

2004 COUNCIL & COMMISSIONERS' ORDINANCES	NUMBER	DATE
ZA 300/WA 03-05/LN 03-92 Wynn Farms / Platinum Properties	2004-01	1-13-04
TZA 04-01 Amendment to zoning ordinance Repealing minimum distance between Bldgs	2004-02	1-20-04
TSA 04-01 Amendment to subdivision Control ordinance - minimum distance	2004-03	1-20-04
TZA 03-04 - amendment to zoning Ordinance Chapter 60 signs	2004-04	1-20-04
TZA 03-05 Amending zoning zoning ordinance to Chapter 60 signs sec 60.05 Prohibited signs	2004-05	1-20-04
ZA 307/LB 03-05 HC Recycling from RA to RSS Regional Support Services	2004-06	2-3-06
ZA 309/BR 03-05 CP Morgan Communities from RA to PUD	2004-07	2-3-04
ZA 310/BR 03-04 Ross Joyce McCain from RA to AG-B	2004-08	2-3-04
Amendment to subdivision Control ordinance TSA 04-02	2004-09	2-17-04
Amendment to County zoning ordinance TZA 04-02	2004-10	2-17-04
Ordinance of HC Council Increasing County Economic Development Incentive Tax	2004-11	3-11-04
HC Planning & Building Dept - Expedited Improvement, Isolation Permit Process	2004-12	3-16-04
Amendment to HC Subdivision Control Ordinance by amending Chapter 2 - 2.02(12.1) & 2.02(45)	2004-13	3-16-04
Amendment to HC zoning ordinance Amending chapter 99.01	2004-14	3-16-04
Ordinance for Weight Restrictions on Certain County Roads	2004-15	3-23-04
Ordinance Amending Fee Ordinance Divisional lot split	2004-16	4-27-04
HC Regional Sewer Board Ordinance for Determination of ^{Waste} Road Allocation	2004-17	Sewer Bd 5-2-04
TZA 04-05 Amendment to ZO Chapter 34, Section 34.02(K)	2004-18	5-3-04
TZA 04-06 Amendment to zoning ordinance Chapter 60 sec 60.04	2004-19	5-3-04
ZA 308/LB 03-03 zoning change from RA to RSS Regional Support Service	2004-20	5-11-04
ZA-305/LN 03-02/WA 03/09 from RA to PUD Lincoln Township	2004-21	5-11-04
TZA 04-03 Amendment to HC zoning Ord. Chapter 14 sec 14.04(R) & Chapter 58 sec 58.12	2004-22	5-18-04
HC A & B Uniform Fee Schedule Addition of Fee for Expedited Inspections & Expedited Review	2004-23	
ZA-314/FR 04-01 Helton Properties from RA to MI Major Industrial	2004-24	6-1-04
Amendment to HC zoning ordinance Amending TZA 04-07 Chapter 58.10 outdoor light 2.02 definitions	2004-25	6-22-04
ZA-311/WA 04-01 Washington Township Industrial PUD	2004-26	7-6-04
	2004-27	7-20-04

Council

2004

ZA 316 / FR 04-01 Roy & Ruth Hampton Franklin Township from GA to RB	2004-28	7-20-04
Amendment to HC zoning ordinance by amending Chapter 2 - 2.02 Kennels	2004-29	7-27-04
Council Ordinance Reestablishing Cumulative Capital Dev Fund	2004-30	7-29-04
Ordinance Vacating alley - Richard A. Noah and Deborah E. Noah Lots A & B 30 Carter Addition	2004-31	8-17-04
Ordinance ZA-313/LN04-01 From RA to R-F Lincoln Township - Klein	2004-32	9-28-04
ZA 318 / WA 0402 From RA to NB Debrah Ellis Washington Township	2004-33	9-28-04
ZA 319 / ER 04-01 Cellular Wireless Eel River 418 South Mc Kenley St.	2004-34	11-1-04
ZA 321 / WA 04 33.96 acres from RA to RAA 2007	2004-35	11-1-04
ZA 10-04 Sept Amendment From RA single family to RAA Rural Residential & Modify RAA	2004-36	11-16-04
ZA 322-04 Cellular Wireless 1.0 acre Liberty Township CR 400 S	2004-37	11-16-04
ZA 250104 From RA ZA 250-04 Parks @ Presbwich 32 acres	2004-38	11-23-04
Establishing Hendricks County Solid Waste District	2004-39	12-14-04
Weight Restrictions 500 N / 236 to SR 39; 800 N SR 75 to CR 400 W; 400 W / 800 N to 850 N; 850 N / 400 W to 45 / 36	2004-40	12-21-04
Ordinance to preserve the location & prevent damage to station corners, found markers & GPS markers	2004-41	12-28-04
Ordinance amending HC Drainage Board & HC Surveyor Uniform Fee Schedule	2004-42	12-28-04
Stormwater management ordinance of Hendricks County, Indiana	2004-43	12-28-04
	2004-44	
	2004-45	
	2004-46	
	2004-47	
	2004-48	
	2004-49	
	2004-50	
	2004-51	

2004 - 20

Missing
Ordinances

22
23
25
~~26~~
~~27~~

04-
01
Ordinance

2004 COUNCIL & COMMISSIONERS' RESOLUTIONS	NUMBER	DATE
Redevelopment Commission authorizing a lease between HC Redevelopment Authority & HC Redevelopment Commission	04-01	1-16-04
HC Redevelopment Authority authorizing the issuance of Hendricks County Redevelopment Authority Lease Rental Refunding Bonds	04-02	1-16-04
To withdraw from the West Central Solid Waste District	04-03	3-9-04
Council Resolution denying City distribution to a solid waste district	04-04	3-11-04
Second Resolution to withdraw from West Central Solid Waste District	04-05	4-6-04
Library Capital Projects Plan	04-06	5-12-04
Brommer Public Library	04-07	7-6-04
Resolution to support the the Cross State National Road Heritage Trail	04-07	7-6-04
Between RCC & HC Building Facilities Corp.	04-08	7-13-04
Resolution Naming public street	04-09	10-19-04
Resolution adopting Hendricks County Indiana Capital Asset Policy	04-10	11-10-04
Resolution to adopt replacement subdivision control ordinance	04-11	12-21-04
	04-12	
	04-13	
	04-14	
	04-15	
	04-16	
	04-17	
	04-18	
	04-19	
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	04-22	
	04-23	
	04-24	
	04-25	

Council

ORDINANCE NO. 2004-01

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM R-A: SINGLE FAMILY (15,000) RESIDENTIAL DISTRICT TO PUD: PLANNED UNIT DEVELOPMENT DISTRICT, COMMONLY KNOWN AS ZA-300/WA03-05/LN03-02: PLATINUM PROPERTIES LLC; WASHINGTON/LINCOLN TOWNSHIP, PARCEL TOTALING 524.00 ACRES, LOCATED ALONG THE EAST SIDE OF COUNTY ROAD 800 EAST FROM COUNTY ROAD 300 NORTH AND SOUTH 1.50 MILES AND ALONG THE WEST SIDE OF COUNTY ROAD 800 EAST, APPROXIMATELY 0.50 MILE SOUTH OF COUNTY ROAD 300 NORTH.

SECTION 1. Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (2001-24) adopted on the 5th day of November on the year 2001, be amended so as to include in the PUD: Planned Unit Development, the following described real estate located in the County of Hendricks, Indiana, namely: ZA-300/WA03-05/LN03-02: Platinum Properties LLC., S25, 26, 36-T16N-R1E, 524.00 acres, Washington & Lincoln Townships, located along the east side of County Road 800 East from County Road 300 North and South 1.50 miles and along the west side of County Road 800 East, approximately 0.50 mile south of County Road 300 North.

SECTION 2. As inducement for this Zoning Map Amendment, all terms and conditions found in "Exhibit A," attached hereto and made a part hereof, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt Exhibit "A" as a part of this Ordinance.

SECTION 3. All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

SECTION 4. This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the 13th day of January, 2004.

Board of Commissioners

Linda A. Palmer-Ryser
Linda A. Palmer-Ryser, President

Steven J. Ostermeier
Steven J. Ostermeier, Vice-President

Sonya R. Cleveland
Sonya R. Cleveland

*With stated
stipulations.*

Attest:

Nancy Marsh
Nancy Marsh, Auditor

**FINDING OF FACT
HENDRICKS COUNTY AREA PLAN COMMISSION
HENDRICKS COUNTY, INDIANA**

WHEREAS, Hendricks County Area Plan Commission shall in all cases heard by it make written findings of fact which support their determinations in accordance with Indiana Code 36-7-4-306; and

WHEREAS, the Hendricks County Area Plan Commission has held a public hearing and has given consideration to application
ZA-300/WA03-05/LN03-02: PLATINUM PROPERTIES LLC.

WHEREAS, the Hendricks County Area Plan Commission has given consideration to the above referenced application for their compliance with the comprehensive plan entitled "Hendricks County Comprehensive Plan 1998", adopted July 13, 1998 established under Indiana Code 36-7-4-500 and that such a plan provides development policy within Hendricks County; and

WHEREAS, the Hendricks County Area Plan Commission has given consideration to the above referenced application for their conformance with the Hendricks County zoning Ordinance, adopted November 5, 2001 effective November 6, 2001 established under Indiana Code 36-7-4-600 and that such an ordinance for development, through zoning, of the County of Hendricks, Indiana, provides for enforcement and penalties for the violation thereof; and

WHEREAS, the Hendricks County Area Plan Commission has given consideration to the above referenced application for their conformance with the Hendricks County Subdivision Control Ordinance, adopted May 27, 1997, established under Indiana Code 36-7-4-700 and that such an Ordinance provides for the subdivision of land within Hendricks County; and

WHEREAS, the Hendricks County Area Plan Commission has given consideration to the above referenced application for their compliance with the recommendations, stipulations or any necessary conditions, listed below, requested by the public, planning staff or any Area Plan Commission member(s);

SUBJECT TO THE COMMITMENTS SUBMITTED BY THE APPLICANT AS WELL AS THE FOLLOWING CHANGES AND ADDITIONS:

1. CHANGING VINYL STANDARDS GAUGE TO 0.44 IN ALL AREAS AS REQUESTED BY THE TOWN OF BROWNSBURG;
2. ELIMINATION OF WORD "MASONRY" IN THE PUD ORDINANCE, SEC. 6, 6.03A AND ANY OTHER PLACES THAT IT APPEARS;
3. ELIMINATION OF WORDING "IF DESIGN DICTATES" IN THE PUD ORDINANCE, SEC. 6, 6.03A;
4. ADOPTION OF HENDRICKS COUNTY ORDINANCE ROAD STANDARDS FOR THE DEVELOPMENT EXCEPT FOR NORTHFIELD DRIVE, WHICH WILL ADHERE TO THE TOWN OF BROWNSBURG STANDARDS;
5. ELIMINATION OF NUMBER 77, TAVERNS, AS A USE IN SEC. 16 DEFINITIONS;
6. APPROVAL OF PYLON SIGNAGE PLAN TO BE DETERMINED DURING FINAL PLAT APPROVAL;
7. STRIKING OF ITEM "P" IN SEC. 8 ARCHITECTURAL COMMITMENTS AS TO THE USE OF THE GOLDEN RATIO FOR BUILDING DESIGNS;
8. COMMITMENT TO USE OF TWENTY (20) FOOT AGGREGATE SIDEYARD BETWEEN

(CONTINUATION OF FINDINGS FOR ZA-300/WA03-05/LN03-02: PLATINUM
PROPERTIES LLC)

BUILDINGS WITH FIFTEEN (15) FOOT SIDEYARD AGGREGATE BETWEEN ALL-
BRICK STRUCTURES WITH SAME ELEVATIONS;

9. COMMITMENT TO USE OF TWELVE (12) INCH OVERHANGS ON ALL DETACHED
AND ATTACHED SINGLE-FAMILY RESIDENTIAL DWELLINGS;

10. COMMITMENT TO INSTALL FOUR (4) FOOT SIDEWALKS ALONG INTERIOR
ROADS AS WELL AS EXTERIOR ROADS;

11. COMMITMENT TO INCORPORATE THE REAR YARD ARCHITECTURAL
STANDARDS AS SET OUT IN THE PUD ORDINANCE ADOPTED FOR "THE
SETTLEMENT;" AND

12. ELIMINATION OF "DECORATIVE PORCH RAILING, COLUMNS AND GARAGE
DOORS" FROM LIST OF "PICK ITEMS" IN SEC. 6, RESIDENTIAL ARCHITECTURAL
COMMITMENTS.

ORDINANCE NO. 2004-02

AN ORDINANCE AMENDING THE HENDRICKS COUNTY INDIANA ZONING ORDINANCE BY AMENDING SECTIONS 10.06A, 14.05A, 15.05A, 16.05A, 18.05A, 20.05A, 22.05A AND 24.05A.

WHEREAS, the Board of County Commissioners of Hendricks County, Indiana, adopted the Hendricks County Zoning Ordinance on November 5, 2001;

WHEREAS, the Hendricks County Area Plan Commission has recommended that the Zoning Ordinance be amended by removing minimum distance between buildings from Sections 10.06A, 14.05A, 15.05A, 16.05A, 18.05A, 20.05A, 22.05A and 24.05A .

WHEREAS, the Hendricks County Area Plan Commission has conducted a public hearing on the proposed amendment (TZA04-01) and voted to forward a favorable recommendation to the County Commissioners; and

WHEREAS, the County Commissioners have received and reviewed the Plan Commission's report, have considered the Plan Commission's recommendations, and find that the adoption of the recommended amendment would promote the health, safety and convenience of the people of Hendricks County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HENDRICKS COUNTY, INDIANA AS FOLLOWS:

Remove:

The minimum distance between principal buildings from the following Sections: 10.06A, 14.05A, 15.05A, 16.05A, 18.05A, 20.05A, 22.05A and 24.05A.

Approved by the Board of County Commissioners of Hendricks County, Indiana, this 20th day of January, 2004.

BOARD OF COMMISSIONERS

Linda Palmer-Ryser
Linda Palmer-Ryser, President

Sonya Cleveland
Sonya Cleveland, Vice-President

Steven Ostermeier
Steven Ostermeier, Member

ATTEST:

Nancy Marsh
Nancy Marsh, Auditor

ORDINANCE NO. 2004 - 03

AN ORDINANCE AMENDING THE HENDRICKS COUNTY INDIANA SUBDIVISION CONTROL ORDINANCE BY AMENDING SECTION 4.09 LOT IMPROVEMENTS.

WHEREAS, the Board of County Commissioners of Hendricks County, Indiana, adopted the Hendricks County Subdivision Control Ordinance on May 27, 1997;

WHEREAS, the Hendricks County Area Plan Commission has recommended that the Subdivision Control Ordinance be amended by an addition to Section 4.09.

WHEREAS, the Hendricks County Area Plan Commission has conducted a public hearing on the proposed amendment (TSA04-01) and voted to forward a favorable recommendation to the County Commissioners; and

WHEREAS, the County Commissioners have received and reviewed the Plan Commission's report, have considered the Plan Commission's recommendations, and find that the adoption of the recommended amendment would promote the health, safety and convenience of the people of Hendricks County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HENDRICKS COUNTY, INDIANA AS FOLLOWS:

SECTION 4.09 LOT IMPROVEMENTS

Add:

All lots created shall be designed to allow for a minimum distance between principle buildings of 20 feet.

Approved by the Board of County Commissioners of Hendricks County, Indiana, this 20th day of January, 2004.

BOARD OF COMMISSIONERS

Linda Palmer-Ryser
Linda Palmer-Ryser, President

Sonya R. Cleveland
Sonya R. Cleveland, Vice-President

Steven L. Ostermeier
Steven L. Ostermeier, Member

ATTEST:

Nancy R. Marsh
Nancy Marsh, Auditor

ORDINANCE NO. 2004-04

AN AMENDMENT TO THE HENDRICKS COUNTY ZONING ORDINANCE BY AMENDING
CHAPTER 60 SIGNS

WHEREAS, the Board of County Commissioners of Hendricks County, Indiana adopted the Hendricks County Zoning Ordinance on November 5, 2001 and which became effective November 5, 2001;

WHEREAS, the Hendricks County Area Plan Commission has recommended that the Zoning Ordinance be amended as to CHAPTER 60 SIGNS, SECTION 60.04 H. 4. EXEMPT SIGNS;

WHEREAS, the Hendricks County Area Plan Commission has conducted a public hearing on the proposed amendment TZA-03-04 and voted to forward a favorable recommendation to the County Commissioners;

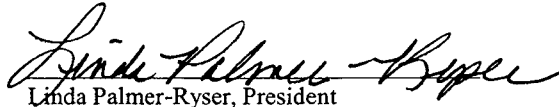
WHEREAS, the County Commissioners have received and reviewed the Plan Commission's report, have considered the Plan Commission's recommendations, and find that the adoption of the recommended amendment would promote the health, safety, and convenience of the people of Hendricks County; and

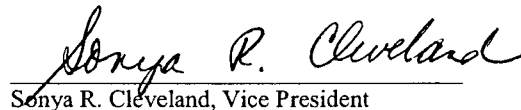
NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HENDRICKS COUNTY, INDIANA AS FOLLOWS:

60.04 H. 4. A- or T- frame signs, signs on a trailer, menu and sandwich board signs are limited to fourteen (14) days within a calendar year and a maximum of thirty-two (32) square feet per side, with a maximum of two (2) sides. If internally illuminated, the background must be opaque with the text being translucent.

APPROVED by the Board of Commissioners of Hendricks County, Indiana this 20th day of January, 2004.

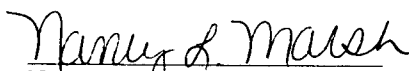
BOARD OF COMMISSIONERS


Linda Palmer-Ryser, President


Sonya R. Cleveland, Vice President


Steven L. Ostermeier, Member

ATTEST:


Nancy Marsh, Auditor

ORDINANCE NO. 2004-05

AN AMENDMENT TO THE HENDRICKS COUNTY ZONING ORDINANCE BY AMENDING
CHAPTER 60 SIGNS

WHEREAS, the Board of County Commissioners of Hendricks County, Indiana adopted the Hendricks County Zoning Ordinance on November 5, 2001 and which became effective November 5, 2001;

WHEREAS, the Hendricks County Area Plan Commission has recommended that the Zoning Ordinance be amended as to **CHAPTER 60 SIGNS, SECTION 60.05 PROHIBITED SIGNS**;

WHEREAS, the Hendricks County Area Plan Commission has conducted a public hearing on the proposed amendment TZA-03-05 and voted to forward a favorable recommendation to the County Commissioners;

WHEREAS, the County Commissioners have received and reviewed the Plan Commission's report, have considered the Plan Commission's recommendations, and find that the adoption of the recommended amendment would promote the health, safety, and convenience of the people of Hendricks County; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HENDRICKS COUNTY, INDIANA AS FOLLOWS:

60.05 Prohibited Signs

Prohibited Signs, including but not limited to: A- or T- frame signs, signs on a trailer, menu and sandwich board signs (except as permitted in 60.04 (H.2.)); umbrellas used for advertising; and, signs attached to or painted on a vehicle parked and visible from the public right-of-way, provided, however, a vehicle which is used in normal day-to-day operation of the business shall not be considered a portable sign.

APPROVED by the Board of Commissioners of Hendricks County, Indiana this 20th day of January, 2004.

BOARD OF COMMISSIONERS

Linda Palmer-Ryser
Linda Palmer-Ryser, President

Sonya R. Cleveland
Sonya R. Cleveland, Vice President

Steven L. Ostermeier
Steven L. Ostermeier, Member

ATTEST:

Nancy Marsh
Nancy Marsh, Auditor

ORDINANCE NO. 2004.06

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM R-A: SINGLE FAMILY (15,000) RESIDENTIAL DISTRICT TO RSS: REGIONAL SUPPORT SERVICES DISTRICT, COMMONLY KNOWN AS ZA-307/LB03-02: HENDRICKS COUNTY RECYCLING; LIBERTY TOWNSHIP, PARCEL TOTALING 10.01 ACRES, LOCATED ON THE NORTH SIDE OF U.S. HIGHWAY 40, APPROXIMATELY 0.50 MILE WEST OF CARTERSBURG ROAD.

SECTION 1. Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (2001-24) adopted on the 5th day of November on the year 2001, be amended so as to include in the AG-B: Agricultural Business District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA-307/LB03-02: Hendricks County Recycling., S01-T14N-R1W, 10.01 acres, Liberty Township, located on the north side of U.S. Highway 40, approximately 0.50 mile west of Cartersburg Road.

SECTION 2. As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA-307/LB03-02: *Hendricks County Recycling* set out in the "Findings of Fact" as well as the "Development Commitment Recording Form" attached hereto and made a part hereof, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt said Findings of Fact and Development Commitment Recording Form as a part of this Ordinance.

SECTION 3. All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

SECTION 4. This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the 3rd day of February, 2004.

Board of Commissioners

Linda A. Palmer-Ryser
Linda A. Palmer-Ryser, President

Sonya R. Cleveland
Sonya R. Cleveland, Vice-President

Steven L. Ostermeier
Steven L. Ostermeier, Member

Attest:

Nancy D. Marsh
Nancy Marsh, Auditor

**FINDING OF FACT
HENDRICKS COUNTY AREA PLAN COMMISSION
HENDRICKS COUNTY, INDIANA**

WHEREAS, Hendricks County Area Plan Commission shall in all cases heard by it make written findings of fact which support their determinations in accordance with Indiana Code 36-7-4-306; and

WHEREAS, the Hendricks County Area Plan Commission has held a public hearing and has given consideration to application
ZA-307/LB03-02: HENDRICKS COUNTY RECYCLING

WHEREAS, the Hendricks County Area Plan Commission has given consideration to the above referenced application for their compliance with the comprehensive plan entitled "Hendricks County Comprehensive Plan 1998", adopted July 13, 1998 established under Indiana Code 36-7-4-500 and that such a plan provides development policy within Hendricks County; and

WHEREAS, the Hendricks County Area Plan Commission has given consideration to the above referenced application for their conformance with the Hendricks County zoning Ordinance, adopted November 5, 2001 effective November 6, 2001 established under Indiana Code 36-7-4-600 and that such an ordinance for development, through zoning, of the County of Hendricks, Indiana, provides for enforcement and penalties for the violation thereof; and

WHEREAS, the Hendricks County Area Plan Commission has given consideration to the above referenced application for their conformance with the Hendricks County Subdivision Control Ordinance, adopted May 27, 1997 established under Indiana Code 36-7-4-700 and that such an Ordinance provides for the subdivision of land within Hendricks County; and

WHEREAS, the Hendricks County Area Plan Commission has given consideration to the above referenced application for their compliance with the recommendations, stipulations or any necessary conditions, listed below, requested by the public, planning staff or any Area Plan Commission member(s);

SUBJECT TO THE FOLLOWING:

1. RELIEF OF DEVELOPMENT PLAN REVIEW FOR EXISTING BUILDINGS;
 2. LEVEL 4 LANDSCAPING REQUIRED ON EAST SIDE OF PROPERTY;
 3. IF SEPTIC SYSTEM IS NOT LOCATED, APPLICANT MUST APPLY TO THE INDIANA STATE DEPARTMENT OF HEALTH; AND
 4. ANY NEW CONSTRUCTION WOULD REQUIRE A DEVELOPMENT PLAN REVIEW.
- _____
- _____

WHEREAS, the proposed zoning amendment: ZA-307/LB03-02:
HENDRICKS COUNTY RECYCLING

Will/Will not adversely effect the elements of the Hendricks County
Comprehensive Development Plan;

THEREFORE BE IT RESOLVED, the Hendricks County Area Plan
Commission submits _____

recommendation to the Board of County Commissioners for ZA-307/LB03-02:
HENDRICKS COUNTY RECYCLING

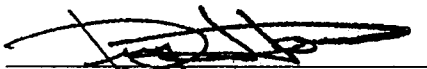
on this date JANUARY 13, 2004.

FOREGOING RESOLUTION, submitted by MR. JOHNSON

and seconded by MRS. CLEVELAND.

<u>Members</u>	<u>For</u>	<u>Against</u>	<u>Abstained</u>
C. Richard Whicker	<u>X</u>	<u>0</u>	<u>0</u>
Jo Ann Groves	<u>X</u>	<u>0</u>	<u>0</u>
Dr. Tim Jackson	<u> </u>	<u> </u>	<u> </u>
Jon Cain	<u>X</u>	<u>0</u>	<u>0</u>
Wayne Johnson	<u>X</u>	<u>0</u>	<u>0</u>
Sonya R. Cleveland	<u>X</u>	<u>0</u>	<u>0</u>
Sonnie Johnston	<u>X</u>	<u>0</u>	<u>0</u>
Total	<u>6</u>	<u>0</u>	<u>0</u>


C. Richard Whicker, President


Terry J. Jones, Secretary

REVISED: JANUARY 2004

Development Commitment Recording Form

Area Plan Commission of Hendricks County, Indiana

Section 64.01.A of the Zoning Ordinance for Hendricks County, Indiana, requires the use of this form in recording commitments made with respect to a Development Plan Review approval, in accordance with I.C. 36-7-4-613.

Office of the Hendricks County Recorder

In accordance with I.C. 36-7-4-613, the owner of the real estate located in Hendricks County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of that parcel of real estate:

Property Owner: HENDRICKS COUNTY TRANSFER AND RECYCLING, INC.
Deed Information: Book: 321 Page: 218 Instrument: 12047
Legal Description:

See "Exhibit A"

Statement of COMMITMENTS:

1. RESTRICTION ON PERMITTED USES FOR PARCEL TO THE FOLLOWING:
CONTRACTOR SERVICES, OFFICES - PROFESSIONAL AND BUSINESS,
SELF SERVICE STORAGE FACILITIES, SERVICE BUSINESS AND WAREHOUSE.
2. _____

3. _____

4. _____

5. _____

These COMMITMENTS shall run with the land, be binding on the owner, subsequent owners of the real estate and other persons acquiring interest therein. These COMMITMENTS may be modified or terminated by a decision of the Hendricks County Area Plan Commission made at a public hearing after the proper notice has been given.

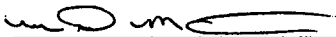
COMMITMENTS contained in this instrument shall be effective upon the approval of petition # _____ for a Development Plan Review Approval pursuant to the Zoning Ordinance, and shall continue in effect for the life of the Development Plan Review Approval, or until modified or terminated by the Hendricks County Area Plan Commission.

These COMMITMENTS may be enforced jointly or severally by:

1. The Hendricks County Area Plan Commission;
2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six-hundred-sixty (660) feet from the perimeter of the real estate, and all owners of real estate within the area included in the petition who were not petitioners for approval; and,
3. _____

The undersigned hereby authorizes the Planning & Building Department of Hendricks County, Indiana, to record this COMMITMENT in the Office of the Recorder of Hendricks County, Indiana, upon final Development Plan Review Approval of petition # _____.

IN WITNESS WHEREOF, owner has executed this instrument this _____ day of _____, _____.

Signature  (Seal)
 Printed MARK MATTHEWS
 Title U. P.

Signature _____ (Seal)
 Printed _____
 Title _____

Signature _____ (Seal)
 Printed _____
 Title _____

Signature _____ (Seal)
 Printed _____
 Title _____

(Individual Acknowledgment)

STATE OF Marion)
) SS:
COUNTY OF Hendricks)

Before me, Notary Public in and for said County and State, personally appeared

Mark Matkew owners(s) of the real estate who acknowledged the execution
foregoing instrument and who, having been duly sworn, stated that any representations therein contained are
true.

Witness my hand and Notarial Seal this 29 day of January, 2004.



Signature Stephanie J. Coffman

Printed Stephanie J. Coffman

County of Residence Marion

My Commission expires

March 19, 2008.

(Organization Acknowledgment)

STATE OF)
) SS:
COUNTY OF)

Before me, Notary Public in and for said County and State, personally appeared

the of

a(n) owners(s) of the real estate who acknowledged the execution
foregoing instrument and who, having been duly sworn, stated that any representations therein contained are
true.

Witness my hand and Notarial Seal this day of

Signature

Printed

County of Residence

My Commission expires:

Duly Entered for Taxation this

property address;
R. 1, Box 410 A
Clayton, In. 46118

12047

321 PAGE 218
BOOK PAGE

day of July 19 92

SEND TAX STATEMENTS TO:
DRAWER I
CLAYTON, IN. 46118

ENTERED FOR RECORD

Mary Anne Russell
Auditor Hendricks County

WARRANTY DEED

JUL 01 1992 10:10
HENDRICKS COUNTY RECORDER

THIS INDENTURE WITNESSETH THAT

DOUGLAS R. COWART AND MARY ANNE COWART, HUSBAND AND WIFE
of Parke County in the State of Indiana

CONVEYS AND WARRANTS TO

HENDRICKS COUNTY TRANSFER AND RECYCLING, INC.

of Hendricks County in the State of Indiana
for and in consideration of One dollar and other considerations
the receipt whereof is hereby acknowledged, the following Real Estate in Hendricks County
in the State of Indiana, to wit:

Part of the East half of the Northeast quarter of Section 1, Township 14 North,
Range 1 West of the Second Principal Meridian, Hendricks County, Indiana, bounded
and described as follows:

Beginning at the East one-half mile stone of Section 1, Township and Range aforesaid,
run thence Northerly on the Second Principal Meridian a measured distance of
976.3 feet to the centerline of the Westbound lane of U. S. Highway No. 40 (given
in old deeds as 950.9 feet); run thence South 70 degrees 29 minutes West in
the center of said Westbound lane (formerly known as the centerline of National
Road) a distance of 271.7 feet to the Southeast corner of the following described
tract and the Beginning Point of this description. FROM SAID BEGINNING POINT
continue thence South 70 degrees 29 minutes West in the center of said Westbound
lane a distance of 600.00 feet; run thence Northerly a distance of 673.96
feet; run thence Easterly a distance of 21.1 feet to a stone; run thence Northerly
a distance of 286.44 feet to a round corner post; run thence South 89 degrees
24 minutes East a distance of 281.9 feet to the Northwest corner of a tract
of land containing 1.00 acre; run thence South 0 degrees 12 minutes West a distance
of 165.00 feet; run thence South 89 degrees 24 minutes East a distance of 264.0
feet; run thence South 0 degrees 12 minutes West a distance of 589.2 feet to
the place of beginning, containing 10.01 acres, more or less, and SUBJECT TO
Forty (40) feet of even width off of and across the entire South end for the
right-of-way of U. S. Highway #40, and ALSO SUBJECT TO a ROAD-WAY EASEMENT Twenty
(20.0) feet in width for the right of INGRESS and EGRESS to the above mentioned
one (1) acre tract off of and across the entire East side thereof. Subject
to all easements, restrictions and rights-of-way.

As part of the consideration herefor, Grantee assumes and agrees to pay taxes for
the year 1992 due and payable in 1993 and all subsequent taxes.

1020 Jan 18 1996
For overhead on/in ungranted
Line easement deed
Bp. 346 pgs 824
Jay Beadley

State of Indiana, Shelby County, ss
Before me, the undersigned, a Notary Public in and for said County
and State, this 29 day of June 19 92
personally appeared:

Douglas R. Cowart and Mary Anne Cowart,
Husband and wife

And acknowledged the execution of the foregoing deed. In wit-
ness whereof I have hereunto subscribed my name and affixed
my official seal. My commission expires Feb 1992

Don W. Robison
Notary Public

Dated this 29 Day of June 19 92

Douglas R. Cowart Seal

Mary Anne Cowart Seal

Seal

County of Residence Shelby

This instrument was prepared by JAMES M. ROBISON, ATTORNEY AT LAW

ORDINANCE NO. 2004-07

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM R-A: SINGLE FAMILY (15,000) RESIDENTIAL DISTRICT TO PUD: PLANNED UNIT DEVELOPMENT DISTRICT, COMMONLY KNOWN AS ZA-309/BR03-03: C.P. MORGAN COMMUNITIES, L.P.; BROWN TOWNSHIP, PARCEL TOTALING 224.64 ACRES, LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF COUNTY ROAD 650 NORTH AND COUNTY ROAD 1000 EAST.

SECTION 1. Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (2001-24) adopted on the 5th day of November on the year 2001, be amended so as to include in the PUD: Planned Unit Development, the following described real estate located in the County of Hendricks, Indiana, namely: ZA-309/BR03-03: C.P. Morgan Communities, L.P., S5-T16N-R2E, 224.64 acres, Brown Township, located on the northeast corner of the intersection of County Road 650 North and County Road 1000 East.

SECTION 2. As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA-309/BR03-03: C.P. Morgan Communities, L.P. set out in the "Findings of Fact" as well as the "Development Commitment Recording Form" attached hereto and made a part hereof, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt said Findings of Fact and Development Commitment Recording Form as a part of this Ordinance.

SECTION 3. All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

SECTION 4. This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the 3rd day of February, 2004.

Board of Commissioners

Linda A. Palmer-Ryser
Linda A. Palmer-Ryser, President

Sonya R. Cleveland
Sonya R. Cleveland, Vice-President

Steven L. Ostermeier
Steven L. Ostermeier, Member

Attest:

Nancy Mars
Nancy Mars, Auditor

BRANCHES

A PLANNED UNIT DEVELOPMENT

RECEIVED

JAN 23 2004

**HENDRICKS COUNTY
PLAN COMMISSION**

Zoning Ordinance and Subdivision Controls January 23, 2004

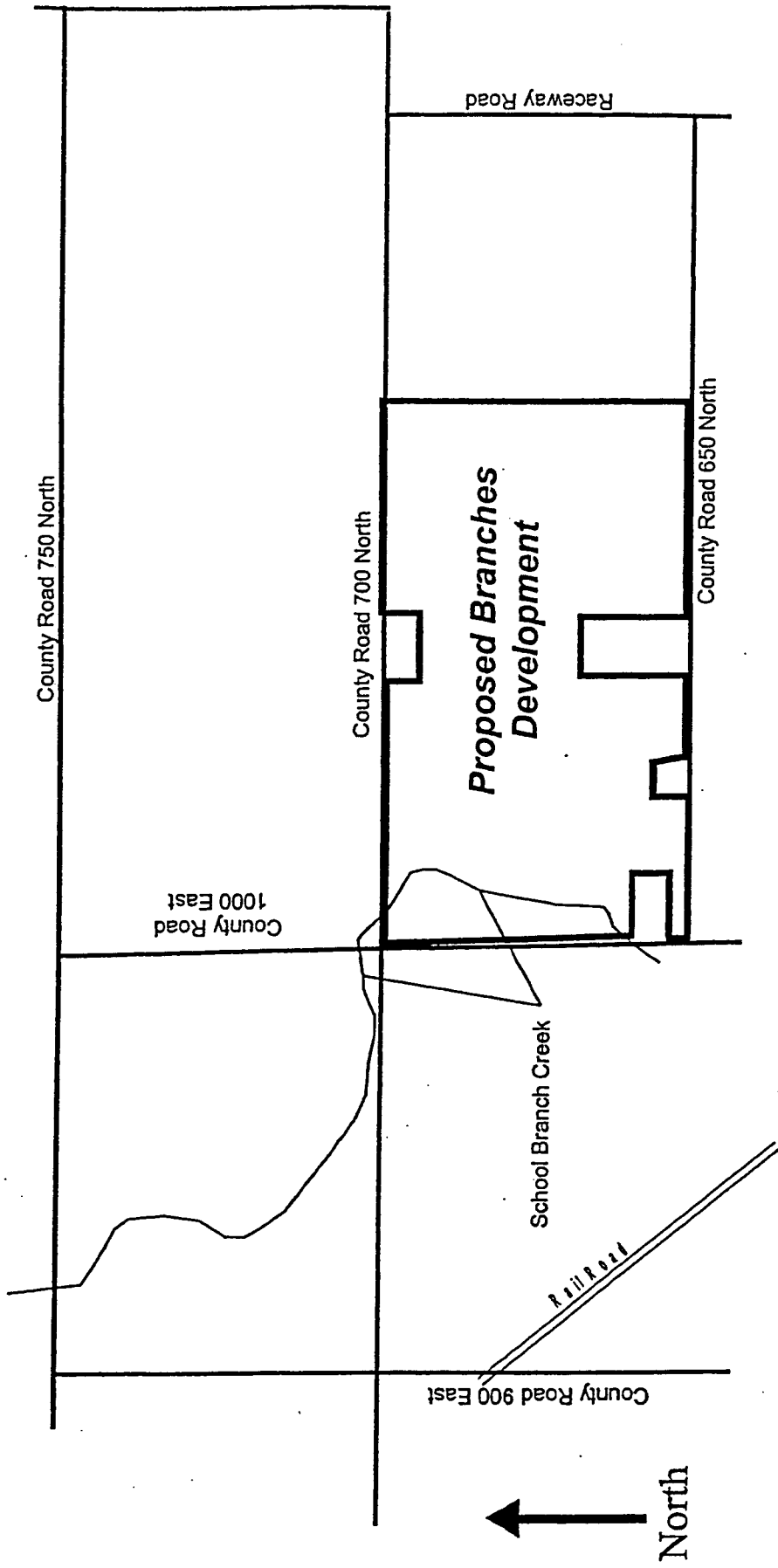
Developer: C.P. Morgan Communities, LP
4670 Haven Point Boulevard
Indianapolis, Indiana 46280
(317) 848-4040

Engineer: The Schneider Corporation
8901 Otis Avenue
Indianapolis, Indiana 46216
(317) 826-7305

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CHAPTER 1
Site Location Map



CHAPTER 2

Land Description For Zoning Purposes

Part of the North half of Section 5, Township 16 North, Range 2 East and part of the North Half of Section 6, Township 16 North, Range 2 East in Hendricks County, Indiana being more particularly described as follows:

COMMENCING at the Southwest Corner of the East Half of the Northwest Quarter of said Section 5; thence North 89 degrees 40 minutes 50 seconds East (Assumed Bearing) along the South Line of said Northwest Quarter Section a distance of 10.50 feet to the **BEGINNING POINT** (said point being the Southeast Corner of a tract of land described in Book 284, page 553 in the Office of the Recorder of Hendricks County, Indiana); thence continue North 89 degrees 40 minutes 50 seconds East along the South Line of said Northwest Quarter Section a distance of 1325.40 feet to the Center Section Corner of said Section 5; thence North 89 degrees 45 minutes 22 seconds East along the South Line of the Northeast Quarter of said Section 5 a distance of 184.47 feet; thence North 00 degrees 11 minutes 03 seconds West a distance of 2501.80 feet to the North Line of said Section 5; thence South 89 degrees 48 minutes 57 seconds West along the said North Line a distance of 1510.86 feet to the Northeast Corner of the West Half of the Northwest Quarter of said Section 5; thence South 00 degrees 02 minutes 00 seconds West along said East Line a distance of 280.01 feet; thence North 89 degrees 36 minutes 05 seconds West a distance of 454.23 feet; thence North 00 degrees 23 minutes 55 seconds East a distance of 280.00 feet to the North Line of said Northwest Quarter Section; thence North 89 degrees 36 minutes 05 seconds West along the said North Line a distance of 245.22 feet to the Southeast Corner of the Southwest Quarter of Section 31, Township 17 North, Range 2 East; thence South 89 degrees 47 minutes 57 seconds West along the North Line of the Northwest Quarter of said Section 5 and along the North Line of the Northeast Quarter of said Section 6 a distance of 1982.79 feet to the Northwest Corner of the East Half of the Northeast Quarter of said Section 6; thence South 00 degrees 14 minutes 21 seconds East along the West Line of the East Half of the Northeast Quarter of said Section 6 a distance of 1994.04 feet to the Northwest Corner of a tract of land described in Book 335, page 514 in the office of the Recorder of Hendricks County, Indiana (the next three (3) described courses being along the north, east and south lines of said tract of land); thence North 88 degrees 59 minutes 24 seconds East a distance of 503.00 feet; thence South 00 degrees 14 minutes 21 seconds East a distance of 260.00 feet; thence South 88 degrees 59 minutes 24 seconds West a distance of 503.00 feet to the West Line of the East Half of the Northeast Quarter of said Section 6; thence South 00 degrees 14 minutes 21 seconds East along the said West Line a distance of 280.00 feet to the Southwest Corner of the East Half of the Northeast Quarter of said Section 6; thence North 88 degrees 59 minutes 24 seconds East along the South Line of the Northeast Quarter of said Section 6 a distance of 1229.12 feet; thence North 01 degrees 00 minutes 36 seconds West a distance of 292.00 feet; thence North 88 degrees 59 minutes 24 seconds East, parallel with the said South Line and South Line extended easterly, a distance of 190.00 feet; thence South 01 degrees 00 minutes 36 seconds East a distance of

11.02 feet; thence North 89 degrees 40 minutes 50 seconds East, parallel with the South Line of the Northwest Quarter of said Section 5, a distance of 3.40 feet; thence South 00 degrees 19 minutes 10 seconds East a distance of 282.00 feet to the South Line of the Northwest Quarter of said Section 5; thence North 89 degrees 40 minutes 50 seconds East along the said South Line a distance of 794.58 feet; thence North 00 degrees 17 minutes 15 seconds West a distance of 646.00 feet; thence North 89 degrees 40 minutes 50 seconds East, parallel with the said South Line, a distance of 3.84 feet; thence North 00 degrees 19 minutes 10 seconds West a distance of 281.78 feet; thence South 89 degrees 35 minutes 49 seconds East a distance of 462.38 feet; thence South 00 degrees 14 minutes 53 seconds East a distance of 921.95 feet to **BEGINNING POINT**, containing 224.649 acres, more or less.

This land description was prepared and is based exclusively upon record deed information and/ or prior surveys of the subject premises or its parent. For the purposes of the preparation of this description, no survey of the described real estate was performed and no monuments were set.

CHAPTER 3

Branches Development Summary

Summary/Intent

Branches is a proposed Planned Unit Development (PUD) located at County Road 650 North and County Road 1000 East in Brown Township.

The Branches development specifically meets the goals, policies, purposes, and standards of the Hendricks County Comprehensive Plan and the Hendricks County Zoning Ordinance. With a density of 2.29 homes per acre, the proposed development is in the lower end of the recommended density range of 1-4 units per acre for the Medium Density Residential area proposed for this site on the Land Use Map.

Innovative in design

The Branches development includes an innovative design with significant open space, amenities, interconnected trails, and public services. These design factors expand on the best of the adjacent Eagle Crossing development, which won the National Award of Excellence in 2002 from the National Arbor Day Foundation.

Branches will include a complementary variety of Civic, Recreational, and Residential Uses:

- The Civic use includes a 2 acre fire station site desired by the Brownsburg Fire Territory.
- Recreational uses include a central east/west open space corridor, a north/south greenways corridor that will connect to existing greenways in Eagle Crossing, a central amenity area at the core of the community with \$1 million in improvements, including a junior-Olympic size swimming pool and “baby” pool, fully operational clubhouse, playground, basketball court, sand volleyball court, tennis court, and a Kids Wheel track.
- Residential uses include four types of owner-occupied lots/homes with typical lot widths of 60’ to 80’ and a minimum 20’ distance between homes.

Efficient in land utilization

Guided by the current Hendricks County Comprehensive Plan, the proposed development is in the lower end of the recommended density range of 1-4 units per acre for the Medium Density Residential area proposed for this site on the Land Use Map. In addition, this community will support the Comprehensive Plan by focusing development in the eastern part of the county thus preserving farmland in the western portion of the county.

Take full advantage of existing natural features

As a result of the open space technique recommended by the Comprehensive Plan, the proposed Branches development includes over 56 acres of open space, which comprises approximately 25.3 % of the development. The proposed development will include tree preservation areas and creek/tree restoration areas.

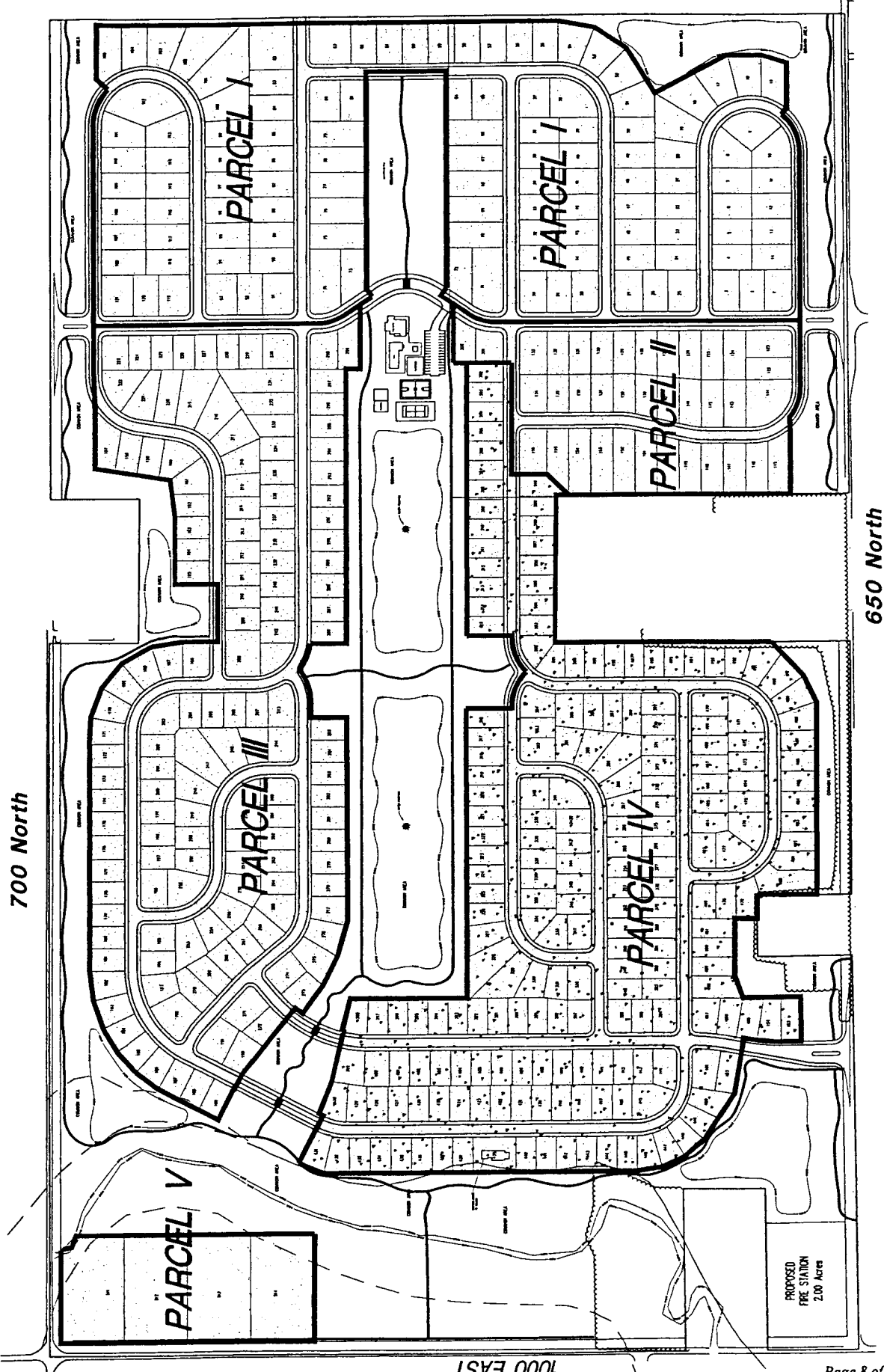
Compatibility of the project proposal and immediate surroundings

The Branches development includes innovative site planning to maximize the number of homes fronting county roadways and significant perimeter landscape buffers (Level 3 and Level 4). In addition, estate lots have been included along the western boundary of the proposed development at County Road 1000 East.

Adequacy of public facilities and ease extending services

The proposed Branches development addresses impacts to public facilities and support services in several ways including a 2 acre fire station site, funding for roadway and intersection improvements, and the extension of water and sanitary sewer per the County's adopted Master Plan. This will be achieved through:

- Providing a compatible and logical transition from existing development and infrastructure. It is a logical extension of development rather than "leap-frog" development.
- Having the Indianapolis Water and the Hendricks County Regional Waste District fully serve the proposed development.
- Improving transportation facilities in coordination with new development.
- Acquiring vital public Right of Way along the east side of Raceway Road.



700 North

650 North

1000 EAST

PROPOSED
FIRE STATION
2.00 Acres

CHAPTER 5

PARCEL I DEVELOPMENT STANDARDS

5.01 PURPOSE

The purpose of Parcel I is to permit the establishment of single family dwellings with lots having centralized water and sewer facilities.

5.02 PRINCIPAL USES PERMITTED

Principal permitted uses or similar uses consistent with the purposes of the Chapter shall be as follows:

- A. Single Family Dwelling;
- B. Active Recreation;
- C. Passive Recreation;
- D. Model Homes (as permitted per Chapter 12 of this Ordinance); and
- E. Temporary Sales Office (as permitted per Chapter 12 of this Ordinance).

5.03 ACCESSORY USES PERMITTED

Accessory uses shall be permitted as follows:

- A. Home Occupation I, as regulated by and subject to the Hendricks County Zoning Ordinance;
- B. Signs, as permitted by Chapter 11 of this Ordinance; and
- C. Other accessory uses and structures in conjunction with a primary use or structure provided the accessory use does not change the character of the district.

Accessory uses shall be incidental and subordinate in height, area, bulk, extent and purpose to the principal use. Accessory buildings are not permitted.

Home Occupation II and III shall not be permitted in Parcel I.

5.04 DEVELOPMENT STANDARDS

A. Property Development Standards

The minimum dimension of lots and yards and the heights of buildings shall be as follows:

Maximum Number of Lots	121
Minimum Lot Width	80 feet
Minimum Lot Area	10,000 square feet
Minimum Living Area (no minimum ground floor area shall apply)	One Story: 3,000 square feet Two Story: 3,000 square feet
Maximum Building Height	35 feet
Minimum Front Yard Setback	25 feet
Minimum Side Yard Setback	10 feet
Minimum Rear Yard Setback *	20 feet
Minimum Distance Between Principal Buildings	20 feet (measured from the foundation)
Front Elevation Architectural Requirement:	At least 60% of the homes within Parcel I shall include 100% brick front facades, excluding gables, doors, windows and trim. All homes with a front façade facing the north-south collector road located on the east half of the Development shall include 100% brick front facades, excluding gables, doors, windows and trim.

* Unenclosed porches, patios and decks may extend into the rear yard setback up to ten (10) feet.

CHAPTER 6
PARCEL II
DEVELOPMENT STANDARDS

6.01 PURPOSE

The purpose of Parcel II is to permit the establishment of single family dwellings with lots having centralized water and sewer facilities.

6.02 PRINCIPAL USES PERMITTED

Principal permitted uses or similar uses consistent with the purposes of the Chapter shall be as follows:

- A. Single Family Dwelling;
- B. Active Recreation;
- C. Passive Recreation;
- D. Model Homes (as permitted per Chapter 12 of this Ordinance); and
- E. Temporary Sales Office (as permitted per Chapter 12 of this Ordinance).

6.03 ACCESSORY USES PERMITTED

Accessory uses shall be permitted as follows:

- A. Home Occupation I, as regulated by and subject to the Hendricks County Zoning Ordinance;
- B. Signs, as permitted by Chapter 11 of this Ordinance; and
- C. Other accessory uses and structures in conjunction with a primary use or structure provided the accessory use does not change the character of the district.

Accessory uses shall be incidental and subordinate in height, area, bulk, extent and purpose to the principal use. Accessory buildings are not permitted.

Home Occupation II and III shall not be permitted in Parcel II.

6.04 DEVELOPMENT STANDARDS

A. Property Development Standards

The minimum dimension of lots and yards and the heights of buildings shall be as follows:

Maximum Number of Lots	37
Minimum Lot Width	70 feet
Minimum Lot Area	7,500 square feet
Minimum Living Area (no minimum ground floor area shall apply)	One Story: 2,000 square feet Two Story: 2,300 square feet
Maximum Building Height	35 feet
Minimum Front Yard Setback	25 feet
Minimum Side Yard Setback	10 feet
Minimum Rear Yard Setback *	20 feet
Minimum Distance Between Principal Buildings	20 feet (measured from the foundation)
Front Elevation Architectural Requirement:	At least 60% of the homes within Parcel II shall include 100% brick front facades, excluding gables, doors, windows and trim.

All homes with a front façade facing the north-south collector road located on the east half of the Development shall include 100% brick front facades, excluding gables, doors, windows and trim.

* Unenclosed porches, patios and decks may extend into the rear yard setback up to ten (10) feet.

CHAPTER 7
PARCEL III
DEVELOPMENT STANDARDS

DISE

Purpose of Parcel III is to permit the establishment of single family dwellings with centralized water and sewer facilities.

PRINCIPAL USES PERMITTED

Principal permitted uses or similar uses consistent with the purposes of the district are as follows:

Single Family Dwelling;

Active Recreation;

Passive Recreation;

Model Homes (as permitted per Chapter 12 of this Ordinance); and

Temporary Sales Office (as permitted per Chapter 12 of this Ordinance).

ACCESSORY USES PERMITTED

Accessory uses shall be permitted as follows:

Home Occupation I, as regulated by and subject to the Hendricks County Zoning Ordinance;

Signs, as permitted by Chapter 11 of this Ordinance; and

Other accessory uses and structures in conjunction with a primary use or structure provided the accessory use does not change the character of the district.

Accessory uses shall be incidental and subordinate in height, area, bulk, extent and location to the principal use. Accessory buildings are not permitted.

Home Occupation II and III shall not be permitted in Parcel III.

7.04 DEVELOPMENT STANDARDS

A. Property Development Standards

The minimum dimension of lots and yards and the heights of buildings shall be as follows:

Maximum Number of Lots	143
Minimum Lot Width	70 feet
Minimum Lot Area	7,500 square feet
Minimum Living Area (no minimum ground floor area shall apply)	One Story: 2,000 square feet Two Story: 2,300 square feet
Maximum Building Height	35 feet
Minimum Front Yard Setback	25 feet
Minimum Side Yard Setback	10 feet
Minimum Rear Yard Setback *	20 feet
Minimum Distance Between Principal Buildings	20 feet (measured from the foundation)
Front Elevation Architectural Requirement:	The homes within Parcel III shall include 100% brick front facades, excluding gables, doors, windows and trim. All homes with a front façade facing the north-south collector road located on the east half of the Development shall include 100% brick front facades, excluding gables, doors, windows and trim.

* Unenclosed porches, patios and decks may extend into the rear yard setback up to ten (10) feet.

CHAPTER 8
PARCEL IV
DEVELOPMENT STANDARDS

8.01 PURPOSE

The purpose of Parcel IV is to permit the establishment of single family dwellings with lots having centralized water and sewer facilities.

8.02 PRINCIPAL USES PERMITTED

Principal permitted uses or similar uses consistent with the purposes of the Chapter shall be as follows:

- A. Single Family Dwelling;
- B. Active Recreation;
- C. Passive Recreation;
- D. Farm Dwelling (existing McClain residence);
- E. Model Homes (as permitted per Chapter 12 of this Ordinance); and
- F. Temporary Sales Office (as permitted per Chapter 12 of this Ordinance).

8.03 ACCESSORY USES PERMITTED

Accessory uses shall be permitted as follows:

- A. Home Occupation I, as regulated by and subject to the Hendricks County Zoning Ordinance;
- B. Signs, as permitted by Chapter 11 of this Ordinance; and
- C. Other accessory uses and structures in conjunction with a primary use or structure provided the accessory use does not change the character of the district.

Accessory uses shall be incidental and subordinate in height, area, bulk, extent and purpose to the principal use. Accessory buildings are not permitted.

Home Occupation II and III shall not be permitted in Parcel IV.

8.04 DEVELOPMENT STANDARDS

A. Property Development Standards

The minimum dimension of lots and yards and the heights of buildings shall be as follows:

Maximum Number of Lots	209
Minimum Lot Width	60 feet
Minimum Lot Area	7,000 square feet
Minimum Living Area (no minimum ground floor area shall apply)	One Story: 1,750 square feet Two Story: 2,000 square feet
Maximum Building Height	35 feet
Minimum Front Yard Setback	25 feet
Minimum Side Yard Setback	10 feet
Minimum Rear Yard Setback *	20 feet
Minimum Distance Between Principal Buildings	20 feet (measured from the foundation)
Front Elevation Architectural Requirement:	At least 60% of the homes within Parcel IV shall include 50% brick front facades, excluding gables, doors, windows and trim. The homes within Parcel IV that do not include brick shall include a front porch. All homes with a front façade facing the north-south collector road located on the east half of the Development shall include 100% brick front facades, excluding gables, doors, windows and trim.

* Unenclosed porches, patios and decks may extend into the rear yard setback up to ten (10) feet.

CHAPTER 9

PARCEL V (ESTATE LOTS) DEVELOPMENT STANDARDS

9.01 PURPOSE

The purpose of Parcel V is to permit the establishment of single family dwellings with lots having centralized water and sewer facilities.

9.02 PRINCIPAL USES PERMITTED

Principal permitted uses or similar uses consistent with the purposes of the Chapter shall be as follows:

- A. Single Family Dwelling;
- B. Active Recreation;
- C. Passive Recreation;
- D. Model Homes (as permitted per Chapter 12 of this Ordinance); and
- E. Temporary Sales Office (as permitted per Chapter 12 of this Ordinance).

9.03 ACCESSORY USES PERMITTED

Accessory uses shall be permitted as follows:

- A. Home Occupation I, as regulated by and subject to the Hendricks County Zoning Ordinance;
- B. Signs, as permitted by Chapter 11 of this Ordinance; and
- C. Other accessory uses and structures in conjunction with a primary use or structure provided the accessory use does not change the character of the district.

Accessory uses shall be incidental and subordinate in height, area, bulk, extent and purpose to the principal use. Accessory buildings are not permitted.

9.04 SPECIAL EXCEPTION USES PERMITTED

Special exception uses shall be permitted as follows:

- A. Home Occupation II , as regulated by and subject to the Hendricks County Zoning Ordinance.

9.05 DEVELOPMENT STANDARDS

- A. Property Development Standards

The minimum dimension of lots and yards and the heights of buildings shall be as follows:

Maximum Number of Lots	4 (5 if the land reserved for the Brownsburg Fire Territory becomes an Estate Lot)
Minimum Lot Width	200 feet
Minimum Lot Area	1.5 acres
Minimum Living Area (no minimum ground floor area shall apply)	One Story: 2,400 square feet Two Story: 2,400 square feet
Maximum Building Height	35 feet
Minimum Front Yard Setback	50 feet
Minimum Side Yard Setback	15 feet
Minimum Rear Yard Setback	50 feet
Minimum Distance Between Principal Buildings	30 feet
Front Elevation Architectural Requirement:	The homes within Parcel V shall include 100% brick or masonry on the first floor of the front and side facades, excluding gables, doors, windows and trim.

CHAPTER 10

Residential Development Regulations and Commitments Applicable to All Parcels and Common Areas

1. The brick commitment for the Development for each respective Parcel is detailed in Chapters 5, 6, 7, 8 and 9 of this Zoning Ordinance.

2. The Developer shall deed to the Brownsburg Fire Territory the approximately two (2) acres of land as depicted on the Preliminary Development Plans, dated January 2, 2004. This commitment is pursuant to the request and acceptance of the Brownsburg Fire Territory. In addition, all storm water drainage from the fire station site shall be accommodated by the detention within the residential sections of the development.

3. Developer installed fencing shall be permitted in the Development.

4. A fire station with a communication tower not to exceed 150 feet in height may be included in the Development at the intersection of County Roads 650 North and 1000 East, as depicted on the Preliminary Development Plans, dated January 2, 2004.

5. The Development and its five Parcels shall consist of up to four (4) residential neighborhoods.

6. In the event the Brownsburg Fire Territory does not accept the deed of land referenced in paragraph 2, then the Developer shall meet with the Hendricks County Area Plan Commission to discuss alternate public uses for such land. If no acceptable alternate public use is designated by the Plan Commission and accepted by the designee, then such real estate shall become an additional Estate Lot, as regulated by Chapter 9 of this Ordinance. Accordingly, Chapter 9 and all other applicable provisions of this Ordinance shall be amended to include 5 lots in Parcel V, and the total lot count of the Development shall be 515.

7. The Developer shall record the Development Commitment Recording Form submitted with Developer's rezoning application, dated January 23, 2004, in the office of the Recorder of Hendricks County, Indiana.

CHAPTER 11

SIGNAGE

SIGNS. Signs may be located within the Development to provide a sense of entry into Branches and its neighborhoods and shall, to the extent possible, be developed in accordance with a consistent theme established by the Developer. All signs located within Branches shall be developed in compliance with the following regulations.

11.01 PERMANENT SIGNS

11.01.1 Community Signs – Masonry ground signs may be placed on both sides of the street at each entrance to the development, outside of any right-of-way. Such signs shall be no taller than eight (8) feet, with a maximum sign face area of 100 square feet. Each ground sign shall have an integrated landscaping treatment. Lighting, if provided, shall be ground-mounted lighting directed toward the sign.

11.01.2 Residential Neighborhood Signs – Ground signs may be placed on both sides of the street at the entrance to each residential neighborhood, and outside of any right-of-way. Such signs shall be no taller than six (6) feet, with a maximum sign face area of 32 square feet. Each ground sign shall have an integrated landscaping treatment. Lighting, if provided, shall be ground-mounted lighting directed toward the sign.

11.02 TEMPORARY MARKETING SIGNS

11.02.1 Temporary Community Sign – One temporary ground sign may be placed at each entrance to the Development, outside of any right-of-way, which shall be removed following completion of the development. Such signs shall be no taller than ten (10) feet, with a maximum sign face area of 60 square feet. Lighting, if provided, shall be ground-mounted lighting directed toward the sign.

11.02.2 Temporary Neighborhood Signs - One temporary ground sign may be placed at the entrance to each neighborhood, outside of any right-of-way, which shall be removed following completion of the development. Such signs shall be no taller than ten (10) feet, with a maximum sign face area of 60 square feet. Lighting, if provided, shall be ground-mounted lighting directed toward the sign.

11.03 TEMPORARY SALES OFFICE AND MODEL HOME SIGNS

11.03.1 Temporary Sales Office. One temporary ground sign may be placed at each neighborhood sales center, outside of any right-of-way, which shall be removed following completion of the development. Such signs shall be no taller than six (6) feet, with a maximum sign face area of thirty (30) square feet. Lighting, if provided, shall be ground-mounted lighting directed toward the sign.

11.03.2 Model Homes. One temporary ground sign may be placed at each model home, outside of any right-of-way, which shall be removed following completion of the development. Such signs shall be no taller than six (6) feet, with a maximum sign face area of 24 square feet. Lighting, if provided, shall be ground-mounted lighting directed toward the sign.

11.03.3 Banners. Temporary marketing banners may be located within the development to direct traffic to the residential neighborhood sales centers. Such banners may be mounted on decorative poles no taller than 12 feet and shall be removed upon completion of the development.

11.04 Except as otherwise provided herein, signs shall be regulated according to the Hendricks County Zoning Ordinance in an R-A: Residential (15,000) District.

CHAPTER 12

TEMPORARY SALES OFFICES AND MODEL HOMES

12.01 TEMPORARY SALES OFFICE.

12.01.1 One (1) Temporary Sales Office may be located within each residential neighborhood.

12.01.2 Such Temporary Sales Office shall meet all required building setbacks and shall be connected to public sewer and water.

12.01.3 A Temporary Sales Office shall be removed within 30 days following the completion of the development.

12.02 TEMPORARY MODEL HOME PERMITS.

12.02.1 Temporary model homes may be permitted in each residential neighborhood. Parcels I, II, III and IV shall each constitute a residential neighborhood. There shall be a maximum of six (6) model homes in each residential neighborhood. There shall be a maximum of twelve (12) model homes in the Development at any one time. A temporary model home may also serve as a temporary sales office.

12.02.2 Temporary model homes may be erected after the following improvements are made:

- (1) Stabilized access surface & stone base.
- (2) Municipal water service.
- (3) Sanitary sewer service.

12.02.3 Temporary model homes shall be closed within 30 days following the completion of the Development. Temporary sales offices shall be closed and removed within 90 days following the completion of the Development. Completion of the Development shall be when the final certificate of occupancy is issued for all homes in the Development.

CHAPTER 13

Definitions

1. DEVELOPMENT: The Branches Planned Unit Development, PUD-31/BR03-05, ZA-309/BR03-03.
2. DWELLING, SINGLE FAMILY: A building containing one dwelling unit and that is not attached to any other dwelling by any means and is surrounded by open space or yards.
3. DWELLING, FARM: A dwelling, located on a farm, for the purpose of housing an owner or employee of that farm or agricultural operation and his/her family.
4. DWELLING UNIT: A room or group of rooms designed and equipped exclusively for use as living quarters for only one (1) family and its household employees, including provisions for living, sleeping, cooking and eating.
5. LIVING AREA: The sum of the livable horizontal areas of a building measured from the interior faces of the exterior walls, exclusive of basements, unfinished attics and attached garages.
6. RECREATION, ACTIVE: The improvement of the land that provides facilities serving the recreational needs of the community. Active recreational areas shall include, but are not limited to: swimming pools, athletic fields, tennis courts, community centers and playgrounds.
7. RECREATION, PASSIVE: The use of unimproved land, in its natural state, which provides for a variety of activities for the outdoor exercise and activity needs of the community.

Development Commitment Recording Form

Area Plan Commission of Hendricks County, Indiana

Section 64.01.A of the Zoning Ordinance for Hendricks County, Indiana, requires the use of this form in recording commitments made with respect to a Development Plan Review approval, in accordance with I.C. 36-7-4-613.

Office of the Hendricks County Recorder

In accordance with I.C. 36-7-4-613, the owner of the real estate located in Hendricks County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of that parcel of real estate:

RECEIVED

JAN 23 2004

**HENDRICKS COUNTY
PLAN COMMISSION**

Legal Description:

See "Exhibit A"

Statement of COMMITMENTS:

1. The brick commitment for the Development is detailed on the Residential Development Standards for the brick commitments, which is attached hereto as Exhibit B.
2. All foundations shall be masonry foundations, including poured concrete
3. Elevations of homes shall be consistent with C.P. Morgan Communities, L.P.'s New Traditions, New Traditions 60's, and Hallmark series of homes.
4. No homes shall have the same front elevation or exact color scheme within a 3-lot "snapshot" on the same side of the street, or of the home immediately across the street from the center home of the 3-lot "snapshot". The Planning and Building Department and the Developer shall meet and mutually determine which home constitutes the home immediately across the street from the center home.
5. No satellite dishes or permanent structures, excluding fences, mailboxes, street light posts, etc., will be erected in any drainage easement, public rights of way or

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Area Plan Commission of Hendricks County, Indiana

beyond the front elevation of the home. All permitted structures in a drainage easement shall be subject to review and approval of the Hendricks County Surveyor.

6. The minimum roof pitch for all homes shall be:
- i. Main body of the house: 5:12
 - ii. Gable facing the street: 6:12
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7. Any homes having vinyl on any portion of the exterior shall have a vinyl gauge of .042 or greater.
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8. All vinyl siding shall be certified by the Vinyl Siding Institute through its Vinyl Siding Certification Program.
-
9. All vinyl siding will be installed straight, level, and with all joints overlapping a minimum of 1-1.5 inches. Additionally, siding must be installed per the following standards to minimize waviness:
- Siding will be installed using siding nails and nailed at each stud intersection.
 - Nail heads will be gapped with a minimum 1/8 inch clearance from the wall surface.
 - All siding panels must be properly interlocked.
 - Siding must have a clearance of 1/4 inch within J-channels.
 - After installation, siding panels should be moveable to allow for expansion and contraction.
- All vinyl siding installations will be warranted during the warranty period from blow off in winds up to 90 mph. Wind speeds will be determined based on weather reports from the Indianapolis International Airport.
-
10. No aluminum siding (excluding soffits or eaves) shall be permitted as a building material in the development.
-
11. All homes shall have uniform mailboxes and street numbers.
-
12. All homes shall have the street number (address) permanently affixed to the front of the home in a location visible from the street with numerals no less than four inches (4") in height.
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13. Any lighting associated with the project shall be of a design that directs the lighting downward and that does not permit light spillage at any property in excess of one
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Development Commitment Recording Form

Area Plan Commission of Hendricks County, Indiana

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- foot candle.
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14. All homes shall be completed within twelve (12) months of the start of construction of said home.
-
15. Lots, which are undeveloped, shall be reasonably mowed and grass and weeds shall be kept below twelve inches (12") high on undeveloped lots.
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16. No carports shall be permitted.
-
17. No above ground pools shall be permitted.
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18. No manufactured housing shall be permitted.
-
19. No out buildings shall be permitted.
-
20. Satellite dishes of no more than three feet (3') in diameter shall be the only antennae permitted.
-
21. Where a rear yard abuts a perimeter roadway, there shall be a minimum seventy-foot (70') common area buffer with landscaping per the Landscaping Plans, dated January 2, 2004, , or Tree Preservation Area (TPA). In addition, those homes shall have the following architectural features on the rear facades:
- Decorative shutters on all rear facing windows; and
 - At least one (1) of the following:
 - i. Finished space "pop-out"
 - ii. Screened in porch (min. 10' x 10')
 - iii. Bay
 - iv. Exterior chase fireplace
 - v. Rear facing gable with accent siding.
- Those homes that shall have the architectural features above are denoted on the Preliminary Development Plans, dated January 2, 2004.
-
22. The perimeter and internal landscaping shall be consistent with what is depicted on the Preliminary Development Plans, dated January 2, 2004.
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23. No fences shall be allowed within the landscape buffer easement except for those installed by the Developer.
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Development Commitment Recording Form

Area Plan Commission of Hendricks County, Indiana

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24. As detailed in the Hendricks County Zoning Ordinance, the Developer shall plant a street tree approximately every fifty feet (50') throughout the development. All street trees shall be one and one-half inches (1½") in caliper upon installation as measured at six inches (6") above the ground.
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25. In addition to required street trees, the landscape requirement for each lot in the Development shall include at least one (1) tree and eight (8) shrubs in the front yard of each home. The tree shall have a minimum caliper of 1 ½ inches, as measured six inches (6") above the ground, at planting.
-
26. The side yard facing the street on all corner lots shall include the identical landscaping requirements as the front yard for such lots
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27. The proposed development shall include the following amenities:
- A large multipurpose clubhouse.
 - A 25-meter junior Olympic size swimming pool as well as a children's size pool.
 - A multipurpose ball field.
 - Basketball, tennis, and sand volleyball courts.
 - Kid Wheels Park, which is a big wheel and tricycle park.
 - One large playground.
-
28. There shall be signage on ponds within the community that prohibits "swimming and ice skating."
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29. Wetlands and floodplains shall be treated in accordance with applicable state and federal laws.
-
30. Sidewalks, no less than four feet (4') in width, and a paved asphalt greenway path, no less than eight feet (8') in width, shall be provided in the development as depicted on the Preliminary Development Plans, dated January 2, 2004. The sidewalk running along the west side of the north-south collector road on the east half of the Development shall be six feet (6') in width.
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31. All infrastructure (streets, sidewalks, sewers, etc.) shall be built to Hendricks County's required standards and shall be dedicated to the appropriate governing agency except as otherwise shown on the Preliminary Development Plans, dated January 2, 2004.
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32. The Developer shall design all storm catch basins in the curb to be located at property corners to eliminate any conflict with driveways.
33. A mandatory Homeowner's Association shall be established to maintain all common green space and retention/detention and shall include and Architectural Review Committee which shall approve all building plans, additions, and modifications as well as fencing and other accessory structures or appurtenances.
34. The Homeowner's Association covenants shall require the Homeowner's Association to be responsible for effective anti-algae control and mosquito control. The Development's Declaration of Covenants Conditions and Restrictions shall provide that the Homeowner's Association shall have an ongoing contract with a pond treatment company for continuous maintenance of the ponds.
35. The Homeowner's Association shall not be allowed to disband.
36. All prospective homebuyers will be provided with a complete copy of the legally recorded commitments and any subdivision covenants. Prior to the closing of the sale of any home lot, purchaser will acknowledge receipt of said commitments and covenants and that the covenants and commitments have been understood and that purchaser will comply with commitments and covenants.
37. All commitments herein shall, if appropriate, be included in the subdivision covenants.
38. Invalidation of any one of these commitments by judgment or court order shall in no way effect any of the other commitments, which shall remain in full effect.
39. The development shall be served by Indianapolis Water Company.
40. The development shall be served by the Hendricks County Regional Waste District.
41. The Developer shall deed to the Brownsburg Fire Territory approximately two (2) acres of land, as depicted on the Preliminary Development Plans, dated January 2 , 2004. This commitment is pursuant to the request and acceptance of the Brownsburg Fire Territory. In addition, all storm water drainage from the fire station site shall be accommodated by the detention within the residential sections of the development.

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Area Plan Commission of Hendricks County, Indiana

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42. Each home within the Development shall have 9" overhangs on all four sides of the home.
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43. The Developer shall provide a water and sanitary sewer easement to the Brownsburg Community School Corporation.
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44. The Developer shall provide reasonable utility access to the following homeowners adjacent to the Development: Rothenberger, et al., Wescott and Woodings.
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45. The width of the north-south collector road on the east half of the Development shall be thirty-four feet (34).
-
46. The paved pathways and sidewalks within the Development shall be available for use by the public.
-
47. There shall be no non-brick front façade homes adjacent to each other in the Development.
-
48. As part of the development of the northwest phase of the proposed Branches Development, the Developer shall extend a sanitary sewer line of appropriate size and depth, as determined by the Hendricks County Regional Sewer Board, to a point along County Road 700 North within 1000 feet of Country Road 1000 East. Future connectors to such sanitary sewer line shall be subject to customary sanitary sewer availability and capacity reimbursement fees.
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49. The Temporary Model Homes and Temporary Sales Offices shall not be sold as a residence prior to the recording of the plat in which such model home or sales office is located.
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50. All roof vents on a home with a front to back gable shall be located on the rear plane of the roof.
-
51. Developer shall offer as an option on homes in the Development a brick or masonry exterior chase fireplace. Developer shall include this option on at least one of its model homes in the Development. (Vinyl siding shall be installed on the back side of the chase above the roof.)
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52. The average garage door width calculation (width of garage door divided by total width of home) for homes in the overall Development (sum of each home's garage door width percentage divided by the total number of homes within the Development) shall not exceed 40%. If the width of the garage door(s) of an individual home exceeds 40% of the front façade of such home, then such garage door(s) shall include decorative windows.
-
53. Where the rear yard of two lots abut one another, the minimum distance between porches and decks on such lots shall be twenty feet (20').
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54. The homes located on lots 53-63 and 102-105, as depicted on the Preliminary Development Plans, dated January 2, 2004, shall include the rear architectural treatment set forth in paragraph 21 of these Commitments.
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Area Plan Commission of Hendricks County, Indiana

These COMMITMENTS shall run with the land, be binding on the owner, subsequent owners of the real estate and other persons acquiring interest therein. These COMMITMENTS may be modified or terminated by a decision of the Hendricks County Area Plan Commission made at a public hearing after the proper notice has been given.

COMMITMENTS contained in this instrument shall be effective upon the approval of petition #PUD-31/BR03-05, ZA-309/BR03-03 for a Development Plan Review Approval pursuant to the Zoning Ordinance, and shall continue in effect for the life of the Development Plan Review Approval, or until modified or terminated by the Hendricks County Area Plan Commission.

These COMMITMENTS may be enforced jointly or severally by:

1. The Hendricks County Area Plan Commission; and
2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six-hundred-sixty (660) feet from the perimeter of the real estate, and all owners of real estate within the area included in the petition who were not petitioners for approval.

The undersigned hereby authorizes the Planning & Building Department of Hendricks County, Indiana, to record this COMMITMENT in the Office of the Recorder of Hendricks County, Indiana, upon final Development Plan Review Approval of petition #PUD-31/BR03-05, ZA-309/BR03-03.

IN WITNESS WHEREOF, C.P. Morgan Communities, L.P. has executed this instrument this ____ day of _____, _____.

Signature _____ (Seal)
Printed Mark W. Boyce
Title Vice-President, Land Development

Signature _____ (Seal)
Printed _____
Title _____

Signature _____ (Seal)
Printed _____
Title _____

Signature _____ (Seal)
Printed _____
Title _____

(Organization Acknowledgment)

Development Commitment Recording Form

Area Plan Commission of Hendricks County, Indiana

Exhibit A

Legal Description:

Part of the North half of Section 5, Township 16 North, Range 2 East and part of the North Half of Section 6, Township 16 North, Range 2 East in Hendricks County, Indiana being more particularly described as follows:

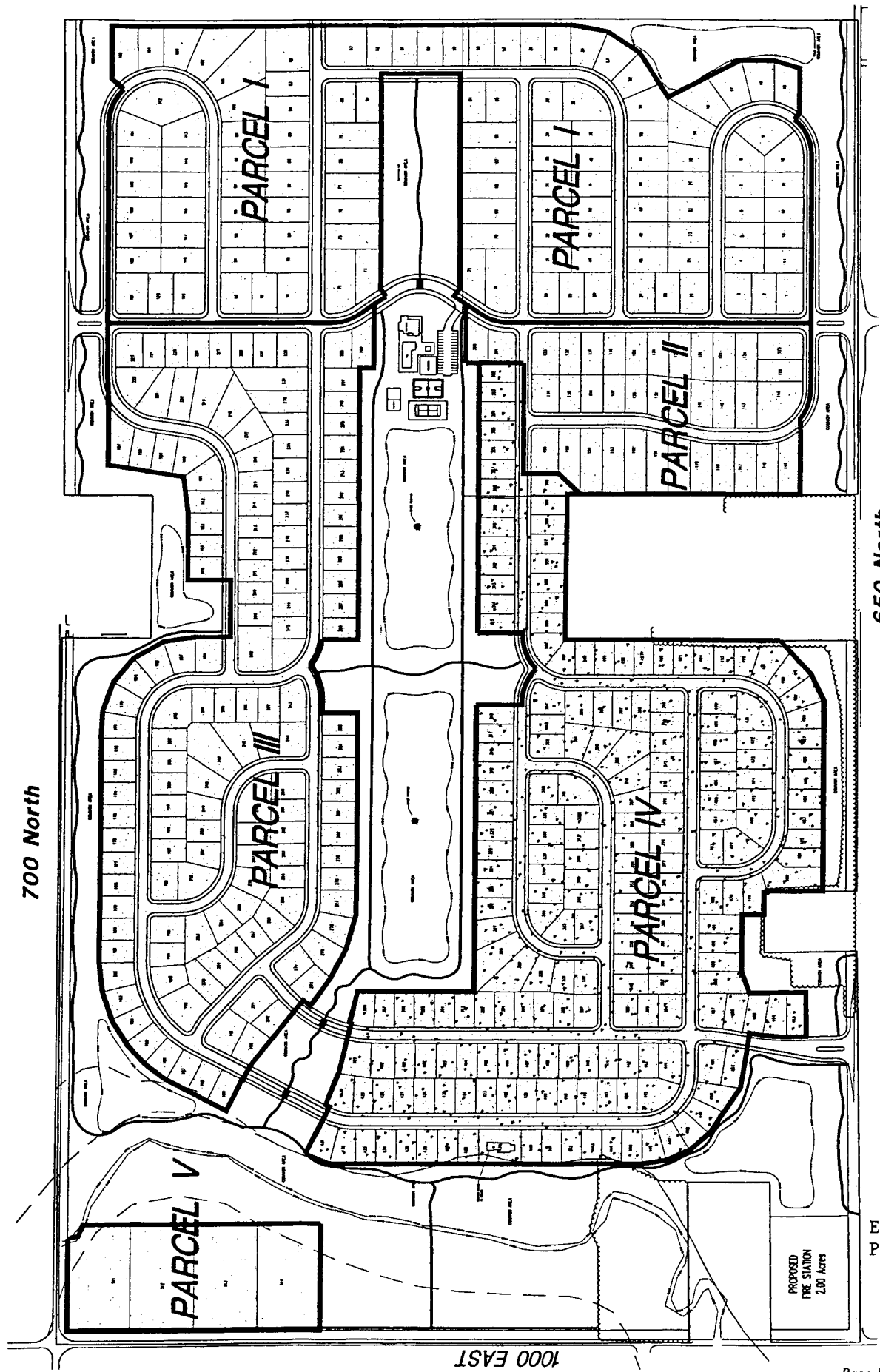
COMMENCING at the Southwest Corner of the East Half of the Northwest Quarter of said Section 5; thence North 89 degrees 40 minutes 50 seconds East (Assumed Bearing) along the South Line of said Northwest Quarter Section a distance of 10.50 feet to the **BEGINNING POINT** (said point being the Southeast Corner of a tract of land described in Book 284, page 553 in the Office of the Recorder of Hendricks County, Indiana); thence continue North 89 degrees 40 minutes 50 seconds East along the South Line of said Northwest Quarter Section a distance of 1325.40 feet to the Center Section Corner of said Section 5; thence North 89 degrees 45 minutes 22 seconds East along the South Line of the Northeast Quarter of said Section 5 a distance of 184.47 feet; thence North 00 degrees 11 minutes 03 seconds West a distance of 2501.80 feet to the North Line of said Section 5; thence South 89 degrees 48 minutes 57 seconds West along the said North Line a distance of 1510.86 feet to the Northeast Corner of the West Half of the Northwest Quarter of said Section 5; thence South 00 degrees 02 minutes 00 seconds West along said East Line a distance of 280.01 feet; thence North 89 degrees 36 minutes 05 seconds West a distance of 454.23 feet; thence North 00 degrees 23 minutes 55 seconds East a distance of 280.00 feet to the North Line of said Northwest Quarter Section; thence North 89 degrees 36 minutes 05 seconds West along the said North Line a distance of 245.22 feet to the Southeast Corner of the Southwest Quarter of Section 31, Township 17 North, Range 2 East; thence South 89 degrees 47 minutes 57 seconds West along the North Line of the Northwest Quarter of said Section 5 and along the North Line of the Northeast Quarter of said Section 6 a distance of 1982.79 feet to the Northwest Corner of the East Half of the Northeast Quarter of said Section 6; thence South 00 degrees 14 minutes 21 seconds East along the West Line of the East Half of the Northeast Quarter of said Section 6 a distance of 1994.04 feet to the Northwest Corner of a tract of land described in Book 335, page 514 in the office of the Recorder of Hendricks County, Indiana (the next three (3) described courses being along the north, east and south lines of said tract of land); thence North 88 degrees 59 minutes 24 seconds East a distance of 503.00 feet; thence South 00 degrees 14 minutes 21 seconds East a distance of 260.00 feet; thence South 88 degrees 59 minutes 24 seconds West a distance of 503.00 feet to the West Line of the East Half of the Northeast Quarter of said Section 6; thence South 00 degrees 14 minutes 21 seconds East along the said West Line a distance of 280.00 feet to the Southwest Corner of the East Half of the Northeast Quarter of said Section 6; thence North 88 degrees 59 minutes 24 seconds East along the South Line of the Northeast Quarter of said Section 6 a distance of 1229.12 feet; thence North 01 degrees 00 minutes 36 seconds West a distance of 292.00 feet; thence North 88 degrees 59 minutes 24 seconds East, parallel with the said South Line and South Line extended easterly, a distance of 190.00 feet; thence South 01 degrees 00 minutes 36 seconds East a distance of 11.02 feet; thence North 89 degrees 40 minutes 50 seconds East, parallel with the South Line of the Northwest Quarter of said Section 5, a distance of 3.40 feet; thence South 00 degrees 19 minutes 10 seconds East a distance of 282.00 feet to the South Line of the Northwest Quarter of said

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Section 5; thence North 89 degrees 40 minutes 50 seconds East along the said South Line a distance of 794.58 feet; thence North 00 degrees 17 minutes 15 seconds West a distance of 646.00 feet; thence North 89 degrees 40 minutes 50 seconds East, parallel with the said South Line, a distance of 3.84 feet; thence North 00 degrees 19 minutes 10 seconds West a distance of 281.78 feet; thence South 89 degrees 35 minutes 49 seconds East a distance of 462.38 feet; thence South 00 degrees 14 minutes 53 seconds East a distance of 921.95 feet to **BEGINNING POINT**, containing 224.649 acres, more or less.

This land description was prepared and is based exclusively upon record deed information and/ or prior surveys of the subject premises or its parent. For the purposes of the preparation of this description, no survey of the described real estate was performed and no monuments were set.



700 North

650 North

1000 EAST

Exhibit B
Page 1 of 2

Residential Development Standards

	Single Family Parcel I	Single Family Parcel II	Single Family Parcel III	Single Family Parcel IV	Estate Lots Parcel V	Total
Maximum Number of Lots	121	37	143	209	4	514
Minimum Lot Width	80'	70'	70'	60'	200'	
Minimum Lot Area	10,000 sq ft	7500 sq ft	7500 sq ft	7000 sq ft	1.5 acres	
Minimum Setbacks						
Front	25'	25'	25'	25'	30'	
Side	10'	10'	10'	10'	15'	
Rear*	20'	20'	20'	20'	20'	
Minimum Distance Between Homes	20'	20'	20'	20'	30'	
Maximum Building Height	35'	35'	35'	35'	35'	
Front Elevation Architectural Requirement	At least 60% of the homes within Parcel I shall include 100% brick front facades, excluding gables, doors, windows and trim.	At least 60% of the homes within Parcel II shall include 100% brick front facades, excluding gables, doors, windows and trim.	The homes within Parcel III shall include 100% brick front facades, excluding gables, doors, windows and trim.	At least 60% of the homes within Parcel IV shall include 50% brick front facades, excluding gables, doors, windows and trim. The homes that do not include brick shall include a front	The homes within Parcel V shall include 100% brick or masonry on the first floor of the front and side facades, excluding gables, doors, windows and	
Minimum Living Area (no minimum Ground Floor Area shall apply)	3000 sq ft one and two story minimum	2000 sq ft one story, 2300 sq ft two story	2000 sq ft one story, 2300 sq ft two story	1750 sq ft one story, 2000 sq ft two story	2400 sq ft one and two story minimum	

*Unenclosed porches, patios and decks may extend into the rear yard setback up to ten (10) feet.

ORDINANCE NO. 2004-08

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM R-A: SINGLE FAMILY (15,000) RESIDENTIAL DISTRICT TO AG-B: AGRICULTURAL BUSINESS DISTRICT, COMMONLY KNOWN AS ZA-310/BR03-04: ROSS A. & JOYCE A. MCCLAIN; BROWN TOWNSHIP, PARCEL TOTALING 4.26 ACRES, LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF COUNTY ROAD 700 NORTH AND COUNTY ROAD 900 EAST.

SECTION 1. Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (2001-24) adopted on the 5th day of November on the year 2001, be amended so as to include in the AG-B: Agricultural Business District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA-310/BR03-04: Ross A. & Joyce A. McClain., S36-T17N-R1E, 4.26 acres, Brown Township, located at the northeast corner of the intersection of County Road 700 North and County Road 900 East.

SECTION 2. As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA-310/BR03-04: Ross A. & Joyce A. McClain set out in the "Development Commitment Recording Form" attached hereto and made a part hereof, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt said Development Commitment Recording Form as a part of this Ordinance.

SECTION 3. All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

SECTION 4. This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the 3 day of February, 2004.

Board of Commissioners

Linda A. Palmer-Ryser
Linda A. Palmer-Ryser, President

Sonya B. Cleveland
Sonya B. Cleveland, Vice-President

Steven L. Ostermeier
Steven L. Ostermeier, Member

Attest:

Nancy d. Marsh

Nancy Marsh, Auditor

These COMMITMENTS shall run with the land, be binding on the owner, subsequent owners of the real estate and other persons acquiring interest therein. These COMMITMENTS may be modified or terminated by a decision of the Hendricks County Area Plan Commission made at a public hearing after the proper notice has been given.

COMMITMENTS contained in this instrument shall be effective upon the approval of petition #ZA-310/BR03-04 for a Development Plan Review Approval pursuant to the Zoning Ordinance, and shall continue in effect for the life of the Development Plan Review Approval, or until modified or terminated by the Hendricks County Area Plan Commission.

These COMMITMENTS may be enforced jointly or severally by:

1. The Hendricks County Area Plan Commission; and
2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six-hundred-sixty (660) feet from the perimeter of the real estate, and all owners of real estate within the area included in the petition who were not petitioners for approval.

The undersigned hereby authorizes the Planning & Building Department of Hendricks County, Indiana, to record this COMMITMENT in the Office of the Recorder of Hendricks County, Indiana, upon final Development Plan Review Approval of petition #ZA-310/BR03-04.

IN WITNESS WHEREOF, owner has executed this instrument this 21 day of JAN., 2004.

Signature Ross M. Clain
Printed ROSS M. CLAIN
Title comnitor

Signature Joyce A. McClain
Printed Joyce A. McClain
Title Spouse

(Individual Acknowledgment)

STATE OF INDIANA)
)
HENDRICKS COUNTY)

Before me, Notary Public in and for said County and State, personally appeared Ross A. McClain and Joyce A. McClain, husband and wife, owner(s) of the real estate who acknowledged the execution Foregoing instrument and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 21st day of January, 2004.

Signature Donna J. Boyles

Printed DONNA J. Boyles

County of Residence Hendricks

My Commission expires:
April 18, 2008

(Organization Acknowledgment)

STATE OF INDIANA)
)
HENDRICKS COUNTY)

Before me, Notary Public in and for said County and State, personally appeared _____, the _____ of _____, a(n) _____, owner(s) of the real estate who acknowledged the execution foregoing instrument and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this ___ day of _____, 2004.

Signature _____

Printed _____

County of Residence _____

My Commission expires:

EXHIBIT "A"

Part of the Southeast Quarter of Section 36, Township 17 North, Range 1 East in Hendricks County, Indiana, more particularly described as follows:

Commencing at the southwest corner of said Southeast Quarter Section; thence North 00 degrees 13 minutes 32 seconds East along the West line of said Quarter 278.16 feet to the Point of Beginning, said point being the northwest corner of Minor Plat #270, recorded in Book 14, page 2 in the Office of the Recorder of Hendricks County, Indiana; thence continuing North 00 degrees 13 minutes 32 seconds East along said West line 171.84 feet; thence North 89 degrees 58 minutes 34 seconds East parallel with the South line of said Southeast Quarter 800.00 feet; thence South 00 degrees 13 minutes 32 seconds West parallel with the aforesaid West line 450.00 feet to the South line of said Southeast Quarter; thence South 89 degrees 58 minutes 34 seconds West along said South line 173.60 feet to the southeast corner of said Minor Plat #270; thence North 00 degrees 13 minutes 32 seconds East parallel with the West line of said Southeast Quarter and along the east line of said Minor Plat a distance of 278.16 feet to the northeast corner thereof; thence South 89 degrees 58 minutes 34 seconds West parallel with the South line of said Southeast Quarter and along the north line of said Minor Plat 626.40 feet to the Point of Beginning, containing 4.26 acres, more or less.

**AN AMENDMENT TO THE HENDRICKS COUNTY SUBDIVISION CONTROL
ORDINANCE BY AMENDING CHAPTER 2 - 2.02(102.1), 2.02(102.2), 2.02(102.3),
2.02(106 b) AND 2.02(122)**

WHEREAS, the Board of County Commissioners of Hendricks County, Indiana adopted the Hendricks County Subdivision Control Ordinance on May 27, 1997;

WHEREAS, the Hendricks County Area Plan Commission has recommended that the Subdivision Control Ordinance be amended as to Chapter 2-2.02 (106 b) and 2.02 (122);

WHEREAS, the Hendricks County Area Plan Commission has conducted a public hearing on the proposed amendment (TSAO4-02) and voted to forward a favorable recommendation to the County Commissioners;

WHEREAS, the Board of County Commissioners have received and reviewed the Plan Commission's report, have considered the Plan Commission's recommendations, and find that the adoption of the recommended amendment would promote the health, safety, and convenience of the people of Hendricks County; and

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
HENDRICKS COUNTY, INDIANA AS FOLLOWS:**

Chapter 2-2.02 (102.1) shall be added to read:

Residential Access Street: Lowest order of residential streets. Provides frontage for access to lots, and carries traffic having destination or origin on the street itself. Designed to carry the least amount of traffic at the lowest speed. All, or the maximum number of housing units, shall front on this class of street. Residential access streets shall be designed so that no section conveys an ADT greater than 250. Each half of a loop street may be classified as a single residential access street, but the total traffic volume generated on the loop street shall not exceed 500 ADT, nor shall it exceed 250 ADT at any point of traffic concentration. A Residential Access Street has a right-of-way of 50 feet and a minimum front building setback line of 25 feet.

Chapter 2-2.02 (102.2) shall be added to read:

Residential Collector Street: Highest order of residential streets. Conducts and distributes traffic between lower-order residential streets and higher-order streets—arterials and expressways. Carries the largest volume of traffic at higher speeds. Function is to promote free traffic flow; therefore, parking and direct access to homes from this level of Street shall be prohibited. Collectors shall be designed so that it does not exceed 3000 ADT. Street has a right-of-way of 50 feet and a minimum building setback line of 35 feet.

Chapter 2-2.02 (102.3) shall be added to read:

Residential Subcollector Street: Middle order of residential street. Provides frontage for access to lots, and carries traffic of adjoining residential access streets. Designed to carry somewhat higher traffic volumes with traffic limited to motorists having origin or destination within the immediate neighborhood. Is not intended to interconnect adjoining neighborhoods or subdivisions and shall not carry regional through traffic. Subcollectors shall be designed so that no section conveys an ADT greater than 500. Each half of a loop subcollector may be classified as a single subcollector street, but the total traffic volume conveyed on the loop street shall not exceed 1,000 ADT, nor shall it exceed 500 ADT at any point of traffic concentration. A Residential Subcollector Street has a right-of-way of 50 feet and a minimum building setback line of 30 feet.

Chapter 2-2.02 (106. b.) shall be amended to read:

and b. Include any street not classified as an arterial, collector or subdivision street; and

Chapter 2-2.02 (122) SUBDIVISION STREET shall be amended to read:

Include the follow types of streets:

- a. Residential Access Street;
- b. Residential Collector Street;
- c. Residential Subcollector Street;

Approved by the Board of County Commissioners of Hendricks County, Indiana this 17th day of February, 2004.

Board of Commissioners

Linda Palmer-Ryser
Linda Palmer-Ryser, President

Sonya R. Cleveland
Sonya R. Cleveland, Vice-president

Steven L. Ostermeier
Steven L. Ostermeier, Member

ATTEST:

Nancy D. Marsh
Nancy Marsh, Auditor

**AN AMENDMENT TO THE HENDRICKS COUNTY ZONING ORDINANCE BY
AMENDING CHAPTER 2 - 2.02 (253) AND 2.02 (266)**

WHEREAS, the Board of County Commissioners of Hendricks County, Indiana adopted the Hendricks County Zoning Ordinance on November 5, 2001 and which became effective November 5, 2001;

WHEREAS, the Hendricks County Area Plan Commission has recommended that the Zoning Ordinance be amended as to Chapter 2 - 2.02 (253) and 2.02 (266);

WHEREAS, the Hendricks County Area Plan Commission has conducted a public hearing on the proposed amendment (TZA04-02) and voted to forward a favorable recommendation to the County Commissioners;

WHEREAS, the Board of County Commissioners have received and reviewed the Plan Commission's report, have considered the Plan Commission's recommendations, and find that the adoption of the recommended amendment would promote the health, safety, and convenience of the people of Hendricks County; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HENDRICKS COUNTY, INDIANA AS FOLLOWS:

Chapter 2-2.02 (253) STREET, PUBLIC shall be amended to add:

- I. Residential Access Street;
- J. Residential Collector Street;
- K. Residential Subcollector Street;

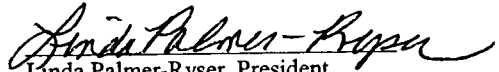
Chapter 2-2.02 (266) THOROUGHFARE STREET OR ROAD shall be amended to add:

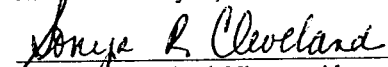
- I. **Residential Access Street:** Lowest order of residential streets. Provides frontage for access to lots, and carries traffic having destination or origin on the street itself. Designed to carry the least amount of traffic at the lowest speed. All, or the maximum number of housing units, shall front on this class of street. Residential access streets shall be designed so that no section conveys an ADT greater than 250. Each half of a loop street may be classified as a single residential access street, but the total traffic volume generated on the loop street shall not exceed 500 ADT, nor shall it exceed 250 ADT at any point of traffic concentration. A Residential Access Street has a right-of-way of 50 feet and a minimum front building setback line of 25 feet.
- J. **Residential Collector Street:** Highest order of residential streets. Conducts and distributes traffic between lower-order residential streets and higher-order streets—arterials and expressways. Carries the largest volume of traffic at higher speeds. Function is to promote free traffic flow; therefore, parking and direct access to homes from this level of Street shall be prohibited. Collectors shall be designed so that it does not exceed 3000 ADT. Street has a right-of-way of 50 feet and a minimum building setback line of 35 feet.

- K. **Residential Subcollector Street:** Middle order of residential street. Provides frontage for access to lots, and carries traffic of adjoining residential access streets. Designed to carry somewhat higher traffic volumes with traffic limited to motorists having origin or destination within the immediate neighborhood. Is not intended to interconnect adjoining neighborhoods or subdivisions and shall not carry regional through traffic. Subcollectors shall be designed so that no section conveys an ADT greater than 500. Each half of a loop subcollector may be classified as a single subcollector street, but the total traffic volume conveyed on the loop street shall not exceed 1,000 ADT, nor shall it exceed 500 ADT at any point of traffic concentration. A Residential Subcollector Street has a right-of-way of 50 feet and a minimum building setback line of 30 feet.

Approved by the Board of County Commissioners of Hendricks County, Indiana this 17th day of February, 2004.

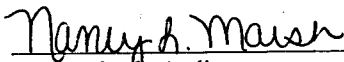
Board of Commissioners


Linda Palmer-Ryser, President


Sonya R. Cleveland, Vice-president


Steven L. Ostermeier, Member

ATTEST:


Nancy Marsh, Auditor

Hendricks County Planning and Building Department
Expedited Improvement Location Permit Process

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HENDRICKS COUNTY, INDIANA AS FOLLOWS:

**Hendricks County Planning and Building Department
Expedited Improvement Location Permit Process**

1.00 PURPOSE:

- 1.00.a. To provide an expedited Improvement Location Permit Process that improves service to the general public. Due to the increase in demand for building and subdivision related services the Department has had an increase in the amount of flex time accumulated for employees who provide these services.
- 1.00.b. The intent of this ordinance is to pay employees for excess amount of flex time they have accumulated in order to have more people available during regular business hours instead of having these employees out of the office using their flex time.

1.01 ESTABLISHMENT OF EXPEDITED PROCESS

- 1.01.a. An Expedited Improvement Location Permit can be obtained by paying an additional fee. The Expedited Improvement Location Permit fee is established by Hendricks County Board of County Commissioners through the Hendricks County Planning and Building Department's Uniform Fee Schedule.
 - 1.01.a.i. The application review process guarantees that the application will be reviewed and issued or denied within one (1) business day of the application of the permit.
 - 1.01.a.ii. The inspection process guarantees an inspection within one (1) business day of the inspection request. The inspection request must be scheduled between 8:00 AM and 4:00 PM. No inspection request left on the department answering service will be processed.
- 1.01.b. This ordinance hereby establishes Fund 286 - Building Inspection Fees as the official fund for the Expedited Improvement Location Permit Process.

1.02 ESTABLISHMENT OF THE OUTSIDE REVIEWERS & INSPECTORS

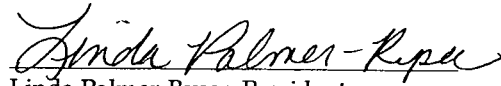
- 1.02.a. In order to guarantee expedited reviews and inspections at times it will be necessary for the department to hire qualified outside reviewers and inspectors.
- 1.02.b. The department will pay the reviewers & inspectors an equivalent fee pursuant to the Hendricks County Planning and Building Department's Uniform Fee Schedule. This fee will be paid out of Fund 286 - Building Inspection Fees.


1.03 PROCESS TO PAY EMPLOYEES FOR OVERTIME AND OR FLEX-TIME

1.03.a. The overtime and or flex time accumulated for the services described in this ordinance may be paid from Fund 286 - Building Inspection Fees and appropriated by the Hendricks County Council.

APPROVED by the Board of Commissioners of Hendricks County, Indiana this 16th day of March, 2004.

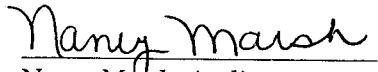
BOARD OF COMMISSIONERS


Linda Palmer-Ryser, President


Sonya R. Cleveland, Vice President

Steven Ostermeier, Member

ATTEST:


Nancy Marsh, Auditor

AN AMENDMENT TO THE HENDRICKS COUNTY SUBDIVISION CONTROL ORDINANCE BY AMENDING CHAPTER 2 - 2.02(121) AND 2.02 (45)

WHEREAS, the Board of County Commissioners of Hendricks County, Indiana adopted the Hendricks County Subdivision Control Ordinance on May 27, 1997;

WHEREAS, the Hendricks County Area Plan Commission has recommended that the Subdivision Control Ordinance be amended as to Chapter 2 - 2.02(121);

WHEREAS, the Hendricks County Area Plan Commission has conducted a public hearing on the proposed amendment (TSA04-03) and voted to forward a favorable recommendation to the County Commissioners;

WHEREAS, the Board of County Commissioners have received and reviewed the Plan Commission's report, have considered the Plan Commission's recommendations, and find that the adoption of the recommended amendment would promote the health, safety, and convenience of the people of Hendricks County; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HENDRICKS COUNTY, INDIANA AS FOLLOWS:

To Amend 2.02 (121) to include:

121.

- g. A Divisional Lot is provided, and subject to recording in the Hendricks County Recorders office.

And

To Add 2.02 (45.01) to read as follows:

45.01.

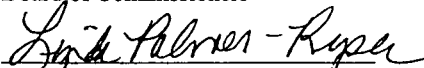
Divisional Lot: Is up to a four (4) lot split of less than 20 acres on any size acreage provided the following criteria are met:

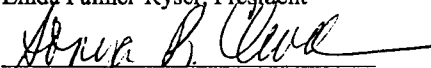
- A. Approval is obtained from the Member of the Hendricks County Administrative Staff
- B. Unimproved tracts
 1. Minimum Road Frontage and Acreage Requirements
 - i. Local Road - 165' frontage with minimum 1.875 acres
 - ii. Collector Road - 250' frontage with minimum 3 acres
 - iii. Minor Arterial Road - 350' frontage with minimum 4 acres
 - iv. Principle Arterial Road - 500' frontage with minimum 5 acres
 2. Proper site distance
 3. Corrective measures for drainage concerns of the site
 4. Potential combination of access drives if more than one tract is created
 5. Adequate sewage disposal and a safe water source
 6. Adequate drainage outlet for septic system subsurface perimeter drain
 7. Right of way dedication pursuant to the Hendricks County Thoroughfare Plan
 8. A seven (7) foot shoulder and adequate roadside ditch
 9. Commitment to participate in the installation of sidewalks across the frontage of the tract at the time sidewalks adjoin the tract on either side
- C. Improved tracts with principle structures
 1. Minimum Road Frontage and Acreage Requirements

- i. Local Road - 165' frontage with minimum 1.875 acres
 - ii. Collector Road - 250' frontage with minimum 3 acres
 - iii. Minor Arterial Road - 350' frontage with minimum 4 acres
 - iv. Principle Arterial Road - 500' frontage with minimum 5 acres
2. Show proof that adequate sewage disposal and a safe water source exist
 3. Corrective measures for drainage concerns of the site
 4. Right of way dedication pursuant to the Hendricks County Thoroughfare Plan
 5. A seven (7) foot shoulder and adequate roadside ditch
 6. Commitment to participate in the installation of sidewalks across the frontage of the tract at the time sidewalks adjoin the tract on either side

Approved by the Board of County Commissioners of Hendricks County, Indiana this 16th day of March, 2004.

Board of Commissioners


Linda Palmer-Ryser, President


Sonya R. Cleveland, Vice-president

Steven L. Ostermeier, Member

ATTEST:


Nancy Marsh, Auditor

ORDINANCE NO. 2004-14

AN AMENDMENT TO THE HENDRICKS COUNTY ZONING ORDINANCE BY
AMENDING CHAPTER 99.01

WHEREAS, the Board of County Commissioners of Hendricks County, Indiana adopted the Hendricks County Zoning Ordinance on November 5, 2001 and which became effective November 5, 2001;

WHEREAS, the Hendricks County Area Plan Commission has recommended that the Zoning Ordinance be amended as to Chapter 99.01;

WHEREAS, the Hendricks County Area Plan Commission has conducted a public hearing on the proposed amendment (TZA04-04) and voted to forward a favorable recommendation to the County Commissioners;

WHEREAS, the Board of County Commissioners have received and reviewed the Plan Commission's report, have considered the Plan Commission's recommendations, and find that the adoption of the recommended amendment would promote the health, safety, and convenience of the people of Hendricks County; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HENDRICKS COUNTY, INDIANA AS FOLLOWS:

Chapter 99.01 VIOLATION shall be amended to read as follows:

For any building or structure that is, or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land that is proposed to be used in violation of this Ordinance or any amendment or supplement thereto, the County Executive, the Hendricks County Area Plan Commission, the Building Commissioner or any adjacent or neighboring property owner who would be specifically damaged by such violation may, in addition to other remedies provided by law, institute appropriate action or proceedings to prevent such unlawful location, erection, construction, reconstruction, alteration, conversion, maintenance, or use which may include the holding of building permits, certificates of occupancy, or other permits; to restrain, correct or abate such violation to prevent the occupancy of the said building, structure or land or to prevent any illegal act, conduct, business or use in or about, such premises.

No person shall fail or refuse to comply with an order issued by the Building Commissioner. A separate offense shall be deemed committed each day upon which a violation occurs or continues. Furthermore, no person shall construct, modify, alter, use or occupy any structure or property in violation of the Hendricks County Zoning Ordinance. A separate offense shall be deemed committed each day upon which a violation occurs or continues and may be subject to a fine of up to \$2,500.00 per violation.

Approved by the Board of County Commissioners of Hendricks County, Indiana this 16th day of March, 2004.

Board of Commissioners

Linda Palmer-Ryser
Linda Palmer-Ryser, President

Sonya R. Cleveland
Sonya R. Cleveland, Vice-president

Steven L. Ostermeier, Member

ATTEST:

Nancy D. Marsh
Nancy Marsh, Auditor

ORDINANCE NUMBER 2004-15

ORDINANCE FOR WEIGHT RESTRICTIONS ON CERTAIN COUNTY ROADS

WHEREAS, the Board of Commissioners of Hendricks County, Indiana is the governing body for said County; and

WHEREAS, the Board of Commissioners of Hendricks County, Indiana is responsible for the maintenance and upkeep of all county roads; and

WHEREAS, there is currently no posted weight restrictions on certain roads in the County; and

WHEREAS, to insure the safety of all persons traveling said roads and to properly maintain and upkeep said roads;

NOW THEREFORE BE IT ORDAINED by the Board of Commissioners of Hendricks County, Indiana that there will be a gross vehicle weight restriction of no more than twenty (20) tons on the following roads:

County Road 100 South	from	CR 1050 E	to	Raceway R.
County Road 900 East	from	CR 100 S	to	CR 200 S
County Road 1050 East	from	CR 100 S	to	US 40

BE IT FURTHER ORDAINED that upon a finding of a violation of this ordinance a penalty shall be imposed in the penal sum up to Five Hundred Dollars (\$500.00).

DULY EXECUTED this 23rd day of March, 2004

HENDRICKS COUNTY, INDIANA
BOARD OF COMMISSIONERS

By: Linda Palmer-Ryser
Linda Palmer-Ryser, President

By: Sonya R. Cleveland
Sonya R. Cleveland

By: Steven L. Ostermeier
Steven L. Ostermeier

Attest: Nancy D. Mause

AN ORDINANCE AMENDING THE HENDRICKS COUNTY PLANNING AND BUILDING DEPARTMENT'S UNIFORM FEE SCHEDULE

WHEREAS, the Board of County Commissioners of Hendricks County, Indiana established a Planning and Building Department Uniform Fee Schedule separate from the Hendricks County Zoning Ordinance and the Hendricks County Subdivision Control Ordinance on the 22nd day of July, 2002 which included the setting and collecting of all planning, zoning and building permit fees; and

WHEREAS, the Hendricks County Area Plan Commission has recommended that the Hendricks County Planning and Building Department's Uniform Fee Schedule be amended; and

WHEREAS, the Hendricks County Area Plan Commission has conducted a public hearing on the proposed amendment and voted to forward a favorable recommendation to the County Commissioners; and

WHEREAS, the Board of County Commissioners of Hendricks County, Indiana has received and reviewed the Area Plan Commission's report, has considered the Area Plan Commission's recommendations, and find that the adoption of the recommended amendment would promote the health, safety and convenience of the people of Hendricks County; and

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HENDRICKS COUNTY, INDIANA by authority of Section 36-7-4-411 of the Indiana Code that there is hereby established an amendment to the Planning and Building Department's Uniform Fee Schedule as follows:

HENDRICKS COUNTY UNIFORM FEE SCHEDULE

Applications and petitions filed pursuant to the provisions of this ordinance shall be accompanied by the filing fees hereinafter specified, and shall be paid to Hendricks County and collected by the Department of Planning and Building.

SECTION I.
PLANNING ADMINISTRATION FEES

I. **SUBDIVISION**

A. Minor Subdivision	\$400.00
B. Major Subdivision	
1. Primary (Preliminary) Plat	\$600.00 + \$15.00/Lot
2. Secondary (Final) Plat	\$600.00 + \$10.00/Lot
C. Revision - Change to an Approved Plat, Not Recorded	\$400.00
D. Amendment (5 or more lots) – Change to a Recorded Plat	\$500.00
E. Extension of Time for Plat Recording	\$200.00
F. Replat (4 lots of less) or Vacation of a Recorded Plat	\$300.00 + \$10.00/Lot
G. Divisional Lot Split	\$200.00

II. **ZONING AMENDMENT**

A. Change in Zoning Map Classification	\$500.00 + \$25.00/acre
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III. **SHOPPING CENTER**

A. Preliminary Development Plan	\$600.00 + \$15.00/acre
B. Final Development Plan	\$600.00 + \$10.00/acre
C. Amendment to the Approved Final Development Plan	\$300.00 + \$10.00/acre

IV. **PLANNED UNIT DEVELOPMENT**

A. Preliminary Development Plan	\$600.00 + \$15.00/acre
B. Final Development Plan	\$600.00 + \$10.00/acre
C. Amendment to an Approved Planned Unit Development	\$400.00 + \$10.00/acre

V. DEVELOPMENT PLAN REVIEW

- | | |
|------------------------------------|-------------------------|
| A. Preliminary Development Plan | \$600.00 + \$15.00/acre |
| B. Final Development Plan | \$400.00 + \$10.00/acre |
| C. Amendment to a Development Plan | \$500.00 |

VI. PLAN COMMISSION AND ADMINISTRATIVE COMMITTEE WAIVERS AND EXCEPTIONS

A. Waiver

- | | |
|----------------------|-----------------------------|
| 1. Major Subdivision | \$500.00/per waiver request |
| 2. Minor Subdivision | \$200.00/per waiver request |

B. Exception
(This is not a public hearing)

- | | |
|----------------------|--------------------------------|
| 1. Major Subdivision | \$200.00/per exception request |
| 2. Minor Subdivision | \$100.00/per exception request |

VII. NOTIFICATION FOR PUBLIC HEARING

- | | |
|------------------------|----------|
| A. Newspaper Legal Ads | \$ 50.00 |
|------------------------|----------|
- (This fee will be in addition to any public hearing fee)

**SECTION 2
ZONING ADMINISTRATION FEES**

I. APPEALS

A. Administrative Appeal \$300.00
(THIS FEE WILL BE REFUNDED WITH A SUCCESSFUL APPEAL. THE REFUND DOES NOT INCLUDE THE LEGAL ADVERTISING FEE OF \$50.00)

II. VARIANCE

A. Development Standard Variance

1. Residential: \$200.00/per variance request
2. Commercial/ Industrial: \$350.00/per variance request for each legally addressed structure and/or tenant

III. SPECIAL EXCEPTIONS

- A. Residential \$200.00
- B. Commercial/Industrial \$500.00 + \$25.00/acre

IV. NOTIFICATION FOR PUBLIC HEARING

- A. Newspaper Legal Ads \$ 50.00
(This fee will be in addition to any public hearing fee)

**SECTION 3
BUILDING ADMINISTRATION FEES**

I. RESIDENTIAL

A. Principal

1. Single Family Dwelling \$250.00 Application fee

Footing/Foundation	Rough In	Permanent Power	Occupancy
\$50.00 + .01/sq ft >2,000 sq ft usable space	\$75.00 + .03/sq ft >2,000 sq ft usable space	\$25.00 + .01/sq ft >2,000 sq ft usable space	\$60.00 + .02/sq ft >2,000 sq ft usable space

2. Two Family Dwelling \$375.00 Application fee

Footing/Foundation	Rough In	Permanent Power	Occupancy
\$75.00 + .01/sq ft >2,500 sq ft usable space	\$100.00 + .03/sq ft >2,500 sq ft usable space	\$25.00 + .01/sq ft >2,500 sq ft usable space	\$80.00 + .02/sq ft >2,500 sq ft usable space

B. Accessory Structures

1. Garage, Storage, or other Structure on a Permanent Foundation.

Excluding wood or concrete patios and decks

<u>Square Feet</u>	<u>Application Fee</u>
Less than 120 Square Feet	No Charge (NO PERMIT REQUIRED)
120 to 240 Square Feet	\$100.00
241 Square Feet and over	\$150.00

2. Swimming Pool (Inground) \$150.00
3. Swimming Pool (Above Ground), Hot Tubs, and Spas \$ 75.00

C. Additions

1. Principal

- a. One(1) to Three (3) Additional Rooms \$100.00 Application fee
+ ***Required inspections

b. More Than Three (3) Rooms	Fee Same as Single Family Dwelling
2. Accessory	\$100.00 Application fee + ***Required inspections
 D. Remodeling	
1. Principal (No Additional Rooms)	\$100.00 Application fee + ***Required inspections
2. Accessory (No Additional Rooms)	\$100.00 Application fee + ***Required inspections
 E. Relocation	
1. Principal	Fee Same as Single Family Principal (Square Footage Fee Excluded)
2. Accessory	Fee Same as Single Family Accessory (Square Footage Fee Excluded)
 F. Demolition	
1. Principal	\$100.00 per structure
2. Accessory	\$ 50.00 per structure
 G. Temporary Mobile Home/Manufactured Home (Single Unit)	
	\$50.00 + ***Required inspections
 *** See Inspection Fees for Residential Uses	
 H. Electrical	
1. Principal and Accessory	
a. Single Family Dwelling	\$25.00 application fee
b. Two Family Dwelling	\$25.00 application fee

II. COMMERCIAL/INDUSTRIAL/MULTIFAMILY

A. Principal		\$1000.00 Application fee.	
Footing/Foundation	Rough In	Permanent Power	Occupancy
\$100+ .02/sq ft	\$200 + .04/sq ft	\$50 + .01/sq ft	\$150 + .03/sq ft
B. Accessory (Storage or other structure on a permanent foundation)		\$300.00 Application fee + ***Required inspections	
C. Additions			
1. Principal		Fee Same As Principal Commercial/Industrial/Multifamily	
2. Accessory		Fee Same As Accessory Commercial/Industrial/Multifamily	
D. Remodeling			
1. Principal (No Additional Sq. Ft.)		\$500.00 Application fee + ***Required inspections	
2. Accessory (No Additional Sq. Ft.)		\$300.00 Application fee + ***Required inspections	
E. Swimming Pool		\$500.00 Application fee + 0.15/ Cubic Volume +***Required inspections	
F. Roofing		\$750.00 + .05/sq ft >50,000 sq ft	
G. Demolition			
1. Principal		\$200.00 per structure	
2. Accessory		\$100.00 per structure	
H. Relocation			
1. Principal		Fee Same as Principal Commercial/Industrial/Multifamily (Square Footage Fee Excluded)	
2. Accessory		Fee Same as Accessory Commercial/Industrial/Multifamily (Square Footage Fee Excluded)	

***** See Inspection Fees for Commercial/Industrial/Multifamily Uses**

I. Electrical

- | | |
|----------------------------|--|
| 1. Principal and Accessory | \$50.00 application fee
Permanent Power
\$50.00 + .01/sq ft |
|----------------------------|--|

III. AGRICULTURAL

- A. All accessory structures located on 20+ acres that are used for agricultural purposes are exempt from permits and fees, with the exception of electrical services, which would require a building permit as per the residential accessory permit fees;
- B. All accessory structures greater than 120 square feet located on less than 20 acres require a building permit as per the residential accessory permit fees; and
- C. All accessory structures located on 20+ acres that are used for personal/residential storage require a building permit as per the residential accessory permit fees; and

IV. OTHER BUILDING ADMINISTRATION FEES

A. Wireless Telecommunication Structure

- | | |
|------------------|--------------------------|
| 1. New Structure | \$1,000.00 per structure |
| 2. Co-Location | \$300.00 per structure |

- | | |
|----------------------|---|
| B. Amusement Rides * | \$500.00 Application fee
+ ***Required inspections |
|----------------------|---|

***** See Inspection Fees for Commercial/Industrial/Multifamily Uses**

C. Signs

- | | |
|-------------------------------|----------|
| 1. Temporary or Portable Sign | \$ 50.00 |
|-------------------------------|----------|

2. All Other Signs

Square Feet

- | | |
|---------------|-----------|
| 0 to 100 | \$ 200.00 |
| 101 to 300 | \$ 350.00 |
| 301 to 1000 | \$ 750.00 |
| 1001 and over | \$ 950.00 |

D. Contractor Listing Fee

1. **Less than five (5) permits annually or less than 2,000 sq ft per job** \$ 75.00
 - a. **If listing is renewed within thirty (30) days of the expiration of the listing** \$ 50.00
2. **Greater than five (5) permits annually or greater than 2,000 sq. ft. per job** \$ 250.00
 - a. **If listing is renewed within thirty (30) days of the expiration of the listing** \$ 200.00

E. Re-Inspection Fee **

(Payable prior to the inspection being done)

1. First Re-Inspect \$ 50.00
2. Second Re-Inspect \$ 100.00
3. Third Re-Inspect \$ 200.00

F. Late Inspection Fee ***

(Payable prior to the inspection being done)

\$ 350.00

G Stop Work Orders

1. Permit Re-Instatement Fee Minimum \$500.00 or Two (2) Times The Filing Fee Whichever is Greater
2. Continued Construction After Stop Work Order \$1000.00 1st Day And Up To \$500.00 For Each Additional Day.

H. Illegal Structures (Structures not being used for the use it was built for) \$1000.00 1st Day And Up To \$500.00 For Each Additional Day.

I. Duplicate Permit/Certificate of Occupancy \$ 20.00

J. Addendum to Building Plans \$50.00 per addendum

K. Subsurface Drain Inspection \$25.00

* These inspections are for verification of compliance of design plans only and the County does not take any responsibility for the adequacy, safety, operation and maintenance of the ride.

** Re-inspection fees are assessed when an additional inspection is required, which deviates from the normal sequence of inspections.

***** Late inspection fees are assessed when there is no notification of inspection prior continuing with construction.**

V. MISCELLANEOUS PROVISIONS

- A. Any fee that is imposed by this ordinance that is not a fee required by a Federal or State statute or rule, may be waived or reduced by the Hendricks County Commissioners upon a finding that a waiver or reduction request would promote the public interest;
1. All fee waiver or reduction requests shall be made in writing and submitted to the Hendricks County Planning and Building Department; and
 2. Each request shall be approved, approved with amendment or denied by the Hendricks County Commissioners during a public meeting of the Commissioners.
- B. **Board of Zoning Appeals and Plan Commission** applications and petitions shall be accompanied with the proper fee payment. Checks or money orders must be made payable to the Hendricks County Planning and Building Department;
- C. Until the applicable fees have been paid in full, no **permit** shall be **issued** by the Building Department; and
- D. All permit fees are tripled if construction is started before securing a building permit.

SECTION 4

MISCELLANEOUS FEES

A. Engineering Fees	
1. Erosion Control Fees/ Swale Damage	\$1000.00 + \$18.00 Per Lineal Foot
B. Subdivision Control Ordinance	\$ 30.00
C. Zoning Ordinance	\$ 40.00
D. 1998 Comprehensive Development Plan	\$ 40.00
E. Plan Commission/ BZA Rules of Procedure	\$ 10.00
F. Contractor Listing Ordinance	\$ 7.00
G. Annual Report	\$ 15.00
H. Returned Check Fee	\$ 25.00
I. Subdivision Inspection Fee	\$ 65.00 Per Hour
J. Commitment Amendment	\$800.00 per commitment

ALL PERMIT FEES ARE DUE AT TIME OF PERMIT ISSUANCE

ALL PERMITS ARE NONTRANSFERABLE

This Ordinance shall be in full force and effect from and after its passage and approval and publication according to law.

APPROVED, by the Board of Commissioners of Hendricks County, Indiana, this 27th day of April, 20 04.

BOARD OF COMMISSIONERS

Linda Palmer-Ryser
Linda Palmer-Ryser, President

Sonya R. Cleveland
Sonya R. Cleveland, Vice-President

Steven L. Ostermeier
Steven L. Ostermeier, Member

ATTEST:

Nancy L. Marsh
Nancy L. Marsh
Auditor

FILED

MAY 05 2004

ORDINANCE NO. 2004-17

Nancy A. Marsh
AUDITOR HENDRICKS COUNTY

HENDRICKS COUNTY REGIONAL SEWER DISTRICT

ORDINANCE FOR DETERMINATION OF WASTELOAD ALLOCATION

WHEREAS, the Hendricks County Regional Sewer District (the "District") is a duly created and existing municipal corporation pursuant to I.C. 13-26-2, et. Seq.

WHEREAS, the District has adopted rules and regulations to affect the purpose for which the District was created and operates.

WHEREAS, I.C. 13-26-5-4, provides for enforcement of rules to accomplish the purpose of the District.

WHEREAS, I.C. 13-26-5-3, et. Seq. grants certain powers to the District dealing with procedure for the board's actions.

WHEREAS, the Board of Trustees of the District finds and determines that it is to be the best interest of the District to adopt these procedures for determination of Wasteload Allocation, expressed in terms of equivalent dwelling units (EDU), and such determinations are believed to accomplish the purpose of the District.

NOW THEREFORE, be it ordained by the Board of Trustees of the District that the District procedures for determination of Wasteload Allocation Ordinance entitled "Hendricks County Regional Sewer District Ordinance for Determination of Wasteload Allocation be adopted as follows:

1. The statements in the preamble hereof are true and correct and are findings of fact hereby.
2. The procedures included herein are adopted for all effects and purposed as the District's procedures of determination of EDU regarding wastewater service in the Service Area.
3. All procedures adopted hereby become of full force and effect as described.

The procedures and other specific provisions thereof enacted by the Board of Trustees of the District are as follows:

Determination of EDU assessment

Equivalent Dwelling Unit, "EDU" shall be the unit of measurement of quantities of service, and shall be equivalent to 310 gallons per day, and shall be allocated in whole numbers of one or more, by rounding the number up (.50 or greater) or down (.49 or less).

327 Indiana Administrative Code (327 IAC) 3-6-11, Table 11-1, shall be used to determine the equivalent dwelling unit (EDU) of a wasteload allocation for each Service Connection Description listed in Table 11-1 that will utilize the Hendricks County Regional Sewer District sanitary sewer system. 327 IAC 3-6-11(a) shall be used to determine the residential service connection for a single-family home that will be utilizing the Hendricks County Regional Sewer District sanitary sewer system. For any use not specified in Table 11-1, the assessment will be determined by calculating 0.1 gallons of flow per day, per square foot of floor space. Flow data from previous and/or like facilities will not be considered for determining the equivalent dwelling units (EDU) of a wasteload allocation.

The EDU assessment fees for new construction must be paid in full prior to a building permit being obtained from the appropriate governmental entity. The EDU assessment fees for existing structures connecting to the sanitary sewer must be paid-in-full prior to installation of the lateral connection.

The following flow calculation factors shall be used in the calculations to determine EDU assessment:

327 IAC 3-6-11

Table 11-1	
Flow Calculation Factors (FCF)	
Service Connection Description	FCF (gallons per day)
Agricultural labor camp	50 per occupant
Airport	3 per passenger plus 20 per employee
Assembly hall	3 per seat
Athletic field (baseball, soccer, football, etc.)	1 per participant and spectator with additions for concessions
Auction and flea market: with full kitchen	5 per customer
Auction and flea market: with warming kitchen	4 per customer
Auction and flea market: without kitchen	3 per customer
Automatic self-cleaning bathroom	20 per cycle (3 per day)
Banquet caterer	10 per person
Bar (without food)	10 per seat
Beauty salon: perm or color changes	35 per customer
Beauty salon: cut with wash	10 per customer
Beauty salon: cut without wash	5 per person
Bed and breakfast	150 per bedroom
Bowling alley (with bar and/or food)	125 per lane
Bowling alley (without food)	75 per lane
Bus station	3 per passenger
Campground (organizational) with flush toilets, showers, central kitchen	40 per camper
Campground (organizational) without flush toilets, privy use, central dining hall, no showers, handwashing	20 per camper

Campground (recreational) with individual sewer connection	100 per campsite
Campground (recreational) without individual sewer connection	50 per campsite
Church with full kitchen	5 per sanctuary seat
Church with warming kitchen	4 per sanctuary seat
Church without kitchen	3 per sanctuary seat
Condominium, multi-family dwelling: one bedroom	200 per unit
Condominium, multi-family dwelling: two bedroom	300 per unit
Condominium, multi-family dwelling: three bedroom	350 per unit
Condominium, one and two family dwelling	150 per bedroom
Conferences	10 per attendee
Correctional facilities	120 per inmate
Day care center	20 per person
Dentist	200 per chair plus 75 per employee
Doctor's office	75 per doctor, plus 75 per nurse, plus 20 per support staff
Factory with showers	35 per employee
Factory without showers	20 per employee
Fire station: manned	75 per firefighter
Fire station: unmanned	35 per firefighter
Food service operations: cocktail lounge or tavern	35 per seat
Food service operations: restaurant (not open 24 hours)	35 per seat
Food service operations: restaurant (open 24 hours)	50 per seat
Food service operations: restaurant (not open 24 hours but located along an interstate)	50 per seat
Food service operations: restaurant (open 24 hours and located along an interstate)	70 per seat
Food service operations: tavern	35 per seat
Food service operations: curb service (drive-in)	50 per car space
Golf comfort station	3 per 50% of maximum number of golfers
Golf main clubhouse	5 per golfer with additions for food service and showers
Hospital, medical facility	200 per bed
Hotel	100 per room
Kennels and vet clinics (sum of all of the following services at a facility):	
1) a. cages;	5 per cage

b. inside runs;	10 per run
c. outside runs;	20 per run
d. grooming;	10 per animal
e. surgery; plus	50 per surgery room
2) staff	75 per veterinary doctor, plus 75 per veterinary assistant, plus 20 per support staff
Mental health facility	100 per patient
Mobile home park	200 per lot
Motel	100 per room
Nursing home	100 per bed
Office building without showers	20 per employee
Office building with showers	35 per employee
Outpatient surgical center	50 per patient
Picnic area	5 per visitor
Race tracks	5 per attendee, 20 per staff
School: elementary	15 per pupil
School: secondary	25 per pupil
School with dormitory	100 per bed
Service station: convenience store/service center	1,000 with additions for food preparation and seating
Service station with only two (2) restrooms	400 per restroom
Service station with only unisex restroom	600 per restroom
Service station: automatic self-cleaning bathroom	60 per day
Shopping center	0.1 per square foot of floor space, plus 20 per employee
Swimming pool bathhouse	10 per swimmer
Theater: drive-in	5 per car space
Theater: inside building	5 per seat

Determination of monthly sanitary sewer service fee

The monthly sanitary sewer service fee shall be based on the EDU assessment; with each EDU being assessed the monthly rate as determined by the Hendricks County Regional Sewer District Ordinance for Collection Fees and Charges.

Modification of monthly sanitary sewer service charge

Any assessment of an EDU used to determine the **monthly** sanitary sewer service charge for an industrial or business customer may be modified upward or downward by the Board of Trustees during the first year of sanitary sewer service upon the request of the customer or as initiated by the District based on the findings of a determination of the actual service being provided. The actual service being provided shall be determined based upon flow meter data collected from the customer's facility with the customer responsible for any expense incurred to monitor flow.

The first year of service shall be defined as the first year following the initiation of trade in any buildings, pads or storefronts. Flow meter data shall consist of actual water meter readings as documented by the applicable water utility's invoices or sewage flow meter readings. Flow meter data of estimated water meter readings will not be accepted to determine a modification of the monthly service charge. Upon review of the water meter readings and or sewage flow meter readings by the Board of Trustees, it will be determined if a modification of the monthly sanitary sewer service charge is warranted; however, the minimum monthly sanitary sewer service charge shall be one (1) EDU. If a modification is warranted, the monthly sanitary sewer service charge shall be adjusted on the next billing cycle, and will not be retroactive to any previous month's service charges. Payment and collection of the adjusted monthly sanitary sewer service charges shall be in accordance with the Rules and Regulations of the Hendricks County Regional Sewer District. The Hendricks County Regional Sewer District reserves its right, as allowed by the Rules and Regulations, to adjust the monthly service charge in response to future changes in wastewater flow.

Any modification of the monthly sanitary sewer service charge shall apply only to the facility and facility usage as documented by the applicable water utility's invoices or sewage flow meter readings used to determine the modification. Any modification of the facility or its use shall render the modification null and void, and a new EDU assessment shall be determined as set out in the Hendricks County Regional Sewer District Rules and Regulations.

Any modification of the monthly sanitary sewer service charge will not warrant reimbursement for previously paid EDU assessment fees or result in a modification of the waste load allocation.

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed, and this ordinance shall be in full force and effective upon its adoption and its publications as provided by law.

Passed and adopted by the Hendricks County Regional Sewer Board of Hendricks County, State of Indiana on this 3rd day of May 2004.

HENDRICKS COUNTY REGIONAL SEWER BOARD


Linda Palmer-Ryser


Sonya Cleveland


Steven L. Ostermeier

ORDINANCE NO. 2004-18

**AN AMENDMENT TO THE HENDRICKS COUNTY ZONING ORDINANCE BY
AMENDING CHAPTER 34.04.**

WHEREAS, the Board of County Commissioners of Hendricks County, Indiana adopted the Hendricks County Zoning Ordinance on November 5, 2001 and which became effective November 5, 2001;

WHEREAS, the Hendricks County Area Plan Commission has recommended that the Zoning Ordinance be amended as to Chapter 34.04;

WHEREAS, the Hendricks County Area Plan Commission has conducted a public hearing on the proposed amendment (TZA04-05) and voted to forward a favorable recommendation to the County Commissioners;

WHEREAS, the Board of County Commissioners have received and reviewed the Plan Commission's report, have considered the Plan Commission's recommendations, and find that the adoption of the recommended amendment would promote the health, safety, and convenience of the people of Hendricks County; and

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
HENDRICKS COUNTY, INDIANA AS FOLLOWS:**

**Chapter 34 "HB" Highway Business District
34.04 Special Exception Uses Permitted**

D. Automobile, motorcycle, truck, trailer and farm implement sales, new or used.

Approved by the Board of County Commissioners of Hendricks County, Indiana this 3rd day of
MAY, 2004.

Board of Commissioners

Linda Palmer-Ryser
Linda Palmer-Ryser, President

Sonya R. Cleveland
Sonya R. Cleveland, Vice-president

Steven L. Ostermeier
Steven L. Ostermeier, Member

ATTEST:

Nancy A. Marsh
Nancy Marsh, Auditor

ORDINANCE NO. 2004-19

**AN AMENDMENT TO THE HENDRICKS COUNTY ZONING ORDINANCE BY
AMENDING SECTION 60.04 EXEMPT SIGNS & CREATING SECTION 58.12 YARD,
GARAGE, AND FLEA MARKET SALES**

WHEREAS, the Board of County Commissioners of Hendricks County, Indiana adopted the Hendricks County Zoning Ordinance on November 5, 2001 and which became effective November 5, 2001;

WHEREAS, the Hendricks County Area Plan Commission has recommended that the Zoning Ordinance be amended as to Section 60.04 Exempt Signs & creating Section 58.12 Yard, Garage, and Flea Market Sales;

WHEREAS, the Hendricks County Area Plan Commission has conducted a public hearing on the proposed amendment (TZA04-06) and voted to forward a favorable recommendation to the County Commissioners;

WHEREAS, the Board of County Commissioners have received and reviewed the Plan Commission's report, have considered the Plan Commission's recommendations, and find that the adoption of the recommended amendment would promote the health, safety, and convenience of the people of Hendricks County; and

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
HENDRICKS COUNTY, INDIANA AS FOLLOWS:**

AMENDING 60.04 EXEMPT SIGNS TO READ AS FOLLOWS:

60.04 EXEMPT SIGNS

The following Signs, except those listed in subsection H, shall be permitted in any zoning district and shall be exempt from the other provisions of this Chapter, including the obligation to obtain an Improvement Location Permit or sign permit. Signs and devices listed in subsection H shall be permitted only in appropriate commercial and industrial districts after the issuance of a temporary sign permit, provided that the signs comply with the provisions contained in each subsection and that a Temporary Sign Permit has been obtained from the Planning and Building Department.

AND

CREATING A NEW SECTION 58.12 YARD, GARAGE, AND FLEA MARKET SALES

58.12 YARD, GARAGE, AND FLEA MARKET SALES

Yard sales, garage sales, flea market sales and other similar sales conducted in residential districts, shall be permitted no more than two (2) times in a calendar year and for no more than three (3) consecutive days.

Approved by the Board of County Commissioners of Hendricks County, Indiana this 3rd day of May, 2004.

Board of Commissioners

Linda Palmer-Ryser
Linda Palmer-Ryser, President

Sonya R. Cleveland
Sonya R. Cleveland, Vice-president

Steven L. Ostermeier
Steven L. Ostermeier, Member

ATTEST:

Nancy Marsh
Nancy Marsh, Auditor

28
ORDINANCE NO. 2004-04

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM R-A: SINGLE FAMILY (15,000) RESIDENTIAL DISTRICT TO RSS: REGIONAL SUPPORT SERVICES DISTRICT, COMMONLY KNOWN AS ZA-308/LB03-03: JAMES PENNER; LIBERTY TOWNSHIP, PARCEL TOTALING 5.00 ACRES, LOCATED ON THE EAST SIDE OF COUNTY ROAD "0," APPROXIMATELY 0.50 MILE SOUTH OF THE TOWN OF CLAYTON.

SECTION 1. Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (2001-24) adopted on the 5th day of November on the year 2001, be amended so as to include in the RSS: Regional Support Services District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA-308/LB03-03: James Penner, S3-T14N-R1W, 5.00 acres, Liberty Township, located on the east side of County Road "0," approximately 0.50 mile south of the Town of Clayton.

SECTION 2. All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the 11th day of May, 2004.

Board of Commissioners

Linda A. Palmer-Ryser
Linda A. Palmer-Ryser, President

Sonya R. Cleveland
Sonya R. Cleveland, Vice-President

Steven L. Ostermeier
Steven L. Ostermeier, Member

Attest:

Nancy d. Marsh
Nancy Marsh, Auditor

ORDINANCE NO. 2004-21

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM R-A: SINGLE FAMILY (15,000) RESIDENTIAL DISTRICT, TO PUD: PLANNED UNIT DEVELOPMENT DISTRICT. COMMONLY KNOWN AS ZA-305/LN03-02: HERITAGE HILL, LINCOLN TOWNSHIP, PARCEL TOTALING 242.017 ACRES, LOCATED ON THE WEST SIDE OF STATE ROAD 267 BETWEEN COUNTY ROAD 200 NORTH AND COUNTY ROAD 300 NORTH.

SECTION 1. Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (2001-24) adopted on the 5th day of November on the year 2001, be amended so as to include in the PUD: Planned Unit Development District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA-305/LN03-02: Heritage Hill., S27-T16N-R1E, 242.017 acres, Lincoln Township, located on the west side of State Road 267 between County Road 200 North and County Road 300 North.

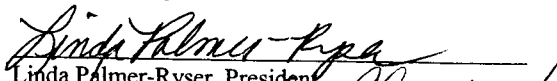
SECTION 2. All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

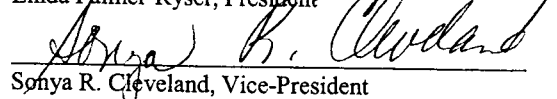
SECTION 3. As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA-305/LN03-02: *Heritage Hill* set out in the "Development Commitment Recording Form" attached hereto and made a part hereof, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt said Development Commitment Recording Form as a part of this Ordinance.

SECTION 4. This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the 11th day of May, 2004.

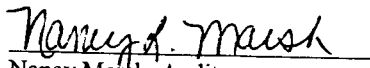
Board of Commissioners


Linda Palmer-Ryser, President


Sonya R. Cleveland, Vice-President

Steven L. Ostermeier, Member

Attest:


Nancy Marsh, Auditor

ORDINANCE NO. 2004 - 23

AN ORDINANCE AMENDING THE HENDRICKS COUNTY PLANNING AND BUILDING DEPARTMENT'S UNIFORM FEE SCHEDULE

WHEREAS, the Board of County Commissioners of Hendricks County, Indiana established a Planning and Building Department Uniform Fee Schedule separate from the Hendricks County Zoning Ordinance and the Hendricks County Subdivision Control Ordinance on the 22nd day of July, 2002 which included the setting and collecting of all planning, zoning and building permit fees; and

WHEREAS, the Hendricks County Area Plan Commission has recommended that the Hendricks County Planning and Building Department's Uniform Fee Schedule be amended; and

WHEREAS, the Hendricks County Area Plan Commission has conducted a public hearing on the proposed amendment and voted to forward a favorable recommendation to the County Commissioners; and

WHEREAS, the Board of County Commissioners of Hendricks County, Indiana has received and reviewed the Area Plan Commission's report, has considered the Area Plan Commission's recommendations, and find that the adoption of the recommended amendment would promote the health, safety and convenience of the people of Hendricks County; and

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HENDRICKS COUNTY, INDIANA by authority of Section 36-7-4-411 of the Indiana Code that there is hereby established an amendment to the Planning and Building Department's Uniform Fee Schedule as follows:

HENDRICKS COUNTY UNIFORM FEE SCHEDULE

Applications and petitions filed pursuant to the provisions of this ordinance shall be accompanied by the filing fees hereinafter specified, and shall be paid to Hendricks County and collected by the Department of Planning and Building.

SECTION I.
PLANNING ADMINISTRATION FEES

I. SUBDIVISION

A. Minor Subdivision	\$400.00
B. Major Subdivision	
1. Primary (Preliminary) Plat	\$600.00 + \$15.00/Lot
2. Secondary (Final) Plat	\$600.00 + \$10.00/Lot
C. Revision - Change to an Approved Plat, Not Recorded	\$400.00
D. Amendment (5 or more lots) – Change to a Recorded Plat	\$500.00
E. Extension of Time for Plat Recording	\$200.00
F. Replat (4 lots or less) or Vacation of a Recorded Plat	\$300.00 + \$10.00/Lot
G. Divisional Lot Split	\$200.00

II. ZONING AMENDMENT

A. Change in Zoning Map Classification	\$500.00 + \$25.00/acre
--	-------------------------

III. SHOPPING CENTER

A. Preliminary Development Plan	\$600.00 + \$15.00/acre
B. Final Development Plan	\$600.00 + \$10.00/acre
C. Amendment to the Approved Final Development Plan	\$300.00 + \$10.00/acre

IV. PLANNED UNIT DEVELOPMENT

A. Preliminary Development Plan	\$600.00 + \$15.00/acre
B. Final Development Plan	\$600.00 + \$10.00/acre
C. Amendment to an Approved Planned Unit Development	\$400.00 + \$10.00/acre

V. DEVELOPMENT PLAN REVIEW

- A. Preliminary Development Plan \$600.00 + \$15.00/acre
- B. Final Development Plan \$400.00 + \$10.00/acre
- C. Amendment to a Development Plan \$500.00

VI. PLAN COMMISSION AND ADMINISTRATIVE COMMITTEE WAIVERS AND EXCEPTIONS

A. Waiver

- 1. Major Subdivision \$500.00/per waiver request
- 2. Minor Subdivision \$200.00/per waiver request

B. Exception
(This is not a public hearing)

- 1. Major Subdivision \$200.00/per exception request
- 2. Minor Subdivision \$100.00/per exception request

VII. NOTIFICATION FOR PUBLIC HEARING

- A. Newspaper Legal Ads \$ 50.00
(This fee will be in addition to any public hearing fee)

**SECTION 2
ZONING ADMINISTRATION FEES**

I. APPEALS

A. Administrative Appeal \$300.00

(THIS FEE WILL BE REFUNDED WITH A SUCCESSFUL APPEAL. THE REFUND DOES NOT INCLUDE THE LEGAL ADVERTISING FEE OF \$50.00)

II. VARIANCE

A. Development Standard Variance

1. Residential: \$200.00/per variance request

2. Commercial/ Industrial: \$350.00/per variance request for each legally addressed structure and/or tenant

III. SPECIAL EXCEPTIONS

A. Residential \$200.00

B. Commercial/Industrial \$500.00 + \$25.00/acre

IV. NOTIFICATION FOR PUBLIC HEARING

A. Newspaper Legal Ads \$ 50.00

(This fee will be in addition to any public hearing fee)

**SECTION 3
BUILDING ADMINISTRATION FEES**

I. RESIDENTIAL

A. Principal

1. Single Family Dwelling \$250.00 Application fee

Footing/Foundation	Rough In	Permanent Power	Occupancy
\$50.00 + .01/sq ft >2,000 sq ft usable space	\$75.00 + .03/sq ft >2,000 sq ft usable space	\$25.00 + .01/sq ft >2,000 sq ft usable space	\$60.00 + .02/sq ft >2,000 sq ft usable space

2. Two Family Dwelling \$375.00 Application fee

Footing/Foundation	Rough In	Permanent Power	Occupancy
\$75.00 + .01/sq ft >2,500 sq ft usable space	\$100.00 + .03/sq ft >2,500 sq ft usable space	\$25.00 + .01/sq ft >2,500 sq ft usable space	\$80.00 + .02/sq ft >2,500 sq ft usable space

B. Accessory Structures

1. Garage, Storage, or other Structure on a Permanent Foundation.

Excluding wood or concrete patios and decks

<u>Square Feet</u>	<u>Application Fee</u>
Less than 120 Square Feet	No Charge (NO PERMIT REQUIRED)
120 to 240 Square Feet	\$100.00
241 Square Feet and over	\$150.00

2. Swimming Pool (Inground) \$150.00

3. Swimming Pool (Above Ground), Hot Tubs, and Spas \$ 75.00

C. Additions

1. Principal

- a. One(1) to Three (3) Additional Rooms \$100.00 Application fee
+ ***Required inspections

b. More Than Three (3) Rooms	Fee Same as Single Family Dwelling
2. Accessory	\$100.00 Application fee + ***Required inspections
D. Remodeling	
1. Principal (No Additional Rooms)	\$100.00 Application fee + ***Required inspections
2. Accessory (No Additional Rooms)	\$100.00 Application fee + ***Required inspections
E. Relocation	
1. Principal	Fee Same as Single Family Principal (Square Footage Fee Excluded)
2. Accessory	Fee Same as Single Family Accessory (Square Footage Fee Excluded)
F. Demolition	
1. Principal	\$100.00 per structure
2. Accessory	\$ 50.00 per structure
G. Temporary Mobile Home/Manufactured Home (Single Unit)	\$50.00 + ***Required inspections
*** See Inspection Fees for Residential Uses	
H. Electrical	
1. Principal and Accessory	
a. Single Family Dwelling	\$25.00 application fee
b. Two Family Dwelling	\$25.00 application fee

II. COMMERCIAL/INDUSTRIAL/MULTIFAMILY

A. Principal			\$1000.00 Application fee.
Footing/Foundation	Rough In	Permanent Power	Occupancy
\$100+ .02/sq ft	\$200 + .04/sq ft	\$50 + .01/sq ft	\$150 + .03/sq ft
B. Accessory (Storage or other structure on a permanent foundation)			\$300.00 Application fee + ***Required inspections
C. Additions			
1. Principal			Fee Same As Principal Commercial/Industrial/Multifamily
2. Accessory			Fee Same As Accessory Commercial/Industrial/Multifamily
D. Remodeling			
1. Principal (No Additional Sq. Ft.)			\$500.00 Application fee + ***Required inspections
2. Accessory (No Additional Sq. Ft.)			\$300.00 Application fee + ***Required inspections
E. Swimming Pool			\$500.00 Application fee + 0.15/ Cubic Volume +***Required inspections
F. Roofing			\$750.00 + .05/sq ft >50,000 sq ft
G. Demolition			
1. Principal			\$200.00 per structure
2. Accessory			\$100.00 per structure
H. Relocation			
1. Principal			Fee Same as Principal Commercial/Industrial/Multifamily (Square Footage Fee Excluded)
2. Accessory			Fee Same as Accessory Commercial/Industrial/Multifamily (Square Footage Fee Excluded)

***** See Inspection Fees for Commercial/Industrial/Multifamily Uses**

I. Electrical

- | | |
|----------------------------|--|
| 1. Principal and Accessory | \$50.00 application fee
Permanent Power
\$50.00 + .01/sq ft |
|----------------------------|--|

III. AGRICULTURAL

- A. All accessory structures located on 20+ acres that are used for agricultural purposes are exempt from permits and fees, with the exception of electrical services, which would require a building permit as per the residential accessory permit fees;
- B. All accessory structures greater than 120 square feet located on less than 20 acres require a building permit as per the residential accessory permit fees; and
- C. All accessory structures located on 20+ acres that are used for personal/residential storage require a building permit as per the residential accessory permit fees; and

IV. OTHER BUILDING ADMINISTRATION FEES

A. Wireless Telecommunication Structure

- | | |
|------------------|--------------------------|
| 1. New Structure | \$1,000.00 per structure |
| 2. Co-Location | \$300.00 per structure |

- | | |
|----------------------|---|
| B. Amusement Rides * | \$500.00 Application fee
+ ***Required inspections |
|----------------------|---|

***** See Inspection Fees for Commercial/Industrial/Multifamily Uses**

C. Signs

- | | |
|-------------------------------|----------|
| 1. Temporary or Portable Sign | \$ 50.00 |
| 2. All Other Signs | |

Square Feet

- | | |
|---------------|-----------|
| 0 to 100 | \$ 200.00 |
| 101 to 300 | \$ 350.00 |
| 301 to 1000 | \$ 750.00 |
| 1001 and over | \$ 950.00 |

D. Contractor Listing Fee

- | | |
|---|-----------|
| 1. Less than five (5) permits annually or less than 2,000 sq ft per job | \$ 75.00 |
| a. If listing is renewed within thirty (30) days of the expiration of the listing | \$ 50.00 |
| 2. Greater than five (5) permits annually or greater than 2,000 sq. ft. per job | \$ 250.00 |
| a. If listing is renewed within thirty (30) days of the expiration of the listing | \$ 200.00 |

E. Re-Inspection Fee **

(Payable prior to the inspection being done)

- | | |
|----------------------|-----------|
| 1. First Re-Inspect | \$ 50.00 |
| 2. Second Re-Inspect | \$ 100.00 |
| 3. Third Re-Inspect | \$ 200.00 |

F. Late Inspection Fee ***

(Payable prior to the inspection being done)

\$ 350.00

G. Stop Work Orders

- | | |
|---|---|
| 1. Permit Re-Instatement Fee | Minimum \$500.00 or Two (2) Times The Filing Fee Whichever is Greater |
| 2. Continued Construction After Stop Work Order | \$1000.00 1 st Day And Up To \$500.00 For Each Additional Day. |

H. Illegal Structures (Structures not being used for the use it was built for)	\$1000.00 1 st Day And Up To \$500.00 For Each Additional Day.
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I. Duplicate Permit/Certificate of Occupancy	\$ 20.00
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J. Addendum to Building Plans \$50.00 per addendum

K. Subsurface Drain Inspection \$25.00

L. Expedited Review Fee \$50.00

M. Expedited Inspection Fee \$260.00

* These inspections are for verification of compliance of design plans only and the County does not take any responsibility for the adequacy, safety, operation and maintenance of the ride.

**** Re-inspection fees are assessed when an additional inspection is required, which deviates from the normal sequence of inspections.**

***** Late inspection fees are assessed when there is no notification of inspection prior continuing with construction.**

V. MISCELLANEOUS PROVISIONS

- A. Any fee that is imposed by this ordinance that is not a fee required by a Federal or State statute or rule, may be waived or reduced by the Hendricks County Commissioners upon a finding that a waiver or reduction request would promote the public interest;
 - 1. All fee waiver or reduction requests shall be made in writing and submitted to the Hendricks County Planning and Building Department; and
 - 2. Each request shall be approved, approved with amendment or denied by the Hendricks County Commissioners during a public meeting of the Commissioners.
- B. **Board of Zoning Appeals and Plan Commission** applications and petitions shall be accompanied with the proper fee payment. Checks or money orders must be made payable to the Hendricks County Planning and Building Department;
- C. Until the applicable fees have been paid in full, no **permit** shall be **issued** by the Building Department; and
- D. All permit fees are tripled if construction is started before securing a building permit.

SECTION 4

MISCELLANEOUS FEES

A. Engineering Fees	
1. Erosion Control Fees/ Swale Damage	\$1000.00 + \$18.00 Per Lineal Foot
B. Subdivision Control Ordinance	\$ 30.00
C. Zoning Ordinance	\$ 40.00
D. 1998 Comprehensive Development Plan	\$ 40.00
E. Plan Commission/ BZA Rules of Procedure	\$ 10.00
F. Contractor Listing Ordinance	\$ 7.00
G. Annual Report	\$ 15.00
H. Returned Check Fee	\$ 25.00
I. Subdivision Inspection Fee	\$ 65.00 Per Hour

ALL PERMIT FEES ARE DUE AT TIME OF PERMIT ISSUANCE

ALL PERMITS ARE NONTRANSFERABLE

This Ordinance shall be in full force and effect from and after its passage and approval and publication according to law.

APPROVED, by the Board of Commissioners of Hendricks County, Indiana, this 18th day of May, 2004.

BOARD OF COMMISSIONERS

Linda Palmer-Ryser
Linda Palmer-Ryser, President

Sonya R. Cleveland
Sonya R. Cleveland, Vice-President

Steven L. Ostermeier, Member

ATTEST:

Nancy L. Marsh
Nancy L. Marsh
Auditor

ORDINANCE NO. 2004-24

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM R-A: SINGLE FAMILY (15,000) RESIDENTIAL DISTRICT TO MI: MAJOR INDUSTRIAL DISTRICT, COMMONLY KNOWN AS ZA-314/FR04-01: HELTON PROPERTIES LLC; FRANKLIN TOWNSHIP, PARCEL TOTALING 36.165 ACRES, LOCATED ON THE SOUTH SIDE OF U.S. HIGHWAY 40, APPROXIMATELY 0.26 MILE WEST OF COUNTY ROAD 400 WEST.

SECTION 1. Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (2001-24) adopted on the 5th day of November on the year 2001, be amended so as to include in the MI: Major Industrial District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA-314/FR04-01: Helton Properties, LLC, S14-T14N-R2W, 36.165 acres, Franklin Township, located on the south side of U.S. Highway 40, approximately 0.26 mile west of County Road 400 West.

SECTION 2. All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the 1st day of June, 2004.

Board of Commissioners

Linda A. Palmer-Ryser
Linda A. Palmer-Ryser, President

Sonya R. Cleveland
Sonya R. Cleveland, Vice-President

Steven L. Ostermeier
Steven L. Ostermeier, Member

Attest:

Nancy R. Marsh
Nancy Marsh, Auditor

ORDINANCE NO. 2004-25

**AN AMENDMENT TO THE HENDRICKS COUNTY ZONING ORDINANCE BY
AMENDING CHAPTER 58.10 OUTDOOR LIGHTING AND CHAPTER 2.02 DEFINITIONS**

WHEREAS, the Board of County Commissioners of Hendricks County, Indiana adopted the Hendricks County Zoning Ordinance on November 5, 2001 and which became effective November 5, 2001;

WHEREAS, the Hendricks County Area Plan Commission has recommended that the Zoning Ordinance be amended as to Chapter 58.10 Outdoor Lighting and Chapter 2.02 Definitions;

WHEREAS, the Hendricks County Area Plan Commission has conducted a public hearing on the proposed amendment (TZA04-07) and voted to forward a favorable recommendation to the County Commissioners;

WHEREAS, the Board of County Commissioners have received and reviewed the Plan Commission's report, have considered the Plan Commission's recommendations, and find that the adoption of the recommended amendment would promote the health, safety, and convenience of the people of Hendricks County; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HENDRICKS COUNTY, INDIANA AS FOLLOWS:

AMENDING 58.10 OUTDOOR LIGHTING TO READ AS FOLLOWS:

58.10 OUTDOOR LIGHTING

All areas containing outdoor lighting, including but not limited to floodlighting, security lighting, or parking lot lighting shall comply with the requirements of this Chapter.

A. Light Trespass

All areas containing outdoor lighting shall limit light spillage onto adjacent property, when measured at any point along a property line to the requirements set forth below. Compliance shall be achieved by utilizing fixture shielding, directional control designed into fixtures, fixture location, height, or aim, or a combination of these or other factors.

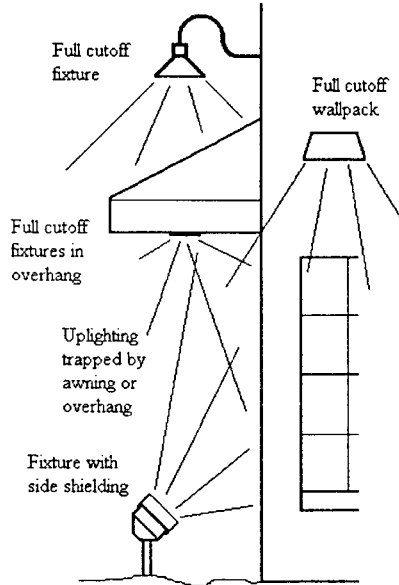
Adjoining Districts	Light Spillage Measured in Vertical Foot-Candles
AG, AG-B RA, RB, RC, RD, RE, RF NB, MHP, PUD-R	0.10
GB, OB, RD, TC, PUD-RC RSS, HB, WI, MI, PUD-CI Public right-of-way	0.30

B. Illumination of Buildings and Other Vertical Structures

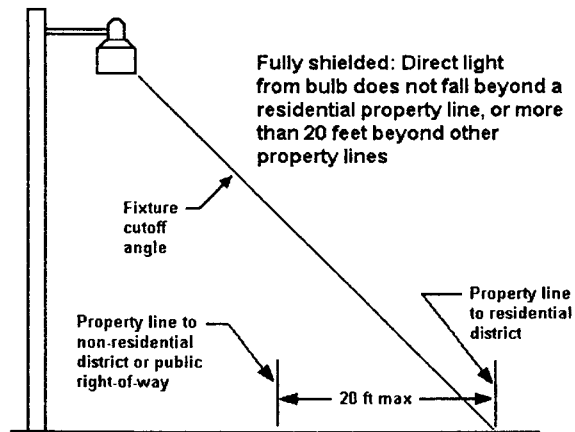
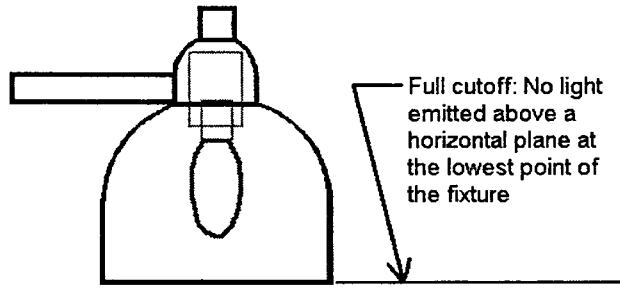
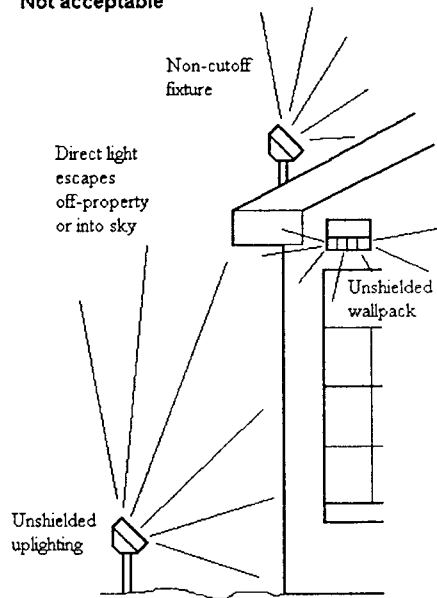
When buildings or other structures are illuminated, the design for the illumination must be in accordance with the following:

1. Lighting fixtures shall be located and/or aimed such that light is directed only onto the building surface. All fixtures used to illuminate buildings shall be fully shielded;
2. For statues, monuments, fountains, or other objects for which it may not be possible to reliably and consistently illuminate with downward lighting, upward lighting may be used only in the form of spotlights which confine the illumination to the object of interest; and
3. If upward lighting is used to illuminate flags, only spotlights shall be used; floodlights directed above the horizontal shall not be used to illuminate a flag.

Acceptable



Not acceptable



C. Parking Areas

1. All lighting fixtures serving parking lots shall be full cutoff fixtures.
2. The maximum average maintained illumination level for a parking lot shall be no more than 1.6 horizontal foot-candles at grade level, and the ratio of the average illumination to the minimum illumination shall not exceed 4:1.
3. Light fixtures located on the perimeter of parking lots and within 20 feet of a property line shall utilize IESNA Type IV forward throw optical distribution and/or "house-side" shielding to minimize light spillage with respect to that property line.
4. Light poles used in lots designed to contain 100 vehicles or less shall not exceed twenty (20) feet in height.

D. Lighting of Exterior Display or Open Sales Areas

1. Light fixtures serving areas designated as exterior display or open sales areas shall be full cutoff fixtures.
2. Areas designated as exterior display or open sales areas shall be illuminated so that the average maintained horizontal illumination at grade level does not exceed 4.0 foot-candles, and the ratio of average to minimum illumination shall not exceed 4:1. The average and minimum shall be computed for only that area designated as exterior display or open sales area.
3. Light fixtures located on the perimeter of display or sales areas and within 20 feet of a property line shall utilize IESNA Type IV forward throw optical distribution and/or "house-side" shielding to minimize light spillage with respect to that property line.

E. Lighting of Walkways, Bikeways, Parks and Playgrounds

Where special lighting is to be provided for walkways, bikeways, or parks, the following requirements shall apply:

1. The walkway, pathway, or ground area shall be illuminated to a level of no more than 0.5 average horizontal foot-candles;
2. The vertical illumination levels at a height of five (5) feet above grade shall be no more than 0.5 average vertical foot-candles; and
3. Lighting fixtures shall be designed to direct light downward, and the initial output of light sources shall not exceed one thousand (1,000) lumens.

F. Lighting of Canopies, Bays, and Loading and Unloading Spaces

1. The average maintained horizontal illumination shall not exceed fifteen (15) foot-candles, and the ratio of average to minimum illumination shall not exceed 4:1.
2. Areas used for parking or vehicle storage shall be illuminated in accordance with the requirements for Parking Lot Lighting.
3. Light fixtures mounted on or under canopy ceilings, in bays, and in loading and unloading spaces shall be full cutoff and fully shielded, unless indirect lighting is used whereby light is directed upward and then reflected down from the ceiling of the structure. In this case, light fixtures must be shielded so that direct illumination is focused exclusively on the ceiling of the structure.
4. Lights shall not be mounted on the top or sides of a canopy, and the sides of a canopy shall not be illuminated.
5. Lighting for drive-through bays must be fully shielded as if located outside

G. Outdoor Activity Facilities

1. Outdoor activity facilities may have unique lighting needs pertaining to the performing or playing area. A design plan for such a facility shall detail the lighting requirements of the performing or playing area and how unwanted glare, illumination of surrounding streets and properties, and nighttime atmospheric light pollution will be minimized.
2. Limits on light trespass appearing in 58.10 (A) of this Chapter apply to such outdoor facilities. If floodlighting is used in place of full cutoff fixtures, the center beam shall be aimed below the horizontal plane at an angle not less than $\frac{1}{2}$ the angular beam spread of the fixture. Glare shall be controlled by fixture design, location, and shielding, natural or positioned obstructions on the parcel where the facilities are located. Every such lighting system design and installation shall be certified by a registered engineer as conforming to all applicable restrictions of this Ordinance.

ORDINANCE NO. _____

3. Except for professional or amateur events covered by intrastate televised broadcast, thirty (30) foot-candle horizontal illumination of the playing field or performing area shall not be exceeded. Parking facilities, walkways, and other lighting applications associated with venues for the outdoor activities covered herein shall conform to the requirements specified in the sections of this Ordinance applicable to those lighting applications.

H. Street Lighting

Unless street light fixtures of a particular period or architectural style are used, all new, repaired or replaced street lighting, whether public or private, shall utilize full cutoff fixtures. If street light fixtures of a particular period or architectural style are used then all such fixtures shall meet the Illuminating Engineering Society of North America (IESNA) criteria for cutoff fixtures, and the maximum lumens generated by each fixture shall not exceed 2,000. In no case shall the resulting illumination exceed levels currently recommended by the IESNA in publication RP-8, American National Standard Practice for Roadway Lighting .

I. Neon Lighting

Light sources consisting of glass tubes filled with neon, argon, krypton, or other similar gas (hereafter referred to as "neon lighting") are excluded from shielding and line-of-sight requirements, however such lighting shall be included in the light trespass requirements of Paragraph A of this Chapter. For the purposes of this Ordinance, signs using neon lighting shall be considered internally illuminated signs and shall be subject to the requirements specified for internally illuminated signs. Neon lighting shall not be considered as security lighting.

J. Sign Illumination

1. Whenever an external artificial light source is used to illuminate a sign, such source shall be fully shielded. A receptacle or device housing a permitted light source shall be top mounted and directed below the horizontal, except for ground-mounted signs no higher than six (6) feet which may be illuminated with ground-mounted or bottom-mounted lighting fixtures.
2. The average level of illumination on the vertical surface of an externally illuminated sign shall not exceed thirty (30) foot-candles, unless permitted ground-mounted or bottom-mounted lighting fixtures are used in which case the average level of illumination on the vertical surface of the sign shall not exceed twenty (20) foot-candles. No exposed bulb or lamp shall be used on the exterior surface of any sign so as to expose the face of the bulb, light or lamp to any public right-of-way or adjacent property.
3. Internally illuminated signs constructed with an opaque or colored background and lighter contrasting text or symbols are preferred; such construction shall be required for internally illuminated signs within six hundred (600) feet of a Residential District. This section shall not apply to residential development identification signs, vending machines, telephone booths, time and temperature signs, or signs that do not exceed two (2) square feet in area. For the purposes of this ordinance, signs using neon lighting shall be considered internally illuminated signs and shall be subject to the requirements specified for internally illuminated signs, provided that there shall be no color restrictions on neon signs.

K. Other Outdoor Lighting

1. Outdoor lighting not otherwise specified in this Ordinance emitting more than 1200 lumens (except motion detector activated lighting) shall be full cutoff and fully shielded. Bulbs in outdoor light fixtures emitting from 600 to 1200 lumens may be installed in fixtures that are not full cutoff and may be visible from the property line, provided, however, such bulbs shall be frosted glass or covered by frosted glass or other similarly translucent material.
2. A spotlight or floodlight of less than 1800 lumens need not be full cutoff or fully shielded if its center beam is aimed at a point not beyond any property lines and no less than forty five (45) degrees below horizontal, is used for security lighting purposes only, and is motion detector activated and cycles off within five minutes after the cessation of motion within its field of view. Such security lighting shall not be activated by normal business or resident activity.
3. Tower or antenna lighting shall not be permitted unless required by the Federal Aviation Administration.

ORDINANCE NO. _____

4. The use of search lights, laser lighting, or lights that pulse, flash, rotate or simulate motion for advertising or promotions shall be reviewed by the plan commission or its staff unless prohibited by Sections 60.05-F and 60.05-K. In addition to other applicable requirements, such lighting, to be approved, must be for temporary promotional use as regulated by Section 60.04-H-3, or must be compatible with surrounding uses and consistent with other lighting and signage in the area.

L. Lighting Plan

Wherever a lighting plan is called for by this Ordinance, such plan shall include the following:

1. Lighting plan showing buildings, landscaping, parking areas, and the locations of all proposed exterior lighting fixtures, with designation of cutoff and/or shielded fixtures;
2. A description of the outdoor light fixtures which may include but is not limited to manufacturer's catalog cuts, photometric report with candela distribution, drawings, and shielding information;
3. Analysis and illuminance level diagrams showing that the proposed installation conforms to the lighting level standards in this Ordinance; and

M. Exceptions

1. The temporary use of low wattage or low voltage lighting for public festivals, celebrations, and the observance of holidays are exempt from this Ordinance except where they create a hazard or nuisance from glare. However, consideration to light trespass requirements shall be demonstrated prior to commencing the use of the temporary lighting.
2. Emergency lighting and traffic control lighting shall be exempt from the requirements of this Section.

N. Lights not Conforming to this Chapter

1. Authority to Continue

Any lawfully installed lighting fixture at the effective date of this Ordinance which does not conform to the provisions of this Chapter may continue provided the lighting remains in conformance with the provisions of this Subsection.

2. Ordinary Maintenance and Repair

Nothing in this Section shall relieve the owner or beneficial user of legal nonconforming lighting, or the owner of the property on which the legal nonconforming lighting is located, from the provisions of this Chapter regarding safety, maintenance, and repair. Normal maintenance, including replacing light bulbs, cleaning, or routine repair of legal nonconforming light fixtures, shall not be deemed to be a condition which triggers a loss of lawful status described below, unless such maintenance increases the nonconforming aspects of the lighting.

3. Loss of Lawful Status

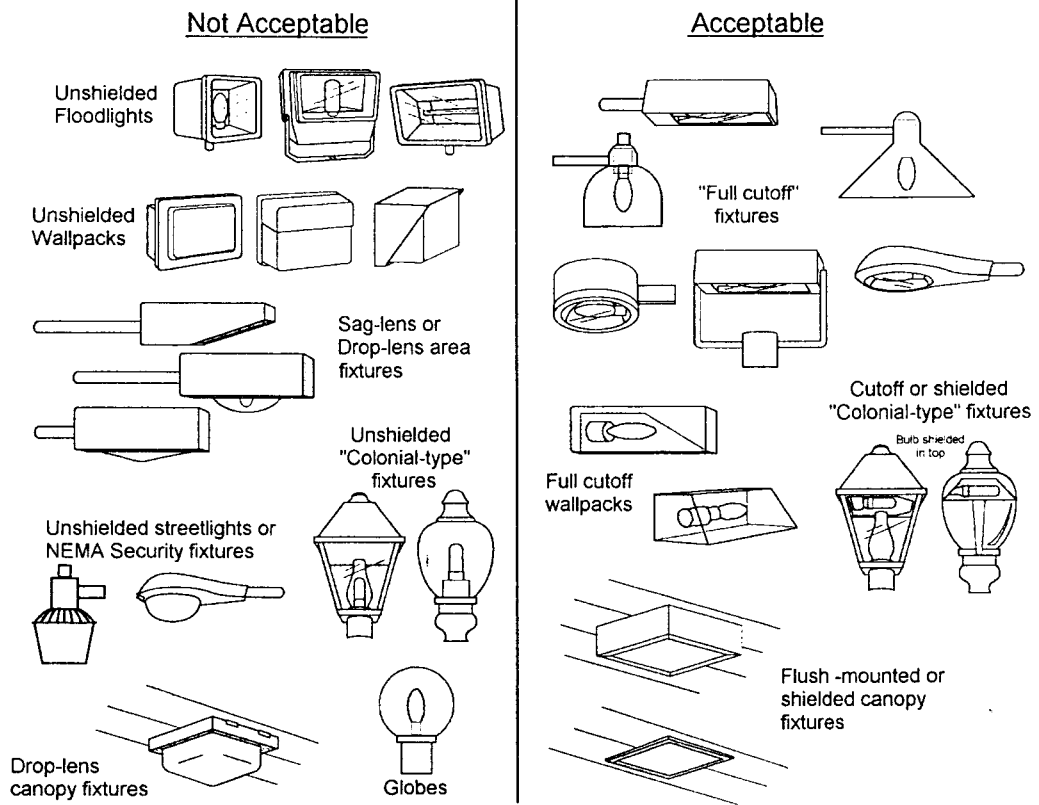
(a) Legal nonconforming status shall terminate under the following conditions:

- (1) if a light fixture is no longer used for a period of six (6) months it shall be deemed abandoned and shall not thereafter be reestablished; or
- (2) if a lighting fixture is structurally altered such that its nonconforming aspects increase; or
- (3) if a lighting fixture is relocated, replaced, or moved in any way; or the lighting fixture is damaged and the cost of repair exceeds fifty percent of its replacement value.

(b) Upon the event of any of the aforementioned, the lighting fixture(s) shall be immediately brought into compliance with this Chapter, or the lighting fixture(s) shall be removed.

4. Removal Pursuant to Public Order

Lighting found by a governmental agency to create public hazard can be ordered removed or altered at any time.



Definitions:

- 122. **FULL CUTOFF:** A light fixture which prevents distribution of light above a horizontal plane passing through the lowest point of the bulb or lens, diffuser, reflective enclosure, or other parts intended to distribute light.
- 123. **FULLY SHIELDED:** A fixture constructed, installed, and/or mounted so that a line of sight to the bulb is obstructed by an opaque material when viewed at ground level or above from all adjoining residential and public right-of-way property lines and from twenty (20) feet inside all other adjoining property lines.

ADD NEW DEFINITIONS:

- 123.a **HORIZONTAL FOOTCANDLES:** The amount of light striking a horizontal plane or surface.
- 123.b **VERTICAL FOOTCANDLES:** The amount of light striking a vertical plane or surface.
- 123.c **FIXTURE, LIGHT:** The assembly that holds the lamp (bulb) in a lighting system. It includes the elements that provide light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.

ORDINANCE NO. 2004-25

- 123.d FORWARD THROW: A type of light fixture designed to project the majority of emitted light forward in front of the fixture while minimizing light falling behind the fixture. Often referred to as IES Type IV light distribution pattern.
- 123.e HOUSE-SIDE (SHIELD): Lighting industry term for an internal or external shield installed on a light fixture designed to limit light spill and glare to off-property locations.

Approved by the Board of County Commissioners of Hendricks County, Indiana this 22nd day of

June, 2004.

Board of Commissioners

Linda Palmer-Ryser
Linda Palmer-Ryser, President

Sonya R. Cleveland
Sonya R. Cleveland, Vice-president

Steven L. Ostermeier
Steven L. Ostermeier, Member

ATTEST:

Nancy Marsh
Nancy Marsh, Auditor

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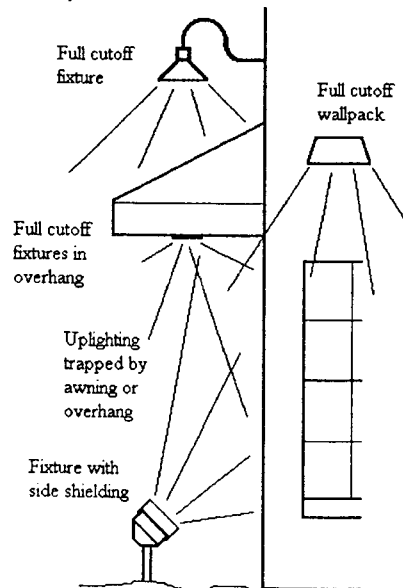
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GB, OB, RD, TC, PUD-RC RSS, HB, WI, MI, PUD-CI Public right-of-way	0.30

B. Illumination of Buildings and Other Vertical Structures

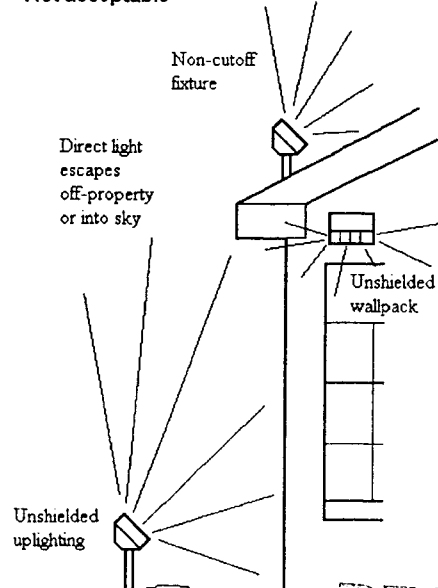
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Acceptable



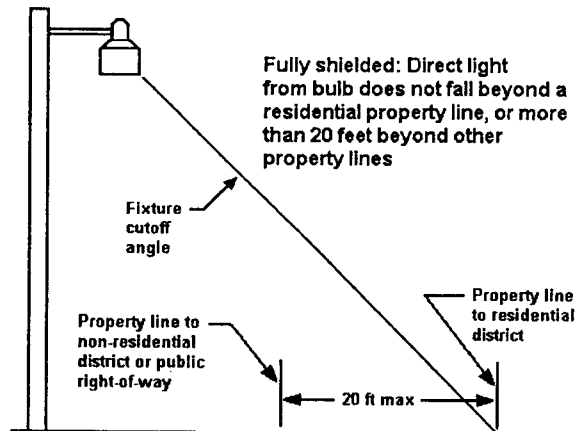
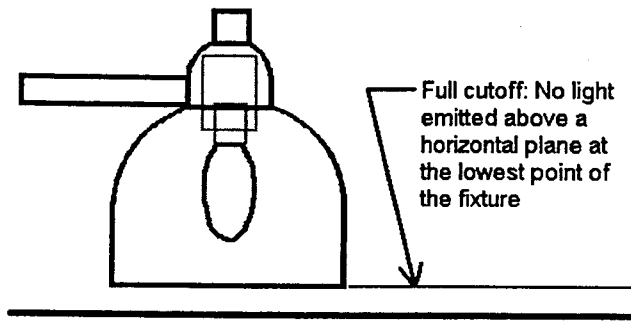
Not acceptable



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HENDRICKS COUNTY
COMMISSIONERS



C. Parking Areas

1. All lighting fixtures serving parking lots shall be full cutoff fixtures.
2. The maximum average maintained illumination level for a parking lot shall be no more than 1.6 horizontal foot-candles at grade level, and the ratio of the average illumination to the minimum illumination shall not exceed 4:1.
3. Light fixtures located on the perimeter of parking lots and within 20 feet of a property line shall utilize IESNA Type IV forward throw optical distribution and/or "house-side" shielding to minimize light spillage with respect to that property line.
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3. Lighting fixtures shall be designed to direct light downward, and the initial output of light sources shall not exceed one thousand (1,000) lumens.

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1. The average maintained horizontal illumination shall not exceed fifteen (15) foot-candles, and the ratio of average to minimum illumination shall not exceed 4:1.
2. Areas used for parking or vehicle storage shall be illuminated in accordance with the requirements for Parking Lot Lighting.
3. Light fixtures mounted on or under canopy ceilings, in bays, and in loading and unloading spaces shall be full cutoff and fully shielded, unless indirect lighting is used whereby light is directed upward and then reflected down from the ceiling of the structure. In this case, light fixtures must be shielded so that direct illumination is focused exclusively on the ceiling of the structure.
4. Lights shall not be mounted on the top or sides of a canopy, and the sides of a canopy shall not be illuminated.
5. Lighting for drive-through bays must be fully shielded as if located outside

G. Outdoor Activity Facilities

1. Outdoor activity facilities may have unique lighting needs pertaining to the performing or playing area. A design plan for such a facility shall detail the lighting requirements of the performing or playing area and how unwanted glare, illumination of surrounding streets and properties, and nighttime atmospheric light pollution will be minimized.
2. Limits on light trespass appearing in 58.10 (A) of this Chapter apply to such outdoor facilities. If floodlighting is used in place of full cutoff fixtures, the center beam shall be aimed below the horizontal plane at an angle not less than 1/2 the angular beam spread of the fixture. Glare shall be controlled by fixture design, location, and shielding, natural or positioned obstructions on the parcel where the facilities are located. Every such lighting system design and installation shall be certified by a registered engineer as conforming to all applicable restrictions of this Ordinance.
3. Except for professional or amateur events covered by intrastate televised broadcast, thirty (30) foot-candle horizontal illumination of the playing field or performing area shall not be exceeded. Parking facilities, walkways, and other lighting applications associated with venues for the outdoor activities covered herein shall conform to the requirements specified in the sections of this Ordinance applicable to those lighting applications.

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Unless street light fixtures of a particular period or architectural style are used, all new, repaired or replaced street lighting, whether public or private, shall utilize full cutoff fixtures. If street light fixtures of a particular period or architectural style are used then all such fixtures shall meet the Illuminating Engineering Society of North America (IESNA) criteria for cutoff fixtures, and the maximum lumens generated by each fixture shall not exceed 2,000. In no case shall the resulting illumination exceed levels currently recommended by the IESNA in publication RP-8, American National Standard Practice for Roadway Lighting .

I. Neon Lighting

Light sources consisting of glass tubes filled with neon, argon, krypton, or other similar gas (hereafter referred to as "neon lighting") are excluded from shielding and line-of-sight requirements, however such lighting shall be included in the light trespass requirements of Paragraph A of this Chapter. For the purposes of this Ordinance, signs using neon lighting shall be considered internally illuminated signs and shall be subject to the requirements specified for internally illuminated signs. Neon lighting shall not be considered as security lighting.

J. Sign Illumination

1. Whenever an external artificial light source is used to illuminate a sign, such source shall be fully shielded. A receptacle or device housing a permitted light source shall be top mounted and directed below the horizontal, except for ground-mounted signs no higher than six (6) feet which may be illuminated with ground-mounted or bottom-mounted lighting fixtures.
2. The average level of illumination on the vertical surface of an externally illuminated sign shall not exceed thirty (30) foot-candles, unless permitted ground-mounted or bottom-mounted lighting fixtures are used in which case the

average level of illumination on the vertical surface of the sign shall not exceed twenty (20) foot-candles. No exposed bulb or lamp shall be used on the exterior surface of any sign so as to expose the face of the bulb, light or lamp to any public right-of-way or adjacent property.

3. Internally illuminated signs constructed with an opaque or colored background and lighter contrasting text or symbols are preferred; such construction shall be required for internally illuminated signs within six hundred (600) feet of a Residential District. This section shall not apply to residential development identification signs, vending machines, telephone booths, time and temperature signs, or signs that do not exceed two (2) square feet in area. For the purposes of this ordinance, signs using neon lighting shall be considered internally illuminated signs and shall be subject to the requirements specified for internally illuminated signs, provided that there shall be no color restrictions on neon signs.

K. Other Outdoor Lighting

1. Outdoor lighting not otherwise specified in this Ordinance emitting more than 1200 lumens (except motion detector activated lighting) shall be full cutoff and fully shielded. Bulbs in outdoor light fixtures emitting from 600 to 1200 lumens may be installed in fixtures that are not full cutoff and may be visible from the property line, provided, however, such bulbs shall be frosted glass or covered by frosted glass or other similarly translucent material.
2. A spotlight or floodlight of less than 1800 lumens need not be full cutoff or fully shielded if its center beam is aimed at a point not beyond any property lines and no less than forty five (45) degrees below horizontal, is used for security lighting purposes only, and is motion detector activated and cycles off within five minutes after the cessation of motion within its field of view. Such security lighting shall not be activated by normal business or resident activity.
3. Tower or antenna lighting shall not be permitted unless required by the Federal Aviation Administration.
4. The use of search lights, laser lighting, or lights that pulse, flash, rotate or simulate motion for advertising or promotions shall be reviewed by the plan commission or its staff unless prohibited by Sections 60.05-F and 60.05-K. In addition to other applicable requirements, such lighting, to be approved, must be for temporary promotional use as regulated by Section 60.04-H-3, or must be compatible with surrounding uses and consistent with other lighting and signage in the area.

L. Lighting Plan

Wherever a lighting plan is called for by this Ordinance, such plan shall include the following:

1. Lighting plan showing buildings, landscaping, parking areas, and the locations of all proposed exterior lighting fixtures, with designation of cutoff and/or shielded fixtures;
2. A description of the outdoor light fixtures which may include but is not limited to manufacturer's catalog cuts, photometric report with candela distribution, drawings, and shielding information;
3. Analysis and illuminance level diagrams showing that the proposed installation conforms to the lighting level standards in this Ordinance; and

M. Exceptions

1. The temporary use of low wattage or low voltage lighting for public festivals, celebrations, and the observance of holidays are exempt from this Ordinance except where they create a hazard or nuisance from glare. However, consideration to light trespass requirements shall be demonstrated prior to commencing the use of the temporary lighting.
2. Emergency lighting and traffic control lighting shall be exempt from the requirements of this Section.

N. Lights not Conforming to this Chapter

1. Authority to Continue

Any lawfully installed lighting fixture at the effective date of this Ordinance which does not conform to the provisions of this Chapter may continue provided the lighting remains in conformance with the provisions of this Subsection.

2. Ordinary Maintenance and Repair

Nothing in this Section shall relieve the owner or beneficial user of legal nonconforming lighting, or the owner of the property on which the legal nonconforming lighting is located, from the provisions of this Chapter regarding safety, maintenance, and repair. Normal maintenance, including replacing light bulbs, cleaning, or routine repair of legal nonconforming light fixtures, shall not be deemed to be a condition which triggers a loss of lawful status described below, unless such maintenance increases the nonconforming aspects of the lighting.

3. Loss of Lawful Status

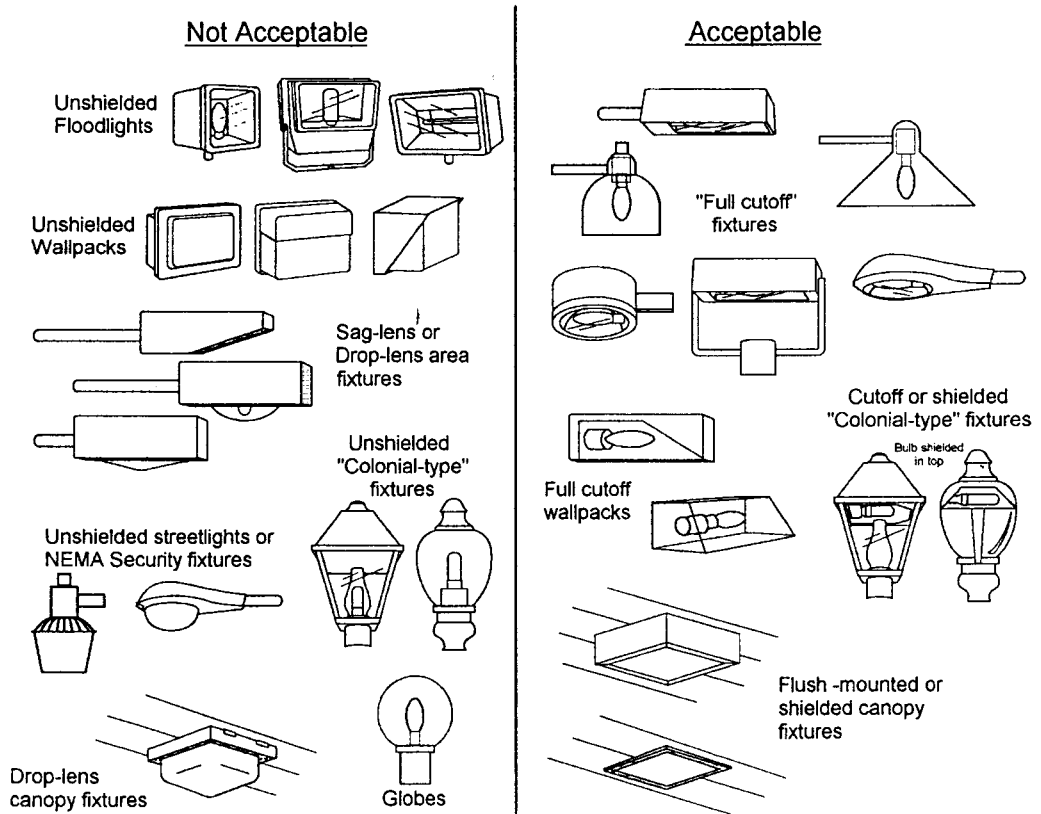
(a) Legal nonconforming status shall terminate under the following conditions:

- (1) if a light fixture is no longer used for a period of six (6) months it shall be deemed abandoned and shall not thereafter be reestablished; or
- (2) if a lighting fixture is structurally altered such that its nonconforming aspects increase; or
- (3) if a lighting fixture is relocated, replaced, or moved in any way; or the lighting fixture is damaged and the cost of repair exceeds fifty percent of its replacement value.

(b) Upon the event of any of the aforementioned, the lighting fixture(s) shall be immediately brought into compliance with this Chapter, or the lighting fixture(s) shall be removed.

4. Removal Pursuant to Public Order

Lighting found by a governmental agency to create public hazard can be ordered removed or altered at any time.



Definitions:

122. FULL CUTOFF: A light fixture which prevents distribution of light above a horizontal plane passing through the lowest point of the bulb or lens, diffuser, reflective enclosure, or other parts intended to distribute light.
123. FULLY SHIELDED: A fixture constructed, installed, and/or mounted so that a line of sight to the bulb is obstructed by an opaque material when viewed at ground level or above from all adjoining residential and public right-of-way property lines and from twenty (20) feet inside all other adjoining property lines.

ADD NEW DEFINITIONS:

HORIZONTAL FOOTCANDLES: The amount of light striking a horizontal plane or surface.

VERTICAL FOOTCANDLES: The amount of light striking a vertical plane or surface.

FIXTURE, LIGHT: The assembly that holds the lamp (bulb) in a lighting system. It includes the elements that provide light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.

FORWARD THROW: A type of light fixture designed to project the majority of emitted light forward in front of the fixture while minimizing light falling behind the fixture. Often referred to as IES Type IV light distribution pattern.

HOUSE-SIDE (SHIELD): Lighting industry term for an internal or external shield installed on a light fixture designed to limit light spill and glare to off-property locations.

ORDINANCE NO. 2004-26

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM R-A: SINGLE FAMILY (15,000) RESIDENTIAL DISTRICT TO COMMERCIAL/INDUSTRIAL PUD: PLANNED UNIT DEVELOPMENT, COMMONLY KNOWN AS ZA-311/WA04-01: WASHINGTON TOWNSHIP COMMERCIAL/INDUSTRIAL PUD; 1072 ACRES, WASHINGTON TOWNSHIP, LOCATED SOUTH OF COUNTY ROAD 100 SOUTH, NORTH OF COUNTY ROAD 200 SOUTH, WEST OF COUNTY ROAD 1050 EAST, EAST OF COUNTY ROAD 900 EAST AND A HALF MILE WEST OF COUNTY ROAD 900 EAST.

SECTION 1. Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (2001-24) adopted on the 5th day of November on the year 2001, be amended so as to include in the Commercial/Industrial PUD: Planned Unit Development, the following described real estate:

Beginning at a point where the south right-of-way line of County Road 100 S is intersected by the centerline of Section 13, Township 15N, Range 1E, and commencing eastward on and along said south right-of-way line a distance of 7,699 feet to a point on the northwest corner of Lot number 1 of Minor Plat 209. Thence, southward a distance of 1,345 feet on and along the western property line of said Minor Plat 209 and on and along the western property lines of Lots numbered 1-7 of Ashford Estates to a point on the southwest corner of said Lot number 7. Thence, eastward a distance of 1,095 feet on and along the southern property lines of Lots numbered 7, 8, 26, & 27 of Ashford Estates to a point on the southeast corner of said Lot number 26. Thence, continuing eastward a distance of 787 feet on and along an extension of aforesaid line to a point on the southwest corner of Lot number 5 of Six Points Estates. Thence, eastward a distance of 332 feet on and along the southern property line of said Lot number 5 to a point on the west right-of-way line of County Road 1050 E. Thence, southward a distance of 2,259 feet on and along said west right-of-way line to a point on the northeast corner of Parcel # 12-4-17-52E-300-006. Thence, westward a distance of 463 feet on and along the northern property line of said parcel to a point on the northeast corner of Minor Plat 603. Thence continuing westward a distance of 866 feet on and along the northern property line of Minor Plat 603 to a point on the northwest corner of said Minor Plat. Thence, southward a distance of 229 feet on and along the western property line to a point on the southwest corner of said Minor Plat. Thence continuing southward a distance of 1,151 feet on and along an extension of the aforementioned west property line to a point on the northeast corner of Parcel # 12-4-17-52E-300-018. Thence, westward a distance of 411 feet on and along the northern property line of said Parcel and on and along an extension thereof to a point on the northwest corner of Minor Plat 215. Thence, southward a distance of 368 feet on and along the western property line of said Minor Plat to a point on the north right-of-way line of County Road 200 S. Thence, westward on and along said right-of-way line a distance of 8,170 feet to a point where said right-of-way line is intersected by the centerline of Section 13, Township 15N, Range 1E. Thence, northward a distance of 5,344 feet on and along said Section 13 centerline to the place of beginning.

The calculated acreage for all parcels inclusive of this boundary totals 1,072 acres.

Existing land records were compiled to create this description and while reasonable accuracy has been maintained, it is noted that the distances set forth are not exact measurements and may differ from distances recorded in deeds and plats, or derived from staked surveys;

located in the County of Hendricks, Indiana, namely: ZA-311/WA04-01: Washington Township Commercial/Industrial PUD, 1072 acres, Washington Township, located south of County Road 100 South, north of County Road 200 South, west of County Road 1050 East, east of County Road 900 East and a half mile west of County Road 900 East.

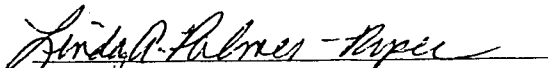
SECTION 2. All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

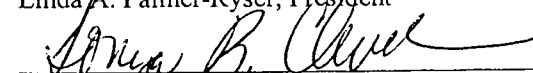
SECTION 3. As inducement for this Zoning Map Amendment, all terms and conditions found in "Exhibit A," attached hereto and made a part hereof, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt Exhibit "A" as a part of this Ordinance.

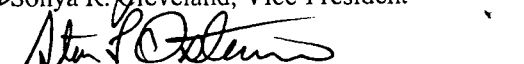
SECTION 4. This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the
6th day of July, 2004.

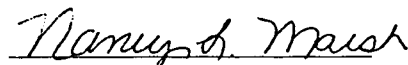
Board of Commissioners


Linda A. Palmer-Ryser, President


Sonya R. Cleveland, Vice-President


Steven L. Ostermeier, Member

Attest:


Nancy Marsh, Auditor

ORDINANCE NO. 2004-27

AN AMENDMENT TO THE HENDRICKS COUNTY ZONING ORDINANCE BY
AMENDING CHAPTER 2, CHAPTER 14 AND CHAPTER 58

WHEREAS, the Board of County Commissioners of Hendricks County, Indiana adopted the Hendricks County Zoning Ordinance on November 5, 2001 and which became effective November 5, 2001; and

WHEREAS, the Hendricks County Area Plan Commission has recommended that the Zoning Ordinance be amended as to Chapter 2 – 2.02 DEFINITIONS by adding (14) AIRPORT, PRIVATE USE AND (15) AIRPORT, PUBLIC USE;

WHEREAS, the Hendricks County Area Plan Commission has recommended that the Zoning Ordinance be amended as to Chapter 14 by adding Section 14.04 (R) AIRPORT, PRIVATE USE;

WHEREAS, the Hendricks County Area Plan Commission has recommended that the Zoning Ordinance be amended as to Chapter 58 by adding Section 58.13 AIRPORT, PRIVATE USE DEVELOPMENT STANDARDS;

WHEREAS, the Hendricks County Area Plan Commission has conducted a Public Hearing on the proposed amendment TZA04-08 and voted to forward a favorable recommendation to the County Commissioners;

WHEREAS, the County Commissioners have received and reviewed the Plan Commission's report, have considered the Plan Commission's recommendations, and find that the adoption of the recommended amendments would promote the health, safety and convenience of the people of Hendricks County; and

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HENDRICKS COUNTY, INDIANA AS FOLLOWS:

Chapter 2 – Definitions

Add:

2.02 (14.) AIRPORT, PRIVATE USE: An airport that is for the exclusive use of the owner or other persons specifically authorized by the owner.

2.02 (15.) AIRPORT, PUBLIC USE: An airport, whether privately or publicly owned, which the owner or persons having a right of access and control invite, encourage or allow flight operations by the general public without prior authorization, and which usually has commercial operations.

All definitions in Section 2.02 will be renumbered accordingly.

Chapter 14 – “RA” Single Family (15,000) Residential District

Add:

14.04 SPECIAL EXCEPTION USES PERMITTED

R. AIRPORT, PRIVATE USE, pursuant to standards set forth in Chapter 58.

Chapter 58 – Supplementary Regulations

Add:

58.13 AIRPORT, PRIVATE USE DEVELOPMENT STANDARDS

- A. Twenty (20) acre minimum lot size required;
- B. Such use shall be classified as an accessory use to a single family residence;
- C. No structures, in relation to the airport, shall exceed forty (40) feet in height;
- D. Twenty-five (25) foot minimum side and rear yard set back;
- E. No structures, in relation to the airport, shall be placed in a front yard; and
- F. All applicable State and Federal Aviation guidelines must be met.

APPROVED by the Board of Commissioners of Hendricks County, Indiana this 20th day of July, 2004

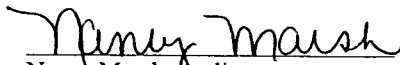
Board of Commissioners:


Linda Palmer-Ryser, President


Sonya Cleveland, Vice President


Steven L. Ostermeier

ATTEST:


Nancy Marsh, Auditor

ORDINANCE NO. 2004-28

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM GB: GENERAL BUSINESS DISTRICT TO RB: SINGLE FAMILY (12,500) RESIDENTIAL DISTRICT COMMONLY KNOWN AS ZA-316/FR04-01: ROY AND RUTH HAMPTON; FRANKLIN TOWNSHIP, PARCEL TOTALING 0.20 ACRES, LOCATED ON THE NORTHEAST CORNER OF U.S. HIGHWAY 40 AND HARRISON STREET IN THE TOWN OF STILESVILLE.

SECTION 1. Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (2001-24) adopted on the 5th day of November on the year 2001, be amended so as to include in the RB: Single Family (12,500) Residential District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA-316/FR04-01: Roy and Ruth Hampton, S22-T14N-R2W, 0.20 acres, Franklin Township, located on the northeast corner of U.S. Highway 40 and Harrison Street in the Town of Stilesville.

SECTION 2. All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the 23rd day of July, 2004.

Board of Commissioners

Linda A. Palmer-Ryser
Linda A. Palmer-Ryser, President

Sonya R. Cleveland, Vice-President

Steven L. Ostermeier
Steven L. Ostermeier, Member

Attest:

Nancy Marsh
Nancy Marsh, Auditor

AN AMENDMENT TO THE HENDRICKS COUNTY ZONING ORDINANCE BY AMENDING
CHAPTER 2 – 2.02 DEFINITIONS (153.) AND (154.)

WHEREAS, the Board of County Commissioners of Hendricks County, Indiana adopted the Hendricks County Zoning Ordinance on November 5, 2001 and which became effective on November 5, 2001;

WHEREAS, the Hendricks County Area Plan Commission has recommended that the Zoning Ordinance be amended as to Chapter 2 – 2.02 Definitions (153.) KENNEL and (154.) KENNEL, PRIVATE;

WHEREAS, the Hendricks County Area Plan Commission has conducted a public hearing on the proposed amendment (TZA-04-09) and voted to forward a favorable recommendation to the County Commissioners;

WHEREAS, the County Commissioners have received and reviewed the Plan Commission's report, have considered the Plan Commission's recommendations, and find that the adoption of the recommended amendment would promote the health, safety and convenience of the people of Hendricks County; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HENDRICKS COUNTY, INDIANA AS FOLLOWS:

Chapter 2 – Definitions

Amend:

2.02(153.) KENNEL, COMMERCIAL: An establishment licensed to operate a facility housing domestic animals such as, but not limited to, dogs or cats, and where activities including, but not limited to, grooming, breeding, boarding, training or selling of animals are conducted as a business.

2.02(154.) KENNEL, PRIVATE: Any building or land designated or arranged for the care of more than a combined total of eight (8) dogs and/or cats, and limited further to a maximum of four (4) dogs and a maximum of four (4) cats, six (6) months of age or older, belonging to the owner of the principal use, kept for the purposes of personal enjoyment as pets, all of which have been sterilized (spayed or neutered) or more than a combined total of three (3) dogs and/or cats, six (6) months of age or older, belonging to the owner of the principal use, kept for the purposes of personal enjoyment as pets, that have not been sterilized.

APPROVED by the Board of Commissioners of Hendricks County, Indiana this 27th day of July, 2004

BOARD OF COMMISSIONERS

Linda Palmer-Ryser
Linda Palmer-Ryser, President

Sonya R. Cleveland
Sonya Cleveland, Vice President

Steven L. Ostermeier
Steven L. Ostermeier

ATTEST:

Nancy D. Marsh
Nancy Marsh, Auditor

ORDINANCE NO. 2004-31

ORDINANCE VACATING PUBLIC ALLEYWAYS

BE IT ORDAINED by the County of Hendricks, Indiana, that:

WHEREAS, Richard A. Noah and Deborah E. Noah, have filed a Petition to Vacate a certain Alleyway with the Clerk of the Board of Commissioners of Hendricks County, Indiana, pursuant to statute; and

WHEREAS, notice has been given by certified mail, return receipt requested, to each owner of the land that abuts the property proposed to be vacated; and

WHEREAS, notice of publication has been given as prescribed by I.C. 5-3-1, and the proof of publication having been filed with the Clerk of the Board of Commissioners of Hendricks County, Indiana; and

WHEREAS, the Board of Commissioners of Hendricks County, Indiana, having held a public hearing on such "Petition to Vacate Alleyways" on Tuesday, August 17, 2004 at 9:30 a.m.; and

WHEREAS, after reviewing all of the pertinent facts relative to the request of the "Petition to Vacate Alleyways" and all interested persons having had an opportunity to be heard at the public hearing;

NOW, THEREFORE, by the powers vested in the Board of Commissioners of Hendricks County, Indiana, pursuant to I.C. 36-7-3-12, is hereby ordered and ordained that the relief requested in said "Petition to Vacate Alleyways" is now granted.

IT IS, THEREFORE, ORDERED AND ORDAINED that the following alleyway heretofore platted be, and the same are hereby vacated which alleyway is more particularly described as follows, to-wit:

A certain alleyway lying north of Lots 19 and 20 in Carter's Addition to the Town of Clayton, Hendricks County, Indiana.

IT IS FURTHER ORDAINED AND ORDERED that the Clerk of the Board of Commissioners of Hendricks County, Indiana, shall furnish a copy of this Ordinance to the County Recorder for recording, and to the County Auditor, all pursuant to the provisions of I.C. 36-7-3-12.

THIS ORDINANCE ADOPTED THIS 17th DAY OF August, 2004.


BOARD OF COMMISSIONERS OF
HENDRICKS COUNTY, INDIANA


SONYA B. CLEVELAND

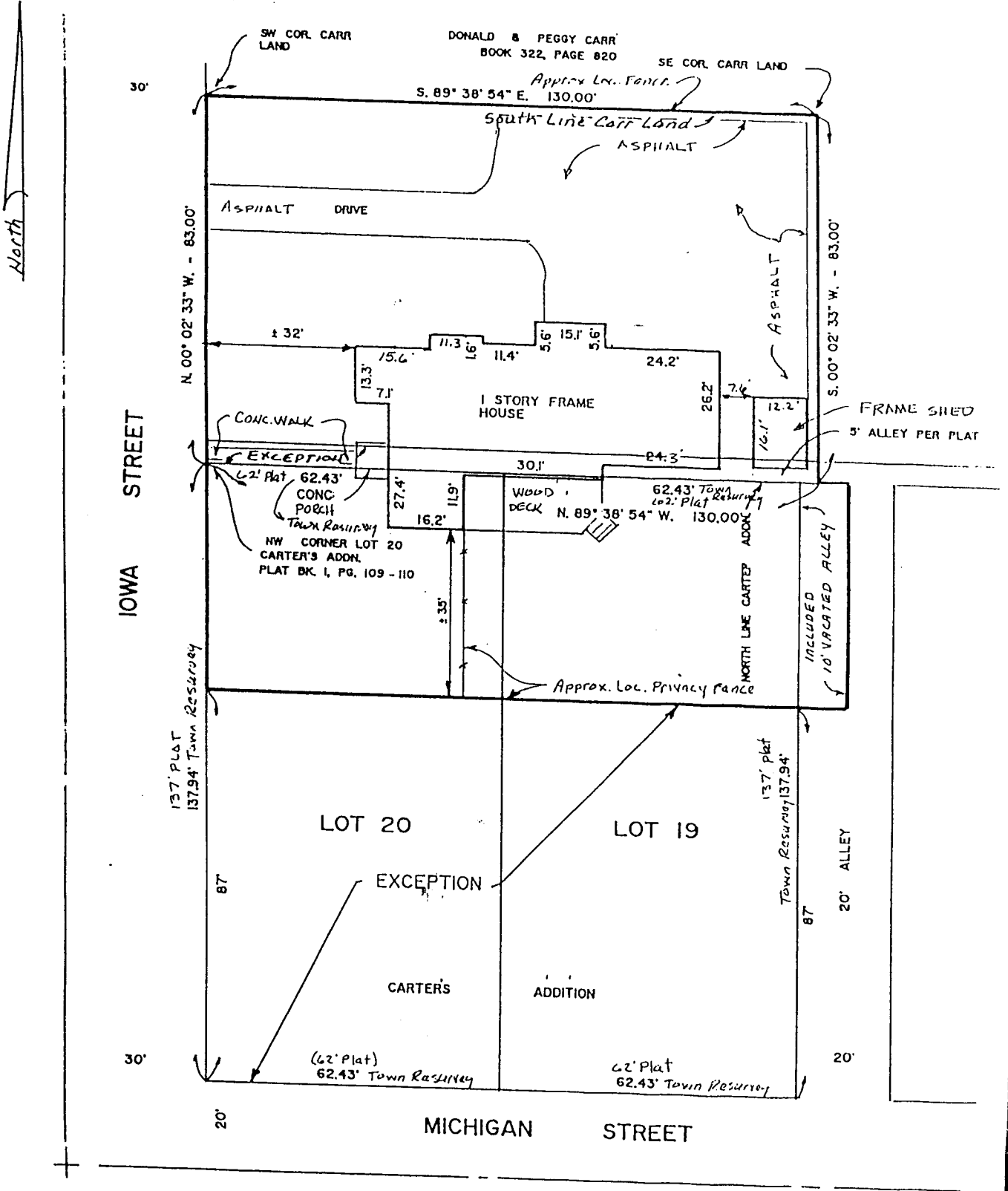

STEVEN L. OSTERMEIER


LINDA PALMER-RYSER

ATTESTED BY:


CLERK OF THE BOARD OF
COMMISSIONERS OF HENDRICKS COUNTY

HIGBIE LAND SURVEYING
P. O. BOX 427
DANVILLE, INDIANA 46122
TELEPHONE: (317) 745-2822
FAX: (317) 745-9008



HOUSE APPEARS TO ENCRDACH 5' ALLEY
Asphalt Drive APPEARS TO BE CLOSE TO NORTH PL.

SEE SHEET 3 FOR NOTES

Original Petition
w/ Drawing
Neal
@ Part if you
have question
745-4300

PETITION TO VAC.

COMES NOW, Richard A. Noah and Deborah E. Noah, husband and wife, pursuant to I.C.36-7-3-12 and states

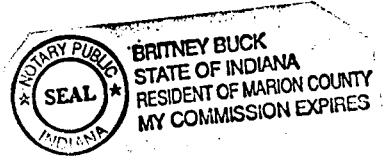
he following:

1. That Richard A. Noah and Deborah E. Noah, husband and wife are the owners of Lots 19 and 20 in Carter's Addition to the Town of Clayton, Hendricks County, Indiana.
2. That a certain alleyway lies north of Lots 19 and 20 in the Original Town of Clayton, Hendricks County, Indiana, as shown on the attached drawing.
Carter's Addition in
3. That Petitioner requests that said alleyway referenced above be vacated.
4. That the alleyway is not used as a public thoroughfare and has never been improved for such; in fact, the Petitioner's home is located on the alleyway and the home is approximately 100 years old.
5. That said alleyway is not now and never has been used in the past by any of the abutting owners or the public in general, nor is the same required for use by the public in general or any adjacent owner of ingress or egress, or for any purpose whatsoever.

WHEREFORE your Petitioner prays that a hearing be had on the Petition within 30 days of receipt thereof, and, upon review of the same, that the Hendricks County Board of Commissioners enter an Order vacating said alleyway as herebefore described.

Richard A. Noah
Richard A. Noah, Petitioner

Deborah E. Noah
Deborah E. Noah, Petitioner



STATE OF INDIANA)
) SS:
COUNTY OF HENDRICKS)

Before me, a Notary Public in and for said County and State, personally appeared, Richard A. Noah and Deborah E. Noah, husband and wife, who acknowledged the execution of the foregoing instrument, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 30th day of June, 2004.

Britney Buck
Notary Public - Signature

My Commission Expires: 10/2008

Notary Public - Printed Name
Resident of MARION County

This instrument was prepared by Lee T. Comer, Attorney-at-Law, 71 West Marion Street, P.O. Box 207, Danville, IN 46122, telephone: (317) 745-4300.

THE ABSTRACT & TITLE GUARANTY CO., INC

MEMBER INDIANA LAND TITLE ASSOCIATION AND AMERICAN LAND TITLE ASSOCIATION

71 West Marion Street

P.O.Box 207

DANVILLE, INDIANA 46122

LEE T. COMER, PRESIDENT

PHONE (317)-745-4300

FAX; (317)-745-3029

E-MAIL: abstract-title.com

DATE: 7-26-04

TO: Judy

FROM: Brenda

RE: Aug 17 hearing date

NUMBER OF PAGES (including cover sheet) 2

MEMO:

RECEIVED

JUL 26 2004

HENDRICKS COUNTY
COMMISSIONERS

Please call (317-745-4300 if you have any problems with this transmission.

IMPORTANT NOTE: THE INFORMATION CONTAINED IN THIS MESSAGE IS CONFIDENTIAL INFORMATION, INTENDED ONLY FOR THE USE OF THE RECIPIENT. YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE UNITED STATES POSTAL SERVICE.

August 17

PETITION TO VACATE ALLEYWAY

COMES NOW, Richard A. Noah and Deborah E. Noah, husband and wife, pursuant to I.C.36-7-3-12 and states

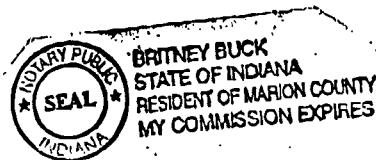
the following:

1. That Richard A. Noah and Deborah E. Noah, husband and wife are the owners of Lots 19 and 20 in Carter's Addition to the Town of Clayton, Hendricks County, Indiana.
2. That a certain alleyway lies north of Lots 19 and 20 in the Original Town of Clayton, Hendricks County, Indiana, as shown on the attached drawing.
3. That Petitioner requests that said alleyway referenced above be vacated.
4. That the alleyway is not used as a public thoroughfare and has never been improved for such; in fact, the Petitioner's home is located on the alleyway and the home is approximately 100 years old.
5. That said alleyway is not now and never has been used in the past by any of the abutting owners or the public in general, nor is the same required for use by the public in general or any adjacent owner of ingress or egress, or for any purpose whatsoever.

WHEREFORE your Petitioner prays that a hearing be had on the Petition within 30 days of receipt thereof, and, upon review of the same, that the Hendricks County Board of Commissioners enter an Order vacating said alleyway as heretofore described.

Richard A. Noah
Richard A. Noah, Petitioner

Deborah E. Noah
Deborah E. Noah, Petitioner



STATE OF INDIANA

COUNTY OF HENDRICKS

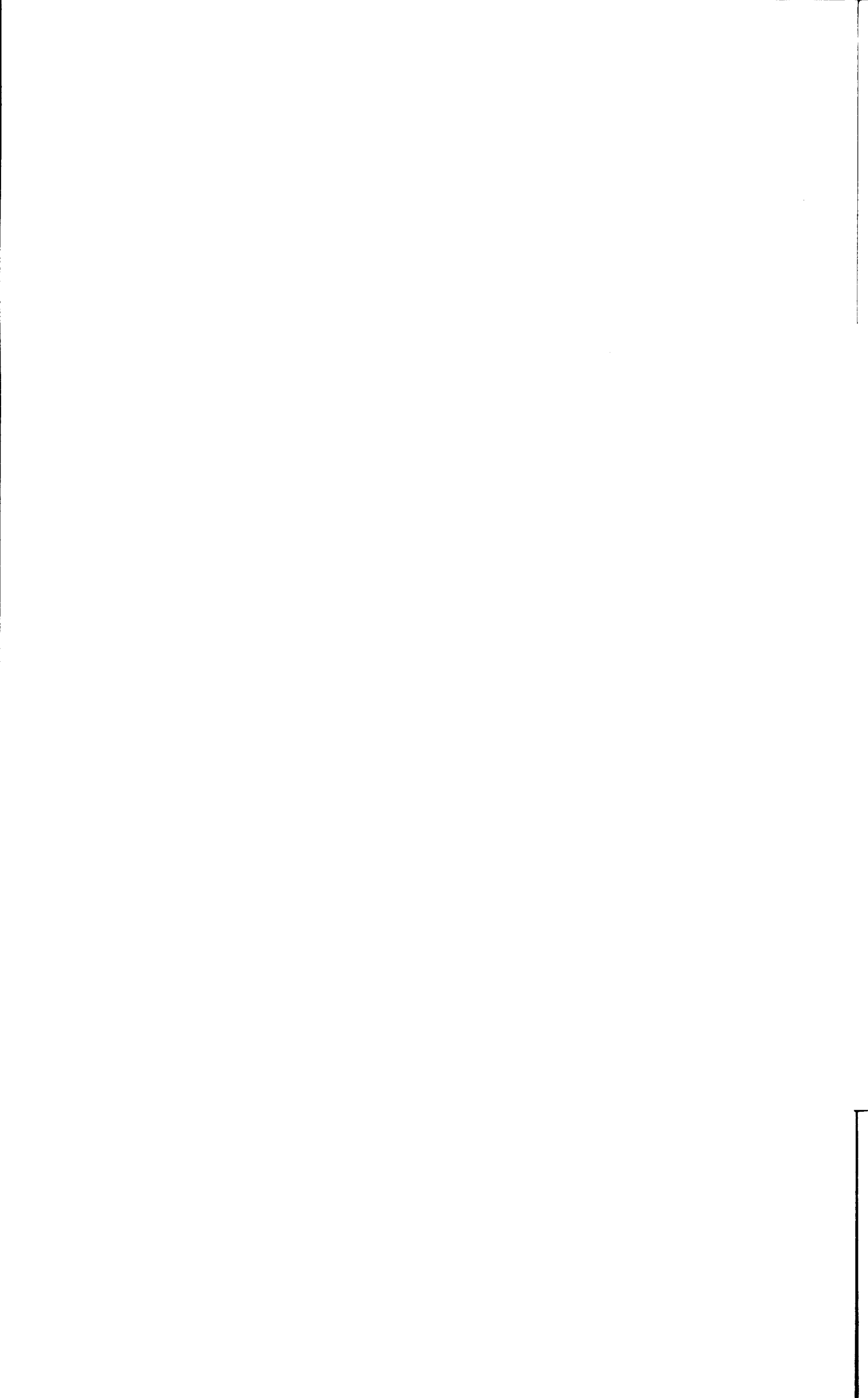
)
) SS:
)

Before me, a Notary Public in and for said County and State, personally appeared, Richard A. Noah and Deborah E. Noah, husband and wife, who acknowledged the execution of the foregoing instrument, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 30th day of June, 2004.
Britney Buck
Notary Public - Signature

My Commission Expires:

Notary Public - Printed Name
Resident of MARION County



ORDINANCE NO. 2004-52

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM R-A: SINGLE FAMILY (20,000) RESIDENTIAL DISTRICT TO R-F: MULTI-FAMILY RESIDENTIAL DISTRICT, COMMONLY KNOWN AS ZA-313/LN04-01: DAVID B. KLAIN; LINCOLN TOWNSHIP, PARCEL TOTALING 11.51 ACRES, LOCATED ON THE WEST SIDE OF COUNTY LINE ROAD, APPROXIMATELY 0.25 MILE NORTH OF U.S. HIGHWAY 136.

SECTION 1. Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (2001-24) adopted on the 5th day of November on the year 2001, be amended so as to include in the R-F: Multi-Family Residential District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA-313/LN04-01: David B. Klain, S20-T16N-R2E, 11.51 acres, Lincoln Township, located on the west side of County Line Road, approximately 0.25 mile north of U.S. Highway 136.

SECTION 2. As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA-313/LN04-01: David B. Klain and in the "Findings of Fact" as well as the "Development Commitment Recording Form" attached hereto and made a part hereof, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt said Findings of Fact and Development Commitment Recording Form as a part of this Ordinance.

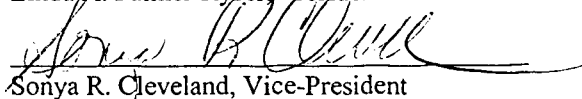
SECTION 3. All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

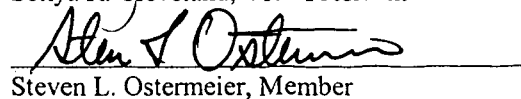
SECTION 4. This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the 28th day of September, 2004.

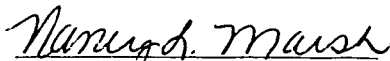
Board of Commissioners


Linda A. Palmer-Ryser, President


Sonya R. Cleveland, Vice-President


Steven L. Ostermeier, Member

Attest:


Nancy Mafsh, Auditor

ORDINANCE NO. 2004-33

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM R-A: SINGLE FAMILY (20,000) RESIDENTIAL DISTRICT TO NB: NEIGHBORHOOD BUSINESS DISTRICT, COMMONLY KNOWN AS ZA-318/WA04-02: DEBORAH ELLIS; WASHINGTON TOWNSHIP, PARCEL TOTALING 1.00 ACRES, LOCATED ON THE SOUTH SIDE OF EAST MAIN STREET, 0.06 MILE WEST OF COUNTY ROAD 500 EAST.

SECTION 1. Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (2001-24) adopted on the 5th day of November on the year 2001, be amended so as to include in the NB: Neighborhood Business District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA-318/WA04-02: Deborah Ellis, S08-T15N-R1E, 1.00 acres, Washington Township, located on the south side of East Main Street, 0.06 mile west of County Road 500 East.

SECTION 2. As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA-318/WA04-02: *Deborah Ellis* and in the "Findings of Fact" as well as the "Development Commitment Recording Form" attached hereto and made a part hereof, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt said Findings of Fact and Development Commitment Recording Form as a part of this Ordinance.


SECTION 3. All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

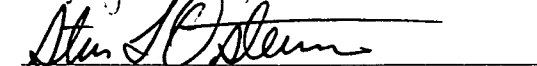
SECTION 4. This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the 28th day of September, 2004.

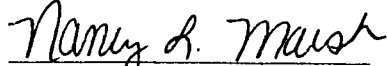
Board of Commissioners


Linda A. Palmer-Ryser, President


Sonya R. Cleveland, Vice-President


Steven L. Ostermeier, Member

Attest:


Nancy Marsh, Auditor

ORDINANCE NO. 2004-34

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM R-B: SINGLE FAMILY (12,500) RESIDENTIAL DISTRICT TO AG-B: AGRICULTURAL BUSINESS DISTRICT, COMMONLY KNOWN AS ZA-319/ER04-01: CINGULAR WIRELESS; EEL RIVER TOWNSHIP, PARCEL TOTALING 1.00 ACRES, LOCATED AT 418 SOUTH MCKINLEY STREET IN THE TOWN OF NORTH SALEM.

SECTION 1. Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (2001-24) adopted on the 5th day of November on the year 2001, be amended so as to include in the AG-B: Agricultural Business District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA-319/ER04-01: Cingular Wireless, S04-T16N-R2W, 1.00 acres, Eel River Township, located at 418 South McKinley Street in the Town of North Salem.

SECTION 2. As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA-319/ER04-01: *Cingular Wireless* and in the "Findings of Fact" as well as the "Development Commitment Recording Form" attached hereto and made a part hereof, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt said Findings of Fact and Development Commitment Recording Form as a part of this Ordinance.

SECTION 3. All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

SECTION 4. This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the 1st day of November, 2004.

Board of Commissioners

Linda A. Palmer-Ryser
Linda A. Palmer-Ryser, President

Sonya R. Cleveland
Sonya R. Cleveland, Vice-President

Steven L. Ostermeier
Steven L. Ostermeier, Member

Attest:

Nancy A. Marsh
Nancy Marsh, Auditor

ORDINANCE NO. 2004 - 35

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM R-A: SINGLE FAMILY (20,000) RESIDENTIAL DISTRICT TO R-AA: SINGLE FAMILY (15,000) RESIDENTIAL DISTRICT, COMMONLY KNOWN AS ZA-321/04: ROLLING HILLS LLC; WASHINGTON TOWNSHIP, PARCEL TOTALING 33.96 ACRES, LOCATED APPROXIMATELY 0.50 MILE NORTH OF COUNTY ROAD 200 NORTH, BETWEEN STATE ROAD 267 AND COUNTY ROAD 600 EAST.

SECTION 1. Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (2001-24) adopted on the 5th day of November on the year 2001, be amended so as to include in the R-AA: Single Family (15,000) Residential District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA-321/04: Rolling Hills LLC, S27-T16N-R1E, 33.96 acres, Washington Township, located approximately 0.50 mile north of County Road 200 North, between State Road 267 and County Road 600 East.

SECTION 2. As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA-321/04: *Rolling Hills LLC* and in the "Findings of Fact" as well as the "Development Commitment Recording Form" attached hereto and made a part hereof, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt said Findings of Fact and Development Commitment Recording Form as a part of this Ordinance.

SECTION 3. All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

SECTION 4. This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

1st Approved by the Board of County Commissioners of Hendricks County, Indiana, the day of November, 2004.

Board of Commissioners

Linda A. Palmer-Ryser
Linda A. Palmer-Ryser, President

Sonya R. Cleveland
Sonya R. Cleveland, Vice-President

Steven L. Ostermeier
Steven L. Ostermeier, Member

Attest:

Nancy K. Marsh
Nancy Marsh, Auditor

**AN AMENDMENT TO THE HENDRICKS COUNTY ZONING ORDINANCE BY
AMENDING CHAPTER 8 – ZONING CLASSIFICATIONS
CHAPTER 14 – RA SINGLE FAMILY (20,000) RESIDENTIAL DISTRICT
CHAPTER 15 – RAA SINGLE FAMILY (15,000) RESIDENTIAL DISTRICT**

WHEREAS, The Board of County Commissioners of Hendricks County, Indiana adopted the Hendricks County Zoning Ordinance on November 5, 2001 and which became effective November 5, 2001;

WHEREAS, the Hendricks County Area Plan Commission has recommended that the Zoning Ordinance be amended as to Chapter 8, Zoning Classifications, Chapter 14, RA Single Family (20,000) Residential District, and Chapter 15, RAA Single Family (15,000) Residential District;

WHEREAS, the Hendricks County Area Plan Commission has conducted a public hearing on the proposed amendment TZA10/04 and voted to forward a favorable recommendation to the County Commissioners;

WHEREAS, the County Commissioners have received and reviewed the Plan Commission's report, have considered the Plan Commission's recommendations, and find that the adoption of the recommended amendment would promote the health, safety, and convenience of the people of Hendricks County; and

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HENDRICKS COUNTY, INDIANA AS FOLLOWS:

**CHAPTER 8
ZONING DISTRICT CLASSIFICATIONS**

8.01 ESTABLISHMENT OF DISTRICTS

The County is divided into the following types of districts:

- A. Agricultural Districts
 - 1. "AG" Agricultural District
 - 2. "AG-B" Agricultural Business District
- B. Residential Districts
 - 1. "R-A" Rural Residential District
 - 2. "R-AA" Single Family (15,000) Residential District

3. "R-B" Single Family (12,500) Residential District
4. "R-C" Single Family (10,000) District
5. "R-D" Single Family (7,500) Residential Districts and
6. "R-E" Multi-Family (6) Residential District
7. "R-F" Multi-Family (12) Residential District

B. Commercial Districts

1. "NB" Neighborhood Business District
2. "GB" General Business District
3. "OB" Office Business District
4. "RSS" Regional Support Services District
5. "HB" Highway Business District

C. Industrial Districts

1. "RDD" Research and Development District
2. "WI" Wholesale Industrial District
3. "MI" Major Industrial District

D. Other Districts

1. "TC" Town Center District
2. "OTC" Old Town Center District
3. "PUD" Planned Unit Development District
4. "MHP" Mobile Home Park District

CHAPTER 14
"R-A" RURAL RESIDENTIAL DISTRICT

14.01 PURPOSE

The purpose of the "R-A" District is to permit the establishment of individual single family dwellings while maintaining a rural character.

14.02 PRINCIPAL USES PERMITTED

Principal permitted uses or similar uses consistent with the purposes of the Chapter shall be as follows:

- A. Agriculture, as defined in this Ordinance;
- B. Agricultural Roadside Stand, provided that such use is not located within a residential subdivision;
- C. Passive Recreation;
- D. Individual Single Family Dwelling; and
- E. Minor Plat

See Ordinance:
2003-07

14.03 ACCESSORY USES PERMITTED

Accessory uses shall be permitted as follows:

- A. Day Care Home;
- B. Home Occupation I, as regulated by Chapter 58;
- C. Signs; and
- D. Other accessory uses and structures in conjunction with a primary use or structure provided the accessory use does not change the character of the district.

Accessory uses and buildings shall be incidental and subordinate in height, area, bulk, extent and purpose to the principal use. Accessory buildings shall not be erected prior to the principal building.

14.04 SPECIAL EXCEPTION USES PERMITTED

Special exception uses shall be permitted as follows:

See Ordinance:
2003-07

- A. Active Recreation;
- B. Bed and Breakfast Establishments;
- C. Cemeteries;
- D. Club;
- E. Educational Institution, K-12 only;
- F. Educational Institution; excluding K-12;
- G. Golf Course;
- H. Home Occupation II and III; as regulated by Chapter 58;
- I. Dwelling, Mobile Home & Dwelling, Manufactured Housing (single unit);
- J. Non Commercial Recreation;
- K. Private Kennel;
- L. Publicly Owned Buildings and Facilities;
- M. Religious Places of Worship;
- N. Residential Facility for the Mentally or Developmentally Disabled;
- O. Secondary Dwelling; and
- P. Airport, Private, pursuant to standards set forth in Chapter 58.

See Ordinance:
2002-21

14.05 DEVELOPMENT STANDARDS

A. Property Development Standards

The minimum dimension of lots and yards and the heights of buildings shall be as shown in the following accompanying table.

"R-A" Rural Residential District																					
See Ordinance: 2003-07	<table border="1"> <tr> <td>Minimum Lot Area</td> <td> <ul style="list-style-type: none"> • 65,340 square feet without public sewer and public water for detached single family dwellings. Lots shall have two approved locations for septic sites. The second site shall require an easement. • 43,560 square feet if legally plated prior to 12-17-01 • 20,000 square feet per unit with sewer and water for detached single family dwellings. • 50,000 square feet with public water and without public sewer for detached single family dwellings. Lots shall have two approved locations for septic sites. The second site shall require an easement. • 65,340 square feet for all other uses. </td> </tr> <tr> <td>Minimum Lot Width</td> <td> <ul style="list-style-type: none"> • 120 feet for single family lots with sewer and water. • 120 feet for single family lots with sewer and without public water. • 135 feet for single family lots without public sewer. • 150 feet for single family lots without public sewer or public water. • 150 feet for all other uses. </td> </tr> <tr> <td>Minimum Lot Frontage</td> <td> <ul style="list-style-type: none"> • 50 feet </td> </tr> <tr> <td>Maximum Lot Coverage</td> <td> <ul style="list-style-type: none"> • 35 percent for single family uses. • 5 percent or 600 square feet of the total lot area, whichever is greater, for accessory uses. </td> </tr> <tr> <td>Minimum Ground Floor Living Area</td> <td> <ul style="list-style-type: none"> • 1,500 square feet single story. • 900 square feet multi-story first story, 1,500 square feet total. </td> </tr> <tr> <td>Maximum Height</td> <td> <ul style="list-style-type: none"> • 40 feet principal structure. • 18 feet accessory structure. </td> </tr> <tr> <td>Minimum Front Yard Setback</td> <td> <ul style="list-style-type: none"> • 50 feet from the R.O.W. when fronting on an urban principal arterial. • 50 feet from the R.O.W. when fronting on an urban minor arterial. • 45 feet from the R.O.W. when fronting on an urban collector. • 35 feet from the R.O.W. when fronting on an urban local road. • 80 feet from the R.O.W. when fronting on a rural principal arterial. • 50 feet from the R.O.W. when fronting on a rural minor arterial. • 45 feet from the R.O.W. when fronting on a rural collector. • 35 feet from the R.O.W. when fronting on a rural local road. </td> </tr> <tr> <td>Minimum Side Yard Setback</td> <td> <ul style="list-style-type: none"> • 15 feet. </td> </tr> <tr> <td>Minimum Rear Yard Setback</td> <td> <ul style="list-style-type: none"> • 15 feet. </td> </tr> <tr> <td>Minimum Distance</td> <td> <ul style="list-style-type: none"> • None </td> </tr> </table>	Minimum Lot Area	<ul style="list-style-type: none"> • 65,340 square feet without public sewer and public water for detached single family dwellings. Lots shall have two approved locations for septic sites. The second site shall require an easement. • 43,560 square feet if legally plated prior to 12-17-01 • 20,000 square feet per unit with sewer and water for detached single family dwellings. • 50,000 square feet with public water and without public sewer for detached single family dwellings. Lots shall have two approved locations for septic sites. The second site shall require an easement. • 65,340 square feet for all other uses. 	Minimum Lot Width	<ul style="list-style-type: none"> • 120 feet for single family lots with sewer and water. • 120 feet for single family lots with sewer and without public water. • 135 feet for single family lots without public sewer. • 150 feet for single family lots without public sewer or public water. • 150 feet for all other uses. 	Minimum Lot Frontage	<ul style="list-style-type: none"> • 50 feet 	Maximum Lot Coverage	<ul style="list-style-type: none"> • 35 percent for single family uses. • 5 percent or 600 square feet of the total lot area, whichever is greater, for accessory uses. 	Minimum Ground Floor Living Area	<ul style="list-style-type: none"> • 1,500 square feet single story. • 900 square feet multi-story first story, 1,500 square feet total. 	Maximum Height	<ul style="list-style-type: none"> • 40 feet principal structure. • 18 feet accessory structure. 	Minimum Front Yard Setback	<ul style="list-style-type: none"> • 50 feet from the R.O.W. when fronting on an urban principal arterial. • 50 feet from the R.O.W. when fronting on an urban minor arterial. • 45 feet from the R.O.W. when fronting on an urban collector. • 35 feet from the R.O.W. when fronting on an urban local road. • 80 feet from the R.O.W. when fronting on a rural principal arterial. • 50 feet from the R.O.W. when fronting on a rural minor arterial. • 45 feet from the R.O.W. when fronting on a rural collector. • 35 feet from the R.O.W. when fronting on a rural local road. 	Minimum Side Yard Setback	<ul style="list-style-type: none"> • 15 feet. 	Minimum Rear Yard Setback	<ul style="list-style-type: none"> • 15 feet. 	Minimum Distance	<ul style="list-style-type: none"> • None
Minimum Lot Area	<ul style="list-style-type: none"> • 65,340 square feet without public sewer and public water for detached single family dwellings. Lots shall have two approved locations for septic sites. The second site shall require an easement. • 43,560 square feet if legally plated prior to 12-17-01 • 20,000 square feet per unit with sewer and water for detached single family dwellings. • 50,000 square feet with public water and without public sewer for detached single family dwellings. Lots shall have two approved locations for septic sites. The second site shall require an easement. • 65,340 square feet for all other uses. 																				
Minimum Lot Width	<ul style="list-style-type: none"> • 120 feet for single family lots with sewer and water. • 120 feet for single family lots with sewer and without public water. • 135 feet for single family lots without public sewer. • 150 feet for single family lots without public sewer or public water. • 150 feet for all other uses. 																				
Minimum Lot Frontage	<ul style="list-style-type: none"> • 50 feet 																				
Maximum Lot Coverage	<ul style="list-style-type: none"> • 35 percent for single family uses. • 5 percent or 600 square feet of the total lot area, whichever is greater, for accessory uses. 																				
Minimum Ground Floor Living Area	<ul style="list-style-type: none"> • 1,500 square feet single story. • 900 square feet multi-story first story, 1,500 square feet total. 																				
Maximum Height	<ul style="list-style-type: none"> • 40 feet principal structure. • 18 feet accessory structure. 																				
Minimum Front Yard Setback	<ul style="list-style-type: none"> • 50 feet from the R.O.W. when fronting on an urban principal arterial. • 50 feet from the R.O.W. when fronting on an urban minor arterial. • 45 feet from the R.O.W. when fronting on an urban collector. • 35 feet from the R.O.W. when fronting on an urban local road. • 80 feet from the R.O.W. when fronting on a rural principal arterial. • 50 feet from the R.O.W. when fronting on a rural minor arterial. • 45 feet from the R.O.W. when fronting on a rural collector. • 35 feet from the R.O.W. when fronting on a rural local road. 																				
Minimum Side Yard Setback	<ul style="list-style-type: none"> • 15 feet. 																				
Minimum Rear Yard Setback	<ul style="list-style-type: none"> • 15 feet. 																				
Minimum Distance	<ul style="list-style-type: none"> • None 																				
See Ordinance: 2002-41																					
See Ordinance: 2001-34																					
See Ordinance: 2003-07																					
See Ordinance: 2004-02																					

"R-A" Rural Residential District

See Ordinance
2003-07

Between Principal Buildings	
Minimum Dwelling Width	• 24 feet.
Landscaping Along Perimeter Roads	• Minimum Level 2 Landscaping per section 50.05 (F.) (2.)

B. Minimum Off-Street Parking and Loading Requirements

Minimum off-street parking and loading requirements shall be as regulated by Chapter 48.

C. Sign Requirements

Maximum sign requirements shall be as regulated by Chapter 60.

D. Bufferyard Requirements

Minimum buffering standards shall be as regulated by Chapter 50.

14.06 PROHIBITED USES

A. Major Plat

See Ordinance:
2003-07

CHAPTER 15
"R-AA" SINGLE FAMILY (15,000) RESIDENTIAL DISTRICT

15.04 PURPOSE

The purpose of the "R-AA" District is to permit the establishment of single family dwellings.

15.05 PRINCIPAL USES PERMITTED

Principal permitted uses or similar uses consistent with the purposes of the Chapter shall be as follows:

- A. Agriculture, as defined in this Ordinance;
- B. Agricultural Roadside Stand, provided that such use is not located within a residential subdivision;
- C. Farm Dwelling;
- D. Passive Recreation; and
- E. Single Family Dwelling.

15.06 ACCESSORY USES PERMITTED

Accessory uses shall be permitted as follows:

- A. Day Care Home;
- B. Home Occupation I, as regulated by Chapter 58;
- C. Signs; and
- D. Other accessory uses and structures in conjunction with a primary use or structure provided the accessory use does not change the character of the district.

Accessory uses and buildings shall be incidental and subordinate in height, area, bulk, extent and purpose to the principal use. Accessory buildings shall not be erected prior to the principal building.

15.04 SPECIAL EXCEPTION USES PERMITTED

See Ordinance:
2003-07

Special exception uses shall be permitted as follows:

- A. Active Recreation;
- B. Assisted Living Facility;
- C. Bed and Breakfast Establishments;
- D. Cemeteries;
- E. Club;
- F. Educational Institution, K-12 only;
- G. Educational Institution; excluding K-12;
- H. Golf Course;
- I. Home Occupation II and III; as regulated by Chapter 58;
- J. Non Commercial Recreation;
- K. Nursing Home;
- L. Private Kennel;
- M. Publicly Owned Buildings and Facilities;
- N. Religious Places of Worship;
- O. Secondary Dwelling, pursuant to Chapter 58; and
- P. Two Family Dwelling.

15.05 DEVELOPMENT STANDARDS

See Ordinance:
2003-07

A. Property Development Standards

The minimum dimension of lots and yards and the heights of buildings shall be as shown in the following accompanying table.

"R-AA" Single Family (15,000) Residential District	
Minimum Lot Area	<ul style="list-style-type: none"> • 65,340 square feet without public sewer and public water for detached single family and two-family dwellings. Lots shall have two approved locations for septic sites. The second site shall require an easement. • 50,000 square feet with public water and without public sewer for detached single family and two family dwellings. Lots shall have two approved locations for septic sites. The second site shall require an easement. • 15,000 square feet per unit with sewer and water for detached single family dwellings. • 15,000 square feet per duplex for two family dwellings. • 65,340 square feet for all other uses.
Minimum Lot Width	<ul style="list-style-type: none"> • 100 feet for single family lots with sewer and water. • 120 feet for two family lots with sewer and water. • 120 feet for single family and two family lots with sewer and without public water. • 135 feet for single family and two family lots without public sewer. • 150 feet for single family and two family lots without public sewer or public water. • 150 feet for all other uses.
Minimum Lot Frontage	<ul style="list-style-type: none"> • 50 feet
Maximum Lot Coverage	<ul style="list-style-type: none"> • 35 percent for single family uses. • 5 percent or 600 square feet of the total lot area, whichever is greater, for accessory uses.
Minimum Ground Floor Living Area	<ul style="list-style-type: none"> • 1,500 square feet single story. • 900 square feet multi-story first story, 1,500 square feet total. • The minimum footprint for a two family dwelling, 1,900 square feet. • The minimum unit size for a two family dwelling, 900 square feet. • The minimum footprint for a multi-story two family dwelling is 1,500 square feet.
Maximum Height	<ul style="list-style-type: none"> • 40 feet principal structure. • 18 feet accessory structure.
Minimum Front Yard Setback	<ul style="list-style-type: none"> • 50 feet from the R.O.W. when fronting on an urban principal arterial. • 50 feet from the R.O.W. when fronting on an urban minor arterial. • 45 feet from the R.O.W. when fronting on an urban collector. • 35 feet from the R.O.W. when fronting on an urban local road. • 80 feet from the R.O.W. when fronting on a rural principal arterial. • 50 feet from the R.O.W. when fronting on a rural minor

"R-AA" Single Family (15,000) Residential District

	arterial. <ul style="list-style-type: none">• 45 feet from the R.O.W. when fronting on a rural collector.• 35 feet from the R.O.W. when fronting on a rural local road.
Minimum Side Yard Setback	<ul style="list-style-type: none">• 15 feet.
Minimum Rear Yard Setback	<ul style="list-style-type: none">• 15 feet.
Minimum Distance Between Principal Buildings	<ul style="list-style-type: none">• None
Minimum Dwelling Width	<ul style="list-style-type: none">• 24 feet.
Landscaping Along Perimeter Roads	<ul style="list-style-type: none">• Minimum Level 2 Landscaping per section 50.05 (F.) (2.)

See Ordinance:
2004-02

B. Minimum Off-Street Parking and Loading Requirements

Minimum off-street parking and loading requirements shall be as regulated by Chapter 48.

C. Sign Requirements

Maximum sign requirements shall be as regulated by Chapter 60.

D. Bufferyard Requirements

Minimum buffering standards shall be as regulated by Chapter 50.

APPROVED by the Board of Commissioners of Hendricks County, Indiana, this _____ day
of 11-16-04, 2004.

BOARD OF COMMISSIONERS

Linda Palmer-Ryser
Linda Palmer-Ryser, President

Sonya R. Cleveland
Sonya R. Cleveland, Vice President

Steven Ostermeier
Steven Ostermeier, Member

Attest

Nancy R. Marsh
Nancy Marsh, Auditor

approved
3-0

ORDINANCE NO. 2004-37

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM R-A: SINGLE FAMILY (20,000) RESIDENTIAL DISTRICT TO AG-B: AGRICULTURAL BUSINESS DISTRICT, COMMONLY KNOWN AS ZA-322/04: CINCULAR WIRELESS LLC; LIBERTY TOWNSHIP, PARCEL TOTALING 1.0 ACRES, LOCATED ON THE NORTH SIDE OF COUNTY ROAD 400 SOUTH, JUST EAST OF STATE ROAD 39.

SECTION 1. Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (2001-24) adopted on the 5th day of November on the year 2001, be amended so as to include in the AG-B: Agricultural Business District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA-322/04: CINGULAR WIRELESS, LLC, S27-T15N-R1W, 1.0 acres, Liberty Township, located on the north side of County Road 400 South, just east of State Road 39.

SECTION 2. As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA-322/04: *Cingular Wireless, LLC* and in the "Findings of Fact" attached hereto and made a part hereof, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt said Findings of Fact as a part of this Ordinance.

SECTION 3. All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

SECTION 4. This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the 16 day of November, 2004.

Board of Commissioners

Linda A. Palmer-Ryser

Linda A. Palmer-Ryser, President

Sonya R. Cleveland

Sonya R. Cleveland, Vice-President

Steven L. Ostermeier

Steven L. Ostermeier, Member

Attest:

Nancy Marsh

Nancy Marsh, Auditor

ORDINANCE NO. 2004-38

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM R-A: SINGLE FAMILY (20,000) RESIDENTIAL DISTRICT AND PUD: PLANNED UNIT DEVELOPMENT DISTRICT TO PUD: PLANNED UNIT DEVELOPMENT DISTRICT, COMMONLY KNOWN AS ZA-250/04: PARKS AT PRESTWICK (AMENDMENT); WASHINGTON TOWNSHIP, PARCEL TOTALING 32.00 ACRES, LOCATED ON THE EAST SIDE OF COUNTY ROAD 400 EAST, APPROXIMATELY 0.05 MILE SOUTH OF U.S. HIGHWAY 36.

SECTION 1. Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (2001-24) adopted on the 5th day of November on the year 2001, be amended so as to include in the PUD: Planned Unit Development District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA-250/04: Parks at Prestwick, (Amendment), S08-T15N-R1E, 32.00 acres, Washington Township, located on the east side of County Road 400 East, approximately 0.05 mile south of U.S. Highway 36.

SECTION 2. As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA-250/04: Parks at Prestwick (Amendment) and in the "Findings of Fact" as well as the "Development Commitment Recording Form" attached hereto and made a part hereof, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt said Findings of Fact and Development Commitment Recording Form as a part of this Ordinance.

SECTION 3. All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.


SECTION 4. This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the 23rd day of November, 2004.


Board of Commissioners


Linda A. Palmer-Ryser, President

Sonya R. Cleveland, Vice-President


Steven L. Ostermeier, Member

Attest:


Nancy Marsh, Auditor

**ESTABLISHMENT OF THE
HENDRICKS COUNTY SOLID WASTE MANAGEMENT DISTRICT**

WHEREAS, Hendricks County has participated in the joint five county West Central Indiana Solid Waste District (WCISWD) since it was established on June 17, 1991, pursuant to IC 13-9.5-2; and

WHEREAS, the Hendricks County Commissioners passed two identical resolutions on March 9, 2004 and April 6, 2004 withdrawing from the WCISWD with an effective date of December 31, 2004 pursuant to IC 13-21-4-2; and

WHEREAS, Hendricks County must designate itself a new county district pursuant to IC 13-21-4-6 and establish and appoint a board of directors pursuant to IC 13-21-3-4.

NOW THEREFORE, be it ordained by the Hendricks County Board of Commissioners the establishment of the Hendricks County Solid Waste Management District for the purpose of meeting statewide goals for solid waste source reduction with powers pursuant to IC 13-21-3-12 and excluded powers pursuant to IC13-21-3-14.

Section 1 (Board of Directors). The Hendricks County Solid Waste Management District will be governed by a board of 7 directors consisting of:

3 members appointed by the county commissioners from the membership of the county commissioners;

1 member appointed by the county council from the membership of the county council;

2 members appointed by the town council/legislative body from the membership of the town council/legislative body of the town/municipality with the largest population;

1 member appointed from the membership of town councils that are not the municipality having the largest population in the county and who is Bob Grand (bob.grand@btlaw.com) appointed by the county commissioners to represent the municipalities in the county other than the municipality having the largest population.

The term of office of a member of the board of the district who is appointed from the membership of an executive, legislative, or fiscal body is coextensive with the member's term of office of that body. The term of office of other appointed members of the board

is two years. All members of the board serve at the pleasure of the appointing authority. The powers of the board are pursuant to IC 13-21-3-13.

Section 2 (Citizens Advisory Committee). The Hendricks County Solid Waste Management District will appoint and convene a solid waste management advisory committee of citizens pursuant to IC 13-21-3-11.

Section 3 (Territory). All of the incorporated and unincorporated territory of Hendricks County shall be included in the District pursuant to IC 13-21-3-2.

Section 4 (Plan). Until such time as the district adopts a new solid waste management plan, the district will follow the Comprehensive Solid Waste Management Plan prepared for the West Central Indiana Solid Waste District on July 1, 1992 by R.W. Beck and Associates and Commonwealth Engineers, Inc. The intent of the district is to meet or exceed that plan.

Section 5 (Financial Management). The district will impose fees on the final disposal of solid waste within the district under IC 13-21-13 as well as cost sharing fees for various recycling programs. All funds will be managed to Indiana State Board of Accounts guidelines and will be reported annually pursuant to IC 13-21-3-13.5.

Section 6 (Effective Date). This ordinance shall become effective from and after the date of its passage.

Adopted by the Board of Commissioners of Hendricks County in regular meeting on the 14th day of December, 2004.

THE BOARD OF COMMISSIONERS OF
HENDRICKS COUNTY

Linda Palmer-Ryser, President

Sonya R. Cleveland
Sonya R. Cleveland, Vice President

Steven L. Ostermeier
Steven L. Ostermeier, Member

ATTEST:

Nancy A. Marsh
Nancy Marsh, AUDITOR

ORDINANCE NUMBER 2004-40

ORDINANCE FOR WEIGHT RESTRICTIONS ON CERTAIN COUNTY ROADS

WHEREAS, the Board of Commissioners of Hendricks County, Indiana is the governing body for said County; and

WHEREAS, the Board of Commissioners of Hendricks County, Indiana is responsible for the maintenance and upkeep of all county roads; and

WHEREAS, there is currently no posted weight restrictions on certain roads in the County; and

WHEREAS, to insure the safety of all persons traveling said roads and to properly maintain and upkeep said roads;

NOW THEREFORE BE IT ORDAINED by the Board of Commissioners of Hendricks County, Indiana that there will be a gross vehicle weight restriction of no more than twenty (20) tons on the following roads:

County Road 500 North	from SR 236	to SR 39
County Road 800 North	from SR 75	to CR 400 W
County Road 400 West	from CR 800 N	to CR 850 N
County Road 850 North	from CR 400 W	to US 136

BE IT FURTHER ORDAINED that upon a finding of a violation of this ordinance a penalty shall be imposed in the penal sum up to Five Hundred Dollars (\$500.00).

DULY EXECUTED this 14th day of December, 2004

HENDRICKS COUNTY, INDIANA
BOARD OF COMMISSIONERS

By: _____
Linda Palmer-Ryser

By: Sonya R. Cleveland
Sonya R. Cleveland

Attest: Manuel Marsh

By: Steven L. Ostermeier
Steven L. Ostermeier

ORDINANCE: 2004-41

HENDRICKS COUNTY SECTION CORNER ORDINANCE

WHEREAS, a Section Corner Ordinance is desirable to preserve the location of and prevent damage to section corners, high accuracy reference network (HARN) point markers and Global Positioning System (GPS) markers within the county; and

WHEREAS, I.C. 36-2-12-13 permits a County to adopt an ordinance prohibiting movement of or damage to section corner markers, HARN point markers and GPS markers prescribing monetary penalties for violations thereof.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF HENDRICKS COUNTY, THAT:

- A) Except as provided by this Ordinance it is made unlawful for any person to move, change, damage or otherwise alter a monument marking a section corner without complying with provisions of IC 36-2-12-13.
- B) It is made unlawful for any person to damage or remove a monument marking a section corner, HARN point or GPS point. Any person or government entity who damages or removes a monument marking a section corner, High Accuracy Reference Network (HARN) point, or Global Positioning System (GPS) point shall reimburse the county for the cost of repairing or replacing the monument.
- C) A person may, for excavation, mineral extraction, or other purposes related to the person's business, including the activities described in paragraph (E) of this ordinance, temporarily removes a monument marking a corner. The person must notify in writing the county surveyor at least thirty (30) days before removing the monument. The person must, within a reasonable time, either replace the monument at the person's expense utilizing a registered land surveyor under the supervision of the county surveyor or, if the county surveyor is not registered under IC 25-21.5 or IC 25-31, the registered person who is appointed by the Board of Commissioners under Indiana Code 36-2-12-11, or have the county surveyor replace the monument. The person shall reimburse the county for the cost of such supervision or replacement by the county surveyor. The surveyor shall file a copy of the notice in the corner record book.
- D) Only the county surveyor or his or her designee may change the location of any monument. A person who wishes to have the location of a monument changed must make a request to the surveyor in writing and furnish written approval of all landowners whose property is affected by the proposed change. The surveyor may approve, reject, or modify the request and shall file a copy of the notice and the landowners' consents in the corner record book.

- E) When, in the construction or maintenance of a state, county or municipal road or street, it is necessary to remove or bury a monument marking a corner, the owner of the public right-of-way shall notify the county surveyor in writing at least fifteen (15) days before commencing the work.
- F) Any person or government entity who violates this Ordinance shall be deemed guilty of an infraction and may be fined up to \$2,000.00 for each monument damaged or removed and all costs, including court costs and attorney fees, for each violation, and shall reimburse the county for all costs of repairing or replacing each such monument.
- G) The Hendricks County Sheriff or his designee, any deputy of the county sheriff's department or the Hendricks County Surveyor may issue a citation under the terms and conditions of this section.
- H) All fines imposed for violations of this ordinance shall be deposited in the Hendricks County Surveyor's Corner Perpetuation Fund.
- I) This Ordinance does not repeal any prior ordinance and is in addition to the existing ordinances and is to be interpreted in harmony therewith. If there are any conflicts with prior ordinances, the provision of this Ordinance shall supersede such conflicting provisions.

Statutory Authority: I.C. 36-2-12-13

BE IT FURTHER ORDAINED that this Ordinance shall be effective March 1, 2004.

Presented to the Board of Commissioners of Hendricks County, Indiana, and approved on first reading this 27th day of December, 2004:

Board of Commissioners of Hendricks County:

Linda A. Palmer - Ryser
Linda A. Palmer - Ryser, President

Sonya R. Cleveland, Vice-President

Steven L. Ostermeier
Steven L. Ostermeier, Member

ATTEST: David L. Caston
DAVID L. CASTON

ORDINANCE NO. 2004-41

HENDRICKS COUNTY PUBLIC SURVEY MARKER ORDINANCE

WHEREAS, a Public Survey Marker Ordinance is desirable to preserve the location of and prevent damage to Section Corners, High Accuracy Reference Network (HARN) point markers and Global Positioning System (GPS) markers within the County; and

WHEREAS, I.C. 36-2-12-13 permits a County to adopt an ordinance prohibiting movement of or damage to Section Corner markers, HARN point markers and GPS markers prescribing monetary penalties for violations thereof.

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of Hendricks County that there is hereby established a Public Survey Marker Ordinance:

- A) Except as provided by this Ordinance, it is made unlawful for any person or government entity to move, change, damage or otherwise alter a monument marking a Section Corner, HARN point or GPS point without complying with provisions of IC 36-2-12-13.
- B) Any person or government entity who moves, changes, damages or otherwise alters a monument marking a Section Corner, HARN point, or GPS point shall reimburse the County for the cost of repairing or replacing the monument.
- C) A person may, for excavation, mineral extraction, or other purposes related to the person's business, including the activities described in paragraph (E) of this Ordinance, temporarily remove a monument marking a Section Corner or GPS point. The person must notify in writing the Hendricks County Surveyor at least thirty (30) days before removing the monument. The person must, within a reasonable time, either replace the monument at the person's expense utilizing a registered land surveyor under the supervision of the County Surveyor or, if the County Surveyor is not registered under IC 25-21.5 or IC 25-31, the registered person who is appointed by the Board of Commissioners under Indiana Code 36-2-12-11, or have the County Surveyor replace the monument. The person shall reimburse the County for the cost of such supervision or replacement by the County Surveyor. The Surveyor shall file a copy of the notice in the corner record book.
- D) Only the County Surveyor or his or her designee may change the location of any monument. A person who wishes to have the location of a monument changed must make a request to the Surveyor in writing and furnish written approval of all landowners whose property is affected by the proposed change. The Surveyor may approve, reject, or modify the request and shall file a copy of the notice and the landowners' consents in the corner record book.

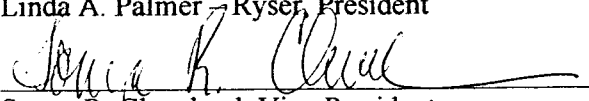
- E) When, in the construction or maintenance of a State, County or Municipal road or street, it is necessary to remove or bury a monument marking a Section Corner or GPS point, the owner of the public right-of-way shall notify the County Surveyor in writing at least fifteen (15) days before commencing the work.
- F) Any person or government entity who violates this Ordinance shall be deemed guilty of an infraction and may be fined up to \$2,000.00 for each monument moved, changed, damaged or otherwise altered, and all costs, including court costs and attorney fees for each violation, and shall reimburse the County for all costs of repairing or replacing each said monument.
- G) The Hendricks County Sheriff or his designee, any deputy of the County Sheriff's Department or the Hendricks County Surveyor may issue a citation under the terms and conditions of this section.
- H) All fines imposed for violations of this Ordinance shall be deposited in the Hendricks County Surveyor's Corner Stone Perpetuation Fund.
- I) This Ordinance does not repeal any prior ordinance and is in addition to the existing ordinances and is to be interpreted in harmony therewith. If there are any conflicts with prior ordinances, the provision of this Ordinance shall supersede such conflicting provisions.
- J) Statutory Authority: I.C. 36-2-12-13.

BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect from and after its passage and approval.

Presented to the Board of Commissioners of Hendricks County, Indiana, and approved on this 28th day of December, 2004:

Board of Commissioners of Hendricks County:

Linda A. Palmer Ryser, President

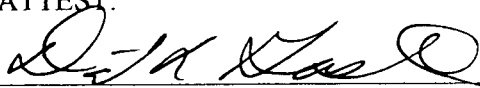


Sonya R. Cleveland, Vice-President



Steven L. Ostermeier, Member

ATTEST:



David L. Gaston, P.L.S., Hendricks County Surveyor

ORDINANCE NO. 2004-42

***AN ORDINANCE AMENDING THE HENDRICKS COUNTY
DRAINAGE BOARD UNIFORM FEE SCHEDULE AND
ESTABLISHING THE HENDRICKS COUNTY DEPARTMENT OF
SURVEYOR UNIFORM FEE SCHEDULE***

WHEREAS, the Board of County Commissioners of Hendricks County, Indiana, need to amend the Drainage Board Uniform Fee Schedule, which includes the amending, setting and collecting of all Drainage Board administrative fees, and need to establish a Department of Surveyor Uniform Fee Schedule, which includes the establishing, setting and collecting all Department of Surveyor fees, and

WHEREAS, Section 36-9-27-73 of the Indiana Code allows the Hendricks County Drainage Board the authority to set reasonable fees and collect associated costs from petitioners in drainage proceeding, and

WHEREAS, 327 IAC 15-13 (Rule 13), specified by State regulation, requires Hendricks County to develop and implement a comprehensive Storm Water Quality Management Plan (SWQMP) and allows the County the ability to self-fund such a program;

NOW THEREFORE, BE IT ORDAINED by the Hendricks County Board of Commissioners that there is hereby amended a Drainage Board Uniform Fee Schedule and established a Department of Surveyor Uniform Fee Schedule as follows:

DRAINAGE BOARD UNIFORM FEE SCHEDULE:

I. SUBDIVISION:		
A. Minor Subdivision		
1. Primary & Secondary		\$250.00
B. Major Subdivision		
1. Primary		\$500.00 + \$15/Lot
2. Secondary		\$500.00 + \$10/Lot
C. Revision – (Change to an Approved Plat, Not Recorded)		\$250.00
D. Amendment (Change to a recorded Plat)		\$250.00
E. Re-plat (Vacation of a Recorded Plat)		\$500.00
II. SHOPPING CENTER:		
A. Preliminary Development Plan		\$1000.00 + \$15.00/Lot
B. Final Development Plan		\$1000.00 + \$10.00/Acre
D. Amendment to an Approved Final Development Plan		\$1000.00 + \$10.00/Acre
III. PLANNED UNIT DEVELOPMENT:		
A. Preliminary Development Plan		\$500.00 + \$15.00/Lot
B. Final Development Plan		\$500.00 + \$10.00/Lot
C. Amendment to an Approved Planned Unit Development		\$500.00 + \$10.00/Lot
IV. DEVELOPMENT PLAN REVIEW:		
A. Preliminary Development Plan		\$500.00 + \$15.00/Lot
B. Final Development Plan		\$500.00 + \$10.00/Acre
C. Amendment to a Development Plan		\$500.00 + \$10.00/Acre
V. INDIVIDUAL RESIDENCE AND FARMS:		

- A. Regulated Drain Outlet Permit \$100.00/outlet
- B. Regulated Drain Crossing Permit \$250.00/crossing
- C. Regulated Drain Encroachment Permit \$250.00/encroachment

(NOTE: All fees in this section can be waived or modified by the Hendricks County Surveyor and/or the Hendricks County Drainage Board).

VI. UTILITIES:

- A. Regulated Drain Crossing Permit \$250.00/crossing
- B. Regulated Drain Encroachment Permit \$0.25/foot (Min. \$250.00)

(NOTE: All fees in this section can be waived or modified by the Hendricks County Surveyor and/or the Hendricks County Drainage Board. All fees will be waived if the permit is for work within a new subdivision. A new subdivision refers to a development granted final approval by the Hendricks County Plan Commission within the last 24 months.

VII. OTHER:

- A. Copy of the Hendricks County Drainage Board Handbook \$100.00
- B. Removal of Obstruction Application \$250.00
- C. Variance of a Regulated Drainage Easement \$250.00

VIII. ENGINEERING REVIEW FEES:

All engineering projects will require a review fee above and beyond the application fees. The review fee shall equate to the contract rate of the reviewing engineer, not to exceed \$110.00/hour. This fee shall be paid to the Hendricks County Drainage Board and shall be paid in full before any project approval is given.

ALL FEES ARE NON REFUNDABLE
 (unless so permitted by the Drainage Board)

DEPARTMENT OF SURVEYOR UNIFORM FEE SCHEDULE

I. SUBDIVISION:	
A. Minor Subdivision	
1. Secondary	\$250.00
B. Major Subdivision	
1. Secondary	\$500.00 + \$10/Lot
II. SHOPPING CENTER:	
A. Final Development Plan	\$1000.00 + \$10.00/Acre
B. Amendment to an Approved Final Development Plan	\$1000.00 + \$15.00/Acre
III. PLANNED UNIT DEVELOPMENT:	
A. Final Development Plan	\$500.00 + \$10.00/Lot
B. Amendment to an Approved Planned Unit Development	\$500.00 + \$10.00/Lot
IV. DEVELOPMENT PLAN REVIEW:	
A. Final Development Plan	\$500.00 + \$10.00/Acre
B. Amendment to a Development Plan	\$500.00 + \$10.00/Acre
V. COMMERCIAL/INDUSTRIAL	
A. Principal	\$1000.00 + \$10.00/Acre
B. Accessory Structures	\$250.00
C. Swimming Pool	\$250.00
D. Demolition	\$250.00
E. Relocation	\$250.00
VI. RESIDENTIAL	
A. Principal	
1. Single Family Dwelling	\$250.00
2. Two Family Dwelling	\$250.00
3. Demolition	\$250.00

4. Additions	\$100.00
5. Accessory Structures	\$100.00
6. Detached Garage	\$100.00
7. Swimming Pools	\$100.00
8. Relocation	\$100.00

VII. STOP WORK ORDERS:

A. Permit Re-Instatement Fee	Minimum \$500.00 or two (2) times the filing fee, whichever is greater
B. Continued Construction After Stop Work Order	\$1000.00 first day and up to \$500.00 for each additional day

VIII. MISCELLANEOUS FEES:


A. Returned Check Fee	\$25.00
B. Two-foot Contour Maps (via Accu-Air)	\$30.00/Acre
C. Copies	\$1.00/Page

ALL FEES ARE NON REFUNDABLE
(unless so permitted by the Drainage Board)


This Ordinance shall be in full force and effect from and after its passage and approval.

Presented to the Board of Commissioners of Hendricks County, Indiana, and approved on this 28 day of December, 2004:


BOARD OF COMMISSIONERS OF HENDRICKS COUNTY:


Linda A. Palmer-Ryser, President

Sonya R. Cleveland, Vice-President


Steven L. Ostermeier, Member

ATTEST:


David L. Gaston, P.L.S., Hendricks County Surveyor

ORDINANCE NO. 2004-43

***AN ORDINANCE TO REGULATE STORMWATER DISCHARGE
QUANTITY, EROSION & SEDIMENT CONTROL AND
STORMWATER QUALITY FOR ALL DEVELOPMENT AND
REDEVELOPMENT OCCURRING WITHIN HENDRICKS
COUNTY, INDIANA***

WHEREAS, the Board of County Commissioners of Hendricks County, Indiana is required to establish a regulatory mechanism for regulating both stormwater quantity and stormwater quality management, and

WHEREAS, the Hendricks County Board of Commissioners adopted Ordinance No. 2001-33 in December 2001, in order to govern the control of runoff of stormwater and to protect, conserve and promote the orderly development of the land in Hendricks County and its water resources, and

WHEREAS, Hendricks County was granted statutory authority under "Home Rule", and further required by Phase II of the National Pollution Discharge Elimination System program (FR Doc. 99-29181) authorized by the 1972 amendments to the Clean Water Act, the Indiana Department of Environmental Management's Rule 13 (327 IAC 15-13), and the Indiana Department of Environmental Management's Rule 5 (327 IAC 15-5), and

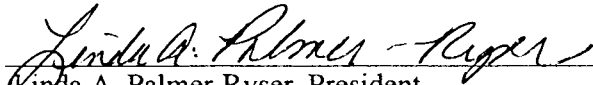
WHEREAS, 327 IAC 15-13 (Rule 13), specified by State regulation, requires Hendricks County to develop and implement a comprehensive Storm Water Quality Management Plan (SWQMP) and allows the County the ability to self-fund such a program.

NOW THEREFORE, BE IT ORDAINED by the Hendricks County Board of Commissioners that Hendricks County will be responsible for meeting all State and Federal requirements of the Rule 13 permit program. This Ordinance is to provide for the health, safety, and general welfare of the citizens of Hendricks County through the regulation of stormwater and non-stormwater discharges to the storm drainage system and to protect, conserve and promote the orderly development of land and water resources within Hendricks County. This Ordinance will be known as the Hendricks County Stormwater Management Ordinance.

This Ordinance shall be in full force and effect from and after its passage and approval.


Presented to the Board of Commissioners of Hendricks County, Indiana, and approved on this 28th day of December, 2004:

BOARD OF COMMISSIONERS OF HENDRICKS COUNTY:




Linda A. Palmer-Ryser, President

Sonya R. Cleveland, Vice-President



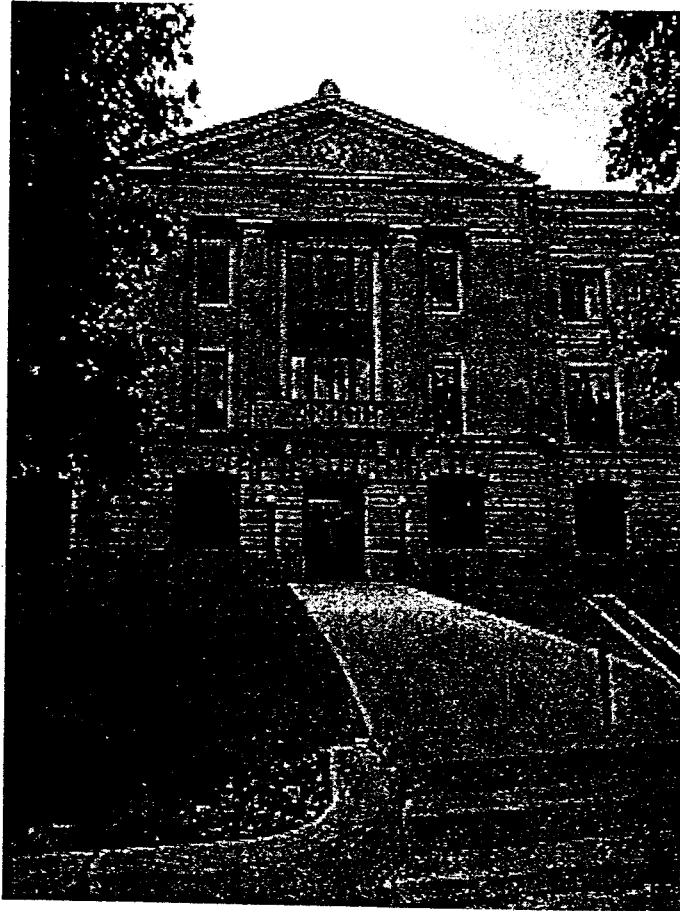
Steven L. Ostermeier, Member

ATTEST:



David L. Gaston, P.L.S., Hendricks County Surveyor

ORDINANCE 2004 - XX
**STORMWATER MANAGEMENT
ORDINANCE OF
HENDRICKS COUNTY, INDIANA**



DECEMBER 2004 EDITION

Developed by Christopher B. Burke Engineering, Ltd.



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CHAPTER ONE

GENERAL INFORMATION**1. AUTHORITY AND TITLE**

This Ordinance is adopted in accordance with statutory authority granted to Hendricks County under "Home Rule", and further required by Phase II of the National Pollution Discharge Elimination System program (FR Doc. 99-29181) authorized by the 1972 amendments to the Clean Water Act, the Indiana Department of Environmental Management's Rule 13 (327 IAC 15-13), and the Indiana Department of Environmental Management's Rule 5 (327 IAC 15-5). Based on this authority and these requirements, this Ordinance regulates:

- A. Discharges of prohibited non-stormwater flows into the storm drain system.
- B. Stormwater drainage improvements related to development of lands located within Hendricks County.
- C. Drainage control systems installed during new construction and grading of lots and other parcels of land.
- D. Erosion and sediment control systems installed during new construction and grading of lots and other parcels of land.
- E. The design, construction, and maintenance of stormwater drainage facilities and systems.
- F. The design, construction, and maintenance of stormwater quality facilities and systems.

This Ordinance shall be known and may be cited as the Hendricks County Stormwater Management Ordinance.

2. APPLICABILITY AND EXEMPTIONS

This Ordinance shall regulate all development and redevelopment occurring within Hendricks County. No building permit shall be issued and no land disturbance started for any construction in a development, as defined in Appendix A, until the plans required by this Ordinance for such construction have been accepted in writing by the Hendricks County Drainage Board and/or Hendricks County Surveyor. With the exception of the requirements of Chapter Two and Chapter Seven – Section 4 of this Ordinance, single-family dwelling houses in accepted subdivisions, new buildings (or cumulative building additions) with less than 500 square feet of area, and land-disturbing activities affecting less than 5,000 square feet of area shall be exempt from the requirements of this Ordinance. Also exempt from this Ordinance shall be the agricultural land-disturbing activities.

Hendricks County projects shall be exempt from obtaining permit, but are expected to meet all applicable technical requirements of this Ordinance and the Hendricks County Stormwater Technical Standards Manual.

Any construction project which has had its final drainage plan accepted by the Hendricks County Drainage Board and/or Hendricks County Surveyor within a 2-year period prior to the effective date of this Ordinance shall be exempt from all requirements of this Ordinance that are in excess of the requirements of ordinances in effect at the time of acceptance. Such an exemption is not applicable to the requirements detailed in Chapter 2 of this Ordinance.

The Hendricks County Drainage Board and/or Hendricks County Surveyor has the authority to modify, grant exemptions, and/or waive any and all the requirements of this Ordinance and its associated technical standards document. A pre-submittal meeting with the Hendricks County Drainage Board and/or Hendricks County Surveyor may be requested by the applicant to discuss the applicability of

various provisions of the Ordinance and its associated technical standards document with regards to unique or unusual circumstances relating to a project. However, any initial determination of such applicability shall not be binding on future determinations of the Hendricks County Drainage Board and/or Hendricks County Surveyor that may be based on the review of more detailed information and plans.

3. BACKGROUND

The Board of Commissioners of Hendricks County, State of Indiana, adopted Ordinance No. 2001-33 in December 2001 which established "Storm Drainage, Erosion, and Sediment Control Ordinance of Hendricks County", commonly known as the "Hendricks County Drainage Code", in order to govern the control of runoff of stormwater and to protect, conserve and promote the orderly development of the land in Hendricks County and its water resources. This code was primarily targeted at stormwater discharge quantity, and erosion and sediment control.

On December 8, 1999, Phase II of the National Pollutant Discharge Elimination System (NPDES) permit program, was published in the Federal Register. The NPDES program, as authorized by the 1972 amendments to the Clean Water Act, controls water pollution by regulating point sources that discharge pollutants into waters of the United States. Phase II of NPDES requires permit coverage for stormwater discharges from regulated small municipal separate storm sewer systems (MS4s) and for small construction activity that results in the disturbance of equal to or greater than one acre. This Federal regulation went into affect March 10, 2003. In response to Phase II of NPDES, the Indiana Department of Environmental Management enacted Rule 13 (327 IAC 15-13) and revised Rule 5 (327 IAC 15-5).

Under these new State and Federal regulations, Hendricks County is required to establish a regulatory mechanism for regulating stormwater quality management. Therefore, the "Hendricks County Drainage Code" was replaced with this document to include stormwater quality in addition to quantity.

4. FINDINGS

The Hendricks County Board of Commissioners finds that:

- A. Water bodies, roadways, structures, and other property within, and downstream of Hendricks County are at times subjected to flooding;
- B. Flooding is a danger to the lives and property of the public and is also a danger to the natural resources of the region;
- C. Land development alters the hydrologic response of watersheds, resulting in increased stormwater runoff rates and volumes, increased flooding, increased stream channel erosion, and increased sediment transport and deposition;
- D. Soil erosion resulting from land-disturbing activities causes a significant amount of sediment and other pollutants to be transported off-site and deposited in ditches, streams, wetlands, lakes, and reservoirs;
- E. Increased stormwater runoff rates and volumes, and the sediments and pollutants associated with stormwater runoff from future development projects within Hendricks County will, absent reasonable regulation and control, adversely affect the Hendricks County's water bodies and water resources;
- F. Pollutant contributions from illicit discharges within Hendricks County will, absent reasonable regulation, monitoring, and enforcement, adversely affect the Hendricks County's water bodies and water resources;
- G. Stormwater runoff, soil erosion, non-point source pollution, and illicit sources of pollution can be controlled and minimized by the regulation of stormwater management;
- H. Adopting the standards, criteria, and procedures contained and referenced in this Ordinance and implementing the same will address many of the deleterious effects of stormwater runoff and illicit discharges;

- I. Adopting this Ordinance is necessary for the preservation of the public health, safety, and welfare, for the conservation of our natural resources, and for compliance with State and Federal regulations.

5. PURPOSE

The purpose of this Ordinance is to provide for the health, safety, and general welfare of the citizens of Hendricks County through the regulation of stormwater and non-stormwater discharges to the storm drainage system and to protect, conserve and promote the orderly development of land and water resources within Hendricks County. This Ordinance establishes methods for managing the quantity and quality of stormwater entering into the storm drain system in order to comply with State and Federal requirements. The objectives of this Ordinance are:

- A. To reduce the hazard to public health and safety caused by excessive stormwater runoff.
- B. To regulate the contribution of pollutants to the storm drain system from construction site runoff.
- C. To regulate the contribution of pollutants to the storm drain system from runoff from new development and re-development.
- D. To prohibit illicit discharges into the storm drain system.
- E. To establish legal authority to carry out all inspection, monitoring, and enforcement procedures necessary to ensure compliance with this Ordinance.

6. ABBREVIATIONS AND DEFINITIONS

For the purpose of this Ordinance, the abbreviations and definitions provided in Appendix A shall apply.

7. RESPONSIBILITY FOR ADMINISTRATION

Hendricks County Drainage Board and/or Hendricks County Surveyor shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by Hendricks County Drainage Board and/or Hendricks County Surveyor to qualified persons or entities acting in the beneficial interest of or in the employ of Hendricks County Drainage Board and/or Hendricks County Surveyor.

8. CONFLICTING ORDINANCES

The provisions of this Ordinance shall be deemed as additional requirements to minimum standards required by other Hendricks County ordinances, and as supplemental requirements to Indiana's Rule 5 regarding Stormwater Discharge Associated with Construction Activity, (327 IAC 15-5), and Indiana's Rule 13 regarding Stormwater Runoff Associated with Municipal Separate Storm Sewer System Conveyances (327 IAC 15-13). In case of conflicting requirements, the most restrictive shall apply.

9. INTERPRETATION

Words and phrases in this Ordinance shall be construed according to their common and accepted meanings, except that words and phrases defined in Appendix A, shall be construed according to the respective definitions given in that section. Technical words and technical phrases that are not defined in this Ordinance but which have acquired particular meanings in law or in technical usage shall be construed according to such meanings.

10. SEVERABILITY

The provisions of this Ordinance are hereby declared severable, and if any court of competent jurisdiction should declare any part or provision of this Ordinance invalid or unenforceable, such invalidity or unenforceability shall not affect any other part or provision of this Ordinance.

11. EFFECTIVE DATE

This Ordinance shall become effective after its final passage, approval, and publication as required by law.

12. DISCLAIMER OF LIABILITY

The degree of protection required by this Ordinance is considered reasonable for regulatory purposes and is based on historical records, engineering, and scientific methods of study. Larger storms may occur or stormwater runoff amounts may be increased by man-made or natural causes. This Ordinance does not imply that land uses permitted will be free from stormwater damage. This Ordinance shall not create liability on the part of any Hendricks County agency, Hendricks County Drainage Board and/or Hendricks County Surveyor or any officer, representative, or employee thereof, for any damage which may result from reliance on this Ordinance or on any administrative decision lawfully made there under.

The words "approve" and "accept", and their common derivations as used in this Ordinance in relation to plans, reports, calculations, and permits shall mean that the Hendricks County Drainage Board and/or Hendricks County Surveyor have reviewed the material produced and submitted by the applicant or his/her agents for general compliance with this Ordinance and the Hendricks County Stormwater Technical Standards Manual, and that such a compliance would qualify the applicant to receive a stormwater permit. Such an "approval" or "acceptance" is based on the assumption that the project engineer has followed all appropriate engineering methods in the design. Any stormwater quality or stormwater quantity/drainage problems associated with the project caused by poor construction by the contractor and/or poor engineering design or judgment, either on-site or off-site, are the responsibility of the developer and the project engineer.



CHAPTER TWO

PROHIBITED DISCHARGES AND CONNECTIONS**1. APPLICABILITY AND EXEMPTIONS**

This Chapter shall apply to all discharges, including illegal dumping, entering the storm drain system under the control of Hendricks County Drainage Board and/or Hendricks County Surveyor, regardless of whether the discharge originates from developed or undeveloped lands, and regardless of whether the discharge is generated from an active construction site or a stabilized site. These discharges include flows from direct connections to the storm drain system, illegal dumping, and contaminated runoff.

Stormwater runoff from agricultural, timber harvesting, and mining activities is exempted from the requirements of this chapter unless determined to contain pollutants not associated with such activities or in excess of standard practices. Farm residences are *not* included in this exemption.

Any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written acceptance has been granted for the subject discharge to the storm drain system, is also exempted from this Chapter.

2. PROHIBITED DISCHARGES AND CONNECTIONS

No person shall discharge to a MS4 conveyance, watercourse, or waterbody, directly or indirectly, any substance other than stormwater or an exempted discharge. Any person discharging stormwater shall effectively minimize pollutants from also being discharged with the stormwater, through the use of best management practices (BMPs).

The Hendricks County Drainage Board and/or Hendricks County Surveyor is authorized to require dischargers to implement pollution prevention measures, utilizing BMPs, necessary to prevent or reduce the discharge of pollutants into the Hendricks County's stormwater drainage system.

3. EXEMPTED DISCHARGES AND CONNECTIONS

Notwithstanding other requirements in this Ordinance, the following categories of non-stormwater discharges or flows are exempted from the requirements of this chapter:

- A. Water line flushing;
- B. Landscape irrigation;
- C. Diverted streamflows;
- D. Rising ground waters;
- E. Uncontaminated groundwater infiltration;
- F. Uncontaminated pumped ground water;
- G. Discharges from potable water sources;
- H. Foundation drains;
- I. Air conditioning condensation;
- J. Irrigation water;
- K. Springs;
- L. Water from crawl space pumps;
- M. Footing drains;
- N. Lawn watering;

- O. Flows from riparian habitats and wetlands;
- P. Dechlorinated swimming pool discharges;
- Q. Street wash water;
- R. Discharges from firefighting activities;
- S. Naturally introduced detritus (e.g. leaves and twigs).
- T. Dye-testing authorized by the Hendricks County Drainage Board and/or Hendricks County Surveyor.

4. STORAGE OF HAZARDOUS OR TOXIC MATERIAL

Storage or stockpiling of hazardous or toxic material within any watercourse, or in its associated floodway or floodplain, is strictly prohibited. Storage or stockpiling of hazardous or toxic material, including sewage treatment plant stockpiles, on active construction sites must include adequate protection and/or containment so as to prevent any such materials from entering any temporary or permanent stormwater conveyance or watercourse.

5. PRIVATE PROPERTY MAINTENANCE DUTIES

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse located within their property boundaries, free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

6. SPILL REPORTING

Any discharger who accidentally discharges into a waterbody any substance other than stormwater or an exempted discharge shall immediately inform the Hendricks County Health Department and Hendricks County Emergency Management agency concerning the discharge. A written report concerning the discharge shall be filed with the Hendricks County Surveyor's Office and IDEM, by the discharger, within five (5) days. The written report shall specify:

- A. The composition of the discharge and the cause thereof;
- B. The date, time, and estimated volume of the discharge;
- C. All measures taken to clean up the accidental discharge, and all measures proposed to be taken to prevent any recurrence;
- D. The name and telephone number of the person making the report, and the name and telephone number of a person who may be contacted for additional information on the matter.

A properly reported accidental discharge shall be an affirmative defense to a civil infraction proceeding brought under this Ordinance against a discharger for such discharge. It shall not, however, be a defense to a legal action brought to obtain an injunction, to obtain recovery of costs or to obtain other relief because of or arising out of the discharge. A discharge shall be considered properly reported only if the discharger complies with all the requirements of this section. This requirement does not relieve discharger from notifying other entities as required by State or Federal regulations.

7. INSPECTIONS AND MONITORING

A. Storm Drainage System

The Hendricks County Drainage Board and/or Hendricks County Surveyor has the authority to periodically inspect the portion of the storm drainage system under the Hendricks County's control, in an effort to detect and eliminate illicit connections and discharges into the system. This inspection will include a screening of discharges from outfalls connected to the system in order to determine if prohibited flows are being conveyed into the storm drainage system. It could also include spot testing of waters contained in the storm drainage system itself to detect the introduction of pollutants into the system by means other than a defined outfall, such as dumping or contaminated sheet runoff.

B. Potential Polluters

If, as a result of the storm drainage system inspection, a discharger is suspected of an illicit discharge, the Hendricks County Drainage Board and/or Hendricks County Surveyor may inspect and/or obtain stormwater samples from stormwater runoff facilities of the subject discharger, to determine compliance with the requirements of this Ordinance. Upon request, the discharger shall allow the Hendricks County Drainage Board and/or Hendricks County Surveyor's properly identified representative to enter upon the premises of the discharger at all hours necessary for the purposes of such inspection or sampling. The Hendricks County Drainage Board and/or Hendricks County Surveyor or its properly identified representative may place on the discharger's property the equipment or devices used for such sampling or inspection. Identified illicit connections or discharges shall be subject to enforcement action as described in Chapter 8 of this Ordinance.

C. New Development and Re-Development

Following the final completion of construction and the receipt of as-built drawings by the Hendricks County Surveyor's Office, the Hendricks County Drainage Board and/or Hendricks County Surveyor has the authority to inspect new development and re-development sites to verify that all on-site stormwater conveyances and connections to the storm drainage system are in compliance with this chapter.



CHAPTER THREE

STORMWATER QUANTITY MANAGEMENT**1. APPLICABILITY AND EXEMPTIONS**

The storage and controlled release rate of excess stormwater runoff shall be required for all new business, commercial and industrial developments, residential subdivisions, planned development, rural estate subdivisions, and any redevelopment or other new construction located within Hendricks County. The Hendricks County Drainage Board and/or Hendricks County Surveyor, after thorough investigation and evaluation, may waive the requirement of controlled runoff for minor subdivisions and parcelization.

2. POLICY ON STORMWATER QUANTITY MANAGEMENT**A. Detention Policy**

It is recognized that most streams and drainage channels serving Hendricks County do not have sufficient capacity to receive and convey stormwater runoff resulting from continued urbanization. Accordingly, except for situations provided in Sections iii and iv (below), the storage and controlled release of excess stormwater runoff shall be required for all developments and redevelopments (as defined in Appendix A) located within Hendricks County.

i. General Release Rates

In general, the post-development release rates for developments up to and including the 10-year return period storm may not exceed 0.2 cfs per acre of development. The post-development release rate for developments for the 11 - 100-year return period storms shall not exceed 0.4 cfs per acre of development. For sites where the pre-developed area has more than one (1) outlet, the release rate should be computed based on pre-developed discharge to each outlet point. The computed release rate for each outlet point shall not be exceeded at the respective outlet point even if the post developed conditions would involve a different arrangement of outlet points.

ii. Site-Specific Release Rates for Sites with Depressional Storage

For sites where depressional storage exists, the general release rates provided above may have to be further reduced. If depressional storage exists at the site, site-specific release rates must be calculated according to methodology described in the Hendricks County Stormwater Technical Standards Manual, accounting for the depressional storage by modeling it as a pond whose outlet is a weir at an elevation that stormwater can currently overflow the depressional storage area. Post developed release rate for sites with depressional storage shall be the 2-year pre-developed peak runoff rate for the post-developed 10-year storm and 10-year pre-developed peak runoff rate for the post-developed 100-year storm. In no case shall the calculated site-specific release rates be larger than general release rates provided above.

Also note that for determining the post-developed peak runoff rate, the depressional storage must be assumed to be filled unless the Hendricks County Drainage Board and/or Hendricks County Surveyor can be assured, through dedicated easement, that the noted storage will be preserved in perpetuity.

iii. Management of Off-site Runoff

Runoff from all upstream tributary areas (off-site land areas) may be bypassed around the detention/retention facility without attenuation. Such runoff may also be bypassed through the detention/retention facility without attenuation, provided that a separate outlet

system or channel is incorporated for the safe passage of such flows, i.e., not through the primary outlet of a detention facility. Unless the pond is being designed as a regional detention facility, the primary outlet structure shall be sized and the invert elevation of the emergency overflow weir determined according to the on-site runoff only. Once the size and location of the primary outlet structure and the invert elevation of the emergency overflow weir are determined by considering on-site runoff, the 100-year pond elevation is determined by routing the entire inflow, on-site and off-site, through the pond.

Note that the efficiency of the detention/retention facility in controlling the on-site runoff may be severely affected if the off-site area is considerably larger than the on-site area. As a general guidance, on-line detention may not be effective in controlling on-site runoff where the ratio of off-site area to on-site area is larger than 5:1. Additional detention (above and beyond that required for on-site area) may be required by the Hendricks County Drainage Board and/or Hendricks County Surveyor when the ratio of off-site area to on-site area is larger than 5:1.

iv. Downstream Restrictions

In the event the downstream receiving channel or storm sewer system is inadequate to accommodate the post-developed release rate provided above, then the allowable release rate shall be reduced to that rate permitted by the capacity of the receiving downstream channel or storm sewer system. Additional detention, as determined by the Hendricks County Drainage Board and/or Hendricks County Surveyor, shall be required to store that portion of the runoff exceeding the capacity of the receiving sewers or watercourses. When such downstream restrictions are suspected, the Hendricks County Drainage Board and/or Hendricks County Surveyor may require additional analysis to determine the receiving system's limiting downstream capacity.

If the proposed development makes up only a portion of the undeveloped watershed upstream of the limiting restriction, the allowable release rate for the development shall be in direct proportion to the ratio of its drainage area to the drainage area of the entire watershed upstream of the restriction.

B. Grading and Building Pad Elevations

Maximum yard slopes are 3:1 where soil has been disturbed during construction processes. Finished floor elevation must be no less than 6 inches above finished grade and a minimum of 15 inches above an adjacent road elevation unless a written variance is granted by the Hendricks County Drainage Board and/or Hendricks County Surveyor.

For all structures located in the Special Flood Hazards Area (SFHA) as shown on the FEMA maps, the lowest floor elevations of all residential, commercial, or industrial buildings, shall be such that Lowest Floor elevation, including basement, shall be at the flood protection grade and therefore have 2 feet of freeboard above the 100-year flood elevation.

The Lowest Adjacent Grade for residential, commercial, or industrial buildings outside a FEMA or IDNR designated floodplain shall have two feet of freeboard above the flooding source's 100-year flood elevation under proposed conditions, unless the flooding source is a rear-yard swale. When the flooding source is a rear-yard swale, the Lowest Adjacent Grade for residential, commercial, or industrial buildings shall have 2 feet of freeboard above the 100-year flood elevation under proposed conditions or be separated by a minimum distance of 50 feet from the proposed-condition 100-year flood boundary.

For areas outside a FEMA or IDNR designated floodplain, the Lowest Adjacent Grade (including walkout basement floor elevation) for all residential, commercial, or industrial buildings adjacent to ponds shall be set a minimum of 2 feet above the 100-year pond elevation or 2 feet above the emergency overflow weir elevation, whichever is higher. In addition to the Lowest Adjacent

Grade requirements, any basement floor must be at least a foot above the permanent water level (normal pool elevation).

The 100-year flow paths throughout the development, whether shown on FEMA maps or not, must be shown as hatched area on the plans and 30 feet along the centerline of the flow path contained within permanent drainage easements. A statement shall be added to the plat that would refer the viewer to the construction plans to see the entire extent of overflow path as hatched areas. No fences or landscaping can be constructed within the easement areas that may impede the free flow of stormwater. These areas are to be maintained by the property owners or be designated as common areas that are to be maintained by the homeowners association. The Lowest Adjacent Grade for all residential, commercial, or industrial buildings shall be set a minimum of 1 foot above the noted overflow path/ponding elevation.

It shall be the property owners' responsibility to maintain the natural features on their lots and to take preventive measures against any and all erosion and/or deterioration of natural or manmade features on their lots.

C. Acceptable Outlet and Adjoining Property Impacts Policies

Design and construction of the stormwater facility shall provide for the discharge of the stormwater runoff from off-site land areas as well as the stormwater from the area being developed (on-site land areas) to an acceptable outlet(s) (as determined by the Hendricks County Drainage Board and/or Hendricks County Surveyor) having capacity to receive upstream (off-site) and on-site drainage. The flow path from the development outfall(s) to a regulated drain or natural watercourse (as determined by the Hendricks County Drainage Board and/or Hendricks County Surveyor) shall be provided on an exhibit that includes topographic information. Any existing field tile encountered during the construction shall also be incorporated into the proposed stormwater drainage system or tied to an acceptable outlet.

Where the outfall from the stormwater drainage system of any development flows through real estate owned by others prior to reaching a regulated drain or watercourse, no acceptance shall be granted for such drainage system until all owners of real estate and/or tenants crossed by the outfall consent in writing to the use of their real estate through a recorded easement that will be shown on the recorded plat. In addition, no activities conducted as part of the development shall be allowed to obstruct the free flow of flood waters from an upstream property.

If an adequate outlet is not located on site, then off-site drainage improvements may be required. Those improvements may include, but are not limited to, extending storm sewers, clearing, dredging and/or removal of obstructions to open drains or natural water courses, and the removal or replacement of undersized culvert pipes as required by the Hendricks County Drainage Board and/or Hendricks County Surveyor.

D. No Net Loss Floodplain Storage Policy

Floodplains exist adjacent to all natural and man-made streams, regardless of contributing drainage area or whether they have been previously identified or mapped. Due to potential impacts of floodplain loss on peak flows in streams and on the environment, disturbance to floodplains should be avoided. When the avoidance of floodplain disturbance is not practical, the natural functions of floodplain should be preserved to the extent possible.

In an attempt to strike a balance between the legitimate need for economic development within Hendricks County and the need to preserve the natural functions of floodplains to the extent possible, compensatory excavation equivalent to the floodplain storage lost shall be required for all activities within floodplain of streams located in Hendricks County where drainage area of the stream is equal or larger than one square mile. This requirement shall be considered to be above and beyond the minimum requirements provided in the applicable flood hazard areas ordinance

currently in effect in Hendricks County. The Hendricks County Drainage Board and/or Hendricks County Surveyor may alter the compensation ratio, based on extenuating circumstances, for a specific project.

Note that by definition, compensatory storage is the replacement of the existing floodplain and, in rare exceptions, the floodway storage lost due to fill. Compensatory storage is required when a portion of the floodplain is filled, occupied by a structure, or when as a result of a project a change in the channel hydraulics occurs that reduces the existing available floodplain storage. The compensatory storage should be located adjacent or opposite the placement of the fill and maintain an unimpeded connection to an adjoining floodplain area.

Computations must show no net loss of floodplain storage for 10-year, 50-year, and 100-year storm events. That is, the post-development 10-year floodplain storage along a stream shall be the same as the 10-year pre-development floodplain storage along the stream within the property limits, the post-development 50-year floodplain storage along a stream shall be the same as the 50-year pre-development floodplain storage along the stream within the property limits, and the post-development 100-year floodplain storage along a stream shall be the same as the 100-year pre-development floodplain storage along the stream within the property limits.

Calculations for floodplain volume shall be submitted in tabular form showing calculations by cross-section. The volume of floodplain storage under the without-project conditions and the with-project conditions should be determined using the average-end-area method with plotted cross-sections at a horizontal to vertical ratio of between 5:1 and 10:1, with 10- through 100-year flood elevations noted on each cross section. The scale chosen should be large enough to show the intent of proposed grading. Cross-sections should reflect both the existing and proposed conditions on the same plot. The location and extent of the compensatory storage area as well as the location and orientation of cross-sections should be shown on the grading plan.

3. CALCULATIONS AND DESIGN STANDARDS AND SPECIFICATIONS

The calculation methods as well as the type, sizing, and placement of all stormwater facilities shall meet the design criteria, standards, and specifications outlined in the Hendricks County Stormwater Technical Standards Manual. The methods and procedures in the Stormwater Technical Standards Manual are consistent with the policy stated above.

4. DRAINAGE EASEMENT REQUIREMENTS

There shall be no trees or shrubs planted, nor any structures or fences erected in any drainage easement, unless otherwise accepted by the Hendricks County Drainage Board and/or Hendricks County Surveyor. All stormwater systems, including detention or retention basins, conveyance systems, structures and appurtenances, located outside of the right-of-way may be incorporated into the Hendricks County's system at the discretion of the Hendricks County Drainage Board and/or Hendricks County Surveyor. The developer shall petition to incorporate the storm system into the Hendricks County's system. The stormwater management permit shall not be approved until such petition is submitted in a form accepted by the Hendricks County Drainage Board and/or Hendricks County Surveyor.

The following specific areas shall be included in a petition:

A. Subdivisions

- i. All new channels, drain tiles equal to or greater than 12 inches in diameter, inlet and outlet structures of detention and retention ponds, and appurtenances thereto as required by this chapter, that are installed in subdivisions requiring a stormwater management permit from the Hendricks County shall be petitioned to become incorporated into the Hendricks County's

system upon completion, proper inspection, and acceptance by the Hendricks County Drainage Board and/or Hendricks County Surveyor. New drain tiles refer to all sub-surface stormwater piping, tubing, tiles, manholes, inlets, catch basins, risers, etc.

- ii. New drain tile, 12-inch or greater in diameter, shall be placed in a minimum 30-foot (15 feet from centerline on each side) regulated drainage easement (RDE) and shall be designated on the record plat as 30-foot Regulated Drainage Easement.
- iii. A minimum of 25 feet from top of the bank on each side of a new channel shall be designated on the record plat as a Regulated Drainage Easement.
- iv. Rear-yard swales and emergency overflow paths associated with detention ponds shall not be included in petition for incorporation. However, a minimum of 30 feet width (15 feet from centerline on each side) needs to be designated as drainage easement.
- v. A minimum of 30 feet beyond the actual footprint (top of the bank) of stormwater detention facilities shall be designated as drainage easement. A minimum 30-foot width easement shall also be required as access easement, unless the pond is immediately next to a public right-of-way.
- vi. The statutory 75-foot (each side) drainage easement for regulated drains already within the Hendricks County's system may be reduced if the drain is re-classified by the County Surveyor as an Urban Drain.
- vii. An annual maintenance assessment shall be set up on each new regulated drain established in a new subdivision. The amount of the assessment will be determined by the Hendricks County Drainage Board and/or Hendricks County Surveyor and so certified.
- viii. If the Hendricks County Drainage Board and/or Hendricks County Surveyor accepts the petition for incorporation into their system, the following statement shall become part of the Restrictive Covenants of every platted subdivision and shown on recorded plat: *"channels, tile drains 12-inch or larger, inlets and outlets of detention and retention ponds, and appurtenances thereto within designated regulated drainage easements are extensions of the Hendricks County's stormwater drainage system and are the responsibility of the Hendricks County Drainage Board and/or Hendricks County Surveyor. Drainage swales and tile drains less than 12-inch in inside diameter shall be the responsibility of owner or homeowner association."*
- ix. The following statement shall be put on each subdivision plat: *"A petition addressed to the Hendricks County Drainage Board has been filed in duplicate with the County Surveyor, requesting that the subdivision's storm drainage system and its easements be accepted into the County's regulated drainage system. The storm drainage system and its easements that are accepted into the County's regulated drainage system are delineated on the plat as Regulated Drainage Easements (RDEs). Regulated Drainage Easements are stormwater easements and drainage rights of way that are hereby dedicated to the public and to the Hendricks County, Indiana, Drainage Board for the sole and exclusive purpose of controlling surface water and/or for the installation, operation, and maintenance of storm sewers and tile drains as defined in Hendricks County Stormwater Management Ordinance. These drainage easements are established under authority of the Indiana Drainage Code and the said Board may exercise powers and duties as provided in said code (e.g., annual drainage assessment per lot). All other storm drainage easements have not been accepted into the County's system. All drainage improvements performed relative to the conveyance of Stormwater runoff and the perpetual maintenance thereof, within the latter easements, shall be the responsibility of the owner or homeowner association. The Hendricks County Drainage Board assumes no responsibility relative to said improvements or the maintenance thereof. This subdivision contains _____ linear feet of open ditches and _____ linear feet of subsurface drains that will be included in the County's Regulated Drainage System."* The noted Regulated Drain lengths,

broken down by the length of open and tile drains, shall also be shown in tabular form in a prominent position on the plat.

- x. Any outlet, crossing and/or encroachment of a Regulated Drainage Easement requires application and acceptance from the Hendricks County Surveyor's office.

B. Non-Subdivisions

Where the Hendricks County Drainage Board and/or Hendricks County Surveyor is responsible for maintenance of the drainage system, regulated drainage easements of 75 feet from the top of bank on each side of the channel or each side of the tile centerline must be dedicated to Hendricks County. In addition, a minimum of 25-foot width of vegetative filter strip must be provided and maintained along top-of-bank, on each side, by the applicant within these easements.

C. Establishment of New Regulated Drain

When the Hendricks County Drainage Board and/or Hendricks County Surveyor determines it is necessary to establish a new regulated drain, each developer shall provide the necessary information and meet the requirements of the 1965 Indiana Drainage Code, as amended, for the establishment of a new Regulated Drain. Necessary easements for adequate maintenance of any new Regulated Drain shall be determined by the Hendricks County Surveyor if not already established in this Ordinance.

5. PLACEMENT OF UTILITIES

No utility company may disturb existing storm drainage facilities without the consent of the Hendricks County Drainage Board and/or Hendricks County Surveyor, whose decision may be appealed to the Hendricks County Board of Commissioners. All existing drainage facilities shall have senior rights and damage to said facilities shall result in penalties as prescribed in Chapter 8 of this Ordinance.

6. STRUCTURES NEAR COUNTY REGULATED DRAINS

For regulated drains not located in platted subdivisions, unless otherwise accepted by the Hendricks County Drainage Board and/or Hendricks County Surveyor, no permanent structure (including fences) shall be erected within seventy-five feet measured at right angles from a) the existing top edge of each bank of a regulated open drain, as determined by the Hendricks County Drainage Board and/or Hendricks County Surveyor; or b) the center line of a tiled Regulated Drain. The Indiana Drainage Code may be consulted for further details.

7. INSPECTION, MAINTENANCE, RECORD KEEPING, AND REPORTING

After the approval of the stormwater management permit by the Hendricks County Drainage Board and the commencement of construction activities, the Hendricks County Drainage Board and/or Hendricks County Surveyor has the authority to conduct inspections of the work being done to insure full compliance with the provisions of this chapter, the Stormwater Technical Standards Manual, and the terms and conditions of the approved permit.

The Hendricks County Drainage Board and/or Hendricks County Surveyor also has the authority to perform long-term, post-construction inspection of all public or privately owned stormwater quantity facilities. The inspection will cover physical conditions, available storage capacity, and the operational condition of key facility elements. Stormwater quantity facilities shall be maintained in good condition, in accordance with the terms and conditions of the approved stormwater management permit, and shall not

be subsequently altered, revised or replaced except in accordance with the approved stormwater permit, or in accordance with approved amendments or revisions to the permit. If deficiencies are found during the inspection, the owner of the facility will be notified by Hendricks County Drainage Board and/or Hendricks County Surveyor and will be required to take all necessary measures to correct such deficiencies. If the owner fails to correct the deficiencies within the allowed time period, as specified in the notification letter, the Hendricks County Drainage Board and/or Hendricks County Surveyor will undertake the work and collect from the owner using lien rights if necessary.

Assignment of responsibility for maintaining facilities serving more than one lot or holding shall be documented by appropriate covenants to property deeds, unless responsibility is formally accepted by a public body, and determined before the final stormwater permit is approved. Stormwater detention/retention basins may be donated to the Hendricks County or other unit of government designated by the Hendricks County Drainage Board and/or Hendricks County Surveyor, for ownership and permanent maintenance providing the Hendricks County Drainage Board or other governmental unit is willing to accept responsibility.



CHAPTER FOUR

**STORMWATER POLLUTION PREVENTION
FOR CONSTRUCTION SITES**

1. APPLICABILITY AND EXEMPTIONS

The Hendricks County Drainage Board and/or Hendricks County Surveyor will require a Stormwater Pollution Prevention Plan (SWPPP), which includes erosion and sediment control measures and materials handling procedures, to be submitted as part of the construction plans and specifications. Any project located within Hendricks County that includes clearing, grading, excavation, and other land disturbing activities, resulting in the disturbance of 1 acre or more of total land area, is subject to the requirements of this Chapter. This includes both new development and re-development. This Chapter also applies to disturbances of less than one 1 acre of land that are part of a larger common plan of development or sale if the larger common plan will ultimately disturb one (1) or more acres of land, within the MS4 area. Section 3 of this Chapter provides guidelines for calculating land disturbance. Projects meeting the coverage requirements of 327 IAC 15-5 (Rule 5) shall also be in compliance with 327 IAC 15-5.

The requirements under this chapter do not apply to the following activities:

- a. agricultural land disturbing activities; or
- b. forest harvesting activities.

The requirements under this chapter do not apply to the following activities, provided other applicable State permits contain provisions requiring immediate implementation of soil erosion control measures:

- a. Landfills that have been issued a certification of closure under 329 IAC 10.
- b. Coal mining activities permitted under IC 14-34.
- c. Municipal solid waste landfills that are accepting waste pursuant to a permit issued by the Indiana Department of Environmental Management under 329 IAC 10 that contains equivalent stormwater requirements, including the expansion of landfill boundaries and construction of new cells either within or outside the original solid waste permit boundary.

For an individual lot where land disturbance is expected to be one (1) acre or more, the individual lot owner must complete their own notice of intent letter, apply for a stormwater permit from the Hendricks County Drainage Board, and ensure that a sufficient construction and stormwater pollution prevention plan is completed and submitted in accordance with Chapter 7 of this Ordinance; regardless of whether the individual lot is part of a larger permitted project site.

An individual lot with land disturbance less than one (1) acre, located within a larger permitted project site, is considered part of the larger permitted project site, and the individual lot operator must comply with the terms and conditions of the stormwater permit approved for the larger project site. The stormwater permit application for the larger project site must include detailed erosion and sediment control measures for individual lots. In addition, these individual lots are required to submit Individual Lot Plot Plan Permit applications prior to receiving a building permit. Details of the permitting process are contained in Chapter 7.

It will be the responsibility of the project site owner to complete a stormwater permit application and ensure that a sufficient construction plan is completed and submitted to Hendricks County Drainage Board and/or Hendricks County Surveyor in accordance with Chapter 7 of this Ordinance. It will be the responsibility of the project site owner to ensure compliance with this Ordinance during the construction activity and implementation of the construction plan, and to notify the Hendricks County Drainage Board and/or Hendricks County Surveyor with a sufficient notice of termination letter upon completion of the project and stabilization of the site. However, all persons engaging in construction and land disturbing

activities on a permitted project site meeting the applicability requirements must comply with the requirements of this chapter and this Ordinance.

2. POLICY ON STORMWATER POLLUTION PREVENTION

Effective stormwater pollution prevention on construction sites is dependent on a combination of preventing movement of soil from its original position (erosion control), intercepting displaced soil prior to entering a waterbody (sediment control), and proper on-site materials handling. The developer must submit to the Hendricks County Drainage Board and/or Hendricks County Surveyor, a SWPPP with detailed erosion and sediment control plans as well as a narrative describing materials handling and storage, and construction sequencing. The following principles apply to all land-disturbing activities and should be considered in the preparation of a Stormwater Pollution Prevention Plan within Hendricks County.

- A. Minimize the potential for soil erosion by designing a development that fits the topography and soils of the site. Deep cuts and fills in areas with steep slopes should be avoided wherever possible, and natural contours should be followed as closely as possible.
- B. Existing natural vegetation should be retained and protected wherever possible. Areas immediately adjacent (within 35 feet of top of bank) to watercourses and lakes also should be left undisturbed wherever possible. Unvegetated or vegetated areas with less than 70% cover that are scheduled or likely to be left inactive for 15 days or more must be temporarily or permanently stabilized with measures appropriate for the season to reduce erosion potential. Alternative measures to site stabilization may be acceptable if the project site owner or their representative can demonstrate they have implemented and maintained erosion and sediment control measures adequate to prevent sediment discharge from the inactive area.
- C. All activities on a site should be conducted in a logical sequence so that the smallest practical area of land will be exposed for the shortest practical period of time during development.
- D. The length and steepness of designed slopes should be minimized to reduce erosion potential. Drainage channels and swales must be designed and adequately protected so that their final gradients and resultant velocities will not cause erosion in the receiving channel or at the outlet. Methods for determining acceptable velocities are included Stormwater Technical Standards Manual.
- E. Sediment-laden water which otherwise would flow from the project site shall be treated by erosion and sediment control measures appropriate to minimize sedimentation. A stable construction site access shall be provided at all points of construction traffic ingress and egress to the project site.
- F. Appropriate measures shall be implemented to prevent wastes or unused building materials, including, garbage, debris, packaging material, fuels and petroleum products, hazardous materials or wastes, cleaning wastes, wastewater, concrete truck washout, and other substances from being carried from a project site by runoff or wind. Identification of areas where concrete truck washout is permissible must be clearly posted at appropriate areas of the site. Wastes and unused building materials shall be managed and disposed of in accordance with all applicable State statutes and regulations. Proper storage and handling of materials such as fuels or hazardous wastes, and spill prevention and cleanup measures shall be implemented to minimize the potential for pollutants to contaminate surface or ground water or degrade soil quality.
- G. Public or private roadways shall be kept cleared of accumulated sediment that is a result of runoff or tracking. Bulk clearing of accumulated sediment shall not include flushing the area with water.

Cleared sediment shall be redistributed or disposed of in a manner that is in accordance with all applicable statutes and regulations.

- H. Collected runoff leaving a project site must be either discharged directly into a well-defined, stable receiving channel, or diffused and released to adjacent property without causing an erosion or pollutant problem to the adjacent property owner.
- I. Natural features, including wetlands, shall be protected from pollutants associated with stormwater runoff.

3. CALCULATIONS AND DESIGN STANDARDS AND SPECIFICATIONS

In calculating the total area of land disturbance, for the purposes of determining applicability of this chapter to the project, the following guidelines should be used:

- A. Off-site construction activities that provide services (for example, road extensions, sewer, water, and other utilities) to a land disturbing project site, must be considered as a part of the total land disturbance calculation for the project site, when the activity is under the control of the project site owner.
- B. Strip developments will be considered as one (1) project site and must comply with this chapter unless the total combined disturbance on all individual lots is less than one (1) acre and is not part of a larger common plan of development or sale.
- C. To determine if multi-lot project sites are regulated by this rule, the area of land disturbance shall be calculated by adding the total area of land disturbance for improvements, such as, roads, utilities, or common areas, and the expected total disturbance on each individual lot, as determined by the following:
 - i. For a single-family residential project site where the lots are one-half (0.5) acre or more, one-half (0.5) acre of land disturbance must be used as the expected lot disturbance.
 - ii. For a single-family residential project site where the lots are less than one half (0.5) acre in size, the total lot must be calculated as being disturbed.
 - iii. To calculate lot disturbance on all other types of projects sites, such as industrial and commercial projects project sites, a minimum of one (1) acre of land disturbance must be used as the expected lot disturbance, unless the lots are less than one (1) acre in size, in which case the total lot must be calculated as being disturbed.

The calculation methods as well as the type, sizing, and placement of all stormwater pollution prevention measures for construction sites shall meet the design criteria, standards, and specifications outlined in the "Indiana Stormwater Quality Manual" or the Hendricks County Stormwater Technical Standards Manual. The methods and procedures included in these two references are in keeping with the above stated policy and meet the requirements of IDEM's Rule 5.

4. INSPECTION, MAINTENANCE, RECORD KEEPING, AND REPORTING

Following approval of the stormwater management permit by the Hendricks County Drainage Board and commencement of construction activities, the Hendricks County Drainage Board and/or Hendricks County Surveyor has the authority to conduct inspections of the site to ensure full compliance with the provisions of this chapter, the *Indiana Stormwater Quality Manual*, and the terms and conditions of the approved permit.

A self-monitoring program must be implemented by the project site owner to ensure the stormwater pollution prevention plan is working effectively. A trained individual, acceptable to Hendricks County Drainage Board and/or Hendricks County Surveyor, shall perform a written evaluation of the project site by the end of the next business day following each measurable storm event. If there are no measurable storm events within a given week, the site should be monitored at least once in that week. Weekly inspections by the trained individual shall continue until the entire site has been stabilized and a Notice of Termination has been issued. The trained individual should look at the maintenance of existing stormwater pollution prevention measures, including erosion and sediment control measures, drainage structures, and construction materials storage/containment facilities, to ensure they are functioning properly. The trained individual should also identify additional measures, beyond those originally identified in the stormwater pollution prevention plan, necessary to remain in compliance with all applicable statutes and regulations.

The resulting evaluation reports must include the name of the individual performing the evaluation, the date of the evaluation, problems identified at the project site, and details of maintenance, additional measures, and corrective actions recommended and completed.

The stormwater pollution prevention plan shall serve as a guideline for stormwater quality, but should not be interpreted to be the only basis for implementation of stormwater quality measures for a project site. The project site owner is responsible for implementing, in accordance with this chapter, all measures necessary to adequately prevent polluted stormwater runoff. Recommendations by the trained individual for modified stormwater quality measures should be implemented.

Although self-monitoring reports do not need to be submitted to Hendricks County Drainage Board and/or Hendricks County Surveyor, the Hendricks County Drainage Board and/or Hendricks County Surveyor has the right to request complete records of maintenance and monitoring activities involving stormwater pollution prevention measures. All evaluation reports for the project site must be made available to Hendricks County Drainage Board and/or Hendricks County Surveyor, in an organized fashion, within forty-eight (48) hours upon request.



CHAPTER FIVE

STORMWATER QUALITY MANAGEMENT FOR POST-CONSTRUCTION

1. APPLICABILITY AND EXEMPTIONS

In addition to the requirements of Chapter 4, the stormwater pollution prevention plan, which is to be submitted to the Hendricks County Drainage Board and/or Hendricks County Surveyor as part of the stormwater management permit application, must also include post-construction stormwater quality measures. These measures are incorporated as a permanent feature into the site plan and are left in place following completion of construction activities to continuously treat stormwater runoff from the stabilized site. Any project located within Hendricks County that includes clearing, grading, excavation, and other land disturbing activities, resulting in the disturbance of 1 acre or more of total land area, is subject to the requirements of this chapter. This includes both new development and re-development, and disturbances of less than one (1) acre of land that are part of a larger common plan of development or sale if the larger common plan will ultimately disturb one (1) or more acres of land, within the MS4 area.

The requirements under this chapter do not apply to the following activities:

- A. agricultural land disturbing activities; or
- B. forest harvesting activities; or
- C. construction activities associated with a single family residential dwelling disturbing less than 5 acres, when the dwelling is not part of a larger common plan of development or sale; or
- D. single family residential developments consisting of four or less lots; or
- E. a single-family residential strip development where the developer offers for sale or lease without land improvements and the project is not part of a larger common plan of development of sale; or
- F. individual building lots within a larger permitted project.

The requirements under this Chapter do not apply to the following activities, provided other applicable State permits contain provisions requiring immediate implementation of soil erosion control measures:

- A. Landfills that have been issued a certification of closure under 329 IAC 10.
- B. Coal mining activities permitted under IC 14-34.
- C. Municipal solid waste landfills that are accepting waste pursuant to a permit issued by the Indiana Department of Environmental Management under 329 IAC 10 that contains equivalent stormwater requirements, including the expansion of landfill boundaries and construction of new cells either within or outside the original solid waste permit boundary.

It will be the responsibility of the project site owner to complete a stormwater permit application and ensure that a sufficient construction plan is completed and submitted to the Hendricks County Drainage Board and/or Hendricks County Surveyor in accordance with Chapter 7 of this Ordinance. It will be the responsibility of the project site owner to ensure proper construction and installation of all stormwater BMPs in compliance with this Ordinance and with the approved stormwater management permit, and to notify the Hendricks County Drainage Board and/or Hendricks County Surveyor with a sufficient notice of termination letter upon completion of the project and stabilization of the site. However, all eventual property owners of stormwater quality facilities meeting the applicability requirements must comply with the requirements of this chapter and this Ordinance.

2. POLICY ON STORMWATER QUALITY MANAGEMENT

It is recognized that developed areas, as compared to undeveloped areas, generally have increased imperviousness, decreased infiltration rates, increased runoff rates, and increased concentrations of pollutants such as fertilizers, herbicides, greases, oil, salts and other pollutants. As new development and re-development continues in Hendricks County, measures must be taken to intercept and filter pollutants from stormwater runoff prior to reaching regional creeks, streams, and rivers. Through the use of Best Management Practices (BMP), stormwater runoff will be filtered and harmful amounts of sediment, nutrients, and contaminants will be removed. Hendricks County has adopted a policy that the control of Stormwater quality will be based on the management of Total Suspended Solids (TSS).

The project site owner must submit to the Hendricks County Drainage Board and/or Hendricks County Surveyor, a Storm Water Pollution Prevention Plan (SWPPP) that would show placement of appropriate BMP(s) from a pre-approved list of BMPs specified in the Hendricks County Stormwater Technical Standards Manual. The noted BMPs must be designed, constructed, and maintained according to guidelines provided or referenced in the Hendricks County Stormwater Technical Standards Manual. Practices other than those specified in the pre-approved list may be utilized. However, the burden of proof, as to whether the performance (minimum 80% TSS removal) and ease of maintenance of such practices will be according to guidelines provided in the Hendricks County Stormwater Technical Standards Manual, would be placed with the applicant. Details regarding the procedures and criteria for consideration of acceptance of such BMPs are provided in the Hendricks County Stormwater Technical Standards Manual.

Gasoline outlets and refueling areas must install appropriate practices to reduce lead, copper, zinc, and hydrocarbons in stormwater runoff. These requirements will apply to all new facilities and existing facilities that replace their tanks.

3. CALCULATIONS AND DESIGN STANDARDS AND SPECIFICATIONS

Calculation of land disturbance should follow the guidelines discussed in Chapter 4, Section 3.

The calculation methods as well as the type, sizing, and placement of all stormwater quality management measures, or BMPs shall meet the design criteria, standards, and specifications outlined in the *Indiana Stormwater Quality Manual* or the Hendricks County Stormwater Technical Standards Manual. The methods and procedures included in these two references are in keeping with the above stated policy and meet the requirements of IDEM's Rule 13.

4. EASEMENT REQUIREMENTS

All stormwater quality management systems, including detention or retention basins, filter strips, pocket wetlands, in-line filters, infiltration systems, conveyance systems, structures and appurtenances located outside of the right-of-way shall be incorporated into permanent easements. For developments occurring within the County's unincorporated areas and/or at the discretion of the Hendricks County Surveyor and/or Drainage Board, the developer shall petition to establish the noted system as a portion of regulated drainage system pursuant to the provisions of I.C.-36-9-27-54, and the drainage plan shall not be accepted until such petition is submitted in a form accepted by the County Surveyor and the County Drainage Board. For the purposes of access, monitoring, inspection, and general maintenance activities, the petition should include a 30-foot wide perimeter beyond the actual footprint of the stormwater quality management facility as well as access easement from a public right-of-way to each BMP.

5. INSPECTION, MAINTENANCE, RECORD KEEPING, AND REPORTING

After the approval of the stormwater management permit by the Hendricks County Drainage Board and the commencement of construction activities, the Hendricks County Drainage Board and/or Hendricks County Surveyor has the authority to conduct inspections of the work being done to ensure full compliance with the provisions of this chapter, the Stormwater Technical Standards Manual, and the terms and conditions of the approved permit.

Stormwater quality facilities shall be maintained in good condition, in accordance with the Operation and Maintenance procedures and schedules listed in the *Indiana Stormwater Quality Manual* or the Hendricks County Stormwater Technical Standards Manual, and the terms and conditions of the approved stormwater permit, and shall not be subsequently altered, revised, or replaced except in accordance with the approved stormwater permit, or in accordance with approved amendments or revisions in the permit. Following construction completion, maintenance of stormwater quality facilities shall be the long-term responsibility of the Hendricks County Drainage Board. Stormwater detention/retention basins may be donated to Hendricks County or other unit of government designated by the Hendricks County Drainage Board, for ownership and permanent maintenance providing the Hendricks County Drainage Board or other governmental unit is willing to accept responsibility.

If the Hendricks County Drainage Board accepts the petition for incorporation of post-construction stormwater quality BMPs into their system, the following statement shall become part of the Restrictive Covenants of every platted subdivision and shown on the recorded plat: *"The post-construction stormwater quality BMPs that are listed in the table below and are located within designated regulated drainage easements are extensions of the Hendricks County's stormwater drainage system and are the responsibility of the Hendricks County Drainage Board. Every lot owner in the subdivision is responsible for the maintenance costs associated with the noted post-construction stormwater quality BMPs."*

The following statement shall be put on each subdivision plat: *"A petition addressed to the Hendricks County Drainage Board has been filed with the County Surveyor, requesting that the subdivision's post-construction stormwater quality BMPs, listed in the following table, and their associated easements be accepted into the County's regulated drainage system. The noted post-construction stormwater quality BMPs and their easements that are accepted into the County's regulated drainage system are delineated on the plat as Regulated Drainage Easements (RDEs). Regulated Drainage Easements are stormwater easements and drainage rights of way that are hereby dedicated to the public and to the Hendricks County, Indiana, Drainage Board for the sole and exclusive purpose of managing stormwater quality and quantity and/or for the installation, operation, and maintenance of stormwater quality BMPs, storm sewers, and tile drains as defined in Hendricks County Stormwater Management Ordinance. These drainage easements are established under authority of the Indiana Drainage Code and the Indiana Stormwater Utility Code, and the said Board may exercise powers and duties as provided in said codes (e.g., annual drainage assessment or stormwater/clean water fees per lot). All other storm drainage easements have not been accepted into the County's system. All drainage improvements performed relative to the conveyance and management of Stormwater runoff quantity and quality, and the perpetual maintenance and cost thereof, within the latter easements, shall be the responsibility of every lot owner within the subdivision and the homeowners association. The Hendricks County Drainage Board assumes no responsibility relative to said improvements or the maintenance thereof. This subdivision contains the following post-construction stormwater BMPs that will be included in the County's Regulated Drainage System." A table listing the name and location of every post-construction stormwater quality BMPs being accepted into the Hendricks County Regulated Drainage System shall also be included immediately following the above statement on the recorded plat.*

The Hendricks County Drainage Board and/or Hendricks County Surveyor also has the authority to perform long-term, post-construction inspection of all public or privately owned stormwater quality facilities. The inspections will follow the Operation and Maintenance procedures included in the Stormwater Technical Standards Manual and/or permit application for each specific BMP. The inspection will cover physical conditions, available water quality storage capacity and the operational condition of

key facility elements. Noted deficiencies and recommended corrective action will be included in an inspection report.



CHAPTER SIX

DEVELOPMENT IN WETLANDS REGULATIONS**1. APPLICABILITY AND EXEMPTIONS**

This Chapter shall apply to all land-disturbing activities regulated by this Ordinance. No stormwater permit shall be issued and no land disturbance started for any construction in a development, as defined in Appendix A, identified as containing wetlands until the owner thereof has obtained all required state and federal permits or releases related to the dredging or filling of wetlands. As a pre-condition to receiving a stormwater permit for a development identified as containing wetlands where the applicant for the permit does not intend to fill a wetland, such unaffected wetland must be identified in one of the methods enumerated in Section 3 of this Chapter, shown on the proposed development plans, and submitted to the Hendricks County Drainage Board and/or Hendricks County Surveyor along with plans to protect and avoid any disturbance to such unaffected wetland.

The requirements under this chapter do not apply to the following:

- A. Artificially-constructed ponds, drainage ditches, stormwater retention/detention basins, gravel pits, stone quarries, and treatment lagoons that exist at the site and that may appear to display wetland-like properties;
- B. Wetlands or portions thereof for which federal or state permits for fill were issued prior to the enactment of this Chapter; or to
- C. Any area or use excluded from local planning and zoning jurisdiction by federal or state law.

It will be the responsibility of the project site owner to complete a stormwater permit application and ensure that all wetlands identified to be present at the project site are sufficiently protected and preserved as set forth in this Chapter.

2. POLICY ON WETLANDS DISTURBANCE PREVENTION

It is the public policy of Hendricks County to preserve, protect, and conserve freshwater wetlands, and the benefits derived wherefrom, to prevent the destruction of freshwater wetlands, and to regulate use and development of such wetlands to secure the natural benefits of freshwater wetlands, consistent with the general welfare and beneficial to economic, social, and agricultural development in Hendricks County.

3. WETLANDS IDENTIFICATION

In implementing the terms of this Chapter, any of the following materials shall be the prima facie evidence which may be relied upon by the Hendricks County Surveyor for the identification, delineation, and existence of a wetland:

- A. National Wetlands inventory maps produced or maintained by the United States Fish and Wildlife Service.
- B. Maps other than that noted above that may have been produced, or maintained and utilized, by the United States Corps of Engineers for identification and/or delineation of wetlands.
- C. Maps other than that noted above that may have been produced, or maintained and utilized, by the United States Natural Resources Conservation Service for the identification and/or delineation of wetlands.
- D. Field investigations performed by the United States Army Corps of Engineers or private consultants using the latest U.S. Corps of Engineers methodology.



CHAPTER SEVEN

PERMIT REQUIREMENTS AND PROCEDURES**1. PRELIMINARY DRAINAGE PLAN APPROVAL**

In order to establish that an adequate drainage outlet(s) exists for a proposed subdivision seeking a Primary Plat approval from the Hendricks County Plan Commission, or for certain commercial developments as determined by the Hendricks County Surveyor, a developer must first apply for a Preliminary Drainage Approval from the Hendricks County Drainage Board. As part of the noted Preliminary Drainage Approval application, a developer shall submit conceptual drainage plans for review by the Hendricks County Drainage Board and/or Hendricks County Surveyor prior to the Plan Commission hearing. Note that any preliminary drainage approval by the Hendricks County Drainage Board and/or Hendricks County Surveyor as a result of such a review is based on preliminary data and shall not be construed as a final drainage approval or considered binding on either party. The following is a general listing of minimum data requirements for the review of conceptual drainage plans:

- A. Two (2) complete sets of conceptual plans showing general project layout, including existing and proposed drainage systems and proposed outlets (plan sheets must be larger than 11" by 17", but not to exceed 24" by 36").
- B. General description of the existing and proposed drainage systems in narrative form.
- C. Watershed Boundaries with USGS Contours or best information possible.
- D. Existing watercourse or regulated drains.
- E. Letter of Intent for obtaining any needed consents, off-site easements, or right-of-way

2. PERMIT PROCEDURES

This section applies to all development, or re-development of land, that results in land disturbance of one (1) acre or more. Individual lots with land disturbance less than one (1) acre that are developed within a larger permitted project site, should refer to Section 4 for plan review requirements and procedures.

There are three scenarios for permit application and processing procedures. One process is followed for projects located within the MS4 area boundary shown on the map in Appendix B, one for projects located outside the MS4 area boundary, and one for projects located both within and outside the MS4 area boundary. Figure 1 is a flowchart summarizing the plan review/permit approval process and can be found at the end of this chapter.

A. Inside MS4 Area Boundary

For projects located within the MS4 area boundary, as shown in Appendix B, the project site owner shall submit an application for a stormwater management permit to the Hendricks County Drainage Board and/or Hendricks County Surveyor. The application will include an Initial Notice of Intent letter (NOI) that would also act as permit application form (IDEM form is being used to avoid confusion. However, for the purpose of compliance with this Ordinance, ignore any requested fees or return address noted on the form), proof of public notice, construction plan sheets, stormwater drainage technical report, a stormwater pollution prevention plan, and any other necessary support information. Specific information to be included in the application can be found in Section 3 below. Four (4) copies of each application must be submitted to the Hendricks County Drainage Board and/or Hendricks County Surveyor. Additionally, a digital copy of the construction plans is required in a format accepted by the Hendricks County Drainage Board and/or Hendricks County Surveyor.

After the receipt of the application by the Hendricks County Drainage Board and/or Hendricks County Surveyor, the applicant will be notified as to whether their application was complete or insufficient. The applicant will be asked for additional information if the application is insufficient. If

the application is complete, the Hendricks County Drainage Board and/or Hendricks County Surveyor will forward one copy of the application to the Soil and Water Conservation District (SWCD) for its review and comment within a 10-day period. The remaining three (3) copies will be reviewed in detail by the Hendricks County Drainage Board and/or Hendricks County Surveyor and/or its plan review consultant(s). Once all comments have been received and review completed, the Hendricks County Drainage Board and/or Hendricks County Surveyor will either accept the project, request modifications, or place the project on the agenda of the next scheduled meeting of the Hendricks County Drainage Board. If the project must go through a scheduled meeting, the Hendricks County Drainage Board and/or Hendricks County Surveyor will furnish the applicant a complete list of comments and objections to the plans and accompanying data prior to the scheduled meeting. After the scheduled meeting, the Hendricks County Drainage Board will either issue a permit, or request modifications to the construction plans.

The project site owner must notify the Hendricks County Drainage Board and/or Hendricks County Surveyor and IDEM at least 48 hours before beginning construction. Notification shall be in the form of an updated IDEM NOI form (IDEM form is being used to avoid confusion. However, for the purpose of compliance with this Ordinance, ignore any requested fees or return address noted on the form for the copy that is submitted to the Hendricks County Drainage Board and/or Hendricks County Surveyor). Once a permit has been issued and the updated NOI submitted to the Hendricks County Drainage Board and/or Hendricks County Surveyor and IDEM at least 48 hours before beginning construction, construction may commence. Once construction starts, the project owner shall monitor construction activities and inspect all stormwater pollution prevention measures in compliance with this Ordinance and the terms and conditions of the approved permit. Upon completion of construction activities, as-built plans must be submitted to the Hendricks County Drainage Board and/or Hendricks County Surveyor. A Notice of Termination (NOT) shall be sent to the Hendricks County Drainage Board and/or Hendricks County Surveyor once the construction site has been stabilized and all temporary erosion and sediment control measures have been removed (IDEM form is being used to avoid confusion. However, for the purpose of compliance with this Ordinance, ignore any requested fees or return address noted on the form). The Hendricks County Drainage Board and/or Hendricks County Surveyor, or representative, shall inspect the construction site to verify the requirements for an NOT have been met. Once the applicant receives a "verified" copy of the NOT, they must forward a copy to IDEM (to the address shown on the form). Permits issued under this scenario will expire 5 years from the date of issuance. If construction is not completed within 5 years, the NOI must be resubmitted at least 90 days prior to expiration. No Rule 5 (327 IAC 15-5) permit is required from IDEM for projects within the MS4 area boundary, since the Hendricks County Drainage Board is the permitting authority.

B. Outside MS4 Area Boundary

For projects located outside the MS4 area boundary, the procedure to be followed by the applicant is similar to that described under Item A (above). However, unless the IDEM's Rule 5 (327 IAC 15-5) arrangement with the local SWCD is delegated to the County through a MOA, the SWCD shall have a total of 28 days (the 10-day comment period noted under Item A plus an additional 18 days) to provide a detail review of the plans. If the project site owner/applicant does not receive notification within 28 days after the plan is received by the SWCD stating that the SWCD finds the plan is deficient, the project site owner may submit the updated NOI letter information. Also, again unless the IDEM's Rule 5 (327 IAC 15-5) arrangement with the local SWCD is delegated to the County through a Memorandum of Understanding (MOA), the SWCD would conduct an independent inspection of the construction site and will work with the contractor to ensure that erosion control measures are implemented according to the accepted plans and that site is satisfactorily stabilized.

Note that in these "outside the MS4" areas, both County and IDEM exercise authority over the erosion and sediment control aspects of construction projects. Again, unless the IDEM's Rule 5 (327 IAC 15-5) arrangement with the local SWCD is delegated to the County through a MOA, the applicant is responsible to independently satisfy the requirements imposed by IDEM and SWCD. Any review and inspection of construction and post-construction pollution prevention measures by

the Hendricks County Drainage Board and/or Hendricks County Surveyor in these "outside the MS4" areas would be above and beyond that of SWCD under Rule 5.

C. Both Inside and Outside the MS4 Area Boundary

For projects that are partially within the MS4 Area Boundary and partially outside the MS4 Area Boundary, the project site owner must comply with both Rule 5 and this Ordinance. The application procedure must follow the requirements of subsection "A" above as well as the requirements of subsection "B" above.

3. INFORMATION REQUIREMENTS

Specific projects or activities may be exempt from all or part of the informational requirements listed below. Exemptions are detailed in the "Applicability and Exemptions" Sections of Chapters 2 through 5. If a project or activity is exempt from any or all requirements of this Ordinance, an application should be filed listing the exemption criteria met, in lieu of the information requirements listed below. This level of detailed information is not required from individual lots, disturbing less than 1 acre of land, developed within a larger permitted project site. Review and acceptance of such lots is covered under Section 4 of this Chapter.

The different elements of a permit submittal include a Notice of Intent (NOI), proof of publication of a public notice, construction plans, a stormwater drainage technical report, a stormwater pollution prevention plan for active construction sites, a post-construction stormwater pollution prevention plan, and any other necessary supporting information. All plans, reports, calculations, and narratives shall be signed and sealed by a professional engineer or a licensed surveyor, registered in the State of Indiana.

A. Initial Notice of Intent

The NOI is a standard form developed by the Indiana Department of Environmental Management which requires general project information. The NOI form should be completed in full and accompanied by proof of publication in a newspaper of general circulation, in the affected area, that notified the public that a construction activity is to commence. The publication must include the following language:

"(Company name, address) is submitting an NOI letter to notify the Hendricks County Drainage Board and/or Hendricks County Surveyor and the Indiana Department of Environmental Management of our intent to comply with the requirements of the Hendricks County Stormwater Management Ordinance, as well as the requirements of 327 IAC 15-5 and 327 IAC 15-13, to discharge stormwater from construction activities for the following project: (name of the construction project, address of the location of the construction project, and Parcel Identification Number). Run-off from the project site will discharge to (stream(s) receiving the discharge(s))."

B. Construction Plans

Construction plan sheets (larger than 11" by 17", but not to exceed 24" by 36" in size) and an accompanying narrative report shall describe and depict the existing and proposed conditions. Note that in order to gain an understanding of and to evaluate the relationship between the proposed improvements for a specific project section/phase and the proposed improvements for an overall multi-section (phased) project, the detailed information requested herein for the first section/phase being permitted must be accompanied by an overall project plan that includes the location, dimensions, and supporting analyses of all detention/retention facilities, primary

conveyance facilities, and outlet conditions. Construction plans need to include the following detailed items:

- i. Project narrative and supporting documents, including the following information:
 - a. An index indicating the location, in the construction plans, of all information required by this subsection.
 - b. Description of the nature and purpose of the project.
 - c. A copy of a legal boundary survey for the site, performed in accordance with Rule 12 of Title 865 of the Indiana Administrative Code or any applicable and subsequently adopted rule or regulation for the subdivision limits, including all drainage easements and wetlands.
 - d. Soil properties, characteristics, limitations, and hazards associated with the project site and the measures that will be integrated into the project to overcome or minimize adverse soil conditions.
 - e. General construction sequence of how the project site will be built, including phases of construction.
 - f. 14-Digit Watershed Hydrologic Unit Code.
 - g. A reduced plat or project site map showing the parcel identification numbers, lot numbers, lot boundaries, easements, and road layout and names. The reduced map must be legible and submitted on a sheet or sheets no larger than eleven (11) inches by seventeen (17) inches for all phases or sections of the project site.
 - h. A topographic map of the land to be developed and such adjoining land whose topography may affect the layout or drainage of the development. The contour intervals shall be one (1) foot when slopes are less than or equal to two percent (<2%) and shall be two (2) feet when slopes exceed two percent (>2%). All elevations shall be given in either National Geodetic Vertical Datum of 1929 (NGVD) or North American Vertical Datum of 1988 (NAVD). The horizontal datum of topographic map shall be based on Indiana State Plane Coordinates, NAD83. The map will contain a notation indicating these datum information.
 - a) If the project site is less than or equal to two (2) acres in total land area, the topographic map shall include all topography of land surrounding the site to a distance of at least one hundred (100) feet.
 - b) If the project site is greater than two (2) acres in total land area, the topographic map shall include all topography of land surrounding the site to a distance of at least two hundred (200) feet..
 - i. Identification of any other State or Federal water quality permits that are required for construction activities associated with the owner's project site.
 - j. Proof of Errors and Omissions Insurance for the registered professional engineer or licensed surveyor showing a minimum amount of \$1,000,000 in coverage.
- ii. Vicinity map depicting the project site location in relationship to recognizable local landmarks, towns, and major roads, such as a USGS topographic quadrangle map, or county or municipal road map.
- iii. An existing project site layout that must include the following information:
 - a. Location, name, and normal water level of all wetlands, lakes, ponds, and water courses on, or adjacent to, the project site.
 - b. Location of all existing structures on the project site.
 - c. One hundred (100) year floodplains, floodway fringes, and floodways. Please note if none exists.

- d. Soil map of the predominant soil types, as determined by the United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS) Soil Survey, or as determined by a soil scientist. Hydrologic classification for soils should be shown when hydrologic methods requiring soils information are used. A soil legend must be included with the soil map.
 - e. Identification and delineation of vegetative cover such as grass, weeds, brush, and trees on the project site.
 - f. Location of storm, sanitary, combined sewer, and septic tank systems and outfalls.
 - g. Land use of all adjacent properties.
 - h. Identification and delineation of sensitive areas.
 - i. Existing topography at a contour interval appropriate to indicate drainage patterns.
 - j. The location of regulated drains, farm drains, inlets and outfalls, if any of record.
 - k. Location of all existing cornerstones within the proposed development and a plan to protect and preserve them.
- iv. Final project site layout, including the following information:
- a. Location of all proposed site improvements, including roads, utilities, lot delineation and identification, proposed structures, and common areas.
 - b. One hundred (100) year floodplains, floodway fringes, and floodways. Please note if none exists.
 - c. Proposed final topography, at a contour interval appropriate to indicate drainage patterns.
- v. A grading plan, including the following information:
- a. Delineation of all proposed land disturbing activities, including off-site activities that will provide services to the project site.
 - b. Location of all soil stockpiles and borrow areas.
 - c. Information regarding any off-site borrow, stockpile, or disposal areas that are associated with a project site, and under the control of the project site owner.
 - d. Existing and proposed topographic information.
- vi. A drainage plan, including the following information:
- a. An estimate of the peak discharge, based on the ten (10) year storm 24-hour event, of the project site for post-construction conditions.
 - b. The proposed 100-year and 10-year release rates determined for the site, showing the methodology used to calculate them and detailing considerations given to downstream restrictions (if any) that may affect the calculated allowable release rates.
 - c. Calculation showing peak runoff rate after development for the 10-year and 100-year return period 24-hour storms do not exceed the respective allowable release runoff rates.
 - d. Location, size, and dimensions of all existing streams to be maintained, and new drainage systems such as culverts, bridges, storm sewers, conveyance channels, and 100-year overflow paths/ponding areas shown as hatched areas, along with all associated easements.
 - e. Locations where stormwater may be directly discharged into groundwater, such as abandoned wells or sinkholes. Please note if none exists.
 - f. Locations of specific points where stormwater discharge will leave the project site.
 - g. Name of all receiving waters. If the discharge is to a separate municipal storm sewer, identify the name of the municipal operator and the ultimate receiving water.
 - h. Location, size, and dimensions of features such as permanent retention or detention facilities, including natural or constructed wetlands, used for the purpose of

stormwater management. Include existing retention or detention facilities that will be maintained, enlarged, or otherwise altered and new ponds or basins to be built and the basis of their design.

- i. The estimated depth and amount of storage required by design of the new ponds or basins.
 - j. One or more typical cross sections of all existing and proposed channels or other open drainage facilities carried to a point above the 100-year high water and showing the elevation of the existing land and the proposed changes, together with the high water elevations expected from the 100 year storm under the controlled conditions called for by this ordinance, and the relationship of structures, streets, and other facilities.
- vii. Any other information required by Hendricks County Drainage Board and/or Hendricks County Surveyor in order to thoroughly evaluate the submitted material.

C. Stormwater Drainage Technical Report

A written stormwater drainage technical report must contain a discussion of the steps taken in the design of the stormwater drainage system. Note that in order to gain an understanding of and to evaluate the relationship between the proposed improvements for a specific project section/phase and the proposed improvements for an overall multi-section (phased) project, the detailed information requested herein for the first section/phase being permitted must be accompanied by an overall project plan that includes the location, dimensions, and supporting analyses of all detention/retention facilities, primary conveyance facilities, and outlet conditions. The technical report needs to include the following detailed items:

- i. A summary report, including the following information:
 - a. The significant drainage problems associated with the project;
 - b. The analysis procedure used to evaluate these problems and to propose solutions;
 - c. Any assumptions or special conditions associated with the use of these procedures, especially the hydrologic or hydraulic methods;
 - d. The proposed design of the drainage control system; and
 - e. The results of the analysis of the proposed drainage control system showing that it does solve the project's drainage problems. Any hydrologic or hydraulic calculations or modeling results must be adequately cited and described in the summary description. If hydrologic or hydraulic models are used, the input and output files for all necessary runs must be included in the appendices. A map showing any drainage area subdivisions used in the analysis must accompany the report.
- ii. A Hydrologic/Hydraulic Analysis, consistent with the methodologies and calculation included in the Hendricks County Stormwater Technical Standards Manual, and including the following information:
 - a. A hydraulic report detailing existing and proposed drainage patterns on the subject site. The report should include a description of present land use and proposed land use. Any off-site drainage entering the site or any downstream restrictions should be addressed as well. This report should be comprehensive and detail all of the steps the engineer took during the design process.
 - b. All hydrologic and hydraulic computations should be included in the submittal. These calculations should include, but are not limited to: runoff curve numbers and runoff coefficients, runoff calculations, stage-discharge relationships, times-of-concentration and storage volumes.

- c. Copies of all computer runs. These computer runs should include both the input and the outputs. Electronic copies of the computer runs with input files must also be included.
- d. A set of exhibits should be included showing the drainage sub-areas and a schematic detailing of how the computer models were set up.
- e. A conclusion which summarizes the hydraulic design and details how this design satisfies this ordinance.

D. Stormwater Pollution Prevention Plan for Construction Sites

A stormwater pollution prevention plan associated with construction activities must be designed to, at least, meet the requirements of this Ordinance and must include the following:

- i. Location, dimensions, detailed specifications, and construction details of all temporary and permanent stormwater quality measures.
- ii. Temporary stabilization plans and sequence of implementation.
- iii. Permanent stabilization plans and sequence of implementation.
- iv. Temporary and permanent stabilization plans shall include the following:
 - a. Specifications and application rates for soil amendments and seed mixtures.
 - b. The type and application rate for anchored mulch.
- v. Construction sequence describing the relationship between implementation of stormwater quality measures and stages of construction activities.
- vi. A typical erosion and sediment control plan for individual lot development.
- vii. Self-monitoring program including plan and procedures.
- viii. A description of potential pollutant sources associated with the construction activities, which may reasonably be expected to add a significant amount of pollutants to stormwater discharges.
- ix. Material handling and storage associated with construction activity shall meet the spill prevention and spill response requirements in 327 IAC 2-6.1.
- x. Name, address, telephone number, and list of qualifications of the trained individual in charge of the mandatory stormwater pollution prevention self-monitoring program for the project site.

E. Post-Construction Storm Water Pollution Prevention Plan

The post-construction storm water pollution prevention plan must include the following information:

- i. A description of potential pollutant sources from the proposed land use, which may reasonably be expected to add a significant amount of pollutants to stormwater discharges.
- ii. Location, dimensions, detailed specifications, and construction details of all post-construction stormwater quality measures.
- iii. A description of measures that will be installed to control pollutants in stormwater discharges that will occur after construction activities have been completed. Such practices include infiltration of runoff, flow reduction by use of open vegetated swales and natural depressions, buffer strip and riparian zone preservation, filter strip creation, minimization of land disturbance and surface imperviousness, maximization of open space, and stormwater retention and detention ponds.
- iv. A sequence describing when each post-construction stormwater quality measure will be installed.
- v. Stormwater quality measures that will remove or minimize pollutants from stormwater runoff.
- vi. Stormwater quality measures that will be implemented to prevent or minimize adverse impacts to stream and riparian habitat.

- vii. A narrative description of the maintenance guidelines for all post-construction stormwater quality measures to facilitate their proper long term function. This narrative description shall be made available to future parties who will assume responsibility for the operation and maintenance of the post-construction stormwater quality measures.

4. REVIEW OF INDIVIDUAL LOTS WITHIN A PERMITTED PROJECT

For individual lots disturbing less than 1 acre, developed within a larger permitted project, a formal review and issuance of an Individual Lot Plot Plan Permit will be required before a building permit can be issued. All stormwater management measures necessary to comply with this Ordinance must be implemented in accordance with permitted plan for the larger project.

The following information must be submitted to the Hendricks County Drainage Board and/or Hendricks County Surveyor, for review and acceptance, by the individual lot operator, whether owning the property or acting as the agent of the property owner, as part of a request for review and issuance of an Individual Lot Plot Plan Permit that must be obtained prior to the issuance of a building permit.

- A. A site layout for the subject lot and all adjacent lots showing building pad location, dimensions, and elevations, and the drainage patterns and swales.
- B. Erosion and sediment control plan that, at a minimum, includes the following measures:
 - i. Installation and maintenance of a stable construction site access.
 - ii. Installation and maintenance of appropriate perimeter erosion and sediment control measures prior to land disturbance.
 - iii. Minimization of sediment discharge and tracking from the lot.
 - iv. Clean-up of sediment that is either tracked or washed onto roads. Bulk clearing of sediment shall not include flushing the area with water. Cleared sediment must be redistributed or disposed of in a manner that is in compliance with all applicable statutes and rules.
 - v. Adjacent lots disturbed by an individual lot operator must be repaired and stabilized with temporary or permanent surface stabilization.
 - vi. Self-monitoring program including plan and procedures.
- C. Certification of Compliance stating that the individual lot plan is consistent with the stormwater management permit, as approved by the Hendricks County Drainage Board, for the larger project.
- D. Name, address, telephone number, and list of qualifications of the trained individual in charge of the mandatory stormwater pollution prevention self-monitoring program for the project site.

The individual lot operator is responsible for installation and maintenance of all erosion and sediment control measures until the site is stabilized.

5. CHANGES TO PLANS

Any changes or deviations in the detailed plans and specifications after approval of the applicable stormwater management permit shall be filed with, and accepted by, the Hendricks County Drainage Board and/or Hendricks County Surveyor prior to the land development involving the change. Copies of the changes, if accepted, shall be attached to the original plans and specifications.

6. FEE STRUCTURE

A. FEE AMOUNT

As a condition of the submittal and the review of development plans by Hendricks County, the applicant shall agree to pay the Hendricks County Drainage Board and/or Hendricks County Surveyor the applicable fee, as set by the Hendricks County Drainage Board with respect to the

review of all drainage submittals, preliminary plans, final plans, construction plans and accompanying information and data, as well as pre-paid inspection fees.

B. TIME OF PAYMENT

After the meeting at which the Hendricks County Drainage Board is scheduled to consider acceptance of the applicant's final stormwater management plan, the Hendricks County Drainage Board and/or Hendricks County Surveyor will furnish a written statement to the applicant specifying the total amount due the Hendricks County Drainage Board and/or Hendricks County Surveyor in connection with the review of the applicant's submittals, plans and accompanying information and data, including the amount required to be paid by applicant for review and pre-paid inspection fees.

As a condition of acceptance of final drainage plans by the Hendricks County Drainage Board and/or Hendricks County Surveyor, applicant shall pay to the Hendricks County Drainage Board and/or Hendricks County Surveyor the sum set forth in said statement. The Hendricks County Drainage Board and/or Hendricks County Surveyor may issue such a billing statement before the project advances to the final acceptance stage, and such payment is due by applicant upon receipt of said billing statement regardless of whether the project is advanced to the final acceptance stage.

The Hendricks County Drainage Board and/or Hendricks County Surveyor shall have the right to not accept the drainage improvements or to not accept the advancement of any project for which the applicable fees have not been paid.

C. METHOD OF PAYMENT

Fees shall be paid by one of the following methods:

- Certified Check
- Cashier's Check
- Money Order

All checks shall be made payable to the: Hendricks County Drainage Board
355 S. Washington Street, Suite 214
Danville, Indiana 46122

D. REFUND OF PAYMENT

Fees are refundable only if the Hendricks County Drainage Board and/or Hendricks County Surveyor determines that compliance by the development to this Ordinance is not necessary.

7. REQUIRED ASSURANCES

As a condition of approval and issuance of the permit, the Hendricks County Drainage Board and/or Hendricks County Surveyor shall require the applicant to provide assurance in form of an irrevocable letter of credit or a bond when the stormwater management plan has been accepted, all applicable fees paid, and before construction begins. Said assurance will guarantee a good faith execution of the stormwater drainage plan, the stormwater pollution prevention plan, the stormwater quality management plan, and any permit conditions. The assurance shall be for an amount equal to 110 percent of the total costs of all stormwater management measures for the entire project. The above mentioned costs shall be based on an estimate as prepared by a registered engineer or land surveyor. Said costs shall be for the installation and ongoing monitoring and maintenance of erosion control measures and the construction and ongoing monitoring and maintenance of storm drainage infrastructure, detention/retention facilities, and stormwater quality BMPs, as regulated under this Ordinance, until the construction is completed, site is stabilized, and as-built plans are accepted by the Hendricks County Drainage Board and/or Hendricks County Surveyor. Assurances shall be for a minimum of \$5,000. Local governmental jurisdictions may require additional performance and/or maintenance assurances. The intent of this assurance is not only to complete the installation of storm drain infrastructure for the project, but also to assure that adequate

stormwater pollution prevention measures are properly installed and maintained. If adequate assurances are set aside by the project site owner for the overall project, proof of total assurance can be submitted in place of an individual stormwater assurance.

8. TERMS AND CONDITIONS OF PERMITS

In granting a stormwater management permit, the Hendricks County Drainage Board and/or Hendricks County Surveyor may impose such terms and conditions as are reasonably necessary to meet the purposes of this Ordinance. The project site owner shall insure compliance with such terms and conditions. Non-compliance with the terms and conditions of permits will be subject to enforcement as described in Chapter 8.

The project site owner shall inform all general contractor, construction management firms, grading or excavating contractors, utility contractors, and the contractors that have primary oversight on individual building lots of the terms and conditions of the stormwater management permit and the schedule for proposed implementation.

In the event that a project site is determined to impact or discharge to a Sensitive Area or is located in an Impact Drainage Area, the Hendricks County Drainage Board and/or Hendricks County Surveyor may require more stringent stormwater quantity and quality measures than detailed in this Ordinance or in the *Indiana Stormwater Quality Manual*.

A. Determination of Sensitive Areas

Sensitive Areas include highly erodible soils, wetlands, threatened or endangered species habitat, outstanding waters, impaired waters, recreational waters, and surface drinking water sources. A listing of highly erodible soils, outstanding water, impaired water, recreation water, and surface drinking water sources can be found in the Hendricks County Storm Water Quality Management Plan (SWQMP) - Part B, dated November 2004 and its updates. If wetlands are suspected on a site, wetland delineation should be completed in accordance with the methodology established by the U.S. Army Corps of Engineers (COE) and the wetland addressed in accordance to the requirements of Chapter 6 of this Ordinance. The presence of threatened or endangered species habitat will be evaluated by the Hendricks County Surveyor during the permit review process. Special terms and conditions for development determined to impact or discharge to any Sensitive Area shall be included in the stormwater management permit.

B. Determination Of Impact Drainage Areas

The Hendricks County Drainage Board is authorized, but is not required, to classify certain geographical areas as Impact Drainage Areas. In determining Impact Drainage Areas, the Hendricks County Drainage Board shall consider such factors as topography, soil type, capacity of existing drains, and distance from adequate drainage facility. The following areas shall be designated as Impact Drainage Areas, unless good reason for not including them is presented to the Hendricks County Drainage Board.

- i. A floodway or floodplain as designated by the most updated Hendricks County Code dealing with floodplain regulation.
- ii. Land within 75 feet of each bank of any ditch within the Hendricks County's Regulated Drainage System.
- iii. Land within 75 feet of the centerline of any drain tile or enclosed conduit within the Hendricks County's Regulated Drainage System.

Land that does not have an adequate outlet, taking into consideration the capacity and depth of the outlet, may be designated as an Impact Drainage Area by the Hendricks County Drainage

Board. Special terms and conditions for development within any Impact Drainage Area shall be included in the stormwater management permit.

9. CERTIFICATION OF AS-BUILT PLANS

After completion of construction of the project and before final acceptance of the stormwater management plan, a professionally prepared and certified 'as-built' set of plans shall be submitted to the Hendricks County Drainage Board and/or Hendricks County Surveyor for review. Additionally, a digital copy of the 'as-built' plans is required in a format accepted by the Hendricks County Drainage Board and/or Hendricks County Surveyor. These plans shall include all pertinent data relevant to the completed storm drainage system and stormwater management facilities, and shall include:

- A. Pipe size and pipe material
- B. Invert elevations
- C. Top rim elevations
- D. Pipe structure lengths
- E. BMP types, dimensions, and boundaries/easements
- F. "As-planted" plans for BMPs, as applicable
- G. Data and calculations showing detention basin storage volume
- H. Data and calculations showing BMP treatment capacity
- I. Certified statement on plans stating the completed storm drainage system and stormwater management facilities substantially comply with construction plans and the stormwater management permit as approved by the Hendricks County Drainage Board. (See certificate in Stormwater Technical Standards Manual.)

In addition to the digital copy of as-built plans, digital copies of all reports and plans noted in Sections 3 and 4 of this Chapter shall also be submitted in their final accepted forms to the Hendricks County Surveyor's office so that they can be electronically filed as well for any future reference.

The property owner, developer, or contractor shall be required to file a five-year maintenance bond or other acceptable guarantee with the Hendricks County Drainage Board and/or Hendricks County Surveyor, prior to acceptance, in an amount not to exceed twenty five percent (25%) of the cost of the stormwater drainage system located outside the public road right-of-ways, and in a form satisfactory to the Hendricks County Drainage's attorney in order to assure that such stormwater system installation was done according to standards of good workmanship, that the materials used in the construction and installation were of good quality and construction, and that such project was done in accordance with the accepted plans, and this Ordinance. The bond or other acceptable guarantee shall be in effect for a period of five years after the date of the final project acceptance by the Hendricks County Drainage Board and/or Hendricks County Surveyor.

To verify that all regulated drain tiles are functioning properly, visual recordings (via closed circuit television) of such tile drains shall be required, once following the completion of installation (including the installation of all utility mains) and the second time before release of maintenance bonds. These visual recordings will be scheduled by the Hendricks County Drainage Board and/or Hendricks County Surveyor and paid for by the developer. Notices shall be provided to the Hendricks County Drainage Board and/or Hendricks County Surveyor within 72 hours following the completion of installation and again at least 60

days prior to the expiration date of the maintenance bond so that the noted recordings may be scheduled. Reports summarizing the results of the noted visual recordings shall be reviewed and accepted by the Hendricks County Drainage Board and/or Hendricks County Surveyor before the plat is recommended for recording and again before maintenance bond would be recommended to be released.

Figure 1: Permit Approval Process

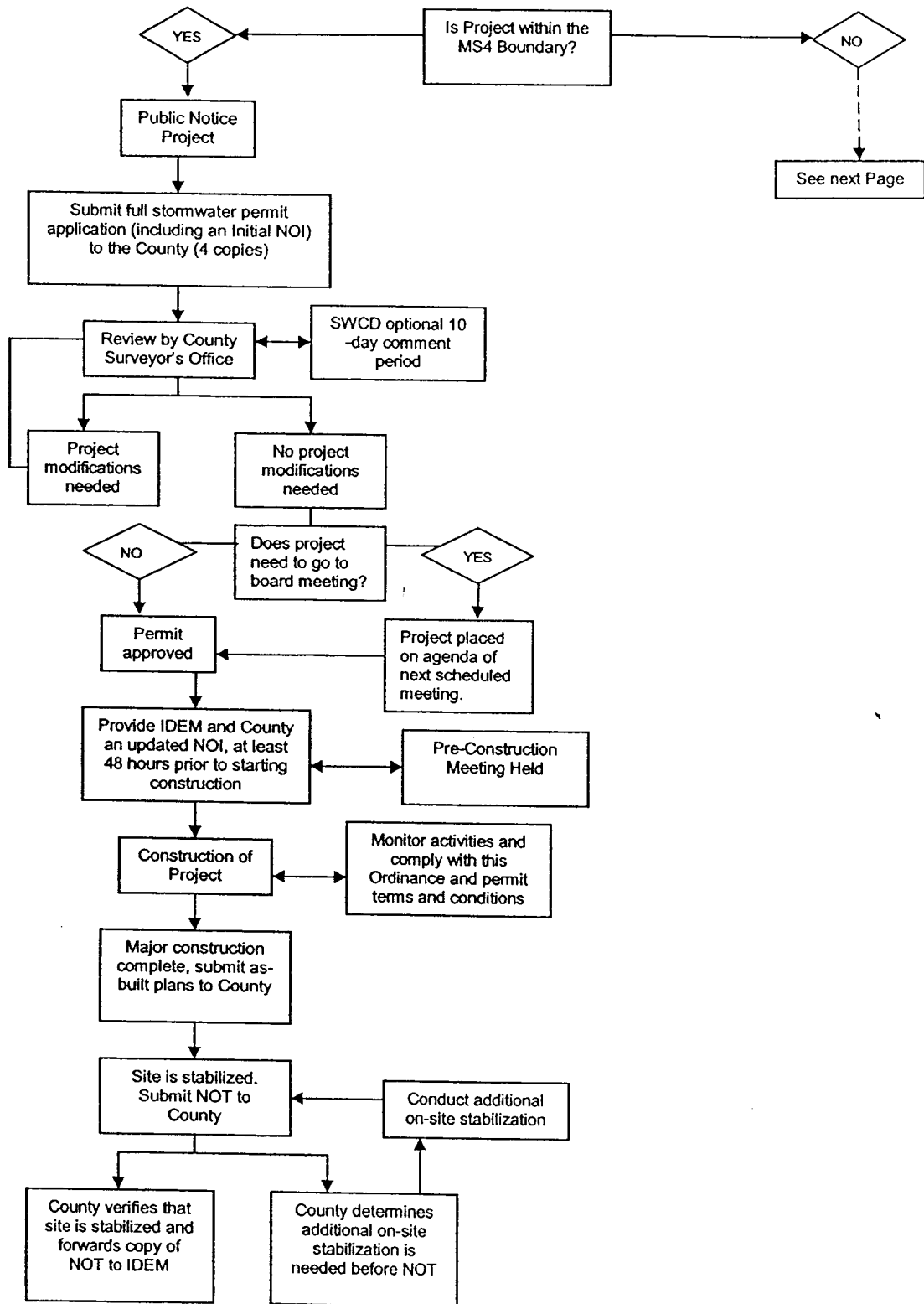
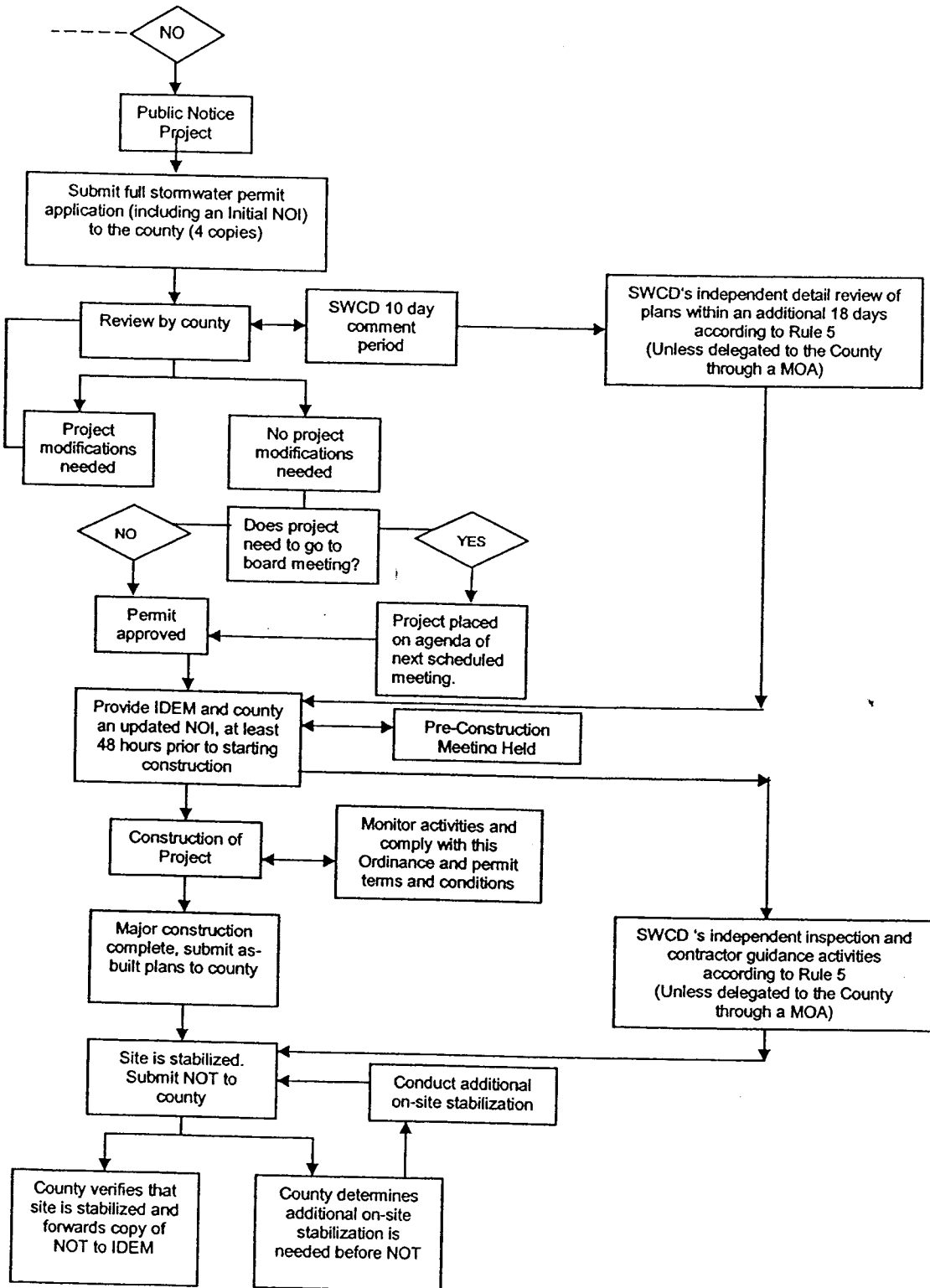


Figure 1: Permit Approval Process (cont.)





CHAPTER EIGHT

ENFORCEMENT**1. COMPLIANCE WITH THIS ORDINANCE**

In addition to the requirements of this Ordinance, compliance with the requirements set forth in the local Zoning Ordinances is also necessary. Compliance with all applicable ordinances of Hendricks County as well as with applicable State of Indiana statutes and regulations shall also be required. Unless otherwise stated, all other specifications referred to in this Ordinance shall be the most recent edition available. Violations of the requirements of this Ordinance are subject to the penalties listed below.

2. PENALTIES FOR VIOLATIONS

Any person found in violation of any provision of this Ordinance shall be responsible for a civil infraction and subject to a maximum fine of \$5,000 for a first offense, and a maximum of \$10,000 for a subsequent offense, plus costs, damages, and expenses. Each day such violation occurs or continues shall be deemed a separate offense and shall make the violator liable for the imposition of a fine for each day. The rights and remedies provided for in this section are cumulative and in addition to any other remedies provided by law. An admission or determination of responsibility shall not exempt the offender from compliance with the requirements of this Ordinance.

Any person who aids or abets a person in a violation of this Ordinance shall be subject to the penalties provided in this section.

For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within 12 months of a previous violation of the same provision of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible.

3. STOP WORK ORDER

In addition to the penalties listed above, if land disturbance activities are conducted contrary to the provisions of this Ordinance or accepted final stormwater management plans, the Hendricks County Drainage Board and/or Hendricks County Surveyor may order the work stopped by notice in writing served on any person engaged in the doing or causing of such work to be done, and any such persons shall forthwith stop such work until authorized by the Hendricks County Drainage Board and/or Hendricks County Surveyor to proceed with the work. The Hendricks County Drainage Board and/or Hendricks County Surveyor may also undertake or cause to be undertaken, any necessary or advisable protective measures to prevent violations of this Ordinance or to avoid or reduce the effects of noncompliance herewith. The cost of any such protective measures shall be the responsibility of the owner of the property upon which the work is being done and the responsibility of any person carrying out or participating in the work.

Any person who neglects or fails to comply with a stop work order shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not less than \$1,000 or imprisonment for not more than 3 months, or both such fine and imprisonment, and such person shall also pay such costs as may be imposed in the discretion of the court. A permit reinstatement fee may be assessed by the Hendricks County Drainage Board and/or Hendricks County Surveyor.

4. FAILURE TO COMPLY OR COMPLETE

In addition to any other remedies, should any owner fail to comply with the provisions of this ordinance, the Hendricks County Drainage Board and/or Hendricks County Surveyor may, after giving notice and opportunity

for compliance, have the necessary work done, and the owner shall be required to promptly reimburse the Hendricks County Drainage Board and/or Hendricks County Surveyor for all costs of such work.

5. SUSPENSION OF ACCESS TO THE STORM DRAIN SYSTEM

A. Suspension due to Emergency Situations

The Hendricks County Drainage Board and/or Hendricks County Surveyor may, without prior notice, suspend storm drain system discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the storm drain system or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, Hendricks County may take such steps as deemed necessary to prevent or minimize damage to the storm drain system or Waters of the United States, or to minimize danger to persons.

B. Suspension due to the Detection of Illicit Discharge

Any person discharging to the storm drain system in violation of this Ordinance may have their storm drain system access terminated if such termination would abate or reduce an illicit discharge. The Hendricks County Drainage Board and/or Hendricks County Surveyor will notify a violator of the proposed termination of its MS4 access. The violator may petition the Hendricks County Drainage Board and/or Hendricks County Surveyor for a reconsideration and hearing.

6. CORRECTIVE ACTION

Nothing herein contained shall prevent the Hendricks County Drainage Board and/or Hendricks County Surveyor from taking such other lawful action as may be necessary to prevent or remedy any violation. All costs connected therewith shall accrue to the person or persons responsible. Costs include, but are not limited to, repairs to the storm drain system made necessary by the violation, as well as those penalties levied by the EPA or IDEM for violation of the Hendricks County's NPDES permit, attorney fees, and other costs and expenses.

7. APPEALS

Any person to whom any provision of this Ordinance has been applied may appeal in writing, not later than 30 days after the action or decision being appealed from, to the Hendricks County Board of Commissioners the action or decision whereby any such provision was so applied. Such appeal shall identify the matter being appealed, and the basis for the appeal. The Hendricks County Board of Commissioners shall consider the appeal and make a decision whereby it affirms, rejects or modifies the action being appealed. In considering any such appeal, the Hendricks County Board of Commissioners may consider the recommendations of the Hendricks County Drainage Board and/or Hendricks County Surveyor and the comments of other persons having knowledge of the matter. In considering any such appeal, the Hendricks County Board of Commissioners may grant a variance from the terms of this Ordinance to provide relief, in whole or in part, from the action being appealed, but only upon finding that the following requirements are satisfied:

- A. The application of the Ordinance provisions being appealed will present or cause practical difficulties for a development or development site; provided, however, that practical difficulties shall not include the need for the developer to incur additional reasonable expenses in order to comply with the Ordinance; and
- B. The granting of the relief requested will not substantially prevent the goals and purposes of this Ordinance, nor result in less effective management of stormwater runoff.



APPENDIX A

ABBREVIATIONS AND DEFINITIONS**ABBREVIATIONS**

BMP	Best Management Practice
COE	United States Army Corps of Engineers
CWA	Clean Water Act
EPA	Environmental Protection Agency
GIS	Geographical Information System
IDEM	Indiana Department of Environmental Management
MS4	Municipal Separate Storm Sewers
NRCS	USDA-Natural Resources Conservation Service
NPDES	National Pollution Discharge Elimination System
POTW	Publicly Owned Treatment Works
SWCD	Soil and Water Conservation District
SWPPP	Stormwater Pollution Prevention Plan
USDA	United States Department of Agriculture
USFWS	United States Fish and Wildlife Service

DEFINITIONS

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

Agricultural land disturbing activity. Tillage, planting, cultivation, or harvesting operations for the production of agricultural or nursery vegetative crops. The term also includes pasture renovation and establishment, the construction of agricultural conservation practices, and the installation and maintenance of agricultural drainage tile. For purposes of this rule, the term does not include land disturbing activities for the construction of agricultural related facilities, such as barns, buildings to house livestock, roads associated with infrastructure, agricultural waste lagoons and facilities, lakes and ponds, wetlands; and other infrastructure.

Base Flow. Stream discharge derived from groundwater sources as differentiated from surface runoff. Sometimes considered to include flows from regulated lakes or reservoirs.

Best Management Practices. Design, construction, and maintenance practices and criteria for stormwater facilities that minimize the impact of stormwater runoff rates and volumes, prevent erosion, and capture pollutants.

Buffer Strip. An existing, variable width strip of vegetated land intended to protect water quality and habitat.

Capacity (of a Storm Drainage Facility). The maximum flow that can be conveyed or stored by a storm drainage facility without causing damage to public or private property.

Catch Basin. A chamber usually built at the curb line of a street for the admission of surface water to a storm drain or subdrain, having at its base a sediment sump designed to retain grit and detritus below the point of overflow.

Channel. A portion of a natural or artificial watercourse which periodically or continuously contains moving water, or which forms a connecting link between two bodies of water. It has a defined bed and banks which serve to confine the water.

Comprehensive Stormwater Management. A comprehensive stormwater program for effective management of stormwater quantity and quality throughout the community.

Constructed Wetland. A manmade shallow pool that creates growing conditions suitable for wetland vegetation and is designed to maximize pollutant removal.

Construction activity. Land disturbing activities, and land disturbing activities associated with the construction of infrastructure and structures. This term does not include routine ditch or road maintenance or minor landscaping projects.

Construction site access. A stabilized stone surface at all points of ingress or egress to a project site, for the purpose of capturing and detaining sediment carried by tires of vehicles or other equipment entering or exiting the project site.

Contiguous. Adjoining or in actual contact with.

Contour. An imaginary line on the surface of the earth connecting points of the same elevation.

Contour Line. Line on a map which represents a contour or points of equal elevation.

Contractor or subcontractor. An individual or company hired by the project site or individual lot owner, their agent, or the individual lot operator to perform services on the project site.

Conveyance. Any structural method for transferring stormwater between at least two points. The term includes piping, ditches, swales, curbs, gutters, catch basins, channels, storm drains, and roadways.

Cross Section. A graph or plot of ground elevation across a stream valley or a portion of it, usually along a line perpendicular to the stream or direction of flow.

Culvert. A closed conduit used for the conveyance of surface drainage water under a roadway, railroad, canal or other impediment.

Dechlorinated swimming pool discharge. Chlorinated water that has either sat idle for seven (7) days following chlorination prior to discharge to the MS4 conveyance, or, by analysis, does not contain detectable concentrations (less than five-hundredths (0.05) milligram per liter) of chlorinated residual.

Design Storm. A selected storm event, described in terms of the probability of occurring once within a given number of years, for which drainage or flood control improvements are designed and built.

Detention. Managing stormwater runoff by temporary holding and controlled release.

Detention Basin. A facility constructed or modified to restrict the flow of storm water to a prescribed maximum rate, and to detain concurrently the excess waters that accumulate behind the outlet.

Detention Storage. The temporary detaining of storage of stormwater in storage facilities, on rooftops, in streets, parking lots, school yards, parks, open spaces or other areas under predetermined and controlled conditions, with the rate of release regulated by appropriately installed devices.

Detention Time. The theoretical time required to displace the contents of a tank or unit at a given rate of discharge (volume divided by rate of discharge).

Detritus. Dead or decaying organic matter; generally contributed to stormwater as fallen leaves and sticks or as dead aquatic organisms.

Developer. Any person financially responsible for construction activity, or an owner of property who sells or leases, or offers for sale or lease, any lots in a subdivision.

Discharge. Usually the rate of water flow. A volume of fluid passing a point per unit time commonly expressed as cubic feet per second, cubic meters per second, gallons per minute, or millions of gallons per day.

Disposal. The discharge, deposit, injection, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that the solid waste or hazardous waste, or any constituent of the waste, may enter the environment, be emitted into the air, or be discharged into any waters, including ground waters.

Ditch. A man-made, open watercourse in or into which excess surface water or groundwater drained from land, stormwater runoff, or floodwaters flow either continuously or intermittently.

Drain. A buried slotted or perforated pipe or other conduit (subsurface drain) or a ditch (open drain) for carrying off surplus groundwater or surface water.

Drainage. The removal of excess surface water or groundwater from land by means of ditches or subsurface drains. Also see Natural drainage.

Drainage Area. The area draining into a stream at a given point. It may be of different sizes for surface runoff, subsurface flow and base flow, but generally the surface runoff area is considered as the drainage area.

Dry Well. A type of infiltration practice that allows stormwater runoff to flow directly into the ground via a bored or otherwise excavated opening in the ground surface.

Duration. The time period of a rainfall event.

Environment. The sum total of all the external conditions that may act upon a living organism or community to influence its development or existence.

Erodibility Index (EI). The soil erodibility index (EI) provides a numerical expression of the potential for a soil to erode considering the physical and chemical properties of the soil and the climatic conditions where it is located. The higher the index, the greater the investment needed to maintain the sustainability of the soil resource base if intensively cropped. It is defined to be the maximum of $(R \times K \times LS) / T$ (from the Universal Soil Loss Equation) and $(C \times I) / T$ (from the Wind Erosion Equation), where R is a measure of rainfall and runoff, K is a factor of the susceptibility of the soil to water erosion, LS is a measure of the combined effects of slope length and steepness, C is a climatic characterization of windspeed and surface soil moisture and I is a measure of the susceptibility of the soil to wind erosion. Erodibility Index scores equal to or greater than 8 are considered highly erodible land.

Erosion. The wearing away of the land surface by water, wind, ice, gravity, or other geological agents. The following terms are used to describe different types of water erosion:

- *Accelerated erosion*—Erosion much more rapid than normal or geologic erosion, primarily as a result of the activities of man.
- *Channel erosion*—An erosion process whereby the volume and velocity of flow wears away the bed and/or banks of a well-defined channel.
- *Gully erosion*—An erosion process whereby runoff water accumulates in narrow channels and, over relatively short periods, removes the soil to considerable depths, ranging from 1-2 ft. to as much as 75-100 ft.
- *Rill erosion*—An erosion process in which numerous small channels only several inches deep are formed; occurs mainly on recently disturbed and exposed soils (see Rill).
- *Splash erosion*—The spattering of small soil particles caused by the impact of raindrops on wet soils; the loosened and spattered particles may or may not be subsequently removed by surface runoff.
- *Sheet erosion*—The gradual removal of a fairly uniform layer of soil from the land surface by runoff water.

Erosion and sediment control. A practice, or a combination of practices, to minimize sedimentation by first reducing or eliminating erosion at the source and then as necessary, trapping sediment to prevent it from being discharged from or within a project site.

Filter Strip. Usually a long, relatively narrow area (usually, 20-75 feet wide) of undisturbed or planted vegetation used near disturbed or impervious surfaces to filter stormwater pollutants for the protection of watercourses, reservoirs, or adjacent properties.

Floatable. Any solid waste that will float on the surface of the water.

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

Floodplain. The channel proper and the areas adjoining the channel which have been or hereafter may be covered by the regulatory or 100-year flood. Any normally dry land area that is susceptible to being inundated by water from any natural source. The floodplain includes both the floodway and the floodway fringe districts.

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

Floodway Fringe. That portion of the flood plain lying outside the floodway, which is inundated by the regulatory flood.

Footing Drain. A drain pipe installed around the exterior of a basement wall foundation to relieve water pressure caused by high groundwater elevation.

Garbage. All putrescible animal solid, vegetable solid, and semisolid wastes resulting from the processing, handling, preparation, cooking, serving, or consumption of food or food materials.

Geographical Information System. A computer system capable of assembling, storing, manipulation, and displaying geographically referenced information. This technology can be used for resource management and development planning.

Grade. (1) The inclination or slope of a channel, canal, conduit, etc., or natural ground surface usually expressed in terms of the percentage the vertical rise (or fall) bears to the corresponding horizontal distance. (2) The finished surface of a canal bed, roadbed, top of embankment, or bottom of excavation; any surface prepared to a design elevation for the support of construction, such as paving or the laying of a conduit. (3) To finish the surface of a canal bed, roadbed, top of embankment, or bottom of excavation, or other land area to a smooth, even condition.

Grading. The cutting and filling of the land surface to a desired slope or elevation.

Grass. A member of the botanical family Graminae, characterized by blade-like leaves that originate as a sheath wrapped around the stem.

Vegetated swale. A type of vegetative practice used to filter stormwater runoff via a vegetated, shallow-channel conveyance.

Groundwater. Accumulation of underground water, natural or artificial. The term does not include manmade underground storage or conveyance structures.

Habitat. The environment in which the life needs of a plant or animal are supplied.

Highly Erodible Land (HEL). Land that has an erodibility index of eight or more.

Hydrologic Unit Code. A numeric United States Geologic Survey code that corresponds to a watershed area. Each area also has a text description associated with the numeric code.

Hydrology. The science of the behavior of water in the atmosphere, on the surface of the earth, and underground. A typical hydrologic study is undertaken to compute flow rates associated with specified flood events.

Illicit Discharge. Any discharge to a conveyance that is not composed entirely of stormwater except naturally occurring floatables, such as leaves or tree limbs.

Impaired Waters. Waters that do not or are not expected to meet applicable water quality standards, as included on IDEM's CWA Section 303(d) List of Impaired Waters.

Impervious surface. Surfaces, such as pavement and rooftops, which prevent the infiltration of stormwater into the soil.

Individual building lot. A single parcel of land within a multi-parcel development.

Individual lot operator. A contractor or subcontractor working on an individual lot.

Individual lot owner. A person who has financial control of construction activities for an individual lot.

Infiltration. Passage or movement of water into the soil. Infiltration practices include any structural BMP designed to facilitate the percolation of run-off through the soil to groundwater. Examples include infiltration basins or trenches, dry wells, and porous pavement.

Inlet. An opening into a storm drain system for the entrance of surface storm water runoff, more completely described as a storm drain inlet.

Land-disturbing Activity. Any man-made change of the land surface, including removing vegetative cover that exposes the underlying soil, excavating, filling, transporting and grading.

Land Surveyor. A person licensed under the laws of the State of Indiana to practice land surveying.

Larger common plan of development or sale. A plan, undertaken by a single project site owner or a group of project site owners acting in concert, to offer lots for sale or lease; where such land is contiguous, or is known, designated, purchased or advertised as a common unit or by a common name, such land shall be presumed as being offered for sale or lease as part of a larger common plan. The term also includes phased or other construction activity by a single entity for its own use.

Lowest Adjacent Grade. The elevation of the lowest grade adjacent to a structure, where the soil meets the foundation around the outside of the structure (including structural members such as basement walkout, patios, decks, porches, support posts or piers, and rim of the window well).

Lowest Floor. Refers to the lowest of the following:

1. The top of the basement floor;
2. The top of the garage floor, if the garage is the lowest level of the building;
3. The top of the first floor of buildings constructed on a slab or of buildings elevated on pilings or constructed on a crawl space with permanent openings; or
4. The top of the floor level of any enclosure below an elevated building where the walls of the enclosure provide any resistance to the flow of flood waters unless:
 - a) The walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, by providing a minimum of two opening (in addition to doorways and windows) having a total area of one (1) square foot for every two (2) square feet of enclosed area subject to flooding. The bottom of all such openings shall be no higher than one (1) foot above grade.
 - b) Such enclosed space shall be usable only for the parking of vehicles or building access.

Manhole. Storm drain structure through which a person may enter to gain access to an underground storm drain or enclosed structure.

Measurable storm event. A precipitation event that results in a total measured precipitation accumulation equal to, or greater than, one-half (0.5) inch of rainfall.

Mulch. A natural or artificial layer of plant residue or other materials covering the land surface which conserves moisture, holds soil in place, aids in establishing plant cover, and minimizes temperature fluctuations.

Municipal Separate Storm Sewers. An MS4 meets all the following criteria: (1) is a conveyance or system of conveyances owned by the state, county, city, town, or other public entity; (2) discharges to waters of the U.S.; (3) is designed or used for collecting or conveying stormwater; (4) is not a combined sewer; and, (5) is not part of a Publicly Owned Treatment Works (POTW).

Refueling area. An operating gasoline or diesel fueling area whose primary function is to provide fuel to equipment or vehicles.

National Pollution Discharge Elimination System. A permit developed by the U.S. EPA through the Clean Water Act. In Indiana, the permitting process has been delegated to IDEM. This permit covers aspects of municipal stormwater quality.

Natural Drainage. The flow patterns of stormwater run-off over the land in its pre-development state.

Nutrient(s). (1) A substance necessary for the growth and reproduction of organisms. (2) In water, those substances (chiefly nitrates and phosphates) that promote growth of algae and bacteria.

Open Drain. A natural watercourse or constructed open channel that conveys drainage water.

Open Space. Any land area devoid of any disturbed or impervious surfaces created by industrial, commercial, residential, agricultural, or other manmade activities.

Outfall. The point, location, or structure where a pipe or open drain discharges to a receiving body of water.

Outlet. The point of water disposal from a stream, river, lake, tidewater, or artificial drain.

Peak Discharge (or Peak Flow). The maximum instantaneous flow from a given storm condition at a specific location.

Percolation. The movement of water through soil.

Permanent stabilization. The establishment, at a uniform density of seventy percent (70%) across the disturbed area, of vegetative cover or permanent non-erosive material that will ensure the resistance of the soil to erosion, sliding, or other movement.

Pervious. Allowing movement of water.

Point Source. Any discernible, confined, and discrete conveyance including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or maybe discharged (P.L. 92-500, Section 502[14]).

Porous pavement. A type of infiltration practice to improve the quality and reduce the quantity of storm water run-off via the use of manmade, pervious pavement which allows run-off to percolate through the pavement and into underlying soils

Professional Engineer. A person licensed under the laws of the State of Indiana to practice professional engineering.

Project site. The entire area on which construction activity is to be performed.

Project site owner. The person required to submit a stormwater permit application, and required to comply with the terms of this ordinance, including a developer or a person who has financial and operational control of construction activities, and project plans and specifications, including the ability to make modifications to those plans and specifications.

Rain garden. A vegetative practice used to alter impervious surfaces, such as roofs, into pervious surfaces for absorption and treatment of rainfall.

Receiving Stream, Receiving Channel, or Receiving Water. The body of water into which runoff or effluent is discharged. The term does not include private drains, unnamed conveyances, retention and detention basins, or constructed wetlands used as treatment.

Recharge. Replenishment of groundwater reservoirs by infiltration and transmission from the outcrop of an aquifer or from permeable soils.

Redevelopment. Alterations of a property that change a site or building in such a way that there is disturbances of one (1) acre or more of land. The term does not include such activities as exterior remodeling.

Regulatory Flood. The discharge or elevation associated with the 100-year flood as calculated by a method and procedure which is acceptable to and accepted by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The "regulatory flood" is also known as the "base flood".

Regulatory Floodway. See Floodway.

Release Rate - The amount of storm water release from a storm water control facility per unit of time.

Reservoir. A natural or artificially created pond, lake or other space used for storage, regulation or control of water. May be either permanent or temporary. The term is also used in the hydrologic modeling of storage facilities.

Gasoline outlet. An operating gasoline or diesel fueling facility whose primary function is the resale of fuels. The term applies to facilities that create five thousand (5,000) or more square feet of impervious surfaces, or generate an average daily traffic count of one hundred (100) vehicles per one thousand (1,000) square feet of land area.

Retention. The storage of stormwater to prevent it from leaving the development site. May be temporary or permanent.

Retention basin. A type of storage practice, that has no positive outlet, used to retain storm water runoff for an indefinite amount of time. Runoff from this type of basin is removed only by infiltration through a porous bottom or by evaporation.

Return Period - The average interval of time within which a given rainfall event will be equaled or exceeded once. A flood having a return period of 100 years has a one percent probability of being equaled or exceeded in any one year.

Riparian zone. Of, on, or pertaining to the banks of a stream, river, or pond.

Riparian habitat. A land area adjacent to a waterbody that supports animal and plant life associated with that waterbody.

Runoff. That portion of precipitation that flows from a drainage area on the land surface, in open channels, or in stormwater conveyance systems.

Runoff Coefficient - A decimal fraction relating the amount of rain which appears as runoff and reaches the storm drain system to the total amount of rain falling. A coefficient of 0.5 implies that 50 percent of the rain falling on a given surface appears as storm water runoff.

Sediment. Solid material (both mineral and organic) that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface.

Sedimentation. The process that deposits soils, debris and other unconsolidated materials either on the ground surfaces or in bodies of water or watercourses.

Sensitive Water. A waterbody in need of priority protection or remediation base on its:
providing habitat for threatened or endangered species,
usage as a public water supply intake,
relevant community value,
usage for full body contact recreation,

exceptional use classification as found in 327 IAC 2-1-11(b), outstanding State resource water classification as found in 327 IAC 2-1-2(3) and 327 IAC 2-1.5-19(b).

Site. The entire area included in the legal description of the land on which land disturbing activity is to be performed.

Slope. Degree of deviation of a surface from the horizontal, measured as a numerical ratio or percent. Expressed as a ratio, the first number is commonly the horizontal distance (run) and the second is the vertical distance (rise)—e.g., 2:1. However, the preferred method for designation of slopes is to clearly identify the horizontal (H) and vertical (V) components (length (L) and Width (W) components for horizontal angles). Also note that according to international standards (Metric), the slopes are presented as the vertical or width component shown on the numerator—e.g., 1V:2H. Slope expressions in this Ordinance follow the common presentation of slopes—e.g., 2:1 with the metric presentation shown in parenthesis—e.g., (1V:2H). Slopes can also be expressed in "percents". Slopes given in percents are always expressed as $(100 \times V/H)$ —e.g., a 2:1 (1V:2H) slope is a 50% slope.

Soil. The unconsolidated mineral and organic material on the immediate surface of the earth that serves as a natural medium for the growth of land plants.

Soil and Water Conservation District. A public organization created under State law as a special-purpose district to develop and carry out a program of soil, water, and related resource conservation, use, and development within its boundaries. A subdivision of State government with a local governing body, established under IC 14-32.

Solid Waste. Any garbage, refuse, debris, or other discarded material.

Spill. The unexpected, unintended, abnormal, or unapproved dumping, leakage, drainage, seepage, discharge, or other loss of petroleum, hazardous substances, extremely hazardous substances, or objectionable substances. The term does not include releases to impervious surfaces when the substance does not migrate off the surface or penetrate the surface and enter the soil.

Storm Duration. The length of time that water may be stored in any stormwater control facility, computed from the time water first begins to be stored.

Storm Event. An estimate of the expected amount of precipitation within a given period of time. For example, a 10-yr. frequency, 24-hr. duration storm event is a storm that has a 10% probability of occurring in any one year. Precipitation is measured over a 24-hr. period.

Storm Sewer. A closed conduit for conveying collected storm water, while excluding sewage and industrial wastes. Also called a storm drain.

Stormwater. Water resulting from rain, melting or melted snow, hail, or sleet.

Stormwater Pollution Prevention Plan. A plan developed to minimize the impact of storm water pollutants resulting from construction activities.

Stormwater Runoff. The water derived from rains falling within a tributary basin, flowing over the surface of the ground or collected in channels or conduits.

Stormwater Quality Management Plan. A comprehensive written document that addresses stormwater runoff quality.

Stormwater Quality Measure. A practice, or a combination of practices, to control or minimize pollutants associated with storm water runoff.

Stormwater Drainage System - All means, natural or man-made, used for conducting storm water to, through or from a drainage area to any of the following: conduits and appurtenant features, canals, channels, ditches, storage facilities, swales, streams, culverts, streets and pumping stations.

Strip development. A multi-lot project where building lots front on an existing road.

Subdivision. Any land that is divided or proposed to be divided into lots, whether contiguous or subject to zoning requirements, for the purpose of sale or lease as part of a larger common plan of development or sale.

Subsurface Drain. A pervious backfield trench, usually containing stone and perforated pipe, for intercepting groundwater or seepage.

Surface Runoff. Precipitation that flows onto the surfaces of roofs, streets, the ground, etc., and is not absorbed or retained by that surface but collects and runs off.

Swale. An elongated depression in the land surface that is at least seasonally wet, is usually heavily vegetated, and is normally without flowing water. Swales conduct stormwater into primary drainage channels and may provide some groundwater recharge.

Temporary Stabilization. The covering of soil to ensure its resistance to erosion, sliding, or other movement. The term includes vegetative cover, anchored mulch, or other non-erosive material applied at a uniform density of seventy percent (70%) across the disturbed area.

Tile Drain. Pipe made of perforated plastic, burned clay, concrete, or similar material, laid to a designed grade and depth, to collect and carry excess water from the soil.

Topographic Map. Graphical portrayal of the topographic features of a land area, showing both the horizontal distances between the features and their elevations above a given datum.

Topography. The representation of a portion of the earth's surface showing natural and man-made features of a give locality such as rivers, streams, ditches, lakes, roads, buildings and most importantly, variations in ground elevations for the terrain of the area.

Trained individual. An individual who is trained and experienced in the principles of storm water quality, including erosion and sediment control as may be demonstrated by state registration, professional certification, experience, or completion of coursework that enable the individual to make judgments regarding storm water control or treatment and monitoring.

Urban Drain. A drain defined as "Urban Drain" in Indiana Drainage Code.

Urbanization The development, change or improvement of any parcel of land consisting of one or more lots for residential, commercial, industrial, institutional, recreational or public utility purposes.

Water Quality. A term used to describe the chemical, physical, and biological characteristics of water, usually in respect to its suitability for a particular purpose.

Water Resources. The supply of groundwater and surface water in a given area.

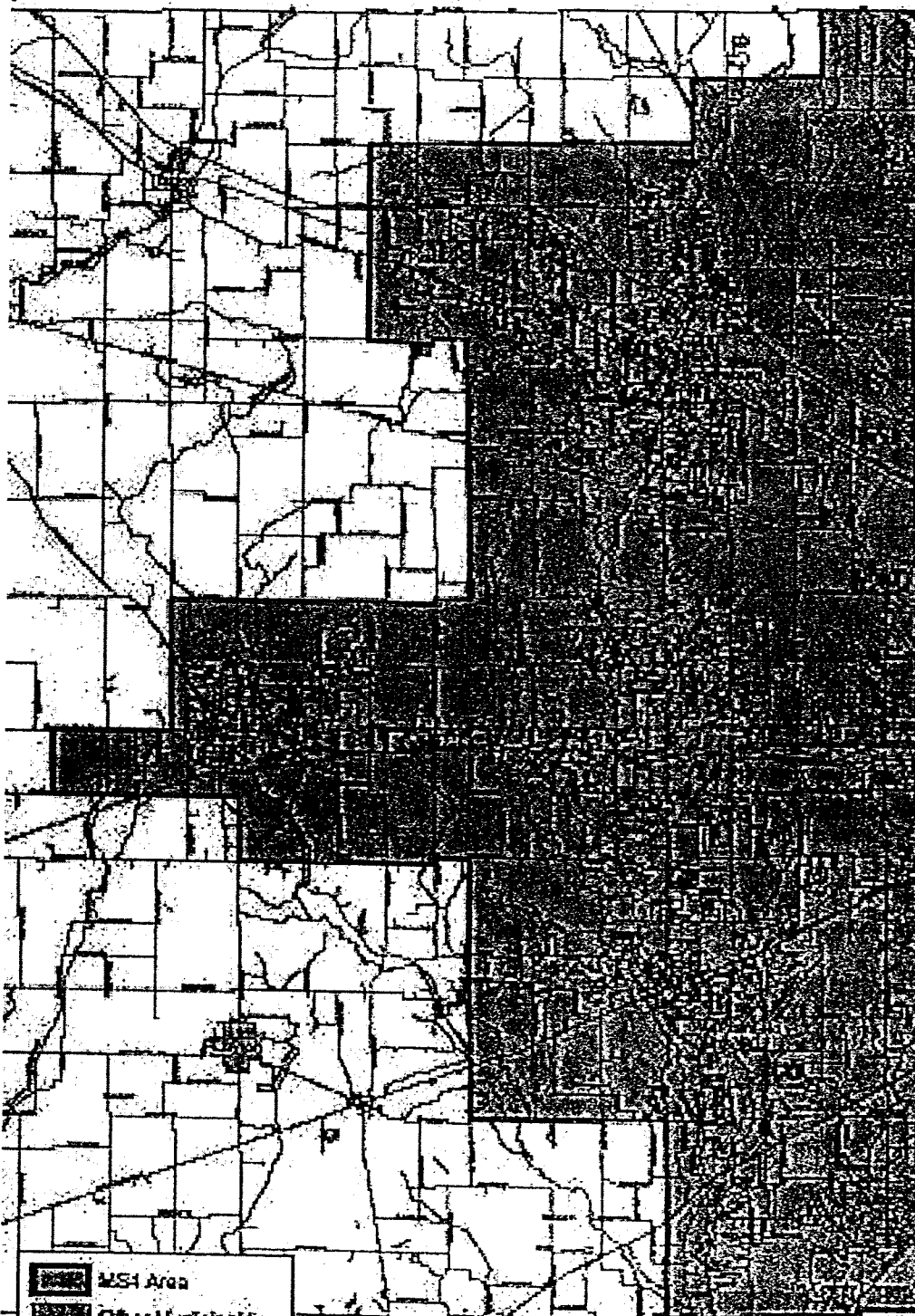
Waterbody. Any accumulation of water, surface, or underground, natural or artificial, excluding water features designed and designated as water pollution control facilities.

Watercourse. Any river, stream, creek, brook, branch, natural or man-made drainageway in or into which stormwater runoff or floodwaters flow either continuously or intermittently.





APPENDIX B
MS4 BOUNDARY MAP

BOONE COUNTY



MARION COUNTY

-  MS4 Area
-  Other Municipalities

Map Uses Base Map - LC Bureau of the Census, TIGER Files, 2000

MORGAN COUNTY



Watershed. The region drained by or contributing water to a specific point that could be along a stream, lake or other stormwater facilities. Watersheds are often broken down into subareas for the purpose of hydrologic modeling.

Watershed Area. All land and water within the confines of a drainage divide. See also Watershed.

Wetlands. Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

2004-11

**AN ORDINANCE OF THE HENDRICKS COUNTY COUNCIL
INCREASING THE COUNTY ECONOMIC DEVELOPMENT INCOME TAX**

WHEREAS, the Hendricks County Council ("Council") imposed the county adjusted gross income tax on the adjusted gross income of county taxpayers in Hendricks County effective January 1, 1974, by ordinance adopted on June 28, 1973 at the rate of fifty hundredths of one percent (.50%) on resident county taxpayers and at a rate of twenty-five hundredths of one percent (0.25%) on non resident county taxpayers; and

WHEREAS, on March 5, 1991, the Council adopted an Ordinance increasing the county adjusted gross income tax, imposing the rate of one percent (1.00%) on resident county taxpayers effective July 1, 1991;

WHEREAS, the Hendricks County Council imposed the county economic development income tax on the adjusted gross income of county taxpayers in Hendricks County effective July 1, 1991 by ordinance adopted on March 5, 1991 at the rate of twenty-five hundredths of one percent (0.25%) on county taxpayers of Hendricks County;

WHEREAS, the Council eliminated the Inventory Property Tax in Indiana in the form of a deduction equal to one hundred percent (100%) of the assessed value of inventory located in Hendricks County, Indiana, as to all inventory assessed in the year 2004 and each year thereafter, all as authorized under IC 6-1.1-12-41(f);

WHEREAS, IC 6-3.5-7-5 authorizes the County, by its Council, to impose a County Economic Development Tax on the adjusted gross income of County taxpayers;

WHEREAS, IC 6-3.5-7-5, IC 6-3.5-7-25 and IC 6-3.5-7-26 authorize the county, by its Council, to impose a County Economic Development Income Tax (CEDIT) rate for the purpose of increasing the Homestead Credit allowed under IC 6-1.1-20.9 to offset the effect on homesteads in the county resulting from the elimination of inventory tax;

WHEREAS, it is estimated that the amount necessary to mitigate the increased ad valorem property taxes on homesteads (as defined in IC 6-1.1-20.9-1) resulting from the deduction of the assessed value of inventory in Hendricks County as a result of the elimination of inventory property tax in Hendricks County is fifteen hundredths of one percent (0.15%).

WHEREAS, Hendricks County, by the Hendricks County Council, by ordinance, desires to increase the County Economic Development Income Tax to the rate of forty hundredths of one percent (.40%).

NOW THEREFORE, BE IT ORDAINED BY THE HENDRICKS COUNTY COUNCIL, that:

1. The Hendricks County Council imposes an increase in the County Economic Development Income Tax on the county taxpayers of Hendricks County, Indiana. The Hendricks County Council increases the County Economic Development Income

Tax rate imposed upon the residents of Hendricks County from twenty-five hundredths of one percent (.25%) to forty hundredths of one percent (.40%). This tax takes effect July 1 of the year 2004.

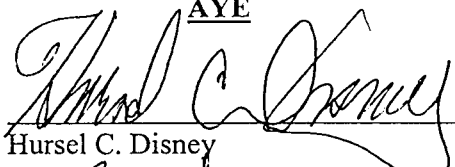
2. The tax rate imposed by this Ordinance is the allowed amount necessary to mitigate the increased ad valorem property taxes on homesteads, (as defined in IC 6-1.1-20.9-1) resulting from:
 - a. The deduction of the assessed value of inventory in the county, authorized by virtue of an Ordinance of the Hendricks County Council adopted on December 30, 2003 and effective as to the inventory assessed in years 2004 and 2005; and
 - b. The deduction of the assessed value of inventory in the county by virtue of the statewide deduction of inventory pursuant to IC 6-1.1-12-42.
3. The County Economic Development Income tax rate authorized in paragraph two (2) above, and under the authority of IC 6-3.5-7-5 (p).
 - a. First applies to the certified distribution described in IC 6-3.5-7-16(c) made in the calendar year two thousand five (2005) that immediately succeeds the calendar year in which this Ordinance is adopted (2004);
 - b. Applies to calendar year 2004, and each year thereafter; and
 - c. That the additional homestead credit will be allocated on a taxing district basis on the proportion of the amount of inventory assessed value deducted in a taxing district for the immediately preceding year's assessment date bears to the total inventory assessed value deduction under the inventory deduction in the county for the immediately preceding year's assessment date.
 - d. That the certified distribution must be used for the purpose of increasing the percentage of the homestead credit allowed in the county under IC 6-1.1-20.9 for a year to offset the effect on homesteads in the county resulting from:
 - (a) The deduction provided for inventory by Ordinance of the Council, adopted December 30, 2003 and effective as to inventory assessed for the years 2004 and 2005, as authorized under IC 6-1.1-12-41; and
 - (b) The deduction of the assessed value of inventory in the county by virtue of the statewide deduction of inventory pursuant to IC 6-1.1-12-42.
4. The revenue received by Hendricks County as a result of the imposition of the increased CEDIT shall be deposited into the fund as required under IC 6-3.5-7-13.1

5. The Auditor shall record all votes taken on Ordinances presented under the authority of IC 6-3.5-7 and shall, not more than ten (10) days after the vote, send a certified copy of the results to the Commissioner of the Department of State Revenue, by certified mail.
6. The Auditor shall do all things necessary and required under IC 6-3.5-7.25, IC 6-3.5-7-26 and any other statute to carry out the intent and purposes of this Ordinance.

ALL OF WHICH IS ADOPTED AND ORDAINED BY THE HENDRICKS COUNTY COUNCIL THIS 11th DAY OF MARCH 2004.

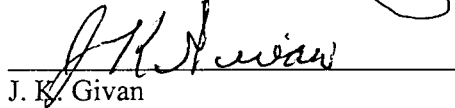
AYE

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 Hursel C. Disney

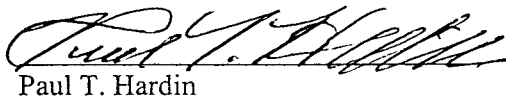
 Hursel C. Disney



 J. K. Givan

 J. K. Givan

 Paul T. Hardin



 Paul T. Hardin



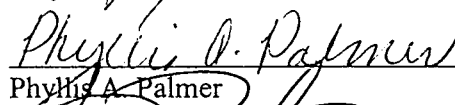
 Larry R. Hesson

 Larry R. Hesson



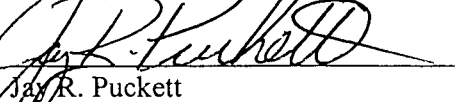
 Wayne G. Johnson

 Wayne G. Johnson



 Phyllis A. Palmer

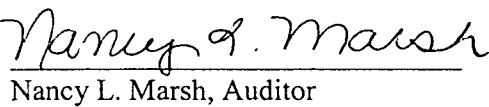
 Phyllis A. Palmer



 Jay R. Puckett

 Jay R. Puckett

ATTEST:



 Nancy L. Marsh, Auditor

ORDINANCE 2004-30
ORDINANCE REESTABLISHING CUMULATIVE CAPITAL DEVELOPMENT FUND

BE IT RESOLVED by the County Council of Hendricks County, Indiana, that a need now exists for the reestablishment of the Cumulative Capital Development Fund for the following purpose:

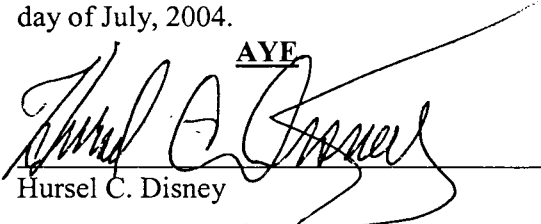
For all uses as set out in IC 36-9-14.5

BE IT FURTHER RESOLVED THAT THIS Council will adhere to the provisions of Indiana Code 36-9-14.5. The proposed fund rate will not exceed \$0.0333 on each \$100 of assessed valuation. Said tax rate will be levied beginning with taxes for 2004 payable 2005.

BE IT FURTHER RESOLVED that proofs of publication of the public hearing held on the 29th day of July, 2004, and a certified copy of this ordinance is submitted to the Department of Local Government Finance of the State of Indiana as provided by law. Said Cumulative Fund is subject to the approval of the Department of Local Government Finance.

Duly adopted by the following vote of the members of the Hendricks County Council this 29th day of July, 2004.

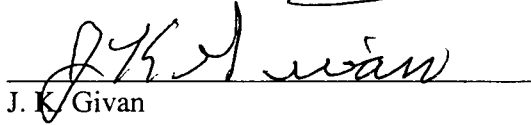
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Hursel C. Disney

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Hursel C. Disney



J. K. Givan

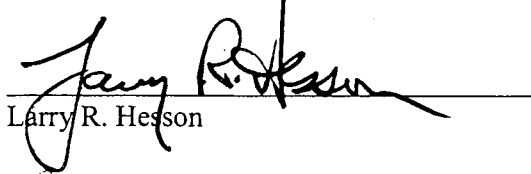
J. K. Givan

Paul T. Hardin

Paul T. Hardin

Wayne G. Johnson

Wayne G. Johnson



Larry R. Hesson

Larry R. Hesson

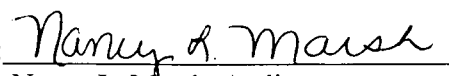


Phyllis A. Palmer

Phyllis A. Palmer

Jay R. Puckett

Jay R. Puckett

Attest: 

Nancy L. Marsh, Auditor

04-03

**FIRST RESOLUTION TO THE BOARD OF COMMISSIONERS OF THE
COUNTY OF HENDRICKS TO WITHDRAW FROM THE
WEST CENTRAL SOLID WASTE DISTRICT**

The undersigned, being all of the Board of Commissioners of the County of Hendricks do hereby consent to and adopt the following resolutions as and for the act of the County of Hendricks:

WHEREAS, the County of Hendricks and the Counties of Putnam, Morgan, Parke and Montgomery are members of the West Central Solid Waste District; and

WHEREAS, the West Central Solid Waste District is a joint solid waste management district consisting of these five (5) counties; and

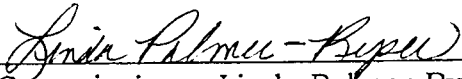
WHEREAS, the County of Hendricks wishes to withdraw from the West Central Solid Waste District.

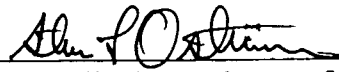
NOW THEREFORE, be it hereby RESOLVED that the Board of Commissioners of the County of Hendricks hereby withdraws from the West Central Solid Waste District.

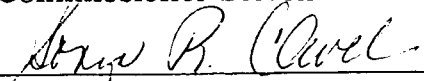
BE IT FURTHER RESOLVED that this resolution shall become effective on the 31st day of December, 2004.

WITNESS the due execution hereof by the undersigned Commissioners for the County of Hendricks this 9th day of ~~February~~, 2004.

MARCH


Commissioner Linda Palmer-Ryser


Commissioner Steven L. Ostermeier


Commissioner Sonya Cleveland

ATTEST:


Nancy Marsh, Auditor

**SECOND RESOLUTION TO THE BOARD OF COMMISSIONERS OF
THE COUNTY OF HENDRICKS TO WITHDRAW FROM THE
WEST CENTRAL SOLID WASTE DISTRICT**

The undersigned, being all of the Board of Commissioners of the County of Hendricks do hereby consent to and adopt the following resolutions as and for the act of the County of Hendricks:

WHEREAS, the County of Hendricks and the Counties of Putnam, Morgan, Parke and Montgomery are members of the West Central Solid Waste District; and

WHEREAS, the West Central Solid Waste District is a joint solid waste management district consisting of these five (5) counties; and

WHEREAS, the County of Hendricks wishes to withdraw from the West Central Solid Waste District; and

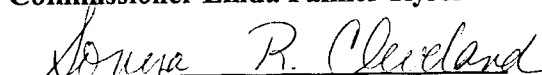
WHEREAS, the Board of Commissioners of the County of Hendricks adopted its first resolution withdrawing from the West Central Solid Waste District on March 9, 2004.

NOW THEREFORE, be it hereby RESOLVED that the Board of Commissioners of Hendricks County hereby withdraws from the West Central Solid Waste District in accordance with applicable state law.

BE IT FURTHER RESOLVED that this resolution shall become effective on the 31st day of December, 2004.

WITNESS the due execution hereof by the undersigned Commissioners for the County of Hendricks this 6th day of April, 2004.


Commissioner Linda Palmer-Ryser


Commissioners Sonya R. Cleveland


Commissioner Steven L. Ostermeier

ATTEST:


Nancy Marsh, Auditor

04-07

Resolution to Support the Cross-State National Road Heritage Trail Project

- WHEREAS, Trails and greenways provide natural, scenic, and recreational value to citizens; and
- WHEREAS, Trails and greenways are vital assets to our county, providing opportunities for economic development; and
- WHEREAS, Trails and greenways are good for the public health of our citizens, offering places close to home for physical exercise, for mental relaxation, and for family recreation; and
- WHEREAS, Trails and greenways provide good transportation routes, offering clean and safe alternatives to motor transportation; and
- WHEREAS, the remnants of the Pennsylvania, the electric interurban, and the Vandalia railroad corridors form a natural and historic connection between the communities that they served; and
- WHEREAS, the rich history of the National Road as one of the earliest thoroughfares to western settlement should be preserved and presented for future generations; and
- WHEREAS, the experiences of the historic National Road and former railroad corridors are ideally suited for the intimate pace of recreational tourism;
- WHEREAS, Trails and greenways are good for the environment by providing ribbons of green for wildlife and vegetation, and by filtering run-off before it enters waterways; and
- WHEREAS, Trails and greenways provide a means to share utility, transportation, recreation, and communication facilities, while also providing a way to increase county revenues by leasing facilities; and
- NOW THEREFORE, The Hendricks County Board of County Commissioners (name of group) supports the effort to create the National Road Heritage Trail, a continuous, multi-use trail for non-motorized travel along or connected to the corridors of the former Pennsylvania railroad, former electric interurban railroad, former Vandalia railroad, and/or US40 through Vigo, Clay, Putnam, Hendricks, Marion, Hancock, Henry, and Wayne Counties and calls upon all good citizens, civic groups, and elected officials to also join and support this effort.

Signed: (officer) Linda Palmer-Reper

Office: President Board of County Commissioners Date: 7/6/04

RESOLUTION NO. 04-08
OF THE BOARD OF COMMISSIONERS OF
HENDRICKS COUNTY, INDIANA

WHEREAS, the Board of Commissioners (the "Board") of Hendricks County, Indiana (the "County") has executed a lease (the "Lease") with the Hendricks County Building Facilities Corporation (the "Corporation") for the financing of the acquisition, construction, installation, and equipping of land, buildings, structures and improvements comprising a new County Fairgrounds complex (collectively, the "Project"), to be located on the real estate now owned by the County and described in Exhibit A hereto (the "Real Estate");

WHEREAS, it is necessary for the Corporation to own the Real Estate for purposes of the construction of the Project and lease of the Project and related real estate to the County; and

WHEREAS, pursuant to Indiana Code 36-1-10 *et seq.*, the Board has received from Thompson-Moore Appraisal Services and Jill D. Reed, who were appointed as appraisers by the Board, the appraisal of the value of the Real Estate.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF HENDRICKS COUNTY, INDIANA RESOLVES THE FOLLOWING:

Section 1. This Board, as the leasing agent of the County and pursuant to Indiana Code 36-1-10-11, as amended, hereby ratifies the appointment of Thompson-Moore Appraisal Services and Jill D. Reed to serve as appraisers of the Real Estate, and accepts the appraised value of the Real Estate prepared by such appraisers and presented to the Board on the date hereof.

Section 2. The Board hereby approves the sale of the Real Estate to the Corporation in exchange for an agreed upon purchase price of \$2,035,000 (the "Purchase Price"), which amount is the average of the two appraisals of the value of the Real Estate. The Purchase Price shall be payable by the Corporation on or before the closing of the issuance of the bonds issued by the Corporation to finance the Project. The Board is authorized to execute and deliver, and the County Auditor is authorized to attest to such execution, a deed conveying the Real Estate to the Corporation.

Section 3. The Board hereby assigns to the Building Corporation the plans and specifications, construction bids and contracts for the Project.

Section 4. Any member of the Board of Commissioners or the County Council, the Auditor of the County, and the County Attorney are hereby authorized, empowered and directed, on behalf of the County to take any other action as such individual deems necessary or desirable to effectuate the foregoing resolutions, and any actions heretofore made or taken be, and hereby are, ratified and approved.

Adopted this 13th day of July, 2004.

BOARD OF COMMISSIONERS OF
HENDRICKS COUNTY, INDIANA

Sinde Palmer-Ryger
Commissioner

Joseph B. Cleveland
Commissioner

Steve Osterman
Commissioner

ATTEST:

Nancy R. Maush
County Auditor

Exhibit A

A part of the lands described in a certain Trustees' Deed recorded in Instrument Number 200100001936 in the Office of the Recorder of Hendricks County, Indiana situated in the East Half of Section 2, Township 15 North of Range 1 West of the Second Principal Meridian in Center Township, in the County and State aforesaid, described as follows:

The entire Southwest quarter of the Northeast quarter of Section 2, Township 15 North of Range 1 West, containing 40 acres more or less.

Also, all that part of the East half of the Southeast quarter of said Section 2 that lies north of the Centerline of United States Highway 36, containing 70.76 acres, more or less.

Containing in the two tracts above described 110.76 acres, more or less.

RESOLUTION NO. 04-09

RESOLUTION VACATING A PUBLIC STREET

BE IT RESOLVED by the County of Hendricks, Indiana, that:

WHEREAS, the County wishes to vacate a certain public street; and

WHEREAS, notice has been given to the adjacent property owners; and

WHEREAS, notice of publication and public hearing as prescribed by I.C. 5-3-1 are not necessary due to the fact that all the lots in the subdivision are vacant and are owned by the County, and the adjacent property owner is purchasing portions of the lots from the County; and

WHEREAS, after reviewing all the pertinent facts relative to the request to vacate a public street;

NOW, THEREFORE, by the powers vested in the Board of Commissioners of Hendricks County, Indiana, pursuant to I.C. 36-7-3-12, it is hereby ordered and resolved that the relief requested is now granted.

IT IS, THEREFORE, ORDERED AND ORDAINED that the following street heretofore platted be, and the same are hereby vacated which street is described as follows:

See Attachment "A."

IT IS FURTHER ORDAINED AND ORDERED that the Clerk of the Board of Commissioners of Hendricks County, Indiana, shall furnish a copy of this Resolution to the County Recorder for recording, and to the County Auditor, all pursuant to the provisions of I.C. 36-7-3-12.

THIS RESOLUTION ADOPTED THIS 19th DAY OF ~~September~~ ^{October}, 2004.

BOARD OF COMMISSIONERS OF
HENDRICKS COUNTY, INDIANA

By: Linda Palmer-Ryser Date: 10-19-04
Linda Palmer-Ryser

By: Sonya R. Cleveland Date: 10-19-04
Sonya R. Cleveland

By: Steven L. Ostermeier Date: 10-19-04
Steven L. Ostermeier

STATE OF INDIANA

COUNTY OF HENDRICKS

Subscribed and sworn to before me, a Notary Public in and for the said County and State,
this 19th day of October, 20 04.

My Commission Expires:
6/18/08

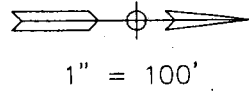
Signature: Leanna J. Alverson

My County of Residence
Hendricks

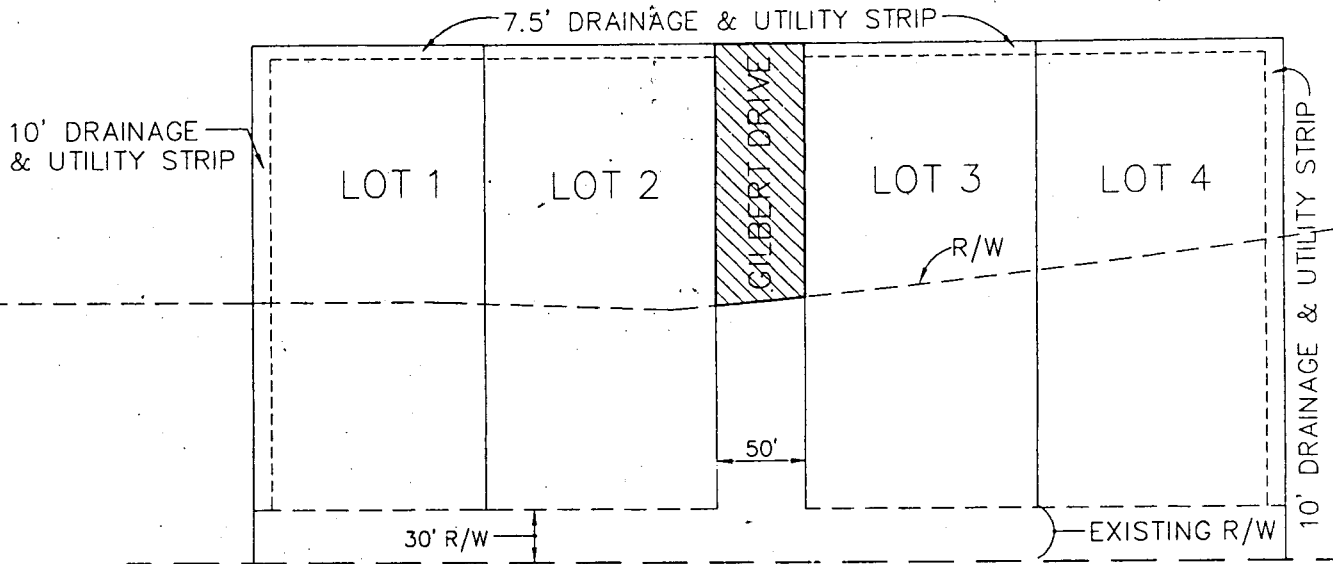
Printed: Leanna J. Alverson

This instrument was prepared by Gregory Steuerwald, Attorney at Law, 106 N.
Washington Street, Danville, Indiana, 46122, telephone 317-745-4485

GILBERT'S ADDITION
SECTION ONE
PLAT BOOK 5, PAGE 176



THIS PLAT WAS PREPARED FROM INFORMATION OBTAINED FROM THE RECORDERS OFFICE AND OTHER SOURCES WHICH WERE NOT NECESSARILY CHECKED BY A FIELD SURVEY.



SIX POINTS ROAD

PROPOSED STREET VACATION

Gilbert Drive in Gilbert's Addition Section One (1), said plat, being recorded in Plat Book 5, page 176 in the Office of Recorder of Hendricks County, Indiana described as follows: Beginning at the Northwest corner of Lot 2 in said Gilbert's Addition Section One (1); thence North 0 degrees 07 minutes 26 seconds East 50.00 feet to the southwest corner of Lot 3 in said Gilbert's Addition Section One (1); thence South 89 degrees 54 minutes 34 seconds East 142.01 feet along the south line of said Lot 3; thence South 5 degrees 06 minutes 37 seconds East 50.21 feet to the north line of said Lot 2; thence North 89 degrees 54 minutes 34 seconds West 146.59 feet along the north line of said Lot 2 to the point of beginning and containing 0.165 acres more or less.

NOTE: All bearings shown on this parcel exhibit are based on the project's Route Survey Plat recorded as Instrument Number 200200005452.

Given under my hand and seal

1-22-04

EDWARD J. SWEETLAND, L.S.

Registered Land Surveyor, No. 29900000



STREET VACATION

AMERICAN CONSULTING, INC.

Architects
Consultants
Engineers

7260 SHADELAND STATION
INDIANAPOLIS, IN 46256-3917
(317) 547-5580 FAX: (317) 543-0270

Copyright (C) 1966-2002 by American Consulting, Inc.

DATE: 1-16-04

DRAWN BY: NJB

JOB NO. 95-703

SHEET NO.

1

of

1

DESC. FILE: PARCEL.50

PLOT SCALE: 1:100,000 EDIT DATE: 01/22/04 07:53:28 EDITED BY: NJB - S115 DWG FILE: D:\95\703\1995.0702.6.PARCEL.50

Resolution
04-10

**HENDRICKS COUNTY, INDIANA
CAPITAL ASSET POLICY**

PURPOSE

This capital asset policy will be effective on January 1, 2003. The purpose of this policy is to facilitate the preparation of financial statements in conformity with generally accepted accounting principles.

CLASSIFICATION OF ASSETS

Capital assets are personal and real property used in the operations of the County that have an expected estimated useful life beyond a single period. Capital assets are to include any item that falls into one of the following categories:

- I. Land
- II. Building and Building Improvements
- III. Machinery and Equipment
- IV. Vehicles
- V. Computer Software
- VI. General Infrastructure (Roads, Bridges, and Right-of-Ways)
- VII. Construction in Progress

CAPITALIZATION THRESHOLDS

To be considered a capital asset for financial reporting purposes, an item must be at or above the capitalization threshold and have a **unit** historical cost of \$5,000.00 or more.

The capitalization threshold for the following classes of assets shall be:

I.	Machinery, Equipment & Vehicles	\$ 5,000.00
II.	Buildings and Building Improvements	\$100,000.00
III.	General Infrastructure Improvements	\$200,000.00
IV.	Computer Software	\$ 50,000.00

With regard to improvements and buildings and general infrastructure, a capital outlay must be significant and increase capacity, increase efficiency or extend the asset's estimated useful life beyond the original expectation.

A change in capacity increases the level of service provided by the asset. A change in efficiency increases the level of service but without increasing the size of the asset or the change maintains the same level of service at a lower cost.

For example, an addition to a building provides increased square footage, hence, the capacity is increased and the capital outlay is capitalized. Widening a road with

additional lanes increases capacity and hence, the capital outlay is capitalized. An extended estimated useful life involves a significant alteration, structural change or improvement.

While substantial repairs and renovations will be reviewed for potential capitalization, it is anticipated that most will be expenses in the current year. These expenses often merely restore the asset to the original service potential but do not necessarily improve the asset.

All land, including right-of-ways, is capitalized at the time of acquisition regardless of historical costs or fair value if donated.

HISTORICAL COST OR ESTIMATED HISTORICAL COSTS

PROSPECTIVE REPORTING

Capital assets are recorded at historical cost which includes any ancillary charges necessary to place the asset into its intended location and condition for use. Ancillary charges include, for example, freight and transportation charges, site preparation costs, and professional fees. Engineering costs (internal and external) include related preliminary project and environmental studies; project estimating, design, and planning (drawings and specifications); and construction engineering, construction management, construction inspection and project payment. Donated capital assets are recorded at their estimated fair value at the time of acquisition.

RETROACTIVE REPORTING AT TRANSITION OF GASB STATEMENT 34

When actual historical cost source data was unavailable, estimated historical cost was developed utilizing a normal costing approach. With this method of estimating historical cost, a current replacement cost was ascertained. An appropriate cost index (including Consumer Price Index and Federal Highway Price Trends) corresponding to an estimated date of acquisition/construction was then applied to 'deflate' the replacement cost to an estimated historical cost.

ESTIMATED USEFUL LIVES OF DEPRECIABLE ASSETS

Capital assets have estimated useful lives extending beyond a single reporting period (one year) and are depreciated using the straight-line method with no allowance for salvage value. The estimated useful lives currently used were developed with the input of knowledgeable staff and reflect our government's experience with these assets:

Land and Improvements to Land	Non-Depreciable
Buildings and Building Improvements	50 Years
Machinery and Equipment	5 Years
Vehicles	
Automobiles	5 Years
Light Trucks	8 Years

Heavy Trucks	15 Years
General Infrastructure	
Roads	50 Years
Bridges	75 Years
Outdoor Lighting	10 Years
Software	5 Years

DEPRECIATION METHOD/CONVENTION

Depreciation will be calculated using the straight-line method and full-year convention. No salvage value or residual value will be recognized.

RETIREMENTS

Retirements apply to all capital assets including land, buildings, machinery and equipment, vehicles and general infrastructure.

When an asset is disposed of, scrapped, sold, subject to demolition, etc. it is to be removed from the property record and the appropriate reduction will be made to historical cost, accumulated depreciation, and net book value amounts.

Retirements will reflect the actual historical cost of the asset when the amount is ascertainable. When historical cost is not ascertainable, an estimated historical cost will be determined.

RESPONSIBILITY FOR PROPERTY RECORD MAINTENANCE

The Hendricks County Auditor will ensure that reporting for capital assets is being exercised by establishing a capital asset inventory, both initially and periodically in subsequent years. The Hendricks County Auditor will further ensure that the capital asset report will be updated annually to reflect improvements, additions, retirements, and transfers and to reflect the new annual capital asset balance for financial reporting purposes and the annual and accumulated depreciation calculations and net book value amounts.

Day-to-day stewardship of personal property above the capitalization threshold of \$5,000 is the expressed responsibility of the department utilizing the property.

For annual updating of the capital asset report, the departments have the responsibility to report improvements, additions, retirements, and transfers in detail to the Hendricks County Auditor. It is expected that this reporting will be in a timely manner, as the capital asset record must be updated annually.


PROPERTY CONTROL

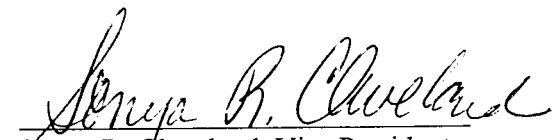
Capital Assets below the capitalization threshold of \$5,000.00 on a unit basis but warranting "control" shall be inventoried at the department level and an appropriate list will be maintained. Data elements are to include asset description, location, make, mode, serial number, and other information that assists control or deemed relevant.

The assets below the capitalized threshold but considered *sensitive* may include, for example, weapons, radios, personal computers, laptop computers, printers, fax machines, and small power tools. These minor but sensitive items shall be inventoried and controlled at the department level.

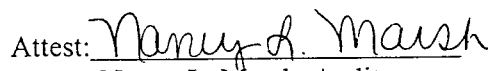
The Hendricks County Auditor shall determine appropriate means, level of detailed data elements, and the system to be utilized. Finally, the Hendricks County Auditor shall have the right to request copies of the inventory and/or updated inventory of controllable items so as to periodically review the information and adhere to policy.

Dated this 9th day of November 2004.


Linda Palmer-Ryser, President


Sonya R. Cleveland, Vice President


Steven L. Ostermeier, Member

Attest: 
Nancy L. Marsh, Auditor

04-11

**RESOLUTION BY THE
BOARD OF COMMISSIONERS OF HENDRICKS COUNTY, INDIANA**

WHEREAS, the legislature of the State of Indiana granted certain powers to boards of county commissioners for the establishment of an area planning commission within their jurisdiction pursuant to IC 36-7-4-200, as amended; and

WHEREAS, the Board of County Commissioners of Hendricks County established an Area Plan Commission in 1995 entitled the "Hendricks County Area Plan Commission;" and

WHEREAS, the legislature of the State of Indiana granted certain powers to boards of county commissioners and area planning commissioners pertaining to the adoption of a subdivision control ordinance within their jurisdiction pursuant to IC 36-7-4-500, as amended; and

WHEREAS, the Hendricks County Area Plan Commission has prepared a replacement Subdivision Control Ordinance in accordance with the provisions of IC 36-7-4-500, as amended; and

WHEREAS, the Hendricks County Area Plan Commission has considered the comments made during the public hearing and has deliberated on the Subdivision Control Ordinance proposals contained in the prepared replacement Subdivision Control Ordinance entitled "Subdivision Control Ordinance, Hendricks County, Indiana, 2004;" and

WHEREAS, the Hendricks County Area Plan Commission has reviewed and approved the replacement "Subdivision Control Ordinance, Hendricks County, Indiana, 2004" and has, by resolution, recommended the adoption of the ordinance to the Board of County Commissioners of Hendricks County; and

WHEREAS, the proposed replacement "Subdivision Control Ordinance, Hendricks County, Indiana, 2004" contains the subdivision requirements for the orderly land use development of Hendricks County.

NOW, THEREFORE, in order to promote the public health, safety, morals, convenience, order and the general welfare and for the sake of efficiency and economy in the process of developing Hendricks County, the Board of County Commissioners of Hendricks County, Indiana finds that the replacement subdivision control ordinance entitled "Subdivision Control Ordinance, Hendricks County, Indiana, 2004," attached hereto and made a part thereof, be in full force and effect after December 14, 2004.

Passed and approved by the Board of Commissioners of Hendricks County, Indiana, this 21st day of December, 2004.

HENDRICKS COUNTY BOARD OF COMMISSIONERS


Linda Palmer-Ryser, President


Sonya R. Cleveland, Vice-President


Steven L. Ostermeier, Member

ATTEST:


Nancy Marsh, Auditor

Resolution 04-11

RECEIVED

DEC 16 2004

HENDRICKS COUNTY
COMMISSIONERS

SUBDIVISION CONTROL ORDINANCE
HENDRICKS COUNTY, INDIANA

ADOPTON DATE: _____, 2004

HENDRICKS COUNTY PLANNING & BUILDING DEPARTMENT
355 SOUTH WASHINGTON STREET, #212
DANVILLE, INDIANA 46122-1759

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CHAPTER 1
GENERAL PROVISIONS

1.01 **TITLE**

These regulations shall be known and may be cited and referred to as the "Subdivision Control Ordinance of Hendricks County, Indiana," and shall hereafter be referred to as "these regulations."

1.02 **POLICY**

1. **Subject to Comprehensive Plan** -- It is hereby declared to be policy of Hendricks County to consider the subdivision of land and the subsequent development of the subdivision plat as subject to the Comprehensive Plan and related policies for the orderly and efficient development of Hendricks County.
2. **Development without Peril** -- Land to be subdivided shall be of such a character that it can be developed without peril of health, flood, fire or other menace. Subdivided land shall have access to available existing public facilities and improvements and shall have proper provisions for drainage, water, sewage and other necessary public improvements such as schools, parks, and recreation and transportation facilities adequate for serving the subdivision. A private well and a septic system in lieu of public water and sewer facilities are allowable where such facilities do not exist and where permitted under the Zoning Ordinance and approved by the Hendricks County Health Department. See also Section 2.07, Character of the Land.
3. **Public Facilities to Conform** -- Both existing and proposed public facilities serving the subdivision shall conform to the Comprehensive Plan and related policies.

1.03 **PURPOSE**

1. **Guide Development** -- To guide the future development and redevelopment of Hendricks County in accordance with the Comprehensive Plan and related policies.
2. **Safety, Comfort and Soundness** -- To provide for the safety, comfort, and soundness of the man-made environment and related open space.
3. **Protection** -- To protect the compatibility, character, economic stability and orderliness of all development through reasonable design standards.
4. **Guide Policy** -- To guide public and private policy and action so as to provide adequate and efficient public and private facilities to achieve the most aesthetically pleasing and beneficial interrelationship between land uses, and to

conserve energy and natural resources such as natural beauty, woodlands and open spaces, both during and after development.

1.04 AUTHORITY AND JURISDICTION

1. **Authority Given by State** -- These regulations are enacted pursuant to Indiana Home Rule and planning enabling legislation. Indiana Code 36-1-3-4 and 36-7-4-700 Series authorizes that the Hendricks County Area Plan Commission has exclusive control to review and approve or disapprove plats for subdivisions throughout the unincorporated area of Hendricks County and those municipalities within the County having an interlocal agreement for subdivision regulation. This authority also extends to the re-subdivision of undeveloped portions of a previously recorded plat.
2. **Metes and Bounds Tracts** -- Any undeveloped parcel of land with a metes and bounds description established after the effective date of these regulations and less than twenty (20) acres in size shall comply with the provisions of these regulations to be eligible for an improvement location permit. Any metes and bounds tract created in compliance with the Subdivision Control Ordinance in effect at that time of the tract creation shall be considered exempt from these regulations. The following standards were in effect for tracts created and recorded:
 - a. On or after 6/1/73 -- minimum tract size of 20 Acres, except that before 4/21/97, a minimum of one tract at least one Acre in size, and having the principal residence located on the tract, was allowed
 - b. 7/3/67 through 5/31/73 -- minimum tract size of 5 Acres
 - c. 3/5/62 through 7/2/67 -- minimum tract size of 2 Acres
 - d. 1/1/58 through 3/4/62 -- minimum tract size of 2 Acres for Brown, Guilford, Lincoln and Washington Townships; all other townships have no minimum tract size
 - e. before 12/31/57 -- no minimum tract size
3. **Conformity with Regulations** -- No Improvement Location Permit, or Certificate of Occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of, and not in conformity, with the provisions of these regulations. Also, no construction of any public or private improvement shall take place or be commenced except in conformity with the applicable standards of these regulations and the Building Code.

1.05 **ENACTMENT** -- In order that land may be subdivided in accordance with the purpose and policy contained herein, these regulations are hereby adopted.

1.06 **MINIMUM STANDARDS** -- In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirement for the promotion of the public health, safety, and general welfare. The Plan Commission may require stricter standards when, in the opinion of the Plan Commission, those stricter standards are needed to fulfill the intent and purpose of this Article.

1.07 **CONFLICT**

1. **Most Restrictive Applies** -- These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule, regulation, statute, or other provision of law. Where any provision of these regulations imposes a restriction different from those imposed by any other provision of these regulations or any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive, or imposes a higher standard, shall control.
2. **Private Agreements** -- These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provision of these regulations is more restrictive or imposes a higher standard or regulation than the easement, covenant, or other private agreement or restriction, the requirements of these regulations shall control. Where the provision of the easement, covenant, or private agreement or restriction imposes a duty and obligation more restrictive, or a higher standard than the requirements of these regulations, or the determination of the Plan Commission in approving a subdivision or in enforcing these regulations, and the private provision is not inconsistent with these regulations or determination of the Plan Commission, then the private provision shall be operative and supplemental to these regulations and determinations of the Plan Commission. In no case may a private agreement be in conflict with or be less restrictive than local ordinances. A private provision can only be enforced privately. See also Section 2.04, Covenants.

1.08 **SEPARABILITY** -- If any part of any provision of these regulations or application thereof to any person or circumstance is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which the judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to any other person or circumstance. The Board of Commissioners of Hendricks County hereby declares that it would have enacted the remainder of these regulations even without that part, provision or application.

1.09 **SAVING PROVISION**

1. **Regulations not Abating** -- These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the Board of Commissioners of Hendricks County under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any right obtained by any person, firm or corporation, by lawful action of the Board of Commissioners of Hendricks County, except as shall be expressly provided for in these regulations.
2. **Approval under Prior Ordinances** --
 - a. **Primary Approval** -- Any proposed subdivision of land for which a complete application seeking primary plat approval and the filing fee has been submitted and accepted by the Secretary of the Plan Commission, prior to the date of enactment of these regulations, may be considered under the provisions of the previous Subdivision Control Ordinance. If said primary plat application does not receive approval, any future applications must be considered under the provisions of the Subdivision Control Ordinance in effect at the time the new application is made.
 - b. **Secondary Approval** -- Any proposed subdivision of land for which a complete application seeking secondary plat approval and the filing fee has been submitted and accepted by the Secretary of the Plan Commission, prior to the date of enactment of these regulations, may be considered under the provisions of the previous Subdivision Control Ordinance. If said secondary plat application does not receive approval, any future applications must be considered under the provisions of the Subdivision Control Ordinance in effect at the time the new application is made. Any proposed or actual subdivision of land having been granted primary approval by the Plan Commission under the previous Subdivision Control Ordinance is valid only if that secondary approval is granted within five years of primary approval. If the primary approval includes development in phases, secondary approval for one entire phase, including all sections

within said phase, shall automatically continue approval for the remaining phases to the same expiration date.

c. Recording -- Any subdivision, having been granted secondary approval under the previous Subdivision Control Ordinance and prior to the effective date of these regulations and subsequently having completed the requirements for recording under the previous Subdivision Control Ordinance, may be signed by the designated officials as having been granted secondary approval and shall be permitted to record the secondary plat. Any proposed or actual subdivision of land having been granted secondary approval by the Plan Commission under the previous Subdivision Control Ordinance must be recorded within two years of secondary approval, or the secondary approval shall be considered null and void, unless an extension is granted by the Administrative Committee.

3. **Violations of Repealed Ordinance** -- Any division of land prior to the enactment of these regulations, and subsequent to April 3, 1961, which division or act was in violation of the ordinances repealed by these regulations, shall be subject to all remedies, penalties and defenses under the repealed ordinances.

1.10 **REPEAL OF CONFLICTING ORDINANCES** -- Upon the adoption of these regulations prescribed by Indiana Code 36-7-4-700 series, the Subdivision Control Ordinance of Hendricks County, Indiana adopted May 27, 1997, as amended, is hereby repealed.

1.11 **AMENDMENT** -- For the purpose of providing for the public health, safety, and general welfare, the Board of Commissioners of Hendricks County upon recommendation of the Plan Commission, may from time to time amend the provisions imposed by these regulations. The Plan Commission in the manner prescribed by the Indiana Code shall hold a public hearing on any proposed amendment 36-7-4-700 series.

1.12 **CONDITIONS**

1. **Exercise of Police Powers** -- Regulation of the subdivision of land and the attachment of any reasonable conditions to land subdivision is an exercise of valid police power delegated by the State of Indiana to this County prescribed by Indiana Code 36-7-4-700 Series.

2. **Compliance with Conditions** -- The owner has the duty of compliance with any reasonable condition imposed by the Plan Commission for design, dedication, improvement, and restrictive use of the land in order to conform to the physical and economical development of the County and to provide for the safety and general welfare of the future lot owners in the subdivision and of the County at large.

1.13 **CITATIONS TO INDIANA CODE** -- Wherever within this ordinance, references are made to a particular Indiana Code citation it shall include any subsequent revision, amendment or recodification.

1.14 **FUTURE RESUBDIVISION**

1. **Substantive Changes** -- Resubdivision shall be required if the Director determines that, there has been a substantive change in a plat of an approved or recorded subdivision plat. Substantive changes may include changes to street layout, any area reserved for public use, any lot line, or changes which affect any plat or plan legally recorded prior to the adoption of any regulations controlling subdivisions. Such change shall be approved by the same procedure and regulations as for a subdivision.
2. **Future Opening & Extension of Streets** -- If the Plan Commission determines that, there are indications that future resubdivision will occur, including the presence of parcels containing more than one and one-half acres of land, the Plan Commission may require that the initial plat allow for the future opening of streets and the ultimate extension of adjacent streets. Easements or right-of-ways providing for the future opening and extension of such streets may be made a requirement of the plat.

1.15 **OWNER'S RESPONSIBILITY** -- The owner is ultimately responsible for compliance with these regulations and a current address for the owner must be maintained in the files of the Planning Department. In addition, if a corporation or business is the owner of the property and/or the applicant, names and address of the resident agent of the corporation must be on file with the Planning Department, regardless if another representative is used.

CHAPTER 2 MINIMUM DEVELOPMENT STANDARDS

2.01 **INTRODUCTION** -- This chapter sets forth the minimum development standards required for major or minor subdivisions. It explains what government standards and regulatory functions are involved and must be followed. Its provisions help to ensure the protection of the health and welfare of the future occupant(s) of an approved subdivision, assure the quality of new development and minimize the adverse effects of the construction of subdivisions on surrounding environment.

2.02 **CONFORMANCE**

1. **Other Regulations** -- In addition to these regulations, all subdivision plans shall comply with the following laws, rules, and regulations, when applicable:

- a. **Other Government Regulations** -- All applicable federal, state and local provisions;
- b. **Other County Regulations** -- The Zoning Ordinance; Building Code; The Hendricks County Drainage Handbook; Applicant's Guide to Transportation Impact Studies for Proposed Development Within Hendricks County, Indiana; Fiscal Impact Study; The Hendricks County On-Site Sewage Disposal Ordinance; and all other applicable laws of the County;
- c. **Comprehensive Plan** -- The Comprehensive Plan, including all components or elements of the plan;
- d. **Health Department** -- Any rules or regulations of the Hendricks County Health Department or corresponding state agencies;
- e. **INDOT** -- The rules and regulations of the Indiana Department of Transportation if the subdivision or any lot contained therein abuts a state or federal highway;
- f. **Highway and Drainage** -- The highway and drainage standards and regulations adopted by the Board or County Drainage Board.

2. **Approval may be Withheld** -- Subdivision approval may be withheld if a subdivision is not in conformity with the above guidelines, requirements or these regulations.

2.03 **FINAL CONSTRUCTION PLANS**

The final construction plans shall be the plans that have received final approval and bear the stamp and signature of the Plan Commission Secretary or his designee. At least one copy of the final construction plans shall be maintained by the following: Planning Department, the private inspection firm (if applicable), the owner, and the developer, and the engineer of record. Additionally, it is the owner's responsibility to ensure that at least one copy of the final construction plans shall be kept on-site at all times during construction. The Planning Department shall consult the final construction plans when making a recommendation on whether to accept the improvements required by that subdivision.

2.04 **COVENANTS** -- The owner may choose to place a covenant on any or all land located within the subdivision. Covenants are not generally required by this ordinance. However, if the owner decides to place a restriction on any of the land contained in the subdivision which is greater than, but not in conflict with, those required by the Zoning Ordinance or these regulations, the Plan Commission may require that the restriction or reference thereto be indicated on the secondary plat, or included in restrictive covenants to be recorded. In no case may a covenant be in conflict with or be less restrictive than local ordinances.

2.05 **PLATS CROSSING GOVERNMENTAL BOUNDARIES** -- Whenever access to the subdivision is required across land in another governmental jurisdiction, the Plan Commission shall request assurance from the other governmental jurisdiction that access is legally established and the access road is adequately improved, or that a performance guarantee has been duly executed and is sufficient in amount to assure the construction of the access road. Lot lines shall be laid out so as not to cross governmental boundary lines. However, when a subdivision is proposed that is in more than one planning jurisdiction, including Hendricks County's planning jurisdiction, approval shall be contingent upon the subdivision also receiving approval from the other jurisdiction(s).

2.06 **BOUNDARY MONUMENTATIONS** -- The owner shall place, under the supervision of a registered land surveyor, a boundary marker for each corner of every section or phase and for each lot corner in said subdivision, unless waived by the County Surveyor. The Registered Land Surveyor shall operate in full compliance with Title 865 IAC Chapters 1 - 12.

2.07 **CHARACTER OF THE LAND** Land which the Plan Commission finds to be unsuitable for subdivision because of, but not limited to, such things as unsuitable soils for on-site sewage systems, flooding, improper drainage, steep slopes, rock formations, adverse earth foundations, topography, utility easements, or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision or by its

surrounding area, shall not be subdivided unless an adequate method is formulated by the owner and approved by the Plan Commission to solve the problems created by the unsuitable land conditions.

2.08 **PHASING OF DEVELOPMENT** -- The Plan Commission may permit the development of a subdivision to take place in phases. In reviewing a request for phased development, the Plan Commission shall consider the following:

1. **Design Standards** -- The relationship of the number and configuration of the lots in each phase of development shall conform to the design standards of this ordinance.
2. **Improvements** -- The improvements in each phase shall be adequate to serve the lots to be developed in that phase.
3. **Non-completion of Subdivision** -- The Plan Commission shall attempt to ensure that each phase of the subdivision will conform to the intent and purposes of this ordinance in the event that some phases are not completed.

2.09 **SUBDIVISION NAMES**

1. **May Not Duplicate** -- The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the area covered by these regulations. The Plan Commission shall have final authority to approve the name of the subdivision, which shall be determined at the time of primary approval. Any changes proposed to the name after primary approval must first be approved by the Plan Commission.
2. **Name to Include Phases** -- If the owner intends to develop the subdivision in phases, then that intent must be shown at the time of primary approval.

2.10 **STREET NAMES AND ADDRESSES**

1. **Established Pattern** -- Street names and numbers shall conform to the Uniform House Numbering System Ordinance, 1993 and the established pattern in Hendricks County and shall be subject to the approval of the Plan Commission or its designee.
2. **Address Listed on Plat** -- The street address for all lots shall be listed on the secondary plat prior to recording.

2.11 LOT IMPROVEMENTS

1. **Lot Dimensions and Area** -- Lots shall meet the following standards for dimensions and area:
 - a. **Zoning Ordinance Standards** -- Lot dimensions shall comply with the minimum standards of the Zoning Ordinance. Where proposed lots are more than double the minimum requirement for the zoning district in which the subdivision is located, the Plan Commission may require that such lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve potential lots, in compliance with the Zoning Ordinance and these regulations;
 - b. **Side Lot Lines** -- Side lot lines should be at right angles to street lines (radial to curving street lines) unless a deviation from this rule will give a better street or lot plan;
 - c. **Lot Depth** -- The depth of any lot should not be more than three (3) times the width of the lot, as measured from the front lot line to the rear lot line. Lots with a depth greater than three (3) times the width may be allowed by the Plan Commission upon unusual circumstances such as extreme hardship, topography or unusable remnants; and
 - d. **Lot Area Excludes Unusable Areas** -- Lot areas as specified in the Zoning Ordinance shall exclude all unusable areas such as wet/dry detention basins, areas below normal pool level of lakes and ponds, floodways, wetlands, cliffs and other slopes of twenty-five per cent (25%) or greater, easements for high pressure petroleum pipelines and electric transmission and/or distribution lines.
2. **Lot Frontage and Access** -- Lots shall meet the following standards for frontage and access:
 - a. **Double Frontage Lots** -- Double frontage lots shall be prohibited in residential subdivisions.
 - b. **Access Limited** -- Individual lots in residential subdivisions shall not have driveway access from an arterial or collector road.
 - c. **Combined Access and Frontage** -- The Plan Commission may require that perimeter lots in residential and non-residential subdivisions be served by a combined access or frontage road in order to limit a possible traffic hazard on such road. Driveways shall be designed and arranged so as to avoid requiring vehicles to back into traffic on such roads.
3. **Easements**-- Lots shall meet the following standards for easements:

- a. **Drainage and Utility** -- All proposed subdivisions submitted for approval under the provisions of these regulations shall allocate areas of suitable size and location, wherever necessary, for drainage and utility easements.
 - I. **Rear Lot Line Easements** -- Where applicable, rear drainage and utility access easements shall be located along both sides of rear lot lines and the total width of such easements shall be a minimum fifteen (15) feet width per lot for one-half of the area, or thirty (30) feet minimum total width. When needed, a separate rear utility location easement must be provided outside the rear drainage and utility access easements and shall be a minimum of five (5) feet. The rear drainage and utility access easement may be used by utility companies for access, but no utility may locate any lines or structures within this rear drainage and utility access easement without the prior approval of the Hendricks County Drainage Board or County Surveyor.
 - II. **Front Lot Line Easements** -- A drainage and utility easement shall be located generally parallel to the street and along the front of the lot lines, where necessary, and shall be a minimum of fifteen (15) feet wide.
 - III. **Side Lot Line Easements** -- Drainage and utility easements shall be located along both sides of side lot lines and the total width of such easements shall be a minimum seven and one-half (7 1/2) feet in width per lot for one-half of the area, or fifteen (15) feet minimum total width.
- b. **Easements Along Streams** -- If any stream or necessary surface drainage course is located in the area proposed to be subdivided, an easement shall be provided that at a minimum covers the floodway of the stream or surface drainage course.
- c. **Lot Grading** -- All lots shall provide positive drainage, which shall be coordinated with the general storm water drainage of the development.

2.12 SOLID AND HAZARDOUS WASTE

- 1. **Proper Disposal** -- The builder shall provide a commercial dumpster on-site during the entire construction phase of development. Debris and waste shall be disposed of in compliance with state regulations and the Hendricks County Illegal Dumping Ordinance. Any items to be buried must be shown on the approved construction plans and cannot be located under proposed streets, drainage ways or the building site. Burning of natural vegetation or structures shall be in accordance with state and local open burning laws. No burning of construction materials is permitted.

2. **Clean-up of Hazardous Waste** -- If hazardous materials are encountered during the construction of any development, it shall be the owner's responsibility to notify the Hendrick's County Environmental Health Department and the Indiana Department of Environmental Health and obtain all necessary permits and perform all cleanup operations in compliance with all applicable regulations.
- 2.13 **RESPONSIBILITY FOR WATER BODIES** -- If a tract being subdivided contains a water body other than a temporary detention facility or portion thereof, responsibility shall be assigned as follows, so that it will not become the responsibility of the County Drainage Board:
1. If lot lines are drawn as to distribute the entire ownership of the water body among adjacent lots, responsibility for safe maintenance of the water body, including vector control, and the adjacent slope above the waterline shall be placed with the individual property owner; or
 2. The Plan Commission may approve an alternative plan whereby the ownership of and responsibility for safe maintenance of the water body, including vector control, and the adjacent slope above the waterline remains in common ownership, and shall be placed with a homeowners' association.
- 2.14 **FRONTAGE ON AN IMPROVED STREET** -- Every lot appearing upon the proposed plat shall abut upon or have sufficient and adequate access to a street designated and labeled within or on the perimeter of the plat and constructed or to be constructed in accordance with the requirements, standards and specifications of these regulations.
- 2.15 **PUBLIC USES AND OPEN SPACE** -- All proposed major subdivisions shall allocate adequate areas for park, school, recreational and other public and semi-public sites, wherever necessary in conformity with the Comprehensive Plan and in accordance with the following open space requirements:
1. **Influence of Site Topography** -- The location, shape, extent and orientation of permanent open space areas should be consistent with existing and proposed topography and other conditions of the proposed subdivision.
 2. **Type of Open Space** -- All permanent open space areas must be either natural areas or recreation areas, with recreation areas being either active or passive. At least 50% of the required open space must be left in its natural state or used for passive recreation, and not be incorporated into active recreation areas (playgrounds, ballfields, etc.).
 3. **Designation** -- No residential subdivision plat shall be approved, unless it provides for permanent open space. Permanent open space shall be provided according to the following tables:

**Table 2 - 1
SINGLE-FAMILY AND TWO-FAMILY SUBDIVISIONS
MINIMUM REQUIRED PERMANENT OPEN SPACE**

Average Lot Size (Square Feet)	% of Total Acreage
Over 43,560	3.0
35,001 – 43,560	3.5
25,001 – 35,000	5.0
15,001 – 25,000	8.0
12,501 – 15,000	10.0
6,001 – 12,500	12.0
Under 6,000	14.0

**Table 2 - 2
MULTI-FAMILY SUBDIVISIONS
MINIMUM REQUIRED PERMANENT OPEN SPACE**

Number of Dwelling Units	Number of Acres
Under 40	1.0
41 – 60	1.5
61 – 80	2.0
81 – 100	2.5
101 – 120	3.0
121 – 140	3.5
141 – 160	4.0
Over 160	For each 20 additional dwelling units, add an additional 0.5 Acre, to 4.0 Acres

4. **Usable and Accessible Space** -- No more than 8.75% of the proposed subdivision's total project area can be covered by water defined as the high-water elevation, including detention and retention areas. The remaining permanent open space must be usable space, and the owner must provide for future maintenance and any necessary facilities to make them usable, including connections, such as roads, sidewalks or paths, to allow access by neighborhood residents.
5. **Minimum Width** – At least 75% of all open space areas must be fifty (50) feet or greater in width.
6. **Open Space in Phases** -- If the Plan Commission allows for the subdivision to be constructed in phases, open space may be provided for each stage of the subdivision plat, in proportion to that phase, or the Plan Commission may allow the required open space to be consolidated in one or more phases. If the Plan Commission agrees to allow the open space to be consolidated, it shall be so noted on the primary plat, and the owner shall provide a schedule for development of the open space.

7. **Conveyance** -- These areas shall be made available by one of the following methods:
 - a. **Dedication** -- Dedication to public use;
 - b. **Deed Restriction** -- Reservation for the use of owners of land contained in the plat, by deed restriction or covenants which specify how and under what circumstances the area shall be developed and maintained; or
 - c. **Reservation** -- Reservation for acquisition by the County or an agency thereof.

2.16 **LAND SUITABILITY** -- If the Plan Commission finds that the property requested to be subdivided is unsuitable for development because of flooding, topography, inadequate water supply, inadequate sewage disposal, or other conditions which may endanger health, life, or property, the Plan Commission shall not approve the land for subdivision. See also Section 2.11 (1)(d), Lot Area Excludes Unusable Areas, and Section 2.15 (2), Designation. As a minimum, the Plan Commission is empowered to approve the subdivision of land only after it finds that the land meets the following criteria:

1. **Steep Slopes** -- For subdivisions with lots which will be served by individual on-site sewage disposal systems, slopes greater than fifteen percent (15%) shall be considered unsuitable. The Soil Survey of Hendricks County may be used preliminarily to determine steep slopes, but final on-site soil evaluation shall be completed by a registered soil scientist.
2. **Water Bodies** -- Each lot will contain a contiguous land area providing a suitable building site, which meets the minimum lot size established by the Zoning Ordinance.
3. **Sewage Disposal** -- Each lot will be served by:
 - a. an existing public or private sewer system, or
 - b. a proposed system design approved by the Indiana Department of Health for non-residential systems and the County Health Department for all systems.

Drainage must be suitable for an on-site sewage disposal system. Proposed elevations for drainage outlets must be furnished to the Hendricks County Health Department for approval.

4. **Water Service** -- Each lot will have an adequate supply of potable water through a public or community system approved by the Indiana Department of Health or by individual wells.
5. **Floodway** -- Each lot will contain enough land which is not located in a floodway as defined by the zoning ordinance to accommodate the permitted use(s) of the property, and, if required, an individual on-site sewage disposal system. Lots

consisting entirely of land located in a floodway shall not be approved for subdivision.

CHAPTER 3

SUBDIVISION PROCEDURES

- 3.01** **PRELIMINARY CONSULTATION** -- Prior to submitting any of the material required by these regulations, the applicant is required to discuss with the Plan Commission Staff the nature of the land division being proposed. The Plan Commission Staff shall inform the applicant of the classification of the subdivision as major or minor, based upon information provided to staff at that meeting, and the applicable procedure which shall be followed under these regulations in order to secure approval. The staff's recommendation for classification as a major or minor subdivision plat may change during the subdivision approval process, if new information regarding the proposed subdivision becomes available. At this consultation, a sketch plan of the development may be proposed for the Plan Commission Staff review. The sketch plan may be a freehand pencil drawing of the area proposed to be platted or may be in any other graphic medium.
- 3.02** **STAFF REVIEW** -- In order to assist the Plan Commission in evaluating a proposed development for compliance with these regulations, the Plan Commission Staff and their technical advisors shall review each application prior to the Plan Commission's consideration.
1. **Technical Advisors** -- The Plan Commission's technical advisors shall consist of the following County officials or their designated representative:
 - a. Director of Planning and Building Department;
 - b. County Engineer;
 - c. Director of Environmental Health;
 - d. Natural Resource Conservation Service (NRCS)-District Conservationist;
 - e. Highway Superintendent; and
 - f. County Surveyor.
 2. **Staff Review Meetings** -- The Plan Commission Staff and their technical advisors shall hold staff review meetings per the approved meeting schedule. An applicant or their representative shall present and explain the proposal to be considered for Plan Commission approval.
 3. **On-site Review** -- Prior to the Plan Commission's scheduled meeting to consider the application, the Plan Commission Staff shall conduct an on-site review. The Plan Commission Staff shall then prepare a report concerning the application and forward the letter to the Secretary prior to the Plan Commission meeting. The County Surveyor will forward the written findings of the County Drainage Board in accordance with the Storm Drainage, Erosion, and Sediment Control Ordinance.
 4. **Review for Compliance** -- The Plan Commission Staff and their technical advisors shall consider, but not necessarily be limited to, compliance with:

- a. The following documents:
 - I. Subdivision Control Ordinance;
 - II. Zoning Ordinance;
 - III. Building Code;
 - IV. Comprehensive Plan;
 - V. Hendricks County Drainage Handbook;
 - VI. Health Department Rules and Regulations and corresponding state agency regulations;
 - VII. Applicant's Guide to Transportation Impact Studies for Proposed Development Within Hendricks County, Indiana;
 - VIII. Hendricks County On-Site Sewage Disposal Ordinance;
 - IX. Indiana Department of Transportation rules and regulations if any lot abuts a state or federal highway; and
 - X. Applicant's Guide to Fiscal Impact Studies for Proposed Development Within Hendricks County, Indiana;
- b. Sound engineering practices.

3.03 APPLICATION FOR PRIMARY APPROVAL

1. **Application To Be Filed--** The applicant shall submit to the Secretary a written application for primary approval on forms available at the Planning and Building Department. This application and eight (8) blue line or black line prints of the preliminary development plan of the proposed subdivision, containing the information required in Section 3.04 of this ordinance, and bearing the seal of a duly registered engineer or land surveyor in the State of Indiana, shall be filed with the Secretary in the time frame established by the Hendricks County Area Plan Commission in accordance with their Rules of Procedure.
2. **Distribution of Copies --** The Secretary shall retain three (3) copies of the plats and development plans, and additional copies of the plats and development plans, stamped by the Planning Department, are to be distributed by the applicant to the following offices: County Engineer, County Health Department, County Surveyor (two copies) and the Natural Resource Conservation Service (NRCS).
3. **Supporting Material --** In addition to the above required information, the applicant shall also submit the following supporting material:
 - a. **Sewer Service --** Capacity Letter for sanitary sewer service (if applicable), from the sanitary sewer service provider.
 - b. **Water Service --** Letter(s) of Intent for public water service (if applicable) from the public water service provider.
 - c. **Off-Site Easements --** A letter of intent from the applicable property owner for any off-site easements.

- d. **Wetlands** -- A letter identifying the location of any jurisdictional wetlands from the property owner.
- 4. **Fees** -- An applicant shall pay the specified fee at the time of filing the application for primary approval. The application fee shall be established by the Hendricks County Fee Ordinance.

3.04 **SUBMISSION REQUIREMENTS FOR PRIMARY APPROVAL** -- After the Plan Commission staff informs the applicant of the classification of the subdivision, the applicant shall submit a primary plat and development plan, including the following:

1. **General Information:**

- a. **Scale and Paper Size** -- The primary plat shall be drawn at a standard engineering scale, shown on the drawings, of not more than one hundred (100) feet to one (1) inch, unless otherwise instructed by the Planning Director. The maximum page size shall not exceed twenty-four (24) inches by thirty-six (36) inches. For the ease of reading and clearly showing detail on the primary plat, additional sheets may be necessary. The match lines shall follow lot lines or streets whenever possible. The applicant must also submit an eleven- (11) inch by seventeen- (17) inch reduction of the primary plat, and a digital copy of the primary plat in a format specified by the Planning and Building Department in the application packet.
- b. **Basic Information** -- Owner, developer, professional engineer or surveyor, their addresses and telephone numbers, date of plans and any revisions, and north point;
- c. **Vicinity Map** -- General Area Vicinity Map detailing project environs, current zoning, and streets within one thousand (1,000) feet;
- d. **Topography** -- Topography based on mean sea level elevation at a minimum two- (2) foot interval for the project site and any adjoining areas whose topography may affect project drainage. If the drainage area is extensive an additional map of sufficient clarity must be provided;
- e. **Subdivision Name** -- Name of the subdivision and phase;
- f. **Legal description** -- Location by section, township and range, and by proper legal description;

- g. **Property Owner List** -- One (1) copy of the adjacent property owner list;
- h. **Property Owner Map** -- One (1) copy of the plat map page(s) that indicate adjacent property owners within six hundred sixty (660) feet or at least two ownerships in depth, whichever represents the greatest distance.
- i. **Jurisdiction** -- A list of the postal zip code(s) for the site, and a list of who has jurisdiction, when provided, for the following services on the subject property. If a service provider is willing or able to serve the site in question, the service provider shall be listed. In any case where there is more than one entity with jurisdiction on the site, a map shall be submitted, which shows the jurisdictional boundary with regards to the proposed lots.
 - I. Fire and rescue services;
 - II. Electrical service;
 - III. Natural gas service;
 - IV. Telephone service;
 - V. Cable (television, etc.) service;
 - VI. Public or private water service;
 - VII. Public or private sewer service; and
 - VIII. Applicable school district.

2. Existing Conditions:

- a. **Environmental Elements** -- Environmental elements, including, but not limited to the location of existing streams, lakes, ponds, jurisdictional wetlands, sink holes, watercourses, and other water runoff channels, and individual species of trees over six (6) inches in diameter, and /or the edge of tree canopy, where applicable;
- b. **Drainage** -- In accordance with the Hendricks County Drainage Handbook. Also required are:
- c. **Utilities** -- Existing storm and sanitary sewers, inlets, outfalls, existing septic tank systems, treatment plants, outlets, wells and any other utilities;
- d. **Structures** -- Existing structures;

- e. **Lot Summary** -- Lot summary table, containing zoning, lot size minimum and maximum, required and proposed, and total acreage of open space;
 - f. **Boundary** -- Boundary and acreage of project site indicated by heavy solid lines based on a traverse with angular and linear dimensions;
 - g. **Other Conditions** -- Other significant conditions of the area proposed to be improved.
 - h. **Adjoining Property Owners** -- Adjoining property owners;
 - i. **Monumentation** -- The true course and distance to the nearest section line or subdivision line, which accurately describes the location of the tract(s), including the notation of monument found if possible.
3. **Site Improvements:**
- a. **Watercourses** -- Proposed changes in streams, lakes, wetlands detention basins, watercourses and water runoff channels, and associated 100 year flood boundaries, all properly identified;
 - b. **Drainage** -- Proposed location of regulated drains, surface and subsurface drains, inlets, outfalls, and easements;
 - c. **Utility Locations** -- Proposed location, of storm and sanitary sewers, inlets and outfalls, on-site sanitary effluent disposal systems (including on-site sewage system laterals), water mains, fire hydrants, valves and affected utilities;
 - d. **Structures** -- Structures to be removed or relocated on the project site;
 - e. **Cross Sections** -- The location and typical cross section of proposed streets, roads, sidewalks, culverts, bridges, parking lots, and hard surfaced areas;
 - f. **Lot Layout** -- Layout and number of lots, including dimensions, building setback lines and easements, boundary and number of proposed sections;
 - g. **Areas for Public and Semi-Public Uses** -- Areas to be allocated for park, school, recreational, and other public and semi-public sites in conformity with the Comprehensive Plan and the standards found in Section 2.15, Public Uses and Open Space;

- h. **Common Areas** -- Areas to be allocated for common areas;
 - i. **Recreational Areas** -- Areas to be allocated for public or private recreational use;
 - j. **Open Space Areas** -- Areas to be preserved as open space in accordance with Section 2.15 of this ordinance;
 - k. **Sidewalks** -- Proposed sidewalk and path network;
 - l. **Thoroughfare Bufferyards** -- Thoroughfare bufferyards in compliance with Section 9.04, Thoroughfare bufferyards.
4. **Notice of Public Hearing** -- The Plan Commission shall hold a public hearing for primary approval and notice of such hearing shall be as provided in the Rules of Procedure of the Hendricks County Area Plan Commission. In addition, the following notifications are required:
- a. **Notification of Other Parties** -- Proof that the applicant has notified all affected utility companies, local fire departments, school superintendent of the affected school district and all affected incorporated town(s) located within two (2) miles of the proposed development site in the same manner as prescribed in the Rules of Procedure of the Hendricks County Area Plan Commission, and has also provided those parties listed above with said notice a copy of the primary plat and construction plans. Proof of notification shall be certified mail receipts; and
 - b. **Signs on Property** -- The Planning and Building Department shall furnish a sign or signs for the applicant to place at the location of the proposed subdivision property prior to the public hearing, as prescribed in the Plan Commission Rules of Procedure. Said signs shall be located in accordance with the standards of the Plan Commission Rules of Procedure.

5. **Supporting Documentation:**

- a. **Traffic Engineering Studies** -- Engineering studies that reflect the additional traffic generated by the proposed project as related to the entrance details and improvements to the existing road network, including but not limited to, designation and design of appropriate street classification, tapers, deceleration lanes, bypass blisters, traffic control devices and turning lanes at affected intersections. These studies must be in accordance with AASHTO, INDOT and the Hendricks County Engineer's requirements, including the Applicant's Guide to

Transportation Impact Studies for Proposed Development for Hendricks County;

- b. **Fiscal Impact Study** -- A fiscal impact study shall be required for all residential developments of 150 dwelling units or more, and any other development where the Plan Commission deems a fiscal impact study necessary to make an informed decision.

3.05 **PRIMARY APPROVAL** -- The Plan Commission shall hold a public hearing for a subdivision in the time frame established by the Plan Commission's rules of procedure, following the proper submittal of a complete application. After the Plan Commission has reviewed the primary plat and construction plans, the Plan Commission Staff's report, other agency reports, and heard testimony submitted at the public hearing, the Plan Commission shall then make its decision, adopt its findings of fact and announce its decision in public. The Plan Commission, may at its option, refer the secondary approval to the Plan Commission Administrative Committee for consideration and approval.

3.06 **WRITTEN FINDINGS OF FACT**

- 1. **Findings in Writing** -- If primary approval is granted or denied at the public hearing, then the Plan Commission shall state its findings and decision in writing, in accordance with IC 36-7-4-707, and it shall be signed by the President and the Secretary of the Plan Commission.
- 2. **Corrections before Resubmittal** -- If primary approval is denied, the applicant shall correct the deficiency noted by the Plan Commission prior to resubmitting for primary approval as set forth in the Rules of Procedures for the Plan Commission.
- 3. **Presentation to Applicant** -- The written findings of fact shall be presented to the applicant within ten (10) working days after the hearing.

3.07 **REVIEW BY CERTIORARI OF PLAN COMMISSION'S DECISION** --
The primary approval or disapproval of a plat by the Plan Commission or the imposition of a condition on primary approval is a final decision of the Plan Commission that may be reviewed as provided by Indiana Code 36-7-4-1016.

3.08 **EFFECTIVE DATE OF PRIMARY APPROVAL**

1. Primary Approval for Two Years -- The primary approval shall be effective for a period of two (2) years after the date of primary approval, at the end of which time secondary approval of the subdivision or any section thereof must have been obtained.

2. Secondary Approval for Sections -- Subdivisions with multiple sections or phases must receive at least one secondary approval every two years, until all sections or phases included in the primary have been approved, with a maximum time allowance of seven (7) years. See also Section 1.09 (2) (b), Secondary Approval, for approval of phases under prior ordinances.

3. New Application -- Any subdivision not receiving secondary approval within the period of time set forth herein shall be null and void, and the owner shall be required to resubmit a new primary application for review and approval subject to all the zoning restrictions and subdivision regulations in effect at the time of resubmission.

4. Extension of Primary Approval -- Upon written request from the applicant, the Administrative Committee or the Plan Commission may extend the primary approval for a maximum of one (1) year beyond the expiration date without a public hearing.

3.09 **APPLICATION FOR SECONDARY APPROVAL** -- After approval of the primary development plans, the Plan Commission, or Administrative Committee, as allowed, may consider the secondary plat and construction plans. The secondary plat shall substantially conform to the approved primary plat and shall incorporate all required changes. If the secondary plat includes only a portion of the entire development approved on the primary plat, the Plan Commission shall consider the effect of secondary platting a portion of the entire development and may require additional areas to be included in the secondary plat. The application shall include:

1. Secondary Approval Form -- The application shall be submitted on a form available at the Planning and Building Department;

2. Copies Required -- The application shall be accompanied by eight (8) copies of the secondary plat and construction plans as described in these regulations;

3. Inspection Agreement -- The application shall be accompanied by a properly completed County/Owner Inspection Agreement (See Appendix B);

4. Compliance with Primary Approval -- The application shall be in total compliance with these regulations and the terms or conditions of primary approval;

5. Model Home Letter -- If applicable, include a letter of intent indicating that the applicant wishes to construct a model home prior to recording. The letter of intent must include the proposed lot number on which the model home will be constructed. A maximum of five (5) homes may be permitted per subdivision and a Certificate of Occupancy will not be issued for the model home until the subdivision or section thereof has been properly recorded. Certain necessary improvements may be required of the owner prior to issuance of the improvement location permit. See Section 11.03, Conditional Model Homes and Sales Offices, for more information on Model Homes and Temporary Sales Offices.

6. Sanitary Waste Disposal -- The applicant shall also submit an Allocation Letter for sanitary sewer service or soil borings if sanitary sewer service is not available.

3.10 FEES -- An applicant shall pay the specified fee at the time of filing the application for secondary approval. The application fee shall be established by the Hendricks County Fee Ordinance and shall be nonrefundable.

3.11 SECONDARY PLAT AND CONSTRUCTION PLANS -- The secondary plat and construction plans shall include the following information:

1. General Information:

a. **Scale and Page Size** -- The secondary plat shall be drawn at a standard engineering scale of not more than fifty (50) feet to one (1) inch. The maximum page size shall not exceed eighteen (18) inch by twenty-four (24) inches, with a minimum two (2) inch margin on the right side. For the ease of reading and clearly showing detail on the secondary plat, additional sheets may be necessary. The match lines shall follow lot lines or streets whenever possible. The applicant must also submit an eleven (11) inch by seventeen- (17) inch reduction of the secondary plat and

construction plans, and a digital copy of the secondary plat in a format specified by the Planning Department.

- b. **Basic Information** -- Project name, owner, developer, professional engineer and/or surveyor, their addresses and telephone numbers, legal description, date of plans and any revisions, scale of plan, and north point;
- c. **Vicinity Map** -- General Area Vicinity Map detailing project environs, current zoning, and streets within one thousand (1,000) feet;
- d. **Topography** -- See Hendricks County Drainage Handbook;
- e. **Permanent Ink and Mylar** -- The secondary plat shall be drawn at a standard engineering scale in ink on Mylar or the equivalent. All certifications shall be made in permanent black ink with each signature accompanied by the printed name;
- f. **Name** -- Name of the subdivision and phase;
- g. **Legal Description** -- Location by section, township and range, and by proper legal description;
- h. **Surveyor's Certification** -- The signature, seal and certification of a land surveyor registered in the State of Indiana on each page of the secondary plat (see Appendix C);
- i. **Owner's Certification** -- Certification and dedication by the legal owner with a notarized signature (see Appendix C);
- j. **Approval Certificate** -- Certification of secondary approval and signature lines for the President and the Secretary of the Plan Commission on each page of the secondary plat (see Appendix C);
- k. **Addressing Sheet** -- A sheet, drawn to a scale of 1:100 or 1:200, depending on the size of the project, to be used for assigning addresses. Said addressing sheet shall include the following:

I. Master Project Layout -- Master project layout, showing the relationship between sections and showing all street names;

II. Lot Lines and Numbers -- Lot lines and lot numbers on lots, but including no dimensions or easements.

2. **Existing Conditions:**

- a. **Land Suitability Summary** -- Land suitability summary containing the following information:
 - I. **Lots** -- For lots which will be served by individual on-site sewage disposal systems, topography, soils and drainage must be suitable for on-site sewage disposal systems as determined by the Hendricks County Health Department. In some instances, there may be alternative systems that could be used on slopes other than those listed here, but those systems would require approval by the Health Department.
 - II. **Subdrains** -- When subdrains are required by the Plan Commission or Plat Review Committee, the total linear footage of the subdrains.
 - III. **Floodway** -- See Hendricks County Drainage Handbook.
- b. **Environmental Elements** -- Environmental elements, including, but not limited to the location of existing streams, lakes, ponds, watercourses, and other water runoff channels, and individual species of trees over six (6) inches in diameter and/or the edge of tree canopy, where applicable;
- c. **Drainage** -- See Hendricks County Drainage Handbook;
- d. **Sewage** -- Existing sanitary sewers, inlets, outfalls, on-site sewage disposal systems, treatment plants, outlets, wells and any other utilities;
- e. **Structures** -- Existing structures;
- f. **Project Boundary and Acreage** -- Boundary and acreage of project site indicated by heavy solid lines based on a traverse with angular and linear dimensions;
- g. **Other Significant Conditions** -- Other significant conditions of the area proposed to be improved.
- h. **Monument** -- All subdivisions must be cross-referenced to a recorded boundary survey that fully complies with Title 865 IAC Chapters 1 - 12.

- i. **Geographical Lines** -- City, town, township, county and section lines accurately tied to the lines of the subdivision by courses and distances;
- j. **Streets Designations** -- Street designations and labels, in accordance with the provisions of these regulations and the Master Thoroughfare Plan, names and lines of all streets within, and on the perimeter of the plat, with accurate dimensions in feet and hundredths and angles or bearings to streets, alleys and lot lines shown at least to the nearest minute;
- k. **Street Geometrics** -- Radii, central angles, tangents, lengths of arcs, degree of curvatures, angles and bearings at street intersections and a complete street traverse of each street within and on the perimeter of the plat;
- l. **Alleys** -- Lines of any existing alleys within and on the perimeter of the plat, with accurate dimensions in feet and hundredths;

3. **Proposed Conditions:**

- a. **Covenants** -- For informational purposes only, any covenants and other restrictions that will run with the land included in the subdivision.
- b. **Water Bodies** -- See Hendricks County Drainage Handbook;
- c. **Drainage** -- See Hendricks County Drainage Handbook;
- d. **Sanitary** -- Proposed sanitary sewers, inlets, outfalls, existing septic tank systems, treatment plants, outlets, wells and any other utilities;
- e. **Structures** -- Structures to be removed or relocated on the project site;
- f. **Location and Cross Section** -- The location and typical cross section of proposed streets, roads, alleys, sidewalks, culverts, bridges, parking lots, and hard surfaced areas;
- g. **Lot Layout** -- The layout and the number of lots, including dimensions, building setback lines and easements, boundary, phasing plan and number of proposed sections;
- h. **Driveway Permit** -- If any lot is proposed to receive required access be from an existing county road that is classified as a collector or arterial, in addition to a waiver of Section 2.11 (2)(b), Access Limited, the applicant must obtain a driveway permit from the Hendricks County Engineer. If any lot in a subdivision is to receive access from a State highway, in addition to a waiver of Section 2.11 (2) (b), Access Limited, written evidence that a driveway permit can be issued by the Indiana Department of Transportation must be provided.

- i. **Public Areas** -- Areas to be allocated for park, school, recreational, and other public and semipublic sites in conformity with the Comprehensive Plan and Section 2.15, Public Uses and Open Space;
- j. **Lot Summary** -- Lot summary table, containing zoning and lot size in square footage or acres for each lot, total acreage of open space, total acreage of water bodies, total acreage of public improvements, and total acreage of any private streets and total acreage of other private improvements;
- k. **Lot Numbers and Dimensions** -- All lot numbers and lines, with accurate dimensions in feet and hundredths. Generally lot numbers must be in conformance with lot numbers of the primary plan;
- l. **Utility Plan** -- A utility plan showing proposed pedestals and lines of all easements provided for public services, drainage, and utilities, in approximate locations with dimensions in feet. No utility poles or pedestals shall be set on property corner or in drainage swales;
- m. **Setback Lines** -- All building setback lines accurately shown with dimensions, however, note that only the front building setback line shall be shown on the plat to be recorded;
- n. **Drainage Board Approval** -- The following statement is required to be placed on all subdivision plats:

"A petition addressed to the Hendricks County Drainage Board has been filed with the County Surveyor, requesting that the subdivision's storm drainage system and its easements be accepted into the County's Regulated Drainage System. The storm drainage system and its easements that are accepted into the County's Regulated Drainage System are delineated on this plat as RDE (Regulated Drainage Easement). These drainage easements are established under the authority of the Indiana Drainage Code and said Board may exercise powers and duties as provided in said code. All other storm drainage easements have not been accepted into the Regulated Drainage System and are the responsibility of the homeowners or homeowners association or the property owner for non-residential subdivisions. This subdivision contains _____ linear feet of open ditches and linear feet of subsurface drains, which will be included in the Hendricks County Regulated Drainage System."

4. Detailed Construction Plans

- a. **Scale and Paper Size** -- Detailed construction plans shall be drawn at a standard engineering scale of not more than sixty (60) feet to one (1) inch.

The maximum page size shall not exceed twenty-four (24) inches by thirty-six (36) inches. The match lines shall follow lot lines or streets whenever possible.

- b. **Location and Design of Improvements** -- Construction plans shall show the specific location and design of improvements to be installed in accordance with the requirements of these regulations and the conditions of primary approval.
- c. **Detail** -- Construction plans shall be of sufficient detail to allow a reasonably competent contractor sufficient information to install all proposed improvements. The detailed construction plans shall include the following information:
 - I. **Basic Information** -- Project name, owner, developer, professional engineer or surveyor, their addresses and telephone numbers, legal description, date of plans and any revisions, scale of plan, and north point;
 - II. **Topography** -- See the Hendricks County Storm Drainage Handbook;
 - III. **Waterways** -- See the Hendricks County Storm Drainage Handbook;
 - IV. **Sanitary** -- Proposed sanitary sewers, inlets, outfalls, existing septic tank systems, treatment plants, outlets, wells and any other utilities;
 - V. **On-Site Sewage** -- If an individual on-site sewage disposal system is proposed, show locations and results of soil analysis for each lot performed by an individual registered as a soil scientist. Individual on-site sewage disposal systems must have room for two systems, both a primary and a secondary (future) site. The secondary site must be a minimum of one thousand five hundred (1500) square feet, designated with an easement;
 - VI. **Structures** -- Existing structures and structures to be removed or relocated on the project site;
 - VII. **Wetlands** -- See the Hendricks County Storm Drainage Handbook;
 - VIII. **Water** -- Water mains, fire hydrants, valves and locations of affected utilities;
 - IX. **Location and Design of Streets** -- The location and design including curves, grades, elevations and typical cross sections of proposed streets, alleys, roads, sidewalks, culverts, bridges,

parking lots, and hard surfaced areas, including depressed pavements used to convey or temporarily store overflow from heavier rain storms, and outlets for such overflow;

- X. **Streams and Floodplains** -- See the Hendricks County Storm Drainage Handbook;
- XI. **Erosion Control** -- See the Hendricks County Storm Drainage Handbook;
- XII. **Lot Layout** -- The layout and the number of lots and building setback and lines;
- XIII. **Drainage** -- See the Hendricks County Storm Drainage Handbook;
- XIV. **Design for 100-Year Storm** -- See the Hendricks County Storm Drainage Handbook;
- XV. **Overall Utility Plan** -- A separate overall utility plan showing the lot and street layout, storm sewer system, sanitary sewers, water lines, and all inlets, manholes, fire hydrants, and valves for all sections of this development approved to date. This utility plan may be drawn at a smaller scale than one (1) inch = fifty (50) feet. Dimensions and elevations are not required unless necessary for clarity;
- XVI. **Street Signage** -- Street identification and regulatory signs, location shown;
- XVII. **Plan and Profile Sheets** -- Separate plan and profile sheets must be provided for all proposed streets, storm sewers, sanitary sewers, and buffering, and landscaping where necessary. All crossings must be shown and correctly labeled;
- XVIII. **Area for Public Uses** -- The overall area to be allocated for park, school, recreational, and other public and semipublic sites in conformity with the Comprehensive Plan and Section 2.15, Public Uses and Open Space;
- XIX. **Landscaping and Screening Plan** -- indicating plant types, number, location, size and method of installation (shall comply with Chapter 50, Bufferyards and Landscaping, of the current Zoning Ordinance);
- XX. **Phasing Schedule** -- The schedule of any phasing of the project;
- XXI. **Significant Conditions** -- Other significant conditions of the area proposed to be improved;

XXII. **Miscellaneous** -- Other miscellaneous standards, as required by the Planning and Building Department;

XXIII. **Schedule** -- A schedule including the following:

- a. Total lineal feet, type of pipe and size of pipe for the each system (storm, sanitary and water) located within (this section of) the subdivision. This should also include the total lineal footage of all sub-surface drains as well as type and size of those drains;
- b. Total number of inlets, outlets, manholes, endsections and any other storm structures;
- c. Total lineal feet and width of all paved roads, sidewalks, and pathways;
- d. Total number of cul-de-sacs;
- e. Approximate square footage and lineal footage of grading for swales, detention/retention ponds and any other areas requiring grading for the drainage system.

5. Supporting Documentation:

- c. **Traffic Engineering Studies** -- Engineering studies that reflect the additional traffic generated by the proposed project as related to the entrance details and improvements to the existing road network, including but not limited to, designation and design of appropriate street classification, tapers, deceleration lanes, bypass blisters, traffic control devices and turning lanes at affected intersections. These studies must be in accordance with AASHTO, INDOT and the Hendricks County Engineer's requirements, including the Applicant's Guide to Transportation Impact Studies for Proposed Development for Hendricks County;
- d. **Wetland Mitigation Plan** -- An appropriate wetland mitigation plan and the approved permit for any development where jurisdictional wetlands will be adversely affected;
- e. **Environmental Impact Studies** -- An environmental impact study for any development that, due to unusual circumstances, the planning director believes may affect the ecosystem of Hendricks County.
- f. **Fiscal Impact Study** -- A fiscal impact study shall be required for all residential developments of 150 dwelling units or more, and any other development where the Plan Commission deems a fiscal impact study necessary to make an informed decision;

- g. **Other Environmental Studies** -- Additional environmental studies for any development that contains possible contamination and/or endangered species.

3.12 **APPEAL** -- All decisions of the Plat review committee (Staff) or Administrative Committee may be appealed to the Plan Commission. Appeal of any Plan Commission Administrative Committee decision shall be made at the next available regularly scheduled Plan Commission meeting. All decisions of the Plan Commission may be appealed in accordance with the Indiana Code 36-7-4-708.

3.13 **SECONDARY APPROVAL** -- Secondary approval may be granted to a plat only after the requirements in this section have been satisfied.

1. Action at Meeting -- After the proper submittal of a complete application and review of all pertinent information, the Plan Commission or the Plan Commission Administrative Committee may grant, deny or continue secondary approval at a meeting scheduled in accordance with the Plan Commission's rules of procedure.

2. Appeals -- Secondary approval may not be granted to a plat until expiration of the ten (10) days appeal period in accordance with Indiana Code 36-7-4-708;

3. Compliance with Conditions -- Secondary approval may not be granted to a plat unless there is full compliance with the conditions and requirements set forth by the Plan Commission for primary approval;

4. Other Government and Utility Approvals -- Secondary approval may not be granted to a plat until all necessary approvals from other agencies are obtained. These approvals shall include any federal, state, or other local approval on their official forms and signed by the proper authority. These approvals may include, but are not limited to the following:

a. Federal Agencies:

- I. Federal Communications Commission;
- II. Federal Aviation Administration;
- III. Federal Emergency Management Agency; and
- IV. U.S. Army Corp of Engineers.

b. State Agencies:

- I. Indiana Department of Environmental Management;
- II. Indiana Department of Natural Resources;
- III. Indiana Department of Transportation; and
- IV. Indiana State Department of Health.

c. Local Agencies

- I. Hendricks County Drainage Board.

d. Utility Companies

- I. Public or private utilities for sanitary sewer; and
- II. Public or private utilities for water services.

e. Other Provisions -- All other provisions of this ordinance.

3.14 WRITTEN FINDINGS OF FACT

- 1. **Decision in Writing --** If secondary approval is granted or denied at the meeting, then the Plan Commission, Plan Commission Administrative Committee, or Plat Review Committee shall state its findings and decision in writing and it shall be signed by the Secretary of the Plan Commission, in accordance with IC 36-7-4-707.
- 2. **Correct Deficiencies --** If secondary approval is denied, the applicant shall correct the deficiency noted by the Plan Commission, Plan Commission Administrative Committee, or Plat Review Committee, in the findings prior to resubmitting for secondary approval.
- 3. **Findings to Applicant --** The findings shall be presented to the applicant within ten (10) working days after the hearing.

3.15 PROVISIONS FOR COMPLETION OF IMPROVEMENTS

- 1. **Completion of Improvements --** Before a secondary plat is processed for recording by the County Engineer's Office, the owner shall be required to complete, in accordance with the secondary approval for major subdivision or for minor plats, and to the satisfaction of the Planning and Building Department, all improvements as required by these regulations.
- 2. **Delays --** The Plan Commission may choose to grant certain delays to the completion of the improvements required by these regulations before a plat may be recorded.
 - a. **Due to Weather --** Delays which may be considered because of weather conditions, such as consistent temperatures of freezing or below include, but are not limited to placement of the asphalt surface course, boundary improvements, certain erosion control measures, sidewalks, landscaping and/or street lights (if required).

- b. **Additional Delays** -- If the owner desires to have additional delays, his/her written request, stating the reason for the desired delay will be reviewed by the Plan Commission Administrative Committee and either granted or denied.
- c. **Performance Guarantee Required** -- Improvements shall be covered by a performance guarantee in the amount of 110% of the estimated construction cost, except for those improvements where the total installed cost of the improvements is less than two thousand dollars (\$2000.00).
- d. **Granted for One-Year** -- Delays granted under this Section shall be for a period not to exceed one- (1) year.
 - I. **Extensions** -- The Plan Commission may grant an extension of up to one (1) year for the completion of the improvements, based upon a request by the owner and evidence justifying the request.
 - II. **New Estimate** -- Before granting an extension, the Plan Commission may secure a new estimate of the cost of the improvements from the County Engineer. If the estimate has increased, the Board of County Commissioners shall require an increase in the amount of the performance guarantee.

3.16 **ADMINISTRATION AND ENFORCEMENT OF PERFORMANCE GUARANTEES**

1. **Completion of Improvements** - All improvements not covered by a performance guarantee shall be installed in accordance with the design standards principles and specifications contained in these regulations and shall be inspected at such times during construction as required by these regulations.
2. **Types of Performance Guarantees** -- The authority of administration and enforcement of the performance guarantee shall lie with the Board of County Commissioners or its designated representative, including the grant of a qualified delay from installation. For those improvements that are granted qualified delay from installation prior to recording, a performance guarantee in accordance with Appendix B, and payable to the Board in the amount equivalent to 110% of the estimated completion costs, shall be posted by the owner prior to recording the secondary plat. This estimate shall be prepared by the design engineer and reviewed by the County Engineer. The type of performance guarantees allowed are as follows:

- a. **Irrevocable Letter of Credit** - For those improvements with a total installed cost of under \$250,000, an irrevocable letter of credit shall be used. The owner may submit an irrevocable letter of credit. In the event an irrevocable letter of credit is utilized, it shall be written in accordance with Appendix B and must be written for a minimum length of one (1) year; or
 - b. **Cashiers Check** -The owner may submit a cashiers check made payable to the Hendricks County Planning and Building Department.
 - c. **Performance Bond** - For those improvements with a total installed cost of \$250,000 and above, a performance bond shall be used. This performance bond shall comply with all statutory requirements and shall be satisfactory to the County Attorney as to form, sufficiency, and manner of execution, in accordance with Appendix B.
3. **Full Force until Release** -- A performance guarantee shall be deemed by the Board of County Commissioners to be in full force and effect until the time the guarantee is released by written notice by the Board of County Commissioners.
 4. **Current Until Improvements Accepted** -- It shall be the responsibility of the owner to keep the performance guarantee current and not allow it to expire until all improvements have been accepted by the Board of County Commissioners.
 5. **No Permits with Expiration** -- If the performance guarantee does expire, no improvement location permits will be issued to those lots within the subdivision or section there of which required the performance guarantee until a new guarantee is provided.
 6. **Release** -- Upon completion of the improvements for which a performance guarantee has been provided, the owner shall request a release of the performance guarantee in writing from the Hendricks County Planning and Building Department.
 - a. **Inspection** -- The Planning and Building Department will conduct an inspection of the completed improvements. Such inspection shall be in accordance with SEDSCO.
 - b. **Maintenance Guarantee** -- If the improvements have been completed to the satisfaction of the Planning and Building Department and if a suitable maintenance guarantee has been provided in accordance with Appendix B, then the Board of County Commissioners shall release the performance guarantee.
 - c. **Appeals** -- Appeals of the Hendricks County Planning and Building Department decisions regarding inspection of completed improvements shall be made to the Board of County Commissioners.

3.17 **PROVISIONS FOR MAINTENANCE OF IMPROVEMENTS**

1. **Amount of Guarantee** -- As a condition of acceptance of an improvement on release of the performance guarantee, the Board of County Commissioners shall require the owner to post a maintenance guarantee in an amount equal to twenty (20%) percent of the cost of the improvements.
2. **Required for Delay** -- A maintenance guarantee must be submitted at the time a performance guarantee is submitted for any delays granted. The maintenance guarantee must include all improvements, including those for which delays are granted, and remain valid for a period of three (3) years after the performance guarantee is released for any and all delays granted.
3. **Types of Guarantees** -- The maintenance guarantee shall be one (1) of the following forms:
 - a. **Irrevocable Letter of Credit** - The owner may submit an Irrevocable Letter of Credit. In the event an Irrevocable Letter of Credit is used, it shall be written for a minimum length of three (3) years. The letter of credit must be in accordance with Appendix B.
 - b. **Cashiers Check** -- The owner may submit a cashiers check made payable to the Hendricks County Planning and Building Department, which must remain valid for a minimum of three (3) years. The alternative is only available in the amount of less than ten thousand dollars (\$10,000.00).
 - c. **Maintenance Bond** - If the required maintenance guarantee amount is fifty thousand dollars (\$50,000) or more, the owner may submit a maintenance bond. This bond shall comply with all statutory requirements and shall be in compliance with Appendix B.
4. **Three-Year Period** -- The maintenance guarantee shall be for a period of three (3) years.
5. **Release** -- The procedure for release of a maintenance guarantee shall follow the same procedure as in Section 3.16 (6), Release. Such inspection shall be in accordance with SEDSCO.

3.18 **TEMPORARY IMPROVEMENTS**

1. **Owner Pays** -- The owner shall build and pay for the cost of all temporary facilities and improvements required by the Plan Commission.

2. **Performance** -- Prior to construction of any temporary facility or improvement, the owner shall file with the Planning and Building Department a separate and satisfactory performance guarantee, in accordance with Section 3.16 of this ordinance, which shall insure that the temporary facility will be properly constructed and removed. Said performance guarantee shall be in an amount equal to 110% of the cost of construction and removal of the temporary improvement(s).

3. Maintenance -- Provisions must also be made for maintenance of temporary facilities and improvements, in accordance with Section 3.17 of this ordinance. In all cases, the owner shall maintain these improvements for the period specified by the Plan Commission.

3.19 INSPECTIONS

1. **All Improvements Inspected** -- The owner shall be responsible for having all improvements inspected for compliance with the approved plans and provisions of these regulations. The owner's responsibility for inspections extends to sanitary sewer and water lines and other utility installations where they interact with improvements such as subsurface drains or drainage swales.
2. **Inspection Agreement** -- The owner shall complete the County/Owner Inspection Agreement located in Appendix B and shall agree to compensate the County for all cost incurred to provide the necessary inspections of the project. This cost shall be based upon a standard hourly rate for the estimated amount of construction time.
3. **Owner to Pay for Inspections** -- The owner shall pay the total estimated cost for the inspection services prior to the pre-construction meeting and then will be billed on a regular basis for services rendered above this estimate. Failure to pay within thirty (30) days shall be grounds for termination of construction activities. The owner shall pay the total cost of inspections prior to the final acceptance of the improvements. All payments shall be in the form of a cashiers check payable to Hendricks County.
4. **Owner Responsible for Testing** -- The owner shall be responsible for providing all documentation and testing results required by the county for the improvements including, but not limited to the following: compaction tests; infiltration/exfiltration tests to sanitary sewers, pressure tests for water lines, material quality and pavement corings if required.

3.20 DUTIES AND POWERS OF INSPECTORS

1. **Inspectors Appointed** -- The Planning and Building Department shall appoint such person(s) as it deems necessary to accomplish adequate inspection and review of all improvements constructed within the jurisdiction of the Board of County Commissioners.
2. **Inspector's Duties** -- The Inspector shall perform, but not necessarily be limited to, the following duties:
 - a. **Pre-Construction Meeting** -- Conduct a pre-construction meeting prior to commencement of construction.
 - b. **Monitor Work** -- Monitor work being performed to insure that it complies with the standards and specifications of these regulations;
 - c. **Maintain Log** -- Maintain an accurate log of his inspections and findings;
 - d. **Issue Orders** -- Issue directive or stop-work orders when necessary to assure compliance with the approved plans and these regulations; and

- e. **Make Reports** -- Make reports to the Planning and Building Department or County Engineer when necessary or when requested. Other Hendricks County officials shall formally make a request for a report, when necessary, to the Planning Director.

3.21 RECORD DRAWINGS

1. **Owner to Submit Record Drawings** -- Upon completion of the improvements, the owner shall submit four (4) sets of record drawings to the Planning and Building Department. Note that the owner is not required to resubmit the approved secondary plat and the entire related set of plans unless staff requests it.
2. **Drawings Show Actual Locations** -- The record drawings shall show the actual locations with ties to permanent points of reference, specifications, and all materials used for the improvements installed in the subdivision or section thereof, which shall include, but not be limited to actual locations of all storm sewer structures, storm sewer laterals, sanitary sewer laterals and flow line grade of all swales and ditches, not to exceed fifty (50) feet in distance between measurements. The Health Department, the County Engineer or the Plan Commission Director may specify additional requirements. A registered professional engineer or land surveyor shall certify these drawings.
3. **Sets for County Officials** -- The Planning Director shall forward one (1) copy of the record drawings to the Director of Environmental Health, and the County Surveyor. Only those pages required in order to show the actual conditions will be submitted. The Planning Director must approve any deviation from the approved grade or material.
4. **Professional Engineer Certification** -- In accordance with The Hendricks County Drainage Handbook, record drawings shall include a certification by the professional engineer and/or registered land surveyor that the improvements have been installed and are fully functional in the way they were designed to work.

3.22 FAILURE TO COMPLETE IMPROVEMENTS

1. **Shall Not Record** -- For a subdivision or section thereof for which no performance guarantee has been posted, if the improvements are not completed within the period of validity of the subdivision approval, the secondary plat or section thereof shall not be recorded.
2. **Default** -- In those cases where a performance guarantee has been posted and the improvements have not been installed prior to the expiration of the guarantee, the Board shall declare the guarantee to be in default and cause all improvements to be installed according to the approved plans, regardless of the extent of building development at the time the guarantee is declared to be in default.

3.23 RECORDING OF SECONDARY PLAT

1. **Review Before Recording** -- No secondary plat shall be submitted for recording until it has been thoroughly reviewed by the design engineer or land surveyor for completeness, accuracy, and compliance with these regulations and all other applicable rules, regulations, and laws.
2. **Submissions Before Recording** -- No secondary plat shall be recorded until all applicable maintenance guarantees, performance guarantees and record drawings, including profile pages from the plans, have been submitted and approved.
3. **Front Setback Line Required** -- The front building setback line shall be shown on the plat to be recorded;
4. **Signatures Required** -- Each page of the secondary plat shall bear the signatures of the land surveyor, and either the President and the Secretary of the Plan Commission or the County Engineer and Secretary of the Plan Commission, as appropriate, and seals of the land surveyor and the Plan Commission.

3.24 TIME LIMITATION TO RECORD SECONDARY PLAT

1. **Record within Two Years** -- Every major or minor subdivision plat approved after the effective date of these regulations shall be recorded within two (2) years after the date of plat approval.
2. **Expiration** -- Any plat that is not so recorded within the two (2) year period shall, at the expiration of the two (2) year period, become invalid and shall not be entitled to recording without reapproval by the Plan Commission, in accordance with the standards, requirements and procedures specified by these regulations at the time of reapproval.
3. **Extensions** -- The Plan Commission may grant one (1) extension of the original approval for up to two (2) years.

3.25 AMENDMENTS, REPLATS, OR PLAT REVISIONS

1. **Public Hearing Required** -- Amendments must be certified by any properly registered land surveyor and shall require a public hearing before the Plan Commission in compliance with Section 3.05, Primary Approval. The applicant must supply revised primary and secondary plats and construction plans if applicable, in compliance with this ordinance.

2. **Replats Not Requiring Hearing** -- Replats must be certified by any properly registered land surveyor. The Planning Director shall determine whether a replat requires a public hearing before the Plan Commission in compliance with Section 3.05, Primary Approval, of this ordinance. The following circumstances shall be considered by the Planning Director:
 - a. **Interior Lot Line Removal** -- A replat 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;
 - b. **Easement Removal or Relocation** -- A replat which involves only the removal or relocation of easements within the property, as long as the affected agency or utility supports said removal or relocation;
 - c. **Notations or Corrections** -- A replat which involves only the changing of notations written on the plat or corrections of errors thereon;
 - d. **Court Decree** -- A division of land pursuant to court decree;
3. **Controversy Requiring Public Hearing** -- If there is controversy surrounding one of the above types of replats, the administrative committee may schedule the replat for a public hearing before the Plan Commission.
4. **Revised Plat and Construction Plans** -- In all cases, the applicant must submit a replat as a revised secondary plat and construction plans, if applicable, in compliance with Section 3.11, Secondary plat and Construction Plans.
 - a. **Revisions to Unrecorded Plat** -- Plat revisions to an unrecorded plat shall be heard by the Plat Review Committee or Administrative Committee in the same manner as the Secondary Approval in accordance with Section 3.13, Secondary Approval.
 - b. **Significant Change** -- Any revision to an approved but unrecorded secondary plat, which, in the opinion of the Administrative Committee, involves a significant change, must obtain a new primary approval. Examples of a significant change include, but are not limited to:
 - I. **Additional Lots** -- Creation of one or more additional lots;
 - II. **New Streets** -- Creation of one or more new streets;
 - III. **Street Removal** -- Removal of one or more proposed streets;
 - IV. **Street Pattern Changes** -- Changes to the street pattern;
 - V. **Retention/Detention Pond Changes** -- Removal or addition of a retention or detention pond;

- VI. **New Easements in Building Envelope** -- Addition of any easements that conflict with the minimum building envelope, as described in Chapter 12, Definitions.
- VII. **Other Changes** -- Any other change that the Plan Commission believes constitutes a significant change.

CHAPTER 4
MAJOR SUBDIVISIONS

- 4.01 **MAJOR SUBDIVISION** -- Those subdivisions meeting the definition of "SUBDIVISION, MAJOR", contained in this ordinance shall be considered under the provisions of this section. Major subdivisions may receive primary approval by the Plan Commission and secondary approval by the Planning Director.
- 4.02 **CONDITIONS OF ELIGIBILITY** -- Before determining that a subdivision is eligible to be considered under this Article, the planning director shall find that all of the following criteria are satisfied:
1. **Orderly Development** -- The subdivision will not impede orderly development of land or the provision of public services and improvements.
 2. **Comprehensive Plan** -- The subdivision will not interfere with the implementation of the Comprehensive Plan.
 3. **Streets** -- The subdivision will not interfere with the provision of streets to provide access to adjoining or nearby property in the event that such property is developed in the future.
 4. **Utilities and Drainage** -- All parcels in the subdivision will have adequate utilities and drainage.
 - a. **Sewage** -- All lots shall be served by a sanitary sewer system or other on-site sewage system approved by the Indiana Department of Health, and the Hendricks County Health Department.
 - b. **Water** -- All lots shall be served by a public or quasi-public water system or shall have the capability to contain a well that complies with all requirements of the Indiana Department of Natural Resources and the Hendricks County Health Department.
 - c. **Drainage** -- All lots shall be provided with drainage improvements as necessary to comply with the requirements of this ordinance's design standards and principles and the Hendricks County Drainage Handbook.
 5. **Access** -- All parcels in the subdivision and adjacent land will have adequate ingress and egress.
 - a. **Legal Access** -- All lots will have legal access to a platted private street or to a public street which has been accepted for maintenance by Hendricks County, or has been continuously maintained for a period of ten (10) years

immediately preceding the filing of the subdivision, by a public agency regularly having responsibility for such maintenance. Such public street also has a gravel or hard surface suitable for vehicular traffic which is at least sixteen (16) feet in width, is in good repair, and has a geometry which is suitable for the traffic which it will carry after the proposed subdivision.

- b. **Driveway Permit** -- If the lot's required access is proposed to be from an existing county road, the applicant must obtain a driveway permit from the Hendricks County Engineer. If any lot in a subdivision is to receive access from a State highway, in addition to a waiver of Section 2.11 (2)(b), Access Limited, evidence that a driveway permit can be issued by the Indiana Department of Transportation.
- c. **Limited Access Streets** -- Frontage on limited access streets on which driveways cannot open shall not constitute legal access.
- d. **New Street** -- If by reason of topography, natural or man-made features, or other conditions relating to the property requested for subdivision, better access can be provided through construction of a new street, the petition shall be considered as a major subdivision.
- e. **Driveway Standards** -- All lots will have driveway locations that will provide for adequate sight distance and will be properly spaced according to county standards.
- f. **Adjacent Property** -- Land adjacent to the property involved in the subdivision also will have adequate access according to the criteria contained in this section.

6. Suitability -- All lots in the subdivision will provide suitable building sites for the purpose for which the land is to be used. Land suitability shall be determined by the criteria contained in this ordinance.

7. Endangerment -- The subdivision will not be detrimental to nor endanger the public health, safety, or general welfare.

- 4.03 **EXPIRATION OF PRIMARY APPROVAL** -- Primary approval for a major subdivision shall be valid for one year from the date of approval, unless the Plan Commission grants an extension. If secondary approval is not granted before the expiration of two years, the primary approval shall be null and void.
- 4.04 **SECONDARY APPROVAL** -- If all conditions of primary approval have been met, the applicant may request secondary approval.
- 4.05 **ADDITIONAL REGULATIONS** -- In addition to meeting all the other standards of this ordinance, major subdivisions shall meet additional standards for landscaping, signage and open space areas.
- 4.06 **LANDSCAPING** -- Major Subdivisions are required to meet certain landscaping requirements. See Chapter 9, Erosion Control and Landscaping, for landscaping requirements for Major Subdivisions.

CHAPTER 5

MINOR SUBDIVISIONS

5.01 **MINOR SUBDIVISION** -- Those subdivisions meeting the definition of "SUBDIVISION, MINOR", contained in this ordinance may be considered under the provisions of this section. Resubdivisions meeting the conditions of eligibility contained herein also may be considered under the provisions of this Chapter. After a subdivision request has been filed, the planning director shall determine whether the petition may be considered as a minor subdivision. The planning director's decision may be appealed to the Plan Commission. Minor subdivisions may receive approval by the plat review committee or Plan Commission.

1. **Conditions of Eligibility** -- Before determining that a subdivision is eligible to be considered under this Article, the planning director shall find that all of the following criteria are satisfied:
 - a. **Orderly Development** -- The subdivision will not impede orderly development of land or the provision of public services and improvements.
 - b. **Comprehensive Plan** -- The subdivision will be consistent with the Comprehensive Plan.
 - c. **Streets** -- The subdivision will not interfere with the provision of streets to provide access to adjoining or nearby property in the event that such property is developed in the future.
 - d. **Utilities and Drainage** -- All parcels in the subdivision will have adequate utilities and drainage.
 - I. **Sewage** - All lots shall be served by a sanitary sewer system or other on-site sewage system approved by the Indiana Department of Health, and/or the Hendricks County Health Department.
 - II. **Water** - All lots shall be served by a public or quasi-public water system or shall have the capability to contain a well that complies with all requirements of the Indiana Department of Natural Resources and/or the Hendricks County Health Department.
 - III. **Drainage** - All lots shall be provided with drainage improvements as necessary to comply with the requirements of this ordinance's design standards and principles and the Hendricks County Drainage Handbook.

- a. **Access** -- All parcels in the subdivision and adjacent land will have adequate ingress and egress without the construction of any new streets or substantial improvement to existing streets.
 - I. **Legal Access** -- All lots will have legal access to a platted private street or to a public street which has been accepted for maintenance by Hendricks County, or has been continuously maintained for a period of ten (10) years immediately preceding the filing of the subdivision, by a public agency regularly having responsibility for such maintenance. Such public street shall have a hard surface suitable for vehicular traffic which is at least sixteen (16) feet in width, is in good repair, and has a geometry which is suitable for the traffic which it will carry after the proposed subdivision.
 - II. **Driveway Permit** -- If any lot in a subdivision is to receive access from a State highway, in addition to a waiver of Section 2.11(2)(b), Access Limited, the applicant must obtain a driveway permit from the Indiana Department of Transportation.
 - III. **Limited Access Streets** -- Frontage on limited access streets on which driveways cannot open shall not constitute legal access.
 - IV. **New Street** -- If by reason of topography, natural or man-made features, or other conditions relating to the property requested for subdivision, better access can be provided through construction of a new street, the petition shall be considered as a major subdivision.
 - V. **Driveway Standards** -- All lots will have driveway locations that will provide for adequate sight distance and will be properly spaced according to county standards.
- b. **Suitability** -- All lots in the subdivision will provide suitable building sites for the purpose for which the land is to be used. Land suitability shall be determined by the criteria contained in this ordinance.
- c. **Endangerment** -- The subdivision will not be detrimental to nor endanger the public health, safety, or general welfare.

5.02 **EXPIRATION OF APPROVAL** -- Approval for a minor subdivision shall be valid for one year from the date of approval, unless an extension is granted by the Plat Review Committee or the Plan Commission. If not granted before the expiration of one (1) year, the approval shall be null and void.

CHAPTER 6
STREET DESIGN STANDARDS AND STREET IMPROVEMENTS

- 6.01** **CONFORMANCE WITH REGULATIONS** -- The arrangement, character, extent, width, grade, and location of all streets shall conform to all of the elements of these regulations.
- 6.02** **STREET CLASSIFICATIONS** -- Street classifications are as follows:
- 1. Major Streets:
 - a. Rural Minor Arterial
 - b. Rural Major Collector
 - c. Rural Minor Collector
 - 2. Minor Streets:
 - a. Rural Local Road
 - b. Subdivision Road
 - c. Cul-de-sac
- 6.03** **DESIGN STANDARDS** -- Street designs shall adhere to the following design standards:
- 1. **AASHTO Standards** -- Current AASHTO Standards shall be followed as minimum design requirements unless otherwise specified in this Ordinance.
 - 2. **Conformance with Plans** -- All streets shall be planned to conform to the Comprehensive Plan and Master Thoroughfare Plan.
 - 3. **Protection of Property** -- Whenever a subdivision abuts or contains an existing or proposed major street, the Plan Commission may require frontage roads, screening of double frontage lots, a "non-access" easement along the property lines, deep lots, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic. In those instances where a non-access easement is proposed along a state or federal highway, this easement shall be granted specifically to INDOT.
 - 4. **Connecting Street Pattern** -- In order to provide a functional County street system, the Plan Commission may require an owner to construct a street pattern that provides connections to adjoining developed and vacant undeveloped properties. The coordination of streets from one (1) subdivision to another is

essential to the county in order to provide a continuation of not only vehicular access, but also for transportation and distribution lines for most utilities, such as water, sewer, gas, electricity and telephone systems.

5. **Access to Vacant Land** -- The Plan Commission may waive the requirement of constructing an access street to vacant land. In these cases, the owner shall be required to dedicate the necessary right-of-way, but the person who develops the adjoining vacant property will be required to construct the street. The Plan Commission shall determine at the primary hearing, the need and location of these access streets.
6. **Continuation of Streets** -- All streets, including those proposed to provide the continuation of streets to adjacent property, shall be constructed to the boundary lines of the subdivision and in accordance with the standards of this ordinance. If a subdivision is approved contiguous to existing right-of-way dedicated for a continuing street, but the street has not been constructed, the owner of the new subdivision must construct the entire street including the portion that is not contained within the owner's project.
7. **Street to Match Plan** -- A proposed street, matching Thoroughfare Plan standards, or at a minimum classified as a rural local road, shall provide for the continuation of existing, planned or platted streets on adjacent property.
8. **Street Parallel to Railroad or Roads** -- Where a subdivision borders on or contains a railroad right-of-way, limited access highway right-of-way, arterial or collector street, the Plan Commission may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land. Such distances shall also be determined with due regard for the requirements of the approach grade of any future grade separation structure.
9. **Dead End Streets** -- A dead end street shall not be permitted except where a street is proposed to be and should logically be extended but is not yet constructed. A temporary cul-de-sac shall be constructed for any dead end street that exceeds three hundred (300) feet in length from the nearest intersection. Drainage details for the temporary cul-de-sac shall be specified by the applicant and approved by the Plan Commission. A dead end street that does not require a temporary cul-de-sac shall have adequate drainage provisions as approved by the Plan Commission.
10. **Stub Streets** -- Where, in the opinion of the Plan Commission, street connection to adjoining property is appropriate, proposed streets shall be extended to the boundary of the development for connection to existing streets on the boundary of adjoining property or for future connection. Stub streets shall be placed at intervals of one thousand (1000) feet.

11. **Temporary Cul-de-Sacs** -- A temporary cul-de-sac shall have an easement radius of not less than fifty (50) feet and shall have a driving surface radius of not less than forty (40) feet. The cross section of a temporary cul-de-sac shall be at least nine (9) inches of compacted #53 aggregate. If it is anticipated that the temporary cul-de-sac will be required for longer than three (3) years, additional two- (2) inches of asphalt intermediate shall be required. Any temporary cul-de-sac still with a stone surface at the end of the maintenance period must be paved with two (2) inches of asphalt intermediate prior to release of the maintenance guarantee.
12. **Permanent Cul-de-Sacs** -- Permanent cul-de-sacs shall not provide access to more than 25% of all lots in the subdivision, and no cul-de-sac shall serve more than twenty (20) lots. Cul-de-Sacs shall not be used to avoid connection with an existing street, to avoid extension of a collector or arterial street, or to avoid connection to adjoining property.
13. **Access Easement** -- An easement providing access to a street shall be prohibited except where it serves no more than three lots, and the Plan Commission finds that the plans for its control and maintenance are clearly defined.
14. **Right-of-Way Width** -- The street right-of-way width shall be in accordance with the Comprehensive Plan and Master Thoroughfare Plan and, where not designated therein, shall be not less than as shown in table 6-1, Right-of-Way Widths:

Table 6 - 1 RIGHT-OF-WAY WIDTHS	
Major Streets	
Rural Minor Arterial	200'
Rural Major Collector	150'
Rural Minor Collector	100'
Minor Steets	
Rural Local Road	80'
Subdivision Road	50'
Cul-de-sac	60 feet radius

15. **Paving Width** -- The paved width of all streets shall be adequate to serve the existing and future estimated traffic load for the development.
 - a. A new rural local road or subdivision road shall be surfaced to a minimum width of thirty (30) feet measured back-to-back of curb.
 - b. A cul-de-sac turn around shall be paved to a diameter of one hundred feet (100'), and a radius of fifty feet (50') measured back of curb to back of curb.

- c. A major street shall be surfaced to a minimum width that is determined by sound engineering design. Where a proposed street is an extension of an existing paved street that exceeds the minimum dimension set forth above, the Plan Commission shall require the owner to match the width of the existing paved street.
- 16. **Minimize Through Traffic** -- Proposed local, subdivision, or cul-de-sac streets shall be designed to minimize through traffic movement, which is to be limited to collector streets.
- 17. **Acceptable Limits** -- Acceptable limits for visibility, curvature, and maximum grade depend on topography, functional classification, anticipated traffic volumes, number and nature of access points, etc. Road design specifications shall be based on AASHTO guidelines and sound engineering judgment. The County Engineer must approve the design speeds selected for each project.
- 18. **Street Grade** -- A proposed street shall be adjusted to the contour of the land so as to provide usable lots and a reasonable street grade. The maximum allowable street grade shall be as outlined in Table 6-2, Maximum Street Grade. The minimum allowable street grade shall not be less than five-tenths (0.5) percent.

TABLE 1 MAXIMUM STREET GRADE							
Design Speed (MPH)	20	30	40	50	55	60	70
Road Classification							
Rural Arterial					4.5%	4%	3%
Urban Arterial			7%	6%	5.5%		
Rural Collector		8%	7%	6%	5.5%	5%	
Urban Collector		8%	7%	6%			
Rural Local		8%	7%	6%			
Urban Local		8%	7%				
Subdivision & Local with ADT <250	9%	8%					

- 19. **Horizontal Visibility** -- Horizontal visibility of a curved street and the vertical visibility on all streets shall be maintained according to the minimum distances

shown in Table 6-3, Sight Distance. Sight distances shall be measured in accordance with AASHTO guidelines.

TABLE 6-3 SIGHT DISTANCE (FEET)							
Design Speed (MPH)	20	30	40	50	55	60	70
Stopping Sight Distance (Desirable)	125'	200'	325'	475'	550'	650'	850'
Stopping Sight Distance (Minimum)	125'	200'	275'	400'	450'	525'	625'
Intersection Sight Distance	225'	400'	580'	840'	990'	1150'	1550'

20. **Stopping Distance** -- The values for desirable stopping sight distance shall be met for all street construction and at all intersections. Minimum stopping sight distances shall only be used in those cases, which, in the opinion of the county engineer, would suffer undue hardship, by use of the desirable stopping sight distance.
21. **Intersection Sight Distance** -- The values for intersection sight distance shall be used at all intersections, both for new and existing intersections. No new features such as signs, embankments, walls, or landscaping, shall be constructed which reduces the sight distance below the intersection sight distance.
22. **Decision Sight Distance** -- Where unusual or complex situations exist, decision sight distance (per AASHTO Standards) may be required by the County Engineer to provide an added margin of safety.
23. **Horizontal Curves** -- Where street centerlines deflect more than ten (10) degrees, connections shall be made by horizontal curves having a minimum centerline radius of 150 feet for local and cul-de-sac residential streets, and 250 feet for all other residential streets. Horizontal curvature measured along the centerline shall comply with Table 6-4, Radii/Degree of Curve:

TABLE 6-4 RADI/DEGREE OF CURVE							
Design Speed (MPH)	20	30	40	50	55	60	70
Radius (FEET)	150	250	470	760	950	1210	1910
Degree of Curve		22°45'	12°15'	7°30'	6°00'	4°45'	3°00'

24. **Reverse Curves** -- A reverse curve on a major street shall have a straight tangent between elements of said reverse curve of not less than one hundred (100) feet.
25. **Additional Requirements** -- The sections above deal with minimum requirements. Individual projects, particularly commercial and industrial subdivisions, may warrant additional requirements dictated by sound engineering design. Such additional requirements must be specified by the Plan Commission as a condition of approval.
26. **Safety Concerns** -- The Plan Commission may deny the proposed location of an access road from a proposed development onto an existing or proposed county road, due to safety concerns.
27. **Improvements Required** -- If, in the sole opinion of the Plan Commission, the proposed access road presents a potential hazard to the motoring public, the applicant may be required to make improvements to an existing or proposed county road as a condition of allowing access. These improvements may include, but are not limited to deceleration or acceleration lanes, passing blisters or other improvements.
 - a. **Criteria** -- Improvements shall be required based on the following criteria:
 - I. Sight distance;
 - II. Number of lots;
 - III. Proposed use;
 - IV. Street classification;
 - V. Traffic generation;
 - VI. Existing or proposed conditions; and
 - VII. Sound engineering design.
 - b. **Intersections** -- As a minimum requirement, at an intersection of a subdivision street, commercial or industrial drive with an existing street or road, the subdivider shall install deceleration, acceleration, and passing lanes along the existing roadway in accordance with Figure __, "Acceleration, Deceleration and Passing Blisters," located in the Appendix A of this Ordinance.
 - c. **Construction** -- All roadwork involving the construction of passing blisters and/or accel/decel lanes shall require a one-inch (1") overlay of

bituminous surface which shall extend across the full width of the existing roadway as well as the new features. Limits of this work shall be the extreme ends of the tapers and/or blister. Butt joints shall be milled at the ends of the work to ensure a smooth transition. The auxiliary lanes and associated improvements shall be constructed in accordance with the details in Appendix A of this ordinance.

28. **Number of Access Roads** -- The minimum number of access roads required into a subdivision will be based upon the number of lots, as illustrated in Table 6-5, Subdivision Access. These are minimum recommendations, and the Plan Commission may require additional access. All access points required by the number of lots in that phase must be provided for in that phase, or in a previous phase, and not delayed to a future phase.

TABLE 6-5	
SUBDIVISION ACCESS	
Number Of Potential Dwelling Units	Number Of Required Public Access Roads
1 – 50	1
51 or greater	2

29. **Cul-de-Sac Length** -- A cul-de-sac street shall not exceed six hundred feet in length measured from the centerline of the nearest intersection to the center of the cul-de-sac. The cul-de-sac shall be paved in accordance with Section 6.03(15), Paving Width.
30. **Half Streets** -- Dedication of new half streets shall be prohibited. Where a dedicated or platted half-street is adjacent to a tract being subdivided, the other half of said half-street shall be platted and constructed.
31. **Additional Right-of-Way for Existing Streets** -- The applicant shall dedicate additional right-of-way width as required to meet these regulations when the subdivision adjoins or includes an existing street that does not conform to the minimum right-of-way dimension as established by the Comprehensive Plan and Master Thoroughfare Plan.
32. **Blocks** -- Block lengths in residential areas shall be two lots deep and shall not exceed one thousand two hundred (1200) feet in length, nor be less than three hundred (300) feet in length, with length measured centerline of street to centerline of street. Pedestrian ways shall be required through the middle of blocks that are more than eight hundred (800) feet long, or at other appropriate

locations, as deemed necessary by the Plan Commission. In determining whether pedestrian ways are required, the Plan Commission shall consider methods of maintaining such ways, and the usefulness in providing access to any common open space, water areas, recreational areas, schools, churches, and other surrounding uses.

33. **Cul-de-Sac Islands** -- No fence, wall, sign, hedge, tree or shrub planting, or other similar item which obstructs sight lines and elevations between two (2) and eight (8) feet above the street shall be placed within any cul-de-sac island.
34. **Traffic Calming** -- It is a goal of Hendricks County to create residential streets that are safe and contribute to the quality of life within the neighborhoods. This Ordinance encourages street design that accomplishes this goal by the use of street hierarchy, geometric standards, and good engineering practices. When utilized appropriately, responsible street design does not need extraneous or additional "traffic calming" features. However, if deemed necessary, such traffic calming features will be designed and located according to standard recommended practices and must be approved by the County Engineer.
35. **Maximum Ponding Depth** -- Maximum ponding depth shall be six (6) inches at the crown of the roadway for a 100 year storm event.

6.04 **INTERSECTIONS**

1. **Curb Radii** -- Street curbs shall be rounded by radii of sufficient length to permit the smooth flow of traffic, but in no case shall the curb radii be less than twenty-five (25) feet for a minor street, or forty (40) feet for a major street or a street in a commercial or industrial development.
2. **Street with No Curbs** -- Where a proposed street with curbs intersects an existing street without curbs, the curb radius shall be designed so there is a minimum of twelve (12) feet separation between the curb and edge of the existing street pavement. Termination of curb shall be a smooth taper terminating to meet a proposed grade.
3. **Separation Between Right-of-Way and Curb** -- Street right-of-way at intersections shall be designed to provide a minimum of ten (10) feet separation between the street right-of-way and curb.
4. **Angle** -- Intersections shall be as nearly at right angles as is possible, and no intersection shall be at an angle of less than seventy-five (75) degrees.
5. **Multiple Street Intersections** -- Intersections of more than two (2) streets at one point shall not be permitted.
6. **Roundabouts** -- Roundabouts or traffic circles and appropriate signage shall be approved by the County Engineer. Design of roundabouts shall follow guidelines set forth by the Federal Highway Administration.

- 7. **Radii Follow Greater Functional Classification** -- When a street of lesser functional classification intersects with a street of greater functional classification the radii arcs at the intersection will comply with the standards for the street of greater functional classification.
- 8. **Straight Street** -- There shall be at least one hundred (100) feet of straight street before entering an intersection, unless otherwise approved by the County Engineer.
- 9. **Driveway Separations** -- Driveway locations shall conform to the following minimum requirements for separation:

TABLE 6-6

MINIMUM DISTANCE FROM DRIVES TO NEAREST INTERSECTION

Note: Distance is measured centerline to centerline

Street Type	Residential Driveway	Non-residential Driveway
Arterial	300'*	600'
Collector	200'*	200'
Local	100'	100'
Residential	75', with maximum of one per lot	N/A

* It is the intent of this ordinance to avoid residential driveways directly on arterial streets (see Section 2.11 (2) (b), Access Limited). When such driveways are necessary, it is preferable to have a minimum number of access points. Therefore, in some cases, it may be preferable to locate two driveways immediately adjacent, rather than to use the recommended separation.

- 10. **Street Separations** -- Street intersections shall not be closer than three hundred (300) feet center line to center line for residential and local streets and six hundred (600) feet center line to center line for collector and arterial streets and must be denoted on the construction plans. This provision does not apply to a frontage road.
- 11. **Pavement Thickness** -- When a street of lesser functional classification intersects with a street of greater functional classification, whether new or existing, the pavement thickness of all improvements within the right-of-way of the intersection shall comply with the street requiring the greatest thickness.

6.05 SIGHT DISTANCE AT INTERSECTIONS

1. **AASHTO Guidelines** -- Sight distance shall be determined in accordance with AASHTO Guidelines.
2. **Secondary plat Notes** -- The following items shall be required and must be noted on the secondary plat:
 - a. **Intersection Visibility** -- No fence, wall, sign, hedge, tree or shrub planting or other similar item which obstructs sight lines at an elevation between two (2) and eight (8) feet above the street, shall be placed or permitted to remain on any corner lot within the triangular area formed by the street right-of-way lines and a line connecting points twenty-five (25) feet from the intersection of residential or local street lines, and fifty (50) feet from the intersection of arterial or collector street lines, or in the case of a rounded property corner, from the intersection of the street right-of-way lines extended.
 - b. **Median Visibility** -- No fence, wall, sign, hedge, tree or shrub planting, or other similar item which obstructs sight lines and elevations between two (2) and eight (8) feet above the street shall be placed within any median area within one hundred (100) feet of an intersection. No walls, rocks, or boulders larger than two (2) feet in any dimension shall be placed in the median.
 - c. **Stop Sign Visibility** -- No trees shall be planted in any portion of a public street right-of-way within one hundred fifty (150) feet of a stop sign.

6.06 STREET TREES -- Minimum 2 1/2" caliper shade trees shall be required along all streets as a public improvement. See Chapter 9, Erosion Control and Landscaping, for specific requirements.

6.07 BUILDING SETBACK LINE -- The building setback line shall be regulated by the setback provisions of the Hendricks County Zoning Ordinance applicable to the area that is proposed for subdivision.

6.08 STREET IMPROVEMENTS

1. **Plan and Profile** -- In general, a street shall be completed to the grade shown on the plan and profile sheet. A plan and profile sheet for each street shall be provided by the owner and prepared by a registered professional engineer or registered land surveyor.
2. **Street Construction Standards** -- The minimum requirements for street construction shall be in accordance with the latest edition of "Standard

Specifications" of the Indiana Department of Transportation, in effect at the time of approval. (Hereinafter referred to as the Standard Specifications). A copy of the Standard Specifications is on file in the Office of the County Engineer.

- a. **Subgrade** -- The subgrade shall be prepared in compliance with the Standard Specifications.
 - b. **Subbase** -- The subbase, where required, shall be #53 crushed aggregate (or equal), as determined by the County Engineer, and shall be prepared in compliance with the Standard Specifications. If the subgrade is modified in accordance with the Standard Specifications, there shall be no reduction of the required aggregate thickness.
 - c. **Street Surface** -- The street surface shall be of Portland cement concrete or hot asphaltic concrete. Portland cement concrete materials and construction shall be in compliance with Section 500 of the Standard Specifications and these regulations. The Hendricks County Engineer has determined that any part of the subgrade or subbase is frozen when its temperature reaches 32° Fahrenheit. Hot asphaltic concrete materials and construction shall be in compliance with Section 400 of the Standard Specifications and these regulations.
3. **Backfill** -- All utility excavations under the pavement or within five (5) feet of the edge of the pavement shall be backfilled with Structure Backfill or Flowable Mortar as specified in the Standard Specifications Installation shall conform to the Standard Specifications. Any deviation from these provisions must be approved by the County Engineer's Office prior to construction.
 4. **Subsurface Drains** -- Subsurface drains shall be installed at a depth of three (3) feet below and one (1) foot behind the back of curb in line with and parallel to the inside face of the curb or along the junction where the face of the concrete curb meets material for the travel surface. The location must be stated in writing prior to the secondary approval and may only be changed after secondary approval by the Administrative Committee. Subsurface drains shall be a minimum of six- (6) inch diameter perforated Polyethylene pipe. (See Appendix A for details). Four (4) inch laterals shall be provided for each lot, extended to the right-of-way line and capped. The ends shall be marked by permanently marking (stamping) the lateral in the curb and extending a board or other suitable material to the surface and dimensioned on the record drawings. No direct surface water, sump pump discharges, or garage floor drains will be allowed to connect to the subsurface drain.
 5. **Aggregate Base** -- Stone aggregate base shall be placed under the curb and extended to the aggregate placed for the subsurface drain. This aggregate base shall be continuous and shall match the bottom of pavement (top of subgrade) or be four (4) inches thick whichever is more.

6. **Soil Conditions in Streets** -- Wet spots or other unusual soil conditions may develop in streets. These streets must comply with any or all of the following requirements:
 - a. **Underdrains** -- Four (4) inch Polyethylene lateral underdrains which extend under the subbase and connect directly to the subsurface drains shall be placed at regular intervals through the wet areas;
 - b. **Additional Aggregate** -- Compacted aggregate (#53 stone) shall be added to the street cross section to a thickness as determined by the County Engineer. This shall be in addition to the minimum base requirement;
 - c. **Excavation and Backfill** -- Soft spots may be over excavated and backfilled with compacted aggregate as approved by the County Engineer;
 - d. **Geogrid** -- Geogrid may be used with the written approval of the County Engineer; or
 - e. **Soil Modification** -- Soil Modification (such as Lime Stabilization) in accordance with the Standard Specifications may be used.
 - I. **Preconstruction Notification** -- If soil modification is planned to be used, this must be stated in the Preconstruction Conference.
 - II. **Subbase Depth** -- No reduction in subbase depth will be permitted.
 - III. **Application rates** -- Application rates shall be determined according to the Standard Specifications and industry standards, based on testing of the in-place subgrade. Test results and proposed application rates must be provided to and approved by the County Engineer prior to use.
7. **Design Based on Traffic** -- The actual design for street construction shall be based upon estimated traffic loading with an adequate growth factor included even though the minimum requirements may be exceeded.
8. **Cross Sections** -- The cross section of streets are to be based on a design equation for pavement according to AASHTO standards using a combination of unmodified soil support values, total equivalent 18,000 lbs. loads, terminal service ability index, and regional factors. When there is concern that the constructed street may not meet minimum standards, the County shall at the owner's expense, have core samples taken from the finished work to verify thickness and quality. The pavement depths as shown below are minimum requirements:

TABLE 6-7 ASPHALTIC CONCRETE PAVEMENT				
Street Classification	Surface	Intermediate	Base	Aggregate
Minor	1"	3"	0"	9"
	1"	0"	3"	7"
	1"	3"	4"	0"
Rural Collector or Commercial	1"	3"	4"	6"
	1"	0"	5"	9"
	1"	3"	7"	0"
Arterial or Industrial	1"	2"	6"	8"
	1"	0"	8"	9"
	1"	2"	10"	0"

TABLE 6-8 PORTLAND CEMENT CONCRETE PAVEMENT (RIGID PAVEMENT)			
Street Classification	Surface	Base	Aggregate Base
Minor	6.0"	N/A	N/A
Rural Collector or Commercial	7.0"	N/A	N/A
Arterial or Industrial	8.0"	N/A	N/A

6.09 JOINTS FOR RIGID PAVEMENT -- Rigid pavement shall be jointed in order to control cracking. Joints for rigid pavement shall be constructed in accordance with the type and dimensions and at the locations required by Standard Specifications, these regulations, or as directed by the County Engineer's Office.

- Spacing** -- Spacing of weakened plane, transverse, or contraction joints shall not exceed twenty (20) feet. Closer spacing to average fifteen (15) feet is encouraged. A transverse contraction joint may either be formed or sawed dummy groove, ribbon or pre-molded strip type, and shall be one-fourth (1/4) the thickness of the pavement.

2. **Sawing** -- When a transverse joint is to be formed by sawing, care must be taken to saw the grooves soon after placing the concrete to prevent the formation of cracks due to contraction of the slab.
3. **Catch Basins and Manholes** -- One of the above named joints shall be placed at every catch basin and manhole in the line of pavement. The location of manholes in the pavement shall determine the exact location of the joints.
4. **Full Pavement Width** -- All joints shall extend throughout the curb to the full width of pavement.
5. **Transverse Expansion Joint** -- a transverse expansion joint shall be placed at the intersections, tangent points of sharp curves, and wherever else shown on the plans.
6. **Longitudinal Joint** -- Whenever the width between forms of the pavement under construction is greater than ten (10) feet, a longitudinal joint shall be constructed so as to divide the pavement into strips not to exceed ten (10) feet each. This may be accomplished by sawing or by installing a slot or groove as herein described for a contraction joint.
7. **Curing Compound** -- White membrane curing compound AASHTO Number 2-M-14B must be properly applied to give complete coverage immediately after finishing, around all inlets and manholes and every fifty (50) lineal feet of pavement, as well as where concrete adjoins asphalt.

6.10 CURBS AND GUTTERS

1. **Curbs** -- A two- (2) foot concrete curb and gutter shall be required for all single family, two family and multifamily residential subdivision streets. Streets in commercial or industrial (non-residential) subdivisions shall have the option of using two- (2) foot concrete curb and gutter or concrete chair back curbs.
2. **Construction** -- Materials, concrete specifications and construction procedure shall comply with Section 605 of the Standard Specifications. Cold weather construction shall be in accordance with the Standard Specifications.
3. **Valley Gutters** -- Valley gutters, which connect gutter drains across street intersections, are strictly prohibited.
4. **Frozen Material** -- The Hendricks County Engineer has determined that a material is considered frozen when any part of its temperature reaches 32° Fahrenheit.
5. **Height of Asphalt** -- The maximum height of the asphalt shall meet or exceed the gutter line of the curb.

6. **Details** -- See Appendix A for details of concrete curbs and gutters.

6.11 **PRIVATE STREETS** -- It is the intent and purpose of this section to encourage streets and rights-of-way to be dedicated to the county for ownership and maintenance whenever possible. It is a long- range benefit to the entire county for streets and rights-of-way to be maintained publicly rather than privately. There may be, however, a situation in which a privately owned and maintained street is a more reasonable alternative.

1. **Standards** -- In any development in which a private street is allowed, the street shall conform to County standards.
2. **Required Covenants** -- The covenants of the secondary plat shall contain the following statement:

"The streets and public rights-of-way shown hereon are to be privately owned and maintained by the homeowners association pursuant to the articles of incorporation of said association."

6.12 **SIDEWALKS, PATHWAYS AND PEDESTRIAN WAYS**

1. **Location**

- a. **Major Plats:** Sidewalks are required along-both sides of all streets and along the development side of all existing county roads.
- b. **Minor Plats:** Sidewalks are required along the development side of all existing county roads, located within one (1) mile from an existing school, commercial area or trailhead, or in all subdivisions located in Brown, Lincoln, Washington, or Guilford Townships. For all other minor subdivisions, sidewalks must be installed when sidewalks become contiguous or adjacent on surrounding property.

2. **Sidewalk Plan** -- A plan for a sidewalk system shall be prepared that will provide every lot within a subdivision, or portion thereof, with reasonable access to a sidewalk connecting with all of the community facilities, commercial enterprises and other residential subdivisions located near or adjacent to the subdivision, and in a manner that will provide safe and convenient pedestrian circulation throughout the neighborhood or area in which the subdivision is located and which will avoid pedestrian and vehicular traffic conflict.

3. **Sidewalk Construction** -- Sidewalk materials and construction requirements shall conform to the Standard Specifications, and shall meet the following requirements:

- a. **Material** -- Be constructed only of Portland cement concrete unless otherwise expressly approved by the Plan Commission;

- b. **Depth** -- Have a minimum depth of four (4) inches, or have a minimum depth of six (6) inches when built in an area of proposed vehicular crossing;
 - c. **Slope** -- Have a cross slope of no steeper than one-quarter (1/4) inch per foot toward the street;
 - d. **In Right-of-Way** -- Be located at least one (1) foot inside the right-of-way line, unless located within an easement outside of the right-of-way, in accordance with Section 6.12 (5), Easement Required;
 - e. **Consistency, Slump, and Mixture** -- Have consistency, slump, and mixture specifications as established by the Standard Specifications;
 - f. **Joints** -- Be jointed every four (4) feet, with expansion joints every forty (40) feet to prevent cracking and heaving;
 - g. **Compliance with ADA** -- Have curb ramps installed at all intersections and at all other locations where required for compliance with the Americans with Disabilities Act (ADA); and
4. **Minimum Width** -- Sidewalks, pathways and pedestrian ways shall have a minimum width as follows:
- a. **One or Two Family** -- In One or Two Family Developments, along collector, local, or residential interior streets, minimum width shall be five (5) feet;
 - b. **Multifamily** -- In Multifamily Developments, minimum width shall be five (5) feet;
 - c. **Perimeter** -- For a perimeter subdivision sidewalk located along a County road, minimum width shall be six (6) feet;
 - d. **Commercial or Industrial** -- For Commercial or Industrial, minimum width shall be as approved by the Plan Commission;
 - e. **Pedestrian ways** -- For Pedestrian ways that connect two streets or connect directly to a park, school or other public or semi-public use, minimum width shall be six (6) feet.
5. **Easement Required** -- In order to facilitate pedestrian access from the street to schools, parks, playgrounds, or other nearby streets, the Plan Commission may require a perpetual unobstructed easement at least twenty (20) feet in width. This easement shall be indicated on both the primary and secondary plats. The construction details shall be shown on the construction plans and must be specifically approved by the Plan Commission.

6. **Vertical Drop** -- There shall be no vertical drop in excess of twelve (12) inches within five (5) feet of the outside edge of the sidewalk, or an approved barrier must be installed in accordance with the Standard Specifications.
7. **Installation** -- Sidewalks shall be installed by the lot owners:
 - a. Prior to the issuance of the Certificate of Occupancy by the Planning and Building Department; or
 - b. Prior to the end of the designated maintenance period. The lot owner must complete the installation of all remaining sidewalks and pedestrian ways located interior to the subdivision, even if the lots are not yet developed.

6.13 EASEMENTS -- No permanent encroachments shall be allowed within any of the following easements:

1. **Access Easements** -- Access easements providing legal access to land shall be at least fifty (50) feet in width and shall have the capability of providing suitable locations for future public streets meeting the standards set forth in this ordinance. No more than three lots shall receive access from a private access easement.
2. **Drainage and Utility Easements** -- Drainage and utility easements shall be at least ten (10) feet in width on each side of any public street that has a right-of-way width of less than fifty (50) feet.
3. **Utility Easements** -- Utility easements shall be allocated in areas of suitable size and location. Such easements shall provide reasonable continuity from block to block and shall be at least fifteen (15) feet in width. The Plan Commission may require larger easements when it deems such additional width necessary for carrying out the purposes of this section.
4. **Drainage Easements** -- Drainage easements shall be provided where the Plan Commission deems them necessary to provide proper drainage for the subdivision. Such easements shall be at least fifteen (15) feet in width and may be coincident with utility easements. Where a regulated drain traverses a subdivision, the easement for the drain shall be in accordance with the Indiana Code requirements for regulated drains.
5. **Maintenance Easements** -- Maintenance easements for dams or adjoining property may be required where the Plan Commission deems them appropriate.
6. **Farm Tile Easements** -- Farm tile easements for protection and maintenance shall be at least twenty (20) feet in width, and shall be provided where there

are farm tiles that are to remain on property proposed for subdivision. The Plan Commission may require larger easements when it deems such additional width necessary for carrying out the purposes of this section.

6.14 STREET IDENTIFICATION SIGNS AND REGULATORY SIGNS

1. **Installation** -- The owner shall install street identification signs at each street intersection within and on the perimeter of the subdivision. The sign shall be located at the northeast corner of said interchange wherever possible. The owner shall also install all appropriate regulatory signs as required by the County Engineer's office.
2. **Street Identification Signs** -- Street identification signs shall comply with the current issue of Indiana Manual of Uniform Traffic Control Devices regarding size, material, reflectivity and location. Street identification signs for public roads shall be white letters on a green background. Street identification signs for private roads shall be white letters on a blue background. Size of letters and sign dimensions shall comply with Hendricks County Highway Department requirements.
3. **Regulatory Signs** -- Regulatory signs shall comply with the current issue of Indiana Manual of Uniform Traffic Control Devices regarding size, material, reflectivity and location. The owner shall place regulatory signs in accordance with the current issue of the Indiana Manual of Uniform Traffic Control Devices and as directed by the County Engineer's Office.
4. **Locations** -- Sign locations must be shown on the construction plans.

6.15 ROADSIDE DITCHES

1. **When Required** -- Roadside ditches are required for all existing or proposed roads that will not have curbs and gutters.
2. **Traversable Ditch Standards** -- Roadside ditches must be constructed in compliance with the traversable ditch standards shown in Appendix A of this ordinance.
3. **Shoulder Width and Slopes** -- Roadside ditches shall be located so as to provide a shoulder width as dictated by the road classification and sound engineering design. Side slopes shall be 4:1. In no case shall the shoulder width be less than seven (7) feet.
4. **Culvert Cover** -- Roadside ditches are to be constructed to provide a minimum of twelve inches (12") of cover over the driveway culvert pipe, or as recommended by the manufacturer, whichever is greater.

5. **Driveway Pipe Size** -- The minimum size of a driveway pipe shall be twenty-four feet (24') of fifteen-inch (15") culvert pipe. Driveway pipes must have end sections.

6.16 **BRIDGES AND SIMILAR DRAINAGE STRUCTURES**

1. **Design and Construction Standards** -- All bridges and similar drainage structures shall be designed and constructed in accordance with AASHTO Standard Specifications for Highway Bridges, Current Edition and the Standard Specifications.
2. **Rails** -- All bridges shall be designed to incorporate a crash-tested barrier rail per Indiana Department of Transportation (INDOT) specifications and adequate lengths of a crash-tested approach rail. The length of approach rail shall meet INDOT Rehabilitation, Restoration, and/or Resurfacing (3R or RRR) requirements or better, and be approved by the County Engineer.
3. **Approval** -- Structure size and type and final design plans must be approved by the Hendricks County Engineer.
4. **Testing and Inspection** -- Material certifications and testing must be done during construction in accordance with INDOT Specifications, and copies provided to the County Engineer. On-site construction inspection shall be provided by the owner in accordance with County procedures for locally funded bridges, with the County Engineer copied on all inspectors' reports and correspondence. Also, the County Engineer must participate in the final inspection. A separate Maintenance Bond for one (1) year must be provided to the County Engineer.

6.17 **CONSTRUCTION WITHIN ROAD RIGHT-OF-WAY** -- All construction within an existing county road right-of-way and any crossings of the travel surface will require a permit from the County Engineer prior to construction. Whenever any construction activities occur within a public road right-of-way, traffic control devices shall be placed in accordance with INDOT standards and the Manual on Uniform Traffic Control Devices, Part VI. The devices shall be installed prior to any construction and shall be maintained during the entire time that the special conditions exist. They shall be removed immediately thereafter.

6.18 **RIGHT-OF-WAY REPAIRS** -- All right-of-way repairs on the pavement or within five (5) feet of the edge of the pavement shall be backfilled with Structure Backfill or Flowable Mortar as specified in the Standard Specifications. Installation shall conform to Section 715 of the Standard Specifications. Any

deviation from these provisions must be approved by the County Engineer's Office prior to repair.

CHAPTER 7 WATER FACILITIES

7.01 GENERAL REQUIREMENTS

1. **Public Water Supply System** -- The owner shall install a public water supply system in a manner prescribed by the latest edition of the Recommended Standards for Water Works, published by Health Research Inc., Health Education Services Division, P.O. Box 7126, Albany, New York 12224 (commonly known as the "Ten (10) State Standards").
2. **Accessible Public Water Main** -- Where a public water main is accessible, the owner shall install adequate water facilities including fire hydrants. The water facilities must be shown on the approved construction plans.
3. **Water Main Extension** -- A water main extension shall be approved by the officially designated agency of the state, county and/or municipality concerned. The design and construction must comply with all applicable federal, state and local regulations.
4. **Letter from Utility** -- A letter of intent to provide service must be provided from the appropriate utility prior to primary approval.

7.02 INDIVIDUAL WELLS AND PRIVATE WATER SYSTEMS

1. **Well Use** -- If a public water system is not feasible, individual wells may be used provided they are installed in accordance with all applicable state and county health department requirements.
2. **Private Water System** -- If a public water system is not feasible, an appropriate private water source may be used provided that they meet all applicable federal, state and county requirements.
3. **Approval by IDEM** -- If a private water distribution system is proposed, it must be designed and constructed in a manner that provides an adequate supply of potable water to every lot in the subdivision. A private water system shall be approved by IDEM. This approval shall be submitted with the application for secondary approval. Additionally, all uses, except single-family, that are to be served by well water shall obtain approval from IDEM and the Hendricks County Health Department.
4. **Future Connection to Public Water** -- If the Plan Commission requires that a connection to a public water main be eventually provided as a condition for approval of an individual well or central water system, the owner shall make

arrangements for future water service at the time the plat receives secondary approval. A performance guarantee in accordance with Section 3.16, Administration and Enforcement of Performance Guarantees may be required to insure compliance.

- 7.03 **FIRE HYDRANTS** -- Fire hydrants shall be required for all subdivisions except those having lots served by individual wells. Fire hydrants shall be located in cooperation with the affected fire department. Documentation from the fire department shall be provided prior to secondary approval.
- 7.04 **DRY HYDRANTS** -- In those subdivisions where a central water system is not available and where a permanent water body will be constructed, the owner shall provide dry hydrants in cooperation with the affected fire department.
- 7.05 **ACCEPTANCE** -- All water facilities shall receive a letter of acceptance from the applicable utility company after construction, and prior to the subdivision plat being recorded.

CHAPTER 8
SEWAGE FACILITIES

- 8.01** **GENERAL REQUIREMENTS** -- Each lot must have either access to sanitary sewer facilities or meet individual on-site sewage system criteria.
- 8.02** **SANITARY SEWAGE SYSTEM REQUIREMENTS** -- Where required, the owner shall install the necessary sanitary sewers and sanitary sewer facilities in compliance with the rules, regulations, and standards of the County Engineer, County Health Department, and other appropriate state and federal agencies. Plans shall be approved by the above agencies where required by those agencies. All plan approvals and permits must be submitted with the application for secondary approval. A letter of intent to provide service must be provided from the sewer utility prior to primary approval.
- 8.03** **INDIVIDUAL DISPOSAL SYSTEM REQUIREMENTS** -- If a public sewer facility is not available, and an individual or community on-site sewage disposal facility is proposed, the minimum lot area shall conform to the requirements of the Zoning Ordinance and any ordinance of the Health Department establishing usable lot areas and design standards for an individual or community on site sewage disposal facility. Individual on-site sewage disposal systems must have room for two systems, both a primary and a secondary (future) site. These facilities must comply with all applicable rules, regulations and standards of the appropriate federal, state and local agencies.
- 8.04** **ACCEPTANCE** -- All sewage facilities shall receive a letter of acceptance from the applicable utility company after construction, and prior to the subdivision plat being recorded.

CHAPTER 9 EROSION CONTROL AND LANDSCAPING

9.01 PURPOSE

The purpose of this chapter is to provide minimum standards involving the development of land, that help preserve and enhance our natural resources, protecting and promoting the health, safety and welfare of the public, as well as promoting the aesthetic value of any developed land for all current and future residents of Hendricks County.

9.02 EROSION CONTROL

Erosion control shall be required in accordance with the Hendricks County Drainage Handbook. All erosion control measures shall comply with said drainage handbook.

9.03 LANDSCAPING

1. **Landscaping Approval and Installation** -- A landscaping plan for the entire development that conforms to the current Hendricks County Zoning and Subdivision Control Ordinances must be approved. Landscaping for common areas, backyard screening, entrance signs, open space and thoroughfare bufferyards shall be installed prior to the Completion Affidavit submitted to the Hendricks County Board of Commissioners. Other required landscaping, including initial lot landscaping and street trees shall be installed prior to issuance of the certificate of occupancy.
2. **Plants Meet Multiple Requirements** -- Individual plants may be used to satisfy more than one Subdivision Control Ordinance or Zoning Ordinance landscaping requirement. For example, deciduous shade trees used as street trees may also be counted toward the thoroughfare bufferyards requirement.
3. **Maintenance Guarantee** -- Prior to release of the Maintenance Guarantee, the applicant shall be required to replace any dead and/or dying planting(s) required by the approved landscaping plan.

9.04 **THOROUGHFARE BUFFERYARD** -- All parcels/tracts being subdivided shall be required to provide the appropriate thoroughfare bufferyard in conformance with the following table and Level 1 of the Levels of Perimeter Plantings and Mounding table (Section 50.05 F. 2) of the current Hendricks County, Indiana Zoning Ordinance.

TABLE 9-1	
THOROUGHFARE BUFFERYARD WIDTH	
Zoning District	Width of Bufferyard
R-A	20 Feet
R-B	30 Feet
R-C	40 Feet
R-D	50 Feet
R-E	50 Feet
R-F	50 Feet

9.05 MAJOR SUBDIVISIONS -- In addition to compliance with the current landscaping requirements in the Hendricks County Zoning Ordinance and Section 9.06, Street Trees, of this ordinance, all major subdivisions shall comply with the additional following landscaping standards:

1. Entrance Signs -- Monument type entrance signs displaying the name of the subdivision shall be required on each subdivision access street classified as a subcollector or above.

- a. **Location** -- Said entrance signs shall not be located in the right-of-way, but within a sign easement on private property or common area. The sign location shall be shown on the landscape plan.
 - b. **Landscaping Area** -- The minimum landscape area permitted shall be sixty-four (64) square feet.
 - c. **Minimum Tree Coverage** -- There shall be a minimum of one (1) two and one-half (2 1/2) inch caliper tree per entrance sign. Tree caliper shall be measured at a point six (6) inches above ground. Trees shall have a clear trunk to at least five (5) feet above the ground.
 - d. **Minimum Shrub Coverage** -- There shall be a minimum of two (2) shrubs, sized 2' - 3' balled and burlaped, or a 3- gallon container, for each entrance sign.
 - e. **Grass, Ground Cover and Perennials** -- Grass, ground cover or perennials shall be planted on all portions of the landscaped areas not occupied by other landscaped material.
- 2. Backyard Screening** -- All major subdivisions that propose lots that will have back yards adjacent to existing roads shall provide backyard screening.
- a. **Standards** -- The backyard screen shall follow the standards for a Level 4 perimeter planting, as described in Chapter 50 of the current Hendricks County Zoning Ordinance.

- b. **Plan** -- The owner shall submit a backyard-screening plan for approval by the Plan Commission.
 - c. **Installation** -- The owner shall be required to install the backyard screening in the same manner that perimeter sidewalks are installed.
3. **Open Space** -- The owner must submit a landscaping plan for all open space and any other common areas to the Plan Commission for approval. Plans shall include, but not be limited to, the following: landscaping, water areas, sidewalks and pedestrian ways, outdoor furniture, play equipment, picnic shelters and other amenities. All major subdivisions shall comply with Section 2.15, Public Uses and Open Space.
4. **Initial Lot Landscaping** -- Unless the Planning Director determines that the existing landscaping is sufficient, the lot owner shall install on each private lot in a major subdivision, a minimum of the following: one - 2 1/2" caliper shade tree, one - 1 1/2" ornamental tree and five - 24" shrubs, prior to receiving a certificate of occupancy.
5. **Delays** -- The Planning Director may choose to grant certain delays to the completion of the landscaping required by these regulations.
- a. **Due to Weather** -- Planting delays may be considered because of weather conditions, such as consistent freezing temperatures or consistent hot and/or dry conditions.
 - b. **Performance Guarantee Required** -- Landscape improvements shall be covered by a performance guarantee in the amount of 110% of the estimated installed cost.
 - c. **Time Period** -- Delays granted under this Section shall be for a period not to exceed nine (9) months.

9.06 **STREET TREES** -- Minimum 2 1/2" caliper shade trees shall be required along all streets as a public improvement:

- 1. **Along New Streets** -- Shade trees from a list approved by the Plan Commission shall be planted as public improvements along any new subdivision street, behind the sidewalk.
- 2. **Along Existing Roads** -- Shade trees shall be planted as a yard tree along any existing county road fronting the subdivision. Trees along existing county roads shall be planted between the right-of-way and ten (10) feet outside the right-of-way.
- 3. **Owner's Responsibility** -- The cost of all shade trees and installation shall be born by the owner. Spacing of shade trees shall be every forty feet (40') to sixty feet (60'). The owner shall follow the standards set forth in this chapter for placement of trees.

CHAPTER 10 DIVISIONAL LOT SPLITS

- 10.01** **OVERVIEW** -- Permission to pursue a divisional lot split, in lieu of platting, shall be obtained from a member of the Hendricks County Administrative Committee.
- 10.02** **MINIMUM FRONTAGE AND ACREAGE REQUIREMENTS**: Unimproved tracts and improved tracts with principle structures shall meet the following minimum road frontage and acreage requirements for the type of street the tract fronts on:
1. **Local Street** -- 165' frontage with a minimum area of 1.875 acres
 2. **Collector Street** -- 250' frontage with a minimum area of 3 acres
 3. **Minor Arterial Street** -- 350' frontage with a minimum area of 4 acres
 4. **Principle Arterial Street** -- 500' frontage with a minimum area of 5 acres
- 10.03** **STANDARDS FOR UNIMPROVED TRACTS**: Unimproved tracts shall meet the following standards:
1. **Site Distance** -- Proper site distance;
 2. **Drainage** -- Corrective measures for drainage concerns of the site;
 3. **Access** -- Potential combination of access drives if more than one tract is created;
 4. **Sewage** -- Sewage disposal acceptable to the Hendricks County Health Department and a safe water source;
 5. **Perimeter Drain** -- Adequate drainage outlet for the septic system subsurface perimeter drain;
 6. **Right-of-way** -- Right-of-way dedication pursuant to the Hendricks County Thoroughfare Plan;
 7. **Shoulder** -- A seven (7) foot shoulder and adequate roadside ditch; and
 8. **Sidewalks** -- Commitment to participate in the installation of sidewalks across the frontage of the tract whenever sidewalks adjoin the tract.

10.04 STANDARDS FOR IMPROVED TRACTS WITH PRINCIPLE STRUCTURES: Improved tracts with principle structures shall meet the following standards:

1. **Sewage and Water** -- Show proof that sewage disposal is acceptable to the Hendricks County Health Department and that a safe water source exists;
2. **Drainage** -- Corrective measures for drainage concerns of the site;
3. **Right-of-way** -- Right of way dedication pursuant to the Hendricks County Thoroughfare Plan;
4. **Shoulder** -- A seven (7) foot shoulder and adequate roadside ditch; and
5. **Sidewalks** -- Commitment to participate in the installation of sidewalks across the frontage of the tract at the time sidewalks adjoin the tract.

10.05 SUBMITTAL REQUIREMENTS: Each lot will require a separate submittal. Four (4) copies of the application materials must be submitted to the Hendricks County Planning and Building Department, and a separate application must be made to the Hendricks County Surveyors Office.

1. **Application Materials** -- The application materials shall include the following:
 - a. Application
 - b. Copy of the parent tract deed
 - c. Fee
 - d. Divisional Lot Split (DLS) Sheet Plot Plan
2. **Plot Plan** -- The divisional lot split sheet plot plan shall include the following (see Appendix D):
 - a. Divisional Lot Number
 - b. North Arrow
 - c. Graphical Scale
 - d. Parent tract (drawn from the deed)
 - e. Proposed Lot including the following:
 - i. Boundary lines and acreage thereof, based upon a accurate traverse
 - ii. Right-of-way
 - iii. Building setback lines
 - iv. All easements and Property address
 - f. Any previous Divisional Lot Split (DLS) off the parent tract
 - g. Section Corners monumentation found and tied to the subject tract
 - h. Cross-reference to a recorded survey per IAC 865 Chapter 1-12

- i. Legal Description
 - j. Certificate of dedication
 - k. Certificate of ownership
 - l. Surveyors certification
 - m. Certificate of the Plan Commission including signature locations for the following:
 - i. Director, Hendricks County Planning & Building Department
 - ii. Hendricks County Surveyor
 - iii. Hendricks County Engineer
 - iv. Director of Environmental Health Department
 - n. Street classification
 - o. Sidewalk commitment
 - p. Legal drain statement -- The following statement shall be placed on the plot plan:

"This Divisional Lot Split (DLS) application has been filed with the Hendricks County Surveyors office requesting approval of Divisional Lot Split (DLS) from the parent tract. This Divisional Lot Split (DLS) may be within the watershed of a legal drain, therefore, a drainage assessment may be assessed by the Hendricks County Drainage Board under the authority of the Indiana Drainage Code and so the said Board may exercise all the powers and duties as provide for in said code. This Divisional Lot Split (DLS) contains _____ ft. of existing legal drain tiles and _____ ft. of existing open ditch legal drains."
 - q. Sheet size
 - i. Minimum 17"x22"
 - ii. Maximum 18"x24"
3. **Plot Plan Requirements** -- See Appendix D for an example of a plot plan. The plot plan must contain the following information:
- a. Lot boundaries
 - b. Dimensions
 - c. Easements
 - d. Building setback lines
 - e. Waterways
 - f. Floodways
 - g. Floodway fringe

- h. Street the location to which the property has access
- i. House layout and location
- j. Driveway location
- k. Shoulder & Roadside Ditch Details (see Appendix D)
 - i. 7' shoulder
 - ii. Adequate roadside ditch
- l. Drainage Improvement
- m. Sewage disposal systems details (per Hendricks County Zoning Ordinance and/or Hendricks County Health Department Requirements)
- n. Water supply system details
- o. Erosion control measures

CHAPTER 11

ADMINISTRATION AND ENFORCEMENT

11.01 **GENERAL** -- The Department is hereby designated as the agency responsible for administration, interpretation, and enforcement of this Article.

11.02 **INTERPRETATION** -- It is the intent of this Article that the Department shall accomplish any interpretation of the Article. Any interpretation made by the Department may be appealed to the Administrative Committee, with the secondary appeal to the Plan Commission.

11.03 **CONDITIONAL MODEL HOMES AND SALES OFFICES**

1. Model Homes

a. Improvement Location Permits -- Following secondary approval of subdivision plat and plans, but prior to recording of the plat, the Plan Commission, the Administrative Committee and/or its duly authorized representative(s) may authorize the issuance of conditional improvement location permits for show models. The applicant shall first submit an Allocation Letter for sanitary sewer service, or a septic permit if sanitary sewer service is not available. The conditional improvement location permit must be posted on the show model. The conditional improvement location permits shall be valid for a period of one year; however, the Plan Commission may choose to renew the permits at one-year intervals. The Plan Commission shall adopt written rules for the issuance and administration of conditional model home permits.

b. Temporary Sales Office -- A model home shall serve as temporary sales office only for homes within the subdivision in which it is located. A model home shall not be used as a real estate sales office for properties located outside the boundaries of the primary plat of the subdivision in which it is located.

c. Conditional Improvement Location Permit Required -- A conditional improvement location permit, good for a period of one year, shall be required for construction and may be renewed on an annual basis.

d. Number of Model Home/Sales Office Permits -- The number of model home/sales office permits issued (per primary plat) shall be limited to the following:

I. Single-family Dwelling Subdivision -- maximum of five (5) dwellings.

II. Two-family Dwelling Subdivision -- maximum of four (4) dwellings (two buildings).

III. Multi-family Dwelling Subdivision – maximum of four (4) dwelling units. Multi-family dwellings may have more than four units in a single building, but no more than four (4) units may be used as show models.

e. Necessary Conditions – Prior to issuance of a permit for a model home or sales office, one of the following conditions shall be met.

I. Either stabilized access surface and stone base shall be in place for streets, and public water with fire hydrants in service, or

II. Applicant shall provide the County with written verification of indemnification/hold harmless provision provided by applicant's insurance carrier.

f. Occupancy – An occupancy permit shall not be issued until the subdivision plat has been recorded.

2. Temporary Sales Offices, Conditional Permit

a. Improvement Location Permit -- Following secondary approval of a subdivision plat and plans, but prior to recording of the plat, the Plan Commission and/or its duly authorized representative(s) may authorize the issuance of conditional improvement location permits for a temporary sales office for placement in a residential, commercial, or industrial subdivision. The applicant shall first submit an Allocation Letter for sanitary sewer service, or a septic permit if sanitary sewer service is not available. The conditional improvement location permit must be posted on the temporary sales office. The conditional improvement location permits shall be valid for a period of one year for residential subdivisions, and two years for commercial or industrial (non-residential) subdivisions, however, the Plan Commission may choose to renew the permits at one-year intervals. The Plan Commission shall adopt written rules for the issuance and administration of temporary sales office conditional permits.

I. Temporary Sales Office -- A temporary sales office shall serve as temporary sales office only for buildings and lots within the subdivision in which it is located. A temporary sales office shall not be used as a real estate sales office for properties located outside the boundaries of the primary plat of the subdivision in which it is located. A temporary sales office shall be a transportable (and removable) structure including, but not necessarily limited to, a manufactured home or modular building.

11.04 **VACATION** -- The process to vacate a part of a plat, public way or public easement shall be in compliance with Indiana Code 36-7-3-10 through 16.

11.05 **WAIVER**

1. **Criteria** -- Where the Plan Commission finds that an extraordinary hardship or practical difficulty may result from strict compliance with these regulations or the purposes of these regulations may be served to a greater extent by an alternative proposal, the Plan Commission may approve a waiver to these regulations so that substantial justice may be done and the public interest secured, provided that the waiver shall not have the effect of nullifying the intent and purpose of these regulations. Furthermore, the Plan Commission shall not approve a waiver unless it shall make findings based upon the evidence presented to it in each specific case that each of the following criteria have been met:
 - a. **Public Safety, Health, or Welfare** -- The granting of the waiver will not be detrimental to the public safety, health, or welfare;
 - b. **Nearby Property** -- The waiver will not adversely affect other nearby property;
 - c. **Unique Conditions** -- The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property;
 - d. **Hardship Due to Property** -- Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience or financial disadvantage, if the strict compliance of these regulations is carried out;
 - e. **Consistent** -- The waiver is consistent with the intent of this ordinance, the Zoning Ordinance, the Comprehensive Plan, and the Thoroughfare Plan, as interpreted by the Plan Commission.
 - f. **Owner Not Responsible** -- The condition necessitating the waiver was not created by the owner or applicant; and
 - g. **No Conflict with BZA** -- The waiver will not conflict with the powers and duties of the Board of Zoning Appeals, as defined by the zoning ordinance.
2. **Conditions** -- In approving or denying a waiver request, the Plan Commission shall make specific findings on each of the criteria in this section. If the Plan Commission approves a waiver request, it may impose reasonable conditions with a waiver that may be necessary to accomplish the purpose and intent of these regulations.

3. **Written Request** -- A request for a waiver shall be submitted in writing by the applicant with the application for primary approval. The written request shall make specific reference to the section of the ordinance from which such waiver is being requested and shall state fully the grounds for the waiver as set forth in this section, addressing the criteria in this section.

11.06 **ENFORCEMENT**

1. **Staff** -- It shall be the duty of the Plan Commission Staff or their authorized agents to enforce the terms of this ordinance and said Staff is authorized to do all things and to take all action necessary and prudent, under the circumstances, to enforce the provisions hereof.
2. **Sale or Transfer** -- No owner or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell any parcel before a plat of subdivision has been approved by the Plan Commission, in accordance with the provisions of these regulations and recorded.
3. **Division by Metes and Bounds** -- The division of any parcel of land into a subdivision, as defined in these regulations, by the use of metes and bounds description for the purpose of sale, or transfer, or lease resulting in the creation of one (1) or more sites shall not be eligible for a improvement location permit.
4. **Full Compliance** -- No Improvement Location Permit, or Certificate of Occupancy required under the Building Code, the Zoning Ordinance or these regulations shall be issued on any property subject to these regulations until such property is in full compliance with the provisions of these regulations.
5. **Subdividing in Violation** -- Any land within the County's jurisdiction that is subdivided in violation of this ordinance is hereby declared to be a common nuisance. Any person who violates a provision of these regulations shall be guilty of an ordinance violation and shall be guilty of a Class C Infraction which, upon conviction, shall carry a fine of not less than one hundred dollars (\$100.00) and not more than three hundred dollars (\$300.00) for each day's violation, and for each day that the violation continues unabated, a separate offense shall be deemed to have been committed.
6. **Injunction** -- The Plan Commission may institute an injunction suit requesting a person or a governmental unit to be directed to remove a structure erected in violation of these regulations or to make the same comply with its terms. If the Plan Commission is successful in its suit, the respondent shall bear the costs of the action including but not limited to attorney fees, court costs, legal advertising and professional services.
7. **Actions Cumulative** -- For and on behalf of the Plan Commission, Department, or the County, as their interests may appear, the director may institute, in a court of appropriate jurisdiction, causes of action against any person who violates any

terms of this ordinance. Said causes of action shall include, but not be limited to, the filing of a charge of a Class C Infraction; filing suit for temporary or permanent restraining order, or for filing suit against the maintenance of a common nuisance. In addition, the Department may pursue any other action, or remedy, authorized by the laws of Indiana. All of the foregoing actions shall be cumulative.

8. **Additional Action** -- The Department may also take the following actions against violations of this ordinance, at the discretion of the Planning Director or the Administrative Committee:
 - a. Issue stop work orders;
 - b. Withhold issuance of building permits; and
 - c. Withhold certificates of occupancy.

CHAPTER 12

DEFINITIONS

12.01 INTERPRETATION

1. **From this Article** -- For the purposes of these regulations, certain numbers, abbreviations, terms, words, and phrases used herein shall be used, interpreted, and defined as set forth in this article.

2. **State Laws** -- Whenever any words and phrases used herein are not defined herein but are defined in the State laws regulating the creation and function of various planning agencies, any such definition therein shall be deemed to apply to such words and phrases used herein, except when the context otherwise requires.

3. **Common Interpretations** -- For the purpose of these regulations, certain words or terms used herein shall be interpreted as follows:

a. **Person** -- The word "person" includes a firm, association, organization, partnership, trust, company, or corporation or other legal entity as well as an individual;

b. **Present Tense, Singular and Plural** -- The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular;

c. **Mandatory, Permissive and Preferred** -- The word "shall" or "must" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement;

d. **Used or Occupied** -- The words "used" or "occupied" include the words "intended, designed, constructed, converted, altered or arranged to be used or occupied".

4. **Dictionary** -- Any word or term not defined herein shall be given a meaning found in a recent edition of a standard English dictionary.

12.02 **DEFINITIONS** -- This section explains the meaning of the more important terms used in the text of these regulations. A graphic illustration of certain definitions is provided in this ordinance. Any zoning, drainage or erosion control terms or words used in the text of these regulations but not defined herein shall have the meaning as defined by the Hendricks County Zoning Ordinance or Hendricks County Drainage Handbook.

AASHTO: American Association of State Highway and Transportation Officials

ABUT: To physically touch or border upon; or to share a common property line.

ACCELERATION LANE: An added roadway lane, which permits integration and merging of slower moving vehicles into the main vehicular stream.

ACCESS: A way or means of approach to provide physical entrance to a property.

ACCESS POINT: A driveway, public street or private street intersecting a public street.

ACCESS, PRIVATE: An access not in public ownership or control by means of deed, dedication or easement.

ACCESS ROAD: A street designed to provide vehicular access to abutting property and to discourage through traffic.

ACRE: A measure of land area containing forty-three thousand five hundred and sixty (43,560) square feet.

ADDRESS: The number or other designation assigned to a housing unit, business establishment, or other structure for purposes of mail delivery, emergency services, and so forth.

ADJACENT: The condition of being near to or close to but not necessarily having a common dividing line. Two properties which are separated by only a street or alley shall be considered adjacent to one another.

ADMINISTRATIVE COMMITTEE: A committee of the Hendricks County Area Plan Commission, consisting of the following: Director of Planning and Building, the Hendricks County Engineer, and the Hendricks County Environmental Health Director, or their designees.

ALLEY: A right-of-way, other than a street, road, crosswalk, or easement, designed to provide a secondary means of access to the rear or sides of lots, and not intended for the purposes of through vehicular traffic.

AMENDMENT: A change to a recorded secondary plat generally affecting the total subdivision.

APPLICANT: The owner of real estate or an appointed agent of an owner, who makes application to the Hendricks County Planning and Building Department for action by the Hendricks County Area Plan Commission or Board of Zoning Appeals.

APPLICATION: A form completed as specified by these regulations and all accompanying documents required by these regulations for approval of the application.

BACKFILL: Material used to refill a ditch or other excavation, or the process of doing so.

BLOCK: A unit of property bounded by streets, rights-of-way, railroad rights-of-way, or waterways.

BOARD: The Board of Commissioners of Hendricks County, Indiana.

BOND: A type of financial guarantee, in the form of a surety bond satisfactory to the Board.

BOUNDARY: A line, which may or may not follow a visible feature, that defines the limits of a geographic entity such as a lot, block, subdivision, county, or place.

BRIDGE: A structure or conduit with a total span of over twenty (20) feet that carries storm water under a driveway, roadway, railroad, pedestrian walk or public way. A series of structures with a total span of over twenty (20) feet (such as five ((5)) sixty ((60)) inch pipes) constitutes a bridge.

BUFFERYARD: Land area used to visibly separate one use from another or to shield or block noise, lights, or other nuisances.

BUILDABLE TRACT: A parcel of land, which is eligible for an improvement location permit in its current form without further subdivision approval.

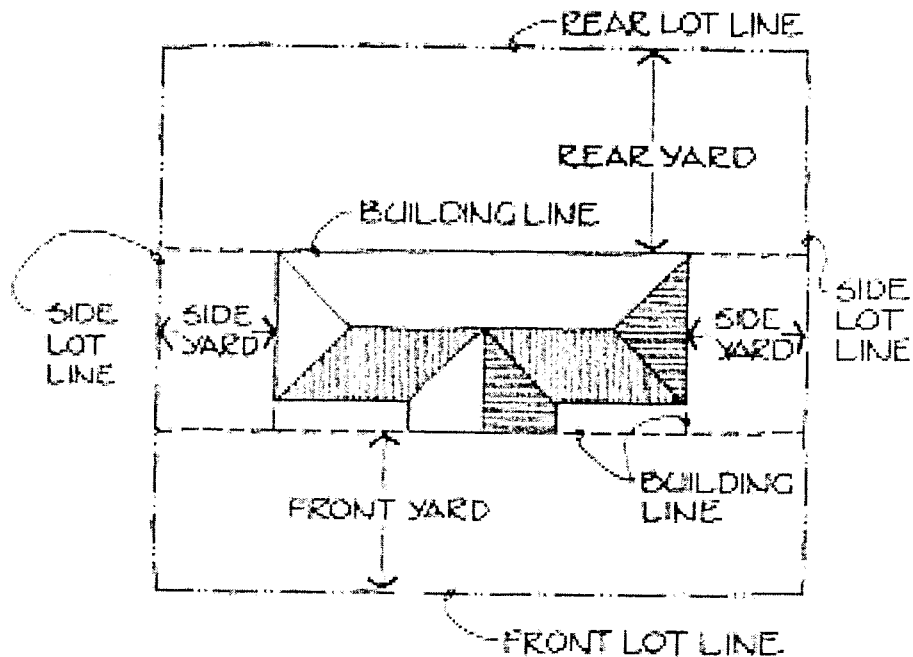
BUILDING: Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature.

BUILDING CODE: The County Ordinance establishing and controlling the standards for constructing buildings, utilities, mechanical equipment and all forms of structures and permanent installations and related matters, within the County; also referred to as the Building Code of Hendricks County, Indiana, Ordinance No: 1987-13 and all subsequent amendments.

BUILDING ENVELOPE: The area available for construction on a lot; the lot area excluding well fields, on-site sewage systems, building setbacks, easements, water bodies, and other such location restrictions.

BUILDING PERMIT: Written permission issued by the Building Commissioner for the construction, repair, alteration, or addition to a structure.

BUILDING SITE: An area proposed or provided by grading, filling, excavating or other means for erecting pads, slabs, or foundations for buildings.



BUILDING (SETBACK) LINE: A line within a lot which is generally parallel with and measured from the lot line (property line), defining the limits of a yard in which no structure may be located above ground, except as allowed otherwise by Hendricks County Code. Setback lines are more specifically described as front yard, side yard and rear yard setbacks. See also definition of "YARD".

CATCH BASIN: An inlet designed to intercept and redirect surface waters.

CERTIFICATE OF OCCUPANCY: A document issued by the Building Commissioner allowing the occupancy or use of a building and certifying that the structure or use has been constructed and will be used in compliance with all applicable laws of the State of Indiana and Hendricks County.

COMMISSION: The Area Plan Commission of Hendricks County, Indiana established as defined under the Indiana Code 36-7-4-200.

COMMISSIONERS, BOARD OF COUNTY: The Board of County Commissioners of Hendricks County, Indiana as established under Indiana Code 36-2.

COMMON AREA: Land or an area of water, or combination thereof, within a development, not individually owned, which is designed and intended for the common use or enjoyment of the residents of the development. Common area may include complementary structures and improvements.

COMPREHENSIVE PLAN: The comprehensive plan for Hendricks County, Indiana, prepared and approved under the 500 series of IC 36-7-4, as amended.

CONFORM: In compliance with the pertinent rules, guidelines, regulations or ordinances.

CONSTRUCTION: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, drilling operations, or pile driving.

CONSTRUCTION PLAN(S): The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed for the subdivision in accordance with the requirements of these regulations and the conditions of approval of the plat.

CONTIGUOUS: The same as abutting.

COUNTY: Hendricks County, Indiana.

COUNTY ATTORNEY: The licensed attorney designated by the Board to furnish legal assistance for the County.

COUNTY AUDITOR: That County official empowered to examine and settle all accounts and demands that are chargeable against the County and not otherwise provided for by statute.

COUNTY ENGINEER: The certified professional engineer appointed by the Board to furnish engineering assistance in the administration of these regulations.

COUNTY HEALTH DEPARTMENT: The Health Department of Hendricks County, Indiana.

COUNTY HIGHWAY SUPERINTENDENT: That County official appointed by the Board responsible for planning, directing, and managing Highway Department operations, bridge crews, and activities of the County garage.

COUNTY PLANNING AND BUILDING DEPARTMENT: The Planning and Building Department of Hendricks County, Indiana.

COUNTY RECORDER: That County official empowered to record and file land description plats.

COUNTY STAFF OR COUNTY PLAN COMMISSION STAFF: See "STAFF".

COUNTY SURVEYOR: The elected county official responsible for the regulated drain system and the Hendricks County Drainage Handbook

COVENANT: A private agreement restricting the use and occupancy of real estate, which is a part of the conveyance and is binding on all subsequent purchasers.

CROSS SECTION: A profile of the ground surface perpendicular to the centerline of a street, sidewalk, waterway, or other improvement.

CUL-DE-SAC: See "STREET, CUL-DE-SAC".

CULVERT: A drain or conduit with a total span of less than twenty (20) feet not incorporated in an enclosed system that carries storm water under a driveway, roadway, railroad, pedestrian walk or public way.

CURB: A boundary of concrete or other material, usually marking the edge of the roadway or paved area.

DAM: Any man-made structure that is or may be used to impound water.

DEAD END STREET: A street temporarily having only one (1) outlet for vehicular traffic and which is designed and intended to be extended or continued in the future.

DEDICATION: The setting apart of land or interest in land for public use by the recording of the plat, an ordinance, resolution, entry in the official minutes, or express manifestation on the part of the owner.

DEED RESTRICION: See "COVENANT".

DESIGN STANDARDS: A set of guidelines defining parameters to be followed in a site or building design and development.

DETENTION AREA: Detention areas, also known as dry ponds, extended detention basins, detention ponds and extended detention ponds, are basins whose outlets are designed to detain the stormwater runoff for some minimum duration (e.g., 24 hours), which allow sediment particles and associated pollutants to settle out. Unlike retention areas, detention areas do not have a permanent pool. However, detention areas are often designed with small pools at the inlet and outlet of the pond, and can also be used to provide flood control by including additional detention storage above the detention level.

DEPARTMENT: The Hendricks County Planning and Building Department.

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

1. Construction, reconstruction, or placement of a building or any addition to a building;
2. Installing utilities, erection of walls, construction of roads, or similar projects;
3. Construction of flood control structures such as levees, dikes, dams, or channel improvements;
4. Mining, dredging, filling, grading, excavation, or drilling operations;
5. Construction or reconstruction of bridges or culverts;
6. Storage of materials; or

7. 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 buildings and facilities such as painting, re-roofing, resurfacing roads, or gardening, plowing and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent buildings.

DIRECTOR: For the purposes of this ordinance, the term director shall mean the Director of the Hendricks County Planning and Building Department, or his designated representative.

DITCH: An open channel either natural or excavated for the purpose of drainage or irrigation.

DIVISIONAL LOT: For purposes of this ordinance, a divisional lot is a lot that is legally created without platting, and that meets the standards contained in Chapter 10 of this document.

DOUBLE FRONTAGE LOT: See "LOT, DOUBLE FRONTAGE".

DRAINAGE: Surface water runoff and the removal of water from land by drains, grading or other means during and after construction or development.

DRIVEWAY: A private roadway providing access for vehicles to a parking space, garage, dwelling or other structure intended for motor vehicle access.

EASEMENT: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

EGRESS: An exit.

ELEVATION: A vertical distance above or below sea level or a flat scale drawing of the front, rear, or side of a building.

ENGINEER: see "PROFESSIONAL ENGINEER".

ENVIRONMENTAL IMPACT STUDY: An informational document that describes the anticipated effect of a development proposal or other major action that could significantly affect the natural environment.

EROSION: Wearing away of the land by running water and waves, abrasion, temperature changes, ice and wind.

ESCROW: The arrangements for the handling of instruments or money not to be delivered until specific conditions are met.

EXCAVATION: Removal by any means whatsoever of soil, rock, minerals, mineral substances or organic substances other than vegetation, from water or land on or beneath the land surface thereof, whether exposed or submerged.

FENCE: Any installed barrier of any material or combination of materials erected to enclose or screen areas of land.

SECONDARY APPROVAL: The secondary approval of a subdivision plat.

FINAL PLAT: see "PLAT, SECONDARY"

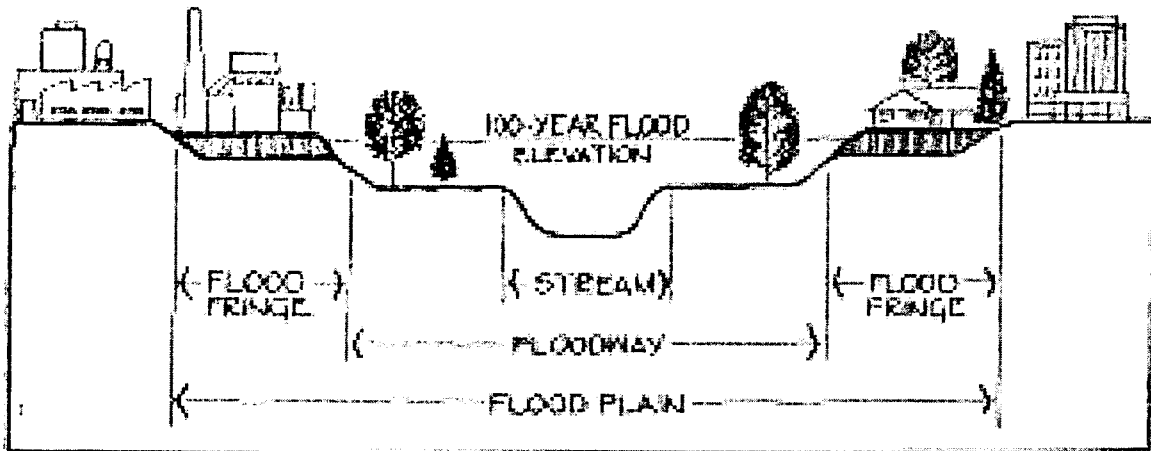
FINANCIAL GUARANTEE: a financial security accepted by the county to ensure that all improvements, facilities, work required and maintenance will be completed in conformance with the approved plat. A financial guarantee may be in the form of a bond, letter of credit, cashier's check, or in any other form acceptable to the County Attorney.

FINISHED ELEVATION: The proposed elevation of the land surface of a site after completion of all site preparation work.

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

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

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



FRONTAGE: The length along the street right-of-way line of a single lot, tract or development area between the side lot lines of the property. The side of a lot abutting a street and generally regarded as the front of the lot.

FUNCTIONAL CLASSIFICATION SYSTEM: A hierarchy of roads as shown on the Master Thoroughfare Plan and designated in the Comprehensive Plan to be used for the development and improvement of the county road system.

GRADE: The slope of a road, street, swale, storm sewer, or other public improvements, specified in terms of gradient percentage (%). Example: One foot of rise in 100 feet would be one-percent grade.

HAZARDOUS MATERIAL: Those pollutants or combinations of pollutants, including disease-causing agents as defined by the Environmental Protection Agency or the state, which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will, on the basis of information available, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunction in reproduction), or physical deformations in those organisms or their offspring.

HOMEOWNERS ASSOCIATION: A corporation or other entity that is organized and operated exclusively for the benefit of two (2) or more persons who each own a dwelling in fee simple and acts in accordance with the articles, bylaws, and other documents governing the entity. Community Association and Business Park Associations are included in this definition.

IDEM: Indiana Department of Environmental Management.

IDNR: Indiana Department of Natural Resources.

IMPROVEMENT: Any alteration to the land or other physical constructions associated with subdivision and building site development.

IMPROVEMENT LOCATION PERMIT: A permit stating that the proposed erection, construction, enlargement or moving of a building or structure referred to therein complies with the provisions of the Zoning Ordinance.

INDIANA CODE: The document, which codifies all Indiana Statutes for reference purposes. The latest edition with any amending supplements must be referred to for the laws now in force and applicable.

INDOT: Indiana Department of Transportation.

INGRESS: Access or entry.

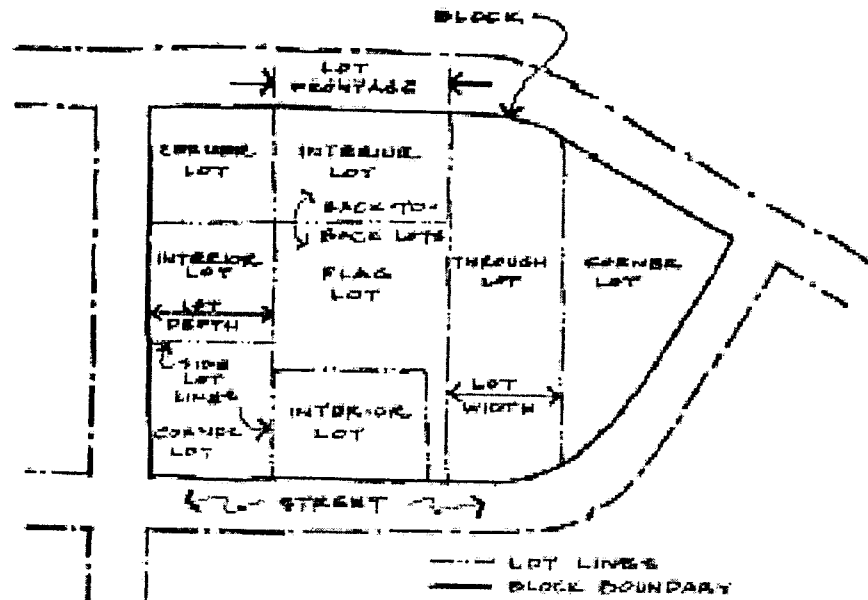
INTERSTATE: A divided multilane highway for through traffic with all crossroads separated in grades and with full control of access.

JURISDICTION: The unincorporated area of the County and those jurisdictions within the county, which have by mutual agreement surrendered jurisdiction to the county, or any governmental unit or political division over which the government unit exercises power and authority.

LANDSCAPING: An expanse of organic scenery including the addition of lawns, trees, plants, and other natural and decorative features of land.

LEGAL DRAIN: See "REGULATED DRAIN".

LOT - A single recorded tract or plot, which is the smallest unit of a subdivision or other parcel of land. A lot serves as a unit for the purpose, whether immediate or future, of transfer of ownership or lease.



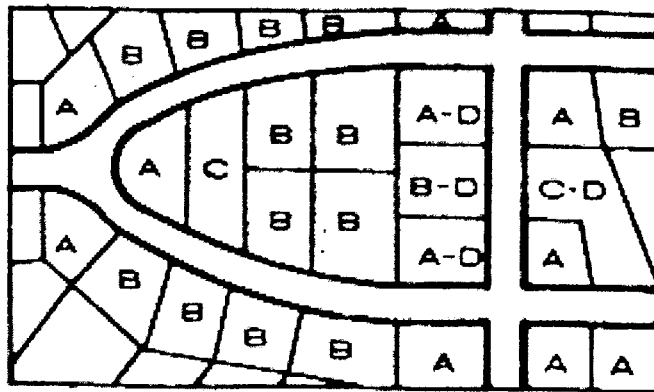
LOT, CORNER: A lot or parcel of land abutting upon two (2) or more streets at their intersection, or upon two (2) parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees; designated as "A" on the following illustration.

LOT, FLAG: A lot that has access to a public right-of-way by means of a narrow strip of land; designated as "C-D" on the following illustration.

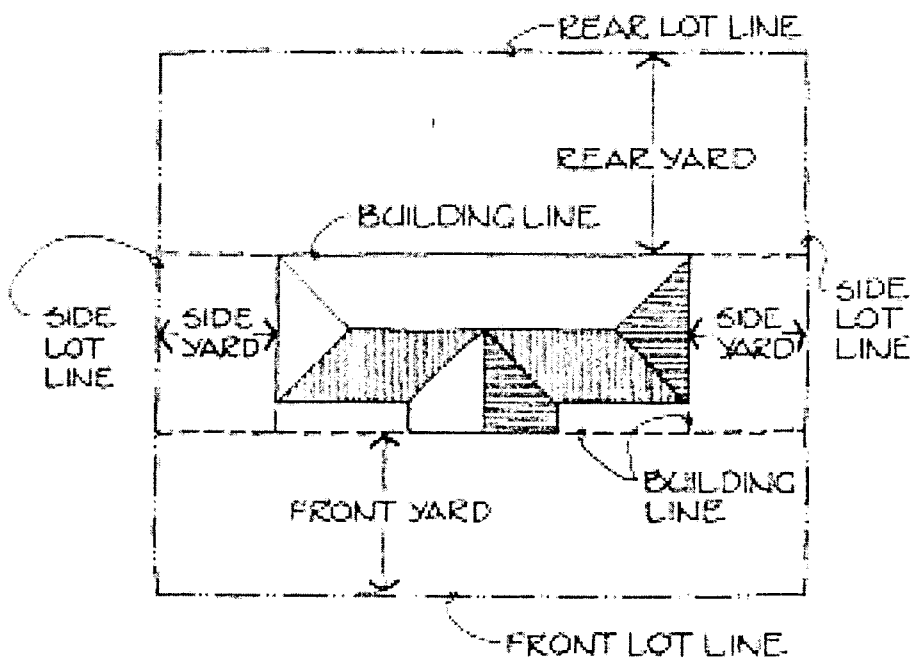
LOT, INTERIOR: A lot other than a corner lot or a double-frontage lot; designated as "B" on the following illustration.

LOT, DOUBLE FRONTAGE: A lot other than a corner lot with frontage on more than one street. Double frontage lots may also be referred to as through lots; designated as "C" on the following illustration. For purposes of this definition, perimeter lots in a proposed development do not constitute double frontage lots.

LOT, REVERSED FRONTAGE - A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot; designated as "D" on the following illustration.



LOT LINE: The property lines defining the legal boundary of a lot. Property lines may be designated as front, side or rear property lines, as shown on the following illustration:



MAINTENANCE GUARANTEE: Any security which may be required and accepted by the Board of County Commissioners to assure that necessary improvements will function as required for a specific period of time.

MAJOR STREET: A major street as used in these regulations includes any arterial, and collector streets, as defined by the Hendricks County Master Thoroughfare Plan. A major street would also include any state or federal highway.

MAJOR SUBDIVISION: See "SUBDIVISION, MAJOR".

MASTER THOROUGHFARE PLAN: A formally adopted plan that indicates the location of existing or proposed thoroughfares, including their functional classification, alignment, and rights-of-way.

MEDIAN: An area in the approximate center of a county street or state highway that is used to separate the directional flow of traffic, may contain left-turn lanes, and is demarcated by curb and guttering.

MINOR SUBDIVISION: See "SUBDIVISION, MINOR"

MONUMENT: Any permanent marker either of concrete, galvanized steel pipe, or iron or steel rods used to identify the location of a property corner or other survey point.

NATURAL RESOURCE CONSERVATION SERVICE (NRCS): A governmental agency that provides advice to communities, agencies and individuals within its jurisdiction, and reviews development proposals for soil erosion and sediment control measures.

NON-ACCESS EASEMENT: An easement specifically provided that prohibits access to a road or street by vehicular traffic on a regular basis. Driveways shall not be constructed across this easement, but utility company vehicles servicing adjoining lines may cross, for example.

NONRESIDENTIAL SUBDIVISION: A subdivision whose intended use is other than residential, such as commercial or industrial or other public uses.

NOTICE: The advertisement of a public hearing in a paper of general circulation in the area indicating the time, place and nature of the public hearing as required by Indiana Code 36-7-4-706, or the posting of a public meeting notice as required by the Indiana Code 5-3-1.

ON-SITE SEWAGE DISPOSAL SYSTEM or OSDs: All equipment and devices necessary for the proper on-site conduction, collection, storage, and treatment of sewage and on-site disposal of sewage, from a residence or commercial facility. The related drainage field for an on-site sewage system is also considered part of the system.

OPEN SPACE: Land used for recreation, greenways, resource protection, amenity, and/or bufferyards. In no event shall any area of a lot constituting the minimum lot area of said lot nor any part of an existing or future road or right-of-way be counted as constituting open space except that bufferyard areas may be included in the area of a lot constituting the minimum lot area.

ORDINANCE: A Board adopted law or regulation, including any amendment or repeal of same.

OWNER: An individual, firm, association, syndicate, partnership, corporation or other entity having proprietary interest in the real estate.

PARCEL: Any legally established piece of land designated by the owner or developer as land to be used or developed as a unit, or that has been developed as a unit.

PARK: A tract of land designated and used by the public for active and passive recreation.

PATH: Any pedestrian way that is not a sidewalk.

PAVEMENT: That part of a street having an improved surface of brick, paving stone, concrete or asphalt placed on the surface of the land.

PEDESTRIAN WAYS: A pedestrian walkway or path located within an access easement.

PERFORMANCE GUARANTEE: An amount of money or other negotiable security paid by the owner to Hendricks County, which guarantees that the owner will perform all actions required by the governing body regarding an approved plat, and provides that if the owner defaults and fails to comply with the provisions of any approved plat, the owner or his surety will pay damages up to the limit of the financial guarantee, or the surety itself will complete the requirements of the approved plat.

PERIMETER DRAIN: Part of an on-site subsurface drainage system that is used to control the seasonal high water table of the soil.

PERMANENT EROSION CONTROL MEASURE: Any measure, vegetative or otherwise, that resists sediment migration and/or movement and shall remain unaffected by weather or atmospheric conditions.

PLAN COMMISSION: The Area Plan Commission of Hendricks County, Indiana established as defined under the Indiana Code 36-7-4-102.

PLAN COMMISSION TECHNICAL ADVISORS: The Plan Commission Technical Advisors shall consist of the following County officials or their designated representative: Director of Planning and Building Department; County Engineer; Director of Environmental Health; Natural Resource Conservation Service (NRCS)-District Conservationist; Highway Superintendent; and County Surveyor.

PLAT: A diagram drawn to scale representing a tract of land, showing the boundaries and location of individual properties and streets; including the subdivision or resubdivision of land intended to be filed for record.

PLAT, PRIMARY: An initial diagram of a subdivision of land or development plan that is presented to the proper review authority for primary approval.

PLAT REVIEW COMMITTEE: The Plan Commission Plat Review Committee shall consist of five (5) persons, with at least one (1) of the members being a member of the Plan Commission. The Hendricks County Plat Review Committee includes the following County officials or their designated representative: Director of Planning and Building Department; County Engineer;

Director of Environmental Health; Natural Resource Conservation Service (NRCS)-District Conservationist; and the County Surveyor.

PLAT REVISION: A change to an approved, unrecorded plat not involving a significant change from the primary approval.

PLAT, SECONDARY: The final diagram of all or a portion of a subdivision or development plan that is presented to the proper review authority for secondary approval.

PLOT: Land occupied or to be occupied by a building or use, and its accessory buildings and accessory uses, together with such yards and open spaces as are required. A plot may consist of one or more or portions of a platted lot or unplatted land.

POTABLE WATER: Water that is satisfactory for drinking, culinary, and domestic purposes, meeting current drinking water standards.

PRIMARY PLAT: See "Plat, Primary."

PRIMARY APPROVAL: An approval granted to an applicant by the Plan Commission after having determined in a public hearing that the subdivision complies with the standards prescribed in these regulations as defined by Indiana Code 36-7-4-702, prior to secondary approval.

PROFESSIONAL ENGINEER: A registered professional engineer, licensed to practice in Indiana.

PUBLIC: Belonging or open to, enjoyed and used by and/or maintained for the public generally, but not limited to a facility the control of which is wholly or partially exercised by some governmental agency.

PUBLIC IMPROVEMENT: Any improvement, facility or service together with its associated public site or right-of-way necessary to provide transportation, drainage, public or private utilities, energy or similar essential services, and maintained by the proper agencies.

PUBLIC HEARING: A meeting announced and advertised in advance, and open to the public, with the public given an opportunity to appear and be heard.

PUBLIC MEETING: A meeting announced and advertised in advance and open to the public. The public may or may not be heard, as determined by the hearing body.

PUBLIC SEWER: Any system, other than an on-site sewage disposal system, that is operated by a municipality, governmental agency, public or private utility for collection, treatment and disposal of wastes.

PUBLIC WATER SYSTEM: Any system, other than an individual well, that is operated by a municipality, governmental agency, public or private utility for the furnishing of potable water.

PUBLIC WAY: An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

RECORD DRAWINGS: Plans prepared after the completion of construction, by the engineer of record, in such a manner as to accurately identify and depict the location of all on-site improvements. Record drawings may also be referred to as "as-built" drawings.

REGISTERED LAND SURVEYOR: A land surveyor properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

REGULATED DRAIN: Also called a legal drain. An open drain, a tiled drain, or a combination of the two, having been accepted by and being under the authority and control of the Hendricks County Drainage Board, and is subject to the provisions of the Indiana Drainage Code, IC 36-9-27.

REPLAT: A change to a portion of a recorded plat, generally dealing with lot line locations, building setback lines, or easements. Also known as a resubdivision.

RESTRICTIVE COVENANT: See "COVENANT".

RESUBDIVISION: See "REPLAT".

RETENTION AREA: Retention ponds maintain a permanent pool of water in addition to temporarily detaining stormwater. These ponds fill with stormwater and release most of it over a period of a few days, slowly returning to its normal depth of water. Also known as a wet retention area or pond.

RIGHT-OF-WAY (R.O.W.): A strip of land acquired by grant, reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric distribution or transmission line, telephone line, oil or gas pipeline, water line, sanitary or storm sewer and other similar uses.

ROAD: See "STREET."

ROUNDABOUT: An intersection of two or more streets designed in a circular pattern with a center island and designed for the efficient movement of traffic without the use of stop signs or signals.

RUNOFF: The waters derived from melting snow or rain falling within a tributary drainage basin that exceed the infiltration capacity of the soils of that basin, flow over the surface of the ground, or are collected in channels or conduits.

SANITARY SEWER: A pipe that carries sewage and into which storm, surface and ground waters are not intentionally admitted.

SECRETARY-OF THE PLAN COMMISSION: The Director of the Hendricks County Planning and Building Department, as designated by the Plan Commission to carry out the business of the Plan Commission.

SCREENING A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms or densely planted vegetation.

SDESCO: The Storm Drainage, Erosion, and Sediment Control Ordinance of Hendricks County.

SEPTIC SYSTEM: All equipment and devices necessary for proper conduction, collection, storage, treatment, and on-site disposal of sewage from a residence or commercial facility. Septic systems are often used for individual home waste disposal where an urban sewer system is not available.

SETBACK LINE: See "BUILDING SETBACK LINE".

SKETCH PLAN: A rough diagram of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion and classification.

SIDEWALK: A paved, surfaced or leveled area, usually parallel to and separate from the street, used as a pedestrian walkway.

SITE: Any geographical area.

SOIL AND WATER CONSERVATION DISTRICT: See Natural Resource Conservation Service.

SOIL MAP: A map delineating soil types that are part of the Soil Survey of Hendricks County, Indiana, 1974.

SOIL SCIENTIST: An individual registered as a professional soil scientist with the Indiana Registry of Soil Scientists (IRSS) as provided for under IC 25-31.5.

SPECIFICATION: A detailed instruction, which designates the quality and quantity of materials, and workmanship, expected in the construction of a structure.

STAFF: The following shall be considered as staff, for the purposes of this ordinance: Hendricks County Highway Superintendent, Environmental Health Director, County Engineer, Planning and Building Director, the National Resource Conservancy Service's District Conservationist, the Hendricks County Deputy Surveyor, and including the respective departmental staff for each of the above named positions.

STANDARD SPECIFICATIONS: The latest edition of the Indiana Department of Transportation's standard specifications.

STOP WORK ORDER: An administrative order, which directs a person not to continue or not to allow the continuation of an activity that is in violation of this code.

STREET: A general term denoting a public way for purposes of vehicular travel, including the entire area within the right-of-way. The term "street" also includes the terms highway, parkway, road, thoroughfare, avenue, boulevard, lane, court, place, and other such terms.

STREET, CUL-DE-SAC: A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.

STREET INTERSECTION: The meeting or crossing of public or private streets or accessways.

STREET, LIMITED ACCESS: A street which allows only indirect access to abutting properties primarily by distributing traffic to intersecting lesser volume streets or some other means as needed to allow for efficient local circulation.

STREET, LOOP: A type of local street, each end of which terminates at an intersection with the same arterial street or collector street.

STREET RIGHT-OF-WAY LINE: A dividing line between a lot, tract or parcel of land and a contiguous street. Where the lot, tract or parcel of land has been conveyed to the center of the street, the street right-of-way line then becomes the inside line of land reserved for street purposes.

STREET, RURAL LOCAL: Streets which:

1. Provide access to adjacent land;
2. Include any street not classified as an arterial or collector street;
and
3. Serve travel over relatively short distances.

These roads constitute sixty-five (65) percent (%) to seventy-five (75) percent (%) of the travel road miles.

STREET, RURAL MAJOR COLLECTOR: Streets which:

1. Serve all, or virtually all population centers of one thousand (1,000) or more, as well as provide service to any county seat not on an arterial route, and to other traffic generators of inter-county importance, such as consolidated schools, shipping points, county parks, important mining and agricultural areas;
2. Link above places with nearby larger towns or cities or with routes of high classification; and
3. Serve the most important travel corridors.

STREET, RURAL MINOR ARTERIAL: Streets which:

1. Link cities and larger towns (and other traffic generators, such as major resort areas) that are capable of attracting travel over similarly long distances, and form an integrated network providing interstate and inter-county service;
2. Serve all, or virtually all, urban areas with a population of five thousand (5,000) or more. The system serves an urban area if it either enters or is located within two (2) miles of the urban boundary;
3. Are spaced at such intervals, consistent with population density, so that all developed areas of the state are within a reasonable distance of an arterial highway;
4. Provide service to corridors with trip length and travel density greater than those predominantly served by rural collector or local systems. Minor arterials, therefore, constitute routes whose design should be expected to provide for relatively high overall travel speeds with minimum interference to through movement.

Principal plus minor arterial systems should contain six to twelve (6-12) percent (%) of total rural miles.

STREET, RURAL MINOR COLLECTOR: Streets which:

1. Are spaced at intervals, consistent with population density, to collect traffic from local roads and bring all developed areas within a reasonable distance of a collector road;
2. Provide service to the remaining smaller communities; and
3. Link the locally important traffic generators with their rural hinterland.

Major plus minor collectors should contain twenty to twenty-five (20-25) percent (%) of total rural miles.

STREET, STUB: A portion of a street for which an extension has been proposed and approved, or is contemplated for future development.

STREET, SUBDIVISION: A road that provides access to lots within a subdivision that is constructed by a owner and is generally dedicated to the County for maintenance.

STRUCTURE: Anything constructed or erected with a fixed location, or attached to something having a fixed location. Among other things, structures may include, but are not limited to buildings, mobile homes, walls, fences, swimming pools, signs and towers.

SUBDIVISION: The division of a parcel of land into two (2) or more lots, parcels, sites, units, plats, or interests for the purpose of offer, sale, lease, or development, either on the installment plan or upon any and all other plans, terms, and conditions, including resubdivision. Subdivision includes the division of development of land opened for residential and nonresidential uses, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument. The following kinds of division of existing parcels of land are exempt from this ordinance:

1. A tract, which is at least twenty (20) acres in size;
2. A division of land for the sale or exchange of tracts to correct errors in an existing legal description, provided that no additional building sites other than for accessory buildings are created by the division;
3. A division of land for the acquisition of street right-of-way or easement;
4. A division of land for the sale or exchange of tracts between adjoining land owners, provided that no additional building sites other than for accessory buildings are created by the division;
5. A division of land into cemetery plots for the purpose of burial of corpses; and.
6. A division of land to be subdivided for agricultural use only, provided that no additional building sites are created by this division.
7. A division of land by Divisional Lot Split, subject to recording in the Hendricks County Recorders office.

SUBDIVISION, MAJOR: A subdivision of a parcel of land into more than three (3) residential, commercial or industrial lots or any size subdivision requiring any new street.

SUBDIVISION, MINOR: The subdivision of a parent parcel into any combination of not more than three (3) contiguous or non-contiguous new residential, commercial, or industrial building sites, or the reconfiguration of existing lots that create new building sites, and which does not involve the construction or extension of public or private streets, or under the standards set forth in this ordinance, does not involve substantial improvement or realignment of any existing county road. To qualify as a minor subdivision, the proposal must meet all of the conditions set forth in this ordinance for minor subdivisions.

SUBDIVISION STREET: See "STREET, SUBDIVISION".

SUBSURFACE DRAIN: A perforated underground drain required parallel to a street, swale or ditch and backfilled with stone. For purposes of this ordinance, the drain field for an on-site sewage disposal system is not considered a subsurface drain.

SURFACE DRAINAGE COURSE: A ditch or swale used to convey storm runoff to a stream or drainage structure.

SURVEYOR: see "REGISTERED LAND SURVEYOR".

TEMPORARY IMPROVEMENT: An improvement built and maintained by the property owner during construction of a subdivision which is intended to be replaced by a permanent improvement or removed prior to release of the performance guarantee.

THOROUGHFARE: The full width between property lines bounding every public way, with a part to be used for vehicular traffic.

TOPOGRAPHY: The configuration of a surface area showing relative elevations set to mean sea level.

TRACT: Unit of land under single ownership.

TRAFFIC CONTROL DEVICES: All signs, signals, markings and devices placed or erected by authority of the Hendricks County Engineer and complying with the Indiana Manual of Uniform Traffic Control Devices.

UNDEVELOPED: Land in its natural state before development.

USE: The purpose of which a building or premises is or may be occupied. In the classification of uses, a "use" may be a use as commonly understood or the name of an occupation, business, activity or operation carried on, or intended to be carried on in a building or on premises, or the name of a building, place or thing which name indicates the use or intended use.

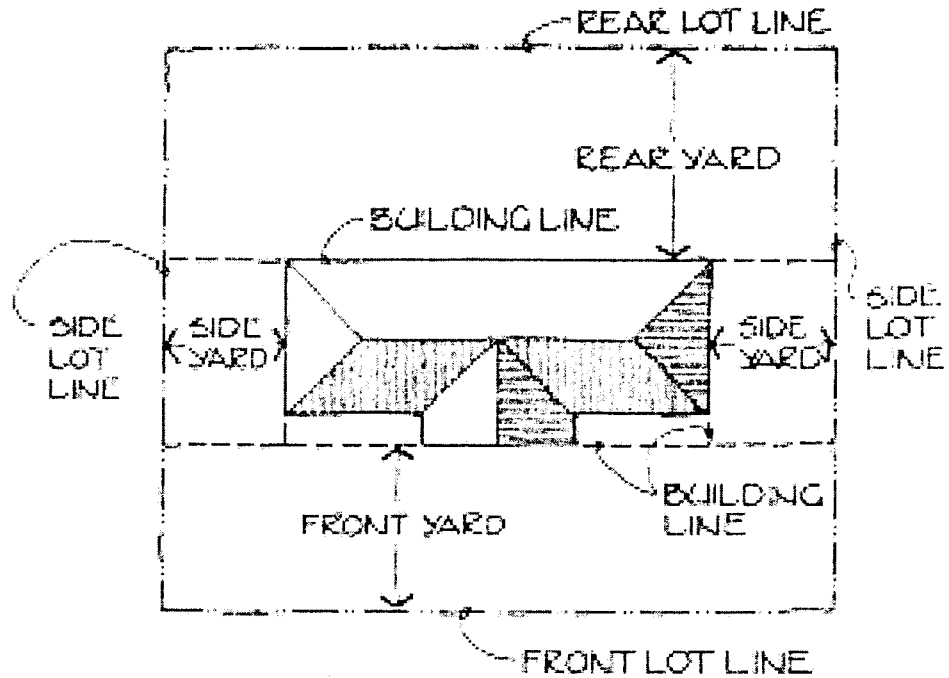
UTILITIES: Infrastructure services, including those basic utilities, and the structures necessary to deliver those services. Those services may be provided by public or private agency. Examples include water, sanitary sewer, electricity, natural gas, and telephone.

VICINITY MAP: A drawing which sets forth by dimensions or other means, the relationship of the proposed development or use to other nearby developments or landmarks and community facilities and services within the County in order to better locate and orient the area in question.

WAIVER: A modification of the provisions of these regulations that would result in unnecessary and undue hardship as determined by the Plan Commission.

WETLAND: The most current definition as defined by the United States Army Corps of Engineers.

YARD: An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a principal structure from the ground upward, except as otherwise provided herein.



YARD, FRONT: A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.

YARD, REAR: A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.

YARD, SIDE: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

APPENDIX A, DETAILS

Acceleration Lane Detail

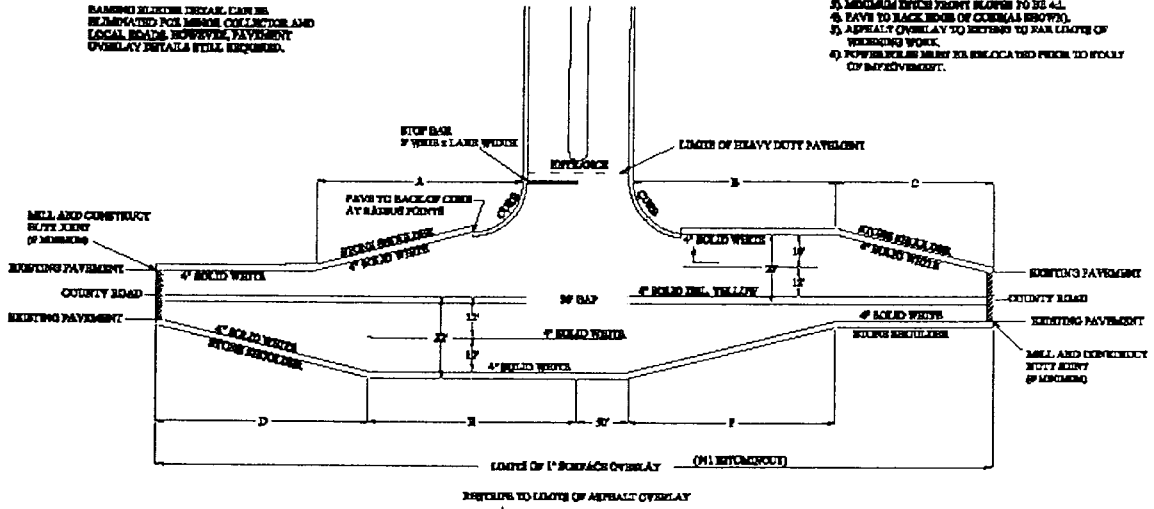
STREET CLASSIFICATION

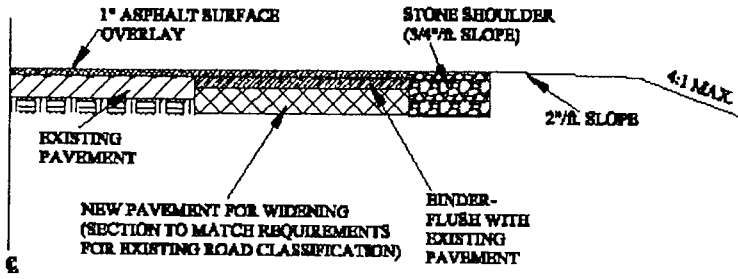
SECTION	SECTION	SECTION	SECTION	LOCAL ROAD
A	18"	18"	18"	18"
B	18"	18"	18"	18"
C	18"	18"	18"	18"
D	18"	18"	18"	18"
E	18"	18"	18"	18"
F	18"	18"	18"	18"

RAISING RAILROAD CROSSING CAN BE
 REFINISHED FOR IMPROVE COLLECTION AND
 LOCAL ROAD. IMPROVE PAVEMENT
 OVERLAY DETAILS WILL BE REQUIRED.

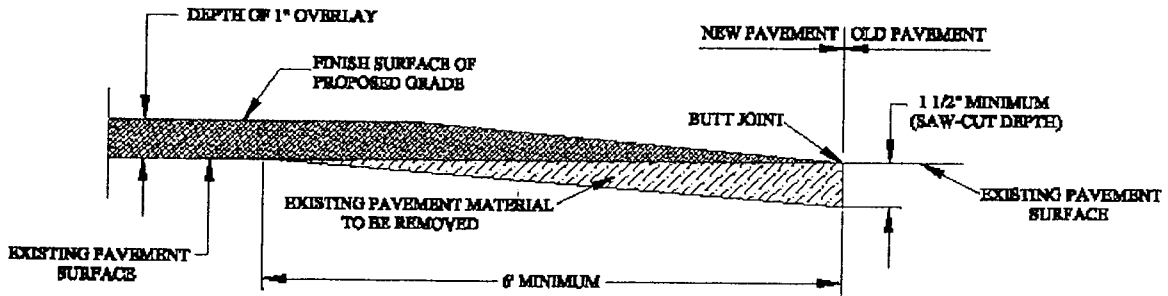
NOTE:

- 1) ALL SECTIONS TO BE THERMOPLASTIC AND PLACED AFTER 30 DAY ASPHALT CURING PERIOD. TEMPORARY CONTROLLED TYPING TO BE PLACED IN THE ROAD FIELDS.
- 2) STOPS SHOULD BE TO BE 2' WIDE, 80" HIGH, AT 30% SLOPE.
- 3) MEDIAN STOPCH POINT SHOULD BE 30' 41".
- 4) HAVE TO BACK EDGE OF CURBLINE (SHOULDER).
- 5) ASPHALT OVERLAY TO EXTEND TO MAX EDGE OF EXISTING WORK.
- 6) POWER POLES MUST BE RELOCATED FROM TO FULLY OF PAVEMENT.





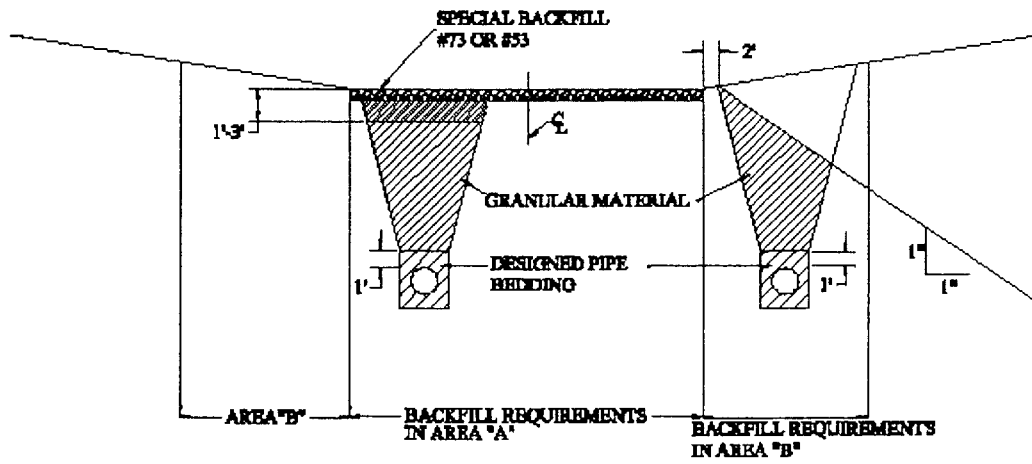
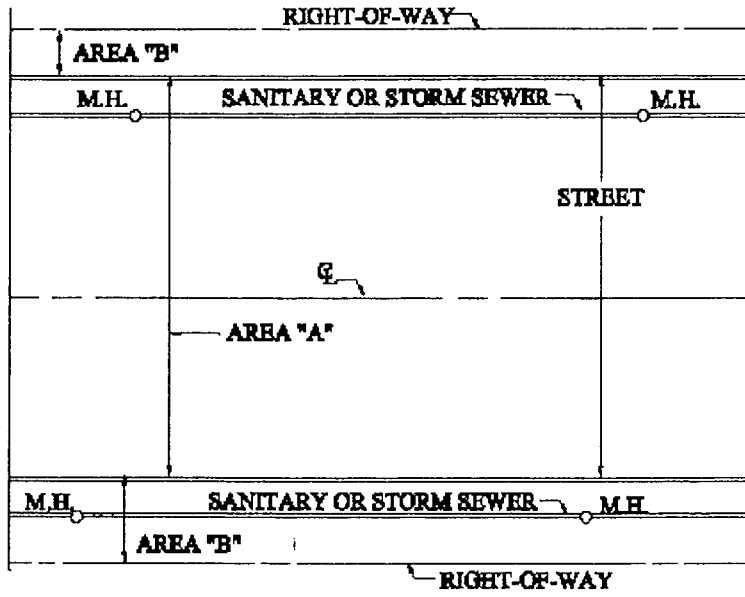
1" ASPHALT OVERLAY DETAIL



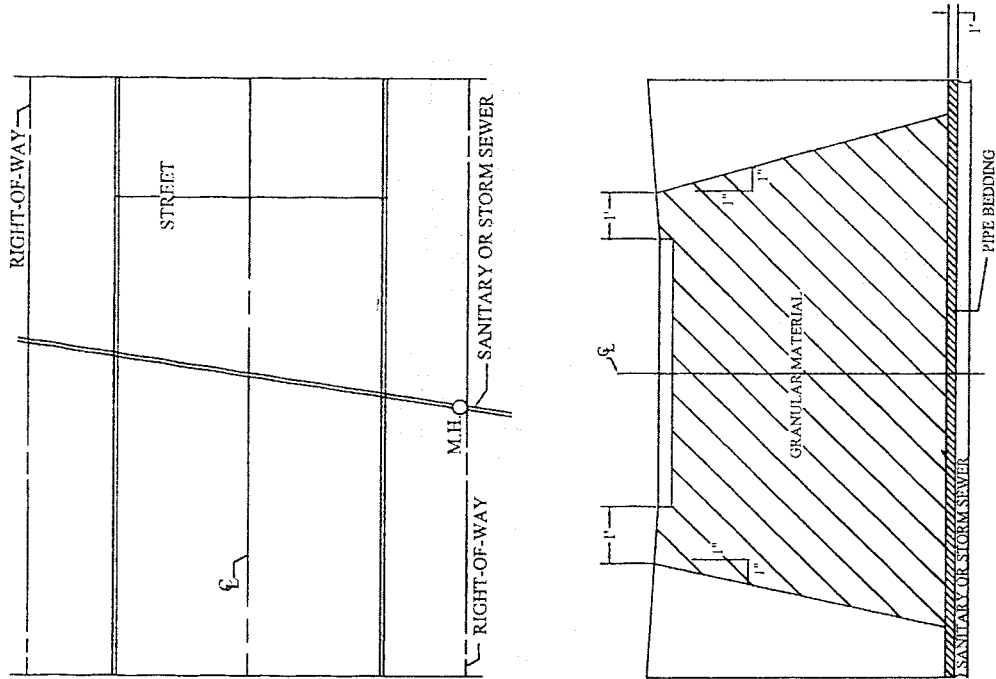
CROSS SECTION OF BUTT JOINT DETAIL

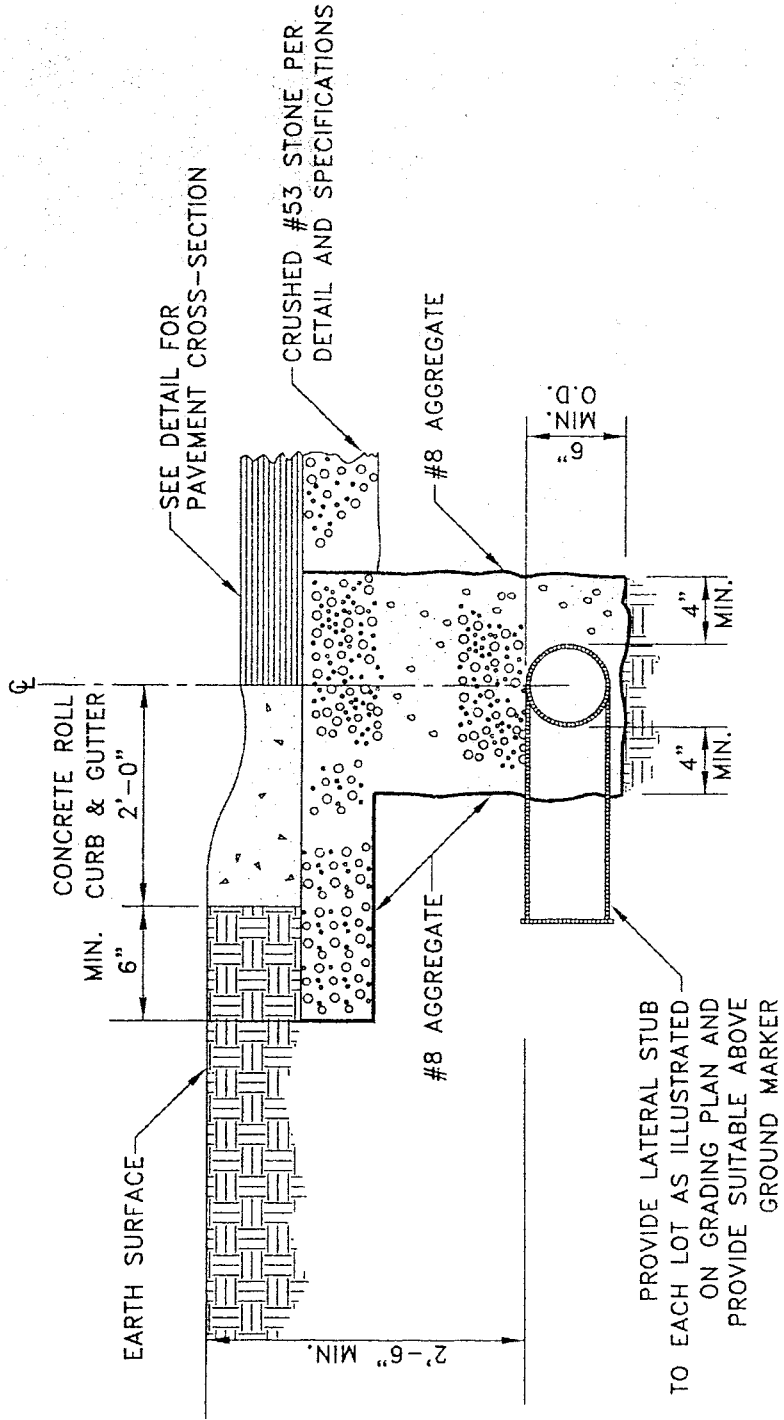
(TO BE MILLED AT EACH END OF PAVEMENT OVERLAY)

BACKFILL REQUIREMENTS (FOR SEWERS WITHIN ROAD RIGHT-OF-WAY)



BACKFILL REQUIREMENTS
(FOR SEWERS CROSSING RIGHT-OF-WAY)



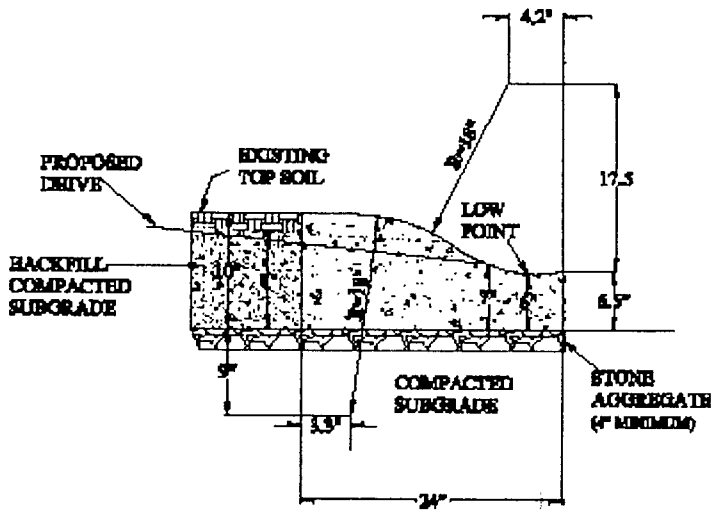


INSTALL UNDERDRAIN AS FOLLOWS:

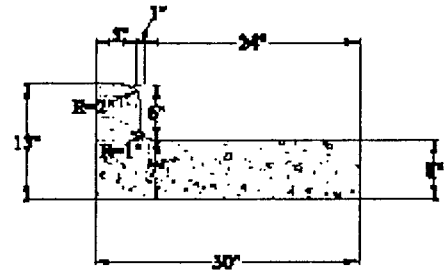
AT BOTH SIDES OF PAVEMENT RUNNING THE ENTIRE LENGTH OF ALL STREETS AND AROUND EACH CUL-DE-SAC; GRADE SHALL NOT BE LESS THAN 0.20% AND THE PIPE SHALL BE DISCHARGED INTO THE INLETS.

PIPE UNDERDRAIN DETAIL

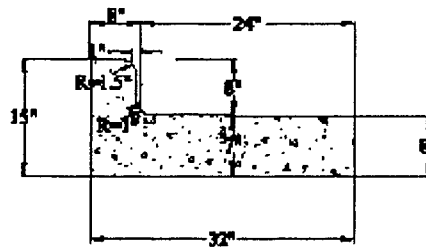
**2 FT. ROLL CURB & GUTTER
WITH CUTOUT
FOR DRIVEWAY (TYPICAL)**

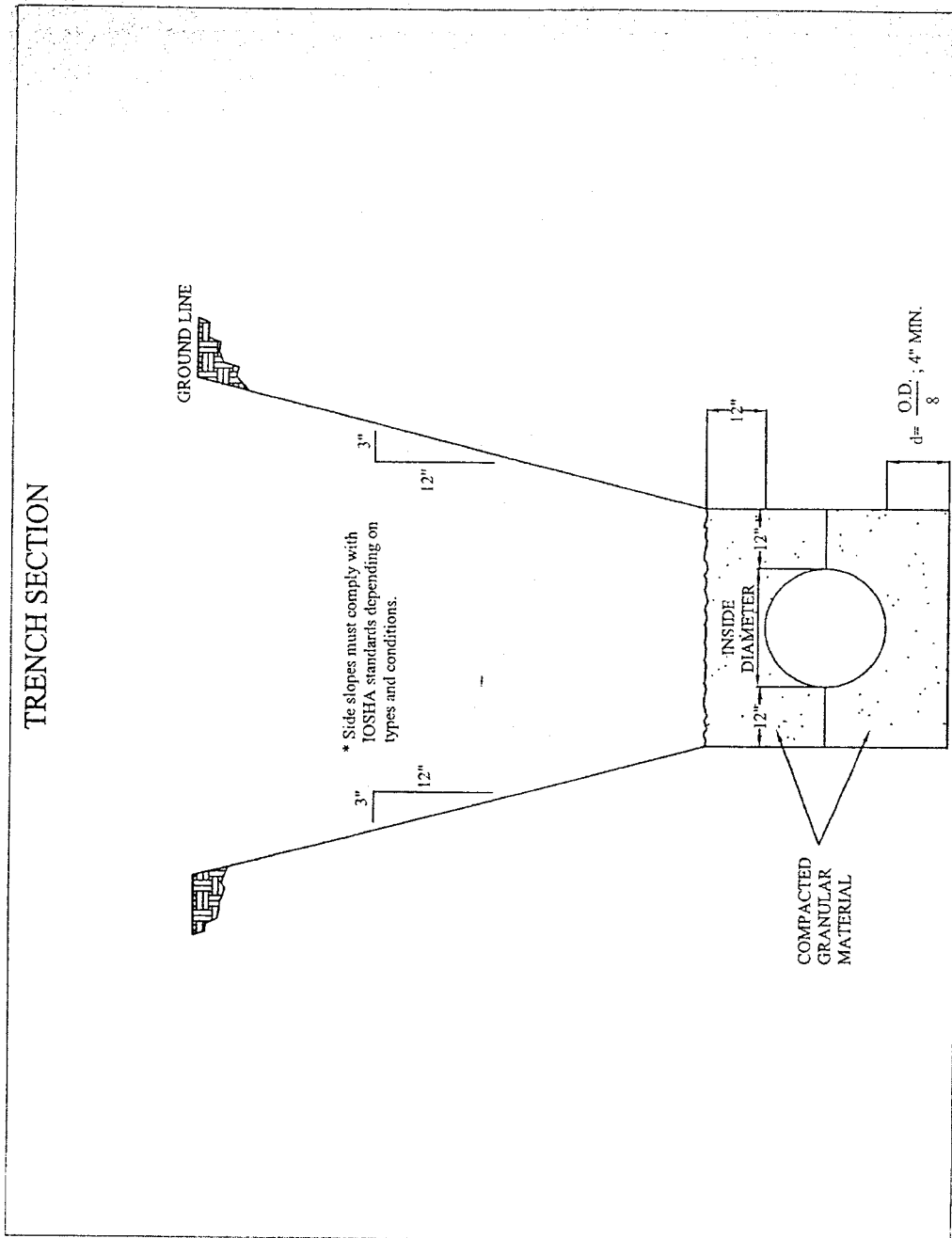


**COMBINED CONCRETE
CURB AND GUTTER**

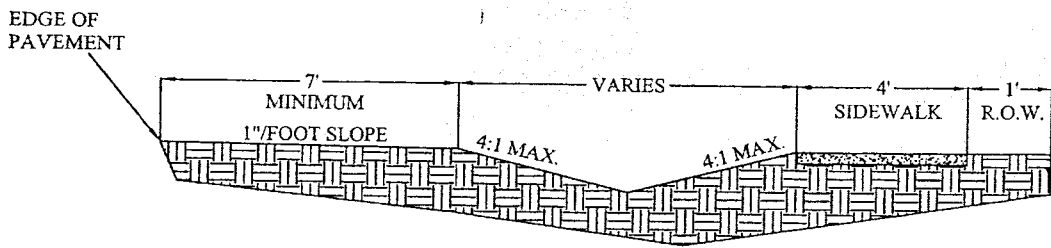


**COMBINED CONCRETE
CURB AND GUTTER
(BARRIER)**





TYPICAL ROADSIDE SECTION
ALONG COUNTY ROAD



APPENDIX B -- SAMPLE FORMS

SAMPLE PERFORMANCE GUARANTEE FORM --
IRREVOCABLE LETTER OF CREDIT
FINANCIAL INSTITUTION LETTERHEAD

DATE

Board of Commissioners of Hendricks County
c/o Hendricks County Planning and Building Department
355 South Washington Street #212
Danville, Indiana 46122-1759

RE: _____

Commissioners:

Please be advised by this letter that we, the undersigned, agree to act as surety for **NAME OF DEVELOPER/OWNER** in performing the work required by the Hendricks County Area Plan Commission's specifications for the above named project. The total amount for this Letter of Credit is \$ _____ .00.

Said moneys are available to you at any time subject to our receipt of your signed statement that **NAME OF DEVELOPER/OWNER** has failed to perform the work indicated above according to specifications. All of the moneys shall be available until we receive a written notification from you that the moneys may be released.

This Letter of Credit is effective as of **CURRENT DATE**, and shall expire on **EXPIRATION DATE (at least one (1) year from the effective date)**, but such expiration date shall be automatically extended for a period of one (year) and one each successive expiration date, unless a release is received from the Board of Commissioners of Hendricks County at the address listed above and **NAME OF DEVELOPER /OWNER** by certified, return receipt mail at least ninety (90) days before the current expiration date that we have decided not to extend this Letter of Credit beyond the current expiration date. In the event of such notification by us, the credit established by this letter shall be available to the Board of Commissioners of Hendricks County upon demand for payment for ninety (90) days, as shown on the signed return receipt after receiving such notice.

Sincerely,

FINANCIAL INSTITUTION AGENT

SAMPLE MAINTENANCE GUARANTEE FORM –
IRREVOCABLE LETTER OF CREDIT
FINANCIAL INSTITUTION LETTERHEAD

DATE

Board of Commissioners of Hendricks County
c/o Hendricks County Planning and Building Department
355 South Washington Street #212
Danville, Indiana 46122-1759

RE: _____

Commissioners:

Please be advised by this letter that we, the undersigned, agree to act as surety for **NAME OF DEVELOPER/OWNER** in maintaining the work required by the Hendricks County Area Plan Commission's specifications for the above named project. The total amount for this Letter of Credit is \$_____.00.

Said moneys are available to you at any time subject to our receipt of your signed statement that **NAME OF DEVELOPER/OWNER** has failed to maintain the work indicated above according to specifications. All of the moneys shall be available until we receive a written notification from you that the moneys may be released.

This Letter of Credit is effective as of **CURRENT DATE**, and shall expire on **EXPIRATION DATE (at least three (3) years from the effective date)**, but such expiration date shall be automatically extended for a period of one (year) and on each successive expiration date, unless a release is received from the Board of Commissioners of Hendricks County at the address listed above and **NAME OF DEVELOPER/OWNER** by certified, return receipt mail at least ninety (90) days before the current expiration date that we have decided not to extend this Letter of Credit beyond the current expiration date. In the event of such notification by us, the credit established by this letter shall be available to the Board of Commissioners of Hendricks County upon demand for payment for ninety (90) days, as shown on the signed return receipt after receiving such notice.

Sincerely,

FINANCIAL INSTITUTION AGENT

SAMPLE PERFORMANCE BOND FORM

NAME OF SURETY COMPANY AND STATE OF ORIGIN

Performance BOND

KNOW ALL MEN BY THESE PRESENTS:

That we **NAME OF DEVELOPER/OWNER** as Principal, hereinafter called Principal, and **NAME OF SURETY**, a corporation duly licensed to do business in the State of Indiana, with it's home office in the City of **CITY, STATE**, U.S.A., as Surety, hereinafter called Surety, are held and firmly bound unto the Hendricks County Board of Commissioners, Hendricks County Government Center, 355 South Washington Street, #212, Danville, Indiana 46122-1759 as Obligee, hereinafter called Obligee, in the amount of \$ _____ .00 for payment whereof Principal and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, Principal has agreed to perform all required improvements installed, as set forth by the Hendricks County Area Plan Commission in accordance with Project _____
_____ for a period of one (1) year from date of acceptance.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH that if Principal shall promptly and faithfully perform said installation, then this obligation shall be null and void; otherwise it shall remain in full force and effect.

No right of action shall accrue on this bond to or for the use of any person or corporation other than the obligee named herein or the heirs, executors, administrator or successors of the Obligee.

Signed and sealed this _____ day of _____, _____

Principal

NAME OF SURETY COMPANY
Surety

By _____
Attorney-in-Fact

Sample Maintenance Bond Form
NAME OF SURETY COMPANY AND STATE OF ORIGIN

MAINTENANCE BOND

KNOW ALL MEN BY THESE PRESENTS:

That we **NAME OF DEVELOPER/OWNER** as Principal, hereinafter called Principal, and **NAME OF SURETY**, a corporation duly licensed to do business in the State of Indiana, with it's home office in the City of **CITY, STATE, U.S.A.**, as Surety, hereinafter called Surety, are held and firmly bound unto the Hendricks County Board of Commissioners, Hendricks County Government Center, 355 South Washington Street, #212, Danville, Indiana 46122-1759 as Obligee, hereinafter called Obligee, in the amount of \$____.00 for payment whereof Principal and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, Principal has agreed to maintain all required improvements installed, as set forth by the Hendricks County Area Plan Commission in accordance with Project _____ for a period of three (3) years from date of acceptance.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH that if Principal shall promptly and faithfully maintain said installation, then this obligation shall be null and void; otherwise it shall remain in full force and effect.

No right of action shall accrue on this bond to or for the use of any person or corporation other than the obligee named herein or the heirs, executors, administrator or successors of the Obligee.

Signed and sealed this _____ day of _____, _____

Principal

NAME OF SURETY COMPANY

Surety

By _____

Attorney-in-Fact

COUNTY/OWNER INSPECTION AGREEMENT

This Agreement, made and entered into this ___ day of, _____ by and between:

(Owner's Name and Mailing Address)

(HEREINAFTER DEVELOPER) and the Hendricks County Planning and Building Department
(HEREINAFTER COUNTY) Witnesseth That:

WHEREAS, the OWNER has filed a written application with the Hendricks County Area
Plan Commission requesting approval of

(PROJECT) _____, (SECTION) _____ ;

WHEREAS, the PROJECT will require the installation of certain improvements at the
OWNER'S expense in order to comply with the ordinances and regulations of Hendricks
County, Indiana and all appropriate Federal and State Statutes; and

WHEREAS, in order to insure that these improvements are completed in compliance with
all applicable laws, ordinances, rules, regulations and procedures, as well as any requirements
placed by the Plan Commission or the Administrative Committee inspections of the construction
of these improvements are necessary.

NOW, THEREFORE, it is agreed between the parties as follows:

1. The OWNER shall cause to have completed in a timely manner all
improvements required for the PROJECT;
2. The construction of all improvements shall be made in strict compliance with the
plans and specifications for the PROJECT as approved by the Hendricks County Area
Plan Commission and if applicable, the Hendricks County Drainage Handbook, the
Zoning Ordinance of Hendricks County, the Subdivision Control Ordinance and all
other laws, rules and regulations. These plans, specifications and applicable
ordinances, laws, rules and regulations are made a part of the Agreement by
reference;
3. The construction shall at all times be subject to inspection, approval, and
acceptance by the COUNTY;
4. No liability of any kind for any part of the improvements prior to t^{Page 1}
acceptance by the COUNTY shall attach to Hendricks County. The OWNER and ...
contractor shall indemnify and hold Hendricks County harmless against all claims,
demands, actions, causes of action, loss and expense of every nature and kind
(including attorney's fees) at any time asserted against Hendricks County, for or on

account of any person, arising out of, or in any way connected with, the location, installation and construction of the improvements prior to their acceptance by the COUNTY. This indemnity shall not be limited by reason of the enumeration of any insurance coverage required herein;

5. The OWNER or his contractor shall also furnish the COUNTY suitable evidence of authority to install any improvements to be constructed across, over, on, through or under any highway, right-of-way, floodplain, or easement;
6. The parties agree that inspection of the construction shall be handled in the following manner:
 - a. The COUNTY shall provide inspection services during the construction of the improvements to determine whether the improvements are constructed in accordance with approved plans, specifications, Hendricks County requirements, and all applicable Federal and State requirements;
 - b. The inspection services shall not include testing, construction engineering or construction stakeout. The OWNER or his designated representative shall be solely responsible for the performance of required testing, construction engineering and stakeout and all construction work;
 - c. The OWNER or his contractor shall notify the assigned inspector at least seventy-two (72) hours in advance of the commencement of any construction phase;
 - d. Persons working on or having control of the construction of the improvements shall cooperate fully with the inspector and shall have available on site a copy of the approved secondary plat and construction plans and specifications signed by the Plan Commission Director;
 - e. The OWNER shall reimburse the County for the cost of the inspection services as follows: \$ _____ per hour of actual time spent on the PROJECT by the assigned inspector performing the inspection services;
 - f. The OWNER shall submit prior to the start of any construction the amount Page 2
\$ _____, which amount is the total estimated cost of _____ inspection services, based on the following: estimated time to complete all required improvements, the hourly rate set forth above, for a total estimated _____ hours to complete said improvements during each phase of construction. Said total should consider multiple crews and estimated completion date. The OWNER acknowledges that this amount is based on a preconstruction estimate only and that the actual inspection time will vary from project to project, and may exceed this estimate. The OWNER will be billed on a regular basis for all services rendered above the estimated amount. Failure to pay any bill within thirty (30)

days shall be grounds for termination of construction activities and cessation of issuance of building permit until such time as payment from the developer is forthcoming. Upon acceptance by the County of the improvements, any surplus inspection funds shall be refunded to the owner;

- g. The OWNER must submit payment, payable to the Hendricks County Treasurer, for the balance of the total actual cost of the inspection services to the COUNTY, actual cost paid by OWNER, as well as sufficient funds to cover maintenance period inspections, prior to acceptance of the improvements by the COUNTY; and
 - h. Failure to follow the requirements of this section may result in the COUNTY not accepting the improvements and denying Improvement Location Permits;
- 7. Upon completion of the proposed improvements, two (2) sets of certified record drawings including all necessary measurements, shall be prepared by the OWNER'S engineer and filed with the COUNTY. The inspection services covered by this agreement shall include review of the "As-Built" plans and shall be completed before the COUNTY will accept such improvements;
 - 8. Upon completion, but before acceptance by the COUNTY, the contractor shall furnish a completion affidavit in a form prescribed by the COUNTY, and the OWNER or contractor shall also furnish a suitable irrevocable letter of credit, guarantee maintenance bond or cashier's check made payable to the Board of Commissioner of Hendricks County, Indiana in an amount equal to twenty percent (20%) of the total construction cost for the required improvements. The letter of credit, bond or cashier's check shall guarantee material and construction for a period of three (3) years from the date of acceptance.
 - 9. During the ninth (9th), twenty-first (21st) and thirty-third (33rd) month of the three (3) year maintenance period, the COUNTY shall reinspect the PROJECT and notify the OWNER of any needed corrective action. The OWNER shall immediately address any deficiencies prior to the end of the three (3) year maintenance period, unless a deficiency is deemed a public nuisance or safety hazard by the Department, in which case, corrective action may be required prior to any construction activity. At the end of the three (3) year maintenance period, if no corrective action is required, or after the successful completion of any needed corrective action, the COUNTY shall process the maintenance bond release. Failure to do the corrective action will result in forfeiture of the maintenance bond.

IN WITNESS WHEREOF, the parties acting by and through their authorized representatives have executed this instrument on the date first above written.

APPENDIX C -- CERTIFICATES & NOTATIONS

All plats containing material prepared by a land surveyor shall contain a surveyor's certificate. Major and minor subdivisions shall contain the following surveyor's certificate:

SURVEYOR'S CERTIFICATE

To the best of my knowledge and belief the within plat represents a survey made under my supervision in accordance with Title 865, Article 1, Chapter 12 of the Indiana Administrative Code and was completed on _____, 20__. This subdivision consists of __ lots numbered __ through __ both inclusive, and streets as shown hereon. The size of lots and widths of streets are shown on this plat in figures denoting feet and decimal parts thereof.

This subdivision contains _____ lineal feet of open ditches and _____ lineal feet of tile drains.

Hereby certified on this _____ day of _____, 20__.

Name

Registered Land Surveyor

Indiana No. _____

All plats to be recorded shall contain the following owner's certificate:

CERTIFICATE OF OWNERSHIP

We the undersigned, as owners of the real estate hereon do hereby declare the real estate as described, shall be known as _____.

Owner
Owner

Before me, a notary public in and for said County and State, personally appeared the above and acknowledged the execution of this instrument as their voluntary act and deed for the uses and purpose therein expressed.

Witness my signature and Notarial Seal this _____ day of _____, 200_.

My commission expires: _____
Signature Notary Public
Notary Seal

County of Residence _____ Printed Name _____

Any of the following paragraphs that are applicable shall be included in the Owner's Certificate:

1. All public streets and alleys shown and designated as such and not heretofore dedicated are hereby dedicated to the public. Other public lands shown and not heretofore dedicated are hereby dedicated for the purposes designated hereon.
2. There are strips of ground shown on this plat and marked easement, reserved for the use of public utilities and subject to the paramount right of the utility or County to install, repair, maintain or replace its installation. Drainage use of easements is hereby authorized unless otherwise stated. Those easements noted as surface drainage easements shall not be disturbed in such a manner as to interfere with the flow of stormwater. No plantings, structures, or fill shall be placed in such easements nor shall they be regarded in such a manner as to impede the flow of stormwater.
3. There are private access easements and/or private streets shown on this plat and marked accordingly. These are intended to be private in perpetuity, and there is no obligation for any government entity to assume any responsibility for these easements and/or streets now or at any future time. The responsibility for maintenance and snow removal on the access easements and/or streets shown on this plat is assumed by the property owners of lots ____ and not the County.
4. The County shall not maintain improvements dedicated to the public by this plat until the Board of

County Commissioners has accepted completed improvements for maintenance. The release by the Commissioners of a financial guarantee of performance and/or maintenance shall constitute acceptance for maintenance by the County.

5. National Flood Insurance Program Certificates:

A. Zone A District Certificate

This subdivision contains property included in the "Zone A District" on the National Flood Insurance Rate/Floodway Map # _____, dated _____. No building may be constructed or substantially improved in the area so designated until the Indiana Department of Natural Resources has determined a flood elevation. Any building constructed or substantially improved after the date of this instrument in the "Zone A District" shall be provided with a flood protection grade which is at least two feet above said flood elevation. The flood protection grade is the elevation of the lowest floor of a building or structure. If a basement is included, the basement floor shall be considered to be the lowest floor.

B. Floodway Fringe District Certificate

The subdivision contains property in the "Floodway Fringe District" on the National Flood Insurance Program Flood Insurance Rate/Floodway Map # _____, dated _____. Any building to be constructed shall be provided with a flood protection grade set at or above _____ feet, M.S.L., which is two feet above the 100-yr. Frequency flood. The flood protection grade is the elevation of the lowest floor of a structure. If a basement is included, the basement floor shall be considered to be the lowest floor.

C. Floodway District Certificate

This subdivision contains property included in the "Floodway District" on the National Flood Insurance Program's Flood Insurance Rate/Floodway Map # _____, dated _____.

NO RESIDENTIAL DEVELOPMENT CAN OCCUR IN THE FLOODWAY DISTRICT. ALL PERMITS TO BE ISSUED FOR LAND LYING IN THE FLOODWAY DISTRICT SHALL BE FORWARDED WITH PERTINENT PLANS AND MATERIALS TO THE INDIANA DEPARTMENT OF NATURAL RESOURCES FOR REVIEW AND COMMENT PRIOR TO ISSUANCE.

6. The farm access easement shown on the plat is to provide access for farm equipment only to the farm land located _____ and _____ of the property contained in this subdivision.
7. The _____ maintenance easement shown on this plat is to provide _____ with access to the _____ located or referenced on this plat. The cost of maintenance of the _____ is to be provided by the owners of _____ lots.
8. Lots in this subdivision are subject to restrictions and covenants set forth in Plat Book _____, Page _____ and any amendments thereto.
9. Notarized Signature Required. The notarized signature of the owner(s) must be included on any plat, in a form similar to the following:

WITNESS OUR HANDS AND SEALS THIS _____ day of _____.

STATE OF INDIANA)

COUNTY OF HENDRICKS) SS:

BEFORE ME THE UNDERSIGNED, NOTARY PUBLIC, IN AND FOR THE COUNTY AND STATE, PERSONALLY APPEARED _____ WHO ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT AS HIS/HER VOLUNTARY ACT AND DEED FOR THE PURPOSES THEREIN EXPRESSED.

WITNESS MY HAND AND NOTARIAL SEAL THIS _____ DAY OF _____.

NOTARY PUBLIC (SEAL)

COUNTY OF RESIDENCE

MY COMMISSION EXPIRES

PRIMARY APPROVAL

The following Plan Commission Certificate is used for primary approval for major subdivisions, and shall appear on all plats to be heard by the Plan Commission:

PLAN COMMISSION'S CERTIFICATE

Pursuant to IC 36-7-4-700 Et. Seq., and all amendments thereof, the undersigned do hereby certify that the public notice of the hearing by the Hendricks County Area Plan Commission on the herein-named owner's application for approval, of this plat duly complied with IC 36-7-4-706 and all amendments thereof, and that said plat was approved at said hearing with the majority of the members of said Plan Commission concurring in said approval.

Given under our hands and seal this _____ day of _____, 20__.

President Secretary

The following certificate of approval for Minor Subdivisions shall appear on all plats of minor subdivisions to be heard by the Administrative Committee.

ADMINISTRATIVE COMMITTEE'S CERTIFICATE

Under authority provided by IC 36-7-4-700 Et. Seq., and all amendments thereto, this plat was given approval by the Hendricks County Administrative Committee at a meeting held on _____.

Chairman

Secretary

SECONDARY APPROVAL

The following Plan Commission certificate of secondary approval for major subdivisions shall appear on all secondary plats of major subdivisions:

SECONDARY APPROVAL CERTIFICATE

All conditions of primary approval have been met and this plat is granted SECONDARY APPROVAL.

Approved by the Planning and Building Department _____, 20__.

Planning Director

Void unless recorded by _____, 20__.

The following regulated drain certificate and table shall appear on each subdivision plat:

REGULATED DRAIN CERTIFICATE

A petition addressed to the Hendricks County Drainage Board has been filed in duplicate with the County Surveyor, requesting that the subdivision's storm drainage system and its easements be accepted into the County's regulated drainage system. The storm drainage system and its easements that are accepted into the County's regulated drainage system are delineated on the plat as Regulated Drainage Easements (RDEs). Regulated Drainage Easements are stormwater easements and drainage rights-of-way that are hereby dedicated to the public and to the Hendricks County Drainage Board for sole and exclusive purpose of controlling surface water and/or for the installation, operation, and maintenance of storm sewers and tile drains as defined in Hendrick's County Stormwater Management Ordinance. These drainage easements are established under authority of the Indiana Drainage Code and the said Board may exercise powers and duties as provided in said code, (e.g., annual drainage assessment per lot).

This subdivision contains _____ linear feet of open ditches and _____ linear feet of pipe that will be included in the County's Regulated Drainage System.

REGULATED DRAIN FOOTAGE	
Open Ditches	_____ feet
Pipe	_____ feet

IMPROVEMENT PLANS CERTIFICATE

The following improvement plans certificate shall appear on each sheet of the final improvement plans for a major subdivision.

IMPROVEMENT PLAN

This document contains or is part of the approved improvement plan for _____. The improvement to be installed in this subdivision will not be accepted for maintenance by the County Commissioners unless and until all improvements shown hereon have been installed and are in substantial compliance with these plans.

Planning Director

Date

BOARD OF COUNTY COMMISSIONERS CERTIFICATE

The following county commissioners' certificate shall appear on all plats containing land and/or improvements to be dedicated to the public. Note that there may be additional certificates required by the Hendricks County Drainage Handbook.

BOARD OF COUNTY COMMISSIONERS

The dedication(s) shown on this plat is (are) hereby accepted by the Board of County Commissioners of Hendricks County, Indiana, at a meeting held on the _____ day of _____ of the year _____.

The following paragraph shall appear on all plats involving improvements for which financial guarantees of performance are posted.

This acceptance does not constitute acceptance for maintenance by the County. Maintenance by the County shall commence only after the release of the financial guarantee.

BOARD OF COUNTY COMMISSIONERS

Sondi Palmer - Paper

Sonya B. Cleveland

Alan O. Stumm

ATTEST: _____

County Auditor

The following tax certificate shall appear on all subdivision plats:

TAX CERTIFICATE

The real property has been duly entered for taxation and transferred on the records of the Auditor of Hendricks County this _____ day of _____.

Hendricks County Auditor

The following recording certificate shall appear on all subdivision plats:

RECORDING CERTIFICATE

Recorded in Plat Cabinet _____, slide _____, page number _____, this
_____ day of _____, at _____ (time). Instrument No.
_____. Fee paid _____.

Hendricks County Recorder

*Subdivisions containing land in a previously recorded subdivision shall contain the following certificate
above the recording certificate:*

A notation has been made on the original plat of _____, Plat Cabinet _____, slide
_____, page number _____.

APPENDIX D, DIVISIONAL LOT SPLITS

DIVISIONAL LOT NO.

NORTHWEST CORNER
S.E. 1/4, SECTION 16, T-16-N, R-1-E

WEST LINE NORTHEAST 1/4, SECTION 16, T-16-N, R-1-E
1116.07
500'00"00" W

NAME OF FIRM PREPARING

DIVISIONAL LOT

①

②

Per the Thoroughfare Plan, as on file with the Hendricks County Planning and Building Department, County Road 925 East is classified as a local road.

Ingress and Egress of the subject parcel shall be restricted to that location as delineated and defined on the approved "Building Permit Plot Plan", as on file in the Office of the Hendricks County Planning and Building Department, as shown on the map attached to the subject parcel in the title of procedure as defined within "Hendricks County Zoning Ordinance", Section "Divisional Lot".

DIVISIONAL LOT

LEGAL DESCRIPTION

A part of the Northwest Quarter of the Southeast Quarter of Section 16, Township 16 North, Range 1 East in Lincoln Township Hendricks County, Indiana and being more particularly described as follows:

Commencing at the Southeast Corner of the Northeast Quarter of said Section 16; thence North 00 degrees 00 minutes 00 seconds East on and along the West line of said Northeast Quarter 1116.07 feet to the Southeast Corner of said Northeast Quarter; thence North 00 degrees 00 minutes 00 seconds East on and along said West line 115.00 feet to the Southeast Corner of the Northeast Quarter of the Southeast Quarter of said Section 16; thence East 530.00 feet thence South 00 degrees 00 minutes 00 seconds West 163.00 feet parallel with the West line of said Quarter Section; thence South 89 degrees 25' 19" West 19.75 feet to the Southeast Corner of the subject parcel; thence East 137.5 feet more or less, subject to all restrictions, rights-of-way and easements of record.

EROSION CONTROL NOTES:

- 1.
- 2.
- 3.
- 4.
- 5.

SEAL OF SURVEYOR OR ENGINEER CERTIFYING PLAN



GENERAL NOTES:

1. PROJECT SHALL BE CONSTRUCTED PER HENDRICKS COUNTY SUBDIVISION CONTROL ORDINANCE.
2. PUBLIC UTILITIES SHALL BE CONSTRUCTED PER HENDRICKS COUNTY SUBDIVISION CONTROL ORDINANCE.
3. ALL UTILITIES SHALL BE CONSTRUCTED PER HENDRICKS COUNTY SUBDIVISION CONTROL ORDINANCE.
4. ALL UTILITIES SHALL BE CONSTRUCTED PER HENDRICKS COUNTY SUBDIVISION CONTROL ORDINANCE.
5. ALL UTILITIES SHALL BE CONSTRUCTED PER HENDRICKS COUNTY SUBDIVISION CONTROL ORDINANCE.

MISCELLANEOUS NOTES:

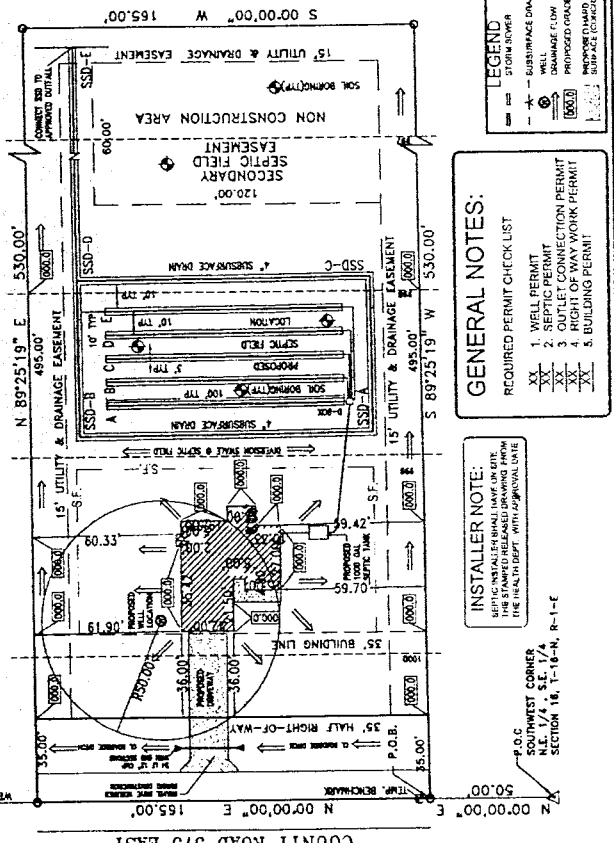
1. ALL UTILITIES SHALL BE CONSTRUCTED PER HENDRICKS COUNTY SUBDIVISION CONTROL ORDINANCE.

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4. ALL UTILITIES SHALL BE CONSTRUCTED PER HENDRICKS COUNTY SUBDIVISION CONTROL ORDINANCE.

5. ALL UTILITIES SHALL BE CONSTRUCTED PER HENDRICKS COUNTY SUBDIVISION CONTROL ORDINANCE.



GENERAL NOTES:

REQUIRED PERMIT CHECKLIST

1. WELL PERMIT
2. SEPTIC PERMIT
3. OUTLET CONNECTION PERMIT
4. RIGHT-OF-WAY WORK PERMIT
5. BUILDING PERMIT

INSTALLER NOTE:

SEPTIC INSTALLER SHALL HAVE ON SITE THE HAND RECEPT WITH APPROVAL LINE

P.O.D. SOUTHWEST CORNER N.E. 1/4, S.E. 1/4 SECTION 16, T-16-N, R-1-E

LEGEND

STORM SEWER
WELL
DRAINAGE DRAIN
PROPOSED POLE
REINFORCE (CONCRETE)

MISCELLANEOUS NOTES:

1. ALL UTILITIES SHALL BE CONSTRUCTED PER HENDRICKS COUNTY SUBDIVISION CONTROL ORDINANCE.

2. ALL UTILITIES SHALL BE CONSTRUCTED PER HENDRICKS COUNTY SUBDIVISION CONTROL ORDINANCE.

3. ALL UTILITIES SHALL BE CONSTRUCTED PER HENDRICKS COUNTY SUBDIVISION CONTROL ORDINANCE.

4. ALL UTILITIES SHALL BE CONSTRUCTED PER HENDRICKS COUNTY SUBDIVISION CONTROL ORDINANCE.

5. ALL UTILITIES SHALL BE CONSTRUCTED PER HENDRICKS COUNTY SUBDIVISION CONTROL ORDINANCE.

INSTALLER NOTE:

SEPTIC INSTALLER SHALL HAVE ON SITE THE HAND RECEPT WITH APPROVAL LINE

P.O.D. SOUTHWEST CORNER N.E. 1/4, S.E. 1/4 SECTION 16, T-16-N, R-1-E

1 For the Transportation Dept., as per the New York State Department of Planning and Public Works, County Road 212, State Route 212, New York State Route 212.

2 Ingress and egress of the subject parcel shall be restricted to that location as shown on the attached site plan. The ingress and egress shall be subject to the approval of the New York State Department of Transportation, New York State Route 212, New York State Route 212.

3 The subject lot (L1) (L2) application was filed with the Hamilton County Planning Department on 10/10/2011. The subject lot (L1) (L2) may be used for the purpose of a residential use as shown on the attached site plan. The subject lot (L1) (L2) may be used for the purpose of a residential use as shown on the attached site plan. The subject lot (L1) (L2) may be used for the purpose of a residential use as shown on the attached site plan.

CERTIFICATE OF DEDICATION

4 The County of Hamilton, New York, hereby certifies that the subject parcel is located within the boundaries of the County of Hamilton, New York. The subject parcel shall be known and designated as "Hamilton County Road 212, State Route 212, New York State Route 212". The subject parcel shall be known and designated as "Hamilton County Road 212, State Route 212, New York State Route 212". The subject parcel shall be known and designated as "Hamilton County Road 212, State Route 212, New York State Route 212".

These additional "Designated Easements" are hereby designated in the public use and are subject to the same terms and conditions as the easements designated in the public use and are subject to the same terms and conditions as the easements designated in the public use. The subject parcel shall be known and designated as "Hamilton County Road 212, State Route 212, New York State Route 212". The subject parcel shall be known and designated as "Hamilton County Road 212, State Route 212, New York State Route 212".

CERTIFICATE OF OWNERSHIP

5 We, the undersigned, do hereby certify that the above described parcel is owned by the undersigned and that the same is not subject to any lien or other claim of any person.

Owner: _____

Witness my signature and seal this 10th day of _____, 2011.

Signature: _____



Signature: _____

Signature: _____

CERTIFICATE OF PLAN COMMISSION

6 Under the authority provided by the Hamilton County Plan Commission, the undersigned hereby certifies that the above described parcel is located within the boundaries of the County of Hamilton, New York.

Dated this _____ day of _____, 2011.

Signature: _____

Signature: _____

Signature: _____

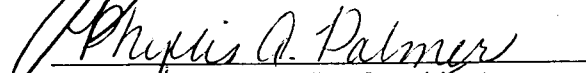
COUNCIL RESOLUTION NUMBER 04-04
DENYING CAGIT DISTRIBUTION TO A
SOLID WASTE DISTRICT


WHEREAS, the Hendricks County Council is the fiscal body for the County; and
WHEREAS, the Council must determine whether CAGIT or COIT funds will be
distributed to a solid waste district;

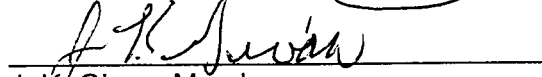
NOW THEREFORE, be it resolved that the Hendricks County Council denies a
CAGIT distribution to the solid waste district. This Resolution remains in effect until
revocation or rescission.

SO APPROVED AND DATED this 11th day of March 2004.


Jay R. Puckett, President


Phyllis A. Palmer, Vice President


Hursel C. Disney, Member


J. K. Givan, Member


Paul T. Hardin, Member


Larry R. Hesson, Member


Wayne G. Johnson, Member

Attest:


Nancy L. Marsh, Hendricks County Auditor

**RESOLUTION OF APPROPRIATE FISCAL BODY OF ACTION ON LIBRARY
CAPITAL PROJECTS PLAN**

WHEREAS, the Brownsburg Public Library has adopted a Library Capital Projects Plan
(Name of Library)

as provided for in IC 20-14-13, be it resolved that the Hendricks County Council, being the
(Name of Fiscal Body)

appropriate Fiscal Body for the Brownsburg Public Library as designated in IC 20-14-13-6,
(Name of Library)

does hereby Approve the Plan as received by this body on the 13th day
(Approve/Reject)

of May, 2004.

ADOPTED THIS 13 DAY OF MAY,
2004.

AYE

NAY

<u>Jerry R. [Signature]</u>	_____
<u>[Signature]</u>	_____
<u>[Signature]</u>	_____
<u>[Signature]</u>	_____
<u>[Signature]</u>	_____
<u>[Signature]</u>	_____
<u>[Signature]</u>	_____
_____	_____

ATTEST:

Nancy A. Marsh
Secretary of Fiscal Body

Instructional Note: Must be adopted before August 1 of the current year.

RESOLUTION NO. 04-02

RESOLUTION OF THE HENDRICKS COUNTY REDEVELOPMENT AUTHORITY
AUTHORIZING THE ISSUANCE OF HENDRICKS COUNTY REDEVELOPMENT
AUTHORITY LEASE RENTAL REFUNDING BONDS, SERIES 2004 AND RELATED
MATTERS

WHEREAS, the Hendricks County Redevelopment Authority (the "Authority") has been created pursuant to IC 36-7-14.5 (the "Act") as a separate body corporate and politic, and as an instrumentality of Hendricks County, Indiana (the "County") to finance local public improvements for lease to the Hendricks County Redevelopment Commission (the "Commission"); and

WHEREAS, on May 1, 1997, the Authority issued its Lease Rental Revenue Bonds, Series 1997 in the aggregate principal amount of \$22,855,000, of which \$17,490,000 remain outstanding; and

WHEREAS, the Authority has been advised that the refunding of its 1997 Bonds through the issuance of its Lease Rental Revenue Refunding Bonds, Series 2004 ("Refunding Bonds") will result in a savings to the Authority.

NOW, THEREFORE, BE IT RESOLVED by the Hendricks County Redevelopment Authority as follows:

1. The issuance of Lease Rental Revenue Refunding Bonds, Series 2004, in the aggregate principal amount not to exceed \$22,000,000, for the purpose of advance refunding the Authority's Lease Rental Revenue Bonds, Series 1997, is hereby approved.

2. The Refunding Bonds shall be issued in accordance with and shall be secured by the First Supplemental Trust Indenture dated February 1, 2004, amending and supplementing a Trust Indenture between the Authority and Fifth Third Bank, Indiana, as trustee, dated May 1, 1997, in the form submitted to this meeting, with such changes and modifications as the President and the Secretary/Treasurer of the Authority may deem necessary and appropriate to effectuate these Resolutions and to consummate the sale of the Bonds, said officers' execution and attestation thereof to be conclusive evidence of their approval of such changes.

3. The Amendment to Lease Agreement, in the form submitted to this meeting, is hereby approved, with such changes as the President and the Secretary/Treasurer of the Authority may deem necessary and appropriate, said officers' execution and attestation thereof to be conclusive evidence of such approval, and execution thereof is authorized.

4. The Refunding Bonds shall be sold by negotiated sale to the Indiana Bond Bank, in accordance with the form of Qualified Entity Purchase Agreement presented to this meeting (the "Purchase Agreement"). Any of the officers of the Authority are hereby authorized to complete, execute and deliver the Purchase Agreement substantially in the form as submitted to

this meeting, together with such changes and modifications as such officer of the Authority deems necessary or appropriate, with execution by such officer to be conclusive evidence of such approval, based upon the recommendations of the Financial Advisor with respect to the interest rates on the Refunding Bonds and other matters contained therein. Any of the officers of the Authority is further authorized to carry out, on behalf of the Authority, the terms and conditions set forth in the Purchase Agreement, consistent with the provisions of this Resolution.

5. Any officer of the Authority is hereby authorized and directed, in the name and on behalf of the Authority, to execute and deliver a Continuing Disclosure Undertaking Agreement, with such changes and modifications as such officer deems necessary or appropriate, said officer's execution thereof to be conclusive evidence of their approval of such changes.

6. This Resolution shall not be repealed or amended in any respect which would materially adversely affect the rights of the holders of any bonds issued pursuant to the authorization granted herein for so long as the Bonds or the interest thereon remains unpaid.

7. Each officer of the Authority is hereby authorized and directed to take all such actions and execute all such instruments as such officer deems necessary or desirable to carry out the transactions contemplated by this Resolution, in such forms as the officer or officers executing the same shall deem proper, to be evidenced by the execution thereof. Any such documents heretofore executed and delivered and in any such actions heretofore taken are hereby ratified and approved.

8. This Resolution shall be in full force and effect from and after its adoption by the Authority.

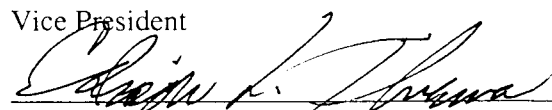
Adopted this 16th day of January, 2004.

HENDRICKS COUNTY REDEVELOPMENT
AUTHORITY

 , President

President

Vice President



Secretary/Treasurer

**QUALIFIED ENTITY
PURCHASE AGREEMENT**

This QUALIFIED ENTITY PURCHASE AGREEMENT (the "Purchase Agreement"), dated the ____ day of February, 2004, is being entered into by and between the INDIANA BOND BANK, a body corporate and politic (the "Bank"), created pursuant to the provisions of Indiana Code 5-1.5, as amended (the "Act"), having its principal place of business in the City of Indianapolis, Indiana, and the HENDRICKS COUNTY REDEVELOPMENT AUTHORITY, a separate body corporate and politic and an instrumentality of Hendricks County, Indiana (the "County"), organized and existing under the laws of the State of Indiana (the "Qualified Entity").

WITNESSETH:

WHEREAS, the Bank has adopted a resolution authorizing, pursuant to a Trust Indenture, dated as of February 1, 2004, between the Bank and Fifth Third Bank, Indiana, as trustee (the "Bank Indenture"), the issuance of its bonds designated "Special Program Refunding Bonds, Series 2004 B (Hendricks County Redevelopment Authority, Pittsboro Project)" (the "Bank Bonds"); and

WHEREAS, the Bank Bonds are to be issued for the purpose of refunding the Bank's Special Program Bonds, Series 1997B (Hendricks County Redevelopment Authority Pittsboro Project), dated May 1, 1997 (the "Refunded Bank Bonds"), and issued in the original aggregate principal amount of \$22,855,000, pursuant to the Trust Indenture, dated as of May 1, 1997 (the "Prior Bank Indenture"), between the Bank and Fifth Third Bank, Indiana (successor trustee to Fifth Third Bank of Central Indiana); and

WHEREAS, pursuant to the Act, the Bank is authorized to purchase securities (as defined in the Act, the "Securities") issued by qualified entities (as defined in the Act); and

WHEREAS, the Refunded Bank Bonds were issued for the purpose of acquiring the Qualified Entity's Lease Rental Revenue Bonds, Series 1997, dated May 1, 1997 (the "Refunded Qualified Obligations"), and issued in the original aggregate principal amount of \$22,855,000, pursuant to the Trust Indenture, dated as of May 1, 1997 (the "Original Qualified Entity Indenture"), between the Qualified Entity and Fifth Third Bank, Indiana (successor trustee to Fifth Third Bank of Central Indiana) (the "Trustee for the Refunded Qualified Obligations"); and

WHEREAS, the Qualified Entity has duly authorized the issuance of its bonds designated as the "Hendricks County Redevelopment Authority Lease Rental Revenue Refunding Bonds, Series 2004," in the original aggregate principal amount of \$_____ (the "Qualified Obligations"), which are payable from the lease rental payments due under the Lease Agreement, dated as of March 1, 1997 (the "Original Lease Agreement"), between the Qualified Entity and the Hendricks County Redevelopment Commission (the "Redevelopment Commission"), the Addendum to Lease Agreement, dated May 1, 1997 (the "Addendum to Lease Agreement"), between the Qualified Entity and the Redevelopment Commission, and the Amendment to Lease Agreement, to be entered into on the date of delivery of the Qualified Obligations to the Bank (the "Amendment to Lease Agreement"), between the Qualified Entity and the Redevelopment Commission, and the

Qualified Obligations are Securities to be purchased by the Bank from proceeds of the Bank Bonds in accordance with this Purchase Agreement; and

WHEREAS, the Qualified Entity and the Redevelopment Commission have adopted resolutions authorizing the execution and delivery of the Original Lease Agreement, the Addendum to Lease Agreement and the Amendment to Lease Agreement, and the Qualified Entity has adopted resolutions authorizing the execution and delivery of the Original Qualified Entity Indenture and the First Supplemental Trust Indenture, dated as of February 1, 2004, between the Qualified Entity and Fifth Third Bank, Indiana, which supplements and amends the Original Qualified Entity Indenture (collectively, the "Qualified Entity Indenture"), pursuant to which the Qualified Obligations are to be issued; and

WHEREAS, upon the issuance of the Bank Bonds and the acquisition of the Qualified Obligations, the lien of the Prior Bank Indenture on the Trust Estate (as defined therein), including the Refunded Qualified Obligations, shall be discharged, and accordingly, the Trustee for the Refunded Qualified Obligations shall acknowledge the discharge and release of the Refunded Qualified Obligations (collectively, the "Discharge");

NOW, THEREFORE, in consideration of the premises and the mutual covenants contained herein, the Bank and the Qualified Entity agree as follows:

1. The Bank hereby agrees to purchase the Qualified Obligations and the Qualified Entity hereby agrees to sell to the Bank the Qualified Obligations concurrently with the issuance by the Bank of its Bank Bonds at a price of \$ _____, which represents the principal amount of the Qualified Obligations (\$ _____), less \$ _____, which represents the consideration provided by the Bank to the Qualified Entity in connection with the Discharge, without any accrued interest. The Qualified Obligations shall mature and bear interest and be subject to the terms as set forth in Exhibit A attached hereto. The other terms of the Qualified Obligations are set forth in the Qualified Entity Indenture, a true and correct copy of which is incorporated herein by reference.

2. The Qualified Entity will take all proceedings required by law to enable it to issue its Qualified Obligations to be purchased by the Bank and to execute and deliver all documents which are necessary for the Bank to issue its Bank Bonds. The parties to this Agreement acknowledge that the Qualified Entity's obligation to issue and sell and the Bank's obligation to purchase are expressly contingent upon the Qualified Entity taking all steps and receiving all approvals required by the laws of the State of Indiana to issue the Qualified Obligations and to execute and deliver all documents which are necessary for the Bank to issue its Bank Bonds.

3. Subject to Section 7 hereof, the Qualified Entity agrees to pay the Bank, on each interest payment date for the Qualified Obligations, reasonable fees and charges attributable to the administration of the Qualified Obligations acquired by the Bank. To the extent the Qualified Obligations are subject to rebate, the Qualified Entity agrees to pay the Bank for prompt payment to or to evidence to the Bank the payment to the United States of the rebate determined by the Qualified Entity to result from the investment of moneys held by the Qualified Entity that constitute gross

proceeds of the Bonds. The Qualified Entity agrees to provide documentation to the Bank relative to the computation of the rebate and payment of such rebate when required.

4. Simultaneously with the delivery to the Bank of the Qualified Obligations, which Qualified Obligations shall be substantially in the forms set forth in the Qualified Entity Indenture and registered in the name of the Bank, the Qualified Entity shall furnish to the Bank transcripts of proceedings, the opinion of Bose McKinney & Evans LLP, bond counsel to the Qualified Entity, which shall set forth, among other things, the unqualified approval of the Qualified Obligations and the tax-exempt status (under existing law) of the interest to be paid on the Qualified Obligations. The Qualified Entity shall bear the cost of the opinion of such bond counsel. The Qualified Entity represents that it will use the proceeds of the Qualified Obligations to pay all or a portion of the costs of issuance of the Qualified Obligations in accordance with the provisions of the Qualified Entity Indenture.

5. The Qualified Entity and the Bank agree that the Qualified Obligations and the payments to be made thereon may be pledged or assigned by the Bank under and pursuant to the Bank Indenture.

6. The Qualified Entity agrees to furnish to the Bank, as long as any of the Qualified Obligations remain outstanding, annual financial reports, audit reports and such other financial information as is reasonably requested by the Bank, including information which evidences its compliance with certain covenants which it has made regarding various actions and conditions necessary to preserve the tax-exempt status of interest paid on the Qualified Obligations.

7. If the Bank determines to sell all or part of the Qualified Obligations, it agrees to pay or reimburse the Qualified Entity for all costs associated therewith, including the printing of bonds, obtaining ratings therefor and providing services of a registrar and paying agent therefor.

8. If any provision of this Purchase Agreement shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such provision shall not affect any of the remaining provisions of this Purchase Agreement, and this Purchase Agreement shall be construed and be in force as if such invalid or unenforceable provision had not been contained herein.

9. If the Bank and its underwriters do not deliver the Bank Bonds and receive payment therefor on or before February __, 2004, the Qualified Entity may rescind this Purchase Agreement by giving written notice of such rescission to the Executive Director of the Bank. The Bank is obligated to purchase the Qualified Obligations solely from the proceeds of the Bank Bonds.

10. In the event the Qualified Entity fails to sell all the Qualified Obligations to the Bank in accordance with Section 1 hereof for any reason within the control of the Qualified Entity, the Qualified Entity shall, on demand, pay to the Bank an amount equal to all costs, expenses (including attorney's fees) and consequential damages occasioned by the failure of the Qualified Entity to sell its Qualified Obligations in accordance with Section 1 hereof.

11. On or prior to the delivery date of the Bank Bonds (the "Closing"), an authorized officer of the Qualified Entity will deliver a certificate to the effect that the Official Statement of the Bank related to the Bank Bonds (the "Official Statement"), including, without limitation, Appendix B thereto, insofar as it pertains to the Qualified Entity, the County and the Qualified Obligations, as of the date of the Official Statement and as of the date of Closing, did not and does not make any untrue statement of a material fact and did not and does not omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were and are made, not misleading. The portion of the Preliminary Official Statement of the Bank related to the Bank Bonds summarizing the Qualified Entity, the County and the Qualified Obligations is deemed final by the Qualified Entity for purposes of Rule 15c2-12 of the Securities and Exchange Commission, as of its date.

12. This Purchase Agreement may be executed in one or more counterparts, any of which shall be regarded for all purposes as an original and all of which constitute but one and the same instrument. The Bank and the Qualified Entity each agree that they will execute any and all documents or other instruments, and take such other actions as may be necessary to give effect to the terms of this Purchase Agreement.

13. No waiver by the Bank or the Qualified Entity of any term or condition of this Purchase Agreement shall be deemed or construed as a waiver of any other terms or conditions, nor shall a waiver of any breach be deemed to constitute a waiver of any subsequent breach, whether of the same or of a different section, subsection, paragraph, clause, phrase or other provision of this Purchase Agreement.

14. In the event the Qualified Entity, the Redevelopment Commission, the County or any entity on behalf of the Qualified Entity, the Redevelopment Commission or the County adopts an ordinance or resolution to refund all or any portion of the Qualified Obligations, the Qualified Entity shall, within 5 days of the adoption of the ordinance or resolution, provide notice to the Bank of the refunding; provided, however, the Qualified Entity agrees not to issue any obligations or allow any obligations to be issued for or on behalf of the Qualified Entity, the Redevelopment Commission or the County, the proceeds of which will be used in whole or in part to refund all or any portion of the Qualified Obligations, unless: (i) the Qualified Entity provides the Bank with the information necessary for the Bank to prepare a Cash Flow Certificate (as defined in the Bank Indenture); and (ii) that Cash Flow Certificate shows that such refunding will not have an adverse effect on the Bank's ability to pay debt service on the Bank Bonds.

15. This Purchase Agreement merges and supersedes all prior negotiations, representations, and agreements between the Bank and the Qualified Entity relating to the subject matter hereof and constitutes the entire agreement between the Bank and the Qualified Entity with respect hereto.

IN WITNESS WHEREOF, we have hereunto set our hands as of the day and year first above written.


INDIANA BOND BANK

By: _____
Tim Berry, Chairperson Ex Officio

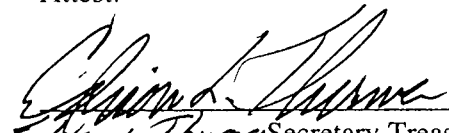
Attest:

Dan Huge, Executive Director

HENDRICKS COUNTY
REDEVELOPMENT AUTHORITY

By:  _____
Dan Dawlin, President

Attest:



Eileen Young, Secretary-Treasurer

EXHIBIT A

**HENDRICKS COUNTY REDEVELOPMENT AUTHORITY
LEASE RENTAL REVENUE REFUNDING BONDS, SERIES 2004**

Principal Amount: \$ _____
Original Date: February __, 2004
Interest Payable: January 15 and July 15, commencing July 15, 2004
Maturity and Interest Rates: On the dates, in the amounts and at the interest rates as follows:

<u>Date</u>	<u>Amount</u>	<u>Interest Rate</u>
January 15, 2005		
January 15, 2006		
January 15, 2007		
January 15, 2008		
January 15, 2009		
January 15, 2010		
January 15, 2011		
January 15, 2012		
January 15, 2013		
January 15, 2014		
January 15, 2015		
January 15, 2016		
January 15, 2017		
January 15, 2018		
January 15, 2019		
January 15, 2020		
January 15, 2021		
January 15, 2022		
January 15, 2023		

So long as the conditions set forth in Section 14 hereof are met, the Qualified Obligations maturing on or after January 15, 20__, are subject to redemption prior to maturity on or after January 15, 20__, in whole or in part on any date as selected by the Qualified Entity, at a redemption price equal to the principal amount of the Qualified Obligations to be redeemed, plus accrued interest to the redemption date, and without any redemption premium.