the following elements to enhance compatibility with the surrounding community:
 - a. Sidewalks that connect to the adjacent sidewalk system;
 - b. Public streets that connect to the adjacent street pattern;
 - c. Preservation of architecturally significant structures whenever feasible; and
 - d. Setbacks, building envelopes, use and parking compatible with surrounding community.
2. All new buildings (except accessory structures) must have the primary entrance oriented to the street or public walkway, with direct, accessible, and convenient pedestrian connections.

C. Lot And Development Standards. Density, design, materials, use, and building scale should be cohesive with the style, heritage, and materials unique to each neighborhood.

1. Lot areas are dependent on proposed densities, floor area ratios, setbacks, building heights, and neighborhood compatibility. A legal lot of record that existed prior to the date of this Ordinance and is being used for infill or redevelopment may use the following lot standards.
2. The maximum building height is the greater of:
 - a. The maximum height permitted in the zoning district or
 - b. the height equal to the average of adjacent building heights.
 - c. If the proposed building height is greater than the permitted maximum for the zoning district, the proposed building or structure must meet the following criteria for community compatibility:
 - i. Neighborhood scale
 - ii. Privacy
 - iii. Light and shadow
 - iv. Views
 - v. Architectural compatibility
3. The minimum setbacks are:
 - a. As required in the zoning district; or
 - b. The average of the established front, side, and rear yard setbacks within the block or 600 feet on both sides of the lot parallel to its frontage, whichever is applicable.

4. Bulk and scale should be like and compatible with the surrounding neighborhood as evaluated by the bulk of buildings adjacent, abutting and surrounding the proposed development. Larger buildings should be designed to adhere to the existing architectural pattern of the surrounding neighborhood.
 5. Flexible development standards to reduce lot area, lot width, setbacks, height, and other standards may be permitted for infill development at the discretion of the Administrator, subject to proof of good cause and benefit to the development and community and to address difficult sites which incorporate infill and redevelopment or rehabilitation. Building height and coverage may vary so long as the project average height is consistent with the neighborhood scale and architectural rhythm and does not constitute a disruptive condition in the identity of the area.
- D. **Compatibility Standards.** Infill development should provide exemplary site design, architectural design, and high-quality materials compatible with the character of the existing neighborhood.
1. All infill development must meet the intent of this Article and be compatible with existing uses or proposed uses identified in the Comprehensive Plan, in the general vicinity of the proposed development. These requirements apply:
 - a. Building Size, Height, Bulk, Mass, and Scale must be similar to existing buildings in the vicinity or articulated into massing that is proportional to other structures in the area, to maintain the existing architectural rhythm.
 - b. Primary facades and entries must face the adjacent street with a connecting walkway that does not require pedestrians to walk through parking lots or across driveways.
 - c. Optimize privacy of residents and minimize infringement on the privacy of adjoining land uses by considering the placement of windows and door entrances. Create opportunities for interactions among neighbors in common pedestrian circulation areas of the project, if applicable.
 - d. Building materials must be similar to materials of the surrounding neighborhood or use other characteristics such as scale, form, architectural detailing, etc, to establish compatibility.
 2. All planned uses, building types, and landscaping must be included on the development plan, site plan, or minor plat and demonstrate the relationship of the proposed development with the context of the adjacent community.
- E. **Open Space and Landscaping**
1. Open space. Non-residential and multifamily infill development must provide common public open space, if planned. An open space credit may be granted if a project is connected to, and located within 1/4 mile of, an improved public park or common area by a continuous public sidewalk.
 2. Landscaping. Natural vegetative features and existing trees must be incorporated into the site design, if practicable. Landscaping, buffering, and other plant material requirements may be reduced at the discretion of the Administrator. However, the intent of the landscaping to enhance and create a hierarchy of space remains. Buffering and screening of incompatible uses must be maintained.

- F. **Public Facilities and Utilities.** Existing and planned public facilities should be shown on the development plan, site plan, or minor plat. All public streets, walkways and alleys must be shown. All through streets and walkways must be public. The street and walkway system must provide multiple, direct, and continuous neighborhood connections between destinations.

5.6 LOT STANDARDS

A. Required Setbacks

1. Minimum required setbacks are set forth in the district development standards. The required setback must be measured from the existing right-of-way or the proposed right-of-way noted in the Lebanon Thoroughfare Plan, whichever is greater.
2. Through Lots are considered to have two or more front yards and must conform to the minimum setbacks as specified for each district.
3. Corner Lots. For residential uses, a corner lot is considered to have one front yard and one street side yard where abutting the intersecting streets. The front yard is considered the yard with the narrower lot frontage unless otherwise determined by the Administrator. For all other uses, corner lots are considered to have a front yard along each abutting street.
4. Minimum required yards or building setback distances must be unobstructed and open to the sky, except for customary projections and signs.

- B. **Permitted Encroachments in Required Yards.** No structure can encroach upon any required yard. However, the following are not considered encroachments into a required yard.

1. Permitted Encroachments in Required Front Yards

- a. An eave, cornice, overhang, awning, porch, balcony, or bay window not exceeding 4 feet, provided, however, the encroachment cannot protrude closer than 50% of the required distance to any lot line.
- b. The ordinary projection of belt courses, sills, lintels, chimneys, and other similar ornamental and architectural features not exceeding 2 feet.
- c. Unenclosed, uncovered steps, entrance platforms, terraces or landings not exceeding 18 inches above grade level and not projecting a distance in excess of 10 feet.
- d. Accessory uses such as public utility installations, walks, driveways, curbs, mail boxes, name plates, lamp posts, bird baths and structures of a like nature in any required front, side, street side, or rear yard.
- e. Fences that are at least 50% open, walls, and hedges not to exceed 48 inches in height.
- f. Plants including trees, shrubs, and perennials.

2. Permitted Encroachments in Required Side, Street Side, and Rear Yards

- a. An eave, cornice overhang, awning, canopy, or balcony not exceeding 4 feet, provided, however, the encroachment cannot protrude closer than 50% of the required distance to any lot line.

- b. The ordinary projection of belt courses, sills, lintels, chimneys, and other similar ornamental and architectural features not exceeding 2 feet, provided, however, the encroachment cannot protrude closer than 50% of the required distance to the lot line.
- c. Unenclosed, uncovered steps, entrance platforms, terraces, or landings not over 18 inches above grade level and not encroaching more than 50% into the required yard.
- d. Accessory uses such as public utility installations, walks, driveways, curbs, retaining walls, mailboxes, name plates, lamp posts, bird baths and structures of a like nature.
- e. Fences, latticework, screens, hedges, or walls not more than 6 feet in height.
- f. Plants including trees, shrubs, and perennials.
- g. Open, off-street parking spaces, according to the provisions set forth in [6.3 Parking](#).
- h. Balconies, breezeways, and open porches and decks if the encroachment does not protrude closer than 50% of the required distance to any lot line.

C. Placement Of Structures

- 1. Lot Access And Frontage. Every building erected or moved must be located on a lot with frontage and access on a public street; or with frontage and access to an approved private street, and all buildings shall be so located on lots as to provide for safe and convenient access, fire protection, and required off-street parking. The front yard setback for new lots is measured from the lot line abutting the open space to the building façade.
- 2. Lot Dimensions. Every building erected must be located on a lot which meets the minimum zoning requirements for the district in which it is located unless otherwise specified for planned unit developments or as specified in Chapter 6: Overlay Districts.
- 3. Relocation Of Structures. No buildings or structures can be moved from one lot or premises to another unless the building conforms to all the regulations of the zoning district where the building is moved.
- 4. One Principal Building Per Lot. There cannot be more than one principal building and associated accessory buildings located on one lot unless the principal buildings designated and platted as a single unit under single ownership and control; multifamily developments, shopping centers, and combined industrial operations may be permitted on one lot according to the provisions of this Ordinance.
- 5. Placing Structures Over Utility Easements. A building or structure cannot be placed or erected over utility easements, except for fences per [5.2 Fence and Wall Standards](#).

5.7 PERFORMANCE STANDARDS

The following environmental standards apply to all zoning districts and uses. Uses cannot exhibit obnoxious characteristics which create a public nuisance.

- A. **Land Suitability**. The use of buildings or land may be limited where the land is unsuitable due to slopes, adverse soil or rock formations, erosion susceptibility, or any other hazard determined by the

Administrator, County Surveyor, or Plan Commission as likely to be harmful to the health, safety, and general welfare of the community.

- B. Preservation of Natural Features.** Existing natural features such as mature trees, streams, lakes, wetlands, streamside riparian areas, floodplains, and similar assets should be preserved through harmonious and careful design. Proposed developments should work with the existing topography to minimize stormwater runoff and conserve natural cover.
1. Wetlands. Wetlands are protected and managed by the U.S. Army Corps of Engineers, Indiana Department of Environmental Management, U.S. Department of Agriculture, and other appropriate agencies.
 2. Streamside Forests (Riparian Areas). All structures, except necessary infrastructure components, must be set back 25 feet from the top-of-bank. Within this setback, preservation of native vegetation is encouraged and construction activity should be limited. Banks and uplands must be stabilized.
 3. Floodplains. Floodplains are managed per [**2.8 Floodplain Overlay District.**](#)
 4. Stormwater Runoff. Stormwater systems are regulated by the [**City's Stormwater Ordinance.**](#)
 5. Trees. Existing trees to be protected and preserved per [**6.1\(B\)\(3\) Preservation of Existing Features.**](#)
 6. Waste Stored Outdoors. Waste materials such as garbage, rubbish, household appliances, inoperable vehicles, furniture designed for interior use, gasoline, oil, flammables, soils, tars, chemicals, greases, similar plant material, noxious weeds, industrial or agricultural waste, or other materials cannot be deposited, stored, or discharged outside on any lot as to to contaminate, pollute, or harm water bodies or ground water, provide a habitat for disease carrying animals and insects, or represent a public safety hazard.
 7. Waste Stored in Structures. Waste cannot accumulate within structures in a manner inconsistent with the regulations for the storage of such materials.
 8. Open Dumping. Open dumping is prohibited in all zoning districts.
- C. Excavations And Fills**
1. Cut and fill slopes cannot be steeper than 2:1 unless stabilized by a retaining wall or cribbing or as approved by the Administrator.
 2. Provisions must be taken to prevent surface water from damaging the cut face of excavations or the sloping surfaces of fills by installing drainage system across or above these areas.
 3. Cut and fills cannot endanger adjoining property.
 4. Fill must be placed and compacted to minimize sliding or erosion of the soil.
 5. Fills cannot encroach on natural watercourses or constructed channels.
 6. Fills placed adjacent to natural watercourses or constructed channels must implement erosion control measures to prevent sediment from entering the waterway.

7. Grading cannot divert water onto an adjoining property without the expressed consent of the Administrator.
8. During grading operations, dust control must be implemented when necessary.
9. Grading equipment cannot cross live streams. Temporary or permanent culverts or bridges must be used.

D. Responsibility

1. Sedimentation caused by stripping vegetation, regrading, or other development activity, must be removed from all adjoining surfaces, drainage systems, and watercourses, and any damage repaired as quickly as possible at the sole expense of the person causing the land disturbing activity.
2. Maintenance of all driveways, parking areas, drainage facilities and watercourses within any development area is the responsibility of the owner.
3. Any land disturbing activity within a watercourse, swale, floodplain, common area, or right-of-way must return the property to its original or equal condition after the activity is completed.
4. The applicant or owner assumes responsibility for maintaining an open and free flowing condition in all streams, watercourses, and drainage systems, constructed or improved in accordance with City and County standards.
 - a. The flow in any stream or watercourse cannot be altered without obtaining prior approval from the Boone County Drainage Board or the Indiana Department of Natural Resources, as applicable.
 - b. Except as otherwise approved by the Administrator, existing watercourses within a proposed development must be protected by a drainage easement adequately sized to preserve the natural drainage of the watercourse.

E. Environmental Hazards

1. Fire Protection. Fire fighting prevention measures acceptable to the Lebanon Fire Department must be readily available for any use involving the handling or storage of flammable or explosive materials.
 - a. Electrical Disturbance. No use shall cause electrical disturbance adversely affecting radio, television, or other equipment in the vicinity.
 - b. Noise. Uses cannot produce noise in such a manner as to be objectionable because of volume, frequency, intermittence, beat, shrillness, or vibration at the lot line of property. Noise must be muffled or controlled to not become detrimental. Noise cannot exceed 75 decibels, at the lot line.
 - c. Odor. A use cannot emit malodorous gas or matter detectable without instruments at any point along the lot lines.
2. Air Pollution
 - a. Discharge. Discharge across a lot line fly ash, dust, smoke, vapors, noxious, toxic or corrosive matter, or other air pollutants at concentration detrimental to public health, safety, and welfare or damage to property is prohibited.

- b. Smoke. The emission of more than 70 smoke units per hour per stack and emissions in excess of Ringelmann No. 2 are prohibited, except that for 1 hour during any 4 hour period, this rate may be increased to 80 smoke units per hour per stack up to and including Ringelmann No. 3 for the purposes of process purging, soot blowing and fire cleaning, but not for more than 5 minutes.
 - c. Particulate Matter. The emission rate of particulate matter from an individual process cannot exceed a figure of 0.06 pounds per 1,000 pounds effluent gas. Not more than 10% by weight of particles larger than 44 microns (325 mesh) shall be allowed.
 - d. Water Pollution. A use cannot produce erosion or other pollutants in a manner detrimental to adjacent properties, in conflict with public water quality standards, or without the necessary required approvals of the Indiana Department of Environmental Management.
 - e. Waste Matter. A use cannot accumulate within the lot or discharge beyond the lot lines any waste matter, debris, refuse, trash, construction material, garbage, litter unfinished buildings, scrap metals, inoperable vehicles or rotting wood, in conflict with applicable public health regulations.
 - f. Ground Absorption. Hazardous chemicals or liquids must be contained to prevent ground absorption and contamination.
- F. **Toxic Materials**. Gases or fumes toxic to persons or injurious to property must not escape beyond the building in which they occur.
- G. **Glare and Heat**. An industrial use must not cause heat at the property line so intense as to be a public nuisance or hazard. Glare must not be seen from any public street or residential area.
- H. **Vibration**. Vibration created or maintained by use must not be noticeable beyond the lot lines of the parcel where it is located.
- I. The performance standards above do not apply to:
- Site construction, maintenance, repair, or alterations of buildings or other improvements on or within the lot lines;
 - Farming and agricultural activities;
 - The operation of motor vehicles; and
 - Safety or emergency warning signals or alarms.
- J. Uses must conform to any applicable state and federal government regulations. Where the requirements of this ordinance are more restrictive, they take precedence. All relevant federal and state permits or approvals are required prior to issuance of an Improvement Location Permit.

5.8 PROPERTY MAINTENANCE STANDARDS

- A. This article applies to all land, including exterior areas under roof that are not enclosed, in all zoning districts. Unmaintained property results in danger to health by providing places for vermin and insects and/or creating a fire hazard by the accumulation of discarded materials, and the risk caused by the attraction of children to it. Buildings or structures determined to be unsafe or dangerous as defined in the IC 36-7-9 must be abated according to the provisions of that code.
- B. For the purposes of this article, the following definitions apply unless the context clearly indicates or requires a different meaning.

COMPOST PILE. A pile, mound, or heap (whether on the ground or in a container or structure) consisting solely of organic materials that are intentionally collected to create a compost material for gardening purposes.

DEBRIS. Remains of something broken down or destroyed, rough broken bits and pieces of stone, glass, wood, concrete building materials after demolition, bits and pieces of rubbish or litter, or a heap of rock fragments.

JUNK. Any article in any form composed of or consisting of any of the following enumerated: discarded, abandoned, or cast-off materials. The term shall include, but not be limited to, paper, rags, tin, metals, residue from burning, broken glass, clothing, rubber, plastics, synthetic substances and fabrics, bottles, feathers, automobile parts detached from the vehicle, and household items not intended for exposure to rain and other inclement weather (includes furniture, mattress, and major appliances).

LUMBER. Wooden materials that are not in good usable condition or are not kept in an orderly fashion or are not actively being used in a construction process on the parcel where the materials are being kept.

MOTOR VEHICLE or VEHICLE. Any vehicle which is or was equipped with a motor and any portion of a motor vehicle detached from the main portion of any vehicle.

PUBLIC PLACES. All streets, sidewalks, boulevards, avenues, lanes, alleys, or other public ways, and parks, squares, plazas, grounds, and buildings frequented by the public, whether publicly or privately owned, including but not limited to, restaurants, shopping centers, stores, hotels, motels, industrial establishments, office buildings, apartment buildings, gas stations, hospitals, and clinics.

TRASH. Waste such as feathers, coffee grounds, ashes, tin cans, paper boxes, glass, wood, shrubs, yard clippings, leaves, tree trimmings, and other similar materials.

WEEDS and RANK VEGETATION. Includes all weeds, grasses and growing plants which exceeding eight inches, except agricultural crops, hay and pasture, garden plants, ornamental grasses and plants used for landscape purposes, trees, flowers and wetland or drainage vegetation.

C. **Maintenance of Property**

- I. It is unlawful for any person to accumulate junk, trash, or debris upon any property unless located in a properly zoned and established landfill or junkyard. This includes any of the following:
- Junk, trash, litter, refuse, debris, lumber, wood, and brush;

- b. Abandoned, discarded, or unused objects or equipment such as automobiles, mobile homes, trailers, campers, furniture, stoves, refrigerators, freezers, appliances, cans, or containers;
 - c. Automobile parts, tires, and any other portion of any motor vehicle detached from the vehicle as a whole; and
 - d. Scrap metal or pieces of steel, iron, tin, zinc, copper, aluminum, or any alloy, whether covered with porcelain, plastic, rubber, or any other materials and whether intact or in parts.
2. The owner or manager of private property must maintain the property in a clean and orderly manner. It is a violation of this article to abandon, neglect, or disregard the condition or appearance of any premises resulting in the accumulation of junk and trash.
3. The owner or manager of public place must keep the premises clean of all junk, trash, litter, refuse, and debris. Measures must be taken, including daily cleanup of the premises, to prevent accumulation of the above listed materials or movement by the elements to adjoining properties.
4. The owner, and any contractors involved in a construction site must maintain the site to avoid the accumulation of junk and trash. No junk or trash is allowed to be carried by the elements to adjoining properties. All junk, trash, and litter from construction or related activities must be picked up at the end of each work day and placed in a container for regular removal.
5. Graffiti must not be visible from a public area or right-of-way.
6. All fences and walls must be safe, structurally sound, and uniform in color, structure, and design. They must not constitute a hazard or be in disrepair. Repair of an existing fence or wall must be made with the same or similar materials. Any wall or fence missing blocks, boards, or other material, or otherwise deteriorated constitutes a hazard to people or property. Tarps, plastic sheeting, or similar materials cannot be used as screening, fencing, or wall covering;
7. All premises must be kept free from rodent infestation and other noxious pests.
8. Occupied buildings must have an adequate number of garbage receptacles. The owner or occupant must arrange for the regular removal of garbage from the premises to avoid the accumulation of garbage and trash outside of designated storage areas.
9. Vacant Premises. Vacant structures and premises must be maintained and monitored including:
 - a. Maintenance of the exterior of the building and landscaping with regular removal of all exterior trash, debris, and graffiti; and
 - b. Prevention of reoccurring criminal activity on the premises. Unsecured buildings and structures must be temporarily secured in the following manner:
 - Doorways and windows must be boarded up using 5/8" or thicker exterior grade plywood, fastened by tamper-proof screws or one-way bolts;
 - All boarding must be painted to match the dominant exterior color of the elevation of the structure; and
 - For commercial buildings, opaque window coverings may be allowed by the Administrator in lieu of boarding provided all windows are maintained and if broken or cracked, are replaced within 48 hours. The Administrator may revoke the use of this alternative when the owner or responsible party fails to maintain the within the specified period.

- Within 45 days, the doors and windows must be brought up to Building Code standards.
- c. Vacant lots or land subject to enforcement action for dumping must be secured to prevent future dumping. If, after 5 business days from when notice was provided, the owner fails to install barricades, the Administrator is authorized to barricade the building or structure. All costs associated with this work will be recovered from the property owner.

D. Landscape Maintenance

1. Because the unrestricted growth of trees, shrubs, groundcovers, weeds, grass, or noxious plants leads to increases in insects and vermin, can conceal dangerous conditions on the land, adversely affects the property and adjacent properties, and otherwise adversely affects the public health, safety, and welfare, it is the policy of the City to prohibit these conditions and to take all necessary actions to remove such conditions.
2. All owners and tenants of property located within the city must:
 - Cut and remove overgrown trees and shrubs, weeds, and rank vegetation growing on the property.
 - Remove all objects or landscaping that interfere with the use of any sidewalk, street, alley, highway, sight visibility triangle, or visibility of a traffic light or sign;
 - Restored to a safe, serviceable condition, or filled with clean fill all unenclosed or unsecured excavations, septic tanks, cesspools, and similar conditions. Excavations must be maintained in a secure manner to prevent a hazard to public health and safety. Any well or excavation more than 2 feet deep must be secured.
3. All premises must prevent the accumulation of stagnant water.

E. Exclusions

1. These standards exclude: items kept in covered bins or receptacles; a lawfully established junkyard; any neatly stored materials used in the development of property; and items stored or kept in enclosed trailers or vehicles.
2. Unless this article states otherwise, it is not violation of this article to create and maintain a residential compost pile if the compost pile does not occupy more than 25 square feet and the compost pile is either:
 - 100 feet from any other parcel; or
 - Completely screened by a fence or other screen so the compost pile is not visible from any other parcel.
3. These standards do not apply to the orderly storage of materials in side and rear yards provided:
 - The storage does not exceed 10% of the area of the yard, and
 - The storage does not exceed the height of any fence or wall enclosing the storage area.

- F. **Enforcement.** Failure to maintain property according to this article is a violation of this ordinance subject to [9.10 Violations](#).

5.9 SETBACK STANDARDS

These standards apply in all Zoning Districts.

- A. The measurement of any building setback line or building separation is the shortest distance between the building façade and the lot line or right-of-way line, whichever is closest. Where there is no right-of-way line, the building setback line is measured from the building façade to the edge of pavement or the access easement line, whichever is closest. The front yard setback for new lots is measured from the lot line abutting the open space to the building façade.
- B. The minimum building setback lines and minimum building separation requirements are as set forth in this Ordinance (see also [CHAPTER 2: ZONING DISTRICTS](#)).
- C. If a minimum building separation requirement is not provided, the minimum building separation requirement is the district's minimum side yard building setback.
- D. Where 25% or more of the lots in a block frontage are occupied by buildings, then the average building setback line of buildings on that block determines the location of the building setback line for the block frontage in lieu of the building setback lines contained in this Ordinance.
- E. Building setback lines established in a recorded subdivision establish the setback of buildings in such subdivisions, except when such building setback lines may be less restrictive than provided in this Ordinance.
- F. On through lots, the front yard is established by the existing principal buildings in the block.
- G. All improvements are subject to [5.10 Site Visibility Triangle](#), unless specifically exempted.

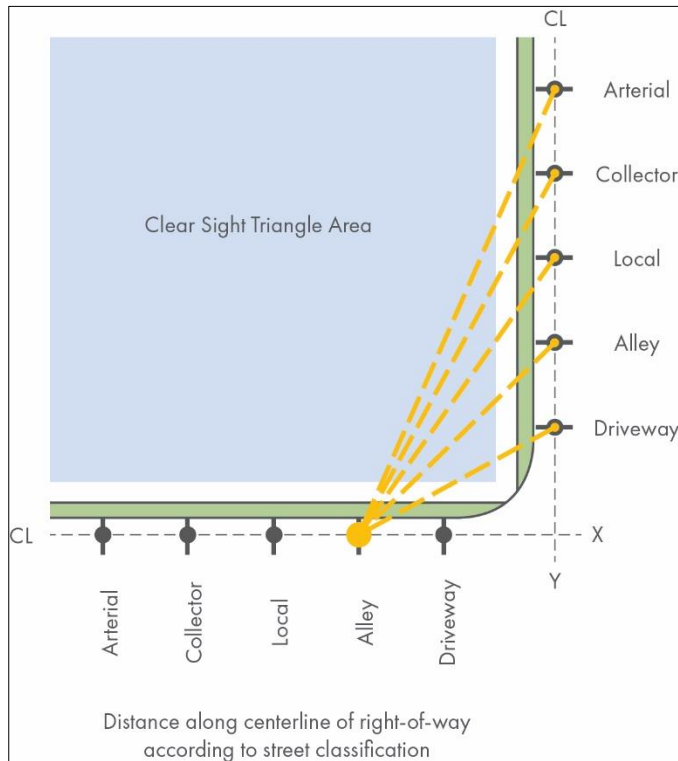
5.10 SIGHT VISIBILITY TRIANGLE

All properties, except for those in the Downtown District, must maintain a clear area (the "sight visibility triangle") at every intersection of an adjoining street with other streets and entrance drives.

- A. **Clearance.** The sight visibility triangle must be free of structures, vegetation, signs, and other opaque or partially opaque objects between 3 and 8 feet tall as measured from the nearest top-of-curb (or edge of pavement where curbs are not present).
- B. **Dimensions.** The triangle is determined by a diagonal line connecting two points measured from the centerline intersection based upon the street classification as follows:

Street Classification	Distance from Centerline Intersection
Arterial	200 feet
Collector	150 feet
Local	100 feet
Alley	30 feet
Driveway	20 feet

- C. **Public Signs and Signals.** The above provisions do not apply to official warning signs or signals necessary for public safety.



5.1 I SINGLE-FAMILY TO MULTIFAMILY CONVERSION STANDARDS

These provisions apply in all zoning districts. A Certificate of Compliance is required for all conversions from one- or two-family dwellings to multifamily dwellings.

- A. The conversion of dwellings designed for one- or two-family occupancy to multifamily dwellings resulting in overcrowding, lack of privacy, lack of sufficient light and air, unsafe or unsanitary living conditions, or inadequate provisions for off-street parking and open space is prohibited.
- B. Dwellings initially erected as one- or two-family dwellings may be converted 3 to 5 units, with the following conditions:
 1. Conversions to 3 or more units is only allowed in a district permitting such a use.
 2. Any new dwelling unit must contain separate kitchen and bathroom facilities and must conform to all applicable provisions of the City Code, building codes, fire code, and utility requirements.
 3. Studio and one-bedroom dwelling units must have a minimum floor space of at least 500 square feet. An additional 150 square feet is required for each additional bedroom.
 4. Parking for converted dwellings must be provided as required for multifamily units. The parking must be located behind the building and must be screened from any public street or adjacent residential use according to the provisions in [6.1 Landscaping](#). The Administrator may waive this provision if, in the Administrator's sole discretion, parking is better provided elsewhere on the lot.

5. A conversion cannot indicate a change in the building to increased dwelling units, except as required by this Ordinance. All fire escapes or stairways to an upper floor must be enclosed within the building.
- C. Conversions from multifamily use to single-family use may be eligible for a waiver of fees.

5.12 SHORT-TERM RENTALS

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

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

- Family occupancy: Any member of a family and the family's guests may occupy a dwelling if owned by the family. Family occupancy extends to guest houses or similarly separate dwellings legally located on the same premises as the primary building and used without remuneration to the owner.
- House sitting: During the temporary absence of the owner and the owner's family, the owner may permit non-owner occupancy without remuneration to the owner.
- Dwelling sales: Occupancy of up to 90 days after closing by a prior owner after the sale of a dwelling is permitted.
- Estate representative: Occupancy by a personal representative, trustee, or guardian of the estate, with or without remuneration is permitted.

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

- A. When provided off-street parking must occur only on designated paved portions of the lot, such as driveways.
- B. Rental of the dwelling is done in a manner consistent with the character of the surrounding neighborhood.
- C. The owner provides the renter the following information prior to occupancy and posts this information in a conspicuous location within the dwelling:
 - Notification of the maximum occupancy permitted in the dwelling;
 - The name and telephone number of the contact person who may be reached any time the dwelling is rented;
 - Notification and instructions of the parking locations;
 - A copy of this chapter, as amended; and
 - Notification that a renter may be cited or fined by the City, in addition to any other remedies available at law, for violating any provisions of this chapter.
- D. The owner's contact person must always be available to accept calls when the dwelling is rented. The contact person must have a key to the dwelling and be capable of being physically present at the dwelling within 3 hours to address issues.

- E. The appearance of the dwelling must not conflict with the residential character of the neighborhood. The dwelling must be properly maintained and kept in good repair, so the use does not detract from the general appearance of the neighborhood.
- F. Renters must not encroach on neighboring properties.
- G. The premises must be maintained free of debris and unwholesome substances. Garbage must be kept in a closed container and disposed of on a regular, weekly schedule.
- H. Renters must not create a nuisance. For purposes of this chapter, a nuisance includes, but is not limited to, any activity that violates the City noise regulations or fireworks regulations.
- I. Short-term rentals must not be used to house sex offenders; operate a structured sober living home; manufacture, exhibit, distribute, or sell illegal drugs, liquor, pornography, or obscenity; or operate an adult business as defined in [IC 12-7-2-1.8](#).

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

5.13 YARD STANDARDS

- A. Buildings must not be erected, reconstructed, or structurally altered to encroach upon or reduce the yards, lot area, minimum living area, or lot coverage provisions established for the use and the Zoning District or Overlay District where the building is located.
- B. One-half of an alley abutting the rear or side yard may be included in the required rear or side yard of a lot, respectively, if the alley has not been developed for carrying traffic; however, the alley area must not be included for loading berths.
- C. The yard width and depth of required yards are measured as the shortest horizontal distance from a lot line to the required building setback line. In the case of a standard applying to an established yard, the yard width and depth are measured as the shortest horizontal distance (e.g., ninety degrees) from a lot line to the nearest outside wall of a building or structure.
- D. All required Yards must be maintained as open space and landscaped with grass, trees, shrubs, or in combination with other suitable groundcover materials in compliance with [6.1 Landscaping](#), except as otherwise improved according to this Ordinance (e.g. Parking Areas).

Improvement Standards

Chapter 6

6.1	LANDSCAPING	3
	A. INTENT	3
	B. GENERAL PROVISIONS	3
	C. CONTENT OF LANDSCAPE PLAN	4
	D. INSTALLATION	4
	E. MAINTENANCE	4
	F. APPROVED PLANT MATERIALS	5
	G. UTILITY EASEMENT CONFLICTS	5
	H. COMPLETION	5
	I. ENFORCEMENT	5
	J. PARKING LOT LANDSCAPING	5
	K. STREET TREES	6
	L. LOTS ABUTTING STREETS	6
	M. RESIDENTIAL SUBDIVISION LANDSCAPING	7
	N. RETENTION POND LANDSCAPING	7
	O. LANDSCAPE BUFFERS	8
	P. SCREENING OF TRASH RECEPTACLES	12
	Q. SCREENING OF LOADING AREAS	13
	R. SCREENING OF OUTDOOR STORAGE AREAS	13
	S. SCREENING OF MECHANICAL EQUIPMENT	13
6.2	LIGHTING	14
	A. PURPOSE AND INTENT	14
	B. APPLICABILITY	14
	C. EXCEPTIONS	14
	D. PROHIBITIONS	14
	E. GENERAL LIGHTING STANDARDS	15
	F. MULTI-FAMILY RESIDENTIAL, BUSINESS AND INDUSTRIAL STANDARDS	15
	G. LIGHTING PLANS	16

6.3	PARKING.....	16
	A. PURPOSE AND INTENT	16
	B. APPLICABILITY	16
	C. LOADING BERTHS	16
	D. SITE ACCESS AND CIRCULATION	17
	E. STACKING REQUIREMENTS FOR DRIVE-THROUGH FACILITIES	17
	F. OFF-STREET VEHICLE PARKING.....	18
	G. PROGRAMS AND INCENTIVES TO REDUCE PARKING REQUIREMENTS.....	20
	H. HEAVY TRUCK PARKING STANDARDS.....	21
	I. PARKING RATIOS FOR VEHICLES	22
6.4	SIGNAGE.....	22
	A. PURPOSE AND INTENT.....	22
	B. EXEMPT SIGNS	23
	C. PROHIBITED SIGNS	23
	D. COMPREHENSIVE SIGN PROGRAMS AND MASTER SIGN PLANS	23
	E. GENERAL PROVISIONS FOR SIGNS.....	25
	F. TEMPORARY SIGNS	27
	G. PERMANENT SIGN LIGHTING AND CHANGING MESSAGE DISPLAYS	28
	H. PERMANENT SIGN TYPES.....	30
	I. PERMITTED PERMANENT SIGNS BY ZONING DISTRICT	37
	J. SIGN MAINTENANCE.....	37
	K. NONCONFORMING SIGNS.....	37
	L. SIGN VIOLATIONS.....	37
	M. SIGN REGULATION TABLES	38
	N. SIGN IMAGES	43

6.1 LANDSCAPING

A. INTENT

The intent of this section is to establish minimum standards for the provision, installation, and maintenance of landscaped areas to:

1. Improve the overall aesthetics and enhance the appearance of the City,
2. Increase the compatibility of development with adjacent development and the natural environment,
3. Provide physical and psychological benefits to citizens,
4. Improve environmental quality by reducing noise, glare, stormwater run-off, and heat buildup, and
5. Protect and enhance property values.

B. GENERAL PROVISIONS

1. Applicability. This section applies to all public, private, and institutional development.
2. Compliance. When a Development Plan or Final Detailed Plan is required, a detailed landscape plan must be included as part of the plans. A conceptual landscaping plan must accompany Concept Plans, Preliminary Plans and Primary Plats.
3. Preservation of Existing Features. Existing trees and shrubs should be preserved where feasible.
 - a. When existing healthy trees or significant vegetation impede strict compliance with these landscape standards, submittal of an alternative landscape plan incorporating the existing vegetation into the overall site design is encouraged.
 - b. Existing trees may be used to fulfill tree planting requirements if the trees are healthy and not included in Table 7.18: Non-Qualifying Trees. The Administrator may approve existing trees not included on the plant lists.
 - c. Existing trees fulfilling tree planting requirements must be protected from damage using construction fences or other barrier methods during site development. Barriers must be placed outside of the drip line of the plant material to be protected. Vehicles, machinery, tools, chemicals, construction materials, or temporary soil deposits are prohibited within the barriers.
 - d. At least 75% of the protected area must be maintained as permeable landscape area at grades existing prior to site development.
 - e. Tree wells, tree walls, or specialized protective designs must be fully detailed on the Landscape Plan.
 - f. A tree preservation easement (see [7.23\(l\) Tree Preservation Easement](#)) is required for trees identified for preservation that are not otherwise protected by a landscape easement.

C. CONTENT OF LANDSCAPE PLAN

- I. Landscape plans must be drawn to scale on 24" x 36" sheets and contain:
 - a. The location and dimensions of all existing and proposed structures, parking areas, roadways, and rights-of-way, sidewalks, refuse disposal areas, utility lines, easements, signs, and other landscape improvements, such as berms, walls, fences, screens, and paved areas;
 - b. The name and address of the owner, developer, and who prepared the plan, the date the plan was prepared, scale, and north arrow;
 - c. The location, quantity, size, scientific name, and common name of all proposed plants;
 - d. Summary tables with calculations showing how the proposed landscaping fulfills these landscaping requirements;
 - e. The location, size, and common name of existing trees or areas of dense trees or shrubs to be preserved;
 - f. The location and type of barriers used to protect existing vegetation to remain;
 - g. Details indicating specific grading measures or other measures where trees are to be preserved; and
 - h. Planting and installation details needed to ensure conformance with the landscape standards.

D. INSTALLATION

- I. Plant materials must conform to the American Standard for Nursery Stock standards.
2. Plants must conform to the following:
 - a. Caliper measurements shall be taken six inches above grade for trees under four inches in diameter and 12 inches above grade for trees four inches or larger in diameter.
 - b. Minimum branching height for all shade trees is 4 feet.
 - c. Minimum size for shade trees is 2.5 inches in caliper.
 - d. Minimum size for ornamental trees is 1.5 inches in caliper.
 - e. Minimum size for evergreen trees is 6 feet high.
 - f. The Minimum size for required screening shrubs is 24 inches. Screening shrubs must be at least 36 inches within 2 years.

E. MAINTENANCE

- I. Maintenance Requirements. The elements shown on the Landscape Plan are considered part of the project in the same manner as parking and other site elements. The property owner must maintain all landscaping elements in good repair.
 - a. Plant Replacement: All plants that die must be replaced within 30 days of the plant's death. Replacement plants must meet or exceed the minimum required sizes of the original plantings. The Administrator may extend the time to replace plants based upon weather or other conditions.

- b. **Pruning:** Plants are intended to grow, spread, and mature over time. Pruning or trimming to reduce height or opacity is prohibited. Limbing-up, topping, and other inhibiting measures are only permitted to ensure public safety or preserve the health of the plants. Where a continuous screen is required, plant spacing must accomplish a solid visual screen within 3 years of installation.

F. APPROVED PLANT MATERIALS

1. All plant material must be hardy to central Indiana, suitable for the site, free of disease and insects, and conform to the American Standard for Nursery Stock ([ANSI Z60.1-2004](#)). The use of native plants is strongly encouraged ([indiananativeplants.org](#)). Plants listed on the Indiana Invasive Species Council [Invasive Plant List](#) cannot be used to fulfill any requirement of this Ordinance.
2. The plant material tables are classified by type. Trees are grouped into: shade trees, ornamental trees; and evergreens. Shrubs are grouped by height: small shrubs (<3 feet), medium shrubs (3-6 feet), and large shrubs (>6 feet). Plant materials not listed are assigned a classification based on their mature size.
3. For design flexibility, plant substitutions may be made as follows:
 - a. One ornamental tree = One evergreen tree
 - b. One large shrub = Two medium shrubs or four small shrubs
 - c. One medium shrub = Two small shrubs
4. Berms cannot exceed a slope of 3:1 and must be entirely vegetated with lawn or ground cover within 2 years of planting.

G. UTILITY EASEMENT CONFLICTS

Plants must be located outside of drainage and utility easements. Plantings cannot be placed within right-of-way without permission from the City Engineer or INDOT.

H. COMPLETION

A Final Certificate of Occupancy cannot be issued until all landscaping shown on the landscape plan is installed. A temporary Certificate of Occupancy may be issued for a period of up to 6 months if weather conditions do not permit landscape installation. A financial guarantee in the amount of 125% of the installed cost of the delayed landscaping is required.

I. ENFORCEMENT

Failure to implement the approved landscape plan or maintain the landscaping is a violation of this ordinance subject to [CHAPTER 9: ADMINISTRATION AND ENFORCEMENT](#).

J. PARKING LOT LANDSCAPING

1. Landscape areas must be separated from vehicular areas by concrete curbing or concrete wheel stops to prevent encroachment of vehicles into landscape areas. Wheel stops must have a minimum height of 6 inches, be properly anchored, and maintained in good condition. Wheel stops cannot be used in locations of anticipated intense pedestrian traffic.

2. Interior Parking Lot Landscaping. At least 5% of the interior area of a parking lot must be landscaped.
 - a. Landscape islands should be evenly distributed throughout the parking area to reduce the impact of long rows of parked cars. Shade trees cannot exceed 100 foot spacing within the parking lot interior.
 - b. Landscape islands may be planted with shade trees, ornamental trees, shrubbery, and grasses. At least one shade tree for every 180 square feet of required interior landscaped area.
3. Perimeter Parking Lot Landscaping. Where a parking area is located within 50 feet of the right-of-way, a landscaped area at least 5 feet wide must be provided between the parking lot and the right-of-way. This landscape area must be planted with 7 medium shrubs per 35 linear feet. Shrub spacing should create a continuous visual screen at maturity. At least 50% of the required shrubs must be evergreen species. Where the parking area is located 20 feet or more away from the right-of-way, shade trees planted at 35 feet on center are required in the landscape area.
4. Special Regulations for Industrial Uses. The above Parking Lot Landscaping standards are modified for (i) truck courts and (ii) vehicular circulation and parking areas located within a fenced area or behind the primary building as noted below. The Parking Lot Landscaping standards still apply to parking areas in front of the primary building or outside of fenced portions of the property.
 - a. Curbing or wheel stops are not required at the edge of paved areas to separate vehicular areas from landscape areas.
 - b. Interior landscaping is not required.
 - c. Shrub planting is not required for perimeter parking lot landscaping. Shade trees are still required.

K. STREET TREES

1. Street trees located in a planting strip between the street and the sidewalk are required at maximum spacing of 45 feet on center. If conditions do not allow planting within the right of way, the street trees may be planted outside the right-of-way, but within 10 feet of the sidewalk.
2. Street trees should be shade trees selected from the Approved Plant List. Where overhead utilities are present, ornamental trees of an appropriate height must be used (see Approved Plant List).

L. LOTS BACKING UP TO STREETS

1. Where the rear yard or side yard of a residential lot abuts or is within 50' of an existing public right-of-way, perimeter landscaping must be provided within a landscape area at least 15' wide abutting the right-of-way. The landscape area must be planted at a minimum rate of 2 shade trees, 3 evergreen trees, 1 ornamental tree, and 15 shrubs per 100 lineal feet.
2. Where the rear yard or side yard of a non-residential lot abuts or is within 50' of an existing public right-of-way, perimeter landscaping must be provided within a landscape area at least 10' wide abutting the right-of-way. The landscape area must be planted at a minimum rate of 3 shade trees, 4 evergreen trees, and 25 shrubs per 100 lineal feet.

3. In areas where a 6-foot-high opaque fence or wall is provided, the amount of planting may be reduced. For residential lots abutting a street, the planting rate may be reduced to 1 shade tree, 1 evergreen tree, 1 ornamental tree, and 8 shrubs per 100 lineal feet. For non-residential lots abutting a street, the planting rate may be reduced to 1.5 shade trees, 2 evergreen trees, and 12 shrubs per 100 lineal feet. The required landscaping must be placed on the street-side of the fence. To avoid a tunnel effect along the street, straight sections of fence or wall paralleling the street cannot exceed 80 feet in length. Offsets or breaks in fence should be used to create interest and disrupt the monotony of the same landscape treatment along the street.
4. The required landscaping must be placed within a landscape easement on the individual lots abutting the street. Where conditions make a landscape easement impractical, the landscape area may be established as a common area. Conflicts with drainage and utility easements preventing the installation of landscape plantings should be avoided.
5. Trees and shrubs should be planted in clusters or naturalistic patterns. Combining plantings with walls, fences, or berming is encouraged. Berms should undulate in both height and width to create visual interest. Long, continuous, monolithic berms should be avoided.

M. RESIDENTIAL SUBDIVISION LANDSCAPING

1. Applicability. Landscaping is required for all residential subdivisions containing 5 or more lots.
2. Individual Residential Lots. The front yard of each lot within a subdivision must be planted as follows:
 - a. Lots greater than 12,500 SF must be planted with at least 3 trees and 8 shrubs. Grass in the front yard may be seeded or sodded.
 - b. Lots 6,000 to 12,499 SF must be planted with at least 2 trees and 8 shrubs. Grass in the front yard must be sodded.
 - c. Lots less than 6,000 SF must be planted with at least 1 tree and 6 shrubs. Grass in the front yard must be sodded.
 - d. Corner lots must plant 1 tree and 8 shrubs on the street side yard. Grass in the street side yard must match the type installed in the front yard.
 - e. The required trees may be shade, ornamental, or evergreen trees. The required shrubs should be a mix of small, medium, and large shrubs based upon the context and purpose of the plantings.

N. RETENTION POND LANDSCAPING

Shrubs and emergent vegetation are encouraged to be planted on pond perimeters. These plants are exempt from the minimum plant size. Use of these plants is preferable to provide color, filter runoff, limit waterfowl, and improve water quality.

1. The plants must be native to Indiana.
2. Pond edge landscaping may be established from seed.
3. Consistent maintenance is required for 3 years to establish the vegetation.

O. LANDSCAPE BUFFERS

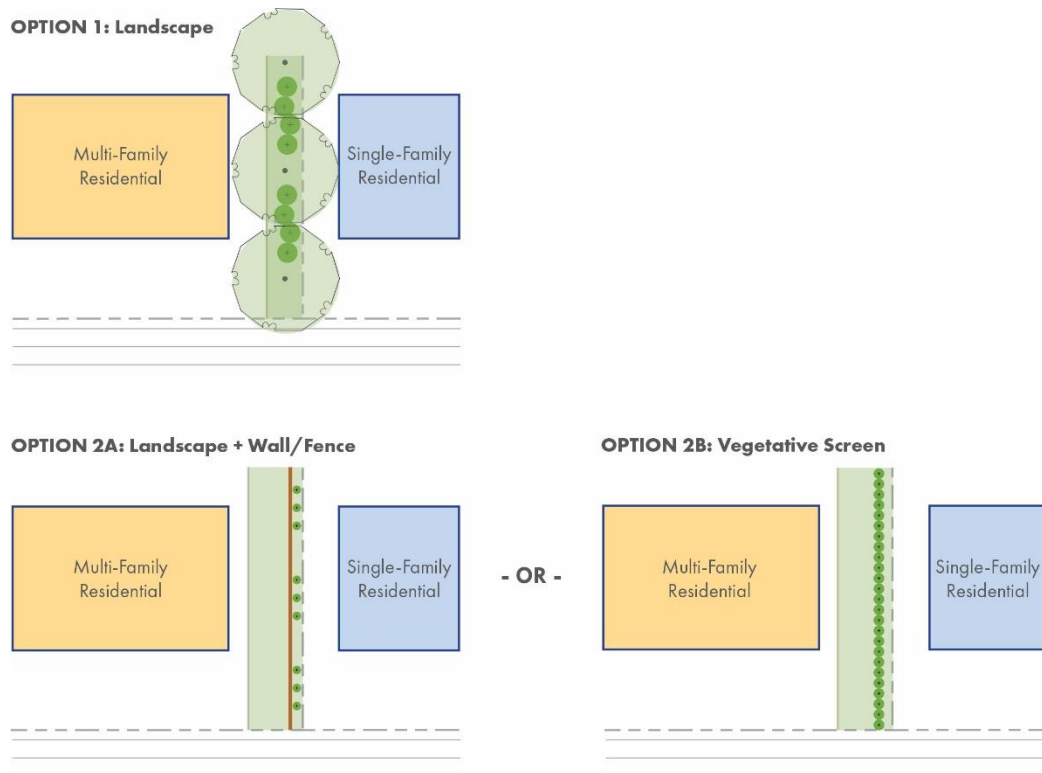
1. General Standards

- a. A landscape buffer is required along common property lines between abutting land uses for the conditions described below.
- b. See 6.1(L) for planting requirements when the side or rear of a lot abuts the public right-of-way.
- c. If the adjacent property is undeveloped, the Plan Commission may allow the installation of the buffer to be deferred until the adjacent property is developed. A performance guarantee is required to ensure the buffer is installed when the adjoining property is developed. ([7.32 Surety Standards](#))
- d. Except for access drives or private streets, determined by the Plan Commission or Administrator to be necessary to provide safe access to a property, a building, structure, or parking lot cannot encroach into a required buffer area.

2. Multi-Family Residential Abutting Single-family Residential. Where an Apartment Building: Large Use abuts an R1, R2, or R3 district, a landscape buffer must be provided using either Option 1 or Option 2 below ([Figure 6-1](#)).

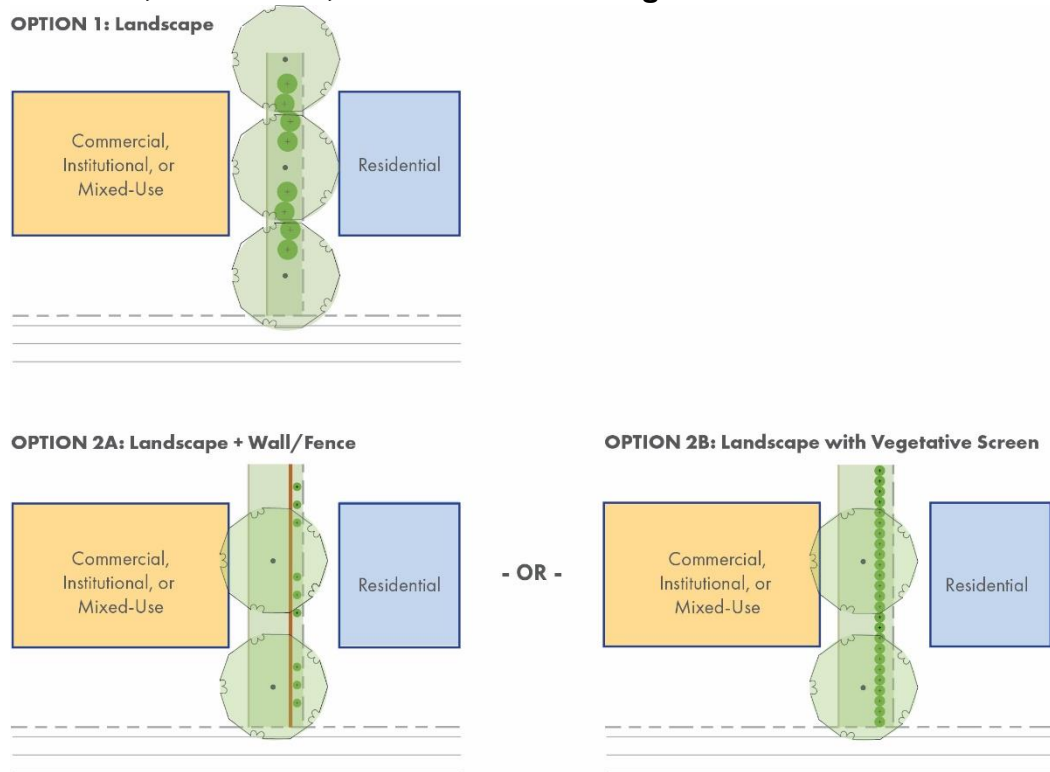
- a. **Option 1.** A landscape buffer area at least 10 feet wide must be provided by the proposed development along the shared border. The buffer area must contain natural landscape materials such as grasses, ground cover, shrubs, and trees. Parking or impervious surfaces are prohibited within the buffer area. One shade or evergreen tree and 3 large shrubs must be provided for every 25 feet of lot line. Plant spacing should be designed to minimize sound, light, and noise impacts.
- b. **Option 2.** An opaque wall, fence or dense (at least 50% opacity) vegetative screen at least 6 feet tall must be provided. If a fence or wall is provided, the side facing away from the multi-family dwellings must be at least as finished in appearance as the side facing the multi-family dwellings. The fence or wall must be placed at least 3 feet inside the property line of the proposed development and 3 shrubs per 25 feet of lot line must be provided between the fence or wall and the property line.

Figure 6-1: Multi-Family Residential Abutting Single-family Residential



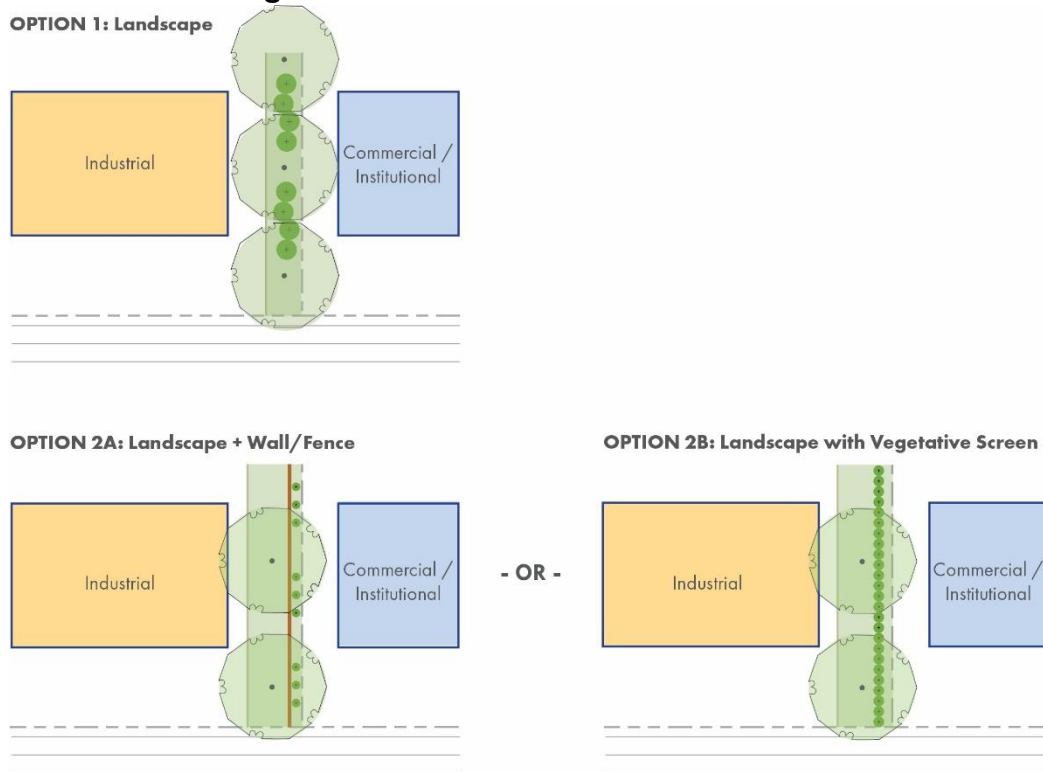
3. Commercial, Institutional, or Mixed-Use Abutting Residential. Where a commercial district or mixed-use district abuts a residential district, a landscape buffer must be provided using either Option 1 or Option 2 below ([Figure 6-2](#)).
- Option 1.** A landscape buffer area at least 15 feet wide must be provided by the proposed development along the shared border. The buffer area must consist of natural landscape materials such as grasses, ground cover, shrubs, and trees. Parking or impervious surfaces are prohibited in the buffer area. One shade or evergreen tree and 3 large shrubs must be provided for every 25 linear feet of lot line. Plant spacing should be designed to minimize sound, light, and noise impacts on residential uses.
 - Option 2.** An opaque wall, berm, fence or dense (at least 75% opacity) vegetative screen at least 6 feet tall must be provided with 1 shade tree provided for every 35 linear feet of lot line. If a fence or wall is provided, the side facing away from the commercial or institutional use must be at least as finished in appearance as the side facing the commercial or institutional use. The fence or wall must be placed at least 3 feet inside the property line of the proposed development and 3 shrubs per 25 linear feet of lot line must be provided between the fence or wall and the property line.

Figure 6-2: Commercial, Institutional, or Mixed-Use Abutting Residential



4. **Industrial Abutting Residential.** Where an industrial district, building or project abuts a residential district or lots used for any use listed as a residential use on the Permitted Use Table, a landscape buffer must be provided using either Option 1 or Option 2 below ([Figure 6-3](#)).
- Option 1.** A landscape buffer area at least 25 feet wide must be provided by the proposed development along the shared border. The buffer area must consist of natural landscape materials such as grasses, ground cover, shrubs and trees. Parking or impervious surfaces are prohibited in the buffer area. One evergreen tree and 4 large shrubs must be provided for every 25 linear feet of lot line. Plant spacing should be designed to minimize sound, light, and noise impacts on residential uses.
 - Option 2.** An opaque wall, berm, fence or dense (100% opacity) vegetative screen at least 8 feet tall must be provided with 1 shade tree provided for every 35 linear feet of lot line. If a fence or wall is provided, the side facing away from the industrial use must be at least as finished in appearance as the side facing the industrial use. The fence or wall must be placed at least 3 feet inside the property line of the proposed development and 3 shrubs per 25 linear feet of lot line must be provided between the fence or wall and the property line.

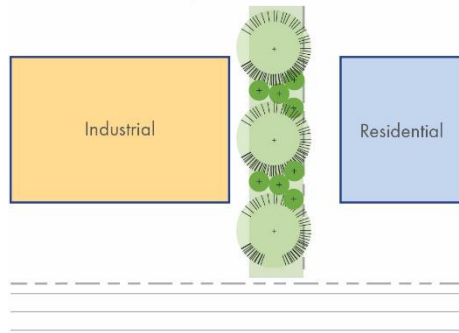
Figure 6-3: Industrial Abutting Residential



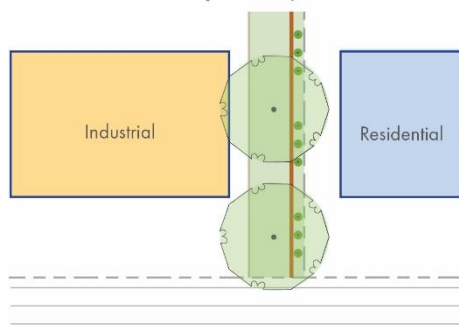
5. **Industrial Abutting Commercial or Institutional.** Where an industrial district, building or project abuts a commercial or institutional use, a landscape buffer must be provided by using either Option 1 or Option 2 below ([Figure 6-4](#)).
- c. **Option 1.** A landscape buffer area at least 10 feet wide must be provided by the proposed development along the shared border. The buffer area must consist of natural landscape materials such as grasses, ground cover, shrubs and trees. Parking or impervious surface areas are prohibited in the buffer area. One shade or evergreen tree and 4 large shrubs must be provided for every 30 linear feet of lot line. Plant spacing should be designed to minimize sound, light, and noise impacts.
 - d. **Option 2.** An opaque wall, berm, fence or dense (50% opacity) vegetative screen at least 6 feet tall must be provided with 1 shade tree provided for every 40 linear feet of lot line. If a fence or wall is provided, the side facing away from the industrial use must be at least as finished in appearance as the side facing the industrial use. The fence or wall must be placed at least 3 feet inside the property line of the proposed development and 3 shrubs per 25 linear feet of lot line must be provided between the fence and wall and the property line.

Figure 6-4: Industrial Abutting Commercial or Institutional

OPTION 1: Landscape

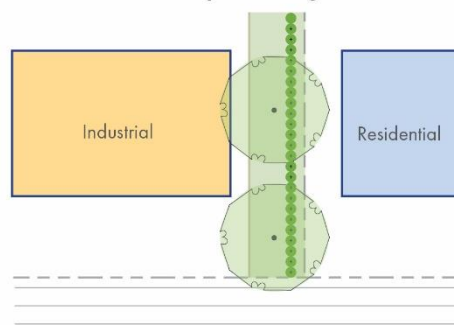


OPTION 2A: Landscape + Wall/Fence



- OR -

OPTION 2B: Landscape with Vegetative Screen



P. SCREENING OF TRASH RECEPTACLES

Screening is required around all garbage containers, trash receptacles, pallet storage areas, trash compactors, recycling areas and other similar facilities in all zoning districts except for detached single-family dwellings on individual lots:

1. Garbage containers, trash receptacles, pallet storage areas, trash compactors, recycling areas, loading areas and other similar facilities must be completely and permanently screened from view of rights-of-way and where possible, adjoining properties.
2. Trash enclosures cannot be in an established front yard or in any required side or rear yard.
3. The enclosure must be solid on all sides and not less than 6 feet in height above grade or 2 feet above the receptacle, whichever is greater.
4. Trash enclosures and recycling containers must be screened on three sides by permanent opaque wooden, brick, or masonry screens compatible with the principal structure. Landscaping is required to soften the wall. If approved by the Plan Commission or Administrator, a screen may consist of berms and/or landscaping as a substitute for a fence or wall. The alternative design must provide the same degree of enhanced screening as required by this section.
5. Enclosures must have opaque gates. The gates cannot be oriented towards residential properties or rights-of-way, where possible. The opening must be at least 11 feet, 6 inches wide ensure proper access to the trash receptacle.
6. Trash enclosures should provide convenient pedestrian access for daily waste disposal. Such access should be provided without swinging or moveable doors.

7. Gates and doors on enclosures must be kept closed when not in use.

Q. SCREENING OF LOADING AREAS.

Screening is required around loading areas and other similar facilities in all zoning districts. Screening is required even if the surrounding area or adjacent properties are not developed.

1. Requirements. Unless otherwise permitted in accordance with this section, a screen consists of a solid, sight-obscuring fence or wall meeting the following specifications:
 - a. Six feet high minimum.
 - b. Located to block views of the loading area from streets and adjacent properties.
 - c. Constructed of masonry, treated wood or other material approved by the Plan Commission or Administrator. Materials must be durable, weather resistant, rust proof and easily maintained.
 - d. Trash dumpsters require a masonry enclosure. The enclosure and gates must be protected by bollards or other means to prevent vehicle damage.
2. If approved by the Plan Commission or Administrator, a screen may consist of berms and/or landscaping as a substitute for a fence or wall. The alternate design must provide the same degree, or enhanced screening as required by this section.

R. SCREENING OF OUTDOOR STORAGE AREAS.

Screening is required around outdoor storage areas and other similar facilities in all zoning districts. Screening is required even if the surrounding area or adjacent properties are not developed.

1. Requirements. Unless otherwise permitted in accordance with this section, a screen consists of a solid, sight-obscuring fence or wall meeting the following specifications:
 - a. At least 6 feet but no more than 8 feet high.
 - b. The wall or fence must use materials consistent or complementary to the primary building. Chain link fencing is prohibited.
 - c. Constructed of masonry, treated wood or other material approved by the Plan Commission or Administrator. Materials must be durable, weather resistant, rust proof and easily maintained.
2. If approved by the Plan Commission or Administrator, a screen may consist of berms and/or landscaping as a substitute for a fence or wall. The alternate design must provide the same degree, or enhanced screening as required by this section.

S. SCREENING OF MECHANICAL EQUIPMENT.

Screening is required around mechanical equipment and other similar facilities in all zoning districts. Screening is required even if the surrounding area or adjacent properties are not developed. Mechanical equipment must be completely and permanently screened from the view of rights-of-way and adjoining properties.

1. Roof-mounted equipment screening options include parapet walls, enclosures, or other similar architectural elements that match or complement the primary building.

2. Ground-mounted equipment screening options include a mound or berm, an opaque wall or fence, or a combination of these methods.
3. The screening must be at least as tall as, and completely enclose, the equipment being screened.

6.2 LIGHTING

A. PURPOSE AND INTENT

The purpose of this article is to provide minimum standards for effective, economical, and attractive outdoor lighting. It is the intent of this article to discourage excessive lighting, minimize glare and light trespass, create a safe environment in hours of darkness, and regulate the type of light fixtures, lamps, and standards.

B. APPLICABILITY

These regulations apply to all newly installed or relocated outdoor lighting.

C. EXCEPTIONS

The following are exempt from the regulations of this article.

- All hazard warning lighting required by Federal and State regulatory agencies.
- All temporary emergency lighting required by local law enforcement, emergency service and utility departments.
- All traffic control and directional lighting.
- Holiday lighting
- All underwater lighting used for the illumination of swimming pools and water features.
- All lighting for temporary festivals and carnivals (see [3.4 Temporary Uses](#)).
- All low wattage residential accent and landscape lighting fixtures having a maximum output of 1600 lumens (equal to one 100-watt incandescent light) per fixture.

Outdoor light fixtures permitted prior to the adoption of these regulations are exempt from the shielding requirements of this article. When an outdoor light fixture becomes inoperable, the replacement light fixture must comply with the standards of this article.

D. PROHIBITIONS

The following actions are prohibited:

1. The use of any mercury vapor lamp or low-pressure sodium lamp.
2. The use of laser source light or other similar high-intensity light for outdoor advertising.
3. The operation of searchlights and floodlights for advertising purposes.
4. The use of any lighting source on towers is prohibited except as required by the Federal Aviation Administration.

E. GENERAL LIGHTING STANDARDS

1. All light fixtures must be fully shielded and direct light downward. Lighting sources must be positioned in such a manner as to direct light away from adjacent lots and rights-of-way. Internally illuminated signs or electronic signage is exempt from this standard.
2. Lighting sources must be directed away from reflective surfaces to minimize glare upon adjacent lots and rights-of-way.
3. Light pole height cannot exceed 25 feet, except in Industrial Districts where pole height cannot exceed 30 feet. Light fixtures in parking facilities must be designed and located to confine emitted light to the parking facility.
4. Light fixtures must meet City Building Code requirements.
5. The color temperature of any outdoor light source must not exceed 3500 Kelvin. Outdoor light sources used exclusively for colorful decorative illumination of certain building façade or landscape features are exempt from this requirement.
6. The electrical service to all outdoor lighting fixtures must be underground unless the fixtures are mounted directly on buildings or utility poles.

F. RESIDENTIAL, BUSINESS, AND INDUSTRIAL STANDARDS

The following standards apply to all uses:

1. All light fixtures must be positioned so that no light emitting surface is visible from a residential lot or right-of-way when viewed at ground level. Internally illuminated signs or electronic signage is exempt from this standard.
2. Street and parking lot lighting must provide an average maximum maintained illumination of 3 foot-candles.
3. For residential uses, light meter readings cannot exceed 0.3 foot-candles at the lot lines.
4. For non-residential uses, light meter readings cannot exceed 0.5 foot-candles at the lot lines. If the use is adjacent to a residential district or use, the light meter readings cannot exceed 0.3 foot-candles at the lot lines. If the use is adjacent to an intersection of two public rights-of-way, or at the intersection of a private entrance drive and a public right-of-way, the illumination may be an average maximum of 0.6 foot-candles at the lot lines for up to 75 feet from the intersection right-of-way.
5. Lights on poles, stands, or mounted on a building must have a shield, adjustable reflector, and non-protruding diffuser.
6. Building facades or other structures may be illuminated according to the following:
 - a. Light fixtures must be located, aimed, and shielded so light is directed only on the building façade and not onto adjacent streets or properties.
 - b. Light fixtures must wash the façade of the building with light (rather than a spot or floodlight effect) and may be directed upward or downward onto the façade. Light must be contained on the façade or adjacent landscape areas and emphasize entries and architectural features.
 - c. Only spotlights may be used for upward lighting illuminating a flag.

7. Canopy structures must have lights with diffusers which are recessed, and which do not extend below the surface of the canopy.
8. Lighting under awnings and canopies must only illuminate a front building façade, a sign under an awning or canopy, or the sidewalk, but must not illuminate the awning or canopy itself.
9. Non-residential parking facility lighting must be turned off or dimmed by at least 30% within 30 minutes of closing of the last business or no later than 11:00 p.m.
10. Outdoor sports or recreational facilities must not be illuminated after 11:00 p.m., except to conclude a scheduled recreational or sporting event in progress prior to 11:00 p.m.

G. LIGHTING PLANS

A lighting plan for proposed outdoor lighting is required as part of the Development Plan Review and must include:

1. A site plan indicating the location of all existing and proposed lighting structures, supports and light fixtures.
2. A graphic and textual description of all existing and proposed lighting fixtures. The description may include cut sheets and illustrations by the manufacturer, lamp types, wattages, and lumen outputs.
3. A photometric plan showing illuminance levels in the form of an iso foot-candle diagram or point-by-point grid diagram. Lighting levels must be depicted at ten-foot intervals or less. The iso foot-candle diagram must plot foot-candle increments of 0.5 foot-candle or less.
4. Photometric data depicting the angle of cut off of light emissions.
5. Any other information the Administrator determines necessary to ensure compliance with the provisions of this article.

6.3 PARKING

A. PURPOSE AND INTENT

The intent of this article is to promote public health, safety, and welfare by requiring parking and loading facilities for uses to minimize conflict between vehicles and pedestrians.

B. APPLICABILITY

Parking spaces and loading berths conforming to the standards of this article must be provided for all land uses. Land uses located in the DT zoning district are exempt from the loading berth and off-street parking requirements of this chapter.

C. LOADING BERTHS

1. Off-street loading berths are subject to the requirements set by the Administrator according to the following guidelines. Exceptions may be granted by the Administrator. Additional berths may also be required to serve the needs of the proposed business or industry. Loading berths are not required for businesses demonstrating they do not ship or receive large quantities of goods by truck delivery.

2. A loading berth must be at least 12 feet wide and 30 feet long and 12 feet high for local pick-up and delivery trucks and at least 14 feet wide and 60 feet long and 15 feet high for over-the-road tractor trailers. Loading berths must be located so vehicles leaving the berth do not have to back into a public right-of-way or overhang and adjacent property.
3. Offices, medical facilities, schools, hotels, clubs and similar businesses must provide 1 loading berth for each 100,000 square feet of space or fraction thereof.
4. Industrial manufacturing, distribution, warehousing, and similar uses must provide 1 loading berth for each 40,000 square feet or fraction thereof.
5. Retail businesses must provide 1 loading berth for each 25,000 square feet or fraction thereof.
6. Space used for loading berths cannot be used to satisfy parking space requirements.
7. Loading berths are prohibited on building facades facing public streets. They should be located on the rear of the building when possible.

D. SITE ACCESS AND CIRCULATION

Proposed site access locations must provide safe and efficient movement of vehicles and pedestrians with enough stacking so vehicles do not obstruct the right-of-way.

Circulation patterns must minimize conflicts between vehicular and pedestrian traffic and create safe and efficient movement of both in and around the site.

Site access approval by an agency other than the City does not require the Plan Commission nor Administrator to approve the access point.

E. STACKING REQUIREMENTS FOR DRIVE-THROUGH FACILITIES

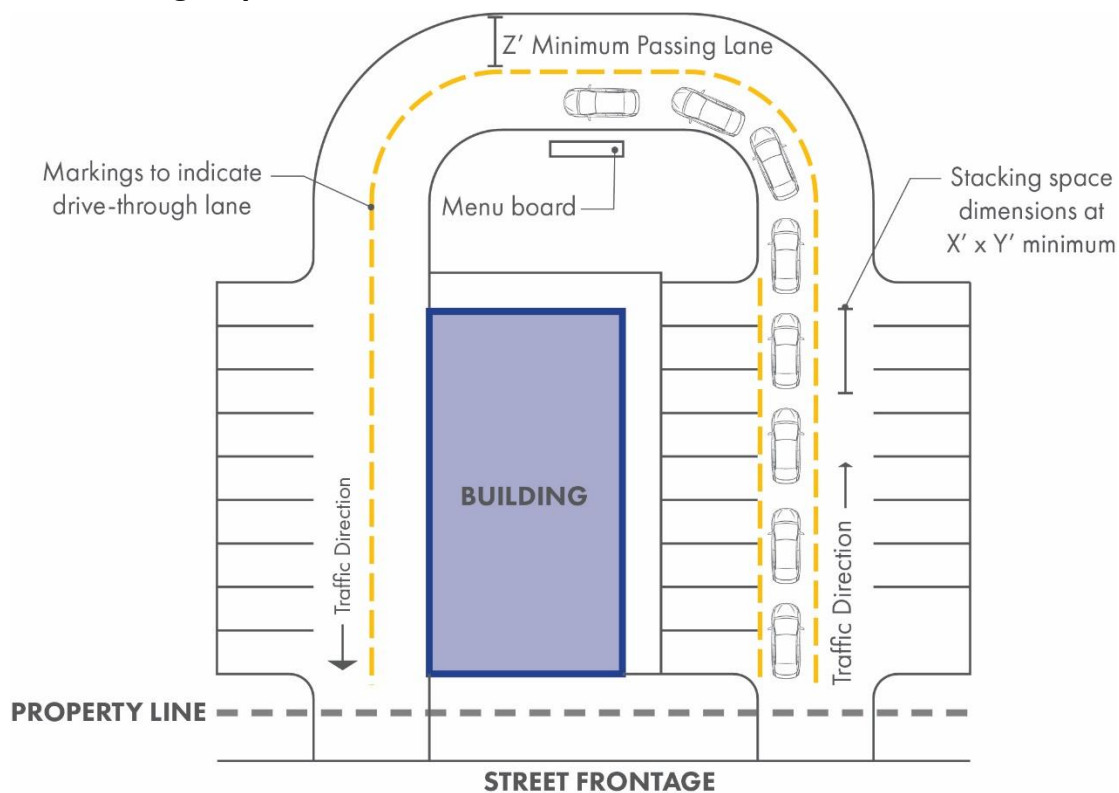
The following requirements apply to uses with drive-through facilities.

1. Drive-through lanes and required stacking spaces cannot interfere with parking space maneuvering aisles, parking drive aisles, loading spaces, internal site circulation, designated fire lanes or site access points.
2. Drive-through lanes and stacking spaces must be designed to prevent vehicles from stacking in a right-of-way ([Figure 6-5](#)).
3. A stacking space cannot occupy any portion of a right-of-way.
4. A stacking space does not constitute a parking space.
5. All drive-through and stacking lanes must be delineated with pavement markings or otherwise distinctly delineated, as approved by the Administrator.
6. A stacking space must be at least 8 feet wide and 20 feet long with direct forward access to a service window or station of a drive-through facility.
7. A lane at least 8 feet wide lane parallel to a drive-through lane must be provided around the drive-through facility to allow vehicles to exit the drive-through lane and circumvent the stacking lane. This lane may be part of the site's overall circulation plan. If an applicant demonstrates strict compliance with this requirement is impracticable or would result in a less desirable site design, the Administrator may waive this requirement.

8. Below are the minimum number of required stacking spaces, excluding the position at the service window or ordering station.
- Fast food restaurant and coffee shops with ordering and pick-up: 7 stacking spaces
 - Fast food restaurant and coffee shops with pick-up only: 4 stacking spaces
 - Financial institutions, pharmacies, and takeout restaurants with drive-through 3 stacking spaces per service window
 - All other facilities: 2 stacking spaces per service window

If an applicant demonstrates strict compliance with a requirement is impracticable or would result in a less desirable site design, the Administrator may waive the requirement.

Figure 6-5: Stacking Requirements



F. OFF-STREET VEHICLE PARKING

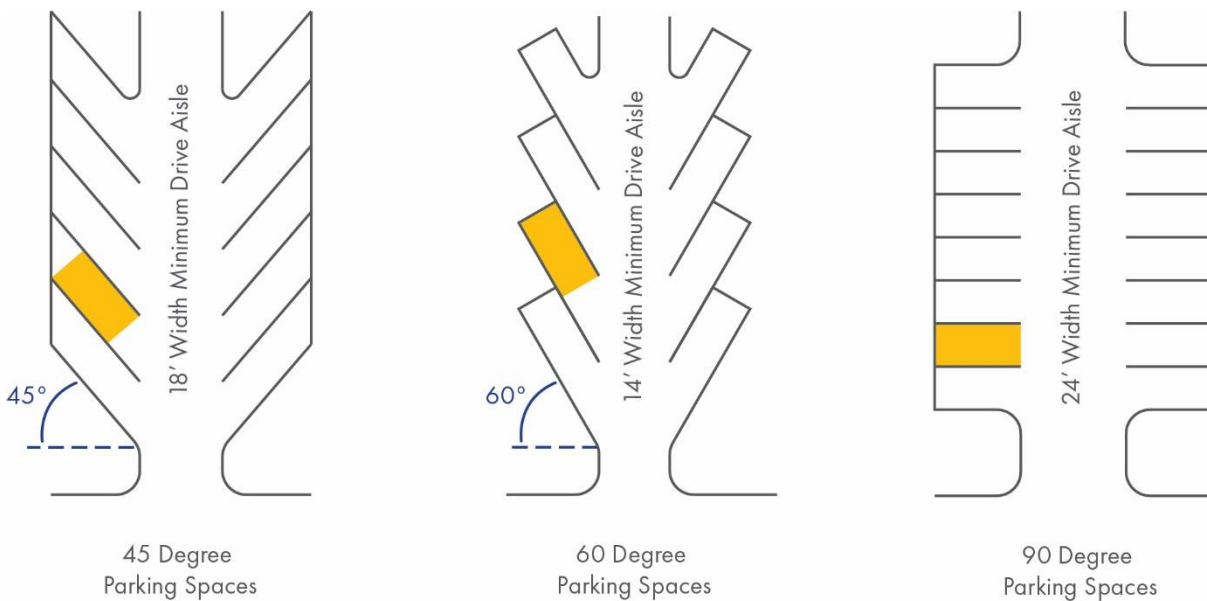
Buildings or structures to be erected or substantially altered require off-street parking spaces in accordance with these regulations.

1. Parking spaces are solely for the parking of passenger vehicles of patrons, occupants, or employees during business hours. Cart corrals for retail businesses cannot be in required parking spaces.
2. Parking spaces must be located on the same lot as the use served.
3. When calculating the number of required parking spaces, any fraction less than 0.5 may be disregarded and any fraction 0.5 or greater must be counted as 1 parking space.

4. Parking spaces must be at least 9 feet wide and 20 feet long with a vertical clearance of 7 feet. Parallel parking spaces must be at least 8 feet wide and 22 feet long. Parking spaces are exclusive of access drives, aisles, ramps, columns, and work area.
5. Each parking space must open directly upon an aisle or drive providing safe and efficient access to the parking space. Parking spaces cannot open directly upon a lane or stacking space designated to serve a drive-through.
6. Tandem Parking Spaces. Off-Street parking spaces for multifamily uses may utilize tandem parking spaces. A tandem parking space is a parking space provided in front of a garage that is reserved for use by the person renting the garage.
7. The minimum aisle width for angled parking is:

<u>Angle of Parking Space</u>	<u>Minimum Aisle Width</u>
45 degree	14 feet
60 degree	18 feet
90 degree	24 feet

Figure 6-6: Dimensions for Parking



8. Surfacing and Curbs
 - a. Parking facilities and loading berths must be paved with a hard, dust-proof surface in accordance with the City's Construction Standards. Residential Parcels 2 acres or larger and not in a platted subdivision may use a gravel driveway for parking if a concrete apron is provided between the street and right-of-way line.
 - b. A stormwater system, designed in accordance with applicable City Construction Standards, must be installed for all parking facilities.

- c. Curbs and gutters built per the City's Construction Standards are required around the perimeter of all parking facilities and landscape islands within the parking facilities. Truck circulation, parking facilities, and loading berths located outside the front yard of the parcel and out of public view are exempt from the requirement.
 - d. The Administrator may provide a waiver to these requirements if the best management practices of the stormwater system recommend against installing curbing or alternative surfacing (for example, to allow bioswales and porous paving).
9. Accessible parking must be provided for all developments per the Americans with Disabilities Act (ADA) of 1990, as amended.
10. Pavement markings and traffic control devices must conform to the requirements of the Indiana Manual of Uniform Traffic Control Devices, latest revision.

G. PROGRAMS AND INCENTIVES TO REDUCE PARKING REQUIREMENTS

This section identifies options to reduce required parking compromising the availability of needed parking facilities.

1. Credit for On-Street Parking. Wherever on-street parking is provided in the improvement of a street, credit toward off-street parking requirements may be granted for every parking space provided. On-street parking is subject to approval by the Administrator and specifically not permitted in the following areas:
 - a. On a Major or Arterial street.
 - b. Within 20 feet of a corner.
 - c. Within 5 feet of each side of a driveway or alley.
 - d. Within a fire hydrant zone or other emergency access zone.
2. Shared Parking. Groups of users requiring parking spaces may create a shared parking facility if all the criteria below are met. Approval by the Plan Commission or Administrator is required.
 - a. Off-site, off-street parking facilities are within 600 feet of the property.
 - b. The shared parking spaces provide at least 80% of the cumulative minimum off-street parking spaces required for each use.
 - c. Safe and convenient pedestrian uses must be provided between the parking facilities and uses.
 - d. Interior vehicle access must connect the properties sharing the parking facilities.
 - e. A written reciprocal parking agreement or similar document with a minimum duration of 20 years, signed by all property owners involved is required. It must include provisions for: easements (if applicable), maintenance, snow removal, ownership, and liability. The agreement must be recorded in the County Recorder's office with a copy provided to the Department. When the reciprocal parking agreement expires or terminates, the uses for which the parking was provided are considered non-conforming. Continuation or expansion of the uses is prohibited unless the use is brought into compliance with the parking regulations of this article.

3. With Administrator or Plan Commission approval, credit may be given for public parking located within 600 feet of the property.
4. Parking Reduction. Parking minimums may be reduced by the Plan Commission or Administrator where parking demand is demonstrated to be lower than the requirements on [3.2 Use Matrix](#) and the following are met:
 - a. For a single building or use:
 - i. Convenient municipal off-street parking or on-street spaces are located adjacent to the subject property,
 - ii. Walk-in trade is reasonable due to pedestrian connections to adjacent residential neighborhoods or employment centers; or
 - iii. A parking study, prepared by a qualified traffic engineer or parking expert, demonstrates another standard would be more appropriate based on actual number of employees, expected level of customer traffic, or actual counts at a similar establishment.
 - b. Mixed Occupancy or Multiple Buildings:
 - i. There is a high proportion of multipurpose visits.
 - ii. Uses have peak parking demands during differing times of the day or days of the week. Parking facilities at a place of worship may be used to meet up to 50 percent of the off-street parking required for theaters, stadiums, other places of public assembly, retail stores, personal services establishments, office buildings, and industrial facilities within 600 feet of the place of worship. Distance is measured from the nearest point of public entrance to the nearest point of the parking lot.
5. Deferred Parking. When development of a site will occur in phases, the Plan Commission or Administrator may defer some of the required parking until it is needed if:
 - a. A site plan shows all required parking but identifies those spaces that will not be constructed until needed.
 - b. Any area designated for deferred parking must be maintained in a landscaped appearance. Parking lot landscaping required for the deferred spaces can be installed when the deferred parking area is constructed.
 - c. Construction of all or a portion of the deferred parking spaces may be initiated by the owner or required by the City based on actual parking needs.

H. HEAVY TRUCK PARKING STANDARDS

The following standards apply for the circulation and parking of heavy trucks, semi-trucks, buses, and similar vehicles with two or more rear axles:

1. The site design must allow heavy trucks to enter and leave the site without backing onto the right-of-way.
2. Heavy truck parking facilities must be at least 10 feet from the front lot line or street side lot line.

3. Heavy truck parking and circulation areas must be paved with a hard, dust-proof surface in accordance with the City's Construction Standards.
4. A stormwater system, designed in accordance with applicable City standards, must be installed for all parking facilities.
5. Where a heavy truck parking facility is located within 50 feet of a front lot line or street side lot line a 6-foot-high decorative wall the full length of the lot line is required. The wall does not need to be provided at entrances and exits and where the principal building is constructed within 50 feet of the lot line.

I. PARKING RATIOS FOR VEHICLES

1. Except for certain residential uses, there are no minimum required parking spaces. Instead, parking spaces are provided based upon the number of employees, expected level of consumer traffic, or actual counts at similar establishments. Consideration is given to the presence of convenient municipal off-street parking or on-street spaces located adjacent to the site and if walk-in trade is reasonable due to pedestrian connections to adjacent residential neighborhoods or employment centers.
2. The minimum number of parking spaces for residential uses and the maximum number of parking spaces for non-residential uses must be provided as noted on the [3.2 Use Matrix](#).
3. The Administrator determines the parking requirement for uses not listed on the [3.2 Use Matrix](#). The Administrator considers requirements for similar uses, the gross square footage of the use, the number of employees, the expected level of consumer traffic, hours of operation, level of walk-in trade, parking spaces provided on-site, and off-site parking spaces that can serve the site.
4. Where the application identifies multiple uses on the premises, the minimum standards apply to each use. Shared parking provisions may allow a reduced number of parking spaces when the uses need parking at different times ([6.3\(G\)\(2\) Shared Parking](#)).
5. For the purposes of parking calculations, the gross area of any parking garage within a building is not included in the gross floor area of the building.
6. Parking is not required for accessory uses unless specifically stated on the Permitted Use Table or in an applicable use limitation.

6.4 SIGNAGE

A. PURPOSE AND INTENT

The purpose of this article is to promote the public health, safety, and general welfare through reasonable, consistent, and non-discriminatory sign standards. The sign regulations in this article are not intended to censor speech or to regulate viewpoints, but instead are intended to regulate the adverse secondary effects of signs, especially the secondary effects that may adversely impact aesthetics and traffic and pedestrian safety.

B. EXEMPT SIGNS

The following signs are exempt from this article:

- Government signs, including signs erected by the City for government purposes.
- Signs located entirely inside the premises of a building or enclosed space, other than window signs.
- Signs on a vehicle, other than an unlawful vehicle sign.
- Signs protected by state statute.
- Traffic control device signs.

C. PROHIBITED SIGNS

The following signs are prohibited unless protected by state statute, or otherwise allowed in this article:

- Abandoned signs
- Signs that are animated, blink, flash, move, rotate, or have scrolling text
- Balloon or inflatable signs
- Billboards or off-premise advertising signs
- Pole signs
- Reflective signs
- Roof signs
- Signs attached to or painted on trees or natural features
- Signs within the right-of-way
- Signs installed, attached to, or painted on fences
- Signs or sign support structures obstructing a means of egress, including any fire escape, window, door opening, stairway, exit, walkway, any utility access, or fire department connection
- Signs interfering with any opening required for ventilation
- Signs resembling traffic control device signs
- Signs with exposed raceways
- Snipe or bandit signs
- Unlawful vehicle signs

D. COMPREHENSIVE SIGN PROGRAMS AND MASTER SIGN PLANS

- I. **Comprehensive Sign Programs.** A comprehensive sign program is required for all projects consisting of multi-tenant buildings, nonresidential complexes with multiple buildings, or large-scale mixed-use developments. A comprehensive sign program provides design compatibility for all signs and integrates sign design with the architecture of the buildings. The comprehensive sign program must set design standards including, but not limited to: sign types, placement, size, design, colors, materials, textures, and method of illumination, as well as provide for the safe navigation for vehicles and pedestrians. The Administrator may approve a comprehensive sign program that complies with

all the requirements of this article. The Plan Commission approves a comprehensive sign program that varies from the requirements of this article. After approval, the Administrator issues sign permits for signs complying with the approved comprehensive sign program.

2. **Master Sign Plans.** The Plan Commission may approve a master sign plan as an alternative to the requirements set forth in 6.4(H) Permanent Sign Types for the following uses and developments:
- Multiple-tenant commercial, office, or employment uses.
 - A multiple-building complex for a single commercial or employment use in a project exceeding 40 net acres.
 - Stand-alone office/employment buildings exceeding 100,000 square feet.
 - Indoor or outdoor entertainment and recreation uses.
 - Auto malls.
 - Hospitals.
 - Hotels and commercial lodging having at least 150 guest rooms and a full-service restaurant or conference and meeting rooms.
 - Regional retail shopping malls.
- a. Conditions. The Plan Commission may attach conditions of approval or require written commitments as necessary to assure the signs covered by the master sign plan will not be materially detrimental to persons or property in the vicinity. In deciding, the Plan Commission must not base any condition on the message content of a sign.
- b. Evaluation Criteria. Master sign plans are evaluated on the following criteria:
- i. Placement. Signs must be placed where they are visible and legible. Consideration is given to a sign's location relative to traffic movement and access points, site features, other structures, and orientation relative to viewing distances and angles. Wall signs may be approved on building walls other than the wall of the space occupied by the tenant in commercial centers where tenants have little or no visibility from the street.
 - ii. Quantity. The number of signs approved within any development must be sufficient for internal traffic and navigation for vehicles and pedestrians.
 - iii. Size. Signs must be no larger than necessary for visibility and legibility. A master sign plan must not contain a freestanding sign exceeding any maximum height standard permitted by this article by more than 50%. A master sign plan must not contain a wall sign exceeding any maximum sign area standard permitted by this article by more than 25%.
 - iv. Design Features and Materials. Sign design themes and materials must be compatible with the architecture, colors, and materials of the project.
 - v. Development Standards. The Plan Commission may not reduce any sign development standard to less than 50% of any minimum standard, nor increase any sign development standard by more than 100% of the maximum standard. The Plan Commission must not base any decision on the message content of a sign.

- vi. Amendments. The Administrator may approve minor amendments to a master sign plan involving non-communicative activity, where such changes are determined to have little or no visual impact and are consistent with the intent of the original approval.
- c. Sign Permits. After approval, the Administrator issues sign permits for signs complying with the approved master sign plan.

E. GENERAL PROVISIONS FOR SIGNS

The following general provisions for signs apply to this article and to all lawful conforming and nonconforming signs, unless otherwise indicated.

1. **Viewpoint Neutrality.** Unless stated to the contrary in this article, no sign or sign structure is subject to any limitation based upon the viewpoint of the message contained on the sign or displayed on the sign structure. It is the policy of the City to regulate signs to not favor commercial speech over noncommercial speech. The City does not regulate protected noncommercial speech by message content. Within this article, distinction between onsite signs and offsite signs applies only to commercial messages. It does not apply to noncommercial messages.
2. **Substitution of Noncommercial Speech for Commercial Speech.** Noncommercial copy may replace the commercial copy of a sign. The noncommercial copy may occupy all or part of the entire sign face provided there is no change in the sign structure.
3. **Discretionary Approval.** When a sign permit or other approval is subject to discretion, consideration is given to the following:
 - a. The location and placement of the sign will not endanger motorists;
 - b. The sign will not interfere with the prominent view of a structure or façade of historical or architectural significance;
 - c. The sign will not obstruct views of users or adjacent buildings to side yards, front yards or open space;
 - d. The sign will not adversely impact the visual quality of a public open space, such as a public recreation facility, square, plaza, park, or courtyard.
 - e. The sign is compatible with existing neighborhood building heights;
 - f. The sign's lighting will not cause hazardous or unsafe driving conditions;
4. **Consent of Legal Owner of Property.** Except as required by state law, no sign may be displayed without the consent of the legal owner of the property where the sign is mounted or displayed.
5. **Signs on Public Property.** Except as required by state law or otherwise permitted by this article, a sign installed or placed on public property is deemed illegal, forfeited to the public, and subject to confiscation. In addition to other remedies in this Ordinance, the City has the right to recover the cost of removal and disposal of the sign from the owner or person placing such sign.
6. **Placement of Signs**
 - a. An encroachment permit from the City is required prior to installing a permanent sign projecting into or over the public right-of-way.
 - b. The lowest portion of any sign extending over an area intended for pedestrian use must be at least 8 feet above finished grade.

- c. The lowest portion of any sign extending over an area intended for vehicular use must be at least 14 feet above the finished grade.
 - d. Any sign placed on a sidewalk or other public right-of-way must comply with this article and applicable provisions of the Americans with Disability Act.
 - e. Signs are prohibited within sight visibility triangles, except for appropriately placed traffic control device signs.
7. **Measurement of Sign Area.** The area of a sign is measured or calculated as follows ([Figure 6-7](#)):
- a. For a wall sign which is framed, outlined, or painted to provide a background for a sign display, the area and dimensions must include the entire portion within the background or frame.
 - b. For a wall sign comprised of individual letters, figures, or elements on the surface of a building one or more regular geometric shapes (rectangle, circle, triangle, etc.) to determine the area of the elements in the sign.
 - c. For a freestanding sign, the sign area includes the frame, if any, but does not include:
 - i. A pole or structural support unless the support is internally illuminated or part of the display.
 - ii. Architectural features that are part of the freestanding structure which are an integral part of the sign.
 - d. A multi-faced sign is calculated by measuring each sign face and adding them together.
 - e. If 2 sign faces are placed back-to-back, it is counted as one sign. If one of the sign faces is larger, the sign area is calculated using the larger of the 2 faces.
 - f. If 2 sign faces are placed back-to-back and separated by more than a 45-degree angle, each face is calculated independently, and they are counted as a multi-faced sign.

Figure 6-7: Sign Area



7. **Measurement of Sign Height.** The height of a freestanding sign is measured as the vertical distance from the average finished grade below the sign to the top edge of the highest portion of the sign. The finished grade cannot be altered for the purpose of increasing the height of the sign. The maximum height limit excludes architectural embellishments less than 36 inches at the base of the sign and less than 18 inches at the top of the sign. For the purposes of this section, average finished grade below the sign is the lower of (a) the lowest elevation where the base of the sign

meets ground level; or (b) the top of the curb of the nearest public street adjoining the property; or (c) the grade of the land at the principal entrance to the lot.

8. Signs must provide at least 6 feet horizontal clearance and 12 feet overhead clearance from electrical conductors and from communications equipment or lines. Signs and their supporting structures must not interfere with surface and underground utilities or drainage systems.
9. The Administrator may order the repair of signs declared a nuisance, and, with or without notice, may remove a structurally unsafe sign if it presents an immediate peril to the public health or safety.
10. Replacement of a tenant sign panel containing the same design as the original on an approved sign structure with removable panels does not require a permit. Any tenant panel that is vacant or missing must be replaced within 30 days.
11. When a tenant vacates a building suite, the fascia of the wall sign band must be repaired to its surrounding texture and color within 45 days of sign removal.
12. Signs at bus shelters are permitted. Standards for these signs are determined in accordance with bus shelter design requirements established by the City Engineer.

F. TEMPORARY SIGNS

Unless otherwise provided below, temporary signs must meet the criteria below. A temporary sign may be displayed as a ground sign, wall sign, or a window sign.

1. **General Criteria for Temporary Signs.** A temporary sign is unlawful unless it meets the criteria established for the zoning district where it is located as described in [Table 6-1](#) and the limitations in this section.
2. **A-Frame Signs and T-Frame Signs.** A-Frame signs and T-Frame signs are unlawful unless they meet the criteria and limitations set forth in [Table 6-2: Temporary Signs](#). A-Frame signs and T-Frame signs are permitted in all zoning districts but can only be placed in a residential district in conjunction with a non-residential use. A-Frame signs and T-Frame signs must be:
 - a. Located adjacent to the parcel or business advertised, supported by a base sufficient to withstand wind gusts, and maintained in good condition, and
 - b. Placed at grade level and not in medians, across the street from the business being advertised, or on multi-use pathways.

The purchase and placement of A-Frame signs and T-Frame signs is not a substantial capital investment in the advertised business. Modification of the regulations resulting in further restriction or prohibition makes the signs illegal nonconforming signs that must comply with the new regulations.

3. **Banner Signs.** Banner signs are permitted in all zoning districts but can only be placed in a residential district in conjunction with a non-residential use. Banner signs are only permitted as part of a special event and can only be displayed for a maximum of 10 days. Banner signs must meet the criteria and limitations in [Table 6-2: Temporary Signs](#).
4. **Feather Signs.** Feather signs are permitted in all zoning districts but can only be placed in a residential district in conjunction with a non-residential use. Feather signs are only permitted as part of a special event and can only be displayed for a maximum of 10 days. Feather signs must meet the criteria and limitations in [Table 6-2: Temporary Signs](#). Feather signs must be:

- a. Located adjacent to the parcel or business advertised, supported by a base sufficient to withstand wind gusts, and maintained in good condition, and
 - b. Placed at grade level and not in medians, across the street from the business being advertised, or on multi-use pathways.
5. **Sign Walkers.** Sign walkers are permitted in all zoning districts. Sign walkers must comply with state law and meet the following criteria and limitations:
 - a. Sign walkers must be located:
 - At grade level.
 - 30 feet from a street or driveway intersection measured from the back of the curb or edge of pavement if no curb exists.
 - 5 feet from the street measured from the back of curb or edge of pavement if no curb exists.
 - Sign walkers must yield right-of-way to pedestrians, bicycles and others on the sidewalks.
 - b. Sign walkers must not be located:
 - In medians, parking aisles or stalls, or in driving lanes or driveways.
 - On multi-use pathways.
 - Where less than 4 feet clear passage is provided on a sidewalk or pathway.
 - On fences, planters, other signs, vehicles, utility facilities, or any structure.
 - Within 20 feet from any other sign walker.
 - In a manner that results in sign walkers physically interacting with motorists, pedestrians, or bicyclists.
 - c. The sign must be displayed only when the business is open to conduct business and held, worn, or balanced at all times.
6. **Umbrella Signs.** Umbrella signs are permitted in outside seating areas. The umbrella must be securely mounted. A sign permit is not required and umbrella signs do not count toward the maximum sign area for any use.
7. **Temporary Residential Subdivision Signs.** Temporary residential subdivision signs are permitted in single-family residential districts for each builder in a recorded subdivision plat. Temporary residential subdivision signs must meet the criteria and limitations in [Table 6-3 Temporary Residential Subdivision Signs](#).
8. **Offsite Temporary Signs on Private Property.** Offsite temporary signs are permitted in all zoning districts on unimproved lots or parcels of 10 acres or more subject to criteria and limitations set forth in [Table 6-2: Temporary Signs](#).

G. PERMANENT SIGN LIGHTING AND CHANGING MESSAGE DISPLAYS

The following general criteria and limitations for lighting and changing message displays must apply to permanent signs.

1. **General Lighting Standards.** The illumination of signs must meet all regulations of the lighting standards in [6.2 Lighting](#).
 - a. Except for changing message displays and marquee signs, any flashing, blinking, reflective, animated, or rotating lights, or signs with intermittent or varying intensity of illumination are prohibited.
 - b. Exposed light sources are prohibited except for marquee signs. Light sources must be shielded to prevent light trespass onto adjacent properties.
 - c. Exposed neon tube type illumination can only be used in Commercial Districts, subject to administrative approval of a comprehensive sign program or master sign plan. Exposed neon tubing must be appropriately sized. Exposed neon tube type illumination is prohibited in all other zoning districts.
2. **Sign Illumination**
 - a. Permanent Sign on a Parcel in a Residential District. Except for an identification sign at the entrance of a residential subdivision, a permanent sign located on a parcel in a residential district cannot be separately or specially illuminated, unless otherwise specified in this article.
 - b. Permanent Sign on a Parcel in a Nonresidential District. A permanent sign on a parcel in a nonresidential district may be illuminated by internal illumination, internal indirect (halo) illumination, or lit by external indirect illumination, unless otherwise specified in this article.
 - c. Internal illumination. Outdoor internally illuminated signs must be constructed with an opaque background and translucent letters or other graphical elements, or with a colored background and lighter letters or graphics. Signs located within 50 feet of a single-family district cannot be internally illuminated. Lamps used for the internal illumination of wall signs must be turned off at 11:00 pm or when the business closes.
 - d. External Indirect Illumination. Externally lit signs must be illuminated only with steady, stationary, and shielded light sources directed solely onto the sign. Light bulbs or tubes (excluding neon) used for illuminating a sign must not be visible from the adjacent public rights-of-way and residential properties.
 - e. Light fixtures used to illuminate an off-premise advertising sign must be mounted on top of or above the sign structure and be fully shielded with all light output directed only onto the sign face.
3. **Manual Changing Message Displays.** One-half the area of a freestanding monument or marquee sign may be a manual changing message display, subject to the criteria and limitations of this article.
4. **Electronic Changing Message Displays**
 - a. The entire sign face of a freestanding monument, tower sign, and freeway sign may be an electronic changing message display if located within a zoning district where allowed and subject to the following operational limitations below.
 - b. For non-residential uses in residential districts, 1/2 of the sign face of a freestanding monument sign may be an electronic changing message display, subject to the operation limitations below.
 - c. Operational Limitations. The following apply to all Electronic Changing Message Displays:
 - i. Display. An electronic changing message display may be in full color.

- ii. Minimum Display Time. An electronic changing message display must not change more than once every 8 seconds.
- iii. Transition Method. An electronic changing message display must change by an instant change method.
- iv. Illumination Levels. An electronic changing message display must incorporate automatic dimming technology that adjusts to ambient light conditions. Displays must have a brightness level no greater than 0.3-foot candles above ambient light conditions.
- v. Maintenance. An electronic changing message display that ceases to operate in its normal programmed manner must be repaired or disconnected within 48 hours of the initial malfunction.

H. PERMANENT SIGN TYPES

The following types of permanent signs are allowed in one or more zoning districts, as more specifically set forth below ([Figure 6-8](#)).

1. Street Address Signs

- a. Each single-family dwelling unit must be clearly identified by a street address for first responders to locate the dwelling unit. The street address sign may not exceed 3 square feet in sign area.
- b. Each multifamily dwelling unit must be clearly identified by a street address sign for first responders to locate the unit. The street address sign may be externally illuminated. The street address sign or unit and building identification signs may not exceed 6 square feet in sign area.
- c. Each location of a business or non-residential use must be clearly identified by a street address for first responders to locate. The street address sign may be externally or internally illuminated. The street address sign may not exceed 6 square feet in sign area.

2. Unit and Building Identification Signs

- a. Each multifamily dwelling unit must be clearly identified by a unit and building identification sign for first responders to locate unit, unless the unit or building has a street address sign that is specific to that unit. The unit and building identification sign may be externally illuminated and may not exceed 6 square feet in sign area. Such signs are used for Home Occupation identification.
- b. Each location of a business or non-residential use must be identified by a unit and building identification sign for first responders to locate the unit. The unit and building identification sign may be externally illuminated and may not exceed 6 square feet in sign area.

3. Wall Signs in Residential Uses

- a. Each single-family dwelling unit may have one permanent wall or ground sign not exceeding 3 square feet in size and not exceeding 2 feet in height if placed as a ground sign. This sign is allowed in addition to the required street address sign for a single-family dwelling unit.

- b. Each individual dwelling unit in a multifamily building may have one permanent wall or ground sign not exceeding 3 square feet in size and not exceeding 2 feet in height if placed as a ground sign.

4. Wall Signs in Non-Residential Uses

Wall signs in non-residential uses must meet the following requirements:

- a. Design. Wall signs must fit proportionally with building massing and architectural features of the elevation.
- b. Length. The length of a wall sign cannot exceed 80% of the horizontal length of the exterior building elevation of a tenant suite.
- c. Height. The height of a wall sign cannot exceed 80% of the vertical dimension of the sign band or wall space on which the sign is placed.
- d. Placement. Wall signs must maintain a minimum clearance between the top of the sign and the top of the parapet wall equal to half of the vertical dimension of the largest letter in the sign. Top floor signage located on multi-story buildings may span floor plates.
- e. Wall Signs on building elevations abutting a residential district cannot be illuminated, cannot exceed 16 square feet in sign area, and must be installed no higher than 14 feet above grade.
- f. Wall Sign Area: Buildings One-Story in Height. Wall signs on a building one-story in height must conform to the following criteria:
 - i. Each tenant suite is permitted a wall sign with a minimum sign area of 32 square feet, and the wall sign is permitted on any exterior wall of the tenant or user suite.
 - ii. Each tenant suite is limited to a wall sign with a sign area no greater than the total sign allowance area defined below for: (i) the longest building elevation of the tenant or user suite facing the street, or (ii) the length of the building elevation of the tenant suite where its principal entrance is located.
 - iii. For buildings set back 75 feet or less from the right-of-way, the sign allowance area is 1 square foot of sign area for each lineal foot of the building elevation adjacent to the tenant suite. For buildings set back more than 75 feet from the right-of-way, the sign allowance area is 1.5 square feet of sign area for each lineal foot of building elevation adjacent to the tenant suite.
 - iv. Buildings with at least two building elevations facing streets and/or main private circulation drives are permitted a sign allowance area for each building area facing a street or circulation drive. Signs may be located on more than two elevations if the maximum allowance is not exceeded. In no event can the double sign allowance area be used on a single elevation.
 - v. Approval is required through a comprehensive sign program and/or a master sign plan if the building is a multi-tenant building or otherwise meets the criteria for review and approval set forth in this article under such a program or plan.
- g. Wall Sign Area: Buildings Two Stories in Height. Wall signs on multiple floors of a building two stories in height must conform to the following criteria.

- i. Individual tenant signs located on the first floor of a building two stories in height are subject to the same criteria as tenant signs for a building one-story in height, as set forth above.
- ii. Individual tenant signs and building signs located on the second floor of a building two stories in height cannot exceed 75 square feet in sign area. Individual tenant signs and any building signs may be placed on any approved sign band or wall space on the second floor. The maximum wall sign area, including all tenant signs and building signs, must not exceed 50% of the lineal building elevation on the second floor.
- iii. Buildings with at least two building elevations facing streets and/or main private circulation drives are permitted sign allowance area for each building area facing a street or circulation drive. Signs may be located on more than two elevations if the maximum allowance is not exceeded. The sign allowance area cannot be used on a single elevation.
- iv. Approval is required through either a comprehensive sign program or a master sign plan.
- h. Wall Sign Area: Buildings Three or More Stories in Height. Wall signs located on buildings 3 or more stories in height are limited to the first floor and top floor and must conform to the following criteria.
 - i. Individual tenant signs located on the first floor are subject to the same criteria as tenant signs for a building one story in height, as set forth in 6.4(H)(5)(F) Wall Sign Area: Buildings One-Story in Height.
 - ii. The sign area for a wall sign on the top floor is not counted against the sign allowance area of a wall sign on the first floor. Wall signs located on the top floor are limited to either: (a) one building sign and one tenant sign, or (b) two tenant signs. A wall sign located on the top floor must adhere to the criteria contained in Table 6-4 Top Floor Sign Area and Height Standards for On-Premise Wall Signs. The maximum sign area for a wall sign on the top floor cannot be increased through a comprehensive sign program or master sign plan.
 - iii. Buildings with two building elevations facing streets and/or main private circulation drives are permitted a sign allowance area for each building area facing a street or circulation drive. Signs may be located on more than 2 elevations if the maximum allowance is not exceeded. The sign allowance area cannot be used on a single elevation.
 - iv. Approval is required through either a comprehensive sign program or a master sign plan.

5. Wall Signs for Non-Residential Uses in Residential zoning districts

Wall signs for non-residential uses in residential districts must meet the following requirements:

- a. Design. Wall signs must fit proportionally with building massing and architectural features of the elevation.
- b. Length. The length of a wall sign must not exceed 80% of the horizontal length of the exterior building elevation of a tenant suite.
- c. Height. The height of a wall sign must not exceed 80% of the vertical dimension of the sign band or wall space on which the sign is placed.

- d. **Placement.** Wall signs must maintain a minimum clearance between the top of the sign and the top of the parapet wall equal to half of the vertical dimension of the largest letter in the sign. Top floor signage located on multi-story buildings may span floor plates.
- e. Wall Signs on building elevations abutting a residential district cannot be illuminated, cannot exceed 16 square feet in area, and must be installed no higher than 14 feet above grade.
- f. **Wall Sign Area: Buildings One or More Stories in Height.** Wall signs must only be located on one floor of a single-story or multi-story building and must meet the following criteria:
 - i. Each tenant suite is permitted a wall sign with a minimum sign area of 32 square feet on any exterior wall of the tenant suite on the first floor of the one-story building.
 - ii. Each tenant suite is limited to a total wall sign area no greater than the total sign allowance area, defined below for (i) the longest building elevation of the tenant suite facing the street, or (ii) the length of the building elevation of the tenant suite where the principal business entrance is located.
 - iii. For buildings set back 75 feet or less from the right-of-way, the sign allowance area is 1 square foot of sign area for each lineal foot of the building elevation adjacent to the tenant suite. For buildings set back more than 75 feet from the right-of-way, the sign allowance area is 1.5 square feet of sign area for each lineal foot of building elevation adjacent to the tenant suite.
 - iv. A tenant suite with two or more building elevations facing streets and/or main private circulation drives is permitted a sign allowance area for each building area facing a street or circulation drive. The sign allowance cannot be used on a single elevation.
 - v. If the top floor of a multi-story building is chosen for the allowable wall signs, the top floor wall signs are limited to either (i) one building sign and one tenant sign, or (ii) two tenant signs. A wall sign on the top floor must adhere to the criteria contained in [Table 6-4: Top Floor Sign Area and Height Standards for On-Premise Wall Signs](#). The maximum sign area for a wall sign on the top floor cannot be increased through a comprehensive sign program or master sign plan.
 - vi. Approval is required through a comprehensive sign program or master sign plan.
- 6. **Painted Wall Signs.** In business districts, painted wall signs are permitted on any exterior building wall of the tenant suite. The sign area of a painted wall sign must be included in the sign allowance area. Painted wall signs may be indirectly illuminated with lighting fixtures that are decorative and architecturally compatible with the building.
- 7. **Wall Signs at Entrances to Non-Residential Tenant Offices or Suites.** Each non-residential tenant suite may have one permanent wall sign not to exceed 3 square feet in area. This allowed sign is in addition to any required street address sign and unit and building identification sign.
- 8. **Wall Signs at Entrances to Restaurants.** In addition to any other wall sign allowance, a restaurant is allowed one wall sign installed within 10 feet of its main entrance. The wall sign is 6 square feet in area and 6 feet in height. The wall sign may be internally or externally illuminated.
- 9. **Wall Signs at Service and Delivery Entrances.** In addition to any other wall sign allowance, a service or delivery entrance is allowed one permanent wall sign installed within 10 feet of its entrance.

The wall sign is 6 square feet in area and 6 feet in height. The wall sign may be internally or externally illuminated.

10. **Window Signs.** Window signs are permitted in all zoning districts but may be placed in single-family residential districts only in conjunction with non-residential uses as a permanent wall sign. The window sign cannot cover more than 25% of the window area. Window signs may be internally illuminated. A sign permit is not required for a window sign.
11. **Door Signs.** Door signs are permitted provided that the door sign does not cover more than 25% of the door area. Door signs must not be illuminated. A sign permit is not required for a door sign.
12. **Wall-Mounted Cabinet Signs.** Permanent wall-mounted cabinet signs are allowed in non-residential districts and must be stylized in shape to reflect the shape of the image printed on the sign face or the molded sign face, with embossed sign copy or sign copy in relief. This provision does not apply to canopy signs for service islands regulated in [6.4\(H\)\(24\) Canopy Signs for Service Islands](#). This provision does apply to projecting signs and projecting roof signs.
13. **Projecting Signs.** In business districts, permanent projecting signs are allowed when affixed to the exterior building wall of the tenant suite. Projecting signs must be located at the customer entry area of the tenant suite if illumination elements are incorporated. The allowable sign area must be included in the maximum sign area allowed in [6.4\(E\) General Provisions for Signs](#) and when combined with any other sign area, must not exceed the maximum sign area. Projecting signs may be internally or indirectly illuminated. Lighting fixtures must be decorative and architecturally compatible with the building. Projecting signs must be stylized in shape to reflect the shape of the image printed on the sign face. Fixtures used to affix the projecting sign to building walls must be decorative and architecturally compatible with the building.
14. **Suspended Signs.** In business districts, one permanent suspended sign is allowed for each permitted tenant building elevation. The sign must be suspended from a roof overhang of a covered porch or walkway adjacent to the exterior building wall of the tenant. The sign area cannot exceed 6 square feet. The size of the suspended signs is not included in the maximum sign area set forth in [6.4\(E\) General Provisions for Signs](#). Suspended signs may be indirectly illuminated. Lighting fixtures must be decorative and architecturally compatible with the building.
15. **Drive-Through Lane Signs.** No more than 2 drive-through lane signs are allowed for each drive-through lane serving a business establishment. The signs may be either a wall mounted sign or a ground sign. The signs must be no larger than 50 square feet and 7 feet high. A drive-through ground sign must be constructed with a solid base.
16. **Freestanding Sign: Monument Signs**
 - a. For a non-residential use in a residential district, one on-site monument sign is permitted for any lot or parcel with a minimum of 100 feet of street frontage. One additional monument sign is permitted for each additional 300 feet of street frontage. The maximum size of a monument sign is 32 square feet and 8 feet high. Monument signs must be set back at least 3 feet from the right-of-way.
 - b. In Commercial Districts and Industrial Districts, one onsite monument sign is permitted for any lot or parcel with a minimum of 100 feet of street frontage. One additional monument sign is permitted for each additional 300 feet of street frontage. The height of a monument sign must be no greater than 12 feet to the top of the design embellishments, and the sign face must be located between 2 feet and 10 feet above grade with design embellishments

added to the top, sides, or bottom of the sign. Monument signs must be set back a minimum of 3 feet from the right-of-way. Monument signs must maintain a minimum spacing of 100 feet from any other monument sign on the same street frontage. The maximum area of a monument sign is based on site context and road characteristics as follows:

Sign is Located Adjacent to or Across from a Non-Residential District

# of Lanes	2 to 4			4 divided		
Speed (MPH)	15-25	30-40	45+	15-25	30-40	45+
Max. Sign Area	25 SF	45 SF	65 SF	30 SF	60 SF	120 SF

Sign is Located Adjacent to or Across from a Residential District

# of Lanes	2 to 4			4 divided		
Speed (MPH)	15-25	30-40	45+	15-25	30-40	45+
Max. Sign Area	20 SF	30 SF	40 SF	25 SF	45 SF	80 SF

- c. **Freestanding Sign: Tower Signs.** Tower signs are on-premise signs for properties with 3 or more tenants. In Business Districts for retail centers exceeding 40 acres, and in the Industrial and Mixed-use Districts for sites that abut a freeway and exceed 40 acres, one onsite tower sign is permitted for each 500 feet of street frontage, provided the total number of all freestanding signs, including monument signs, must not exceed one sign per 300 feet of street frontage. Tower signs must be set back a minimum of 3 feet from the right-of-way. Tower signs must maintain a minimum spacing of 300 feet from any other freestanding sign on the same street frontage. The maximum height and area of a tower sign is based on site context and road characteristics as follows:

Sign is Located Adjacent to or Across from a Non-Residential District

# of Lanes	2 to 4			4 divided		
Speed (MPH)	15-25	30-40	45+	15-25	30-40	45+
Max. Sign Height	20 feet	25 feet	30 feet	20 feet	25 feet	30 feet
Max. Sign Area	80 SF	90 SF	100 SF	80 SF	90 SF	100 SF

Sign is Located Adjacent to or Across from a Residential District

# of Lanes	2 to 4			4 divided		
Speed (MPH)	15-25	30-40	45+	15-25	30-40	45+
Max. Sign Height	15 feet	20 feet	25 feet	15 feet	20 feet	25 feet
Max. Sign Area	70 SF	80 SF	90 SF	70 SF	80 SF	90 SF

17. **Freestanding Sign: Onsite Traffic Directional Signs.** Onsite traffic directional signs are permitted as necessary to assist in movement of vehicular traffic on a property for the safety of pedestrian and vehicle traffic. In business and mixed-use districts, the maximum sign area of an onsite traffic directional sign is 3 square feet, and the maximum height of onsite traffic directional sign is 3 feet. In Industrial Districts, the maximum sign area of an onsite traffic directional sign is 6 square feet, and the maximum height of onsite traffic directional sign is 6 feet. Onsite traffic directional signs are not counted as part of a maximum or total sign area for any use.

18. **Freestanding Sign: Residential Subdivision Entry Signs.** A residential subdivision entry sign at the principal entries to residential subdivisions may have one entry sign on each side of the street, each with a maximum sign area of 32 square feet and a maximum height is 8 feet. This sign must be set back a minimum of 3 feet behind the right-of-way. This sign may be internally or indirectly illuminated. The residential subdivision entry sign must be incorporated into the design of an entry wall, which must be architecturally compatible with other subdivision improvements. These signs require approval by the Plan Commission as part of the subdivision development plan. Residential subdivision entry sign structures added following the initial development of the subdivision are approved by the Administrator.
19. **Freestanding Sign: Multifamily Complex Entry Signs.** A multifamily complex entry sign at the principal entries to a multifamily complex may have one entry sign on each side of the street each with a maximum sign area of 32 square feet and the maximum height of 8 feet. This sign must be set back a minimum of 3 feet behind the right-of-way. This sign may be internally or indirectly illuminated. A multifamily complex entry sign structure must be architecturally compatible with the complex and must be approved administratively.
20. **Freestanding Sign: Directory Sign.** In the Business, Industrial, and Mixed-use Districts, one directory sign is permitted for every 4 commercial tenants or uses. This sign has a maximum sign area of 40 square feet and a maximum height of 8 feet. A directory sign must be set back a minimum of 75 feet from any perimeter property line, except where such property line abuts other commercial development and there is a cross-access between the properties. A directory sign must only be installed onsite within landscape islands or pedestrian areas.
21. **Awning Signs.** In Business Districts, an awning sign may be located on the valance of an awning. Graphics must be permanently affixed to the awning and may be silkscreened, painted, cutout lettering, heat color transfer, pressure sensitive vinyl films, sewn applique signs, etc. An awning sign may be indirectly illuminated or backlit. An awning sign must not obstruct sidewalks, accessible paths of travel, or the visibility of other signs. Lighting fixtures must be decorative and architecturally compatible with the building.
22. **Marquee Signs.** In Business Districts, a marquee sign may be located on a marquee that is approved by the Plan Commission as part of a site plan application, a comprehensive sign program, or master sign plan. A marquee sign must only be located at the primary entrance of the tenant suite to which it is appurtenant. The colors, materials, and design of a marquee sign must complement the design of the building it serves. A marquee sign may be internally or indirectly illuminated. Marquee signs must not be visible from adjacent residential properties. A marquee sign may include a manual changing message display. Sign copy must be changed manually. Electronic or mechanical sign copy change is prohibited. A marquee sign must not obstruct sidewalks, required accessible paths of travel, or the visibility of other signs. Lighting fixtures must be decorative and architecturally compatible with the building.
23. **Canopy Signs for Service Islands.** Each service island can have up to 2 canopy signs per service island. The maximum sign area of a canopy sign is 12 square feet. No part of the sign must project from a canopy wall by more than 6 inches. A canopy sign must be vertically centered on the face of the canopy. The height cannot exceed 80% of the vertical dimension of the canopy wall. The sign area of a canopy sign does not count against the maximum sign area allowed for wall signs on the parcel.
24. **Historic Markers.** One historic marker per parcel is allowed. The maximum sign area of a historic marker is 6 square feet.

I. PERMITTED PERMANENT SIGNS BY ZONING DISTRICT

The permanent sign types allowed by zoning district and the applicable permitting plan, program, or other review process are set forth below in [Table 6-5 Permitted Permanent Signs by Zoning District](#). Refer to each sign type for criteria and limitations as specified in [6.4\(H\) Permanent Sign Types](#).

J. SIGN MAINTENANCE

Maintaining legal signs is allowed without a permit. Sign maintenance is the replacement or repair of a part of a sign required by ordinary wear, tear, or damage, with like material, color, and design. Maintenance of legal signs does not include changing the color, size, design, or style of signs. Any sign or component which is damaged and constitutes a danger to public safety must be promptly repaired or replaced. Surface materials and components must be kept free of chipping, peeling, fading, cracks, holes, buckles, warps, splinters, or rusting visible from an adjacent property or street. Illuminated signs must be maintained in good operating condition including prompt removal and replacement of all defective lamps, damaged electrical wiring, and malfunctioning control devices and related circuitry.

K. NONCONFORMING SIGNS. See [I.13 Nonconforming Signs](#).

L. SIGN VIOLATIONS

1. **Requirement of Permit.** Unless specifically exempted, it is unlawful for any person to construct, install, attach, place, paint, alter, relocate, or otherwise maintain any sign in the City without first obtaining a sign permit in according to the provisions of this chapter.
2. **Requirement of Compliance.** Signs must be installed, placed, or maintained in the City only in compliance with this article. Signs maintained contrary to the provisions of this article are declared to be nuisances and may be abated as provided by law. The responsibility for compliance with this article rests upon the sign owner, the permit holder, and parties holding the present right of possession and control of the property where a sign is located, mounted, or installed, and the legal owner of the lot or parcel, even if the sign was installed without the consent or knowledge of the owner and/or other parties holding the legal right to immediate possession and control. Signs not in compliance with this article are subject to enforcement proceedings as specified in [CHAPTER 9: ADMINISTRATION AND ENFORCEMENT](#).

M. SIGN REGULATION TABLES

Table 6-1: Temporary Signs: General Criteria and Limitations

STANDARD	RESIDENTIAL DISTRICTS	NON-RESIDENTIAL DISTRICTS
Maximum Number of Signs Per Parcel	4 ¹	4
Maximum Sign Area	6 sq. ft.	32 sq. ft.
Sign Height Maximum for a Freestanding Sign ²	4 ft.	6 ft.
Sign Height Maximum for a Wall Sign (inclusive of a Window Sign ³)	6 ft.	15 ft.
Minimum Setback/ Distance from Right of Way ⁴	5 ft.	10 ft.
Minimum Spacing from any Other Sign (temporary sign or permanent sign) ²	15 ft.	15 ft.
Permit Required	No	No
Incorporation of Florescent Color or Exhibition of Florescence Allowed	No	No
Permission of Owner Required	Yes	Yes
Allowed within a Sight Visibility Triangle	No	No
Allowed on Public Sidewalk / Right of Way ⁵	No	No
Duration Allowed After Conclusion of an Event if Sign Pertained to an Event	3 days	3 days ⁶
Lighting or Illumination Allowed	No	No
Movement Allowed	No	No

Notes:

1. In Single-Family Residential Districts, each Single-Family Residential Use with at least one principal structure may place up to 6 offsite temporary signs on private property for the purpose of directing the public to a residential activity (e.g. real estate open house, garage/yard sale, estate sale). The signs must be displayed only during the hours the single-family residence is open for public inspection.
2. Not applicable to signs displayed on flagpoles.
3. Window Signs cannot cover more than 25% of the first-floor window area.
4. Minimum sign setbacks are measured from the edge of the property line. Setbacks do not apply to wall signs or signs affixed to a temporary construction fence.
5. Government signs displaying government speech are exempt from regulation under this chapter.
6. Temporary signs advertising the grand opening of a business or other enterprise may be placed no more than two weeks prior to the date of the grand opening and must be removed within two weeks of the grand opening.

Table 6-2: Temporary Signs

STANDARD	A-FRAME AND T-FRAME SIGNS	BANNER SIGNS	FEATHER SIGNS
Maximum Number of Signs	4 per business ¹	1	4 per business ¹
Maximum Sign Area	N/A	40 SF per side for occupancies up to 5,000 SF; 80 SF per side for occupancies 5,000 SF to 15,000 SF; 120 SF per side for occupancies 15,000 SF to 50,000 SF; or 180 SF per side for occupancies greater than 50,000 SF	12 SF
Maximum Width	31 inches	N/A	N/A
Maximum Height	45 inches	8 feet if displayed as a freestanding sign	15 feet
Minimum Setback/ Distance from Roadway ³	5 feet	3 feet if displayed as a ground sign	4 feet from edge of curb or a distance equal to the height of the sign, whichever is greater
Maximum Width of Public Sidewalk the Sign May Obstruct	No more than 1/3 of the width of a public sidewalk and must provide at least 4 feet of sidewalk clearance	0 feet	No more than 1/3 of the width of a public sidewalk and must provide at least 4 feet of sidewalk clearance
Maximum Distance of Sign from Premises ²	10 feet	N/A	N/A
Minimum Distance from an Access Drive or Street Intersection	N/A	N/A	30 feet
Minimum Spacing from any Other Sign (temporary sign or permanent sign) ⁴	20 feet	15 feet	20 feet
Duration	Only during hours when business is open	No more than 120 days per year, aggregate	Only during hours when business is open
Allowed on Public Sidewalk / Right-of-Way	Yes	No	Yes
Permission of Owner Required	Yes	Yes	Yes
Allowed within a Sight Visibility Triangle	No	No	No
Lighting or Illumination Allowed	No	No	No
Permit Required	No	Yes	Yes
Movement Allowed	No	No	Yes
Incorporation of Florescent Color or Exhibition of Florescence Allowed	No	No	No

Table 6-3: Temporary Residential Subdivision Signs

STANDARD	PRINCIPAL ENTRIES	MODEL HOMES	PERIMETER SUBDIVISION OPEN SPACE	OFFSITE TEMPORARY SIGNS ON PRIVATE PROPERTY
Maximum Number of Signs	1 per entry	1 or more	1 per street frontage	1
Maximum Sign Area	32 SF ⁵	96 SF ⁵	32 SF ⁵	32 SF
Maximum Width	N/A	N/A	N/A	N/A
Maximum Height	8 feet	12 feet	8 feet	8 feet
Minimum Setback/ Distance from Roadway ³	10 feet (5 feet if less than 32 SF)	10 feet (5 feet if less than 32 SF)	10 feet (5 feet if less than 32 SF)	10 feet
Maximum Width of Public Sidewalk the Sign May Obstruct	0 feet	0 feet	0 feet	0 feet
Maximum Distance of Sign from Premises ²	N/A	N/A	N/A	N/A
Minimum Distance from an Access Drive or Street Intersection	N/A	N/A	N/A	N/A
Minimum Spacing from any Other Sign (temporary sign or permanent sign) ⁴	N/A	N/A	N/A	100 feet
Duration	3 years or until the model home is permanently closed, whichever is first	3 years or until the model home is permanently closed, whichever is first	3 years or until the model home is permanently closed, whichever is first	1 year
Allowed on Public Sidewalk / Right-of-Way	No	No	No	No
Permission of Owner Required	Yes	Yes	Yes	Yes
Allowed within a Sight Visibility Triangle	No	No	No	No
Lighting or Illumination Allowed	No	No	No	No
Permit Required	Yes	Yes	Yes	Yes
Movement Allowed	No	No	No	No
Incorporation of Florescent Color or Exhibition of Florescence Allowed	No	No	No	No

Notes:

1. The combined total number of A-Frame, T-Frame, and feather signs cannot exceed 4 per business.
2. Signs may be allowed at the perimeter of a multiple-tenant commercial/office complex or employment park, but only pursuant to an approved sign plan.
3. Setbacks do not apply to a banner sign displayed on a wall, a wall sign, or signs affixed to a temporary construction fence.
4. Not applicable to signs displayed on flagpoles.
5. The maximum aggregate sign area of all temporary residential subdivision signs is 256 SF.

Table 6-4: Top Floor Sign Area and Height Standards for On-Premise Wall Signs

FACING STREET TYPE	SIGN HEIGHT (FT.) FROM FINISH FLOOR LEVEL TO TOP OF SIGN*	MAXIMUM ALLOWABLE SIZE OF SIGN FACE (SQ. FT.)	MAXIMUM LETTER HEIGHT (INCHES)
Major Collector Minor Collector Local	40+	Per Code; or 1% of the area of the elevation to which it is attached, whichever is greater	12
Major Arterial Minor Arterial	40+	Per Code; or 1% of the area of the elevation to which it is attached, whichever is greater	15
Interstate	40+	Per Code; or 1% of the area of the elevation to which it is attached, whichever is greater	21

*Unless approved signage spans floor plates

Table 6-5: Permitted Permanent Signs by zoning district

SIGN TYPE	RESIDENTIAL DISTRICTS	NON-RESIDENTIAL USES IN RESIDENTIAL DISTRICTS	BUSINESS DISTRICTS	INDUSTRIAL DISTRICTS	MIXED-USE DISTRICTS
Street Address Signs	Yes	Yes	Yes	Yes	Yes
Unit and Building Identification Signs	Yes	Yes	Yes	Yes	Yes
Wall Signs at Entrances to Dwelling Units	Yes	Yes	Yes	Yes	Yes
Painted Wall Signs	No	No	Yes	No	Yes
Wall Signs at Entrances to Non-residential Tenant Offices and Suites	No	No	Yes	Yes	Yes
Wall Signs at Entrances to Restaurants	No	No	Yes	Yes	Yes
Wall Signs at Service and Delivery Entrances	No	No	Yes	Yes	Yes
Window Signs	No	Yes	Yes	Yes	Yes
Door Signs	Yes	Yes	Yes	Yes	Yes
Wall-Mounted Cabinet Signs	No	No	Yes	Yes	Yes
Projecting Signs	No	No	Yes	No	Yes
Suspended Signs	No	No	Yes	No	Yes
Drive-Through Lane Signs	No	No	Yes	Yes	Yes
Freestanding Sign: Monument Signs	No	Yes	Yes	Yes	Yes
Freestanding Sign: Tower Signs	No	No	Yes	Yes	Yes
Freestanding Sign: Onsite Traffic Signs	No	No	Yes	Yes	Yes
Freestanding Sign: Residential Subdivision Entry Signs	Yes	No	No	No	No
Freestanding Sign: Multi-Family Complex Entry Signs	Yes	No	Yes	No	No
Freestanding Sign: Directory Signs	No	No	Yes	Yes	Yes
Awning Signs	No	No	Yes	No	Yes
Umbrella Signs	No	No	Yes	No	Yes
Canopy Signs for Service Islands	No	No	Yes	Yes	Yes
Historic Markers	Yes	Yes	Yes	Yes	Yes

Yes = Allowed

No = Prohibited

N. SIGN IMAGES

Figure 6-8: Sign Types



Legend

ID Description

- 1 Projecting signs
- 2 Suspended signs
- 3 Historic markers
- 4 Window signs

ID Description

- 5 Wall signs at entrances to non-residential tenant offices and suites
- 6 Door signs
- 7 Wall-mounted cabinet signs
- 8 Unit & building identification signs



Legend

ID Description

- 9 Awning signs
- 10 Street address signs
- 11 Wall signs at entrances to restaurants
- 12 Umbrella signs

ID Description

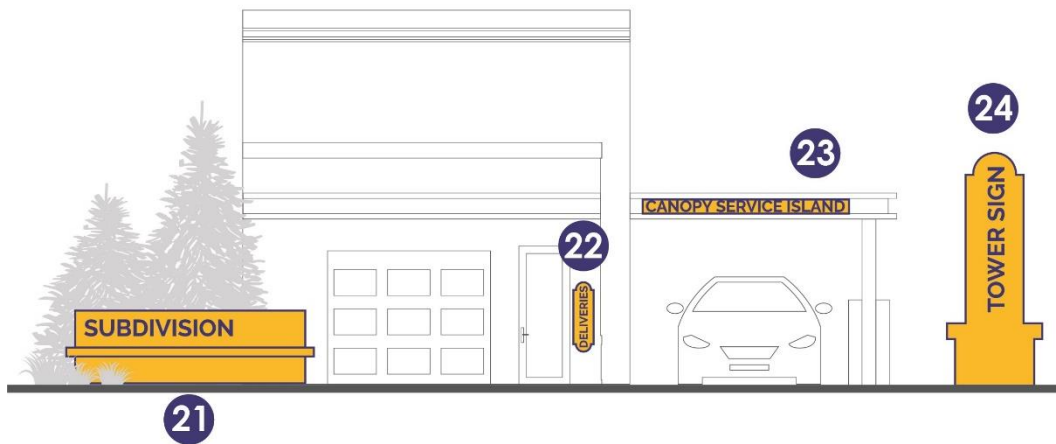
- 13 Painted wall signs
- 14 Onsite traffic signs
- 15 Drive-through lane signs
- 16 Monument signs



Legend

<u>ID</u>	<u>Description</u>
17	Wall signs at entrances to dwelling units
18	Street address signs

<u>ID</u>	<u>Description</u>
19	Multifamily complex entry signs
20	Directory signs



Legend

<u>ID</u>	<u>Description</u>
21	Residential subdivision entry signs
22	Wall signs at service and delivery entrances

<u>ID</u>	<u>Description</u>
23	Canopy signs for service islands
24	Tower signs

Subdivision Regulations

Chapter 7

7.1	ESTABLISHMENT OF CONTROLS.....	3
7.2	SUBDIVISION TYPES	3
7.3	APPROVAL PROCESS OVERVIEW.....	4
7.4	SKETCH PLAN REVIEW PROCEDURE	4
7.5	SKETCH PLAN SUBMITTAL REQUIREMENTS	5
7.6	PRIMARY PLAT APPROVAL PROCEDURE	6
7.7	PRIMARY PLAT SUBMITTAL REQUIREMENTS.....	7
7.8	CONSTRUCTION PLAN APPROVAL PROCEDURE	9
7.9	CONSTRUCTION PLAN SUBMITTAL REQUIREMENTS	10
7.10	SECONDARY PLAT APPROVAL PROCEDURE.....	10
7.11	SECONDARY PLAT SUBMITTAL REQUIREMENTS.....	11
7.12	AS-BUILT DRAWINGS SUBMITTAL REQUIREMENTS	13
7.13	COMMERCIAL AND INDUSTRIAL SUBDIVISIONS	14
7.14	RE-SUBDIVISION OF LAND.....	14
7.15	VACATION OF PLATS.....	14
7.16	MODIFICATIONS	14
7.17	DESIGN PRINCIPLES AND STANDARDS	15
7.18	RESIDENTIAL ARCHITECTURAL STANDARDS	16
7.19	BUSINESS AND MIXED-USE ARCHITECTURAL STANDARDS	20
7.20	INDUSTRIAL ARCHITECTURAL STANDARDS.....	21
7.21	BLOCK STANDARDS	22
7.22	DRAINAGE STANDARDS.....	22

7.23 EASEMENT STANDARDS..... 23

7.24 MONUMENT AND MARKER STANDARDS..... 30

7.25 OPEN SPACE AND AMENITY STANDARDS..... 31

7.26 PEDESTRIAN NETWORK STANDARDS 33

7.27 STREET AND RIGHT-OF-WAY STANDARDS..... 34

7.28 STREET STANDARDS 38

7.29 STREET LIGHT STANDARDS..... 39

7.30 STREET SIGN STANDARDS 40

7.31 UTILITY STANDARDS 40

7.32 SURETY STANDARDS 41

7.33 PLAT CERTIFICATES AND DEED OF DEDICATION 44

7.34 IMAGES 46

7.1 ESTABLISHMENT OF CONTROLS

Subdivision plats, replats, amendments or corrections to a recorded plat cannot be recorded until approved according to this Chapter. Approval must be in writing on the plat by the Administrator. Amendments or corrections to a recorded plat must be cited as an addendum to the approved plat.

7.2 SUBDIVISION TYPES

This article establishes the process for subdividing land to ensure conformity to the standards of this Chapter. Subdivision applications are generally considered favorably by the Plan Commission and Administrator. There are four types of subdivisions: exempt subdivisions, administrative subdivisions, minor subdivisions, and major subdivisions. Subdivisions of all types are permitted in all zoning districts.

- A. **Exempt Subdivisions.** Exempt subdivisions are one of the following types of land division:
- A division of land for the sale or exchange of tracts to correct errors in an existing legal description, provided that no additional lots are created by the division.
 - A division of land pursuant to an allocation of land in the settlement of a decedent's estate or a court decree for the distribution of property.
 - A division of land for the acquisition of street right-of-way or easement.
 - A division of land for the sale or exchange of tracts between adjoining landowners, provided no additional lots are created by the division and the lots meet the minimum standards of the zoning district of the land's location.
 - A division of land into cemetery plots for the purpose of burial of corpses.
- B. **Administrative Subdivisions.** An Administrative Subdivision applies to proposed adjustments of property lines when no new lots are created or when parcels are merged. The following situations qualify:
1. Adjusting lot lines where the resulting lots conform to the standards of this Ordinance. When the existing lots currently do not conform, the adjustment should not increase nonconformance.
 2. Combining common ownership lots to lessen the total number of buildable lots.
 3. Adjusting lot lines to address issues of property line encroachment or buildings across property boundaries.
- C. **Minor Subdivisions.** A minor subdivision results in four or fewer lots (including the parent parcel) and does not involve the creation of new interior streets, adjustments to design standards, or the creation of common areas.
- D. **Major Subdivisions.** A major subdivision is any subdivision other than an exempt subdivision, administrative subdivision, or a minor subdivision.

7.3 APPROVAL PROCESS OVERVIEW

- A. The approval process varies based upon the type of subdivision.
1. Exempt Subdivision. No approval is required for exempt subdivisions.
 2. Administrative Subdivision. Approval of an administrative subdivision is a one-step process involving the approval of a secondary plat. The approval or disapproval of an administrative subdivision is delegated to the Administrator.
 3. Minor Subdivision. Approval of a minor subdivision is a one-step process involving the approval of a secondary plat. The approval or disapproval of a minor subdivision is delegated to the Administrator. This type of subdivision may be used one time for the subdividing of a parent parcel. Additional subdivisions of a parent parcel require approval as a major subdivision.
 4. Major Subdivision. Approval of a major subdivision is a two-step process including the approval of a primary plat and a secondary plat. The approval or disapproval of a primary plat is delegated to the Plan Commission. After a primary plat approval, a property is eligible for secondary plat approval. The approval or disapproval of a secondary plat is delegated to the Administrator.
 5. Appeal. If the applicant does not agree with the approval conditions or disapproval of a subdivision by the Administrator, the applicant may file a petition of appeal to the Plan Commission. Appeals must be filed in writing at least 10 days before the next Plan Commission meeting.
- B. **Requirement for Site Plan Approval**. Primary plat approval will not be granted unless a site plan addressing the entire parent parcel is approved prior to or simultaneously with the primary plat. Secondary plat approval will not be granted unless a detailed site plan is approved prior to or simultaneously with the secondary plat.

7.4 SKETCH PLAN REVIEW PROCEDURE

- A. **Purpose**. The sketch plan review helps minimize development planning costs, avoid misinterpretation, identify required approvals, discuss checkpoint agency and technical reviews, identify the need for modifications or variances, and ensure compliance with the requirements of this Ordinance.
- B. **Application Requirements**. Sketch plan review is required for major subdivisions and recommended for the other types of subdivisions. The applicant files: (1) an application provided on forms provided by the Department, (2) a sketch plan, (3) all applicable fees, and (4) any supplemental information required by the Administrator.
- C. **Review Process**. The Administrator reviews the application for completeness and sends a copy to the City Engineer for review. The Administrator may send the application to other members of the Technical Advisory Committee for their review and comment. Within 20 days of the submittal, the Administrator reviews the proposal, assembles comments from the City Engineer and other reviewers, and meets with the applicant to discuss the proposed subdivision and possible modifications required to comply with the requirements of this Ordinance.

7.5 SKETCH PLAN SUBMITTAL REQUIREMENTS

A. The Sketch Plan must include:

1. Location of the property, name of the subdivision, lot, section, township, range and county, graphic scale, north arrow, and date.
2. Name, address, and telephone number of the owner and the professionals responsible for the design of the subdivision, its public improvements, and surveys. If the application is made by an owner's authorized agent, a consent form signed by the owner and notarized must accompany the application.
3. Citation of the last instrument conveying title to each parcel of property involved in the proposed subdivision.
4. Location of property lines drawn at a scale of no more than 1" = 100', existing easements, pipelines, transmission lines, burial grounds, railroad rights-of-ways, water courses, floodplains, floodway, wetlands and boundaries of wooded areas, and individual trees 8" or more in diameter within areas to be impacted by site disturbing activities.
5. Location, width, and names of all existing or platted streets or other public ways within or immediately adjacent to the tract.
6. Names of adjoining property owners abutting any perimeter boundary of the subdivision.
7. Location, sizes, elevations, and slopes of existing sewers, water mains, culverts, and other underground structures within and adjacent to the tract.
8. Existing permanent buildings and utility poles on or adjacent to the site and utility easements.
9. Topography at two-foot contour intervals unless otherwise approved by the Administrator.
10. The approximate location and widths of proposed streets.
11. The approximate location, dimensions, and areas of proposed lots and parcels proposed to be set aside for parks or other common areas.
12. Preliminary designs for water, sanitary, and storm water systems.

B. Supplemental Information

1. Existing covenants or zoning commitments recorded on the property.
2. Whenever a sketch plan covers only a part of an applicant's contiguous property, the applicant submits a plan showing the proposed subdivision and the future street and infrastructure layout for the remaining property.
3. A vicinity map showing streets and other general development of the surrounding area, including school and improvement district boundary lines.
4. A report from County Soil and Water Conservation District indicating limitations of the soils within the proposed subdivision regarding building development, road construction, drainage, erosion control, or other information to assist in the review of the subdivision.
5. An area map showing the total drainage area containing the proposed subdivision.

7.6 PRIMARY PLAT APPROVAL PROCEDURE

- A. **Submission Dates.** Applications must be filed according to the schedule of meetings and filing deadlines. The applicant is responsible for distributing a copy of the application, primary plat, and supplemental information to members of the Technical Advisory Committee.
- B. **Application Requirements.** Following the sketch plan review, the applicant files: (1) an application provided on forms provided by the Department, (2) a primary plat, (3) all applicable fees, and (4) supplemental information required by the application or Administrator.
- C. **Compliance.** Primary plats must be substantially similar to the sketch plan as reviewed.
- D. **Phasing.** A primary plat may include all or only a part of a larger overall development. However, a primary plat must include the entire parent tract being subdivided unless otherwise deemed unnecessary by the Administrator or Plan Commission. This requirement seeks to avoid the creation of remainder parcels not complying with this Ordinance or inhibiting orderly development.
- E. **Placement on the Plan Commission Agenda.** The Administrator reviews the application for completeness. Applications determined to be in proper form are numbered and docketed for a public hearing by the Plan Commission.
- F. **Review of Complete Applications.** The Technical Advisory Committee may review any primary plat prior to the Plan Commission's consideration. The Administrator may submit a written report to the Plan Commission stating facts concerning the characteristics of the area involved in the primary plat, surrounding land uses, public facilities available to service the area, or other pertinent facts. The report may also contain the Administrator's opinions concerning the primary plat proposal and a report from members of the Technical Advisory Committee. A copy of the report is made available to the applicant and the public.
- G. **Public Hearing Notice.** A public hearing by the Plan Commission is required for all primary plats. Notification of the public hearing must comply with the Plan Commission's Rules of Procedure. A certificate of mailing issued by the U.S. Postal Service is evidence notice has been given.
- H. **Public Hearing and Plan Commission Action.** The Plan Commission will hold the public hearing and review the application and supporting information and act on the application according to this Ordinance, Indiana law, and the Plan Commission's Rules of Procedure.
- I. **Written Commitments.** The Plan Commission or Administrator may require the applicant to prepare written commitments concerning the primary plat prior to formal action on the application. If written commitments are part of the primary plat approval, they must be recorded in the office of the County Recorder within 90 days of primary plat approval. A copy of the recorded commitments must be provided to the Department within 30 days of being recorded.
- J. **Effect of Approval.** Approval of a primary plat does not authorize the development, construction, alteration or moving of any structure. The approval allows the filing and processing of applications for approvals, such as a secondary plat, construction plans, improvement location permit, building permit, or certificate of occupancy.

- K. **Effective Period of Primary Approval.** Unless extended, the approval of a primary plat is valid for a period of 3 years. At the end of this time, primary approval is null and void, and the applicant is required to resubmit a new application beginning with sketch plan review and subject to all the zoning restrictions and subdivision regulations in effect at the time of resubmission. Prior to the expiration of the approval period, the applicant may submit a written request to extend the approval period. The Plan Commission may extend the approval of a primary plat in increments of up to 12 months beyond an expiration date without further notice and public hearing. Each approval of a secondary plat for the site automatically extends the effective period of the primary plat an additional 3 years.

7.7 PRIMARY PLAT SUBMITTAL REQUIREMENTS

- A. **Preparation.** The primary plat is prepared by a land surveyor licensed by the State of Indiana at a scale of no more than 1" = 100' and the sheets must be numbered in sequence if more than one sheet.
- B. **General.** The primary plat includes:
1. A vicinity map showing the location of the site and surrounding property and streets, the names of adjoining streets, and the names of all adjoining property owners and adjoining developments.
 2. Legal description of the subject property.
 3. The names and addresses of: (a) the owners of the land being subdivided, (b) the applicant, if other than the owner, and (c) the consultants involved in the preparation of the plat. If the application is made by someone other than the owner, a consent form signed by the owner and notarized must accompany the application.
 4. Signature, seal, and certification of a land surveyor or professional engineer registered in the State of Indiana.
 5. The date of the plat, approximate true north point, and scale.

C. **Existing Conditions**

The primary plat must show existing conditions including:

1. Topography in two-foot contour intervals unless otherwise approved by the Administrator.
2. The location, bearings, and dimensions of all boundary lines of the property to be expressed in feet and tenths of a foot with references to section, township, and range lines or corners.
3. The location of existing streets, walkways, easements, pipelines, transmission lines, water bodies, streams, and other pertinent features such as swamps, jurisdictional wetlands, flood plains, floodways, railroads, buildings, parks, cemeteries, drainage ditches, bridges, boundaries of wooded areas, and individual trees 8" or more in diameter within areas to be impacted by site disturbing activities.
4. Location and size of existing water, storm water, and sanitary sewer systems.
5. The location and width of all existing rights-of-ways.
6. The locations, dimensions, and areas of all existing lots.

Subdivision Regulations

Primary Plat Submittal Requirements

7. Designated wetland areas.
8. A soil survey map showing the soil limitations based upon the intended usage of the development land.

D. Site Improvements

The primary plat application must all proposed site improvements including:

1. Names of the subdivision and all new streets.
2. Indication of the use of any lot (single-family, two-family, multifamily, townhouse) and all non-residential uses proposed by the applicant.
3. The location and width of proposed streets, alleys, other public ways, rights-of-ways, easements, and building setback lines.
4. Proposed changes in streams, lakes, floodplains, etc.
5. Proposed location of surface and subsurface drains.
6. Proposed location of storm sewers, storm water management facilities, and sanitary sewers. For private sewage systems, a statement from the County Health Department confirming private septic system can be used on the property.
7. A statement concerning the location and size or capacity of utilities to be installed.
8. Building and structures to be removed or relocated.
9. The locations, dimensions, and areas of all proposed lots.
10. Building setback line with dimensions.
11. Legends and notes.
12. Blocks must be consecutively numbered or lettered in alphabetical order. The blocks in numbered additions to subdivisions bearing the same name must be numbered or lettered consecutively throughout the several additions.
13. All lots in each block must be consecutively numbered and the area of each lot indicated. Outlots must be lettered in alphabetical order. The location and dimensions of all property proposed set aside for common areas, park, or playground use, or other public or private reservation including conditions of the dedication.
14. Topography in two-foot contour intervals unless otherwise approved by the Administrator.
15. Sufficient data acceptable to the City Engineer determining the location, bearing, and length of all lines and the location of all proposed monuments.

E. Supplemental Information. The Plan Commission, City Engineer, or Administrator may require the following information:

1. Landscape Plan.
2. Traffic Impact Analysis.
3. Sanitary Sewer Analysis.

4. Existing covenants or zoning commitments recorded on the property.
5. Proposed covenants and restrictions if they are cross-referenced or incorporated on the plat or if they establish or grant rights related to the plat (e.g., easements).
6. Recorded deed, instrument number, and date recorded.
7. Additional information necessary to evaluate the proposal.

7.8 CONSTRUCTION PLAN APPROVAL PROCEDURE

- A. **Submission Dates.** Construction plan approval occurs after primary plat approval and prior to secondary plat approval. Applications must be filed according to the schedule of meetings and filing deadlines. Applications for construction plan approval may be filed concurrently with applications for secondary plat approval. The applicant is responsible for distributing a copy of the complete application to members of the Technical Advisory Committee.
- B. **Submission Procedure and Requirements.** The applicant files: (1) an application provided on forms provided by the Department, (2) detailed construction plans and specifications, (3) all applicable fees, and (4) supplemental information required by the Administrator. Plans may also be submitted in an electronic format acceptable to the City.
- C. **Compliance.** Construction plans must be substantially similar to the approved primary plat.
- D. **Review of Complete Applications.** The Administrator reviews the application for completeness. Applications determined to be in proper form are docketed for review by the Technical Advisory Committee. The Technical Advisory Committee members review the plans and provide comments on modifications needed for the plans to comply with the requirements of this Ordinance, written commitments made regarding the property, and any other development requirements. These comments are provided to the Administrator and the applicant and are made available to the public.
- E. **Revised Plans.** The applicant revises the plans as needed and resubmits them to the Administrator. The Administrator determines if the revised plans need to go to any of the Technical Advisory Committee members for review. When the Administrator determines the plans comply with all applicable development standards, the plans and specifications are approved by the Administrator. Construction Plan approval is required prior to starting work on any improvements.
- F. **Written Commitments.** The Administrator may require the applicant to prepare written commitments concerning the construction plans prior to formal action on the application. If written commitments are part of the plan approval, they must be recorded in the office of the County Recorder within 90 days of plan approval. A copy of the recorded commitments must be provided to the Department within 30 days of being recorded.
- G. **Approved Plans.** After approval of construction plans and before the installation of improvements, a preconstruction meeting is scheduled with the Administrator. Three sets of approved construction plans and specifications are stamped “**APPROVED.**” The stamped plans are the only official plans approved for construction.

7.9 CONSTRUCTION PLAN SUBMITTAL REQUIREMENTS

Construction plans are drawn at a scale of no more than 1" = 50' unless otherwise approved by the Administrator. The plans show:

- A. Profiles showing existing and proposed elevations along centerlines of all streets at 50-foot intervals including low points. Exact radii of all curves, lengths of tangents, and central angles of all streets.
- B. Where steep slopes exist, the Administrator may require cross-sections of all proposed streets at 100-foot stations.
- C. Plans and profiles showing the locations and typical cross-section of street pavements including curbs and gutters, sidewalks, drainage facilities and easements, rights-of-ways, manholes, and catch basins; the locations of street trees, street lighting standards, and street and traffic signage; the location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants, showing connection to any existing or proposed utility systems; and exact location and size of all water, gas, or other underground utilities or structures.
- D. Location, size elevation, and other appropriate description of any existing facilities or utilities including existing streets, sewers, drains, water mains, easements, water bodies, streams, wetlands, flood plains, and other pertinent features such as railroads, buildings, or features noted on the Official Map or Comprehensive Plan, at the point of connection to proposed facilities and utilities within the subdivision, and each tree with a diameter of 8 inches or more within areas of land disturbing activity.
- E. The water elevations of adjoining lakes or streams at the date of the survey, and the approximate high and low water elevations of such lakes or streams. All elevations are referred to the United States Coast and Geodetic Survey datum plane. If the subdivision borders a lake, river or stream, the distances and bearings of a meander line established at least 20 feet back from the ordinary high-water mark of such waterways.
- F. Topography in one-foot contour intervals unless otherwise approved by the Administrator. All data provided is the latest applicable United States Coast and Geodetic Survey data.
- G. All specifications and references required by the City's construction standards and specifications, including a site grading plan for the entire subdivision.
- H. Title, name, address, and signature of the professional engineer and/or surveyor, and date, including revision dates.

7.10 SECONDARY PLAT APPROVAL PROCEDURE

- A. **Submission Dates.** Secondary plat approval occurs after approval of the primary plat and construction plans. Applications must be filed according to the schedule of meetings and filing deadlines. Applications for secondary plat approval and construction plan approval may be filed concurrently. The applicant is responsible for distributing a copy of the complete application to members of the Technical Advisory Committee if required by the Administrator. Secondary plat applications may be submitted within the time provided for appeal under [IC 36-7-4-708](#). However, approval of a secondary plat will not be granted until 30 days after the approval of a primary plat.

- B. **Submission Procedure and Requirements.** The applicant files: (1) an application provided on forms provided by the Department, (2) a secondary plat, (3) all applicable fees, and (4) supplemental information required by the Administrator. Plans may also be submitted in an electronic format acceptable to the City.
- C. **Compliance.** The secondary plat must be substantially similar to the approved primary plat.
- D. **Review of Complete Applications.** The Administrator reviews the application for completeness. The Technical Advisory Committee may review any secondary plat prior to approval. The Administrator reviews the secondary plat and notifies the applicant in writing of revisions or changes needed for approval.
- E. **Approval.** The applicant revises the secondary plat as needed and resubmits it to the Administrator. The Administrator determines if the revised plat needs reviewed by any of the Technical Advisory Committee members. When the Administrator determines the plat complies with the requirements of this Ordinance, the plat is approved by the Administrator.
- F. **Effect of Approval.** Approval of a secondary plat does not authorize the development, construction, alteration or moving of any structure. The approval allows the filing and processing of applications for permits including an improvement location permit, building permit, and a certificate of occupancy.
- G. **Signing of Plat.** Unless otherwise approved by the Administrator or Engineering Department, a secondary plat will not be signed until: (i) streets, curbs, gutters, sanitary sewers, fire hydrants, storm sewers and like infrastructure are constructed per the City's Construction Standards, and maintenance sureties for public improvements are secured according to this Ordinance; or (ii) performance sureties are secured assuring the installation of public improvements ([7.32 Surety Standards](#)).
- H. **Recording of Secondary Plat.** No secondary plat or amendment of a subdivision will be recorded until the plat is approved and signed according to this Ordinance. Upon approval, the applicant must record the signed secondary plat within 90 days of plat approval. The applicant must record the plat, covenants, and any applicable homeowner association documents in the County Recorder office within 30 days of receiving the fully signed plat. The applicant must provide hard and electronic copies of the recorded plat and associated documents to the Department within 30 days of being recorded.

7.11 SECONDARY PLAT SUBMITTAL REQUIREMENTS

- A. **Preparation.** The secondary plat is prepared by a land surveyor licensed by the State of Indiana at a scale of no more than 1"=50'. A scale of 1"=100' may be used to make the drawing no larger than 18"x23" so the plat may be inserted in the plat books of the County Recorder without folding.
- B. **General.** The secondary plat includes:
 - 1. Proposed name of the subdivision.
 - 2. Names and addresses of the owners and consultants involved in the preparation of the plat.
 - 3. Title, scale, north arrow, and date.

4. Accurate boundary lines, with dimensions and angles, to provide a survey of the tract, closing with an error of not more than one foot in 5,000 feet.
 5. Accurate distances and direction to the nearest established street corners or official monuments. Reference corners must be accurately described on the plan.
 6. Accurate locations and names of all existing and recorded streets intersecting the boundaries of the tract.
 7. Accurate metes and bounds description of the boundary.
 8. Source of title to the land to be subdivided as shown by the books of the County Recorder office.
 9. Complete curve notes for all curves included in the plan.
 10. Street lines and street names with accurate dimensions in feet and hundredths of feet, with angles to street and lot lines.
 11. Lot and block numbers and dimensions.
 12. Accurate locations and limitations of easements.
 13. Accurate dimensions for any property to be dedicated or reserved for public, semi-public, or community use.
 14. Building setback lines and dimensions.
 15. Location, type, material, and size of all monuments and lot markers.
 16. Plat certificates and deeds of dedication, as set forth `
 17. Notation of any self-imposed restrictions and locations proposed building lines if required by the Plan Commission, according to this Ordinance.
 18. Monuments erected or to be erected, corner, and other points are noted by representation or by legend; metal monuments must indicate type of metal, and diameter, length, and weight per lineal foot of the monuments.
 19. Contain a statement to the effect that the City Council, Plan Commission, or Board of Zoning Appeals may enforce subdivision covenants unless otherwise noted.
- C. **Supplemental Information.** The Administrator may require the following information:
1. A financial surety for public improvements according to this Ordinance.
 2. A copy of the covenants and restrictions if they are cross-referenced or incorporated on the plat or if they establish or grant rights related to the plat (e.g., easements).

7.12 AS-BUILT DRAWINGS SUBMITTAL REQUIREMENTS

- A. **Preparation.** After improvements installed on a site are approved by the City, as-built drawings must be prepared and certified by a surveyor or engineer licensed by the State of Indiana. Hard and electronic copies must be provided to the Administrator.
- B. **As-Built Plan Contents.** As-built plans must contain:
- I. Grades for the following locations:
 - a. Major drainage swales and percent of slope.
 - b. Lot corner and grade brakes.
 - c. Pad grades.
 - d. Street grades along the centerline and curb if street is bituminous pavement with concrete curb. Centerline only if streets are concrete and placed with electronic control (Maximum 50 ft. spacing).
 - e. Street sag and crest points.
 - f. Paved swales, if any, at 50 ft. intervals.
 - g. Lakes or ponds at the top of bank, normal pool, safety ledge, bottom, and spillway.
 - h. Locations of sidewalk ramps.
 2. Sanitary sewer system plans and profiles, including:
 - a. Invert elevations and percent of slope.
 - b. Top of casting elevations.
 - c. Lateral locations based on distances along main from manholes.
 - d. Locations of each manhole or structure (to make sure they are sufficiently within designated easements to permit future excavation to system if needed).
 - e. Designate any material changes from approved construction plans. Where plans show alternates, indicate the alternate constructed.
 3. Storm sewer plans and profiles, including:
 - a. Invert elevations and percent of slope.
 - b. Top of casting elevations.
 - c. Location of pipe and structure (to make sure they are within designated easements).
 - d. Designate any material change from design plans. Where plans show alternates, indicate the alternate constructed.
 4. Street plans and profiles, including:
 - a. Grades.

- b. All low and high points.
- c. All percent of slope.
- d. Any deviation of alignment.
- e. Grades and dimensions on accel and decel lanes, if applicable.

7.13 COMMERCIAL AND INDUSTRIAL SUBDIVISIONS

- A. **Review.** It is recognized that commercial and industrial subdivisions face unique considerations of lot design not normally encountered in residential subdivisions. For this reason, the initial emphasis when reviewing non-residential subdivisions is on the street layout, block arrangement, and infrastructure design.
- B. **Process.** The initial secondary plat is expected to show the street and block layout. Then, as prospective buyers express interest in lots sized to their required specifications, the applicant submits for approval to amend the recorded secondary plat. Approval of the re-plat follows the procedural requirements for a secondary plat. Improvements built following an approved set of construction plans associated with a previously approved secondary plat do not have to be rebuilt if changes in design standards and specifications have been adopted by the City.

7.14 RE-SUBDIVISION OF LAND

Any change affecting the street layout, area reserved for public use, or a lot line of an approved secondary plat must be approved by the Plan Commission as a major subdivision unless the proposed change qualifies as an exempt subdivision, administrative subdivision, or minor subdivision. The Administrator may refer any case to the Plan Commission for review and approval.

7.15 VACATION OF PLATS

The procedure to vacate a recorded secondary plat follows the requirements of Indiana Code ([IC 36-7-4-711](#)). The vacation of a secondary plat cannot be used to vacate rights-of-way or easements. Rights-of-way are vacated following the requirements of [IC 36-7-3-12](#). Easements are vacated following the requirements of [IC 36-7-3-16](#).

7.16 MODIFICATIONS

- A. **General.** The Plan Commission or City Council may approve modifications if they do not conflict with the intent and purpose of this Ordinance.
- B. **Authority**
 - 1. City Council. The City Council may modify or waive construction and utility standards.
 - 2. Plan Commission. The Plan Commission may modify or waive submittal requirements or subdivision standards in this Chapter.

3. Board of Zoning Appeals. Plats must meet all applicable standards prescribed in this Ordinance unless the Board of Zoning Appeals grants a design standards variance. (***8.8 Variances***)

C. Procedures

The applicant submits a written petition for modification with the primary plat application. The petition must clearly state the conditions requiring the modification and provide proposed findings of fact for the approval.

If modifications are required for exempt, administrative, or minor subdivisions, the modification must be approved by Plan Commission prior to approval of the subdivision. If modifications require City Council approval, the modification must be approved by the City Council prior to subdivision approval.

- D. Decision Criteria.** When evaluating petitions for modifications, the Plan Commission or City Council considers whether:

4. The proposed modification results in a development that enhances the use or value of area properties,
5. The proposed modification is not injurious to the public safety, health, or welfare,
6. The strict application of the Ordinance standard results in a development less desirable when compared to the proposed development,
7. The proposed development is consistent and compatible with other development located in the area, and
8. The modification is consistent with the purpose and intent of the Comprehensive Plan and this Ordinance.

E. Conditional Approval

In approving a modification, the Plan Commission or City Council may require conditions to comply with requirements of this Ordinance. The Plan Commission or City Council may require written commitments to be recorded in the County Recorder's Office. A copy of the recorded written commitments must be provided to the Administrator before any future approvals for the project will be granted.

7.17 DESIGN PRINCIPLES AND STANDARDS

- A. **Conformance.** When reviewing plat applications, the Plan Commission or Administrator, as applicable, determines if the plat conforms to the principles and standards required in this Chapter.
- B. **Natural Design.** When subdividing land, regard must be shown for natural features such as wooded areas, watercourses, historic sites, or similar conditions which, if preserved, add attractiveness and value to the proposed development.
- C. **Environmental Protection.** Consideration is given to preventing air and stream pollution, proper treatment and disposal of refuse and other waste, and the elimination of other blighting characteristics.

- D. **Sanitary Sewers and Public Water Supply.** Subdivisions are required to have public sanitary sewers and public water supply in all zoning districts. Only the City Council is authorized to waive this requirement.
- E. **Layout.** The subdivision layout cannot be injurious to the health, safety, or welfare of the community.
- F. Improvement location permits, site plans, and subdivisions must conform to the principles and standards established by this Ordinance.
- G. The City Construction Standards and Specifications (“Construction Standards”), as published and maintained by the City Engineering Department, are incorporated by reference into this Ordinance. All site plans and subdivisions must conform to the Construction Standards.
- H. The applicant is responsible for installing all required public improvements at the applicant’s expense without reimbursement, unless otherwise agreed upon in writing by the City Council. The applicant is required to maintain all public improvements and provide for snow removal on streets and sidewalks until the public improvements are accepted by the City.

7.18 RESIDENTIAL ARCHITECTURAL STANDARDS

A. Architectural Standards for Small-Scale Residential Dwellings

The following standards apply to (a) new dwelling units within a subdivision containing 5 or more dwelling units or (b) multifamily buildings containing 3 to 6 dwelling units on a parcel.

- 1. **Building Articulation.** Front facades, side facades, and rear facades of residential buildings must be articulated to avoid flat building facades. These variations in the façade plane may be achieved through:
 - Projections or recessions created by (1) one offset at least 4’ deep and a minimum height equivalent of one story or (2) two offsets at least 2’ deep and a minimum height equivalent of one story.
 - Front-load garage doors recessed at least 2’ behind the front façade of the building or 4’ behind the posts of the front porch.
 - A covered porch with at least 40 SF in area on the front facade or street side facade.
 - A sunroom or screened porch at least 64 SF in area on the street side facade or rear facade.
 - An exterior fireplace chase extending at least 18” from the building facade, finished in masonry material, and extending above the roofline.
 - A bay window projecting at least 12” from the wall.
 - A second-floor cantilever projecting at least 12” over the first floor for at least 30% of the length of the building facade.
 - A covered patio or covered porch, as a projection or recession, at least 120 SF in area.
- 2. **Exterior Variety.** At least 3 exterior colors, materials, or patterns must be used on each building facade. A well-chosen selection of contrasting trim and accent colors can draw attention to architectural details. Care should be taken in selecting a color palette that accents the building’s architecture while being harmonious in the context of the surrounding neighborhood.

3. Architectural Diversity Standards Along Streetscapes. To improve the architectural diversity along a streetscape, homes of the same elevation and color scheme are not permitted next to or directly across the street from each other. Additionally, the home color scheme may not be repeated for two homes on either side of the subject home and the five homes directly across the street from the subject home. [Figure 7-2](#) illustrates this requirement.
4. Perimeter Lot Enhancements. These standards are intended to improve the appearance at the interface between new residential developments and existing perimeter streets. Long, straight lines of homes, berming, or landscaping parallel to perimeter streets is discouraged. Homes facing the perimeter street and variation in the distance between homes and perimeter streets is encouraged.
 - a. For purposes of this section, a perimeter lot includes lots abutting a perimeter street or a common area abutting a perimeter street. If a lot abutting a common area is not within the viewshed from the perimeter street, then the perimeter lot standards do not apply.
 - b. Homes of the same elevation and color scheme are not permitted next to each other. Additionally, the home color scheme may not be repeated for two homes on either side of the subject home. In [Figure 7-2](#), the homes located on the same side of the street as the subject lot illustrate this requirement.
5. Corner Lot Enhancements.
 - a. Corner lot side facades adjacent to the street must have similar architectural design and detailing as the front façade. Compliance with this standard may be observed by the placement and amount of front façade elements repeating onto the side façade such as:
 - Gables, dormers, shed roofs, or other roof accents,
 - A roofline change at least 1/3 of the length of the façade,
 - Similar use of exterior materials and trim,
 - An exterior fireplace chase finished in masonry materials,
 - A second-floor cantilever projecting at least 12 inches over the first floor and for at least 1/3 of the length of the façade,
 - Multiple masonry material detailing (e.g. quoins, keystones, arches, soldier courses), as architecturally appropriate,
 - At least 45 SF of windows, or
 - Larger windows a minimum of 15 SF each with proportions consistent with the architectural style of the home. At least 3 windows are required.
 - b. See [6.1\(M\)\(2\)\(d\) Residential Subdivision Landscaping](#) for corner lot landscaping requirements.
6. Roof Overhang. A minimum overhang of 11 inches (measured prior to the installation of masonry materials) is required on the main roof of the building. This requirement does not apply to dormers, shed roofs, secondary gables, porches, and similar architectural features.
7. Vinyl Siding. Vinyl siding used on residential dwellings must meet the following specifications:
 - a. Material Requirements

Subdivision Regulations

Residential Architectural Standards

- Vinyl must have a minimum thickness of 0.044 with a minimum butt or panel projection of $\frac{3}{4}$ inch.
- Heavy duty lock extended return leg is required.
- A full rollover/ double nail hem or approved hammer stop is required if the vinyl is less than 0.048 inches thick.
- The maximum panel width between butts is 5 inches, except for panels with foam backing.

b. Sheathing Requirements

- Use of 7/16-inch minimum thickness OSB or plywood is preferred.
- Rigid foam insulation boards must have a minimum thickness of $\frac{1}{2}$ inch, have a reinforced plastic membrane surface on both sides, and a minimum compression strength of 15 PSI.
- All sheathing materials must have a weather resistant barrier.

c. Construction/Installation Requirements

- Shutters, downspouts, utility connections and other attachments must be connected to the building in a manner that does not restrict the movement of the vinyl siding. All attachment hardware must pass through the siding into substrate with nail-holding strength. All penetrations in the siding must be properly sealed to prevent moisture infiltration.
- All wall penetrations must be properly flashed according to the manufacturer's instructions.
- Installers must be certified by the Vinyl Siding Institute.

B. Architectural Standards for Non-Residential Uses in Residential Districts. All non-residential uses in a Residential District must comply with the following:

1. Loading spaces or loading docks must not face a street.
2. Loading spaces or loading docks facing a side or rear lot line of an adjoining residential district must be screened from view from the residential district using: (i) evergreen trees; or (ii) a combination of evergreen trees and a solid wall or fence, creating a dense visual barrier to a minimum height of 6 feet.
3. To ensure compatibility of non-residential uses with surrounding residential uses in residential districts, all non-residential uses must use exterior building materials, roof line treatments and roofing materials compatible and consistent with the residential character and building materials of the surrounding residential area.

C. Architectural Standards for Multifamily Dwellings. All new multifamily buildings containing five or more dwellings must comply with the following:

1. Design detailing must continue completely around the building consistent with the intended architectural style. Detailing elements include, but are not limited to, number and style of windows, window placement, trim detailing, roof design, and exterior materials.

2. Permitted exterior materials include Exterior Insulation and Finish System (E.I.F.S.), synthetic stucco, masonry materials, wood, fiber cement siding, and polymeric cladding. Aluminum and vinyl siding are prohibited.
 3. At least 75% of each building façade, excluding windows and doors, must be masonry materials or fiber cement siding.
 4. Each building façade must utilize at least 2 different exterior building materials (excluding window, door, and roofing materials), colors, or patterns.
 5. Windows: A building façade must incorporate a minimum of one window (a minimum of 15 square feet) per dwelling unit located along the building façade. Required windows may be located anywhere on the building façade, as architecturally appropriate. All windows must have shutters matching the size of the window or casing at least 3 ½ inches in width. Windows in a building façade of a masonry material must have a casing or sill of natural or masonry material. Windows in a building façade of a non-masonry material must be trimmed to match the architectural style of the building.
 6. Roof Design.
 - a. The roof pitch of the main roof must be at least 6:12. Elements such as porches, bays, walkways, may have a lower roof pitch. Lower roof pitches may occur on rear elevations if concealed by side roof elements.
 - b. The roof overhangs must be at least 11 inches, as measured prior to the installation of masonry materials.
 - c. The roof form and pitch design of a building must include, where appropriate, varied pitches and ridge levels according to the intended architectural style of the building and the building façade projections.
 7. Streetscape Diversity
 - a. Building elevations of similar floor plans must have variety in style, massing, use of materials, and detailing of elements. The same elevation may occur as buildings are grouped together if each building plan has a minimum of 2 different elevation styles.
 - b. If more than 1 building is proposed, then the building(s) must be located so no more than 2 buildings are in a straight, unbroken line. An unbroken line includes an offset in the building setback at least 1/3 the height of the adjacent building.
- D. The Plan Commission or Administrator may adjust or waive the above requirements to allow a cohesive design consistent with the architectural style of the building and the intent of these regulations.

7.19 BUSINESS AND MIXED-USE ARCHITECTURAL STANDARDS

All new nonresidential buildings or additions located within a business district must comply with the following:

- A. Buildings and structures within a single development should have complementary architectural themes.
- B. All roof or ground mounted mechanical equipment must be completely enclosed. Ground-mounted enclosures must be landscaped on all sides not facing the building being served according to [***6.1\(S\) Screening of Mechanical Equipment***](#).
- C. Each building façade visible from a street or oriented to an adjoining residential district must be:
 - 100% masonry materials, excluding window, door, roofing, fascia, and soffit materials; or
 - Incorporate 2 or more building materials, excluding window, display window, door, and roofing materials, provided 60% of the building façade is masonry materials.
 - For all other building facades, up to 25% of the façade, exclusive of windows (including faux windows and glazing), doors and loading berths, may be covered with metal, fiber cement siding, polymeric cladding, E.I.F.S., stucco, or vinyl exterior building materials.
 - The exterior building material selection for all building façades must be further enhanced with: (i) the use of multiple colors, multiple textures (e.g., rough, smooth, striated, etc.); or (ii) the addition of architectural elements (e.g., quoins, pilasters, soldier courses, lintels, friezes, cornices, dentils, architraves, etc.).
 - Loading spaces, loading docks or oversized service doors are prohibited on an external façade; however, if all building façades are determined to be external façades, then loading spaces, loading docks or oversized service doors may be permitted on the least visible external façade if screened according to the [***6.1\(Q\) Screening of Loading Areas***](#).
- D. All building façades visible from an adjacent lot or street must be constructed with the same building material quality and level of architectural detail on all building façades (e.g. 360-degree architecture).
- E. All building façades must have a defined base or foundation, a middle or modulated wall, and a top formed by a pitched roof or articulated, cornice or molding. Building façades 90 feet or greater in length must have offsets at intervals no greater than 60 feet apart. Buildings less than 10,000 square feet in gross floor area must have offsets at no more than 40-foot intervals. Offsets can project or recess. They must extend the entire vertical plane of the building façade. The offset must be at least 4 feet in depth and at least 20% of the overall building façade length. Architectural elements (e.g. arcades, columns, piers, etc.) meeting the offset requirements may be used to fulfill this requirement.
- F. Gutters and downspouts must be visually integrated with the architectural style of the structure. The color of gutters and downspouts should complement or be consistent with the building materials.
- G. Pitched roof designs must have a main roof with a minimum 5:12 pitch, contain 3 or more roof slope planes, and be covered with high quality roofing materials such as natural clay tiles, slate, concrete tiles (with natural texture and color), high quality standing seam metal roofing, wood shakes or shingles (with adequate fire protection), three-dimensional asphalt or fiberglass shingles.

- H. Metal roofs must have a low-gloss finish to reduce glare.
- I. Flat roof designs must be edged by a parapet wall with an articulated, three-dimensional cornice or molding. Parapet walls must be fully integrated into the building's architectural design to create seamless transitions between the main building mass and roof-mounted architectural elements. Modulation or variation of the roofs and/or roof lines is required to eliminate the appearance of box-shaped buildings. Flat roofs are prohibited for one-story buildings unless otherwise approved by the Plan Commission or Administrator after consideration of the building architecture, context, and sensitivity to the character of the area.
- J. All visible vents, attic ventilators, turbines, flues, and other visible roof penetrations must be painted to match the color of the roof or flat black; and oriented to minimize their visibility from adjacent lots and streets.
- K. Building entrances must be clearly defined and articulated by multiple architectural elements such as lintels, pediments, pilasters, columns, awnings, porticos, and other design elements appropriate to the architectural style and details of the building. The location, orientation, proportion, and style of doors must complement the style of the building.
- L. Window designs must be compatible with the style, materials, color, details, and proportion of the building. The number of window panes, the number of window openings, window trim and other design elements to accent the windows must be consistent and complementary to the architectural style of the building.
- M. Window trim and other design elements to accent the windows are required for all windows. Acceptable design elements include shutters, keystones, masonry arches, awnings, decorative stone frames, masonry rowlock frames, or other trim or design elements as approved by the Plan Commission or Administrator.
- N. Fixed or retractable awnings are permitted if they complement the building's architectural style, material, colors, and details. Awnings must be made of a non-reflective material kept in good repair. Awnings used to comply with the architectural design requirements of this Ordinance cannot be removed unless the building façade otherwise complies with the architectural design requirements without the awnings.
- O. The Plan Commission or Administrator may adjust or waive the above requirements to allow a cohesive design consistent with the architectural style of the building and the intent of these regulations.

7.20 INDUSTRIAL ARCHITECTURAL STANDARDS

All new nonresidential buildings or building additions located within an Industrial District must comply with the following:

- A. Buildings and structures within a single development should have complementary architectural themes.
- B. All roof or ground mounted mechanical equipment must be completely enclosed. Ground-mounted enclosures must be landscaped on all sides not facing the building served according to [6.i\(S\) Screening of Mechanical Equipment](#).

- C. Each building façade visible from a street or oriented to an adjoining residential district, must have at least 60% masonry materials on the building façade (exclusive of window and doors).
- D. Building façades 90 feet or greater in length, must have offsets at intervals no greater than 60 feet apart. Offsets can project or recess. They must extend the entire vertical plane of the building façade. The offset must be at least 12 inches in depth and be at least 20% of the overall building façade length. Architectural elements (e.g. arcades, columns, pilasters, etc.) meeting the offset requirements may be used to fulfill this requirement.
- E. Loading spaces, loading docks or oversized service doors are prohibited on an external façade.
- F. If materials other than masonry materials are used on any building façade, then the building façade must be enhanced with: (i) the use of multiple colors and textures (e.g., rough, smooth, striated, etc.); or (ii) the addition of architectural elements (e.g. quoins, pilasters, soldier courses, lintels, friezes, cornices, dentils, architraves, etc.)
- G. The Plan Commission or Administrator may adjust or waive the above requirements to allow a cohesive design consistent with the architectural style of the building and the intent of these regulations.

7.21 BLOCK STANDARDS

- A. **Dimensions.** Block length and width within bounding streets must be sufficient to accommodate the lot sizes required by the zoning district and to provide convenient access, circulation, and safety of vehicular and pedestrian traffic.
- B. **Length.** The maximum block length is 800'. This requirement does not apply to blocks containing lots abutting the boundary lines of the parent track of a subdivision. In granting modifications to allow blocks longer than 800', the Plan Commission may require crosswalks and traffic calming measures where useful to facilitate pedestrian circulation.
- C. **Depth.** Residential blocks must have sufficient depth to accommodate two tiers of lots, except where reverse frontage lots bordering on a freeway, arterial street or floodplain are used.
- D. **Shape.** Blocks should fit easily into the overall design of the subdivision and their design must reflect consideration of lot layout, configuration, traffic flow, and public areas.

7.22 DRAINAGE STANDARDS

- A. A drainage system is required for proper drainage of new developments. The system must be designed and constructed per the City's Stormwater Drainage Manual.

- B. **Retention Pond Standards.** To the extent possible, all subdivision retention requirements should be accommodated using the least number of ponds or dry areas. One large pond or area is preferred to a series of smaller ponds or areas. All retention areas must be located within a common area under the responsibility of an owners association. Covenants for the subdivision must provide the City the authority to require maintenance of the ponds and complete such maintenance if the owners association fails to do so. The owners association is responsible for paying any costs incurred by the City should it have to maintain the ponds. Retention ponds cannot be dedicated to the City.

7.23 EASEMENT STANDARDS

This article applies to all development.

- A. **Drainage and Utility Easements.** All developments submitted for approval must allocate areas for drainage and utility easements. All easements and corresponding utility location plans must be complete and approved prior to the final approval of any plan. When located between lots, easements should be centered on the lot line so each lot is encumbered by half the easement width, unless otherwise approved by the Administrator or the appropriate utility provider. Before determining the location of easements, the plan must be discussed with the local public utility companies to assure proper placement and installation of such services. No improvements (e.g., accessory buildings, buildings, driveways, fences, retaining walls, structures) are permitted within a drainage and utility easement, unless otherwise approved by the Utility Board, County Surveyor, or the appropriate utility provider.
- B. **Surface Drainage.** If any stream or necessary surface drainage course is within the development area, an easement is established along all sides of the drainage course according to the County Surveyor or Indiana law if a regulated drain, or 20 feet per side (measured from the top of bank) if not a regulated drain. The easement is for widening, deepening, sloping, improving, or protecting the stream or surface drainage course.
- C. **Easement Instrument Specifications.** Where an easement is required by this Ordinance but the standards for the easement type are not specified, or an easement is required per a commitment or condition of approval, then the property owner (“grantor”) must execute the easement instrument in favor of the appropriate party or entity (“grantee”). The instrument must:
1. Specify the docket numbers of the complete applications of the associated with the easement.
 2. Specify the activities the grantee is authorized to perform in the easement.
 3. Specify the activities the grantor is prohibited from performing in the easement.
 4. Be binding on all heirs, successors, and assigns to the property where the easement is located.
 5. Be enforceable by the grantee and the City.
 6. Specify other specially affected persons and classes of specially affected persons entitled to enforce the easement.
 7. Provide for modification in the manner stipulated in this Ordinance.

8. Be cross-referenced to the most recently recorded deed to the property where the easement is to be established.
9. Include a metes and bounds description of the easement.
10. Be signed by an authorized representative of the property owner of record granting the easement and by an authorized representative of the grantee accepting the easement.

D. Easement Certificate

1. When a secondary plat is being recorded, the applicant may print an easement certificate on the secondary plat, the content of which has been approved by the Administrator or City Council.
2. If a Declaration of Covenants, Conditions, and Restrictions is included or cross-referenced on the secondary plat, an easement certificate must be clearly separate from, and not incorporated into, the Declaration of Covenants, Conditions, and Restrictions.

E. Cross-Access Easements

1. Easement Instrument Specifications. When required by this Ordinance, each property owner (“grantor”) must execute a cross-access easement instrument in favor of the adjoining property owner (“grantee”). The instrument must:
 - a. Specify the docket numbers of the complete applications and/or the project numbers of the permits associated with the easement.
 - b. Grant the public the right to utilize the easement for purposes of accessing adjoining parking facilities.
 - c. Prohibit the parking of vehicles within the easement.
 - d. Prohibit any person from placing any obstruction within the easement.
 - e. Be binding on all heirs, successors, and assigns to the properties where the easement is located.
 - f. Be enforceable by each party to the easement and by the City.
 - g. Specify any other specially affected persons and classes of specially affected persons that are entitled to enforce the easement.
 - h. Provide for modification or termination in the manner stipulated in this Ordinance.
 - i. Be cross-referenced to the most recently recorded deeds to the properties where the easement is to be established.
 - j. Include a metes and bounds description of the easement.
 - k. Be signed by an authorized representative of each property owner granting the easement and by an authorized representative of each property owner accepting the easement.
2. Cross-access Easement Certificate:
 - a. When a secondary plat is being recorded, the applicant may print the following cross-access easement certificate on the plat:

“There are shown on this instrument areas designated as ‘Cross-Access Easement’ or abbreviated as ‘C-A.E.’ Such easements are established in favor of the adjoining property owner (‘grantee’) and grant the public the right to enter the easement for purposes of accessing adjoining parking facilities. These easements prohibit any person from parking vehicles within the easement and prohibit the property owners or any other person from placing any obstruction within the easement. These easements are binding on all heirs, successors, and assigns to the property where they are located. The grantee or the City may enforce the provisions of the easement. [] is also entitled to enforce the provisions of the easement. The easement may only be modified or vacated in the manner stipulated in the City’s Unified Development Ordinance, or its successor ordinance.”

- b. The dedication and acceptance of easements shown on a recordable instrument must be accomplished via a Certificate of Dedication signed by the property owner, and a Certificate of Acceptance signed by the grantee or its agent.
- c. If a Declaration of Covenants, Conditions, and Restrictions is included on the secondary plat, then the cross-access easement certificate be clearly separate from, and not incorporated into, the Declaration of Covenants, Conditions, and Restrictions.

F. Private Street Easements

- I. Easement Instrument Specification. When required by this Ordinance, the property owner (“grantor”) must execute a private street easement instrument in favor of the owner of the lot (“grantee”) to which the private street provides access. The instrument must:
 - a. Specify the docket numbers of the complete applications and/or the project numbers of the permits associated with the easement.
 - b. Grant the grantee the right to access the easement to access their lot.
 - c. Specify the grantee’s financial responsibilities with respect to the alteration, repair, maintenance, and removal of the improvements.
 - d. Prohibit any person from placing any obstruction within the easement.
 - e. Require the private street be built to the standards of the City.
 - f. Be binding on all heirs, successors, and assigns to the property where the easement is located.
 - g. Be enforceable by the grantee and the City.
 - h. Specify other specially affected persons and classes of specially affected persons entitled to enforce the easement.
 - i. Provide for modification or termination in the manner stipulated in this Ordinance.
 - j. Be cross-referenced to the most recently recorded deeds to the properties where the easement is to be established.
 - k. Include a metes & bounds description of the easement.
 - l. Be signed by an authorized representative of each property owner granting the easement and by an authorized representative of each property owner accepting the easement.

- m. Include the following language: “The property owner expressly covenants and warrants on behalf of itself and all future owners of lots within this subdivision, because the streets are private, that all maintenance, repairs and replacement now and forever must be undertaken at the expense of the lot owners according to the terms and conditions set forth in the owners association bylaws and articles. No governmental entity has any duty or responsibility to maintain, repair or replace any private street.”

2. Private Street Easement Certificate

- a. When a secondary plat is being recorded, the applicant may print the following easement certificate on the plat:

“There are shown on this instrument areas designated as ‘Private Street Easement’ or abbreviated as ‘P.S.E.’ Such easements are hereby established in favor of the adjoining property owners (‘grantee’) and grant the grantee the right to enter the easement for purposes of accessing their lot. These easements prohibit the property owners or any other person from placing any obstruction within the easement. These easements are binding on all heirs, successors, and assigns to the property where they are located. The grantee or the City may enforce the provisions of the easement. [] is also entitled to enforce the provisions of the easement. The easement may only be modified or vacated in the manner stipulated in the City’s Unified Development Ordinance, or its successor ordinance.”

- b. In addition, the secondary plat must include the following language: “The subdivider expressly covenants and warrants on behalf of itself and all future owners of lots within this subdivision that because the streets are private all maintenance, repairs and replacement now and forever must be undertaken at the expense of the lot owners according to the terms and conditions set forth in the owners association bylaws and articles. The subdivider, and their successors and assignees, hereby waive all rights to petition a governmental entity to be responsible for the maintenance and ownership of such private streets. No governmental entity has any duty or responsibility to maintain, repair or replace any private street.”
- c. The dedication and acceptance of easements shown on a recordable instrument must be accomplished via a Certificate of Dedication signed by the property owner, and a Certificate of Acceptance signed by the grantee or its agent.
- d. If a Declaration of Covenants, Conditions, and Restrictions is included on the secondary plat, then the Private Street easement certificate must be clearly separate from, and not incorporated into, the Declaration of Covenants, Conditions, and Restrictions.

G. Shared Driveway Easements:

- l. Easement Instrument Specifications. When required by this Ordinance, each property owner (“grantor”) must execute a shared driveway easement instrument in favor of the adjoining property owner (“grantee”). The instrument must:
 - a. Specify the docket numbers of the complete applications and/or the project numbers of the permits associated with the easement.
 - b. Grant the adjoining property owners the right to access the easement to maneuver vehicles

- c. Specify the adjoining property owners' financial responsibilities with respect to the alteration, repair, maintenance, and removal of the improvements.
- d. Prohibit any person from placing any obstruction within the easement.
- e. Be binding on all heirs, successors, and assigns to the properties where the easement is located.
- f. Be enforceable by the parties to the easement and the City.
- g. Specify other specially affected persons and classes of specially affected persons entitled to enforce the easement.
- h. Provide for modification or termination in the manner stipulated in this Ordinance.
- i. Be cross-referenced to the most recently recorded deeds to the properties where the easement is to be established.
- j. Include a metes and bounds description of the easement.
- k. Be signed by an authorized representative of each property owner of record granting the easement and by an authorized representative of each property owner accepting the easement.

2. Shared Driveway Easement Certificate

- a. When a secondary plat is being recorded, the applicant may print the following shared driveway easement certification the plan:

"There are shown on this instrument areas designated as 'Shared Driveway Easement' or abbreviated as 'S.D.E.' Such easements are hereby established in favor of the adjoining property owners ('grantee') and grant the grantee the right to enter the easement for purposes of maneuvering vehicles. The easement prohibits the property owners or any other person from placing any obstruction within the easement. These easements are binding on all heirs, successors, and assigns to the property where they are located. The grantee or the City may enforce the provisions of the easement. [] is also entitled to enforce the provisions of the easement. The easement may only be modified or vacated in the manner stipulated in the City's Unified Development Ordinance, or its successor ordinance."

- b. The dedication and acceptance of easements shown on a recordable instrument must be accomplished via a Certificate of Dedication signed by the property owner, and a Certificate of Acceptance signed by the grantee or its agent.
- c. If a Declaration of Covenants, Conditions, and Restrictions is included on the secondary plat, then the shared driveway easement certificate must be clearly separate from, and not incorporated into, the Declaration of Covenants, Conditions, and Restrictions.

H. Subdivision Sign Easements

- I. Easement Instrument Specification. When required by this Ordinance, the property owner ("grantor") must execute a subdivision sign easement instrument in favor of the subdivision's homeowners' association ("grantee"). The instrument must:

- a. Specify the docket numbers of the complete applications and/or the project numbers of the permits associated with the easement.
 - b. Grant the grantee the right to alter, repair, maintain, or remove the improvements.
 - c. Prohibit any person from placing any obstruction in front of, altering, removing, or otherwise impairing the improvements within the easement.
 - d. Be binding on all heirs, successors, and assigns to the property where the easement is located.
 - e. Be enforceable by the grantee and the City.
 - f. Specify other specially affected persons and classes of specially affected persons entitled to enforce the easement.
 - g. Provide for modification or termination of the easement in the manner stipulated in this Ordinance.
 - h. Be cross-referenced to the most recently recorded deed to the property where the easement is to be established.
 - i. Include a metes and bounds description of the easement.
 - j. Be signed by an authorized representative of the property owner granting the easement and by an authorized representative of the grantee accepting the easement.
2. Conflict. Subdivision sign easements must be exclusive of drainage and utility easements. Improvements within such an easement must comply with **5.10 Sight Visibility Triangle.**
3. Subdivision Sign Easement Certificate
- a. When a secondary plat is being recorded, the applicant may print the following subdivision sign easement certificate on the plat: “There are shown on this instrument areas designated as ‘Subdivision Sign Easement’ or abbreviated as [‘_____’]. Such easements are hereby established in favor of the [_____] Homeowners’ Association (‘grantee’) and grant the grantee the right to enter the easement for purposes of altering, repairing, maintaining, or removing the improvements. These easements prohibit the property owner or any other person from placing any obstruction in front of, altering, removing, or otherwise impairing the improvements within the easement. These easements are binding on all heirs, successors, and assigns to the property where they are located. The grantee or the City may enforce the provisions of the easement. [_____] is also entitled to enforce the provisions of the easement. The easement may only be modified or vacated in the manner stipulated in the City Development Code, or its successor ordinance.”
 - b. The dedication and acceptance of easements shown on a recordable instrument must be accomplished via a Certificate of Dedication signed by the property owner, and a Certificate of Acceptance signed by the grantee or its agent.
 - c. If a Declaration of Covenants, Conditions, and Restrictions is included on the secondary plat, then the subdivision sign easement certificate must be clearly separate from, and not incorporated into the Declaration of Covenants, Conditions, and Restrictions.

I. Tree Preservation Easement.

- I. Easement Instrument Specification. When required by this Ordinance, the property owner (“grantor”) must execute a landscape easement instrument in favor of the subdivision’s owners’ association (“grantee”). The instrument must:
 - a. Specify the docket numbers of the complete applications and/or the project numbers of the permits associated with the easement.
 - b. Grant the grantee the right to: remove invasive species or an overabundance of combustible material, remove vines from trees, plant native trees, remove trees as directed by a governmental agency or utility, install improvements as necessary keeping such improvements to the smallest area of disturbance as practicable.
 - c. Prohibit any person from: mowing any portion of naturally vegetated areas, dumping leaves or debris, seeding or sodding of grass, constructing permanent improvements, conducting active recreational activities that adversely impact the natural characteristics of the preservation area.
 - d. Require the grantee to complete maintenance activities according to industry best practices, install signs identifying the tree preservation area, and seek repair of damaged areas to their original state.
 - e. Be binding on all heirs, successors, and assigns to the property where the easement is located.
 - f. Be enforceable by the grantee and the Town.
 - g. Specify other specially affected persons and classes of specially affected persons entitled to enforce the easement.
 - h. Provide for modification or termination of the easement in the manner stipulated in this Ordinance.
 - i. Be cross-referenced to the most recently recorded deed to the property where the easement is to be established.
 - j. Include a metes and bounds description of the easement.
 - k. Be signed by an authorized representative of the property owner granting the easement and by an authorized representative of the grantee accepting the easement.
2. Landscape Easement Certificate
 - a. When a secondary plat is being recorded and an easement is required or proposed for tree preservation, then an applicant must record an easement, or an applicant may print the following tree preservation easement certificate on the plat: “There are shown on this instrument an area(s) designated as ‘Tree Preservation Easements’ or abbreviated as ‘T.P.E.’. These easement(s) must be regulated and maintained according to the following:
 - Permitted Activities. The following activities are permitted: (a) Removal of invasive species (e.g., bush honeysuckle), where appropriate, including the use of professionals to apply herbicides or identify and remove such invasive species; (b) Removal of an overabundance of combustible material (e.g., dead, fallen trees, and leaves); (c) Removal of vines growing on and up a tree; (d) Removal of hazardous, exotic and invasive species

and/or dead, hazardous and at risk trees; (e) Planting of native trees; (f) Removal of trees directed to be removed by local, county, state or federal agencies or departments or by a public utility; (g) Installation of minor improvements such as identification signs; provided such are designed and installed in a manner that does not removed or damage any trees to the greatest extent possible; and (h) Installation, mowing, and maintenance of access easements, paved or unpaved trails, or utility and drainage improvements; provided, however, that any such improvements and easements must be as narrow or small as reasonably possible with no blanket easements.

- **Prohibited Activities.** The following activities are prohibited: (a) Mowing any portion of existing, naturally vegetated areas; (b) Dumping of leaves or other debris; (c) Seeding, including grass seed, prairie mix seed, sod, or the planting of any type of vegetable garden; (d) The construction of permanent structural improvements including, but not limited to: pools, sheds, garages, fences, playground equipment, tree houses, fire pits, and other permanent or semi-permanent structures; and (e) Active recreational activities that adversely impact the natural characteristics of the preservation area, including the placement of playground equipment, paving for basketball or tennis courts or swimming pools.
 - **Required Activities.** The following are required: (a) All maintenance activity must be completed according to industry standards using the latest ANSI Z133.1 and A-300 approved practices and methods; (b) Signs identifying a “Tree Preservation Area” must be posted every 1,000 feet near the perimeter of all Tree Preservation Easements. Such signs must state “Natural Preservation Area. No mowing or spraying. Restricted Area.”; and (c) Any person or entity causing damage or destruction or that violates the provisions of this easement is responsible for replacing removed or damaged trees with trees (a minimum of 3 inches in caliper) of an equivalent caliper to the removed or damaged vegetation, and to return the damages areas of the easement to its original natural state.
- b. The dedication and acceptance of easements shown on a recordable instrument must be accomplished via a Certificate of Dedication signed by the property owner, and a Certificate of Acceptance signed by the grantee or its agent.
- c. If a Declaration of Covenants, Conditions, and Restrictions is included on the secondary plat, then the tree preservation easement certificate must be clearly separate from, and not incorporated into the Declaration of Covenants, Conditions, and Restrictions.

7.24 MONUMENT AND MARKER STANDARDS

A. General Standards

1. Monument and markers must be installed per Indiana Administrative Code, 865 IAC 1-12-18, and the standards set forth in this article.
2. Permanent reference monuments must be placed so the center of the pipe or marked point coincides exactly with the intersection of lines to be marked and the top of the monument or marker is level with the finished grade.
3. Required monuments and markers must include a surveyor’s cap as required by Indiana law, and at a minimum, must include a substantial plastic or metal cap permanently affixed showing the

registered professional surveyor's surname and professional license number or firm/agency identification number.

4. Upon completion of the development, as-built drawings must be submitted showing where monuments and markers were placed. This must be accompanied by an affidavit by the surveyor, registered in the State of Indiana, attesting to the accuracy of installed monuments and markers, and certifying that the monuments and markers are still accurately in place and were not removed, moved, or buried such that they do not accurately denote surveyed lines or cannot be easily located.
 5. Monuments which are damaged or altered must be reset by the party responsible for damage/alteration. If a responsible party cannot be readily determined, then the active developer will bear the costs of having the monument(s) reset.
- B. **Monument Standard.** Monuments must be of stone, pre-cast concrete, or concrete poured in place with minimum dimensions of 4 inches by 4 inches by 30 inches, set vertically in place. They must be marked on top with an iron or copper dowel set flush with the top of the monument or deeply scored on top with a cross.
- C. **Monument Locations.** Monuments must be set:
1. At the intersection of lines forming angles in the boundary of the subdivision,
 2. At least 2 monuments must be set on each side of a straight section of a street and on lot corners near each end of the street,
 3. At least 2 monuments must be set on any straight line over 400 feet in length and on lot corners near each end of the line, and
 4. Any location a bearing changes.
- D. **Marker Standard.** Markers must consist of iron pipes or steel bars at least 30 inches long, and not less than 5/8 inch in diameter.
- E. **Marker Locations.** Markers must be set on boundaries not covered by required monument locations, including:
1. At the beginning and ending of all curves along street lot lines,
 2. At all points where lot lines intersect curves, either front or rear,
 3. At all angles in lot lines, and
 4. At all other lot corners not established by a monument.

7.25 OPEN SPACE AND AMENITY STANDARDS

- A. **Applicability.** This article applies to all residential major subdivisions containing five or more dwelling units. All residential developments must set aside open space according to this article.

Subdivision Regulations

Open Space and Amenity Standards

B. Minimum Open Space

1. Minimum. The minimum open space required for each development, as a percentage of its gross acreage:

Zoning District	Minimum Open Space Required
R-1	5%
R-2	8%
R-3	10%
R-4	12%
R-5	15%
R-6	15%

2. Exemption. Residential developments with a gross density of 0.33 dwelling units per acre or less are exempted from providing open space under this article.
 3. Plantings. Open space must be supplemented with tree plantings according to the minimum lot landscaping requirements of [6.1\(M\) Residential Subdivision Landscaping](#).
- C. **Access**. A public way, crosswalk, or easement not less than 15 feet in width must be provided for access to required open space.
- D. **Connectivity**. Open space should be placed adjacent to or connected to existing or proposed open space located within the development and/or on adjoining properties. Open space should be located within reasonable walking distance to those uses it serves, except when the open space is used to preserve existing features.
- E. **Open Space Ownership**. The ownership and maintenance of open space, common areas, and amenities must be documented and recorded to protect them from future development and to make sure they are properly maintained.
- F. **Open Space and Development Amenity Improvements**
1. Approval. Open space and amenity improvements (e.g., fencing, walls, mounds, pathways, playgrounds, amenities) must be installed according to a site plan reviewed and approved by the Administrator, according to [8.6 Development Plan Review](#).
 2. Timing of Installation. Open space and amenity improvements must be installed within 12 months of the issuance date of the first building permit in the secondary plat containing the open space and amenity improvements.

G. Qualifying Site Features

1. A maximum of 50% of required open space may come from: wetlands, third party regulated utility easements existing prior to the development of the property (e.g., gas or oil pipelines) and equivalent land, as determined by the Plan Commission or Administrator.
2. Detention and retention areas may only qualify as open space if they are located and designed for public use and benefit as an amenity to the development.

3. Required buffer yards, external street frontage landscaping areas, and tree preservation areas, as set forth in [6.I Landscaping](#), may qualify towards required open space if placed within common areas or recorded protective easement such as a landscape easement, tree preservation easement, or conservation easement.
4. Street medians may qualify towards required open space if the following criteria are met:
 - a. Medians are platted as common areas maintained by the homeowners' association;
 - b. Medians are a minimum of 12 feet wide from back of curb to back of curb; and
 - c. Medians are landscaped to the street tree requirements set forth in [6.I\(K\) Street Trees](#).
- H. **Amenity Center Construction Timing.** Amenity center facilities must be installed or constructed prior to the sale of 75% of the subdivision lots, upon construction of 65% of the primary structures, or upon construction of 95% of the primary structures within any given phase of the subdivision, whichever is less.

7.26 PEDESTRIAN NETWORK STANDARDS

- A. **Applicability.** All developments must have a pedestrian network of sidewalks and/or asphalt pathways for pedestrian transportation and recreation.
- B. **General Standards**
 1. All concrete sidewalks, asphalt pathways, and crosswalk improvements must be constructed per the City's Construction Standards and comply with requirements of the [Americans with Disabilities Act \(ADA\)](#), as amended.
 2. Curb ramps for handicapped accessibility must be provided at all intersections of streets, alleys, and drives (excluding individual residential driveways) and comply with ADA requirements. Curb ramps are not permitted in driveways.
- C. **Internal Pedestrian Network Standards**
 1. Sidewalks must be at least 5 feet wide. When abutting a curb, sidewalks must be at least 6 feet wide.
 2. Sidewalks are required on both sides of internal streets in all developments.
 3. When a proposed development abuts an existing development or pathway, connection to the sidewalks or pathways is required.
 4. Connector sidewalks must be provided from the sidewalk or path adjacent to the street to the front entrance of all non-residential structures. Where the sidewalk intersects driving lanes or parking aisles within the parking facility, then crosswalks and ramps must be installed according to ADA requirements.
- D. **Perimeter Pedestrian Network Standards.** Developments must participate in the establishment or improvement of the pedestrian network along streets adjacent to their perimeter according to the following:

1. Where a proposed development plan or subdivision abuts an existing right-of-way, multi-use pathways must be provided along the perimeter streets according to the Thoroughfare Plan and constructed per the City's Construction Standards.
2. Required multi-use pathways should be located within the right-of-way. Pathways located outside the right-of-way must be located within an access easement approved by the Administrator or City Council.

7.27 STREET AND RIGHT-OF-WAY STANDARDS

- A. **Applicability.** Proposed developments must allocate adequate areas for new streets in conformity with the City's Construction Standards and the Thoroughfare Plan.
- B. **Thoroughfare Plan.** The Thoroughfare Plan, as amended, is declared to be a part of this Ordinance. The Thoroughfare Plan is available for review in the office of the Clerk/Treasurer and in the office of the Department.
- C. **Compliance with Thoroughfare Plan.** In addition to meeting requirements of the Americans with Disabilities Act (ADA), developments abutting or adjoining streets designated on the Thoroughfare Plan must conform to the requirements of the Thoroughfare Plan regarding: The dedication of rights-of-way; building setback lines; and any other development or design standards in the Thoroughfare Plan or this Ordinance.
- D. **Dedication of Right-of-way.** Developments adjoining or including existing streets not conforming to the minimum right-of-way dimensions established in the Thoroughfare Plan, must dedicate enough additional right-of-way along the streets to meet the requirements of the Thoroughfare Plan. If the development only contains property on one side of the street, then sufficient right-of-way must be dedicated to bring the half right-of-way up to the dimensions required in the Thoroughfare Plan.
 1. Passing Blister. Where a passing blister is required and inadequate right-of-way exists to install the passing blister, then the developer must make a good faith effort to acquire property sufficient for the installation of the passing blister. If the property owners where the passing blister is to be installed refuses to sell the property, then the developer must provide the Administrator copies of all surveys, appraisals, and written offers made by the developer to the property owners, and correspondence from the property owners.
 2. Acceleration and Deceleration Lanes. Where an acceleration lane and/ or deceleration lane is required and the development does not contain street frontage needed to install the lane, then the developer must make a good faith effort to acquire property sufficient for the installation of the acceleration lane and/or deceleration lane. If the property owners where the acceleration lane and/or a deceleration lane is to be installed refuses to sell the property, then the developer must provide the department copies of all surveys, appraisals, written offers made by the developer to the property owners, and correspondence from the property owners.
 3. Eminent Domain. The installation of passing blisters, acceleration lanes, and deceleration lanes is vital to the health, safety, and welfare of the motoring public. The City may, but is not obligated to, begin eminent domain proceedings according to [IC 32-24](#): Eminent Domain for the acquisition of public right-of-way sufficient for the installation of the passing blister, acceleration lane and/or deceleration lane upon receipt of documentation illustrating the developer's failure

Subdivision Regulations

Street and Right-of-Way Standards

to acquire the needed property. Upon completion of the eminent domain proceedings, the developer reimburses the City the price paid by the City for the right-of-way acquisition, including professional and legal expenses, any condemnation and relocation within the acquired right-of-way. The Developer then installs the passing blister, acceleration lane and/or deceleration lane according to the City's Construction Standards.

4. Payment in Lieu. As an alternative to eminent domain, the developer may pay to the City an amount equal to the cost of engineering, land acquisition, and construction of the passing blister and acceleration and deceleration lanes that cannot be constructed. These payments go into a non-reverting fund to pay for future improvements.

E. Private Streets

1. Private streets are permitted but must conform to the street and right-of-way standards of this Ordinance and be constructed according to the City's Construction Standards.
2. Private streets must be established within access easements complying with ***7.23(E) Cross-Access Easement Standards***.
3. When a private street easement appears on a secondary plat, a private streets certificate (***7.23(F) Private Street Easements***) must be printed on the plat. Unplatted easements for private streets must have the same language included on a recorded easement instrument.
4. Financial sureties are required according to ***7.32 Surety Standards*** and the City's Construction Standards.
5. When the term right-of-way is used in this chapter, it also applies to private street easements in the context of this chapter only.

F. Design Principles

1. Street and alley layout must provide access to all lots and parcels of land within a development. Streets must be laid out on the parent parcel:
 - a. In a manner that creates conditions favorable to health, safety, convenience, and the harmonious development of the community.
 - b. In an orderly and logical manner.
 - c. With concern for connectivity to adjacent parcels.
 - d. With concern for pedestrian and vehicular safety.
 - e. To provide reasonably direct access to the primary circulation system.
2. Streets should adjust to the contour of the land to produce useable lots and streets of reasonable gradient. Consideration must be given to natural features, such as existing wooded areas, streams and creeks, historic locations, or similar conditions that, if preserved, will add attractiveness and value to the community.
3. Streets must align and connect with existing or planned streets and provide for connections with adjacent property. Where appropriate, proposed streets must extend to the boundary line of the premises to provide for normal circulation of traffic within the vicinity. Regard must be given to the Thoroughfare Plan and Comprehensive Plan. Cul-de-sacs are discouraged and are

Subdivision Regulations

Street and Right-of-Way Standards

only permitted where street continuation is prevented due to topography or other physical condition, or unless the Plan Commission finds such extension is unnecessary for the coordination of development within the development or between the development and adjoining property.

G. Improvement Standards. Streets must conform to the following:

1. Street and Right-of-Way Widths. Widths of streets and minimum rights-of-way widths must conform to the City's Construction Standards and Specifications.
2. Construction. Street improvements, must be designed, constructed, and installed according to the City's Construction Standards and Specifications.
 - a. Streets and alleys must be completed as shown on approved plans, profiles, and cross-sections.
 - b. Streets must be graded, surfaced, and improved to the dimensions required by the cross-sections and the work must be performed in the manner prescribed in the Indiana Department of Transportation's Standard Specifications.
 - c. Where parkways or special types of streets are involved, the Plan Commission may apply special standards to be followed in their design.
3. Cul-de-sac Design. Cul-de-sacs must conform to the following standards:
 - a. The maximum Length of a cul-de-sac is 600 feet, measured along the centerline from the center of the circle to the intersection of the nearest through street ([Figure 7-1](#)).
 - b. The cul-de-sac terminus must be designed according to the City's Construction Standards and Specifications.
 - c. A clear area 20 feet wide and 10 feet deep adjacent to the paved street and located opposite the cul-de-sac entrance must be provided to accommodate snow removal. This clear area must be free of above ground improvements (e.g., driveways, mailboxes, fire hydrants, landscaping, and public utility installations), unless otherwise approved by the Administrator.
 - d. A temporarily dead-ended street is permitted if a street is proposed to be extended but is not yet constructed. An adequate easement or right-of-way for a turn-around must be provided if the dead-end street extends 150 feet or more in length. If an easement, is used it must automatically vacate to the abutting property owners when the street is extended.
 - e. The Plan Commission or Administrator may require a pathway or sidewalk to connect a cul-de-sac to an adjacent cul-de-sac or street to provide reasonably direct connection between likely pedestrian destinations. Such connection must be constructed according to [7.26 Pedestrian Network Standards](#) and located within an easement or common area.
4. Alleys. Alleys must be constructed according to the City's Construction Standards and Specifications, unless otherwise approved by the Engineering Department.
5. Intersections. Street intersections must be designed and improved according to [7.17 Design Principles and Standards](#). Lot line corners must be rounded by arcs with minimum radii in accordance [7.17 Design Principles and Standards](#).

Subdivision Regulations

Street and Right-of-Way Standards

6. **Access Points.** The following standards apply to access points for a development. The Plan Commission, City Council, or Administrator may approve access points if, due to the size of the development, or appropriate to improve traffic circulation:
 - a. Only one street, driveway or point of vehicle access is permitted from a development onto an arterial or collector.
 - b. The primary access for a multifamily development must be from an arterial, if available, and at least two access points must be provided for adequate accessibility for emergency vehicles and school busses.
 - c. Direct access from a residential driveway to any arterial or collector is discouraged unless it is the lot's only means of access.
7. **Traffic Control Devices.** Traffic control devices must comply with the current edition of the Indiana Manual on Uniform Traffic Control Devices.
8. **Subsurface Drainage.** Subsurface drainage for streets must be designed according to the City's Construction Standards and Specifications
- H. **Delay of Surface Layer.** Installation of the surface layer of asphalt may be delayed with permission of the City up to one year until the binder layer of asphalt has had enough time to prove its durability under the stress of heavy construction traffic. A separate performance bond covering the cost of installing the surface layer of asphalt is required prior to approving the delayed installation.
- I. **Fire Hydrants.** Fire hydrants must be provided throughout the development as determined by the City Fire Department.
- J. **Acceptance of Improvements.** Before any financial surety ([7.32 Surety Standards](#)) covering a street installation is released, the Plan Commission, City Council, or Administrator may request core borings for thickness determination. The developer must engage the services of an independent testing laboratory to take cores at locations selected by the City. The results of the testing must be provided to the Administrator for review and approval.
- K. **Rail Corridors.** The following regulations apply to all property abutting a current or former railroad property line, ("Rail Corridor"):
 1. The railroad property lines used for plats must be those boundaries in place as of January 2001, according to County mapping records.
 2. The Administrator will work with owners of property adjacent to a rail corridor should any question of development arise. Any new development proposal adjacent to a rail corridor requiring an improvement location permit or development plan review must be brought to the attention of the Administrator, who will address this section with the applicant. The Administrator will then inform the Director of the Parks Department and City Council of the proposed development.
 3. For any activity requiring an improvement location permit, the Administrator will work with owners of property adjacent to a rail corridor regarding setback, landscaping and any other development standards deemed appropriate for the future development of the rail corridor and for the property owner. For new development proposals adjacent to a rail corridor requiring

an improvement location permit or development plan review, the Administrator will work with the applicant to determine how the rail corridor will be used regarding setback, landscaping and any other development standards deemed appropriate by the Administrator.

4. The City will work with any rail corridor property owner that can show best title as determined by a court of law with the intent of protecting the rail corridor right-of-way for the use as presented in the Thoroughfare Plan in a way that is beneficial to all.
5. Any agreement must be approved by the Council and incorporated into the City's plan approval process.

7.28 STREET STANDARDS

A. **Principles.** In designing a street system, the applicant is guided by the following principles:

1. Adequate vehicular and pedestrian access must be provided to all parcels.
2. Street connections into and from adjacent areas may be required.
3. Local street patterns must provide reasonable direct access to the primary circulation system.
4. Interior circulation systems and land development patterns cannot conflict with the efficiency of bordering arterial routes.
5. Elements in the local circulation system should be designed with the least amount of interruptions possible in order to function effectively and safely.
6. Planning and construction of streets must clearly relate to their local function.
7. Local streets are designed to discourage excessive speeds.
8. Pedestrian-vehicular conflict points should be minimized.
9. The number of intersections should be minimized.
10. Local streets are designed to minimize impacts to significant topographic features.

B. **Standards**

1. Current INDOT Standards, Guides, and Manuals are followed as design standards unless otherwise specified in this Ordinance.
2. Only one street, driveway or point of vehicle access is permitted from a subdivision onto a collector street or road or an arterial street or road for a subdivision of 50 or fewer lots. Two or more streets, driveways, or points of vehicle access are required by the Plan Commission for subdivisions with over 50 lots to improve the safety and traffic circulation in the area.
3. Subdivisions with over 50 lots must include streets with a boulevard design if a second entrance is not feasible due to the character of the land, provided the internal street geometrics provides two access points at its termination inside the development.
4. Subdivisions with over 100 lots must provide internal circulation routes which provide redundant or alternative access to multiple entrances.

5. Half streets are not permitted.
6. All street names and lot addresses are coordinated through the 911 Coordinator for the County and local Postal Service. No street names may be used which will duplicate or be confused with names of existing streets, unless considered exceptions by the Plan Commission. The streets, which are logical extensions, continuations of, or alignment with any existing streets, either constructed or appearing on any validly recorded plat, must bear the names of such existing streets. Street addresses must be provided for every lot conforming to the City and 911 coordinator's addressing standards.
7. Rights-of-way and paving for proposed streets must be extended to the boundary lines of the proposed subdivision so a connection can be made to all adjacent properties unless such extension is not feasible because of topography or other physical conditions, or unless, in the Plan Commission's opinion, such extension is not necessary or desirable for the coordination with existing streets or the most advantageous development of adjacent tracts.
8. Subdivisions cannot be designed to create or perpetuate the land-locking of adjacent undeveloped land. Connectivity must be considered and planned.
9. A temporarily dead-end street is permitted in any case where a street is proposed to be and should logically be extended but is not yet constructed. A stub street with a dead-end sign is provided in this case terminate in a temporary cul-de-sac with a minimum street radius of 50 feet or hammerhead turnaround unless otherwise waived by the Plan Commission.
10. In subdivisions that adjoin or include existing streets that do not conform to the minimum right-of-way dimensions as established by this Ordinance, the subdivider dedicates additional width along either one or both sides to ensure conformance, provided the area to be used for widening is owned by the subdivider or under the subdivider's control.

7.29 STREET LIGHT STANDARDS

- A. Street lights must be installed at all intersections, development entrances, and along internal Streets as required by the provisions of this Article. The Plan Commission may direct street lights at other locations if it determines they are necessary to provide vehicular or pedestrian safety.
- B. Street lights providing the illumination necessary for vehicular and pedestrian safety at all intersections within the development must be installed per the City's Construction Standards ([7.17 Design Principles and Standards](#)) and the public utility providing the lighting. The Engineering Department may reduce the number of intersections required to have street lighting. The provision of street lights at major intersections involving Collectors or Arterials within the development cannot be waived.
- C. Lighting between intersections must be accomplished by:
 1. Installing street lights at the midpoint of the block or every 15 lots, whichever provides the shorter spacing between street lights,
 2. Installation of dusk-to-dawn lights on the street-side of each home with such lights maintained in good operating condition by the property owner in perpetuity, or
 3. A combination of the above options.

- D. If the City has established a street light standard along the street where the entrance is located, the development must install the same lighting standard. Luminaires must be shielded to prevent glare on residential properties.
- E. Decorative street lights may differ from the City's Construction Standards if approved by the Engineering Department. Decorative street lights must be installed at the expense of the developer and maintained by the property owners' association. An agreement between the City and the property owner's association is required establishing that the property owner's association is responsible for replacing the decorative street lights and poles when the original street lights installed are lost or damaged. If the City or public utility providing the lighting must replace a street light, it is not obligated to use a decorative street light.

7.30 STREET SIGN STANDARDS

- A. Streets must have the minimum number of street signs necessary to create a safe environment for drivers and pedestrians and convey information to efficiently find a certain street or address.
- B. A street name sign is required at each intersection within and at the perimeter of the development
- C. Street signs must comply with the current edition of the [*Indiana Manual on Uniform Traffic Control Devices*](#) and the City's Construction Standards ([*7.17 Design Principles and Standards*](#)).
- D. Street name and regulatory signs must be installed prior to any street being opened to the public or the issuance of building permits within the development section.
- E. Decorative street signs may differ from the City's Construction Standards if approved by the Engineering Department. Decorative street signs must be installed at the expense of the developer and maintained by the property owners' association. An agreement between the City and the property owner's association is required to establish that the property owner's association is responsible for replacing the decorative street signs and poles when the original signs installed are lost or damaged. If the City must replace a street sign, it is not obligated to install a decorative sign.

7.31 UTILITY STANDARDS

- A. This article applies to all development including, major subdivisions, improvement location permits and site plans.
- B. Public sanitary sewer and water hook-ups are required for development in all Zoning Districts.
- C. Utilities must be installed underground in designated utility easements or rights-of-way.
- D. Development must provide for the collection of all sanitary sewage discharges by the installation of sanitary sewers. These sewers must be tied into a public sanitary sewer system and constructed within right-of-way and/or dedicated sewer and utility easements. When a public sanitary sewer is not available, then a septic sewer system on an individual lot may be provided if permitted by this Ordinance and if constructed according to the minimum requirements of the County Health Department.

- E. Development must provide a complete water main supply system connected to a municipal or a community water supply system approved by the County Health Department. When a municipal or community water supply is not available, then an individual water supply on each lot must be provided according to minimum requirements of the County Health Department.

7.32 SURETY STANDARDS

- A. As a condition of approval of a subdivision, site plan, special exception, or planned development, a financial guarantee may be required to assure the installation the improvements such as streets, curbing, landscaping, fencing, walls, screening, lighting, drainage facilities, sidewalks, driveways, utilities, and similar items.
- B. A bond, irrevocable letter of credit, or other guarantee acceptable to the City (“financial surety”) must be executed prior to issuing an Improvement Location Permit for single site developments or recording a secondary plat prior to the completion of improvements.
- C. **Construction/Performance Surety**
 - 1. A performance surety to the City must include any street, sidewalk, pathway, storm sewer, erosion control, drainage facility, or any other facility to be dedicated to the City. On-site and off-site improvements shown on the approved plans must be covered by the performance surety.
 - 2. The performance surety must:
 - a. Be 125% of the estimated costs determined by the City to be sufficient to complete the improvements in compliance with this Ordinance and the City’s Construction Standards;
 - b. Provide surety satisfactory to the City;
 - c. Run to and be in favor of the City;
 - d. Specify the time for the completion of all improvements; and
 - e. Be on a form approved by the Council.
 - 3. Performance sureties must be effective from the date of approval to begin construction of the project and must not terminate until released by the Director of Public Works. The performance surety must not be released until the Engineering Department certifies the improvements have been installed according to the intent of the approved construction plans.
 - 4. A dedicated account is created in a form acceptable to the State Board of Accounts to hold and accumulate all funds paid pursuant to the provisions of this Article. Funds appropriated from the account must only be used for the completion of infrastructure improvements approved by the City and which had not been completed after having been initiated.
 - 5. The City may consider alternative forms of ensuring the proper completion of improvements to be dedicated to the City or for the benefit of the public.
 - 6. Upon completion of all improvements and installations as required by this ordinance, the subdivider furnishes appropriate documentation indicating that required improvements and installations have been constructed, installed, and completed in compliance with the provisions

of this ordinance, the requirement of the Plan Commission and the provisions of other applicable ordinances of the City. The Plan Commission prescribes procedures for determining whether all improvements, installations, and lot improvements have been constructed and completed as required by this ordinance.

7. Upon acceptance of required improvements or installation, the accepting agency or department of the City provides a completion letter to the subdivider that officially accepts maintenance responsibility, subject to the terms of the required maintenance guarantees.
8. Two months prior to the expiration of the performance or maintenance guarantee, the City Council determines if the public improvements have been installed consistent with applicable standards and special conditions or requirements, if any, established by the City Council in approving the plat. If the improvements have not been installed to the satisfaction of the City Council, the Council notifies the subdivider of their intent to secure the funds pledged by the performance or maintenance guarantee, or at their discretion, to grant one (1) extension for a period up to twelve (12) months, and the subdivider files with the City Council a new performance or maintenance guarantee within the extension period. The Council may upon proof of difficulty, grant one (1) additional extension of the completion date for a maximum period of up to twelve (12) additional months, provided that the performance or maintenance guarantee submitted for this extension period meets all other requirements herein and the extension has been requested in writing prior to the expiration of the first extension.
9. Failure to Complete Public Improvements. In cases where a performance guarantee has been posted and the required public improvements have not been installed within its terms, or if the Council finds upon inspection that any of the improvements have not been constructed according to the approved construction plans, then the Council may thereupon declare the performance guarantee to be in default and cause all public improvements to be installed according to secondary approval regardless of the extent to which development has occurred at that point in time.
10. Release or Reduction of Performance Guarantee. A performance guarantee may be reduced upon actual acceptance of public improvements and any conditions imposed on the plat and then only by the amount originally estimated for the completion of said public improvements. The City Council cannot accept required public improvements, nor reduce a performance guarantee, until the subdivider has submitted a certificate attesting to satisfactory completion and the subdivider's engineer or surveyor has provided the Council with certified "as built" construction plans of the public improvements including the utilities, indicating location, dimensions, materials, and other information required by the Council and reviewed by the City Engineer or representative. Upon certification and evidence of satisfactory completion, the Administrator recommends acceptance to the City Council and the City Council accepts the applicable public improvements for maintenance according to established procedures.
11. Temporary Public Improvements. The subdivider must build and pay all costs for temporary public improvements required by the City Council and must maintain the same for the period specified. Prior to construction of any temporary public facility or improvement, the subdivider files with the City Council a separate suitable performance guarantee for temporary facilities, which insures that the temporary facilities will be properly constructed, maintained, and removed (except for turnaround at ends of the peripheral stub streets intended for connection into adjacent future subdivisions).

D. Maintenance Surety

1. When the improvements are completed and accepted by the City, the performance surety may be released. For 3 years after the date of improvements were accepted by the City or applicable agency, the developer must make all repairs to the improvements which may become necessary due to improper workmanship or materials. Such maintenance does not include any damage to improvements resulting from forces or circumstances beyond the control of the developer.
 2. The developer must provide a maintenance surety to the City for any street, sidewalk, pathway, storm sewer, erosion control, drainage facility, or any other facility dedicated to the City. On-site and off-site improvements shown on the approved plans must be covered by the maintenance surety.
 3. The maintenance surety must:
 - a. Run to and be in favor of the City;
 - b. Be in a sum of not less than 25% of the total improvements' construction cost of the development;
 - c. Provide surety satisfactory to the City;
 - d. Warrant the workmanship and materials used in the installation of the improvements
 - e. Include a certification from the developer that all improvements have been made according to the approved plans.
 4. Maintenance sureties are effective from the date of acceptance and must not terminate until the Engineering Department certifies inspection and approval of the improvements.
- E. Waiver of Required Public Improvements.** The City Council may defer or waive at the time of primary approval, subject to the appropriate conditions, the provision of any or all such public improvements as in its judgment, are not requisite in the interest of the public health, safety, and general welfare, or are inappropriate because of inadequacy or lack of connecting facilities.
- F. Use of Funds.** Any funds received from the performance and maintenance guarantees can only be used for making improvements, installations or repairs that were guaranteed by a bond or irrevocable letter of credit.

7.33 PLAT CERTIFICATES AND DEED OF DEDICATION

The following forms must be used:

A. Plan Commission Certificate

Under authority provided by IC 36-7, enacted by the general assembly of the State of Indiana, and all acts amendatory thereto, and an ordinance adopted by the City Council of the City of Lebanon, Boone County, Indiana, this plat was given approval by the Lebanon Advisory Plan Commission, as follows:

Approved by the Administrator of the Planning Department the City of Lebanon, Boone County, Indiana, pursuant to the Lebanon Unified Development Ordinance, on the ____ day of _____, ____.

Lebanon Plan Commission

By: _____

(Name), Administrator, Planning Department

(SEAL)

B. City Engineer Certificate

This plat and the acceptance of any public rights-of-way dedicated herein is hereby approved on the ____ day of _____, 20__, by the City Engineer of the City of Lebanon, Indiana, on behalf of the Board of Public Works.

(Name), City Engineer

C. Registered Land Surveyor's Certificate

I _____, hereby certify that I am a Registered Land Surveyor, licensed in compliance with the laws of the State of Indiana:

That this plat correctly represents a survey completed by me on _____, that all the monuments shown thereon actually exist or bond has been posted to cover the later installation of these monuments, and that all other requirements specified herein, done by me, have been met.

(Name)

(SEAL)

D. Engineer's Certificate

I, _____, hereby certify that I am a Registered Professional Engineer or Land Surveyor, as the case may be, licensed in compliance with the laws of the State of Indiana, and that I have inspected during their construction and installation all improvements and installations required for this subdivision, designated specifically as _____, and that such required improvements and installations have been made and installed according to the specifications heretofore approved therefore.

(Name)

(SEAL)

E. Deed of Dedication: Each Secondary Plat submitted for approval must carry a deed of dedication in substantially the following form:

We the undersigned owners of the real estate shown and described herein, do hereby certify that we have laid off, platted and subdivided, and do hereby lay off, plat and subdivide, said real estate according to the within plat.

This subdivision must be known and designated as _____, an addition to Lebanon, Indiana. All rights-of-way shown and not heretofore dedicated are hereby dedicated to the public.

Front and side yard building setback lines are hereby established as shown on this plat, between which lines and the property lines of the street, there must be erected or maintained no building or structure.

There are strips of ground shown on this plat and marked "easement", reserved for the use of public utilities for the installation of water and sewer mains, poles, ducts, lines and wires, subject at all times to the proper authorities and to the easement herein reserved. No permanent or other structures are to be erected or maintained upon said strips of land, but owners of lots in this subdivision must take their titles subject to the rights of the public utilities.

[Additional easement certificates, dedications and protective covenants, or private restrictions would be inserted here upon the applicant's initiative or the recommendations of the Plan Commission, Engineering Department; important provisions are those specifying the use to be made of the property, rights, and authority of grantees, and, in the case of residential use, the minimum living area.]

The foregoing covenants, or restrictions, are to run with the land and must be binding on all parties and all persons claiming under them until January 1, _____, (a 25 year period is suggested), at which time said covenants, or restrictions, must be automatically extended for successive periods of ten years unless changed by vote of a majority of the then owners of the building sites covered by these covenants, or restrictions, in whole or in part. Invalidation of any of the foregoing covenants, or restrictions, by judgment or court order must in no way affect any of the other covenants or restrictions, which must remain in full force and effect.

The right to enforce these provisions by injunction, together with the right to cause the removal, by due process of law, of any structure or part thereof erected, or maintained in violation hereof, is hereby dedicated to the public, and reserved to the several owners of the several lots in this subdivision and to their heirs and assigns.

Witnessed our hands and seals this _____ day of _____, ____.

State of Indiana

Boone County

Before me the undersigned Notary Public, in and for the County and State, personally appeared _____, _____, and each separately and severally acknowledge the execution of the foregoing instrument as his or her voluntary act and deed, for the purposes therein expressed.

Witness my hand and notary seal this _____ day of _____, ____.

(SEAL)

- F. **Easement Certificate:** Each Secondary Plat submitted for approval must include easement certificates, where appropriate and according to [7.23 Easement Standards](#).

7.34 IMAGES

Figure 7-1: Measurement of Cul-de-sac Length

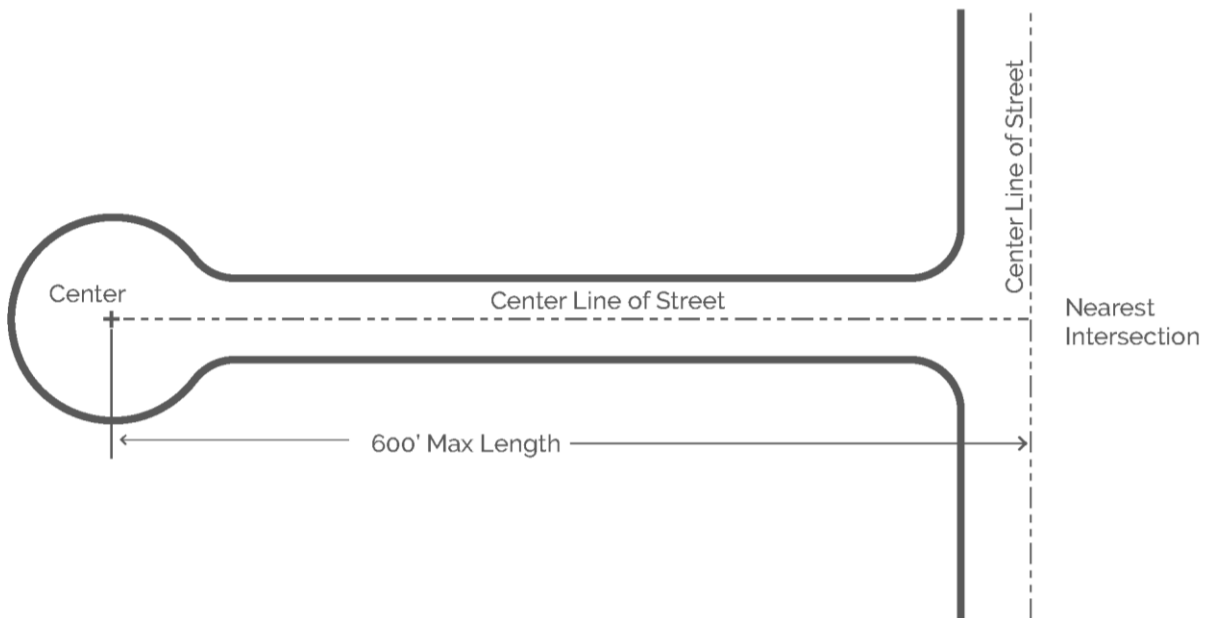
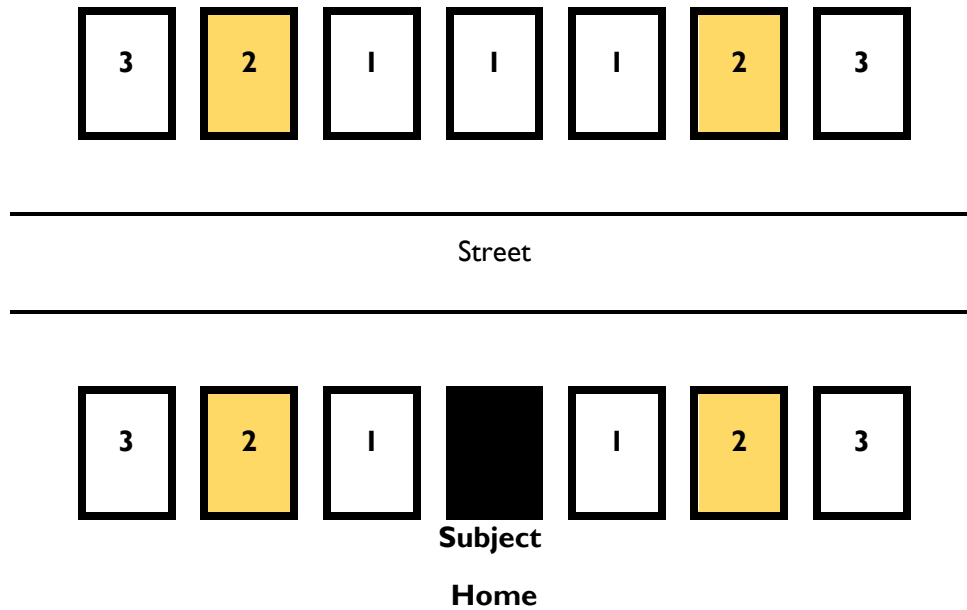


Figure 7-2: Anti-Monotony Standards



- Lots indicated with the number 1 must use a different elevation and color scheme than the subject property, however, they may use the same trim color as the subject property.
- Lots indicated with the number 2 must use a different color scheme than the subject property, however, they may use the same trim color and brick or stone color as the subject property. These lots may use the same building elevation as the subject property.
- Lots indicated with the number 3 may use the same elevation and color scheme as the subject property.

In determining if a building elevation meets these standards, the reviewer evaluates differentiation in the colors of the (a) siding, (b) siding accents, (c) trim, (d) front door, (e) shutters, and (f) brick or stone.

Chapter 8 Process and Permits

8.1	GENERAL PROVISIONS.....	3
8.2	ADMINISTRATIVE DETERMINATION	3
8.3	APPEALS OF ADMINISTRATIVE DECISION.....	4
8.4	CONDITIONAL USE PROCESS	6
8.5	DESIGN REVIEW PROCESS	7
8.6	DEVELOPMENT PLAN REVIEW	9
8.7	PLANNED UNIT DEVELOPMENT	15
8.8	VARIANCES.....	19
8.9	WAIVER OF DEVELOPMENT STANDARDS	21
8.10	WAIVER OF SUBDIVISION STANDARDS.....	22
8.11	ZONING MAP AMENDMENTS (REZONES)	22
8.12	ZONING TEXT AMENDMENTS	24
8.13	WRITTEN COMMITMENTS	25
8.14	PERMITS REQUIRED	26
8.15	CERTIFICATE OF COMPLIANCE.....	26
8.16	CERTIFICATE OF OCCUPANCY	27
8.17	DEMOLITION PERMIT	27
8.18	FENCE PERMIT	28
8.19	GRADING/LAND DISTURBANCE PERMIT.....	29
8.20	HOME OCCUPATION PERMIT.....	29
8.21	IMPROVEMENT LOCATION PERMIT.....	30
8.22	SHORT-TERM RENTAL PERMIT.....	31
8.23	SIGN PERMIT	32
8.24	TEMPORARY USE PERMIT	33
8.25	TEMPORARY VENDOR PERMIT	33

8.1 GENERAL PROVISIONS

- A. **Purpose.** This chapter outlines the procedure for approvals, permits, and administration as set forth in this Ordinance.
- B. **Application.** Application and informational packets may be obtained through the Department and/or online.
- C. **Fees.** A schedule of fees for applications, permits, and other purposes required by this Ordinance is established by the Common Council and kept in the office of the Administrator.
 - 1. Until all applicable fees, charges and expenses have been paid in full, no final action can be taken on any application or permit. This requirement applies not only to fees due for the specific application or permit, but also to fees and fines owed relative to any previously issued permit or violation of this Ordinance.
 - 2. Any person initiating construction of a structure before obtaining an improvement location permit or other required permit must pay twice the amount of the current permit fee.
- D. **Public Meetings.** Applications requiring public meetings are filed according to the adopted schedule of meeting and filing dates and subject to the rules of procedure of the applicable hearing body.
- E. **Permits and Licenses Void if in Conflict.** Any permit or license issued in conflict with the provisions of this Ordinance are considered null and void from the date of issue.
- F. **Records.** The Administrator keeps records of applications, certificates, and permits processed by the Department.

8.2 ADMINISTRATIVE DETERMINATION

- A. **Purpose.** The interpretation authority established by this Ordinance recognizes that the provisions of this Ordinance, though detailed, cannot address every specific situation to which they may have to be applied. Many such situations can be addressed by an interpretation of the specific provisions of this Ordinance considering the general and specific purposes for which those provisions have been enacted. The interpretation authority established is an administrative, not legislative, authority. It is not intended to add to or change the essential content of this Ordinance. It is intended only to allow authoritative application of content to specific cases.
- B. **Authority.** The Administrator may render interpretations of the provisions of this Ordinance and of any rule or regulation issued according to it (“Administrative Interpretation” or “Administrative Determination”) by written order, subject to the procedures, standards, and limitations of this Ordinance.
- C. **Parties Entitled to Seek Interpretations.** Applications for interpretations may be filed by any person having a legal or equitable interest in property that gives rise to the need for an interpretation. Interpretations based on hypothetical circumstances or where the interpretation would have no effect other than as an advisory opinion will not be entertained.

D. Procedure for Review and Decision

1. Application: Applications for interpretations of this Ordinance are filed according to the requirements of this article.
2. Action on Application: Within 10 working days of the submission of a completed application, the Administrator provides the applicant a determination in writing, stating the specific precedent, reasons, and analysis upon which the determination is based. Failure of the Administrator to act within 10 working days is deemed a decision denying the application.
3. Records: Records of all applications for determinations are kept on file in the office of the Administrator and may be recorded in the Office of the County Recorder at the Administrator's discretion.
4. Appeal: Appeals of interpretations rendered by the Administrator are made according to ***8.3 Appeals of Administrative Decision***.

E. Standards for Interpretations. The following standards are considered when issuing determinations:

1. A use will not be permitted in a zoning district unless evidence is presented that demonstrates:
 - a. The use is consistent with the purpose and intent of the zoning district;
 - b. The use will comply with the general regulations established for the zoning district; and
 - c. The use is like other uses permitted in the zoning district and is more like those uses than to uses permitted in a more restrictive zoning district.
2. If a proposed use is most like a use permitted only as a conditional use in the zoning district where it is proposed to be located, the use requires conditional use approval according to ***8.4 Conditional Use Process***.
3. Effect of Favorable Interpretations. A determination permitting a proposed use does not authorize the establishment of a use nor the development, construction, alteration, or moving of any building or structure, but only authorizes the preparation, filing, and processing of applications for any permits and approvals that may be required by this Ordinance and other City ordinances such as a building permit, a certificate of occupancy, a primary or secondary plats, or development plan approval.
4. Limitations on Interpretations. A determination is limited to the circumstance for which it was issued. It does not authorize any allegedly similar circumstance for which a separate determination is needed, unless otherwise provided for in the determination.

8.3 APPEALS OF ADMINISTRATIVE DECISION

- A. Right of Appeal.** The BZA reviews appeals of any decision, interpretation, or determination made by the Administrator or any other administrative official or board with responsibilities enforcing and interpreting this Ordinance. The procedures in this article apply to all appeals of administrative decisions, unless otherwise required by local or Indiana law.

Appeals of Administrative Decision

- B. **Stay of Enforcement.** If an appeal to an enforcement action is filed according to this article, the Administrator takes no further enforcement action on the matter pending the Board's decision, except for unsafe circumstances presenting an immediate danger to the public.
- C. **Application.** The applicant submits an administrative appeal application within 30 days of the decision, interpretation, or determination, along with supporting information, including:
 - 1. Original Submittals: Copies of all materials which the decision being appealed was based.
 - 2. Written Decisions: Copies of any written decisions that are the subject of the appeal.
 - 3. Appeal Basis: A letter describing the reasons for the appeal noting specific sections of this Ordinance or other applicable standards upon which the appeal is based.
- D. **BZA Review.** At a regularly scheduled meeting, the BZA reviews the administrative appeal application and supporting information.
 - 1. Representation: The applicant or applicant's representative must be present at the meeting to present the appeal.
 - 2. Testimony: At the meeting, the BZA will consider a report from the Administrator and enforcing party, testimony from the applicant, and testimony from witnesses and interested parties.
 - 3. Procedures: The conduct of the hearing follows the Rules and Procedures of the Board.
- E. **BZA Action.** The BZA may affirm, affirm with modifications, reverse, or continue the appeal.
 - 1. Affirm: If the BZA finds the administrative decision was consistent with the provisions of this Ordinance, the BZA affirms the determination in writing.
 - 2. Affirm with Modifications: If the BZA determines the proper interpretation is not consistent with the administrative decision nor the interpretation requested by the applicant, the BZA will affirm the determination with modifications in writing.
 - 3. Reverse: If the BZA finds the administrative decision was inconsistent with the provisions of this Ordinance, the BZA reverses the determination in writing.
 - 4. Continuances: The appeal may be continued based on a request by the Administrator or applicant, an indecisive vote, or a determination by the BZA that additional information is required before action is taken on the request. The continuing of applications follows Rules and Procedures of the Board.
- F. **Re-Filing of Denied Applications.** No denied administrative appeal may be re-filed for a period of one year from the denial date unless substantial changes are made addressing the reasons for denial. The Administrator may waive the waiting period based on adjacent land use changes or other contributing factors.

8.4 CONDITIONAL USE PROCESS

- A. **Permitted.** The BZA may approve a use listed as a conditional use in CHAPTER 2: ZONING DISTRICTS, and their accessory buildings and uses, according to the procedures in this article, and other regulations of the zoning district where the subject property is located. This chapter establishes the review procedure for conditional uses and the statutory criteria that must be met for all conditional uses. More specific requirements are established for certain uses to mitigate their potential negative impacts.
- B. **Purpose.** A conditional use requires more review because of its potential adverse impact upon the immediate neighborhood and the community. The BZA reviews a conditional use, its characteristics, and impacts to determine its suitability for the zoning district. These uses are generally consistent with the purpose of the zoning district in which they are permitted but, due to unique operational characteristics, may not be desirable or compatible in all locations within the district. Factors such as traffic, hours of operation, noise, odor, or similar potential impacts require that the conditional use be evaluated relative to its appropriateness on a case-by-case basis.
- C. **Procedures.**
1. Application: Applications must be filed according to the schedule of meeting and filing deadlines. An applicant submits a completed application to the Administrator on forms provided by the Department with the filing fee and the required supporting information. The Administrator establishes the number of copies of complete applications and supporting documentation required to be filed.
 2. Action by the Administrator: The Administrator reviews a filed application for completeness. Applications determined complete are docketed for a hearing by the BZA.
 3. Investigation of Application: At the Administrator's discretion, the Technical Advisory Committee may review an application for conditional use prior to the BZA's consideration.
 4. Public Notice: Notification for the scheduled public hearing regarding the application must be completed consistent with the BZA's Rules of Procedure.
 5. Public Hearing: At a public hearing, the BZA reviews the facts and circumstances of each application and supporting information. The applicant or applicant's representative must appear at the public hearing.
- D. **Review Criteria.** The BZA may approve a conditional use upon a determination in writing that the proposed use:
1. Is consistent with the vision, goals, and objectives of the Comprehensive Plan.
 2. Complies with the requirements of this Ordinance.
 3. Is compatible with the character of the general vicinity.
 4. Can be adequately served by essential public facilities and services, such as streets, police and fire protection, drainage systems, refuse disposal, water and sewers, and schools.
 5. Does not create circumstances detrimental to people, property, or the general welfare by producing excessive traffic, noise, smoke, fumes, glare, odor, or other conditions incompatible with the uses permitted in the zoning district. and

6. Allows orderly development of the surrounding property for uses permitted in the district.
- E. **No Presumption of Approval.** The listing of a conditional use on the Permitted Use Table does not constitute a presumption of approval. Each conditional use is evaluated on an individual basis regarding compliance with the standards and whether the use is appropriate at the location and in the manner proposed.
- F. **Re-Filing of Denied Applications.** No request for conditional use that has been denied may be re-filed for a period of one year from the denial date, unless substantial changes are made addressing the reasons for denial. The Administrator may waive the waiting period based on adjacent land use changes or other contributing factors.
- G. **Conditions of Approval.** Reasonable conditions may be imposed on the approval of a conditional use to protect the public health, safety, and general welfare, ensure adequate public services can be provided, enhance compatibility with adjacent conforming land uses or activities, and protect natural resources.
- H. **Limitations of Approval.** Approval only authorizes the conditional use at the premises where the approval was granted. It is not conditioned upon the property owner or operator of the approved use.
- I. **Effect of Approval.** The approval of a conditional use does not authorize the development, construction, alteration, or moving of any building or structure. The approval authorizes the filing and processing of applications for permits or approvals required, such as approval of a site plan, improvement location permit, building permit, and certificate of occupancy.
- J. **Existing Use.** An existing use listed as a conditional use located in a zoning district where such conditional use may be permitted is a conforming use if the use meets the minimum lot area requirements of the zoning district. Any expansion of the conditional use involving the enlargement of buildings, structures, and land area is subject to the requirements and procedures described in this Ordinance.
- K. **Commitments.** The BZA may require the property owner to make written commitments concerning the use or development of the property per [8.13 Written Commitments](#).
- L. **Expiration.** Approval of a conditional use expires 36 months after it is granted unless construction is complete, or commencement of the use has occurred. Prior to the expiration of the initial approval, the applicant may request in writing to the Administrator an extension of the approval period. The BZA may extend the approval 12 months or more upon finding there are no new conditions requiring reconsideration of the conditional use.
- M. **Revocation.** Violations of any conditions or commitments imposed on a conditional use approval are subject to enforcement procedures.

8.5 DESIGN REVIEW PROCESS

- A. **Purpose.** The purpose of the Design Review process is to ensure the compatibility of new development or construction with the existing development of the surrounding neighborhood.

Design Review Process

- B. **Applicability.** Unless otherwise waived in writing by the Administrator, the Design Review process is required as part of the development plan review process for applications located within the Downtown District, a corridor overlay district, the recreation overlay district, or on an infill site. An infill site is one where the proposed development is located on vacant or underutilized land substantially enclosed by other buildings and developments.
- C. **Design Review Criteria.** In addition to the criteria identified in [8.6 Development Plan Review](#), development plans submitted as part of the Design Review process are reviewed for compatibility of the proposed development with the surrounding neighborhood on the following requirements:
- Massing of the Building form,
 - Building scale,
 - Location and treatment of entryways, including porch heights,
 - Surface materials, finishes, and textures,
 - Size of Building footprint,
 - Eave heights,
 - Building silhouette,
 - Spacing between Buildings,
 - Setbacks from Street property lines,
 - Proportions of Windows, bays, doorways, etc.
 - Shadow patterns from massing and features, and
 - Landscaping.
- D. **Application Documentation and Supporting Information.** All applications for design review must include the documentation and supporting information set forth in [8.6 Development Plan Review](#). Other information necessary to support a thorough review of the project may be requested in writing by the Plan Commission or Administrator. The Administrator in writing may waive or relax any of the documentation required which is irrelevant or unnecessary for a thorough review of the development.
1. Landscape Plan: A landscape plan according to [6.1 Landscape](#), is required as part of any development plan and must detail perimeter areas, buffer yards, common areas, entryways, and any other open space as considered appropriate by the Plan Commission or Administrator. Landscape plans for a detailed development plan must be site or lot specific showing compliance with parking area, buffer yard, and on-site or foundation requirements.
 2. Open Space and Amenity Plan: A statement of the nature and extent of all existing and proposed open space and amenities must be provided either on the submitted landscape plan or in writing, along with any necessary explanatory materials or graphics, as part of any development plan.
 3. Lighting Plan: A lighting plan according to [6.2 Lighting](#), is required as part of any development plan.

Development Plan Review

4. Sign Plan: A sign plan according to [6.4 Signage](#) may be required with the any development plan submission; however, all signs are subject to approval and obtaining a sign permit ([8.23 Sign Permit](#)) before erection.
5. Building Elevations: Drawings of proposed buildings must be filed in connection with the detailed development plan submission. The buildings must be drawn to scale and include the following ([CHAPTER 2 – ZONING DISTRICTS](#)):
 - Address of the property and graphic scale.
 - Proposed name of the development.
 - Elevations for each building facade (360 degree).
 - Specifications or samples of the type and color of exterior materials to be used for all wall, window, roof, and other architectural features.
 - A separate true color rendering, or other realistic depiction, of the proposed building, including any areas designated for signage.
 - Details of any exterior architectural lighting.

8.6 DEVELOPMENT PLAN REVIEW

- A. **Authority.** The Plan Commission is authorized to review and approve or disapprove all development plans required by this Ordinance.
- B. **Applicability.** Development plan approval is required for the projects listed below and as otherwise required by this Ordinance. Improvement Location Permits and Building Permits cannot be issued until the conditions and requirements of this Ordinance are met. Development Plans are required for:
 1. All uses within commercial districts or industrial districts.
 2. All uses within the Downtown District and Institutional District.
 3. Any use within the Downtown Overlay District, Recreation Overlay District, or Thoroughfare Overlay District.
 4. Any multifamily residential use containing 7 or more units in a building.
 5. All Planned Unit Developments.
- C. **Approval Procedure**
 1. Pre-Filing Meeting. It is recommended the Applicant meet with the Administrator prior to filing an application. The meeting provides the Applicant guidance on the requirements for reviewing the proposed development and the plan review process.
 2. Submission Dates. Development plan approval occurs after primary plat approval and prior to secondary plat approval. Applications are filed according to the schedule of meetings and filing deadlines in the format specified by the Department. Applications for development plan approval may be filed concurrently with an application for secondary plat approval.

3. Submission Procedure and Requirements. The applicant files: (1) an application provided on forms provided by the Department, (2) detailed development plans and specifications, (3) all applicable fees, and (4) supplemental information required by the Administrator. Plans are submitted in the format specified by the City.
4. Compliance. Development plans must be substantially similar to the approved primary plat.
5. Review of Complete Applications. The Administrator reviews the application for completeness. Applications determined to be in proper form are docketed for review by the Technical Assistance Committee. The Technical Assistance Committee members review the plans and provide comments on modifications needed for the plans to comply with the requirements of this Ordinance, written commitments made regarding the property, and any other development requirements. These comments are provided to the Administrator and the applicant and are made available to the public.
6. Revised Plans. The applicant revises the plans as needed and resubmits them to the Administrator. The Administrator determines if the revised plans need to go to any of the Technical Assistance Committee members for review. When the Administrator determines the plans comply with all applicable development standards, the plans and specifications are approved by the Administrator. Development plan approval is required prior to starting work on any improvements.
7. Written Commitments. The Administrator may require the applicant to prepare written commitments concerning the development plans prior to formal action on the application. If written commitments are part of the plan approval, they must be recorded in the office of the County Recorder within 90 days of plan approval. A copy of the recorded commitments must be provided to the Department within 30 days of being recorded.
8. Approved Plans. After approval of development plans and before the installation of improvements, a preconstruction meeting is scheduled with the Administrator. Three sets of approved development plans and specifications are stamped "APPROVED City of Lebanon." The stamped plans are the only official plans approved for construction.

D. Development Plan Requirements

1. Development plans must be submitted under the seal and signature of a Professional Engineer, Registered Land Surveyor, Registered Architect, or Professional Landscape Architect licensed to practice in the State of Indiana. All sheets must be 24" x 36" size and drawn to scale (minimum 1"=50' to maximum 1"=10') unless otherwise approved by the Administrator. The following information is required for a complete review of the proposed development. The Administrator may waive in writing any of the plan requirements the Administrator deems unnecessary to review the proposed development.
 - a. General Information. Each sheet of the development plans must contain:
 - The name of the project.
 - Drawing date, scale, and north point.
 - All property boundaries, existing and proposed.
 - Labels identifying all lots, outlots, parcels, parks, common areas, or excluded parcels.

- b. Title Sheet. The Title Sheet must contain:
 - i. Name of the Project;
 - ii. Name and address of the owner, developer, and person who prepared the plans;
 - iii. Total acreage within the project and the number of residential dwelling units or the gross square footage of nonresidential buildings, as applicable;
 - iv. Existing zoning of the project site and all adjacent parcels;
 - v. Boundary lines of adjacent parcels, showing owners of record;
 - vi. A vicinity map showing the boundaries of the proposed project and the general area surrounding the project;
 - vii. A full legal description including sufficient reference to section corners and a boundary map of the project, including appropriate benchmark references;
 - viii. A statement of the proposed uses identifying the type and size of residential and nonresidential buildings, and the type of business, commercial or industry use to reveal the effect of the project on traffic, fire hazards, or congestion of population;
 - ix. Proposed covenants or restrictions affecting the property owners and; and
 - x. The proposed starting and completion dates for the project, including any proposed phasing.
- c. Existing Site Conditions. The following information must be provided on all plans:
 - i. Names, locations, widths, and type of construction of all existing streets, alleys, or other public ways and easements, street classifications according to the Thoroughfare Plan, railroad and utility rights-of-way or easements, parks, wooded areas, cemeteries, watercourses, drainage ditches, designated wetlands, low areas subject to flooding, permanent buildings, bridges, and other data pertinent 300 feet of the proposed project;
 - ii. Existing water mains, fire hydrants, storm sewers, sanitary sewers, culverts, bridges, and other utility structures or facilities within, adjacent to, or serving the subject land, including pipe sizes, grades, and exact locations, as can best be obtained from public or private records;
 - iii. Existing contours based in United States Geological Survey (USGS) datum show at 5-foot intervals where the slope is greater than 10% and 2 -foot intervals where the slope is less than 10%. Elevations are based on sea level datum;
 - iv. The water elevation on the date of the survey for lakes, streams, or designated wetlands within the project or affecting it, as well as the approximate high and low water elevation of such bodies;
 - v. The contour line of the regulatory flood elevation and the contour line for the floodway fringe and floodway boundary; and
 - vi. Building setback lines, showing dimensions.

- d. Proposed Site Conditions. The following information must be provided:
 - i. Names, locations, widths, and type of construction of all proposed streets, alleys, or other public ways and easements, railroad and utility rights-of-way or easements;
 - ii. Proposed water mains, fire hydrants, storm sewers, sanitary sewers, culverts, bridges, and other utility structures within or serving the subject land, including pipe sizes, grades, and exact locations;
 - iii. Full description and details, including engineering calculations, for stormwater drainage plans and facilities;
 - iv. Internal and perimeter pedestrian circulation plan;
 - v. Proposed contours at 5-foot intervals where the slope is greater than 10% and 2-foot intervals where the slope is less than 10%.
 - vi. The contour line for the floodway fringe and floodway boundary.
 - vii. The location and details for all trash dumpsters.
- e. Erosion Control Plan. The following information must be provided:
 - i. Details of terrain and area drainage, including the identity and location of watercourses, intermittent and perennial streams, receiving waters, and springs, and the total acreage of land that will be disturbed.
 - ii. The direction of drainage flow and the approximate grade of all existing or proposed streets.
 - iii. Detailed plans and locations of all surface and subsurface drainage devices, including walls, dams, sediment basins, storage reservoirs, and other protective devices to be constructed with a map showing the complete drainage network, including outfall lines and natural drainage ways which may be affected by the proposed development, and the estimated runoff of the area served by the drains.
 - iv. A description of the methods used to dispose of soil and other material removed from the site, including the location of the disposal site.
 - v. Soil erosion and sediment control measures meeting or exceeding the requirements of the City of Lebanon in the Stormwater Ordinance.
 - vi. The installation sequence of planned erosion control measures as related to the progress of the project, including the disturbed area during each stage, anticipated starting and completion dates, and maintenance schedule of such measures.
- f. Grading Plan. The following information must be provided:
 - i. Major drainage swales and percents of slope;
 - ii. Pad grades;
 - iii. Street grades noting all sag and crest points;

- iv. Paved swales;
- v. Lake or pond; and
- vi. Locations of sidewalk ramps.
- g. Plan And Profiles. The following information must be provided:
 - i. Sanitary Sewers:
 - (a) Invert elevations and percents of slope;
 - (b) Top of casting elevations;
 - (c) Lateral locations based on distances along main from manholes;
 - (d) Locations of each manhole or structure; and
 - (e) Designate any material change from design plans.
 - ii. Storm Sewers:
 - (a) Invert elevations and percents of slope;
 - (b) Top of casting elevations;
 - (c) Location of pipe and structures; and
 - (d) Designate any material change from design plans.
 - iii. Streets:
 - (a) Grades;
 - (b) All low and high points;
 - (c) All percents of slope;
 - (d) Any deviation of alignment; and
 - (e) Grades and dimensions on acceleration and deceleration lanes if applicable.
- h. Landscape Plan. A landscape plan per [6.1 Landscaping](#).
- i. Master Sign Plan. A sign plan prepared to the standards specified in [6.4 Signage](#).
- j. Lighting Plan. A photometric plan prepared to the standards as specified in [6.2 Lighting](#).
- k. Plat-like Dedication Sheet. The following information must be submitted for easements and rights-of-way if deemed necessary by the Administrator or Plan Commission:
 - i. Parcels of land to be dedicated for public use or reserved for common use of the owners association, with any proposed conditions and maintenance requirements;
 - ii. Radii, internal angles, points of curvature; tangent bearings and lengths of all arcs, chord, and chord bearings; and
 - iii. Location of all survey monuments, corners, and other points established in the field.
- l. Architectural Plans. Building elevations of all sides of all proposed buildings indicating materials and colors, and other information necessary to determine compliance with any applicable architectural standards required by [CHAPTER 7: SUBDIVISION REGULATIONS](#).

m. Other Required Submittals. The Applicant must submit the following, when applicable:

- i. Utility encroachment approvals;
- ii. Lebanon Stormwater approval;
- iii. Boone County Drainage Board approval;
- iv. Other local, state, and federal approvals;
- v. Inspection and testing agreements with the Board of Works and Safety;
- vi. Outside reviews required by the City; and
- vii. Any other information required by the Administrator needed to conduct a complete review of the application.

E. Deviation From the Approved Development Plan

- 1. If the Administrator determines the installation of the improvements materially deviate from the approved development plan, the Administrator may require a new development plan approval. A material deviation is one that:
 - a. Adds, removes, or reconfigures an internal street or relocates an access point;
 - b. Affects a condition of approval established by the Plan Commission or Administrator;
 - c. Reduces the area devoted to open spaces or buffer landscaping;
 - d. Requires a waiver of the standards of these regulations; or
 - e. Involves the enlargement of a nonresidential building that changes the character of the approved development due to: (i) the size of the expansion, (ii) the type of building and its use, (iii) the location of the enlargement, (iv) the impact of the expansion on the area surrounding the site, or (v) if the expansion creates a need for additional infrastructure, such as parking, traffic signals, etc.
- 2. Minor changes not constituting a material deviation are reviewed and approved by the Administrator staff.

F. **Financial Assurances.** The City may require financial assurances to guarantee construction of all public improvements proposed in a development plan and for certain private improvements, including site grading, drainage improvements, erosion control, sanitary sewers, private streets, landscaping and buffering, or other improvements that may impact adjacent properties or the health, safety, or welfare of the general public. Performance sureties must be in an amount and form as prescribed by the Administrator. Public improvements must be dedicated within two years of Plan Commission approval unless time extensions are granted by the City. If public improvements are not dedicated within the specified time, the City may take action to insure completion and dedication.

- G. **Record Drawings.** The developer prepares and submits record drawings to the Administrator for all streets, drainage facilities, utility pipes and structures, and finished grade elevations for the project. Record drawings must be filed with the Administrator prior to the release of any performance assurances. Record drawings, including the approved final plat are submitted on forms specified by the Plan Commission.

Plans must contain a certification stating the improvements are installed in reasonable compliance with the approved design plans. The certification must be sealed and signed.

- H. **Expiration Deadlines.** Development plan approvals expire 3 years from the date of Plan Commission or Administrator approval. If the necessary improvements have not been completed, the Plan Commission or Administrator may grant extensions for up to 2 years. Requests for extension are submitted in writing by the Developer to the Administrator stating the justification for the extension. The body that initially approved the development plan approves or denies the extension request.

8.7 PLANNED UNIT DEVELOPMENT

- A. **Applicability.** These regulations apply to Planned Unit Development District (PUD) proposals and to any proposed amendment to an existing Planned Unit Development that would affect either the text of the PUD Ordinance or the Ordinance's referenced exhibits.
- B. **Intent.** The Planned Unit Development (PUD) zoning district provides for the development of mixed zoning classifications, densities, and uses under a common classification when presented to the Plan Commission in a well-prepared, organized, and documented plan. This zoning district is intended to:
- Encourage large-scale, identity-building developments that mix uses, building types, and building arrangements;
 - Provide greater flexibility for sites with natural constraints to conserve natural resources; and
 - Allow a review process for creative building types that do not fit well into other zoning districts.
- C. **Required Approvals.** A Planned Unit Development District requires the following approvals:
1. Ordinance and Concept Plan (collectively, "PUD Ordinance")
 2. Development plan ([8.6 Development Plan Review](#))
 3. Approval of Primary Plat and Secondary Plat, if applicable.
- D. **PUD Ordinance.**
- I. Application Procedures:
 - a. Concept Plan Conference: A Concept Plan conference with the Administrator is required before the filing of any PUD application. This conference is held to allow the applicant to discuss characteristics of the development in relation to adopted City policies. The conference allows the Administrator to review PUD procedures, development standards, and policies with the applicant. A draft of the proposed PUD Ordinance is required for the Concept Plan conference. The applicant is encouraged to incorporate the Administrator's comments into

the proposal prior to filing the application. The Concept Plan conference is intended only for discussion purposes; neither the applicant nor the Plan Commission is bound by any decision made during the conference.

- b. Who May File: Applications may be filed by a petition signed by the Property owners of the real estate involved in the petition, or the property owner's authorized agent. If an authorized agent, then a consent form signed by the property owner must accompany the application.
- c. Filing Deadline: Applications must be filed according to the schedule of meeting and filing deadlines. The applicant is responsible for distributing a copy of the application and related materials to members of the Technical Advisory Committee.
- d. Forms of Filing: An applicant submits a completed application to the Administrator on forms provided by the Department with documentation and required supporting information. The Administrator establishes the number of copies of complete applications and supporting documentation required to be filed.
- e. Docketing by Administrator: Each filed application is reviewed for completeness. Applications determined to be in proper form according to the guidelines established must be numbered and docketed by the Administrator.
- f. Neighbor Meeting: Applicants requesting approval of a PUD Ordinance and any amendments, are encouraged to host a neighbors' meeting and submit a written report to the Administrator summarizing the meeting prior to the Plan Commission public hearing. Applicants must invite to the neighbor meeting at least the interested parties required to receive mailed notice of the Plan Commission public hearing.
- g. Review and Approval: After docketing, an application is reviewed and considered by the Plan Commission and Common Council according to **8.11 Zoning Map Changes (Rezones)**.
- h. When considering a PUD Ordinance, the Administrator, Plan Commission, and Common Council consider the extent to which the proposed PUD:
 - i. Meets the requirements, standards, and stated purpose of the PUD regulations;
 - ii. Departs from the zoning and subdivision regulations applicable to the property and why such departures are in the public interest;
 - iii. Meets the purposes of the Comprehensive Plan and other policies and objectives of the City;
 - iv. Provides public services, manages circulation and traffic, establishes common open space, and enhances the community as a whole;
 - v. Is compatible with adjacent properties and does not diminish their value;
 - vi. Enhances the physical development, tax base, and economic well-being of the City;
 - vii. Preserves ecological, natural, historical, architectural, and human-made resources to the extent possible; and
 - viii. Will not damage the public health, safety, and general welfare.

2. Effect of Approvals of PUD Ordinance. A PUD Ordinance becomes effective after its approval by the Common Council and is recorded by the City in Office of the County Recorder. The Zoning Map is amended accordingly. The use and development of the property are then governed by the PUD Ordinance, subject to review and approval of subsequent permits and approvals as required by this article and Ordinance, and any other regulatory processes which may be required prior to beginning construction within the PUD.
- E. **Development plan Approval.** Development plan approval, as set forth in 8.6 Development Plan Review, is required for all PUDs. Development plans must conform to the approved PUD Ordinance and this Ordinance. An application for development plan approval must be filed within 3 years of PUD Ordinance approval. If needed, applicants may seek a time extension of up to 18 months from the Common Council.
- F. **Permits.** No permit of any kind will be issued within a PUD except according to the approved development plan, and after acceptance by the City of all required guarantees for improvements according to this Ordinance.
- G. **PUD Ordinance Requirements.** PUD Ordinances and supporting data must include the following documentation. The Administrator in writing may waive or relax any of the requirements listed which are irrelevant or unnecessary for a thorough review of the development.
1. PUD Ordinance. The PUD Ordinance must follow a standard format adopted by the City for PUD Ordinances.
 2. Concept Plan. A drawing of the PUD (“Concept Plan”) must be included at a scale at least 1”=100’, or at a scale the Administrator considers appropriate.
 - a. General Concepts. The concept plan must show in general terms the following: major circulation; location and dimensions of buildings, structures, and parking facilities; open space areas; recreation facilities; and other details indicating the character of the proposed development.
 - b. Detailed Concepts. The concept plan must include in detailed terms the following:
 - i. A site location map showing the project location and other development projects in the vicinity.
 - ii. The name of the development, with the words “Concept Plan”.
 - iii. Boundary lines and acreage of each land use component.
 - iv. Existing easements, including location, width, and purpose.
 - v. Existing land use on abutting properties.
 - vi. Other conditions on the site and adjoining land: topography (at two-foot contours) including any embankments or retaining walls; use and location of buildings, railroads, power lines, towers, and other influences; name of any adjoining subdivision.
 - vii. Existing streets on and adjacent to the tract, including street name, right-of-way width, walks, pathways and bridges and other drainage structures.

- viii. Proposed public improvements: collector and arterial streets and other major improvements planned by the public for future construction on or adjacent to the tract.
 - ix. Existing utilities on the tract.
 - x. Any land on the tract within the floodway and floodway fringe as shown on the Flood Insurance Rate Maps.
 - xi. Other conditions on the tract, including water courses, wetlands, sinkholes, wooded areas, existing structures, and other significant features such as significant isolated trees.
 - xii. Existing vegetation to be preserved and the locations, nature, and purpose of proposed landscaping.
 - xiii. Map data such as north point, graphic scale, and date of preparation.
3. Written Statement of Character. A written statement of character of the PUD must provide an explanation of the character of the PUD and the reasons why it has been planned to take advantage of the flexibility of these regulations. The written statement must include:
- a. A specific explanation of how the proposed PUD meets the objectives of all adopted land use policies affecting the land in question.
 - b. Development phasing indicating building phases, including the area, density, use, public facilities, and open space to be developed with each phase, and projected dates for beginning and completion of each phase. Each phase must be described and mapped.
 - c. General details of the proposed uses:
 - i. Residential uses must indicate gross area, architectural concepts (narrative, sketch, or representative photo), and number of dwelling units for each residential component;
 - ii. Nonresidential uses must indicate specific nonresidential uses, including gross areas, architectural concepts (narrative, sketch, or representative photo), and building heights.
4. Development Amenities and Open Space. The PUD Ordinance must include a statement of recreational amenities and open space. Such statements must designate and convey active and/or passive recreational areas according to the following:
- a. Recreational amenities and open space must be allocated to the property in proportion to the uses assigned in the PUD and be located within reasonable walking distance to those uses; however, when preserving existing features, the recreational amenities do not need to be in proximity to the use.
 - b. If the PUD Ordinance provides for development in stages, then amenities and open space must be provided in each stage in proportion to that stage, unless otherwise indicated and approved in the PUD Ordinance.
 - c. Amenities must be conveyed in one of the following forms:
 - i. To a municipal or public corporation;

- ii. To a not-for-profit corporation or entity established to benefit the owners and tenants of the PUD. All conveyances must be structured to ensure the grantee has the obligation and the right to effect maintenance and improvement of the amenities and the duty of maintenance and improvement is enforced by the owners and tenants of the PUD; or
 - iii. To owners other than those specified in subsections (i) and (ii) above, and subject to restrictive covenants describing and guaranteeing the amenities, its maintenance and improvement, running with the land for the benefit of residents of the PUD or adjoining property owners or the community.
5. Traffic Impact Study. A Traffic Impact Study may be required at the discretion of the Administrator, the City Engineer, the Plan Commission, or Common Council. If a Traffic Impact Study is required, it must be prepared by a registered professional engineer and must evaluate the impact of present and future traffic generated by the proposed development on the adjacent roadway system. Prior to beginning the study, an applicant meets with the Administrator to determine the appropriate scope for the study.
6. Additional Materials. The Administrator informs the applicant in writing of any additional information, documents, or data necessary to support a thorough review of the proposed development.

H. PUD Ordinance Amendments

- I. Changes requiring an amendment to a PUD Ordinance include altering the concept or intent of the initial PUD, as determined by the Administrator, which include:
- 1. Increases in density or intensity.
 - 2. Changes in the proportion or allocation of land uses.
 - 3. Changes in the list of approved uses.
 - 4. Changes in the locations of uses outside of the parameters set forth by the PUD Ordinance.
 - 5. Changes in functional uses of open space constituting an intensification of use of the open space.
 - 6. Changes in the final governing agreements which conflict with the concept plan approval.
- J. The procedure for amending an approved PUD Ordinance (“text amendment”) is the same as the procedure for the adoption of the initial PUD Ordinance.

8.8 VARIANCES

A. Application. The applicant files:

- 1. A variance application,
- 2. Property owner consent if the applicant is someone other than the property owner,
- 3. The applicable filing fee,
- 4. A site plan drawn to scale showing the layout of the property and all features relevant to the request,

5. A statement of intent describing the details of the variance being requested and stating how the request is consistent with the decision criteria. The statement should include any written commitments being made by the applicant, and
 6. A copy of the most current property deed.
- B. **Public Notice.** Notification for the scheduled public hearing regarding the variance request must be completed consistent with the schedule of meeting and filing dates and the rules and procedures of the Board.
- C. **Public Hearing.** At a public hearing scheduled consistent with the schedule of meeting and filing dates, the BZA reviews the variance application and required supporting information.
1. Representation. The applicant and/or applicant's representative must be present at the public hearing to present the complete application and address the decision criteria.
 2. Testimony. The BZA will consider a report from the Administrator and testimony from the applicant, remonstrators, the public, and interested parties at the hearing.
 3. Procedures. The presentation of reports and testimony and all other aspects of the public hearing must be consistent with the BZA's Rules of Procedure.
 4. Possible Action. The BZA may approve, approve with conditions, deny, or continue the application according to [IC 36-7-4-918.4](#) and [IC 36-7-4-918.5](#).
- D. **Re-Filing of Denied Applications.** No request for variance that has been denied may be re-filed for a period of one year from the denial date unless substantial changes are made addressing the reasons for denial. The Administrator may waive the waiting period based on adjacent land use changes or other contributing factors.
- E. **Continuances.** The application may be continued by the BZA based on a request by the Administrator, applicant, remonstrator, or interested party; an indecisive vote; or a determination by the BZA that additional information is required prior to action being taken on the request. The continuing of all applications and any potential additional legal notice must be consistent with the BZA's Rules of Procedure.
- F. **Decision Criteria.** In acting on all variance requests, the BZA must use decision criteria to approve or deny variances consistent with the requirements of Indiana Code:
- I. Variances of Use. A variance of land use may be approved upon determining:
 - a. The use will not be injurious to the public health, safety, morals, and general welfare of the community.
 - b. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
 - c. The need for the variance arises from some condition particular to the property involved.
 - d. The strict application of the terms of the Ordinance will constitute an unnecessary hardship if applied to the property.
 - e. The use does not interfere substantially with the Comprehensive Plan.

Waiver of Development Standards

2. Variances of Development Standards. A Variance of development Standard may be approved only upon determining:
 - a. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.
 - b. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
 - c. The strict application of the terms of the Ordinance will result in practical difficulties in the use of the property.
- G. **Commitments.** The BZA may require the property owner to make written commitments concerning the use or development of the property ([8.13 Written Commitments](#)).
- H. **Effect of Approval.** Approval of a variance does not authorize the development, construction, alteration or moving of any building or structure. The approval authorizes the filing and processing of applications for permits or approvals required, such as approval of a site plan, improvement location permit, building permit, and certificate of occupancy.
- I. **Acknowledgement of Variance.** Approval of a variance must be recorded in an acknowledgement of variance instrument prepared by the Administrator. The instrument must specify the granted variance and any commitments made or conditions imposed in granting of the variance. The applicant must record the instrument in the Office of the County Recorder within 14 days of receiving the fully-executed variance approval from the Administrator. The applicant must return a copy of the recorded instrument to the Department within 14 days of recording. New applications for approvals or permits for the property will not be processed until a copy of the recorded instrument is provided to the Department.
- J. **Compliance and Violations.** A permit will not be issued unless it complies with an approved variance, conditions of approval, and commitments. Violations of an approved variance, conditions of approval, and commitments are subject to enforcement procedures.

8.9 WAIVER OF DEVELOPMENT STANDARDS

In connection with a development plan, preliminary plat, or final plat, a request for a waiver of the dimensional and quantitative standards of up to 35% for the provisions in [CHAPTER 2: ZONING DISTRICTS](#), [CHAPTER 5: DESIGN AND MAINTENANCE](#) and [CHAPTER 6: IMPROVEMENT STANDARDS](#) may be approved consistent with the following requirements:

- The proposal does not create conditions detrimental to the public health, safety, and welfare.
- The proposal is harmonious with the purpose and intent of the zoning district where the project is located.
- The proposal enhances the overall development plan, preliminary plat, or final plat, the abutting streetscapes and neighborhoods, and the surrounding area.
- The proposal does not produce a site design that is impractical or detracts from the appearance of the proposed development and the surrounding area.
- The proposal provides improved site design characteristics such as increased pedestrian connections, enhanced landscaping, tree preservation, or public art.

For items where final approval has been delegated to staff, the Administrator has the authority to grant waivers. In all other circumstances, the Plan Commission may grant the waiver after a public hearing.

In granting the waiver, the Plan Commission or Administrator may impose conditions necessary to secure the purposes of this article. The applicant retains the right to petition the Board of Zoning Appeals for a variance from development standards as provided in [IC 36-7-4-918.5](#).

8.10 WAIVER OF SUBDIVISION STANDARDS

In connection with a development plan, primary plat, or secondary plat, the Plan Commission may approve a request for a waiver of the provisions in [CHAPTER 7: SUBDIVISION REGULATIONS](#) if the intent and purpose of the design standards benefit from an alternative proposal while upholding the intent and purpose of this Ordinance. ([7.16 Modifications](#))

8.11 ZONING MAP AMENDMENTS (REZONES)

- A. **Applicability.** This article applies to applications requesting to amend the Zoning Map.
- B. **Initiation.** Proposals to amend the Zoning Map may be initiated by the Plan Commission, the Common Council, or through an application signed by property owners of at least 50% of the land involved.
 - 1. Legislative Body Initiation. The Administrator prepares the application for Zoning Map amendment if the Plan Commission or Common Council initiates the application. The Administrator serves as the representative of the applicant for such proposals.
 - 2. Property Owner Initiation. Property owners requesting a Zoning Map amendment are the applicants and are responsible for preparing the application.
- C. **Application Procedures**
 - 1. Pre-Filing Conference. A pre-filing conference with the Administrator is required prior to filing an application. The applicant is encouraged to incorporate the Administrator's comments into the application before filing.
 - 2. Filing Deadline. Applications are filed according to the schedule of meeting and filing deadlines. The applicant may be responsible for distributing a copy of the application to members of the Technical Advisory Committee if the Administrator determines such a review is necessary.
 - 3. Forms of Filing. The applicant submits a completed application to the Administrator on forms provided by the Department with supporting information and the application fee. The Administrator establishes the number of copies of the application required for filing.
 - 4. Application Requirements for Property Owner Initiated Applications
 - a. If an application is filed by a property owner's authorized agent, a consent form signed by the property owner must accompany the application.
 - b. A copy of the most current property deed.
 - c. Supporting Information
 - i. A conceptual site plan showing all features relevant to the application.

Zoning Map Amendments (Rezones)

- ii. A vicinity map showing the use and zoning of all properties within 500 feet of the proposed Zoning Map amendment.
 - iii. A narrative stating the reasons for the zoning change, including a detailed description of any proposed development. The narrative should include any written commitments made by the applicant.
- D. **Public Notice.** Notification for the public hearing must be completed consistent with the requirements of the Plan Commission's Rules of Procedure.
- E. **Common Council Informational Appearance**
 - 1. The proposed rezone appears before the Common Council for an informational presentation of the proposal.
 - 2. The informational appearance is conducted at a regularly scheduled Council meeting.
 - 3. The informational meeting is not the required public hearing for the proposed rezone.
 - 4. The informational meeting is administered by City staff.
 - 5. No action may be taken on any proposed rezone at an informational meeting, and comments, proposed changes, or requested changes are not considered binding.
- F. **Plan Commission Public Hearing.** At a public hearing, the Plan Commission reviews the application and supporting information.
 - 1. Representation. The applicant and/or any representative of the applicant must be present at the public hearing to present the application and address any Plan Commission questions.
 - 2. Testimony. The Plan Commission considers a report from the Administrator and testimony from the applicant, remonstrators, the public, and interested parties at the hearing.
 - 3. Procedures. The conduct of the public hearing follows the requirements of the Plan Commission's Rules and Procedure.
 - 4. Possible Action. Following the public hearing, the Plan Commission may either forward the application to the Common Council with a favorable recommendation, an unfavorable recommendation, or no recommendation according to Indiana Code; or continue the request to a subsequent Plan Commission meeting.
- G. **Continuances.** The application may be continued by the Plan Commission based on a request by the Administrator, applicant, remonstrator, or interested party; an indecisive vote, or a determination by the Plan Commission that additional information is required prior to acting on the request. The continuing of applications and any potential additional legal notice must be consistent with the Plan Commission's Rules and Procedure.
- H. **Certification.** The Plan Commission certifies its recommendation to the Common Council according to Indiana Code. The Administrator forwards the Plan Commission certification, the application and supporting information, any Department reports regarding the application, and an ordinance to the Common Council for consideration.

- I. **Common Council Action.** The Common Council reviews the rezoning application and materials forwarded from the Plan Commission and may either approve or deny the ordinance. If the Common Council fails to act within 90 days of the Plan Commission's certification, and the applicant has not otherwise withdrawn the request or requested additional consideration by the Plan Commission, the rezone ordinance becomes effective or be defeated with the provisions of [IC 36-7-4-608](#). The Common Council may also seek modifications or additions to any written commitments permitted by this Ordinance.
- J. **Decision Criteria.** In reviewing the change of zoning application, the Plan Commission and Common Council consider:
 1. The Comprehensive Plan;
 2. Current conditions and the character of current structures and uses in each district;
 3. The most desirable use for which the land in each district is adapted;
 4. The conservation of property values throughout the jurisdiction; and
 5. Responsible development and growth.

8.12 ZONING TEXT AMENDMENTS

- A. **Applicability.** This article applies to applications requesting to amend the text of this Ordinance.
- B. **Initiation.** Proposals to amend the text of this Ordinance may be initiated by the Plan Commission or submitted to the Plan Commission by the Common Council. The Administrator prepares the amendment application and serves as the representative of the applicant.
- C. **Application Procedures.** Applications are filed according to the schedule of meeting and filing deadlines.
- D. **Public Notice.** Notification for the public hearing must be completed consistent with the requirements of the Plan Commission's Rules of Procedure.
- E. **Plan Commission Public Hearing.** At a public hearing, the Plan Commission reviews the application and supporting information.
 1. Representation. At the public hearing the Administrator presents the application and addresses any Plan Commission questions.
 2. Testimony. The Plan Commission considers a report from the Administrator and testimony from the applicant, remonstrators, the public, and interested parties at the hearing.
 3. Procedures. The conduct of the public hearing follows the requirements of the Plan Commission's Rules and Procedure.
 4. Possible Action. Following the public hearing, the Plan Commission may either forward the application to the Common Council with a favorable recommendation, an unfavorable recommendation, or no recommendation according to Indiana Code; or continue the request to a subsequent Plan Commission meeting.

- F. **Continuances.** The application may be continued by the Plan Commission based on a request by the Administrator, applicant, remonstrator, or interested party; an indecisive vote, or a determination by the Plan Commission that additional information is required prior to taking action on the request. The continuing of applications and any potential additional legal notice must be consistent with the Plan Commission's Rules and Procedure.
- G. **Certification.** The Plan Commission certifies its recommendation to the Common Council according to Indiana Code. The Administrator forwards the Plan Commission certification, the application and supporting information, any Department reports regarding the application, and an ordinance to the Common Council for consideration.
- H. **Common Council Action.** The Common Council reviews the application and materials forwarded from the Plan Commission and may either approve or deny the ordinance. If the Common Council fails to act within 90 days of the Plan Commission's certification, the ordinance becomes effective or be defeated with the provisions of [IC 36-7-4-607](#).
- I. **Decision Criteria.** In reviewing the change of zoning application, the Plan Commission and Common Council consider:
 - 1. The Comprehensive Plan;
 - 2. Current conditions and the character of current structures and uses in each district;
 - 3. The most desirable use for which the land in each district is adapted;
 - 4. The conservation of property values throughout the jurisdiction; and
 - 5. Responsible development and growth.

8.13 WRITTEN COMMITMENTS

- A. **Applicability.** An applicant may be required to make a commitment to the Plan Commission, BZA, or Administrator as a condition of approval of a rezoning proposal, a primary plat, a site plan, a plat vacation, special exception, or variance.
- B. **Form.** Commitments must be in writing, in a recordable form approved by the City, and signed by the owner(s) of the real estate.
- C. **Expiration.** A commitment may contain terms stating the commitment automatically terminates: (i) if the property's zoning classification is changed; (ii) if the commitment's use is changed; or (iii) otherwise according to the rules of procedure of the Plan Commission or BZA. If not otherwise provided, commitments remain in effect until otherwise modified or terminated per [8.13\(F\) Modification of Commitments](#).
- D. **Recording.** The applicant must record the commitments in Office of the County Recorder within 14 days of the approval of the application. The applicant must return a copy of the recorded commitments to the Department within 14 days of recording. New applications for approvals or permits for the property will not be processed until a copy of the recorded commitments is provided to the Department.

- E. **Enforcement.** The Plan Commission, BZA, City, owners of real estate adjoining the subject real estate, all owners of real estate within the area included in the application who were not applicants for approval, and others specifically designated in the commitments are entitled to enforce the commitments according to [IC 36-7-4-1015](#), or as otherwise provided by applicable law.
- F. **Modification of Commitments.** A commitment may be modified or terminated only by a decision of the Plan Commission, BZA, or Common Council to which the commitment was made. The decision is made at a public hearing by the Plan Commission, BZA, or Common Council after notice has been provided according to the Rules of Procedure. The modification or termination of the commitments is not effective until: (i) written in a form approved by the City Attorney; (ii) approved by the Plan Commission, BZA, or Common Council; (iii) executed by the current property owner of the real estate; and, (iv) recorded in Office of the County Recorder. The applicant is responsible for recording the commitments per 7.4(D) Recording.

8.14 PERMITS REQUIRED

An application and fee must be submitted for the following types of permits and certificates:

- Certificate of Compliance
- Certificate of Occupancy
- Demolition Permit
- Fence Permit
- Grading/Land Disturbance Permit
- Home Occupation Permit
- Improvement Location Permit
- Short-term Rental Permit
- Sign Permit
- Temporary Use Permit
- Temporary Vendor Permit

8.15 CERTIFICATE OF COMPLIANCE

- A. **Applicability.** An application for a Certificate of Compliance (“CofC”) may be filed according to this article. A CofC may: (i) be required by this Ordinance; (ii) serve as written confirmation by the City that a property or use complies with this Ordinance; or (iii) serve as a written verification of a property’s zoning. The Administrator may provide a CofC for:
1. A change in use (e.g., change from residential to commercial use).
 2. Exterior building or site improvements that would not otherwise require an Improvement Location Permit or development plan approval.

3. Conditions of approval associated with an approval of the BZA, Plan Commission or Common Council.
 4. Other similar circumstances as may be determined by the Administrator.
- B. **Approval Process.** An applicant submits a completed application on forms provided by the Department, or a detailed written request to the Administrator with supporting information. Within 5 days, applications, requests, plans, and specifications filed by an applicant must be checked by the Administrator for compliance with this Ordinance. If the Administrator is satisfied that the property, plans, and information provided in the application conforms to the requirements of this Ordinance and other applicable laws and ordinances, the Administrator issues a Certificate of Compliance to the applicant.
- C. **Effect.** A CofC does not authorize the establishment of a use nor the development, construction, alteration, or moving of any building or a structure. A CofC certifies compliance of an existing property, use and/or improvements made according to an approved permit on the date issued. The filing and processing of applications for any permits and approvals may be required by this Ordinance and other City ordinances including, a building permit, a certificate of occupancy, primary and secondary plats, or development plan approval, for proposed improvements or uses.
- D. **Limitations.** A CofC is limited only to the circumstance for which it was issued and at the time it was issued. The CofC does not authorize any allegedly similar circumstance requiring a separate review or certificate or a change in circumstances, unless otherwise provided for in the CofC.

8.16 CERTIFICATE OF OCCUPANCY

- A. **Applicability.** No building or structure erected or altered after the date of adoption of this Ordinance can be occupied or used unless a certificate of occupancy has been issued for that building or structure upon completion of construction. A certificate of occupancy constitutes certification that the building, structure, use, parking, landscaping, and all other required improvements fully comply with the provisions of the Ordinance and any conditions imposed on the approval.
- B. **Approval Process.** Upon completing the work approved through an ILP, the applicant contacts the Planning Department and schedules a final inspection to verify the installation of improvements. The Department has 10 days from the application date to inspect the site for compliance and either issue a Certificate of Occupancy or notify the applicant of deficiencies preventing the CofO.
- C. **Temporary Approval.** The Administrator may issue a temporary Certificate of Occupancy to allow the use of a building or structure when conditions do not allow for the completion of site improvements (e.g., low temperatures preventing the installation of landscaping or the surface coat of asphalt).

8.17 DEMOLITION PERMIT

- A. **Applicability.** A demolition permit is required for any demolition or partial demolition of a building or structure within the City.

- B. **Submittal Requirements.** Application for a Demolition Permit is made to the Administrator on forms provided by the Department with the permit application fee and required information to assure compliance with this Ordinance. The application must contain:
 - 1. The owner's name, mailing address, and phone number.
 - 2. The contractor's name, mailing address, and phone number.
 - 3. A scaled site plan indicating all property lines, utility lines, buildings and structures noting the buildings or structures to be demolished.
 - 4. A written release from each utility companies stating their utilities to the building or structures being demolished have been properly terminated.
 - 5. A copy of inspections made regarding safe demolition.
 - 6. A copy of written notices to adjacent owners notifying them of then demolition.
- C. **Approval.** A Demolition Permit requires approval of the Planning Department and the Fire Department.
- D. **Expiration.** The Demolition permit expires if work has not commenced within or 6 months of the issue date.

8.18 FENCE PERMIT

- A. **Applicability.** A Fence Permit is required prior to the installation of any fence or wall within the City.
- B. **Submittal Requirements.** Application for a Fence Permit is made to the Administrator on forms provided by the Department with the permit application fee and required information to assure compliance with this Ordinance. The application must contain:
 - 1. The name, address, and telephone number of the applicant.
 - 2. The location property including easements, on which the fence is proposed to be constructed.
 - 3. The proposed location of the fence.
 - 4. The type of material and height of the proposed fence.
 - 5. Other information the Administrator requires to conduct a complete review to determine compliance with this Ordinance.
- C. **Approval.** A Fence Permit requires approval of the Planning Department.
- D. **Expiration.** The Fence Permit expires if work has not commenced within or 6 months of the issue date.

8.19 GRADING/LAND DISTURBANCE PERMIT

- A. **Applicability.** To eliminate any illicit discharges into the Lebanon municipal utility system that may impact water quality and to ensure compliance with an approved development plan, any development that disturbs more than one acre of land is required to obtain a Grading/Land Disturbance Permit.
- B. **Exemptions.** A Grading/Land Disturbance permit is not required for:
 - 1. Any emergency activity necessary for the protection of life, property, or natural resources.
 - 2. Agricultural land management activities (except where clearing results in activities other than further agriculture or forest use).
 - 3. Additions or modifications to existing single-family dwellings.
 - 4. Developments disturbing less than one acre of land use. This exemption may not apply to contiguous properties that may have been subdivided and/or are attributed to multiple separate owners.
- C. **Submittal Requirements.** Application for a Grading/Land/Disturbance permit is made to the Administrator on forms provided by the Department with the permit application fee and required information to assure compliance with this Ordinance.
- D. **Approval.** A Grading/Land Disturbance Permit requires approval of the Planning Department.
- E. **Expiration.** The Grading/Land Disturbance Permit expires if work has not commenced within or 12 months of the issue date.

8.20 HOME OCCUPATION PERMIT

- A. **Applicability.** A Home Occupation Permit is required for any home occupation use located within the City. A separate permit is required for each home occupation within the residence.
- B. **Submittal Requirements.** Application for a Home Occupation Permit is made to the Administrator on forms provided by the Department with the permit application fee and required information to assure compliance with this Ordinance. The application must contain:
 - 1. The applicant's name, address, and telephone number.
 - 2. The location and address of the residence.
 - 3. Other information the Administrator requires to conduct a complete review to determine compliance with this Ordinance.
- C. **Approval.** A Home Occupation Permit requires approval of the Planning Department.
- D. **Expiration.** The Home Occupation Permit expires 2 years after the issue date.
- E. **Compliance.** Home Occupation Permits are subject to review for compliance with [5.1\(F\) Home Occupation Standards](#). Should a violation of this Ordinance occur, the permit is subject to revocation.

8.21 IMPROVEMENT LOCATION PERMIT

- A. **Applicability.** No structure, improvement, or use of land may be altered, changed, placed, removed, or erected unless the structure, improvement, or use, conforms to this Ordinance and an Improvement Location Permit for the structure, improvement, or use is issued from the Administrator. A single Improvement Location Permit may be issued for a combination of changes if they occur together. An Improvement Location Permit is required for:
1. New development, after rezoning or plat approval
 2. Adding or subtracting dwelling units or leased space in multifamily or commercial structures
 3. Any use or structure that exceeds 100 square feet in area or has a permanent foundation
 4. Any temporary use or temporary structure
 5. Swimming pools excluding above ground pools less than 15 feet in diameter
 6. Additions to all structures
 7. Changes of use
 8. Conditional uses ([8.4 Conditional Use Process](#))
 9. Placement or replacement of manufactured or mobile homes
 10. Parking lot construction or alteration
 11. Removal of landscaping within buffer yards and landscaping areas required by this ordinance
 12. Mineral extraction
 13. Telecommunication towers, buildings, and antenna
 14. Any exterior construction that adds to or alters the height of an existing structure
- B. **Exemptions.** An Improvement Location Permit is not required for:
1. Routine maintenance, repair, or interior non-structural remodeling of existing buildings not involving any change of use, additional lot coverage, or increase in structure size.
 2. Essential services (public utilities, etc.).
 3. Lot and yard improvements such as driveways, sidewalks, patios, decks, retaining walls, play equipment, and gazebos less than 200 square feet in area.
 4. Mini-barns and storage containers without a foundation that are less than 200 square feet.
- C. **Submittal Requirements.** Application for an Improvement Location Permit is made to the Administrator on forms provided by the Department with the permit application fee and required information to assure compliance with this Ordinance.
- D. **Sewage Disposal.** The Administrator will not issue an Improvement Location Permit for any use until the Administrator determines the proposed use meets the sewage disposal system minimum standards required by the Boone County Health Department and the Lebanon Board of Works and Safety.

Short-Term Rental Permit

- E. **Special Flood Hazard Areas (SFHA).** Applications for improvement location permits within the SFHA must meet all the specifications set forth in [2.8 Floodplain Overlay](#).
- F. **Approval.** An Improvement Location Permit requires approval of the Planning Department.
- G. **Expiration.** An Improvement Location Permit lapses and becomes void if the work or use authorized is not commenced within 6 months of the permit issuance date. All work authorized by the permit must be completed within 24 months from the permit issuance date. At the discretion of the Administrator and with good cause shown, the Administrator may extend the work completion time.
- H. **Construction According to Permits.** Improvement Location Permits only authorize the use, arrangement, and construction shown on the approved plans and applications. Current approved plans and the permit must remain on the construction site. Any unauthorized use, arrangement, or construction is deemed a violation of this Ordinance and subject to enforcement.

8.22 SHORT-TERM RENTAL PERMIT

- A. **Applicability.** A Short-Term Rental Permit is required for any short-term rental located within the City.
- B. **Submittal Requirements.** Applications for a short-term rental permit are made by the property owner on forms published by the Department and include appropriate filing fees and documentation. An owner must submit a separate permit application for each property requiring a permit. Applications must be accompanied by the following information. The Administrator may waive or relax any of the requirements listed deemed irrelevant or unnecessary for a thorough review of the application.
 - 1. The owner's name, street address, mailing address, email address, and telephone number. If the owner is a corporation or partnership, the owner's state of incorporation or organization, and the owner's names, the addresses of the short-term rental(s), and the telephone numbers of the owner's principal officers or partners.
 - 2. If a property manager is used, the property manager's name, street address, mailing address, email address, and telephone number.
 - 3. A short description of how each of the owner's short-term rentals on the property are marketed or advertised including the advertised occupancy limits and whether the short-term rental is a single-family home or a dwelling unit within a single-family home, multi-family dwelling, condominium, cooperative, or time share.
- C. **Approval.** If an owner's permit application meets the requirements for short-term rentals, the Administrator issues a permit to the owner within 30 days of receipt of the application.
- D. **Expiration.** A short-term rental permit expires one year after the date it is issued.
- E. **Permit Transferability.** If an owner sells all or part of a permitted property, the short-term rental permit is not transferable to the new owner.
- F. **Permit Violation.** Each short-term rental transaction completed without a short-term rental permit constitutes a separate violation.

- G. **Permit Revocation.** If three or more citations for ordinance violations are issued to an owner for a permitted property within a calendar year, the Administrator may revoke the short-term rental permit for up to one year after the date the permit is revoked. An owner may apply for a short-term rental permit when the revocation period has ended and all outstanding fines for ordinance violations are paid.

8.23 SIGN PERMIT

- A. **Applicability.** The following procedure applies to Sign Permits required by 6.4(B) Exempt Signs. Signs requiring a permit cannot be constructed, replaced, erected, or modified within the City without first obtaining a sign permit.
- B. **Submittal Requirements.** Application for a sign permit is made to the Administrator on forms provided by the Department with the permit application fee and required information to assure compliance with this Ordinance. The application must contain:
1. Clear and legible drawings with descriptions showing the location of the sign and the location of the building, structure, or land hosting the sign.
 2. An indication of all existing and anticipated signs on the same property and for the same use.
 3. The proposed location of the sign in relation to the face of the building or the lot lines of the property.
 4. The dimensions of the sign, and where applicable, the dimensions of the wall surface containing the sign.
 5. The dimensions of the sign's structural members.
 6. Mounting details.
 7. Description of sign materials and colors.
 8. Type of illumination.
 9. Other information the Administrator requires to conduct a complete review of the permit application.
 10. A sign permit fee must accompany the permit application.
- C. **Approval.** The Administrator reviews a sign permit application for compliance with the sign standards and issues a permit or identifies the deficiencies of the application in writing within 10 working days of the permit application date.
- D. **Expiration.** A sign permit becomes null if work has not been started within 30 days of the permit issuance date or completed within 90 days of the permit issuance date, provided, except when a sign permit is issued in connection with a building permit where the sign is located. If the sign has not been erected upon expiration of the building permit, the applicant may apply to the Administrator for a one-time 3-month extension on the permit. within 10 working days of the expiration date.

- E. **Inspection.** The Administrator has the right of entry to inspect all signs for compliance with the provisions of this Ordinance. If any sign becomes insecure or otherwise unsafe, the Administrator sends written notice to the owner to remove or repair the sign. If the sign is not removed or repaired within 30 working days, the City may remove the sign at the owner's expense.

8.24 TEMPORARY USE PERMIT

- A. **Applicability.** A Temporary Use Permit is required for any temporary use or event located within the City.
- B. **Submittal Requirements.** Applications for a Temporary use and/or event permit, according to [3.4 Temporary Uses](#), must be made in writing on forms provided by the Department at least 30 days prior to the scheduled event. Applications must include (i) a written statement describing the requested use, operations plan, traffic control, and the proposed period and (ii) a site plan showing the locations of proposed activity areas in relation to property lines and existing buildings and structures, pedestrian and vehicular circulation on the site, and parking facilities.
1. If a permit for encroaching into any right-of-way is required, a copy of the encroachment request must be submitted with the temporary use/event permit application.
 2. If alcohol is sold or consumed, then proof of appropriate permits from the State of Indiana, Alcohol and Tobacco Commission is required. If cooking or eating is involved in a temporary event, outdoor café, or some other eating area, then proof of review and approval from the Boone County Health Department must be required with the application.
- C. **Approval.** A Temporary Use Permit requires approval of the Planning Department.
- D. **Expiration.** The Temporary Use Permit expires at the completion of the temporary use.

8.25 TEMPORARY VENDOR PERMIT

- A. **Applicability.** Temporary vendors cannot conduct business without first obtaining a Temporary Vendor Permit, except a children's lemonade stand or a roadside farm stand on private property.
- B. **Submittal Requirements.** Application for a Temporary Vendor Permit is made to the Administrator on forms provided by the Department with the permit application fee and required information to assure compliance with this Ordinance. The application must contain:
1. The name, address, and telephone number of the applicant.
 2. The location and address where the temporary vending operation will be located, including written proof from the property owner granting permission to operate from that location.
 3. The type of merchandise being sold.
 4. If the applicant is an organization with multiple vendors or vendor locations, the approximate number of vendors and their locations.
 5. The hours of operation of the vending operation. If the operation will occur for multiple days, the duration of the operation or the recurring nature of the operation (e.g. the operation will happen Friday and Saturday evenings during the summer).

Temporary Vendor Permit

- C. **Temporary Signs.** Each temporary vending operation is allowed one temporary sign, no more than 16 square feet in sign area. The temporary sign must be removed when the vending operation is not conducting business. The temporary sign expires with the Temporary Vendor Permit.
- D. **Approval.** A Temporary Vendor Permit requires approval of the Planning Department.
- E. **Expiration.** The Temporary Vendor Permit expires at the completion of the temporary event.

Chapter 9 Administration and Enforcement

9.1	GENERAL ADMINISTRATION.....	3
9.2	BOARD OF ZONING APPEALS.....	3
9.3	COMMON COUNCIL.....	4
9.4	FLOODPLAIN ADMINISTRATOR.....	4
9.5	HISTORIC PRESERVATION COMMISSION.....	5
9.6	PLAN COMMISSION.....	6
9.7	PLAT COMMITTEE.....	7
9.8	TECHNICAL ADVISORY COMMITTEE.....	8
9.9	ZONING ADMINISTRATOR.....	8
9.10	ENFORCEMENT AUTHORITY.....	9
9.11	VIOLATIONS.....	9
9.12	ENFORCEMENT OPTIONS.....	10
9.13	PENALTY SCHEDULE.....	11
9.14	CITATION FOR ZONING VIOLATIONS.....	12
9.15	STOP WORK ORDERS.....	13
9.16	MUNICIPAL ACTION TO ENFORCE COMPLIANCE.....	14
9.17	CORRECTING IMMEDIATE PUBLIC RISK VIOLATIONS.....	15
9.18	ADMINISTRATIVE ENFORCEMENT.....	16
9.19	ENFORCEMENT THROUGH JUDICIAL PROCEEDINGS.....	17

9.1 GENERAL ADMINISTRATION

The decision-making bodies and officials identified in this Chapter have the responsibility for implementing and administering this Ordinance.

- A. **Meeting Schedule.** The Administrator maintains an annual schedule of meeting and filing dates for the Technical Advisory Committee, Plan Commission, and BZA. Modifications of filing dates are considered if determined reasonable by the Administrator. The existence of this calendar does not prohibit special meetings or changes of meeting dates by the Technical Advisory Committee, Plan Commission, or BZA. The schedule of meeting and filing dates must be made available in the office of the Department.
- B. **Fee Schedule.** Filing fees for applications and petitions are set forth in the fee schedule. The fee schedule is established by resolution of the Council. Copies of the Fee Schedule are available in the office of the Department.

9.2 BOARD OF ZONING APPEALS

- A. **Establishment.** The Lebanon Board of Zoning Appeals (referred to as the BZA, or the Board) is established according to [IC 36-7-4-900](#) to conduct business consistent with all requirements of Indiana Code and this Ordinance.
- B. **Duties.** The BZA has the duty to:
 - 1. Adopt rules under [IC 36-7-4-916](#) and procedures concerning organization, selection of officers, forms for applications, filing requirements, procedures, notices, conduct of meetings, and public hearings.
 - 2. Review, hear, and approve or deny all applications for variances from development standards, and variances from use standards per [8.8 Variances](#);
 - 3. Review, hear, and approve or deny all applications for conditional uses per [8.4 Conditional Use Process](#);
 - 4. Review, hear, and decide appeals of administrative decisions made under this Ordinance or in the enforcement of this Ordinance; and
 - 5. All additional duties established by Indiana Code and the BZA's Rules of Procedure.
- C. **Communication With Board Members.** No person may communicate with any member of the BZA with the intent to influence the member's action on a matter pending before the Board.
- D. **Appeals.** Every decision of the BZA is subject to review by a court of jurisdiction according to [IC 36-7-4-1000](#).

9.3 COMMON COUNCIL

The powers and duties of the Lebanon Common Council are defined by Indiana Code and are described in this Article.

- A. **Duties.** The Common Council has the duty to:
1. Adopt, reject, or amend the Comprehensive Plan, any other plans, and the Unified Development Ordinance;
 2. Adopt, reject, or amend proposals to amend or partially repeal the text of the Comprehensive Plan, any other plans, and the Unified Development Ordinance;
 3. Adopt, reject, or amend proposals to amend the Official Zoning Map;
 4. Adopt, reject, or amend proposals for Planned Unit Developments; and
 5. Adopt, reject, or amend and a Fee Schedule.
- B. **Powers.** Common Council. Council powers include initiating amendments to the text of the Comprehensive Plan, any other plans, the Unified Development Ordinance, and initiating amendments to the Official Zoning Map.

9.4 FLOODPLAIN ADMINISTRATOR

- A. **Floodplain Administrator.** The Director and/or designated staff of the Department, is designated as the Floodplain Administrator.
- B. **Authority.** The Floodplain Administrator is authorized and directed to enforce and implement the provisions of the Floodplain Regulations.
- C. **Duties.** The Floodplain Administer will, in connection with the implementation of this Ordinance and in accordance with Indiana law:
1. Review floodplain development permits to assure the permit requirements of this Ordinance have been satisfied.
 2. Inspect and inventory damaged structures in the Special Flood Hazard Area (SFHA) and complete substantial damage determinations.
 3. Ensure that required construction authorization has been granted by the Indiana Department of Natural Resources for development subject to the Flood Plain Regulations.
 4. Ensure that all necessary federal or state permits have been received prior to issuance of an Improvement Location Permit.
 5. Maintain improvement location permit records involving building additions and improvements to residences located in the Floodway.
 6. Maintain related permits and information for buildings constructed subject the Flood Plain Regulations.

7. Utilize and enforce map revisions issued by the Federal Emergency Management Agency (FEMA) for the currently effective SFHA maps.
8. Review certified plans and specifications for compliance.
9. Verify required certifications of the actual elevation of the lowest floor for new or substantially improved buildings.
10. Verify required certifications of the actual elevation of the floodproofing for any new or substantially improved buildings.
11. Notify adjacent communities and the State's floodplain coordinator prior to any alteration or relocation of a watercourse and submit copies of the notifications to the Federal Emergency Management Agency.
12. Assure that maintenance is provided within the altered or relocated portion of the altered watercourse, so the flood-carrying capacity is not diminished.

9.5 HISTORIC PRESERVATION COMMISSION

- A. **Establishment.** The Historic Preservation Commission (Preservation Commission) is established to promote the educational, cultural, economic, aesthetic, and general welfare of the public through the preservation and protection of historic or architecturally worth buildings, structures, sites, monuments, squares, and neighborhoods.
- B. **Membership.** The Preservation Commission consists of five voting members. Three members are appointed by the Mayor and two are appointed by the City Council. All members must be residents of the City who are interested in the preservation and development of historic areas. The members of the Preservation Commission should include professionals in the disciplines of architectural history, planning, and other disciplines related to historic preservation, to the extent that those professionals are available in the community. Nonvoting, advisory members may be appointed to the Commission by the Mayor with approval by the City Council. Preservation Commission members serve without compensation, except for reasonable expenses incurred in the performance of their duties.
- C. **Term.** Voting members serve a term of three years. However, the initial terms of members are for one year, two years and three years in order for the terms to be staggered. The term for nonvoting, advisory members is three years. A vacancy must be filled within 90 days for the duration of the term.
- D. **Commission Administrator.** The Director or designated staff of the Department serves as the ex officio administrator of the Preservation Commission. The Administrator provides staff assistance to the Preservation Commission, acts as the Preservation Commission's Secretary, and issues certificates of appropriateness as directed by the Preservation Commission.
- E. **Officers.** The Preservation Commission elects from its membership a Chairperson, Vice Chairperson and Treasurer who serve for one year and who may be re-elected.
- F. **Rules.** The Preservation Commission adopts rules for the transaction of its business. The rules must include the time and place of regular meetings and a procedure for the calling of special meetings.

- G. **Meetings.** Preservation Commission meetings must be open to the public in accordance with the state's Open Door Law and a public record is kept of the Commission's resolutions, proceedings, and actions. The Preservation Commission holds regular meetings, at least monthly, except when it has no business pending. Special meetings may be called in a manner determined by the Preservation Commission and its rules.
- H. **Powers.** The Preservation Commission is concerned with those elements of development, redevelopment, rehabilitation, and preservation that affect visual quality in a historic district, including viewsheds, landscapes, and streetscapes of historic importance. The Preservation Commission may not consider details of design, interior arrangements, or building features, if those details, arrangements, or features are not subject to public view. The Preservation Commission cannot make any requirement except for the purpose of preventing development, alteration, or demolition in the historic district obviously incongruous with the historic district.
- I. **Duties.** The Preservation Commission will, in connection with the implementation of this Ordinance and in accordance with Indiana law:
1. Conduct surveys and establish historic districts in accordance with the provisions of 2.9 Historic Preservation Overlay District.
 2. Adopt preservation guidelines for architectural review. The preservation guidelines must be published and made readily accessible to the public.
 3. Receive funds to promote its stated purpose.
 4. Promote public interest in historic preservation by initiating and carrying on a public relations and community education program.
 5. Acquire by purchase, gift, grant, bequest, devise, or lease any real or personal property, including easements, that is appropriate for carrying out the purposes of the Preservation Commission.
 6. Hold title to real and personal property.
 7. Sell, lease, rent or otherwise dispose of real and personal property at a public or private sale on the terms and conditions that the Preservation Commission considers best.
 8. Establish procedures that the Commission must follow in acquiring and disposing of property.

9.6 PLAN COMMISSION

The powers and duties of the Lebanon Plan Commission (the "Plan Commission") are defined by Indiana law and are generally described below. The Plan Commission may delegate its authority to the Administrator or a committee to perform ministerial acts except where final action by the Plan Commission is necessary.

- A. **Duties:** Duties should be interpreted as activities that are obligations and generally include:
1. Adopt and maintain a Council-approved Comprehensive Plan and the Unified Development Ordinance as authorized under Indiana law.

2. Adopt and maintain rules and procedures for holding meetings (“Rules of Procedure of the Plan Commission”), holding public hearings, and administering and enforcing the Comprehensive Plan and the Unified Development Ordinance.
 3. Maintain complete records of all meetings, hearings, correspondences, and affairs of the Plan Commission.
 4. Publish and make available to the public all plans, ordinances, and other related material that are the responsibility of the Plan Commission.
 5. Certify and submit recommendations to the Council including new versions of and revisions to the Comprehensive Plan, the Unified Development Ordinance, and Zoning Map ([8.11 Zoning Map Amendments \(Rezoning\)](#)).
 6. Certify and submit recommendations to the Council for adopting a Planned Unit Development ([8.7 Planned Unit Development](#)).
 7. Approve or deny plats or replats of Subdivisions ([CHAPTER 7: SUBDIVISION REGULATIONS](#)).
 8. Approve or deny requests for waivers pursuant to the subdivision requirements of this Ordinance.
 9. Approve or deny site plans or development plans and amendments to site plans or development plans ([8.6 Development Plan Review](#)).
 10. Enforce regulations and procedures of the Comprehensive Plan and the Development Code to the extent of the local resolutions, ordinances, and Indiana law.
 11. Other duties as permitted by Indiana law.
- B. **Powers:** Powers should be interpreted as activities that are optional to be initiated and include:
1. Distribute copies or summaries of the Comprehensive Plan or this Ordinance to the public and development community.
 2. Other powers as permitted by Indiana law.

9.7 PLAT COMMITTEE

- A. **Establishment.** The Plan Commission may establish a Plat Committee to review and decide petitions for minor subdivisions, secondary plats, and administrative subdivisions.
- B. **Membership.** There are three members. One of the members is a staff member representing the City of Lebanon, and the remaining members are members of the Plan Commission not otherwise employed by the City.
- C. **Appointment.** Each member is appointed by the Plan Commission for one year.
- D. **Removal.** The Plan Commission may remove a member from the committee upon written reasons for removal to the member.

- E. **Decisions.** The committee may act only upon a majority vote. For uncertainty with compliance or classification of a subdivision, the Plat Committee forwards the subdivision to the Plan Commission for consideration.
- F. **Voting.** Only official members of the Plat Committee are entitled to vote on official action by the Plat Committee.

9.8 TECHNICAL ADVISORY COMMITTEE

- G. **Establishment.** The Technical Advisory Committee (TAC) is established to assist the Plan Commission in the technical review of planned unit developments, development plans, and subdivision plats, and to perform other duties outlined by this Ordinance.
- H. **Membership.** Committee membership is at the request of the Administrator. The Administrator requests the assistance of members of public and semi-public local and state departments, agencies, and organizations, including: the Lebanon Planning Department, Lebanon Utilities, the Lebanon Fire Department, the Lebanon Parks Department, the Lebanon Street Department, the Lebanon School Board, the Mayor's Office, the Boone County Surveyor, the Boone County Storm Water Board, the Boone County Soil and Water Conservation District, the Indiana Department of Transportation, the Indiana Department of Natural Resources, and the Lebanon Plan Commission.
- I. **Duties.** The TAC gives technical expertise to the Plan Commission regarding plans and proposals; and performs duties assigned by the Plan Commission. When required by this Ordinance, the TAC meets with applicants according to a schedule established by the Administrator.
- J. **Findings.** The findings of the Technical Advisory Committee are only advisory decisions reached during a TAC meeting are not binding. Findings of the TAC are in writing and submitted to the Plan Commission before the Commission's review of the proposal.

9.9 ZONING ADMINISTRATOR

- A. **Duties.** The Administrator has the principal responsibility for administration and enforcement of this Ordinance. The duties delegated by the Plan Commission to the Administrator include:
 - 1. Providing interpretation of this Ordinance and providing technical and clerical assistance as required by the Plan Commission, TAC, and BZA.
 - 2. Providing and maintaining a public information service regarding the Plan Commission and arising out of this Ordinance.
 - 3. Reviewing, approving, or disapproving all Improvement Location Permits and other permits (**CHAPTER 8: PERMITS AND PROCEDURES**) and keeping permanent records of applications.
 - 4. Conducting inspections of structures and properties to determine compliance with this Ordinance and approvals granted by the Plan Commission, BZA, Plat Committee, or other body.

5. Maintaining records documenting the application of this Ordinance including maps, amendments, conditional uses, variances, waivers, and appeals. The Official Zoning Map is updated according to the Plan Commission Rules of Procedure.
 6. Receiving, processing, docketing, and referring all appropriate applications to the Plan Commission.
 7. Receiving, processing, docketing, and referring all appeals, variances, conditional uses, and other authorized matters to the Board of Zoning Appeals.
 8. Receiving, processing, docketing, and referring all appropriate applications to the Technical Advisory Committee.
 9. On a continuing basis conduct research and analyze data on the growth and development of the City to provide a foundation for a planning program.
- B. **Fee Schedule.** The Administrator maintains a schedule of fees, as approved by the Common Council, for all applications, permits, and other processes outlined in this Ordinance.
- C. **Schedule of Meeting and Filing Dates.** The Administrator maintains an annual Calendar of Meeting and Filing Dates for the Technical Advisory Committee, Plat Committee, Plan Commission, and Board of Zoning Appeals.
- D. **Appeals.** Appeals of the Administrator may be appealed to the BZA per [8.3 Appeals of Administrative Decisions](#).

9.10 ENFORCEMENT AUTHORITY

The City of Lebanon, including the Administrator, Council, Plan Commission, Board, Building Commissioner, Fire Marshal, and their delegates are designated to enforce the provisions, regulations, and intent of this Ordinance, according to [IC 36-7-4-100, et. seq.](#), as amended.

9.11 VIOLATIONS

- A. **Complaints.** Whenever an alleged violation occurs, anyone may file a written complaint with the Administrator the basis of the violation.
- B. **Investigation.** The Administrator records the complaint and immediately investigates. The Administrator may inspect the property in question from the right-of-way, from an adjacent property with permission of the property owner, and from the property suspected of violation once the Administrator has presented sufficient evidence. If the investigation sufficiently establishes a belief of violation, the Administrator proceeds with the remedies for civil zoning violations outlined in this chapter.
- C. **Authority of Administrator to Institute Action.** The Administrator is authorized, in addition to institute an action to take appropriate action or proceeding to prevent erection, construction, alteration, conversion or use in violation of this Ordinance.

- D. **Court Ordered Entry.** If the owner of the premises refuses to permit entry to the Administrator or inspectors, the Administrator may petition any judge of the Lebanon City Court or other court of jurisdiction, to issue an administrative search warrant. The petition identifies the premises where entry is sought, and reason entry is desired. The petition states the facts indicating a condition in violation of this Ordinance. A warrant issued requires the occupant to permit entry to the Administrator or inspectors.
- E. **Common Nuisances.** A building erected, raised or converted, or land or premises used in violation this Ordinance is considered a common nuisance, and the owner is liable for maintaining a common nuisance, resulting in appropriate action or proceeding under existing law.

9.12 ENFORCEMENT OPTIONS

- A. **Options for Enforcement.** The City has the following options to enforce the provisions of this Ordinance:
 - 1. Issue a notice to correct violations. The notice to correct may be sent to the owner, tenant, or occupant who commits a violation of this ordinance. It may be issued through personal service, First Class U.S. Mail, or by placement of the notice in a conspicuous place on the property. A notice to correct informs the violator of:
 - a. Date of the notice to correct;
 - b. Date and place the violation was observed;
 - c. Name and address of the property owner or responsible party;
 - d. Section number in violation;
 - e. The nature of the violation;
 - f. Name, business address, phone number, and email of the person issuing the notice;
 - g. Action necessary to correct the violation;
 - h. Actions available to the City to remedy violations; and
 - i. That a notice of correction serves as the only notice of civil violation, and no further notice will be required by the City.
 - 2. Issue a citation to a person alleged to have committed a violation of this Ordinance. The citation may be processed through the City Court or Court of jurisdiction, according to IC 33-36 and 9.14 Citation for Zoning Violations.
 - 3. Issue a stop work order under Section 9.15 Stop Work Orders.
 - 4. Enter onto property and take action to bring that property into compliance with this Ordinance, according to IC 36-1-6-2 and 9.16 Municipal Action to Enforce Compliance or 9.17 Correcting Immediate Public Risk Violations.
 - 5. Initiate enforcement through an administrative proceeding before the BZA, according to IC 36-1-6-9 and 9.17 Correcting Immediate Public Risk Violations.

Penalty Schedule

6. To bring a civil action in any court having jurisdiction, according to [IC 34-28-5-1](#) and [9.18 Administrative Enforcement](#).
- B. **Exercise of Options.** The City's exercise of the options specified in this section, including the imposition of any penalties for an Ordinance violation, are not prerequisites for taking any other action against an alleged violator of this Ordinance, nor do they prohibit the City from taking any further action.
- C. **Warnings.** Before exercising any of the City's options under this section, the Administrator may issue a warning to a person alleged to be in violation of this Ordinance and give the person at least 10 days but not more than 60 days to remedy the alleged violation.

9.13 PENALTY SCHEDULE

- A. **Maximum Penalties.** According to [IC 36-1-3-8](#) and [IC 36-7-4-1018](#), the maximum civil penalty for the first violation of a provision of this Ordinance is a fine of \$2,500. The maximum civil penalty for the second or subsequent violation of a provision of this Ordinance (other than a provision that regulates parking) is a fine of \$7,500.
- B. **Processing through Ordinance Violations Bureau.** According to [IC 33-36-3-1\(a\)](#), the Council designates the following schedule of Ordinance provisions that are subject to the jurisdiction of the Ordinance Violations Bureau. The first and second (or subsequent) admission of the same violation within a 12-month period is subject to the fixed civil penalty described in this section.

ORDINANCE VIOLATION	FINE FOR FIRST VIOLATION	FINE FOR SUBSEQUENT VIOLATION
Temporary signage without permit	\$100	\$200
Permanent signage without permit	\$250	\$500
Parking on an unimproved surface	\$50	\$100
Temporary use without permit	\$500	\$1,000
Illegal land use	\$1,000	\$2,000
Operation of home business without certificate of compliance	\$200	\$400
Alteration of land without ILP	\$200	\$400
Failure to comply with commitments and conditions of approval	\$500	\$1,000
Failure to obtain certificate of compliance	\$500	\$1,000
Failure to comply with certificate of compliance	\$250	\$500
Failure to comply with development standards	\$100	\$200
Any other violation of this Ordinance	\$25	\$50

- C. **Subsequent Violations.** The penalties listed above for subsequent violations apply whenever the responsible party commits an additional violation of the same provision within 12 months of the first violation, regardless of whether the additional violation is on the same property as the first violation.
- D. **Construction Before Permit Issuance.** Any person initiating construction of a structure before obtaining an improvement location permit or other required permit must pay twice the amount of the current permit fee.

9.14 CITATION FOR ZONING VIOLATIONS

- A. **Notice to Alleged Violator.** An enforcement official may issue a notice citation for a violation of this Ordinance. The enforcement official must advise the alleged violator that the violation may be admitted and, if admitted, is subject to payment of the fixed civil penalty listed in **9.13 (B)**. A copy of the citation must be filed with the Ordinance Violations Bureau no later than the next business day following its issuance. Failing to file a copy of the citation does not affect its validity or the alleged violator's option to admit the violation and pay the fixed civil penalty.
- B. **Form of Citation.** Citations must be numbered and contain the following information:
 - 1. The date and time of issuance;
 - 2. The specific Ordinance violation for which the citation is issued;
 - 3. The amount of the civil penalty fixed for that violation;
 - 4. The date and location of the violation;
 - 5. The name and address of the person alleged to have committed the violation, if known or readily obtainable;
 - 6. The signature of the enforcement official issuing the citation or the enforcement official's name (and badge number, if any) in computer generated form; and
 - 7. The duty of the alleged violator to appear.
- C. **Service of Citation.** A citation is served by the enforcement official upon the alleged violator. If the alleged violator is present, the citation must be delivered personally to the alleged violator. If the alleged violator is not present and the violation involves specific premises, it must be served on the owner or other person in possession of the premises either in person or by first class mail.
- D. **Duty to Appear.** Any person receiving a citation must appear in person or by attorney at the Ordinance Violations Bureau, or other place approved by the violations clerk, to admit or deny the alleged violation within 10 days of the date the citation is issued. Payment of the civil penalty fixed under **9.13 (B)** within 10 days of the date the citation is issued fulfills the duty to appear in person or by attorney and is deemed an admission of the violation.

- E. **Procedure on Admission of Violation.** If a violation is admitted to the Ordinance Violations Bureau, the civil penalty fixed under **9.13 (B)** for the violation must be paid to the City in a manner authorized by the violations clerk. Whenever a person assessed a civil penalty fails to mail or deliver payment to the Ordinance Violations Bureau within 10 days of the date the citation is issued, the violations clerk adds a late charge in the amount of \$25. Late payments are accepted by the violations clerk only with the consent of the Administrator if the violation has been referred to the Administrator.
- F. **Procedure on Denial of Violation, Failure to Appear, or Failure to Pay.** If a person served a citation:
1. appears at the Ordinance Violations Bureau and denies the alleged violation;
 2. fails to appear and admit or deny the alleged violation within 10 days of the issuance of the citation; or
 3. fails to pay the fixed civil penalty within 10 days after admitting the violation;
 4. the violations clerk reports the circumstances to the Administrator to begin appropriate administrative or judicial proceedings against the person.
- G. **Limitations.** The fixed civil penalties specified in **9.13 (B)** apply only to violations admitted as provided in this section and are considered offers in compromise. If administrative or judicial proceedings are initiated for an alleged violation, the maximum penalty specified for the violation in **9.13 (B)** is applicable to the violation.

9.15 STOP WORK ORDERS

- A. **Occurrence of Violation.** If the Administrator finds that a violation is occurring or has occurred on a construction site, the Administrator may place a stop work order on any land/property improvement process.
- B. **Procedure.** Stop work orders must be a written letter stating the nature of the violation and requiring the work and any other illegal activity to stop immediately until the matter is resolved. If someone other than the property owner occupies the property, a copy of the stop work order must be provided to the occupant. This letter must be posted in a conspicuous place and be delivered or mailed to the property owner.
- C. **Reasons.** Reasons for a stop work order may include:
1. Not complying with any element of the development standards or any regulation of the Ordinance.
 2. Not obtaining a permit or approval prior to the construction or installation of any improvement requiring a permit or approval by this Ordinance.
 3. Not completing structures or other site improvements consistent with any approved improvement location permit, variance, special exception, site plan, or other approval.
 4. Not meeting the commitments imposed upon the approval of a special exception, variance, rezoning, site plan, subdivision plat, or other approval, whether recorded or not.

5. Not meeting the conditions of a PUD Ordinance or other rezoning, or any written commitment imposed upon an approval, whether recorded or not.
 6. Illegal use or expansion of use of structures, or structures and land in combination.
- D. **Appeals.** Any stop work order may be appealed to the BZA. Upon the resolution of the violations to the satisfaction of the Administrator or the BZA, the stop work order is lifted and construction activity may resume.

9.16 MUNICIPAL ACTION TO ENFORCE COMPLIANCE

- A. **Entry into Property.** According to IC 36-1-6-2(a), if violation of a provision of this Ordinance exists on real property, the Administrator may have employees or contractors of the City enter the property and take appropriate action to bring the property into compliance with the Ordinance.
- B. **Notice Requirement.** Before the City takes action to bring a property into compliance, anyone holding a substantial interest in the property must be given at least 10 days but not more than 60 days to bring the property into compliance. Notice must be served on such persons in person or by first class mail. In addition, continuous enforcement orders (as defined in IC 36-7-9-2) may be enforced, and liens may be assessed, without the need for additional notice.
- C. **Expenses Constitute a Lien.** Whenever the Administrator takes action to bring compliance under this section, the resulting expenses incurred by the City constitute a lien against the property. The lien attaches when notice of the lien is recorded in the office of the County Recorder. The lien is superior to all other liens except liens for taxes and does not exceed:
1. \$10,000 for real property that: (a) contains one or more occupied or unoccupied single or double family dwellings or the appurtenances or additions to those dwellings, or (b) is unimproved; or
 2. \$20,000 for all other real property not described in subdivision (1).
- D. **Issuance of Bill to Owner.** According to IC 36-1-6-2(b), the Administrator may issue a bill to the owner of the real property for all expenses incurred by the City in bringing the property into compliance, including administrative costs and removal costs. According to IC 36-1-6-2(c), a bill issued under this section is delinquent if the owner of the property fails to pay the bill to the Clerk-Treasurer within 30 days after the bill is issued.
- E. **Collection of Fees and Penalties.** According to IC 36-1-6-2(d), the Clerk-Treasurer's office may prepare a list of delinquent fees and penalties enforceable under this section, including:
1. the names of the owners of each lot or parcel of real property on which fees or penalties are delinquent;
 2. a description of the premises, as shown on the records of the County Auditor; and
 3. the amount of the delinquent fees or penalties.

- F. **Preparation and Recording of Instrument.** The Clerk-Treasurer's office may then prepare an instrument for each lot or parcel of real property on which fees or penalties are delinquent. The instrument is recorded with the County Recorder, who charges a recording fee under the fee schedule established in [IC 36-7-2-10](#).
- G. **Placement of Lien on Tax Duplicate.** According to [IC 36-1-6-2\(f\)](#), the amount of a lien is placed on the tax duplicate by the County Auditor. The total amount, including any accrued interest, is collected in the same manner as delinquent taxes are collected and is disbursed to the general fund of the City.
- H. **Enforcement of Lien against Subsequent Owner.** According to [IC 36-1-6-2\(g\)](#), a fee is not enforceable as a lien against a subsequent owner of property unless the lien for the fee was recorded before conveyance to the subsequent owner. If the property is conveyed before the lien is recorded, the City must notify the person who owned the property at the time the fee became payable. The notice must inform the person that payment, including penalty fees for delinquencies, is due not later than 15 days after the date of the notice. If payment is not received within 180 days after the date of the notice, the amount may be considered a bad debt loss.
- I. **Release of Lien.** According to [IC 36-1-6-2\(h\)](#), the City releases:
1. Liens filed with the County Recorder after the recorded date of conveyance of the property; and
 2. Delinquent fees incurred by the seller.
- Upon receipt of a written demand from the purchaser or a representative of the title insurance company or agent that issued a title insurance policy to the purchaser. The demand must state that the delinquent fees were not incurred by the purchaser as a user, lessee, or previous owner and that the purchaser has not been paid by the seller for the delinquent fees.
- J. **Removal of Lien from Tax Duplicate.** According to [IC 36-1-6-2\(i\)](#), the County Auditor removes the fees, penalties, and service charges that were not recorded before a recorded conveyance to a subsequent owner, upon receipt of a copy of the written demand under Subsection (I).

9.17 CORRECTING IMMEDIATE PUBLIC RISK VIOLATIONS

- A. **General Requirements.** According to [IC 36-1-6-2\(a\)](#), if a condition violating a provision of this Ordinance presents an immediate risk to public health, safety, or welfare or to property in the City, the Administrator may opt to have employees or contractors of the City enter the property and take immediate action to bring the property into compliance. The Administrator is not required to provide prior notice to the property owner or other person responsible for the violation.
- B. **Immediate Public Risks.** Immediate public risk violations may include:
1. Obstructions. Signs, structures, landscaping, or other materials placed in an easement, sight visibility triangle, or rights-of-way in violation of this Ordinance;

2. **Distractions.** Any sign, structure, landscaping, or other material located on private property that serves to distract or inhibit operators of motor vehicles on adjacent public ways, pedestrians, or other members of the public; and
 3. **Other Threats.** Any other immediate threat to public welfare as determined by the City Engineer or the BZA, based upon the advice and recommendation of the Administrator.
- C. **Seizure of Materials.** Any sign, structure, landscaping, or other material constituting an immediate public risk violation may be seized by the Administrator in a manner resulting in the least damage to the material or the property on which it is located.
- D. **Notice of Violation.** The Administrator provides notice to the owner of the property, as listed in the records of the County Auditor, where the violation was located, or any discernible appropriate owner of materials placed within a public way in violation of this Ordinance, by placing a notice in a conspicuous place on the property and mailing a letter to that property owner. All notice letters are sent to the property owner via certified mail within 24 hours of the seizure. Any notice posted on the property must be posted at the time the material is seized. The letter and posted notice must include:
1. A description of the materials seized;
 2. A citation of the sections of this Ordinance that were violated and the characteristics of the violation that posed an immediate threat to public welfare;
 3. The address and phone number of the Administrator and the name of the person to be contacted by the property owner to discuss the violation and request the return of the seized items; and
 4. Instructions describing how, where, and when the seized items may be claimed.
- E. **Storage and Retrieval of Seized Materials.** The Administrator stores any sign, structure, landscape materials or other items seized in a secure location for a period of no less than 30 days from the date notice was mailed to the property owner. The property owner may claim the seized property following its seizure upon the payment of the fine specified in **9.13 (B)**, and the establishment of a Memorandum of Agreement between the property owner and Administrator regarding the future use of the item in a manner consistent with this Ordinance.
- F. **Liability.** Neither the Administrator, the City, nor any other official or entity involved in the seizure is liable for any damage to the seized materials or the property from which they were taken.

9.18 ADMINISTRATIVE ENFORCEMENT

- A. **Provisions that Restrict or Prohibit Actions Harmful to the Land, Air, or Water.** According to **IC 36-1-6-9**, the City may opt to enforce any provision of this Ordinance that restricts or prohibits actions harmful to the land, air, or water, through an administrative proceeding before the BZA. The BZA must find that the violation has been proved by a preponderance of the evidence. Upon finding a violation, the BZA may assess a civil penalty within the limits set forth in **9.13 (B)**.

- B. **Appeal to Court.** According to [IC 36-1-6-9\(e\)](#), a person who is assessed a civil penalty under this section may appeal the BZA's order imposing the penalty to the Circuit or Superior Court. An appeal under this section must be filed not more than 60 days after the date on which the BZA enters the order.
- C. **Payment of Civil Penalty.** Unless a person who is assessed a civil penalty under this section files an appeal, the person must pay the penalty to the City in a manner authorized by the Clerk-Treasurer. Whenever a person liable for a civil penalty under this section fails to deliver payment to the City within 75 days after the date on which the administrative body enters the order imposing the penalty, the Clerk-Treasurer reports the circumstances to the Administrator for the initiation of appropriate judicial proceedings against the person.
- D. **Effect of Administrative Process.** An Ordinance violation processed under this section does not constitute a judgment for the purposes of [IC 33-37](#). An ordinance violation costs fee may not be collected from the defendant under [IC 33-37-4](#).

9.19 ENFORCEMENT THROUGH JUDICIAL PROCEEDINGS

- A. **Initiation.** According to [IC 36-7-4-1014](#), the Administrator or the BZA may bring a civil action to enforce a provision of this Ordinance, or any conditions imposed by the Commission or BZA under the Advisory Planning Law. The action is brought in the name of the Administrator or the BZA as plaintiff. According to [IC 34-28-5-1](#), the plaintiff need not prove this Ordinance is valid, unless its validity is controverted by affidavit. The plaintiff may invoke any legal, equitable, or special remedy in an action brought under this section. Actions must be filed in any court having jurisdiction.
- B. **Procedure in General.** An action to enforce a provision of this Ordinance must be brought within 2 years after the alleged violation occurred. Proceedings initiated under this section are conducted according to the Indiana Rules of Trial Procedure. The plaintiff must prove the commission of a violation by a preponderance of the evidence. The complaint and summons described in [IC 9-30-3-6](#) (without the provisions relating to the operation of a vehicle) may be used in any Ordinance enforcement case.
- C. **Right to Trial.** A person charged with an Ordinance violation is entitled to a court trial as provided by law unless the person waives the right to trial and enters an admission of the violation.
- D. **Judgment.** A judgment may be entered against the defendant upon a finding by the court that the defendant violated this Ordinance. A judgment up to the amount requested in the complaint may be entered for the violation. A defendant against whom a judgment for a violation is entered is liable for costs. Costs are part of the judgment and may not be suspended; however, whenever a judgment is entered against a person for the commission of 2 or more ordinance violations, the court may waive the person's liability for costs for all but one of the violations, as specified by the court.

Definitions

Chapter 10

10.1	GENERAL PROVISIONS.....	3
10.2	DEFINED WORDS.....	4
	AA.....	4
	BB.....	6
	CC.....	7
	DD.....	8
	EE.....	10
	FF.....	10
	GG.....	12
	HH.....	12
	II.....	13
	JJ.....	15
	KK.....	15
	LL.....	15
	MM.....	18
	NN.....	19
	OO.....	20
	PP.....	20
	QQ.....	23
	RR.....	23
	SS.....	24
	TT.....	32
	UU.....	33
	VV.....	33
	WW.....	34
	YY.....	34
	ZZ.....	34

10.1 GENERAL PROVISIONS

- A. **Defined Words.** The terms or words used in the text of this Ordinance are as defined in this chapter unless a contrary meaning is (i) required by the context of a particular sentence or phrase or (ii) specifically prescribed in a particular sentence or phrase.
- B. **Interpretation of Terms or Words.** The language of this Ordinance is interpreted in accordance with the following relations:
1. The word “person” includes a firm, association, organization, partnership, trust, limited liability company, corporation, or other legal entity, as well as an individual.
 2. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular, in each case, if the context so requires.
 3. The word “must” is mandatory, the word “may” is permissive.
 4. The words “used” or “occupied” include the words “intended”, “designed”, “constructed”, “altered”, “arranged” to be used or occupied.
 5. The word “lot” includes the words “plot”, “tract”, or “parcel”.
 6. Where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction “and”, “or”, or “either . . . or”, the conjunction must be interpreted as follows:
 - a. “And” indicates that all the connected items, conditions, provisions, or events must apply.
 - b. “Or” indicates that connected items, conditions, provisions, or events may apply singly or in any combination.
 - c. “Either . . . Or” indicates that all the connected items, conditions, provisions, or events must apply singly but not in combination.
 7. The terms “more intensive district” and “less intensive district” are terms used herein to describe relationships between zoning districts based on the permitted uses within each district.
 - a. “More restrictive district” must be synonymous with the term “less intensive district” and the term “less restrictive district” must be synonymous with the term “more intensive district”.
 - b. A “more intense district” means one which permits more uses or the same uses at a greater density, progressing from Agricultural, to Residential, to Business, to Industrial, in the sequence listed within each group of districts from least intensive to the most intensive.

10.2 DEFINED WORDS

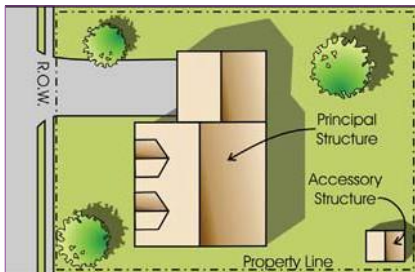
Aa

ABANDONMENT: To intentionally stop the use or development of a property for a continuous period.

ABUTTING: Having a common border, including being separated from such a common border by a right-of-way, street, alley, easement, body of water, or other feature. In some cases, where specified by this ordinance, abutting also includes lots or other features within a specific vicinity.

ACCESS POINT: A driveway or other means of physical connection for the movement of vehicles or persons between a property and an adjacent property or street.

ACCESSORY STRUCTURE: A structure that is subordinate to a principal structure in area, intent, and/or purpose; contributes to the comfort, convenience, or necessity of occupants of the principal structure; does not alter or change the character of the property; and is located on the same lot as the principal structure.



ACCESSORY USE: A use which is secondary to a principal use in area, intent, and/or purpose; contributes to the comfort, convenience, or necessity of occupants of the principal use; does not alter or change the character of the property; and is located on the same lot as the principal use.

ADDITION: Any construction that increases the size of a structure in terms of site coverage, floor area, volume, and/or height.

ADMINISTRATOR: The appointed and/or delegated individual or group responsible for the implementation and enforcement of this ordinance.

ADULT USES: The exhibition, sale, distribution, or performance of material that is devoted to material characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

ADVISORY PLAN COMMISSION: A plan commission serving a single local government jurisdiction established as defined under [Indiana Code 36-7-1-2](#) as amended. The Lebanon Plan Commission is the “Advisory Plan Commission” or “Plan Commission” referred to by this ordinance.

Definitions

Defined Words

AGRICULTURE: The art or science of cultivating the ground, and raising and harvesting crops, also often including feeding, breeding, and management of livestock; tillage, animal or poultry husbandry; farming; and the necessary accessory uses for packing, treating and storing the produce, all of which are directly related to the production of food. The operation of any accessory uses is secondary to that of the normal agricultural activities. “Agriculture” does not include feed lots, stock yards, or the common feeding of garbage or offal to swine or other animals. See also “Farm (General)”.

ALLEY: A public right-of-way, other than a street, road, crosswalk, or easement, that provides secondary access for the abutting property.

ALTERATION: Any change, addition, or modification in construction or use of an existing structure or property.

AMATEUR RADIO TOWER: A freestanding or building-mounted structure, including any base, tower or pole, antenna, and appurtenances, intended for airway communication purposes by a person holding a valid amateur radio license from the Federal Communications Commission.

AMEND OR AMENDMENT: Any repeal, modification, or addition to a regulation, or any new regulation.

ANIMAL, DOMESTIC: Any animal that has been adopted by human beings to live and breed in a tame condition, and are commonly used as household pets, protection, companions, and for the assistance of disabled persons. Domestic animals include animals that are cared for and treated in a manner acceptable for pet dogs, cats, and birds. Domestic animals include, but are not limited to, dogs, cats, parakeets, parrots, finches, spiders, guinea pigs, hamsters, gerbils, rats, mice, rabbits, aquarium fish, pot belly pigs, ferrets, and snakes if cared for in the manner described above.

ANTENNA: Any system of wires, poles, rods, reflecting discs, or similar devices used for the purpose of receiving and/or transmitting signals, images, sounds, or information of any nature by radio, visual, or electromagnetic waves, including but not limited to directional or omni-directional antennas, panels, and microwave or satellite dishes external to, or attached to, the exterior of any building.

APPLICANT: The owner, owners, or legal representative of real estate who make application for action affecting the property.

APPLICATION: The completed form or forms, together with any other required materials, exhibits, and fees required of an applicant consistent with the procedures established by this ordinance.

APPURTENANCE: A minor element of a larger structure, such as a bay window, stairs, light post, etc.

ARCHITECTURAL DETAIL: That portion of a building containing any architectural projection, relief, cornice, column, change of building material or window or door opening.

ARCHITECTURAL FEATURE: A prominent or significant part or element of a building, structure, or site.

AWNING: A roof-like cover, often of fabric, metal, or glass designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure over a window, walk, or door. Awnings include those that may be retracted or folded against the face of a supporting building.

Bb

BALCONY: A platform that projects from the wall of a building and is surrounded by a railing or parapet.

BASEMENT: The portion of a building with more than half of its interior height below the average finished grade of the building perimeter. For the purposes of this ordinance, a basement is not considered a story unless it has been subdivided into rooms and used for tenant purpose.

BERM: A man-made mound of earth of definite height and width used for landscaping and obscuring purposes.

BLOCK: Property abutting 1 side of a street and lying between the 2 nearest intersecting streets (either crossing or terminating), railroad right-of-way, lake, river, stream, or other physical boundary.

BOARD: The Lebanon Board of Zoning Appeals (BZA).

BOARD OF ZONING APPEALS (BZA): A board established consistent with the Indiana Code 36-7-4-900 series. The Lebanon Board of Zoning Appeals is the Board of Zoning Appeals referred to by this ordinance.

BOND: Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the City Council.

BUFFER: Any trees, shrubs, walls, fences, berms, other related landscaping features, or buffer yard required under this ordinance to be placed either on private property and privately maintained, or in public rights-of-way for the purpose of buffering lots from adjacent properties, for aesthetic purposes and for creating sound, noise, light, odor, chemical, or visual privacy barriers.

BUFFER LANDSCAPING: Portion of a lot set aside with adequate natural or planted vegetation to accomplish visual and sound screening to separate a potentially incompatible zoning district from an abutting zoning district.

BUFFER YARDS: An area adjacent to front, side and/or rear property lines, measured perpendicularly from adjacent property lines and/or right-of-way lines, intended to screen incompatible uses from each other. Buffer yards are also used to help maintain existing trees or natural vegetation; to block or reduce noise, glare or other emissions; and to maintain privacy. Buffer yards are in addition to (separate from) front, rear, or side yard setbacks.

BUILDING: A structure having a roof supported by columns or walls, for the shelter, support, or enclosure of persons, property, or animals. When separated by division walls from the ground up and without openings, each portion of such building may be deemed as a separate building.

BUILDING AREA: The maximum horizontal projected area of the principal and accessory building, excluding required setbacks, buffers, and other non-buildable areas.

BUILDING CODE: The locally adopted Indiana Building Code establishing and controlling the standards for constructing mechanical equipment, all forms of permanent structures, and related matters within Lebanon. Also referred to in this ordinance as the Lebanon Building Code.

Definitions

Defined Words

BUILDING HEIGHT: The vertical distance from the average finished grade to the highest point of the roof for a flat roof; the midpoint between the eaves and ridge line for a gambrel, gable, or hip roof; to the deck line of a mansard roof; or to an equivalent point on any other roof.

BUILDING PERMIT: A certificate issued by the City permitting a person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, or convert any building or structure within its jurisdiction, or cause the same to be done.

BUILDING, PRINCIPAL: A building in which the main or principal use, of the lot on which said building is situated, is conducted. Where a substantial part of an accessory building is attached to the principal building in a substantial manner, as by a roof, such accessory building is counted as a part of the principal building. Standards recognized by the Indiana Department of Fire and Building Services is used to determine whether a given structure constitutes one or more buildings in cases where ambiguities exist.

BUSINESS: A commercial endeavor to engage in the purchase, sale, lease, barter, or exchange of goods, wares, merchandise, and/or the provision of services. Also includes the maintenance or operation of offices or the maintenance or operation of recreational and amusement enterprises for profit.

Cc

CALIPER: A standard trunk diameter measurement for trees, taken 6 inches above the finished grade for trees with a diameter of 4 inches or less, and 12 inches above the finished grade for larger sizes.

CAMPUS: An area of land constituting and making up the grounds of an institution, such as a college or university, a business complex, or a manufacturing park.

CERTIFICATE OF OCCUPANCY: A permit authorized and issued by the Zoning Administrator indicating that the use or the building or land in question is in conformity with this Ordinance, or that a legal variance has been approved.

CHANGE OF USE: The discontinuation of the specific principal use of a lot or structure and the replacement of that use with a different specific use.

CHECKPOINT AGENCY: A public agency or organization called upon by the Commission to provide expert counsel regarding a specific aspect of community development or required by law to give its assent before subdivision may take place.

CITY: The City of Lebanon, Indiana.

CO-LOCATION: The placement and arrangement of multiple providers' antennas and equipment on a single support structure or equipment area.

COMMERCIAL DISTRICT: The NB, GB, and DT zoning Districts of this Ordinance.

COMMON AREA: Land within a development which is not individually owned or dedicated to the public, but which is designed and intended for the use, enjoyment, and maintenance of the property owners within that development or other specific area. The common area may include complimentary structures and/or other improvements.

Definitions

Defined Words

COMMON COUNCIL: The Common Council of the City of Lebanon, Indiana.

COMPREHENSIVE PLAN: The official policy document which establishes development goals and objectives to guide growth within and around Lebanon in a coordinated manner, prepared by the Lebanon Plan Commission and adopted in accordance with the Indiana Planning Statutes.

CONCEPT PLAN: An illustration of the layout of a proposed planned unit development, required prior to a PUD rezoning consideration, and prior to the filing of a Preliminary Plan for a PUD or a Primary Plat for a subdivision.

CONDITION OF APPROVAL: Stipulations or provisions set forth as a prerequisite for approval of an application.

CONDITIONAL USE: Uses that, because of potential incompatibility and negative impact on the immediate neighborhood, require a greater degree of scrutiny and review of site characteristics and impacts to determine their suitability in each location. Conditional uses are permitted only following approval by the Board of Zoning Appeals.

CONDOMINIUM: Real estate lawfully subject to [*IC 32-25: Condominiums*](#) by the recording of condominium instruments, in which undivided interests in the common areas and facilities are vested in the condominium unit owners.

CONSTRUCTION PLANS: Subdivision drawings that detail the specific location and design of utilities, streets, and other improvements.

COUNTY: Boone County, Indiana.

COUNTY RECORDER: The County Official empowered to record and file land description plats.

COUNTY SURVEYOR: The County Official designated by the laws of the State of Indiana to maintain information such as benchmarks, USGS Topo Maps, Flood Zone Maps, Survey Records, historical aerial photography, legal drain information such as legal descriptions and watershed maps, and annexation descriptions for each city and town. The Surveyor maintains a Legal Survey Record Book for all legal surveys within the county.

COVENANTS: Private and legal restrictions of various kinds on the usage of lots, typically within a subdivision and applied by the subdivider, that are recorded with the plat and deed. Covenants are enforceable in civil court by interested or affected parties.

CURB: A concrete boundary marking the edge of a street or other paved area and providing for a change in grade between the street surface and the adjacent unpaved portions of the street right-of-way.

CUT: An excavation. The difference between a point on the original ground and a designated point of lower elevation on the final grade. Also, the material removed in excavation.

Dd

DECK: A platform, either freestanding or attached to building that is supported by pillars or posts.

Definitions

Defined Words

DEDICATION: The setting apart of land or interests in land for use by the municipality or public by ordinance, resolution, or entry in the official minutes as by the recording of a plat.

DENSITY: The number of dwelling units per acre.

DETACHED STRUCTURE: A building that has no structural connection with the principal structure.

DEVELOPER: An individual, partnership, corporation (or agent thereof), or other entity that undertakes the responsibility for land development, particularly the designing of a subdivision plat or site development plan showing the layout of the land and the public improvements involved therein. In as much as the subdivision plat is merely a necessary means to the end of assuring a satisfactory development, the term “developer” is intended to include the term “subdivider”, even though the personnel involved in successive stages of the project may differ.

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

- construction, reconstruction, or placement of a structure or any addition to a structure;
- installing a manufactured home on a site, preparing a site for a manufactured home or installing recreational vehicle on a site for more than 180 days;
- installing utilities, erection of walls and fences, construction of roads, or similar projects;
- construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;
- mining, dredging, filling, grading, excavation, or drilling operations;
- construction and/or reconstruction of bridges or culverts;
- storage of materials; or
- any other activity that might change the direction, height, or velocity of flood or surface waters.

DEVELOPMENT PLAN: Dimensioned plans showing the entire on-site distribution of all elements for a proposed construction project, which would normally include architectural, engineering, landscape architectural, lighting and signage plans.

DEVELOPMENT STANDARDS: Regulations provided by this ordinance that provide specific conditions for the development and use of buildings/ structures and property.

DEVELOPMENT STANDARDS VARIANCE: A specific approval granted by a Board of Zoning Appeals in the manner prescribed by this ordinance, to deviate from the development standards (such as height, bulk, area) that the Ordinance otherwise prescribes for the purpose of assuring that no property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same vicinity and district.

DISTRICT: An area with common social, physical, economic, or land use characteristics.

DRAINAGE: The outflow of water or other fluids from a site through either natural or artificial means.

DRAINAGE BOARD: The Boone County Drainage Board for legal drains and the Storm Water Utility Board for land within City limits.

DRAINAGE, SUBSURFACE: A system of pipes, tile, conduit, or tubing installed beneath the ground surface and used to collect ground water from individual parcels, lots or building footings.

Definitions

Defined Words

DRAINAGE, SURFACE: A system by which storm water runoff is conducted to an outlet. This includes the proper grading of parking lots, streets, driveways, yards, etc. so that storm water runoff is removed without ponding and flows to a drainage swale, open ditch, or a storm sewer.

DRAINAGE SWALE: A natural or constructed waterway, usually broad and shallow, covered with erosion-resistant grasses, and used to conduct surface water from a field, diversion, or other site feature.

DRAINAGE SYSTEM: All facilities, channels, and areas which serve to convey, filter, store, and/or receive stormwater, either on a temporary or permanent basis.

DRIVEWAY: A private roadway providing access for vehicles to a parking space, garage, dwelling, or other structure.

DUMPSTER: A receptacle container that has a hooking mechanism that allows it to be raised and dumped into a sanitation truck, including dumpsters for trash, compacted materials, and recycling.

DWELLING UNIT: Any structure or portion thereof designed for or used for residential purpose as a self-sufficient, individual unit by one family or other similar social association of persons as a single housekeeping unit, and having permanently installed sleeping, cooking, and sanitary facilities.

Ee

E.I.F.S.: Acronym for Exterior Insulation Finishing System, a construction siding material.

EASEMENT: A grant by a property owner to specific persons, the general public, corporations, utilities, or others, for the purpose of providing services or access to the property.

EXCAVATION: Any act by which earth, sand, gravel, rock, or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated, or bulldozed. This also includes the conditions resulting excavation.

EXISTING USE: The use of a lot or structure present at the effective date of this ordinance.

Ff

FACADE: The portion of any exterior elevation on a building, extending from grade level to the top of the parapet, wall, or eaves for the entire width of the building.

FAMILY: A group of one or more persons occupying a building and living as a single housekeeping unit and therefore using common facilities for cooking, sanitation, and gathering. No group living as a single housekeeping unit but not related by blood, marriage, adoption, or foster care consisting of more than 3 persons, as distinguished from a group occupying a lodging house, hotel, or nursing home. A family does not include any society, club, fraternity, sorority, group living in a boarding house, hotel, motel, bed and breakfast facility, lodging house, rooming house, assisted living facility, nursing home, or club.

Definitions

Defined Words

FENCE: Any structure, solid or otherwise, which is a barrier and is used as a boundary or means of protection, confinement, or concealment.

FENCE, BARBED-WIRE/RAZOR-WIRE: One or more strands of wire or other material having intermittent sharp points of wire or metal that may puncture, cut, tear, or snag persons, clothing, or animals.

FENCE, STOCKADE (100% OPAQUE): A fence constructed of vertical wood strips, with no intervening spaces, providing a complete visual barrier.

FILL: Any act by which earth, sand, gravel, rock, or any other material is placed, pushed, dumped, pulled, transported, or moved to a new location above the natural surface of the ground or on top of the stripped surface. Also includes the conditions resulting therefrom. Also, the difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade, or the material used to make a fill.

FINANCIAL GUARANTEE: Any guarantee which may be accepted in lieu of a requirement that certain improvements be made before approval of a secondary plat, Improvement Location Permit, or Certificate of Occupancy, including performance bonds, escrow agreements, letters of credit, deposit agreements, and other similar collateral or surety arrangements approved as valid and enforceable by the City.

FLAT ROOF: The silhouette formed by a roof line. While the name infers a roof with no pitch, the actual roof structure is required to have a slope for drainage purposes. The roof line can be stepped or flat in appearance by using architectural elements such as cornices, mansards, and parapets.

FLOODLIGHT: Reflector type light fixture that produces unshielded and undirected illumination.

FLOOR AREA: The sum of all horizontal surface areas of all floors of all roofed portions of a building enclosed by and within the surrounding exterior walls or roofs, or to the centerlines of party walls separating such buildings or portions thereof. Floor area of a building excludes exterior open balconies and open porches.

FLOOR AREA, FINISHED: That portion of floor area constructed, completed, and usable for living purposes with normal living facilities which includes sleeping, dining, cooking, working, entertainment, common space linking rooms, areas for personal hygiene, or combination thereof. Floor area or portion thereof used only for storage purposes and not equipped for the facilities mentioned above is not considered Finished Floor Area. The Finished Floor Area of a principal structure does not include a garage, carport, deck, unfinished storage, patio, or open porch.

FLOOR AREA, GROSS (GFA): The total horizontal areas of the one or several floors of a building or portion thereof devoted to a particular use, including accessory storage areas located within selling or working space such as counters, racks, or closets and any basement floor area devoted to retailing activities, to the production or processing of goods or to offices; provided, however, gross floor area does not include that area devoted entirely and permanently to storage purposes, parking and loading facilities, or space used for restrooms, utilities, stairwells or elevator shafts.

FLOOR AREA, GROUND: The area of a building in square feet, as measured in a horizontal plane at the ground level within its largest outside dimensions, exclusive of open porches, breezeways, terraces, garages, and exterior stairways.

Definitions

Defined Words

FLOOR AREA, NET: The total area, computed on a horizontal plane, used for a particular business category; exclusive of entrances, hallways, stairs, and other accessory areas used for ingress or egress.

FRONTAGE: The linear distance where a property line is coterminous with a street right-of-way line.

FOUNDATION: The supporting member of a wall or structure. See also “Permanent Foundation”.

FRONTAGE ROAD: A road which parallels a major arterial or collector street, providing access from abutting property and separated from the thoroughfare by a common dividing strip.

Gg

GARAGE: An attached or detached structure whose principal use is to house motor vehicles or personal property for the accommodation of related dwelling units or related business establishments. (Not a repair facility)

GLARE: The reflection of harsh, bright light producing an effect that causes annoyance, discomfort, or loss of visual performance and visibility.

GRADE: The surface of the ground adjacent to the exterior walls of a building.

GRADE, ADJACENT: The average of grade immediately adjacent to the structure in question.

GRADE, EXISTING: The vertical elevation of the ground prior to any excavation, filling, or other construction activity.

GRADE, FINISHED: The final elevation of the ground surface after man-made alterations have been completed.

GRADING: Any stripping, cutting, filling, stockpiling, or any combination thereof; also, the land in its cut or filled condition.

GRADING PLAN: The drawing and supporting documents that describe the process and result of the excavating, filling, or leveling of a property by mechanical or other artificial methods.

GROUND COVER: Landscaping elements that include living plant material.

Hh

HARDSHIP: A difficulty regarding one’s ability to improve land stemming from the application of the requirements of this ordinance, which may or may not be subject to relief by means of variance. In and of themselves, self-imposed situations and claims based on a perceived reduction of, or restriction on, economic gain are not considered hardships. Nor does the purchase of land with actual or constructive knowledge that, for reasons other than physical characteristics of the property, the development standards herein will inhibit the desired improvement, be considered a hardship. Any improvement initiated in violation of the standards of this Ordinance are not considered a hardship.

Definitions

Defined Words

HAZARDOUS MATERIAL: Any substances or materials that by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental to the health of any person handling or otherwise encountering such material or substance.

HEALTH DEPARTMENT AND BOONE COUNTY HEALTH OFFICER: The agency and that person designated by Boone County to administer the health regulations within the County's jurisdiction.

HEDGE: A row of closely planted shrubs, bushes, or any other kind of plant used as a compact, dense, living barrier that protects, shields, separates, or demarcates an area.

HEIGHT: In all instances, the height of a structure is measured from adjacent grade level to the highest point of the structure, excluding the necessary appurtenances such as chimneys, church spires, steeples, clock or bell towers, cooling towers, elevator bulkheads, fire towers, penthouses, stacks, tanks, water towers, transmission towers, or essential mechanical equipment not prohibited by other laws or further provisions of this ordinance.

HISTORIC SITE: All structures and other features identified as contributing, notable, or outstanding by the Indiana Historic Sites and Structures Inventory - Boone County Interim Report or listed in the National Register of Historic Places or the Indiana Register of Historic Sites & Structures, as well as any subsequent amendments and/or additions to any of these publications.

HOME OCCUPATION: An occupation carried on in a dwelling unit by a resident thereof which is limited in extent, and incidental and secondary to the use of the dwelling unit for residential purposes, and therefore does not change its residential character.

HOUSEHOLD PETS: Companion animals commonly kept as pets, whose primary value is personal enjoyment including, but not limited to, dogs, cats, birds, fish, turtles, rodents (bred, such as gerbils, rabbits, hamsters, or guinea pigs) and lizards (non-poisonous). Wild, vicious, or exotic animals are not considered household pets.

HOUSEKEEPING UNIT: A group of individuals functioning as a single household, making common use of a single kitchen and other social quarters. See also "Family".

li

ILLEGAL USE: Any use that is neither legal non-conforming or permitted by right or conditional use in the zoning district in which it is located as defined by this ordinance.

IMPERVIOUS SURFACE: Any hard-surfaced, man-made area that prevents absorption of storm-water into the ground.

IMPROVEMENT: Any building, structure, bridge, work of art, area, parking facility, public facility, fence, gate, wall, landscaping, or other object constituting a physical addition to real property. See also "Public Improvement".

Definitions

Defined Words

IMPROVEMENT LOCATION PERMIT: A permit allowing a person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any structure; alter the condition of the land; change the use or occupancy of a property; or otherwise cause any change to occur that is subject to the requirements of this ordinance.

INCIDENTAL: A minor occurrence or condition that is customarily associated with a permitted use and is likely to ensue from normal operations.

INDECISIVE VOTE: A vote which fails to receive a majority, either in favor or opposed.

INDIANA CODE: The latest edition with any amending supplements of the Indiana Statutes Code Edition (abbreviated as IC herein) which codifies all Indiana statutes for reference purposes.

INDUSTRIAL DISTRICT: The use of a property or area for the manufacture, fabrication, processing, reduction, or destruction of any article, substance, or commodity, including related storage facilities and warehouses. Refers to the LI and GI zoning districts.

INFRASTRUCTURE: Facilities and services needed to sustain industry, residential, commercial, and all other land use activities, including utilities and streets.

INOPERABLE MOTOR VEHICLE: A motor vehicle which meets one or more of the following conditions:

- Any motor vehicle from which the engine, transmission, or differential has been removed, or that is otherwise partially dismantled or mechanically inoperable; or
- Any motor vehicle which cannot be driven on a public street without being subject to issuance of a traffic citation by reason of its operating condition or not displaying a valid and current license plate.

INOPERABLE VEHICLE STORAGE: The outdoor storage of inoperable motor vehicles and their parts.

INSPECTORS: Employees of the Plan Commission authorized by the Administrator to enter, examine, and survey all lands within the City to accomplish the enforcement of this ordinance and any other land use regulations of the City.

INTERESTED PARTIES: Those parties who are the owners of property, to whom notice must be given for a particular proceeding.

INSTITUTIONAL DISTRICT: The IN District of this Ordinance.

INSTITUTIONAL USE: A nonprofit or quasi-public use, such as a religious institution, library, public or private school, hospital, or government-operated structure or land use for public purpose.

INTERESTED PARTY: Those persons, groups, property owners, or other entities that are considered or consider themselves to be affected by a change in land use or the results of an application to change land use. (For the purposes of public notification, “interested party” is defined by the Plan Commission Rules & Procedures.)

Jj

JUNK: An automobile, truck, other motor vehicle, watercraft, large appliances, furniture, or like materials which have been damaged to such an extent that they cannot be operated under their own power or used and/or will require major repairs before being made usable. This also includes such a vehicle which does not comply with State or County vehicle licensing or other laws or ordinances.

JURISDICTION: Any area over which a unit of government exercises power and authority.

Kk

Ll

LAND USE: The occupation or use of land for any human activity or purpose.

LAND USE PETITION: A rezoning petition, variance petition, conditional use petition, or any other petition permitted by rules of procedure adopted by the Plan Commission.

LANDSCAPING: The improvement of a lot with grass, shrubs, trees, and other vegetation and/or ornamental objects. Landscaping may include pedestrian walks, flower beds, berms, fountains and other similar natural and man-made objects.

LEASE: To rent, to permit the possession of, or to grant the right of possession or use of a lot, parcel, tract, land or group of lots, parcels, tracts, or lands for compensation.

LEGAL DRAIN: Any drainage system consisting of an open drain, a tiled drain, or any combination of the two, and is under the jurisdiction of the County drainage board as provided by I.C. 36-9-27.

LEGAL NONCONFORMING LOT: Any lot which has been legally established and recorded prior to the effective date of this ordinance, or its subsequent amendments, or has been granted a variance from this ordinance, that does not meet the lot-specific development standards.

LEGAL NONCONFORMING USE: Any continuous, lawful use of structures, land, or structures and land in combination established prior to the effective date of this ordinance, or its subsequent amendments, that does not meet the requirements of this ordinance for a permitted use in the zoning district in which it is located.

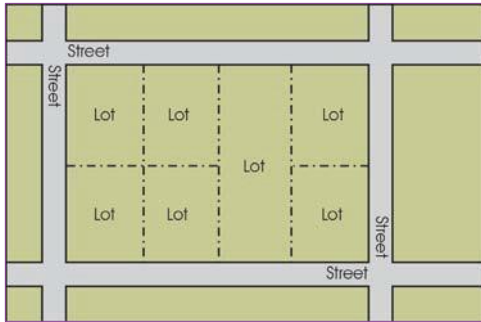
LOADING SPACES/LOADING AND UNLOADING BERTHS: The off-street area required for the receipt or distribution by vehicles of material or merchandise.

LOCATION MAP: A map showing the location of the property proposed to be subdivided. Such map shows the closest cross streets in all directions.

Definitions

Defined Words

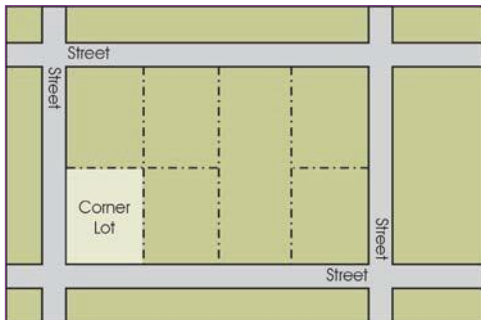
LOT: A parcel of land of at least sufficient size to meet the minimum zoning requirements of the zone in which it is located, and that has frontage and access on an improved public street, or on an approved private street. A lot may be a single parcel separately described in a deed which is recorded in the Office of the County Recorder; or a lot may be a single parcel separately described in a survey which is recorded in the Office of the County Recorder; or a lot may include a parcel contained in a plat or subdivision of land which is recorded in the Office of the County Recorder; or a lot may include parts of, or a combination of, such parcels which are adjacent to one another and used as one.



LOT AREA: The horizontal area within the exterior lines of a lot, including any easements, but excluding any rights-of-way or other similar dedications to the public.

LOT, BUILDABLE: Any lot upon which improvements are permitted to be constructed, or which is otherwise allowed to be occupied and used consistent with all applicable requirements of this ordinance.

LOT, CORNER: A lot located at the junction of and abutting two or more intersecting streets.

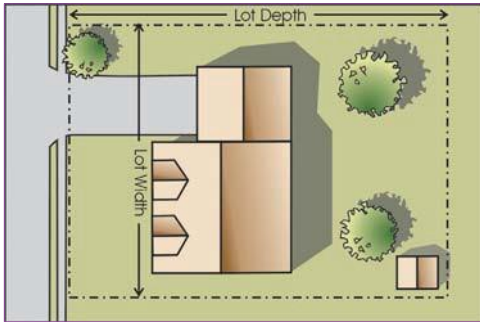


LOT COVERAGE: The total ground area of a lot usually expressed as a percentage of the lot area that is covered, occupied, or enclosed by buildings structures, parking areas, driveways, walkways, and other paved or impervious surface.

Definitions

Defined Words

LOT DEPTH: The mean horizontal distance between the Front Lot Line and the Rear Lot Line of a lot, measured in the general direction of the Side Lot Line.

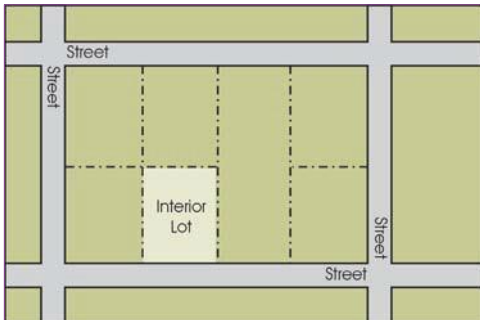


LOT, DEVELOPED: A lot upon which improvements have been made or is otherwise being used for human purposes. Also called an Improved Lot.

LOT, FLAG: A lot with access provided to the bulk of the lot by means of a narrow corridor.

LOT FRONTAGE: The linear distance of a lot measured at the front lot line where said lot abuts a street right-of-way, measured between side lot lines.

LOT, INTERIOR: Any lot which is not a corner lot or through lot.



LOT, IRREGULAR: A lot that is characterized by elongations, angles, shapes, and/or configuration that is inconsistent with the topography, street systems, other lots, and other features of the area in which it is located.

LOT LINE, FRONT: For an interior or through lot, the line marking the boundary between the lot and the abutting street right-of-way. For a corner lot, the line marking the boundary between the lot and each of the abutting street rights-of-way.

LOT LINE, REAR: A Lot Line which is opposite and most distant from the Front Lot Line and, in the case of an irregular or triangular-shaped lot, a line 10 feet in length within the lot, parallel to and at the maximum distance from the Front Lot Line.

LOT LINE, SIDE: Any lot boundary line not a Front Lot Line or a Rear Lot Line.

LOT LINE: The property lines which define the lot.

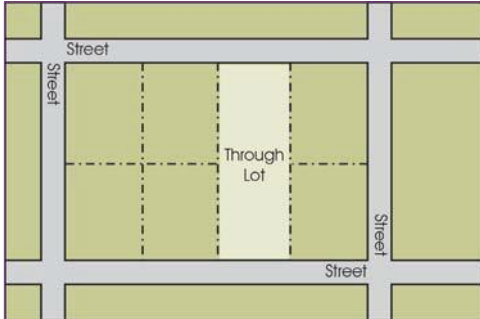
Definitions

Defined Words

LOT, MEW: A lot fronting an open space or common area served by an alley or street at the rear of the lot. The front yard of a mew lot is the narrowest lot line abutting the open space or common area.

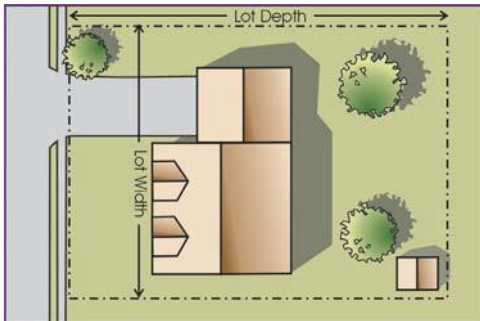
LOT OF RECORD: A lot which is part of a subdivision, the map of which has been recorded in the Office of the County Recorder of Boone County, Indiana; or a parcel of land, the deed to which has been recorded in the Office of the County Recorder of Boone County, Indiana, prior to the date of passage of this ordinance.

LOT, THOUGH: A lot having frontage on 2 or more non-intersecting streets.



LOT, UNDEVELOPED: A lot of record upon which no improvements exist.

LOT WIDTH: The horizontal distance between side lot lines measured at the required minimum front setback line or built-line line affecting the property.



LOT, ZONING: A single tract of land that, at the time of application for an improvement location permit, is designated by the applicant for the purpose of complying with this ordinance as the tract to be used, developed, or built upon. A zoning lot or lots may coincide with one or more lots of record.

Mm

MARKER (SURVEY): A stake or any other object which is intended to mark a survey point on a lot or within a subdivision.

MARQUEE: Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

Definitions

Defined Words

MASONRY: Construction material that consists of brick, stone, tile, rock, granite, marble, or other built-up panels of these materials, or molded concrete that is held together with mortar, if the molded concrete does not make up a continuous wall section.

MASSING: The shape and form a building takes on through architectural design. There are 10 architectural design elements that create urban space; 1) building silhouette (similar pitch and scale to a roof line), 2) spacing between building facades (setbacks or notches between primary facades that frame the structure), 3) setback from property line (building setback and/or primary facade setback from the property line), 4) proportion of windows, bays, and doorways (vertical or horizontal elements tied together in bands across façade lengths), 5) proportion of primary facade (size of facades similar in area and height to width ratios), 6) location and treatment of entryway (important visual commonality between structures), 7) exterior materials used (similar materials and treatment add to detail and monumentality of a building), 8) building scale (similarity of building height and configuration), 9) landscaping (ties together buildings and defines space), and 10) shadow patterns form decorative features (the light and dark surfaces from materials used and projections from windows, bays, and setbacks create visual breaks). A specific project may not need to incorporate all 10 elements.

MECHANICAL EQUIPMENT: Equipment installed for a use appurtenant to the principal use. Such equipment may include heating and air conditioning equipment, solar collectors, parabolic antennas, and power generating devices.

MIXED-USE DEVELOPMENT: An area, parcel of land, or structure developed for 2 or more different land uses.

MOTOR VEHICLE: Any passenger vehicle, truck, tractor, tractor-trailer, truck-trailer, trailer, or semi-trailer propelled or drawn by mechanical power.

MULTI-TENANT BUILDING: A grouping of two or more business establishments that either share common parking on the lot where they are located, or that occupy a single structure or separate structures that are physically or functionally related or attached.

Nn

NATURAL FEATURES: The physical characteristics of a property or area that are not man-made, such as soil types, geology, slopes, vegetation, and drainage patterns.

NO ACCESS EASEMENT: Public easement along a public right-of-way across which the access to the property is not permitted.

NONCONFORMING LOT: A lot that does not conform to the regulations of the zoning district in which it is located.

NONCONFORMING STRUCTURE: A building or other structure that does not conform to the regulations of the zoning district in which it is located.

NONCONFORMING USE: A use of land that does not conform with the regulations of the district in which it is located.

Definitions

Defined Words

NUISANCE: An interference with the enjoyment and use of property as defined by the Nuisance Ordinances of the City of Lebanon.

Oo

OCCUPANCY: The use of any land or structure.

OFF-SITE IMPROVEMENT: An improvement related to new development that occurs, or is constructed on property that is outside of the parcel or tract that is being developed. Off-site improvements typically include, but are not limited to drainage, public water systems, public sewer systems, and streets.

OPEN SPACE: The total horizontal area of a lot excluding buildings, parking areas, drives, and sidewalks/pathways (unless related to recreation) but including recreational area, landscaped area, wetlands, streams, meadows, or open fields containing baseball, football, and soccer fields, golf courses, swimming pools, and wooded areas. In residential districts, said open space may include the usable roof area within the project which has been improved for outdoor use of occupants.

OUTDOOR STORAGE: The keeping of items for sale, the products of manufacturing, materials used in production, vehicles, and other similar materials and/or equipment in an area outside of any building.

OUTLOT: A lot platted as part of a larger development that is intended for the development of uses and structures which are complementary to but of a smaller scale than the principal use or structure in the development.

OVERLAY ZONING DISTRICT: A zoning district that extends across one or more other zoning districts which is intended to provide additional or alternate regulations for a specific critical feature or resource.

OWNER: Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to, or sufficient proprietary interest in the land, or their legal representative.

OWNERS ASSOCIATION: An incorporated non-profit organization operating under recorded land agreements through which each lot owner is automatically a member, and each lot is automatically subject to a proportionate share of the expenses for the organization's activities, such as maintaining common property.

Pp

PARAPET: The portion of a wall which extends above the roof line.

PARCEL: A separate division of land legally described and of record to show the actual boundaries of the property.

PARENT TRACT: The land from which the new lot or tract of land is being taken from, as recorded in the Recorder's Office at the time of adoption of this ordinance or any subsequent amendments thereto.

PARKING LOT: An open off-street area to be used for the storage of motor vehicles, whether free or for compensation, for limited periods of time. A parking lot includes all parking spaces, interior drives, and maneuvering areas.

Definitions

Defined Words

PARKING, OFF-STREET: A storage space for an automobile located outside of a street right-of-way.

PARKING, ON-STREET: A storage space for an automobile that is located within the right-of- way of a street.

PARKING, SHARED: A parking space or lot used jointly by 2 or more uses or structures.

PARKING SPACE: A space within a public or private parking area for the storage of one motor vehicle.

PARKING STRUCTURE: A structure of two or more stories, whether privately or publicly owned, used for parking.

PATHWAY: A designated route for travel by pedestrians, bicycles, and other non-motorized methods of personal transportation and recreation which is surfaced with crushed rock, concrete, or asphalt and separated from street by distance or striping.

PAVED SURFACE: A durable surface for parking, driving, riding or similar activities that utilizes asphalt, Portland cement, concrete, brick, paving blocks, or similar material. Crushed gravel, street grindings, stone, rock, or dirt, sand or grass are not a paved surface.

PERFORMANCE BOND OR SURETY BOND: A personal or corporate surety agreement between a subdivider and such surety in favor of a governmental body guaranteeing the completion of physical improvements according to plan and specifications within the time prescribed by the subdivider's agreement.

PERMANENT FOUNDATION: A structural system for transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.

PERMITTED USE: Any use listed as a permitted use in this ordinance, or which is an accessory or temporary use associated with a permitted use for the zoning district in which it is located.

PERSON: A natural person, corporation, firm, partnership, association, trust, organization, unit of government, or any other entity that acts as a unit, including all members of any group.

PERSONAL SERVICES: An establishment or place of business primarily engaged in the provision of frequent and recurrent services of a personal nature, such as a beauty or barber shop, shoe repair shop, or tanning salon.

PERVIOUS PAVEMENT: A hard surface that presents an opportunity for precipitation to infiltrate into the ground.

PERVIOUS SURFACE: A surface that presents an opportunity for precipitation to infiltrate into the ground.

PETITIONER: Any person who formally makes a request before the Plan Commission or Board of Zoning Appeals consistent with the processes and requirements of this ordinance.

PLAN COMMISSION: The Lebanon Advisory Plan Commission.

Definitions

Defined Words

PLANNED UNIT DEVELOPMENT: A large-scale unified development meeting the requirements of this ordinance. Generally, a planned unit development consists of a parcel or parcels of land, controlled by a single person, to be developed as a single entity which does not correspond in size of lots, bulk or type of buildings, density, lot coverage, and required open space to the regulations established in any zoning district of this ordinance.

PLAT: A map or chart indicating the subdivision or re-subdivision of land, intended to be filed for record.

PLAT COMMITTEE: A committee established by the Plan Commission to review and make decisions on minor subdivision and administrative subdivision petitions.

PLAT, PRIMARY: The map and supporting information indicating the proposed layout of the subdivision and presented to the Commission for consideration and primary approval in accordance with these regulations.

PLAT, SECONDARY: A drawing, in final form, showing the subdivider's plan of subdivision, containing all information or detail required by law and by these regulations, and which is to be presented to the Plan Commission for approval; if approved and signed by the designated officials, such plat may be duly filed or recorded by the applicant in the Office of the Boone County Recorder.

PORCH: A covered, but otherwise unenclosed structure projecting out from the wall or walls of a main structure.

PRACTICAL DIFFICULTY: A difficulty regarding one's ability to improve land stemming from regulations of this ordinance. A practical difficulty is not a "hardship," rather it is a situation where the owner could comply with the regulations within the Zoning Ordinance but would like a variance from the Development Standards to improve his/her site in a practical manner. For instance, a person may request a variance from a side yard setback due to a large tree which is blocking the only location that would meet the Development Standards for a new garage location.

PREMISES: A Lot or Plot of land, including any buildings thereon.

PRIMARY APPROVAL: An approval (or approval with conditions) granted to a subdivision by the Plan Commission, indicating that it has determined after a public hearing that the subdivision complies with the standards prescribed in this ordinance.

PRINCIPAL STRUCTURE: The building or structure in which the principal use of the lot or premises is located or conducted. With respect to residential uses, the principal building or structure is the main dwelling. For agricultural uses, the principal structure may be a barn or other agricultural structure.

PRINCIPAL USE: The main use of land or structures, as distinguished from an accessory use. A principal use may be either a permitted use or a conditional use.

PUBLIC HEARING: A formal meeting, announced and advertised in advance consistent with the requirements of this ordinance, which is open to the public, and at which members of the public have an opportunity to participate.

Definitions

Defined Words

PUBLIC IMPROVEMENT: Any drainage ditch, street, highway, parkway, sidewalk, pedestrian-way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

Qq

Rr

RECORD: The written documentation of the actions and expressions of a public body, such as the Plan Commission or Board of Zoning Appeals.

RECREATIONAL VEHICLE: Any building, structure, or vehicle designed and/or used for seasonal living or sleeping and/or recreational purposes and equipped with wheels to facilitate movement from place to place (either under its own power or towed by another vehicle). Recreational vehicles are built on a single chassis and measure 400 square feet or less, including the largest horizontal projections, and are of a size that is street legal. Recreational vehicles include pick-up truck coaches, motorized homes, boats, travel trailers, snow mobiles, and camping trailers not meeting the definition of a manufactured or mobile home.

REGISTERED ARCHITECT: An architect properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

REGISTERED LAND SURVEYOR: A land surveyor properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

REGISTERED LANDSCAPE ARCHITECT: A landscape architect properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

REGISTERED PROFESSIONAL ENGINEER: An engineer properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

REPLAT (OR RESUBDIVISION): Any change in a recorded plat which does not result in the creation of additional lots. It may include all or any part of a previous subdivision or plat. A replat is considered an Administrative Subdivision, provided no new streets or utility expansions are required.

RESIDENTIAL DISTRICT: An area used primarily for dwellings. The R1, R2, R3, R4, R5, and R6 Zoning Districts of this Ordinance.

RETAIL USES: Commercial enterprises that provide goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the business.

RETENTION POND: An area that is designed to permanently hold specific quantities of stormwater. Captured water only dissipates via percolation into the ground water or by evaporation.

Definitions

Defined Words

REZONING: An amendment to the Official Zoning Map which has the effecting of removing property from one zoning district and placing it in a different zoning district.

RIGHT-OF-WAY (ROW): A specific and particularly described strip of land, property, or interest therein devoted to and subject to the lawful public use, typically as a thoroughfare of passage for pedestrians, vehicles, or utilities, as officially recorded in the office of the Boone County Recorder.

RIGHT-OF-WAY LINE: The limit of publicly owned land encompassing a public facility, such as a street or an alley.

RINGELMANN NUMBER: The number of the area on the Ringelmann Chart that most nearly matches the light-obscuring capacity of smoke. The Ringelmann Chart is published by the U.S. Bureau of Mines, and it illustrates graduated shades of gray for use in estimating smoke density. Smoke below the density of Ringelmann No. 1 is considered no smoke, or Ringelmann "0".

RUNOFF: The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil but runs off the surface of the land.

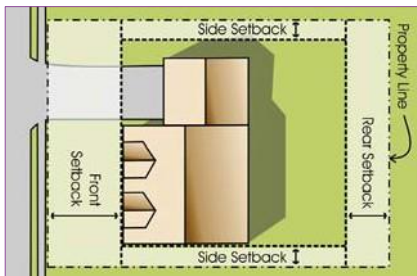
Ss

SATELLITE DISH/ANTENNA: An apparatus capable of receiving communications from a transmitter relay located in a planetary orbit or broadcasted signals from transmitting towers.

SCREEN OR SCREENING. A surrounding visual barrier.

SECONDARY APPROVAL: An approval by the official designated by the Plan Commission indicating that all conditions of Primary Approval have been met.

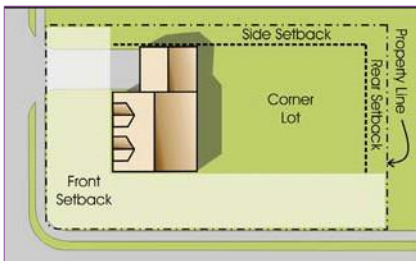
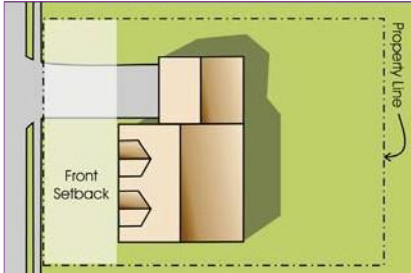
SETBACK: The horizontal distance between a structure and a lot line or right-of-way line measured at a distance that is perpendicular to the lot line or right-of-way line.



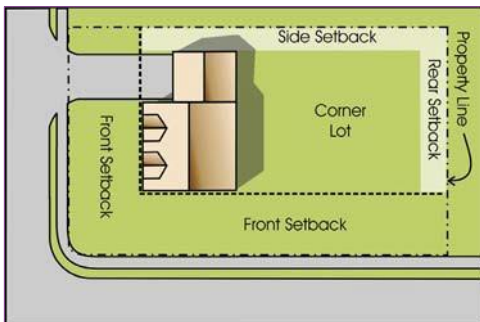
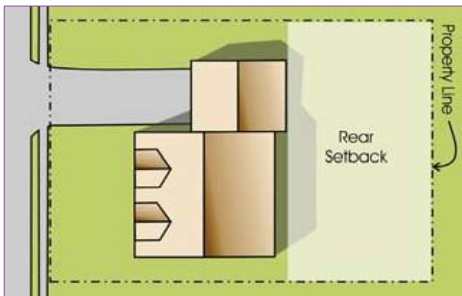
Definitions

Defined Words

SETBACK, FRONT: The horizontal space between the nearest foundation of a building to the front lot line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the front lot line.



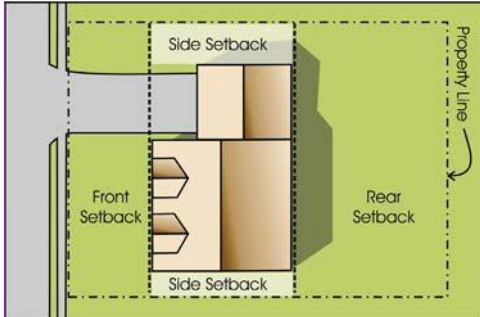
SETBACK, REAR: The horizontal space between the nearest foundation of a building to a rear lot line and that rear lot line, extending to the side lines of the lot, and measured as the shortest distance from the foundation to the rear lot line. Corner lots have no rear yards, only front yards and side yards.



Definitions

Defined Words

SETBACK, SIDE: The horizontal space between the nearest foundation of a building to the side lot line, measured as the shortest distance between that foundation and the side lot line at a 90 angle to the side lot line.



SHADE TREE: A tree in a public place, street, special easement, or right-of-way adjoining a street as provided in this Ordinance.

SHRUB, ORNAMENTAL: A shrub planted primarily for its ornamental and screening value, not to be confused with a perennial.

SIGHT VISIBILITY TRIANGLE: Triangular shaped areas on each corner of an intersection that are looked through by drivers approaching or departing an intersection to view oncoming traffic on crossing streets and roadways.

SIGN: Any name, identification, description, device, display, or illustration which is affixed to, painted, or represented directly or indirectly upon a building, structure, or piece of land which directs attention to an object, product, place, activity, person, institution, organization, or business. A sign includes the face area which conveys a message, any equipment or sign device, and any related mechanical, electrical, and structural supports and features, such as poles and lighting. In no instance will this ordinance be interpreted as considering a flag as a sign.

SIGN, ABANDONED: A sign that is no longer located on or conducted on the property where the sign is displayed.

SIGN, ANIMATED: A sign with action, motion, or changing colors or lights, any of which imitates movement. A flashing sign is an animated sign.

SIGN, AREA: The entire face of a sign including the message surface and any framing or trim but excluding any poles or other supports. Sign area is measured as the maximum vertical dimension of the face area multiplied by the maximum horizontal dimension of the face area, each at its largest point.

SIGN, AWNING: A sign incorporated into, or attached to an awning.

SIGN, BANNER: A sign with or without characters, letters, illustrations, or ornamentations applied to cloth, paper, flexible plastic, or fabric of any kind with only such material for backing and secured or mounted to allow motion caused by the atmosphere.

Definitions

Defined Words

SIGN, CANOPY: Any sign that is a part of or attached to an awning, canopy or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

SIGN, CHANGEABLE COPY: A sign designed and used to display temporary letters, numbers, symbols, and other items which may be changed by hand, electronically, or by other means. The height, face area, and other structural and lighting characteristics of changeable copy signs remain constant, providing a background for temporary messages. A sign on which the message changes more than eight times per day is considered an animated sign and not a changeable copy sign for the purposes of this ordinance.

SIGN, DIRECTIONAL: Any on-premises sign that includes information assisting in the flow of pedestrian or vehicular traffic, such as “enter”, “exit”, and “one-way”.

SIGN, DOUBLE-FACED: A sign designed and/or used to display a message on the outer surface of 2 identical and opposite parallel planes.

SIGN, ENTRY FEATURE: A permanent on-premise sign identifying an entrance to a residential subdivision, apartment complex, or manufactured home park.

SIGN, FACE: The area or display surface used for the message.

SIGN, FREE-STANDING: A sign supported completely by a frame, pole, or foundation and which is independent from all other structures on the property.

SIGN, HEIGHT: The highest point measured from grade level at the base of the sign to the highest point of the sign, including any structure, frame, light fixture, or other element of the sign.

SIGN, ILLUMINATED: A sign lighted by or exposed to artificial lighting either by lights on or within the sign or directed toward the sign.

SIGN, INCIDENTAL: A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as “no parking”, “entrance”, “loading only”, “telephone”, and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located is considered incidental.

SIGN, MONUMENT: A sign that is permanently affixed to the ground at its base, supported entirely by a base structure, and not mounted on a pole. This sign could be displayed on a decorative feature of brick, wood, or other material, which is intended to serve as an entry feature or focal point.

SIGN, MURAL: A sign painted onto the side of a building, wall, ground, or structure.

SIGN, OFF-PREMISE ADVERTISING: A sign which directs attention to a business, commodity, service, organization, or entertainment conducted, sold, or offered elsewhere than upon the premises where such sign is located or to which it is affixed. This includes billboard and other outdoor advertising and directional signs located on private property.

SIGN, PENNANT: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Definitions

Defined Words

SIGN, PORTABLE: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to: signs designed to be transported by means of wheels, signs converted to A or T-frames, menu or sandwich board signs, balloons used as signs, umbrellas used for advertising, and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

SIGN, POST: A sign supported by one or two posts, often made of wood or similar material. The sign display may be attached between two posts or suspended from an above support.

SIGN, POSTER: Any sign made of cardboard, metal, plastic, or other semi-rigid material which is attached to outdoor products, structures, or other features, or anchored into the ground with the use of stakes.

SIGN, PROJECTING: A sign attached to and projecting out from a building face or wall, generally at right angles to the building.

SIGN, PYLON: A freestanding sign, other than a pole or ground mounted sign, which is secured permanently to the ground, and has a height that is greater than its width.

SIGN, REAL ESTATE: A temporary sign that relates to the sale, lease or rental of property or structures, or to construction activity on a site. See also "Sign, Yard Card".

SIGN, SEARCHLIGHT: A searchlight used to attract attention to a property, use, or structure consistent with the definition of a sign.

SIGN, SANDWICH BOARD: A temporary sign located at grade level, not permanently attached to a building, structure, or the ground, and constructed in such a manner as to form an "A" by separating to opposite and parallel sign faces by supporting structural members.

SIGN STRUCTURE: The supports, uprights, bracing and framework for the sign. In the case of a sign structure consisting of two or more sides, where the angle formed between any of the sides (or the projection thereof) exceeds 15 degrees, each side is considered a separate sign structure.

SIGN, SUSPENDED: A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

SIGN, TEMPORARY: An on-premise sign not fixed to a permanent foundation and displayed for a fixed period of time, for the purpose of conveying information, knowledge, or ideas to the public about a subject related to the activities on the premises upon which it is located.

SIGN, VEHICLE: A sign that is attached to or painted on a parked vehicle for the purpose of drawing attention to the product, business, or property which is indicated on the sign.

SIGN, WALL: Any sign attached parallel to, but within 12 inches of, a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

Definitions

Defined Words

SIGN, WAYFINDING: Any sign erected by a governmental entity to aid visitors in navigating within the City. These signs may include directional indicators to guide visitors to special areas (including downtown and the industrial park), specific locations (including libraries, governmental centers, and entertainment venues), or to major thoroughfares (including SR 32, SR 39, and I-65). These signs may be free standing but are recommended to follow a uniform style of design and have varying scales dependent on district or environment density.

SIGN, WINDOW: Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, and is affixed to a window or placed immediately behind a windowpane to attract the attention of persons outside of the structure.

SIGN, YARD CARD: A temporary sign displayed on private property and usually displaying a message associated with political support, local sports team or club support, or garage/yard sales.

SITE DEVELOPMENT PLAN: The plan indicating the location of existing and proposed buildings, structures, paved areas, walkways, vegetative cover, landscaping, and screening within a site proposed for development which is to be submitted for approval prior to the release of Improvement Location Permits on the site consistent with the requirements of the [IC 36-7-4-1400 series](#).

SLOPE: The face of an embankment or cut section. Any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per 100 feet of horizontal distance.

SMOKE: A suspension of fine particles, excluding water droplets, in a gaseous plume, which obscures the transmission of light.

SMOKE UNIT: The number obtained when the smoke density in Ringelmann number is multiplied by the time of emission in minutes. For this calculation, a Ringelmann density reading is made at least once a minute during the period of observation; each reading is then multiplied by the time in minutes during which it is observed. The various products are then added together to give the total number of smoke units observed during the entire observation period.

SOIL STABILIZATION: Chemical or structural treatment of a mass of soil to increase or maintain its stability or otherwise improve its engineering properties.

SOIL SURVEY: The National Cooperative Soil Survey prepared by the U.S. Department of Agriculture, Soil Conservation Service in cooperation with Purdue University.

STATE: The State of Indiana.

STOP-WORK ORDER: A written document issued by an enforcement official which requires the cessation of an activity.

STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling above it. For this ordinance, a basement is not considered a story unless it has been subdivided into rooms and used for tenant purpose.

Definitions

Defined Words

STORY, HALF: That portion of a building under a sloping, gable, hip, or gambrel roof, the wall plates on at least two opposite exterior walls of which are not more than 3 feet above the floor level of such half-story.

STREET: A right-of-way or thoroughfare, other than an alley, dedicated or otherwise legally established to the public use, usually affording the principal means of access to abutting properties.

STREET, ARTERIAL: A street which serves the major traffic movements within a community, such as between the central business district and the outlying commercial and residential areas, as well as a majority of the vehicular traffic entering and leaving the City to travel to and from adjacent communities. Lebanon arterial streets are identified in the Thoroughfare Plan.

STREET, COLLECTOR: A street designed and used to carry moderate volumes of traffic from local streets to arterial streets. Lebanon collector streets are identified in the Thoroughfare Plan.

STREET, CUL-DE-SAC: A street with a single common ingress and egress and with a turn-around at the end.

STREET, HALF: A street for which only half of the required right-of-way and/or pavement width has been provided.

STREET (OR ALLEY) IMPROVEMENT: The construction of a street or alley to its full thickness, commencing at the subgrade according to the specifications contained in this ordinance. The placing of a new surface over an existing paved or closed surface street or alley is not considered as an improvement but as maintenance.

STREET, INTERSECTING: Any street that joins another street at an angle, whether it crosses the other street.

STREET INTERSECTION: The point of crossing or meeting of 2 or more streets.

STREET, LOCAL: A Street designated primarily to provide access to other streets from individual properties. Lebanon local streets are identified on the Thoroughfare Plan.

STREET, NONRESIDENTIAL: Any street where the principal land use of the lots which the street provides access to, as well as the lots on either side of the street is not residential.

STREET ORIENTATION: The direction of the architectural front facade of a building in relation to the street.

STREET, PRIVATE: Vehicular streets and driveways, paved or unpaved, which are wholly within private property except where they intersect with public streets within public rights-of-way, and is privately owned and maintained and used to provide vehicular access to more than one property or dwelling unit.

STREET, PUBLIC: A street constructed and maintained by a unit of government within an officially deeded and accepted public right-of-way.

STREET, RESIDENTIAL: Any street where the principal land use of the lots which the street provides access to, as well as the lots on either side of the street is residential.

Definitions

Defined Words

STREET VISTA: A view framed by buildings at the termination of the axis of a thoroughfare.

STREET WIDTH: The width of the paved surface of a street, measured from back-of-curb to back-of-curb or from edge-of-pavement to edge-of-pavement where curbs are not present.

STRUCTURAL ALTERATIONS: Any change in the supporting members of a building or structure such as bearing walls, partitions, columns, beams or girders, or any substantial change in the exterior walls, roof, or footprint or increasing size of living space. Also, substantial roofing and siding work when repairs are made to the structure beneath.

STRUCTURE: Any building or other object that is constructed or erected that requires location on or under the ground or is attached to something on the ground.

STRUCTURE HEIGHT: The vertical distance measured from ground level to the highest point of the roof.

SUBDIVIDER: Any person or persons, firm or corporation engaged in developing or improving a tract of land which complies with the definition of a subdivision as defined in this ordinance.

SUBDIVISION: The division of any lot, tract, or parcel of land, separately described in a deed on record in the Office of the County Recorder, into 2 or more contiguous parcels, sites, or lots fronting on public street, for the purpose of immediate or future offer, sale, lease, or development.

SUBDIVISIONS, ADMINISTRATIVE: Administrative subdivisions include one or more of the following:

- A resubdivision which involves only the removal of interior lot lines, with the outside perimeter of the property remaining unchanged, resulting in fewer parcels than were contained in the original parcel;
- A resubdivision which involves only the removal or relocation of easements on the property;
- A resubdivision which involves only the changing of notations written on the plat or correction of errors thereon;
- A division of land pursuant to an allocation of land by court decree;
- The division of land into cemetery plots;
- A resubdivision to correct errors in an existing legal description, provided that no additional building lots are created;
- A division of land involving no more than 2 parcels for the sale or exchange of tracts between adjoining land owners, provided that no additional building sites are created;
- A division of a building site containing an existing dwelling which has been located on an agriculturally used site for at least 10 years;
- A division or resubdivision of land for the acquisition by the public or by a utility for street right-of-way or easement.

SUBDIVISION IMPROVEMENT AGREEMENT: A document which establishes the contractual relationship between the developer of a subdivision and the City of Lebanon for the installation of improvements in accordance with the standards and specifications set forth in this ordinance.

SUBDIVISION, MAJOR: All subdivisions not classified as minor subdivisions and resulting in the creation of more than 4 lots, including but not limited to subdivisions requiring any new street or extension of Lebanon facilities or the creation of any public improvements.

Definitions

Defined Words

SUBDIVISION, MINOR: A subdivision of land which results in the creation of 4 or fewer new lots or the reconfiguration of existing lots and which does not involve the construction or extension of public or private streets or utilities.

SURETY: An amount of money or other negotiable instrument provided by a developer to the City which guarantees that they will perform all actions required by the City regarding an approved site development plan, plat, or other improvement, which provides that if the developer fails to comply with the requirements of approval, funds will be provided for the City to complete those requirements.

Tt

TECHNICAL ADVISORY COMMITTEE (TAC): A committee established by the Planning and Zoning Administrator to assist with the technical evaluation of subdivisions by reviewing sketch plats, and to make appropriate technical recommendations to the subdivider, Plan Commission, Plat Committee or City departments.

TELECOMMUNICATIONS: The transmission of information between or among geographic points without change in the form or content of the information as sent or received.

TELECOMMUNICATIONS ANTENNA: Any structure or device, including all appurtenances, used for the purpose of collecting or radiating electro-magnetic waves, including those used to transmit cellular telephone service, data, radio and television signals, and any other information.

TELECOMMUNICATIONS TOWER: A mast, pole, monopole, guyed, or freestanding framework, or other vertical structure that acts as an antenna or to which an antenna is affixed or attached.

TEMPORARY USE: A land use or structure established for a limited and fixed period of time with the intent to discontinue such use upon the expiration of the time period.

THOROUGHFARE PLAN: The official plan, now and hereafter adopted, which sets forth the location, identification, alignment, dimensions, and classification of existing and proposed streets and other thoroughfares.

TOPOGRAPHY: The configuration of the earth's surface, including the relative relief, elevations, and position of land features.

TOWER: A ground pole, spire, structure, or combination thereof including supporting lines, cables, wires, braces, and masts intended primarily for the purpose of mounting an antenna, a meteorological device, or other similar apparatus above ground.

TRAIL: A public way, separate from a street, alley, or other vehicle roadway, designed for and used by pedestrians, cyclists, and others using non-motorized transportation and recreation equipment.

TREE, BROADLEAF: Trees having non-needle like leaves.

TREE, DECIDUOUS: Trees and shrubs that shed their leaves annually.

Definitions

Defined Words

TREE, EVERGREEN: Trees and shrubs that do not shed their leaves annually.

TREE, ORNAMENTAL: A deciduous tree possessing qualities such as flowers or fruit, attractive foliage, bark, or shape, with a mature height generally under 40 feet.

TREE, PROHIBITED: A tree, as listed in this ordinance that does not meet site-landscaping or performance standard requirements.

TREE, SHADE: A deciduous tree planted primarily for its high crown of foliage or overhead canopy.

Uu

UNDEVELOPED LAND: Land in its natural state.

USE: The purpose of which land, building, or structure thereon is designed, arranged, or intended, or for which it is occupied, maintained, let, or leased.

USABLE LIVING AREA: The floor area of a dwelling unit, measured from the outside dimensions of the building's exterior walls, exclusive of unfinished basements, open porches, breezeways, terraces, garages, and exterior stairways.

USE CATEGORY: A group of similar use types that are associated with each other to such an extent that they are grouped together for the purpose of identifying land uses by this ordinance, such as retail uses, office uses, personal service uses, and general industrial production.

USE VARIANCE: The approval of a use by the Board of Zoning Appeals which is not listed as a permitted or conditional use by this ordinance and is not an accessory or temporary use associated with any principal use permitted by this ordinance.

UTILITY SUBSTATION: A building or structure used for the distribution or transmission of utilities such as water, gas, electricity, or sewer.

Vv

VACATION: The termination of interest in a plat, an easement, or a right-of-way or other public dedication.

VEHICLE: A device used as a mode of transportation of persons and/or goods including but not limited to automobiles, semi-tractors, semi-tractor trailers, all types of trailers, snowmobiles, recreational vehicles, motorcycles, and similar devices.

VENDING MACHINES: Machines that, for a fee, distribute drinks, newspapers, and other items. The machines are owned by a person other than the property or business owner.

VIBRATION: Oscillatory motion transmitted through the ground.

Definitions

Defined Words

Ww

WAIVER: A specific modification or lessening of the regulations established by this ordinance that may be granted by the Plan Commission for a specific development in response to unique site characteristics or development patterns that justify relief from the otherwise generally applicable regulations.

WATERCOURSE: Any natural or man-made channel through which water flows on a continual or temporary basis.

WETLAND: Areas that are inundated and saturated by surface or groundwater at a frequency and duration sufficient to support vegetation typically adapted for life in saturated soil conditions as identified by the National Wetlands Institute and certified by an individual with a US Army Corps of Engineers Regulation 4 Jurisdictional Wetland Certification.

Xx

Yy

YARD: A space on a lot that is open, unoccupied, and unobstructed other than by steps, walks, terraces, driveways, lamp posts and similar structures.

Zz

ZONING DISTRICT: A section of the territory within the Jurisdiction of the Lebanon City Plan Commission for which uniform regulations governing the use, height, area, size, and intensity of use of buildings and land, and open spaces about buildings, are herein established.

ZONING MAP: A map of the City of Lebanon, Indiana, and its vicinity, that legally denotes the boundaries of zoning districts as they apply to the properties within the Plan Commission's jurisdiction.