

| 2001 COMMISSIONERS' ORDINANCES | NUMBER | DATE |
|--|---------|----------|
| Charter Communications Franchise (non-exclusive) | 2001-01 | 2/5/01 |
| ZA-250/WA00-06 Prestwick Development PUD District | 2001-02 | 2/20/01 |
| ZA-253/LB01-01 Ron Tefteller Amend from C-2 to R-5 Liberty Township | 2001-03 | 2/20/01 |
| ZA-254/WA01-01 Jarvis Enterprises from I-2 Light Industrial to C-4 Highway Commercial | 2001-04 | 4/16/01 |
| ZA-260/LN01-01 Michael Trapp Lincoln Township From C2 to C-4 Zoning Variance | 2001-05 | 6/4/01 |
| ZA-259/LB01-02 Bob Stephenson Liberty Township from R-1 to C-4 | 2001-06 | 6/18/01 |
| ZA-262/WA01-04 Michael A Schaefer Washington Township from R-1 to R-2 | 2001-07 | 6/18/01 |
| Real Property Endorsement Fee (Plat Book Fee) from \$3.00 to \$5.00 | 2001-08 | 7/23/01 |
| ZA-261/WA01-13 Urbahns Company, Inc. from R1 and R 2 to C2 And R4 | 2001-09 | 8/6/01 |
| Ordinance changing name of street from Vicky Lane to Sanctuary Drive | 2001-10 | 8/20/01 |
| ZA263/WA01-05 Darrell Roberts Washington Township from I-2 to C-4 | 2001-11 | 9/4/01 |
| ZA-268/LN01-02 C. P. Morgan from R1 to PUD Ordinance to vacate right-of-way | 2001-12 | 9/4/01 |
| Allan T. Reed & Deborah L. Reed | 2001-13 | 9/10/01 |
| Precinct Boundaries for Indiana Election Commission | 2001-14 | 10/1/01 |
| Health Department ordinance For Collection of Fees & Amending all Prior Ordinances | 2001-15 | 10/15/01 |
| Retail Food Establishment | 2001-16 | 10/15/01 |
| Public Pool and Spa Ordinance | 2001-17 | 10/15/01 |
| Establishing the HC Department of Emergency Mgmt & other related matters concerning exercise of emergency powers | 2001-18 | 10/15/01 |
| TSA01-01 Amendment to Subdivision Control Ordinance | 2001-19 | 11/5/01 |
| ZA-266/WA01-07 Marvin & Madge Wood from C3 to C2 | 2001-20 | 11/5/01 |
| ZA-270/WA01-10 Michael Schaefer from R1 to R2 | 2001-21 | 11/5/01 |
| ZA-270/WA01-11 Michael Schaefer From R1 to R2 | 2001-22 | 11/5/01 |
| ZA-272/WA01-12 Wesley Link from I2 to C4 | 2001-23 | 11/5/00 |
| Zoning Ordinance | 2001-24 | 11/5/01 |
| Repealing Ordinance 1993-04 for Ordinance for Registration & Regulation for Canvassers | 2001-25 | 11/13/01 |
| Repealing Ordinance 1993-05 Ordinance Providing for the Licensing & Regulation of Direct Sellers | 2001-26 | 11/13/01 |

2001

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|--|---------|----------|
| Establishing Pre-Approved or Pre-Payment Procedures allowing money to be disbursed for lawful County purchases | 2001-27 | 11/13/01 |
| Ordinance Establishing Procedures for Permits to Access Regulated Drains & Their Easements within Hendricks County | 2001-28 | 11/26/01 |
| Ordinance Establishing Drainage Board Uniform Fee Schedule | 2001-29 | 11/26/01 |
| Amendment to Subdivision Control Ordinance 5.01 Street Design Standards/Cul-de-Sac | 2001-30 | 11/26/01 |
| Amendment to Subdivision Control Ordinance 4.02 Conformance and 2.02 Definition - Thoroughfare Buffer | 2001-31 | 11/26/01 |
| <i>HC Regional Sewer District Ordinance for Collection Fees & Charges</i> | 2001-32 | 12/10/01 |
| <i>Storm Drainage Erosion & Sediment Control Ordinance (SDESCO)</i> | 2001-33 | 12/10/01 |
| <i>TZA 01-03 Amendment to HC zoning Ord. minimum lot frontage from 35'-50'</i> | 2001-34 | 12/17/01 |
| <i>TZA 01-07 Amendment to HC zoning Ord. Chapter 18 "RC" Single Family (10,000)</i> | 2001-35 | 12-17-01 |
| <i>TZA 01-08 Amendment to H.C. zoning Ord. Chapter 20 "RO" Single Family (7500)</i> | 2001-36 | 12-17-01 |
| <i>Commission & Council Election Districts</i> | 2001-37 | 12/26/01 |
| <i>Ashley Drive Westview Terrace</i> | 2001-38 | 12/26/01 |
| <i>Ordinance to Vacate Right of Way</i> | 2001-39 | |
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ORDINANCE NO. 2001-02

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM R-1: LOW DENSITY, SINGLE FAMILY RESIDENTIAL DISTRICT, R-2: MEDIUM DENSITY, SINGLE FAMILY RESIDENTIAL DISTRICT AND PUD: PLANNED UNIT DEVELOPMENT DISTRICT, TO PUD: PLANNED UNIT DEVELOPMENT DISTRICT. COMMONLY KNOWN AS ZA-250/WA00-06: PRESTWICK DEVELOPMENT LLC, WASHINGTON TOWNSHIP, PARCEL TOTALING 338.44 ACRES, LOCATED ON THE EAST SIDE OF COUNTY ROAD 400 EAST, ON THE NORTHEAST CORNER OF COUNTY ROAD 100 SOUTH AND COUNTY ROAD 450 EAST AND ON THE WEST SIDE OF COUNTY ROAD 525 EAST AT COUNTY ROAD 100 SOUTH.

SECTION 1. Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (1991-17) adopted on the 18th day of November on the year 1991, 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/WA00-06: PRESTWICK DEVELOPMENT, LLC, S8,16,17-T15-R1E, 338.44 acres, Washington Township, located on the east side of County Road 400 East, on the northeast corner of County Road 100 South and County Road 450 East and on the west side of County Road 525 East at County Road 100 South.

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, the Petitioners made the following self-imposed stipulations:

1. The Parks at Prestwick development standards (Attachment "A") with the 2400 square foot minimum floor area in Parcel D being for two story;
 2. The Parks of Prestwick amenities and development details for zoning (Attachment "B") with the walking trails stipulated to be at least one mile in length and six feet wide connected to the Prestwick amenities paths on County Road 525 East and with the details of the tree preservation to be approved as part of the major plat approval;
 3. Landscape buffering and amenities (Attachment "C") with the landscape buffer details to be approved as part of the major plat approval;
 4. Entry treatments at each entrance (Attachment "D");
 5. Fifty (50%) percent of homes in entire development to have a minimum of fifty (50%) percent brick or other non-vinyl materials on front elevations; and
-

6. Any vinyl siding used shall be of a heavy gauge.
7. The direct access to County Road 400 East at the northwest corner of the project will be reduced to a temporary emergency access and a stub street to the west will be provided to the undeveloped property if determined to be acceptable by the Plan Commission.
8. The presence of islands within the County Road 100 South extension will be reviewed by the Plan Commission based on traffic and safety considerations and will only be allowed if the Plan Commission determines they can be done safely.
9. The tee intersection of County Road 100 South as shown on the conceptual layout is acceptable.

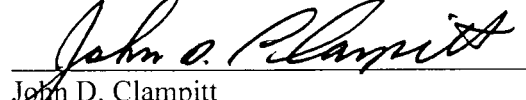
SECTION 4. This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the 20th day of February, 2001.

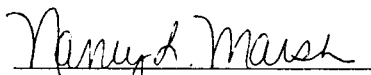
Board of Commissioners


Steve Ostermeier

Linda Palmer


John D. Clampitt

Attest:


Nancy L. Marsh, Auditor

"THE PARKS AT PRESTWICK"
A PLANNED UNIT DEVELOPMENT
HENDRICKS COUNTY, INDIANA

| <u>DEVELOPMENT STANDARDS</u> | | | | | |
|--|---------------------------|---------------------------|---------------------------|--------------------------|---------------------|
| | PARCEL "A" | PARCEL "B" | PARCEL "C" | PARCEL "D" | PARCEL "E" |
| Total Acreage | 46.01 | 45.48 | 61.15 | 85.63 | 40.86 |
| Maximum Lots/Units | 106 | 142 | 90 | 117 | 125 |
| Minimum Lot Area | 10,800 Sft | 8,450 Sft | 12,600 Sft | 15,000 Sft | N/A |
| Minimum Lot Width | 80' | 65' | 90' | 100' | N/A |
| Maximum Lot Coverage | 40% | 40% | 40% | 40% | N/A |
| Minimum Floor Area | 1200 Sft * 1500 Sft ** | 1400 Sft * 1600 Sft ** | 1800 Sft * 2400 Sft ** | 1800 Sft * 2400 Sft * | |
| Maximum Building Height | 35' or 2 Stories | 35' or 2 Stories | 35' or 2 Stories | 35' or 2 Stories | 35' or 2 Stories |
| Minimum Front Yard Setback | 25' | 25' | 25' | 25' | 25' # |
| Minimum Distance From Road | N/A | N/A | N/A | N/A | 25' |
| Minimum Distance Between Buildings | N/A | N/A | N/A | N/A | 25' |
| Minimum Side Yard Requirements | 8' | 6' | 8' | 10' | N/A |
| Minimum Rear Yard Setback: Primary Building | 20' \$ 1.75-250 | 20' \$ 150-225 | 20' | 25' | N/A |

- * Single Story
- ** Two Story
- Parcel "E" to be developed as Multi-Family Project and established as a "Horizontal Property Regime"; therefore, yard definitions are non-applicable.
- # Measured from back of curb.
- Minimum Common Open Space: 59.61 Acres
- Due to topography considerations final lot configurations may exceed a depth to width ratio of 3:1.
- Maximum Residential Lots/Units: 580
- Maximum Project Density: 1.71 Lots/Units Per Acre.

File: PWICKSTDS



Dayspring

Real Estate Services

Advisory Services

Development

Asset Management

The Parks of Prestwick

Amenities and Development Details for Zoning

Walking Trails: A system of trails will be constructed through the community linking all neighborhoods to the common areas. The trail system will weave through the main forested common areas. This trail system will be approximately 7,200 feet long (1.4 miles) and 6 feet wide. We anticipate using a crushed aggregate or asphalt surface.

Centralized Amenity Area: This will be the main amenity area, available to all single-family residents. It will include a swimming pool, clubhouse, and playground area. It will also be connected to the walking trail. We are also working closely with the owners of the Prestwick Country Club to integrate our project with this established country club with its golf course, tennis courts, and swimming pool. The owners of Parcel E that is anticipated to be an attached empty-nester project will develop a separate amenity area.

Parklets: These will be small neighborhood parklets strategically located throughout the community. We anticipate having three:

Trailhead: This will be at the far west end of the community that provides an opportunity to get on or off the multi-purpose path. It will have a seating area and gathering area.

Overlook: This will provide an observation and resting areas it will have benches and/or gazebos with connections via sidewalks to the multi-purpose path.

Neighborhood: This will be located in the Parcel A. It will be designed to meet the needs of its residents. Because this area will be the most likely to have some small children, it will be comprised of seating areas and small playground equipment.

Tree Preservation: Open spaces and tree preservation areas will be included to take advantage of the existing beauty and geographic character of the property. It is developers intent to make every attempt to preserve as much of the existing tree stands on the site as possible. Large areas of natural woods have been set aside and are intended to remain undisturbed. These natural areas are shown on the "Wooded Area" Exhibit. Lot sizes, while large enough to match the upscale houses in this project, have been reduced in many areas to minimize the clearing and damage to existing woodlands. The resulting common area spaces will benefit all the owners in the project. The only portions of these areas to be disturbed will be for the result of the necessity to install roads and utilities to serve this site. We will be utilizing a professional arborist to assist in our tree preservation and conservation plan.

Landscape Buffers and Entry's: Existing trees buffer a majority of the adjoining private property. Every attempt will be made to preserve these natural buffers. Any such boundary adjoining private property and not currently buffered by existing trees will be buffered with three to four foot mounding, landscaping, and new trees (both deciduous and evergreen). The attached detail depicts specific area we will install the landscape buffer.

In addition to the landscape buffers, each of the proposed entries (3) at this time will be landscaped as depicted in the "Conceptual Entryway Treatments".

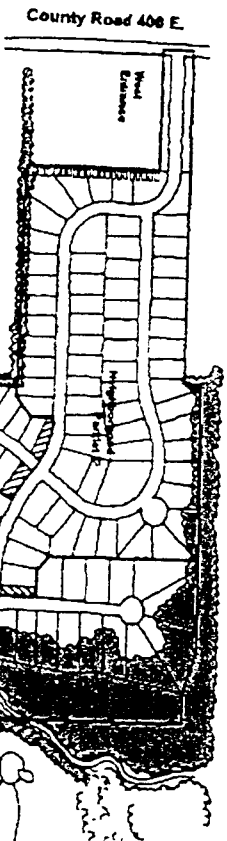
Home Exterior: Oak Bend, Timber Bend, and Woodfield on Washington are three of the counties most prestigious communities. None of these has a specific brick requirement. Rather, the language in the Restrictive Covenants controls the home exteriors. We propose to use similar language to that found in the above-referenced covenants to control the home exterior, which language is as follows:

"No building, wall, or fence shall be constructed until the location plan, building plan, and specifications have been first submitted to, and approved by the Architectural Control Committee (initially the Developers) as to harmony with the exterior design, quality, and aesthetic appearance of structures already existing and as to conformity with grading plans, first floor elevations, destruction of trees and other vegetation, and other such matter as may affect the environment or ecology of the Development."

The proposed subdivision will have an Architectural Control Committee requirement as part of its Restrictive Covenants.

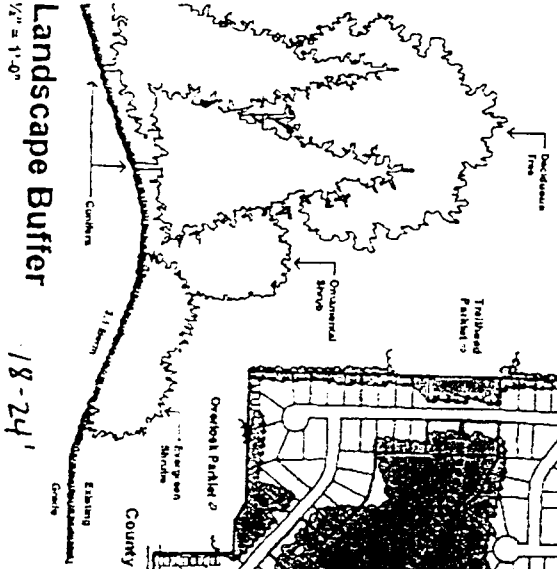
Setbacks and Firewalls: No two homes shall have opposing walls of less than fifteen feet. Any two homes with opposing walls of less than twenty feet but more than fifteen shall contain firewalls comprised of an additional layer of 5/8" drywall or a sprinkler system.

Homeowners Association: Developer commits to mandatory homeowner's association(s) with a requirement that all residents are members and pay annual dues. Such association(s) shall be responsible for maintenance of common areas.



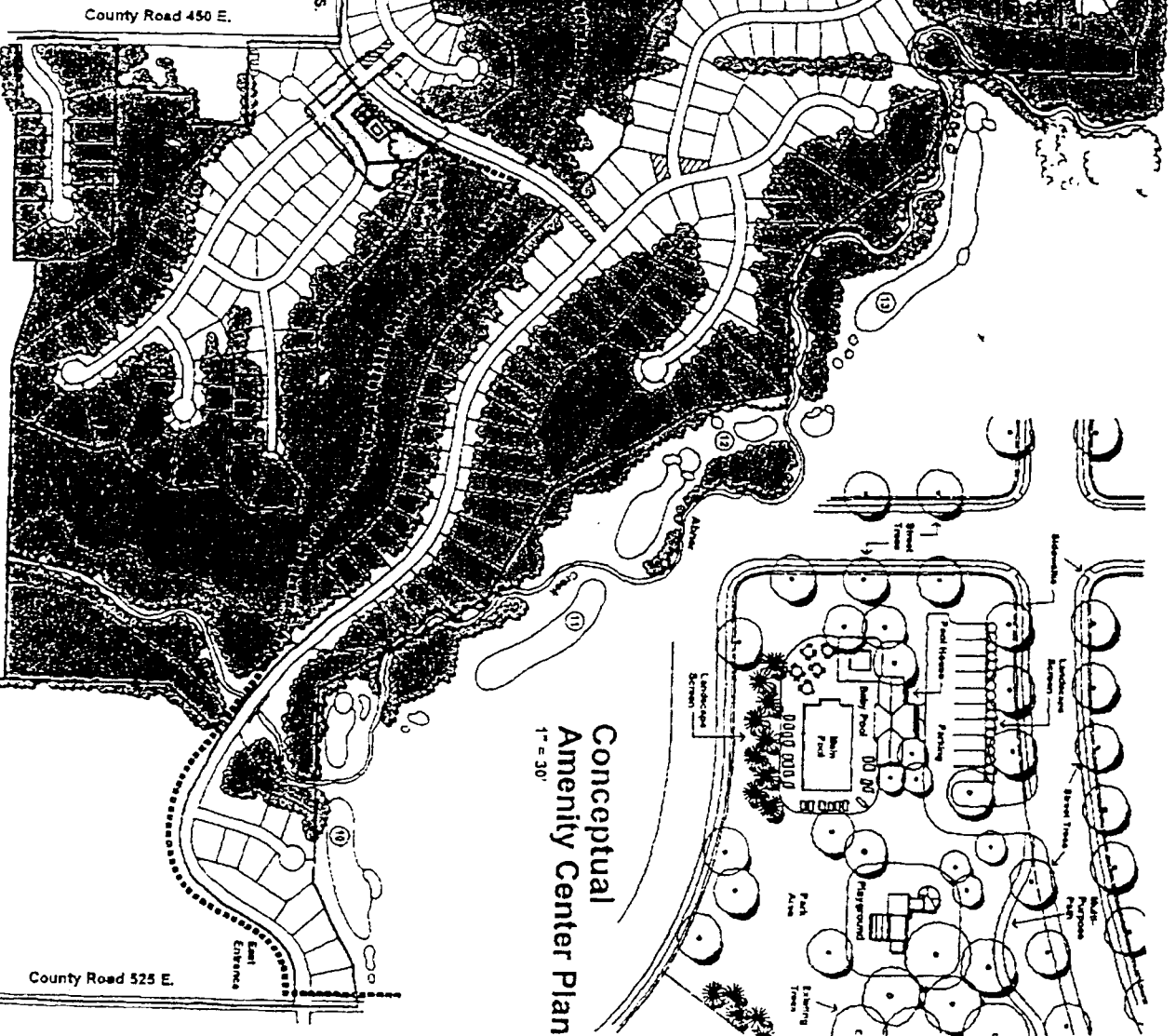
Legend-

----- Multi-Purpose Path
0.11 AND 0.22 DASH: Landscape Buffer Zone



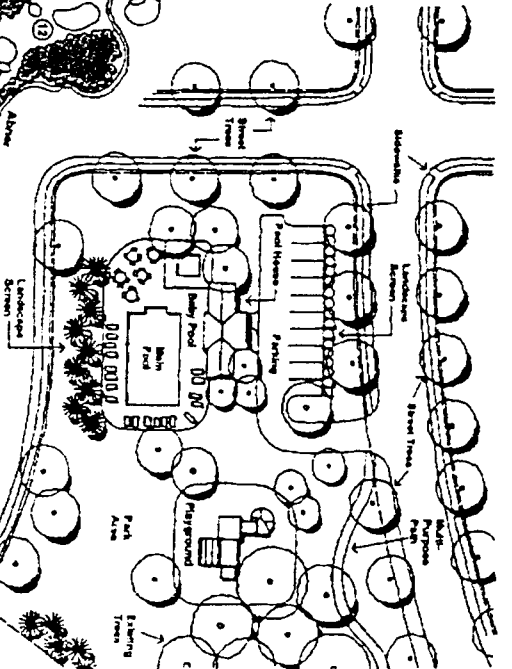
The Parks of Prestwick

An Exclusive Golf Course Community



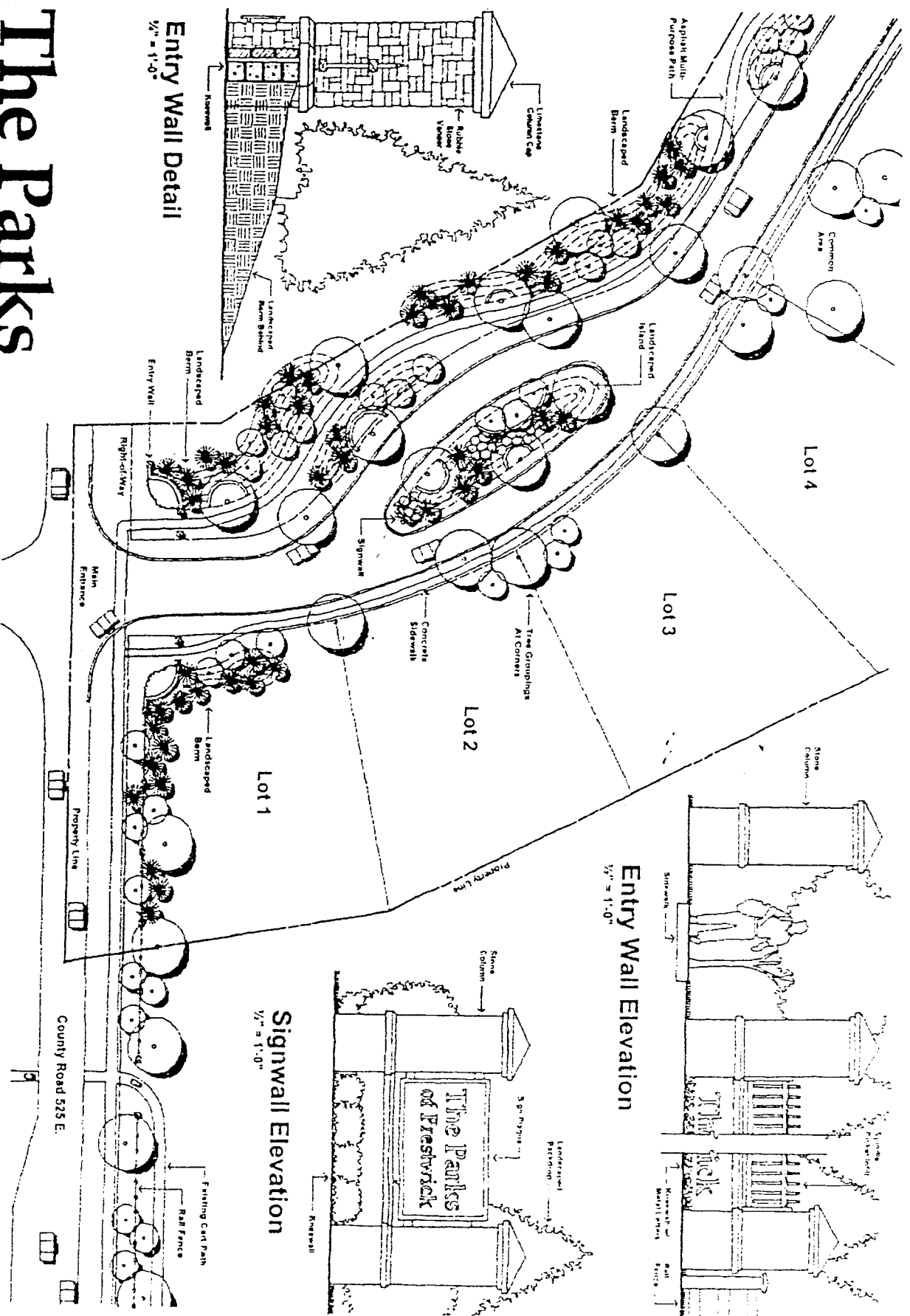
Conceptual Amenity Center Plan

1" = 30'



Amenity Features

December 21, 2000



The Parks of Prestwick

An Exclusive Golf Course Community

Entryway Plan
1" = 20'

Conceptual Entryway Treatments

December 21, 2000

ORDINANCE NO. 2001-03

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM C-2: **GENERAL COMMERCIAL DISTRICT**, TO R-5: **HIGH DENSITY, MULTIFAMILY DISTRICT**. COMMONLY KNOWN AS **ZA-253/LB01-01: RON TEFTELLER, LIBERTY TOWNSHIP, PARCEL TOTALING .03 ACRES, LOCATED ON THE SOUTH SIDE OF KENTUCKY STREET, EAST OF IOWA STREET (37 KENTUCKY STREET)**).

SECTION 1. Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (1991-17) adopted on the 18th day of November on the year 1991, be amended so as to include in the R-5: High Density, Multifamily District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA-253/LB01-01: Ron Tefteller, S34-T15-R1W, .03 acres, Liberty Township, located on the south side of Kentucky Street, east of Iowa Street (37 Kentucky Street).

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 20th day of February, 2001.

Board of Commissioners

Steven L. Ostermeier
Steven L. Ostermeier

Linda Palmer
Linda Palmer

J. D. Clampitt
J. D. Clampitt

Attest:

Nancy A. Marsh
Nancy Marsh, Auditor

ORDINANCE NO. 2001-04

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM I-2: LIGHT INDUSTRIAL DISTRICT, TO C-4: HIGHWAY COMMERCIAL DISTRICT. COMMONLY KNOWN AS ZA-254/WA01-01: JARVIS ENTERPRISES LLC, WASHINGTON TOWNSHIP, PARCEL TOTALING .873 ACRES, LOCATED ON THE SOUTH SIDE OF U.S. HIGHWAY 36, 0.25 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 (1991-17) adopted on the 18th day of November on the year 1991, be amended so as to include in the C-4: Highway Commercial District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA-254/WA01-01: Jarvis Enterprises LLC, S12-T15-R1E, .873 acres, Washington Township, located on the south side of U.S. Highway 36, 0.25 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, the Petitioner made the following self-imposed condition of limiting the C-4 use to motorcycle sales and service only.

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 16th day of April, 2001.

Board of Commissioners

Steven L. Ostermeier
Steven L. Ostermeier

Linda Palmer
Linda Palmer

J. D. Clampitt
J. D. Clampitt

Attest:

Nancy Marsh
Nancy Marsh, Auditor

FILED

APR 16 2001

Nancy Marsh
AUDITOR HENDRICKS COUNTY

ORDINANCE NO. 2001-05

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM C-2: **GENERAL COMMERCIAL DISTRICT**, TO C-4: **HIGHWAY COMMERCIAL DISTRICT**. COMMONLY KNOWN AS ZA-260/LN01-01: **MICHAEL A. TRAPP, LINCOLN TOWNSHIP**, PARCEL TOTALING 0.27 ACRES, LOCATED ON THE NORTH SIDE OF U.S. HIGHWAY 136, 0.27 MILE WEST OF RACEWAY ROAD.

SECTION 1. Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (1991-17) adopted on the 18th day of November on the year 1991, be amended so as to include in the C-4: Highway Commercial District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA-260/LN01-01: Michael A. Trapp, S20-T16-R2E, 1.20 acres, Lincoln Township, located on the north side of U.S. Highway 136, 0.27 mile west of Raceway Road.

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.

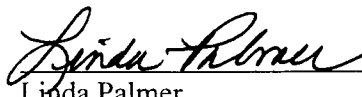
SECTION 3. This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the 4th day of June, 2001.

Board of Commissioners



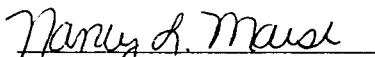
Steven L. Ostermeier



Linda Palmer

J. D. Clampitt

Attest:


Nancy Marsh, Auditor

ORDINANCE NO. 2001-06

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY FROM R-1: LOW DENSITY, SINGLE FAMILY RESIDENTIAL DISTRICT TO C-4: HIGHWAY COMMERCIAL DISTRICT, COMMONLY KNOWN AS ZA-259/LB01-02: BOB STEPHENSON, LIBERTY TOWNSHIP, PARCEL TOTALING 7.40 ACRES, LOCATED ON THE EAST SIDE OF COUNTY ROAD "0," 0.10 MILE NORTH OF U.S. HIGHWAY 40.

SECTION 1. Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (1991-17) adopted on the 18th day of November on the year 1991, be amended so as to include in the C-4: Highway Commercial District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA-259/LB01-02: Bob Stephenson, S10-T14N-R1W, 7.40 acres, Liberty Township, located on the east side of County Road "0," 0.10 mile north of U.S. Highway 40.

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, having been made and presented by petitioner as part of his presentation, and amending the list of uses not permitted to include the following: wholesale business, boat (sales and service), garage (repair, service), motorcycle/scooter (sales, service and repair), and day care center, 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.

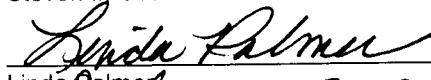
SECTION 4. This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of Commissioners of Hendricks County, Indiana the 18th day of June, 2001.

Board of Commissioners



Steven L. Ostermeier

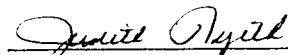


Linda Palmer

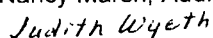


J. D. Clampitt

ATTEST:



Nancy Marsh, Auditor



Judith Wyeth
Deputy Auditor

ORDINANCE NO. 2001-07

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY FROM R-1: LOW DENSITY, SINGLE FAMILY RESIDENTIAL DISTRICT TO R-2: MEDIUM DENSITY, SINGLE FAMILY RESIDENTIAL DISTRICT, COMMONLY KNOWN AS ZA-262/WA01-04: MICHAEL A. SCHAEFER, WASHINGTON TOWNSHIP, PARCEL TOTALING 133.00 ACRES, LOCATED ON THE NORTH SIDE OF COUNTY ROAD 200 NORTH, APPROXIMATELY 0.13 MILE WEST OF COUNTY ROAD 800 EAST AND ON THE WEST SIDE OF COUNTY ROAD 800 EAST, APPROXIMATELY 0.15 MILE NORTH OF COUNTY ROAD 200 NORTH.

SECTION 1. Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (1991-17) adopted on the 18th day of November on the year 1991, be amended so as to include in the R-2: Medium Density, Single Family Residential District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA-262/WA01-04: Michael A. Schaefer, S26-T16N-R1E, 133.00 acres, Washington Township, located on the north side of County Road 200 North, approximately 0.13 mile west of County Road 800 East and on the west side of County Road 800 East, approximately 0.15 mile north of County Road 200 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 and conditions found in Exhibit "A," attached hereto and made a part hereof, having been made and presented by petitioner as part of his presentation, 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 Commissioners of Hendricks County, Indiana the 18th day of June, 2001.

Board of Commissioners

Steven J. Ostermeier
Steven J. Ostermeier

Linda Palmer
Linda Palmer

J. D. Clampitt
J. D. Clampitt

ATTEST:

Nancy Marsh
Nancy Marsh, Auditor

Judith Wyeth, Deputy Auditor

ORDINANCE NUMBER 2001- 08

ORDINANCE FOR REAL PROPERTY ENDORSEMENT FEE

WHEREAS, in accordance with Indiana Code 36-2-9-18(d), the Auditor of Hendricks County may collect a fee of Five Dollars (\$5.00) for each real property endorsement made by the Auditor; and

WHEREAS, said sum collected shall be placed in a dedicated fund for the use of maintaining plat books; and

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

BE IT THEREFORE ORDAINED that in accordance with Indiana Code 36-2-9-18(d), the Auditor of Hendricks County, Indiana may collect a fee of Five Dollars (\$5.00) for each real property endorsement made by the Auditor of Hendricks County, Indiana.

BE IT FURTHER ORDAINED that such fee shall be in addition to any other fee provided by law and shall be placed in a dedicated fund for the use of maintaining plat books.

BE IT FURTHER ORDAINED that the Auditor of Hendricks County, Indiana, shall have the authority to collect a fee of Five Dollars (\$5.00) for each real property endorsement made by that office. Such fee shall be in addition to any other fee provided by law and shall be placed in a dedicated fund for the use of maintaining plat books. All previous ordinances regarding endorsement fees are null and void.

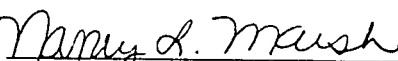
DULY EXECUTED this 23rd day of July 2001.


Steven L. Ostermeier, President

John D. Clampitt


Linda Palmer

ATTEST:


Nancy L. Marsh, Auditor

ORDINANCE NO. 2001-09

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM R-1: LOW DENSITY, SINGLE FAMILY RESIDENTIAL DISTRICT AND R-2: MEDIUM DENSITY, SINGLE FAMILY RESIDENTIAL DISTRICT, TO C-2: GENERAL COMMERCIAL DISTRICT AND R-4: MEDIUM DENSITY, MULTIFAMILY DISTRICT. COMMONLY KNOWN AS ZA-261/WA01-03: URBHNS COMPANIES, INC., WASHINGTON TOWNSHIP, PARCEL TOTALING 46.30 ACRES, LOCATED ON THE NORTH SIDE OF U.S. HIGHWAY 36, 0.10 MILE EAST OF COUNTY ROAD 900 EAST AND ON THE EAST SIDE OF COUNTY ROAD 900 EAST, APPROXIMATELY 0.6 MILE NORTH 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 (1991-17) adopted on the 18th day of November on the year 1991, be amended so as to include in the C-2: General Commercial District and R-4: Medium Density, Multifamily District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA-261/WA01-03: URBHNS COMPANIES, INC., S6-T15-R2E, 46.30 acres, Washington Township, located on the north side of U.S. Highway 36, 0.10 mile east of County Road 900 East and on the east side of County Road 900 East, approximately 0.6 mile north of U.S. Highway 36.

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 August, 2001.

Board of Commissioners


Steven L. Ostermeier


Linda Palmer


J.D. Clampitt

Attest:


Nancy Marsh, Auditor

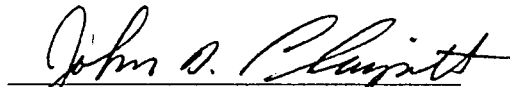
ORDINANCE NO. 2001- 10

AN ORDINANCE TO CHANGE STREET NAME

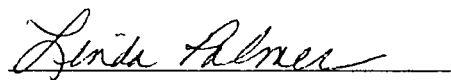
BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HENDRICKS COUNTY, INDIANA that the street formerly known as Vicky Lane, located in Eagles Nest Subdivision, Section 3, shall be renamed and shall be now known as Sanctuary Drive.

Approved by the Board of Commissioners of Hendricks County, Indiana, this 18th day of June, 2001.

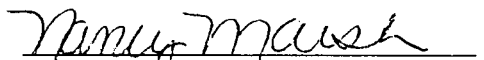
Board of Commissioners:


John D. Clampitt


Steven L. Ostermeier


Linda Palmer

ATTEST:


Nancy Marsh Auditor

*Depend
8/29/01*

ORDINANCE NO. 2001-11

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM I-2: **LIGHT INDUSTRIAL DISTRICT**, TO C-4: **HIGHWAY COMMERCIAL DISTRICT**. COMMONLY KNOWN AS ZA-263/WA01-05: **DARRELL ROBERTS, WASHINGTON TOWNSHIP**, PARCEL TOTALING 6.51 ACRES, LOCATED ON THE SOUTH SIDE OF U.S. HIGHWAY 36, 0.17 MILE EAST OF GABLE DRIVE.

SECTION 1. Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (1991-17) adopted on the 18th day of November on the year 1991, be amended so as to include in the C-4: Highway Commercial District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA-263/WA01-05: Darrell Roberts, S7-T15-R2E, 6.51 acres, Washington Township, located on the south side of U.S. Highway 36, 0.17 mile east of Gable Drive.

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, the Petitioner made the self-imposed limitation to the two (2) existing uses only, namely Contractor (Mr. Build - A1 Waterproofing) and Self-Storage (Big Boy Toy Storage).

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 14th day of September, 2001.

Board of Commissioners

Steven L. Ostermeier
Steven L. Ostermeier

Linda Palmer
Linda Palmer

J. D. Clampitt
J. D. Clampitt

Attest:

Nancy S. Marsh
Nancy Marsh, Auditor

ORDINANCE NO. 2001-12

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM R-1: LOW DENSITY, SINGLE FAMILY RESIDENTIAL DISTRICT, TO PUD: PLANNED UNIT DEVELOPMENT DISTRICT. COMMONLY KNOWN AS ZA-268/LN01-02: C.P. MORGAN COMMUNITIES, L.P., LINCOLN TOWNSHIP, PARCEL TOTALING 80.00 ACRES, LOCATED ON THE SOUTHEAST CORNER 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 (1991-17) adopted on the 18th day of November on the year 1991, 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-268/LN01-02: C.P. Morgan Communities, L.P., S5&6-T16-R2E, 80.00 acres, Lincoln Township, located on the southeast corner of County Road 650 North and County Road 1000 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, the Petitioner made the self-imposed commitment to a twenty (20) foot separation between buildings.

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 4th day of September, 2001.

Board of Commissioners

Steven L. Ostermeier

Linda Palmer
Linda Palmer

J. D. Clappitt
J. D. Clappitt

Attest:

Nancy D. Marsh
Nancy Marsh, Auditor

Original

ORDINANCE NO. 2001- 13

AN ORDINANCE TO VACATE RIGHT-OF-WAY

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HENDRICKS COUNTY, INDIANA that the pursuant to a public hearing conducted by said Board on August 13, 2001 that certain right-of-way dedicated July 6, 2000 and recorded in Public Record Volume 184, Page 139, in the Office of the Recorder of Hendricks County, Indiana, is hereby vacated and ownership of said vacated right-of-way shall revert to the petitioners Allan T. Reed and Deborah L. Reed, husband and wife, and to their successors and assigns thereafter.

Approved by the Board of Commissioners of Hendricks County, Indiana, this 10th day of September, 2001.

Board of Commissioners:

John D. Clampitt
John D. Clampitt
Steven L. Ostermeier
Steven L. Ostermeier
Linda Palmer
Linda Palmer

ATTEST:

Nancy Marsh
Nancy Marsh Auditor

2001-14

NOTICE OF APPROVAL

On October 1, 2001, the Indiana Election Commission approved the boundaries of the following precincts for Hendricks County, Indiana:

New

Brown 6
Lincoln 16
Lincoln 17
Washington 18
Washington 19
Washington 20
Washington 21

Changed

Brown 2
Brown 4
Brown 5
Guilford 8
Guilford 12
Guilford 15
Guilford 16
Guilford 18
Guilford 19
Lincoln 2
Lincoln 9
Lincoln 11
Lincoln 13
Lincoln 14
Lincoln 15
Middle 2
Washington 2
Washington 3
Washington 5
Washington 11
Washington 13
Washington 15

Unchanged

Brown 1
Brown 3
Center 1
Center 2
Center 3
Center 4
Center 5
Center 6
Center 7
Center 8
Center 9
Clay 1
Clay 2
Eel River 1
Eel River 2
Franklin 1
Guilford 1
Guilford 2
Guilford 3
Guilford 4
Guilford 5
Guilford 6
Guilford 7
Guilford 9
Guilford 10
Guilford 11
Guilford 13
Guilford 14
Guilford 17
Liberty 1
Liberty 2
Liberty 3
Liberty 4

Unchanged con't.

Lincoln 1
Lincoln 3
Lincoln 4
Lincoln 5
Lincoln 6
Lincoln 7
Lincoln 8
Lincoln 10
Lincoln 12
Marion 1
Middle 1
Middle 3
Union 1
Union 2
Washington 1
Washington 4
Washington 6
Washington 7
Washington 8
Washington 9
Washington 10
Washington 12
Washington 14
Washington 16
Washington 17

All effective on October 1, 2001 and Ordered by the
Hendricks County Commissioners, Ordinance Number 2001-14
issued on October 1, 2001.

ORDINANCE SETTING VOTER PRECINCTS IN HENDRICKS
COUNTY, IN

WHEREAS, Indiana Code 3-11-1.5 requires each county of
Indiana to establish voter precincts; and

WHEREAS, Hendricks County, Indiana, requires additional and
revised precincts in order to comply with the directives of said law;
and

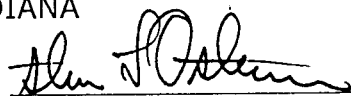
WHEREAS, Hendricks County, Indiana, by and through its Board of Commissioners has conducted a study to determine proper voter precincts for the said county:


Now, therefore, be it ordered by the Commissioners of Hendricks County as follows:

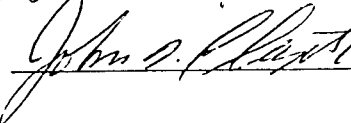
1. Hendricks County, Indiana, by and through its Board of Commissioners, hereby establishes Brown 6, Lincoln 16, Lincoln 17, Washington 18, Washington 19, Washington 20 and Washington 21 as voter precincts for Hendricks County, Indiana.
2. Hendricks County, Indiana, by and through its Board of Commissioners, hereby revises aforementioned precincts in Brown, Lincoln and Washington Townships as voter precincts for Hendricks County, Indiana.
3. Each precinct is established as described in the maps attached hereto, made a part hereof which are on file for inspection in the office of the county engineer, county clerk and county auditor.
4. A description of the boundaries of each precinct established is attached hereto, made a part hereof which are on file for inspection in the office of the county engineer, county clerk and county auditor.
5. The estimated number of voters in each precinct established by this Order is attached hereto and made a part hereof by this reference and which are on file for inspection in the office of the county engineer, the county clerk and the county auditor.
6. That this Ordinance shall become effective on the date specified by the Indiana Election Commission or on the first date permitted under I.C.3-11-1.5-25 if no effective date is specified by the Indiana Election Commission.

ORDERED this 1st day of October, 2001

BOARD OF COMMISSIONERS
OF HENDRICKS COUNTY,
INDIANA

BY: 

BY: 

BY: 

AUDITOR'S CERTIFICATE

I, Nancy Marsh, the duly elected Auditor of the County of Hendricks, Indiana, certify the contents of this Order to be a true and accurate representation of the matters as described and depicted in the official records of the proceedings of the board of County Commissioners of this County.

Dated: 10 - 01 - 01

Nancy Marsh
Nancy Marsh
Hendricks County Auditor

Approved as to form: Gregory E. Steuerwald
Gregory E. Steuerwald

HENDRICKS COUNTY BOARD OF HEALTH

ORDINANCE FOR COLLECTION OF FEES AND AMENDING ALL PRIOR

ORDINANCES

WHEREAS, the legislature of the state of Indiana granted certain powers to the board of each local health department dealing with the collection of fees within their jurisdiction, pursuant to I.C.16-20-1-27; and

WHEREAS, the Board of Commissioners of Hendricks County, Indiana held a hearing in the Commissioner's office on October 15, 2001 at approximately p.m.; and

NOW THEREFORE, be it ordained by the Board of Commissioners of Hendricks County, Indiana that the Hendricks County Board of Health fee schedule ordinance entitled "Hendricks County Board of Health Ordinance for Collection of Fees", Ordinance 1985-5 , 1992-10, 1993-14, and 1997-23 amended by ordinance dated 10-25-88 and 2-10-92, and 1997-23 enacted by the Board of Commissioners of Hendricks County, Indiana on June 16, 1997 be amended to read as follows:

SECTION I. PUBLIC HEALTH NURSING

A. Personal Health Services

| | |
|--|------------------|
| Tuberculosis (Mantoux) | \$3.00 per test |
| Immunization (state provided) | .50 per vaccine |
| (No charge if the patient is indigent) | |
| Child Health Clinic | \$1.00 per child |

Immunization (county purchased) and Blood Chemistries. Prices shall be based on cost of supplies, vaccines and other necessary components of service.

B. All communicable disease outbreak control situations where it is necessary to immunize all persons at a place of business to protect those individuals exposed or endangered by the possible communicable disease and to protect the health of the general public, the business entity or owners of the business shall pay for the cost of all vaccines, supplies, and other necessary components of service received by all individuals at the place of business.

C. In the event a lawsuit is necessary to collect the cost of health services for paragraph "A" and "B" above, the individual or business entity found to be liable shall also pay for reasonable attorney fees and cost of litigation to the county.

SECTION II.-VITAL RECORDS

A. Vital Record Services

Birth Records

| | |
|--------------------------------------|---------|
| Birth Certificate (per copy) | \$5.00 |
| Birth Certificate (wallet-laminated) | \$7.00 |
| Legitimation | \$10.00 |
| Affidavit of Amendment | \$10.00 |
| Paternity Affidavits | \$25.00 |

Death Records

| | |
|-------------------------------|-------------|
| Death Certificate, First Copy | \$5.00 |
| Additional Copies | \$2.00 each |

SECTION III. ENVIRIONMENTAL HEALTH

A. Food Establishments

Small grocery or food service (ie.: open less than 6 months, or no food preparation) \$50.00

Two inspections per year (ie.: fast food or pizzarias with minimal food preparation) \$100.00

Full Service Restaurants and large grocery (ie.: preparation of raw ingredients and/or operates 24 hours per day, or prepares three meals per day) \$150.00

Mobile Food Service (Annually) \$10.00 per unit

Pushcart with all food prepackaged \$10.00 per unit

Mobile Food Service with food preparation \$50.00 per unit

Temporary Food Establishments \$25.00

Bed and Breakfast \$50.00

B. Septic Permit (Valid one (1) year from date of issue)

New Installation \$75.00

Replacement \$50.00

Repair \$25.00

On-Site Investigation for Construction/Maintenance \$25.00

C. Well Protection (Valid one (1) year from date of issue)

New Well and Pump Permit \$40.00

Replacement Pump Permit \$15.00

Open loop geothermal heat pump system \$20.00

Open loop geothermal return well \$20.00

| | |
|---|-------------------|
| D. Solid Waste | |
| Landfill Operating Permit (Annually) | \$30,000.00 |
| Refuse Processing Facility (Annually) | \$500.00 |
| E. Temporary Campground License | |
| Temporary Campground License | \$25.00 per event |
| F. Pools | |
| Annual permit for public pool | \$40.00 |
| Annual permit for public hot tub or spa | \$20.00 |
| Annual permit for public wading pool | \$20.00 |

Each of the foregoing fees are non-refundable and shall be paid at the time the application or service is made.

Any failure to obtain a permit and/or payment of the fee, shall be considered a violation of this ordinance. Any entity, private or commercial, who is in violation of this ordinance may be enjoined from any further and continuing violation.

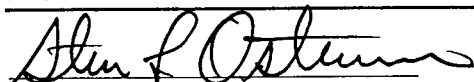
All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.


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

If any section, clause, paragraph, provision or portion of this amendment shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not effect any other section, clause, paragraph, provision or portion of this amendment.

Passed and approved by the Board of Commissioners of Hendricks County, Indiana this 15th day of October, 2001.

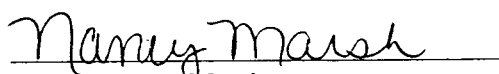
BOARD OF COMMISSIONERS


Steve Ostermeier


Linda Palmer


John D. Clampitt

ATTEST:


Nancy Marsh
Hendricks County Auditor

HENDRICKS COUNTY
RETAIL FOOD ESTABLISHMENT ORDINANCE

ORDINANCE NO. 2001 - 16

WHEREAS, IC 36-1-4-11 of the Acts of the General Assembly of the State of Indiana, as amended, granted certain powers to the Boards of County Commissioners, relative to the adoption of ordinances; and

WHEREAS, the Hendricks County Board of Commissioners held a public hearing on October 15, 2001 pursuant to the legislative procedures established under IC 36-2-4 et seq; and

WHEREAS, the Board of County Commissioners, after hearing testimony found that it is advisable for the promotion of public health to establish health and sanitary regulations for retail food establishments.

NOW THEREFORE, in order to promote the health, safety, and welfare of the people of Hendricks County, Indiana by diminishing the possibility of a food-borne outbreak, be it ordained by the Board of County Commissioners of Hendricks County, Indiana that the following Ordinance, entitled "Hendricks County Retail Food Establishment Ordinance", be adopted.

HENDRICKS COUNTY

RETAIL FOOD ESTABLISHMENT ORDINANCE

ORDINANCE NO. 2001 16

An Ordinance pertaining to food service establishments, mobile food service establishments, temporary food service establishments, retail food stores, caterers, vending machines, commissaries and other items requiring permits and permit fees for operation of food service and retail food store establishments, prohibiting the sale of adulterated, unwholesome, or misbranded food, regulating the inspection of such establishments, providing for enforcement of this ordinance, providing for the fixing of penalties for violations of said ordinance, and providing for incorporation by reference the following Indiana State Department of Health Rules: Retail Food Establishment Sanitation Requirements Title 410 IAC 7-20 or as amended; and Bed and Breakfast Establishment Rules, 410 IAC 7-15.5

Be it ordained by the Board of Commissioners of Hendricks County, State of Indiana, that:

SECTION I DEFINITIONS

Bed and Breakfast - means an operator occupied residence that provides sleeping accommodations to the public for a fee, has no more than fourteen (14) guest rooms, provides breakfast to its guests as part of the fee, and provides sleeping accommodations to a particular guest no more than thirty (30) consecutive days.

Catering – means to prepare or serve exposed food directly to the consumer at a place other than the licensed facility in which the caterer is based.

Commissary - means a catering establishment, restaurant, or any other place in which a caterer or mobile food service establishment operator keeps, handles, prepares, packages or stores food, containers, or supplies.

Critical Violation - means a violation that contributes to food contamination, illness, or environmental degradation. These may include items marked in the "C" column denoting critical violations on the inspection report form.

Habitual Non-compliance - means any repeat violation shown on three (3) consecutive Hendricks County inspection report forms.

Health Officer - means the Director of Public Health of the Hendricks County Health Department in Indiana or the Health Officer's Authorized Representative.

Mobile Food Service Establishment - means any vehicle-mounted food service establishment designed to be readily movable that changes location too frequently to be a candidate for permanent utility connection, as determined by the Health Officer.

Not-for-Profit Organization - means an organization exempt from the Indiana Gross Income Tax under IC 6-2.1-3-20 through IC 6-2.1-3-22.

Pushcart - means a non-self-propelled vehicle limited to serving non-potentially hazardous foods, commissary-wrapped food maintained at proper temperatures, or limited to the preparation and serving of frankfurters.

Retail Food Establishment -

(a) **Retail Food Establishment-** means an operation that:

(1) stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, such as:

- (A) a restaurant;
- (B) satellite or catered feeding location;
- (C) a catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people;
- (D) a market;
- (E) a grocery store;
- (F) a convenience store;

- (G) a conveyance used to transport people;
- (H) an institution; or
- (I) a food bank; and

(2) that relinquishes possession of food to a consumer directly, or indirectly through a delivery service such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.

(b) The term includes the following:

- (1) An element of the operation, such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location unless the vending or feeding location is permitted by the regulatory authority.
- (2) An operation that is conducted in a mobile, stationary, temporary, or permanent facility or location, where consumption is on or off the premises, and regardless of whether there is a charge for the food.

(c) The term does not include the following:

- (1) An establishment that offers only prepackaged foods that are not potentially hazardous.
- (2) A produce stand that only offers whole, uncut fresh fruits and vegetables.
- (3) A food processing plant operated under IC 16-42-5.
- (4) A private home where food is prepared by a member of an organization that is operating under IC 16-42-5-4.

- (5) An area where food that is prepared as specified in subdivision (4) is sold or offered for human consumption.
- (6) A Bed and Breakfast establishment as defined and regulated under IC 16-41-31 and 410 IAC 7-15.5.
- (7) A private home that receives catered or home-delivered food.
- (8) A private home which provides childcare and is not subject to IC 12-13-5.
- (9) A private home.

Temporary Food Service Establishment - means any Retail Food Establishment that operates for a period of time not in excess of fourteen (14) consecutive calendar days, in conjunction with a single event or celebration at a temporary location, whether or not the facility is fixed or moveable.

SECTION II PERMITS

It shall be unlawful for any person to operate a Retail Food Establishment, Temporary Food Establishment, Mobile Food Establishment, Push Cart, or Bed and Breakfast in Hendricks County, who does not possess a valid permit from the Health Officer; except when the entire operation of a food establishment is receiving inspections by an appropriate State or Federal governmental agency. Valid Hendricks County Food Establishment permits shall be posted in a conspicuous place at all times.

1. Only persons who comply with the applicable requirements of this ordinance will be entitled to receive and retain such a permit.

2. A permit for a food establishment shall be for a term of one year and shall be renewed annually. The permit for a Temporary Food Establishment shall be for the term of one continuous operation at one location. This permit is not to exceed fourteen (14) consecutive days.

3. Any permits issued by the Health Officer shall contain the name of the establishment, the address of the establishment, and other pertinent information required by the Health Officer.

4. Required permits shall be provided by the Hendricks County Health Officer if a completed application and appropriate fee are presented and the food establishment complies with all applicable requirements.

5. Public events where catered food is provided or prepared shall occur at a facility holding a valid Hendricks County Food Establishment permit. This permitted food establishment shall obtain a current copy of the caterer's local health department food permit. If the site or the caterer is not permitted, a Temporary Food Establishment permit must be obtained by the caterer.

6. Any person who desires to operate a Temporary Food Establishment in Hendricks County, shall obtain from the Health Officer a permit for a Temporary Food Establishment. Such temporary permit shall be provided by the Health Officer if a completed

application and appropriate fee are presented and the Temporary Food Establishment demonstrates compliance with all critical requirements.

7. A separate permit shall be required for each Food Establishment operated or to be operated by any person. Any permit issued under this ordinance is not transferable from one person to another person, from one establishment to another, from one mobile unit to another, or from one type of operation to another.

8. A nonrenewable probationary permit is available for a person taking over an existing, permitted Food Establishment. The following conditions apply:

- (a) The probationary permit shall be provided by the Hendricks County Health Officer if a completed application and the appropriate fee are received by the Hendricks County Health Department.
- (b) The probationary permit will be valid for ninety (90) days from the date of issue. No extensions will be provided.
- (c) An annual permit must be obtained before the expiration of the probationary permit. The annual permit will not be issued until an acceptable compliance inspection by the Hendricks County Health Department is recorded.
- (d) The annual permit shall have the anniversary date of the original date of probationary permit.

SECTION III PERMIT FEES

A. Permit Fees

Except as provided in Subsection III B., all permitted food establishments must pay permit fees as specified in the Hendricks County Board of Health Ordinance for Collection of Fees. A delinquent fee is assessed if permit fees are not paid within thirty (30) days of expiration of annual permits.

B. Permit Fee Exception

No permit fee shall be required for food establishments operated by not-for-profit organizations.

C. Exemption From Compliance

A not-for-profit organization that offers food for sale to the final consumer at an event held for the benefit of that organization is exempt from complying with the inspection and permitting requirements of this Ordinance that may be imposed upon the sale of food at that event if:

- 1. Members of the organization prepare the food that will be sold,
- 2. Events conducted by the organization under this section take place no more than thirty (30) days in any calendar year, and
- 3. The name of each member who has prepared a food item is attached to the container in which the food item has been placed.

SECTION IV MINIMUM REQUIREMENTS FOR FOOD ESTABLISHMENTS

A. General Requirements

All Retail Food Establishments, Temporary Food Establishments, and Bed and Breakfast Establishments shall comply with the minimum requirements specified in the applicable Indiana Administrative Code, 410 IAC 7-20 or 410 IAC 7-15.5. Two copies of each are kept on file in the Hendricks County Clerk's Office, Danville, Indiana, for public inspection.

B. Water Source

Each facility must have an adequate supply of potable water at all times of operation. In addition, the following requirements must be met:

- (1) Those facilities regulated by the Indiana Department of Environmental Management (IDEM) and/or Indiana Administrative Code 327 IAC 8 must be in substantial compliance with applicable regulations.
- (2) Facilities with a private water supply not subject to IDEM regulations must submit satisfactory water samples results at least one time a year to the Hendricks County Health Department.
- (3) The Hendricks County Health Department must be notified of any interruption in water service. If there is a possibility of water supply contamination, an establishment must cease operation until water is restored and until two separate water samples tested twenty-four hours apart show satisfactory results. An establishment must receive approval from the Hendricks County Health Department before resuming operations after an interruption of water service.

C. Employee Education

A food establishment, except for a temporary food service establishment, may be required to hold an employee education program provided by the Hendricks County Health Department, or through other means with the written approval of the Health Officer, when any of the following occurs:

1. Receiving a permit to open a new establishment,
2. Change of ownership of an existing facility,
3. Three (3) or more separate employee related critical violations are noted in one inspection,
4. Repeat critical violations are noted on an inspection, or
5. Three (3) or more valid complaints are received by the Environmental Health Department within a period of sixty (60) days.

SECTION V SALE, EXAMINATION, AND CONDEMNATION OF UNWHOLESOME, ADULTERATED OR MISBRANDED FOOD.

A. It shall be unlawful for any person to sell through a Retail Food Establishment, Temporary Food Establishment, or Bed and Breakfast any food which is unwholesome, adulterated or misbranded, as provided in the Indiana Food, Drug and Cosmetic Act; IC 16-42-1 through IC 16-42-2.

B. Samples of food may be taken and examined by the Health Officer as often as may be necessary to determine freedom from contamination, adulteration, or misbranding. The Health Officer may, on written notice to the owner or operator, impound and forbid the sale of any food which is unwholesome, adulterated or misbranded, or which he has probable cause to believe is unfit for human consumption, unwholesome, adulterated, or misbranded; provided that in the case of misbranding which can be corrected by proper labeling, such food may be released to the operator for correct labeling under the supervision of the Health Officer. The Health Officer may also cause to be removed or destroyed, any dairy product, meat, meat product, seafood, poultry, poultry product, confectionery, bakery product, vegetable, fruit, or other perishable articles which the Health Officer determines are unsound, or contain any filthy, decomposed, or putrid substance, or that may be poisonous or deleterious to health or otherwise unsafe.

SECTION VI COMPLIANCE AND INSPECTIONS

A. Schedule of Inspection

The Health Officer shall establish a routine inspection schedule, the frequency of which is at the discretion of the Health Officer.

B. Procedure when Violations Are Noted

If during an inspection of any food establishment, the Health Officer discovers a violation of this Ordinance, he shall issue a written order listing such violation to the proprietor, or in the proprietor's absence, to the person in charge, and setting a date by which the violation shall be abated. A copy of the written order shall be filed with the records of the Hendricks County Health Department.

C. Public Access to Inspection Records

After the narrative report is completed, the food establishment, under IC 16-20-8-5, has the opportunity to review the reports and submit to the Hendricks County Health Department a written response to the reports. The public will have access to inspection records either ten (10) days after the completion of the inspection; or after a written response to the inspection report has been submitted to the department under IC 16-20-8-5, whichever is earlier, except as provided in IC 16-20-8-8.

The checklist, the narrative report, and the related public records may be inspected and copied under IC 5-14-3, if the Hendricks County Health Department takes any of the following actions with respect to a food service establishment that is the subject of the records:

1. schedules a hearing,
2. orders closure,
3. requests revocation of the permit,
4. finds the existence of an imminent danger to the public health, or
5. finds a gross deception of or fraud upon the consumer.

D. Follow-up Inspection - Prosecution or Hearing for Violators

If upon a follow-up inspection, the Health Officer finds that a food operation, person, or employee is violating any provisions of this ordinance which were in violation on the previous inspection, and concerning which a written order was issued, the Health Officer may do either or both of the following:

1. Promptly issue a written order to the permittee of the food operation to appear at a certain time and place in the County, in order to show cause why the permit issued under the provision of Section II should not be revoked.
2. Furnish evidence of the violation to Hendricks County legal representatives for enforcement.

E. Revocation of Permit

The Health Officer, upon a hearing with the permittee, if the permittee should fail to show cause why their permit should not be revoked, may revoke the permit and promptly give written notice of the action to the permittee. The Health Officer shall maintain a permanent record of proceedings, filed in the office of the Hendricks County Health Department.

F. Suspension of Permit

Any permit issued under this ordinance may be temporarily suspended by the Health officer, without notice or hearing, for a period not to exceed thirty (30) days for any of the following reasons:

1. Insanitary or other conditions which the Health Officer determines may endanger the public health.
2. Interference with the Health Officer in the performance of their duties.
3. Habitual non-compliance with the requirements set forth by the Indiana State Department of Health or by this Ordinance.

G. Permit Reinstatement

Any person whose permit has been suspended may, at any time, make application to the Health Officer for reinstatement of his/her permit.

SECTION VII INSPECTION OF TEMPORARY FOOD ESTABLISHMENTS

A. Schedule of Inspection

The Health Officer shall establish a routine inspection schedule, the frequency of which is at the discretion of the Health Officer.

B. Procedure to Follow When Any Violation is Noted

If during the inspection of any Temporary Food Establishment the Health Officer discovers a violation of the requirements of this ordinance, he may order immediate correction of the violation or set a reasonable time for correction.

C. Revocation of Permit and Penalties for Continued Operation

Upon failure of any person maintaining or operating a Temporary Food Establishment to comply with any order of the Health Officer, it shall be the duty of the Health Officer to revoke the permit of the establishment and to forbid the further sale or serving of food therein.

SECTION VIII AUTHORITY TO INSPECT AND TO COPY RECORDS

All food establishment operators shall, upon the request of the Health Officer, permit the Health Officer access to all parts of the food establishment, shall permit the Health Officer to collect evidence and/or exhibits, and to routinely inspect, investigate complaints, and copy any or all records relative to the enforcement of this Ordinance.

SECTION IX APPROVAL OF PLANS

All Retail Food Establishments that are hereafter constructed or re-constructed shall conform with the applicable requirements of the Indiana State Department of Health and the Indiana Department of Fire and Building Services. Properly prepared plans and specifications shall be submitted to and approved by the Hendricks County Health Department, in writing, before starting any construction work. Any new or remodeled Retail Food Establishment must submit a completed plan review application on forms provided by the Hendricks County Health

Department at least thirty (30) working days prior to scheduling the pre-opening compliance inspection and employee education required under Section IV C. of this ordinance.

SECTION X PENALTIES

In addition to the foregoing, civil penalties, which may include injunctive relief, may be imposed under Indiana law on any person who violates any provision of this ordinance.

SECTION XI UNCONSTITUTIONALITY CLAUSE

Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional, or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

SECTION XII REPEAL AND DATE OF EFFECT

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

Passed and adopted by the Board of Commissioners of Hendricks County, State of Indiana, on this fifteenth day of October, 2001.

BOARD OF COMMISSIONERS:


STEVE OSTERMEIER


LINDA PALMER


JOHN D. CLAMPITT

ATTEST:


Nancy Marsh
HENDRICKS COUNTY AUDITOR

2001-17

HENDRICKS COUNTY PUBLIC POOL AND SPA ORDINANCE

WHEREAS, IC 36-1-4-11 of the Acts of The General Assembly of the State of Indiana, as amended, granted certain powers to the Boards of County Commissioners, relative to the adoption of ordinances; and

WHEREAS, the Hendricks County Board of Commissioners held a public hearing on October 15, 2001 pursuant to the legislative procedures established under IC 36-2-4 et seq; and

WHEREAS, the Board of County Commissioners, after hearing testimony, found: That there are public health hazards associated with the improper operation of swimming pools, wading pools and spas .

NOW THEREFORE, in order to promote the health, safety and welfare of the people of Hendricks County, Indiana by diminishing the health hazards created by the improper operation public swimming pools, public wading pools or public spas, be it ordained by the Board of County Commissioners of Hendricks County, Indiana that the following ordinance, entitled "Public Pool and Spa Ordinance", be adopted.

Passed and approved by the Board of County Commissioners of Hendricks County, Indiana, this 15th day of October, 2001.

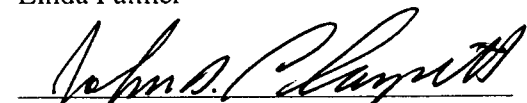
BOARD OF COMMISSIONERS


Steve Ostermeier

Entered for Record


Linda Palmer

ATTEST:


John D. Clampitt


Nancy Marsh,
County Auditor

HENDRICKS COUNTY

PUBLIC POOL AND SPA ORDINANCE

PURPOSE: This ordinance is to regulate swimming pools, wading pools and spas with regard to the health and welfare of people in public water settings. It is also to provide for the orderly, consistent, and effective implementation of the Indiana State Board of Health Rule 41Q IAC 6-2, as amended.

SECTION I DEFINITIONS

Full Time Pool – means any public pool that operates for more than six (6) months per calendar year.

Habitual Non-compliance - means any repeat violation shown on three (3) consecutive Hendricks County inspection report forms.

Health Officer - means the Director of Public Health of the Hendricks County Health Department in Danville, Indiana or the Health Officer's Authorized Representative.

Not-for-Profit Organization - means an organization exempt from the Indiana Gross Income Tax under IC 6-2.1-3-20 through IC 6-2.1-3-22.

Public Pool - means any structure, basin, chamber or tank containing a body of water, which is intended to be used for swimming or bathing that is not intended to be drained after each use, and that is operated by a concessionaire, owner, lessee, operator, or licensee, regardless of whether a

fee is charged for use. This term includes pools operated solely for and in conjunction with schools, universities, and colleges; hotels, motels, apartments, condominiums, bed and breakfasts, or similar lodgings; camps or mobile home parks; or membership clubs or associations. Nothing in this article shall be construed as applying to any pool, constructed at a one (1) or two (2) family dwelling, and maintained by an individual for the sole use of the household and house guests.

Seasonal Pool – means any public pool that is operated outdoors for less than six (6) months each year.

Spa – means any structure, basin, chamber or tank containing warm water that is agitated by a device. This term includes all public hot tubs and whirlpools.

Swimming Pool – means any structure, basin, chamber or tank containing water for swimming, diving or recreational bathing. This term includes diving pools, therapeutic pools and wave pools.

Wading Pool – means any structure, basin, chamber or tank containing water with a maximum depth of twenty-four (24) inches for wading.

However, nothing in these rules shall be construed as applying to any swimming pool, wading pool or spa constructed at and maintained by an individual for the sole use of the household and house guests.

SECTION II PERMITS

It shall be unlawful for any person to operate a public swimming pool, public wading pool or public spa in Hendricks County, who does not possess a valid permit from the Health Officer; except when the entire operation is receiving inspections by an appropriate State or Federal governmental agency. Valid Hendricks County Pool/Spa permits shall be posted in a conspicuous place at all times.

- A. Only persons who comply with the applicable requirements of this ordinance will be entitled to receive and retain such a permit.
- B. A permit for a swimming pool, wading pool or spa shall be for a term of one year and shall be renewed annually.
- C. Any permit issued by the Health Officer shall contain the name of the facility, the address of the facility and other pertinent information required by the Health Officer.

- D. Required permits shall be provided by the Hendricks County Health Officer if a completed application and appropriate fee are presented and the swimming pool, wading pool or spa complies with all applicable requirements.
- E. A separate permit shall be required for each swimming pool, wading pool or spa operated or to be operated by any person. Any permit issued under this ordinance is not transferable from one person to another person, from one facility to another, or from one type of operation to another.

SECTION III PERMIT FEES

A. Permit Fees

All permitted swimming pool, wading pool or spa operators must pay permit fees as specified in the Hendricks County Board of Health Ordinance for Collection of Fees.

B. Permit Fee Exception

No permit fee shall be required for swimming pools, wading pools or spas operated by not-for-profit organizations. Such establishments shall comply with all other provisions of this ordinance.

SECTION IV MINIMUM REQUIREMENTS FOR SWIMMINGPOOLS, WADING POOLS AND SPAS

A. General Requirements

Each public swimming pool, public wading pool or public spa shall comply with the minimum requirements specified in Indiana Administrative Code, 410 IAC 6-2. Two copies of which are kept on file in the Hendricks County Clerk's Office Danville, Indiana, for public inspection.

B. Facilities to be kept clean; summary closure

- (a) All shower rooms, dressing rooms, equipment rooms, and appurtenant facilities shall be kept clean at all times. Daily disinfection of the areas may be required.
- (b) When a bathing area is in such condition as to pose an imminent threat to the health of the public, the department may order the bathing area to be closed temporarily until such time as conditions are brought into compliance with minimum requirements. This action may be taken by issuing an order in writing.

C. Public spas; additional requirements.

- (a) The maximum operating temperature of spa water shall not exceed 104 degrees Fahrenheit (40 degree C). A thermostatic control for the water temperature which ensures that this limit will not be exceeded and is accessible only to the operator is essential.
- (b) Decks, ramps, and similar surfaces, including step treads and coping, shall be slip-resistant and free of excessive standing water at all times. Any roughness or irregularities of such surfaces should not cause injury or discomfort under intended use.

- (c) A precaution sign should be mounted adjacent to the entrance to the spa or hot tub. It should contain the following warnings:

CAUTION

- (1) Do not use when alone.
- (2) Do not use while under the influence of alcohol, anticoagulants, vasoconstrictors, stimulants, hypnotics, narcotics, or tranquilizers.
- (3) Elderly persons and those suffering from heart disease, diabetes, high or low blood pressure should not use the spa or hot tub.
- (4) Unsupervised use by children is prohibited.
- (5) Do not operate at water temperatures greater than 104 degree F (40 degree C).
- (6) Observe a reasonable time limit (e.g. 10 minutes), then shower, cool down and, if you wish, return for brief stay. Long exposure may result in nausea, dizziness, or fainting. Shorter time limit use during pregnancy is indicated.
- (7) Always enter and exit slowly and cautiously.
- (8) A sign should also be posted requiring a shower for each user prior to entering the spa or hot tub and prohibiting oils, body lotion, and minerals in the water.

SECTION V COMPLIANCE AND INSPECTIONS

A. Schedule of Inspection

The Health Officer shall establish an inspection schedule to insure that all permitted swimming pools, wading pools and spas are inspected at least one time per month. More frequent inspection may be assigned at the discretion of the Health Officer.

B. Procedure When Violations Are Noted

If during the inspection of any swimming pool, wading pool or spa, the Health Officer or the Health Officer's representative discovers a violation of any of the requirements in Section IV of this ordinance, he shall issue a written order listing such violation to the proprietor or, in the proprietor's absence, to the person in charge, and setting a date by which the violation shall be abated. A copy of the written order shall be filed with the records of the health department.

C. Follow-up Inspection - Prosecution or Hearing for Violators

If upon a follow-up inspection, the Health Officer finds that a swimming pool, wading pool, spa, person, or employee is violating any provisions of this ordinance which were in violation on the previous inspection, and concerning which a written order was issued, the Health Officer may do either or both of the following:

1. Promptly issue a written order to the permittee of the swimming pool, wading pool or spa; to appear at a certain time and place in the County, in order to show cause why the permit issued under the provisions of Section II should not be revoked.

2. Furnish evidence of the violation to Hendricks County legal representatives for enforcement.

D. Revocation of Permit

The Health Officer upon a hearing with the permittee, if the permittee should fail to show cause why their permit should not be revoked, may revoke the permit and promptly give written notice of the action to the permittee. The Health Officer shall maintain a permanent record of proceedings, filed in the office of the Hendricks County Health Department.

E. Suspension of Permit

Any permit issued under this ordinance may be temporarily suspended by the Health officer, without notice or hearing, for a period not to exceed thirty (30) days for any of the following reasons:

1. Insanitary or other conditions which the Health Officer determines may endanger the public health.
2. Interference with the Health Officer in the performance of their duties.
3. Habitual non-compliance with the requirements set forth by the Indiana State Department of Health or by this Ordinance.

F. Permit Reinstatement

Any person whose permit has been suspended may, at any time, make application to the Health Officer for reinstatement of his/her permit.

SECTION VI AUTHORITY TO INSPECT AND TO COPY RECORDS

All swimming pool, wading pool or spa operators shall, upon the request of the Health Officer, permit the Health Officer access to all parts of the establishment, and shall permit the Health Officer to collect evidence and/or exhibits, and to routinely inspect, investigate complaints, and copy any or all records relative to the enforcement of this Ordinance.

SECTION VII PENALTIES

In addition to the foregoing, civil penalties, which may include injunctive relief, may be imposed under Indiana law on any person who violates any provision of this Ordinance.

SECTION VIII UNCONSTITUTIONALITY CLAUSE

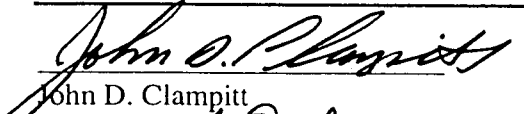
Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional, or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

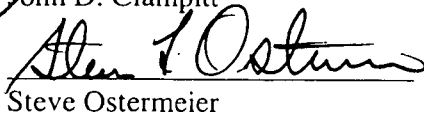
SECTION IX REPEAL AND DATE OF EFFECT

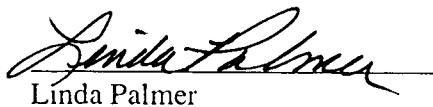
All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed, and this Ordinance shall be in full force and effect upon its adoption and its publication as provided by law, except that Section II, Permits, and Section III, Permit Fees shall be in full force for full-time pools January 1, 2002, and for seasonal pools June 1, 2002.

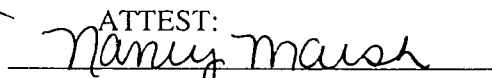
Passed and adopted by the Board of Commissioners of Hendricks County, State of Indiana, on this fifteenth day of October , 2001.

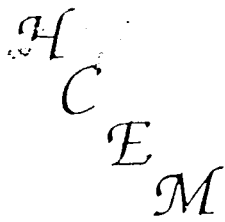
BOARD OF COMMISSIONERS


John D. Clampitt


Steve Ostermeier


Linda Palmer

ATTEST:

Nancy Marsh
Hendricks County Auditor



See attached 2001-18

Hendricks County Emergency Management

Hendricks County Government Center
355 South Washington St. • # 208
Danville, IN 46122

James R. Adams
Director

Local Emergency Proclamation

Hendricks County, Indiana

_____, 2001

Authority

Whereas, Hendricks City, County, Indiana by or is immediately threatened by a (Natural/human caused/technological / hazard)

(Give date, time, situation assessment and duration of hazard) and;

Now, therefore, we, the Hendricks County Board of Commissioners, declare that a state of emergency exists in the county and that we hereby invoke and declare those portions of the Indiana Code which are applicable to the conditions and have caused the issuance of this proclamation, to be in full force and effect in the county for the exercise off all necessary emergency authority for protection of the lives and property of the people of Hendricks County and the restoration of local government with a minimum of interruption.

Reference is hereby made to all appropriate laws, statutes, ordinances, ad resolutions, and particularly to section 10-4-1-23 of the Indiana Code.

All public offices and employees of Hendricks County are hereby directed to exercise the utmost diligence in the discharge of duties required of them for the duration of the emergency and in execution of emergency laws, regulations and directive-state and local.

All citizens are called upon and directed to comply with necessary emergency measures to cooperative with public officials and disaster services forces in executing emergency operation plans and to obey and comply with the lawful direction of property identified officers.

Business: (317) 745-9229 • Emergency: (317) 745-6464 • FAX: (317) 745-9441

H
C
E
M

Hendricks County Emergency Management

Hendricks County Government Center
355 South Washington St. • # 208
Danville, IN 46122

James R. Adams
Director

All operating forces will direct their communications and requests to assistance and operation directly to the Hendricks County emergency management Operation Center.

In Witness, whereof, we have hereunto set our hand this _____ day
of _____, 20__ AD.

Hendricks County Board of Commissioners

Allen L. Osterman
President

Bridget A. Palmer
Member

John D. Clansitt
Member

Attest: Nancy L. Marsh
Hendricks County Auditor

ORDINANCE No. 2001-18

AN ORDINANCE ESTABLISHING THE Hendricks COUNTY
DEPARTMENT OF EMERGENCY MANAGEMENT AND
OTHER RELATED MATTERS CONCERNING EXERCISE OF EMERGENCY POWERS

BE IT ORDAINED THAT a new ordinance be added to the Hendricks County Code. The attached Exhibit "A" Containing the text of the new Ordinance (Sections 1 through 4) shall be incorporated into said Code, in accordance with this Ordinance.

All ordinances or parts of ordinances in conflict with provisions of this Ordinance are hereby repealed.

Should any Section, Paragraph, clause or phrase of this Ordinance be declared unconstitutional or invalid. the remainder of said Ordinance shall continue in full force and effect.

Adopted by the Board of Commissioners of the County of Hendricks State of Indiana on the 15th day of October, 2001:
effective upon Passage.

Steve J. Oster
Commissioner

Lynda A. Palmer
Commissioner

John O. Clarys
Commissioner

Attest:

Nancy L. Marsh
County Auditor

E X H I B I T "A"

COUNTY CODE
DEPARTMENT OF EMERGENCY MANAGEMENT

I. SECTION 1 PURPOSE

To establish in _____ County a Department of Emergency Management and to provide for the exercise of necessary powers during emergencies.

II. SECTION 2 COUNTY EMERGENCY MANAGEMENT PROGRAM: GENERAL
PROVISIONS AND DEFINITIONS

A. DEFINITIONS

As used in this chapter hereinafter the following words and terms have the meanings indicated.

1. "Principal Executive Officer" of the county as referred to in IC 10-4-1-23(a) for purposes of declaring a local disaster emergency, and as referred to hereinafter, means the regularly designated President of the Board of County Commissioners, except if he is unavailable or incapacitated, and the Board has a regularly designated President Pro Tem., then the President Pro Tem. shall be the Principal Executive Officer. If the President is unavailable or incapacitated and there is no designated President Pro Tem., then the remaining two Commissioners shall select among themselves one to be the Principal Executive Officer in the same manner as when an ordinary business meeting needs to be conducted in the absence of the President. If both the President and another Commissioner are absent or incapacitated, then the remaining Commissioner shall be considered the Principal Executive Officer. In the absence or incapacity of all County Commissioners, the office of Principal Executive Officer shall devolve upon first the County Auditor, second, upon the County Clerk, third, upon the County Recorder, and, fourth, the Director.

The Principal Executive Officer of the county selected by the above procedure, if not a member of the County Commission, shall exercise all powers and fulfill all duties of the Principal Executive Officer under IC 10-4-1-23(a) until such time as a County Commissioner shall no longer be unavailable or incapacitated, at which time the County Commissioner, or the regularly designated President of the Board if he is no longer unavailable or incapacitated, shall assume all the powers and duties associated with the office of President of the Board. The Principal Executive Officer of the county selected by the above procedure, if a member of the County Commission, shall exercise all powers and fulfill all duties of the Principal Executive Officer under IC 10-4-1-23(a) until such time as the regularly designated President of the Board shall no longer be unavailable or incapacitated, at which time the regularly designated President of the Board shall resume all the powers and duties associated with his office.

2. "Advisory Council" means the _____ County Emergency Management Advisory Council as established under this Chapter, pursuant to IC 10-4-1-10.
3. "Board" means the Board of County Commissioners, as elected pursuant to IC 36-2-2.
4. "Chairman" means the Chairman of the _____ County Emergency Management Advisory Council as established under this Chapter, pursuant to IC 10-4-1-10.
5. "Emergency Management" means the preparation for and the execution of all emergency functions, to include mitigation, preparedness, response and recovery.
6. "Department" means the Department of Emergency Management as established under this Chapter, pursuant to IC 10-4-1-10.
7. "Director" means the County Director of Emergency Management as established and appointed pursuant to this Chapter.
8. "Disaster" means the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or

- man-made cause, including but not limited to fire, flood, earthquake, wind, storm, wave action, oil spill, other water contamination requiring emergency action to avert danger or damage, hazardous materials spill or contamination requiring emergency action to avert danger or damage, air contamination, drought, explosion, riot or hostile military or paramilitary action which cannot be handled by normal operating personnel, procedures, resources or facilities.
9. "Emergency Management Volunteer" means any person who serves without compensation in the Department of Emergency Management, being first duly rostered, identified and appointed by the Director, including persons and private agencies or governmental units offering services to the county during emergency situations or mutual aid to other emergency services who request assistance.
 10. "Man-made Disaster" means any incidents including, but not limited to, riots, strikes, insurrections, terrorist acts, civil disturbances, threats to national security or other man-made cause.
 11. "Natural Disaster" means any incidents affecting or threatening public health, welfare, safety or security including, but not limited to, flood, tornado, earthquake, wind, storm, winter storm or other natural cause.
 12. "Participating Emergency Service" means:
 - (a) any county department or agency designated in the emergency operations plan to participate in emergency management activities pursuant to Section 3 (E) (1) (d), and,
 - (b) any department or agency of the state, another county, a municipal corporation, or a volunteer organization designated to participate in the county's emergency management programs and activities pursuant to a cooperative or mutual aid agreement entered into pursuant to IC 10-4-1-10 and Section 3 (G) (5) of this chapter.
 13. "Personnel" means county officers and employees and emergency management volunteers, unless otherwise indicated.

14. "Plan" or "Emergency Plan" means the current local emergency plan whose preparation and updating are mandated by IC 10-4-1-10(j).
15. "SEMA" means the State Emergency Management Agency established under IC 10-8-2-1.
16. "Technological Disaster" means any incidents including, but not limited to, severe fire, explosions, hazardous material spills, radiological problems or other technological cause.

B. GENERAL SCOPE AND INTENT: LIBERAL CONSTRUCTION OF POWERS

The general intent of this chapter is to provide for all necessary and indispensable powers and procedures reasonably needed to mitigate, prepare for, respond to and recover from emergency conditions. To this end all powers, both ministerial and discretionary, as conferred herein shall be liberally construed and shall be construed as intending to supplement and augment, and not to limit, any other powers or reasonable exercise of discretion which may ordinarily pertain to county officers, employees, department, and agencies.

C. LIMITATIONS: NONSUPERSESSION OF EMERGENCY POWERS OF COUNTY SHERIFF

Nothing in this chapter is intended to supersede or delimit any statutory powers of the County Sheriff to request assistance of the national guard under the circumstances delineated in IC 10-2-4-6 and 7.

D. LIMITATIONS: NONSUPERSESSION OF EMERGENCY POWERS OF INCORPORATED MUNICIPALITIES: CONFORMANCE OF MUNICIPAL REGULATION WITH COUNTY REGULATIONS

Nothing in this chapter is intended to supersede or delimit the powers of any incorporated municipality under IC 10-4-1-10 to adopt and implement emergency plans, and promulgate and enforce special emergency regulations and procedures in the advent of an actual emergency affecting such municipality. However, Pursuant to IC 10-4-1-15, such regulations and procedures as promulgated by the municipal authorities may not be inconsistent with the _____ County emergency regulations and procedures as established in this chapter.

III. SECTION 3 COUNTY EMERGENCY MANAGEMENT PROGRAM: ORGANIZATION
AND ADMINISTRATION OF DEPARTMENT OF EMERGENCY
MANAGEMENT

A. COUNTY EMERGENCY MANAGEMENT ADVISORY COUNCIL
ESTABLISHED: APPOINTMENT AND TERMS OF MEMBERS.

In accordance with IC 10-4-1-10(d), there is established the _____ County Emergency Management Advisory Council which shall consist of the following persons or their designees.

1. The president of the county executive.
2. The president of the county fiscal body.
3. The mayor of each city located in the county.
4. An individual representing the legislative bodies of all towns located within the county.
5. Representatives of such private and public agencies or organizations which can be of assistance to emergency management as the organizing group considers appropriate, or as may be added later by the county emergency management advisory council.
6. One (1) commander of a local civil air patrol unit in the county or the commander's designee.

B. The Advisory Council shall have a Chairman, a Vice Chairman, and a Recording Secretary. These officers shall be elected by the Advisory Council for one (1) year terms.

C. DUTIES OF EMERGENCY MANAGEMENT ADVISORY COUNCIL: AS ESTABLISHED IN IC 10-4-1-10(f):

1. The Advisory Council shall exercise general supervision and control over the emergency management and disaster program of the county, and shall select, with the approval of the County Executive, a county Emergency Management Director, who shall have direct responsibility for the organization, administration and operation of the emergency management program in the county and shall be responsible to the chairman of the Advisory Council. The Emergency Management Director shall not hold any other local or state government office.

2. The Advisory Council shall have the power to terminate, with the approval of the County Executive, a county Emergency Management Director, under the circumstances delineated in Section 3.E.2 hereof.
3. The Advisory Council shall meet at least once biannually; the frequency, time and place being determined by the Council.
4. Any and all meetings of the Advisory Council shall be open meetings and shall be posted in accordance with IC 5-14-1.5.

D. DEPARTMENT OF EMERGENCY MANAGEMENT ESTABLISHED:
ORGANIZATION AND CONSTITUENCY OF THE DEPARTMENT

1. There is hereby established a Department of Emergency Management within the executive branch of the county government for the purpose of utilizing to the fullest extent possible the personnel and facilities of existing county departments and agencies to prepare for and meet any disaster as defined in this chapter. The County Commissioners and Director of Emergency Management shall be responsible for its organization, administration and operation. The department shall consist of the following:
 - a. an executive head of the Department of Emergency Management, who shall be known as the Director of Emergency Management appointed in accordance with Section 2;
 - b. a Deputy Director, who shall be appointed by the Director with the approval of the Advisory Council;
 - c. emergency management volunteers, as deemed necessary and appointed by the Director in accordance with Section 4.G. and in accordance with the plan;
 - d. the employees, equipment and facilities of all county departments and agencies suitable for, or adaptable to emergency management and designated by the plan to participate in emergency management activity;
 - e. staff officers with responsibility for Warning and Communications, Radiological, Health,

Emergency Care, Police, Fire and Rescue, Public Works and Public Information in accordance with the plan; and

- f. such assistants, clerical help, and other employees as deemed necessary to the proper functioning of the Department who may be appointed by the Director in accordance with the plan.
 - 2. Notwithstanding any other provision of this chapter, no compensated position may be established within the Department of Emergency Management nor any person appointed to such position without:
 - a. the authorization of the County Council pursuant to IC 36-2-5-3(a); and
 - b. the making of sufficient appropriations to pay such compensation.
 - 3. The County Council shall not have any power of approval over particular candidates for any position, but the County Council shall have general statutory powers to determine the numbers of officers, deputies, and employees of county departments, classify positions, and adopt schedules of compensation.
 - 4. It is the intent of this section that emergency management and disaster assignments under the plan shall be as nearly consistent with normal duty assignments as possible.
- E. DIRECTOR OF EMERGENCY MANAGEMENT: APPOINTMENT, QUALIFICATIONS AND TENURE
- 1. The Director of Emergency Management shall be appointed by the County Emergency Management Advisory Council with the approval of the county executive. The Director may hold no other local, state or federal office.
 - 2. The appointment of the Director shall be permanent unless the Advisory Council, pursuant to Section 3.C.2. hereof, determines the Director to be:
 - a. incapable of fulfilling his duties due to physical or mental disability, or
 - b. unwilling to perform his duties as mandated below.

3.. The Advisory Council shall consult with the Executive Director of SEMA to obtain his/her opinion on the abilities and competence of the Director prior to the Advisory Council's termination of the Director under Section 3.E.2. The SEMA Executive Director's opinion hereunder shall be advisory only.

4. Additional qualifications for Director may be determined by the Advisory Council, with input from the County Commissioners pursuant to IC 10-4-1-10(d).

F. DIRECTOR OF EMERGENCY MANAGEMENT: GENERAL POWERS AND DUTIES

The Director, subject to the direction and control of the Advisory Council, shall be executive head of the Department and shall have responsibility for the organization, administration and operation of the emergency management organization, including the following specific powers and duties:

1. submitting to the Advisory Council and the County Commissioners a yearly report on the county's comprehensive emergency management, including mitigation, preparedness, response and recovery taken in the previous year and planned and recommended for the year to come;
2. keeping the county commissioners fully informed on emergency management activities;
3. writing and implementing the plan, which shall conform to the guidelines contained in the most current state and federal guidance documents if the county wishes to receive state and/or federal matching funds;
4. assuring that all county employees and rostered volunteers with responsibilities as part of the plan receive training in the functions which they are to perform under the plan;
5. designing and conducting exercises of the plan, as required by SEMA;
6. assuring that the plan addresses all hazards and includes all cities, towns and other population centers within the county;

7. updating the plan as needed to keep it current, as required by IC 10-4-1-10(j);
8. identifying and analyzing the effects of hazards that threaten the jurisdiction;
9. working closely with officers and employees of incorporated and unincorporated areas of the county to develop a hazard mitigation program to eliminate or reduce potential hazards;
10. inventorying manpower and material resources from governmental and private sector sources that would be available in a disaster or emergency;
11. identifying resource deficiencies and working with appropriate officials on measures to correct them;
12. developing an emergency operating center ("EOC") as a site from which key officials can direct and control operations during a disaster or emergency;
13. developing and maintaining emergency communications systems;
14. establishing a system to alert key officials in event of a disaster or emergency;
15. developing continuity of government procedures and systems;
16. establishing and maintaining a shelter and reception and care system;
17. developing a training program for emergency response personnel;
18. developing a tests and exercise program;
19. coordinating with industry to develop and maintain industrial emergency plans and capabilities in support of the plan;
20. making rapid and accurate assessment of:
 - a. property damage;
 - b. personal injuries;
 - c. fatalities;
 - d. basic needs; and

e. special needs

- as soon as an emergency or disaster declaration has been made;
21. submitting to SEMA the assessment specified in section 3.F.7. in SEMA's required:
 - a. format; and
 - b. time frame for submission.
 22. providing to the SEMA Director annual reports and documentation as mandated by SEMA;
 23. competently managing the department's various functions, including among others financial, personnel, and logistic;
 24. timely responsiveness to the Chairman of the Advisory Council, as mandated by IC 10-4-1-10(f);
 25. timely obedience to the directives of superior state authorities;
 26. assuring that the activities of the Department at all times comport with IC 10-4-1 and other applicable statutes and county ordinances;
 27. attendance at, and passing grades in, the Emergency Management Professional Development Series for emergency management presented by the Public Safety Training Institute within one (1) year of first assuming the position of Director;
 28. attendance at, and passing grades in, such emergency management training as may be required by SEMA in subsequent years;
 29. assuring the Deputy Director's attendance at, and passing grades in, the Emergency Management Professional Development Series for emergency management presented by the Public Safety Training Institute within one (1) year of first assuming the position of Deputy Director;
 30. assuring the Deputy Director's and all paid emergency management staff's attendance at, and passing grades in, such emergency management training as may be required by SEMA in subsequent years;

31. assuring ongoing attendance by the Director, the Deputy Director and all paid emergency management staff at further emergency management courses presented by the Public Safety Training Institute to assure continued knowledge of the latest information on emergency management;
32. responsibility for public relations, information and education regarding all phases of emergency management;
33. assuring coordination, within _____ County, of all activities for emergency management;
34. maintaining liaison and coordination with all other affected agencies, public and private;
35. coordination of the recruitment and training for volunteer personnel and agencies to augment the personnel and facilities of the county for emergency management purposes;
36. seeking, negotiating and entering into (with the approval or ratification of the Commissioners and to the extent consistent with the State Emergency Operations Plan and program) mutual aid arrangements with other public and private agencies for emergency management purposes, and taking all steps in accordance with such arrangements to comply with or take advantage thereof in the event of an actual emergency affecting the parties;
37. accepting any offer of the Federal Government to provide for the use of the county any services, equipment, supplies, materials, or funds for emergency management purposes by way of gift, grant or loan, when such offer has been approved by the Governor;
38. seeking and accepting from any person, firm or corporation, any gratuitous offers to provide services, equipment, supplies, materials, funds, or licenses or privileges to use real estate or other premises, to the county for emergency management purposes;
39. issuing proper insignia and papers to emergency management workers and other people directly concerned with emergency management;
40. assuring that all volunteers meet the criteria set

forth below at section I.1. prior to accepting them as members of the Department; and

41. in addition to the powers and duties expressly provided above, the Director shall be construed to have all powers and duties of a local emergency management director as provided under IC 10-4-1. In particular, but not by limitation, the Director, through the Department, may perform or cause to be performed with respect to the county, any function parallel or analogous to those performed on a statewide basis by SEMA under IC 10-4-1.

G. DEPUTY DIRECTOR: GENERAL POWERS AND DUTIES

1. If a Deputy Director has been appointed pursuant to Section E(1)(b) of this chapter, he shall during normal times, assist the Director in the performance of his duties.
2. During an emergency, the Deputy Director shall assist the Director and shall fulfill the duties of the Director in the absence or incapacity of the Director to serve.

H. PRINCIPAL EXECUTIVE OFFICER AND BOARD OF COMMISSIONERS: GENERAL ADMINISTRATIVE POWERS AND DUTIES; TESTS OF EMERGENCY OPERATIONS PLAN

1. In time of normal county operations, powers and duties of the Principal Executive Officer pertaining to emergency management shall be:
 - a. seeking the advice and input of the Director as to the advisability of declaring a local disaster emergency; and
 - b. declaring, pursuant to IC 10-4-1-23(a), a local disaster emergency.
2. In time of normal county operations, powers and duties of the County Commissioners pertaining to emergency management shall be:
 - a. maintaining general supervision over the planning and administration for the Department;
 - b. adoption of the plan;
 - c. coordinating emergency management activities

consistent with the plan;

- d. making assignments of county personnel to emergency management activities consistent with the plan;
 - e. making assignments of county personnel to emergency management duties in order to meet situations not covered in the normal duties and powers of such agencies consistent with the plan;
 - f. taking all necessary action in co-ordination with the Department to conduct tests of the plan; and
 - g. educating themselves as to their responsibilities under the plan.
3. Emergency management tests may be conducted at any time with or without prior notification to persons other than the Director. All emergency tests conducted within the boundaries of _____ County shall be coordinated with the Department.

I. QUALIFICATIONS AND APPOINTMENT OF EMERGENCY MANAGEMENT VOLUNTEERS:

1. The Director shall assure that all volunteer personnel meet the following qualifications, before being placed on the roster as a member of the Department:
 - a. be at least eighteen (18) years of age or older;
 - b. not be convicted of a felony; and
 - c. have completed and have on file with the Department an application form.
2. Upon satisfaction of the above requirements and formal entry upon the Department's roster of volunteers, the applicant is officially a member of the _____ County Department of Emergency Management.

J. DEPARTMENTAL BUDGETING AND FINANCE

1. The Advisory Council shall advise the Director in the preparation of the budget.

2. The County Council shall appropriate such funds as it may deem necessary for the purpose of emergency management.
3. All funds appropriated or otherwise available to the Department of Emergency Management shall be administered by the Director.

K. EMERGENCY OPERATIONS PLAN: FORMULATION, CONTENT AND ADOPTION OF PLAN

1. A _____ COUNTY EMERGENCY OPERATIONS PLAN shall be adopted by resolution of the _____ County Commissioners. In the preparation of this plan, as it pertains to county organization, it is the intent that the services, equipment, facilities and personnel of all existing departments and agencies shall be utilized to the fullest extent possible.
2. The plan shall have, at minimum, the following contents:
 - a. Basic Plan -- to include:
 - (1) Purpose;
 - (2) Situation/Assumptions;
 - (3) Concept of Operations;
 - (4) Assignment of Responsibilities;
 - (5) Direction and Control;
 - (6) Continuity of Government;
 - (7) Administration and Logistics; and
 - (8) Execution.
 - b. Annexes -- to include:
 - (1) Direction and Control (Warning and Communications);
 - (2) Radiological Protection;
 - (3) Law Enforcement;

- (4) Fire and Rescue;
 - (5) Health and Medical;
 - (6) Hazardous Materials Response for SARA Title III releases (to be drafted by the Local Emergency Planning Committee, pursuant to IC 13-7-37-12);
 - (7) Hazardous Materials Response for non-SARA Title III releases;
 - (8) Welfare and Human Services;
 - (9) Shelter;
 - (10) Evacuation;
 - (11) Public Works; and
 - (12) Resource and Supply.
3. In addition, all emergency services within the county shall:
- a. if they develop internal plans, assure that those plans are drafted subject to the requirements of the plan;
 - b. coordinate internal plans with the Department of Emergency Management;
 - c. assure inclusion of internal plans within the county plan;
 - d. perform the functions and duties assigned by the county plan; and
 - e. maintain their portion of the plan in a current state of readiness at all times.

L. COUNTYWIDE JURISDICTION OF DEPARTMENT OF EMERGENCY MANAGEMENT; COUNTY EMERGENCY OPERATIONS PLAN; AND RELATED OFFICIAL POWERS

1. Except as provided by Section 2.C. and Section 2.D. of this chapter, the jurisdiction of the county Department of Emergency Management shall be:
- (1) comprehensive and inclusive countywide, and

- (2) effective in both the incorporated and unincorporated areas of the county.

2. The jurisdiction and applicability of the county's comprehensive emergency management and disaster plan as adopted pursuant to Section 3.L., and the exercise of any powers of the Principal Executive Officer of the county and the County Commissioners under Section 4, shall be:

- (1) comprehensive and inclusive countywide, and
- (2) effective in both the incorporated and unincorporated areas of the county.

3. All incorporated areas of the county shall:

- a. if they develop internal plans, assure that those plans are drafted subject to the requirements of the plan;
- b. coordinate internal plans with the Department of Emergency Management;
- c. assure inclusion of internal plans within the county plan;
- d. perform the functions and duties assigned by the county plan; and
- e. maintain their portion of the plan in a current state of readiness at all times.

IV. SECTION 4 COUNTY EMERGENCY MANAGEMENT PROGRAM: EMERGENCY
POWERS, REGULATIONS AND PROCEDURES

A. APPLICABILITY OF CHAPTER

This section shall apply whenever:

1. a state of emergency affecting all or part of the county has been declared by the Governor pursuant to IC 10-4-1-7;
2. a state of emergency affecting all or part of the county has been declared by the Principal Executive Officer of the County pursuant to IC 10-4-1-23(a) and Section 4.C. hereof;
3. a presumptive state of emergency is deemed to exist affecting all or part of the county causing the

Director to invoke and implement emergency plans and procedures in accordance with Section 4.H. hereof; or

4. when the Board of Commissioners has implemented a test of the county's emergency plan and procedures in accordance with and to the extent necessary or dispensable to such test.

B. RESPONSIBILITIES OF DEPARTMENT OF EMERGENCY MANAGEMENT PRIOR TO DECLARATION OF LOCAL DISASTER EMERGENCY

The Department of Emergency Management shall have the following responsibilities prior to declaration of a disaster:

1. the warning function as prescribed in the portion of the plan;
2. assuring proper functioning of emergency communications throughout the county, including all cities and towns, as prescribed in the communications portion of the plan; and
3. assuring that mitigation, training and exercising have been performed.

C. SPECIAL EMERGENCY POWERS AND DUTIES OF PRINCIPAL EXECUTIVE OFFICER; DECLARATION OF LOCAL DISASTER EMERGENCY

1. In the event of actual or threatened enemy attack or disaster affecting the county, the Principal Executive Officer of the county may:
 - a. declare a local disaster emergency,
 - b. pursuant to IC 10-4-2-3(a),
 - c. for any period,
 - d. not to exceed 7 days.
2. The declaration shall:
 - a. be in writing;
 - b. indicate the nature of the disaster;
 - c. indicate the conditions which have brought the disaster about;
 - d. indicate the area or areas threatened;
 - e. indicate the area or areas to which the state of emergency applies (which may include the entire county or only designated parts thereof); and
 - f. be announced or disseminated to the general

public by the best means available.

3. The declaration shall be filed in the offices of:
 - a. the County Clerk;
 - b. the County Auditor; and
 - c. the clerk of any incorporated municipality included in the declared disaster area.
4. The declaration shall not be invalidated nor ineffective if any of the filing and dissemination requirements cannot be complied with due to the prevailing adverse circumstances.
5. Upon a declaration, the county's comprehensive emergency management and disaster control plan which has been adopted pursuant to Section 3.L. or such several component parts thereof as may be relevant to the emergency shall be:
 - a. activated; and
 - b. implemented.
6. Such a declaration shall not be necessary if the Governor, pursuant to IC 10-4-1-7, has already proclaimed a statewide or areawide state of emergency including the county.

D. SPECIAL EMERGENCY POWERS AND DUTIES OF PRINCIPAL EXECUTIVE OFFICER; CONVENTION OF EMERGENCY MEETING OF BOARD OF COMMISSIONERS; SPECIAL MEETING PROCEDURES

1. As soon as possible after a disaster emergency affecting the county is declared either by the Governor or by the Principal Executive Officer of the county, the Principal Executive Officer of the county shall convene a meeting of the County Commissioners to perform their legislative and administrative functions as the situation may demand.
2. If the Principal Executive Officer fails or is unable to convene a meeting as mandated above, the meeting shall be convened in accordance with IC 36-2-2-3(A).
3. Any such meeting of the Commissioners shall:
 - a. be deemed an emergency meeting;
 - b. be subject only to such procedural provisions of law as govern emergency meetings of County

- Commissioners;
 - c. include relaxation of any applicable notice requirements pursuant to IC 5-14-1.5-5(d);
 - d. be held in any convenient and available place;
 - e. continue without adjournment for the duration of the disaster emergency; and
 - f. be recessed for reasonable periods of time as necessary and permitted by the circumstances.
- E. SPECIAL EMERGENCY POWERS AND DUTIES OF PRINCIPAL EXECUTIVE OFFICER; PLENIPOTENTIARY POWERS IN ABSENCE OF BOARD QUORUM
- 1. In the event that a quorum of the Board of Commissioners cannot be assembled for purposes of the meeting required under Section 4 (D), the Principal Executive Officer of the county shall:
 - a. be considered a plenipotentiary representative of the Board;
 - b. have all powers of the full Board; and
 - c. take all actions of the full Board.
 - 2. When a quorum is assembled, such plenipotentiary powers shall cease.
- F. SPECIAL EMERGENCY POWERS AND DUTIES OF BOARD OF COMMISSIONERS
- 1. At the meeting convened under Section 4.D., the Commissioners may exercise any of their normal executive and legislative powers to the extent related to the emergency and necessary to deal therewith.
 - 2. In addition to the powers enumerated in Section F.1., the Board may also exercise any of the following special and extraordinary powers:
 - a. The Commissioners may extend the period of a state of emergency declared by the chief executive officer pursuant to Section 4.C., to last more than 7 days if necessary.
 - b. The Commissioners may terminate the state of emergency, except for a state of emergency declared by the Governor.
 - c. The Commissioners may assemble and utilize

emergency management forces, including:

- (1) personnel of the Department of Emergency Management;
 - (2) participating emergency services; and
 - (3) any other forces at the disposal of the Commissioners hereunder for emergency management purposes.
- d. The Commissioners may order volunteer forces which have been activated pursuant to the plan to the aid of the county, state or political subdivisions thereof as soon as practicable. These volunteer forces shall be under the direction of the Department of Emergency Management.
- e. In order to control the local disaster emergency and provide for public health, safety and welfare, the Commissioners may, to the extent permitted by IC 10-41-25 and subject to its provisions, command services and/or requisition the use of:
- (1) equipment;
 - (2) facilities;
 - (3) supplies; or
 - (4) other property.
- f. The Commissioners may order the evacuation of all or part of the population from stricken areas of the county, and prescribe:
- (1) routes;
 - (2) modes of transportation; and
 - (3) evacuation destinations.
- g. The Commissioners may make provision for availability and use of temporary emergency housing, which housing need not necessarily comply with any minimum housing standards, building or zoning regulations, etc., which would govern the use and location of premises for housing purposes during normal times.
- h. The Commissioners may suspend, for the duration of the state of emergency (or for a lesser period as they determine), any provisions of or procedures prescribed by ordinances of the county if they:

- (1) would be impractical during the emergency;
 - (2) would interfere with the implementation and carrying out of emergency plans; or
 - (3) would be inimical to actions necessary to protect the public safety and welfare.
- i. Except in accordance with subsection 4.F.2.m. hereinafter the Commissioners shall not suspend any provisions of ordinances or procedures which are mandated by statute.
- j. In the event of enemy attack, or when the state of emergency has been proclaimed by the Governor, the Commissioners, in accordance with IC 10-4-1-10(j)(5), may waive any procedures or requirements of statute, or of county ordinances reflecting statutory requirements and mandates, and pertaining to:
 - (1) the appropriation and expenditure of public funds;
 - (2) the incurring of obligations;
 - (3) the performance of public works;
 - (4) the entering into contracts;
 - (5) the employment of workers, whose employment may be either:
 - (a) permanent or
 - (b) temporary
 - (6) the utilization of volunteer workers;
 - (7) the rental of equipment;
 - (8) the purchase and distribution of:
 - (a) supplies,
 - (b) materials, and
 - (c) facilities.
- k. The Commissioners may assign any special emergency duties and functions to county:
 - (1) offices;
 - (2) departments; and

(3) agencies.

1. Any unexpended and unencumbered monies budgeted and appropriated but not otherwise dedicated by law to different purposes may, within the scope of each major budget and appropriation category (major object classification), be utilized and expended for the purpose of carrying out such special emergency duties and functions.
- m. The Commissioners may make and promulgate such emergency regulations as may be deemed necessary implement and carry out the provisions of the county's or state's plans.
 - (1) Such regulations shall not be effective until promulgated, through either:
 - (a) written filing in this offices of the County Clerk and County Auditor as required by IC 10-4-1-15(B); or
 - (b) if filing is impossible, through conspicuous posting at two (2) public locations within the county.
 - (2) Such regulation shall have the full force of law and shall be enforceable by any police officer in accordance with IC 10-4-1-17.
- n. The Commissioners may, in accordance with the plan, request the state or the United States or their agencies and political subdivisions to send aid (including financial assistance) if the situation is beyond the control of the regular and emergency county forces and resources.
3. All actions and regulations under this section shall be:
 - a. adopted by ordinance or resolution;
 - b. consistent with, and subordinate to, any actions, orders, or regulations made by the Governor or a state agency implementing the state Emergency Operations Plan.

G. SPECIAL EMERGENCY POWERS AND DUTIES OF DIRECTOR
EMERGENCY MANAGEMENT

1. The Director shall make recommendations and advise the Board of Commissioners or the Principal Executive Officer on any actions which it would be necessary or desirable to take under Section 4.F. in the event of any emergency.
2. In the event that an emergency clearly exists or is imminent within the county, and a state of emergency has not been declared by the Governor nor is any person having the powers of the Principal Executive Officer of the county present to declare such an emergency pursuant to Section 4.C., the Director may temporarily presume the existence of a state of emergency.
3. When Director temporarily presumes the existence of a state of emergency, the Director shall:
 - a. put into effect those portions plan as necessary:
 - (1) to cope with the emergency; and
 - (2) protect the public safety and welfare;
 - b. be construed to have all powers necessary and dispensable to doing so to the extent not specifically limited by statute or specifically limited herein, until such time as a chief executive officer becomes available;
 - c. have his functions performed by the Deputy Director to the extent that the Deputy Director is required to assume the duties of the Director, as provided by Section 3 (H). in the latter's absence or incapacitation during the emergency.
4. Assistance from the Department of Emergency Management may be rendered without a declaration of an emergency in order to assist local emergency services in time of need.

H. GENERAL DUTIES OF OFFICERS AND EMPLOYEES OF INCORPORATED AND UNINCORPORATED AREAS OF THE COUNTY DURING EMERGENCY

During a declared emergency, all officers and employees of incorporated and unincorporated areas of the county shall:

1. cooperate with and give active support to:

- a. the County Commissioners; and
 - b. the county Emergency Management Director.
2. comply with all orders issued pursuant to this chapter by:
 - a. the Commissioners; and
 - b. the county Emergency Management Director.

I. PRIORITY OF EMERGENCY ORDERS, RULES AND REGULATIONS

At all times when the orders, rules and regulations made and promulgated pursuant to this chapter shall be in effect, they shall supersede all existing inconsistent:

1. ordinances;
2. orders;
3. rules; and
4. regulations.

J. NONCOMPLIANCE WITH EMERGENCY ORDERS, RULES AND REGULATIONS: OBSTRUCTION OR IMPERSONATION OF EMERGENCY MANAGEMENT AUTHORITIES; PENALTIES AND ENFORCEMENT

1. Whenever this chapter applies it shall be unlawful and a penal ordinance violation for any person to:
 - a. willfully obstruct, hinder or delay the Commissioners, the Director of Emergency Management, participating emergency services, authorized emergency management volunteers or other authorities from implementing, carrying out and enforcing emergency plans and procedures;
 - b. fail to observe, abide by, and comply with any emergency management duties, orders, regulations and procedures as made applicable to such person by the appropriate authorities; or
 - c. falsely wear or carry identification as a member of the county Department of Emergency Management or to otherwise falsely identify or purport to be a county emergency management authority.
2. Any person who commits an offense as described above shall be liable to a fine of \$2,500.00; such fine to be subject, however, to the discretion of

the court of jurisdiction.

- 3., Any regular or reserve police officer of the State of Indiana or any of its political subdivisions is hereby empowered to issue and serve a civil citation against any person found to be committing an offense described above.

K. LIMITATION OF LIABILITY DURING STATE OF EMERGENCY OR EMERGENCY OR EMERGENCY MANAGEMENT TESTS

During an emergency management test or declared emergency, the following shall be immune from liability, to the extent provided by I.C. 10-4-1 and any other applicable law:

1. the county;
2. its assigned personnel;
3. participating emergency services; and
4. rostered volunteers.

L. REIMBURSEMENT FOR USE OF PROPERTY COMMANDEERED DURING EMERGENCY

Owners of property commandeered for the use in any emergency by any county official shall be reimbursed for its use by the county as the County Council shall approve with regard to:

1. manner of compensation; and
2. amount of compensation.

ORDINANCE NO. 2001- 19

AN ORDINANCE AMENDING THE HENDRICKS COUNTY
INDIANA SUBDIVISION CONTROL ORDINANCE BY
AMENDING SECTION 2.02 DEFINITIONS.

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 changing Section 2.02 (73) Minor Subdivision and 2.02 (121)(a) Subdivision;

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 Board of County Commissioners; and

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.

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

SECTION 1. Section 2.02 (73) and (121)(a) of the Hendricks County Subdivision Control Ordinance is hereby amended to include the following changes and additions:


73. MINOR SUBDIVISION: 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. The parcel shall front upon an existing street, which is an improved right-of-way maintained by the County or other governmental entity and not involve any new street; and

121. SUBDIVISION:
 a. A tract, which is at least twenty (20) acres in size.

SECTION 2. This ordinance shall be in full force and effective from and after its passage and approval and publication according to law.

Approved by the Board of County Commissioners of Hendricks County, Indiana, this 5th day of November, 2001.

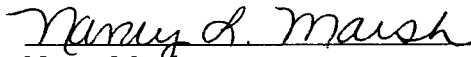
BOARD OF COUNTY COMMISSIONERS


Steven L. Ostermeier, President


Linda Palmer, Vice President


John D. Clampitt, Member

ATTEST:


Nancy Marsh
Auditor

ORDINANCE NO. 2001-20

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM C-3: OFFICE COMMERCIAL DISTRICT, TO C-2: GENERAL COMMERCIAL DISTRICT. COMMONLY KNOWN AS ZA-266/WA01-07: MARVIN & MADGE WOOD, WASHINGTON TOWNSHIP, PARCEL TOTALING 9.0 ACRES, LOCATED ON THE SOUTH SIDE OF EAST MAIN STREET, SOUTHEAST CORNER OF EAST MAIN STREET AND COUNTY ROAD 525 EAST.

SECTION 1. Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (1991-17) adopted on the 18th day of November on the year 1991, be amended so as to include in the C-2: General Commercial District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA-266/WA01-07: Marvin & Madge Wood, S9-T15-R1E, 9.0 acres, Washington Township, located on the south side of East Main Street, southeast corner of East Main Street and County Road 525 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.

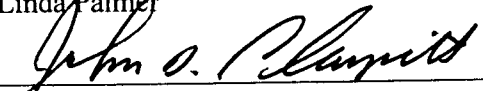
SECTION 3. This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the 5th day of November, 2001.

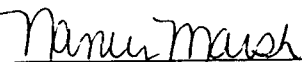
Board of Commissioners


Steven L. Ostermeier


Linda Palmer


J.D. Clampitt

Attest:


Nancy Marsh, Auditor

ORDINANCE NO. 2001-21

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM R-1: LOW DENSITY, SINGLE FAMILY RESIDENTIAL DISTRICT, TO R-2: MEDIUM DENSITY, SINGLE FAMILY RESIDENTIAL DISTRICT. COMMONLY KNOWN AS ZA-270/WA01-10: MICHAEL A. SCHAEFER, WASHINGTON TOWNSHIP, PARCEL TOTALING 6.00 ACRES, LOCATED ON THE NORTH SIDE OF COUNTY ROAD 200 NORTH, 0.50 MILE WEST OF COUNTY ROAD 800 EAST.


SECTION 1. Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (1991-17) adopted on the 18th day of November on the year 1991, be amended so as to include in the R-2: Medium Density, Single Family Residential District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA-270/WA01-10: Michael A. Schaefer, S26-T16-R1E, 6.00 acres, Washington Township, located on the north side of County Road 200 North, 0.50 mile west of County Road 800 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.

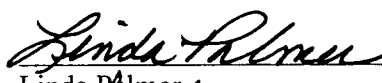
SECTION 3. This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the 5th day of November, 2001.

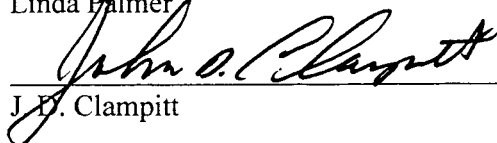
Board of Commissioners



Steven L. Ostermeier

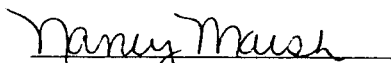


Linda Palmer



J. D. Clampitt

Attest:


Nancy Marsh, Auditor

ORDINANCE NO. 2001-22

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM R-1: LOW DENSITY, SINGLE FAMILY RESIDENTIAL DISTRICT, TO R-2: MEDIUM DENSITY, SINGLE FAMILY RESIDENTIAL DISTRICT. COMMONLY KNOWN AS ZA-271/WA01-11: MICHAEL A. SCHAEFER, WASHINGTON TOWNSHIP, PARCEL TOTALING 1.00 ACRE, LOCATED ON THE WEST SIDE OF COUNTY ROAD 800 EAST, 0.50 MILE NORTH OF COUNTY ROAD 200 NORTH.

SECTION 1. Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (1991-17) adopted on the 18th day of November on the year 1991, be amended so as to include in the R-2: Medium Density, Single Family Residential District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA-271/WA01-11: Michael A. Schaefer, S26-T16-R1E, 1.00 acres, Washington Township, located on the west side of County Road 800 East, 0.50 mile north of County Road 200 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. 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 5th day of November, 2001.

Board of Commissioners

Steven L. Ostermeier
Steven L. Ostermeier

Linda Palmer
Linda Palmer

John D. Clampitt
J. D. Clampitt

Attest:

Nancy Marsh
Nancy Marsh, Auditor

ORDINANCE NO. 2001-23

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM **I-2: LIGHT INDUSTRIAL DISTRICT**, TO **C-4: HIGHWAY COMMERCIAL DISTRICT**. COMMONLY KNOWN AS **ZA-272/WA01-12: WESLEY LINK, WASHINGTON TOWNSHIP, PARCEL TOTALING 1.83 ACRES, LOCATED ON THE SOUTHEAST CORNER OF U.S. HIGHWAY 36 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 (1991-17) adopted on the 18th day of November on the year 1991, be amended so as to include in the C-4: Highway Commercial District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA-272/WA01-12: Wesley Link, S7-T15-R2E, 1.83 acres, Washington Township, located on the southeast corner of U.S. Highway 36 and 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, the Petitioner made the following self-imposed stipulation that the proposed trailer sales will remain in the area behind the existing motel on the property.

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 5th day of November, 2001.

Board of Commissioners

Steven L. Ostermeier
Steven L. Ostermeier

Linda Palmer
Linda Palmer

John D. Clampitt
D. Clampitt

Attest:

Nancy Marsh
Nancy Marsh, Auditor

ORDINANCE NO. 2001-24

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 1992 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 Commissions pertaining to the adoption of a zoning ordinance within their jurisdiction pursuant to IC 36-7-4-500, as amended; and

WHEREAS, the Hendricks County Area Plan Commission, with the assistance of the Citizens' Advisory Committee, has prepared a replacement zoning 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 zoning proposals contained in the prepared replacement zoning ordinance entitled "Hendricks County Zoning Ordinance 2001" and

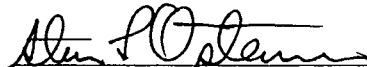
WHEREAS, the Hendricks County Plan Commission has reviewed and approved the replacement zoning ordinance entitled "Hendricks County Zoning Ordinance 2001" and has, by resolution, recommended the adoption of the ordinance to the Board of County Commissioners of Hendricks County; and

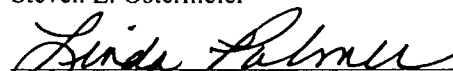
WHEREAS, the proposed replacement zoning ordinance entitled "Hendricks County Zoning Ordinance 2001" contains the zoning requirements for the orderly land use development of Hendricks County and regarding the zoning of Hendricks County.

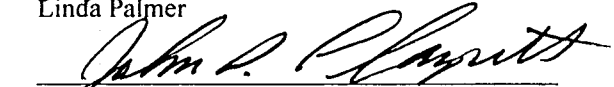
NOW THEREFORE, in order to promote the public health, safety, morals, convenience, order and the general welfare and for the sake of efficiency and economy in the process of developing Hendricks County, the Board of Commissioners of Hendricks County, Indiana finds that the replacement zoning ordinance entitled "Hendricks County Zoning Ordinance 2001," attached hereto and made a part thereof, be in full force and effect after this date.

Passed and approved by the Board of Commissioners of Hendricks County, Indiana, this 5th day of November, 2001.

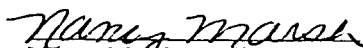
BOARD OF COMMISSIONERS


Steven L. Ostermeier


Linda Palmer


J. D. Clampitt

Attest:


Nancy Marsh, Auditor

STATE OF INDIANA)
 SS:
COUNTY OF HENDRICKS)

ORDINANCE NO. 2001- 28

WHEREAS, the Board of Commissioners of Hendricks County, Indiana previously enacted Ordinance 1993-04, Ordinance for Registration and Regulations for Canvassers, and

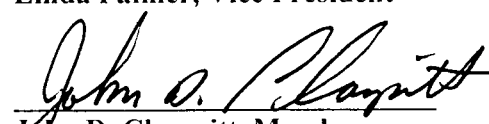
WHEREAS, the Board of Commissioners of Hendricks County, Indiana deem it to be in the best interest of said County that Ordinance 1993-04, Ordinance for Registration and Regulations for Canvassers, be repealed.

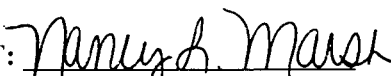
Said ORDINANCE adopted this 13th day of November, 2001.

BOARD OF COMMISISONERS OF HEDNRICKS COUNTY, INDIANA


Steven L. Ostermeier, President

Linda Palmer, Vice President


John D. Clampitt, Member

ATEEST: 
Nancy L. Marsh, Auditor

STATE OF INDIANA)
 SS
COUNTY OF HENDRICKS)

ORDINANCE NO. 2001 - 26

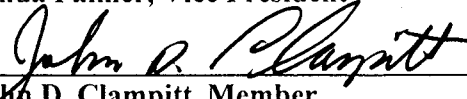
WHEREAS, The Board Of Commissions, of Hendricks County, Indiana previously enacted Ordinance 1993-5, Ordinance Providing for the Licensing and Regulation of Direct Sellers, and

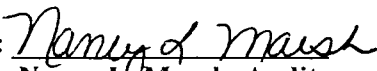
WHEREAS, the Board of Commissioners of Hendricks County, Indiana deem it to be in the best interest of said County that Ordinance 1993-5, Ordinance Providing for the Licensing and Regulation of Direct Sellers, be repealed.

Said ORDINANCE adopted this 13th day of November 2001.

BOARD OF COMMISSIONES OF HENDRICKS COUNTY, INDIANA


Steven L. Ostermeier, President

Linda Palmer, Vice President

John D. Clampitt, Member

ATTEST: 
Nancy L. Marsh, Auditor

ORDINANCE NO. 2001-27

BOARD OF COMMISSIONERS
HENDRICKS, INDIANA

WHEREAS, the Hendricks County Board of Commissioners has deemed it necessary to pass a new ordinance for inclusion in the Hendricks County Code; and

WHEREAS, I.C. 36-2-6-4.5 allows establishment of pre-approved or pre-payment procedures allowing money to be disbursed for lawful county purposes;
NOW THEREFORE

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF HENDRICKS COUNTY, INDIANA:

That the following categories are designated for pre-approved or pre-payment procedures:

1. Property or services purchased or leased from the U. S. Government, its agencies or its political subdivisions
2. License or permit fees
3. Insurance premiums
4. Utility payments or utility connection charges
5. General grant programs where advance funding is prohibited
6. Grants or state funds authorized by statute
7. Maintenance or service agreements
8. Lease or rental payments
9. Bond or coupon payments
10. Payroll
11. State or Federal Taxes
12. Expenses paid for emergency services
13. Collect freight deliveries
14. Conference registration approved by the Board of Commissioners
15. Reimbursement for conference expenses incurred while attending approved conferences
16. Credit card or charge card expenses incurred by Hendricks County Government offices for lawful purposes
17. Postage

Pursuant to Indiana Code, each payment must be fully itemized and each invoice or bill certified by the County Auditor. The pre-approved or pre-paid claim must be advertised and approved at the next scheduled meeting of the Hendricks County Board of Commissioners.

Adopted this 13th day of November, 2001

HENDRICKS COUNTY COMMISSIONERS:

Steven L. Ostermeier
Steven L. Ostermeier, President

John D. Clampitt
J. D. Clampitt, Member

Linda Palmer
Linda Palmer, Member

Attest: Nancy L. Marsh
Nancy L. Marsh, Auditor of Hendricks County

ORDINANCE NO. 2001-28

AN ORDINANCE ESTABLISHING PROCEDURES FOR PERMITS TO ACCESS REGULATED DRAINS AND THEIR EASEMENTS WITHIN HENDRICKS COUNTY

HENDRICKS COUNTY CODE 36-9-27-1

WHEREAS, pursuant to Indiana Code 36-9-27, the Hendricks County Drainage Board, has the authority to establish, construct, reconstruct and maintain regulated drains and drainage structures within Hendricks County; and,

WHEREAS, Indiana Code 36-9-27-17 authorizes the Drainage Board to approve connections to the regulated drains within Hendricks County if there is sufficient capacity, and permits the Hendricks County Drainage Board to deny access to the regulated drain if the drain is inadequate to accept the connection without construction, reconstruction, or maintenance; and,

WHEREAS, on many occasions it is the best interest of all of the land owners benefited by a regulated drain, that connection to a drain be permitted only upon certain improvements to the drain which improvements should justifiably be made by the person seeking connection to the drain; and,

WHEREAS, the regulated drainage system within Hendricks County has limited capacity and in order to maximize the benefits of the drainage system to all of the citizens, it is in the best interest of the citizens of Hendricks County that an Ordinance be passed establishing procedures, regulations, and fees to be charged to persons seeking to connect to regulated drains within Hendricks County; and,

WHEREAS, the Hendricks County Drainage Board has in the past followed certain procedures for permitting access to regulated drains, and nothing herein should be construed as a renunciation or a repeal of those procedures.

IT IS THEREBY ORDAINED by the Hendricks County Drainage Board as follows:

Any person or entity performing work within the watershed or easement of a regulated drain shall conform to the requirements set out herein. Any structure or improvement installed in a Regulated Drainage Easement must have the approval of the Hendricks County Surveyor's Office, and also, the location of that structure or improvement must comply with the Surveyor's Office standards. The standard is a minimum vertical separation of 48 inches above the top of the storm structure or 48 inches below the invert/flow line of all regulated drains. If running parallel to the regulated drain, the standard is a minimum horizontal separation of 10 feet from the centerline of the tile/top of bank, as determined by the Hendricks County Surveyor. Exceptions to these standards may be approved, as long as they do not adversely affect the integrity of the drainage system or violate the approved engineering design. However, any relocation or exposure of structures, facilities or utilities shall be at the expense of the

owner/applicant, and not Hendricks County. Exposing a structure, facility or utility, or its relocation, must be scheduled, with a completion date approved, within five (5) days after receiving notice from the Surveyor's Office and/or the Hendricks County Drainage Board, excluding Saturdays, Sundays and holidays.

ARTICLE I – OUTLETS

Any person, partnership, corporation, or any other entity seeking to discharge any municipal, private, or mutual drains into a regulated drain under the jurisdiction of the Hendricks County Drainage Board shall make application to the Hendricks County Surveyor's Office.

- a. All drainage outlets are to be in compliance with the Storm Drainage, Erosion, and Sediment Control Ordinance of Hendricks County (SDESCO).
- b. For drainage outlets, the Hendricks County Surveyor and/or the Hendricks County Drainage Board may require an applicant to provide a drainage narrative, analysis and calculations to ensure compliance with SDESCO.
- c. For drainage outlets, the Hendricks County Surveyor and/or the Hendricks County Drainage Board may determine that the above-mentioned narrative, analysis and drainage calculations need to be reviewed by an outside engineering consultant. This review would be at the expense of the applicant, per the Drainage Board Uniform Fee Schedule.
- d. All applications shall be on forms provided by the Hendricks County Surveyor and shall meet the specifications set out herein. Such application shall contain any plans, specifications and any other information as deemed necessary by the Hendricks County Surveyor. Applications shall be signed by the owner of record or his agent. If signed by the agent, it shall be noted as to the agent's capacity, i.e., Contractor, Realtor, Engineer, Attorney, Surveyor, etc.
- e. Multiple outlets for the same drain may be included on the same outlet request permit form if outlets occur on same tax parcel. Multiple outlets for the same drain on separate tax parcels shall require separate outlet request permit forms. Multiple outlets occurring on the same tax parcel but for separate drains shall require a separate outlet request form for each drain involved. Each outlet shall be charged separately.
- f. A Direct Outlet shall be considered as any drainage facility outletting directly into a regulated drain without utilizing a private or mutual drain or municipal storm drainage facility or natural or manmade watercourse.
- g. The County Surveyor's Office shall charge application fees to any persons, partnership, corporation, or any other entity filing an application to discharge private or mutual drains into a regulated drain under the jurisdiction of the County Drainage Board, per the Drainage Board Uniform Fee Schedule.

ARTICLE II – CROSSINGS

Any person, partnership, corporation, or any other entity seeking to cross under, over, or through a regulated drain under the jurisdiction of the Hendricks County Drainage Board with any structure or improvement shall make application to the Hendricks County Surveyor's Office.

- a. All applications shall be on forms provided by the Hendricks County Surveyor and shall meet the requirements set out therein. Such application shall contain any plans, specifications and any other information as deemed necessary by the Hendricks County Surveyor. Application shall be signed by the owner of record or his agent. If signed by the agent, it shall be noted as to the agent's capacity, i.e., Contractor, Realtor, Engineer, Attorney, Surveyor, etc.
- b. The Surveyor's Office standard for all crossings is a minimum vertical separation of 48 inches above the top of the storm structure or 48 inches below the invert/flow line of all regulated drains.
- c. Multiple crossings for the same drain may be included on the same crossing request permit form if crossings occur on same tax parcel. Multiple crossings for the same drain on separate tax parcels shall require separate crossing request permit forms. Multiple crossing occurring on same tax parcel but for separate drains shall require a separate crossing request permit form for each drain involved. Each crossing shall be charged separately.
- d. Utility projects affecting multiple drains shall require separate request forms for each drain affected. Utility projects affecting a single drain but multiple tax parcels shall require a single request form.
- e. The County Surveyor's Office shall charge application fees to any person, partnership, corporation, or association who applies for authority to cross under, over, or through a regulated drain under the jurisdiction of the County Drainage Board, with any structure or improvement, per the Drainage Board Uniform Fee Schedule. The fee will be waived for utilities operating 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.

ARTICLE III – ENCROACHMENT OF AN EASEMENT

Any persons, partnership, corporation, or any other entity seeking to encroach within a regulated drainage easement with any structure, landscaping or other improvement must make application to the Hendricks County Surveyor's Office, and shall gain approval by the Hendricks County Drainage Board and/or the Hendricks County Surveyor for the proposed encroachment. Notice of all approved encroachments shall be made of record with the Hendricks County Drainage Board.

- a. Filing an application must precede any encroachment onto a Regulated County drainage easement. If approved by the Hendricks County Drainage Board, the Board will not enforce its Regulated Drainage Easement beyond a specified distance from the tile or open drain. However, if future work is required on the Regulated County Drain, the County will not be responsible for damages to any structure, landscaping or other improvement made within the Regulated Drainage Easement
- b. All applications shall be on forms provided by the Hendricks County Surveyor and shall meet the requirements set out therein. Such application shall contain any plans, specifications, recorded deed, any easement agreements, and any other information as deemed necessary by the Hendricks County Surveyor. Applications shall be signed by the owner of record.
- c. The Surveyor's Office standard for all encroachments is a minimum horizontal separation of 10 feet from the centerline of the tile/top of bank of all regulated drains, as determined by the Hendricks County Surveyor.
- d. Multiple encroachment requests for the same drain may be included on the same request form if encroachments occur on the same tax parcel. Multiple encroachment requests for the same drain for separate tax parcels shall require separate request forms. Multiple encroachment requests occurring on the same tax parcel but for separate drains shall require a separate request form for each drain involved. Each request shall be charged separately per request form.
- e. Utility encroachment for projects affecting multiple drains shall require separate request forms for each drain affected. Utility encroachment for projects affecting a single drain but multiple tax parcels shall require a single request form.
- f. The County Surveyor's Office shall charge application fees to any person, partnership, corporation, or association filing an application for an Encroachment Agreement pursuant to Indiana Code 36-9-27-33, per the Drainage Board Uniform Fee Schedule. These fees include the fee charged by the County Recorder for recording the Encroachment Agreement. The fee will be waived for utilities operating 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.

ARTICLE IV - GENERAL REQUIREMENTS

No part of any filing fee for outlet, crossing, or encroachment shall be returnable to the applicant. All monies shall be payable to the Hendricks County Drainage Board. The County Surveyor's Office shall maintain records of the fees collected pursuant to this County Ordinance. The fees collected under this County Ordinance shall be periodically remitted to the County Treasurer and

shall be deposited in the appropriate Regulated Drain Maintenance Fund. No application fee shall be required to be paid by units of government for construction, maintenance, or remodeling of any public facility.

- a. The fees outlined for outlets, crossings and encroachments in this County Ordinance include application review, initial inspection, and one (1) re-inspection.
- b. Approvals received by the applicant from other Agencies, Departments or Municipalities shall not constitute approval for outletting, crossing or encroachment by the County Surveyor or Drainage Board.
- c. Failure to comply with this County Ordinance shall be subject to The County Surveyor taking any one or more of the following actions:
 - 1.) Posting of Stop-work order on the project;
 - 2.) The procurement of an irrevocable Letter of Credit or Cashier's Check;
 - 3.) A denial for further storm water permits and/or approvals for the subject project in noncompliance with this County Ordinance.
 - 4.) All legal remedies including but not limited to injunctive relief.
- d. The owner, developer, contractor and/or utility shall provide notification to the Surveyor's Office seventy-two (72) hours prior to commencement of any work, except in cases of an emergency. A Stop-Work-Order shall be issued by the Surveyor's Office for all projects which are proceeding without the required 'Notification of Work'.
- e. Once construction begins, the contractor shall be responsible for notifying the Surveyor's Office of the following:
 - 1.) If work is to be performed on weekends and/or holidays.
 - 2.) Before storm-water structures are backfilled. No connection or crossings of regulated drains shall be backfilled without an opportunity being given to the Surveyor's Office for an inspection. Failure to comply with this requirement shall result in the excavation of the connection, crossing or encroachment so as to provide inspection.

ARTICLE V – PENALTIES

A person who violates this County Ordinance commits an Ordinance violation. A fine of up to Five Thousand Dollars (\$5,000.00) may be entered against a person, utility or entity that commits a violation under this County Ordinance, and they may be required to reimburse

Hendricks County for reasonable attorney fees. In addition to the fine, any damage to the Regulated County Drain repaired by the County shall be billed directly to the individual, utility or entity. The relocation of any utility or obstruction will be at the expense of the violator, and will meet County standards.

ARTICLE VI – MISCELLANEOUS

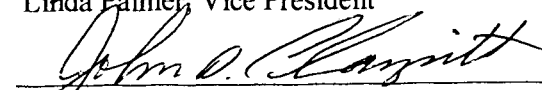
- a. Nothing herein shall be construed to repeal any prior practice, ordinance, or procedure of the Hendricks County Drainage Board or the Hendricks County Surveyor's Office concerning the issues set out herein.
- b. The Hendricks County Surveyor and/or the Hendricks County Drainage Board will have the sole authority to waive any or all sections contained in this Ordinance.
- c. This Ordinance shall be effective upon passage and approval.
- d. In addition to the requirements of this Ordinance, compliance with the Storm Drainage, Erosion, and Sediment Control Ordinance of Hendricks County (SDESCO) and with the requirements set forth in local Zoning Ordinances is also necessary. In case of conflicting requirements between ordinances, the most restrictive requirements shall apply.
- e. **All fees associated with this ordinance are non-refundable.**

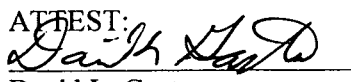
APPROVED by the Hendricks County Drainage Board this 26th day of NOVEMBER, 2001.

HENDRICKS COUNTY DRAINAGE BOARD


Steven L. Ostermeier, President


Linda Palmer, Vice President


John D. Clampitt, Member

ATTEST:

David L. Gaston
Hendricks County Surveyor

ORDINANCE No. 2001-29

AN ORDINANCE ESTABLISHING A DRAINAGE BOARD UNIFORM FEE SCHEDULE:

WHEREAS, the Hendricks County Drainage Board desires to establish a Drainage Board Uniform Fee Schedule, separate from the Hendricks County Zoning Ordinance and the Hendricks County Subdivision Control Ordinance and the Hendricks County Planning and Building Uniform Fee Schedule Ordinance, which will include the setting and collecting of all Drainage Board administrative fees; and

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

NOW THEREFORE, BE IT ORDAINED by the Hendricks County Drainage Board, by the authority of Section 36-9-27-73 of the Indiana Code that there is hereby established a Drainage Board Uniform Fee Schedule as follows:

DRAINAGE BOARD UNIFORM FEE SCHEDULE

I. SUBDIVISION:

- | | |
|---|----------|
| 1. Minor Subdivision | |
| a. Preliminary & Final | \$250.00 |
| 2. Major Subdivision | |
| a. Preliminary | \$250.00 |
| b. Final | \$250.00 |
| 3. Planned Unit Development (PUD) | |
| a. Preliminary | \$250.00 |
| b. Final | \$250.00 |
| 4. Multi Family | |
| a. Preliminary | \$250.00 |
| b. Final | \$250.00 |
| 5. Amendment – Change to recorded Plat | \$250.00 |
| 6. Revision – Change to approved Plat, not recorded | \$150.00 |

II. SITE PLAN REVIEW

- | | |
|-------------------------------|----------|
| 1. Preliminary | \$250.00 |
| 2. Final | \$250.00 |
| 3. Amendment to Approved Plan | \$150.00 |

III. INDIVIDUAL RESIDENCE AND FARMS

- | | |
|--|---------------------------|
| 1. Regulated Drain Outlet Permit | \$100.00 per outlet |
| 2. Regulated Drain Crossing Permit | \$100.00 per crossing |
| 3. Regulated Drain Encroachment Permit | \$100.00 per encroachment |
- (NOTE: All fees in this section can be waived or modified by the Hendricks County Surveyor and/or the Hendricks County Drainage Board)

IV. UTILITIES

- | | |
|--|-------------------------------------|
| 1. Regulated Drain Crossing Permit | \$100.00 per crossing |
| 2. Regulated Drain Encroachment Permit | \$ 0.25 per foot (min. \$150.00) |

(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)

V. OTHER

1. Copy of the Hendricks County
Drainage Board Handbook \$ 50.00
2. Removal of Obstruction \$250.00
(NOTE: Fee can be waived at the discretion of the County Surveyor)
3. Variance of a Regulated Drainage Easement \$100.00

VI. REVIEW CHARGES

All engineering projects will require a review fee above and beyond the application fee. This fee shall equate to the contract rate of the reviewing Engineer, not to exceed \$100.00 per 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

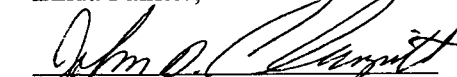
This Ordinance shall be in full force and effect from and after its passage and approval and publication according to law.

APPROVED, by the Drainage Board of Hendricks County, Indiana, this 16th day
of NOVEMBER, 2001.

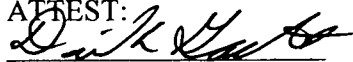
DRAINAGE BOARD


Steven L. Ostermeier, President


Linda Palmer, Vice President


John D. Clampitt, Member

ATTEST:


David L. Gaston
Hendricks County Surveyor

ORDINANCE NO. 2001-30

AN ORDINANCE AMENDING THE HENDRICKS COUNTY
INDIANA SUBDIVISION CONTROL ORDINANCE BY
AMENDING SECTION 5.01 STREET DESIGN STANDARDS.

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 changing Section 5.01 Street Design Standards.

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 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:

5.01 STREET DESIGN STANDARDS

21. A cul-de-sac street shall not exceed six hundred (600) feet in length measured from the centerline of the nearest intersection to the center of the cul-de-sac. A cul-de-sac shall be provided with a turnaround radius of not less than seventy (70) feet at the right-of-way line and not less than sixty (60) feet at the back of the curb line. The cul-de-sac shall be paved in accordance with Section 5.05.

Nancy Marsh
Nancy Marsh, Auditor

ORDINANCE NO. 2001-31

AN ORDINANCE AMENDING THE HENDRICKS COUNTY INDIANA
SUBDIVISION CONTROL ORDINANCE BY AMENDING SECTION 4.02
CONFORMANCE AND SECTION 2.02 DEFINITION – THOROUGHFARE
BUFFERYARD.

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 changing Section 4.02
Conformance and Section 2.02 Definition – Thoroughfare Bufferyard.

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 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:**

4.02 CONFORMANCE

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 2001
Hendricks County, IN Zoning Ordinance.


| Thoroughfare Bufferyards | | |
|-----------------------------|-----------------------------|---------|
| 2001 Zoning Ordinance | 1992 Zoning Ordinance | |
| R-A | R-1 | 20 feet |
| R-B | R-2 | 30 feet |
| R-C | R-3 | 40 feet |
| R-D | | 50 feet |
| R-E | R-4 | 50 feet |
| R-F | R-5 | 50 feet |

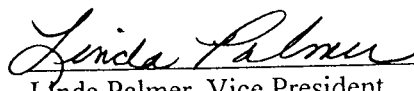
2.02 DEFINITION

Thoroughfare Bufferyard: Common area used to separate a subdivision from an existing county, state, or federal thoroughfare to protect the streetscape and to shield or block noise, lights, or other nuisances. The Thoroughfare Bufferyard shall be outside of all right-of-ways, and other required bufferyards.

Approved by the Board of County Commissioners of Hendricks County, Indiana,
this 26th day of November, 2001.

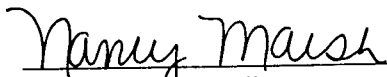
BOARD OF COMMISSIONERS


Steven Ostermeier, President


Linda Palmer, Vice President

J. D. Clampitt, Member

ATTEST:


Nancy Marsh, Auditor

ORDINANCE NO. 2001 - 32

HENDRICKS COUNTY REGIONAL SEWER DISTRICT

ORDINANCE FOR COLLECTION FEES AND CHARGES

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 effect the purposes for which the District was created and operates.

WHEREAS, the District rules and regulations provide for and require adoption of certain rates and charges.

WHEREAS, I.C. 13-26-11, et. Seq., grants certain powers to the District dealing with the collection of rates and charges.

WHEREAS, the Board of Trustees of the District finds and determines that it is to the best interest of the District to adopt these rates and charges, and such rates and charges are believed to be just and equitable.

NOW THEREFORE, be it ordained by the Board of Trustees of the District that the District rates and charges schedule Ordinance entitled "Hendricks County Regional Sewer District Ordinance for Collecting Rates and Charges, "Ordinance No. 2001- be adopted as follows:

1. The statements in the preamble hereof are true and correct and are findings of fact hereby.
2. The rates and charges included herein are adopted for all effects and purposes as the District's rates and charges regarding wastewater service in the Service Area.
3. These rates amend and supercede the rates and charges adopted in Ordinance 1995-28.
4. This Ordinance does not alter any Regional Sewer District agreement in existence as of December 10, 2001 including the following:

| | |
|---|--|
| <u>Agreement</u> Raceway Water Conservancy District Oakhurst Realty, LLC MAC Storage Company, and Ohio Corporation DBA: Broadacre MHP Mobile Home Park Associates, DBA: Lake of Lanterns | <u>dated</u> October 13, 1997 November 3, 1997 December 28, 1998 December 20, 1999 |
|---|--|
5. All rates and charges adopted hereby become of full force and effect as described. The Monthly Service Reservation Fees will be initiated on December 10, 2002, and will be applicable to all allocations existing as of December 10, 2001, including wasteload reservations made between October 8, 2001 and December 10, 2001. The District will assess Monthly Service Reservation Fees, applicable to wasteload allocations reserved after November 1, 2001, beginning one year from the date of Wasteload Allocation.

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

HENDRICKS COUNTY REGIONAL SEWER DISTRICT FEES

Application Fees

| | |
|-------------------------------------|---------|
| Wasteload | \$50.00 |
| Wastewater Facility Construction | \$50.00 |
| On-Site Sewer Construction Permit | \$50.00 |
| Service Transfer (ie: to new owner) | \$50.00 |

Connection Fees:

Service Fee for all commercial construction and residential construction after January 1, 1994

| | |
|---|-----------------------|
| Connection Fee per EDU | \$3000.00/home or EDU |
| Connection Fee per EDU only if paid in full before November 1, 2001 | \$2000.00/home or EDU |

One-third (\$1000.00/EDU) of the connection fee is due prior to issuance of wasteload allocation. The other two-thirds (\$2000.00/EDU) of the connection fee is due prior to sewer connection.

Service Fee for a residence constructed prior to January 1, 1994

| | |
|------------------------|----------|
| Connection Fee per EDU | \$450.00 |
|------------------------|----------|

Monthly Service Fees:

| | |
|---|---------|
| Monthly Service Fee per EDU | \$45.00 |
| Monthly Service Reservation Fee per EDU | \$25.00 |

Inspection Fees

| | |
|----------------------------------|--------------|
| Wastewater Facility Construction | \$75.00/hour |
| Acceptance of Facilities | \$75.00/hour |
| On-Site Sewer Construction | \$75.00/hour |

Plan Review Fees

| | |
|----------------------------|---------------|
| Wasteload Allocation | \$115.00/hour |
| On site Sewer Construction | \$115.00/hour |

Miscellaneous Fees per EDU

| | |
|--------------------------|-----------------------------|
| Service Transfer Fee | \$50.00 |
| Security Deposit/EDU | \$135.00 (3 months service) |
| Returned Check Fee | \$25.00 |
| Monthly Payment late fee | \$20.00/month |

Security Device Replacement Fee

Actual Cost (\$100.00 minimum)

Lien Charges

Cost of attachment of lien plus one and one half times the amount of fees owed

Industrial Waste Discharge Permit (Non-Domestic)

Annual Discharge Permit Fee

\$5,000.00

Laboratory Testing Charges

Actual Charge plus 15% handling

Excess Strength Wastewater

10% surcharge per lb. of total cost to treat BOD, TSS, and NH₃

Note: Industrial waste, for purposes of this Ordinance, pertains to those non-domestic waste streams discharged as defined by SIC codes as registered under the Code of Federal Regulations CFR 403 Pretreatment guidelines set forth by the United States of America Environmental Protection Agency. Examples include significant users of 25,000-gallons/day flow or by categorical classification.

The Industrial Waste Discharge Permit does not apply to restaurants, but does not exempt restaurants from excess waste strength fees, or any required laboratory testing, or the need to install and maintain grease traps as outlined in the District's rules and regulations.

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

Passed and adopted by the Hendricks County Regional Sewer Board of Hendricks County, State of Indiana, on this tenth day of December, 2001.

HENDRICKS COUNTY REGIONAL SEWER BOARD

Steve Ostermeier
Steve Ostermeier

Linda Palmer
Linda Palmer

John D. Clappitt
John D. Clappitt

ATTEST:

Alise Pate

ORDINANCE 2001-33

**STORM DRAINAGE, EROSION, AND SEDIMENT CONTROL ORDINANCE OF
HENDRICKS COUNTY (SDESCO)**

Approved by the Hendricks County Board of Commissioners this 10th day of December
2001.



Hendricks County Board of Commissioners

Steven L. Ostermeier, President

Linda Palmer, Vice President

John D. Clampitt, Member

ATTEST:

David L. Gaston, Co. Surveyor

ORDINANCE NO. 2001-34

AN AMENDMENT TO THE HENDRICKS COUNTY ZONING ORDINANCE BY AMENDING
AS TO MINIMUM LOT FRONTAGE

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 Minimum Lot Frontage;

WHEREAS, the Hendricks County Area Plan Commission has conducted a public hearing on the proposed amendment (TZA01-03) 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:

Minimum Lot Frontage:

In zoning district AG, AG-B, R-A, R-B, R-C, R-D, R-E, R-F, NB, GB, OB, RSS, HB, RDD, WI, MI

| | |
|----------------------|---------|
| Minimum Lot Frontage | 50 feet |
|----------------------|---------|

APPROVED by the Board of Commissioners of Hendricks County, Indiana this 17th day of December, 2001.

BOARD OF COMMISSIONERS

Steven L. Ostermeier
Steven Ostermeier, President

Linda Palmer
Linda Palmer, Vice President

J. D. Clampitt
J. D. Clampitt, Member

ATTEST:

Nancy L. Marsh
Nancy Marsh, Auditor

ORDINANCE NO. 2001-35

AN AMENDMENT TO THE HENDRICKS COUNTY ZONING ORDINANCE BY AMENDING
CHAPTER 18 "R-C" SECTION 18.05(A.) DEVELOPMENT STANDARDS

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 18 "R-C" Section 18.05(A.) Development Standards;

WHEREAS, the Hendricks County Area Plan Commission has conducted a public hearing on the proposed amendment (TZA01-07) 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 18 "R-C" Single Family (10,000)

Amend:

18.05(A.) Development Standards

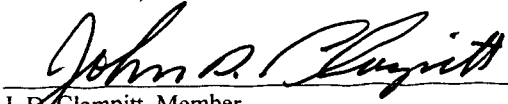
| | |
|-------------------|--|
| Minimum Lot Width | <ul style="list-style-type: none">• 75 feet for single family uses.• 150 feet for all other uses. |
|-------------------|--|

APPROVED by the Board of Commissioners of Hendricks County, Indiana this 17th day of December, 2001.

BOARD OF COMMISSIONERS


Steven Ostermeier, President


Linda Palmer, Vice President


J. B. Clampitt, Member

ATTEST:


Nancy Marsh, Auditor

ORDINANCE NO. 2001-36

AN AMENDMENT TO THE HENDRICKS COUNTY ZONING ORDINANCE BY AMENDING
CHAPTER 20 "R-D" SECTION 20.05(A.) DEVELOPMENT STANDARDS

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 20 "R-D" Section 20.05(A.) Development Standards;

WHEREAS, the Hendricks County Area Plan Commission has conducted a public hearing on the proposed amendment (TZA01-08) 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 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 20 "R-D" Single Family (7,500)

Amend:

20.05(A.) Development Standards

| | |
|-------------------|--|
| Minimum Lot Width | <ul style="list-style-type: none">• 60 feet for single family uses.• 150 feet for all other uses. |
|-------------------|--|

APPROVED by the Board of Commissioners of Hendricks County, Indiana this 17th day of December, 2001.

BOARD OF COMMISSIONERS

Steven L. Ostermeier
Steven Ostermeier, President

Linda Palmer
Linda Palmer, Vice President

John D. Clampitt
J. D. Clampitt, Member

ATTEST:

Nancy Marsh
Nancy Marsh, Auditor

Nancy

ORDINANCE NO. 2001- 38

AN ORDINANCE TO VACATE RIGHT OF WAY

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HENDRICKS COUNTY, INDIANA that pursuant to a public hearing conducted by said Board on December 3, 2001 that certain right of way lying between lots 5 and 6 in Westview Terrace, Section 1, as per plat thereof recorded in Plat Book 4 page 140 in the office of the Recorder of Hendricks County, Indiana, is hereby vacated and ownership of said vacated right-of-way shall revert to the Petitioner, West Pines Baptist Church Corporation and to its successors and assigns thereafter.

Approved by the Board of Commissioners of Hendricks County, Indiana, this 26th day of December, 2001.

Board of Commissioners:

John D. Clampitt

Steven L. Ostermeier

Linda Palmer

ATTEST:

Nancy Marsh Auditor

2001-01

2001 Hendricks County Salary Ordinance

Whereas, the Hendricks County Council is the fiscal body that approves the salaries paid for positions held in Hendricks County; and

Whereas, enumerated below is the listed County appropriations and the approved salaries for 2001; and

Now therefore, be it ordained by the Hendricks County Council, Hendricks County, Indiana;

Section #1: That the Hendricks County Council hereby approves the listed appropriations based on 26 pays per year for the positions in Hendricks County, Indiana as shown on the attachments. In the event of a position being vacated, the line item is reduced to the starting wage for that position and any amount over that reverts to the general fund.

Section #2: In the event of overtime (hours worked in excess of 40 hours in a week) for non-exempt employees, the rate is calculated at time and one half of the employees' hourly wage. Overtime is in addition to the base wage and is paid from the overtime appropriation.

Section #3: Hendricks County employees, with a part time or temporary employment status (except those identified in section #4) will have a base wage of no less than the federal minimum wage per hour and no more than the base full time wage for their grade and position, if less than ten years service in current position or the midpoint full time wage for their grade and position, if years of service in current position equal ten years or more.

Section #4: Hendricks County employees with a part time or temporary status remitted through a township budget, will receive a base wage of no less than the federal minimum wage and no more than \$8.92 per hour.

Section #5: The 2000 base wage for the positions of elected officials, department heads and any employee not included in the pay adjustment effective July 7, 2000 will be increased by 2%.

Section #6: Highway workers' base wage will be increased by 2%.

The 2001 Hendricks County Salary Ordinance as approved on this 6th day of March, 2001 by:

James R. Hession
Council President

Clayton J. Williams
Council Vice President

Steven L. Ostmann
Board of Commissioners President

Salary Ordinance
2001

| Department | Employee | 2001 |
|----------------------|------------|---------------|
| Line Item | Name | Appropriation |
| Child Support | | |
| 01-084-112 | Kenninger | \$ 34,928.00 |
| 01-084-113 | Thompson | \$ 15.52 |
| 01-084-114 | Archer | \$ 12.70 |
| 01-084-115 | Gray | \$ 10.14 |
| | | |
| Clerk | | |
| 01-101-111 | Dugan | \$ 41,236.00 |
| 01-101-112 | Chilewski | \$ 32,433.00 |
| 01-101-113 | Larmer | \$ 10.14 |
| 01-101-114 | Kulka | \$ 10.14 |
| 01-101-115 | Spence | \$ 13.76 |
| 01-101-116 | Euliss | \$ 10.14 |
| 01-101-117 | Mason | \$ 10.14 |
| 01-101-118 | Miller | \$ 10.14 |
| 01-101-119 | Open | \$ 10.14 |
| 01-101-120 | Truran | \$ 10.14 |
| 01-101-121 | Burge | \$ 10.14 |
| 01-101-122 | Woodrum | \$ 10.14 |
| 01-101-123 | Hicks | \$ 12.70 |
| 01-101-124 | Clark | \$ 10.14 |
| 01-101-125 | Shields | \$ 10.14 |
| 01-101-127 | Hoskins | \$ 10.14 |
| 01-101-128 | Freeland | \$ 10.14 |
| 01-101-129 | Hildebrand | \$ 10.14 |
| 01-101-130 | Lamb | \$ 10.14 |
| 01-101-150 | Part-time | \$ 5,000.00 |
| | | |
| Auditor | | |
| 01-102-111 | Marsh | \$ 41,236.00 |
| 01-102-112 | Foster | \$ 30,595.00 |
| 01-102-113 | Gilliam | \$ 11.14 |
| 01-102-114 | Miller | \$ 11.77 |
| 01-102-115 | Hamilton | \$ 10.14 |
| 01-102-116 | Cox | \$ 11.68 |
| 01-102-117 | Black | \$ 10.14 |
| 01-102-118 | Johnston | \$ 14.45 |
| 01-102-119 | Snapp | \$ 11.72 |
| 01-102-120 | Martin | \$ 10.14 |
| 01-102-121 | Ortiz | \$ 10.14 |
| 01-102-122 | Tracy | \$ 10.14 |
| 01-102-153 | Liphard | \$ 10.14 |
| | | |
| Treasurer | | |
| 01-103-111 | Roberts | \$ 41,236.00 |
| 01-103-112 | Short | \$ 30,595.00 |

Salary Ordinance
2001

| Department | Employee | 2001 |
|-----------------|---------------|---------------|
| Line Item | Name | Appropriation |
| 01-103-113 | Duell | \$ 10.14 |
| 01-103-114 | Cunningham | \$ 10.14 |
| 01-103-115 | Open (Clerk) | \$ 10.14 |
| 01-103-116 | Hopper | \$ 10.14 |
| 01-103-117 | Open (Clerk) | \$ 10.14 |
| 01-103-150 | Part-Time | \$ 18,000.00 |
| | | |
| Recorder | | |
| 01-104-111 | Lynch | \$ 41,236.00 |
| 01-104-112 | Hutte | \$ 30,595.00 |
| 01-104-113 | Modglin | \$ 10.14 |
| 01-104-114 | Boyd | \$ 10.99 |
| 01-104-115 | Brewer | \$ 10.14 |
| | | |
| Sheriff | | |
| 01-105-111 | Waddell | \$ 86,900.00 |
| 01-105-113 | Smith, Sue | \$ 10.14 |
| 01-105-116 | Gardner | \$ 13.34 |
| 01-105-117 | Marsh, W. | \$ 13.34 |
| 01-105-118 | Morefield | \$ 34,682.00 |
| 01-105-150 | Part-time | \$ 5,000.00 |
| 01-105-153 | Brown, Sharon | \$ 13.34 |
| 01-105-154 | Stoddard | \$ 50,893.00 |
| 01-105-155 | Neville | \$ 30,451.00 |
| 01-105-156 | Yetter | \$ 33,220.00 |
| 01-105-157 | Sadler | \$ 30,490.00 |
| 01-105-158 | Hancock | \$ 46,609.00 |
| 01-105-159 | Austin | \$ 44,773.00 |
| 01-105-160 | Williams, D. | \$ 44,773.00 |
| 01-105-161 | Fine | \$ 46,609.00 |
| 01-105-162 | Hovious | \$ 48,139.00 |
| 01-105-163 | Parrott | \$ 40,005.00 |
| 01-105-164 | Ellis | \$ 42,478.00 |
| 01-105-165 | Dockery | \$ 42,478.00 |
| 01-105-166 | Harris | \$ 40,005.00 |
| 01-105-167 | Tom | \$ 42,478.00 |
| 01-105-168 | Stoneking | \$ 42,478.00 |
| 01-105-169 | Woodard | \$ 40,005.00 |
| 01-105-170 | Keesling | \$ 33,490.00 |
| 01-105-171 | Burnell | \$ 40,005.00 |
| 01-105-172 | Payne, A. | \$ 33,720.00 |
| 01-105-173 | Morgan | \$ 46,609.00 |
| 01-105-174 | Miles | \$ 41,025.00 |
| 01-105-175 | Wright, J. | \$ 30,451.00 |
| 01-105-176 | Call | \$ 42,478.00 |
| 01-105-177 | Clark, B. | \$ 41,025.00 |
| 01-105-178 | Judy, T. | \$ 40,005.00 |

Salary Ordinance
2001

| Department | Employee | 2001 |
|-------------------|-------------------|---------------|
| Line Item | Name | Appropriation |
| 01-105-179 | McPeck | \$ 40,005.00 |
| 01-105-180 | Parsons | \$ 41,025.00 |
| 01-105-181 | Wagner, S. | \$ 42,478.00 |
| 01-105-182 | Woods | \$ 31,451.00 |
| 01-105-184 | Burkert | \$ 11.32 |
| 01-105-185 | Green | \$ 10.14 |
| 01-105-186 | Watson | \$ 10.14 |
| 01-105-187 | Morphew | \$ 10.14 |
| 01-105-189 | Fulwider | \$ 31,451.00 |
| 01-105-190 | Gordon | \$ 31,220.00 |
| 01-105-191 | King | \$ 36,951.00 |
| 01-105-192 | Larsen | \$ 36,721.00 |
| 01-105-193 | Hughes | \$ 31,220.00 |
| | | |
| Surveyor | | |
| 01-106-111 | Gaston | \$ 43,860.00 |
| 01-106-112 | Gaston (Drainage) | \$ 15,243.00 |
| 01-106-113 | Open | \$ 34,230.00 |
| 01-106-114 | Surber | \$ 14.91 |
| 01-106-115 | Scott | \$ 14.91 |
| 01-106-116 | Rice | \$ 10.14 |
| 01-106-117 | Barnett | \$ 14.91 |
| 01-106-118 | Washburn | \$ 10.14 |
| 01-106-119 | Hahn | \$ 14.91 |
| | | |
| Coroner | | |
| 01-107-111 | Matthews | \$ 14,274.00 |
| 01-107-112 | Drake | \$ 4,940.00 |
| 01-107-113 | Open | \$ 1,500.00 |
| 01-107-115 | Dpty Coroners | \$ 5,460.00 |
| | | |
| Prosecutor | | |
| 01-108-112 | Manning | \$ 45,900.00 |
| 01-108-113 | Carroll | \$ 27,740.00 |
| 01-108-114 | Sutfin | \$ 12.70 |
| 01-108-115 | Chambers | \$ 12.70 |
| 01-108-116 | Scott | \$ 41,000.00 |
| 01-108-117 | Bryan | \$ 45,900.00 |
| 01-108-120 | 2 P/T Law Clerks | \$ 16,000.00 |
| 01-108-121 | Leisch | \$ 12.70 |
| 01-108-122 | Larson | \$ 8,150.00 |
| 01-108-124 | Griffith | \$ 27,730.00 |
| 01-108-125 | Devlin | \$ 17,400.00 |
| | | |
| Assessor | | |
| 01-109-111 | Ford | \$ 41,236.00 |
| 01-109-112 | Joy | \$ 30,595.00 |

Salary Ordinance
2001

| Department | Employee | 2001 |
|----------------------------|----------------|---------------|
| Line Item | Name | Appropriation |
| 01-109-113 | Cassity | \$ 10.14 |
| 01-109-114 | Stoutenour, T. | \$ 10.14 |
| 01-109-115 | Jones | \$ 12.70 |
| 01-109-116 | Smeaton | \$ 10.14 |
| 01-109-117 | Watkins | \$ 39,160.00 |
| 01-109-150 | Part-time | \$ 11,000.00 |
| | | |
| Townships | | |
| 01-110-111 | Gulley | \$ 13,000.00 |
| 01-110-112 | Owens | \$ 8.32 |
| 01-110-113 | Parsons | \$ 8.32 |
| 01-110-113 | Parsons | \$ 1,000.00 |
| 01-111-111 | Burke | \$ 14,000.00 |
| 01-111-112 | Richardson | \$ 8.06 |
| 01-111-113 | Clerical Asst. | \$ 8.00 |
| 01-112-111 | Parsons | \$ 13,060.00 |
| 01-112-112 | Cooney | \$ 8.92 |
| 01-112-112 | Cooney | \$ 1,000.00 |
| 01-112-113 | Clerical Asst. | \$ 8.00 |
| 01-113-111 | Hiser | \$ 14,000.00 |
| 01-113-112 | Hiser, C. | \$ 8.32 |
| 01-113-112 | Hiser, C. | \$ 1,000.00 |
| 01-113-113 | Clerical Asst. | \$ 8.00 |
| 01-114-111 | McClain | \$ 6,205.00 |
| 01-114-112 | McClain | \$ 8.32 |
| 01-115-111 | Stoutenhour | \$ 3,000.00 |
| 01-115-112 | Deputy | \$ 8.00 |
| 01-116-111 | Greene | \$ 3,000.00 |
| 01-116-112 | Deputy | \$ 8.00 |
| 01-116-113 | Deputy | \$ 8.00 |
| 01-117-111 | Fruits | \$ 3,000.00 |
| 01-117-112 | Deputy | \$ 8.00 |
| 01-118-111 | Hall | \$ 3,728.00 |
| 01-118-112 | Deputy | \$ 8.00 |
| 01-119-111 | Cassity | \$ 5,395.00 |
| 01-119-112 | Deputy | \$ 8.00 |
| 01-120-111 | Open | \$ 3,000.00 |
| 01-120-112 | Deputy | \$ 8.00 |
| 01-121-111 | Rothenberger | \$ 3,000.00 |
| 01-121-112 | Deputy | \$ 8.00 |
| | | |
| Extension | | |
| 01-130-115 | Hardwick | \$ 14.45 |
| 01-130-116 | Wilson | \$ 12.76 |
| 01-130-119 | Part time | \$ 12,655.00 |
| | | |
| Planning & Bldg | | |

Salary Ordinance
2001

| Department | Employee | 2001 |
|--------------------------|------------------|---------------|
| Line Item | Name | Appropriation |
| 01-131-111 | Reeder | \$ 59,357.00 |
| 01-131-112 | Wilson | \$ 33,088.00 |
| 01-131-113 | Alverson | \$ 31,796.00 |
| 01-131-114 | Garcia | \$ 11.77 |
| 01-131-118 | Barker | \$ 34,046.00 |
| 01-131-119 | Denton | \$ 11.77 |
| 01-131-120 | Riffey | \$ 27,865.00 |
| 01-131-121 | Van Hook | \$ 25,717.00 |
| 01-131-122 | Babbitt | \$ 11.77 |
| 01-131-124 | Wagner | \$ 14.13 |
| 01-131-125 | Richardson | \$ 15.31 |
| 01-131-126 | Arnold | \$ 14.13 |
| 01-131-127 | Campbell-Johnson | \$ 11.77 |
| 01-131-128 | Rice | \$ 13.34 |
| 01-131-129 | Smith, C. | \$ 14.13 |
| 01-131-130 | Salsman | \$ 14.13 |
| | | |
| Drainage Board | | |
| 01-133-113 | Clampitt | \$ 2,000.00 |
| 01-133-114 | Ostermeier | \$ 2,000.00 |
| 01-133-115 | Palmer, L. | \$ 2,000.00 |
| | | |
| Veteran's Service | | |
| 01-134-111 | Bane | \$ 12,659.00 |
| | | |
| Commissioners | | |
| 01-135-113 | Wyeth | \$ 13.34 |
| 01-135-122 | Clampitt | \$ 19,866.00 |
| 01-135-123 | Ostermeier | \$ 19,866.00 |
| 01-135-124 | Palmer, L. | \$ 19,866.00 |
| | | |
| Custodial | | |
| 01-136-111 | Cassity | \$ 30,709.00 |
| 01-136-112 | McDaniel | \$ 8.52 |
| 01-136-113 | Johnston | \$ 11.50 |
| 01-136-114 | Sears | \$ 8.28 |
| 01-136-115 | Faulkner | \$ 8.28 |
| 01-136-116 | Rogers | \$ 8.28 |
| 01-136-150 | Part time | \$ 8,500.00 |
| | | |
| Jail | | |
| 01-137-112 | Burns | \$ 34,074.00 |
| 01-137-116 | Pittman | \$ 10.14 |
| 01-137-117 | Clevenger | \$ 14.45 |
| 01-137-118 | Weakley | \$ 10.14 |
| 01-137-121 | Anderson, A. | \$ 13.34 |
| 01-137-122 | Judy, S. | \$ 13.34 |

Salary Ordinance
2001

| Department | Employee | 2001 |
|--------------------|------------|---------------|
| Line Item | Name | Appropriation |
| 01-137-123 | Brooks | \$ 8.28 |
| 01-137-125 | Shaw | \$ 13.34 |
| 01-137-126 | Coy | \$ 13.34 |
| 01-137-127 | Walbert | \$ 13.34 |
| 01-137-154 | Harrell | \$ 14.15 |
| 01-137-155 | Adams, J. | \$ 13.34 |
| 01-137-156 | Smith, M. | \$ 13.34 |
| 01-137-157 | Walker | \$ 17.36 |
| 01-137-158 | McCaslin | \$ 17.36 |
| 01-137-159 | Weston | \$ 13.34 |
| 01-137-160 | King, T. | \$ 13.34 |
| 01-137-161 | Payne, S. | \$ 15.05 |
| 01-137-162 | Brinker | \$ 39,164.00 |
| 01-137-163 | Bohbrink | \$ 13.34 |
| 01-137-164 | Wing | \$ 14.10 |
| 01-137-165 | Endsley | \$ 15.91 |
| 01-137-166 | Wanner | \$ 14.15 |
| 01-137-167 | Mason | \$ 17.36 |
| 01-137-168 | Scott | \$ 13.34 |
| 01-137-169 | Deckard | \$ 15.92 |
| 01-137-170 | Open | \$ 13.34 |
| 01-137-171 | Wilbur | \$ 13.34 |
| 01-137-172 | Rooker | \$ 13.34 |
| 01-137-173 | Martin | \$ 15.05 |
| 01-137-174 | Butts | \$ 13.34 |
| 01-137-175 | Miller, T. | \$ 13.34 |
| 01-137-176 | Davis | \$ 10.91 |
| 01-137-178 | Lewis | \$ 8.28 |
| 01-137-179 | Litteral | \$ 8.46 |
| 01-137-180 | Gaskill | \$ 15.25 |
| 01-137-181 | Cline | \$ 14.62 |
| 01-137-182 | Randall | \$ 13.34 |
| 01-137-183 | Leonard | \$ 14.62 |
| 01-137-184 | Leisch | \$ 15.25 |
| 01-137-185 | Broyles | \$ 15.25 |
| 01-137-186 | Adams, L. | \$ 15.25 |
| 01-137-187 | Pruitt | \$ 13.34 |
| 01-137-188 | Epling | \$ 13.34 |
| 01-137-189 | Burton | \$ 15.05 |
| 01-137-190 | Sircy | \$ 13.34 |
| 01-137-191 | Allen | \$ 13.34 |
| 01-137-192 | Tyler | \$ 14.15 |
| 01-137-193 | Price | \$ 13.34 |
| | | |
| County Home | | |
| 01-138-111 | Nichols | \$ 33,306.00 |
| 01-138-116 | Lester | \$ 9.74 |

Salary Ordinance
2001

| Department | Employee | 2001 |
|-----------------------------|------------------|---------------|
| Line Item | Name | Appropriation |
| 01-138-117 | Slater | \$ 10.14 |
| 01-138-119 | Part time | \$ - |
| 01-138-122 | Dawes | \$ 10.14 |
| 01-138-123 | Manning | \$ 8.28 |
| 01-138-124 | Guernsey | \$ 10.14 |
| 01-138-125 | Berry | \$ 8.28 |
| 01-138-126 | Miller | \$ 10.99 |
| 01-138-127 | Busenbark | \$ 10.14 |
| 01-138-128 | Open (Nurs Asst) | \$ 10.14 |
| 01-138-129 | Rodriguez | \$ 10.14 |
| 01-138-153 | Williams (p/t) | \$ 10.14 |
| 01-138-154 | Nichols (p/t) | \$ 8.28 |
| | | |
| Circuit Court | | |
| 01-139-113 | Noyes | \$ 14.12 |
| 01-139-116 | Swift | \$ 18.09 |
| 01-139-117 | Ward (p/t) | \$ 18.09 |
| 01-139-118 | Myers | \$ 18.09 |
| | | |
| Superior Ct 1 | | |
| 01-140-112 | Daugherty | \$ 16.80 |
| 01-140-113 | Schneider | \$ 18.09 |
| 01-140-114 | Gregory | \$ 14.12 |
| 01-140-115 | Open (p/t) | \$ 15.31 |
| | | |
| Superior Ct 2 | | |
| 01-141-112 | Barrows | \$ 13.34 |
| 01-141-113 | Cope | \$ 14.12 |
| 01-141-114 | Hardin | \$ 14.12 |
| 01-141-115 | Reynolds | \$ 13.34 |
| 01-141-116 | Richardson | \$ 16.80 |
| 01-141-117 | Worden | \$ 15.51 |
| | | |
| Emergency Management | | |
| 01-142-111 | Adams, J. | \$ 9,077.00 |
| 01-142-150 | Part-time | \$ 1,000.00 |
| | | |
| Engineering | | |
| 01-143-111 | Tarantino | \$ 59,342.00 |
| 01-143-112 | Shambaugh | \$ 35,510.00 |
| 01-143-113 | Belcher | \$ 28,229.00 |
| 01-143-114 | Alverson | \$ 30,595.00 |
| 01-143-115 | Maxwell | \$ 37,960.00 |
| 01-143-116 | Vittetow | \$ 13.34 |
| 01-143-117 | Stoutenour, C. | \$ 33,416.00 |
| 01-143-118 | Carroll | \$ 37,444.00 |
| 01-143-119 | Weddle | \$ 14.13 |

Salary Ordinance
2001

| Department | Employee | 2001 |
|-------------------------------|-----------------|---------------|
| Line Item | Name | Appropriation |
| 01-143-120 | Graves | \$ 14.13 |
| 01-143-121 | Open (DPW Asst) | \$ 13.34 |
| 01-143-122 | Servies | \$ 13.34 |
| 01-143-124 | Coop | \$ 43,769.00 |
| 01-143-126 | Haltom | \$ 28,229.00 |
| 01-143-150 | Part-time | \$ 7,280.00 |
| 01-143-154 | Hammersley | \$ 10.14 |
| | | |
| Animal Control | | |
| 01-144-111 | Lewis | \$ 34,288.00 |
| 01-144-112 | Daniels | \$ 12.70 |
| 01-144-113 | Flaherty | \$ 12.70 |
| 01-144-114 | D. Wagner | \$ 12.70 |
| 01-144-115 | Tyler | \$ 10.14 |
| 01-144-116 | Hendry | \$ 12.70 |
| 01-144-117 | Open | \$ 11.77 |
| | | |
| Weights & Measures | | |
| 01-145-111 | Colbert | \$ 12,685.00 |
| 01-145-150 | Secor | \$ 8,381.00 |
| | | |
| Voter Registration | | |
| 01-146-112 | Herzog | \$ 12.70 |
| 01-146-116 | Fleece (p/t) | \$ 12.42 |
| 01-146-122 | Layman | \$ 10.14 |
| 01-146-123 | Eaton (p/t) | \$ 10.14 |
| | | |
| Computer Ctr | | |
| 01-147-110 | Parsons, J. | \$ 52,000.00 |
| 01-147-111 | Banister | \$ 15.69 |
| 01-147-112 | Potter | \$ 14.45 |
| 01-147-114 | Bollman | \$ 40,000.00 |
| | | |
| Human Resources | | |
| 01-148-111 | McClain | \$ 36,771.00 |
| 01-148-112 | Bolton | \$ 11.77 |
| | | |
| Council | | |
| 01-149-113 | Disney | \$ 6,078.00 |
| 01-149-114 | Givan | \$ 6,078.00 |
| 01-149-115 | Hesson | \$ 6,078.00 |
| 01-149-116 | Hardin | \$ 6,078.00 |
| 01-149-117 | Palmer | \$ 6,078.00 |
| 01-149-118 | Puckett | \$ 6,078.00 |
| 01-149-119 | Johnson | \$ 6,078.00 |
| | | |
| Circuit Ct Probation | | |

Salary Ordinance
2001

| Department | Employee | 2001 |
|------------------------------|------------------|---------------|
| Line Item | Name | Appropriation |
| 01-150-112 | Schmalz | \$ 42,373.00 |
| 01-150-113 | Stader | \$ 33,980.00 |
| 01-150-114 | Sears | \$ 30,595.00 |
| 01-150-115 | Green | \$ 31,916.00 |
| 01-150-120 | Ward | \$ 26,676.00 |
| 01-150-150 | Dulaney | \$ 10.14 |
| | | |
| Superior Ct Probation | | |
| 01-151-111 | McCormack | \$ 32,240.00 |
| 01-151-112 | Boyer | \$ 26,541.00 |
| 01-151-113 | Ivie | \$ 26,313.00 |
| 01-151-114 | Miller | \$ 26,433.00 |
| 01-151-115 | Lenahan | \$ 26,754.00 |
| 01-151-116 | McCormack, C. | \$ 26,384.00 |
| 01-151-117 | Puryear | \$ 26,450.00 |
| 01-151-118 | Thomas | \$ 12.06 |
| 01-151-120 | Stevenson | \$ 33,296.00 |
| 01-151-121 | Nelson | \$ 33,308.00 |
| | | |
| Superior Ct Probation | | |
| 16-317-111 | McCormack | \$ 20,870.00 |
| 16-317-112 | Boyer | \$ 6,920.00 |
| 16-317-113 | Ivie | \$ 8,693.00 |
| 16-317-114 | Miller | \$ 10,720.00 |
| 16-317-115 | Lenahan | \$ 12,120.00 |
| 16-317-116 | McCormack, C. | \$ 9,928.00 |
| 16-317-117 | Puryear | \$ 11,435.00 |
| 16-317-119 | Open (Secretary) | \$ - |
| 16-317-120 | Stevenson | \$ 2,400.00 |
| 16-317-121 | Nelson | \$ 3,008.00 |
| 16-317-150 | Part-time | \$ 800.00 |
| | | |
| Home Detention | | |
| 16-322-111 | Roberts | \$ 38,788.00 |
| 16-322-112 | Deckard | \$ 10.14 |
| | | |
| Microfilm | | |
| 01-152-112 | Thomas | \$ 12.18 |
| 01-152-113 | Lynch | \$ 10.14 |
| 01-152-114 | Mynatt | \$ 10.14 |
| | | |
| Superior Ct III | | |
| 01-153-112 | Fleece | \$ 14.12 |
| 01-153-113 | Holsclaw | \$ 15.51 |
| 01-153-114 | Pugh | \$ 15.51 |
| 01-153-115 | Simison | \$ 13.34 |
| 01-153-116 | Dean | \$ 14.12 |

Salary Ordinance
2001

| Department | Employee | 2001 |
|-------------------------|----------------|---------------|
| Line Item | Name | Appropriation |
| 01-153-118 | Part-time | \$ 5,500.00 |
| | | |
| | | |
| Soil & Water | | |
| 01-155-111 | Raisor | \$ 14.73 |
| 01-155-112 | Kingdon | \$ 10,000.00 |
| | | |
| Highway | | |
| 02-201-111 | Lawson | \$ 40,970.00 |
| 02-201-112 | Sparks | \$ 35,933.00 |
| 02-201-113 | Kelley | \$ 27,773.00 |
| 02-201-115 | Chasteen | \$ 10.14 |
| 02-201-119 | Part-time | \$ 6,262.00 |
| 02-201-121 | Appleby | \$ 13.36 |
| 02-201-122 | Ellison | \$ 13.21 |
| 02-201-123 | Open (Hwy Wkr) | \$ 10.70 |
| 02-201-124 | Kriner | \$ 11.30 |
| 02-201-125 | Open (Hwy Wkr) | \$ 10.70 |
| 02-201-126 | Riddle | \$ 13.36 |
| 02-201-127 | Price | \$ 13.21 |
| 02-201-128 | Garland, F. | \$ 13.66 |
| 02-201-129 | Settles | \$ 11.30 |
| 02-201-130 | Guernsy | \$ 13.06 |
| 02-201-131 | Leathers | \$ 13.36 |
| 02-201-132 | Lewis | \$ 13.36 |
| 02-201-133 | Open (Hwy Wkr) | \$ 11.30 |
| 02-201-134 | Cassity | \$ 12.61 |
| 02-201-135 | Mason | \$ 13.36 |
| 02-201-136 | Morgan | \$ 13.66 |
| 02-201-137 | Money | \$ 12.31 |
| 02-201-138 | Whittinghill | \$ 12.76 |
| 02-201-139 | Layman | \$ 12.46 |
| 02-201-140 | Garland, L. | \$ 13.21 |
| 02-201-141 | Rhoden | \$ 13.36 |
| 02-201-142 | Shannon | \$ 12.76 |
| 02-201-143 | Part-time | \$ 6,262.00 |
| 02-201-144 | Part-time | \$ 6,262.00 |
| 02-201-145 | Open (Hwy Wkr) | \$ 10.70 |
| 02-201-146 | Part-time | \$ 6,262.00 |
| 02-201-147 | Summer help | \$ 6,262.00 |
| 02-201-148 | Wright | \$ 13.36 |
| 02-201-149 | Giles | \$ 12.61 |
| 02-201-150 | Miller | \$ 12.91 |
| 02-201-151 | Pickett | \$ 12.76 |
| 02-201-154 | Pearcy | \$ 12.61 |
| 02-201-155 | Part-time | \$ 6,262.00 |
| 02-201-156 | Part-time | \$ 6,262.00 |

Salary Ordinance
2001

| Department | Employee | 2001 |
|--------------------------|------------|---------------|
| Line Item | Name | Appropriation |
| 02-201-157 | Swanson | \$ 13.36 |
| 02-201-158 | Part-time | \$ 6,262.00 |
| 02-201-159 | Part-time | \$ 6,262.00 |
| | | |
| Bridge | | |
| 25-203-112 | Donaldson | \$ 13.36 |
| 25-203-113 | Johnson | \$ 13.36 |
| 25-203-115 | Horner | \$ 10.70 |
| 25-203-116 | Ross | \$ 12.91 |
| 25-203-117 | Maxwell | \$ - |
| | | |
| | | |
| Health Department | | |
| 05-213-110 | Hadley | \$ 26,589.00 |
| 05-213-113 | Selch | \$ 12.36 |
| 05-213-114 | Kluesener | \$ 32,469.00 |
| 05-213-115 | Hibner | \$ 47,423.00 |
| 05-213-116 | Grindstaff | \$ 46,340.00 |
| 05-213-117 | Morphew | \$ 12.36 |
| 05-213-118 | Arnold | \$ 10.14 |
| 05-213-119 | Pate | \$ 10.14 |
| 05-213-121 | Haan | \$ 31,832.00 |
| 05-213-122 | Loane | \$ 31,213.00 |
| 05-213-123 | Wolff | \$ 31,213.00 |
| 05-213-124 | Stanfield | \$ 32,469.00 |
| 05-213-125 | Click | \$ 31,213.00 |
| 05-213-127 | Cornett | \$ 32,469.00 |
| 05-213-128 | Cheek | \$ 31,213.00 |
| 05-213-150 | Part-time | \$ 14,000.00 |
| | | |
| Health Department | | |
| 06-504-111 | Barton | \$ 24,152.00 |
| | | |
| Healthy Families | | |
| 06-513-111 | King | \$ 28,783.00 |
| 06-513-112 | Kelsay | \$ 23,500.00 |
| 06-513-113 | Foster | \$ 24,433.00 |
| 06-513-114 | Hubbard | \$ 23,500.00 |
| 06-513-115 | Richards | \$ 23,500.00 |
| 06-513-116 | Jeffries | \$ 10.14 |
| 06-513-150 | Part-time | \$ 3,200.00 |
| | | |
| Reassessment | | |
| 09-505-112 | Nesbitt | \$ 10.14 |
| 09-505-113 | Brown | \$ 10.14 |
| 09-505-114 | Owens | \$ 13.34 |
| 09-505-115 | Allen | \$ 10.14 |

Salary Ordinance
2001

| Department | Employee | 2001 |
|--------------------------------|-----------|---------------|
| Line Item | Name | Appropriation |
| 09-505-117 | Kintsler | \$ 10.14 |
| 09-505-150 | Part time | \$ 15,000.00 |
| | | |
| Victims Assistance | | |
| 14-514-111 | Larrison | \$ 23,850.00 |
| 14-514-112 | Tyler | \$ 14.28 |
| | | |
| Circuit Court Probation | | |
| 16-319-111 | Schmalz | \$ 2,990.00 |
| 16-319-150 | Dulaney | \$ 10.14 |
| | | |
| E911 | | |
| 17-516-111 | Camden | \$ 13.34 |
| 17-516-112 | Bell | \$ 13.34 |
| 17-516-113 | Thompson | \$ 13.34 |
| | | |
| | | |

ORDINANCE NO. 2001-24

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 1992 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 Commissions pertaining to the adoption of a zoning ordinance within their jurisdiction pursuant to IC 36-7-4-500, as amended; and

WHEREAS, the Hendricks County Area Plan Commission, with the assistance of the Citizens' Advisory Committee, has prepared a replacement zoning 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 zoning proposals contained in the prepared replacement zoning ordinance entitled "Hendricks County Zoning Ordinance 2001" and


WHEREAS, the Hendricks County Plan Commission has reviewed and approved the replacement zoning ordinance entitled "Hendricks County Zoning Ordinance 2001" and has, by resolution, recommended the adoption of the ordinance to the Board of County Commissioners of Hendricks County; and

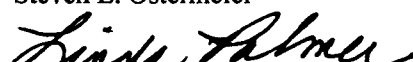
WHEREAS, the proposed replacement zoning ordinance entitled "Hendricks County Zoning Ordinance 2001" contains the zoning requirements for the orderly land use development of Hendricks County and regarding the zoning of Hendricks County.


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 Commissioners of Hendricks County, Indiana finds that the replacement zoning ordinance entitled "Hendricks County Zoning Ordinance 2001," attached hereto and made a part thereof, be in full force and effect after this date.

Passed and approved by the Board of Commissioners of Hendricks County, Indiana, this 5th day of November, 2001.

BOARD OF COMMISSIONERS


Steven L. Ostermeier


Linda Palmer


J. D. Clampitt

Attest:


Nancy Marsh, Auditor

Hendricks County Zoning Ordinance

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CHAPTER 1 GENERAL PROVISIONS

1.01 TITLE

This Ordinance shall be known and may be cited and referred to as the "Zoning Ordinance of Hendricks County, Indiana," and shall be referred to as "this Ordinance."

1.02 PURPOSE

This Ordinance is hereby enacted by Hendricks County, Indiana, for the purpose of:

- A. Promoting the public health, safety, welfare, comfort, and general welfare;
- B. To conserve and protect property and property values;
- C. To secure the most adequate and economical provisions for public improvement, all in accordance with the Comprehensive Plan and any changes made thereto as reflected in the Zoning Map and documents and records of Hendricks County for the desirable future development of the County; and
- D. To provide a method of administration and to prescribe penalties for the violations of the provisions hereafter described: all as authorized by the provisions of the Chapters and the Sections applicable under the Indiana Code.

1.03 TERRITORY UNDER THE ZONING ORDINANCE

This Ordinance shall be effective in the unincorporated areas or those portions of the County participating in the Area Plan Commission of Hendricks County.

This Ordinance shall not apply within municipal corporations. If the County territory subject to this Ordinance is incorporated, then this Ordinance shall apply therein and be enforced by Hendricks County until the election and qualification of officials for the incorporated territory. This interim time is to enable the new officials to adopt zoning regulations controlling over the incorporated territory.

Upon annexation of County territory to an existing municipal corporation, the zoning regulations then in effect shall become null and void.

1.04 INTERPRETATIONS

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and the general welfare. Any use not specifically included in: (1) Schedule of Uses, (2) Principal Permitted Use lists, (3) Similar Use Lists; or (4) addressed elsewhere in this Ordinance, is prohibited.

1.05 CONFLICT OF LAW

Whenever the regulations of this Ordinance require a greater width or size of yards or other open space, a lower height limit, greater percentage of lot to be left unoccupied, a lower density of development, a more restrictive use of land, or impose other higher standards than are required in any other lawfully adopted rules, regulations, Ordinances, private deed restrictions or private covenants, these regulations shall govern.

1.06 SEPARABILITY CLAUSE

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, that decision shall not affect the validity of the Ordinance as a whole, or any part other than the part declared to be unconstitutional or invalid.

1.07 REPEAL OF CONFLICTING ORDINANCE

All Ordinances or parts of Ordinances in conflict with this zoning Ordinance or inconsistent with the provisions of this Ordinance are repealed to the extent necessary to give this Ordinance full force and effect.

1.08 EFFECTIVE DATE

This Ordinance shall become effective from and after the date of its approval and adoption.

CHAPTER 2 DEFINITIONS

2.01 INTERPRETATION OF TERMS OR WORDS

For the purpose of this Ordinance, certain terms or words are defined, and the words or terms used shall be interpreted as follows:

The word "person" includes a firm, association, organization, partnership, trust, company, corporation or other legal entity, as well as an individual;

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular;

The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.

The words "used" or "occupied" include the words "intended, designed, constructed, converted, altered or arranged to be used or occupied"; and

The word "lot" includes the words "plot, tract, or parcel."

2.02 DEFINITIONS

This section explains the meaning of the terms or words used in the text of this Ordinance.

1. ABANDONMENT: The relinquishment of property or a cessation of the use of the property by the owner with the intention neither of transferring rights to the property to another owner nor of resuming the use of the property.
2. ABUT: To physically touch or border upon; or to share a common property line.
3. ACCESS: A way or means of approach to provide physical entrance to a property.
4. ACCESS ROAD: A street designed to provide vehicular access to abutting property and to discourage through traffic.
5. ACRE: A measure of land area containing forty-three thousand five hundred and sixty (43,560) square feet.
6. ADAPTIVE REUSE: The development of a new use for an older building originally designed for a special or specific purpose.
7. ADDITION: A structural addition to the existing structure at some time after the completion of the original structure.

8. AGRICULTURE: The production of crops and livestock useful to man and the harvesting, storage and primary processing of agricultural products produced on the premises. Agricultural crops include: living plants used for human food, fiber, animal feed and forage; tree and vine crops, and other field crops. Also included are extensive horticultural enterprises where a product is raised for sale. Agricultural livestock production includes the raising, breeding and maintaining of apiaries and food animals such as: horses, cattle, swine, sheep, goats, fowl, fish and fur bearing animals raised for their pelts.
9. AGRICULTURAL BUSINESS: Establishments primarily engaged in supplying goods and services to the agricultural community including, but not limited to: tractor and farm implement sales, grain elevators, stock yards, farming machinery sales, farm machinery repair, soil preparations services, crop services, landscaping services, horticultural services and greenhouses, veterinary and other animal services including breeding, boarding and agricultural-related auctioning, farm labor and management services.
10. AGRICULTURAL ROADSIDE STAND: A removable structure used or intended to be used solely by the owner or the tenant of a property on which it is located for the sale of seasonable agricultural products produced on the premises and to be removed and stored back of the building line on the property at the conclusion of the seasonal sales.
11. AGRICULTURAL PRODUCE BUSINESS: A permanently sited retail business engaged in the display and sale of agricultural produce and products.
12. AGRICULTURAL PRODUCE BUSINESS, SEASONAL shall mean a temporary retail business in a permanent structure, engaged in the display and sale of agricultural produce and products which are primarily grown in the season in which they are being sold.
13. AIRPORT: Any runway, land area or other facility designed, used either publicly or privately by any person for the landing and taking off of aircraft including all necessary taxiways, aircraft storage and tie-down areas, hangers and other necessary buildings and open spaces.
14. AISLE: The traveled way by which cars enter and depart parking spaces.
15. ALLEY: A right-of-way, other than a street, road, crosswalk, or easement, designed to provide a secondary means of access for the special accommodation of the property it reaches.
16. ALTERATION, STRUCTURAL: Any change in the supporting members of a building such as bearing walls, columns, beams, foundations or girders.

17. AMENITY: A natural or man-made feature that enhances or makes more attractive or satisfying a particular property.
18. ANIMAL: Any live or dead dog, cat, non-human primate, guinea pig, hamster, rabbit, or any other warm-blooded or cold blooded animal, which is being used, or is intended for use for research, teaching, testing, experimentation, exhibition purposes, sale or as a pet. This term excludes: birds, rats of the genus *Rattus* and mice of the genus *Mus* bred for use in research, and horses and other farm animals, such as, but not limited to livestock or poultry, used or intended for use as food or fiber, or livestock or poultry used or intended for use for improving animal nutrition, breeding, management, or production efficiency, or for improving the quality of food or fiber. With respect to a dog, the term means all dogs including those used for hunting, security, or breeding purposes.
 - A. Exotic Animal: Any animal not identified in the definition of "animal" provided in this part that is native to a foreign country or of foreign origin or character, and is not native to the United States, or was introduced from abroad. This term specifically includes animals such as, but not limited to, lions, tigers, leopards, elephants, camels, antelope, anteaters, kangaroos, and water buffalo, and species of foreign domestic cattle, such as Ankole, Gayal, and Yak.
 - B. Farm Animal: Any domestic species of cattle, sheep, swine, goats, llamas, or horses, which are normally and have historically, been kept and raised on farms in the United States, and used or intended for use as food or fiber, or for improving the quality of food or fiber. This term also includes animals such as rabbits, mink, and chinchilla, when they are used solely for purposes of meat or fur, and animals such as horses and llamas.
 - C. Pet Animal: Any animal that has commonly been kept as a pet in family households in the United States, such as dogs, cats, guinea pigs, rabbits and hamsters. This term excludes exotic animals and wild animals.
 - D. Wild Animal: Any animal which is now or historically has been found in the wild, or in the wild state, within the boundaries of the United States, its territories, or possessions. This term includes, but is not limited to, animals such as: deer, skunk, opossum, raccoon, mink, armadillo, coyote, squirrel, fox, and wolf.
19. 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.

20. **ASSISTED LIVING FACILITY:** A multiple family structure, controlled either by a public body, institutional body, or nonprofit corporation, a majority of whose occupants shall be 65 years of age or over, or a multiple family structure where each unit is occupied by at least one person who is 55 years of age or over and is retired, and where the rental arrangement includes primarily non-medical services dealing with the activities and instrumental activities of daily living.
21. **AUTOMOBILE FILLING STATION:** Buildings and premises where gasoline, oil, grease, batteries, tires and motor vehicle accessories may be supplied and dispensed at retail, and where, in addition, minor repair, tune-ups and adjustments may be performed. Furthermore, car washes and the sale of convenience goods, such as prepackaged foods and drinks, may be permitted as an accessory use.
22. **AUTOMOBILE SALES:** The sale or rental of new and used motor vehicles, mobile homes, trailers, or farm implements, (but not including repair work except incidental warranty repair), to be displayed and sold on the premises.
23. **AUTOMOBILE SERVICE AND REPAIR:** A building, lot or both, in or upon which the commercial business of general motor vehicle repair and service is conducted which includes rebuilding and reconditioning of motor vehicles, painting, body and fender repair, steam cleaning, but excludes junk or wrecking businesses.
24. **AUTOMOBILE WRECKING:** The dismantling or wrecking of used motor vehicles, mobile homes and trailers; or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.
25. **AWNING:** Any structure made of cloth or metal with a frame attached to a building and projecting over a sidewalk, when the same is so erected as to permit its being raised to a position flat against the building when not in use.
26. **BASEMENT:** A story all or partly underground but having at least one-half (½) of its height below the average level of the adjoining ground. A basement shall not be counted as a story for the purpose of height regulations.
27. **BED AND BREAKFAST ESTABLISHMENT:** A house, or portion of a house, where short-term lodging rooms and meals are provided for compensation. The operator of the establishment shall live on the premises or in an adjacent premise.
28. **BLOCK:** A unit of property bounded by streets rights-of-way, railroad rights-of-way, or waterways.
29. **BUFFERYARD :** Land area used to visibly separate one use from another or to shield or block noise, lights, or other nuisances.
30. **BUFFER ZONE:** A zoning district permitting transitional uses.

31. **BUILDABLE AREA:** The area of a lot remaining after the minimum yard, right-of-way, easements and other open space requirements of this Ordinance have been met.
32. **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.
33. **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.
34. **BUILDING COMMISSIONER:** The Director of the Planning and Building Department, or other such person as he or she may designate, empowered to administer and enforce the provisions of this Ordinance.
35. **BUILDING HEIGHT:** The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs.
36. **BUILDING INSPECTOR:** That individual designated by the Building Commissioner to enforce the provisions of the building code.
37. **BUILDING SETBACK LINE:** A line indicating the minimum horizontal distance between the right-of-way of any street, or the property line of the side and rear yards, and a part of any structure regardless of whether it is the front, side or rear of the building. It is an imaginary line established by this Ordinance that requires all buildings to be set back a certain distance from the property lines.
38. **BUILDING, ACCESSORY** A subordinate building or structure on the same property or on an approved property as the principal building or structure.
39. **BUILDING, PRINCIPAL:** The building or structure in which is conducted the principal use of the lot on which it is located.
40. **BUSINESS, RETAIL:** Any business selling goods, wares or merchandise directly to the ultimate consumer for direct consumption and not for resale. A *retail business* use includes, but need not be limited, to such activities as: supermarkets or stores that sell hardware, apparel, footwear, appliances, furniture, department stores, and discount stores.

41. BUSINESS, SERVICE: Any activity which renders services primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in homes and businesses.
42. BUSINESS, WHOLESALE: A business establishment that generally sells commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments, or manufacturing establishments. The commodities are basically for future resale, for use in the fabrication of a product or for use by a business service.
43. CAMPGROUND: Any area or tract of land on which facilities are established or maintained to provide an opportunity in outdoor group living or family camping and for the purpose of temporarily engaging in recreation, health, education, sectarian or tourist related activities away from established residences.
44. CANOPY: Any structure, other than an awning, made of cloth or metal with frames attached to a building, projecting over a sidewalk.
45. CANOPY, GASOLINE ISLAND: Any structure made of metal with frames attached to the ground or a building, that projects over gasoline islands or pumps.
46. CARPORT: A covered automobile parking space not completely enclosed by walls or doors.
47. CAR WASH : A building or part of a building containing facilities for washing more than two (2) automobiles, or using production-line methods with a chain conveyor, blower, steam cleaning device or other mechanical device and which may include on the same site the fueling of automobiles when such fueling is ancillary and preliminary to the principal function of washing vehicles.
48. CEMETERY: Land used or intended to be used for the burial of the animal or human dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of a cemetery.
49. CENTRAL SEWERAGE SYSTEM: An approved sewage disposal system which provides a collection network and disposal system or a central sewage treatment facility for a single development, community or region.
50. CENTRAL WATER SYSTEM: A system where individual lots are connected to a common water distribution system whether publicly or privately owned and operated.
51. CERTIFICATE OF COMPLETION: A document issued by the Building Commissioner which states compliance with the building code.

52. CERTIFICATE OF OCCUPANCY: A document issued by the Building Commissioner allowing the occupancy or use of a building or structure and certifying that the structure or use has been constructed and proposed to be used or will be used in compliance with all the applicable County codes and Ordinances.
53. CHANGE OF USE: Any use which substantially differs from the previous use of a building or parcel of land.
54. CLINIC: A place used for the care, diagnosis and treatment of sick, ailing, infirm or injured persons and for those who are in need of medical, mental and surgical attention on a strictly outpatient basis.
55. CLUB: A nonprofit association of persons who are bona fide members paying regular dues, and are organized for some common purpose. Clubs shall exclude religious places of worship or groups organized solely or primarily to render a service customarily carried on as a commercial enterprise.
56. CLUSTER: A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and/or preservation of historic or environmentally sensitive features.
57. COMMERCIAL ENTERTAINMENT FACILITY: A facility for any profit-making activity which is generally related to the entertainment field, such as motion picture theaters, carnival, race tracks, miniature golf, video game rooms and similar entertainment activities.
58. COMMISSION: The Area Plan Commission of Hendricks County, Indiana as established under Indiana Code 36-7-4-200.
59. COMMISSIONERS, BOARD OF COUNTY: The Board of County Commissioners of Hendricks County, Indiana as established under Indiana Code 36-6.
60. COMPREHENSIVE PLAN: A plan adopted by the Board of County Commissioners showing the general location and extent of present and proposed physical facilities including residential, industrial and commercial uses, major streets, parks, schools and other community facilities. This plan establishes the goals, objectives, and policies for the physical development of the County.
61. CONDOMINIUM: The division of building and the related land into horizontal property interests meeting the requirements of, and controlled by Indiana statutes for condominiums as prescribed by Indiana Code 32-1-6-1 through 32-1-6-1-31.

62. CONFINED FEEDING: The confined feeding of animals is as defined in the Indiana Code 13-1-5.7-1.
63. CONFINED FEEDING OPERATION: Confined feeding operation is as defined in the Indiana Code 13-1-5.7-1.
64. CONSERVATION AREA: Environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance, or character, except in cases of overriding public interest. Conservation areas includes but are not limited to: fresh water marshes or wetlands, shallow grassy ponds, hardwood swamps, cypress swamps, natural shorelines (other than natural beaches or dunes), sand pine-scrub communities, and other areas of significant biological productivity or uniqueness.
65. CONSERVATION EASEMENT: An easement granting a right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open, wooded condition or agricultural uses; retaining those areas as suitable habitat for fish, plants, or wildlife; maintaining existing land uses.
66. CONTRACTOR SERVICES: Any building, structure or lot utilized by a business that specializes in assisting building construction and remodeling. Contractor services include, but are not limited to: heating, air conditioning, painting, plumbing and roofing.
67. CONVALESCENT CARE/NURSING HOME: Convalescent care/nursing home is as defined in the Indiana Code 16-10-4-2.
68. CONVERSION: A change in the use of land or structure.
69. COUNTY: Hendricks County, Indiana.
70. COURT: An open, unoccupied and unobstructed space other than a yard on the same lot with a building or group of buildings.
71. CUL-DE-SAC: A local street of relatively short length with one (1) end open to traffic and the other end terminating in a vehicular turnaround.
72. DAY CARE CENTER: Day Care Center is as defined in the Indiana Code 12-3-2-12.8 and 12-3-2-3.
73. DAY CARE HOME: Day Care Home is defined in the Indiana Code 12-3-2-3.1
74. DAY CARE CENTER, ADULT: A facility providing care for the elderly and/or functionally impaired adults in a protective setting for a portion of a twenty-four (24) hour day.

75. 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.
76. DENSITY: A unit of measurement that indicates the number of units per acre of land.
- A. Gross Density; a number of units per acre of the total land to be developed, including public rights-of-way and dedicated open space.
 - B. Net Density; a number of units per acre of land when the acreage involved includes only the land devoted to intended uses, excluding public rights-of-way and dedicated open space.
77. 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 a manufactured home on a site, preparing a site for a manufactured home, or installing a recreational vehicle on a site for more than one hundred eighty (180) days;
 - 3. Installing utilities, erection of walls, construction of roads, or similar projects;
 - 4. Construction of flood control structures such as levees, dikes, dams, or channel improvements;
 - 5. Mining, dredging, filling, grading, excavation, or drilling operations;
 - 6. Construction or reconstruction of bridges or culverts;
 - 7. Storage of materials; or
 - 8. Any other activity that might change the direction, height, or velocity of flood or surface waters.

Development does not include activities such as the maintenance of existing 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.

78. DISTRICT, ZONING: A section of the unincorporated territory for which the regulations governing the use of buildings and premises, or the height and area of buildings are uniform for each class of permitted use therein.
79. DRIVE-IN FACILITY: Any portion of a building or structure from which business is transacted or is capable of being transacted directly with customers located in a motor vehicle during such business transactions.
80. DRIVEWAY: A private roadway providing access for vehicles to a parking space, garage, dwelling or other structure intended for motor vehicle access.
81. DUPLEX: A building consisting of two (2) dwelling units which may be either attached side by side, or one above the other; and each unit having a separate or combined entrance or entrances from the outside of the building.
82. DWELLING: Any building, or portion of a building, which is designed or used primarily for residential purposes, including single family, two-family and multifamily; but not including hotels, motels, boarding houses, lodging houses and tourist dwellings. Any building or part of a building containing living, sleeping and housekeeping accommodations, and sanitary facilities for occupancy by one or more families.
83. 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.
84. DWELLING, INDUSTRIALIZED UNIT: An assembly of materials or products comprising all or part of a total structure which, when constructed, is self sufficient, and when installed constitutes a dwelling unit, except for necessary preparation for its placement.
85. DWELLING, MANUFACTURED HOUSING: means a structure, transportable in one or more sections, which in the traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length and, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein; which meets the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. §5401 et seq.), effective on the fifteenth day of June, one thousand nine hundred seventy-six (1976), and the federal manufactured home construction and safety standards and regulations promulgated by the Secretary of the United States Department of Housing and Urban Development. The term "manufactured home" does not include commercial trailers, job site trailers, or temporary classroom trailers or structures.

86. DWELLING, MOBILE HOME: A detached dwelling unit designed to be repeatedly transported on highways, and when arriving at the site for placement involving only minor and incidental unpacking, assembling, and connection operations, but which involves no substantial reconstruction which would render the unit unfit as a conveyance on the highway. A transportable structure that is wholly, or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on a building site and designed for long-term residential use and built prior to, or not conforming to, enactment of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. §§5401 et seq.), effective on the fifteenth day of June, one thousand nine hundred seventy-six (1976), and usually built to the voluntary industry standard of the American National Standards Institute (ANSI) - A119.1 Standards for Mobile Homes. The term “mobile home” does not include commercial trailers, job site trailers, or temporary classroom trailers or structures.
87. DWELLING, MULTI-FAMILY: A building consisting of three (3) or more dwelling units, including condominiums, with varying arrangements of entrances and party walls. Individual kitchen/dining and restroom/bathing facilities shall be provided in each separate dwelling unit. Multifamily housing may include public housing and industrialized units.
88. DWELLING, SINGLE FAMILY, ATTACHED: Single family units, not more than three (3) in any one (1) building, which are physically attached, one to another, by a combination of common or adjoining vertical walls or floors which have individual heating and plumbing systems.
89. 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.
90. DWELLING, TWO-FAMILY: See “Duplex”.
91. 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. The term shall include mobile homes and manufactured homes but shall not include recreational vehicles.
92. EASEMENT: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.
93. EGRESS: An exit.

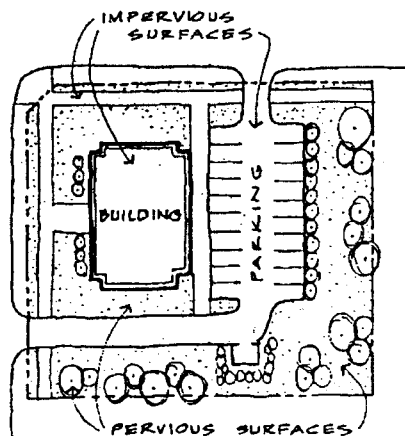
94. EDUCATIONAL INSTITUTION: A public or private facility that provides a curriculum of elementary, secondary or collegiate academic instruction, including kindergartens, elementary schools, junior high schools, high schools, technical and collegiate level courses. For the purposes of this Zoning Ordinance, in home schooling is not considered an educational institution.
95. ENLARGEMENT: An increase in size of an existing structure or use.
96. ESSENTIAL SERVICE: The erection, construction, alteration, or maintenance, by a public, semi-public, private utility or municipal or other governmental agency, of underground gas, electric, steam or water transmission or distribution systems, collection, communication, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, or other similar equipment and accessories in connection with which are reasonably necessary for the furnishing of adequate service by a public utility or municipal or other governmental agency or for the public health or safety or general welfare, but not including buildings.
97. EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of these regulations.
98. EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
99. FACADE: The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.
100. FAMILY: A person living alone or two or more persons not necessarily related by blood, marriage, adoption or guardianship, living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability.
101. FAMILY CARE HOME: Family Care Home is as defined in the Indiana Code 16-13-21-1.
102. FARM: A tract of land used for agricultural purposes along with buildings and equipment essential to agricultural production and primary processing.

103. FARM STRUCTURE: Any permitted building or structure used for agricultural purposes.
104. FENCE: Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.
105. FINANCIAL INSTITUTION: Any building, property or activity of which the principal use or purpose of which is the provision of financial services including, but not limited to banks, facilities for automatic teller machines (ATM's), credit unions, savings and loan institutions and mortgage companies.
106. FIXTURE: The assembly that holds the lamp (bulb) in a lighting system. It includes the elements designed to give light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.
107. FLEA MARKET: An occasional or periodic sales activity held, for profit, within a building, structure, or open area where groups of individual sellers offer goods new and used, for sale to the public, (not to include private garage sales) in rental spaces for a fee.
108. FLOOD: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.
109. FLOOD BOUNDARY AND FLOODWAY MAP (FBFM): The Flood Boundary and floodway maps prepared by The Federal Emergency Management Agency for Hendricks County with an effective date of March 16, 1981, as amended.
110. FLOOD HAZARD AREA: Flood Hazard Area is as defined in the Indiana Code 13-2-22-3.
111. FLOOD INSURANCE RATE MAP (FIRM): The Flood Insurance Rate Maps prepared by the FEMA for Hendricks County with an effective date of March 16, 1981, as amended.
112. FLOOD INSURANCE STUDY: The Flood Insurance Study prepared by the Federal Emergency Management Agency for Hendricks County with an effective date of September 16, 1980.
113. FLOOD PROTECTION GRADE (FPG): The elevation of the regulatory flood plus two (2) feet at any given location in the Special Flood Hazard Area (SFHA).
114. FLOODLIGHT: A bulb which projects light in a specific direction in a wide beam, typically 100 degrees or more.

115. 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.
116. 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.
117. FLOODWAY FRINGE: Those portions of the floodplain lying outside the floodway.
118. FLOOR AREA, GROSS: The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the center line of a wall separating two (2) buildings. The gross floor area shall not include interior parking spaces, loading space for motor vehicles or any space where the floor to ceiling height is less than six (6) feet.
119. FLOOR AREA, NET: The total of all floor area of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading, and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.
120. FLOOR AREA RATIO: The total floor area of all buildings or structures on a lot, divided by the area of such lot.
121. FRONTAGE or BLOCK FRONTAGE: All property on both sides of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead-ended, then all of the property abutting both sides between an intersecting street and the dead end of the street.
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 rights-of-way property lines and from twenty (20) feet inside all other adjoining property lines.
124. FUNERAL HOME/MORTUARY: An establishment engaged in undertaking services such as preparing the human dead for burial, and arranging and managing funeral services before burial or cremation.

125. GARAGE, PRIVATE: A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, travel trailers or boats of the occupants of the premises.
126. GARAGE, PUBLIC: A principal building or accessory building other than a private garage, used for parking or temporary storage of passenger automobiles, and, in which, no vehicle sales or service shall be provided for remuneration.
127. GASOLINE SERVICE STATION: Buildings and premises where gasoline, oil, grease, batteries, tires and motor vehicle accessories may be supplied and dispensed at retail.
128. GOLF COURSE: A tract of land laid out with at least nine (9) holes for playing a game of golf and improved with tees, greens, fairways and hazards. A golf course may include a driving range, pitch and putt area, a clubhouse and shelters as accessory uses.
129. GRADE, FINISHED: The finished ground level adjoining the building at all external walls.
130. GRADE, NATURAL: The elevation of the undisturbed natural surface of the ground prior to any excavation or fill.
131. GREENHOUSE: A building or structure constructed chiefly of glass, glasslike or translucent material, cloth or lath, which is devoted to the protection or cultivation of flowers or other plants.
132. GREENHOUSE, COMMERCIAL: A greenhouse used for the growing of plants, all or part of which are sold at retail or wholesale.
133. GREENWAY: A linear park, alternative transportation route, or open space conservation area approved by the County.
134. GROUP HOME: A residential care facility licensed by the State of Indiana which provides room and board, and personal care and supervision for more than eight (8) but not more than sixteen (16) aged, mentally retarded or developmentally disabled persons who are able to be integrated into a family-type setting.
135. HAZARDOUS WASTE: Any refuse, solid waste or combination of solid wastes that, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may:
 - A. Cause or significantly contribute to an increase in mortality or increase in serious irreversible, or incapacitating reversible illness; or

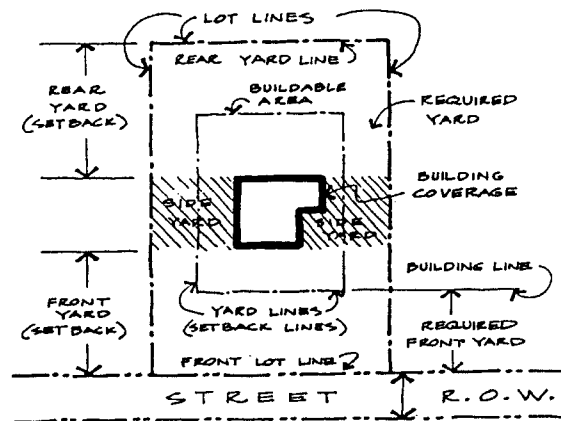
- B. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
136. **HEALTH CARE FACILITY, MEDICAL OR EMERGENCY:** A facility or institution, whether public or private, used for the care, diagnosis and treatment of sick, ailing, infirm and/or injured persons and those who are in need of medical or minor surgical attention, but who are not provided with board or room, nor kept overnight on the premises.
137. **HEIGHT:** See Building Height.
138. **HOME OCCUPATION:** An occupation conducted in a dwelling unit and/or its accessory structure by the resident thereof; provided that the use is limited in extent and is incidental and secondary to the use of the dwelling unit for residential purposes and does not change the character thereof. For the purposes of this Zoning Ordinance, Home Occupations are divided into three levels (I, II and III) as described in Section 58.02 of these regulations.
139. **HOSPITAL:** Any building or other structure containing beds for at least four (4) patients and devoted to medical diagnosis, treatment or other care of human ailments Any institution, licensed by the state department of health, providing primary health services and medical or surgical care to persons, primarily in-patients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities.
140. **HOTEL OR MOTEL:** A facility offering transient lodging accommodations on a daily rate to the general public and potentially providing additional accessory services such as restaurants, meeting rooms and recreational facilities.
141. **IMPERVIOUS SURFACE:** Any hard surfaced, man-made area that does not readily absorb or retain water, including but not limited to: building roofs, parking and driveway areas, sidewalks and paved recreation areas.



142. IMPERVIOUS SURFACE RATIO: A measure of the intensity of land use, determined by dividing the total of all impervious surfaces on a site by the gross site area.
143. IMPROVEMENT: Any man-made, immovable item that becomes part of, placed upon or is affixed to real estate.
144. IMPROVEMENT LOCATION PERMIT: A permit stating that the proposed erection, construction, enlargement or moving of a building or structure complies with the provisions of this Ordinance.
145. INDUSTRIAL PARK: A planned, coordinated development of a tract of land with two or more separate industrial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design, orientation and open space.
146. INFILL DEVELOPMENT: The development of new housing or other principally permitted buildings on scattered development sites in a developed or built-up area.
147. INGRESS: Access or entry point.
148. INOPERABLE MOTOR VEHICLE: A vehicle from which the engine, transmission, or differential has been removed or that is otherwise partially dismantled or inoperable and left on public property, or; a vehicle that is at least three (3) model years old, is mechanically inoperable, and is left on private property continuously in a location visible from public property for more than twenty (20) days.
149. INSTITUTION: Any facility maintained or conducted by a group of persons, a firm, association, non-profit entity, corporation, or government body (i.e. buildings and land designed to aid individuals in need of mental, therapeutic and rehabilitative counseling or buildings and land designed to aid individuals in educational, religious, charitable or other such pursuits).
150. INTEGRATED CENTER: A group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations, and protection from the elements.
151. JUNK: Junk is as defined in the Indiana Code 8-12-1-3.
152. JUNK YARD: Junk Yard is as defined in the Indiana Code 8-12-1-3.

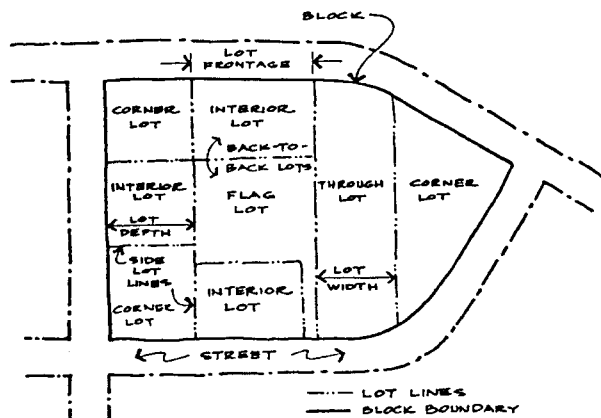
153. KENNEL: An establishment licensed to operate a facility housing domestic animals such as dogs or cats, and where grooming, breeding, boarding, training, or selling of animals is conducted as a business.
154. KENNEL, PRIVATE: Any building or land designed or arranged for the care of four (4) or more dogs or cats over four (4) months of age belonging to the owner of the principal use, kept for purposes of show, hunting, or personal enjoyment as pets.
155. Ldn CONTOUR: A line linking together a series of points of equal cumulative noise exposure bases on the Ldn metric.
156. LETTER OF MAP AMENDMENT (LOMA): An amendment to the currently effective FEMA map that establishes that a property is not located in a Special Flood Hazard Area (SFHA). A LOMA is only issued by FEMA.
157. LETTER OF MAP REVISION (LOMR): An official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations and elevations.
158. 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.
159. LOADING SPACE, OFF-STREET: Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space. Off-street loading spaces shall be located totally outside of any street or alley right-of-way. An off street space, located on the same lot with a building or group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise, materials or goods.
160. LOCATION MAP: A drawing which shows the relationship of the proposed subdivision, development plan or use to other nearby developments or landmarks and community facilities and services in order to better locate and orient the area in question.

161. **LOT:** A parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and buildable area, and to provide such yards and other open spaces as required by this Ordinance. Such lot shall have frontage on an improved public street, or on a private street which meets county standards. Each lot shall be limited to one (1) principal building and one (1) principal use and its accessory buildings.



162. **LOT COVERAGE:** The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.
163. **LOT DEPTH:** The mean horizontal distance measured from the front lot line to the rear lot line.
164. **LOT FRONTAGE:** The frontage of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage.
165. **LOT LINE:** The property lines defining the legal boundary of a lot.
166. **LOT LINE, FRONT:** The line separating a lot from the street on which the lot fronts.
167. **LOT LINE, REAR:** The lot line opposite and most distant from the front lot line.
168. **LOT LINE, SIDE:** Any lot line other than a front lot line or rear lot line.
169. **LOT, MINIMUM AREA OF:** The smallest lot area established by this Ordinance on which a use or structure may be located in a particular district, and which does not include any street right-of-way.

170. LOT, NONCONFORMING: A lot, the area, dimension or location of which was lawful prior to the adoption, revision or amendment of this zoning Ordinance but which fails by reason of the adoption, revision or amendment to conform to the present requirement of the zoning district.
171. LOT OF RECORD: A lot which is part of a subdivision recorded in the office of the county recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
172. LOT TYPES: Terminology used in this Zoning Ordinance with reference to corner lots, interior lots and through lots is as follows:
- A. Corner Lot: 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;
 - B. Flag Lot: A lot not meeting the minimum frontage requirements and where access to the public road is by a narrow private right-of-way or driveway.
 - C. Interior Lot: A lot other than a corner lot.
 - D. Through Lot: A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as a double frontage lot; and
 - E. Reversed Frontage Lot: 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.



173. **LOT WIDTH:** The horizontal distance between the side property lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the building setback line. Lot width on cul-de-sac lots and other lots with curving frontages is measured as a line parallel to the frontage and at the building setback line.
174. **LOWEST FLOOR:** The lowest of the following:
- A. The top of the basement floor;
 - B. The top of the garage floor, if the garage is the lowest level of the building;
 - C. The top of the first floor or of buildings elevated on pilings or constructed on a crawl space with permanent openings; or
 - D. The top of the floor level of any enclosure below an elevated building where the walls of the enclosure provide any resistance to the flow of flood waters unless:
 - 1. The walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, by providing a minimum of two openings (in addition to doorways and windows) having a total area of one (1) square foot for every two (2) square feet of enclosed area subject to flooding. The bottom of all such openings shall be no higher than one (1) foot above grade.
 - 2. Such enclosed space shall be usable for the parking of vehicles and building access.
175. **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.
176. **MANUFACTURING:** The process of making, assembling, adding improvements to, or fabricating raw materials by hand, machinery or the combination thereof into finished or semi-finished parts or products.
177. **MANUFACTURING, EXTRACTIVE:** Any mining, quarrying, excavating, processing, storing, separating, cleaning or marketing of any material natural resource, excluding gas and oil.
178. **MANUFACTURING, HEAVY:** A use engaged in the processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using

flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions which would generate objectionable or hazardous elements such as: heat, smoke, odor, vibration, water pollution, electromagnetic disturbances, radiation or dust.

179. MANUFACTURING, LIGHT: Manufacturing or other industrial uses which are controlled operations; relatively clean, quiet and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating and storing within enclosed structures; and generating little industrial traffic and no nuisance.
180. MIXED USE: A single building containing more than one type of land use or a single development of more than one building and use, where the different types of land uses are in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas.
181. MOBILE HOME PARK: Any site or tract of land, under one ownership, upon which three (3) or more mobile homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle or enclosure used or intended for use as a part of the facilities of the park.
182. MULTIPHASE DEVELOPMENT: A development project that is constructed in stages, each stage being capable of existing independently of the others.
183. NEW MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this Ordinance.
184. NOISE OVERLAY ZONE BOUNDARY: The boundaries of the Noise Overlay Zones as shown on the Official Zoning Map. The boundaries generally correspond to the Ldn sixty-five (65), seventy (70), and seventy-five (75) contours.
185. NONCONFORMING STRUCTURE: A structure or building, the size, dimensions or location of which was lawful prior to the adoption, revision or amendment of this Zoning Ordinance, but which fails by reason of the adoption, revision or amendment to conform to the present requirement of the zoning district.
186. NONCONFORMING USE: The use of a building, structure or parcel of land lawfully existing prior to the adoption, revision or amendment of this zoning Ordinance but which fails by reason of the adoption, revision or amendment to conform to the present requirement of the zoning Ordinance.

187. NURSERY, PLANT MATERIALS: Land, building, structure or any combination used for the storage, cultivation, transplanting or live trees, shrubs, or offered for retail sale on the premises including products used for gardening or landscaping.
188. NURSING HOME: A home, licensed by the state, for the aged or chronically or incurably ill persons in which five or more persons not of the immediate family are provided with food and shelter or care for compensation, but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.
189. OCCUPANCY: The residing of an individual overnight in a dwelling unit, or the installation, storage or use of equipment, merchandise or machinery on the premises or in any public, commercial or industrial building and/or the use of land, building or structures. A change in occupancy is not intended to include a change of tenants or proprietors.
190. OCCUPANCY GROUP: The classification in which a building inspector assigns a building, according to its use.
191. OCCUPANCY PERMIT: A required permit allowing occupancy of a building or structure after it has been determined that the building or structure meets all the requirements of applicable Ordinances.
192. OFF-SITE: Located outside the property lines of the parcel in question.
193. OFFICE BUILDING: A building used primarily for conducting the affairs of a business, profession, service, industry, government, or like activity, that may include ancillary services for office workers such as a restaurant, coffee shop, newspaper or candy stand.
194. OFFICE, PROFESSIONAL AND BUSINESS: A room or group of rooms used for conducting of affairs. A room or group of rooms used for conducting the affairs of a business, profession, service, industry, government, or like activity. Institutional offices of a charitable, philanthropic, religious or educational nature are also included in this classification.
195. OFFICIAL ZONING MAP: The legally adopted map showing the legally established boundaries or the zoning districts within the County as adopted by the Board of County Commissioners.
196. ON-SITE: Located inside the property lines of the parcel in question.

197. 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.
198. OUTBUILDING: A separate accessory building or structure not physically connected to the principal building.
199. OUTDOOR LIGHT (FIXTURE): A light fixture located outside or intended to be viewed from the outside.
200. OUTDOOR STORAGE: The keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours.
201. OWNER: An individual firm, association, syndicate, partnership or corporation having sufficient proprietary interest to seek development of land.
202. 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.
203. PARKING SPACE: An off-street parking space is a temporary storage area for a motor vehicle, with room to open doors on both sides, that is directly accessible to an access aisle and which is not located on a dedicated street right-of-way. An on-street parking space is a temporary storage area for a motor vehicle that is located on a dedicated street right-of-way.
204. PERFORMANCE GUARANTEE: An agreement by a subdivider or developer with the County for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement.
205. PERFORMANCE STANDARDS: A set of criteria or limits relating to nuisance elements that a particular use or process may not exceed.
206. PERSONAL SERVICE: Any enterprise conducted for gain which primarily offers services to the general public such as a health club, fitness facility, shoe repair, watch repair, barber shops, beauty parlors, dry cleaners and similar activities but excluding sexually oriented business, which includes massage parlors, adult book stores and other adult entertainment services.

207. **PLANNED UNIT DEVELOPMENT (PUD):** An area of a minimum contiguous size, as specified by Ordinance, to be planned and developed as a single entity containing one (1) or more residential clusters or planned unit residential developments and/or one (1) or more public, quasi-public, commercial or industrial areas in such ranges of ratios of nonresidential uses to residential uses as shall be specified.
208. **PLAT:** A map 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.
209. **PLAT, FINAL:** The final map of all or a portion of a subdivision or development plan that is presented to the proper review authority for final approval.
210. **PLAN, PRELIMINARY:** An initial map of a subdivision of land or development plan that is presented to the proper review authority for preliminary approval.
211. **PROFESSIONAL SERVICE:** The use of offices and related spaces for such professional services as are provided by medical practitioner, lawyers, architects, engineers, morticians, funeral directors and similar professions.
212. **PUBLIC USE:** Public parks, schools and administrative and cultural structures not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.
213. **PUBLIC UTILITY:** Any public utility, conservancy district or regional sewer district, municipal owned utility or subscriber owned utility under the jurisdiction of the Public Service Commission of Indiana.
214. **PUBLIC UTILITY FACILITY:** Telephone, electric, and cable television lines, poles, equipment and structures; water or gas pipes, mains, valves or structures; sewer pipes, valves or structures, pumping stations; telephone exchanges and repeater stations; and all other facilities, equipment and structures necessary for conducting a service by a government or a public utility.
215. **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.

- 216. RECREATION FACILITY: Public or private facilities that may be classified as either "extensive" or "intensive" depending upon the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land and include, but need not be limited to hunting, fishing, riding clubs and parks. Intensive facilities generally require less land (used more intensively) and include, but need not be limited to, miniature golf courses, amusement parks, stadiums, and bowling alleys.
- 217. 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.
- 218. RECREATION, COMMERCIAL: Commercial recreation is land or facilities, operated as a business and which is open to the general public for a fee, that shall include, but is not limited to: water parks, rollerblade rental, billiard parlors, video amusement arcades, ski areas, pay-to-play athletic fields, golf courses, miniature golf courses, driving ranges, ice skating rinks, batting cages or swimming pools.
- 219. RECREATION, NON-COMMERCIAL: Non-commercial recreation is any land or facility operated by a governmental agency or non-profit organization and which is open to the public or members of the non-profit organization, without a fee, that shall include but is not limited to: playgrounds, outdoor basketball courts, picnic areas, bike/hike trails, riding stables, athletic fields or swimming pools.
- 220. 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. Passive recreation areas shall include, but are not limited to: unimproved backpacking trails, unimproved hiking trails, primitive camping areas, canoeing and rafting areas.
- 221. RECREATION, PUBLIC PARK: A publicly owned area that may contain courts for such games such as: basketball, tennis, shuffleboard, soccer, baseball, softball, football and the like.
- 222. RECREATIONAL VEHICLE: A vehicle which is (1) built on a single chassis; (2) four hundred (400) square feet or less when measured at the largest horizontal projection; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational camping, travel, or seasonal use.
- 223. RECYCLABLE MATERIAL: Any material that can be converted into a raw material for use in a manufacturing process. Recyclable materials include but are not limited to glass, metal and plastic containers and paper products.

224. **RECYCLING CENTER:** A building in which recyclable materials are processed for sale. Such materials are collected in closed containers.
225. **REGULATORY FLOOD:** The flood having a one percent (1%) probability of being equaled or exceeded in any given year, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission and the Federal Emergency Management Agency. The "Regulatory Flood" is also known by the term "Base Flood."
226. **REGULATORY FLOOD PROFILE:** A longitudinal profile along the thread of a stream showing the maximum water surface elevation attained by the regulatory flood. The intent of this definition is to be consistent with the definition derived by the Indiana Department of Natural Resources.
227. **RELIGIOUS PLACE OF WORSHIP:** An institution that a congregation of people regularly attend to participate in or hold religious services, meetings and other activities, including buildings in which the religious services of any denomination are held and any related accessory buildings.
228. **RESEARCH ACTIVITY AND TESTING LABORATORY:** Research, development and testing related to such fields as chemicals, pharmaceutical, medical, electrical, transportation and engineering. All research, testing and development, whether conducted within or outside of buildings shall create no noise, smoke, glare, vibration or odor which can be detected outside of the buildings or property line. A research and testing laboratory shall mean a building in which scientific research, investigation, testing or experimentation is conducted, but not including the manufacturing or sale of products, except as incidental and accessory to the main purpose of the laboratory.
229. **RESTAURANT:** An establishment with or without table service whose principal business is the selling of unpackaged food and beverages to the customer in a ready-to-consume state, in individual servings or in non-disposable containers regardless of whether consumption is on or off the premises.
230. **RESTAURANT, FAST-FOOD:** An establishment whose principal business is the sale of pre-prepared or rapidly prepared food, in disposable containers, directly to the customer in a ready-to-consume state for consumption either within the restaurant building or off-premises.
231. **RIGHT-OF-WAY (R.O.W.):** A strip of land acquired by 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.

- 232. SALVAGE YARD: A facility or area for storing, selling, keeping, dismantling, shredding, compressing or salvaging scrap or discarded material or equipment. Scrap or discarded materials shall include, but are not limited to: metal, paper, rags, tires, bottles, motor vehicles, motor vehicle parts, machinery, structural steel, equipment and appliances.
- 233. SANITARY LANDFILL: Sanitary landfill is as defined in the Indiana Code 36-9-30-2.
- 234. SCRAP METAL PROCESSING FACILITY: Scrap metal processing facility is as defined in the Indiana Code 8-12-1-3.
- 235. SCREENING STRIP: A strip of land to be used as a planting strip on which shall be placed evergreen, hedge, shrubbery or other planting materials maintained in a neat and orderly manner for the purpose of limiting visibility.
- 236. SELF-SERVICE STORAGE FACILITY: A building or group of buildings in a controlled access environment that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the temporary storage of customer's goods or wares.
- 237. SETBACK LINE: A line established by the subdivision regulations and zoning Ordinance generally parallel with and measured from the lot line, defining the limits of a yard in which no building or structure may be located above ground, except as may be provided in this code.
- 238. SEWER, CENTRAL OR GROUP: An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.
- 239. SEWER, ON-SITE: A septic tank or similar installation on an individual lot which utilizes an anaerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.
- 240. SEXUALLY ORIENTED BUSINESS: An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio or sexual encounter center.
 - A. Adult Arcade: Any place to which the public is permitted or invited where coin-operated or slug-operated or electronically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed

are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

- B. Adult Book Store or Adult Video Store: A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:
 - 1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes or video reproductions, slides, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas."
 - 2. Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities."
- C. Adult Cabaret: A nightclub, bar restaurant, or similar commercial establishment which features:
 - 1. Persons who appear in a state of nudity; or
 - 2. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
 - 3. Films, motion pictures, videocassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or by "specified anatomical areas."
- D. Adult Motel: A hotel, motel or similar commercial establishment which:
 - 1. Offers, accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or by "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
 - 2. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
 - 3. Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten (10) hours.

- E. Adult Motion Picture Theater: A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or other photographic reproductions are shown which are characterized by the depiction or description of “specified sexual activities” or by “specified anatomical areas.”
- F. Adult Theater: A theater, concert hall, auditorium, or similar commercial establishment which features persons who appear in a state of nudity or live performances which are characterized by the exposure of “specified sexual activities.”
- G. Escort: A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- H. Escort Agency: A person or business association who furnishes, offers to furnish, or advertises to furnish escort as one of its primary business purposes, for a fee, tip, or other consideration.
- I. Reestablishment: Includes any of the following:
 - 1. The opening or commencement of any sexually oriented business as a new business;
 - 2. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
 - 3. The additions of any sexually oriented business to any other existing sexually oriented business; or
 - 4. The relocation of any sexually oriented business.
- J. Permittee: A person in whose name a permit to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a permit.
- K. Nude Model Studio: Any place where a person who appears in a state of nudity or displays “specified anatomical areas” is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.
- L. Nudity/State of Nudity: The appearance of a human bare buttock, anus, male genitals, female genitals or female breast.

- M. Person: An individual, proprietorship, partnership, corporation, association, or other legal entity.
- N. Semi-Nude: A state of dress in which clothing covers no more than the genitals, pubic regions, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.
- O. Sexual Encounter Center: A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:
 - 1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; and
 - 2. Activities between male and female person or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.
- P. Specified Anatomical Areas: The male genitals in a state of sexual arousal and the vulva or more intimate parts of the female genitals.
- Q. Specified Sexual Activities: Includes any of the following:
 - 1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
 - 2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
 - 3. Masturbation, actual or simulated; or
 - 4. Excretory functions as part of or in connection with any of the activities set forth in (1) through (3) above.
- R. Substantial Enlargement: The enlargement of a sexually oriented business means the increase in floor areas occupied by the business by more than twenty-five (25) percent, as the floor areas exist on October 16, 1989.
- S. Transfer of Ownership or Control: The control of a sexually oriented business means and includes any of the following:
 - 1. The sale, lease, or sublease of the business;
 - 2. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or

3. The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.
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241. SHOPPING CENTER: A group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements.
 242. SIDEWALK: A paved surfaced or leveled area, usually parallel to and separate from the street, used as a pedestrian walkway.
 243. SIGN: Any object, device, display or structure, or part, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or project images.
 - A. A-Frame: A portable sign containing two (2) sign faces and whose framing is hinged at the apex at an angle of less than forty-five (45) degrees.
 - B. Abandoned Sign: Any sign or sign structure that advertises a business, lessor, owner, product, service or activity that is no longer located on the premises where the sign is displayed.
 - C. Advertising Sign: An off-premise sign which directs attention to any business, profession, product, activity, commodity, or service, that is offered, sold, or manufactured on property or premises other than that which the sign is located.
 - D. Animated Sign: Any sign that uses movement or change of lighting to depict action or create a special effect or scene.
 - E. Awning Sign: A building identification sign or graphic printed on or in some fashion attached directly to the material of an awning.
 - F. Balloon Sign: A temporary sign consisting of a bag made of light weight material which is either (1) filled with a gas lighter than air, or (2) continuously filled with blown air, and designed to rise or float in the atmosphere or is attached to the ground or a building.

- G. Banner Sign: Any sign of lightweight fabric or similar material that is permanently mounted to a pole or building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.
- H. Beacon: Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same property as the light source; also, any light with one (1) or more beams that rotate or move.
- I. Building Marker Sign: Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into masonry surface or made of bronze or other permanent materials.
- J. Canopy Sign: Any sign that is a part of or attached to a, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.
- K. Changeable Copy Sign: A sign or portion of a sign with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight (8) times per day shall be considered an animated sign and not a changeable copy sign for purposes of this Ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this Ordinance.
- L. Commercial Message: Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.
- M. Construction Sign: A temporary sign which identifies the construction activity on a property and announces the project, owner or developer, contractor, subcontractor, architect, engineer, funding sources or related information.
- N. Directional Sign: Any incidental sign which serves solely to designate the location of or direction to any place or area located on the same lot.
- O. Directory Sign: An on-premise sign on which the name, title, street number or use of building is displayed.
- P. Flag: Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

- Q. Freestanding Sign: Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.
- R. Ground Sign: Any freestanding sign supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles.
- S. Identification Sign: Any sign which is limited to name, address and number of a building, institution or person and to the activity carried on in the building or institution, or the occupancy of the person.
- T. Incidental Sign: A sign, generally informational that has a purpose secondary to the use of the property on which it is located, such as "no parking", "entrance", "loading only", "telephone", and other similar directives. No sign with a commercial message legible from a position off the property on which the sign is located shall be considered incidental.
- U. Marquee Sign: Any building identification sign attached to, in any manner, or made a part of a marquee.
- V. Nonconforming Sign: Any sign that does not conform to the requirements of this Ordinance.
- W. Off-Premise Sign: See "Advertising Sign."
- X. On-Premise Sign: A sign which directs attention to a building, business, product, activity or service offered on the property on which the sign is located.
- Y. Parking and Loading Sign: Any incidental sign which serves to designate the location of any parking or loading area on a lot and may include the name of the owner or the establishment for which such parking or loading area it is provided.
- Z. Pennant: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind.
- AA. Pole Sign: Any freestanding sign which has its supportive structure(s) anchored in ground and which has the lowest portion of its sign display surface elevated a minimum of ten (10) feet above the grade.
- BB. Portable Sign: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A or T frames; menu and sandwich board signs; balloons used as signs; umbrella used for advertising; and signs attached to or

painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

- CC. Projecting Sign: Any sign affixed to a building or wall in such a manner that its leading edge extends more than eighteen (18) inches beyond the surface of such building or wall;
- DD. Roof Sign: Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.
- EE. Sign Structure: Any structure including supports, uprights, bracing and framework that supports or is capable of supporting any sign.
- FF. Sign Surface: The surface of a sign upon, against, or through which the message of the sign is exhibited.
- GG. Sign Surface Area: The area of a sign surface.
- HH. Suspended Sign: A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.
- II. T-Frame Sign: A portable sign utilizing an inverted "T" style of framing to support the sign.
- JJ. Temporary Sign: Any sign or sign or sign structure which is not permanently affixed or installed, and is intended to be displayed for limited periods of time only.
- KK. Wall Sign: Any sign attached parallel to, but within twelve (12) inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and displays only one (1) sign surface.
- LL. Wind Sign: A sign of lightweight fabric or similar material attached at one end to a pole or similar apparatus so as to swing freely, inflate and flutter by movement of the wind.
- MM. Window Sign: Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the windowpanes or glass and is visible from the exterior of the window.

244. SIGN, AREA OF: That area which is normally visible from any one (1) direction. (Example - a rectangular sign four (4) feet by five (5) feet with display on both sides shall be considered to be twenty (20) square feet.) Square footage determination shall be ascertained by adding all sign surface areas and dividing by two (2). In addition:
- A. Signs which require other signs to display full meaning, such as individually displayed letters of the name of the establishment or adjacent pictorial displays, shall be considered one (1) sign; and
 - B. Sign supporting structures, which by size or ornateness have been designed to attract attention, shall be considered part of the sign square footage.
245. SIGN, NONCONFORMING: Any sign lawfully existing on the adoption, revision or amendment of this zoning Ordinance but which fails by reason of the adoption, revision or amendment to conform to the present requirement of the Zoning Ordinance.
246. DEVELOPMENT PLAN REVIEW: A process through which all multifamily, commercial or industrial adoptive reuse and new development must proceed according to the provisions of this zoning Ordinance.
247. SPECIAL FLOOD HAZARD AREA (SFHA): Those lands within the jurisdiction of Hendricks County that are subject to inundation by the regulatory flood. They are generally identified as such on the Flood Insurance Rate Map.
248. SPOTLIGHT: A bulb which projects light in a specific direction in a narrow beam, typically 45 degrees.
249. STABLE: Any stable for the housing of horses, mules, donkeys or ponies, operated for remuneration, hire, sale, or stabling; or any stable, not related to the ordinary operation of a farm, with a capacity of more than four (4) horses, mules, donkeys or ponies, whether or not the stable is operated for remuneration, hire, sale or stabling.
250. STORY: The part of a building between the surface of a floor and the ceiling immediately above, or if there is no floor above, then the space between such floor and the ceiling or roof above. Unless otherwise defined, this distance shall be set at eight (8) feet.
251. STORY, HALF: A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use.

252. STREET, PRIVATE: A thoroughfare which affords principal means of access to abutting property, but which has not been dedicated to the public, or subject to public easements.
253. STREET, PUBLIC: A public thoroughfare which has been dedicated to the public use and accepted by the County, affording the principal means of access to abutting property and which has been classified by the National Highway Needs Study and defined in the Hendricks County Comprehensive Plan as:
- A. Interstate;
 - B. Urban Principal Arterial;
 - C. Urban One-Way Arterial;
 - D. Urban Minor Arterial;
 - E. Urban Collector;
 - F. Urban One-Way Collector;
 - G. Urban Collector Parkway;
 - H. Urban Local;
 - I. Rural Principal Arterial Road;
 - J. Rural Minor Arterial Road;
 - K. Rural Collector Road; and
 - L. Rural Local Road.
254. 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.
255. STRUCTURAL ALTERATION: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, foundations or girders, or any increase in the area or cubical contents of the building.
256. STRUCTURE: Means a structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, or a prefabricated building. The term also includes recreational vehicles to be installed on a site for more than 180 days.
257. 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.

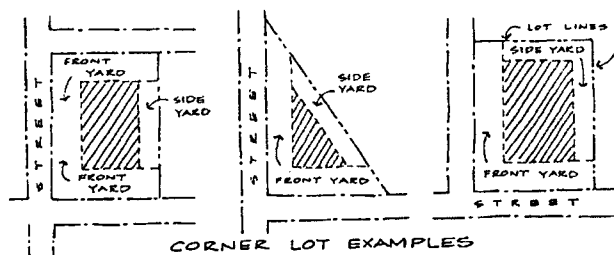
- 258. SUBDIVISION, MINOR: The subdivision of a parent parcel into any combination of not more than three (3) contiguous or non-contiguous new residential, commercial, or industrial building sites. The parcel shall front upon an existing street which is an improved right-of-way maintained by the County or other governmental entity and not involve any new street.
- 259. SUBSTANTIAL DAMAGE: Damage that equals or exceeds fifty (50%) percent of the market value of the structure before damage occurred.
- 260. SUBSTANTIAL IMPROVEMENT: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work preformed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements or any alterations of a "historic structure," provided that the alteration will not preclude the structures continued designation as a "historic structure."
- 261. SWIMMING POOL: A structure, whether above or below grade, designed to hold water, which is to be used for recreational, educational or public purposes.
- 262. SWIMMING POOL, COMMERCIAL: A, swimming pool used or intended to be used for public, semipublic or private swimming by adults or children, or both adults and children, whether or not any charge or fee is imposed upon the adults or children, operated and maintained by any person, whether he be an owner, lessee, operator, licensee or concessionaire, exclusive of a private swimming pool, and includes all structures, appurtenances, equipment, appliances and other facilities appurtenant to and intended for the operation and maintenance of a swimming pool, and also including all swimming pools operated and maintained in conjunction with or by clubs, motels, hotels, homeowner associations and community associations.
- 263. SWIMMING POOL, PRIVATE: A swimming pool used or intended to be used solely by an owner or lessee and his/her family, and by friends invited to use it without payment of any fee.
- 264. TEMPORARY STRUCTURE: A structure without any foundation or footings and which is removed when the designated time period, activity or use for which the temporary structure was erected has ceased.
- 265. TECHNICAL REVIEW: A process prior to development plan approval in which detailed technical information pertaining to all applicable local building, fire and County Codes are presented to and reviewed by the County for conformance.

266. THOROUGHFARE STREET OR ROAD: The full width between property lines bounding every public way, with a part to be used for vehicular traffic and designated as follows:
- A. Alley: A minor street used primarily for vehicular service access to the back or side of properties abutting on another street;
 - B. Arterial Street: A general term denoting a highway primarily for through traffic, carrying heavy loads and large volumes of traffic, usually on a continuous route;
 - C. Collector Street: A thoroughfare, whether within a residential, industrial, commercial or other type of development, which primarily carries traffic from local streets to arterial streets, including the principle entrance and circulation routes within residential subdivisions;
 - D. Cul-de-sac: A local street of relatively short length with one (1) end open to traffic and the other end terminating in a vehicular turnaround;
 - E. Dead-end Street: A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future;
 - F. Local Street: A street primarily for providing access to residential, commercial or other abutting property.
 - G. Loop Street: A type of local street, each end of which terminates at an intersection with the same arterial street or collector street, and whose principal radius points of the one hundred and eighty (180) degree system of turns are not more than one thousand (1,000) feet from the arterial street or collector street, nor normally more than six hundred (600) feet from each other; and
 - H. Marginal Access Frontage Street: A local street or collector street, parallel and adjacent to an arterial street or collector street, providing access to abutting properties and protection from arterial streets or collector streets.
267. UNDEVELOPED LAND: Land in its natural state before development. Also known as unimproved land.
268. 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.
269. USE, ACCESSORY: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
270. USE, EXISTING: The use of a lot or structure at the time of the enactment of this Ordinance.

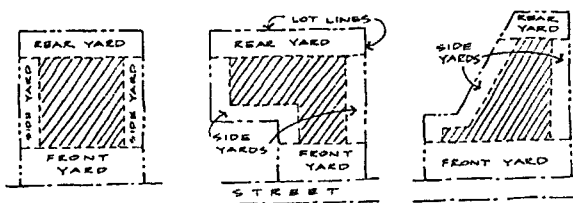
- 271. USE, PRINCIPAL: The primary or predominant use of any lot.
- 272. USE, SPECIAL EXCEPTION: A use permitted in a particular zoning district only upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in the zoning Ordinance and authorized by the Board of Zoning Appeals.
- 273. USE, TEMPORARY: A prospective use, intended for limited duration, to be located in a zoning district not permitting such use, and not continuing a nonconforming use or building.
- 274. USED CAR LOT: Any lot on which two (2) or more motor vehicles (which have been previously titled in a name other than the manufacturer or dealer) in operating condition are offered for sale or displayed to the public.
- 275. VARIANCE: A modification of the strict terms of the relevant regulations where the modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not a result of action of the applicant, a literal enforcement of the regulations would result in a practical difficulty or an unnecessary hardship.
- 276. VEHICLE, COMMERCIAL: Any motor vehicle used or designed: (a) for use in pulling, towing, hauling, transporting, or (b) as a temporary or permanent base, platform, or support for equipment, machinery, materials or other goods (including but not limited to stake body trucks, dump trucks, trucks or trailers having dual rear wheels or more than two (2) axles, semi-trailer tractors, semi-trailers and trailers having dual rear wheels or more than one (1) axle or having an overall length of more than twelve (12) feet; (c) passenger vehicles marked by signage, logos or commercial messages. This definition does not apply to motor vehicles which serve as a source of transportation for an individual residing at the premises where the vehicle is stored or parked on a regular basis and is not used in any commercial activity.
- 277. VETERINARY CLINIC/ANIMAL HOSPITAL: A place used for the care, grooming, diagnosis and treatment of sick, ailing, infirm or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for treatment, observation and recuperation.
- 278. VILLAGE GREEN: An open space, centrally located in village, town or development, that is designed and intended for the common use and enjoyment of the residents and occupants of the village, town or development and which may include such structures and improvements as are necessary and appropriate.
- 279. VICINITY MAP: A drawing located on a plat which shows by dimensions or other means, the relationship of the proposed subdivision or use to other nearby

developments or landmarks and community facilities and services within Hendricks County in order to better locate and orient the area in question.

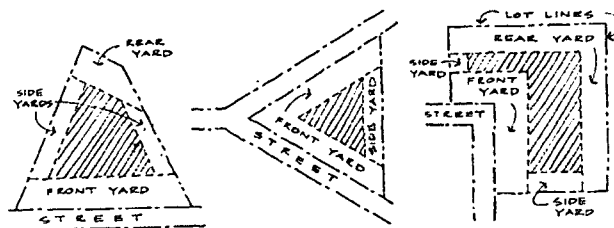
280. **WALKWAY/BIKEWAY:** A dedicated public way, four (4) feet or more in width, for pedestrian or bike use, whether along the side of a road or not.
281. **WETLAND:** An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that, under normal circumstances, does support a prevalence of vegetation typically adapted to life in saturated soil conditions, commonly known as hydrophytic vegetation.
282. **WIRELESS TELECOMMUNICATIONS FACILITY:** A tract, lot or parcel of land that contains the cellular or wireless communications tower, antenna, support structure(s), parking and any other uses associated with and ancillary to cellular or wireless communications transmission.
283. **YARD:** A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward; provided, accessories, ornaments and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.



CORNER LOT EXAMPLES



INTERIOR LOT EXAMPLES



ODD-SHAPED LOT EXAMPLES

REQUIRED YARDS

▨ BUILDING (ZONING) ENVELOPE
(TWO DIMENSIONAL)

- A. Front Yard: 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;
 - B. Rear Yard: 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; and
 - C. Side Yard: 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.
284. ZERO LOT LINE: The location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line.
285. ZONING INSPECTOR: The Building Commissioner or the duly appointed administrative officer designated to administer the zoning Ordinance.
286. ZONING MAP: The Zoning District Map of Hendricks County, Indiana.
287. ZONING PERMIT: A document issued by the Building Commissioner authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

CHAPTER 3 ENFORCEMENT

3.01 IMPROVEMENT LOCATION PERMITS REQUIRED

No building or other structure shall be erected, moved, added to, or altered, changed, placed, or be established or changed in use, on platted or unplatted lands without a permit issued by the Building Commissioner. The Improvement Location Permit shall be issued only in conformity with the provisions of this Ordinance, the Comprehensive Plan, Subdivision Control Ordinance, Building Code and any other applicable Ordinance unless the Building Commissioner receives a written order from the Board of Zoning Appeals deciding an appeal, special exception, or variance.

3.02 AGRICULTURAL ACCESSORY STRUCTURES

All agricultural accessory structures greater than one hundred and twenty (120) square feet located on less than twenty (20) acres require an Improvement Location Permit.

3.03 BUILDING COMMISSIONER

It shall be the duty of the Building Commissioner to enforce the provisions of this Ordinance in the manner and form and with the powers provided in the laws of the State of Indiana and in the Ordinance of Hendricks County.

3.04 APPLICATION FOR IMPROVEMENT LOCATION PERMIT

The Building Commissioner shall issue an Improvement Location Permit, upon written application, when the proposed structure, improvement, or use and its location conform in all respects to the Comprehensive Plan, Zoning Ordinance, Subdivision Control Ordinance, Storm Drainage, Erosion and Sediment Control Ordinance, Building Code and any other applicable Ordinances of Hendricks County.

3.05 CONTENTS OF APPLICATION FOR IMPROVEMENT LOCATION PERMIT

The application for an Improvement Location Permit shall be signed by the owner or agent attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within one (1) year or completed within two (2) years. At a minimum, the application shall contain the following information:

- A. Name, address, and phone number of applicant;
- B. Legal description of property;
- C. Type of structure;

- D. Type of structural work;
- E. Use of proposed structure;
- F. Existing zoning district;
- G. Plans drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, and the location and dimensions of the proposed building or alteration and other requirements as established by resolution by the Hendricks County Area Plan Commission.
- H. Structural plans in accordance with the requirements of the Hendricks County Building Code Ordinance;
- I. Building height;
- J. Number of off-street parking spaces and loading spaces;
- K. Type and source of sewage disposal;
- L. Type and source of water supply;
- M. Number of dwelling units; and
- N. Such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Ordinance.

3.06 PLOT PLANS

Every application for an Improvement Location Permit shall be accompanied by one (1) copy of a plot plan, drawn to scale, showing:

- A. The location of the structure, improvement or use to be altered, changed, placed, erected or located;
- B. The dimensions of the lot to be improved;
- C. The size of the yards and open spaces;
- D. Existing and proposed streets and alleys adjoining or within the lot and the manner in which the location is to be improved; and
- E. Such other information as shall be necessary to provide for the enforcement of this Ordinance. A development plan, including the requirements as established by resolution by the Hendricks County Area Plan Commission, certified by a land

surveyor or engineer registered in the State of Indiana, will be required for certain structures. A record shall be kept of all applications in the office of the Building Commissioner.

3.07 APPROVAL OF IMPROVEMENT LOCATION PERMIT

Within thirty (30) days after the receipt of an application, the Building Commissioner shall either approve, approve with modifications, or disapprove the application in conformance with the provisions of this Ordinance. An applicant that has submitted a permit application containing any defect shall be notified of the defect. Any application that is not approved within thirty (30) days of the notice shall be disapproved. After the Building Commissioner shall have marked the copy either as approved, approved with modifications, or disapproved and attested to same by his signature on the copy, one (1) copy of plans, similarly marked, shall be retained by the Building Commissioner. The Building Commissioner shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this Ordinance. Any decision of the Building Commissioner concerning the issuance of an Improvement Location Permit may be appealed to the Board of Zoning Appeals by any person claiming to be adversely affected by the decision.

3.08 SUBMISSION TO INDIANA DEPARTMENT OF TRANSPORTATION

Before any Improvement Location Permit is issued affecting any land within three-hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Indiana Department of Transportation or any land within a radius of five-hundred (500) feet from the point of intersection of the centerline with any public road or highway under Indiana Department of Transportation's jurisdiction, the Building Commissioner shall give notice, by mail, to the Indiana Department of Transportation that an Improvement Location Permit shall not be issued for thirty (30) days from the date the notice is received by the Indiana Department of Transportation.

If the Indiana Department of Transportation notifies the Building Commissioner that acquisition at this time is not in the public interest or, upon the expiration of the thirty (30) day period or any extension agreed upon by the Indiana Department of Transportation and the property owner, the Building Commissioner shall, if the application is in conformance with all provisions of this Ordinance, issue the Improvement Location Permit.

3.09 EXPIRATION OF IMPROVEMENT LOCATION PERMIT

If the work described in any Improvement Location Permit has not begun within one (1) year from the date of issuance, the permit shall expire. If the first required inspection has not been approved for the work described in any Improvement Location Permit within one (1) year from the date of issuance, the permit shall expire. One (1) extension, for either the start or completion time frame, may be granted by the Building Commissioner for good cause shown by the applicant. The extension shall not exceed six (6) months in time.

3.10 CERTIFICATE OF OCCUPANCY

No land shall be occupied or used and no structure or building erected, reconstructed or structurally altered shall be occupied or used, in whole or in part, for any (nonexempt) purpose whatsoever, until a Certificate of Occupancy shall have been issued by the Building Commissioner stating that the building and use comply with all of the provisions of this Ordinance applicable to the building or premises or the use in the district in which it is to be located. No change shall be made in any building or structure or part erected, reconstructed or structurally altered without an Improvement Location Permit having been issued by the Building Commissioner, and no permit shall be issued to make a change unless it is in conformance with the provisions of this Ordinance. Certificate of Occupancy shall be applied for coincidentally with the application for an Improvement Location Permit and shall be issued within ten (10) days after the lawful erection; reconstruction or structural alteration of a building or structure shall have been completed.

3.11 TEMPORARY CERTIFICATE OF OCCUPANCY

A Temporary Certificate of Occupancy may be issued by the Building Commissioner for a period of six (6) months during alterations or partial occupancy of a building or structure pending its completion. The Temporary Certificate of Occupancy may be renewed by the Building Commissioner for a period not to exceed six (6) months for good cause shown by the applicant.

3.12 RECORD OF IMPROVEMENT LOCATION PERMIT AND CERTIFICATE OF OCCUPANCY

The Building Commissioner shall maintain a record of all Improvement Location Permits and Certificates of Occupancy.

3.13 FAILURE TO OBTAIN AN IMPROVEMENT LOCATION PERMIT OR CERTIFICATE OF OCCUPANCY

Failure to obtain an Improvement Location Permit or Certificate of Occupancy shall be a violation of this Ordinance and punishable under Chapter 99 of this Ordinance.

3.14 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATION, PLAN, PERMIT, AND CERTIFICATE

Improvement Location Permits and Certificates of Occupancy issued on the basis of plans and applications approved by the Building Commissioner authorized only the use, and arrangement, set forth in the approved plans and applications or amendments, and no other use, arrangement, or construction. Use arrangement, or construction contrary to that authorized shall be deemed a violation of this Ordinance, and punishable as provided in Chapter 99 of this Ordinance.

3.15 COMPLAINT REGARDING VIOLATION

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may register a complaint. The complaint stating fully the causes and basis of the complaint shall be filed with the Building Commissioner. The Building Commissioner shall properly record the complaint, investigate, and take action on the complaint as provided by this Ordinance.

CHAPTER 4 NONCONFORMING USES

4.01 INTENT

- A. Within the districts established by this Ordinance or amendments that may later be adopted there exist lots, uses of land, structures, and uses of structures and land in combination which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments;
- B. It is the intent of this Ordinance to permit legally established nonconforming uses, buildings, and structures to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance that nonconforming uses shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district without approval by the Board of Zoning Appeals; and
- C. Expansion, enlargement, extension or construction of a single family or two-family dwelling in any zoning district which prohibits single family or two-family dwellings may only be done in compliance with this Chapter.

4.02 INCOMPATIBILITY OF A NONCONFORMING USE

Nonconforming uses are declared by this Ordinance to be incompatible with permitted uses in the districts in which the use is located. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this Ordinance unless approved in accordance with Chapter 4 of this Ordinance.

4.03 AVOIDANCE OF UNDUE HARDSHIP

- A. Nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been carried on diligently. Actual construction is defined to include the placing of construction materials in a permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently.
- B. Nothing in this Chapter shall be construed to prohibit the expansion of a legally established nonconforming single family or two family dwelling in any zoning district contained in this Ordinance or to prohibit the enlargement, expansion, or extension of a legally established nonconforming single family or two family

dwelling, provided that such enlargement, expansion or extension complies with this Chapter.

4.04 SINGLE NONCONFORMING LOT OF RECORD

- A. In any district in which single family dwellings are permitted, a single family dwelling and permitted accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance.
- B. A nonconforming lot must be in a separate ownership and not within a series of other lots in the same ownership. Any lot of record legally created prior to the effective date of this Ordinance which is zoned for single family or two family dwellings shall be exempt from the development standards requirements of this Ordinance and shall, instead, be subject to the development standards of the 1957 Hendricks County Zoning Ordinance.
- C. For any single lot of record legally created prior to the effective date of the 2001 Hendricks County Zoning Ordinance, in any district in which single family or two family dwellings are not permitted by the 1992 Hendricks County Zoning Ordinance, but which exist in a residential neighborhood, a single family or two family dwelling or permitted accessory buildings may be erected in compliance with the development standards of the neighborhood or the 1957 Hendricks County Zoning Ordinance, whichever, is most restrictive.
- D. Where block frontages contain at least one structure, the average of the existing developed lot setback(s) (side, rear, front independently), lot coverage, and building height shall be used to calculate the respective requirement for the nonconforming lot.
- E. No portion of the lots shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance. The division of any lot with a width or area below the requirements stated in this Ordinance shall not be created. After combining lots to reach minimum standards of width or area, there must be no remaining lots that would have less than the minimum width or area.
- F. Variances of the requirements of this Chapter shall be obtained only through action of the Board of Zoning Appeals as provided in this Ordinance.

4.05 NONCONFORMING USE OF LAND

Where, at the time of adoption of this Ordinance, lawful uses of land exist which would not be permitted by the regulations imposed by this Ordinance, the uses may be continued so long as they remain otherwise lawful, provided:

- A. A nonconforming use shall not be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;
- B. A nonconforming use shall not be moved in whole or in part to any portion of the lot or parcel other than that occupied by the uses at the effective date of adoption or amendment of this Ordinance;
- C. If a nonconforming use of land is discontinued or abandoned for more than one (1) year, the subsequent use of the land shall conform to the regulations specified by this Ordinance for the district in which the land is located; and
- D. An additional structure not conforming to the requirements of this Ordinance shall not be erected in connection with a nonconforming use of land.

However, one nonconforming use which is less intensive or less objectionable may be substituted for another existing nonconforming use with the approval of the Board of Zoning Appeals.

4.06 NONCONFORMING STRUCTURE

- A. Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, location on the lot, bulk, or other requirements concerning the structure, the structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
 - 1. A nonconforming structure may not be enlarged or altered in a way which increases its nonconforming uses, but any structure or portion may be altered to decrease its nonconforming uses;
 - 2. A legally established nonconforming building or structure may be restored to its original dimensions if damaged or partially destroyed by fire or other disaster provided that the damage or destruction does not exceed two-thirds (2/3) of the gross floor area of said building or structure. All reconstruction must comply with all current state and local building codes and all other applicable county ordinances; and
 - 3. If a nonconforming structure is moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- B. Any enlargement, expansion or extension of a legally established single family or two family dwelling or the construction, enlargement or expansion of a related accessory building in any district that prohibits single family or two family dwellings, but which exist in a residential neighborhood, must be in compliance

with the development standards of the 1957 Hendricks County Zoning Ordinance or the 1992 Hendricks County Zoning Ordinance, whichever is less restrictive.

4.07 RESTORATION OF DAMAGED STRUCTURE

- A. Any non-conforming building, use, or structure, with the exception of a one or two-household residence, that has been destroyed or damaged by fire, other casualty, or act of God, to the extent of sixty (60%) or more of the cost of its fair market value, such structure shall thereafter conform to all provisions of this Ordinance.
- B. Determination of the reproduction value shall be made by three (3) practicing building construction contractors, one to be appointed by the owner, one to be appointed by the County, and the third to be selected by the mutual consent of the two (2) parties.

In the case of repair or replacement of partial destruction of the structure, a building permit must be applied for within nine (9) months of the destruction and repairs must be completed within nine (9) months of the issuance of the permit or the non-conforming structure or use shall be considered to be abandoned. The initial date of abandonment shall, in such case, be the date the initial destruction occurred.

4.08 NONCONFORMING USE OF A STRUCTURE OR OF A STRUCTURE AND LAND IN COMBINATION

If a lawful use involving individual structures, or of a structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
- B. A nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no use shall be extended to occupy any land outside such building;
- C. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall conform to the regulations for the district, and the nonconforming use may not be resumed; and
- D. When a nonconforming use of a structure, or structure and land in combination is discontinued or abandoned for more than one (1) year (except when government

action impeded access to the premises), the structure or structure and land in combination, shall not be used except in conformity with the regulations of the district in which it is located.

4.09 REPAIR AND MAINTENANCE

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of bearing and nonbearing walls, fixtures, wiring, or plumbing, provided that the cubic area existing when it became nonconforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part declared to be unsafe by any official charged with protecting the public safety, upon order of an official.

4.10 USE UNDER SPECIAL EXCEPTION USE PROVISION NOT NONCONFORMING USE

Any use which is permitted as a Special Exception use in a district under the terms of this Ordinance shall not be deemed a nonconforming use in that district, but shall without further action be considered a conforming use.

CHAPTER 5 ADMINISTRATION

5.01 BUILDING COMMISSIONER

The Director of the Planning and Building Department, or other person as he or she may designate, shall be the Building Commissioner for the purpose of effecting proper administration and enforcement of this Zoning Ordinance.

5.02 DUTIES OF THE BUILDING COMMISSIONER

For the purpose of this Ordinance, the Building Commissioner shall have the following duties:

- A. Upon finding that any of the provisions of this Ordinance are being violated, the Building Commissioner shall notify in writing the person responsible for the violation, ordering the action necessary to correct the violation;
- B. Order discontinuance of illegal uses of land, buildings, or structures;
- C. Order removal of illegal buildings or structures or illegal additions or structural alterations;
- D. Order discontinuance of any illegal work being done; and
- E. Take any other action authorized by this Ordinance to ensure compliance with or to prevent violations of this Ordinance. This may include the issuance of and action on zoning and certificate of occupancy permits and other similar administrative duties as are permissible under the law.

5.03 DUTIES OF THE PLAN COMMISSION

For the purpose of this Ordinance the Plan Commission shall have the following duties:

- A. Initiate proposed amendments to this Ordinance;
- B. Review all proposed amendments to this Ordinance and make recommendations to the Board of County Commissioners as specified in Chapter 6, Amendments; and
- C. Review all planned unit developments as provided in Chapter 44.

5.04 BOARD OF ZONING APPEALS ESTABLISHED

In accordance with State law, a Board of Zoning Appeals shall be appointed, which Board shall adopt rules to govern its procedure. The Board of Zoning Appeals shall hold meetings, keep minutes and, pursuant to notice, shall conduct hearings, compel the attendance of witnesses, take testimony and render decisions in writing, all as required by law. When permitting any appeal, variance, special exception or change of a nonconforming use, the Board may impose conditions and requirements as it deems necessary for the protection of adjacent property and the public interest.

A. Membership/Appointments:

1. Three (3) citizen members appointed by the Board of County Commissioners, of whom one (1) must be a member of the Plan Commission and two (2) must not be members of the Plan Commission;
2. One (1) citizen member appointed by the County Council who must not be a member of the Plan Commission; and
3. One (1) citizen member appointed by the Plan Commission who must be a member of the Plan Commission other than the member appointed under subdivision A (1).

B. Terms of Office:

When an initial term of office expires, each new appointment is for a term of four (4) years.

C. Removal from Board:

The appointing authority may remove a member from the Board of Zoning Appeals for cause. The appointing authority must mail notice of the removal, along with written reasons for the removal, to the member at his residence address. A member who is removed may, within thirty (30) days after receiving notice of the removal, appeal the removal to the circuit or superior court of the County. A member of a Board of Zoning Appeals serves until his successor is appointed and qualified. A member is eligible for reappointment.

D. Vacancies:

If a vacancy occurs among the members of the Board of Zoning Appeals, the appointing authority shall appoint a member for the expired term of the vacating member. In addition, the appointing authority may appoint an alternate member to participate with the board in any hearing or decision in which the regular member it has appointed has a disqualification under the following section.

E. Conflict of Interest:

A member of the Board of Zoning Appeals may not participate in a hearing or decision of that Board concerning a zoning matter in which he has a direct or indirect financial interest. The Board shall enter in its records:

1. The fact that a regular member has such a disqualification; and
2. The name of the alternate member, if any, who participates in the hearing or decision in place of the regular member.

F. Quorum

A quorum consists of a majority of the entire membership of the Board of Zoning Appeals.

G. Official Action:

Action of the Board of Zoning Appeals is not official unless it is authorized by a majority of the entire membership of the Board.

5.05 PROCEEDINGS OF THE BOARD OF ZONING APPEALS

The Board shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the chairman and at other times as the Board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating the fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Planning and Building Department.

5.06 DUTIES OF THE BOARD OF ZONING APPEALS

- A. In exercising its duties, the Board may, as long as the action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and make an order, requirement, decision or determination as ought to be made, and to that end shall have the powers of the Building Commissioner from whom the appeal is taken. The concurring vote of the majority of the members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Building Commissioner, or to decide in favor of the applicant on this matter upon which it is required to pass under this Ordinance or to effect any variation in the application of this Ordinance.

B. For the purpose of this Ordinance the Board has the following specific responsibilities:

1. Appeals:

The Board of Zoning Appeals shall hear and determine all appeals from any decision or action of the Building Commissioner in the administration or enforcement of the Zoning Ordinance. The Board of Zoning Appeals shall hear and determine all appeals from the refusal of the Building Commissioner to issue Improvement Location Permits. The Board may decide appeals by reversing or affirming, wholly or in part, or by modifying such decision, action or refusal.

2. Variances:

a. When practical difficulties, unnecessary hardship, or results inconsistent with the general purpose of the Zoning Ordinance result through the strict and literal interpretation and enforcement of the provisions, the Board shall have the authority, subject to the provisions of this Chapter, to grant with conditions as it may determine, variances from the provisions of the Zoning Ordinance as may be in harmony with its general purpose and intent, so that the spirit of health and welfare is secured and substantial justice done. The Board may grant a variance as applied for or a variance constituting a modification. In granting a variance, the Board may attach the conditions relating to the location of the proposed structure, or the duration of the variation as it may deem necessary in order to further the purposes of the Zoning Ordinance. The Board may require such evidence and guarantee or bond as it may deem necessary to insure that all conditions so attached are being carried out and will be complied with. The Board is not empowered to change the zoning classification for any zoning district, but may, as desired, initiate an amendment to the Zoning Ordinance in accordance with Chapter 6, Amendments.

b. In carrying into effect its powers to grant variances, the Board shall be guided by the following criteria:

- (1) In general, the power to authorize a variance from the terms of this Zoning Ordinance shall be sparingly exercised and only under peculiar and exceptional circumstances;
- (2) Any variance granted shall be the minimum needed to alleviate the difficulty or hardship involved;

- (3) A limitation upon the financial gain from the land in use shall not in and of itself constitute a hardship;
 - (4) Any difficulty or hardship constituting the basis for a variance shall not be self-created; and
 - (5) Mere evidence that a variance was previously granted under similar circumstances shall not be considered sufficient grounds for granting a variance.
 - c. In every instance where the Board grants a variance, there must be a finding by the Board that:
 - (1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
 - (2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
 - (3) The need for the variance arises from some condition peculiar to the property involved;
 - (4) The strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
 - (5) The approval does not substantially interfere with the Hendricks County Comprehensive Plan.
- 3. Special Exceptions:

To grant, approve or deny all Special Exception permits as specified in each District and under the conditions specified in Chapter 56 Special Exception Uses and any additional conditions as will uphold the intent of this Ordinance.
- 4. Interpretations:

The Board of Zoning Appeals shall, upon an application filed, have the power to interpret any provision of the Zoning Ordinance, including a determination of the exact location of any district boundary if there is uncertainty. In considering an interpretation of the Zoning District Map, the Board shall give due regard to the nature and conditions of all adjacent uses and structures as well as the public interest.

**5.07 DUTIES OF BUILDING COMMISSIONER, BOARD OF ZONING APPEALS
LEGISLATIVE AUTHORITY AND COURTS ON MATTERS OF APPEAL**

It is the intent of this Ordinance that all questions of interpretations and enforcement shall be first presented to the Building Commissioner, and that questions shall be presented to the Board of Zoning Appeals be only on appeal from the decision of the Building Commissioner within thirty (30) days of such notice of violation, and that recourse from the decisions of the Board of Zoning Appeals shall be to the courts as provided by Indiana law. It is further the intent of this Ordinance that the duties of the Board of County Commissioners in connection with this Ordinance shall not include hearing and deciding questions or interpretation and enforcement that may arise. The procedure for deciding those questions shall be as stated in this Section and this Ordinance. Under this Ordinance the Board of County Commissioners, shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this Ordinance as provided by law, and of establishing a schedule of fees and charges as stated in Section 99.05 of this Ordinance. Nothing in this Ordinance shall be interpreted to prevent the Building Commissioner from appealing a decision of the Board of Zoning Appeals to the courts as provided in Indiana Law. Any appeal shall be made within thirty (30) days of the Board of Zoning Appeals decision.

5.08 PROCEDURE AND REQUIREMENTS FOR APPEALS AND VARIANCE

Appeals and variances shall conform to the procedures and requirements of Sections 5.09 through 5.16 inclusive, of this Ordinance. As specified in Section 5.06, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

5.09 APPEALS

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Ordinance may be taken by any person or government entity aggrieved or by any officer or bureau of the legislative authority of the County affected by any decision of the Building Commissioner. An appeal shall be filed with the Building Commissioner and with the Board of Zoning Appeals; such notice of appeal specifying the grounds upon which the appeal is being taken. The Building Commissioner shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

5.10 STAY OF PROCEEDINGS

An appeal stays all further proceedings of the action appealed from, unless the Building Commissioner from whom the appeal is taken certifies to the Board of Zoning Appeals after the notice of appeal is filed with him, that by reason of facts stated in the application, a stay would, in his opinion, cause imminent peril to life and property. In this case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the Building Commissioner from whom the appeal is taken on due cause shown.

5.11 APPLICATION FOR A VARIANCE

A variance from the terms of this Ordinance shall not be granted by the Board of Zoning Appeals unless and until a written application prescribed by the Building Commissioner for a variance is submitted to the Building Commissioner and the Board of Zoning Appeals. A variance shall not be granted unless the Board of Zoning Appeals makes specific findings of fact based on the evidence presented to it, which support conclusions that the standards and conditions imposed by this Chapter have been met by the applicant. Development Plan Review may be required as a part of the variance process.

The application shall include the information listed below:

- A. Name, address, and phone number of applicant;
- B. Legal description of property;
- C. Description of nature of variance requested;
- D. Signature of property owner or agent; and
- E. A narrative statement demonstrating that the requested variance conforms to the following:
 - 1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
 - 2. That a literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance;
 - 3. That special conditions and circumstances do not result from the actions of the applicant; and
 - 4. That granting the variance requested will not confer on the applicant, any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.

5.12 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of the conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this Ordinance and punishable under Chapter 99 of this Ordinance.

5.13 PUBLIC HEARING BY THE BOARD OF ZONING APPEALS

The Board of Zoning Appeals shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the chairman and at other times as the Board of Zoning Appeals may determine. All meetings shall be open to the public. The Board of Zoning Appeals shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating the fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Planning and Building Department.

5.14 NOTICE OF PUBLIC HEARING IN NEWSPAPER

Notice of public hearings for amendments to this Ordinance shall be as prescribed in I.C. 36-7-4-607 and 36-7-4-608 and as may be amended from time to time.

5.15 NOTICE TO INTERESTED PARTIES

Before holding the public hearing required in Section 5.13, written notice of the hearing shall be. As prescribed in I.C. 36-7-4-607 and 36-7-4-608 and as may be amended from time to time.

5.16 ACTION BY BOARD OF ZONING APPEALS

Within thirty (30) days after the public hearing required in Section 5.13, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 5.12, or disapprove the request for appeal or variance. Appeals from Board of Zoning Appeals decisions shall be made in the manner specified in Section 5.08.

CHAPTER 6 AMENDMENT

6.01 PROCEDURE FOR AMENDMENT OR DISTRICT CHANGE

This Ordinance may be amended by utilizing the procedures specified in Section 6.2 through 6.13, inclusive, of this Ordinance.

6.02 GENERAL

Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Board of County Commissioners may, by Ordinance, after receipt of recommendation from the Area Plan Commission, and subject to the procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property.

6.03 INITIATION OF ZONING AMENDMENTS

Amendments to this Ordinance may be initiated in one of the following ways:

- A. The Board of County Commissioners;
- B. The Plan Commission; or
- C. By a petition signed by property owners who own at least fifty percent (50%) or more of the land involved.

6.04 CONTENTS OF APPLICATION

Applications for amendments to the Official Zoning Map adopted as part of this Ordinance by Section 7.01 shall contain the information in Items A through K as listed below. Applications for amendments proposing to amend, supplement, change or repeal portions of this Ordinance other than the Official Zoning Map shall include items (A), (B), (I), and (J):

- A. Name, address, and phone number of applicant;
- B. Proposed amending Ordinance, approved as to form by the County Attorney;
- C. Present use;
- D. Present zoning classification;
- E. Proposed use;
- F. Proposed zoning classification;

- G. A vicinity map showing property lines, thoroughfares, existing and proposed zoning, and such other items as may be required;
- H. A parcel map and list identifying all property owners and their mailing addresses;
- I. A statement on how the proposed amendment related to the comprehensive plan;
- J. A fee as established by the Board of County Commissioners; and
- K. Signature of property owner(s) or agent.

6.05 TRANSMITTAL TO PLAN COMMISSION

All amendments of the Zoning Ordinance shall be transmitted to the Plan Commission for review and a recommendation to be forwarded to the Board of County Commissioners.

6.06 SUBMISSION TO INDIANA DEPARTMENT OF TRANSPORTATION

- A. Before any zoning amendment is approved affecting any land within three hundred (300) feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of Transportation or within a radius of five hundred (500) feet from the point of intersection of the centerline with any public road or highway, the Building Commissioner shall give notice, by mail to the Indiana Department of Transportation.
- B. The Plan Commission may proceed as required by law, however, the Board of County Commissioners shall not approve the amendment for thirty (30) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Board of County Commissioners that he shall proceed to acquire any land needed, then the Board of County Commissioners shall refuse to approve the rezoning. If the Director of Transportation notifies the Board of County Commissioners that acquisition at this time is not in the public interest or upon the expiration of the thirty (30) day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Board of County Commissioners shall proceed as required by law.

6.07 INFORMATION MEETING BY TOWN

A town legislative body or its designated body, wherein at least a majority of the town's population lies within the township, may conduct a meeting with an applicant or its representative within thirty (30) days following the date the applicant has filed an application to be heard before the Hendricks County Area Plan Commission. Said application should effect any zoning district change or a development plan involving the development of more than 50 acres and/or the development of 200 or more dwelling

units. The town must, by resolution, notify the Hendricks County Area Plan Commission of its intent to accept participation in the process as outlined in this Section.

The town may determine whether it elects to conduct this meeting for each application that qualifies under this Section. If a meeting is conducted, comments and minutes of this meeting shall be forwarded to the Hendricks County Area Plan Commission and its staff.

This is not a public hearing. Pursuant to Indiana Code the public hearing will be conducted by the Hendricks County Area Plan Commission.

6.08 PUBLIC HEARING BY PLAN COMMISSION

The Plan Commission shall schedule a public hearing within sixty (60) days after a petition is received. The hearing shall be held in accordance with the rules adopted by the Commission, necessary to the conduct of its affairs in keeping with the provisions of this Ordinance.

6.09 NOTICE OF PUBLIC HEARING IN NEWSPAPER

- A. Before holding the public hearing, notice of the hearing shall be given by the Plan Commission by at least one (1) publication in two (2) newspapers of general circulation in the county at least ten (10) days before the date of the hearing.
- B. This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment, and a statement that after the conclusion of the public hearing the matter will be referred to the Board of County Commissioners for further consideration.

6.10 NOTICE TO PROPERTY OWNERS BY PLAN COMMISSION

Written notice of the hearing shall be mailed by the applicant, by certified mail with return receipts, at least ten (10) days before the date of the public hearing to the address of the owners appearing on the County Auditor's current tax list or the Treasurer's mailing list. Notification boundaries for adjacent properties are described as, parcels of land adjoining or adjacent to the land described in the amendment, to a depth of two (2) ownerships, but not to include any ownership of land located more than six hundred and sixty (660) feet from the land described in the amendment. The failure to deliver the notice, as provided in this section, shall not invalidate the amendment. The notice shall contain the same information as required of notices published in the newspapers.

6.11 RECOMMENDATION BY PLAN COMMISSION

Within ten (10) business days after the Plan Commission determines its recommendation, the Commission shall certify to the Board of County Commissioners that the amendments be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendments not be granted.

6.12 PUBLIC MEETING BY BOARD OF COUNTY COMMISSIONERS

The Board of County Commissioners shall hold a public meeting within sixty (60) days after the Plan Commission certifies their recommendation. The Board of County Commissioners shall give notice under IC 5-14-1.5-5 of its intention to consider the proposal at that meeting.

6.13 ACTION BY BOARD OF COUNTY COMMISSIONERS

The Board of County Commissioners shall either adopt or deny the recommendation of the Plan Commission or adopt some modification. In the event the Board of County Commissioners denies or modifies the recommendation of the Commission, the majority vote of the Board of County Commissioners is required.

6.14 EFFECTIVE DATE AND REFERENDUM

The amendment adopted by the Board of County Commissioners shall become effective thirty (30) days after the date of its adoption.

7.01 OFFICIAL ZONING MAP

7.02 IDENTIFICATION OF THE OFFICIAL ZONING MAP

7.03 MAINTENANCE OF THE OFFICIAL ZONING MAP

(Description of changes in district boundaries)

7.04 LOCATION OF OFFICIAL ZONING MAP

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7.05 REPLACEMENT OF THE OFFICIAL ZONING MAP

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Board of County Commissioners may, by Resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment. The Official Zoning Map shall be identified by the signature of the President of the Plan Commission, attested by the Secretary of the Plan Commission and bearing the seal of the county under the following words:

“This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted, November 18, 1991 as part of Ordinance Number 1991-17 of the County of Hendricks, Indiana. Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.”

7.06 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the center lines of thoroughfares or highways, street lines or highway right-of-way lines, or alleys shall be construed to follow the centerlines;
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following the lot line;
- C. Boundaries indicated as approximately following town limits shall be construed as following the town limits;
- D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- E. Boundaries indicated as approximately following shorelines shall be construed to follow the shore lines; and in the event of change in the shoreline shall be construed as moving with the actual shoreline;
- F. Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow the centerlines;

- G. Boundaries indicated as approximately following floodplain lines shall be construed to follow the floodplain lines;
- H. Boundaries indicated as parallel to or extensions of features indicated in the subsections above shall be so controlled. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map by the Building Commissioner;
- I. Where physical or cultural features existing on the ground are at variance with those shown as the Official Zoning Map, or in other circumstances not covered by the subsections above, the Building Commissioner shall interpret the boundaries. The Board of Zoning Appeals shall hear appeals to the decision of the Building Commissioners decision; and
- J. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the Board of Zoning Appeals may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

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” Single Family (15,000) Residential District
 - 2. “R-B” Single Family (12,500) Residential District
 - 3. “R-C” Single Family (10,000) District
 - 4. “R-D” Single Family (7,500) Residential Districts and
 - 5. “R-E” Multi-Family (6) Residential District
 - 6. “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 10 “AG” AGRICULTURAL DISTRICT

10.01 PURPOSE

The Agricultural District serves to protect land best suited for agricultural use from the encroachment of other land uses and to preserve valuable agricultural land for agricultural uses and activities. The agricultural district also serves to retain land, which may be suited for eventual development for urban uses, in a productive agricultural use until an adjoining community can grow and expand in an orderly manner.

10.02 VOLUNTARY APPLICATION

The establishment of an agricultural district is *voluntary* and may only be considered for application by the initiation of the property owner. The agricultural district shall not be applicable within the urban services area as established on the Hendricks County Comprehensive Plan. The County Commissioners have the authority to deny a request for the establishment of an agricultural district for cause shown.

The zoning for agricultural districts shall be revisited every five (5) years from the date of adoption of this Zoning Ordinance, or when the comprehensive plan is revisited, for the purpose of permitting agricultural properties to be included or excluded from the AG Agricultural District at no cost to the property owner.

10.03 PRINCIPALLY PERMITTED USES

Principally permitted uses are as follows:

- A. Agriculture; as defined in this Ordinance.

10.04 PERMITTED ACCESSORY USES

Permitted accessory uses are as follows:

- A. Agricultural Roadside Stands. Agricultural roadside stands are limited to selling produce or other agriculturally related goods. Such stands shall not exceed 600 square feet in floor area and shall only be in operation during the growing and harvesting seasons of the crops being sold.
- B. Day Care Home.
- C. Farm Dwelling. One residence shall be permitted on each agricultural property, on no less than 40 acres. Additional residences may be permitted as a special exception use as identified in Section 10.04.
- D. Greenhouse. Such structure shall be less than 1,000 square feet in size.

- E. Home Occupation I; as regulated by Chapter 58.
- F. Signs.
- G. Active Recreation.
- H. Passive Recreation.
- I. Any use or structure customarily accessory and incidental to any of the permitted uses such as, but not limited to a garage, silo, grain storage bin, barn.

10.05 SPECIAL EXCEPTION USES

Permitted special exception uses are as follows:

- A. Additional Residences as approved by the Board of Zoning Appeals. However, such additional residences shall occur at a 40:1 ratio of agricultural land to residential land.
- B. Agricultural Produce Business. Such businesses may exceed 600 square feet in floor area and operate on a year round basis.
- C. Private Airport.
- D. Self Harvest Operations.
- E. Home Occupation II and III; as regulated by Chapter 58
- F. Wireless Telecommunications Structures.

10.06 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.

| “AG” Agricultural District | |
|--|--|
| Minimum Lot Area | <ul style="list-style-type: none"> 40 acres; or a combination of adjacent properties thereof equaling or exceeding 40 acres |
| Minimum Lot Width | <ul style="list-style-type: none"> None |
| Maximum Lot Coverage | <ul style="list-style-type: none"> 10 percent |
| Minimum Ground Floor Living Area | <ul style="list-style-type: none"> 1,260 square feet single story 750 square feet multi-story |
| Maximum Height | <ul style="list-style-type: none"> None |
| 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"> 40 feet 10 feet for residential use |
| Minimum Rear Yard Setback | <ul style="list-style-type: none"> 40 feet |
| Minimum Distance Between Principal Buildings | <ul style="list-style-type: none"> 20 feet |

B. Minimum Off-Street Parking and Loading Requirements

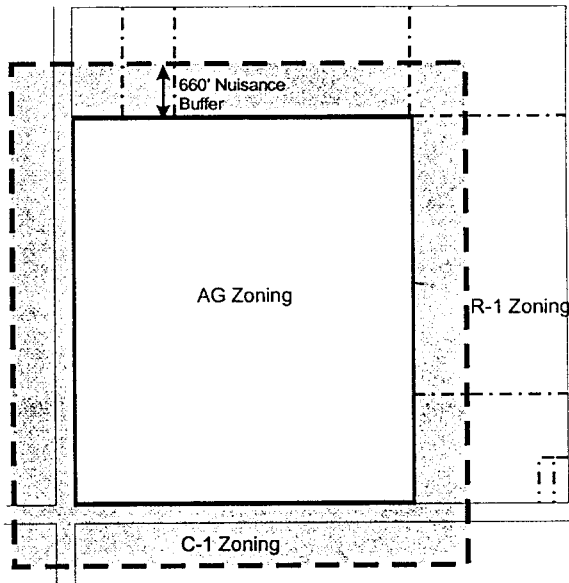
Minimum off-street parking and loading requirements shall be as regulated by Chapter 48.

C. Sign Requirements

Maximum sign requirements shall be as regulated by Chapter 60.

10.07 AGRICULTURAL NUISANCE BUFFER

An agricultural nuisance buffer shall be established for each “AG” Agricultural District, which extends outward from the district, to incorporate an area 660 feet as measured parallel from the Agricultural District boundary lines. Such nuisance buffer shall be noted on the deeds of surrounding properties. Said note on the deed shall be made at the time the *surrounding* property has been approved for development by the County. The note shall state that accepted agricultural practices are occurring on adjacent properties.



- Sample Agricultural Nuisance Buffer

**CHAPTER 12
“AG-B” AGRICULTURAL BUSINESS DISTRICT**

12.01 PURPOSE

The Agricultural Business district serves to provide adequate and appropriate locations for establishments offering agricultural supplies, goods and services to the community.

12.02 PRINCIPALLY PERMITTED USES

Principally permitted uses are as follows:

- A. Agricultural Business; as defined in this Ordinance.
- B. Greenhouse.

12.03 PERMITTED ACCESSORY USES

Permitted accessory uses are as follows:

- A. Signs.
- B. Any use or structure customarily accessory and incidental to any of the permitted uses.

12.04 SPECIAL EXCEPTION USES

Permitted special exception uses are as follows:

- A. Wireless Telecommunications Structures.

12.05 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.

| “AG-B” Agricultural Business District | |
|--|--|
| Minimum Lot Area | • 1 acre |
| Minimum Lot Width | • 150 feet |
| Maximum Lot Coverage | • 50 percent |
| Minimum Ground Floor Living Area | • 1,260 square feet single story • 750 square feet multi-story |
| Maximum Height | • 40 feet principal structure • 40 feet accessory structure |
| Minimum Front Yard Setback | • 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 | • 30 feet |
| Minimum Rear Yard Setback | • 50 feet |
| Minimum Distance Between Principal Buildings | • 20 feet |

B. Minimum Off-Street Parking and Loading Requirements

Minimum off-street parking and loading requirements shall be as regulated by Chapter 48. With the exception of handicapped parking spaces, AG-B Districts shall be exempt from the paving provisions of 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.

**CHAPTER 14
“R-A” SINGLE FAMILY (15,000) RESIDENTIAL DISTRICT**

14.01 PURPOSE

The purpose of the “R-A” District is to permit the establishment of single family dwellings.

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. Educational Institutions, K-12 only;
- D. Farm Dwelling;
- E. Passive Recreation; and
- F. Single Family Dwelling.

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:

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

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” Single Family (15,000) Residential District | |
|---|---|
| Minimum Lot Area | <ul style="list-style-type: none">• 15,000 square feet per unit with sewer and water for detached single family dwellings.• 15,000 square feet per duplex with sewer and water for two 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 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.• 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.• 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. |
| 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 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. |

| “R-A” Single Family (15,000) Residential District | |
|---|------------|
| Minimum Side Yard Setback | • 15 feet. |
| Minimum Rear Yard Setback | • 15 feet. |
| Minimum Distance Between Principal Buildings | • 35 feet. |
| Minimum Dwelling Width | • 24 feet. |

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.

**CHAPTER 16
“R-B” SINGLE FAMILY (12,500) RESIDENTIAL DISTRICT**

16.01 PURPOSE

The purpose of the “R-B” District is to permit the establishment of single family dwellings with lots having centralized sewer and water facilities.

16.02 PRINCIPAL USES PERMITTED

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

- A. Farm Dwelling;
- B. Single Family Dwelling;
- C. Agricultural, as defined in this Ordinance;
- D. Educational Institution, K-12 only; and
- E. Passive Recreation.

16.03 ACCESSORY USE 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.

16.04 SPECIAL EXCEPTION USES PERMITTED

Special exception uses shall be permitted as follows:

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

16.05 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-B” Single Family (12,500) Residential District | |
|--|--|
| Minimum Lot Area | <ul style="list-style-type: none"> • 12,500 square feet per unit with sewer and water for detached single family dwellings. • 15,000 square feet per duplex with sewer and water for two family dwellings. • 1 acre for all other uses. |
| Minimum Lot Width | <ul style="list-style-type: none"> • 85 feet for single family dwellings. • 100 feet for all other uses. |
| 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"> • 1,260 square feet single story. • 700 square feet multi-story. • 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 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"> • 7½ feet. |
| Minimum Rear Yard Setback | <ul style="list-style-type: none"> • 15 feet. |
| Minimum Distance Between Principal Buildings | <ul style="list-style-type: none"> • 20 feet. |
| Minimum Dwelling Width | <ul style="list-style-type: none"> • 24 feet. |

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.

CHAPTER 18
“R-C” SINGLE FAMILY (10,000) RESIDENTIAL DISTRICT

18.01 PURPOSE

The purpose of the “R-C” District is to permit the establishment of single family dwellings with lots having centralized water and sewer facilities.

18.02 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. Educational Institutional, K-12 only;
- C. Farm Dwelling;
- D. Passive Recreation; and
- E. Single Family Dwelling.

18.03 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.

18.04 SPECIAL EXCEPTION USES PERMITTED

Special exception uses shall be permitted as follows:

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

18.05 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-C” Single Family (10,000) Residential District | |
|---|---|
| Minimum Lot Area | <ul style="list-style-type: none">10,000 square feet per dwelling unit with sewer and water for detached single family and two family dwellings.1 acre for all other uses. |
| Minimum Lot Width | <ul style="list-style-type: none">75 feet for dwellings.150 feet for all other uses. |
| Maximum Lot Coverage | <ul style="list-style-type: none">40 percent.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">1,040 square feet single story.650 square feet multi-story.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 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">6 feet. |
| Minimum Rear Yard Setback | <ul style="list-style-type: none">15 feet. |
| Minimum Distance Between Principal Buildings | <ul style="list-style-type: none">20 feet. |
| Minimum Dwelling Width | <ul style="list-style-type: none">24 feet. |

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.

**CHAPTER 20
“R-D” SINGLE FAMILY (7,500) RESIDENTIAL DISTRICT**

20.01 PURPOSE

The purpose of the “R-D” District is to permit the establishment of single family and two-family dwellings with lots having centralized water and sewer facilities .

20.02 PRINCIPAL USES PERMITTED

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

- A. Educational Institutional, K-12 only;
- B. Farm Dwelling;
- C. Passive Recreation;
- D. Single Family Dwelling; and
- E. Two-Family Dwellings.

20.03 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.

20.04 SPECIAL EXCEPTION USES PERMITTED

Special exception uses shall be permitted as follows:

- A. Agriculture, as defined in this Ordinance;

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

20.05 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-D” Single Family (7,500) Residential District | |
|--|--|
| Minimum Lot Area | <ul style="list-style-type: none">7,500 square feet per dwelling unit with sewer and water for detached single family and two family dwellings .1 acre for all other uses. |
| Minimum Lot Width | <ul style="list-style-type: none">60 feet.150 feet for all other uses. |
| Maximum Lot Coverage | <ul style="list-style-type: none">40 percent.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">950 square feet single story.650 square feet multi-story .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 a urban principal arterial.50 feet from the R.O.W. when fronting on a 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 a 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">6 feet. |
| Minimum Rear Yard Setback | <ul style="list-style-type: none">15 feet. |
| Minimum Distance Between Principal Buildings | <ul style="list-style-type: none">15 feet. |
| Minimum Dwelling Width | <ul style="list-style-type: none">24 feet. |

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.

**CHAPTER 22
“R-E” MULTI-FAMILY (6) RESIDENTIAL DISTRICT**

22.01 PURPOSE

The purpose of the “R-E” District is to permit the establishment of two-family and multifamily dwellings with lots having centralized water and sewer facilities

22.02 PRINCIPAL USES PERMITTED

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

- A. Educational Institution, K-12 only;
- B. Farm Dwelling;
- C. Golf Course;
- D. Multi-Family Dwelling;
- E. Passive Recreation; and
- F. Two Family Dwelling.

22.03 ACCESSORY USES PERMITTED

Accessory uses shall be permitted as follows:

- A. Day Care Home;
- B. Home Occupation I, as regulated by Chapter 58;
- C. Carports, shall be exempt from the setback requirements of this district;
- D. Signs; and
- E. 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.

22.04 SPECIAL EXCEPTION USES PERMITTED

Special exception uses shall be permitted as follows:

- A. Active Recreation;
- B. Agriculture, as defined in this Ordinance;
- C. Assisted Living Facility;
- D. Bed and Breakfast Establishments;
- E. Club;
- F. Educational Institution, excluding K-12;
- G. Group Home;
- H. Home Occupation II, as regulated by Chapter 58;
- I. Hospital;
- J. Non Commercial Recreation;
- K. Nursing Home;
- L. Publicly Owned Buildings and Facilities; and
- M. Religious Places of Worship.

22.05 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-E” Multi-Family (6) Residential District | |
|--|---|
| Minimum Lot Area | <ul style="list-style-type: none"> • 7,500 square feet per unit with sewer and water for two family dwellings. • 6 dwelling units per acre for multi-family dwellings. |
| Minimum Lot Width | <ul style="list-style-type: none"> • 70 feet for two-family. • 35 feet for multi-family per unit. |
| Maximum Lot Coverage | <ul style="list-style-type: none"> • 40 percent. • 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"> • 950 square feet per unit 650 square feet multi-story. • The minimum footprint for a single story, 1,500 square feet. • The minimum footprint for a multi story, 1,200 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 a urban principal arterial. • 50 feet from the R.O.W. when fronting on a 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 a 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"> • 10 feet. |
| Minimum Rear Yard Setback | <ul style="list-style-type: none"> • 15 feet. |
| Minimum Distance Between Principal Buildings | <ul style="list-style-type: none"> • 20 feet. |
| Minimum Dwelling Width | <ul style="list-style-type: none"> • 24 feet. |

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.

**CHAPTER 24
“R-F” MULTI-FAMILY (12) RESIDENTIAL DISTRICT**

24.01 PURPOSE

The purpose of the “R-F” District is to permit the establishment of two-family and multifamily dwellings with lots having centralized water and sewer facilities .

24.02 PRINCIPAL USES PERMITTED

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

- A. Educational Institutions, K-12 only;
- B. Farm Dwelling;
- C. Golf Course;
- D. Multi-Family Dwellings; and
- E. Passive Recreation.

24.03 ACCESSORY USES PERMITTED

Accessory uses shall be permitted as follows:

- A. Carport, shall be exempt from the setback requirements of this district;
- B. Day Care Home;
- C. Home Occupation I, as regulated by Chapter 58;
- D. Signs; and
- E. 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.

24.04 SPECIAL EXCEPTION USES PERMITTED

Special exception uses shall be permitted as follows:

- A. Agriculture, as defined in this Ordinance;
- B. Assisted Living Facility;
- C. Bed and Breakfast Establishments;
- D. Club;
- E. Educational Institution, excluding K-12;
- F. Group Home;
- G. Home Occupation II, as regulated by Chapter 58;
- H. Hospital;
- I. Non Commercial Recreation;
- J. Nursing Home;
- K. Active Recreation;
- L. Publicly Owned Buildings and Facilities;
- M. Religious Places of Worship; and
- N. Two Family Dwelling.

24.05 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-F” Multi-Family (12) Residential District | |
|--|---|
| Minimum Lot Area | <ul style="list-style-type: none">• 5,500 square feet per unit with sewer and water for two family dwellings.• 9 dwelling units per acre maximum for multi-family dwellings. |
| Minimum Lot Width | <ul style="list-style-type: none">• 70 feet for two-family.• 35 feet for multi-family per unit. |
| Maximum Lot Coverage | <ul style="list-style-type: none">• 50 percent.• 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">• 950 square feet single story.• 650 square feet multi-story. |
| 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">• 10 feet. |
| Minimum Rear Yard Setback | <ul style="list-style-type: none">• 15 feet. |
| Minimum Distance Between Principal Buildings | <ul style="list-style-type: none">• 20 feet. |
| Minimum Dwelling Width | <ul style="list-style-type: none">• 24 feet. |

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.

CHAPTER 26
“NB” NEIGHBORHOOD BUSINESS DISTRICT

26.01 PURPOSE

The purpose of the “NB” District is to encourage the development of a range of convenience retail uses, personal, professional and business services required to meet the needs of the immediate neighborhood.

26.02 PRINCIPAL USES PERMITTED

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

- A. Agricultural Roadside Stands;
- B. Bed and Breakfast Establishments;
- C. Day Care Centers, limited to 5,000 square feet in area;
- D. Day Care Centers, Adult, limited to 5,000 square feet in area;
- E. Educational Institutional, limited to 500 square feet of gross floor area per parcel;
- E. Financial Institutions;
- F. Personal Services;
- G. Professional Services;
- H. Publicly Owned Buildings and Utilities;
- I. Restaurants; and
- J. Retail Businesses, limited to 5,000 square feet in area.

26.03 ACCESSORY USES PERMITTED

Accessory uses shall be permitted as follows:

- A. Signs; and
- B. 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.

26.04 SPECIAL EXCEPTION USES PERMITTED

Special exception uses shall be permitted as follows:

- A. Automobile Filling Stations;
- B. Clubs;
- C. Commercial Entertainment, excluding Sexually Oriented Businesses;
- D. Educational Institutions over 5,000 square feet in gross floor area per parcel;
- E. Mixed Uses;
- F. Religious Places of Worship;
- G. Residential Facilities for the Mentally or Developmentally Disabled;
- H. Shopping Centers, which cannot exceed 15,000 square feet in gross floor area;
and
- I. Taverns.

26.05 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.

| “NB” Neighborhood Business District | |
|--|---|
| Minimum Lot Area | <ul style="list-style-type: none">• None. |
| Minimum Road Frontage | <ul style="list-style-type: none">• 50 feet. |
| Maximum Lot Coverage | <ul style="list-style-type: none">• 50 percent principal building.• 75 percent total impervious surface coverage. |
| Maximum Height | <ul style="list-style-type: none">• 35 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">• 10 feet. |
| Minimum Rear Yard Setback | <ul style="list-style-type: none">• 15 feet. |
| Minimum Distance Between Principal Buildings | <ul style="list-style-type: none">• 10 feet. |

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.

**CHAPTER 28
“GB” GENERAL BUSINESS DISTRICT**

28.01 PURPOSE

The purpose of the “GB” District is to encourage the establishment of areas for Retail Businesses, Personal and Professional Services, Office and Service Businesses to meet the needs of a community market area. Activities in this district are often large space uses located along urban principal arterials, minor arterials, or major collectors.

28.02 PRINCIPAL USES PERMITTED

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

- A. Day Care Centers;
- B. Day Care Centers, Adult;
- C. Educational Institutions;
- D. Financial Institutions;
- E. Health Care Facilities Medical and Emergency;
- F. Hospitals;
- G. Offices, Professional and Business;
- H. Personal Services;
- I. Professional Services;
- J. Publicly Owned Buildings and Utilities;
- K. Retail Businesses;
- L. Restaurants;
- M. Restaurants, Fast Food;
- N. Service Businesses;
- O. Taverns; and
- P. Veterinarian Clinics and Animal Hospitals.

28.03 ACCESSORY USES PERMITTED

Accessory uses shall be permitted as follows:

- A. Signs;
- B. Drive Through Establishments; 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 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.

28.04 SPECIAL EXCEPTION USES PERMITTED

Special exception uses shall be permitted as follows:

- A. Automobile Filling Stations;
- B. Automobile, Motorcycle, Truck, Trailer and Farm Implement Sales, New or Used;
- C. Automobile Services and Repair;
- D. Clubs;
- E. Commercial Recreation;
- F. Commercial Entertainment, excluding Sexually Oriented Businesses;
- G. Contractor Services;
- H. Golf Courses;
- I. Hotels/Motels;
- J. Medical and Dental Laboratories;
- K. Mixed Uses;
- L. Mobile Home Sales;
- M. Research and Testing Laboratories;
- N. Shopping Centers; and
- O. Wholesale Businesses.

28.05 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.

| “GB” General Business District | |
|--|---|
| Minimum Lot Area | <ul style="list-style-type: none"> • None. |
| Minimum Road Frontage | <ul style="list-style-type: none"> • 100 feet. |
| Maximum Lot Coverage | <ul style="list-style-type: none"> • 50 percent principal building. • 75 percent total impervious surface coverage. |
| Maximum Height | <ul style="list-style-type: none"> • 50 feet principal structure. • 20 feet accessory structure. |
| Minimum Front Yard Setback | <ul style="list-style-type: none"> • 50 feet from the R.O.W. when fronting on a urban principal arterial. • 50 feet from the R.O.W. when fronting on a 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 a 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"> • 10 feet. |
| Minimum Rear Yard Setback | <ul style="list-style-type: none"> • 15 feet. |
| Minimum Distance Between Principal Buildings | <ul style="list-style-type: none"> • 10 feet. |

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.

**CHAPTER 30
“OB” OFFICE BUSINESS**

30.01 PURPOSE

The purpose of the “OB” District is to encourage the establishment of campus style areas for professional offices and services, non-retail in nature. This District is intended to be used as a transitional use or buffer between residential uses and more intense commercial uses.

30.02 PRINCIPAL USES PERMITTED

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

- A. Clubs;
- B. Day Care Centers;
- C. Educational Institutions;
- D. Financial Institutions;
- E. Health Care Facilities, Medical and Emergency;
- F. Nursing Homes;
- G. Mixed Uses;
- H. Offices, Professional and Business;
- I. Personal Services;
- J. Professional Services; and
- K. Publicly Owned Buildings and Utilities.

30.03 ACCESSORY USES PERMITTED

Accessory uses shall be permitted as follows:

- A. Signs; and
- B. 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.

30.04 SPECIAL EXCEPTION USES PERMITTED

Special exception uses shall be permitted as follows:

- A. Golf Courses;
- B. Medical and Dental Laboratories;
- C. Religious Places of Worship;
- D. Research and Testing Laboratories;
- E. Restaurants;
- F. Service Businesses; and
- G. Veterinarian Clinics and Animal Hospitals.

30.05 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.

| “OB” Office Business District | |
|--|--|
| Minimum Development Area | <ul style="list-style-type: none"> • 5 acres. |
| Minimum Lot Area | <ul style="list-style-type: none"> • 22,000 square feet. |
| Minimum Road Frontage | <ul style="list-style-type: none"> • 100 feet. |
| Maximum Lot Coverage | <ul style="list-style-type: none"> • 40 percent principal building. • 60 percent total impervious surface coverage. |
| Maximum Height | <ul style="list-style-type: none"> • 45 feet principal structure. • 20 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"> • 10 feet. |
| Minimum Rear Yard Setback | <ul style="list-style-type: none"> • 15 feet. |
| Minimum Distance Between Principal Buildings | <ul style="list-style-type: none"> • 10 feet. |

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.

**CHAPTER 32
“RSS” REGIONAL SUPPORT SERVICES DISTRICT**

32.01 PURPOSE

The purpose of the “RSS” District is to encourage the development of businesses that produce high volumes of business related traffic that make numerous service or delivery trips per day. This District may be located in areas that have good vehicular access, do not interfere with existing residential traffic and uses, and has an adequate existing transportation infrastructure to support the additional traffic.

32.02 PRINCIPAL USES PERMITTED

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

- A. Commercial Greenhouses;
- B. Contractor Services;
- C. Financial Institutions;
- D. Grain Elevators;
- E. Health Care Facilities, Medical and Emergency;
- F. Hospitals;
- G. Kennels;
- H. Medical and Dental Laboratories;
- I. Offices, Professional and Business;
- J. Publicly Owned Buildings and Facilities;
- K. Research and Testing Laboratories;
- L. Retail Businesses, limited to 5,000 square feet in area
- M. Self Service Storage Facilities;
- N. Service Businesses;
- O. Warehouses;

- P. Wholesale Businesses.

32.03 ACCESSORY USES PERMITTED

Accessory uses shall be permitted as follows:

- A. Outdoor Storage, provided the stored material is not located in a front or side yard, and the stored material is screened with a fence. The materials stored shall not exceed the height of the fence.
- B. Retail Businesses shall not exceed 10% of the gross floor area of the principal building.
- C. Signs.
- 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.

32.04 SPECIAL EXCEPTION USES PERMITTED

Special exception uses shall be permitted as follows:

- A. Mixed Uses; and
- B. Solid Waste Transfer Station.

32.05 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.

| “RSS” Regional Support Services District | |
|---|--|
| Minimum Lot Area | <ul style="list-style-type: none"> • None. |
| Minimum Road Frontage | <ul style="list-style-type: none"> • 100 feet. |
| Maximum Lot Coverage | <ul style="list-style-type: none"> • 50 percent principal building. • 75 percent total impervious surface coverage. |
| Maximum Height | <ul style="list-style-type: none"> • 45 feet principal structure. • 20 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"> • 10 feet within district. • 30 feet if adjoining another less intensive district. |
| Minimum Rear Yard Setback | <ul style="list-style-type: none"> • 15 feet if within district. • 45 feet if adjoining another less intensive district. |
| Minimum Distance Between Principal Buildings | <ul style="list-style-type: none"> • 10 feet. |

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.

CHAPTER 34
“HB” HIGHWAY BUSINESS DISTRICT

34.01 PURPOSE

The purpose of the “HB” District is to encourage the establishment of areas for highway business uses only. This district is specifically designed to service the motoring public. “HB” Districts are generally associated with interchange areas along the interstate highways or along major arterials.

34.02 PRINCIPAL USES PERMITTED

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

- A. Agricultural Produce Businesses;
- B. Automobile Filling Stations;
- C. Automobile Services and Repair;
- D. Commercial Entertainment;
- E. Commercial Recreation;
- F. Hotels/Motels;
- G. Publicly Owned Buildings and Facilities;
- H. Retail Businesses;
- I. Restaurants; and
- J. Restaurants, Fast Food.

34.03 ACCESSORY USES PERMITTED

Accessory uses shall be permitted as follows:

- A. Signs; and
- B. 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.

34.04 SPECIAL EXCEPTION USES PERMITTED

Special exception uses shall be permitted as follows:

- A. Mixed Uses;
- B. Solid Waste Transfer Station; and
- C. Wireless Telecommunications Facilities.

34.05 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.

| “HB” Highway Business District | |
|--|---|
| Minimum Lot Area | <ul style="list-style-type: none">• None. |
| Minimum Road Frontage | <ul style="list-style-type: none">• 100 feet. |
| Maximum Lot Coverage | <ul style="list-style-type: none">• 50 percent principal building.• 80 percent total impervious surface coverage. |
| Maximum Height | <ul style="list-style-type: none">• 45 feet principal structure.• 20 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">• 10 feet within district.• 30 feet if adjoining another less intensive district. |
| Minimum Rear Yard Setback | <ul style="list-style-type: none">• 15 feet if within district.• 45 feet if adjoining another less intensive district. |
| Minimum Distance Between Principal Buildings | <ul style="list-style-type: none">• 10 feet. |

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.

**CHAPTER 36
“RDD” RESEARCH AND DEVELOPMENT DISTRICT**

36.01 PURPOSE

The purpose of the “RDD” District is to encourage the development of research facilities, testing laboratories, and administrative facilities that are office-like in physical appearance and service requirements. This district should be used as a transitional use or buffer between commercial and more intense industrial uses.

36.02 PRINCIPAL USES PERMITTED

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

- A. Publicly Owned Buildings and Facilities;
- B. Public Parks and Recreation;
- C. Non-Commercial Recreation;
- D. Warehouses;
- E. Medical and Dental Laboratories; and
- F. Research and Testing Laboratories.

36.03 ACCESSORY USES PERMITTED

Accessory uses shall be permitted as follows:

- A. Signs;
- B. Offices, Professional and Business;
- C. Retail Businesses shall not exceed 5% of the gross floor area of the principal building; 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.

36.04 SPECIAL EXCEPTION USES PERMITTED

Special exception uses shall be permitted as follows:

- A. Wireless Telecommunications Facilities;
- B. Mixed Uses;
- C. Educational Institutions, Public; and
- D. Light Manufacturing.

36.05 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.

| “RDD” Research and Development District | |
|--|---|
| Minimum Development Area | <ul style="list-style-type: none"> • 5 acres. |
| Minimum Lot Area | <ul style="list-style-type: none"> • 22,000 square feet. |
| Minimum Road Frontage | <ul style="list-style-type: none"> • 50 feet. |
| Maximum Lot Coverage | <ul style="list-style-type: none"> • 50 percent principal building. • 75 percent total impervious surface coverage. |
| Maximum Height | <ul style="list-style-type: none"> • 60 feet principal structure. • 20 feet accessory structure. |
| Minimum Front Yard Setback | <ul style="list-style-type: none"> • 50 feet from the R.O.W. when fronting on a urban principal arterial. • 50 feet from the R.O.W. when fronting on a 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 a 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"> • 20 feet within district. • 30 feet if adjoining another less intensive district. |
| Minimum Rear Yard Setback | <ul style="list-style-type: none"> • 20 feet if within district. • 45 feet if adjoining another less intensive district. |
| Minimum Distance Between Principal Buildings | <ul style="list-style-type: none"> • 10 feet. |

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.

CHAPTER 38
“WI” WHOLESALE INDUSTRIAL DISTRICT

38.01 PURPOSE

The purpose of the “WI” District is to encourage the development of manufacturing and wholesale business establishments that are clean, quiet, free of hazardous or objectionable elements such as noise, odor, dust, smoke, or glare, operated entirely within enclosed structures and generate low volume industrial traffic. This district is designed as a transitional use between heavy manufacturing uses and other less intense business uses.

38.02 PRINCIPAL USES PERMITTED

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

- A. Light Manufacturing;
- B. Publicly Owned Buildings and Utilities;
- C. Warehouses; and
- D. Wholesale Businesses.

38.03 ACCESSORY USES PERMITTED

Accessory uses shall be permitted as follows:

- A. Signs;
- B. Offices, Professional and Business; 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 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.

38.04 SPECIAL EXCEPTION USES PERMITTED

Special exception uses shall be permitted as follows:

- A. Automobile Filling Stations;
- B. Automobile Services and Repair;
- C. Mixed Uses;
- D. Service Businesses; and

- E. Wireless Telecommunications Facilities.

38.05 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.

| “WI” Wholesale Industrial District | |
|--|---|
| Minimum Lot Area | <ul style="list-style-type: none"> • None. |
| Minimum Road Frontage | <ul style="list-style-type: none"> • 100 feet. |
| Maximum Lot Coverage | <ul style="list-style-type: none"> • 50 percent principal building. • 75 percent total impervious surface coverage. |
| Maximum Height | <ul style="list-style-type: none"> • 60 feet for principal structure. • 40 feet accessory structure. |
| Minimum Front Yard Setback | <ul style="list-style-type: none"> • 50 feet from the R.O.W. when fronting on a urban principal arterial. • 50 feet from the R.O.W. when fronting on a 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 a 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"> • 20 feet within district. • 40 feet if adjoining another less intensive district. |
| Minimum Rear Yard Setback | <ul style="list-style-type: none"> • 20 feet if within district. • 40 feet if adjoining another less intensive district. |
| Minimum Distance Between Principal Buildings | <ul style="list-style-type: none"> • 10 feet. |

- 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.

CHAPTER 40
“MI” MAJOR INDUSTRIAL DISTRICT

40.01 PURPOSE

The purpose of the “MI” District is to encourage the development of manufacturing and wholesale business establishments accommodating a broad range of heavier industrial activities diverse in products, operational techniques and size which may have an impact upon the surrounding environment.

40.02 PRINCIPAL USES PERMITTED

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

- A. Grain Elevators;
- B. Heavy Manufacturing;
- C. Light Manufacturing;
- D. Publicly Owned Buildings and Utilities;
- E. Salvage Yards; and
- F. Warehouses.

40.03 ACCESSORY USES PERMITTED

Accessory uses shall be permitted as follows:

- A. Offices, Professional and Business;
- B. Signs; 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 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.

40.04 SPECIAL EXCEPTION USES PERMITTED

Special exception uses shall be permitted as follows:

- A. Automobile Filling Stations;
- B. Automobile Services and Repair;
- C. Mixed Uses;
- D. Sexually Oriented Businesses;
- E. Wireless Telecommunications Facilities;
- F. Solid Waste Transfer Station; and
- G. Stockyards and Slaughterhouses.

40.05 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.

| “MI” Major Industrial District | |
|--|--|
| Minimum Lot Area | <ul style="list-style-type: none">• None. |
| Minimum Road Frontage | <ul style="list-style-type: none">• 100 feet. |
| Maximum Lot Coverage | <ul style="list-style-type: none">• 60 percent principal building.• 80 percent total impervious surface coverage. |
| Maximum Height | <ul style="list-style-type: none">• 60 feet.• 40 feet accessory structure. |
| Minimum Front Yard Setback | <ul style="list-style-type: none">• 50 feet from the R.O.W. when fronting on a urban principal arterial.• 50 feet from the R.O.W. when fronting on a 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 a 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">• 30 feet within district.• 50 feet if adjoining another less intensive district. |
| Minimum Rear Yard Setback | <ul style="list-style-type: none">• 30 feet if within district.• 60 feet if adjoining another less intensive district. |
| Minimum Distance Between Principal Buildings | <ul style="list-style-type: none">• 10 feet. |

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.

**CHAPTER 41
“MHP” MOBILE HOME PARK DISTRICT**

41.01 PURPOSE

The purpose of the Mobile Home Park District is to encourage the development of mobile home parks in a well-planned environment located along rural major arterials or major collector thoroughfares.

41.02 PRINCIPAL USES PERMITTED

Principally permitted uses shall be as follows:

- A. Mobile Homes; and
- B. Passive Recreation.

41.03 ACCESSORY USES PERMITTED

Accessory uses shall be permitted as follows:

- A. Day Care Homes;
- 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.

The following accessory uses shall be permitted without an Improvement Location Permit:

- A. Driveways;
- B. Fences and hedges;
- C. Parking spaces;
- D. Utility installations for local services;
- E. Retaining walls;

- F. Walks;
- G. Canopies/Awnings; and
- H. Decks/Porches.

The following accessory uses shall be permitted subject to the issuance of an Improvement Location Permit and meeting all the requirements of this Ordinance:

- A. Manager's office or apartment;
- B. Maintenance equipment storage facilities;
- C. Laundry facilities;
- D. Signs; and
- E. Buildings such as garages, enclosed patios, bathhouses, gazebos, cabanas, greenhouses, and storage buildings.

41.04 SPECIAL EXCEPTION USES PERMITTED

Special exception uses may be permitted as follows:

- A. Home Occupation II and III, as regulated by Chapter 58; and
- B. Other single family residential dwellings.

41.05 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.

| “MHP” Research and Development District | |
|--|---|
| Minimum Development Area | <ul style="list-style-type: none">• 15 acres. |
| Maximum Density | <ul style="list-style-type: none">• 7 Mobile Homes per Acre. |
| Minimum Lot Width | <ul style="list-style-type: none">• 150 feet per development.• 40 feet per mobile home lot. |
| Maximum Lot Coverage | <ul style="list-style-type: none">• 35 percent per mobile home .• 90 percent other areas in development excluding mobile home lot. |
| Minimum Ground Floor Living Area | <ul style="list-style-type: none">• 320 square feet per mobile home. |
| Maximum Height | <ul style="list-style-type: none">• 25 feet principal structure.• 18 feet accessory structure. |
| Maximum Lot Depth to Width Ratio | <ul style="list-style-type: none">• No requirement for parks, but subject to review.• 3:1 for mobile home lot. |
| Minimum Front Yard Setback | <ul style="list-style-type: none">• 60 feet for the development.• 10 feet for the mobile home lot.• 10 feet for accessory buildings. |
| Minimum Side Yard Setback | <ul style="list-style-type: none">• 50 feet for the development.• 12.5 feet for the mobile home lot.• 7.5 feet for accessory buildings. |
| Minimum Rear Yard Setback | <ul style="list-style-type: none">• 50 feet for the development.• 12.5 feet for the mobile home lot.• 7.5 feet for accessory buildings. |
| Minimum Distance Between Principal Buildings | <ul style="list-style-type: none">• 25 feet between mobile homes. |

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.

41.06 DEVELOPMENT PLAN REVIEW AND CONFORMANCE

All new mobile home parks permitted in accordance with this chapter of the Hendricks County Zoning Ordinance shall comply with all regulations set forth in Chapter 52 concerning development plan review and conformance.

CHAPTER 42
“TC” TOWN CENTER DISTRICT

42.01 PURPOSE

It is the purpose of the Town Center district to:

- A. Promote traditional town building and site development patterns with a grid pattern of streets, alleys and blocks, providing for a mix of pedestrian and automobiles, as typically exists in traditional neighborhoods.
- B. Promote the location of dwellings, shops and workplaces in close proximity to each other, with an emphasis on residential uses located on the second and third floors of buildings in commercial areas.
- C. To provide for a district that will permit the expansion, redevelopment and infill of the traditional development currently found in hamlets and villages throughout the County.

42.02 PRINCIPALLY PERMITTED USES

Principally permitted uses are as follows:

- A. Single Family Dwellings, outside of the retail core;
- B. Two Family Dwellings;
- C. Multi-Family Dwellings;
- D. Assisted Living Facilities, outside the retail core;
- E. Automotive Filling Stations, inside the retail core;
- F. Bed and Breakfast Establishments;
- G. Commercial Entertainments, inside the retail core.
- H. Day Care Centers;
- I. Day Care Centers, Adult;
- J. Educational Institutions, K-12, outside the retail core;
- K. Educational Institutions, excluding K-12, inside the retail core;
- L. Financial Institutions, inside the retail core;

- M. Mixed Uses, (residential uses shall not occupy first floor), inside the retail core;
- N. Off-Street Parking Lots, inside the retail core;
- O. Offices, Professional and Business, inside the retail core;
- P. Personal Services, inside the retail core;
- Q. Professional Services, inside the retail core;
- R. Restaurants, inside the retail core;
- S. Retail Business, inside the retail core;
- T. Service Businesses, inside the retail core; and
- U. Taverns, inside the retail core.

42.03 ACCESSORY PERMITTED USES

Accessory uses shall be permitted as follows:

- A. Day Care Homes;
- 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.

42.04 SPECIAL EXCEPTION USES PERMITTED

Variations from the permitted location of the principally permitted uses shall be considered special exceptions. Additional special exception uses shall be permitted as follows:

- A. Home Occupations II and III, as regulated by Chapter 58.

42.05 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. In the case of an infill or redeveloped lot in an existing Town Center area, such development on infill or redeveloped lots shall reflect the standards of the average of the adjacent lots to the subject property.

| “TC” Town Center District | |
|--|---|
| Minimum Lot Area | <ul style="list-style-type: none">• None within the retail core.• 6,000 square feet outside the retail core for single family residential uses.• 10,000 square feet outside the retail core for all other uses. |
| Minimum Lot Width | <ul style="list-style-type: none">• 40 feet. |
| Maximum Lot Coverage | <ul style="list-style-type: none">• 100 percent within retail core.• 75 percent outside retail core. |
| Maximum Height | <ul style="list-style-type: none">• 45 feet principal structure within the retail core.• 35 feet principal structure outside the retail core.• 20 feet accessory structure. |
| Minimum Front Yard Setback | <ul style="list-style-type: none">• None within the retail core.• 15 feet outside retail core. |
| Minimum Side Yard Setback | <ul style="list-style-type: none">• None within the retail core.• 5 feet outside the retail core for single family residential uses.• 10 feet outside the retail core for all other uses. |
| Minimum Rear Yard Setback | <ul style="list-style-type: none">• None within the retail core.• 15 feet outside the retail core. |
| Minimum Distance Between Principal Buildings | <ul style="list-style-type: none">• None within the retail core.• 10 feet outside the retail core. |

B. Minimum Off-Street Parking and Loading Requirements

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

1. Shared parking in the rear of businesses is encouraged;
2. On-site parking space requirements in the retail core may be reduced by the Plan Commission if public or centralized parking is located within 150 feet of the subject land use. The reduction of on-site parking spaces shall not be greater than one on-site space for each off-site space located on a street or in an off-street parking area;

3. Off-street parking spaces not located on the immediate lot to which the parking is serving shall be located within a reasonable distance from the use proposed;
4. When on-site parking is established, vehicular circulation between parcels is encouraged. Provisions for circulation between adjacent parcels should be provided through coordinated or joint parking systems to minimize curb cuts along the street. The use of alleys to access parking in the rear of lots is preferred;
5. Off-street parking areas within the retail core shall not be permitted in any front or side yard of any property unless such property is to be solely utilized for parking purposes.

C. Sign Requirements

Sign requirements shall be as regulated by Chapter 60.

1. Illumination of Signs
 - a. Signs in newly developed Town Centers shall be externally illuminated.
 - b. Signs on infill or redeveloped properties in Town Center districts shall be illuminated in a similar fashion as the adjacent lots to the subject property are illuminated.
2. Signs types within the Retail Core shall be limited to:
 - a. Wall Signs;
 - b. Projecting Signs; when not located over the R.O.W.;
 - c. Awning Signs; when not located over the R.O.W.;
 - d. Window Signs; and
 - e. A-Frame Signs (sandwich board signs) when not obstructing pedestrian traffic. A-Frame signs shall be limited to four (4) feet in height.
3. The Maximum Sign Surface Area for signs within the Retail Core shall be as follows:
 - a. Wall signs shall be limited to fifty (50) square feet;
 - b. Projecting signs shall be limited to sixteen (16) square feet;
 - c. Awning signs shall be limited to the front fascia of the awning;
 - d. Window signs shall be limited to thirty (30) percent of the window; and
 - e. A-Frame signs shall be limited to twelve (12) square feet.

D. Lot Usage and Lot Development Within the Retail Core

1. Areas designated for the Retail Core should contain retail, restaurants and cafes, personal services, offices, apartment units, commercial entertainment, public uses (community and city buildings, meeting halls, libraries, post offices, schools, public recreational facilities, museums, performing arts buildings, or other related uses), public open spaces or other related uses as permitted by the Plan Commission. A “town square” in or near the retail core should be the focal point for the town center and its activities.
2. A minimum of 70% of the front facade of the main building should be set at the front lot line along the sidewalk. The remaining 30% of the front facade can be setback a maximum of 10 feet to create entrances, courtyards or open spaces.
3. The ground floor of the building should be restricted to retail uses, personal services, professional services, restaurants, cafes or other uses that encourage street level activities. Offices and residential apartments should be developed on the second and third floor of the buildings.
4. Blocks within the Retail Core should be bisected by alleys. Such alleys should provide access to the buildings for the purposes of off-street loading and servicing of such businesses. Alley systems should be on way in nature and should not exceed twelve (12) feet in width.
5. Utilities should be located underground or in an alley behind the building.

E. Building Design Within the Retail Core

1. Building facades shall be constructed of brick or stone.
2. Building facades shall be oriented towards the street.
3. Access to residential dwellings shall be from the exterior of the building.
4. Buildings within the retail core shall exhibit architectural compatibility to promote cohesiveness.

F. Building Design Outside the Retail Core

1. Garages for each single family detached dwelling should be accessed from an alley. If that is not possible or practical, an attached or detached garage shall not extend beyond a point ten (10) feet back from the front building line of the dwelling.

2. Building height shall not be higher than the buildings in the Retail Core.

42.06 OPEN SPACE DEVELOPMENT

A minimum of ten (10) percent of the overall development shall consist of open spaces. Open spaces shall be of varying types and distributed throughout the district. All open spaces shall be accessible to all residents. Open spaces shall take one or more of the following forms:

- A. Town Square – An open space that may encompass an entire block and is located at the intersection of the main streets. It should be set aside for civic purposes, formal and informal gatherings with landscaping consisting of paved walks, lawns, trees and other amenities;
- B. Plaza – An open space, usually at an intersection of major streets, set aside for civic purposes and commercial activity. A plaza is typically bordered by civic or private buildings and is landscaped with durable pavement and formal tree plantings. Plazas may range from very active places with adjacent complimentary uses such as restaurants and cafes, to quiet areas with only seating, formal landscape plantings and other amenities such as fountains or public art;
- C. Park – An open space available for recreation. Landscaping may consist of paved paths and trails, open lawn areas, trees, open shelters or improved recreational areas and fields. Facilities may range from simple picnic tables, benches or a playground in a small park, to a recreation center, shelters, swimming pool or sports field in a larger park. Parks are typically grassy and maintained on a regular basis for recreational activity, but may include some natural or formally landscaped areas;
- D. Green – An open space available for unstructured recreation. Landscaping should consist of grassy areas and trees. A green should be designed for passive and unstructured active recreation. Improvements to a green may consist of paths, benches and landscaping; and
- E. Greenbelt – A series of connected open spaces that follow natural features such as ravines, creeks or streams. A greenbelt is usually a combination of natural vegetation and landscaped or regularly maintained areas. Ideally, a greenbelt will provide pedestrian and bicycle connections to other open spaces or to destinations such as schools, libraries and neighborhood commercial areas.

42.07 PROCEDURE

After the approval of a change in zoning district as established in Chapter 6, Amendments, the following procedure shall be followed for the submission of a preliminary and final development plan.

A. Submission of Application

1. The owner(s), or his/her designee, of a tract of land may request that the Zoning District Maps be amended to include such tract in the Town Center District. Such amendment shall be processed, noticed and heard in the manner prescribed in Chapter 6 and as described herein.
2. The applicant is encouraged to engage in informal consultations with the Hendricks County Plan Commission staff prior to preparing their plans, it being understood that no statement or representations by a member of either Staff shall be binding upon either the Commission or upon any zoning body.
3. The following options are available at the applicant's discretion:
 - a. Submission of a Preliminary Development Plan, processed in the manner described in this Chapter, and the subsequent submission of a Final Development Plan for any portion of the approved Preliminary Development Plan the applicant wishes to develop. The Final Development Plan submitted according to this option shall be processed in the manner described in this Chapter;
 - b. Submission of a Final Development Plan without a Preliminary Development Plan. A Final Development Plan so submitted shall be processed in the manner described in this Chapter.

B. Preapplication Meeting

The developer is encouraged to meet with the Plan Commission Staff prior to the submission of the preliminary development plan. The purpose of this meeting is to discuss early and informally the purpose and effect of this Ordinance and the criteria and standards contained herein, and to familiarize the developer with the Comprehensive Plan, and Master Thoroughfare Plan, the parks and public open space plan, the Subdivision Control Ordinance regulations, and the drainage, sewer and water systems of the County. It shall be understood that no statement or representations by a member of either Staff shall be binding upon either the Commission or upon any zoning body.

C. Preliminary Development Plan

Seven (7) copies of the Preliminary Development Plan shall be submitted and shall include in text and map form:

1. An application for preliminary development plan shall be filed with the Secretary of the Plan Commission by the owner, or his/her designee, of property for which the Town Center District is proposed. The application shall contain the following information:
 - a. Name, address, and phone number of applicant;
 - b. Name, address, and phone number of registered surveyor, registered engineer assisting in the preparation of the preliminary development plan;
 - c. A survey of the tract that is to be developed;
 - d. Description of existing use;
 - e. Identification of the existing zoning district;
 - f. A vicinity map at a scale approved by the Plan Commission, showing existing property lines, streets, existing and proposed zoning, and such other items as the Plan Commission may require to show the relationship of the town center to the Comprehensive Plan and to existing developments, schools and other community facilities and services;
 - g. A preliminary development plan at a scale approved by the Plan Commission showing topography at two (2) foot intervals; the approximate location and type of residential, commercial and industrial land uses; layout, dimensions, and names of existing and proposed streets, rights-of-way, utility easements, parks and open spaces; layout and dimensions of lots and building setback lines, areas of proposed buffering; preliminary improvement drawings showing: points of ingress/egress, water, sewer, drainage, and such other characteristics as the Plan Commission deems necessary;
 - h. Proposed schedule for the development of the site, identifying phasing where applicable; and
 - i. Evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan within five (5) years; including a statement of all the ownership and beneficial interests in the tract of land and the proposed development.

2. The application for the preliminary development plan for the Town Center District shall be accompanied by a written statement by the developer setting forth the reasons why, in his/her opinion, the Town Center District would be in the public interest and would be consistent with the Hendricks County Comprehensive Plan. A traffic impact study shall also be included that includes all surrounding intersections in the study.
3. The preliminary development plan approval shall expire in five (5) years unless final approval of all or part of the project is complete.

D. Public Hearing

After receipt of the preliminary development plan, the Plan Commission shall hold a public hearing within a reasonable time.

E. Notice of Public Hearing

The notice of public hearing shall occur as established in I.C. 5-3-1. As a minimum, the secretary shall, at least ten (10) days prior to the date set for the public hearing at the applicant's expense, publish a notice one (1) time in two (2) newspapers of general circulation in the County. The notice shall set forth the time and place of the public hearing and a general description of the Town Center District.

F. Notice to Property Owners

The applicant shall, at least ten (10) days prior to the public hearing, notify by certified mail, the owners of all parcels of land adjoining or adjacent to the land described in the application. The notification boundaries shall be to a depth of two (2) ownerships, but not to include any ownership of land located more than six hundred and sixty (660) feet from the property described in the application.

G. Plan Commission Review

1. The Plan Commission shall review the preliminary plan to determine if the proposed Town Center District is:
 - a. Consistent with the intent and purpose of this Ordinance;
 - b. Whether the proposed development advances the general welfare of the community and neighborhood; and
 - c. Whether the benefits, combination of various land uses, and the interrelationship with the land uses in the surrounding area justify the deviation from standard district regulations.

2. The Plan Commission's approval in principle of the preliminary development shall be necessary before an applicant may submit a final development plan.
3. Approval in principle shall not be construed to endorse the following:
 - a. A precise location of uses;
 - b. Configuration of parcels; or
 - c. Engineering feasibility.

H. Final Development Plan

After approval of the preliminary development plan, the developer shall submit a final development plan to the Plan Commission. The final development plan shall be in general conformance with the preliminary development plan as approved by the Commission. Five (5) copies of the final development plan shall be submitted and shall be certified by a registered engineer or land surveyor.

I. Final Development Plan Application

An application for approval of the final development plan shall be filed with the Secretary of the Plan Commission by all owners, or their designee, of the property for which the Town Center District is proposed. Each application shall be signed by the owner, attesting to the truth and for exactness of all information supplied on the application for final development plan. Approval shall expire and may be revoked if construction on the project has not begun within two (2) years from the date of issuance of the approval and such requirement shall be clearly stated on the application. At a minimum, the application shall contain the following information:

1. Any changes necessary to the survey of the proposed development site, showing the dimensions and bearing of the property lines, area in acres, topography, existing features of the development site, including major wooded areas, structures, streets, easements, utility lines and land uses;
2. All information required on the preliminary development plan, the location and sizes of lots, location and proposed density of dwelling units, nonresidential building intensity, and land use considered suitable for adjacent properties;
3. A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes, tabulation of the number of acres in the proposed project for various uses, the number of housing units proposed by the type, estimated residential

population by type housing. Estimated nonresidential population, anticipated timing for each unit, and standards for height, open space, building density, parking areas, population density and public improvements proposed for each unit of the development shall be identified on the Final Development Plan;

4. Engineering construction studies and plans showing, as necessary, water, sewer, drainage, waste disposal facilities, street improvements, and nature and extent of earth work required for site preparation and development;
5. Development plan, showing buildings, various functional use areas, circulation, and their relationship;
6. Final building plans, including floor plans and exterior elevations;
7. Landscaping plans;
8. A final traffic impact study to determine the off-site impacts on the existing thoroughfare system and the surrounding intersections;
9. Deed restrictions, and restrictive/protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of the land, and the improvements thereon, including those areas which are to be commonly owned and maintained;
10. Evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan within five (5) years; including a statement of all the ownership and beneficial interests in the tract of land and the proposed development; and
11. One (1) copy of the preliminary development plan.

J. Plan Commission Review

The Plan Commission shall review the final development plan at a regular meeting. This shall not be a public hearing.

K. Plan Commission Action

The Plan Commission shall take action to approve as presented, approve with supplementary conditions, or disapprove.

L. Plan Commission Review Criteria

Before making its decision as required above, the Plan Commission shall find that the facts submitted with the application and presented at the public hearing establish that:

1. The proposed development can be initiated within two (2) years of the date of approval;
2. Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained, the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under standard district regulations;
3. The streets as proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the Town Center District;
4. The Town Center District is in general conformance with the Comprehensive Plan of the County;
5. The existing and proposed utility services are adequate for the uses provided; and
6. The proposed open spaces are adequate and appropriate as identified in this Chapter.

M. Submission of Final Development Plan Without an Approved Preliminary Development Plan

The applicant need not file a Preliminary Development Plan if filing a Final Development Plan for the entire site, incorporating all requirements of both the Preliminary and Final Development Plans as described in this Chapter. The Final Development Plan shall be filed with the Secretary of the Plan Commission by all owners, or their designee, of the property for which the Town Center District is proposed. Each application shall be signed by the owner, attesting to the truth and for exactness of all information supplied on the application for final development plan. Approval shall expire and may be revoked if construction on the project has not begun within two (2) years from the date of issuance of the approval and such requirement shall be clearly stated on the application. A public hearing shall be required as established in 42.07 (D).

At a minimum, the application shall contain the following information:

1. A survey of the tract that is to be developed showing existing features of the property including streets, alleys, easements, utility lines, existing land use, general topography and physical features;
2. A development plan showing the location and arrangement of all existing and proposed structures, the proposed traffic circulation pattern within the development, the areas to be developed for parking, the points of ingress and egress including streets where required the relationship of abutting land uses and zoning districts, proposed lots and blocks, if any, and proposed public or common open space, if any, including parks, playgrounds, school sites and recreational facilities, screening, and areas to be left in their natural state;
3. A statement of the proposed total gross floor area, and the percentage of the development which is to be occupied by structures;
4. Floor plans of the proposed structures;
5. Landscaping plans;
6. When a Town Center District is to be constructed in stages or units, a schedule for the development of such stages or units shall be submitted. When a Town Center District provides for common open space, the total area of common open space provided at any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire Town Center District as the stages or units completed or under development bear to the entire Town Center District;
7. Evidence that the applicant has sufficient control over the tract to effect the proposed plan, including a statement of all the ownership and beneficial interests in the tract of land and the proposed Development;
8. When a Town Center District includes provisions for common open space or recreational facilities, a statement is needed describing the provision that is to be made for the care and maintenance of such open space or recreational facilities. If it is proposed that such open space be owned and/or maintained by any entity other than a governmental authority, copies of the proposed Chapters of incorporation and by-laws of such entity shall be submitted;
9. Copies of any restrictive covenants that are to be recorded with respect to property included in the Town Center District;
10. A final traffic impact study to determine the off-site impacts on the existing thoroughfare system and the surrounding intersections.

N. Issuance of Improvement Location Permit

No Improvement Location Permit shall be issued for any property for which the Town Center District classification is requested and no construction shall begin until an approved Final Development Plan is in effect for that phase or property, whichever of the above options is chosen by the applicant.

O. Subdivision Plat Required

No improvement location permit shall be issued for any structure in any portion of the Town Center District unless and until the final subdivision plat for that portion has been approved by the proper planning authority and recorded in the public record of the County. This requirement may be waived by the Building Commissioner when it is deemed that a subdivision plat is not required. The filing and approval of a subdivision plat can occur simultaneously with the submission of the preliminary and final plan review process.

P. Supplementary Conditions and Safeguards

In approving any Town Center District, the Plan Commission may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of the conditions or safeguards, when made a part of the terms under which the final development plan is approved, shall be deemed a violation of this Ordinance and punishable under Chapter 99 of this Ordinance.

Q. Extension of Approval Period

An extension of the time limit or modifications of the approved final development plan may be approved if the Plan Commission finds that such extension or modification is not in conflict with the public interest.

R. Modifications

Because of the difficulty in being able to supply precise data at the time of approval of the Final Development Plan, it may be necessary to make certain modifications to the Final Development Plan at a later date.

If the modification is approved, the Final Development Plan will be changed to reflect the modification and notice will be sent to the appropriate County offices.

Modifications shall be approved as follows:

1. Field Adjustment or Minor Adjustment to line and grade of the required improvements may be approved by staff;
2. Non substantial changes to the final plan that does not increase the number of lots or provide for a decrease of open space may be approved by the Plan Commission as recommended by staff; and
3. Substantial changes including an increase in the number of lots, a reduction of open space, etc., shall be approved as part of a public hearing process as established in 42.07 E of this Chapter.

**CHAPTER 43
“OTC” OLD TOWN CENTER DISTRICT**

43.01 PURPOSE

It is the purpose of the Old Town Center district to:

- A. Provide for a district that will permit the expansion, redevelopment and infill of the traditional development currently found in the small incorporated and unincorporated areas throughout the County;
- B. Preserve and promote traditional town building and existing site development patterns with a grid pattern of streets, alleys and blocks, providing for a mix of pedestrian and automobiles, as typically exists in such traditional neighborhoods; and
- C. Preserve and promote the location of dwellings, shops and workplaces in close proximity to each other, with an emphasis on residential uses located on the second and third floors of buildings in commercial areas.

43.02 PRINCIPALLY PERMITTED USES

Principally permitted uses are as follows:

- A. Single Family Dwellings;
- B. Two Family Dwellings;
- C. Multi-Family Dwellings;
- D. Assisted Living Facilities outside the retail core;
- E. Automotive Filling Stations, inside the retail core;
- F. Bed and Breakfast Establishments;
- G. Commercial Entertainments, inside the retail core;
- H. Day Care Centers, inside the retail core;
- I. Day Care Centers, Adult; inside the retail core;
- J. Educational Institutions, K-12;
- K. Financial Institutions, inside the retail core;

- L. Mixed Uses, (residential uses shall not occupy first floor), inside the retail core;
- M. Off-Street Parking Lots, inside the retail core;
- N. Offices, Professional and Business, inside the retail core;
- O. Personal Services, inside the retail core;
- P. Professional Services, inside the retail core;
- Q. Restaurants, inside the retail core;
- R. Retail Businesses, inside the retail core;
- S. Service Businesses, inside the retail core; and
- T. Taverns, inside the retail core.

43.03 ACCESSORY PERMITTED USES

Accessory uses shall be permitted as follows:

- A. Day Care Homes;
- B. Home Occupation I, as regulated by Chapter 58;
- C. Signs, internally or externally illuminated; 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.

43.04 SPECIAL EXCEPTION USES PERMITTED

Variations from the permitted location of the principally permitted uses shall be considered special exceptions. Additional special exception uses shall be permitted as follows:

- A. Assisted Living Facilities, inside the retail core;
- B. Automotive Filling Stations, outside the retail core;
- C. Commercial Entertainment; outside the retail core

- D. Day Care Centers, outside the retail core;
- E. Day Care Centers Adult, outside the retail core;
- F. Financial Institutions, outside the retail core;
- G. Home Occupation II and III, as regulated by Chapter 58;
- H. Light Industrial, outside the retail core;
- I. Mixed Uses, (residential uses shall not occupy the first floor), outside the retail core;
- J. Off-Street Parking Lots, outside the retail core;
- K. Offices, Professional and Business, outside the retail core;
- L. Personal Services, outside the retail core;
- M. Professional Services, outside the retail core;
- N. Restaurants, outside the retail core;
- O. Retail Businesses, outside the retail core;
- P. Service Businesses, outside the retail core; and
- Q. Taverns, outside the retail core.

43.05 DEVELOPMENT STANDARDS

A. Property Development Standards

Development on *Infill or Redeveloped* property in an Old Town Center district shall be exempt from the development standards table below. Such development on infill or redeveloped properties shall reflect the standards of the average of the adjacent properties to the subject property. Infill or redeveloped property shall mean property that may or may not have previously been developed within a developed area.

For development *not including infill or redevelopment*, the minimum dimension of properties, yards and the heights of buildings shall be as shown in the following accompanying table.

| “OTC” Old Town Center District | |
|--|---|
| Minimum Lot Area | <ul style="list-style-type: none">• None within the retail core (identified as the primary grouping of retail, service and business uses within the Old Town Center district).• 4,000 square feet outside the retail core for single family residential uses.• 10,000 square feet outside the retail core for all other uses. |
| Minimum Lot Width | <ul style="list-style-type: none">• 40 feet. |
| Maximum Lot Coverage | <ul style="list-style-type: none">• 100 percent within the retail core.• 75 percent outside the retail core. |
| Maximum Height | <ul style="list-style-type: none">• 45 feet principal structure within the retail core.• 35 feet principal structure outside the retail core.• 20 feet accessory structure. |
| Minimum Front Yard Setback | <ul style="list-style-type: none">• None within the retail core.• 15 feet outside the retail core. |
| Minimum Side Yard Setback | <ul style="list-style-type: none">• None within the retail core.• 5 feet outside the retail core for single family residential uses.• 10 feet outside the retail core for all other uses. |
| Minimum Rear Yard Setback | <ul style="list-style-type: none">• None within the retail core.• 15 feet outside the retail core. |
| Minimum Distance Between Principal Buildings | <ul style="list-style-type: none">• None within the retail core.• 10 feet outside the retail core. |

B. Minimum Parking and Loading Requirements

Parking for uses within the Old Town Center district shall be as follows:

1. Parking spaces shall meet the minimum size requirements as regulated by Chapter 48, Off-Street Parking and Loading;
2. The number of off-street parking spaces required for uses shall be adequate for the proposed use. Acceptance of the number of proposed parking spaces shall be approved by the Town Council, Township Trustees or the Township Advisory Board; and
3. In the development or redevelopment of land within the Old Town Center district, parking should be located to the rear of properties to encourage pedestrian traffic at the sidewalk level.

C. Sign Requirements

Sign requirements shall be as regulated by Chapter 60.

1. Illumination of Signs
 - a. Signs should be externally illuminated.
 - b. Signs on infill or redeveloped properties in the Old Town Center district shall be illuminated in a similar fashion to the adjacent lots.
2. Sign types within the Retail Core shall be limited to:
 - a. Wall Signs;
 - b. Projecting Signs when not located over the R.O.W.;
 - c. Awning Signs when not located over the R.O.W.;
 - d. Window Signs; and
 - e. A-Frame Signs (sandwich board signs) when not obstructing pedestrian traffic. A-Frame signs shall be limited to four (4) feet in height.
3. The maximum sign surface area for signs within the Retail Core shall be as follows:
 - a. Wall signs shall be limited to fifty (50) square feet;
 - b. Projecting signs shall be limited to sixteen (16) square feet;
 - c. Awning signs shall be limited to the front fascia of the awning;
 - d. Window signs shall be limited to thirty (30) percent of the window; and
 - e. A-Frame signs shall be limited to twelve (12) square feet.

D. Recommended Lot Usage and Lot Development within the Retail Core

1. Areas designated as the Retail Core should contain retail, restaurants and cafes, personal services, offices, apartment units, commercial entertainment, public uses (community and city buildings, meeting halls, libraries, post offices, schools, public recreational facilities, museums, performing arts buildings, or other related uses), public open spaces or other related uses as permitted by the Plan Commission.
2. A minimum of 70% of the front facade of the main building should be set at the front lot line along the sidewalk where applicable. The remaining 30% of the front facade can be setback a maximum of 10 feet to create entrances, courtyards or open spaces. Infill and redevelopment projects shall establish a front setback line similar to the surrounding uses and buildings.
3. The ground floor of the building should be restricted to retail uses, personal services, professional services, restaurants, cafes or other uses that encourage street level activities. Offices and residential apartments should be developed on the second and third floor of the buildings.
4. Blocks within the Retail Core should be bisected by alleys. Such alleys should provide access to the buildings for the purposes of off-street loading and servicing of such businesses. Alley systems should be one way in nature and should not exceed twelve (12) feet in width.
5. Utilities should be located underground or in an alley behind the building.

E. Recommended Building Design Within the Retail Core

1. Building facades should be constructed of brick or stone or the most prevalent building material on existing buildings in the retail core.
2. Building facades shall be oriented towards the street.
3. Access to residential dwellings located on upper floors of multi story buildings should be from the exterior of the building.
4. Buildings within the retail core shall exhibit architectural compatibility to promote cohesiveness.

F. Recommended Building Design Outside the Retail Core

1. Garages for each single family detached dwelling should be accessed from an alley. If that is not possible or practical, an attached or detached garage shall not extend beyond a point ten (10) feet back from the front building line of the dwelling. For infill or redevelopment projects, garages shall be located in a similar fashion to the surrounding buildings and uses.
2. Building height shall be compatible to the surrounding properties.

43.06 OPEN SPACE DEVELOPMENT

Common public open space should be developed within open areas of the Old Town Center District in an area that is centrally accessible to residents and businesses.

43.07 ESTABLISHMENT OF OLD TOWN CENTER DISTRICT

The Old Town Center district shall be established as regulated in Chapter 6, Amendments. The Old Town Center boundaries shall be indicated on the Official Zoning Map of Hendricks County, Indiana. The rezoning of property to the Old Town Center District may be combined with the Development Plan Review process as established in Chapter 52.

43.08 REVIEW OF INFILL AND REDEVELOPMENT PROJECTS

The following projects require the submission of a development plan approved by a Town Council, Township Trustees or a Township Advisory Board. The process shall be as established in Chapter 52, Development Plan Review:

- A. New infill projects;
- B. The establishment of a mixed use project;
- C. A change in land use;
- D. The razing of an existing structure and redevelopment of that lot.

43.09 LANDSCAPING AND BUFFERING REQUIREMENTS; EXEMPTIONS

The Old Town Center District shall be exempt from the landscaping and buffering requirements of Chapter 50, Bufferyard and Landscaping. However:

- A. Infill and redevelopment projects shall maintain as much of the existing vegetation as reasonably practical; and

- B. Window boxes, sidewalk planters and other living amenities should be integrated as part of the infill or redevelopment of a Town Center District area to create a visually appealing streetscape that will not impede the safety of pedestrian and vehicular traffic.

43.10 DRAINAGE

The review of drainage shall be as established in Chapter 52, Development Plan Review. However, properties within the Old Town Center may be exempt from drainage requirements if a letter of acceptance or approval is provided from the Town Council, Township Trustees, or Township Advisory Board, indicating that drainage is not a problem.

CHAPTER 44
PLANNED UNIT DEVELOPMENT DISTRICT

44.01 PURPOSE

This Chapter is intended to permit the creation of Planned Unit Development Districts in accordance with the Indiana Code. Such districts are for the purpose of conserving land through more efficient allocation of private lots, a variety of dwelling unit types, common grounds, nonresidential uses, greater efficiency in providing public and utility services, the creation of neighborhoods and securing benefits from new techniques in community development and renewal. Such regulations need not be uniform, but may vary in order to promote public health, safety, and welfare. All Planned Unit Developments shall be located on land served by centralized sewer and water.

44.02 APPLICATION AND PROCEDURE

A PUD district shall be established as per the regulations of Chapter 6.

44.03 TYPES OF PLANNED UNIT DEVELOPMENTS

The following are permitted types of Planned Unit Developments and their uses:

A. “PUD-R” Planned Residential District

1. Encourage a more creative approach in land and building site planning; and an efficient, aesthetic and desirable use of open space.
2. Encourage a variety in physical development patterns.
3. Permit special considerations of property with outstanding features.
4. Show a comprehensive view of the entire development and include a variety of compatible uses.

B. “PUD-RC” Planned Residential/Commercial District

1. Encourage a more creative approach in land and building site planning; and efficient, aesthetic and desirable use of space.
2. Encourage the development of commercial, office, research and development and residential uses intermixed in various combinations.

C. “PUD-CI” Planned Commercial/Industrial District

1. Encourage a more creative approach in land and building site planning; and efficient, aesthetic and desirable use of space.
2. Encourage the development of commercial, office, and industrial uses intermixed in various combinations.

44.04 PERMITTED USES

Compatible residential, commercial, industrial, public and semi-public uses may be combined in a Planned Unit Development District provided that the proposed location of the commercial or industrial uses will not adversely affect adjacent property and the public health, safety or general welfare. .

The amount of land devoted to commercial and industrial use in a residential/ commercial or commercial/industrial development shall be determined by the Plan Commission.

44.05 DEVELOPMENT STANDARDS

In addition to the applicable provisions of this Ordinance, the Development Plan must comply with the following requirements unless specifically waived by the Plan Commission:

- A. The Planned Unit Development can be substantially completed within the period of time specified in the schedule of development submitted by the developer.
- B. The Planned Unit Development will address the public health, safety, and welfare.
- C. The site shall have direct access to a major street. The streets and driveways on the site will be adequate to serve the residents or occupants of the proposed development. Traffic control signals/signs will be provided without expense to Hendricks County when the County Engineer determines that such signals/signs are needed on or off site to prevent traffic hazards or congestion generated by the development.
- D. The development will address the impact on public services and facilities, such as schools, fire and police protection.
- E. The Development Plan contains such proposed covenants, easements and other provisions relating to the proposed development standards, as reasonably are required for public health, safety and welfare.
- F. The location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities shall be compatible with the surrounding land uses, and any part of the Planned Unit Development not used for open space structures, parking and loading areas, or access ways, shall be landscaped or otherwise improved.

G. Additional Requirements by type of Planned Unit Development shall be as follows:

4. Residential PUD Standards

- a. Parking
Shall provide at least 2 off street parking spaces for each residential unit.
- b. Outdoor Lighting
 - 5. Shall be at a pedestrian scale in all residential areas 20 feet in height or less.
 - 6. Only shielded bulbs will be permitted (to reduce glare).
- c. Signage
 - 1. No billboard signs in PUD's.
 - 2. No internally light signs in PUD's.
 - 3. Only ground signs will be permitted in Residential PUD's.
- d. Landscaping
Every lot in a PUD shall be required to provide a minimum landscape unit value of 1.5 as established in Chapter 50.
- e. Buffering
Interior buffering shall be required as provided for in Chapter 50. However, the perimeter of a PUD shall require a minimum bufferyard as identified as the most restrictive buffer as based on the perimeter lot(s).

A minimum twenty (20) foot buffer will be required unless specifically waived by the Plan Commission.
- f. Traffic Study
A traffic study shall address impact of the proposed Planned Unit Development on all adjacent streets and intersections.

2. Residential/Commercial PUD Standards

- a. Parking
Parking shall be required for as provided for in Chapter 48.
- b. Outdoor Lighting
 - 1. In off-street parking areas with less than 100 vehicles, light poles shall be 20 feet in height or less.
 - 2. Only shielded bulbs will be permitted (to reduce glare).

- c. Signage
Signage shall be as provided for in Chapter 60.
- d. Landscaping
Every lot in a PUD shall be required to provide a minimum landscape unit value of 1.5 as established in Chapter 50.
- e. Buffering
Interior buffering shall be required as provided for in Chapter 50. However, a residential perimeter of a PUD shall require a minimum bufferyard as identified as the most restrictive buffer as based on the perimeter lot(s). Non-residential perimeter lots shall provide buffering as based on the most restrictive, similar commercial district to which that particular use would fit.

A minimum twenty (20) foot buffer will be required unless specifically waived by the Plan Commission.
- f. Traffic Study
A traffic study shall address impact of the proposed Planned Unit Development on all adjacent streets and intersections.

3. Commercial/Industrial PUD Standards

- a. Parking
Parking shall be required for as provided for in Chapter 48.
- b. Outdoor Lighting
Only shielded bulbs will be permitted (to reduce glare).
- c. Signage
Signage shall be as provided for in Chapter 60.
- d. Landscaping
Landscaping shall be required for as provided for in Chapter 50.
- e. Buffering
Interior buffering shall be required as provided for in Chapter 50. Non-residential perimeter lots shall provide buffering as based on the most restrictive, similar commercial district to which that particular use would fit.

A minimum twenty (20) foot buffer will be required unless specifically waived by the Plan Commission.

- f. Traffic Study
A traffic study shall address impact of the proposed Planned Unit Development on all adjacent streets and the impact on the first intersection on each of those streets.
- H. Residential density shall be calculated by dividing the net acreage of the total development area by the size of the recommended lots to determine total dwelling units per acre in the proposed project. In determining net density, the following shall be removed from the development area: proposed and existing road rights-of-way, required open space(s), and required retention/detention areas that are integral and necessary for stormwater control of the property.

44.06 AREA REQUIREMENTS

The minimum land area required for a Planned Unit Development shall be five (5) acres. However, a development of less than five (5) acres may be considered by the Plan Commission for infill projects.

44.07 PROJECT OWNERSHIP

The project may be owned, leased, or controlled either by a single person or corporation, or by a group of individuals, corporation or homeowners association. Such ownership may be a public or private corporation.

44.08 OPEN SPACE REQUIREMENTS

The following requirements shall govern the type and amount of open space in Planned Unit Developments:

- A. Twenty-five (25) percent of the gross acreage in the project shall be retained as open space for Residential areas in a PUD.
- B. Ten (10) percent of the gross acreage in the project shall be retained as open space for a commercial and industrial areas in a PUD.
- C. The following shall *not* be included as open space in a Planned Unit Development: required private yards, street rights-of-way, open parking area and driveways for dwellings, land covered by buildings, required wet detention, retention ponds, and non-recreational facilities. The purpose of open space is to improve the visual attractiveness of the development, preserve natural features and vistas, and supply functional recreational areas.

D. The open space may be as identified below:

1. Residential PUD's:

The following types of open space shall be permitted in a residential PUD:

- a. *Common Open Space*: Parcel or parcels of land or water or combination of land and water, together with improvements within the Planned Unit Development. Common open space may include accessory structures and improvements necessary or desirable with approval of the Plan Commission.
- b. *Farm preserve*: Land used for crops, pasture or meadow and which is of adequate size and configuration to continue these functions as determined by the Plan Commission on the advice of the Hendricks County Agricultural Extension Office.
- c. *Woodland preserve*: Areas of forest retention or reforestation that are to remain undisturbed by buildings, lawns and roads and which are of adequate acreage and configuration to allow for wildlife management as determined by the Indiana Department of Natural Resources. As part of the application process in the Preliminary Development Plan stages, all trees of four inches in diameter or greater, as measured from grade, shall be identified which are to be removed from the site.
- d. *Undeveloped open space*: Land is undeveloped when a site's natural features are retained in their undisturbed, unimproved natural state, thus encouraging the preservation of unique natural assets such as unusual rock outcropping, groves of trees, ravines, wetlands, ponds, and stream beds.

2. Commercial and Industrial PUD's

In addition to 44.08(D)(1) above, the following shall also be considered as open space in a commercial and/or industrial PUD:

- a. *Private Open Space*: Private yards that are possessed and maintained by individual owners and reserved exclusively for their use. Private open space shall be limited to sixty (60) percent of the total required open space acreage within the commercial or industrial portions of a PUD.

It is preferred that open space land be incorporated into a Planned Unit Development in large, contiguous areas to the greatest extent possible. Furthermore open spaces should be situated in such a way that upon development

of surrounding properties, open spaces can be connected to provide a continuous greenway, park, or open space.

- E. Open space shall be used for recreational, parkland or environmental preservation uses, properly planned as permanent open space. Where significant natural assets exist in the Planned Unit Development, the Plan Commission has the right to enforce their preservation. Areas devoted to natural or improved flood control channels and those sections subject to problems of flowage, floodway or drainage easements should be left in their unimproved, natural state. Commercial and Industrial PUD's should strive to promote active recreation open spaces in appropriate areas of the district.
- F. Identified open space areas, may not be used for other purposes and shall be deeded as such.
- G. The Plan Commission shall require that a legal plan or contract for the perpetuation, maintenance and function of all the common open space or other common property be established and furnished to the Plan Commission to be approved by the County Attorney prior to final approval. The legal plan or contract shall assure that all such common areas shall be provided for in a satisfactory manner without expense to the County. The documents shall be recorded in the County Recorder's office by the applicant prior to occupancy of any building on the project.
- H. All improvements located within the common areas, such as landscaping, parks, recreational facilities, private streets, sidewalks, parking areas, and drives, shall be maintained in a safe condition and in a state of good repair. Any failure to maintain such improvements within the common areas shall be unlawful and declared to be a public nuisance endangering the health, safety, and general welfare of the public. In addition to any other remedy provided by law for the abatement of public nuisances, the County may, after giving notice, cause the necessary repair or maintenance work to be done and shall assess the cost of such work against the owners of the properties. The Director of the Planning and Building Department shall notify in writing all property owners whose name appears in the last tax assessment role as owners of the real property within the Planned Unit Development. If the property owners do not complete such work within sixty (60) days, the Director may cause it to be done at the owner's cost. The Director may extend the time for completion due to seasonal problems. If the property owners fail to pay their proportionate share of the costs incurred by the County for the work done, the costs shall be filed as a lien against the property and a special assessment shall be made.

- I. The open space land shall be utilized only for environmental preservation, agricultural, or commercial/non-commercial recreational purposes and shall be either (listed in order of preference):
 1. Deeded with permanent conservation restrictions to remain with the original property owner, who has sold the development rights to this part of the parcel to the developer, who in turn has sold an undivided equal interest in these rights to each new homeowner in the development; or
 2. Owned jointly or in common by the owners of the building lots whether by association or corporation; or
 3. Owned by the Township or County, subject to acceptance; or
 4. Owned privately. Residential lots shall not be included as open space in the overall calculation.
- J. Further subdivision of the open space or its use for other than conservation, agricultural, or passive recreation shall be prohibited. Structures and buildings accessory to the conservation, agricultural or passive recreation may be erected on the open space, subject to the review of the site by the Plan Commission. Any restrictions on the established open space shall be recorded in a conservation easement to which the Township or County is a signatory party.
- K. Where applicable, a homeowners' association shall be established for the purpose of permanently maintaining all open space and potential non-commercial recreational facilities. Such homeowners association agreements, guaranteeing continuing maintenance, and giving lien to the Township or County in the event of lack of such maintenance, shall be submitted to the Board of Commissioners for approval prior to the issuance of any permits.

44.09 PLANNING REQUIREMENTS

As a minimum, the following are planning requirements to be addressed with Planned Unit Developments:

- A. Location, size, orientation and shape of buildings;
- B. Building materials and appurtenances;
- C. Parking;
- D. Signage;
- E. Exterior renovation or altering of existing structures;

- F. Demolition of existing structures;
- G. Landscaping;
- H. Environmental and natural resource protection;
- I. Erosion and sedimentation control;
- J. Vehicular and pedestrian circulation;
- K. Outdoor lighting;
- L. Minimum lot area;
- M. Minimum lot frontage;
- N. Minimum lot width;
- O. Minimum front yard setback;
- P. Minimum side yard setback;
- Q. Minimum rear yard setback;
- R. Maximum height of structures (principal and accessory);
- S. Maximum lot coverage;
- T. Minimum floor area;
- U. Site access;
- V. Site screening and buffering;
- W. Location of dumpsters;
- X. Location of open spaces; and
- Y. Overall density of project.

Furthermore, the following shall be considered:

- A. The physical character of the site shall be suitable for development in the manner proposed, without hazards to persons or property on or off the site from possible flooding, erosion, subsidence, or other dangers, annoyances, or inconveniences including the appropriate building separation as it relates to fire safety.
- B. The site shall have direct access to a major street and not generate unnecessary traffic on minor residential streets outside the district. This requirement does not apply to single family detached residential developments having an overall density of four (4) dwelling units per acre or less.
- C. Underground utilities, including telephone and electrical systems, are required within the limits of the Planned Unit Development. Appurtenances to these systems that can be screened may be excepted from this requirements if the Plan Commission finds that such exemption will not violate the intent or character of the proposed Planned Unit Development.
- D. Utilities and public facilities shall be developed at no cost to the public.
- E. The development shall provide for efficient, safe, convenient, and harmonious grouping of structures, uses, and facilities.
- F. There shall be an appropriate relationship of space inside and outside buildings to intended uses and structural features.
- G. Provision shall be made at points of ingress, egress and within the districts to insure a free and safe flow of vehicular and pedestrian traffic.
- H. Common open space may be required.
- I. Off-street parking for more than three (3) cars, service areas for loading and unloading vehicles, and areas for storage and collection of trash and garbage shall be properly screened.

44.10 OFF-STREET PARKING AND LOADING

Off-street parking and loading requirements for Planned Unit Developments shall be as indicated in Chapter 48. However, off-street parking and loading areas shall not be permitted within fifteen (15) feet of any residential use.

44.11 ARRANGEMENT OF RESIDENTIAL USES

The arrangement of residential uses in a Planned Unit Development shall be as follows:

- A. Residential uses shall be located in such a way to maximize the amount of common open space provided in the development.
- B. Residential uses shall be located in such a way to provide for a variety of housing types, sizes and form to prevent monotony.

44.12 ARRANGEMENT OF COMMERCIAL USES

The arrangement of commercial uses in Planned Unit Developments shall be as follows:

- A. When Planned Unit Development Districts include commercial uses, commercial buildings and establishments shall be planned as groups having common parking and common ingress and egress points in order to reduce the number of potential accident locations at intersections with thoroughfares. Planting screens or fences shall be provided on the perimeter of the commercial areas abutting residential areas;
- B. The plan of the project shall provide for the integrated and harmonious design of buildings and for adequate and properly arranged facilities for internal traffic circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding noncommercial areas; and
- C. All areas designed for future expansion or not intended for immediate improvements or development shall be landscaped or otherwise maintained in a neat and orderly manner as specified by the Plan Commission.

44.13 ARRANGEMENT OF INDUSTRIAL USES

The arrangement of industrial uses in Planned Unit Developments shall be as follows:

- A. Planned Unit Development Districts may include industrial uses if it can be shown that the development results in more efficient and desirable use of land.
- B. Industrial uses and parcels shall be developed in park like surroundings utilizing landscaping and existing woodlands as buffers to screen lighting, parking areas, loading areas or docks, and outdoor storage of raw materials or products. A planned industrial area shall provide for the harmony of buildings and a compact grouping in order to economize in the provision of such utility service as is required. Thoroughfares shall be kept to a minimum throughout a planned industrial area in order to reduce through traffic; and

- C. Project side yards of forty (40) feet and a rear yard of fifty (50) feet shall be required if the project is located adjacent to any residential use and/or district. All intervening spaces between the right-of-way line and project building line and intervening spaces between buildings, drives, parking areas, and improved areas shall be landscaped with trees and plantings and properly maintained at all times.

44.14 STREETS

Streets within a Planned Unit Development shall be regulated as follows:

- A. The proposed Planned Unit Development must not create traffic congestion nor overload existing roadway facilities. Points of ingress or egress must be designed to discourage traffic on minor streets in the Planned Unit Development. The internal traffic system must provide for safe and efficient flow, being sensitive to such items of convenience, safety, access to living units and nonresidential facilities, separation of vehicular and pedestrian traffic and general attractiveness. There shall be no direct access from single family residential lots to a major thoroughfare, and direct access from single family residential lots to collector streets shall be minimized. There must be access for emergency vehicles to all buildings;
- B. Pedestrians and bicycle circulation systems are encouraged. Where possible, these paths should be segregated from vehicular traffic, especially at intersections. Walkways should be lighted;
- C. Streets within the Planned Unit Development may be dedicated to public use or may be retained under private ownership on the condition that they are built to the same standards applied to streets acceptable for public dedication. Standards of design and construction of private roadways may be modified, if deemed appropriate by the Plan Commission. Right-of-way widths and street widths may be reduced, with Plan Commission approval, especially if the Planned Unit Development plan provides adequate off-street parking facilities. Planned Unit Development streets and land use areas should be designed so as to eliminate on-street parking; and
- D. If future owners wish to dedicate private streets to public streets, it must be fully agreed to before acceptance by the County, that the owners will bear full expense of any action necessary to have the streets fully conform to the design requirements for public streets at the time of dedication and acceptance, with the exception of these standards which have been waived for the Planned Unit Development by the Plan Commission and accepted by the County Commissioners upon dedication.

44.15 PROCEDURE

The following procedure shall be followed when applying for a change of Zoning District to one of the Planned Unit Development Districts:

A. Submission of Application

1. The owner(s), or his/her designee, of a tract of land may request that the Zoning District Maps be amended to include such tract in one of the Planned Unit Development Districts. Such amendment shall be processed, noticed and heard in the manner prescribed in Chapter 6 and as described herein.
2. The applicant is encouraged to engage in informal consultations with the Hendricks County Building and Zoning Staff and the Hendricks County Plan Commission prior to preparing their plans, it being understood that no statement or representations by a member of either Staff shall be binding upon either the Commission or upon any zoning body.
3. An application for a Planned Unit Development may be processed, noticed, and heard by the Plan Commission concurrently with an application for a proposed subdivision or resubdivision of the same property pursuant to the Subdivision Regulations of Hendricks County.
4. The following options are available at the applicant's discretion:
 - a. Submission of a Preliminary Development Plan, processed in the manner described in this Chapter, and the subsequent submission of a Final Development Plan for any portion of the approved Preliminary Development Plan the applicant wishes to develop. The Final Development Plan submitted according to this option shall be processed in the manner described in this Chapter.
 - b. Submission of a Final Development Plan without a Preliminary Development Plan. A Final Development Plan so submitted shall be processed in the manner described in this Chapter.
5. No Zoning Certificate shall be issued for any property for which a Planned Unit Development classification is requested and no construction shall begin until an approved Final Development Plan is in effect for that phase or property, whichever of the above options is chosen by the applicant.

44.16 PREAPPLICATION MEETING

The developer is encouraged to meet with the Plan Commission Staff prior to the submission of the preliminary development plan. The purpose of this meeting is to discuss early and informally the purpose and effect of this Ordinance and the criteria and standards contained herein, and to familiarize the developer with the Comprehensive Plan, and Master Thoroughfare Plan, the parks and public open space plan, the Subdivision Control Ordinance regulations, and the drainage, sewer and water systems of the County. It shall be understood that no statement or representations by a member of either Staff shall be binding upon either the Commission or upon any zoning body.

44.17 PRELIMINARY DEVELOPMENT PLAN

Seven (7) copies of the Preliminary Development Plan shall be submitted and shall include in text and map form:

- A. An application for preliminary development plan shall be filed with the Secretary of the Plan Commission by the owner, or his/her designee, of property for which the Planned Unit Development is proposed. The application shall contain the following information:
1. Name, address, and phone number of applicant;
 2. Name, address, and phone number of registered surveyor or registered engineer assisting in the preparation of the preliminary development plan;
 3. A survey of the tract that is to be developed;
 4. Description of existing use;
 5. Identification of the existing zoning district;
 6. A vicinity map at a scale approved by the Plan Commission, showing existing property lines, streets, existing and proposed zoning, and such other items as the Plan Commission may require to show the relationship of the Planned Unit Development to the Comprehensive Plan and to existing developments, schools and other community facilities and services;
 7. A preliminary development plan at a scale approved by the Plan Commission showing topography at two (2) foot intervals; the approximate location and type of residential, commercial and industrial land uses; layout, dimensions, and names of existing and proposed streets, rights-of-way, utility easements, parks and open spaces; layout and dimensions of lots and building setback lines, areas of proposed buffering; preliminary improvement drawings showing: points of ingress/egress,

water, sewer, drainage, electricity, telephone, and such other characteristics as the Plan Commission deems necessary;

8. Proposed schedule for the development of the site, identifying phasing where applicable;
 9. Evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan within five (5) years; including a statement of all the ownership and beneficial interests in the tract of land and the proposed development;
 10. In the case of a residential planned unit development, the proposed density to which the Development shall be limited; and
 11. In the case of office, commercial, or industrial planned unit development, a statement identifying the principal type of office, business and/or industrial uses that are to be included in the proposed development.
- B. The application for preliminary Planned Unit Development shall be accompanied by a written statement by the developer setting forth the reasons why, in his/her opinion, the Planned Unit Development would be in the public interest and would be consistent with the purpose of a Planned Unit Development as identified in this Chapter.
- C. The preliminary development plan approval shall expire in five (5) years unless final approval of all or part of the development is complete.

44.18 PUBLIC HEARING

After receipt of the preliminary development plan, the Plan Commission shall hold a public hearing within a reasonable period of time.

44.19 NOTICE OF PUBLIC HEARING

The notice of public hearing shall occur as established in I.C. 5-3-1. As a minimum, the secretary shall, at least ten (10) days prior to the date set for the public hearing at the applicant's expense, publish a notice one (1) time in two (2) newspapers of general circulation in the County. The notice shall set forth the time and place of the public hearing and a general description of the Planned Unit Development.

44.20 NOTICE TO PROPERTY OWNERS

The applicant shall, at least ten (10) days prior to the public hearing, notify by certified mail, the owners of all parcels of land adjoining or adjacent to the land described in the application. The notification boundaries shall be to a depth of two (2) ownerships, but

not to include any ownership of land located more than six hundred and sixty (660) feet from the property described in the application.

44.21 PLAN COMMISSION REVIEW

- A. The Plan Commission shall review the preliminary plan to determine if the Proposed Planned Unit Development is:
 - 1. Consistent with the intent and purpose of this Ordinance;
 - 2. Whether the proposed development advances the general welfare of the community and neighborhood; and
 - 3. Whether the benefits, combination of various land uses, and the interrelationship with the land uses in the surrounding area justify the deviation from standard district regulations.
- B. The Plan Commission's approval in principle of the preliminary development shall be necessary before an applicant may submit a final development plan.
- C. Approval in principle shall not be construed to endorse the following:
 - 1. A precise location of uses;
 - 2. Configuration of parcels;
 - 3. Engineering feasibility.

44.22 FINAL DEVELOPMENT PLAN

After approval of the preliminary development plan, the developer shall submit a final development plan to the Plan Commission. The final development plan shall be in general conformance with the preliminary development plan as approved by the Commission. Five (5) copies of the final development plan shall be submitted and shall be certified by a registered engineer or land surveyor.

44.23 FINAL DEVELOPMENT PLAN APPLICATION

An application for approval of the final development plan shall be filed with the Secretary of the Plan Commission by all owners, or their designee, of the property for which the Planned Unit Development is proposed. Each application shall be signed by the owner, attesting to the truth and exactness of all information supplied on the application for final development plan. Approval shall expire and may be revoked if construction on the project has not begun within two (2) years from the date of issuance of the approval and such requirement shall be clearly stated on the application. At a minimum, the application shall contain the following information:

- A. Any changes necessary to the survey of the proposed development site, showing the dimensions and bearing of the property lines, area in acres, topography, existing features of the development site, including major wooded areas, structures, streets, easements, utility lines and land uses;
- B. All information required on the preliminary development plan, the location and sizes of lots, location and proposed density of dwelling units, nonresidential building intensity, and land use considered suitable for adjacent properties;
- C. A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes, tabulation of the number of acres in the proposed project for various uses, the number of housing units proposed by the type, estimated residential population by type housing. Estimated nonresidential population, anticipated timing for each unit, and standards for height, open space, building density, parking areas, population density and public improvements proposed for each unit of the development, whenever the applicant proposes an exception from standard zoning districts or other Ordinances governing development;
- D. Engineering feasibility studies and plans showing, as necessary, water, sewer, drainage, electricity, and telephone, waste disposal facilities, street improvements, and nature and extent of earth work required for site preparation and development;
- E. Development plan, showing buildings, various functional use areas, circulation, and their relationship;
- F. Preliminary building plans, including floor plans and exterior elevations;
- G. Landscaping plans;
- H. When a Planned Unit Development is to be constructed in stages or units, a schedule for the development of such stages or units shall be submitted. When a Planned Unit Development provides for common open space, the total area of common open space provided at any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire Planned Unit Development as the stages or units completed or under development bear to the entire Planned Unit Development;
- I. A traffic impact study to determine the off-site impacts on the existing thoroughfare system. The applicant shall reference the "Applicants guide to Transportation Impact Studies for Proposed Development Within Hendricks County, Indiana" as may be amended from time to time;
- J. When a Planned Unit Development includes provisions for common open space or recreational facilities, a statement describing the provision that is to be made

for the care and maintenance of such open space or recreational facilities. If it is proposed that such open space be owned and/or maintained by any entity other than a governmental authority, copies of the proposed Chapters of incorporation and by-laws of such entity shall be submitted;

- K. Deed restrictions, and restrictive/protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of the land, and the improvements thereon, including those areas which are to be commonly owned and maintained;
- L. Evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan within five (5) years; including a statement of all the ownership and beneficial interests in the tract of land and the proposed development; and
- M. One (1) copy of the preliminary development plan.

44.24 PLAN COMMISSION REVIEW

The Plan Commission shall review the final development plan at a regular meeting. This shall not be a public hearing.

44.25 PLAN COMMISSION ACTION

The Plan Commission shall take action to approve as presented, approve with supplementary conditions, or disapprove at a public hearing.

44.26 PLAN COMMISSION REVIEW CRITERIA

Before making its decision as required in Section 44.25, the Plan Commission shall find that the facts submitted with the application and presented at the public hearing establish that:

- A. The proposed development can be initiated within two (2) years of the date of approval;
- B. Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained, the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under standard district regulations;
- C. The streets as proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the Planned Unit Development;
- D. Any proposed commercial development can be justified at the locations proposed;

- E. Any exception from standard district requirements is warranted by the design and other amenities incorporated in the final development plan, in accordance with the Planned Unit Development;
- F. The area surrounding the development can be planned and zoned in coordination and substantial compatibility with the proposed development;
- G. The Planned Unit Development is in general conformance with the Comprehensive Plan of the County;
- H. The existing and proposed utility services are adequate for the commercial uses provided; and
- I. The proposed open spaces are adequate and appropriate as identified in this Chapter.

44.27 SUBMISSION OF FINAL DEVELOPMENT PLAN WITHOUT AN APPROVED PRELIMINARY DEVELOPMENT PLAN

The applicant need not file a Preliminary Development Plan if filing a Final Development Plan for the entire site, incorporating all requirements of both the Preliminary and Final Development Plans as described in this Section. The Final Development Plan shall be filed with the Secretary of the Plan Commission by at least one (1) owner, or his/her designee, of the property for which the Planned Unit Development is proposed. Each application shall be signed by the owner, attesting to the truth and exactness of all information supplied on the application for final development plan and submitted to the Plan Commission for public hearing as established in Section 44.18, Public Hearing. Approval shall expire and may be revoked if construction on the project has not begun within two (2) years from the date of issuance of the approval and such requirement shall be clearly stated on the application. At a minimum, the application shall contain the following information:

- A. A survey of the tract that is to be developed showing existing features of the property including streets, alleys, easements, utility lines, existing land use, general topography and physical features;
- B. A development plan showing the location and arrangement of all existing and proposed structures, the proposed traffic circulation pattern within the development, the areas to be developed for parking, the points of ingress and egress including streets where required the relationship of abutting land uses and zoning districts, proposed lots and blocks, if any, and proposed public or common open space, if any, including parks, playgrounds, school sites and recreational facilities, screening, and areas to be left in their natural state;
- C. A statement of the proposed total gross floor area, and the percentage of the development which is to be occupied by structures;

- D. Floor plans of the proposed structures;
- E. Landscaping plans;
- F. When a Planned Unit Development is to be constructed in stages or units, a schedule for the development of such stages or units shall be submitted. When a Planned Unit Development provides for common open space, the total area of common open space provided at any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire Planned Unit Development as the stages or units completed or under development bear to the entire Planned Unit Development;
- G. Evidence that the applicant has sufficient control over the tract to affect the proposed plan, including a statement of all the ownership and beneficial interests in the tract of land and the proposed Development;
- H. In the case of a residential planned unit development, the proposed density to which the Development shall be limited;
- I. In the case of Office, Commercial, or Industrial, a statement identifying the principal type of office, business and/or industrial uses that are to be included in the proposed Development;
- J. When a Planned Unit Development includes provisions for common open space or recreational facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or recreational facilities. If it is proposed that such open space be owned and/or maintained by any entity other than a governmental authority, copies of the proposed Chapters of incorporation and by-laws of such entity shall be submitted; and
- K. Copies of any restrictive covenants that are to be recorded with respect to property included in the Planned Development District.

44.28 SUBDIVISION PLAT REQUIRED

Subdivision plat procedures/approval may coincide with, and be approved at, the same time as the preliminary development plan and the Final Development Plan.

No improvement location permit shall be issued for any structure in any portion of a Planned Unit Development unless and until the final subdivision plat for that portion has been approved by the proper planning authority and recorded in the public record of the County. This requirement may be waived by the Building Commissioner when it is deemed that a subdivision plat is not required.

44.29 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

In approving any Planned Unit Development District, the Plan Commission may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of the conditions or safeguards, when made a part of the terms under which the final development plan is approved, shall be deemed a violation of this Ordinance and punishable under Chapter 99 of this Ordinance.

44.30 EXPIRATION AND EXTENSION OF APPROVAL PERIOD

- A. The approval of a final development plan for a Planned Unit Development District shall be for a period not to exceed two (2) years to allow for preparation and recording of the subdivision plat and the development of the project. If no construction has begun within two (2) years after approval is granted, the approved final development plan shall be void and the land shall revert to the district regulations in which it is located. An extension of the time limit or modifications of the approved final development plan may be approved if the Plan Commission finds that such extension or modification is not in conflict with the public interest.
- B. No zoning amendment passed during the time period granted for the approved final development plan shall in any way affect the terms under which the original approval of the Planned Unit Development was granted.

44.31 MODIFICATIONS

Because of the difficulty in being able to supply precise data at the time of approval of the Final Development Plan, it may be necessary to make certain modifications to the Final Development Plan at a later date.

If the modification is approved, the Final Development Plan will be changed to reflect the modification and notice will be sent to the appropriate County offices.

Modifications shall be approved as follows:

- A. Field Adjustment or Minor to line and grade of the required improvements may be approved by staff;
- B. Non substantial changes to the final plan that does not increase the number of lots or provide for a decrease of open space may be approved by the Plan Commission as recommended by staff; and
- C. Substantial changes including an increase in the number of lots, a reduction of open space, etc., shall be approved as part of a public hearing process as established in 44.20 of this Chapter.

CHAPTER 48 OFF-STREET PARKING AND LOADING

48.01 PURPOSE

The purpose of this chapter is to provide adequate and appropriate areas for the size, location and construction of accessways, off-street parking areas and loading areas for new or converted uses within the County.

48.02 GENERAL REQUIREMENTS

Any building, structure or use of land, when erected or enlarged, shall provide for off-street parking spaces for automobiles in accordance with the following provisions of this Chapter. A parking plan shall be required for all uses except single family detached dwellings and two family dwellings. The parking plan shall be submitted to the County as part of the development plan review process. The plan shall show the boundaries of the property, parking spaces, access driveways, circulation patterns, drainage and construction plans, illumination, boundary walls, fences and a screening plan, as appropriate.

Whenever a building or use constructed or established after the effective date of this Chapter is changed in use or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise to create a need for an increase of ten (10) percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this Ordinance is enlarged to the extent of fifty (50) percent or more in floor area or in the area used, such building or use shall then comply with the parking requirements set forth herein.

48.03 REVIEW PRIOR TO ISSUANCE OF BUILDING PERMIT

Any proposed new development or conversion for which a building permit is required as specified in Chapter 3 shall be reviewed for conformance to the requirements of this Chapter prior to the issuance of the Improvement Location Permit.

48.04 DESIGN STANDARDS

All off-street parking facilities including entrances, exits, circulation areas and parking spaces shall be in accordance with the following standards and specifications:

A. Design and Construction of Accessway

For every new or converted multi-family, commercial, industrial and quasi-public use, the following standards shall apply for the design of ingress, egress or accessways:

1. Length of driveway to be kept free of parking maneuvers:

| Parking Spaces | Distance in Feet |
|------------------|---|
| 1-39 | 20 |
| 40-99 | 40 |
| 100-299 | 60 |
| 300-3300 or more | 60 plus 20 additional feet for each 500 additional parking spaces |

2. Each ingress or egress driveway shall have a minimum width of twenty-four (24) feet and shall be so designed so as to provide for adequate turning and maneuvering.
3. Each ingress or egress driveway shall not be closer than fifty (50) feet to a street line of an intersecting side street. If possible, the entrance should be located off an alley or minor street.
4. Each ingress or egress driveway shall be improved with hard, dust free surface materials (excluding gravel) from the street apron to the entrance of the parking area.
5. There shall be no more than two (2) accessways providing for ingress or egress on any one street unless for good cause shown.
6. Ingress and egress driveways shall not be used to meet the requirements of “Minimum Number of Parking Spaces” as stated in this Chapter and thereby block the reasonable flow of vehicles to parking spaces. Parking arrangements within ingress and egress driveway areas shall be approved by the Plan Commission.

B. Design and Construction of Parking Areas

The following standards shall apply to the design of off-street parking areas as they are required in this Chapter for all new or converted multifamily, commercial, industrial or quasi-public uses:

1. Minimum Size Space: The minimum size of a parking space shall be ten (10) feet in width and eighteen (18) feet in length;
2. Proximity: The parking spaces for dwelling units shall be located on the lot. Parking spaces for other uses shall be located on the lot or within seven hundred (700) feet of the use as measured along lines of public access to the property. The parking area shall be located on the same side of the street as the use of which it is serving;

3. Location: Off-street parking spaces may be located in any yard except a required front yard;
4. Setbacks: In no case shall a parking area be located closer than ten (10) feet from any right-of-way, ten (10) feet from any non-residential property line and twenty (20) feet from any residential property line;
5. Screening and Landscaping: In addition to the setback requirements specified in this Chapter for off-street parking for more than five (5) vehicles, screening shall be provided on each side of the parking area that abuts any residential district or use. Landscaping and screening shall be as indicated in Chapter 50, Landscaping and Bufferyards. The Plan Commission shall have the power to determine the need for an additional amount of planting/landscaping, materials, walls, fences or any combination of these as deemed necessary;
6. Paving and Drainage: All parking areas, regardless of size, shall be hard surfaced. Pavement type and thickness shall be approved by the County Engineer prior to the approval of Plan Commission, taking into consideration soil conditions and traffic loading. Pavers may also be used if approved by the Plan Commission. Pavers shall include durable materials, suitable for parking such as cobblestones, brick, concrete formed blocks or cut stone, the system of which is specifically installed and designed for vehicular loads;
7. Storm Water Management: Storm water runoff created as a result of the improvements to the parking area shall be controlled in such a manner so as to eliminate draining onto neighboring properties. Improved parking areas shall be incorporated into the storm water management plan for the proposed project. Site grading as well as storm water control provisions shall be reviewed and approved by the County Engineer prior to site construction;
8. Barriers: Wherever a parking lot extends to a property line, fencing, wheelstops, concrete curbs or other suitable barriers shall be provided in order to prevent any part of a parked vehicle from extending beyond the property line and from destroying the screening materials;
9. Visibility: Access of driveways for parking areas shall be located in such a way that any vehicle entering or leaving such parking area shall be clearly visible by any pedestrian or motorist approaching the access or driveway from a public street, private street or alley;
10. Marking: All parking areas for more than five (5) vehicles shall be marked with paint lines or in some other manner approved by the County and shall be maintained in a clearly visible condition;

11. Maintenance: All off-street parking areas shall be continually maintained in satisfactory condition so as to be safe, attractive and free of any hazard, nuisance or other unsafe condition;
12. Signage: Except for one (1) directional sign at each point of ingress and egress, no advertising signs shall be erected on any required off-street parking area. Such signs shall not exceed dimensions and requirements of the sign regulations of this Ordinance;
13. Lighting: When lighting facilities are used, such lighting shall be in accordance with Section 58.10, Outdoor Lighting;
14. Stacking Spaces for Drive Through Businesses: Businesses utilizing drive through windows or those that offer drive through facilities shall provide a minimum stacking space for five (5) vehicles. Additional stacking space may be required based on the number of vehicles utilizing the drive through at peak hour. For the purposes of this Chapter, one stacking space shall be construed as a minimum of nine (9) feet in width and nineteen (19) feet in length. Such stacking space shall begin at the point of business transaction and shall accommodate five (5) vehicles without obstruction to through vehicular traffic or parked vehicle areas. The point of business transaction shall include teller windows, fast food pick up windows, car wash bay or the drive through automated teller machine;
15. Turning Radii: Sufficient turning radii shall be improved in accordance with approved engineering standards so as to be adequate for all vehicle movement, including fire and safety vehicles, school buses or other oversize vehicles which may make use of the area;
16. Parking of Commercial Vehicles: Commercial vehicles with or without signage which are over nine (9) feet in width and nineteen (19) feet in length shall not be stored in a parking area. Such vehicles shall be parked or stored in the required off-street loading space(s) when not in use or during non-business hours; and
17. Special Area Designation: Development plans for proposed projects shall identify the location of handicapped spaces, trash receptacles, fire lanes or other special areas as may be required by other local, state or federal laws.

48.05 MINIMUM NUMBER OF PARKING SPACES

The following standards shall be used in order to determine the minimum number of parking spaces required for the specified use.

| Type of Use | Parking Spaces Required |
|---|---|
| Residential | |
| Bed and Breakfast Establishment | One (1) space for each guest room plus two (2) spaces for the owner. |
| Single and Two-family Up to 3 Bedrooms 4 or more Bedrooms | Two (2) spaces per unit. Three (3) spaces per unit. |
| Multi-Family Up to 2 Bedrooms 3 or more Bedrooms | Two (2) spaces per unit. Two and one half (2.5) spaces per unit. |
| Mobile Home Up to 2 Bedrooms 3 or more Bedrooms | Two (2) spaces per unit. Two and one half (2.5) spaces per unit. |
| Office and Institutional Uses | |
| Auditoriums and places of assembly with or without fixed seats | One (1) space for every five (5) fixed seats or every five (5) persons of designed capacity. |
| Assisted living, nursing home or convalescent care facility | One (1) space for every patient/resident room. |
| Club | One (1) space for every fifty (50) square feet of net floor area. |
| Educational Institution Elementary and Junior High School | Two (2) spaces for each classroom plus one (1) space for every five (5) seats in any auditorium or assembly hall. |
| High School | One (1) space for every five (5) students of design capacity, two (2) spaces for each classroom plus one (1) space for every five (5) seats in any auditorium or assembly hall. |
| University, College or Vocational School | One (1) space for every two (2) students of design capacity. |
| Financial Institutions | One (1) space for every three hundred (300) square feet net floor area and stacking space for five (5) vehicles at each drive-in window. |
| Funeral Home | One space for every seventy-five (75) square feet of parlor or chapel space or one (1) per five (5) seats, whichever is greater. This number shall be exclusive of spaces dedicated to hearses, company vehicles or ambulances. |
| Type of Use | Parking Spaces Required |
| Government and Municipal Building | One (1) space for each three hundred (300) square feet of net floor area. |
| Hospital | One (1) space for each patient bed (excluding bassinets) |
| Commercial Uses | |
| Medical or Dental Offices and Clinics | One (1) space for every four hundred (400) square feet of net floor area. |

| | |
|---|---|
| Public Library or Museum | One (1) space for every four hundred (400) square feet of net floor area. |
| Professional and Business Office | One (1) space for each three hundred (300) square feet of net floor area . |
| Automobile Filling Station | One (1) space for each pump plus two (2) spaces for each bay or work area.* Automotive filling stations with convenience retail uses shall also provide one (1) space for each two hundred (200) square feet of net floor area. |
| Automobile, Motorcycle, Truck, Trailer and Farm Implement Sales | One space for each 400 square feet of net floor area of sales, shop or garage. |
| Automobile Service and Repair | Four (4) spaces for each bay or work area. |
| Business, Retail | One space for each two hundred (200) square feet of net floor area. Businesses with fuel pumps shall also provide one (1) space for each pump. |
| Business, Service | One space for each three hundred (300) square feet of net floor area. |
| Business, Shopping Center | |
| Under 400,000 square feet of net leasable area | One space for each two hundred fifty (250) square feet of net leasable area. |
| 400,000-599,999 square feet of net leasable area | One space for each two hundred twenty-five (225) square feet of net leasable area. |
| 600,000 square feet of net leasable area and larger | One space for each two hundred (200) square feet of net leasable area. |
| Business, Wholesale | One (1) space for each 500 square feet of net floor area. |
| Commercial Entertainment | One (1) space for each three (3) seats or one (1) space for each one hundred (100) feet of floor area, whichever is greater. |
| Contractors Service | One space for each five hundred (500) square feet of net floor area. |
| Day Care Center | Two (2) spaces per each classroom. However, in no case shall such day care center provide less than 6 spaces. |
| Hotel/Motel | One (1) space for each sleeping room plus one (1) space for each four hundred (400) square feet of public meeting area and/or restaurant space. |
| Personal Service | One (1) space for each two hundred (200) square feet of net floor area. |

Type of Use

Restaurant

Parking Spaces Required

One space for each one hundred (100) square feet of net floor area.

Restaurant, Fast Food

One space for each fifty (50) square feet of net floor area plus five (5) stacking spaces per drive through lane, where applicable.

Self Service Storage Facility

One (1) space for each five (5) rental storage units.

Sexually Oriented Business

One (1) space for every three (3) seats or one space for each one hundred (100) square feet of net floor area, whichever is greater.

Tavern

One (1) space for every three (3) seats or one space for each one hundred (100) square feet of net floor area, whichever is greater.

Veterinarian Clinic/Animal Hospital

One (1) space for each examination room plus two (2) space for each fifty (50) square feet of reception area.

Type of Use**Industrial Uses**

Grain Elevator

Parking Spaces Required

One (1) space for each one thousand (1,000) square feet of net floor area.

Manufacturing

One (1) space for each one thousand (1,000) square feet of net floor area.

Research and Testing

One (1) space for each five hundred (500) square feet of net floor area.

Salvage Yard

One (1) space for each five thousand (5,000) square feet of property.

Solid Waste Transfer Station

One (1) space for each one thousand (1,000) square feet of net floor area.

Stockyard and Slaughterhouse

One (1) space for each one thousand (1,000) square feet of net floor area.

Warehousing

One (1) space for each five thousand (5,000) square feet of gross leasable area.

Type of Use**Recreational Uses**

Golf Course, Driving Range

Parking Spaces Required

Two (2) spaces for each tee plus one (1) space for each 100 square feet of net floor area of the clubhouse.

Recreation, Commercial

One (1) space for each three (3) seats; or one (1) space for each 100 feet of net floor area; or one (1) space for each participant at maximum utilization, whichever is greater.

Recreation, Non-Commercial

One (1) space for each three (3) seats; or one (1) space for each 100 feet of net floor area; or one (1) space for each participant at maximum utilization, whichever is greater.

Swimming Pool (excluding private pools on residential lots)

One space for each three hundred (300) square feet of pool and promenade area.

48.06 REQUIREMENTS FOR USES NOT SPECIFIED

Where a use is not specifically mentioned in Section 48.05, the requirements for a use which is so mentioned and to which said use is similar shall apply. No parking, loading or servicing of vehicles shall be done on the right-of-way of any publicly dedicated thoroughfare.

48.07 NET FLOOR AREA MEASUREMENT

For the purpose of determining parking space requirements in this Chapter, the term "net floor area" means the area used for service to the public and excludes area used principally for nonpublic purposes such as storage, incidental repair, processing, show window, mechanical rooms, elevator shafts, stairwells, rest rooms and dressing rooms. Any derived number with a fractional value of more than fifty (50) percent shall be rounded to the next highest whole number.

48.08 MULTIPLE USES

The total of such off-street parking spaces supplied collectively for multiple uses may be less than the sum of the requirements for the various uses computed separately. However, in no case shall the sum of the requirements for the various uses be reduced to a point greater than 15% of the required parking for uses when computed separately as determined by the planning staff.

48.09 JOINT USE

Churches, civic clubs, auditoriums, lodge halls, and stadiums may make arrangements with business establishments which normally have different hours of operation for sharing up to fifty (50) percent of their requirements in adjacent parking areas which are accessory to such business uses, provided however, where there is a sharing of facilities by different owners or tenants, there shall be a written agreement approved by the Plan Commission. In addition, should any of the uses having a joint agreement after passage of this Ordinance be changed or facilities discontinued, then the required spaces for the use or uses remaining shall be provided elsewhere as a condition precedent to the continued use of the building or buildings.

In the case of joint or collective parking, if two or more uses are sharing a common parking area, the Plan Commission may permit a reduction in the number of parking spaces, from the total, as calculated by adding all required spaces per use. However, the reduction shall not exceed fifteen (15) percent of the total required spaces.

48.10 PARKING LOTS IN RESIDENTIAL DISTRICTS

The Plan Commission may approve parking lots in the residential zoning districts subject to the following conditions:

- A. The parking lot shall be accessory to and for the use in connection with one or more permitted or special exception permitted uses in and adjoining commercial and industrial districts;
- B. The parking lot shall contain not less than 5,000 square feet, which shall abut at least fifty (50) feet, either directly or across an alley or street, on the district in which the use for which the parking is provided, permitted or conditionally permitted;
- C. The parking lot shall be used solely for the parking of passenger vehicles and no commercial repair work or service of any kind shall be conducted on the parking lot;
- D. No sign of any kind, other than those designating entrances, exits, conditions or use and penalties for improper use shall be maintained on the parking lot;
- E. The parking lot located in a residential district shall not be illuminated after 9 p.m.;
- F. Entrances and exits shall be at least twenty (20) feet from any adjacent property located in a residential district; and
- G. The parking lot shall be efficiently screened on each side by a fence of acceptable design, wall or compact hedge. Such fence, wall or hedge shall not be less than four (4) feet in height and no solid portion shall be more than six (6) feet in height and shall be maintained in good condition. The planting strip for hedges shall be no less than three (3) feet in width. Where water is available, at least one (1) water outlet shall be provided for not more than fifty (50) feet from the lot for maintenance of plant materials. The space between such fence, wall or hedge and the side lot line of adjoining premises in any residential district shall be landscaped with grass, hardy shrubs or evergreen ground cover and maintained in good condition.

48.11 VARIANCES

Where the Board of Zoning Appeals is satisfied that the location, nature or uniqueness of a particular use make a variance in the parking requirement appropriate, it may, upon application, permit up to fifty (50) percent of the required parking area to remain unimproved and retained in landscaped area. It may require, at any time it deems appropriate, that some or all of the land be improved with parking to meet increasing parking demands.

48.12 LOADING AND UNLOADING SPACES REQUIRED

Every building used for nonresidential purposes which customarily receives or distributes goods by motor vehicle shall provide sufficient space on the premises for all loading and service purpose on the basis of the following minimum regulations:

48.13 NUMBER OF LOADING AND UNLOADING SPACES REQUIRED

| Building Area | Number of Loading Spaces Required |
|--|--|
| Less than 5,000 square feet | No spaces required |
| 5,000 square feet but less than 20,000 square feet | One (1) space required |
| 20,000 square feet or more | Two (2) spaces required plus one (1) additional space for each 20,000 square feet over the initial 20,000 square feet. |

Loading space as required under this Section shall be provided as area additional to off-street parking spaces required by other provisions of this Chapter and shall not be considered as supplying off-street parking space.

48.14 LOADING AND UNLOADING SPACE DESIGN STANDARDS

- A. Dimensions: Every loading and unloading space shall not be less than twelve (12) feet in width, forty (40) feet in length, and fourteen (14) feet clearance.
- B. Access: Access to truck loading and unloading spaces shall be provided directly from a public street or alley or from any right-of-way that will not interfere with public convenience and that will permit the orderly and safe movement of such trucks.
- C. Surfacing: All open loading spaces shall be graded and provided with a durable and dustless hard surface of asphalt, concrete, or other suitable materials capable of withstanding 1,000 pounds per square inch (psi).
- D. Drainage: All loading spaces shall be provided with adequate drainage facilities as approved by the County Engineer during the development plan review process.
- E. Location: All required loading spaces shall be off-street and shall be located on the same lot as the specific use to be served. No loading space shall be located within a required front yard or rear yard when such yard is adjacent to a Residential District.

- F. Screening: Landscaping and screening shall be as indicated in Chapter 50, Landscaping and Bufferyards. The Plan Commission shall have the power to determine the need for an additional amount of planting/landscaping, materials, walls, fences or any combination of these as deemed necessary.
- G. Lighting: When lighting facilities are used, such lighting shall be in accordance with Section 58.10, Outdoor Lighting.

**CHAPTER 50
BUFFERYARDS AND LANDSCAPING**

50.01 PURPOSE

The purpose of this Chapter is to provide minimum standards involving the development of land to provide attractive views from roads and adjacent properties; to screen from view visually undesirable uses; to require screening between incompatible land uses and to protect the health, safety and welfare of the community through the reduction of noise, air and visual pollution, and headlight glare.

50.02 APPLICABILITY

This section shall apply to new property development and any collective substantial expansion of existing structures, except for individual single family dwellings, two family dwellings (duplexes) and parking lots of five (5) spaces or smaller. Substantial expansion of existing structures shall be defined based on the criteria established below:

| When Existing Structure is.... | A Substantial Expansion is... |
|--------------------------------|-------------------------------|
| 0 - 1,000 Sq. Ft. | 50% or Greater |
| 1,001 - 10,000 Sq. Ft. | 40% or Greater |
| 10,001 - 25,000 Sq. Ft. | 30% or Greater |
| 25,001 - 50,000 Sq. Ft. | 20% or Greater |
| 50,001 Sq. Ft. and larger | 10% or Greater |

50.03 GENERAL REQUIREMENT FOR SUBMISSION

Any property to which this Chapter applies shall submit a bufferyard and landscaping plan to the Plan Commission as part of the applicable review process. Bufferyard and landscaping plans shall be approved or certified by the appropriate professional . The bufferyard and landscaping plan shall contain the following information:

- A. Plans must be at a reasonable scale to indicate all types of proposed landscaping improvements and shall include the following minimum information:
 - 1. North arrow and scale.
 - 2. The name of applicant/owner.
 - 3. The name, address and phone number of the person or firm responsible for the preparation of the buffering plans.
 - 4. The dates the plans are submitted or revised.

5. All existing and proposed buildings and other structures, paved areas, planted areas, utility poles, fire hydrants, light standards, signs, fences and other permanent features to be added and/or retained on the site.
 6. All existing plant material to be removed or retained and all new landscaping materials to be installed.
 7. All existing and proposed streets, sidewalks, curbs and gutters, railroad tracks, drainage ditches and other public or semi-public improvements within and immediately adjacent to the site.
 8. All property lines and easements.
 9. Any other information which is deemed appropriate by the Plan Commission.
- B. Details shall be shown for the planting of the types of trees, shrubs and ground cover within the bufferyard or landscaped area.

50.04 APPROVAL

- A. No site or development plan required under this Zoning Ordinance shall receive final approval unless a bufferyard and landscaping plan has been submitted and approved.
- B. No final approval of the Improvement Location Permit shall be granted unless the following criteria are fully satisfied with regard to the approved bufferyard and landscape plan:
1. Such plan has been fully implemented on the site; or
 2. Such plan, because of seasonal conditions, cannot be implemented immediately, but has been guaranteed by a postponed improvement agreement between the developer and the County.

50.05 BUFFERYARD AND LANDSCAPING STANDARDS

Bufferyard and landscaping materials shall consist of the following items as indicated below. The proposed landscape materials should complement the form of the existing trees and plantings, as well as the development's general design and architecture. The type of shade or sun should be considered in selecting plant materials.

A. Maintenance of Landscaping and Bufferyards

All landscaping materials shall be installed and maintained according to accepted nursery industry procedures. The owner of the property shall be responsible for the continued property maintenance of all landscaping materials and bufferyards, and shall keep them in a proper, neat and orderly appearance, free from refuse and debris at all times. All unhealthy or dead plant material shall be replaced within two (2) years, or by the next planting period, whichever comes first. Violation of these installation and maintenance provisions shall be grounds for the Planning and Building Department to: fine the owner of the property in violation of the conditions of the Improvement Location Permit; require replacement of the landscape material; or institute legal proceedings to enforce the provisions of this Chapter.

B. Bufferyard and Landscaping Establishment

Once bufferyard and landscaping has been approved by the Plan Commission and established by the owner, it may not be used, disturbed or altered in anyway that would decrease its effectiveness for any purpose.

C. Earthen Mounds

Earth mounds shall be physical barriers that block or screen the view, similar to a hedge, fence or wall. Mounds shall be constructed with proper and adequate plant materials to prevent erosion. A difference in elevation between areas requiring screening does not constitute an existing earth mound and shall not be considered as fulfilling any screening requirement.

D. Plants

Artificial plants are prohibited. All plant materials shall be living plants and shall meet the following requirements. Plant materials used in conformance with the provisions of this chapter shall conform to the standards of the American Association of Nurserymen and shall have passed any inspections required under State regulations.

E. Assurance of Installation or Bonding

The plant material identified on the bufferyard and landscape plan(s) within the common areas and bufferyards shall be installed prior to the recording of the plat of the subdivision. The landscaping and buffering of all other areas of the development shall be completely installed prior to filing for a certificate of occupancy. The applicant shall also have the option of posting a bond equal to one hundred and fifty (150) percent of the material and installation costs identified on the plan if the installation of bufferyard and landscaping materials are to be completed at the end of a project. This bond will permit the County to

contract the installation of the approved landscape plan, with the applicant’s landscape contractor, at the required “prevailing wage rate” should the applicant fail to install the landscape plan within one (1) complete growing season. The “Prevailing wage rate” is the rate at which the County must pay a contractor to provide services for the County. If the applicant desires bonding, the applicant shall revise the cost annually to account for increases in costs of labor and materials.

F. Bufferyard Requirements

The following requirements shall pertain to buffering a new use from an existing adjacent use. The numeric levels in subsection 1 will correspond to the level description in subsection 2 below.

1. Levels of Bufferyards

| | | New Residential Development | | | | | | New Commercial Development | | | | | | New Industrial Development | | |
|----------------------|------|-----------------------------|-----|-----|-----|-----|-----|----------------------------|----|----|----|-----|----|----------------------------|----|----|
| | | R-A | R-B | R-C | R-D | R-E | R-F | AG-B | NB | GB | OB | RSS | HB | RDD | WI | MI |
| Existing Residential | R-A | | 1 | 2 | 3 | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 |
| | R-B | | | 1 | 2 | 3 | 3 | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 |
| | R-C | | | | 1 | 2 | 2 | 3 | 3 | 3 | 3 | 3 | 3 | 4 | 4 | 4 |
| | R-D | | | | | 1 | 1 | 3 | 3 | 3 | 3 | 3 | 3 | 4 | 4 | 4 |
| | R-E | | | | | | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 2 | 2 | 4 |
| | R-F | | | | | | | 1 | 1 | 1 | 1 | 1 | 1 | 2 | 2 | 4 |
| Existing Commercial | AG-B | | | | | | | | 1 | 1 | 1 | 1 | 1 | 2 | 2 | 4 |
| | NB | | | | | | | | | 1 | 1 | 1 | 1 | 2 | 2 | 4 |
| | GB | | | | | | | | | | 1 | 1 | 1 | 2 | 2 | 4 |
| | OB | | | | | | | | | | | 1 | 1 | 2 | 2 | 4 |
| | RSS | | | | | | | | | | | | 1 | 2 | 2 | 2 |
| | HB | | | | | | | | | | | | | 1 | 2 | 2 |
| Existing Industrial | RDD | | | | | | | | | | | | | | 2 | 3 |
| | WI | | | | | | | | | | | | | | | 2 |
| | MI | | | | | | | | | | | | | | | |

2. Level Descriptions

| Levels of Perimeter Plantings and Mounding | |
|--|--|
| Level 1 | Any combination of materials selected from the <i>Landscape Materials Categories</i> listed in Subsection 3 which equals or exceeds a <i>Unit Value</i> of 2.0 for each one-hundred (100) lineal feet, along any exterior roadway, and <i>Unit Value</i> or 1.0 for each one-hundred (100) lineal feet of adjoining property (developed or undeveloped), provided that at least 25% of the <i>Unit Value</i> shall be derived from Deciduous Shade Trees (Overstory) or Deciduous Ornamental Trees (Understory), Evergreen Trees or Evergreen Shrub – Narrow Spread. |
| Level 2 | Any combination of materials selected from the <i>Landscape Materials Categories</i> listed in Subsection 3 which equals or exceeds a <i>Unit Value</i> of 3.0 for each one-hundred (100) lineal feet, along any exterior roadway, and <i>Unit Value</i> or 2.0 for each one-hundred (100) lineal feet of adjoining property (developed or undeveloped), provided that at least 25% of the <i>Unit Value</i> shall be derived from Deciduous Shade Trees (Overstory) or Deciduous Ornamental Trees (Understory), Evergreen Trees or Evergreen Shrub – Narrow Spread. |
| Level 3 | Any combination of materials selected from the <i>Landscape Materials Categories</i> listed in Subsection 3 which equals or exceeds a <i>Unit Value</i> of 4.0 for each one-hundred (100) lineal feet, along any exterior roadway, and <i>Unit Value</i> or 3.0 for each one-hundred (100) lineal feet of adjoining property (developed or undeveloped), provided that at least 25% of the <i>Unit Value</i> shall be derived from Deciduous Shade Trees (Overstory) or Deciduous Ornamental Trees (Understory), and at least 50% of the <i>Unit Value</i> shall be derived from Evergreen Trees, Evergreen Shrub – Narrow Spread or Earthen Mounds. |
| Level 4 | Any combination of materials selected from the <i>Landscape Materials Categories</i> listed in Subsection 3 which equals or exceeds a <i>Unit Value</i> of 5.0 for each one-hundred (100) lineal feet, along any exterior roadway, and <i>Unit Value</i> or 4.0 for each one-hundred (100) lineal feet of adjoining property (developed or undeveloped), provided that at least 10% of the <i>Unit Value</i> shall be derived from Deciduous Shade Trees (Overstory) or Deciduous Ornamental Trees (Understory), and at least 75% of the <i>Unit Value</i> shall be derived from Evergreen Trees, Evergreen Shrub – Narrow Spread or Earthen Mounds. |

3. Unit Value - Landscape Materials for Bufferyards and Landscaping

| UNIT VALUES | |
|--|------------|
| Landscape Materials Categories Minimum size at Time of Planting | Unit Value |
| Deciduous Shade Tree (Overstory) (2 ½” caliper) | .75 |
| Evergreen Tree (9’ tall) | .75 |
| Deciduous Ornamental Tree (Understory) (1 ½” caliper) | .50 |
| Evergreen Tree (6’ tall) | .50 |
| Evergreen Shrub – Narrow Spread (4’ tall) | .25 |
| Hedge Plant (24” – 30” tall) | .05 |
| Earthen Mound (3’ tall) | .50 |
| Earthen Mound (6’ tall) | 1.00 |
| Earthen Mound (9’ tall) | 1.50 |

4. Bufferyard Width¹

| | | New Residential Development | | | | | | New Commercial Development | | | | | | New Industrial Development | | |
|----------------------|------|-----------------------------|-----|-----|-----|-----|-----|----------------------------|----|----|----|-----|----|----------------------------|-----|-----|
| | | R-A | R-B | R-C | R-D | R-E | R-F | AG-B | NB | GB | OB | RSS | HB | RDD | WI | MI |
| Existing Residential | R-A | 0* | 5 | 10 | 15 | 25 | 30 | 25 | 25 | 25 | 25 | 75 | 75 | 50 | 75 | 100 |
| | R-B | 0 | 0 | 5 | 10 | 20 | 25 | 25 | 25 | 25 | 25 | 75 | 75 | 50 | 75 | 100 |
| | R-C | 0 | 0 | 0 | 5 | 15 | 20 | 20 | 20 | 20 | 20 | 65 | 65 | 45 | 65 | 100 |
| | R-D | 0 | 0 | 0 | 0 | 10 | 15 | 20 | 20 | 20 | 20 | 65 | 65 | 45 | 65 | 100 |
| | R-E | 0 | 0 | 0 | 0 | 0 | 5 | 10 | 10 | 10 | 10 | 50 | 50 | 25 | 50 | 80 |
| | R-F | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 10 | 10 | 50 | 50 | 25 | 50 | 80 |
| Existing Commercial | AG-B | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 50 | 50 | 25 | 50 | 100 | 0 |
| | NB | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 25 | 50 | 75 | 0 |
| | GB | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 25 | 50 | 75 | 0 |
| | OB | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 25 | 25 | 75 | 0 |
| | RSS | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 25 | 50 | 0 |
| | HB | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 75 | 0 |
| Existing Industrial | RDD | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 0 |
| | WI | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | MI | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

¹The bufferyard requirement shall NOT be included as part of the minimum yard requirement.

* All distances are measured in feet.

G. Buffering Residential Uses from Nonresidential Uses

In order to provide protective screening and buffering for residentially zoned areas adjacent to nonresidential areas, the Plan Commission shall require a wall, fence, greenbelt, or combination thereof, to be provided by the nonresidential property owner in accordance with the following:

1. Screening areas shall be provided for the purpose of minimizing the friction between incompatible land uses and improving the aesthetic and functional quality of new development;
2. Where vegetative and/or topographic conditions that provide a natural screening and buffer exist prior to development of properties in question, every effort shall be made to retain such conditions. In such cases, additional screening may not be required, provided that provision is made for maintenance of such areas; and
3. The Plan Commissioner may waive the requirement for a wall, fence or greenbelt if equivalent screening is provided by existing or planned parks, parkways, and recreation areas or by topography or other natural conditions.

50.06 ADDITIONAL LANDSCAPE REQUIREMENTS

This Section describes additional requirements that shall be met in regard to perimeter landscaping for buffering between incompatible land use areas, landscaping for service areas and interior landscaping for businesses, buildings, structures or other new developments of the land.

A. Landscaping at Driveways and Street Intersections

To insure that landscape materials do not constitute a driving hazard, a sight triangle shall be observed at all street intersections or intersections of driveways with streets. Within the sight triangle, trees shall be permitted as long as only the tree trunk is visible between the ground and eight (8) feet above the ground, or otherwise does not present a traffic visibility hazard. The sight triangle is defined in Section 58.06.

B. Interior Landscaping for Off-Street Parking Areas

Any open parking area (excluding loading, unloading and storage areas) containing more than 6,000 square feet of area, or twenty (20) or more vehicular parking spaces, shall provide interior landscaping in addition to the previously required perimeter landscaping. Interior landscaping may be peninsular or island types.

1. Landscaping area. In calculating the landscaped area, for each 100 square feet or fraction thereof, of vehicular use area, five (5) square feet of landscaped area shall be provided. However:
 - a. Minimum area. The minimum landscape area permitted shall be sixty-four (64) square feet with a four (4) foot minimum dimension to all trees from the edge of the pavement where vehicles may overhang;
 - b. Maximum contiguous area. The required landscape areas are to be adequately dispersed throughout the off-street parking areas; and
 - c. Grass and Ground Cover. Grass or ground cover shall be planted on all portions of the landscaped areas not occupied by other landscaped material. Such material fulfills required interior or perimeter landscaping.
2. Minimum coverage of trees; clear trunks.
 - a. There shall be a minimum of one (1) two (2) inch caliper tree per 5,000 square feet of ground coverage of structure and off street parking areas. Tree caliper shall be measured at a point six (6) inches above ground.
 - b. Trees shall have a clear trunk to at least five (5) feet above the ground, and the remaining area shall be landscaped with shrubs or ground cover not to exceed three and one-half (3½) feet in height.
3. Vehicle overhang. Parked vehicles may hang over the interior landscaped area no more than one (1) foot, as long as concrete or other wheel stops are provided to insure no greater overhang or penetration of the landscaped area.

C. Landscaping for Service Structures

Any service structure that can be seen from the first floor of a residence or from any street shall be screened. Structures may be grouped together; however, screening height requirements shall be based upon the tallest of the structures. "Service Structures" shall include, but not be limited to: loading docks, propane tanks, dumpsters, electrical transformers, utility vaults which extend above ground, ground mounted utility equipment and any electrical or other equipment or elements providing service to a building or a site.

1. Location of screening. There shall be a continuous (having 100 percent opacity) planting, hedge, fence or wall of earth, which would enclose any service structure on all sides, unless such structures must be frequently

moved or accessed, in which case screening on all but one side is required. The average height of the screening material shall be one (1) foot greater than the height of the enclosed structure, but shall not, in any case, be required to exceed ten (10) feet in height.

Whenever a service structure is located next to a building wall, perimeter landscaping material or off-street parking area landscaping material, such walls or screening material may fulfill the screening requirement set out in this Chapter. Whenever service structures are screened by plant material, such material may count towards the fulfillment of required interior or perimeter landscaping. Whenever a service structure is screened by a wall or fence, such wall or fence shall be constructed of the same materials as the building which it services.

2. Curbs to protect screening material. Whenever screening material is placed around any dumpster or waste collection unit which is emptied or removed mechanically on a regularly occurring basis, a curb to contain the placement of the container shall be provided within the screening material on those sides where there is such material. The curbing shall be at least one (1) foot from the material and shall be designed to prevent possible damage to the screening when the container is moved or emptied.
- D. Interior Landscaping for all Affected Projects. All affected projects shall provide interior landscaping in addition to the previously required perimeter landscaping. However, the Plan Commission may waive the requirement for existing buildings and uses if it would cause a reduction in the number of parking spaces below the required number. Interior landscaping shall consist primarily of new tree planting or the preservation of existing trees or hedges within the development site.
- E. Screening of Parking Areas
- a. When an off-street parking area, that is associated with any land use with the exception of single family and two family residences, is abutting any public or private street right-of-way, a five (5) foot perimeter screening easement is required. Such easement shall include shrubs at a minimum of three (3) feet in height that forms an opaque screen and visual barrier within two (2) years of planting.
 - b. When an off-street parking area, that is associated with any land use with the exception of single family and two family residences, is abutting another lot, a ten (10) foot perimeter screening easement is required. Such easement shall include shrubs at a minimum of three (3) feet in height that forms an opaque screen and visual barrier within two (2) years of planting.

50.07 STREET TREE PLANTING REQUIREMENTS

The following are street tree planting requirements for all districts:

A. Requirements

All subdividers or developers shall plant trees along public streets of their developments in such a manner, type, quality and location as approved by the Plan Commission and the same requirement shall apply to any undeveloped street or existing street with undeveloped frontage, at the time of development.

1. The tree location is to be at least twenty (20) feet from fire hydrants or utility poles.
1. A suitable tree is to be used when planting under or within ten (10) lateral feet of overhead utility wires which will not affect the transmission or service of: overhead utility services, subsurface drains, driveways, sidewalks and underground utilities.
2. The developers shall be required to maintain the trees for one (1) year after the trees are planted and shall replace any tree which dies within such one year (1) guarantee period. Upon completion of a street planting, the landscape contractor shall contact the Building Commissioner for a preliminary inspection. The guarantee period shall begin after the approval of the Building Commissioner. A final inspection shall be made at the end of the guarantee period. All trees not exhibiting a healthy, vigorous growing condition, as determined by the County's inspection, shall be promptly replaced at the expense of the developer.
3. The minimum trunk caliper measured at six (6) inches above the ground for all street trees shall be one and one-half (1½) inches upon installation.
4. The maximum spacing for trees shall be fifty (50) feet.

B. Replacement Trees

A person who removes, damages or causes to be removed a public tree from tree lawn or other public place shall be required to replace the tree at his or her own expense. The replacement tree shall have a minimum diameter of two and one-half (2½) inches.

50.08 MODIFICATION

The Plan Commission shall have the authority to modify any of the aforementioned requirements in this Chapter in considering an individual site with respect to changes in elevation, environmental impact, durability of plant material, aesthetic appeal, and any other factor that will provide a compatible buffer or screen with the surrounding neighborhood at the time of application.

CHAPTER 52 DEVELOPMENT PLAN REVIEW

52.01 PURPOSE

The purpose of this chapter is to identify a procedure for the review and approval of development plans for permitted uses within the application sections of this Ordinance.

52.02 APPLICABILITY

With the exception of a rezoning, the development plan review process may be simultaneously submitted as part of any other Plan Commission review process for approval. The Plan Commission shall conduct a development plan review for all projects to come before the Commission. This review shall be completed within the guidelines set forth in this chapter and all other applicable sections of this Ordinance.

The Plan Commission shall have the authority to waive requirements for a development plan, or waive the development plan all together, if no physical change to property or structures on the property is occurring.

A. The following list identifies the types of projects that shall come before the Commission for development plan review:

1. A project where new construction and site development involving a permitted multifamily, commercial or industrial use or a project involving a planned unit development (PUD) or a group of mixed uses.
2. A project where the conversion of a structure to a permitted use is being considered and where no exterior construction or site development is planned. Use conversions requiring development review include changes from one of the following categories to another:
 - a. Residential to commercial or industrial;
 - b. Commercial to multifamily or industrial;
 - c. Industrial to multifamily or commercial; and
 - d. Single or two-family to multifamily or commercial.

3. A project where an existing multifamily, commercial or industrial use is proposing an addition or expansion that would have at least one or more of the following effects:
 - a. Alteration of traffic flows and/or volumes because of changes in ingress or egress or changes within the site;
 - b. Alteration of on-site parking facilities; and
 - c. Addition to a structure that increases the floor area by fifty (50) percent or more of existing structure.
4. The construction of public or private off-street parking areas in districts where they are permitted as set forth in this Ordinance.

52.03 APPLICATION REQUIREMENTS

- A. When the Building Commissioner has determined that a proposed project requires a development review in accordance with Section 52.02 of this Chapter, he/she shall notify the applicant or his/her agent of the need to apply for a development review. Applications for development plan review may be obtained from the Planning and Building Department.
- B. The application for a preliminary development review shall include the following items:
 1. Application Form

This application form, when completed will contain general information including: the name and location of the proposed development, as well as the identification of all the property owners, the parcel number (part of or all of the parcel) and must be signed by the property owner or written authorization for an agent.
 2. Preliminary Development Plan

The applicant must submit seven (7) copies of a preliminary development plan showing the following items:

 - a. General vicinity map;
 - b. Property boundary lines including any easements and a legal description;
 - c. Elevation marks and contours as appropriate;

- d. Benchmarks;
- e. Traffic and circulation plan;
- f. Pedestrian circulation plan;
- g. Adjacent streets;
- h. Parking and loading plan;
- i. Grading and surface drainage plan in accordance with the requirements of the Subdivision Control Ordinance;
- j. Conceptual signage;
- k. Conceptual lighting plan;
- l. Conceptual landscaping and screening plan;
- m. Open space and recreation plan;
- n. Refuse/trash storage areas;
- o. Proposed improvements showing location, dimensions and configuration of existing and proposed buildings/structures and uses;
- p. The schedule of any phasing of the project; and
- q. Development summary indicating lot area, building square footage, lot coverage, building height, number and size of dwelling units/structures and the number of parking spaces provided.

3. Final Development Plan

The applicant must submit seven (7) copies of a preliminary development plan showing the following items:

- a. General vicinity map;
- b. Property boundary lines including any easements and a legal description;
- c. Elevation marks and contours as appropriate;
- d. Benchmarks;

- e. Traffic and circulation plan;
- f. Pedestrian circulation plan;
- g. Adjacent streets;
- h. Parking and loading plan;
- i. Utilities plan showing existing and proposed - location and sizes;
- j. Landscaping and screening plan - indicating plant types, number, location, size and method of installation;
- k. Grading and surface drainage plan in accordance with the requirements of the Subdivision Control Ordinance;
- l. Signage plan showing location, sign faces representations and size (signage plan shall comply with Chapter 60 of this Ordinance);
- m. Final lighting plan in accordance with Section 58.10, Outdoor Lighting;
- n. Open space and recreation plan;
- o. Refuse/trash storage areas;
- p. Proposed improvements showing location, dimensions and configuration of existing and proposed buildings/structures and uses;
- q. Architectural Plan: The applicant must submit one (1) copy of an architectural plan of the proposed project showing exterior elevations, floor plans and building materials uses (facade and roof). If exterior elevations are not available, reasonable graphic representations may be submitted;
- r. The schedule of any phasing of the project; and
- s. Development summary indicating lot area, building square footage, lot coverage, building height, number and size of dwelling units/structures area of hard surface provided and the number of parking spaces provided.

All drawings prepared for submission under this Section must be prepared by a professional engineer, architect, or surveyor and must bear a professional seal

from the State of Indiana. If, however, the Director determines that due to the simplicity of the project, a professional seal may not be required.

C. Application Fee

The preliminary and final development plan applications must be accompanied by the payment of a fee as established by Ordinance. No application will be considered complete unless accompanied by a fee payment. All fees are nonrefundable, regardless of the outcome of the application.

D. Property Owner Notification List

The applicant must obtain the names and addresses of the property owners within six hundred and sixty (660) feet of the property lines being considered or to a depth of two (2) ownerships.

E. Plat Map Page

The applicant must submit a copy of each and every plat map page used to obtain the list of names of the property owners being notified by the applicant.

52.04 APPLICATION PROCESSING

Once a completed preliminary development plan application has been received, the Building Commissioner will open a development plan review file and must begin processing the application through the following procedures:

A. Notification

1. The Building Commissioner shall, at least ten (10) days prior to the date set for the public hearing at the applicant's expense, publish a notice one time in two (2) newspapers of general circulation in the County. The notice shall set forth the time and place of the public hearing and a general description of the development plan.
2. The applicant shall, at least ten (10) days prior to the public hearing, notify by certified mail, the owners of all parcels of land adjoining or adjacent to the land described in the application. The notification boundaries shall be to a depth of two (2) ownerships, but not to include any ownership of land located more than six hundred and sixty (660) feet from the property described in the application.
3. The Plan Commission shall review the preliminary plan to determine if it is:
 - a. Consistent with the intent and purpose of this Ordinance;

- b. Whether the proposed development advances the general welfare of the community and neighborhood; and
 - c. Whether the benefits, combination of various land uses, and the interrelationship with the land uses in the surrounding area justify the deviation from standard district regulations.
 - 4. The Plan Commission's approval in principle of the preliminary development plan shall be necessary before an applicant may submit a final development plan.
 - 5. Approval in principle shall not be construed to endorse the following:
 - a. A precise location of uses;
 - b. Configuration or parcels; or
 - c. Engineering feasibility.
- B. Plan Commission Staff Review

The following agencies/departments shall receive copies of development plans: engineering, highway, health, police, fire, soil conservation, schools, and towns within two (2) miles of the affected area for their review and comments. The applicant may be required to circulate the required plans to the aforementioned agencies/departments for the County. If required by the Plan Commission, proof of circulation must be shown on a form as supplied by the County or an affidavit testifying to circulation by the revised dates.
- C. Staff Review Meeting

The applicant shall arrange, a meeting with the Plan Commission staff to discuss the proposed project. Other interested parties may be invited to this meeting, as required. The purpose of this meeting will be to allow the applicant to discuss with the Plan Commission staff so that any needed revisions may be made prior to the actual Plan Commission meeting. The applicant may be required to submit a revised development plan indicating any changes by 4:00 PM the following business day.
- D. Submission of Final Development Plan Without an Approved Preliminary Development Plan

The applicant need not file a preliminary development plan if filing a Final Development Plan for the entire site, incorporating all requirements of both the preliminary and final development plans as described in this Chapter. The final development plan shall be filed with the Secretary of the Plan Commission by at

least one (1) owner, or his/her designee, of the property for which the development plan applies.

52.05 DEVELOPMENT PLAN REVIEW PROCEDURES

The Plan Commission will conduct a development plan review so that it may determine that the specific requirements of this Ordinance are being satisfied in the planning of the proposed project. The Plan Commission may also take into account comments from the administration or the general public in its evaluation of the project. Whenever it feels necessary, the Plan Commission may attach conditions to the approval of a development plan in order to insure the health, safety, or welfare of the public as well as the integrity of the existing neighborhood in proximity to the development.

A. Special Studies Required

- B. In the event that the Plan Commission feels that additional information is necessary in order to make its decision, it may instruct the applicant or the Plan Commission Staff to conduct additional studies or seek expert advice. The cost of such studies shall be the responsibility of the applicant. If a traffic study is necessary, it shall address impact of the proposed development on all adjacent streets and intersections. The applicant shall reference the “Applicants guide to Transportation Impact Studies for Proposed Development Within Hendricks County, Indiana” as may be amended from time to time in the development of the traffic study.

C. Decision

The Plan Commission shall approve, approve with conditions, or disapprove all development plans to come before it.

1. Disapproval

In the event that the Plan Commission does not approve a proposed development plan, the Plan Commission must notify the applicant in writing of its decision. Non-action on a development plan by the Planning Commission shall constitute disapproval of a development plan. “Non-action” shall mean that the Plan Commission does not approve, disapprove or approve with modifications the development plan as submitted by the applicant. A tabling of the development plan shall not constitute “non-action”.

2. Approval

In the event that the Plan Commission approves a proposed development plan, the Commission must notify the applicant in writing of its decision. The President of the Plan Commission must sign and date a copy of the

approved plans and this copy shall become the officially approved development plan. Upon approval, the applicant will have one (1) year from the date of approval to obtain an Improvement Location Permit/Building Permit. This permit must be obtained in accordance with Chapter 3 of this Ordinance. Should this one (1) year period elapse without the applicant having obtained the appropriate permit, the development plan approval will become null and void. Should this become the case, the applicant may resubmit the application in conformance with the requirements of this Chapter.

52.06 APPLICATION FOR SECONDARY APPROVAL

Following primary approval of the preliminary plan, the applicant shall file with the Secretary as application for secondary approval of a final plat and construction plans. The application shall:

- A. Be submitted on a form available at the Planning and Building Department;
- B. Be accompanied by five (5) copies of the final plat and construction plans as described in these regulations;
- C. Be accompanied by a properly completed County/Developer Inspection Agreement;
- D. Be in total compliance with these regulations and the terms or conditions of primary approval;
- E. 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:
 - 1. FEDERAL AGENCIES:
 - a. Federal Communications Commission,
 - b. Federal Aviation Administration,
 - c. Federal Emergency Management Agency, and
 - d. Army Corp of Engineers.
 - 2. STATE AGENCIES:
 - a. Indiana Department of Environmental Management,
 - b. Indiana Department of Natural Resources,
 - c. Indiana Department of Transportation, and
 - d. Indiana State Department of Health.
 - 3. LOCAL AGENCIES

- a. Hendricks County Drainage Board, and
 - b. Incorporated towns; and
- 4. UTILITY COMPANIES
 - a. Public or private utilities for sanitary sewer or water services.
- F. 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 three (3) model homes may be permitted per subdivision or section thereof 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 developer prior to issuance of the building permit.

52.07 PERFORMANCE GUARANTEE

A performance guarantee shall be provided for any exceptions granted. A performance guarantee may be provided for certain erosion control measures as determined by the Commission. The authority of administration and enforcement of the performance guarantee shall lie with the Board or its designated representative.

- A. The types of performance guarantees allowed are as follows:
 - 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. Performance Bond – For those improvements granted an exception from installation prior to recording, a performance bond payable to the Board in the amount equivalent to 110% of the estimated completion costs shall be posted by the developer prior to recording the final plat. This estimate shall be prepared by the design engineer and reviewed by the County Engineer. 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;
 - 3. Irrevocable Letter of Credit – In lieu of such a bond, the developer may submit an irrevocable letter of credit. In the event an irrevocable letter of credit is utilized, it shall be written for a minimum length of one (1) year; or

4. Cashiers Check – In lieu of such a bond, the developer may submit a cashiers check made payable to the Board. The alternative is only available in the amount of less than ten thousand dollars (\$10,000.00)
- B. Any performance guarantee submitted under Section 3.19 shall be for a period not to exceed two (2) years. The Board may grant an extension of up to one (1) year for the completion of the improvements, based upon a request by the developer and evidence justifying the request. The Board may secure a new estimate of the cost of the improvements from the County Engineer. If the estimate has increased, the Board shall require an increase in the amount of the performance guarantee.
- C. A performance guarantee shall be deemed by the Board to be in full force and effect until the time the guarantee is released by written notice by the Board.
- D. It shall be the responsibility of the developer to keep the performance guarantee current and not allow it to expire until all improvements have been accepted by the Board. If the performance guarantee does expire, no building permits will be issued to those lots within the subdivision or section thereof which required the performance guarantee until a new guarantee is provided.
- E. Upon completion of the improvements for which a performance guarantee has been provided, the developer shall request a release of the performance guarantee from the Hendricks County Planning and Building Department. The Planning and Building Department will conduct an inspection of the completed improvements. If the improvements have been completed to the satisfaction of the Planning and Building Department and if a suitable maintenance guarantee has been provided, then the Board shall release the performance guarantee. Appeals of the Hendricks County Planning and Building Department decisions shall be made to the Board.
- F. As a condition of acceptance of this improvement on release of the performance guarantee, the Board shall require the developer to post a maintenance guarantee in an amount equal to twenty (20%) percent of the cost of the improvements.
 1. The maintenance guarantee shall be one (1) of the following forms:
 - a. Maintenance bond – this bond shall comply with all statutory requirements and shall be satisfactory to the County Attorney as to form, sufficiency and manner of execution; or
 - b. Irrevocable Letter of Credit – in lieu of such bond, the developer 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 one (1) year.
 2. The maintenance guarantee shall be for a period of three (3) years.

52.08 CONFORMANCE WITH DEVELOPMENT PLAN APPROVAL

The Plan Commission may consider the revocation of a development plan approval in the event that a proposed development, which occupancy permit has not been issued, is found to be in violation of the requirements of this Ordinance for the conditions attached to the approval by the Plan Commission. Should revocation be considered, the Plan Commission must schedule a meeting in which to consider the revocation and shall notify the original applicant or project representative of the date, time and place of the hearing at least fifteen (15) days in advance of the meeting by certified mail. In the event that the Plan Commission decides to revoke approval, the occupancy permit may not be issued until the Plan Commission certifies that the violation has been corrected. Where a violation involves a project where an occupancy permit has been issued, the violation shall be treated as a violation to this Ordinance and be subject to the penalty as specified in Chapter 99 of this Ordinance.

52.09 STAGED DEVELOPMENT

Where a proposed development plan indicates a staged site development approach, the later stages of the proposed development may be constructed within ten (10) years of the initial approval providing that the initial stage is completed in conformance with Section 52.07 and that the application commenced shall be subject to the application and review requirements stated within this Chapter and any additional amendments.

52.10 TECHNICAL PLAN REVIEW

In addition to the development plan review process set forth within this Chapter, the proposed project plans shall also be subject to a Technical Plan Review coordinated by the Engineering Department and the Health Department which may require additional permits. A State Plan Release is also required for a multifamily, commercial and industrial project. In no way will a development plan review be construed as a substitute or a waiver for these other required permits.

**CHAPTER 54
WIRELESS COMMUNICATION FACILITIES**

54.01 PURPOSE

In recognition of the quasi-public nature of cellular and/or wireless communication systems, it is the purpose of these regulations to:

- A. Accommodate the need for cellular or wireless communication towers while regulating their location and number in the County;
- B. Minimize adverse visual effects of communication towers and support structures through proper siting, design and screening;
- C. Avoid potential damage to adjacent properties from communication towers and support structure failure; and
- D. Encourage the joint use of any new and existing communication towers and support structures to reduce the number of such structures needed in the future.

54.02 DEFINITIONS

The following definitions shall apply to this Chapter.

- A. “Cellular Communications Services” Personal communications accessed by means of cellular equipment and services.
- B. “Cellular or Wireless Communications Antenna” Any structure or device used to receive or transmit electromagnetic waves between cellular phones, pagers, commercial mobile services, wireless services and ground-wired communications systems including both directional antennas, such as panels, microwave dishes and satellite dishes, and omni-directional antennas such as whips and other equipment utilized to serve personal communication services.
- C. “Cellular or Wireless Communications Site” A tract, lot or parcel of land that contains the cellular or wireless communications tower, antenna, support structure(s), parking and any other uses associated with and ancillary to cellular or wireless communications transmission.
- D. “Cellular or Wireless Communications Support Structure” Any building or structure accessory to but necessary for the proper functioning of the cellular or wireless communications antenna or tower.
- E. “Cellular or Wireless Communications Tower” Any freestanding structure used to support a cellular or wireless communications antenna.

- F. “Cellular or Wireless Communications Tower, Height of” The height from the base of the structure to its top; including any antenna located thereon.
- G. “Personal Wireless Services” Commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services, including cellular services.
- H. “Residential Zoning District” shall mean any “R-A”, “R-B”, “R-C”, “R-D”, R-E” or “R-F” District.

54.03 USE REGULATIONS

The following use regulations shall apply to cellular or wireless communication antennas and towers.

- A. A cellular or wireless communications antenna that is mounted to an existing communications tower (whether said tower is for cellular purposes or not), smoke stack, water tower or other tall structure, shall be permitted as of right in all zoning districts. Cellular or wireless communications antenna may also be located on the top of buildings that are no less than fifty (50) feet in height.

Any cellular or wireless communications antenna that is mounted to an existing structure as indicated above shall be painted a color which matches, or is compatible with, the structure on which it is located.
- B. A cellular or wireless communications antenna that is not mounted on an existing structure or which is more than fifteen (15) feet higher than the structure on which it is mounted, is permitted in all zoning districts, with the exception of any single household or multi-household zoning district, as a conditional use.
- C. All other non-essential uses accessory to the cellular or wireless communications antenna and towers including, but not limited to business offices, maintenance depots, and materials and vehicle storage, are prohibited from the site unless otherwise permitted in the zoning district in which the cellular or wireless communications antenna and/or tower is located.

**54.04 STANDARDS OF APPROVAL FOR CONDITIONALLY PERMITTED
CELLULAR OR WIRELESS COMMUNICATIONS ANTENNAS AND TOWERS**

The following standards shall apply to cellular or wireless communications antennas and towers permitted as special exception uses.

- A. The cellular or wireless communications company shall be required to demonstrate as part of the development plan review process, using the latest technological evidence, that the antenna or tower must be placed where it is proposed in order to satisfy its necessary function in the company's grid system.
- B. If the cellular or wireless communications company proposes to build a cellular or wireless communications tower (as opposed to mounting the antenna on an existing structure), it is required to demonstrate that it has contacted the owners of nearby tall structures within a one (1) mile radius of the site proposed, asked for permission to install the cellular or wireless communications antenna on those structures, and was denied for reasons other than economic ones. "Tall structures" shall include, but not be limited to: smoke stacks, water towers, buildings over fifty (50) feet in height, antenna support structures of other cellular or wireless communication companies, other communication towers and roadway lighting poles.
- C. The Plan Commission may deny the application as part of the development plan review process to construct a new cellular or wireless communications tower if the applicant has not made a good faith effort to mount the antenna on existing structures.

**54.05 STANDARDS OF APPROVAL OF ALL CELLULAR OR WIRELESS
COMMUNICATIONS ANTENNAS AND TOWERS**

A. Antenna / Tower Height

The applicant shall demonstrate that the antenna/tower is the minimum height required to function satisfactorily and provide an acceptable number of towers. No antenna that is taller than the minimum height shall be approved.

B. Setbacks from the Base of the Tower

If a new cellular or wireless communications tower is to be constructed, the minimum distance between the base of the tower or any guy wire anchors and the property line shall be the greater of the following:

- 1. Forty (40) percent of the tower height;
- 2. The minimum setback in the underlying zoning district; or

3. Fifty (50) feet.

C. Cellular or Wireless Communications Tower Safety

The applicant shall demonstrate that the proposed cellular or wireless communications tower and its antenna are safe and that the surrounding properties will not be negatively affected by tower failure, falling ice or other debris, electromagnetic fields or radio frequency interference. Furthermore, all cellular or wireless communications towers shall be fitted with anti-climbing devices as approved by the manufactures.

D. Fencing

A fence shall be required around the cellular or wireless communications tower and its support structure(s), unless the antenna is mounted on an existing structure. The fence shall be a minimum of eight (8) feet in height and shall be erected to prevent access to non-authorized personnel.

E. Landscaping

Landscaping shall be required to screen as much of the support structures as possible, the fence surrounding the cellular or wireless communications tower, support structure(s) and any other ground level features and, in general, soften the appearance of the cellular communications site. The Plan Commission may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if they achieve the same degree of screening as the required landscaping. If the antenna is mounted on an existing structure, and other equipment is housed inside of an existing structure, landscaping shall not be required.

Any freestanding cellular or wireless communications tower shall incorporate landscaping which includes trees, shrubs and other landscaping vegetation that is subject to review and is acceptable to the Plan Commission. In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.

F. Limiting the Number of Cellular or Wireless Communications Towers

In order to reduce the number of antenna support structures needed in the County in the future, the proposed cellular or wireless communications tower shall be required to accommodate other users, including other cellular communications companies, and local police, fire and ambulance departments. The applicant shall provide proof that co-location is not feasible.

G. Licensing

The cellular or wireless communications company must demonstrate to the County that it is licensed by the Federal Communications Commission (FCC).

H. Required Parking

If the cellular or wireless communications site is fully automated, adequate parking shall be required for maintenance workers. If the site is not fully automated, the number of required parking spaces shall equal the number of employees working on the largest shift. All parking specifications and requirements shall be consistent with the applicable parking requirements as established in the Zoning Ordinance.

I. Appearance

Cellular or wireless communications towers under 200 feet in height shall be painted silver or have a galvanized finish retained in order to reduce visual impact. Cellular or wireless communications towers shall meet all Federal Aviation Administration (FAA) regulations. No cellular or wireless communications towers may be artificially lighted except when required by the FAA. Furthermore, no cellular communication tower or antenna shall contain any signage containing a commercial message.

J. Development Plan Required

A full development plan shall be required for all proposed cellular or wireless communications sites, at a scale of 1 inch to 100 feet (1"=100'), indicating, as a minimum, the following:

1. The total area of the site;
2. The existing zoning of the property in question and of all adjacent properties;
3. All public and private right-of-way and easement lines located on or adjacent to the property which is proposed to be continued, created, relocated or abandoned;
4. Existing topography with a maximum of five (5) foot contours intervals;
5. The proposed finished grade of the development shown by contours not exceeding five (5) foot intervals;
6. The location of all existing buildings and structures and the proposed location of the cellular or wireless communications tower and all cellular

or wireless communications support structures including dimensions, heights, and where applicable, the gross floor area of the buildings;

7. The location and dimensions of all curb cuts, driving lanes, off-street parking and loading areas including the number of spaces, grades, surfacing materials, drainage plans and illumination of the facility;
8. All existing and proposed sidewalks and open areas on the site;
9. The location of all proposed fences, screening and walls;
10. The location of all existing and proposed streets;
11. All existing and proposed utilities including types and grades;
12. The schedule of any phasing of the project;
13. A written statement by the cellular or wireless communications company as to the visual and aesthetic impacts of the proposed cellular or wireless communications tower on all adjacent residential zoning districts; and
14. Any other information as may be required by the Planning Commission to determine the conformance with this Zoning Ordinance.

K. Submission and Review

Upon submission of a complete application for development plan review to the Building Commissioner, the application shall be transmitted to the Plan Commission where they shall review the development plan to determine if it meets the purpose and requirements as established in this Section, of the zoning district where the proposed cellular or wireless communications site is located and of any other applicable Section of this Zoning Ordinance. Public notice and a public hearing shall be required in conjunction with the review, approval, approval with modifications, or disapproval of the development plan.

The Plan Commission shall act upon all development plans after the receipt of the complete application from the Building Commissioner. The Plan Commission may approve, disapprove or approve with modifications the development plan as submitted after holding a public hearing on the issue.

54.06 MAINTENANCE

Any owner of property used as a cellular or wireless communications site shall maintain such property and all structures in good condition and free from trash, outdoor storage, weeds and other debris. Any cellular or wireless communications tower that has discontinued its service for a period of twelve (12) continuous months or more shall be removed, along with all accessory structures related thereto. Discontinued shall mean that the structure has not been properly maintained, has been abandoned, become obsolete, unused or has ceased the daily activities or operations which had occurred.

**CHAPTER 56
SPECIAL EXCEPTION USES**

56.01 PROCEDURE AND REQUIREMENTS FOR APPROVAL OF SPECIAL EXCEPTION PERMITS

Special Exceptions shall conform to the procedures and requirements of Sections 56.02 through 56.10, inclusive of this Ordinance.

56.02 GENERAL

Special Exception Use permits shall be required for types of uses designated as Special Exception Uses in a particular use district. Such particular use may be permitted and desirable in certain districts, but not without consideration in each case of the effect of the use upon neighboring land and the effect the neighboring land will have on the use. The application of the planning standards for determining the location and extent of such use is a planning function, and not in the nature of a variance or appeal. Enumerated throughout this Ordinance are certain uses and the districts in which Special Exception Uses may be permitted provided the following standards are fulfilled and Special Exception permit is granted by the Board of Zoning Appeals.

56.03 CONTENTS OF APPLICATION FOR SPECIAL EXCEPTION PERMIT

An application for a Special Exception permit shall be filed with the Planning and Building Department by at least one (1) owner or agent of the owner of property for which such Special Exception is proposed. At a minimum, the application shall contain the following information:

- A. Name, address, and phone number of applicant;
- B. Letter of authorization from owner of property if the applicant is not owner;
- C. Legal description of property;
- D. Description of existing use;
- E. Zoning district;
- F. Description of proposed Special Exception use;
- G. A plan of the proposed site for the Special Exception use showing the location of all buildings, parking and loading areas, utilities, signs, yards, and such other information as the Board may require to determine if the proposed Special Exception use meets the intent and requirements of this Ordinance;

- H. A narrative statement evaluating the effects on adjoining property, the effect of such elements as noise, glare, odor, fumes and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the comprehensive plan;
- I. Such other information as may be required by the Board of Zoning Appeals; and
- J. A fee as established by Ordinance.

56.04 GENERAL STANDARDS APPLICABLE TO ALL SPECIAL EXCEPTIONS

In addition to the special requirements for permitted Special Exception uses as specified in Section 56.05, the Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that the use at the proposed location:

- A. Is in fact a permitted Special Exception use as listed in each use district and appears on the Official Schedule of District Regulations adopted by Chapter 8 for the zoning district involved;
- B. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the County's Comprehensive Plan and the Zoning Ordinance;
- C. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
- D. Will not be hazardous or disturbing to existing or future neighboring uses;
- E. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
- F. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- G. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;

- H. Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares; and
- I. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

56.05 SPECIAL CRITERIA FOR SPECIAL EXCEPTIONS

Following is a non-exclusive list of specific requirements for permitted Special Exception uses as specified in each use district that *may* be used in regulating such Special Exception. NOTE: All items identified below may not apply to certain special exceptions.

- A. All structures and activity areas should be located at least one hundred (100) feet from all property lines.
- B. Loudspeakers which cause a hazard or annoyance shall not be permitted.
- C. All points of entrance or exit should be located no closer than two hundred (200) feet from the intersection of two (2) arterial thoroughfares, or no closer than one hundred (100) feet from the intersection of an arterial street and a local or collector street.
- D. There shall be no more than one (1) sign oriented to each abutting street identifying the activity.
- E. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway, and no lighting shall shine directly on adjacent properties.
- F. Structures should have primary access to a collector thoroughfare.
- G. Such developments should have primary access to arterial thoroughfares or be located at intersections of arterial or collector streets.
- H. Such developments should be located adjacent to nonresidential uses such as churches, parks, industrial, or commercial use.
- I. Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into a residential area.
- J. Such uses should be properly landscaped to be harmonious with surrounding residential uses.

- K. Such structures should be located adjacent to parks and other nonresidential uses such as schools and shopping facilities where use could be made of joint parking facilities.
- L. All permitted installations shall be kept in a neat and orderly condition so as to prevent injury to any single property, any individual, or to the community in general.
- M. The area of use shall be completely enclosed by a six (6) foot fence and appropriately landscaped to be harmonious with surrounding properties.
- N. Such uses should be located on an arterial thoroughfare, adjacent to nonresidential uses such as commerce, industry, or recreation, or adjacent to sparsely settled residential uses.
- O. Truck parking areas, maneuvering lanes, and accessways to public thoroughfares shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site. The site shall not be used for the storage of trucks, and truck parking shall be limited to a time not to exceed twenty-four (24) hours.
- P. Such developments should be located on or immediately adjacent to state highways.
- Q. Such uses shall not be conducted closer than five hundred (500) feet from any residential district, nor closer than two (200) feet from any structure used for human occupancy in any other district.
- R. There shall be filed with the Building Commissioner a location map which clearly shows areas to be mined and the location of adjacent properties, roads and natural features.
- S. Information shall be submitted on the anticipated depth of excavations and on depth and probable effect on the existing water table and coordinated with the Indiana Department of Natural resources.
- T. All work conducted in connection with such operation shall be done between the hours of 7:30 AM and 5:00 PM.
- U. All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise, and vibration. Access roads shall be maintained in dust-free condition by surfacing or other treatment as may be specified by the County Engineer.

- V. There shall be filed with the Board a detailed plan for the restoration of the area to be mined which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of not greater interval than five (5) feet, the type and number per acre of trees or shrubs or grass to be planted, and the location of future roads, drives, drainage, courses, or other improvements contemplated.
- W. All excavation shall be made either to a water producing depth, such depth to be not less than five (5) feet below the low water mark, or shall be graded or backfilled with non-noxious, nonflammable and noncombustible solids, to secure:
 - a. That the excavated area shall not collect and permit to remain therein stagnant water; or
 - b. That the surface of such area which is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depressions thereof - so as to produce a gently running surface that will minimize erosion due to rainfall and which will be in substantial conformity to adjoining land area. The banks of all excavations not backfilled shall be sloped which shall not be less than three (3) feet horizontal to one (1) foot vertical and said bank shall be seeded.
- X. There shall be filed with the Board of County Commissioners, a bond, payable to the County, and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The rate of the required bond shall be fixed by Ordinance of the Board of County Commissioners. The bond shall be released upon written certification of the County Engineer that the restoration is complete and in compliance with the restoration plan.
- Y. Special Exceptions are subject to all other conditions recommended by the Plan Commission or imposed by the Board of Zoning Appeals.

56.06 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

In granting any Special Exception Use, the Board of Zoning Appeals may prescribe additional conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this Ordinance and punishable under Chapter 99 of this Ordinance.

56.07 FACTORS TO BE CONSIDERED

Factors to be considered in evaluating the standards set forth in Subsection 56.05-56.06 may include, but are not limited to, the following:

- A. Land use;
- B. Height;
- C. Set backs;
- D. Business or other activities;
- E. Open space;
- F. Density;
- G. Location of structures and uses on the site;
- H. Screening;
- I. Signs/advertisements;
- J. Paving;
- K. Entrances;
- L. Hours of operation;
- M. Lighting;
- N. Landscaping;
- O. Fencing/walling;
- P. Location and screening of mechanical systems/HVAC;
- Q. Dumpster locations; and
- R. Parking.

56.08 PROCEDURE FOR PUBLIC NOTIFICATION

Upon receipt of the application for a Special Exception Permit, the Board of Zoning Appeals shall hold a public hearing. Before holding the public hearing, notice of the hearing shall be given by the Board of Zoning Appeals by at least one (1) publication in two (2) newspapers of general circulation of the County, at least ten (10) days before the date of the hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed special exception. In addition, before holding the public hearing, written notice shall be mailed by the applicant by certified mail with return receipts in accordance with the rules of procedure of the Board of Zoning Appeals. The notice shall contain the same information as required of notices published in newspapers as specified in Section 5.14.

56.09 ACTION BY THE BOARD OF ZONING APPEALS

Within thirty (30) days after the public hearing required in Section 5.13, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 56.08, or disapprove the application as presented. If the application is approved or approved with modifications, the Board shall direct the Building Commissioner to issue a Special Exception Permit listing the specific conditions specified by the Board for approval. If the application is disapproved by the Board of Zoning Appeals, the applicant may seek relief through the Hendricks County Circuit or Superior Courts. Appeals from Board of Zoning Appeals decisions shall be made in the manner specified in Section 5.7.

56.10 EXPIRATION OF SPECIAL EXCEPTION PERMIT

A Special Exception Permit shall be deemed to authorize only one (1) particular Special Exception use and the permit shall automatically expire if, for any reason, the use shall cease for more than one (1) year.

**CHAPTER 58
SUPPLEMENTARY REGULATIONS**

58.01 SATELLITE DISH

- A. Dish antenna shall be permitted as accessory structures in accordance with the provisions of this Section.
- B. No person shall install a dish antenna greater than two (2) meters (6.56 feet) in diameter without having obtained a building permit.
- C. Dish antennas may be erected in any residential zoning district if the following standards are met:
 - 1. It shall be ground mounted if greater than three (3) feet in diameter;
 - 2. The diameter shall not exceed ten (10) feet;
 - 3. The height shall not exceed twelve (12) feet;
 - 4. It shall be located only in the area between the rear of the principal structure and the rear property line. In the case of corner lots, it shall not be located in the exterior side setback; and
 - 5. It shall not be placed closer to any lot line than the measurement of its height.
- D. Dish antennas may be erected in any R-D zoning district in accordance with the standards of Subsection C, but they may be roof-mounted if they do not exceed the height limit of the district.
- E. In all zoning districts other than residential districts, dish antennas may be erected if the following standards are met:
 - 1. The diameter shall not exceed twelve (12) feet;
 - 2. A ground-mounted dish antenna shall comply with the setback requirements established for its zoning district, but shall not be located in the front yard;
 - 3. The height for a ground-mounted dish antenna shall not exceed twenty-five (25) feet; and

4. The height for a roof-mounted dish antenna shall not exceed fifteen (15) feet from the point where it was mounted, nor shall it exceed the height established within its zoning district.
- F. Dish antennas in any zoning district shall be installed and maintained in compliance with applicable building and electrical codes, and shall be subject to the following standards:
1. Not more than one (1) dish antenna greater than three (3) feet in diameter shall be allowed on any lot unless shown on an approved development plan;
 2. Dish antennas must be solid in color;
 3. Dish antennas must be permanently mounted except under the following circumstances:
 - a. The dish antenna has been designed and sold as a portable antenna not intended for permanent installation, and the diameter of the dish antenna does not exceed six (6) feet. Portable dish antennas shall meet the requirements of Section C, 3-5 of this Chapter; or
 - b. Portable dish antennas may be installed at locations other than required in subsections C, D, and E for not more than seven (7) days in any thirty (30) day period.
- G. A variance may be granted by the Board of Zoning Appeals from the provisions of this Section in cases involving practical difficulties, where the evidence supports that the topographic features or special characteristics of the site create special conditions such that the strict application of this section will prevent the reception of usable satellite signals.

58.02 HOME OCCUPATIONS

A. Purpose

The purpose of the home occupation is to allow for home occupations that are compatible with the neighborhood in which they are located. The purpose of this Section is to regulate the various types of home occupations.

B. Classifications

There are three (3) classifications of Home Occupations distinguished as Type I, Type II and Type III, and described as follows:

1. Home Occupations (Type I) and (Type II): An occupation conducted entirely within a dwelling unit which is clearly subordinate to the principal residential use of the property; and
2. Home Occupation (Type III): An occupation conducted in a dwelling unit and/or accessory building(s) which is clearly subordinate to the principal residential use of the property.

C. General Classifications

The following list identifies various types of business classifications that may be considered as a Home Occupation. Other similar uses may also be considered as appropriate.

- A. Professional Services: Medical practitioners, lawyers, architects, engineers and similar professions.
- B. Personal Services: Shoe repair, watch repair, barber shops, beauty parlors, and similar activities, but excluding sexually oriented business.
- C. Instructional Services: Musical, dance or educational instruction. These services shall be limited to four (4) students at any one time.
- D. Home Craft Business: Artists, sculptors, tailor/alterations and furniture makers.
- E. Trade Businesses: Electricians, plumbers, carpenters, excavators and masons.
- F. Home Product Distributors: Business in which the products are produced off-premise, such as health and beauty aids, home interiors, apparel and arts and crafts.
- G. Food Services: Catering, canning, and baking, where the food is consumed off-premise, subject to all applicable State and Local requirements.

D. Home Occupations (Type I):

A home occupation to conduct a business within a dwelling unit is permitted in any zoning district provided the following criteria are met.

1. Location
 - a. The home occupation shall be conducted in the principal dwelling of the principal practitioner.
 - b. The home occupation shall not be conducted in any accessory building.

2. Maximum Floor Coverage

1. The use, including storage of products or materials, shall not exceed twenty-five percent (25%) of the floor area of the dwelling unit.
2. A minimum of seventy-five percent (75%) of the floor area shall remain in residential use.
3. Appearance. There shall be no change in the outside appearance of the building or premises.
4. Signage. No signs are permitted on the property of the home occupation.
5. Commercial vehicles. One (1) passenger vehicle that carries less than sixteen (16) passengers or a truck that does not exceed 26,000 pounds Gross Vehicle Weight is permitted on the property of the home occupation.
6. Storage. No exterior storage or display of products or merchandise is permitted.
7. Disturbances
 - a. No equipment or process shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises.
 - b. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or cause fluctuations in line voltage off the premises.
8. Traffic. Deliveries of products or materials used in a home occupation shall be limited to no more than one (1) delivery a day.
9. Employees. There shall be no employees other than residents of the property.

E. Home Occupation (Type II)

A home occupation is permitted in any zoning district, provided the following criteria are met and approved by the Board of Zoning Appeals as a Special Exception.

1. Location
 - a. The home occupation shall be conducted in the principal dwelling of the principal practitioner.
 - b. The home occupation shall not be conducted in any accessory building.
2. Maximum Floor Coverage
 - a. The use, including storage of products or materials, shall not exceed twenty-five percent (25%) of the floor area of the dwelling unit.
 - b. A minimum of seventy-five percent (75%) of the floor area shall remain in residential use.
3. Appearance. There shall be no change in the outside appearance of the building or premises.
4. Signage. One (1) non-illuminated sign not exceeding two (2) square feet in area is permitted.
5. Commercial vehicles. The number and types of commercial vehicles shall be determined and/or limited by the Board of Zoning Appeals.
6. Storage. No exterior storage or display of products or merchandise is permitted.
7. Disturbances
 - a. No equipment or process shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises.
 - b. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or cause fluctuations in line voltage off the premises.

8. Traffic. Deliveries of products or materials used in a home occupation shall be limited to no more than one (1) delivery a day.
9. Employees. There shall be no employees other than residents of the property.

F. Home Occupations (Type III)

A home occupation is permitted in any zoning district, provided the following criteria are met and approved by the Board of Zoning Appeals as part of a Special Exception.

1. Location

- a. The home occupation may be conducted in the principal dwelling of the practitioner.
- b. The home occupation may be conducted in accessory buildings on the same real estate as the principal dwelling of the practitioner.
- c. The home occupation shall not be allowed in any major subdivision.

2. Maximum Floor Coverage

The use of the dwelling unit for the home occupation shall conform to the following specifications:

- a. The use, including storage of products or materials, shall not exceed twenty-five percent (25%) of the floor area of the dwelling unit; and
- b. A minimum of seventy-five percent (75%) of the floor area shall remain in residential use.

3. Appearance

- a. There shall be no change in the outside appearance of any existing or proposed building(s) that would detract from the character of the surrounding area.
- b. Additional screening or buffering may be reasonably required by the Board of Zoning Appeals.

4. Signage

Only one (1) non-illuminated sign not exceeding eight (8) square feet in area is permitted.

5. Commercial Vehicles and Equipment. The number and types of commercial vehicles and/or equipment shall be determined and/or limited to the Board of Zoning Appeals.

6. Parking. The parking area shall be determined and/or limited by the Board of Zoning Appeals.

7. Storage. The amount of outside storage shall be determined and/or limited by the Board of Zoning Appeals.

8. Disturbances

- a. No equipment or process shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises.
- b. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or cause fluctuations in line voltage off the premises.

9. Traffic

- a. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood.
- b. The number of deliveries shall be determined by the Board of Zoning Appeals.

10. Employees. The number of employees shall be determined and/or limited by the Board of Zoning Appeals.

G. Permit Application Procedure

The application for a Home Occupation (Type II) or (Type III) shall contain the following information:

- 1. Name, address and phone number of applicant and property owner;
- 2. Legal description of property;

3. Tax parcel number(s) of property;
4. Diagram, drawn to scale, showing the following:
 - a. Existing and proposed structures,
 - b. Existing and/or proposed parking,
 - c. Lot dimensions,
 - d. Proposed location of signage, and
 - e. Street name and address;
5. Diagram, drawn to scale, showing the floor plans of existing or proposed structures and the proposed area to be used for the home occupation; and
6. Letter of Intent:
 - a. Describing the daily operation of the business,
 - b. Days and hours of operation,
 - c. Description of equipment or vehicles to be used in the business, and
 - d. Employees.

The Application, Letter of Intent and any other documentation must be signed by the applicant and property owner.

58.03 FENCES, WALLS AND HEDGES

Fences, walls, and hedges are permitted in all districts, subject to the following conditions:

A. Exemptions

If engaged in agricultural operations or activities, properties within the Agriculture District or any agricultural properties, located in any district where permitted, shall be exempt from these provisions.

B. Location

With the exception of Subsection A above, no fence or wall shall be closer than the right-of-way line.

C. Height

Fences and walls shall not exceed eight (8) feet in height in the rear and side yards and shall not exceed four (4) feet in height in the front yard.

D. Materials

1. Fences shall not contain an electric charge except when located in the “A” Agriculture District or on properties with an agricultural use.
2. Barbed wire shall only be permitted in the “A” Agriculture District or on any agricultural property, the WI Wholesale Industrial District and the MI Major Industrial Districts.
3. Finished faces of any fence shall be so erected as to face the adjoining property.

E. Opacity

No fence located in a front yard shall be greater than fifty percent (50%) opaque.

F. Side Distance Requirements

No fence, wall, or hedge shall violate the sight distance requirements found in Section 58.06, Sight Triangle – Visibility Across Corner Lots.

G. Permits

With the exception of privacy fences, no fence shall require a fence permit. Privacy fences shall provide a description as to the location and type of material to the Building Commissioner prior to issuance of a permit.

58.04 ACCESSORY USE STANDARDS IN RESIDENTIAL DISTRICTS

Accessory use standards in residential districts shall be as follows:

- A. The **total** of all accessory buildings, accessory structures and accessory uses shall not occupy more than five (5) percent of the total lot or 600 square feet, whichever is greater;
- B. All accessory buildings and structures shall be required to have a setback distance of five (5) feet for accessory buildings 120 square feet or less and ten (10) feet for accessory buildings greater than 120 square feet, from the side and rear property line. No accessory structure shall be placed within any required front yard setback for the district in which it is situated;
- B. In the case of a corner lot, no accessory structure shall be erected or altered so as to project beyond the front yard required on any adjacent lot, nor shall it be located closer to either street line than the main building constructed on the lot; and
- C. Any detached accessory structure shall be located at least five (5) feet from any accessory or principal structure.

58.05 SWIMMING POOLS

A. Private Swimming Pools

No private swimming pool, exclusive of portable swimming pools with a diameter less than twelve (12) feet or with an area of less than one hundred (100) square feet, shall be permitted in any commercial or residential district, except as an accessory use and unless it complies with the following conditions and requirements:

1. The pool is intended and is to be used solely for the enjoyment of the occupants, and their invited guests, of the principal building on the property on which it is located;
2. The pool may not be located closer than ten (10) feet to any rear property line and fifteen (15) feet from the side property line and shall be located behind the building setback line;
3. The swimming pool and all of the area used by the bathers shall be walled or fenced to prevent uncontrolled access by persons from the street or adjacent properties. Said fence or wall shall not be less than four (4) feet in height, must be constructed of a substantial material with openings not greater than six (6) inches, be a minimum of five (5) feet from the edge of the pool, and shall be maintained in good condition with a gate and lock except for above ground pools with fencing which meets the provisions of subparagraph 4 below; and
4. The fencing for an above ground pool under four (4) feet in depth may be located on the outer pool walls. The combined height of the pool wall and fence shall be a minimum of four (4) feet above ground at all points, the four (4) foot wall of the above ground pool shall fulfill the requirement of a four (4) foot fence. All pool access points are to be provided with a lockable fence gate, or a removable or retractable ladder to prohibit access to the pool when not in use.

B. Community or Club Swimming Pools

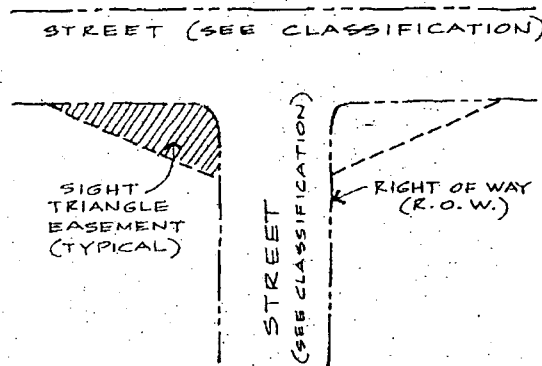
Community or club swimming pools, where permitted, shall comply with the following conditions and requirements:

1. The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated;
2. The pool and accessory structures, thereto, including the areas used by the bathers, shall not be closer than fifty (50) feet to any property line; and

3. The swimming pool and all of the area used by the bathers shall be walled or fenced to prevent uncontrolled access by persons from the street or adjacent properties. The fence or wall must be constructed of a substantial material with openings not greater than six (6) inches. Said fence or wall shall not be less than six (6) feet in height and maintained in good condition.

58.06 SIGHT TRIANGLE -VISIBILITY ACROSS CORNER LOTS

In any zoning district on any corner lot, no fence, sign, structure or planting shall be erected or maintained within a triangle formed twenty-five (25) feet from the intersection of the right-of-way lines which may interfere with traffic visibility across the corner. Any planting within that triangle shall not exceed two and one half (2½) feet in height above the curb level.



58.07 WASTE CONTAINER SCREENING REQUIREMENTS

With the exception of single family residential districts, no owner, tenant or occupant of any lot in any district may store, place, or keep, or permit to be stored, placed or kept on that lot, any combination of dumpsters, compactors, grease dumpsters or any other waste or garbage containers (hereinafter referred to as “containers”), that exceed a total of 120 gallons in capacity, outside an enclosed building, except for collection purposes as is otherwise permitted in this Ordinance, unless the following conditions are met.

- A. The containers shall be located on a concrete pad that is enclosed by a three sided structure constructed of masonry construction or wood sufficient to provide complete visual screening of the containers to a height of twelve (12) inches above the top of the containers. The unit shall be constructed with materials similar to the principal structure. The structures shall not be located closer than twenty (20) feet from any dwelling on an adjacent residential lot. The structure shall not project into or be located on a front or side yard. It may be located in a rear yard but shall be not less than five (5) feet from any rear or side lot lines. On corner lots, it shall be set back from the side street not less than the required

setback for the adjacent main building on the butt lot plus an additional five (5) feet.

- B. Landscaping shall be provided around the structure as is required by Article 50, Buffering and Landscaping, to insure that the visual impact of the structure is harmonious with the general appearance of the surrounding structures and uses.
- C. If the opening of the unit is in sight of the public right-of-way, it shall be covered by a door constructed of a solid material which shall remain closed when not in use, and it shall be maintained in good condition.

58.08 ACCESSORY USES NOT PERMITTED UNLESS SPECIFICALLY PERMITTED BY THE SPECIFIC ZONING DISTRICT REGULATIONS

The following accessory uses are not permitted in any zoning district within Hendricks County.

- A. With the exception of properties utilized for agricultural use, truck parking (except the temporary parking for the delivery of goods and/or services) and the outdoor storage of trucks over 7,500 lbs. gross vehicle weight and or eight (8) feet in height, buses, mobile homes and semi-tractor and/or trailers shall not be permitted as an accessory use in Residential Districts.
- B. Outdoor storage, such as, but not limited to: junk, lumber, building materials, parking of inoperative, junk, abandoned or unlicensed motor vehicles or similar items of property that are unusable, discarded or in a state of disrepair, shall not be permitted in any District unless specifically permitted by the specific zoning district regulations.
- C. All wild and exotic animals that are inherently dangerous to humans shall be prohibited. All other wild and exotic animals shall be restricted to those requiring state or federal permits and special exception approval by the Board of Zoning Appeals.

58.09 SEXUALLY ORIENTED BUSINESSES

- A. Purpose

It is the purpose of this Ordinance to regulate sexually oriented businesses to promote the health, safety, morals, and general welfare of the citizens of the County, and to establish reasonable and uniform regulations to prevent the continued deleterious location and concentration of sexually oriented businesses within the County. The provisions of this Ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this Ordinance to restrict or deny access by adults to sexually oriented

materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this Ordinance to condone or legitimize the distribution of obscene material.

B. Classification

Sexually oriented businesses are classified and defined in Chapter 2 as follows:

1. Adult arcades;
2. Adult bookstores or adult video stores;
3. Adult cabarets;
4. Adult Entertainment Facilities;
5. Adult motels;
6. Adult motion picture theaters;
7. Adult theaters;
8. Escort agencies;
9. Massage Establishments;
10. Nude model studios; and
11. Sexual encounter centers.

C. Permit

1. A person commits a violation of this Ordinance if he/she operates a sexually oriented business without a valid permit issued by the county for the particular type of business.
2. An application for a permit must be made on a form provided by the Hendricks County Building Commissioner. The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.
3. The applicant must be qualified according to the provisions of this Section and the premises must be inspected and found to be in compliance with the law by the health department, fire department, and Building Commissioner.
4. The permittee shall, within thirty (30) days after the issuance of the permit referred to herein, deliver to the Building Commissioner a list containing the names and addresses of all employees. The permittee shall update the list within thirty (30) days of any change or addition of employees. This list, or update, shall be signed, under oath, by the permittee.

5. If a person who wishes to operate a sexually oriented business is an individual, he must sign the application for a permit as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a ten (10) percent or greater interest in the business must sign the application for a permit as applicant.
6. The fact that a person possesses other types of state or county permits does not exempt him from the requirement of obtaining a sexually oriented business permit.

D. Issuance of Permit

The Hendricks County Building Commissioners shall approve the issuance of a permit to an applicant within thirty (30) days after receipt of an application unless he finds one or more of the following to be true.

1. An applicant is under eighteen (18) years of age.
2. An applicant or an applicant's spouse is overdue in his payment to the County of taxes, fees, fines, or penalties assessed against or imposed upon him in relation to a sexually oriented business.
3. An applicant has failed to provide information reasonably necessary for issuance of the permit or has falsely answered a question or request for information on the application form.
4. An applicant is residing with a person who has been denied a permit by the County to operate a sexually oriented business within the preceding twelve (12) months, or residing with a person whose permit to operate a sexually oriented business has been revoked within the preceding twelve (12) months.
5. The premises to be used for the sexually oriented business have not been approved by the health department, fire department, and the Building Commissioner as being in compliance with applicable laws and Ordinance.
6. The permit fee required by this Ordinance has not been paid.
7. An applicant of the proposed establishment is in violation of, or is not in compliance with any of the provisions of this Ordinance.
8. The permit, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The permit shall be posted in a conspicuous

place at or near the entrance to the sexually oriented business so that it may be easily read at any time.

E. Fees

The annual fee for a sexually oriented business permit is one thousand two hundred (\$1,200.00) dollars.

F. Inspection

1. An applicant or permittee shall permit representatives of the Hendricks County Sheriff's Department, and any local fire department, Hendricks County Building Commissioner, or other County departments or agencies to inspect the premises of a sexually oriented business for the purpose of insuring compliance with the law, at any time it is occupied or open for business.
2. A person who operates a sexually oriented business or his agent or employee commits a violation of this Ordinance if he refuses to permit such lawful inspection of the premises at any time it is occupied or open for business.

G. Expiration of Permit

1. Each permit shall expire one (1) year from the date of issuance and may be renewed only by making application as provided in Section 58.09C. Application for renewal should be made at least thirty (30) days before the expiration date, and when made less than thirty (30) days before the expiration date, the expiration of the permit will not be affected.
2. When the Hendricks County Building Commissioner denies renewal of a permit, the applicant shall not be issued a permit for one (1) year from the date of denial. If, subsequent to denial, the Hendricks County Building Commissioner finds that the basis for denial of a renewal permit has been corrected or abated, the applicant may be granted a permit at least ninety (90) days have elapsed since the date denial became final.

H. Suspension

The Hendricks County Building Commissioner shall suspend a permit for a period not to exceed thirty (30) days if he determines that a permittee or an employee of a permittee has:

1. Violated or is not in compliance with any section of this Ordinance;

2. Engaged in excessive use of alcoholic beverages while on the sexually oriented business premises;
3. Refused to allow an inspection of the sexually oriented business premises as authorized by this chapter; and
4. Knowingly permitted gambling by any person on the sexually oriented business premises.

I. Revocation

1. The Hendricks County Building Commissioner shall revoke a permit if a cause of suspension in Section 58.09 (H) occurs and the permit has been suspended with the preceding twelve (12) months.
2. The Hendricks County Building Commissioner shall revoke a permit if he/she determines that:
 - a. A permittee gave false or misleading information in the material submitted to the Planning and Building Department during the application process;
 - b. A permittee or an employee has knowingly allowed possession, use or sale of controlled substances on the premises;
 - c. A permittee or an employee has knowingly allowed prostitution on the premises;
 - d. A permittee or an employee had knowingly operated the sexually oriented business during a period of time when the permittee's permit was suspended;
 - e. A permittee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual conduct to occur in or on the permitted premises; or
 - f. A permittee is delinquent in payment to the County or State for any taxes or fees past due.
3. When the Hendricks County Building Commissioner revokes a permit, the revocation shall continue for one (1) year, and the permittee shall not be issued a sexually oriented business permit for one (1) year from the date revocation became effective. If, subsequent to revocation, the Hendricks County Building Commissioner finds that the basis for the revocation has been corrected or abated, the applicant may be granted a permit if at least

ninety (90) days have elapsed since the date the revocation became effective.

J. Transfer Permit

A permittee shall not transfer his permit to another, nor shall a permittee operate a sexually oriented business under the authority of a permit any place other than the address designated in the application.

K. Location of Sexually Oriented Businesses

1. A person commits a violation of this Ordinance if he owns real estate upon which a sexually oriented business is located or operates or causes to be operated a sexually oriented business without a Special Exception permit. All sexually oriented businesses shall be permitted only as Special Exceptions.
2. A person commits a violation of this Ordinance if he owns real estate upon which a sexually oriented business is located or operates or causes to be operated a sexually oriented business within one thousand (1,000) feet of:
 - a. A church;
 - b. A public or private elementary or secondary school;
 - c. A boundary of any residential district;
 - d. A public park adjacent to any residential district; or
 - e. The property line of a lot devoted to residential use.
3. A person commits a violation of this Ordinance if he owns real estate upon which a sexually oriented business is located, causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business within one thousand (1,000) feet of another sexually oriented business.
4. A person commits a violation of this Ordinance if he owns real estate upon which a sexually oriented business is located, causes or permits the operation, establishment, or maintenance of more than one sexually oriented business in the same building, structure, or portion thereof, or the increase of floor areas of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business.
5. For the purpose of this Ordinance, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church or public or private elementary or

secondary school, or to the nearest boundary of an affected public park, residential district or residential lot.

6. For the purpose of Subsection (C) of this section, the distance between any two (2) sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.
7. Any sexually oriented business lawfully operating on October 16, 1989 that is in violation of Subsection (A) through (F) of this section shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed one hundred eighty (180) days, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such nonconforming uses shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. If two or more sexually oriented businesses are within one thousand (1,000) feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later-established business is nonconforming.
8. A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business permit, of a church, public or private elementary or secondary school, public park, residential district, or a residential lot within one thousand (1,000) feet of a sexually oriented business. This provision applies only to the renewal of a valid permit, and does not apply when an application for a permit is submitted after a permit has expired or has been revoked.

L. Additional Regulations for Adult Motels

1. Evidence that a sleeping room in a hotel, motel, or a similar commercial establishment has been rented and vacated two or more times in a period of time that is less than ten (10) hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this chapter.
2. A person commits a violation if, as the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have a sexually oriented permit, he rents or subrents a sleeping room to a person, and, within ten (10) hours from the time the sleeping room is rented, he rents or subrents the same sleeping room again.

3. For purposes of Subsection (2) of this section, the terms "rent" or "subrent" mean the act of permitting a room to be occupied for any form of consideration.

M. Regulations Pertaining to Exhibition of Sexually Explicit Films or Videos

1. A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room, a film, video cassette, or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:
 - a. Upon application for a sexually oriented permit, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches. The Hendricks County Building Commissioner may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared;
 - b. The application shall be sworn to be true and correct by the applicant;
 - c. No alteration in the configuration or location of a manager's station may be made without the prior approval of the sheriff or his designee;
 - d. It is the duty of the owners and operators of the premises to ensure that at least one (1) employee is on duty and situated in each manager's station at all times that any patron is present inside the premises;
 - e. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of

every area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two (2) or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one (1) of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station;

- f. It shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present in the premises to ensure that the view area specified in Subsection (5) remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filled pursuant to Subsection (1) of this section;
 - g. No viewing room may be occupied by more than one (1) person at any time;
 - h. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one (1) footcandle as measured at the floor level; and
 - i. It shall be the duty of the owners and operator and it shall also be the duty of any agents and employees present in the premises to ensure that the illumination described above is maintained at all times that any patron is present in the premises.
2. A person having a duty under Subsection (a) through (i) of Subsection (1) above commits a violation if he/she knowingly fails to fulfill that duty.

N. Exemptions

- 1. It is a defense to prosecution under Section 58.12 (D) and 58.12 (K) that a person appearing in a state of nudity did so in a modeling class operated:
 - a. By a school, licensed by the State of Indiana; a college, junior college, or university supported entirely or partly by taxation;
 - b. By a private college or university which maintains and operates educational programs in which credits are transferable to a college,

junior college, or university supported entirely or partly by taxation; or

c. In a structure:

1. which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing;
2. where in order to participate in a class a student must enroll at least three (3) days in advance of the class; and
3. where no more than one (1) nude model is on the premises at any one time.

O. Injunction

A person who owns real estate upon which a sexually oriented business is located, operates or causes to be operated a sexually oriented business without a valid permit or in violation of Section 58.09 this Ordinance is subject to a suit for injunction as well as prosecution for violations. Such violations shall be punishable by a fine of three hundred dollars (\$300.00) per violation. Each day that a violation is permitted to exist shall constitute a separate offense. Suit may be commenced by the Hendricks County attorney or the Prosecuting Attorney of the 55th Judicial Circuit of Indiana.

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 Foot-Candles |
|---|---|
| AG, AG-B RA, RB, RC, RD, RE, RF NB, MHP, PUD-R Public right-of-way | 0.10 |
| GB, OB, RD, TC, PUD-RC | 0.25 |
| RSS, HB, WI, MI, PUD-CI | 0.50 |
| | |

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. The maximum illumination on any vertical surface or angular roof surface shall not exceed 1.0 foot-candle;
2. 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;
3. 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
4. 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.

C. Parking Areas

All lighting fixtures serving parking lots shall be full cutoff fixtures. The minimum illumination level for a parking lot shall be no more than 0.4 horizontal foot-candles at grade level and the ratio of the average illumination to the minimum illumination shall not exceed 4:1. Parking lot light fixtures located less than a distance equal to 3 times the fixture mounting height from a residential or public right-of-way property line, or 2 times the fixture mounting height from other property lines, shall be fully shielded with respect to that property line. Such shielding shall obstruct a line of sight to the bulb with an opaque material when viewed from the property line. 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

Areas designated as exterior display or open sales areas shall be illuminated so that the average 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. Light fixtures located less than a distance equal to 3 times the fixture mounting height from a residential or public right-of-way property line, or 2 times the fixture mounting height from other property lines, shall be fully shielded with respect to that property line. Such shielding shall obstruct a line of sight to the bulb with an opaque material when viewed from the 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 minimum horizontal illumination under canopies shall not exceed 5.0 foot-candles at grade level, and the average maintained horizontal illumination shall not exceed fifteen (15) foot-candles. 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.
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 the maximum lumens generated by each fixture not designed or installed as full cutoff shall not exceed 2,000. In no case shall the resulting illumination exceed levels contained in the Recommended Practices published by the Illuminating Engineering Society of North America.

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 1 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 three (3) 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 two (2) 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.

J. 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 is prohibited *[could make grand openings an exception, if permit obtained]*.

K. 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. Proposed mounting height of all exterior lighting fixtures;
4. Analysis and illuminance level diagrams showing that the proposed installation conforms to the lighting level standards in this Ordinance; and
5. For buildings to be illuminated in accordance with the requirements of this Ordinance, the applicant shall include drawings of all relevant building elevations showing the fixtures, the portions of the walls to be illuminated, the illuminance levels of the walls, and the aiming points for any remote light fixtures.

CHAPTER 60 SIGNS

60.01 PURPOSE

The purpose of these sign regulations are: to encourage the effective use of signs as a means of communication in the County; to maintain and enhance the aesthetic environment and the County's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign restrictions.

60.02 APPLICABILITY EFFECT

A sign may be erected, placed, established, painted, created, or maintained in the County only in conformance with the standards, procedures, exemptions, and other requirements of this Chapter. The effect of this Chapter as more specifically set forth as follows:

- A. To establish a permit system to allow a variety of types of signs in commercial and industrial zones, subject to the standards and the permit procedures of this Ordinance;
- B. To permit certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this Ordinance, but without a requirement for permits;
- C. To provide for temporary signs without commercial messages in limited circumstances in the public right-of-way;
- D. To prohibit all signs not expressly permitted by this Chapter; and
- E. To provide for the enforcement of the provisions of this Chapter.

60.03 PERMITS REQUIRED

- A. If a sign requiring a permit under the provision of this Ordinance is to be placed, constructed, erected, or modified on a property, the owner of the lot shall secure a sign permit prior to the construction, placement, erection, or modification of such sign in accordance with the requirements of Section 60.12.
- B. No signs shall be erected in the public right-of-way except in accordance with Section 60.08.
- C. No sign permit of any kind shall be issued for an existing or proposed sign unless such sign is consistent with the requirements of this Ordinance.

60.04 EXEMPT SIGNS

The following Signs 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, 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.

A. Development Construction Sign

1. Commercial and Industrial Sites and Subdivisions – One (1) Construction Sign, which may identify the name of the project, owner, developer, architects, engineers, lender or other professional involved in the design and construction of the project shall be permitted per project construction site and subdivision, on each exterior street frontage after development plan review provided such Sign:
 - a. Shall not be illuminated;
 - b. Shall maintain a minimum setback of ten (10) feet from the right-of-way and shall be outside of any required sight triangle;
 - c. Shall not exceed thirty-two (32) square feet in sign surface area when located at the minimum setback, provided that the sign surface area may be increased by five (5) feet for each additional one (1) foot of setback to a maximum sign surface area of fifty (50) square feet;
 - d. Shall not exceed ten (10) feet in height above grade; and
 - e. Shall be removed within ten (10) days after fifty (50) percent of the project is complete or two (2) years after it was installed.
2. Site Construction Sign (commercial and industrial)
 - a. One per site lot;
 - b. Shall not be illuminated;
 - c. Shall maintain a minimum setback of ten (10) feet from the right-of-way;
 - d. Shall maintain a maximum sign surface area of sixteen (16) square feet;
 - e. Shall not exceed ten (10) feet in height above grade; and

- f. Shall be removed at time of occupancy or one (1) year after start of construction.
- 3. Single or Two Family Dwelling Subdivision or Multi-Family Dwelling Project – One (1) Construction Sign, which may include the name of the subdivision or project, owner, developer, engineer, homebuilder, lender or other professional involved in the design and construction of the subdivision or project, shall be permitted per single or two family dwelling subdivision or multi-family dwelling project on each exterior street frontage after the issuance of Preliminary Plat approval for a single or two family dwelling subdivision or for a multi-family dwelling project, provided that such sign:
 - a. Shall not be illuminated;
 - b. Shall maintain a minimum setback of ten (10) feet from the proposed right-of way and shall be outside of any required sight triangle;
 - c. Shall not exceed thirty-two (32) square feet in sign surface area when located at the minimum setback, provided that the sign surface area may be increased by five (5) square feet for each additional one (1) foot of setback to a maximum sign surface area of fifty (50) square feet; and
 - d. Shall be removed not later than ten (10) days after having sold or leased eighty (80) percent of the single, two family lots or multi-family development.
- B. Flag, or insignia of governmental or nonprofit organizations when not displayed in connection with a commercial promotion or as advertising.
- C. Official Signs of non-commercial nature erected by utilities.
- D. Signs erected on behalf of or pursuant to authorization of a governmental body, including but not limited to: legal notices; information signs; and traffic, directional or regulatory signs.
- E. Integral, decorative, or architectural features of buildings or works of art, so long as such features or works do not contain letters or trademarks.
- F. Libraries, schools and religious uses.
 - 1. Identification signs for libraries, schools and religious uses shall comply with the following:

- a. There shall be no more than one (1) identification sign permitted per street frontage;
 - b. The sign surface area of the identification sign shall not exceed thirty-two (32) square feet;
 - c. The identification sign shall not exceed six (6) feet in height above grade;
 - d. The identification sign shall have a minimum setback of ten (10) feet from the proposed right-of-way and shall be outside of any required sight triangle; and
 - e. The identification sign shall refer only to the services conducted on the premises.
- 2. Directional signs for libraries, schools and religious uses shall comply with the following:
 - a. No more than one (1) directional sign shall be permitted per driveway;
 - b. The directional sign shall not be externally illuminated;
 - c. The sign surface area of the directional sign shall not exceed six (6) square feet;
 - d. The directional sign shall have a minimum setback of three (3) feet from the proposed right-of-way that does not block the sight distance at the intersection or driveway; and
 - e. The directional sign shall not exceed four (4) feet in height above grade.
- G. Seasonal or holiday signs, including lighting erected in connection with the observance of holidays, provided that such signs display has no commercial message.
- H. Non-residential special event signs, such as grand opening, fair, carnival, circus, festival, or similar event signs shall be permitted on the lot where the special event is to occur, provided that:
 - 1. Banners shall be limited to a maximum of thirty (30) days and shall be attached to the primary building (Days are calculated per banner.);

2. Balloon signs are limited to a total of fourteen (14) days within a calendar year (Days are calculated per balloon sign.); and
 3. Search lights are limited to a total of 14 days within a calendar year. (Days are calculated per search light.) Lights including, but not limited to, beacons, strobes and lasers shall be shielded or located so that there is no glare to the motoring public or adjoining properties. Promotional lights are permitted to 10:00 p.m., Sunday through Thursday, and 12:00 midnight on Friday and Saturday.
- I. On-premise real estate signs indicating the sale, rent, or lease, together with information identifying the owner or agent, of the lot on which the sign is located, provided that:
1. Number of On-Premise Real Estate Signs:
 - a. On any lot with less than four hundred (400) feet of street frontage or less than five (5) acres in area, not more than one (1) real estate sign shall be permitted per street frontage; or
 - b. On lots in excess of five (5) acres in area and with street frontage in excess of four hundred (400) feet, not more than two (2) real estate signs shall be permitted per street frontage.
 2. Size of On-Premise Real Estate Signs:
 - a. In any Residential District, real estate signs shall not exceed sixteen (16) square feet in sign surface area; or
 - b. In any other zoning district, real estate signs shall not exceed thirty-two (32) square feet in sign surface area.
 3. Removal of On-Premise Real Estate Signs:

Real estate Signs shall be removed immediately after sale.
- J. Miscellaneous signs, including but not limited to:
1. Signs posted on private property relating to "private property," "private parking," "no trespassing" or "danger" from animals;
 2. Signs indicating the location of public telephones and restrooms, underground public utilities, and similar location signs, provided that such signs do not exceed four (4) square feet in sign surface area; and

3. Signs which are integral to the building and indicating the name of the building, date of erection, monumental citations, commemorative tablets and the like, when carved into stone, concrete or similar material or made of bronze, aluminum or other permanent type construction and made an integral part of the building.
- K. Window signs, provided that window signs shall not cover more than fifty (50) percent of the surface area of the window or door to which they are attached. The sign surface area of a window sign that complies with this regulation shall not be included in the calculation of the total sign surface area of building identification signs permitted.
- L. Political campaign signs, provided that such signs:
1. Shall not be located in any public right-of-way or within a sight triangle;
 2. Shall not be illuminated; and
 3. Shall not be erected sooner than thirty (30) days prior to election day and shall be removed not later than fifteen (15) days after election day.
- M. Civic, philanthropic, educational, or religious campaigns.
1. Identification signs for civic, philanthropic, educational, or religious campaigns.
 - a. Shall be removed within forty-eight (48) hours after the event; and
 - b. Shall not be located in any public right-of-way;
 2. Directional signs for philanthropic, educational, or religious campaigns shall:
 - a. Not exceed one (1) per lot;
 - b. Not exceed three (3) square feet in sign surface area;
 - c. Not be erected more than fourteen (14) days prior to the event;
 - d. Be removed within forty-eight (48) hours after the event;
 - e. Shall not be located in any public right-of-way; and
 - f. Not be posted on any trees or utility poles.

- N. Social or charitable organizations permanent directional signs indicating only the names or locations of churches, charitable organizations or community service organizations, provided that such signs:
 - 1. Shall not exceed four (4) square feet in sign surface area;
 - 2. Shall not be located in any public right-of-way or within a sight triangle.
- O. On-Premise garage sale and yard sale signs, provided that all Signs erected for a permitted garage sale shall:
 - 1. Not exceed ten (10) square feet in sign surface area;
 - 2. Not be posted on any tree or utility pole;
 - 3. Not be located in any public right-of-way;
 - 4. Not be erected more than twenty-four (24) hours prior to the start of the garage sale or yard sale;
 - 5. Be removed not more than twenty-four (24) hours after the conclusion of the garage sale or yard sale; and
 - 6. Not be erected more than twice in a calendar year.

60.05 PROHIBITED SIGNS

The following signs shall be prohibited in all zoning districts.

- A. Signs located on, in or above the right-of-way of any street or alley, except for: official signs or signs erected on behalf of or pursuant to authorization of a governmental body; and projecting signs as may be permitted by later Sections of this Chapter.
- B. Signs which interfere with street intersections. No sign, permanent or temporary, shall be erected so that it interferes with the sight triangle as established in this Zoning Ordinance.
- C. Signs that interfere with, obstruct the view of, or are confused with any authorized traffic sign, signal, or device.
- D. Outline lighting of lot lines or open sales areas.
- E. Portable signs, including but not limited to: A- or T-frame Signs; Signs on trailer frames, menu and sandwich board signs; balloon signs (except as permitted in 60.04(H)); umbrellas used for advertising; and, signs attached to or painted on a

vehicle parked and visible from the public right-of-way, provided, however, a vehicle which is used in the normal day-to-day operation of the business shall not be considered a portable sign.

- F. Any rotating beam, beacon, intermittent light, lights of changing degrees of intensity, or flashing illumination in connection with any sign surface, except signs indicating the time, date, weather conditions (except as permitted by 60.04 (H)).
- G. Signs attached to trees.
- H. Signs attached to utility poles, except for signs erected on behalf of or pursuant to authorization of a governmental body.
- I. Pennants, banners, streamers and wind signs, except that banners may be used in connection with a special event as provided for by Section 60.04(H).
- J. Signs that bear or contain statements, words or pictures of an obscene, pornographic, immoral character, or which contain advertising matter which is untruthful or will offend public morals or decency.
- K. Signs or any portion thereof which moves or assumes any motion or gives the illusion of moving.

60.06 ON-PREMISE SIGNS: AGRICULTURAL , COMMERCIAL, INDUSTRIAL DISTRICTS

The following signage is permitted in the Agricultural, Commercial and Industrial Districts:

- A. Freestanding Identification Signs for Single Use Sites (excluding single use sites within an integrated center).
 - 1. Type of Signs

Freestanding identification signs shall be permitted as follows:

 - a. One (1) Ground Sign – AG/B, NB, GB, OB, RSS, HB, RDD, WI and MI Districts; or
 - b. One (1) Pole Sign – GB and HB Districts.
 - 2. Number of Signs
 - a. One (1) freestanding identification sign shall be permitted for each street frontage of a lot; and

- b. When a lot has more than one (1) street frontage and qualifies for an additional freestanding identification sign, the minimum separation shall not be less than a one hundred (100) foot radius between freestanding identification signs on the lot, regardless of the orientation of the freestanding identification signs.
3. Maximum Sign Surface Area of Freestanding Signs
 - a. Maximum sign surface area shall apply individually to each street frontage.
 - b. The maximum sign surface area shall not exceed:
 1. Sixty-four (64) square feet for single use sites with less than three hundred (300) feet of street frontage;
 2. One hundred (100) square feet for single use sites with between three hundred (300) and five hundred (500) feet of street frontage;
 3. One hundred and fifty (150) square feet for single use sites with between five hundred (500) and one thousand (1,000) feet of Street Frontage; or
 4. Two hundred (200) square feet for single use sites with over one thousand (1,000) feet of street frontage.
4. Minimum Front, Side and Rear Setback for Freestanding Identification Signs
 - a. Front Yard Setback – The minimum front yard setback for any freestanding identification sign shall be:
 1. Required Front Yard – Ten (10) feet from the proposed right-of-way as required by the Hendricks County Thoroughfare Plan; and
 2. Side and Rear Yard Setback – The minimum side or rear yard setback for a freestanding identification sign shall be the same as required for any building or structure in the applicable zoning district.
5. Maximum Height of Freestanding Identification Signs

The maximum height of a freestanding identification sign shall be determined by the location of the freestanding identification sign in relation to the required front, side or rear lot lines for the site.

a. Front, Side or Rear Yard Height to Setback Formula

Freestanding identification signs may have a maximum height of up to four (4) feet above Grade when located at the minimum required front, side or rear yard setback. The maximum height may be increased by one (1) foot in height for each additional one (1) foot of setback from the minimum required front, side or rear yard setback until the maximum height allowed for the applicable type of Sign Structure is reached.

b. Side and Rear Yard Height to Setback Formula

Freestanding identification signs may have a maximum height of up to four (4) feet above grade when located at the minimum required side or rear yard setback. The maximum height may be increased by one (1) foot in height for each additional one (1) foot of setback from the minimum required side or rear yard setback until the maximum height allowed for the applicable type of sign structure is reached.

c. Maximum Height by Type of Sign Structure

1. Ground Sign – The maximum height of a freestanding ground identification sign shall not exceed six (6) feet in height above grade.
2. Pole Sign – The maximum height of a freestanding pole identification sign shall not exceed twenty (20) feet in height above grade. Pole signs located within 500 feet of an interstate highway interchange may be permitted a maximum height of fifty (50) feet.

B. Freestanding Identification Signs for Integrated Centers (including single use sites within the integrated center).

1. Type of Signs

Freestanding Identification Signs shall be permitted as follows:

- a. Ground Sign – NB, GB, OB, RSS, HB, RDD, WI and MI Districts; and

- b. Pole Sign – GB and HB Districts.
2. Number of Signs
- a. One (1) freestanding identification sign, which shall include the name of the integrated center, shall be permitted for each street frontage of an integrated center.
 - b. When an integrated center has more than one street frontage and qualifies for an additional freestanding identification sign, the minimum separation between freestanding identification signs on the integrated center, regardless of the orientation of the freestanding identification signs, shall be one hundred (100) feet.
 - c. Exception – When an integrated center has frontage in excess of three hundred (300) feet on the same street, one (1) additional freestanding identification sign shall be permitted on that street, provided that:
 - 1. The minimum separation between freestanding identification signs along the same street is three hundred (300) feet;
 - 2. The additional freestanding identification sign is oriented to the street with frontage in excess of three hundred (300) feet;
 - 3. The minimum separation between freestanding identification signs in the integrated center, regardless of the orientation of the freestanding identification signs, shall be one hundred (100) feet; and
 - 4. The total sign surface area of all freestanding identification signs does not exceed the maximum sign surface area permitted below.
3. Maximum Sign Surface Area of Freestanding Signs for an Integrated Center
- a. Maximum sign surface area shall apply individually to each street frontage.
 - b. The maximum sign surface area shall not exceed:

1. Sixty-four (64) square feet for integrated centers with less than three hundred (300) feet of street frontage;
 2. One hundred-forty (140) square feet for integrated centers with between three hundred (300) and five hundred (500) feet of street frontage;
 3. Two hundred (200) square feet for integrated centers with between five hundred (500) and one thousand (1,000) feet of Street Frontage; or
 4. Four hundred (400) square feet for integrated centers with over one thousand (1,000) feet of street frontage, provided that the maximum sign surface area for any individual freestanding sign shall not exceed 300 square feet.
4. Minimum Front, Side and Rear Setback for Freestanding Identification Signs
 - a. Front Yard Setback – The minimum front yard setback for any freestanding identification sign shall be:
 1. Required Front Yard – Ten (10) feet from the proposed right-of-way.
 - b. Side and Rear Yard Setback – The minimum side or rear yard setback for a freestanding identification sign shall be the same as required for any building or structure in the applicable zoning district.

5. Maximum Height of Freestanding Identification Signs

The maximum height of a freestanding identification sign shall be determined by the location of the freestanding identification sign in relation to the required front, side and rear lot lines for the site.

a. Front Yard Height to Setback Formula

Freestanding identification signs may have a maximum height of up to four (4) feet above Grade when located at the minimum required front yard setback. The maximum height may be increased by one (1) foot in height for each additional one (1) foot of setback from the minimum required front yard setback until the maximum height allowed for the applicable type of Sign Structure is reached.

b. Side and Rear Yard Height to Setback Formula

Freestanding identification signs may have a maximum height of up to four (4) feet above grade when located at the minimum required side or rear yard setback. The maximum height may be increased by one (1) foot in height for each additional one (1) foot of setback from the minimum required side or rear yard setback until the maximum height allowed for the applicable type of sign structure is reached.

c. Maximum Height by Type of Sign Structure

Regardless of the location of the sign, the maximum height of the sign shall be as follows:

1. Ground Sign – The maximum height of a freestanding ground identification sign shall not exceed six (6) feet in height above grade; and
2. Pole Sign – The maximum height of a freestanding pole identification sign shall not exceed twenty (20) feet in height above grade. Pole signs located within 500 feet of an interstate highway interchange may be permitted a maximum height of fifty (50) feet.

C. Freestanding Identification Signs for Outlots in an Integrated Center

1. Type of Signs

Freestanding Identification Signs shall be permitted as follows:

- a. Ground Signs – NB, GB, OB, RSS, HB, RDD, WI and MI Districts.

2. Number of Signs for Outlots

In addition to the freestanding identification signs permitted above for an integrated center, individual outlots within an integrated center may qualify for an individual ground sign as set forth below:

- a. If business identification wall signs are located on zero (0), one (1) or two (2) facades of the building located on the outlot, one (1) ground identification sign may be located on the outlot; or,
- b. If business identification wall signs are located on three (3) or more facades of the building located on the outlot, there shall be no ground identification sign permitted on the outlot.

3. Maximum Sign Surface Area of Freestanding Ground Identification Signs for Outlots

The maximum sign surface area of freestanding ground identification signs on outlots shall be forty-eight (48) square feet.

4. Minimum Front, Side and Rear Setback for Freestanding Ground Identification Signs on Outlots

a. Front Yard Setback – The minimum front yard setback for any freestanding ground identification sign on an outlot shall be:

1. Required Front Yard – Ten (10) feet from the proposed right-of-way.

b. Side and Rear Yard Setback – The minimum side or rear yard setback for a freestanding ground identification sign shall be the same as required for any building or structure in the applicable zoning district.

5. Maximum Height of Freestanding Identification Signs.

The maximum height of a freestanding ground identification sign shall be determined by the location of the freestanding identification sign in relation to the required front, side and rear lot lines for the site.

a. Front Yard Height to Setback Formula

Freestanding ground identification signs may have a maximum height of up to four (4) feet above grade when located at the minimum required front yard setback. The maximum height may be increased by one (1) foot in height for each additional one (1) foot of setback from the minimum required front yard setback until the maximum height allowed for the applicable type of Sign Structure is reached.

b. Side and Rear Yard Height to Setback Formula

Freestanding identification signs may have a maximum height of up to four (4) feet above grade when located at the minimum required side or rear yard setback. The maximum height may be increased by one (1) foot in height for each additional one (1) foot of setback from the minimum required side or rear yard setback until the maximum height allowed for the applicable type of sign structure is reached.

c. Maximum Height by Type of Sign Structure

The maximum height of a freestanding ground identification sign shall not exceed six (6) feet in height above grade.

D. Building Identification Signs.

1. Type of Signs

Building identification signs shall be limited to wall signs.

2. Number of Building Identification Signs

There shall be no limit to the number of wall building identification signs per facade, provided that the total sign surface area of all wall signs located on each building facade shall not exceed the maximum sign surface area for the building façade upon which such signs are located.

3. Maximum Sign Surface Area of Building Identification Signs

The total sign surface area of all building identification signs oriented to an individual facade:

- a. Front Façade shall not exceed ten (10) percent of the total area of the front facade of the structure or tenant space.
- b. Side and Rear Facades shall not exceed five (5) percent of the side or rear façade of the structure or tenant space; and
- c. The linear measurement of a business identification wall sign shall not exceed eighty (80) percent of the linear width of the facade of the structure or tenant space on which the sign is located.

E. Incidental Signs

1. Types of Signs

Ground or wall signs.

2. Maximum Sign Surface Area of Incidental Directional Signs

Incidental directional signs shall not exceed six (6) square feet in sign surface area per sign.

3. Minimum Front, Side and Rear Yard Setback for Freestanding Incidental Directional Signs

- a. Front Yard Setback – Three (3) feet from the proposed right-of-way.
- b. Side and Rear Yard Setback – The minimum side or rear yard setback for an incidental sign shall be the same as required for any building or structure in the applicable zoning district.

4. Maximum Height of Incidental Directional Signs

The maximum height of a freestanding incidental directional ground sign shall not exceed four (4) feet in height above grade.

F. Suspended Signs in Integrated Centers

Suspended signs, that are attached to the underside of an awning or canopy that projects over a walkway, shall be permitted on any building containing two or more individual, non-related and separately operated uses subject to the following regulations:

1. There shall be no more than one (1) suspended sign per tenant per level;
2. The maximum sign surface area of a suspended sign shall not exceed five (5) square feet; and
3. All portions of the suspended sign or sign structure shall not be less than eight (8) feet above the finished grade.

60.07 ON-PREMISES SIGNS – A, R-A, R-B, R-C, R-D, R-E, R-F, AND MH DISTRICTS

A. Farm Dwellings, Single Family Dwellings, Two-Family Dwellings, Residential Facilities for the Mentally Ill, Residential Facilities for the Developmentally Disabled, and Child Care Home Uses

Farm dwellings, single family dwellings, two-family dwellings, residential facilities for the mentally ill, residential facilities for the developmentally disabled, and child care home uses shall be permitted one (1) ground identification sign, indicating only the name or address of the occupant, provided:

1. The maximum sign surface area shall not exceed two (2) square feet;
2. The sign shall be constructed of materials which blends in with the residential character of the neighborhood, such as but not limited to wood or stone;

3. The sign shall not encroach into any public right-of-way; and
4. The sign shall not interfere with the sight distance requirements of this Ordinance.

B. Multi-Family Dwelling Uses

Multi-family dwelling uses shall be permitted one (1) ground identification sign, provided:

1. The sign shall not exceed thirty-two (32) square feet in sign surface area;
2. The sign shall indicate only the name, address of the management thereof, or associated information;
3. The sign shall maintain a minimum front yard setback of ten (10) feet from the proposed right-of-way, and shall maintain a minimum side and rear yard setback consistent with the requirements for an accessory structure in the district to which the real estate is zoned; and
4. The sign shall not interfere with the sight distance requirements of this Ordinance.

C. Recorded, Platted Residential Subdivisions

Two (2) ground identification signs shall be permitted at each entrance to a recorded, platted residential subdivision, provided:

1. The signs shall be constructed of ornamental metal, stone masonry, or other permanent material(s);
2. The signs shall indicate only the name of the subdivision;
3. The signs shall not exceed thirty-two (32) square feet in sign surface each;
4. The signs shall not encroach into any public right-of-way;
5. The signs shall not interfere with the sight triangle requirements of this Ordinance; and
6. Only one (1) sign shall be permitted on either side of the entrance.

60.08 OFF-PREMISE ADVERTISING SIGNS

A. Districts Allowed

Off-premise advertising signs shall be permitted only in the "MI" Major Industrial Districts, provided however, that off-premise advertising signs shall not be permitted within six hundred sixty (660) feet of the right of way of the Hendricks County Thoroughfare Plan.

B. Type of Signs

Off-premise advertising signs shall be pole or ground signs.

C. Maximum Sign Surface Area for Off-Premise Advertising Signs

1. Sign Surface Area – An off-premise advertising sign shall not exceed three hundred (300) square feet in sign surface area.
2. Number of Displays – An off-premise advertising sign shall not contain more than two (2) advertising signs per sign surface.
3. Extensions Permitted – Temporary extensions or embellishments integrally incorporated into the sign surface having: a vertical height of no more than four (4) feet above the top of a sign; a maximum horizontal dimension of no more than one (1) foot beyond the sides of the sign; and, a maximum vertical dimension of one (1) foot below the bottom of the sign, shall be permitted.

D. Spacing Between Off-Premise Advertising Signs

The minimum distance between off-premise advertising signs shall be as specified below:

1. Linear Spacing – The minimum distance between off-premise advertising signs located along and oriented towards the same side of a public street shall be two thousand five hundred (2,500) linear feet and is subject to the following:
 - a. The spacing requirement shall be applied equally to both sides of the street at the same time, regardless of whether the off-premise signs are on the same side of the street;
 - b. The spacing requirement shall be applied continuously along a street to all off-premise signs oriented towards that street in either direction whether the off-premise signs are in the same block or are in different blocks separated by an intersecting street;

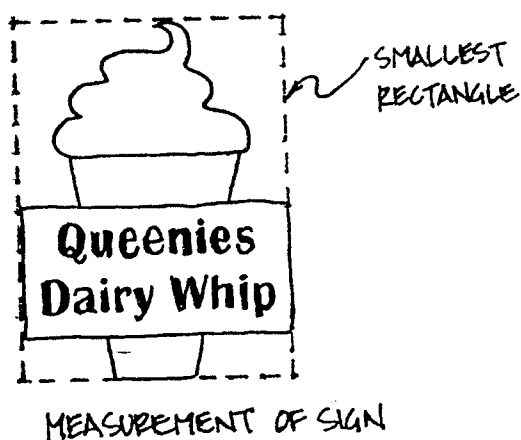
- c. For purposes of applying the spacing requirements to off-premise advertising signs, pole or ground signs shall be treated the same, whether double-faced or single-faced; and,
 - d. Off-premise advertising signs located at the same intersection are not in violation of the minimum 2,500 lineal foot spacing requirement specified herein, if they are located so that their messages are directed towards the different intersection approaches.
- 2. Measurement of Linear Spacing – The method of measurement of the spacing between off-premise advertising signs oriented towards the same street shall be along the centerline of the street to which the off-premise sign is oriented from the point in the street's centerline closest to the leading edge of the off-premise sign.
- 3. Radial Spacing – In no event shall an off-premise advertising sign be closer than one thousand (1,000) feet from any other off-premise advertising sign, regardless of location or orientation.
- E. Minimum Front, Side and Rear Yard Setback for Off-Premise Advertising Signs
 - 1. Front Yard Setback – The minimum front yard setback for an off-premise advertising sign shall be sixty (60) feet from the right-of-way of the Hendricks County Thoroughfare Plan.
 - 2. Side and Rear Yard Setback – The minimum side or rear yard setback for an off-premise sign shall be the same as required for an accessory structure in the applicable zoning district.
- F. Maximum Height of Off-Premise Advertising Signs
 - 1. The maximum height of an off-premise advertising ground sign shall not exceed six (6) feet in height above grade.
 - 2. The maximum height of an off-premise advertising pole sign shall not exceed thirty-five (35) feet in height above grade.
- G. Construction of Off-Premise Advertising Signs

The supports, uprights, bracing and framework of an off-premise advertising pole sign shall be of steel construction.
- H. Separation from Residential Districts

No off-premise advertising sign shall be located within six hundred sixty (660) feet of any residential district.

60.09 MEASUREMENT OF SIGNS

Signs are regulated in this Code by relating the gross area of signs to the size of the building unit to which the sign is accessory and to the district in which a use is located. In applying such regulations, the gross area of signs for a building or use shall include all of the surfaces placed or designed to be visible from any location on a public right-of-way, and shall be measured as the area enclosed by one rectangle, the sides of which make contact with the extreme point or edges of the sign, excluding the supporting structure if such structure does not form a part of the advertisement of the sign proper. The area of a sign composed of characters or words, if such characters or words stand alone without framing or additional backdrop, which is attached directly to a large, uniform building wall surface, shall be the smallest rectangle which encloses the entire group of characters or words.



60.10 GENERAL REGULATIONS

A. Cutting of Trees or Shrubs

No person, for the purpose of increasing or enhancing the visibility of any sign, shall damage, trim, destroy or remove any trees, shrubs or other vegetation located:

1. Within any public street right-of-way unless the work is done pursuant to the express written authorization of the governmental department having jurisdiction over said public street;
2. On property that is not under ownership or control of the person doing or responsible for such work unless the work is done pursuant to the express

authorization of the person owning the property where such trees or shrubs are located; or

3. In any area where such trees or shrubs are required to remain under a permit issued under Chapter 50, Landscaping and Buffering.

B. Maintenance of Signs

All signs and sign structures shall be legally maintained in a safe and attractive condition. For the purposes of this Chapter, a sign is not legally maintained if any of the following occur: the appearance of rust, cracks, electrical defects, fraying, chipped paint or other materials, structural defects or other defects. Such factors shall cause it to be presumed that a sign has been abandoned and is not being legally maintained. The property owner of such a sign may receive Notice from the Building Commissioner to return the sign to its original satisfactory condition within thirty (30) days of the date of the Notice. Unless the property owner complies with the Notice, signs that are abandoned and are not being legally maintained in accordance with this Code or other applicable regulations of the County, are hereby declared to be a nuisance contributing to visual blight and are hereby determined to be abandoned.

C. Illuminated Signs

Illumination of signs shall be as follows:

1. Sign illumination shall be in accordance with Section 58.10, Outdoor Lighting. This subsection shall not apply to vending machines, telephone booths, time and temperature signs, or signs that do not exceed two (2) square feet in area and that convey the message that a business enterprise is open or closed or that a place of lodging does or does not have a vacancy. Such signage shall not be freestanding in nature; and
2. All lighting of signs shall be fully functional as designed or the lighting shall be turned off until the time in which such non-functioning lighting has been repaired.

D. Awning, Canopy and Marquee Signs

In any district in which building identification wall signs are permitted, the use of an awning, canopy, or marquee sign shall be permitted, subject to the following provisions:

1. The total area of the awning, canopy or marquee (i.e. the combined two dimensional surface area of all sides of the awning, canopy or marquee) shall not exceed the sign surface area allocated to the façade of the building upon which the awning, canopy or marquee is attached;

2. The portion of the awning, canopy or marquee which includes a sign surface shall not exceed:
 - a. Fifty (50) percent of the total area of an awning or canopy; or
 - b. Seventy-five (75) percent of the total area of a marquee;
3. The bottom edge of the awning, canopy or marquee shall:
 - a. Not be less than ten (10) feet above grade over a walkway; or
 - b. Not be less than fifteen (15) feet above a grade over a driveway or interior access drive; and
4. The maximum projection of an awning, canopy or marquee shall:
 - a. Not extend more than eight (8) feet from or beyond its supporting building; and
 - b. Not extend any closer to an imaginary perpendicular vertical plane located at the street pavement line, curb or outside edge of a sidewalk than three (3) feet.

E. Freestanding On-Premise Signs as Accessory Structures

Freestanding on-premise signs and sign structures are hereby declared to be accessory structures. As an accessory structure, freestanding on-premise signs and sign structures may not occupy a lot without a primary use or building also being legally located on the lot.

F. Removal of Freestanding On-Premise Signs

Notwithstanding anything contained in these regulations to the contrary, freestanding on-premise signs, including business identification signs and incidental signs and sign structures, shall be subject to the following provisions:

1. When the building, or any business, product, activity or service offered on the premise, not located in a building, is removed, any on-premise sign and sign structure located on the lot to identify such building, business, product, activity or service shall also be removed at the same time as the removal of such building, business, product, activity or service. Any new on-premise sign or sign structure located after such removal, shall be located and erected in compliance with the provisions of these regulations.

The Building Commissioner may issue an order to the property owner that an abandoned sign must be removed within six (6) months from the date

of the order. An abandoned sign that is not removed within six (6) months in compliance with the order may be removed by the County at the expense of the property owner. To recover the costs from the property owner, the Board of Commissioners may certify the total cost, together with a proper description of the land, to the County Auditor to place costs upon the tax duplicate, or the County may commence a civil action against the property owner for the costs.

G. Width of Poles/Pole Cover

If any support, upright, bracing or framework located between grade and ten (10) feet above grade is proposed to support a pole sign and has a width or diameter in excess of ten (10) inches in any dimension, said support, upright, bracing or framework shall (1) be encased in an ornamental shell of stone, brick, ornamental metal or similar materials, or (2) be constructed of an external support structure including stone, brick, ornamental or similar materials provided that:

1. The width of the ornamental shell or external support structure does not exceed eighteen (18) inches; and
2. The maximum number of supports uprights, bracing or framework extending between the grade and ten (10) feet above the grade shall not exceed two (2).

H. Automotive Filling Station Signs

Automotive filling stations shall be subject to the following exceptions:

1. If a freestanding business identification sign is permitted such business identification sign may contain pricing information;
2. Business identification signs may be located on a gasoline island canopy, spandrels or pump islands, provided that such signs do not exceed ten (10) percent of the surface area of the façade of the canopy, spandrel or pump island upon which the sign is located not to exceed the total building identification signs maximum area; and
3. Business identification signs may be located on either a spandrel or a pump island, but not both.

60.11 GENERAL PERMIT PROCEDURES

The following procedures shall govern the application for, and issuance of, all sign permits under this Ordinance, and the submission and review of Signage Plans under the development plan review as established in Chapter 52, Development Plan Review.

A. Applications

All applications for sign permits of any kind and for approval of a Signage Plans shall be submitted to the Building Commissioner on an application form, as part of the development plan review process, or in accordance with the application specifications published by the Building Commissioner.

B. Fees

Each application for a sign permit or for approval of a Signage Plan shall be accompanied by the applicable fees, as established by the fee schedule.

C. Completeness

Within fourteen (14) working days (excluding Saturday, Sunday, and Holidays) of receiving an application for a sign permit or for a Signage Plan the Building Commissioner shall review it for completeness. If the Building Commissioner finds that it is complete, the application shall then be processed. If the Building Commissioner finds that it is incomplete, the Building Commissioner shall, within such five (5) day period, notify the applicant of the specific ways in which the application is deficient, with appropriate references to the applicable sections of the Ordinance.

D. Action

Within fourteen (14) working days (excluding holidays and weekends) of the submission of a complete application for a sign permit, the Building Commissioner shall either:

1. Issue the sign permit, if the sign that is the subject of the application conforms in every respect with the requirements of this Ordinance; or
2. Reject the sign permit if the sign that is the subject of the application fails in any way to conform with the requirements of this Ordinance. In case of a rejection, the Building Commissioner shall specify in the rejection the section or sections of the or applicable plan with which the sign is inconsistent.

60.12 MASTER OR COMMON SIGNAGE PLAN

No permit shall be issued for an individual sign requiring a permit unless and until a Master Signage Plan or a Common Signage Plan for the zone lot on which the sign will be erected has been submitted to the Building Commissioner and approved by the Building Commissioner as conforming with this section.

A. Master Signage Plan

For any zone lot on which the owner proposes to erect one or more signs requiring a permit, unless such zone lot is included in a Common Signage Plan, the owner shall submit to the Building Commissioner a Master Signage Plan containing the following:

1. An accurate plot plan of the zone lot, at such scale as the Building Commissioner may reasonably require;
2. Location of buildings, parking lots, driveways, and landscaped areas on such zone lot;
3. Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs allowed on the zone lots included in the plan under this chapter; and
4. An accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not, except that incidental signs need not be shown.

B. Common Signage Plan

If the owners of two (2) or more contiguous (disregarding intervening streets and alleys) zone lots or the owner of a single lot with more than one building (not including any accessory building) file with the Building Commissioner for such zone lots a Common Signage Plan conforming with the provisions of this section, a twenty-five (25) percent increase in the maximum total sign area shall be allowed for each included zone lot. This bonus shall be allocated within each zone lot as the owner elects.

C. Provisions of Common Signage Plan

The Common Signage Plan shall contain all of the information required for a Master Signage Plan and shall specify standards for consistency among all signs on the zone lots affected by the Plan with regard to:

1. Color scheme;
2. Lettering or graphic style;

3. Lighting;
4. Location of each sign on the buildings;
5. Material; and
6. Sign proportions.

D. Showing Window Signs on Common or Master Signage Plan

A Common Signage Plan or Master Signage Plan including window signs may simply indicate the areas of the windows to be covered by window signs and the general type of the window signs (e.g., paper affixed window, painted, etched on glass, or some other material hung inside window) and need not specify the exact dimension or nature of every window sign.

E. Limit on Number of Freestanding Signs Under Common Signage Plan

The Common Signage Plan, for all zone lots with multiple uses or multiple users, shall limit the number of freestanding signs to a total of one (1) for each street on which the zone lots included in the plan have frontage and shall provide for shared or common usage of such signs.

F. Other Provisions of Master or Common Signage Plans

The Master or Common Signage Plan may contain such other restrictions as the owners of the zone lots may reasonably determine.

G. Consent

The Master or Common Signage Plan shall be signed by all owners or their authorized agents on such form as the Building Commissioner shall require.

H. Procedures

A Master or Common Signage Plan shall be included in any development plan, development plan, planned unit development plan, or other official plan required by the County for the proposed development and shall be processed simultaneously with such other plan.

I. Amendments

A Master or Common Signage Plan may be amended by filing a new Master or Common Signage Plan that conforms with all requirements of this chapter then in effect.

J. Existing Signs Not Conforming to Common Signage Plan

If any new or amended Common Signage Plan is filed for a property on which existing signs are located, it shall include a schedule for bringing into conformance, within three (3) years, all signs not conforming to the proposed amended plan or the requirements of this chapter in effect on the date of submission.

K. Binding Effects

After approval of a Master or Common Signage Plan, no sign shall be erected, placed, painted, or maintained, except in conformance with such plan, and such plan may be enforced in the same way as any provision of this chapter. In case of any conflict between the provisions of such a plan and any other provision of this chapter, the Ordinance shall control.

60.13 PERMITS TO CONSTRUCT OR MODIFY SIGNS

Permanent signs shall be erected, installed, modified or created only in accordance with a duly issued and valid sign construction permit from the Building Commissioner. Such permits shall be issued only in accordance with the following requirements and procedures:

A. Permit for New Sign or for Sign Modification

An application for construction, creation, or installation of a new sign or for modification of an existing sign shall be accompanied by detailed drawings to show the dimensions, design, structure, and location of each particular sign. One (1) application and permit may include multiple signs on the same property.

B. Inspection

The Building Commissioner shall cause an inspection of the property for which each permit for a new sign or for modification of an existing sign is issued. If the construction is complete and in full compliance with this Chapter and with the building and electrical codes, the Building Commissioner shall issue a Certificate of Completion. If the construction is substantially complete but not in full compliance with this Ordinance and applicable codes, the Building Commissioner shall give the owner or applicant notice of the deficiencies and shall allow an additional thirty (30) days from the date of inspection for the deficiencies to be corrected. If the deficiencies are not corrected by that date, the Building Commissioner shall take appropriate action. If the construction is then complete, the Building Commissioner shall issue a Certificate of Completion.

60.14 TIME LIMIT OF PERMIT

A sign permit shall only be valid for one (1) year after it was issued.

60.15 ASSIGNMENT OF SIGN PERMITS

A current and valid sign permit shall be freely transferable to a successor as owner of the property or holder of a business license for the same premises, if there are no changes of any kind to the sign.

CHAPTER 62 FLOODPLAIN MANAGEMENT

62.01 STATEMENT OF PURPOSE

The purpose of this chapter is to guide development within the flood hazard areas in order to reduce the potential for loss of life, and property, reduce the potential for health and safety hazards, and to reduce the potential for extraordinary public expenditures for flood protection and relief. Under the authority granted to the Board of Commissioners of Hendricks County to control land use within their jurisdiction (which includes taking into account the effects of flooding) the Board hereby adopts the following floodplain management regulations in order to accomplish the following:

- A. To prevent unwise development from increasing flood or drainage hazards to others;
- B. To protect new buildings and major improvements to buildings from flood damage;
- C. To protect human life and health from the hazards of flooding;
- D. To lessen the burden on the taxpayer for flood control projects, repairs to flood-damaged public facilities and utilities, and flood rescue and relief operation;
- E. To maintain property values and a stable tax base by minimizing the potential for creating flood blighted areas; and
- F. To make federally subsidized flood insurance available for structures and their contents in Hendricks County by fulfilling the requirements of the National Flood Insurance Program.

62.02 DUTIES OF THE ADMINISTRATOR

The Building Commissioner, or other such person as he or she may designate, shall be empowered to implement this chapter and hereafter be referred to as the Administrator. The Administrator is appointed to review all development and subdivision proposals to insure compliance with this chapter, including but not limited to the following duties:

- A. Ensure that all development activities within the SFHAs of Hendricks County shall meet the requirements of this Ordinance;
- B. Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;

- C. Ensure that construction authorization has been granted by the Indiana Natural Resources Commission for all development projects subject to Section 62.06 of this chapter and maintain a record of such authorization;
- D. Maintain a record of the "as-built" elevation of the top of the lowest floor (including basement) of all new and/or substantially improved buildings constructed in the SFHA. Inspect before, during, and after construction;
- E. Maintain a record of the engineer's certificate and the "as built" floodproofed elevation of all buildings subject to Section 62.07 of this chapter;
- F. Cooperate with state and federal floodplain management agencies to improve base flood and floodway data and to improve the administration of this Ordinance. Submit reports as required for the National Flood Insurance Program;
- G. Maintain for public inspection and furnish upon request regulatory flood data, SFHA maps, Letters of Map Amendment (LOMA), Letters of Map Revision (LOMR), copies of DNR permits and letters of recommendation, federal permit documents, and "as-built" elevation and floodproofing data for all buildings constructed subject to this Ordinance; and
- H. Notify adjacent communities and the State Coordinating Office prior to any alternation or relocation of a watercourse performed by Hendricks County forces.

62.02 REGULATORY FLOOD ELEVATION

The flood protection standard shall be the regulatory flood as defined by this chapter and the Indiana Department of Natural Resources. The best available regulatory flood data is defined in the FBFM/FIS as amended. Whenever a party disagrees with the best available data, the party must submit a detailed engineering study to the Indiana Department of Natural Resources for review and approval. Indiana Department of Natural Resources (IDNR) approval must be obtained before data will be considered valid.

- A. The regulatory flood elevation for each SFHA delineated as an "AH Zone" or "AO Zone" shall be that elevation (or depth) delineated on the Flood Insurance Rate Map.
- B. The regulatory Flood Elevation for each of the remaining SFHAs delineated as an "A Zone" on the Flood Insurance Rate Map shall be according to the best data available as provided by the Indiana Department of Natural Resources.

62.03 IMPROVEMENT LOCATION PERMIT

No person, firm, corporation, or governmental body not exempted by state law shall commence any development in the SFHA without first obtaining an Improvement

Location Permit from the Administrator. The administrator shall not issue an Improvement Location Permit if the proposed development does not meet the requirements of this Ordinance.

A. In addition to the requirements of the Zoning Ordinance of Hendricks County, the application for an Improvement Location Permit shall include the following:

1. Location of the proposed development sufficient to accurately locate property and structures in relation to existing roads and streams;
2. A site development plan showing existing and proposed development locations and existing and proposed land grades; and
3. Elevation of the top of the lowest floor (including basement) of all proposed development. Elevation shall be in National Geodetic Vertical Datum of 1929 (NGVD) or North American Vertical Datum (NAVD).

B. Upon receipt of an application for an Improvement Location Permit, the Administrator shall determine if the site is located within an identified floodway, floodway fringe, or within the floodplain where the limits of the floodway have not yet been determined.

1. If the site is identified, the Administrator shall require the applicant to forward the application (along with all pertinent plans and specifications) to the Indiana Department of Natural Resources and apply for a permit for construction in a floodway.

No action shall be taken by the Administrator until a permit has been issued by the Indiana Natural Resources Commission granting approval for construction in the floodway. Once a permit has been issued by the Natural Resources Commission, the Administrator may issue the local Improvement Location Permit, provided the provisions contained in Sections 62.06 and 62.07 of this Ordinance have been met. The Improvement Location Permit cannot be less restrictive than the permit issued by the Natural Resources Commission.

2. If the site is located in an identified floodway fringe, then the Administrator may issue the local Improvement Location Permit provided the provisions contained in Sections 62.06 and 62.07 of this Ordinance have been met. The key provision is that the top of the lowest floor of any new or substantially improved structure shall be at or above the Flood Protection Grade (FPG).
3. If the site is an identified floodplain where the limits of the floodway and floodway fringe have not yet been determined (shown a Zone A on the Flood Insurance Rate Map), and the drainage area upstream of the site is greater than one (1) square mile, the Administrator shall require the

applicant to forward the application (along with all pertinent plans and specifications) to the Department of Natural Resources for review and comment.

No action shall be taken by the Administrator until either a permit for construction in the floodway or a letter of recommendation citing the 100 year flood elevation and the recommended Flood Protection Grade have been received from the Indiana Department of Natural Resources.

Once the Administrator has received the proper permit or letter of recommendation approving the proposed development, an Improvement Location Permit may be issued provided the conditions of the Improvement Location Permit are not less restrictive than the conditions received from Indiana Natural Resources Commission and the provisions contained in Sections 62.06 and 62.07 of this Ordinance have been met.

4. If the site is in an identified floodplain where the limits of the floodway and floodway fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Zoning Administrator shall require the applicant to provide an engineering analysis showing the limits of the floodway, floodway fringe and 100 year elevation for the site.

Upon receipt, the Zoning Administrator may issue the local Improvement Location Permit, provided the provisions contained in Sections 62.06 and 62.07 of this Ordinance have been met.

62.04 PREVENTING INCREASED DAMAGES

No development in the SFHA shall create a damaging or potentially damaging increase in flood heights or velocity or threat to public health and safety.

- A. Within the floodway identified on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map, the following standards shall apply:
 1. No development shall be allowed which acting alone or in combination with existing or future development will cause any increase in the elevation of the regulatory flood; and
 2. For all projects involving channel modifications or fill (including levees) the Developer, in cooperation with Hendricks County, shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data.
- B. Within all SFHAs identified as A zones (no 100-year flood elevation and floodway/floodway fringe delineation has been provided) the following standard shall apply:

1. The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the regulatory flood elevation more than one-tenth (0.1) of one (1) foot and will not increase flood damages or potential flood damages.

C. Public Health Standards in SFHAs

1. No development in the SFHA shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the Flood Protection Grade, unless such materials are stored in a floodproofed storage tank or building constructed according to the requirements of Section 62.07 of this chapter.
2. New and replacement sanitary sewer lines may be permitted providing all manholes or other above ground openings are located above the FPG or those which are located below the FPG are watertight.
3. New on-site water disposal systems are prohibited within floodplains in accordance with the Hendricks County Health Department regulations.

62.05 PROTECTING BUILDINGS

A. This building protection requirement applies to the following situations:

1. Construction or placement of any new building having a floor area greater than four hundred (400) square feet;
2. Structural alterations made to an existing (previously unaltered) building, the cost of which equals or exceeds 50% of the value of the prealtered building (excluding the value of the land);
3. Any structural alterations made to any previously altered building;
4. Reconstruction or repairs made to a damaged building that are valued at or more than fifty percent (50%) of the market value of the building (excluding the value of the land) before damage occurred;
5. Installing a manufactured home on a new site or a new manufactured home on an existing site. This Ordinance does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage; and
6. Installing a travel trailer or recreational vehicle on a site for more than 180 days.

B. This building protection requirement may be met by one of the following methods: The Administrator shall maintain a record of compliance with these building protection standards as required in Section 63.03 of this Chapter.

1. A residential or nonresidential building may be constructed on a permanent land fill in accordance with the following:
 - a. The fill shall be placed in layers and compacted to ninety five percent (95%) of the maximum density obtainable with the Standard Proctor Test method;
 - b. The fill should extend at least ten (10) feet beyond the foundation of the building before sloping below the FPG;
 - c. The fill shall be protected against erosion and scour during flooding by vegetative cover, rip-rap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than three horizontal to one vertical (3:1);
 - d. The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties; and
 - e. The top of the lowest floor including basements (see definition of lowest floor in Section 62.02) shall be at or above the FPG. The applicant shall furnish as-built documentation of this elevation certified by a professional engineer or registered land surveyor.
2. A residential or nonresidential building may be elevated in accordance with the following:
 - a. The building or improvements shall be elevated on posts, piers, columns, extended walls, or other types of similar foundation provided:
 1. Walls of any enclosure below the elevated floor shall be designed to automatically equalize hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters through providing a minimum of two (2) openings (in addition to doorways and windows) having a total area of one (1) square foot for every two (2) square feet of enclosed area subject to flooding. The bottom of all such opening shall be no higher than one (1) foot above grade; and
 2. Any enclosure below the elevated floor is used for storage of vehicles and building access;

- b. The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to known hydrostatic forces such as buoyancy, current, waves, ice, and floating debris; and
 - c. All areas below the FPG shall be constructed of materials resistant to flood damage. The top of the lowest floor (including basement) and all electrical, heating, ventilating, plumbing, air conditioning equipment and utility meters shall be located at or above the FPG. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG. An as-built certification by a professional engineer or registered land surveyor shall be provided to document that the top of the lowest floor is at or above the FPG.
3. Manufactured home and recreational vehicles to be installed or substantially improved on a site for more than one hundred eighty (180) days must meet one of the following anchoring requirements.
- a. The Manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site:
 - 1. Outside a manufactured home park or subdivision;
 - 2. In a new manufactured home park or subdivision;
 - 3. In an expansion to an existing manufactured home park or subdivision; or
 - 4. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood. An as-built certification by a professional engineer or registered land surveyor shall be provided to document that the top of the lowest floor is at or above the FPG.
 - b. This requirement applies to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood.

The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers

or other foundation elements that are not less than thirty-six (36) inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

4. Recreational vehicles placed on a site shall either:
 - a. Be on the site for less than one hundred eighty (180) consecutive days;
 - b. Be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 - c. Meet the requirements for "manufactured homes" in paragraph (3) of this section.
5. A non residential building may be floodproofed to the FPG (in lieu of elevating) if done in accordance with the following:
 - a. A Registered Professional Engineer shall certify that the building has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The building design shall take into account flood velocities, duration, rate of rise, hydrostatic pressure, and impacts from debris or ice; or
 - b. Floodproofing measures shall be operable without human intervention and without an outside source of electricity.

62.06 OTHER DEVELOPMENT REQUIREMENTS

- A. The Administrator shall review all proposed subdivisions to determine whether the subdivision lies in a flood hazard area as defined by this Ordinance. If the Administrator finds the subdivision to be so located, the Administrator shall require the developer to forward plans and materials to the Indiana Department of Natural Resources for review and modifications in order to assure that:
 1. It is consistent with the need to minimize flood damages;
 2. All public utilities and facilities (such as sewer, gas, electrical, and water systems) are located and constructed to minimize or eliminate flood damage; and
 3. Adequate drainage is provided so as to reduce exposure to flood hazards.

- B. Developers shall record the 100-year flood elevation on all subdivision plats containing lands within a flood hazard area prior to submitting the plats for approval by the Hendricks County Plan Commission.
- C. All owners of manufactured home parks or subdivisions located within the SFHA identified as Zone A on the community's FHB or FIRM shall develop an evacuation plan for those lots located in the SFHA and file it with Hendricks County Plan Commission, and have it filed with, and approved by, the appropriate community emergency management authorities.

62.07 VARIANCES

- A. The Board of Zoning Appeals may consider issuing a variance to the terms and provisions of this chapter provided the applicant demonstrates that:
 - 1. There exists a good and sufficient cause for the requested variance;
 - 2. The strict application of the terms of this Ordinance will constitute an exceptional hardship to the applicant; and
 - 3. The granting of the requested variance will not increase flood heights, create additional threats to public safety, cause additional public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.
- B. The Board of Zoning Appeals may issue a variance to the terms and provisions of this Ordinance subject to the following:
 - 1. No variance for a residential use within a floodway subject to Section 62.06 (a) or (b) of this Ordinance may be granted;
 - 2. A variance granted in a floodway subject to Section 62.06 (a) or (b) of this Ordinance will require a permit from Indiana Department of Natural Resources;
 - 3. Variances to the Building Protection Standards of Section 62.05 may be granted only when a new structure is to be located on a lot contiguous to and surrounded by lots with existing structures constructed below the flood protection grade;
 - 4. A variance may be granted for the reconstruction or restoration of any structure individually listed on the Register of Historic Places or the Indiana State Survey of Historic Architectural, Archaeological and Cultural Sites, Structures, Districts, and Objects;

5. All variances shall give the minimum relief necessary and be such that the maximum practical flood protection will be given to the proposed construction; and
6. The Board of Zoning Appeals shall issue a written notice to the recipient of a variance that the proposed construction will be subject to increased risks to life and property and could require payment of increased flood insurance premiums.

62.08 DISCLAIMER OF LIABILITY

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this chapter does not create any liability on the part of Hendricks County, the Indiana Department of Natural Resources, or the State of Indiana for any flood damage that results from reliance on this chapter or any administrative decision made lawfully there under.

62.09 VIOLATION

Failure to obtain and Improvement Location Permit in the SFHA or failure to comply with the requirements of a permit or conditions of a variance shall be deemed to be Ordinance violation and be treated as such in accordance with the provisions of this chapter and Chapter 99 of the Zoning Ordinance.

- A. A separate offense shall be deemed to occur for each day the violation continues to exist.
- B. The Administrator shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.
- C. Nothing herein shall prevent the Administrator of Hendricks County from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

62.10 ABROGATION AND GREATER RESTRICTIONS

This chapter repeals and replaces other ordinances adopted by the Board of Commissioners to fulfill the requirements of the National Flood Insurance Program. However, this chapter does not repeal the original resolution or ordinance adopted to achieve eligibility in the Program. Nor does this chapter repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this Ordinance and other ordinances, easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more strident restrictions shall take precedence. In addition, the Administrator shall assure that National Flood Insurance Program regulations and laws (310 IAC 6-1-1, IC 14-28-1 and IC 14-28-3) are met.

**CHAPTER 99
VIOLATIONS, FEES AND PENALTIES**

99.01 VIOLATION

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 County Prosecutor, 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.

99.02 NOTICE OF VIOLATION

The notice of any violation of this Zoning Ordinance shall be as follows:

- A. Whenever the Building Commissioner determines that there is a violation of any provision of this Zoning Ordinance, a notice of such violation shall be issued. Such notice shall:
 - 1. Be in writing;
 - 2. Identify the violation;
 - 3. Include a statement of the reason or reasons why it is being issued and refer to the section of this Zoning Ordinance being violated; and
 - 4. State the time by which the violation shall be corrected.
- B. Service of notice of the violation shall be as follows:
 - 1. By personal delivery to the person or persons responsible, or by leaving the notice at the usual place of residence of the owner with a person of sixteen (16) years or older; or

2. By certified mail, and first class mail simultaneously, addressed to the person or persons responsible at a last known address. Service shall be deemed complete when the fact of the mailing is entered of record, provided that the first class mail envelope is not returned by the Postal Authorities with an endorsement showing failure of delivery; or
3. By posting a copy of the notice form in a conspicuous place on the premises found in violation.

99.03 REMEDIES

The following remedies shall apply to violations of the Zoning Ordinance:

A. Penalties

Whoever violates any of subdivisions (1) through (6) below shall be guilty of a minor misdemeanor. Each day during which a set of facts exists that constitutes a violation or offense, it shall constitute a separate offense.

1. Failure to comply with any rightful order issued pursuant to the regulations of this Ordinance.
2. Failure to obtain the necessary Improvement Location Permit, or failure to obtain the necessary certificate of occupancy or any other necessary permit as established in this Ordinance.
3. Failure to comply with the provisions or regulations of this Ordinance in the construction, reconstruction, erection, location, alteration, occupancy, or use of a building, structure or any part thereof, or the use of any land.
4. Permitting another person to use a building, structure, or land owned by him, who fails to comply with any of the foregoing.
5. Failure to comply with a representation made in the application for a zoning certificate or an occupancy certificate or any other permit.
6. Failure to meet any obligation or requirement of this Ordinance.

- B. Whoever knowingly makes a false statement, or knowingly swears or affirms the truth of a false statement previously made when any of the conditions set forth in subdivisions (1) through (4) below apply, shall be guilty of a minor misdemeanor for each separate offense. Where contradictory statements relating to the same fact are made by the offender within the applicable period of the statute of limitations, it is not necessary to show which statement was false, but only that all of them were false, to constitute a violation of this Ordinance.

1. The statement is made for the purpose of misleading any member of the Plan Commission, Board of Commissioners or any County Official into performing any duty or making any determination required under this Ordinance.
2. The statement is made with purpose to secure the issuance of any permit or certificate.
3. The statement has been sworn or affirmed before a notary public or other person empowered to administer oaths.
4. The statement is in writing or in connection with a report, application, or study that is required or authorized.

C. Civil Remedies

Hendricks County, the County Commissioners on behalf of Hendricks County or any officer designated by the County Executive on behalf of Hendricks County may, in addition to the criminal remedies provided in this Zoning Ordinance, file suit for injunction against any violation of this Zoning Ordinance, or if the violation has caused damages to Hendricks County for a judgment for damages and any person, property owner or occupant of property who can show that the person, property owner or occupant of property has suffered harm or whose property has suffered harm as a result of violations of this Zoning Ordinance may file suit for injunction or damages to the fullest extent provided by the law.

99.04 FEES

The fees for all applicant costs incurred in this Ordinance shall be established by Hendricks County. Furthermore, no plan shall be accepted for filing and processing, as provided in this Ordinance, unless and until a filing fee is paid to the County and the application is deemed complete by the County.

The applicant shall be responsible for unforeseen expenses incurred by the County in reviewing the plan or any modifications to the plan. Such expenses may include items such as the cost of professional services including expenses and legal fees in connection with reviewing the plan, prepared reports, inspections, the publication and mailing of public notice in connection therewith, and any other reasonable expenses directly attributable thereon.

Failure to pay the above costs within thirty (30) days of invoice shall stop all processing and review of the site development plans or shall cause suspension of all development activities on the site.

99.05 SCHEDULE OF FEES

- A. The Board of County Commissioners shall, by Ordinance, establish a schedule of fees for Improvement Location Permits, amendments, appeals, variances, special exception use permits, plan approvals, and other matters pertaining to the administration and enforcement of this Ordinance requiring investigations, inspections, legal advertising, postage, and other expenses. Such expenses may include items such as the cost of using professional services to review plans or applications.
- B. The schedule of fees shall be posted in the office of the Planning and Building Department and may be altered or amended only by the Board of County Commissioners.
- C. Until all applicable fees have been paid in full, no action shall be taken on any application or appeal. Upon the finding of a zoning ordinance violation by a court of competent jurisdiction, the Court may award the County a reasonable attorney fee for the prosecution of said action.
- D. All application and filing fees are nonrefundable regardless of the outcome of the application. This can be waived by the Building Commissioner.


ORDINANCE 2001-33

STORM DRAINAGE, EROSION, AND SEDIMENT CONTROL ORDINANCE OF
HENDRICKS COUNTY (SDESCO)

Approved by the Hendricks County Board of Commissioners this 10th day of December
2001.

Hendricks County Board of Commissioners






Steven L. Ostermeier, President

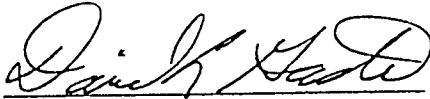


Linda Palmer, Vice President



John D. Clampitt, Member

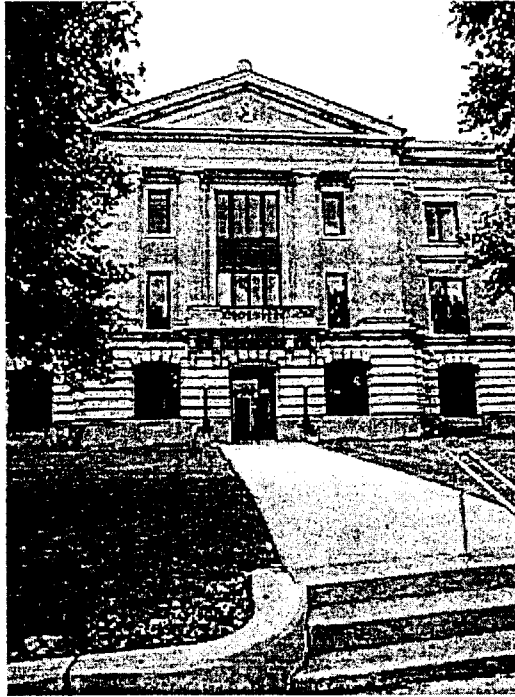
ATTEST:



David L. Gaston, Co. Surveyor

ORDINANCE 2001-33

STORM DRAINAGE, EROSION, AND SEDIMENT CONTROL ORDINANCE OF HENDRICKS COUNTY



December 2001 Edition

Developed By: Christopher B. Burke Engineering, Ltd. (CBBEL)

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1. PURPOSE

The purpose of this Ordinance is to reduce the hazard to public health and safety caused by excessive stormwater runoff, to enhance economic objectives, and to protect, conserve and promote the orderly development of land and water resources within the Regulated Area. The terms "development" and "Regulated Area" are defined in Appendix B.

This ordinance regulates:

- ◆ Stormwater drainage improvements related to development of lands located

within Hendricks County.

- ◆ Drainage control systems installed in developments.
- ◆ Erosion and sediment control systems installed in developments.
- ◆ The design, construction, and maintenance of stormwater drainage facilities and systems.

2. CONFLICTING ORDINANCES

In case of conflicting requirements between ordinances, the most restrictive requirements shall apply.

3. COMPLIANCE WITH THIS AND OTHER ORDINANCES

An initial review of proposed construction or development may be requested prior to submission of fees and plans. The initial review by the Hendricks County Surveyor or the Drainage Board will be to determine applicability of the Storm Drainage and Erosion Control Ordinance with respect to the proposed development or construction. Depending on the nature of development, the Hendricks County Surveyor or the Drainage Board may decide that only certain requirements of this Ordinance need to be met.

In addition to the requirements of this Ordinance, compliance with the requirements set forth in 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.

No building permit shall be issued for any construction in a development, as defined in Appendix B, until the plans required by this Ordinance for such construction have been approved in writing by the Hendricks County Drainage Board or the Hendricks County Surveyor. Single-family dwelling houses in approved subdivisions, new buildings (or building additions) with less than 500 square feet of area, and land-disturbing activities affecting less than 10,000 square feet of area shall be exempt from the requirements of this Ordinance. Also exempt from this Ordinance shall be the Hendricks County Drainage Board projects and agricultural land-disturbing activities.

4. ABBREVIATIONS AND DEFINITIONS

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

5. STORMWATER CONTROL 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 5C and 5D (below), the storage and controlled release of excess stormwater runoff shall be required for all developments (as defined in Appendix B) located within Hendricks County.

A. General Release Rates

In general, the release rate of stormwater from developments shall be:

| <u>Post-Developed Peak Rate</u> | <u>Must Not Exceed</u> | <u>Pre-Developed Peak Rate</u> |
|---------------------------------|------------------------|--------------------------------|
| 10-Year Frequency Storm | | 2-Year Frequency Storm |
| 100-Year Frequency Storm | | 10-Year Frequency Storm |

That is, the release rates for developments up to and including the 10-year return period storm may not exceed the pre-developed peak 2-year return period stormwater runoff rate. The release rate for developments for the 11 - 100-year return period storms shall not exceed the pre-developed peak 10-year return period rate. 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. Methodology and computer models used for the analyses of pre- and post-developed conditions shall be the same.

For sites where depressional storage exists, the pre-developed peak runoff rate must include the effects of the noted depressional storage. However, for determining the post-developed peak runoff rate, the depressional storage must be assumed to be filled unless the Hendricks County Drainage Board can be assured that the noted storage will be preserved in perpetuity.

Runoff from all upstream tributary areas (off-site land areas) may 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. However, 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 when the ratio of off-site area to on-site area is larger than 5:1.

B. 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, shall be required to store that portion of the runoff exceeding the capacity of the receiving sewers or waterways.

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.

C. Exemptions for Detention Requirements

Detention will not be required for the following:

1. Land alterations where the primary basis on which a stormwater drainage permit is required is the construction, enlargement, or location (on a permanent foundation) of a one-family dwelling, two-family dwelling, or accessory structure appurtenant to either a one- or two-family dwelling.
2. Approved fill areas or one-time addition to existing commercial buildings that do not increase the amount of impervious area on-site by more than a total of 0.5 acres, provided the existing runoff patterns and flow capacity of the property will not be altered by the filling operations.
3. Notwithstanding the provisions of Section 5B (above), those site developments where the stormwater management system has been designed such that:
 - a] after combining flows from both the off-site and on-site drainage areas, there will be no increase in the total peak discharge from the developing site during the 2-, 10-, or 100-year storm events; and
 - b] the volume of runoff for each project site outlet has not been increased for the entire range of storm events, up to the 100-year storm event; and
 - c] the flow width and velocity at the property boundary line for each sub-basin is less than or equal to that flow width and velocity which existed prior to the development (for the entire range of storm events, up to the 100-year storm event).

4. Where the direct release of runoff from the proposed development meets the conditions set forth in Section 5D (below).

D. Direct Release Provisions

It is the policy of the Hendricks County Drainage Board to allow the direct release (no detention) of runoff from a proposed development to an adjacent stream with more than 100 square miles of contributing drainage area at the direct release point. Therefore, direct release will be allowed for parcels adjacent to the following stream reaches in Hendricks County:

1. White Lick Creek downstream (south) of US 40.
2. Big Walnut Creek downstream (west) of the confluence of West Fork Big Walnut Creek and East Fork Big Walnut Creek.

Due to unknowns regarding the future development patterns and the associated proposed stormwater management systems within a watershed, it is the policy of the Hendricks County Drainage Board to discourage direct release to a stream with less than 100 square miles of contributing drainage area at the direct release point. However, in rare circumstances, where a comprehensive watershed-wide hydrologic study or watershed plan of a major stream adopted by the Hendricks County Drainage Board substantiates the benefits of (or allows for) direct release for a proposed development located adjacent to a major stream, the detention requirements set in Section 5A (above) may be waived.

In substantiating the potential benefits of direct release, the watershed-wide hydrologic study provided by the applicant must demonstrate that the peak discharge associated with 2-year, 10-year, and 100-year precipitation events would not increase along the receiving stream. At a minimum, the stream reach to be examined needs to extend from the direct release point to a point downstream with a drainage area at least ten (10) times the drainage area of the proposed development and its off-site contributing drainage area. The required analyses must be done both for the existing land use and future potential land use (developed conditions) in the watersheds involved.

To be applicable to the development site, the sub-basin sizes for the watershed-wide hydrologic analyses of the major stream (including the sub-basin area containing the proposed development and its off-site contributing areas) must be generally uniform (between 0.5 and 2.0 times the average sub-basin size). Furthermore, the maximum size of the sub-basin area containing the proposed development and its off-site contributing areas should not exceed 5.0 times the area of the proposed development.

Due to stormwater quality concerns, the Hendricks County Drainage Board or the Hendricks County Surveyor may, on a case-by-case basis, require that projects proposing

direct release set aside dedicated easements for potential stormwater quality measures such as specially designed retention ponds or other BMP measures.

6. 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 and to enact and promulgate regulations that are generally applied. In determining Impact Drainage Areas, the Hendricks County Drainage Board shall consider such factors as topography, soil type, capacity of existing regulated 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.

- ◆ A floodway or floodplain as designated by the most updated Hendricks County Code dealing with floodplain regulation.
- ◆ Land within 75 feet of each bank of any regulated ditch.
- ◆ Land within 75 feet of the centerline of any regulated drain tile or enclosed conduit.

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 resolution of the Hendricks County Drainage Board. Special requirements for development within any Impact Drainage Area shall be included in the resolution, subject to terms and conditions as set forth under Indiana Drainage Code, 36-9-27 et. seq.

7. SUBMITTAL AND CONSIDERATION OF PLANS

Two (2) sets of preliminary plans or four (4) black-lined sets of proposed final drainage plans, and/or construction plans as detailed in Section 8 shall be submitted to the Hendricks County Surveyor along with applicable fees. All preliminary plans, final plans, and construction plans shall be reviewed by the Hendricks County Surveyor for compliance with the standards of this Ordinance.

Upon completion of the review of the final plans, the Hendricks County Surveyor may either approve or deny each project. If the Hendricks County Surveyor approves a project, then approved project plans will receive the signature and approval stamp of the Hendricks County Surveyor. One copy of such plans will be returned to the applicant, one copy will be sent to the Hendricks County SWCD, and two remaining copies will be kept on file with the Hendricks County Government Offices.

The Hendricks County Surveyor, as appointee of the Hendricks County Drainage Board, is authorized to review engineering summaries of projects or other written explanations for a

variance to the requirements of this Ordinance and based upon the same, make a recommendation to the Hendricks County Drainage Board concerning the variance. The Hendricks County Drainage Board may grant exemptions from any and all requirements of this Ordinance and/or waive any requirements of this Ordinance. Any applicant or other party affected by any approval or denial of the Drainage Permit may appeal the decision to the Hendricks County Drainage Board (see Chapter Six, Appeals Process, of this Ordinance).

Where the outfall from the stormwater drainage system of any development flows through real estate owned by others (impacted owners) prior to reaching a regulated drain or channel, no approval shall be granted for such stormwater drainage system until all impacted owners consent in writing to such use of their real estate. As an alternative to a written consent, the impacted property owner(s) may be notified of such proposal, the Drainage Board meeting date and time in which the project is to be heard, and the impacted property owner's rights to appeal any approval of the design. Proof of this notification must be submitted to the Hendricks County Surveyor. The Hendricks County Drainage Board and the Hendricks County Surveyor reserve their rights to require a recorded easement along the flow path associated with the above-noted direct outlet.

8. INFORMATION REQUIREMENTS

A. Required Information for Preliminary Drainage Approvals

In order to gain an understanding of the drainage requirements for a specific project, the developer may submit preliminary drainage plans for review by the Hendricks County Surveyor's Office. The direction provided by the Surveyor's Office during such a review is based on preliminary data and shall not be construed as an approval or binding on either party. The following is a general listing of minimum data requirements for the review of preliminary drainage plans:

1. Two (2) complete sets of plans.
2. Drainage Narrative.
3. Watershed Boundaries with USGS Contours or best information possible.
4. Existing and proposed regulated drains.
5. Drainage Calculations to support narrative:
 - a] Existing and proposed runoff
 - b] Existing and proposed curve number
 - c] Existing and proposed time of concentration
 - d] Upstream and downstream restrictions

6. Letter of Intent for obtaining any needed consents, off-site easements, or right-of-way.
7. Topographic map of the project with layout.

B. Required Information for Final Drainage Approvals

The following information and data prepared by a licensed professional engineer or a licensed land surveyor shall accompany plans of:

- (1) Each proposed subdivision lying within the Regulated Area prior to Final Plat Approval, and
- (2) Each building permit application for construction of a new structure or addition to existing structures which creates hard surface areas on multi-family, business, commercial, or industrial real estate which lies within the Regulated Area and which has not been subdivided pursuant to the Storm Drainage, Erosion, and Sediment Control Ordinance of Hendricks County or prior subdivision control ordinances, and
- (3) Each proposed minor subdivision lying within the Regulated Area prior to Final Plat Approval.

For project submittals that are part of an overall development plan, all necessary background/support information from the approved overall development project file must be provided by the applicant. This information may include drainage basin maps, calculations, approval documents, and plans. The project narrative for an individual part of an overall development should discuss the project's conformance with previously approved aspects of the overall development.

All required plans, including as-built plans, shall be submitted both in hard copy as well as digital format which can be opened, read, and copied by the Hendricks County Surveyor's Office. Digital information shall be submitted on media approved by the Hendricks County Surveyor's Office. The Hendricks County Surveyor may grant exemption from this requirement in special circumstances. The required information are grouped under the following four categories:

(i) Existing-Condition Information (To be shown on submitted Plans):

1. A title sheet shall be included with the following information: project name and location map (at least 12" by 12"), as well as the

name, address, telephone number, signature, and seal of the registered professional engineer or licensed/ registered land surveyor preparing the plans.

2. 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.
3. 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 ($\leq 2\%$) 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.
4. Adequate number of benchmarks shown with elevations referenced to NGVD, NAVD, to facilitate checking of elevations without more than one setup of a surveyor's level, except for large development sites where additional setups may be warranted.
5. The location of existing streams and other stormwater runoff channels.
6. One or more typical cross section of all existing channels or other open drainage facilities. Cross sections must be represented perpendicular to the expected flow path and the location indicated on the map.
7. Spot elevations shown at drainage break points.

8. Normal shoreline of lakes, ponds, swamps and detention /retention facilities, their floodplains, and direction of inflow and outflow.
9. The size and location of regulated drains, farm drains, inlets and outfalls, if any of record. Include the elevation of tile outlet inverts.
10. Storm, sanitary and combined sewers and outfalls, if any of record.
11. Septic tank systems, disposal field and outlet, if any of record.
12. Seeps, springs, flowing and other wells, that are visible or of record.
13. Roads, right of ways, building set backs, drainage, Regulated Drain and overhead or underground utility easements.
14. The extent of the floodplains for any stream or channel (draining more than 640 acres or 1 square mile) at the established 100-year flood elevation per FEMA maps or IDNR Recommendation Letter, and the limits of the regulatory floodway, all properly identified and sources noted.

◆ **NOTE:** The regulatory floodway may be transferred from the effective FEMA map to project plans based on the distance of the floodway boundary to permanent physical features common to both maps. However, floodplain boundaries shall be determined based on the 100-year flood elevation/profile and the Topographic Survey Map prepared according to this section.

For streams or channels draining between 150 to 640 acres, the 100-year flood elevation shall be determined by the applicant and the associated floodplain boundaries shown on the plans.

15. Each plan sheet shall be twenty-four inches (24") by thirty-six inches (36") in size and include the following:
 - a] A title block located in the lower right hand corner of each sheet that includes the project name, job number, sheet title (Geometric, Grading, etc.), sheet number, date of preparation and latest revision date and description.

- b] Map scale (preferably with a scale between 1 inch=20 feet and 1 inch=100 feet).
- c] A legend clearly identifying all symbols indicated on each sheet.
- d] North arrow.

(ii) Existing-Condition Information (To be included within a Report or as a separate Exhibit):

1. Soil names and their hydrologic classification for the proposed development when hydrologic methods requiring soils information are used.
2. Each upstream, off-site drainage area tributary to the subject site on USGS Quadrangle Maps or other more detailed topographic maps.
3. Watershed boundary delineation for each stormwater facility (storm sewer, culvert, swale, detention basin, etc.) on the subject property.
4. Copy of the effective FEMA map, annotated to show the project location and property boundaries in relation to the regulatory floodplain and floodway.

(iii) Proposed-Condition Information to be Shown on Submitted Plans (In Addition to Previous Plan Requirements):

1. Plan to convey upstream, off-site runoff through or around the subject property.
2. Proposed contours and where they tie into existing contours.
3. Location and percentage of impervious surfaces expected when the development is completed.
4. Depth and amount of storage required by design of the new facilities.
5. Proposed layout and design of storm sewers, other storm drains including the outfall and outlet locations and (approximate) invert

elevations, the receiving stream or channel and its 100-year return period water elevation.

6. Layout of swales which collect runoff from on-site and/or off-site watersheds.
7. Existing detention/retention facilities to be maintained, enlarged, or otherwise altered and new ponds or basins to be built.
8. Proposed culverts and bridges - include elevations, waterway openings.
9. Identification of overland flow routes to detention/ retention facilities.
10. New channels or other open drainage facilities to be constructed, their locations, cross-sections, and profiles. Cross-sections should be represented perpendicular to the expected flow path.
11. Interim drainage plan which is to be incorporated into the development pending completion of the development and the final drainage plan.
12. All proposed underground and overhead utility and drainage easements.
13. Parts of the proposed street system where pavements are planned to be depressed sufficiently to convey or temporarily store overflow from storm sewers and over the curb runoff resulting from the heavier rainstorms and the outlets for such overflow.
14. Slope, type and size of all sewers and other waterways. Plan and profile of all storm sewers and culverts must also be submitted.
15. Erosion Control Plan (see Chapter 2 of this Ordinance).

(iv) Proposed-Condition Information (To be included within a Report or as a separate Exhibit):

The report should be comprehensive and detail all the steps, which the designer took during the design, process and how the design satisfies the requirements of this Ordinance. The report should include:

1. A description of the present land use as well as proposed land use.

2. Hydrologic and hydraulic information detailing existing and proposed drainage patterns on the subject site, **along with any off-site drainage entering the site**. All hydrologic and hydraulic computations should be included in the report. These calculations should include, but not be limited to: development of runoff curve numbers or runoff coefficients, runoff calculations, stage-discharge relationships for detention/ retention facility outfalls, storage volume, and times of concentration.

Note that off-site drainage includes all flow types which discharge to the subject site, including discharge in pipes, channels, and sheet flow.

3. Watershed boundary delineation for each proposed stormwater facility (storm sewer, culvert, swale, detention basin, etc.)
4. For all detention/retention facilities, a plot or tabulation of storage volumes with corresponding water surface elevations and a plot or tabulation of the facility outflow rates for those water surface elevations.
5. Copies of all computer model runs used in the drainage analyses. These computer runs should include both the model inputs and the outputs. A floppy diskette with input files may expedite the review process.
6. Discussion of significant drainage problems associated with the project and assumptions associated with procedures used to evaluate and propose solutions to these problems.

9. **METHODOLOGY FOR DETERMINATION OF PRE- AND POST-DEVELOPMENT RUNOFF QUANTITIES**

Runoff quantities shall be computed for the area of the parcel under development plus the area of the watershed flowing into the parcel under development. The quantity of runoff which is generated as the result of a given rainfall intensity may be calculated as follows:

A. **Development Sites Less than or Equal to 5 Acres in Size, With a Contributing Drainage Area Less than or Equal to 50 Acres and No Depressional Storage**

The Rational Method may be used. A computer model, such as TR-55 (NRCS), TR-20 (NRCS), HEC-HMS (COE), and HEC-1 (COE), that can generate hydrographs based on the NRCS TR-55 time of concentration and curve

number calculation methodologies may also be used along with a 24-hour duration NRCS Type 2 storm. In the Rational Method, the peak rate of runoff, Q, in cubic feet per second (cfs) is computed as:

$$Q = CIA$$

- Where:
- C = Runoff coefficient, representing the characteristics of the drainage area and defined as the ratio of runoff to rainfall.
 - I = Average intensity of rainfall in inches per hour for a duration equal to the time of concentration (t_c) for a selected rainfall frequency.
 - A = Tributary drainage area in acres.

Values for the runoff coefficient "C" are provided in Tables 1A and 1B (see Appendix A), which show values for different types of surfaces and local soil characteristics. The composite "C" value used for a given drainage area with various surface types shall be the weighted average value for the total area calculated from a breakdown of individual areas having different surface types. Table 2 (see Appendix A) provides runoff coefficients and inlet times for different land use classifications.

In the instance of undeveloped land situated in an upstream area, a coefficient or coefficients shall be used which are related to the use or uses, which can be reasonably anticipated after development occurs. In Hendricks County, the reasonably anticipated development shall be that reflected on the Comprehensive Land Use Plan for Hendricks County as adopted by the Hendricks County Plan Commission. Interpolation, extrapolation and adjustment for local conditions shall be based on engineering experience and judgment.

Rainfall intensity shall be determined from the rainfall frequency data shown in Table 3 (see Appendix A) or the following two formulas.

For Storm Durations between 5 minutes and 1 hour:

$$I_t = [2.1048 (T_r)^{0.1733}] / [(t + 0.470)^{1.1289}]$$

Where:

- I_t = rainfall intensity in inches per hour for storm duration t and the return period T_r,
- t = storm duration in hours, and
- T_r = return period in years.

For Storm Durations between 1 hour and 36 hours:

$$I_t = [1.5899 (T_r)^{0.2271}] / [(t + 0.725)^{0.8797}]$$

In general, the **time of concentration** (t_c) methodology to be used for all stormwater management projects within Hendricks County shall be as outlined in the U.S. Department of Agriculture (USDA) - NRCS TR-55 Manual. In urban or developed areas, the methodology to be used shall be the sum of the inlet time and flow time in the stormwater facility from the most remote part of the drainage area to the point under consideration. The **flow time** in the storm sewers may be estimated by the distance in feet divided by velocity of flow in feet per second. The **velocity** shall be determined by the Manning's Equation (see Section 11.B.). **Inlet time** is the combined time required for the runoff to reach the inlet of the storm sewer. It includes overland flow time and flow time through established surface drainage channels such as swales, ditches, and sheet flow across such areas as lawns, fields, and other graded surfaces.

B. Development Sites Greater Than 5 Acres in Size or Contributing Drainage Area Greater than 50 Acres or With Significant Depressional Storage

The runoff rate for these development sites and contributing drainage areas shall be determined by a computer model that can generate hydrographs based on the NRCS TR-55 time of concentration and curve number calculation methodologies and the 24-hour NRCS Type 2 Rainfall Distribution. 24-hour Rainfall depth for various frequencies shall be taken from Table 4 (see Appendix A). The NRCS Type 2 distribution ordinates are found in Table 5 (see Appendix A). Examples of computer models that can generate such hydrographs include TR-55 (NRCS), TR-20 (NRCS), HEC-HMS (COE), and HEC-1 (COE). Other models may be acceptable and should be approved by the Hendricks County Surveyor prior to their utilization.

C. Development Sites with Drainage Areas Greater than or Equal to One Square Mile

For the design of any major drainage system, as defined in Appendix B, the discharge must be obtained from, or be approved by, the IDNR. Other portions of the site must use the discharge methodology in the applicable section of this Article.

10. METHODOLOGY FOR DETERMINATION OF DETENTION STORAGE VOLUMES

A. Development Sites Less than or Equal to 5 Acres in Size, With a Contributing Drainage Area Less than or Equal to 50 Acres and No Depressional Storage

The required volume of stormwater storage may be calculated using the Rational Method and based on the runoff from a 100-year return period storm. A computer model, such as TR-55 (NRCS), TR-20 (NRCS), HEC-HMS (COE), and HEC-1 (COE), that can generate hydrographs based on the NRCS TR-55 time of concentration and curve number calculation methodologies may also be used along with a 24-hour duration NRCS Type 2 storm.

The following 11-step procedure, based on the Rational Method, may be used to determine the required volume of storage.

Step Procedure

1. Determine total drainage area in acres "A".
2. Determine composite runoff coefficient "C_u" based on existing land use.
3. Determine time of concentration "t_c" in minutes based on existing conditions.
4. Determine rainfall intensity "I_u" in inches per hour, based on time of concentration and using data given in Table 3 (see Appendix A) or formulas provided in Section 9A for the 2-year/10-year return periods.
5. Compute runoff based on existing land use and 2-year/10-year return periods.

$$Q_u = (C_u)(I_u)(A_u)$$

6. Determine composite runoff coefficient "C_d" based on developed conditions and a 100-year return period.
7. Determine 100-year return rainfall intensity "I_d" for various storm durations "t_d" up through the time of concentration for the developed area using Table 3.
8. Determine developed inflow rates "Q_d" for various storm durations "t_d", measured in hours.

$$Q_d = (C_d)(I_d)(A_d)$$

9. Compute a storage rate "S(t_d)" for various storm durations "t_d" up through the time of concentration of the developed area.

$$S(t_d) = (Q_d) - (Q_u)$$

10. Compute required storage volume "S_R" in acre-feet for each storm duration "t_d". This assumes a triangular hydrograph of duration (2t_d) hours with a peak flow of S(t_d) at t_d hours.

$$S_R = S(t_d) \left(\frac{d^t}{12} \right)$$

11. Select largest storage volume computed in Step 10 for any storm duration " t_d " for detention basin design.

B. Development Sites Greater Than 5 Acres in Size or Contributing Drainage Area Greater than 10 Acres or With Significant Depressional Storage

All runoff detention storage calculations for these development sites shall be prepared using a computer model that can generate hydrographs based on the NRCS TR-55 time of concentration and curve number calculation methodologies. The 24-hour NRCS Type 2 Rainfall Distribution shall be utilized to determine the required storage volume. The allowable release rates shall also be based on the 24-hour NRCS Type 2 Rainfall Distribution. Examples of computer models that can generate such hydrographs include TR-55 (NRCS), TR-20 (NRCS), HEC-HMS (COE), and HEC-1 (COE). Other models may be acceptable and should be approved by the Hendricks County Surveyor prior to their utilization.

11. STORM SEWER DESIGN STANDARDS AND SPECIFICATIONS

All storm sewers, whether private or public, and whether constructed on private or public property shall conform to the design standards and other requirements contained herein.

A. Design Storm Frequencies

1. All storm sewers, inlets, catch basins and street gutters shall accommodate (subject to the "allowable spread" provisions discussed later in this Section), as a minimum, peak runoff from a 10-year return frequency storm. Additional discharges to storm sewer systems allowed in subsection "L." of this Section must be considered in all design calculations. For Rational Method analysis, the duration shall be equal to the time of concentration for the drainage area. In computer based analysis, the duration is as noted in the applicable methodology associated with the computer program.
2. Culverts shall be capable of accommodating peak runoff from a 24-hour, 50-year frequency storm when crossing under a road which is part of the INDOT Rural Functional Classification System or is classified as freeway, arterial, and/or collectors by the Hendricks County Zoning Ordinance or provides the only access to and from any portion of any commercial or residential developments.
3. For portions of the system considered minor drainage systems, the allowable spread of water on Collector Streets is limited to maintaining two clear 10-foot moving lanes of traffic. One lane is to be maintained on Local Roads, while other access lanes (such as a subdivision cul-de-sac)

can have a water spread equal to one-half of their total width. The maximum depth of water over the road crown during a 100-year event shall not exceed 6 inches.

4. Facilities functioning as a major drainage system as defined in Appendix B must also meet IDNR design standards.

B. Manning's Equation

Determination of hydraulic capacity for storm sewers sized by the Rational Method analysis must be done using Manning's Equation. where:

$$V = (1.486/n)(R^{2/3})(S^{1/2})$$

Then:

$$Q = (V)(A)$$

Where:

Q = capacity in cubic feet per second

V = mean velocity of flow in feet per second

A = cross sectional area in square feet

R = hydraulic radius in feet

S = slope of the energy grade line in feet per foot

n = Manning's "n" or roughness coefficient

The hydraulic radius, R, is defined as the cross sectional area of flow divided by the wetted flow surface or wetted perimeter. Allowable "n" values and maximum permissible velocities for storm sewer materials are listed in Table 6 (see Appendix A).

C. Backwater Method for Pipe System Analysis

For hydraulic analysis of existing or proposed storm drains which possess submerged outfalls, a more sophisticated design/analysis methodology than Manning's equation will be required. The backwater analysis method provides a more accurate estimate of pipe flow by calculating individual head losses in pipe

systems that are surcharged and/or have submerged outlets. These head losses are added to a known downstream water surface elevation to give a design water surface elevation for a given flow at the desired upstream location. Total head losses may be determined as follows:

Total head loss = frictional loss + manhole loss + velocity head loss + junction loss

Various computer modeling programs such as HYDRA, ILLUDRAIN, and STORMCAD are available for analysis of storm drains under these conditions. Computer models to be utilized, other than those listed, must be approved by the Hendricks County Surveyor.

D. Minimum Size for Storm Sewers

The minimum diameter of all storm sewers shall be 12 inches. When the minimum 12-inch diameter pipe will not limit the rate of release to the required amount, the rate of release for detention storage shall be controlled by an orifice plate or other device, subject to approval of the Hendricks County Surveyor.

E. Pipe Cover and Grade

Sewer grade shall be such that, in general, a minimum of 1.5 feet of cover is maintained over the top of the pipe. If the pipe is to be placed under pavement, then the minimum pipe cover shall be 2.0 feet from top of pavement to top of pipe. Pipe cover less than the minimum may be used only upon written approval from the Hendricks County Surveyor. Uniform slopes shall be maintained between inlets, manholes and inlets to manholes. Final grade shall be set with full consideration of the capacity required, sedimentation problems, and other design parameters. Minimum and maximum allowable slopes shall be those capable of producing velocities of between 2.5 and 10 feet per second, respectively, when the sewer is flowing full. Maximum permissible velocities for various storm sewer materials are listed in Table 7 (see Appendix A).

F. Alignment

Storm sewers shall be straight between manholes and/or inlets.

G. Manholes/Inlets

Manholes and/or inlets shall be installed to provide human access to continuous underground storm sewers for the purpose of inspection and maintenance. The casting access minimum inside diameter shall be no less than

22 inches or a rectangular opening of no less than 22 inches by 22 inches. Manholes shall be provided at the following locations:

1. Where two or more storm sewers converge.
2. Where pipe size or the pipe material changes.
3. Where a change in horizontal alignment occurs.
4. Where a change in pipe slope occurs.
5. At intervals in straight sections of sewer, not to exceed the maximum allowed. The maximum distance between storm sewer manholes shall be as follows:

| Size of Pipe (Inches) | Maximum Distance (Feet) |
|--------------------------|----------------------------|
| 12 through 42 | 400 |
| 48 and larger | 600 |

In addition to the above requirements, a minimum drop of 0.1 foot through manholes and inlet structures should be provided. When changing pipe size, match crowns of pipes, unless detailed modeling of hydraulic grade line shows that another arrangement would be as effective. Pipe slope should not be so steep that inlets surcharge (i.e. hydraulic grade line should remain below rim elevation).

6. Manhole/inlet inside sizing shall be as follows:

| Depth of Structure | Minimum Diameter | Minimum Square Opening |
|--------------------|------------------|------------------------|
| 0-3 feet | 24 inches | 24" x 24" |
| 3-5 feet | 36 inches | 36" x 36" |
| 5 or more feet | 48 inches | 48" x 48" |

H. Inlet Sizing and Spacing

Inlets or drainage structures shall be utilized to collect surface water through grated openings and convey it to storm sewers, channels, or culverts. The inlet grate opening provided shall be adequate to pass the design 10-year flow with 50% of the sag inlet areas clogged. An overload channel from sag inlets to the overflow channel or basin shall be provided at sag inlets, so that the maximum depth of water that might be ponded in the street sag shall not exceed 6 inches during the 10-year frequency storm event. Inlet design and spacing may be done using the hydraulic equations by manufacturers or orifice/weir equations. Use of the U.S. Army Corps of Engineers HEC-12 computer program is also an acceptable method. Gutter spread on continuous grades may be determined using the Manning's equation, or by using Figure 1 (see Appendix A). Further guidance regarding gutter spread calculation may be found in the latest edition of HERPICC Stormwater Drainage Manual.

I. Workmanship

The specifications for the construction of storm sewers and sub-drains, including backfill requirements, shall not be less stringent than those set forth in the latest edition of the INDOT, "Standard Specifications". Additionally, ductile iron pipe shall be laid in accordance with American Water Works Association (AWWA) C-600 and clay pipe shall be laid in accordance with either American Society of Testing Materials (ASTM) C-12 or the appropriate American Association of State Highway and Transportation Officials (AASHTO) specifications. Variations from these standards must be justified and receive written approval from the Hendricks County Surveyor.

J. Materials

Storm sewer manholes and inlets shall be constructed of cast in place concrete or precast reinforced concrete. Material and construction shall conform to the latest edition of the Indiana Department of Transportation (INDOT) "Standard Specifications", Sections 702 and 720.

Pipe and fittings used in storm sewer construction shall be extra-strength clay pipe (ASTM C-12), ductile iron pipe (AWWA C-151), poly vinyl chloride pipe (AASHTO M252), polyethylene pipe (AASHTO M252 or AASHTO M294), or concrete pipe (AASHTO M170). Other pipe and fittings not specified herein or in Sections 907-908 of the latest edition of the INDOT "Standard Specifications" may be used only when specifically authorized by the Hendricks County Surveyor. Pipe joints shall be flexible and watertight and shall conform to the requirements of Section 906, of the latest edition of the INDOT "Standard

Specifications". If the storm sewer pipe is to be placed within a road right-of-way or in an area subject to loading, the pipe and fittings shall be concrete.

K. Special Hydraulic Structures

Special hydraulic structures required to control the flow of water in storm runoff drainage systems include junction chambers, drop manholes, stilling basins, and other special structures. The use of these structures shall be limited to those locations justified by prudent planning and by careful and thorough hydraulic engineering analysis. Certification of special structures by a certified Structural Engineer may also be required.

L. Connections to Storm Sewer System

To allow any connections to the storm sewer system, provisions for the connections shall be shown in the drainage calculations for the system. Specific language shall be provided in the protective covenants, on the record plat, or with the parcel deed of record, noting the ability or inability of the system to accommodate any permitted connections, for example, sump pumps and footing drains.

1. **Sump pumps** installed to receive and discharge groundwater or other stormwater shall be connected to the storm sewer where possible or discharged into a designated storm drainage channel/swale. Sump pumps installed to receive and discharge floor drain flow or other sanitary sewage shall be connected to the sanitary sewers. A sump pump shall be used for one function only, either the discharge of stormwater or the discharge of sanitary sewage.
2. **Footing drains and perimeter drains** shall be connected to Manholes or Curb inlets, where possible, or to designated storm sewers or discharged into designated storm drainage channels/swales.
3. **All roof downspouts**, roof drains, or roof drainage piping shall discharge onto the ground and shall not be directly connected to the storm drainage system. Variation from this requirement may be requested and granted by the Hendricks County Surveyor in special circumstances. No downspouts or roof drains shall be connected to the sanitary sewers.
4. **Basement floor drains** shall not be connected to the storm sewers.

In addition, none of the above mentioned devices shall be connected to any street underdrains, unless specifically authorized by the Hendricks County Surveyor.

M. Maintenance Responsibilities

Maintenance of stormwater sewer facilities during construction and thereafter, shall be the responsibility of the land developer/owner. Assignment of responsibility for maintaining facilities serving one or more lot(s) or holding(s) shall be documented on the recorded plat as well as in appropriate covenants to property deeds. **Maintenance of subsurface drain tiles that are less than 12 inches in diameter shall be the responsibility of the homeowners and/or the homeowners association.** The latter statement shall be shown on the recorded plat and plot plans.

12. CHANNEL DESIGN STANDARDS AND MATERIALS

All channels, whether private or public, and whether constructed on private or public land, shall conform to the design standards and other design requirements contained herein.

A. Design Storm Frequencies

1. All channels and swales shall accommodate, as a minimum, peak runoff from a 10-year return frequency storm. For Rational Method analysis, the storm duration shall be equal to the time of concentration for the drainage area. In computer-based analysis, the duration is as noted in the applicable methodology associated with the computer program.
2. Channels with a carrying capacity of more than 30 cfs at bank-full stage shall be capable of accommodating peak runoff for a 24-hour, 50-year return frequency storm within the drainage easement.
3. Channel facilities functioning as a major drainage system, as defined in Appendix B, must also meet IDNR design standards.
4. Residential rear and side lot swales shall not convey more than 4 cfs during the 10-year event.
5. Regardless of minimum design frequencies stated above, the performance of all parts of drainage system shall be checked for the 100-year flow conditions to insure that all buildings are properly located outside the 100-year flood boundary and that flow paths are confined to designated areas with sufficient easement.

B. Manning's Equation

The waterway area for channels shall be determined using Manning's Equation, where:

$$Q = (1.486/n) (A) (R^{2/3}) (S^{1/2})$$

Q = Discharge in cubic feet per second (cfs)

A = Waterway area of channel in square feet

Parameters R, S, and n are explained in Section 11B.

C. Backwater Method for Drainage System Analysis

The determination of 100-year water surface elevation along channels and swales shall be based on accepted methodology and computer programs designed for this purpose. Computer programs HEC-RAS, HEC-2, and ICPR are preferred programs for conducting such backwater analysis. The use of other computer models must be approved in advance by the Hendricks County Surveyor.

D. Channel Cross-Section and Grade

1. The required channel cross-section and grade are determined by the design capacity, the material in which the channel is to be constructed, and the requirements for maintenance. A minimum depth may be required to provide adequate outlets for subsurface drains, tributary ditches, or streams. The channel grade shall be such that the velocity in the channel is high enough to prevent siltation but low enough to prevent erosion. Velocities less than 2 feet per second are not acceptable, as siltation will take place and ultimately reduce the channel cross-section area. The maximum permissible velocities in vegetated-lined channels are shown in Table 7 (see Appendix A). In addition to existing runoff, the channel design should incorporate increased runoff due to the proposed development.
2. Where depth of design flow is slightly below critical depth, channels shall have freeboard adequate to cope with the effect of hydraulic jumps.
3. Minimum swale slopes are 0.5%. All flow shall be confined to the specific easements associated with each rear and side lot swale that are part of the minor drainage system. Swales with a slope less than 1.0 % shall have tile underdrains to dry the swales. Further guidance regarding this subject may be found in the latest edition of the Indiana Drainage Handbook.
4. Along the streets and roads, the bottom of the ditch should be low enough to install adequately-sized driveway culverts without creating "speed

bumps". The driveway culvert inverts shall be designed to adequately consider upstream and downstream culvert elevations.

5. Flow of a channel into a closed system is prohibited, unless quantity and head loss computations demonstrate the closed conduit to be capable of carrying the 100-year channel flow for developed conditions, either entirely or in combination with a defined overflow channel, with no reduction of velocity.

E. Side Slopes

1. Earthen channel side slopes shall be no steeper than 3 horizontal to 1 vertical (3:1). Flatter slopes may be required to prevent erosion and for ease of maintenance.
2. Where channels will be lined with riprap, concrete, or other acceptable lining method, side slopes shall be no steeper than 2 horizontal to 1 vertical (2:1) with adequate provisions made for weep holes.
3. Side slopes steeper than 2 horizontal to 1 vertical (2:1) may be used for lined channels provided that the side lining is designed and constructed as a structural retaining wall with provisions for live and dead load surcharge.
4. When the design discharge produces a depth of greater than three (3) feet in the channel, appropriate safety precautions shall be added to the design criteria based on reasonably anticipated safety needs.

F. Channel Stability

1. Characteristics of a stable channel are:
 - a] It neither promotes sedimentation nor degrades the channel bottom and sides.
 - b] The channel banks do not erode to the extent that the channel cross-section is changed appreciably.
 - c] Excessive sediment bars do not develop.
 - d] Excessive erosion does not occur around culverts, bridges, outfalls or elsewhere.

- e] Gullies do not form or enlarge due to the entry of uncontrolled flow to the channel.
- 2. Channel stability shall be determined for an aged condition and the velocity shall be based on the design flow or the bankfull flow, whichever is greater, using an "n" value for various channel linings as shown in Tables 6 and 7 (see Appendix A). In no case is it necessary to check channel stability for discharges greater than that from a 100-year frequency storm.
- 3. Channel stability shall be checked for conditions immediately after construction. For this stability analysis, the velocity shall be calculated for the expected flow from a 10-year frequency storm on the watershed, or the bankfull flow, whichever is smaller, and the "n" value for the newly constructed channels in fine-grained soils and sands may be determined in accordance with the "National Engineering Handbook 5, Supplement B, Soil Conservation Service" and shall not exceed 0.025. This reference may be obtained by contacting the National Technical Information Service in Springfield, Virginia at 703-487-4650. The allowable velocity in the newly constructed channel may be increased by a maximum of 20 percent to reflect the effects of vegetation to be established under the following conditions:
 - a] The soil and site in which the channel is to be constructed are suitable for rapid establishment and support of erosion controlling vegetation.
 - b] Species of erosion controlling vegetation adapted to the area, and proven methods of establishment are shown.
 - c] The channel design includes detailed plans for establishment of vegetation on the channel side slopes.

G. Drainage of Waterways

Vegetated waterways that are subject to low flows of long duration or where wet conditions prevail shall be drained with a tile system or by other acceptable means. Tile lines may be outletted through a drop structure at the ends of the waterway or through a standard tile outlet.

H. Appurtenant Structures

The design of channels will include provisions for operation and maintenance and the proper functioning of all channels, laterals, travelways and

structures associated with the project. Recessed inlets and structures needed for entry of surface and subsurface flow into channels without significant erosion or degradation shall be included in the design of channel improvements. The design will also provide for necessary floodgates, water level control devices, and any other appurtenance structure affecting the functioning of the channels and the attainment of the purpose for which they are built.

The effects of channel improvements on existing culverts, bridges, buried cables, pipelines, and inlet structures for surface and subsurface drainage on the channel being improved and laterals thereto shall be evaluated to determine the need for modification or replacement. Culverts and bridges which are modified or added as part of channel improvement projects shall meet reasonable standards for the type of structure, and shall have a minimum capacity equal to the design discharge or governmental agency design requirements, whichever is greater.

I. Deposition of Spoil

Spoil material resulting from clearing, grubbing, and channel excavation shall be disposed of in a manner that will:

1. Minimize overbank wash.
2. Provide for the free flow of water between the channel and floodplain boundary unless the valley routing and water surface profiles are based on continuous dikes being installed.
3. Not hinder the development of travelways for maintenance.
4. Leave the right-of-way in the best condition feasible, consistent with the project purposes, for productive use by the owner.
5. Be approved by the IDNR or COE, whichever is applicable, if deposited in the floodway.

J. Materials

Materials acceptable for use as channel lining are:

1. Grass
2. Revetment Riprap
3. Concrete
4. Hand Laid Riprap
5. Precast Cement Concrete Riprap
6. Gabions

7. Straw or Coconut Mattings (only until grass is established)

Other lining materials must be approved in writing by the Hendricks County Surveyor. Materials shall comply with the latest edition of the INDOT, "Standard Specifications".

K. Maintenance Responsibilities

Maintenance of channels during construction and thereafter, shall be the responsibility of the land developer/owner. Assignment of responsibility for maintaining facilities serving one or more lot(s) or holding(s) shall be documented on the recorded plat as well as in appropriate covenants to property deeds. **Maintenance of swales shall be the responsibility of the homeowners and/or the homeowners association.** The latter statement shall be shown on the recorded plat and plot plans.

13. STORMWATER DETENTION DESIGN STANDARDS

The following shall govern the design of any improvement with respect to the detention of stormwater runoff. Basins shall be constructed to temporarily detain the stormwater runoff that exceeds the maximum peak release rate authorized by this Ordinance. The required volume of storage provided in these basins, together with such storage as may be authorized in other on-site facilities, shall be sufficient to control excess runoff from the 10-year or 100-year storm as explained below in Section "B.". Also, basins shall be constructed to provide adequate capacity to allow for sediment accumulation resulting from development and to permit the pond to function for reasonable periods between cleanings.

A. Acceptable Detention Facilities

The increased stormwater runoff resulting from a proposed development should be detained on-site by the provisions of appropriate wet bottom or dry bottom detention facilities, parking lots, or other acceptable techniques. Measures that retard the rate of overland flow and the velocity in runoff channels shall also be used to partially control runoff rates.

B. Allowable Release Rates

Control devices shall limit the discharge to a rate such that the release rate from the site is no greater than the 2-year pre-developed rate for 0-10 year return interval storms and the 10-year pre-developed rate for 11 - 100 year return interval storms. That is, all storms up to and including the 10-year return period storm must be detained at a release rate below the pre-developed peak 2-year return period stormwater runoff rate. The release rate for developments for the

11-100 year return period storms shall not exceed the pre-developed peak 10-year return period rate. As stated in Section 5, the allowable release rates may be reduced from these levels if downstream restrictions exist.

C. Drainage System Overflow Design

Drainage systems, including all ditches, channels, conduits, swales, etc., shall have adequate capacity to convey the stormwater runoff from all upstream tributary areas (off-site land areas) through the development under consideration for a 100-year return period design storm calculated on the basis of the upstream land use that reflects the reasonably anticipated development, as stipulated in the Comprehensive Land Use Plan for Hendricks County. Swales between privately owned residential lots shall not be used to convey the above referenced stormwater runoff unless the discharge paths are confined within the drainage easements and/or common areas. In the case of existing upstream detention, an allowance equivalent to the reduction in flow rate provided may be made for upstream detention only when: (1) such detention and release rate have previously been approved by the Hendricks County official charged with the approval authority at the time of the approval, and (2) evidence of its construction and maintenance can be shown.

D. General Detention Basin Design Requirements

1. The maximum volume of water stored and subsequently released at the design release rate shall not result in a storage duration in excess of 48 hours from the start of the storm unless additional storms occur within the period.
2. The 100-year elevation of stormwater detention facilities shall be separated by not less than 25 feet from any building or structure to be occupied.
3. No detention facility or other water storage area, permanent or temporary, shall be constructed under or within twenty (20) feet of any pole or high voltage electric line. Likewise, poles or high voltage electric lines shall not be placed within twenty (20) feet of any detention facility or other water storage area.
4. All stormwater detention facilities shall be separated from any road right-of-way by no less than one right-of-way width, measured from the top of bank or the 100-year pool if no defined top of bank is present, using the most restrictive right-of-way possible. If the width of the right-of-way is less than 50 feet, then the minimum distance between top of bank and road shall be increased to 50 feet.

5. Slopes no steeper than 3 horizontal to 1 vertical (3:1) for safety, erosion control, stability, and ease of maintenance shall be permitted.
6. Safety screens having a maximum opening of four (4) inches shall be provided for any pipe or opening to prevent children or large animals from crawling into the structures.
7. Prior to final approval, danger signs shall be mounted at appropriate locations to warn of deep water, possible flood conditions during storm periods, and other dangers that exist. Fencing shall be installed by the developer if required by the Hendricks County Surveyor. However, this does not relieve the applicant and owner from the responsibility of taking all necessary steps to ensure public safety with regards to such facilities.
8. Outlet control structures shall be designed to operate as simply as possible and shall require little or no maintenance and/or attention for proper operation. For maintenance purposes, the outlet shall be a minimum of 0.5 foot above the normal water level of the receiving water body. They shall limit discharges into existing or planned downstream channels or conduits so as not to exceed the predetermined maximum authorized peak flow rate.
9. Emergency overflow facilities such as a weir or spillway shall be provided for the release of exceptional storm runoff or in emergency conditions should the normal discharge devices become totally or partially inoperative. The overflow facility shall be of such design that its operation is automatic and does not require manual attention.
 - a] Off-site flows greater than the rate produced by the 10-year storm in the post-developed condition shall be conveyed through the emergency spillway, not through the primary outlet structure.
 - b] Emergency overflow facilities shall be designed to handle one and one-quarter (1.25) times the peak discharge and peak flow velocity resulting from the 100-year design storm event runoff from the entire contributing watershed, assuming post-development condition, draining to the detention/retention facility.
10. Grass or other suitable vegetative cover shall be provided along the banks of the detention storage basin. Grass should be cut regularly at approximately monthly intervals during the growing season or as required to maintain facility.

11. Debris and trash removal and other necessary maintenance shall be performed on a regular basis to assure continued operation in conformance to design (see Item I below for Facility Maintenance Responsibilities).
12. No residential lots or any part thereof, shall be used for any part of a detention basin or for the storage of water, either temporary or permanent, unless that part of a lot is located within an easement. The easement must be of sufficient width, as determined by the Hendricks County Surveyor, to perform routine maintenance activities.

E. Additional Requirements for Wet-Bottom Facility Design

Where part of a detention facility will contain a permanent pool of water, all the items required for detention storage shall apply. Also, a controlled positive outlet will be required to maintain the design water level in the wet bottom facility and provide required detention storage above the design water level. However, the following additional conditions shall apply:

1. Facilities designed with permanent pools or containing permanent lakes shall have a water area of at least one-half (0.5) acre. If fish are to be used to keep the pond clean, a minimum depth of approximately ten (10) feet shall be maintained over at least 25 percent of the pond area. The remaining lake area shall have no extensive shallow areas, except as required by subsection 3 below.
2. A safety ledge six (6) to ten (10) feet in width, depending on the presence of a security fence, is required and shall be installed in all lakes approximately 18 inches below the permanent water level. In addition, a similar maintenance ledge 12 inches above the permanent water line shall be provided. The slope between the two ledges shall be stable and of a material such as stone or riprap which will prevent erosion due to wave action.
3. A safety ramp exit from the lake shall be required in all cases and shall have a minimum width of twenty (20) feet and exit slope of 6 horizontal to 1 vertical (6:1).
4. Periodic maintenance is required in lakes to control weed and larval growth. The facility shall also be designed to provide for the easy removal of sediment that will accumulate during periods of reservoir operation. A means of maintaining the designed water level of the lake during prolonged periods of dry weather may also be required (see Item I below for Facility Maintenance Responsibilities).

5. Methods to prevent pond stagnation, including but not limited to aeration facilities, shall be considered in all designs. Design calculations to substantiate the effectiveness of any aeration facilities shall be submitted with final engineering plans. Agreements for the perpetual operation and maintenance of aeration facilities shall be prepared to the satisfaction of the Hendricks County Surveyor.
6. For visual clarification, refer to Figures 2 and 3 (see Appendix A).

F. Additional Requirements for Dry-Bottom Facility Design

In addition to general design requirements, detention facilities that will not contain a permanent pool of water shall comply with the following requirements:

1. Provisions shall be incorporated into facilities for complete interior drainage of dry bottom facilities, including the provisions of natural grades to outlet structures, longitudinal and transverse grades to perimeter drainage facility, paved gutters, or the installation of subsurface drains.
2. For residential developments, the maximum planned depth of stormwater stored shall not exceed four (4) feet.
3. In excavated detention facilities, a minimum side slope of 3:1 shall be provided for stability. In the case of valley storage, natural slopes may be considered to be stable.

G. Parking Lot Storage

Paved parking lots may be designed to provide temporary detention storage of stormwater on all or a portion of their surfaces. Outlets for parking lot storage of stormwater will be designed so as to empty the stored waters slowly. Depths of storage shall be limited to a maximum depth of seven (7) inches so as to prevent damage to parked vehicles and so that access to parked vehicles is not impaired. Ponding should in general, be confined to those positions of the parking lots farthest from the area served.

H. Detention Facilities in Floodplains

If detention storage is provided within a 100-year floodplain, only the net increase in storage volume above that which naturally existed on the floodplain shall be credited to the development. No credit will be granted for volumes below the elevation of the regulatory flood at the location unless compensatory storage is also provided.

I. Facility Maintenance Responsibilities

Maintenance of detention/retention facilities shall be the responsibility of the land developer/owner or the homeowners association.

J. Joint Development of Control Systems

Stormwater control systems may be planned and constructed jointly by two or more developers as long as compliance with this Ordinance is maintained.

K. Diffused Outlets

When the allowable runoff is released in an area that is susceptible to flooding or erosion, the developer may be required to construct appropriate storm drains through such area to avert increased flood hazard caused by the concentration of allowable runoff at one point instead of the natural overland distribution. The requirement of diffused outlet drains shall be at the discretion of the Hendricks County Surveyor.

L. IDNR Requirements

All designs for basins to be constructed in the floodway of a stream with a drainage area of one square mile or more must also satisfy IDNR permit requirements.

M. Allowance for Sedimentation

Detention basins shall be designed with an additional ten (10) percent of available capacity to allow for sediment accumulation resulting from development and to permit the pond to function for reasonable periods between cleanings. Basins should be designed to collect sediment and debris in specific locations so that removal costs are kept to a minimum. For wet-bottom ponds, the sediment allowance may be provided below the permanent pool elevation.

14. MISCELLANEOUS DESIGN CRITERIA

A. Grading and Building Pad Elevations

Maximum yard slopes are 3:1 where soil has been disturbed during construction processes. Top of foundation 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 Surveyor.

For all structures located in the SFHA as shown on the FEMA maps, the lowest floor elevations of all residential, commercial or industrial buildings, shall be such that all floors, including basement, shall be at the flood protection grade and therefore have 2 feet of freeboard above the 100-year flood elevation.

The low entry elevation for residential buildings outside a FEMA or IDNR designated floodplain shall have two feet of freeboard above the 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 low entry elevation for residential buildings shall have two feet of freeboard above the 100-year flood under proposed conditions or be separated by a minimum distance of 50 feet from the proposed-condition 100-year flood boundary.

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.

B. Structures Near Regulated Drains

For regulated drains not located in platted subdivisions, unless otherwise approved by the Hendricks County Drainage Board, 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 Surveyor; or b) the center line of a tiled Regulated Drain.

15. EASEMENT REQUIREMENTS

In accordance with 36-9-27-33, there shall be no trees or shrubs planted, nor any structures or fences erected in any drainage easement, unless otherwise approved by the Hendricks County Surveyor. Unless otherwise noted in this Ordinance, 75 feet from the top of bank on each side of an channel or each side of center line of an underground pipe must be dedicated to the Hendricks County Drainage Board as regulated drain easement. A minimum drainage easement of 30 feet needs to be provided regardless of whether or not the drain is to become a regulated drain. The following specific requirements shall also apply:

A. Subdivisions

1. All new channels, drain tiles greater than 12 inches in diameter, inlet and outlet structures of detention ponds, and appurtenance thereto as required

by this Article that are installed in Hendricks County Plan Commission approved subdivisions shall become regulated drains upon completion, proper inspection, and acceptance by the Hendricks County Surveyor and Drainage Board. New drain tiles refer to all sub-surface storm water piping, tubing, tiles, manholes, inlets, catch basins, risers, etc.

2. New drain tile, 12-inch or greater in diameter, shall be placed in a minimum 30-foot easement (15 feet from centerline on each side) and shall be designated on the record plat as 30-foot Regulated Drain Easement.
3. 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 Regulated Drain Easement.
4. Rear-yard swales and emergency overflow paths associated with detention ponds shall not be regulated drains. However, a minimum of 30 feet width (15 feet from centerline on each side) needs to be designated as drainage easement.
5. A minimum of 25 feet from the 100-year pool of stormwater detention facilities shall be designated as drainage easement.
6. A variance may be granted from the statutory 75-foot (each side) drainage easement for existing regulated drains.
7. An annual maintenance assessment shall be set up on each new regulated drain established in a new subdivision. The amount to be determined by the Hendricks County Drainage Board and so certified by the Hendricks County Auditor.
8. 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 ponds, and appurtenance thereto within designated drain easements shall be regulated drains subject to Indiana Code 36-9-27 and its amendments. Drainage swales and tile drains less than 12-inch in inside diameter shall be the responsibility of owner or homeowner association.”*
9. 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 with drainage easements established under authority of the Indiana Drainage Code and so that said Board may exercise other powers and duties as provided in said code. This*

subdivision contains _____ linear feet of open ditches and _____ linear feet of tile drains.”

B. Non-Subdivisions

Where the Hendricks County Drainage Board is responsible for maintenance of the drainage system, regulated drain 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 the Hendricks County Drainage Board.

C. Establishment of New Regulated Drain

When the 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.

16. EROSION AND SEDIMENT CONTROL

See Chapter Two (Requirements for Erosion Control on Sites with Land-disturbing Activities) of this Ordinance.

17. PLACEMENT OF UTILITIES

No utility company may disturb existing storm drainage facilities without the consent of the Hendricks County Surveyor, whose decision may be appealed to the Hendricks County Drainage Board. All existing drainage facilities shall have senior rights and damage to said facilities shall result in penalties as prescribed in Chapter Four (Enforcement Structure of Ordinance) of this Ordinance.

18. TIME LIMITS FOR PERMITS

- A. Before the commencement of construction of a new building or a stormwater drainage facility or system for an existing building, the owner shall apply in writing to the Hendricks County Drainage Board for an approval to construct a stormwater drainage facility or system, setting out the date of the intended construction, exact location, any plans, specifications, and any other information deemed necessary by the Hendricks County Surveyor, and expressly state that the

owner has complied, and will at all times comply with the standards set out in this Ordinance.

- B. If the work, described in the Drainage Board's approval, has not commenced within one (1) year from the date of approval, the approval will expire. If the work described in a drainage approval has not been substantially completed (90 percent completed) within two (2) years of the date of issuance thereof, said approval will expire. A written extension of up to 180 days may be granted by the Hendricks County Surveyor if the work in progress exceeds 50 percent completion. All other instances must reapply for a new approval.

19. CHANGES IN PLAN

Any significant change or deviation in the detailed information after receipt of a Drainage Approval shall be filed with and approved in writing by the Hendricks County Surveyor prior to the land development involving the change. Significant shall mean any change that will result in greater than:

- A. A 10% reduction in flow capacity of any conveyance system; or
- B. A 10% increase in required storage volume of any detention system; or
- C. A 0.3 foot increase or decrease in 100-year elevation of a detention/retention facility.

Copies of the changes, if approved, shall be attached to the final plans and specifications submitted for the Drainage Approval. Approvals can be revoked if it is found that plans other than those approved by the Hendricks County Surveyor are being used for construction.

20. CERTIFICATIONS REQUIRED FOR AS-BUILT CONDITION

After completion of the project and before the issuance of a certificate of occupancy, and/or acceptance of the completed construction project based on approved plans, a "Record Set" or "As-Built" set of plans that is prepared, signed, and certified by a professional engineer or a licensed land surveyor shall be submitted to the Hendricks County Surveyor for review. These plans shall include all pertinent data relevant to the completed storm drainage system and shall include as a minimum:

- ◆ Pipe size and pipe material.
- ◆ Invert elevations.
- ◆ Top rim elevations.

- ◆ Lengths of all pipe structures.
- ◆ Data and calculations showing constructed detention basin storage volume.
- ◆ Certified statement on plans saying the completed storm drainage system substantially complies with the final plans as approved by the Hendricks County Surveyor.
- ◆ Any variations from the approved final design plans, including horizontal layout, dimensions, or any other topographic changes, noted.
- ◆ All elevations as based on required datum.
- ◆ Description of all permanent benchmarks as referenced in Section 8.B.i.4.
- ◆ If the "As-Built" data is collected in a digital format, the digital information shall be made available to the Hendricks County Surveyor. This information shall also include "As-Built" grading and layout plans.
- ◆ To verify the connectivity and proper installation of all drain tiles that will become regulated drain, a report summarizing the results of visual recording (via equipment such as "Sewer Cam") of such tile drains shall accompany the Record or As-Built set of plans. A 72-hour notice shall be provided to the Hendricks County Surveyor's Office prior to the recording date.

Within ten (10) days after completion of a land alteration for which a drainage approval was required and relative to which a certified plan was required to be filed, a registered professional engineer or land surveyor, engaged in storm drainage design, shall execute and file with the Hendricks County Surveyor a Certificate of Completion and Compliance. Such certificate shall be in the format depicted in Figure 4 (see Appendix A).

21. FUTURE CHANGES IN GRADE

The following statement shall become part of the Restrictive Covenants of every platted subdivision: *"The property shall be graded pursuant to the final construction plan and may not thereafter be changed without the written approval of the Hendricks County Surveyor, whose decision may be appealed to the Hendricks County Drainage Board."*

22. INSPECTIONS AND CORRECTIVE MEASURES

Nothing herein contained shall prevent Hendricks County 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.

A. Inspections

All permitted stormwater conveyance systems and detention storage facilities may be inspected by representatives of Hendricks County bearing proper credentials and identification.

The following minimum inspections and notifications will be required:

- ♦ An inspection will be required after erosion control measures are installed and before excavation begins. This may occur multiple times throughout a project.
- ♦ Inspection of erosion control procedures will be performed after all major storm events and at random points throughout the construction process.

Hendricks County Drainage Board and/or Hendricks County Surveyor may rely upon inspection by other Hendricks County departments and other agencies such as the IDNR or the Hendricks County SWCD. However, the final decision rests solely with the Hendricks County Drainage Board and/or Hendricks County Surveyor as set forth in this Ordinance

B. Corrective Measures

If deficiencies are found by the inspector, written notice of violation shall be sent to the owner by certified mail. A time limit shall be given for the remedy of the violation. If the owner fails to correct the noted deficiencies, Hendricks County may undertake the work and collect the cost of maintenance or repair from the owner. Said costs shall become a lien against the property, upon which the corrective measures are made.

23. 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 depths 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 Hendricks County or any officer or employee thereof for any damage that may result from reliance on this Ordinance or on any administrative decision lawfully made thereunder.

24. REPEALER

All ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed.

25. WHEN EFFECTIVE

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

26. EXEMPT PROJECTS

All residential, commercial, or industrial subdivision (major or minor) or construction project thereon, which have made application to the Hendricks County Drainage Board or the Hendricks County Surveyor prior to the effective date of this Ordinance shall be subject to terms and conditions of the prior ordinance. Also, exempt from this Ordinance are drainage projects that install farm tile/enclosed conduit and the reconstruction or maintenance of regulated drains or replacement of existing stream crossings by the Hendricks County Drainage Board or the Hendricks County Surveyor's Office.

27. PERMIT FEES

See Chapter Three (Ordinance Fee Structure) of this Ordinance.

28. DETAILED DRAWINGS OF DESIGN STANDARDS

Technical Standards and Drawings may be added, as Appendices to this Article by the Hendricks County Surveyor as deemed necessary. All additions will be approved by the Hendricks County Surveyor and will conform to standards set forth in Indiana Code 36-9-27-29.

29. PENALTIES

See Chapter Four (Enforcement Structure of Ordinance) of this Ordinance.

30. NO PRIVATE RIGHTS CONFERRED

Notwithstanding any provision as contained herein, this Ordinance shall not be construed to confer any private enforceable rights upon any private person, firm or corporation for enforcement of this Ordinance, for damages, for injunctive relief or for any cause of action whatsoever resulting of non-compliance herewith. All rights to enforcement of this Ordinance shall be exclusively delegated to Hendricks County.





CHAPTER TWO

REQUIREMENTS FOR EROSION CONTROL ON SITES WITH LAND- DISTURBING ACTIVITIES

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The intent of these requirements is the control of soil erosion and sedimentation caused by land-disturbing activities within Hendricks County. Measures taken to control erosion and sedimentation should assure that sediment is not transported from a site by storm events.

1. AUTHORITY

These requirements are adopted as part of the Storm Drainage, Erosion, and Sediment Control Ordinance of Hendricks County under the authority granted by Indiana Code #36-1-4-11, #36-7-4, and all acts supplemental and mandatory thereto. This authority provides for the

administration, enforcement, and amendment of these requirements for controlling soil erosion within Hendricks County.

2. FINDINGS AND PURPOSE

- A. Soil erosion resulting from land-disturbing activities causes a significant amount of sediment and other pollutants to be transported off-site to locations including ditches, streams, wetlands, lakes, and reservoirs.
- B. The purpose of these requirements is to conserve the natural resources; to protect the quality of air and water, and to protect and promote the health, safety and welfare of people to the extent practicable by minimizing the amount of sediment and other pollutants, resulting from soil erosion due to land-disturbing activities, from being transported off-site to adjacent public or private lands including ditches, streams, lakes, wetlands, and reservoirs.

3. APPLICABILITY

These requirements apply to all land-disturbing activities on land within the boundaries and jurisdiction of Hendricks County that are subject to this Ordinance. Agricultural land-disturbing activities and Soil & Water Conservation projects, implemented through the Hendricks County Soil and Water Conservation District and the Hendricks County Drainage Board, are exempt from these requirements.

4. CONFLICTING REQUIREMENTS

The erosion control provisions of this Ordinance shall be deemed as additional requirements to minimum standards required by the Indiana General Permit Rule for Storm Water Run-off Associated With Construction Activity (Rule 5), 327 IAC 15-5 (or most recent revision). In case of conflicting requirements, the most restrictive shall apply.

5. GENERAL PRINCIPLES

The following principles apply to all land-disturbing activities within Hendricks County regulated area and should be considered in the preparation of submissions under these requirements:

- A. To minimize the potential for soil erosion, development should fit the topography and soils of the site. Areas with steep slopes where deep cuts and fills may be required should be avoided wherever possible, and natural contours should be followed as closely as possible.

- B. Natural vegetation should be retained and protected wherever possible. Areas immediately adjacent to watercourses and lakes also should be left undisturbed wherever possible.
- 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. Provisions should be made to accommodate the increased runoff caused by changed soil and surface conditions (impervious areas) during and after development.
- E. Length and steepness of slopes should be minimized to reduce erosion potential.

6. DESIGN CRITERIA, STANDARDS, AND SPECIFICATIONS FOR EROSION CONTROL MEASURES

All erosion control measures including, but not limited to, those required to comply with this Ordinance shall meet the design criteria, standards, and specifications for erosion control measures similar to or the same as those outlined in the "Indiana Handbook for Erosion Control in Developing Areas" published by the Indiana Department of Natural Resources.

7. EROSION AND SEDIMENT CONTROL REQUIREMENTS

The following requirements shall be met on all sites:

- A. Sediment-laden water flowing from the site shall be detained by erosion control measures appropriate to minimize sedimentation.
- B. Water shall not be discharged in a manner that causes erosion at or downstream of the point of discharge.
- C. All access to building sites that cross a natural watercourse, drainage easement, or swale/channel shall have a culvert of appropriate size.
- D. Wastes or unused building materials, including but not limited to garbage, debris, cleaning wastes, wastewater, toxic materials, and hazardous substances, shall not be carried by runoff from a site. All wastes shall be disposed of in a proper manner.
- E. Sediment being tracked from a site onto public or private roadways shall be minimized. This can be accomplished initially by a temporary gravel construction entrance, in addition to a well-planned layout of roads, access drives, and parking areas.

- F. Public or private roadways shall be kept cleared of accumulated sediment. Bulk clearing of sediment shall not include flushing the area with water.
- G. All storm drain inlets shall be protected against sedimentation with barriers meeting accepted criteria, standards and specifications.
- H. Runoff passing through a site from adjacent areas shall be controlled by diverting it around disturbed areas, where practical. Diverted runoff shall be conveyed in a manner that will not erode the channel and receiving areas. Alternatively, the existing channel may be left undisturbed or improved to prevent erosion or sedimentation from occurring.
- I. Drainageways and swales shall be designed and adequately protected so that their final gradients and resultant velocities will not cause channel or outlet scouring.
- J. All disturbed ground left inactive for fourteen (14) or more days shall be stabilized by seeding, sodding, mulching, covering, or by other equivalent erosion control measures.
- K. Appropriate sediment control practices shall be installed prior to any land disturbance and thereafter whenever necessary.
- L. During the period of construction activity at a site, erosion control measures necessary to meet the requirements of this Ordinance shall be maintained by the applicant.

8. CONTENT REQUIREMENTS OF EROSION CONTROL PLANS

The following items must be incorporated into or included on an Erosion Control sheet(s) as part of the overall construction and development plans submitted to the Hendricks County Drainage Board or the Hendricks county Surveyor for drainage approval:

- A. All existing and proposed lakes, ponds, streams, channels, ditches, swales, wetlands, and other water bodies and drainage systems at the project site.
- B. Existing and proposed contours/spot elevations for the project site.
- C. Delineation of vegetative covers, including areas of vegetation that will not be disturbed.
- D. Soil stockpile locations.
- E. Locations and dimensions of all proposed erosion control measures.

- F. Details, including installation details, and specifications for all erosion control measures.
- G. Schedule of construction, including each land-disturbing activity and the installation of erosion control measures.
- H. Provisions for maintenance of all erosion control measures.

9. REVIEW OF EROSION CONTROL PLANS

The Hendricks County Drainage Board shall review the application and erosion control plan as part of a comprehensive review of drainage plans to determine whether the requirements of this Ordinance have been met. In addition, the Hendricks County SWCD, or its representative, will be provided a copy of the submitted drainage plans, including the erosion control information, as well as a copy of the comments on the erosion control plan, when completed. Comments from the Hendricks County SWCD will be incorporated in the overall drainage plan review under this Ordinance, when such comments are received prior to the completion of the noted overall review. The Hendricks County Drainage Board's/Surveyor's review of the erosion control plan is independent of any Hendricks County SWCD review and approval authority. Unless otherwise instructed by the Hendricks County SWCD, the applicant would still need to make a separate submittal to the Hendricks County SWCD in accordance with the Rule 5 (327 IAC 15-5) requirements. Additional requirements, beyond those already requested by the Drainage Board, may be imposed as a result of Hendricks County SWCD's independent review.

10. REQUIRED NOTIFICATIONS

All permit applicants are required to:

- A. Notify the Hendricks County Drainage Board at least 72 hours before commencing land-disturbing activities.
- B. Notify the Hendricks County Drainage Board prior to modifying the erosion control plan. This will be necessary if planned measures do not suffice in controlling erosion and off-site sedimentation.

11. INSPECTION

The Hendricks County Drainage Board, or the Drainage Board's representative, may enter the site for verifying compliance with the erosion control plan, or for performing any work necessary to bring the site into compliance with the erosion control plan. Required inspections for erosion control practices shall be performed within two working days of notification.

The following minimum inspections and notifications will be required:

- ◆ An inspection will be required after erosion control measures are installed and before excavation begins. This may occur multiple times throughout a project.
- ◆ Inspection of erosion control procedures will be performed after all major storm events and at random points throughout the construction process.

Hendricks County Drainage Board and/or Hendricks County Surveyor may rely upon inspection by other Hendricks County departments and other agencies such as the IDNR or the Hendricks County SWCD. However, the final decision rests solely with the Hendricks County Drainage Board and/or Hendricks County Surveyor as set forth in this Ordinance





CHAPTER THREE

ORDINANCE FEE STRUCTURE

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1. TIME OF PAYMENT

All required fees must accompany the preliminary plans and request for review of storm drainage and erosion control requirements. The review process and corresponding time of review will not commence until payment is made in full.

2. 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

3. PLACE OF PAYMENT

All fees must be paid at the Hendricks County Drainage Board located at:

Hendricks County Drainage Board
355 S. Washington Street, Suite 214
Danville, Indiana 46122

4. REFUND OF PAYMENT

Fees are refundable **only** if the Hendricks County Drainage Board determines that compliance by the development to this Ordinance is not necessary.

5. FEE SCHEDULE

Hendricks County's Uniform Fee Schedule for activities described in this Ordinance and other activities requiring Board approval will be set by the Hendricks County Drainage Board as a separate ordinance.

6. REQUIRED ASSURANCES

As a condition of approval and issuance of the permit, the Hendricks County Drainage Board shall require the applicant to provide assurance in form of an irrevocable letter of credit or a cashier check when the erosion control plan or storm drainage plan has been approved and before construction begins. Said assurance will guarantee a good faith execution of the erosion control plan or storm drainage plan and any permit conditions. The assurance shall be for an amount equal to 100 percent of the total costs of all storm water improvements and erosion control 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 erosion control measures, construction of storm drainage infrastructure, and detention/retention facilities as regulated under this Ordinance. Assurances shall be for a minimum of \$500. 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 sewer infrastructure for the project, but also to insure that ground cover is re-established on excavated areas to prevent erosion. Said assurance shall be one of the following:

- ◆ Irrevocable letter of credit.
- ◆ Cashier's Check.





CHAPTER FOUR

ENFORCEMENT STRUCTURE OF ORDINANCE

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1. SCOPE OF FINE

If any development is in violation of any portion of this Ordinance or requirements placed on the development as conditions for approval, then a fine may be imposed on the development. Violations shall only be considered which are related to storm drainage or erosion control as required by this Ordinance or other items required by the Hendricks County Drainage Board as conditions of approval.

2. POSTING OF A STOP-WORK ORDER

The Hendricks County Drainage Board or the Hendricks County Surveyor shall post a stop-work order if:

- ◆ Any land-disturbing activity regulated under this Ordinance is being undertaken without a permit.
- ◆ The erosion control plan is not being implemented in good faith.
- ◆ The conditions of the permit are not being met.

3. FINE FOR NON-COMPLIANCE WITHIN FIRST 10 CALENDAR DAYS

If, within ten (10) calendar days after the issuance of a stop-work order, the violation and any damage caused by the violation is not corrected, then a maximum fine of two-hundred dollars (\$200) per day shall be imposed for each calendar day which expires until the violation is corrected. Notification shall be given by either certified mail, or letter delivered in person.

4. REVOCATION OF PERMIT FOR NON-COMPLIANCE WITHIN FIRST 30 CALENDAR DAYS

If, within thirty (30) days after the issuance of a stop-work order, a permit holder does not comply with the erosion control plan, the storm drainage plan, or other permit conditions, the Hendricks County Drainage Board or the Hendricks County Surveyor shall revoke the permit.

5. HOW TO REAPPLY AFTER A PERMIT HAS BEEN REVOKED

Once a permit has been revoked the entire approval and review process, along with any associated fees required by Chapter three of this Ordinance, must again be satisfied.

6. REVALIDATION OF PERMIT

Upon a successful appeal, according to Appeals Procedures described in Chapter 6 of this Ordinance, a stop-work order or the revocation may be retracted, and the permit revalidated.

7. ISSUANCE OF A NOTICE OF INTENT

Ten (10) calendar days after revoking the permit, the Hendricks County Drainage Board or the Hendricks County Surveyor shall issue a notice of intent to the violator. The notice shall state that fourteen (14) days after the date of the notice, the Hendricks County Drainage Board or

the Hendricks County Surveyor will contract the work necessary for achieving compliance with this Ordinance and will use any posted assurances to pay for said work.

8. NON-PAYMENT OF FINE

If the fine is not paid, then a lien may be placed on the property until such time as the fine is paid in full.

9. PENALTIES ASSESSED FOR ORDINANCE VIOLATION

Any person violating any of the provisions of this Ordinance may be subject to a forfeiture of up to two hundred dollars (\$200.00) per calendar day. Total fines shall not exceed ten thousand dollars (\$10,000.00) plus the costs of prosecution and costs of corrective actions for each violation.

10. METHOD OF PAYMENT

Fines 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





CHAPTER FIVE

PROJECT TERMINATION

1. PROJECT TERMINATION

When a project has been completed, the person holding the permit shall petition, in writing, the Hendricks County Drainage Board for approval of termination. The Hendricks County Drainage Board or the Hendricks County Surveyor shall subsequently inspect the site to verify the project is complete and stable.

1. For projects with multiple lots, all roads, utilities, and infrastructure must be completed and accepted by the appropriate local agency. All non-paved areas must be stable with established vegetation or other suitable cover. (All individual lots do not have to be constructed upon).
2. For all other sites, including individual building lots, all construction must be completed and all unpaved areas must be stable with established vegetation or other suitable cover.

If the termination request is approved, any posted assurances shall be released within 5 working day after final approval.





CHAPTER SIX

APPEALS PROCESS

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1. SCOPE OF APPEALS

Appeals can only be made for one of the following two reasons:

- ◆ Requirements placed on the development are in excess of that which is allowable in the ordinance.
- ◆ Fines imposed for violations or revocation of permits.

2. APPEALS PROCESS

A petition for an appeal hearing may be filed if the appeal is for one of the two reasons mentioned above. Said petition shall be set for a hearing by the Hendricks County Drainage Board within thirty (30) days of filing.





APPENDIX A

TABLES & FIGURES

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TABLE 1A

| Urban Runoff Coefficients | |
|-------------------------------|------------------------|
| Type of Surface | Runoff Coefficient "C" |
| ◆ Hard Surfaces | |
| Asphalt | 0.82 |
| Concrete | 0.85 |
| Roof | 0.85 |
| ◆ Lawns (Sandy) | |
| Flat (0-2% Slope) | 0.07 |
| Rolling (2-7% Slope) | 0.12 |
| Steep (Greater than 7% Slope) | 0.17 |
| ◆ Lawns (Clay) | |
| Flat (0-2% Slope) | 0.16 |
| Rolling (2-7% Slope) | 0.21 |
| Steep (Greater than 7% Slope) | 0.30 |

Source: HERPICC Stormwater Drainage Manual, July 1995.

TABLE 1B

| Rural Runoff Coefficients | |
|--------------------------------|------------------------|
| Type of Surface | Runoff Coefficient "C" |
| ◆ Woodland (Sandy) | |
| Flat (0-5% Slope) | 0.10 |
| Rolling (5-10% Slope) | 0.25 |
| Steep (Greater than 10% Slope) | 0.30 |
| ◆ Woodland (Clay) | |
| Flat (0-5% Slope) | 0.30 |
| Rolling (5-10% Slope) | 0.35 |
| Steep (Greater than 10% Slope) | 0.50 |
| ◆ Pasture (Sandy) | |
| Flat (0-5% Slope) | 0.10 |
| Rolling (5-10% Slope) | 0.16 |
| Steep (Greater than 10% Slope) | 0.22 |
| ◆ Pasture (Clay) | |
| Flat (0-5% Slope) | 0.30 |
| Rolling (5-10% Slope) | 0.36 |
| Steep (Greater than 10% Slope) | 0.42 |
| ◆ Cultivated (Sandy) | |
| Flat (0-5% Slope) | 0.30 |
| Rolling (5-10% Slope) | 0.40 |
| Steep (Greater than 10% Slope) | 0.52 |
| ◆ Cultivated (Clay) | |
| Flat (0-5% Slope) | 0.50 |
| Rolling (5-10% Slope) | 0.60 |
| Steep (Greater than 10% Slope) | 0.72 |

Source: HERPICC Stormwater Drainage Manual, July 1995.

TABLE 2

| Runoff Coefficients "C" by Land Use and Typical Inlet Times | | | | |
|--|---------------------|----------------|--------------|---------------------------------|
| Land Use | Runoff Coefficients | | | Inlet Times (Minutes) (4) |
| | Flat (1) | Rolling (2) | Steep (3) | |
| Commercial (CBD) | 0.75 | 0.83 | 0.91 | 5 |
| Commercial (Neighborhood) | 0.54 | 0.60 | 0.66 | 5-10 |
| Industrial | 0.63 | 0.70 | 0.77 | |
| Garden Apartments | 0.54 | 0.60 | 0.66 | |
| Churches | 0.54 | 0.60 | 0.66 | |
| Schools | 0.31 | 0.35 | 0.39 | 10-15 |
| Semi Detached Residential | 0.45 | 0.50 | 0.55 | |
| Detached Residential | 0.40 | 0.45 | 0.50 | |
| Quarter Acre Lots | 0.36 | 0.40 | 0.44 | |
| Half Acre Lots | 0.31 | 0.35 | 0.39 | |
| Parkland | 0.18 | 0.20 | 0.22 | To be Computed |

Source: HERPICC Stormwater Drainage Manual, July 1995.

- (1) Flat terrain involves slopes of 0-2%.
- (2) Rolling terrain involves slopes of 2-7%.
- (3) Steep terrain involves slopes greater than 7%.
- (4) Interpolation, extrapolation and adjustment for local conditions shall be based on engineering experience and judgement.

TABLE 3

| Rainfall Intensities for Various Return Periods and Storm Durations | | | | | | |
|---|-----------------------|------|------|------|------|------|
| Intensity (Inches/Hour) | | | | | | |
| Duration | Return Period (Years) | | | | | |
| | 2 | 5 | 10 | 25 | 50 | 100 |
| 5 Min. | 4.63 | 5.43 | 6.12 | 7.17 | 8.09 | 9.12 |
| 10 Min. | 3.95 | 4.63 | 5.22 | 6.12 | 6.90 | 7.78 |
| 15 Min. | 3.44 | 4.03 | 4.55 | 5.33 | 6.01 | 6.77 |
| 20 Min. | 3.04 | 3.56 | 4.02 | 4.71 | 5.31 | 5.99 |
| 30 Min. | 2.46 | 2.88 | 3.25 | 3.81 | 4.29 | 4.84 |
| 40 Min. | 2.05 | 2.41 | 2.71 | 3.18 | 3.59 | 4.05 |
| 50 Min. | 1.76 | 2.06 | 2.33 | 2.73 | 3.07 | 3.47 |
| 1 Hr. | 1.54 | 1.80 | 2.03 | 2.38 | 2.68 | 3.03 |
| 1.5 Hrs. | 1.07 | 1.23 | 1.42 | 1.63 | 1.91 | 2.24 |
| 2 Hrs. | 0.83 | 0.95 | 1.11 | 1.37 | 1.60 | 1.87 |
| 3 Hrs. | 0.59 | 0.72 | 0.84 | 1.04 | 1.22 | 1.42 |
| 4 Hrs. | 0.47 | 0.58 | 0.68 | 0.84 | 0.99 | 1.15 |
| 5 Hrs. | 0.40 | 0.49 | 0.58 | 0.71 | 0.83 | 0.97 |
| 6 Hrs. | 0.35 | 0.43 | 0.50 | 0.62 | 0.72 | 0.85 |
| 7 Hrs. | 0.31 | 0.38 | 0.44 | 0.55 | 0.64 | 0.75 |
| 8 Hrs. | 0.28 | 0.34 | 0.40 | 0.49 | 0.57 | 0.67 |
| 9 Hrs. | 0.25 | 0.31 | 0.36 | 0.45 | 0.52 | 0.61 |
| 10 Hrs. | 0.23 | 0.28 | 0.33 | 0.41 | 0.48 | 0.56 |
| 12 Hrs. | 0.20 | 0.24 | 0.29 | 0.35 | 0.41 | 0.48 |
| 14 Hrs. | 0.17 | 0.22 | 0.25 | 0.31 | 0.36 | 0.42 |
| 16 Hrs. | 0.16 | 0.19 | 0.23 | 0.28 | 0.32 | 0.38 |
| 18 Hrs. | 0.14 | 0.17 | 0.20 | 0.25 | 0.29 | 0.34 |
| 20 Hrs. | 0.13 | 0.16 | 0.19 | 0.23 | 0.27 | 0.31 |
| 24 Hrs. | 0.11 | 0.14 | 0.16 | 0.20 | 0.23 | 0.27 |

Source: Purdue, A.M., et. al., "Statistical Characteristics of Short Time Incremental Rainfall", Aug., 1992.
 (Values in this table are based on IDF equation and coefficients provided for Indianapolis, IN).

TABLE 4

| Rainfall Depths for Various Return Periods | | | | | | |
|--|-----------------------|------|------|------|------|------|
| Depth (Inches) | | | | | | |
| Duration | Return Period (Years) | | | | | |
| | 2 | 5 | 10 | 25 | 50 | 100 |
| 24 Hrs. | 2.66 | 3.27 | 3.83 | 4.72 | 5.52 | 6.46 |

Source: Purdue, A.M., et. al., "Statistical Characteristics of Short Time Incremental Rainfall", Aug., 1992. (Values in this table are based on IDF equation and coefficients provided for Indianapolis, IN.)

TABLE 5

| NRCS Type II Rainfall Distribution Ordinates | |
|--|--|
| <i>Cumulative Percent of Storm Time</i> | <i>Cumulative Percent of Storm Depth</i> |
| 0 | 0 |
| 5 | 1 |
| 10 | 3 |
| 15 | 4 |
| 20 | 6 |
| 25 | 8 |
| 30 | 10 |
| 35 | 13 |
| 40 | 17 |
| 45 | 22 |
| 50 | 64 |
| 55 | 78 |
| 60 | 84 |
| 65 | 87 |
| 70 | 90 |
| 75 | 92 |
| 80 | 94 |
| 85 | 96 |
| 90 | 98 |
| 95 | 99 |
| 100 | 100 |

TABLE 6

| Typical Values of Manning's "n" | | |
|--|--------------------------|---|
| <i>Material</i> | <i>Manning's "n"</i> | <i>Maximum Velocities (feet/second)</i> |
| ◆ Closed Conduits | | |
| Concrete | 0.013 | 10 |
| Vitrified Clay | 0.013 | 10 |
| HDPE | 0.012 | 10 |
| PVC | 0.011 | 10 |
| ◆ Circular CMP, Annular Corrugations, 2 2/3 x 1/2 inch | | |
| Unpaved | 0.024 | 7 |
| 25% Paved | 0.021 | 7 |
| 50% Paved | 0.018 | 7 |
| 100% Paved | 0.013 | 7 |
| Concrete Culverts | 0.013 | 10 |
| HDPE or PVC | 0.012 | 10 |
| ◆ Open Channels | | |
| Concrete, Trowel Finish | 0.013 | 10 |
| Concrete, Broom Finish | 0.015 | 10 |
| Gunitite | 0.018 | 10 |
| Riprap Placed | 0.030 | 10 |
| Riprap Dumped | 0.035 | 10 |
| Gabion | 0.028 | 10 |
| New Earth (1) | 0.025 | 4 |
| Existing Earth (2) | 0.030 | 4 |
| Dense Growth of Weeds | 0.040 | 4 |
| Dense Weeds and Brush | 0.040 | 4 |
| Swale with Grass | 0.035 | 4 |

Source of manning "n" values: *HERPACC Stormwater Drainage Manual*, July 1995.

- (1) New earth (uniform, sodded, clay soil)
 (2) Existing earth (fairly uniform, with some weeds)

TABLE 7

| Maximum Permissible Velocities in Vegetal-Lined Channels (1) | | | |
|--|--|---|---|
| <i>Cover</i> | <i>Channel Slope Range (Percent) (3)</i> | <i>Permissible Velocity (2)</i> | |
| | | <i>Erosion Resistant Soils (ft. per sec.) (4)</i> | <i>Easily Eroded Soils (ft. per sec.) (4)</i> |
| Bermuda Grass | 0-5 5-10 Over 10 | 8 7 6 | 6 5 4 |
| Bahia Buffalo Grass Kentucky Bluegrass Smooth Brome Blue Grama | 0-5 5-10 Over 10 | 7 6 5 | 5 4 3 |
| Grass Mixture Reed Canary Grass | (3) 0-5 5-10 | 5 4 | 4 3 |
| Lespedeza Sericea Weeping Lovegrass Yellow Bluestem Redtop Alfalfa Red Fescue | (4) 0-5 5-10 | 3.4 | 2.5 |
| Common Lespedeza (5) Sudangrass (5) | (6) 0-5 | 3.5 | 2.5 |

- (1) From Soil Conservation Service, SCS-TP-61, "Handbook of Channel Design for Soil and Water Conservation".
- (2) Use velocities exceeding 5 feet per second only where good channel ground covers and proper maintenance can be obtained.
- (3) Do not use on slopes steeper than 10 percent except for vegetated side slopes in combination with a stone, concrete, or highly resistant vegetative center section.
- (4) Do not use on slopes steeper than 5 percent except for vegetated side slopes in combination with a stone, concrete, or highly resistant vegetative center section.
- (5) Annuals - use on mild slopes or as temporary protection until permanent covers are established.
- (6) Use on slopes steeper than 5 percent is not recommended.

FIGURE 1
Street and Gutter Capacities (continuous grade)

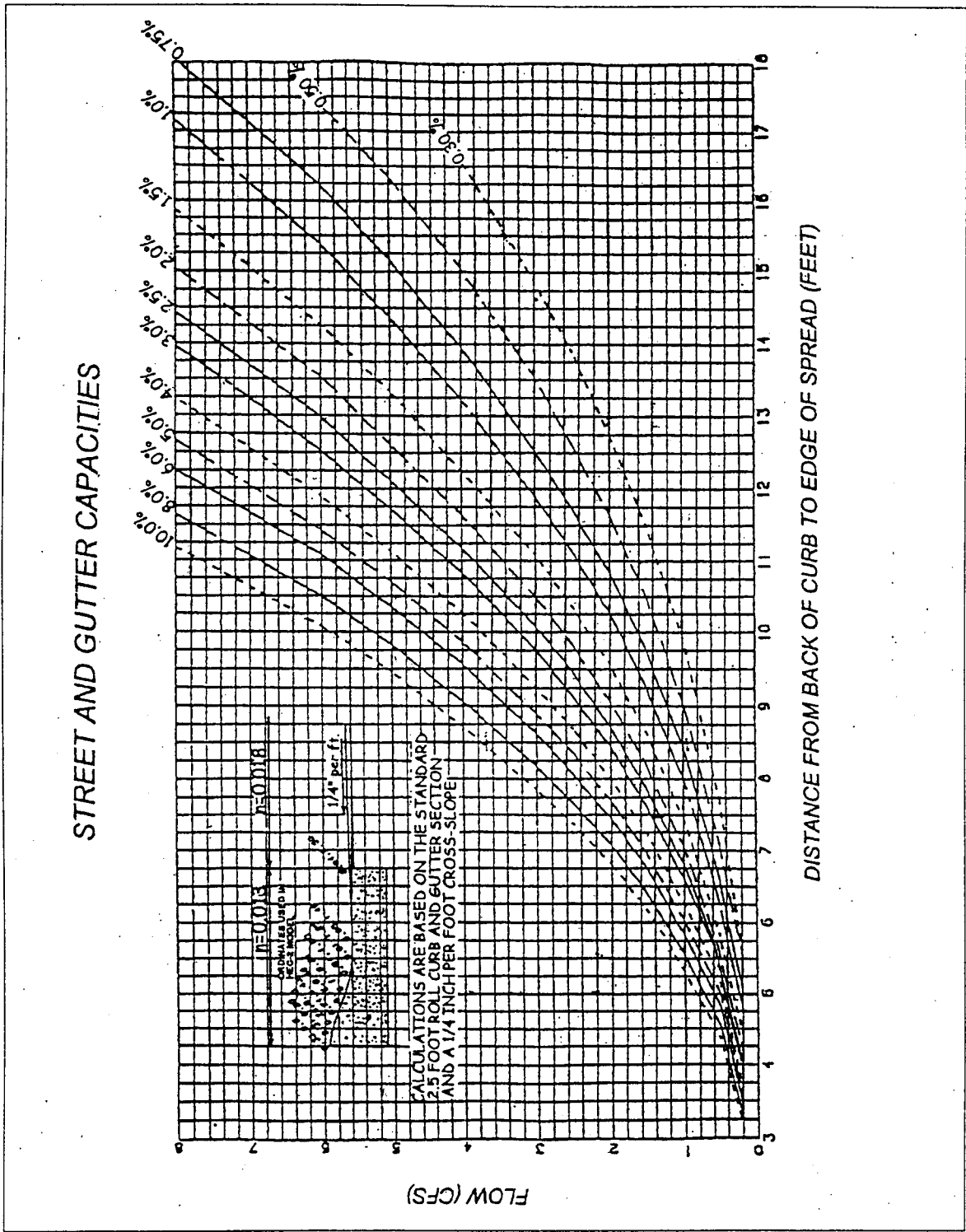


FIGURE 2
Wet -Bottom Detention Facility – With Fence

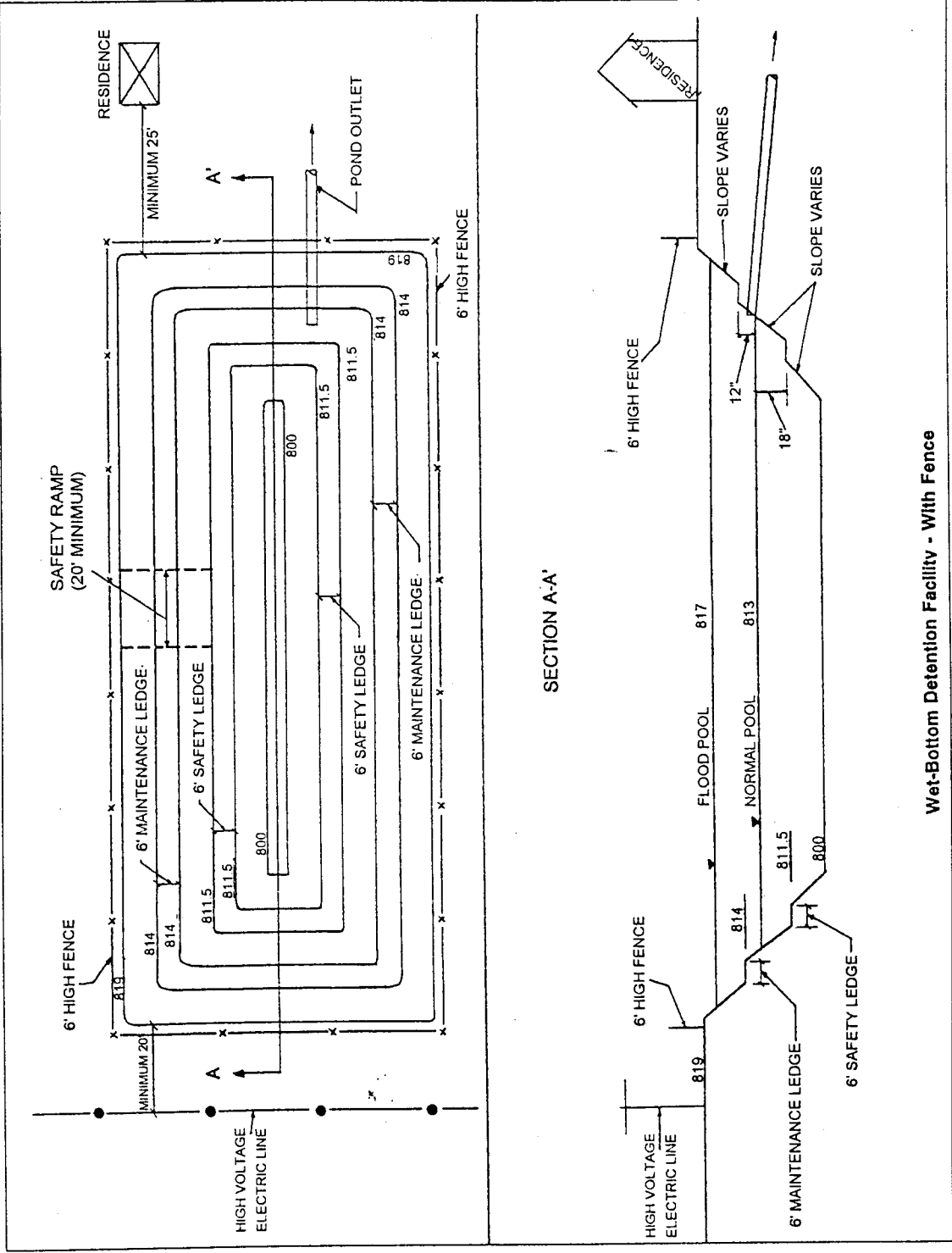


FIGURE 3
Wet-Bottom Detention Facility - Without Fence

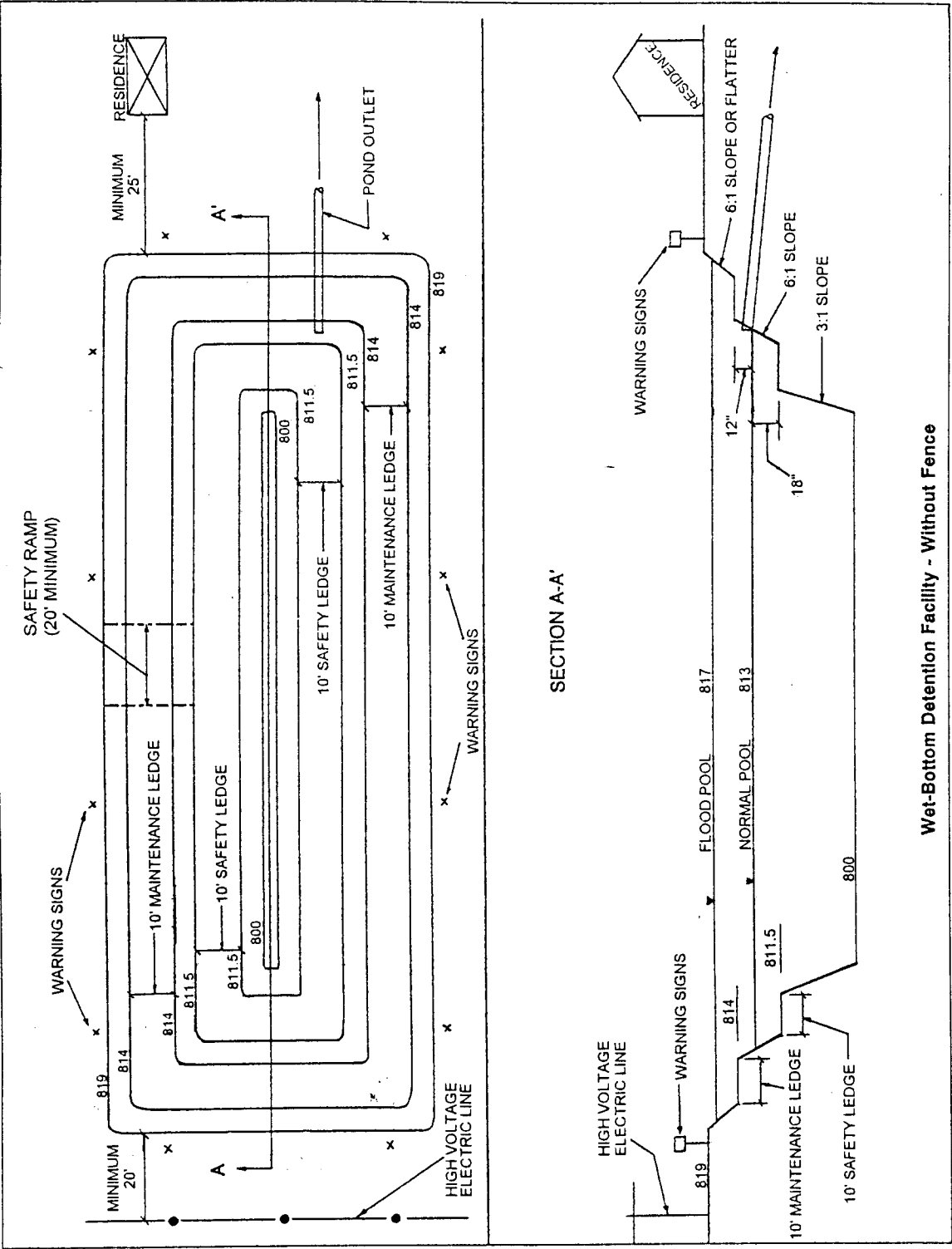


FIGURE 4
Certification of Completion & Compliance

CERTIFICATE OF COMPLETION & COMPLIANCE

Address of premises on which land alteration was accomplished: _____

Inspection Date(s): _____ Permit Number: _____

Relative to plans prepared by: _____ on _____
(date)

I hereby certify that:

1. I am familiar with drainage requirements applicable to such land alteration (as set forth in Storm Drainage and Erosion Control Ordinance of Hendricks County); and

2. I (or a person under my direct supervision) have personally observed the land alteration accomplished pursuant to the above referenced drainage permit; and

3. To the best of my knowledge, information and belief such land alteration has been performed and completed in conformity with all such drainage requirements, except _____

Signature: _____

Date: _____

Typed or Printed Name: _____

Phone: (____) _____

(SEAL)

Business Address: _____

SURVEYOR

ENGINEER

(circle one)

Indiana Registration No. _____



APPENDIX B

ABBREVIATIONS & DEFINITIONS

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For the purpose of this Ordinance, the following abbreviations and definitions shall apply. Although not all of the abbreviations and definitions listed below are used in this Ordinance, the additional terminology is provided to assist ordinance administrators, other community officials, residents, and permit applicants in understanding technical terminology associated with the subject matter of this Ordinance.

1. Abbreviations

| | |
|---------|--|
| BFE | Base Flood Elevation |
| BMP | Best Management Practice |
| CFS | Cubic Feet Per Second |
| CLOMR | Conditional Letter of Map Revision (from FEMA) |
| CLOMR-F | Conditional Letter of Map Revision Based on Fill (from FEMA) |
| CN | Curve Number |
| COE | United States Army Corps of Engineers |
| ERM | Elevation Reference Mark |

| | |
|----------------|--|
| EPA | United States Environmental Protection Agency |
| ETJ | Extraterritorial Jurisdiction |
| FBFM | Flood Boundary and Floodway Map |
| FEMA | Federal Emergency Management Agency |
| FHBM | Flood Hazard Boundary Map |
| FIRM | Flood Insurance Rate Map |
| FIS | Flood Insurance Study |
| FPG | Flood Protection Grade |
| FPS | Feet Per Second |
| HGL | Hydraulic Grade Line |
| IDEM | Indiana Department of Environmental Management |
| IDNR | Indiana Department of Natural Resources |
| LAG | Lowest Adjacent Grade |
| LOMA | Letter of Map Amendment (from FEMA) |
| LOMR | Letter of Map Revision (from FEMA) |
| LOMR-F | Letter of Map Revision Based on Fill (from FEMA) |
| NAVD | North American Vertical Datum of 1988 |
| NFIP | National Flood Insurance Program |
| NGVD | National Geodetic Vertical Datum of 1929 |
| NPDES | National Pollution Discharge Elimination System |
| SFHA | Special Flood Hazard Area |
| SWCD | Soil and Water Conservation District |
| T _c | Time of Concentration |

2. Definitions

- A -

Antecedent Runoff Condition. The index of runoff potential before a storm event. The index, developed by the Soil Conservation Service (SCS), is an attempt to account for the variation of the SCS runoff curve number (CN) from storm to storm.

Acre-Foot (AF). A measure of water volume equal to the inundation of a flat one-acre area to a depth of one foot (43,560 cubic feet).

Amortization Period. The length of time used to repay a debt or mortgage or to depreciate an initial cost.

- B -

Backflow Preventer. Device that allows liquids to flow in only one direction in a pipe. Backflow preventers are used on sewer pipes to prevent a reverse flow during flooding situations.

Backwater. The rise in water surface elevation caused by some obstruction such as narrow bridge openings, buildings or fill material that limits the area through which the water shall flow.

Base Flood Elevation (BFE). The water surface elevation corresponding to a flood having a one percent probability of being equaled or exceeded in a given year.

Basement. A building story that is all or partly underground but having at least one-half of its height below the average level of the adjoining ground. A basement shall not be counted as a story for the purpose of height regulations.

Benchmark. A marked point of known elevation from which other elevations may be established.

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.

Building. See "structure".

- C -

Capacity of a Storm Drainage Facility. The maximum flow that can be conveyed or stored by a storm drainage facility.

Centerline of Channel. The thalweg of a channel.

Channel. 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 that serve to confine the water.

Channel Modification. Alteration of a channel by changing the physical dimensions or materials of its bed or banks. Channel modification includes damming, rip-rapping or other armoring, widening, deepening, straightening, relocating, lining, and significant removal of bottom or woody vegetation. Channel modification does not include the clearing of dead or dying vegetation, debris, or trash from the channel. Channelization is a severe form of channel modification typically involving relocation of the existing channel (e.g., straightening).

Closed Conduit. A pipe, tube, or tile used for transmitting water.

Compensatory Storage. An excavated volume of storage within a floodplain used to balance the loss of natural flood storage capacity when any fill is placed within the floodplain. Such excavated volume has to be available for inundation by and accessible to the flood waters.

Contiguous. Adjoining or in actual contact with.

Contour. Imaginary line on the earth's surface which connects points of equal elevation.

Contour Line. Line on a map that represents a contour or points of equal elevation.

Control Structure. A structure designed to control the rate of flow that passes through the structure, given a specific upstream and downstream water surface elevation.

Convolution. The process of translating precipitation excess into a runoff hydrograph.

Crawl Space. Low space below first floor of a house where there has not been excavation deep enough for a basement, usually less than seven (7) feet in depth, but where there is access for pipes, ducts, utilities and similar equipment.

Critical Duration Analysis. The process of testing different rainfall durations to find that "critical duration", which produces the highest peak runoff or the highest storage volume.

Crown of Pipe. The elevation of top of pipe.

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.

Cubic Feet Per Second (CFS). Used to describe the amount of flow passing a given point in a stream channel. One cubic foot per second is equivalent to approximately 7.5 gallons per second.

Culvert. A closed conduit used for the conveyance of surface drainage water under a roadway, railroad, canal or other impediment.

Curve Number (CN). The Soil Conservation Service index that represents the combined hydrologic effect of soil, land use, land cover, hydrologic condition and antecedent runoff condition.

- D -

Dam. All obstructions, wall embankments or barriers, together with any abutments and appurtenant works, constructed to store, direct water or create a pool (not including underground water storage tanks).

Damage. Measurable rise in flood heights on buildings currently subject to flooding, flooding of buildings currently not subject to flooding and increases in volume or velocity to the point where the rate of land lost to erosion and scour is substantially increased.

Datum. Any level surface to which elevations are referred, usually using Mean Sea Level.

Depressional Storage Areas. Non-riverine depressions in the earth where stormwater collects. The volumes are often referred to in units of acre-feet.

Design Storm. A selected storm event, described in terms of the probability of occurring once within a given number of years, for which stormwater or flood control improvements are designed and built.

Detention Facility. A facility designed to detain a specified amount of stormwater runoff assuming a specified release rate. The volumes are often referred to in units of acre-feet.

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.

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 a manufactured home on a site, preparing a site for a manufactured home, or installing a recreational vehicle on a site for more than hundred eighty (180) days;
3. Installing utilities, erection of walls, construction of roads, or similar projects;
4. Construction of flood control structures such as levees, dikes, dams, or channel improvements;
5. Mining, dredging, filling, grading, excavation, or drilling operations;
6. Construction or reconstruction of bridges or culverts;
7. Storage of materials; or
8. Any other activity that might change the direction, height, or velocity of flood or surface waters.

"Development" does not include activities such as the maintenance of existing 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.

Direct Release. A method of stormwater management where runoff from a part or the entire development is released directly to the receiving stream without providing detention.

Discharge. Normally, the rate of flow into or out of a sewer, stormwater storage facility, or from a land surface. Discharges are customarily measured in cubic feet per second (cfs).

Drainage Area. The area from which water is carried off by a drainage system, a watershed or catchment area.

Drop Manhole. Manhole having a vertical drop pipe connecting the inlet pipe to the outlet pipe.

Dry Bottom Detention Facility. A facility designed to be completely dewatered after having provided its planned detention of runoff during a storm event.

Duration. The time period of a rainfall event.

- E -

Elevation Certificate. A form published by the Federal Emergency Management Agency that is used to certify the 100-year or base flood elevation and the lowest elevation of usable space to which a building has been constructed.

Elevation Reference Mark (ERM). Elevation benchmark tied to the National Geodetic Vertical Datum of 1929 and identified during the preparation of a Flood Insurance Study prepared for the Federal Emergency Management Agency.

Energy Dissipater. A device to reduce the energy of flowing water.

Erosion. Wearing away of the land by running water and waves, abrasion, temperature changes, ice and wind.

Erosion control measure. A practice or a combination of practices to control erosion and resulting sedimentation.

Erosion control plan. A written description of pertinent information, normally supplemented by and shown along with other related information on Erosion Control sheet(s) included with an overall development plan set.

Extraterritorial Jurisdiction (ETJ). Areas located outside the corporate limits of a community over which the community has statutory development authority.

- F -

Farm or Field Tile. A pipe installed in an agricultural area to allow subsurface drainage of farmland for the purpose of agricultural production.

FEMA. The Federal Emergency Management Agency.

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

Flood Boundary and Floodway Map (FBFM). A map prepared by the Federal Emergency Management Agency that depicts the FEMA designated floodways within a community. This map also includes the delineation of the 100-year and 500-year floodplain boundaries and the location of the Flood Insurance Study cross-sections.

Flood Crest. The maximum stage or elevation reached or expected to be reached by the waters of a specific flood at a given location.

Flood Duration. The length of time a stream is above flood stage or overflowing its banks.

Flood Easement. Easement granted to identify areas inundated by the 100-year flood and prohibit or severely restrict development activities.

Flood Elevation. The elevation at all locations delineating the maximum level of high waters for a flood of a given return period.

Flood Fighting. Actions taken immediately before or during a flood to protect human life and to reduce flood damages such as evacuation, emergency sandbagging and diking.

Flood Forecasting. The process of predicting the occurrence, magnitude and duration of an imminent flood through meteorological and hydrological observations and analysis.

Flood Frequency. A statistical expression of the average time period between floods equaling or exceeding a given magnitude. For example, a 100-year flood has a magnitude expected to be equaled or exceeded on the average of once every hundred years; such a flood has a one-percent chance of being equaled or exceeded in any given year. Often used interchangeably with "recurrence interval".

Flood Insurance Rate Map (FIRM). A map prepared by the Federal Emergency Management Agency that depicts Special Flood Hazard Areas within a community. This map also includes the 100-year or Base Flood Elevation at various locations along the watercourses. More recent versions of the FIRM may also show the FEMA designated floodway boundaries and the location of the Flood Insurance Study cross-sections.

Flood Insurance Study (FIS). A study prepared by the Federal Emergency Management Agency to assist a community participating in the National Flood Insurance Program in its application of the program regulations. The study consists of a text which contains community background information with respect to flooding, a floodway data table, summary of flood discharges, flood profiles, a Flood Insurance Rate Map, and a Flood Boundary and Floodway Map.

Flood Hazard Boundary Map (FHBM). A map prepared by the Federal Emergency Management Agency that depicts Special Flood Hazard Areas as a Zone A within a community. There are no study text, base flood elevations, or floodways associated with this map.

Floodplain. The channel proper and the areas adjoining any wetland, lake or watercourse 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.

Floodplain Management. The operation of a program of corrective and preventive measures for reducing flood damage, including but not limited to flood control projects, floodplain land use regulations, flood proofing of buildings, and emergency preparedness plans.

Floodplain Regulations. General term applied to the full range of codes, ordinances and other regulations relating to the use of land and construction within floodplain limits. The term encompasses zoning ordinances, subdivision regulations, building and housing codes, encroachment laws and open area (space) regulations.

Flood Profile. A graph showing the relationship of water surface elevation to a specific location, the latter generally expressed as distance above the mouth of a stream of water flowing in a channel. It is generally drawn to show surface elevation for the crest of a specific magnitude of flooding, but may be prepared for conditions at any given time or stage.

Flood Protection Grade (FPG). The elevation of the regulatory or 100-year flood plus two (2) feet at any given location in the Special Flood Hazard Area or 100-year floodplain.

Flood Resistant Construction (Flood proofing). Additions, changes or adjustments to structures or property that are designed to reduce or eliminate the potential for flood damage.

Flood Storage Areas. Depressions, basins, or other areas that normally stand empty or partially empty, but fill with rainfall runoff during storms to hold the runoff and reduce downstream flow rates. The volumes are often referred to in units of acre-feet.

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

Floodway Fringe. Those portions of the floodplain lying outside the regulatory floodway.

Footing Drain. A drain pipe installed around the exterior or interior of a foundation footer to remove water from the surrounding footer area.

Freeboard. An increment of height added to the base flood elevation to provide a factor of safety for uncertainties in calculations, unknown local conditions, wave actions and unpredictable effects such as those caused by ice or debris jams. (See Flood Protection Grade).

French Drain. A drainage trench backfilled with a coarse, water-transmitting material; may contain a perforated pipe.

- G -

Gabion. An erosion control structure consisting of a wire cage or cages filled with rocks.

Grade. 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.

Groundwater Recharge. The infiltration of water into the earth. It may increase the total amount of water stored underground or only replenish supplies depleted through pumping or natural discharge.

- H -

Hard Surface. See "Impervious Surface."

High Water. Maximum designed, permitted, or regulated water level for an impoundment.

Hydraulics. A branch of science that deals with the practical application of the mechanics of water movement. A typical hydraulic study is undertaken to calculate water surface elevations.

Hydraulic Grade Line (HGL). For channel flow, the HGL is equal to the water surface whereas for pressure flow it is the piezometric surface.

Hydrodynamic Loads. Forces imposed on structures by floodwaters due to the impact of moving water on the upstream side of the structure, drag along its sides, and eddies or negative pressures on its downstream side.

Hydrograph. For a given point on a stream, drainage basin, or a lake, a graph showing either the discharge, stage (depth), velocity, or volume of water with respect to time.

Hydrology. The science of the behavior of water, its dynamics, composition and distribution in the atmosphere, on the surface of the earth, and underground. A typical hydrologic study is undertaken to compute flowrates associated with specified flood events.

Hydrometeorologic. Water-related meteorologic data such as rainfall or runoff.

Hydrostatic Loads. Those loads or pressures resulting from the static mass of water at any point of floodwater contact with a structure. They are equal in all directions and always act perpendicular to the surface on which they are applied. Hydrostatic loads can

act vertically on structural members such as floors, decks and roofs, and can act laterally on upright structural members such as walls, piers, and foundations.

- I -

Impact Areas. Areas defined or mapped that are unlikely to be easily drained because of one or more factors including but not limited to any of the following: soil type, topography, land where there is not adequate outlet, a floodway or floodplain, land within 75 feet of each bank of any regulated drain or within 75 feet from the centerline of any regulated tile ditch.

Impervious Surface. Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, graveled areas, sidewalks and paved recreation areas.

IDNR. Indiana Department of Natural Resources.

Infiltration. Passage or movement of water into the soil.

Infiltration Swales. A depressed earthen area that is designed to promote infiltration.

Inlet. An opening into a storm sewer system for the entrance of surface stormwater runoff, more completely described as a storm sewer inlet.

- J -

Junction Chamber. A converging section of conduit, usually large enough for a person to enter, used to facilitate the flow from one or more conduits into a main conduit.

- L -

Land-disturbing activity. Any man-made change of the land surface, including removing vegetative cover, excavating, filling, transporting, and grading.

Land Surveyor. A person licensed under the laws of the State of Indiana to practice land surveying.

Lateral Storm Sewer. A sewer that has inlets connected to it but has no other storm sewer connected.

Life Cycle Cost. Cost based on the total cost incurred over the system life including research, development, testing, production, construction, operation, and maintenance. Costs are normally determined on present worth or equivalent annual cost basis.

Low Entry Elevation. The elevation in a structure where overbank flooding can enter the structure.

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 openings (in addition to doorways and windows) having a total area of one (1) square foot for every two (2) square feet of enclosed area subject to flooding. The bottom of all such 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.

- M -

Major Drainage System. Drainage system carrying runoff from a drainage area of one (1) or more square miles.

Manhole. Storm sewer structure through which a person may enter to gain access to an underground storm sewer or enclosed structure.

Manning Roughness Coefficient or Manning's "n" Value. A dimensionless coefficient ("n") used in the Manning's equation to account for channel wall frictional losses in steady uniform flow.

Minor Drainage System. Drainage system carrying runoff from a drainage area less than one (1) square mile.

Minor Subdivision. See Subdivision, Minor.

Multi-Family. Any structure which contains three or more dwelling units. A dwelling unit is any structure, or part of a structure, which is constructed to house a family.

- N -

National Flood Insurance Program (NFIP). The NFIP is a Federal program enabling property owners to purchase flood insurance. The Federal Emergency Management Agency administers the NFIP in communities throughout the United States. The NFIP is based on an agreement between local communities and the Federal government which states that if a community will implement floodplain management measures to reduce future flood risks to new construction and substantially improved structures in flood hazard areas, the Federal government will make flood insurance available within the community as a financial protection against flood losses that do occur.

National Geodetic Vertical Datum of 1929 (NGVD 1929). The nationwide, Federal Elevation datum used to reference topographic elevations to a known value.

National Pollution Discharge Elimination System (NPDES). Permit system under the authority of the U.S. Environmental Protection Agency regarding point and non-point sources of water pollution.

Nonpoint Source Pollution. Pollution that enters a water body from diffused origins on the watershed or drainage basin and does not result from discernible, confined, or defined conveyances or discharge points.

North American Vertical Datum of 1988 (NAVD 1988). The nationwide, Federal Elevation datum used to reference topographic elevations to a known value.

- O -

Off-site. Everything not located at or within a particular site.

Off-site Land Areas. Those areas that by virtue of existing topography naturally shed surface water onto or through the developing property.

100-Year Frequency Flood. See "regulatory flood".

On-Site. Located within the controlled or urbanized area where runoff originates.

Orifice. A device which controls the rate of flow from a detention basin.

Outfall. The point or location where storm runoff discharges from a sewer or drain. Also applies to the outfall sewer or channel that carries the storm runoff to the point of outfall.

Overland Flow. Consists of sheet flow, shallow concentrated flow and channel flow.

- P -

Peak Flow. The maximum rate of flow of water at a given point in a channel or conduit resulting from a predetermined storm or flood.

Planimetric Data. Horizontal measurements involving distances or dimensions on a diagram, map, Plat of Survey or topographic map. Normally in units of feet.

Plat of Survey. A scaled diagram showing boundaries of a tract of land or subdivision. This may constitute a legal description of the land and be used in lieu of a written description.

Probable Maximum Flood. The most severe flood that may be expected from a combination of the most critical meteorological and hydrological conditions that are reasonably possible in the drainage basin. It is used in designing high-risk flood protection works and siting of structures and facilities that shall be subject to almost no risk of flooding. The probable maximum flood is usually much larger than the 100-year flood.

Professional Engineer. A person licensed under the laws of the State of Indiana to practice professional engineering.

- R -

Radius of Curvature. Length of radius of a circle used to define a curve.

Rainfall Intensity. The cumulative depth of rainfall occurring over a given duration, normally expressed in inches per hour. In the Rational Formula, this represents the average rainfall intensity over a duration equal to the time of concentration for the catchment.

Reach. Any length of river, channel, or storm sewer.

Recurrence Interval. A statistical expression of the average time between floods equaling or exceeding a given magnitude.

Redevelopment. See the definition for "Development".

Regulated Area. The following areas within Hendricks County:

1. All territory of the County except for a territory of a municipality located within the County unless the municipality has entered into an agreement to adopt the Storm Drainage, Erosion, and Sediment Control Ordinance of Hendricks County.
2. All areas, within a municipality, that directly drain to a Regulated Drain.

Regulated Drain. A drain subject to the provisions of the Indiana Drainage Code, I.C.-36-9-27.

Regulatory or 100-Year Flood. The flood having a one percent (1%) probability of being equaled or exceeded in any given year, as calculated by a method and procedure which is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. If a permit from the Indiana Department of Natural Resources - Division of Water (IDNR-DOW) for construction in the floodway is required, then the regulatory flood peak discharge should be calculated by a method acceptable to the IDNR-DOW. The "regulatory flood" is also known as the "base flood".

Regulatory Floodway. See "floodway".

Release Rate. The amount of stormwater released from a stormwater 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.

Retention Facility. A facility designed to completely retain a specified amount of stormwater runoff without release except by means of evaporation, infiltration or pumping. The volumes are often referred to in units of acre-feet.

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.

Right-of-Way for a County Drain. The statutory right of way as defined by Indiana Code for a regulated drain.

RipRap. Large rocks that when installed along an erodible surface reduces the erosion potential.

Riverine. Relating to, formed by, or resembling a stream (including creeks and rivers).

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.

Runoff Coefficient. A decimal fraction relating the amount of rain which appears as runoff and reaches the storm sewer 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 stormwater runoff.

- S -

Sanitary Backup. The condition where a sanitary sewer reaches capacity and surcharges into the lowest area.

Scour. The clearing and digging action of flowing water.

Sediment. Material of soil and rock origin, transported, carried or deposited by water.

Sedimentation. The process that deposits soils, debris and other materials either on the ground surfaces or in bodies of water or watercourses.

Seepage. The passage of water or other fluid through a porous medium, such as the passage of water through an earth embankment or masonry wall.

Silt Screen Fence. A fence constructed of wood or steel supports and either natural (e.g. burlap) or synthetic fabric stretched across areas of flow during site development to trap and retain on-site sediment due to rainfall runoff.

Siphon. A closed conduit or portion of which lies above the hydraulic grade line, resulting in a pressure less than atmospheric and requiring a vacuum within the conduit to start flow. A siphon utilizes atmospheric pressure to effect or increase the flow of water through a conduit. An inverted siphon is used to carry stormwater flow under an obstruction such as a sanitary sewer.

Site. The entire area included in the legal description of the land on which land-disturbing activity has been proposed in the permit application.

Special Flood Hazard Area (SFHA). Those lands within the jurisdiction of a community which are subject to inundation by the regulatory or 100-year flood. Special Flood Hazard Areas are usually designated on a Flood Hazard Boundary Map as Zone A.

After detailed evaluation of local flooding characteristics, the Flood Insurance Rate Map will refine this categorization into Zones A, AE, AH, AO and A1-30.

Spillway. A waterway in or about a hydraulic structure, for the escape of excess water.

Standard Project Flood. A term used by the U.S. Army Corps of Engineers to designate a flood that may be expected from the most severe combination of meteorological and hydrological conditions that are considered reasonable characteristics of the geographical area in which the drainage basin is located, excluding extremely rare combinations. The peak flow for a standard project flood is generally 40 to 60 percent of the probable maximum flood for the same location.

Stilling Basin. A basin used to slow water down or dissipate its energy.

Storm Duration. The total length of time associated with a storm precipitation event.

Storm Sewer. A closed conduit for conveying collected stormwater.

Stormwater Facility. All ditches, channels, conduits, levees, ponds, natural and manmade impoundments, wetlands, tiles, swales, sewers and other natural or artificial means of draining surface and subsurface water from land.

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.

Structure. Refers to a structure that is principally above ground and is enclosed by walls and a roof. The term includes but is not limited to, a gas or liquid storage tank, a manufactured home or a prefabricated building, and recreational vehicles to be installed on a site for more than 180 days.

Structural Engineer. A person licensed under the laws of the State of Indiana to engage in the designing or supervising of construction, enlargement or alteration of structures or any part thereof.

Structural Floodplain. Management Measures. Those physical or engineering measures employed to modify the way floods behave, (e.g., dams, dikes, levees, channel enlargements and diversions).

Subarea/Subbasin. Portion of a watershed divided into homogenous drainage units that can be modeled for purposes of determining runoff rates. The subareas/subbasins have distinct boundaries, as defined by the topography of the area.

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 subdivision. 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.

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. The parcel shall front upon an existing street which is an improved right-of-way maintained by the County or other governmental entity and not involve any new street.

Sump Failure. A failure of the sump pump that results in inundation of a crawl space or basement.

Sump Pump. A pump that discharges seepage from foundation footing drains.

Surcharge. Backup of water in a sanitary or storm sewer system in excess of the design capacity of the system.

Swale. A small channel, usually grass-lined and less than 2 feet in depth and carrying less than 4 cfs of flow, that is used to convey local drainage from the side or rear of buildings to a larger stormwater facility.

-T-

Tailwater. The water surface elevation at the downstream side of a hydraulic structure (i.e. culvert, bridge, weir, dam, etc.).

Thalweg. The deepest point (or centerline) of a channel.

Time of Concentration (tc). The travel time of a particle of water from the most hydraulically remote point in the contributing area to the point under study. This can be considered the sum of an overland flow time and times of travel in street gutters, storm sewers, drainage channels, and all other drainage ways.

Topographic Map. Graphical portrayal of the topographic features of a land area, showing both the horizontal distances between the features and their elevations in relation to a given datum.

Topography. The representation of a portion of the earth's surface showing natural and man-made features of a given locality such as rivers, streams, ditches, lakes, roads, buildings and most importantly, variations in ground elevations for the terrain of the area.

TP-40 Rainfall. Design storm rainfall depth data for various durations published by the National Weather Service in their Technical Paper 40 dated 1961.

Transition Section. Reaches of the stream or floodway where water flows from a narrow cross-section to a wide cross-section or vice-versa.

Tributary. Based on the size of the contributing drainage area, a smaller watercourse that flows into a larger watercourse.

-U-

Underdrain. A small diameter perforated pipe that is located beneath a detention basin allowing for subsurface drainage beneath the detention basin.

Unit Hydrograph. A unit hydrograph is the hydrograph that results from one inch of precipitation excess generated uniformly over the watershed at a uniform rate during a specified period of time.

-W-

Watercourse. Any river, stream, creek, brook, branch, natural or man-made drainage way in or into which stormwater runoff or floodwaters flow either regularly or intermittently.

Watershed. The land area drained by 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. The total area from which surface runoff is carried away by a drainage system.

Waterway. A naturally existing or manmade open conduit or channel utilized for the conveyance of water.

Weir. A device that is used to restrict the flow of water thereby limiting the discharge rates. A weir can also facilitate calculation or measurement of the discharge rates. These are often used to control the rate of flow out of stormwater storage facilities.

Wet Bottom Retention Facility. A facility designed to retain a permanent pool of water after having provided its planned detention of runoff during a storm event.

Wetlands. The most current definition as defined by the United States Army Corps of Engineers.



ORDINANCE 2001-33

STORM DRAINAGE, EROSION, AND SEDIMENT CONTROL ORDINANCE OF
HENDRICKS COUNTY (SDESCO)

Approved by the Hendricks County Board of Commissioners this 10th day of December
2001.

Hendricks County Board of Commissioners



Steven L. Ostermeier
Steven L. Ostermeier, President

Linda Palmer
Linda Palmer, Vice President

John D. Clampitt
John D. Clampitt, Member

ATTEST:

David L. Gaston
David L. Gaston, Co. Surveyor

Part 2

DRAINAGE SUBMITTAL CHECKLISTS/EXHIBIT REQUIREMENTS/EASEMENT LAYOUT/CERTIFICATE OF OBLIGATION TO OBSERVE

- ❖ SUBMITTAL CHECKLIST FOR
PRELIMINARY DRAINAGE
APPROVAL**
- ❖ SUBMITTAL CHECKLIST FOR FINAL
DRAINAGE APPROVAL**
- ❖ REQUIREMENTS FOR REGULATED
DRAIN EXHIBIT**
- ❖ EXAMPLE OF EASEMENT LAYOUT
ON SUBDIVISION PLANS**
- ❖ CERTIFICATE OF OBLIGATION TO
OBSERVE**

Submittal Checklist for Preliminary Drainage Approval

Project Name _____

General Location _____

File Number _____ Date Completed _____

| MINIMUM SUBMITTAL PACKAGE FOR PRELIMINARY APPROVAL: | SDESCO* Reference: |
|---|---|
| <div>_____ 1. Two (2) complete sets of plans (1 for consultant; 1 for file) ▶</div> <div>_____ 2. Drainage narrative</div> <div>_____ 3. Watershed boundaries with USGS contours or best possible information</div> <div>_____ 4. Existing and proposed regulated drains</div> <div>_____ 5. Drainage calculations to support narrative:<div><div>a. Existing and proposed curve number ▶</div><div>b. Existing and proposed time of concentration ▶</div><div>c. Existing and proposed runoff ▶</div><div>d. Proposed detention ▶</div><div>e. Upstream and downstream restrictions ▶</div></div></div> <div>_____ 6. Letter of Intent for obtaining any needed consents, off-site easements or right-of-ways</div> <div>_____ 7. Topographic map of the project with layout ▶</div> | <div>◄ <u>Chapter 1, Sec. 8B, (i)15</u></div> <div> </div> <div>◄ <u>Chap. 1, Sec. 9A</u></div> <div>◄ <u>Chap. 1, Sec. 9A</u></div> <div>◄ <u>Chap. 1, Secs. 5A & 9</u></div> <div>◄ <u>Chap. 1, Secs. 5C, 10, 13</u></div> <div>◄ <u>Chap. 1, Sec. 5B</u></div> <div> </div> <div>◄ <u>Chap. 1, Sec. 8B, (i)3</u></div> |
| <div>Comments: _____</div> <div>_____</div> <div>_____</div> <div>_____</div> <div>_____</div> <div>_____</div> <div>_____</div> <div>_____</div> | |

*Storm Drainage, Erosion, and Sediment Control Ordinance of Hendricks County (December 2001 Edition)

Submittal Checklist for Final Drainage Approval

Project Name _____

General Location _____

File Number _____ Date Completed _____

| SUBMITTAL PACKAGE FOR FINAL APPROVAL <u>MUST INCLUDE:</u> | | SDESCO* Reference: |
|---|--|---|
| [PLEASE ✓ ALL APPLICABLE ITEMS] | | |
| I. | Final Design Plans ▶ _____ A. 24" x 36" plan sheets with scale, legend and north arrow _____ B. 1' or 2' contour intervals and benchmarks referenced to NGVD/NAVD _____ C. Topographic map of surrounding land to a distance of at least 100' or 200' _____ D. Location & vicinity maps _____ E. Legal boundary map _____ F. Floodplain/floodway boundaries _____ G. Regulated drains and utility/drainage easements _____ H. Existing and proposed stormwater conveyance and detention facilities _____ I. Storm sewer plans and profiles _____ J. Erosion control plan ▶ | ◀ <u>Chapter 1, Sec. 8B</u> <u>(i) & (iii)</u> |
| II. | Drainage Report ▶ _____ A. Narrative _____ B. Soils information _____ C. Drainage area tributary and watershed boundary delineations _____ D. Allowable release based on area to discharge point _____ E. FEMA map _____ F. Land use description _____ G. Hydrologic/hydraulic information _____ H. Storage volumes _____ I. Drainage analyses/problems | ◀ <u>Chapter 1, Sec. 8B</u> <u>(ii) & (iv)</u> |
| III. | Watershed Boundary Maps (USGS contours or best possible information) _____ A. Existing and proposed watershed delineations _____ B. Entire watershed is taken into account _____ C. Watershed changes clearly noted on maps | |
| IV. | Existing and Proposed Regulated Drain Easements ▶ _____ A. All dedicated drainage easements must be a minimum of 30 feet in width. _____ B. Easements shall be labeled Regulated Drain Easement on the recorded plat. _____ C. Regulated Drain Easements must be highlighted in red on all regulated drain exhibits, and open and closed drain lengths clearly defined when submitted to the Surveyor's Office. _____ D. A development must outlet into an 'adequate outlet', as determined by the Surveyor's Office. If a development does not have an 'adequate outlet', an off-site easement (minimum of 30 feet in width) must be obtained in order to access the outlet. _____ E. Off-site grass waterways without an easement are not acceptable. | ◀ <u>Chapter 1, Sec. 15</u> |

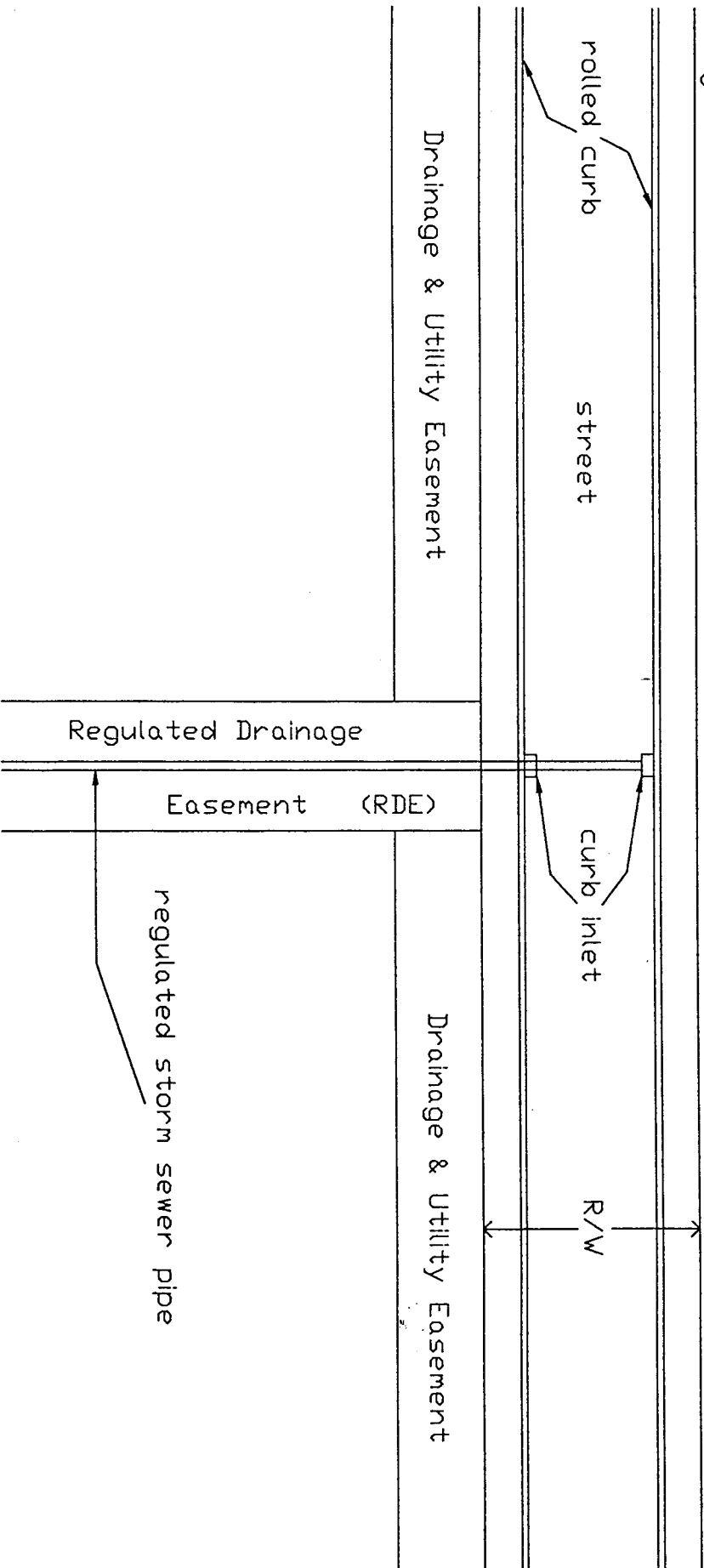
| | | |
|-------|---|--------------------------------------|
| _____ | F. Any pipe depth below 10 feet requires additional easement width. | |
| _____ | G. Existing regulated drains must be shown and noted on the plans. | |
| V. | Pipe Sizing and Material ▶ | ◄ Chapter 1, Sec. 11 |
| _____ | A. The minimum pipe diameter shall be 12". | |
| _____ | B. Pipe size shall be adequate to carry a 10-year storm event. | |
| _____ | C. All pipes shall have a minimum of 1.5 feet of cover, 2.0 feet of cover under pavement. | |
| _____ | D. The minimum full flow velocity shall be 2.5 feet per second. | |
| _____ | E. The maximum flow velocity shall be 15 feet per second. | |
| _____ | F. Inlets must have an opening sized to handle a 10-year storm event. | |
| _____ | G. Flood routing and other requirements - as determined by the staff - shall be addressed. | |
| _____ | H. Gutter spread/inlet capacity shows 10-foot clear lane. | |
| VI. | Drainage Calculations ▶ | ◄ Chapter 1, Sec. 9 |
| _____ | A. Runoff | |
| | 1. Rational Method may be used if the development site is ≤ 5 acres with a contributing drainage area ≤ 50 acres and no depressional storage. | |
| | 2. A computer model must be used if the development site is > 5 acres or has a contributing drainage area > 50 acres or significant depressional storage. | |
| _____ | B. 'C' Values | |
| | 1. Use runoff coefficient (C) for Rational Method. | |
| | 2. Use runoff curve numbers (CN) for other methods. | |
| | 3. Match 'C' values with soil types. | |
| | 4. Provide pre-development and post-development C and CN values. | |
| _____ | C. Time of Concentration (Tc) | |
| | 1. Tc methodology is based on the NRCS TR-55 methodology. | |
| _____ | D. Rainfall Distribution | |
| | 1. Use NRCS Type 2 Rainfall Distribution. | |
| _____ | E. Detention Storage ▶ | ◄ Chapter 1, Sec. 10 |
| | 1. Rational Method may be used if the development is ≤ 5 acres with a contributing drainage area ≤ 50 acres and no depressional storage. | |
| | 2. A computer model must be used if the development site is > 5 acres or has a contributing drainage area > 10 acres or significant depressional storage. | |
| _____ | F. Detention Design ▶ | ◄ Chapter 1, Sec. 13 |
| | 1. Allowable release rates are met. | |
| | 2. Storage duration shall not exceed 48 hours. | |
| | 3. Vegetated side slopes shall be no steeper than 3 horizontal to 1 vertical (3:1). | |
| | 4. Proposed permanent pool is designed to meet minimum standards. | |
| | 5. Maintenance plan has been developed and stagnation methods for the wet-bottom detention basin have been considered. | |
| | 6. Dry-bottom detention facility is designed for complete interior drainage. | |
| | 7. For residential developments, the maximum stored depth shall not exceed 4 feet in a dry-bottom detention basin. | |
| VII. | Open Channel Design ▶ | ◄ Chapter 1, Sec. 12 |
| _____ | A. Design accommodates, at a minimum, peak runoff from a 10-year frequency storm? | |
| _____ | B. IDNR design standards, if necessary, are met. | |

REQUIREMENTS FOR REGULATED DRAIN EXHIBIT

1. Initially, one (1) copy of the site development plan showing the storm drainage system with all of the following requirements for a Regulated Drain Exhibit (for review by the County Surveyor's Office). Before final approval, three (3) copies are needed.
2. **Regulated Drainage Easement:** All Storm Drainage Pipes on the preliminary plan are subject to change before final approval. After final approval, the County Surveyor's Office, on behalf of the Drainage Board, will maintain the areas displayed on the Regulated Drain Exhibit. This Exhibit will be prepared by the County Surveyor's Office.
3. **Swales:** Swales will **NOT** to be a part of the Regulated Drainage Easement and will **NOT** be maintained by the County Surveyor's Office, unless they have a 12" or larger subdrain.
4. **Ponds:** Ponds and surrounding area will **NOT** be maintained by the County Surveyor's Office. However, pipes outletting to ponds and pond overflow pipes will be maintained by the County Surveyor's Office.
5. Regulated Drainage Easements shall be identified as such (**RDE**) on the final plans and on the recorded plat, and the footage should be noted in the Drainage Statement of the recorded plat.
6. All Regulated Drainage Easements must be no less than **30 feet wide**.
7. Storm sewers must be located in the **center** of the Regulated Drainage Easement.
8. Storm sewers located in **Common Areas** must show the minimum 30 feet wide easement.

EXAMPLE

Example of how to show RDE on subdivision plans. Note that the RDE goes up to the R/W. Drainage & utility easements are to be shown adjacent to the R/W on both sides of the RDE.



February 22, 2002

To: All Registered Owners of Hendricks County Stormwater and Drainage Handbook

Subject: Certificate of Obligation to Observe

As you know, the Hendricks County Storm Drainage, Erosion, and Sediment Control Ordinance (SDESCO) requires that a Certificate of Completion and Compliance be filed within 10 days of the completion of a permitted project. However, there has been some confusion regarding the required level of involvement during construction by the Engineer/Surveyor in order to be able to accurately complete the required certification form. To avoid such confusion, we have developed a Certificate of Obligation to Observe form that must be completed and submitted to us with other required plans/data as part of a request for a final drainage approval. Please replace/add the attached revised pages to the Handbook (Table of Contents, Part 2 Title Page, and the Certificate of Obligation to Observe form) reflecting this new requirement.

Thank you and if you have any questions or comments regarding this or any other aspects of the Hendricks County Stormwater and Drainage Handbook, please call me.

Sincerely,

A handwritten signature in black ink, appearing to read "David L. Gaston". The signature is fluid and cursive, with the first name "David" being more prominent.

David L. Gaston, P.L.S.
Hendricks County Surveyor
355 S. Washington St. #214
Danville, Indiana 46122

CERTIFICATE OF OBLIGATION TO OBSERVE

(To be completed by a registered professional)

Project Name: _____

Land Alteration Address: _____

I hereby certify that myself, or a person under my direct supervision, will inspect the subject property site, at a minimum, at the approximate inspection benchmark dates designated below. The purpose of these inspections is to verify that such land alteration is in accordance with both the applicable stormwater requirements and the stormwater plan for this project submitted for final drainage approval to the Hendricks County Surveyor. I also certify that myself, or the person performing the inspection, is thoroughly knowledgeable of all applicable stormwater standards of the Storm Drainage, Erosion, and Sediment Control Ordinance of Hendricks County.

Signature: _____ Date: _____

Business Address: _____

(SEAL)

Inspection Benchmark

Erosion Control Practices Installed: _____

Construction 30 Percent Complete: _____

Final Inspection: _____

Part 3

REGULATED DRAIN PETITIONS

- ❖ PRELIMINARY PETITION
- ❖ FINAL PETITION TO HENDRICKS
COUNTY DRAINAGE BOARD
~ENGINEER'S STATEMENT

PRELIMINARY PETITION

TO THE HENDRICKS COUNTY DRAINAGE BOARD:

IN THE MATTER OF A PROPOSED SUBDIVISION TO BE CALLED:

PROPOSED NUMBER OF LOTS: _____

COMES now the undersigned as (owner(s) in fee simple) (contract buyers)
(optionees) of the following described real estate, to-wit:

(ATTACH LEGAL DESCRIPTION OF PROPERTY)

and state that the undersigned propose(s) to lay out and subdivide said land into lots, in accordance with the preliminary plat attached hereto and made a part hereof. Said preliminary plat suggests a way said subdivision may be drained. It is hereby requested that said drainage plan be reviewed and be given tentative approval by the Drainage Board in order that the Hendricks County Plan Commission may be induced to accept an application for the Plan Commission approval of said preliminary plat. This request is made with the understanding that if the County Plan Commission approves said preliminary plat, the undersigned will file with the County Surveyor a Final Petition requesting that said drainage system and the easements thereof be accepted into the County's regulated drainage system so that a fund may be established for the maintenance of the drainage system of said subdivision.

Date this _____ day of _____, 20____.

Owner(s) (Contract Byers) Optionee(s)
(Strike out inapplicable nouns)

**FINAL PETITION
TO
HENDRICKS COUNTY DRAINAGE BOARD**

THE UNDERSIGNED, as owner(s) of the proposed subdivision to be known as:

final number of lots: _____, Situated in Section _____,

Township _____ North, Range _____, _____ Township,

Hendricks County, Indiana, and more particularly described as follows:

(ATTACH LEGAL DESCRIPTION OF PROPERTY)

do(es) hereby petition the Hendricks County Drainage Board to accept the drainage system and the easements therefore in and for said proposed Subdivision into the County Regulated Drainage System, and to establish a maintenance fund therefore.

STATE OF INDIANA)
)
COUNTY OF _____)

The undersigned, having been duly sworn upon oath, say(s) that the above information is true and correct and is (their) (his) (her) voluntary act and deed.

Owner-Signature

Owner-Signature

Owner-Printed Name

Owner-Printed Name

Address

Address

Subscribed and sworn to before me, a Notary Public, within and for said County and

State, this _____ day of _____, 20_____.

Notary Public

My Commission Expires: _____

(Notary Stamp or Seal)

ENGINEER'S STATEMENT

I hereby certify to the best of my knowledge and belief:

1. That the plans and specifications which are attached to and made a part of this petition have been prepared by me or under my direct supervision.
2. That these plans and specifications have been prepared in accordance with all applicable Codes and Ordinances.
3. That I will perform reasonable and regular inspections of this project during construction as required to enable me to certify, upon completion, that the work was done in accordance with approved construction plans and specifications.

DATE: _____ SIGNATURE: _____

Telephone: _____ Typed Name: _____

Indiana Registration Number: _____

Address: _____

This petition given preliminary approval this _____ day of _____, 20 _____.

* * * * *

This petition given final approval and the above-mentioned drains accepted/not accepted into the Hendricks County Regulated Drainage System this _____ day of _____, 20____.

HENDRICKS COUNTY DRAINAGE BOARD

Revised 9/26/01

Part 4

REGULATED DRAIN ACCESS REQUIREMENTS/PERMIT REQUESTS

- ❖ AN ORDINANCE ESTABLISHING
PROCEDURES FOR PERMITS TO
ACCESS REGULATED DRAINS AND
THEIR EASEMENTS WITHIN
HENDRICKS COUNTY
- ❖ INSTRUCTIONS FOR FILING AN
ENCROACHMENT APPLICATION
FOR INDIVIDUAL TRACTS
~ENCROACHMENT WITHIN
REGULATED DRAINAGE
EASEMENT ON INDIVIDUAL
TRACTS
~ENCROACHMENT INFORMATION
- ❖ INSTRUCTIONS FOR FILING
ENCROACHMENT APPLICATION
FOR UTILITIES
~ENCROACHMENT CONSENT FOR
UTILITY WITHIN REGULATED
DRAINAGE EASEMENT
~ENCROACHMENT INFORMATION
- ❖ INSTRUCTIONS OF OUTLET
PERMIT REQUEST
~OUTLET REQUEST
- ❖ INSTRUCTIONS OF CROSSING
PERMIT REQUEST
~CROSSING REQUEST

ORDINANCE NO. 2001-28

AN ORDINANCE ESTABLISHING PROCEDURES FOR PERMITS TO ACCESS REGULATED DRAINS AND THEIR EASEMENTS WITHIN HENDRICKS COUNTY

HENDRICKS COUNTY CODE 36-9-27-1

WHEREAS, pursuant to Indiana Code 36-9-27, the Hendricks County Drainage Board, has the authority to establish, construct, reconstruct and maintain regulated drains and drainage structures within Hendricks County: and,

WHEREAS, Indiana Code 36-9-27-17 authorizes the Drainage Board to approve connections to the regulated drains within Hendricks County if there is sufficient capacity, and permits the Hendricks County Drainage Board to deny access to the regulated drain if the drain is inadequate to accept the connection without construction, reconstruction, or maintenance; and,

WHEREAS, on many occasions it is the best interest of all of the land owners benefited by a regulated drain, that connection to a drain be permitted only upon certain improvements to the drain which improvements should justifiably be made by the person seeking connection to the drain; and,

WHEREAS, the regulated drainage system within Hendricks County has limited capacity and in order to maximize the benefits of the drainage system to all of the citizens, it is in the best interest of the citizens of Hendricks County that an Ordinance be passed establishing procedures, regulations, and fees to be charged to persons seeking to connect to regulated drains within Hendricks County; and,

WHEREAS, the Hendricks County Drainage Board has in the past followed certain procedures for permitting access to regulated drains, and nothing herein should be construed as a renunciation or a repeal of those procedures.

IT IS THEREBY ORDAINED by the Hendricks County Drainage Board as follows:

Any person or entity performing work within the watershed or easement of a regulated drain shall conform to the requirements set out herein. Any structure or improvement installed in a Regulated Drainage Easement must have the approval of the Hendricks County Surveyor's Office, and also, the location of that structure or improvement must comply with the Surveyor's Office standards. The standard is a minimum vertical separation of 48 inches above the top of the storm structure or 48 inches below the invert/flow line of all regulated drains. If running parallel to the regulated drain, the standard is a minimum horizontal separation of 10 feet from the centerline of the tile/top of bank, as determined by the Hendricks County Surveyor. Exceptions to these standards may be approved, as long as they do not adversely affect the integrity of the drainage system or violate the approved engineering design. However, any relocation or exposure of structures, facilities or utilities shall be at the expense of the

owner/applicant, and not Hendricks County. Exposing a structure, facility or utility, or its relocation, must be scheduled, with a completion date approved, within five (5) days after receiving notice from the Surveyor's Office and/or the Hendricks County Drainage Board, excluding Saturdays, Sundays and holidays.

ARTICLE I – OUTLETS

Any person, partnership, corporation, or any other entity seeking to discharge any municipal, private, or mutual drains into a regulated drain under the jurisdiction of the Hendricks County Drainage Board shall make application to the Hendricks County Surveyor's Office.

- a. All drainage outlets are to be in compliance with the Storm Drainage, Erosion, and Sediment Control Ordinance of Hendricks County (SDESCO).
- b. For drainage outlets, the Hendricks County Surveyor and/or the Hendricks County Drainage Board may require an applicant to provide a drainage narrative, analysis and calculations to ensure compliance with SDESCO.
- c. For drainage outlets, the Hendricks County Surveyor and/or the Hendricks County Drainage Board may determine that the above-mentioned narrative, analysis and drainage calculations need to be reviewed by an outside engineering consultant. This review would be at the expense of the applicant, per the Drainage Board Uniform Fee Schedule.
- d. All applications shall be on forms provided by the Hendricks County Surveyor and shall meet the specifications set out herein. Such application shall contain any plans, specifications and any other information as deemed necessary by the Hendricks County Surveyor. Applications shall be signed by the owner of record or his agent. If signed by the agent, it shall be noted as to the agent's capacity, i.e., Contractor, Realtor, Engineer, Attorney, Surveyor, etc.
- e. Multiple outlets for the same drain may be included on the same outlet request permit form if outlets occur on same tax parcel. Multiple outlets for the same drain on separate tax parcels shall require separate outlet request permit forms. Multiple outlets occurring on the same tax parcel but for separate drains shall require a separate outlet request form for each drain involved. Each outlet shall be charged separately.
- f. A Direct Outlet shall be considered as any drainage facility outletting directly into a regulated drain without utilizing a private or mutual drain or municipal storm drainage facility or natural or manmade watercourse.
- g. The County Surveyor's Office shall charge application fees to any persons, partnership, corporation, or any other entity filing an application to discharge private or mutual drains into a regulated drain under the jurisdiction of the County Drainage Board, per the Drainage Board Uniform Fee Schedule.

ARTICLE II – CROSSINGS

Any person, partnership, corporation, or any other entity seeking to cross under, over, or through a regulated drain under the jurisdiction of the Hendricks County Drainage Board with any structure or improvement shall make application to the Hendricks County Surveyor's Office.

- a. All applications shall be on forms provided by the Hendricks County Surveyor and shall meet the requirements set out therein. Such application shall contain any plans, specifications and any other information as deemed necessary by the Hendricks County Surveyor. Application shall be signed by the owner of record or his agent. If signed by the agent, it shall be noted as to the agent's capacity, i.e., Contractor, Realtor, Engineer, Attorney, Surveyor, etc.
- b. The Surveyor's Office standard for all crossings is a minimum vertical separation of 48 inches above the top of the storm structure or 48 inches below the invert/flow line of all regulated drains.
- c. Multiple crossings for the same drain may be included on the same crossing request permit form if crossings occur on same tax parcel. Multiple crossings for the same drain on separate tax parcels shall require separate crossing request permit forms. Multiple crossing occurring on same tax parcel but for separate drains shall require a separate crossing request permit form for each drain involved. Each crossing shall be charged separately.
- d. Utility projects affecting multiple drains shall require separate request forms for each drain affected. Utility projects affecting a single drain but multiple tax parcels shall require a single request form.
- e. The County Surveyor's Office shall charge application fees to any person, partnership, corporation, or association who applies for authority to cross under, over, or through a regulated drain under the jurisdiction of the County Drainage Board, with any structure or improvement, per the Drainage Board Uniform Fee Schedule. The fee will be waived for utilities operating 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.

ARTICLE III – ENCROACHMENT OF AN EASEMENT

Any persons, partnership, corporation, or any other entity seeking to encroach within a regulated drainage easement with any structure, landscaping or other improvement must make application to the Hendricks County Surveyor's Office, and shall gain approval by the Hendricks County Drainage Board and/or the Hendricks County Surveyor for the proposed encroachment. Notice of all approved encroachments shall be made of record with the Hendricks County Drainage Board.

a. Filing an application must precede any encroachment onto a Regulated County drainage easement. If approved by the Hendricks County Drainage Board, the Board will not enforce its Regulated Drainage Easement beyond a specified distance from the tile or open drain. However, if future work is required on the Regulated County Drain, the County will not be responsible for damages to any structure, landscaping or other improvement made within the Regulated Drainage Easement

b. All applications shall be on forms provided by the Hendricks County Surveyor and shall meet the requirements set out therein. Such application shall contain any plans, specifications, recorded deed, any easement agreements, and any other information as deemed necessary by the Hendricks County Surveyor. Applications shall be signed by the owner of record.

c. The Surveyor's Office standard for all encroachments is a minimum horizontal separation of 10 feet from the centerline of the tile/top of bank of all regulated drains, as determined by the Hendricks County Surveyor.

d. Multiple encroachment requests for the same drain may be included on the same request form if encroachments occur on the same tax parcel. Multiple encroachment requests for the same drain for separate tax parcels shall require separate request forms. Multiple encroachment requests occurring on the same tax parcel but for separate drains shall require a separate request form for each drain involved. Each request shall be charged separately per request form.

e. Utility encroachment for projects affecting multiple drains shall require separate request forms for each drain affected. Utility encroachment for projects affecting a single drain but multiple tax parcels shall require a single request form.

f. The County Surveyor's Office shall charge application fees to any person, partnership, corporation, or association filing an application for an Encroachment Agreement pursuant to Indiana Code 36-9-27-33, per the Drainage Board Uniform Fee Schedule. These fees include the fee charged by the County Recorder for recording the Encroachment Agreement. The fee will be waived for utilities operating 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.

ARTICLE IV - GENERAL REQUIREMENTS

No part of any filing fee for outlet, crossing, or encroachment shall be returnable to the applicant. All monies shall be payable to the Hendricks County Drainage Board. The County Surveyor's Office shall maintain records of the fees collected pursuant to this County Ordinance. The fees collected under this County Ordinance shall be periodically remitted to the County Treasurer and

shall be deposited in the appropriate Regulated Drain Maintenance Fund. No application fee shall be required to be paid by units of government for construction, maintenance, or remodeling of any public facility.

- a. The fees outlined for outlets, crossings and encroachments in this County Ordinance include application review, initial inspection, and one (1) re-inspection.
- b. Approvals received by the applicant from other Agencies, Departments or Municipalities shall not constitute approval for outletting, crossing or encroachment by the County Surveyor or Drainage Board.
- c. Failure to comply with this County Ordinance shall be subject to The County Surveyor taking any one or more of the following actions:
 - 1.) Posting of Stop-work order on the project;
 - 2.) The procurement of an irrevocable Letter of Credit or Cashier's Check;
 - 3.) A denial for further storm water permits and/or approvals for the subject project in noncompliance with this County Ordinance.
 - 4.) All legal remedies including but not limited to injunctive relief.
- d. The owner, developer, contractor and/or utility shall provide notification to the Surveyor's Office seventy-two (72) hours prior to commencement of any work, except in cases of an emergency. A Stop-Work-Order shall be issued by the Surveyor's Office for all projects which are proceeding without the required 'Notification of Work'.
- e. Once construction begins, the contractor shall be responsible for notifying the Surveyor's Office of the following:
 - 1.) If work is to be performed on weekends and/or holidays.
 - 2.) Before storm-water structures are backfilled. No connection or crossings of regulated drains shall be backfilled without an opportunity being given to the Surveyor's Office for an inspection. Failure to comply with this requirement shall result in the excavation of the connection, crossing or encroachment so as to provide inspection.

ARTICLE V – PENALTIES

A person who violates this County Ordinance commits an Ordinance violation. A fine of up to Five Thousand Dollars (\$5,000.00) may be entered against a person, utility or entity that commits a violation under this County Ordinance, and they may be required to reimburse

Hendricks County for reasonable attorney fees. In addition to the fine, any damage to the Regulated County Drain repaired by the County shall be billed directly to the individual, utility or entity. The relocation of any utility or obstruction will be at the expense of the violator, and will meet County standards.

ARTICLE VI – MISCELLANEOUS

- a. Nothing herein shall be construed to repeal any prior practice, ordinance, or procedure of the Hendricks County Drainage Board or the Hendricks County Surveyor's Office concerning the issues set out herein.
- b. The Hendricks County Surveyor and/or the Hendricks County Drainage Board will have the sole authority to waive any or all sections contained in this Ordinance.
- c. This Ordinance shall be effective upon passage and approval.
- d. In addition to the requirements of this Ordinance, compliance with the Storm Drainage, Erosion, and Sediment Control Ordinance of Hendricks County (SDESCO) and with the requirements set forth in local Zoning Ordinances is also necessary. In case of conflicting requirements between ordinances, the most restrictive requirements shall apply.
- e. All fees associated with this ordinance are non-refundable.

APPROVED by the Hendricks County Drainage Board this 26th day of NOVEMBER, 2001.

HENDRICKS COUNTY DRAINAGE BOARD



Steven L. Ostermeier
Steven L. Ostermeier, President

Linda Palmer
Linda Palmer, Vice President

John D. Clampitt
John D. Clampitt, Member

ATTEST:
David L. Gaston
David L. Gaston
Hendricks County Surveyor



Hendricks County Surveyor's Office

David L. Gaston, P.L.S.

INSTRUCTIONS FOR FILING AN ENCROACHMENT APPLICATION FOR INDIVIDUAL TRACTS

1. The Encroachment Request and the Encroachment Information forms shall be submitted to the Hendricks County Surveyor's Office 30 days prior to the Hendricks County Drainage Board's monthly meeting. The Drainage Board Meeting usually takes place on the 2nd and 4th Monday of each month.
2. All information shall be on the standard forms, only supplied by the Surveyor's Office.
3. These forms shall be completely filled out with the following information:
 - a. Name of individual, firm, partnership or corporation owning tract.
 - b. Name of Regulated drain.
 - c. Parcel number of tract as shown in the Hendricks County Auditor's Office.
 - d. Recording information for Deed. (From Hendricks County Auditor's or Recorder's Office.)
 - * A copy of the Warranty Deed is to be returned with the application*
 - e. Signed by the individual or officer of firm or corporation or general managing partner of partnership reflecting owner of record as shown on the warranty deed from the Hendricks County Auditor's Office. Show printed name of signatory and his or her title if done by firm, corporation or partnership. If joint ownership, both or all parties must sign. **DO NOT FILL IN THE DATE ON THE REQUEST FORM. A copy of a site plan, plat or engineered drawings showing what structures are proposed to encroach the Hendricks County Regulated Drainage Easement shall be submitted with the application.**
4. The Surveyor shall fill in the remaining items:
 - a. Distance from the top of bank / centerline of title.
 - b. Side of top of bank / centerline of tile.
 - c. Other conditions.
5. This application shall require a check or money order to be submitted with it. The check or money order shall be for one hundred (\$100.00) dollars, made payable to the Hendricks County Drainage Board. This request applies to agricultural, single unit residential, commercial, multi-family, and businesses.

Page 1 of 3



ENCROACHMENT WITHIN REGULATED DRAINAGE
EASEMENT ON INDIVIDUAL TRACTS

STATE OF INDIANA)
)
COUNTY OF HENDRICKS) BEFORE THE HENDRICKS
)
) COUNTY DRAINAGE BOARD

At the request of _____, the Hendricks County Surveyor and/or Hendricks County Drainage Board considered the extent of the Regulated Drainage Easement on the _____ Drain on parcel number _____.

The legal description for this parcel is found in Deed Record _____ Page _____ or instrument number _____ in the Hendricks County Recorder's Office. The undersigned owners of record hereby agree and covenant with this Board that:

Neither the Hendricks County Drainage Board nor any contractor or workman operating under the authority of said Board will be liable for damages resulting from construction, reconstruction or maintenance of the above named drain at said location, whether to the real estate or improvements thereon, and said owners, their grantees and assigns do release and agree to hold the Board harmless from any such damage.
****Damages to be paid by the land owner****

The Board will not enforce the easement beyond a distance of _____ feet from the _____ side of the top of bank/centerline of the tile of the said ditch/drain at that location.

The Board will not object to the improvement of said real estate at a distance beyond the enforced portion of the easement. However, an As-Built drawing of all work in the easement must be provided to the Surveyor's Office at the completion of the project.

OTHER CONDITIONS _____

AGREEMENT WILL BECOME EFFECTIVE UPON RECORDING.
DATED THIS _____ DAY OF _____ 20 _____

HENDRICKS COUNTY SURVEYOR

APPLICANT

PRINTED NAME

PRINTED NAME

ENCROACHMENT INFORMATION

Hendricks County Surveyor's Office
355 South Washington Street # 214
Danville, Indiana 46122
317-745-9237 fax: 317-745-9429

| | |
|--|-----------------------------|
| Name of Drain: _____ | Project Name: _____ |
| Parcel Number: _____ | Township: _____ |
| Applicant's Name: _____ | Property Owner: _____ |
| Address : _____ | Property Address: _____ |
| _____ | _____ |
| Phone: (____) _____ | Phone: (____) _____ |
| Fax: (____) _____ | Fax: (____) _____ |
| Contact Name: _____ | Contractor-Installer: _____ |
| Address: _____ | Address: _____ |
| Phone: (____) _____ | Phone: (____) _____ |
| Fax: (____) _____ | Fax: (____) _____ |
| Purpose of Encroachment: _____ | |
| _____ | |
| If Utility, how many feet is line paralleling drain: _____ | |
| Plan Project / Job Number: _____ | |
| Project Location: _____ | |
| Engineering Firm: _____ | |
| Address: _____ | |
| Phone: (____) _____ | Fax: (____) _____ |

*** For Office Use Only ***

Permit # _____ Project # _____ Check # _____



Hendricks County Surveyor's Office

David L. Gaston, P.L.S.

INSTRUCTIONS FOR FILING ENCROACHMENT APPLICATION FOR UTILITIES

This application should be made when a utility wants to encroach into a Hendricks County Regulated Drainage Easement with their facility.

1. Request shall be submitted to the Hendricks County Surveyor's Office along with plans and check or money order made payable to the Hendricks County Drainage Board.
 - Plans shall consist of showing where the facility is proposed to be located within the regulated drainage easement (either how far the utility will be located from the top of bank of an open ditch or from the centerline of drain tile or storm sewer).
2. All information shall be on the standard form only, supplied by the Surveyor's Office.
3. These form shall be completely filled out with the following information:
 - a. Name of utility company.
 - b. Name of Regulated drain.
 - c. Type of utility being installed.
 - d. Number of feet from the drain as shown on the plans.
 - e. Insert "centerline" or "top of bank".
 - f. Township
 - g. Names of property owners to be crossed and the owners parcel number of tract as shown in the Hendricks County Auditor's Office.
 - h. Shall be signed by a representative of the utility company, also print name of the representative signing and their title within the company.
4. Proof of obtaining easement from affected landowners as shown on the warranty deed from the Hendricks County Auditor's Office.
5. This application shall require a check or money order to be submitted with it. The check or money order will total \$0.25 per foot of utility work done in the Regulated drainage easement, with a minimum of \$150.00, made payable to the Hendricks County Drainage Board.

Page 1 of 3



ENCROACHMENT CONSENT FOR UTILITY
WITHIN REGULATED DRAINAGE EASEMENT

STATE OF INDIANA) THE HENDRICKS COUNTY
COUNTY OF HENDRICKS) DRAINAGE BOARD

At the request of _____, the Hendricks County Drainage Board, holder for the easement of the _____ Drain, has considered granting permission to use a portion of said easement for utility purposes. _____ has satisfied this Board that it has obtained easements from the below mentioned property owner(s) for these purposes. After consideration and through this written agreement, the Board does hereby agree that said utility may utilize a portion of said easements under the following conditions:

- Neither the Hendricks County Drainage Board nor any contractor nor any workman operating under the authority of the said Board will be held liable for any damages resulting from construction, reconstruction, or maintenance of the above named regulated drain.
- The construction will not result in a structure closer than _____ feet of the _____ of the drain as per plans submitted with this request.
- An As-Built drawing of all work in the easement will be provided to the Surveyor's Office at the completion of the project.
- At the Drainage Board and/or Surveyor's request, the encroachment is subject to exposure or relocation at owner/applicant's expense. This must be scheduled, with a completion date approved, within 5 days notification from the Surveyor's Office, excluding Saturdays, Sundays and holidays.

The construction work of _____ within the regulated drain easement involves the following property owner(s) and/or tract(s) in _____ Township, Hendricks County, Indiana:

The granting of consent by the Hendricks County Drainage Board to _____ for the construction of a _____ on and across the above named individual tracts within the regulated drain easements does not eliminate the requirement of _____ from acquiring easement rights from said property owner(s).

AGREEMENT WILL BECOME EFFECTIVE UPON SIGNING. Dated this _____ Day Of _____ 20_____.

HENDRICKS COUNTY SURVEYOR

UTILITY REPRESENTATIVE

PRINTED NAME

PRINTED NAME

UTILITY CONTACT AND PHONE #

TITLE OF SIGNED

ENCROACHMENT INFORMATION

Hendricks County Surveyor's Office
355 South Washington Street # 214
Danville, Indiana 46122
317-745-9237 fax: 317-745-9429

Name of Drain: _____

Project Name: _____

Parcel Number: _____

Township: _____

Applicant's Name: _____

Property Owner: _____

Address : _____

Property Address: _____

Phone:() _____

Phone:() _____

Fax:() _____

Fax:() _____

Contact Name: _____

Contractor-Installer: _____

Address: _____

Address: _____

Phone:() _____

Phone:() _____

Fax:() _____

Fax:() _____

Purpose of Encroachment: _____

If Utility, how many feet is line paralleling drain: _____

Plan Project / Job Number: _____

Project Location: _____

Engineering Firm: _____

Address: _____

Phone:() _____

Fax:() _____

*** For Office Use Only ***

Permit # _____ Project # _____ Check # _____



Hendricks County Surveyor's Office

David L. Gaston, P.L.S.

INSTRUCTIONS OF OUTLET PERMIT REQUEST

1. Request shall be made to the Hendricks County Surveyor's Office.
2. Request shall be made on standard form only, supplied by the Surveyor's Office.
3. The form shall be completely filled out with the following information:
 - a. Name of drain.
 - b. Parcel number of property involved.
 - c. Project name (if none then put individual's name).
 - d. Name and address of owner / contractor
 - e. Specifications of the outlet shall include drainage calculations (if required), size of drain, length of drain and gradient of drain. This Office may require more details depending on the characteristics of the outlet.
 - f. Plot plan showing regulated drain, private drain location, size and type of material, point of connection, lot lines, buildings, physical features and platted easements / right-of-ways and any other information required by the Surveyor's Office.
 - g. Copy of warranty deed.
4. The applicant or an agent of the applicant must sign the form.
5. If outlet is required to cross an adjoining property owner, list name, address and parcel number for each such instance and submit letter granting permission to cross property from each owner.
6. Check or money order is to be made payable to the **Hendricks County Drainage Board**. Fees are as follows:
 - a. Individual - Residences or Farms \$100.00/ Outlet

OUTLET REQUEST

Hendricks County Surveyor's Office
355 South Washington Street, #214
Danville, Indiana 46122

Name of Drain: _____ Project Name: _____

Parcel Number: _____ Township: _____

Applicant's Name: _____ Property Owner: _____

Address: _____ Property Address: _____

Phone: (____) _____ Phone: (____) _____

Fax: (____) _____ Fax: (____) _____

Contractor-Installer: _____

Address: _____

Phone: (____) _____ Fax: (____) _____

Purpose of Private Tile: _____

Size of Tile: _____ Type of Tile: _____ Length of Tile: _____

Number of Outlets: _____

Location of Outlet: _____

Will private tile cross property not owned by the applicant? _____

If yes, list parcel numbers, names and addresses of those that will be crossed: _____

I hereby request permission to outlet a private drain into the above mentioned regulated drain. The construction shall conform to the standards of the County Surveyor at the point of connection with the regulated drain, and within the entire Regulated Drainage Easement. A location map of the drain is attached showing the location of the regulated drain, private drain, point of connection, lot lines, buildings and other physical features, and platted easements and right-of-ways. This request is made per I.C. 36-9-27-17.

Signature _____ Date _____

Check Title: Owner _____ Contractor _____ Engineer _____ Tenant _____ Other _____

Permit#: _____ Plan Project Number: _____ Check: _____

**For Office Use Only Engineering Firm _____



Hendricks County Surveyor's Office

David L. Gaston, P.L.S.

INSTRUCTIONS OF CROSSING PERMIT REQUEST

1. Request shall be made to the Hendricks County Surveyor's Office.
2. Request shall be made on standard form only, supplied by the Surveyor's Office.
3. The form shall be completely filled out with the following information:
 - a. Name of drain.
 - b. Parcel number of property involved.
 - c. Project name (if none then put individual's name).
 - d. Contact person(s).
 - e. Type of crossing, including a cross section drawing showing the specifications of the crossing. This office may require more details depending on the type of crossing.
 - f. Approximately how many feet from the nearest intersection.
4. The blank space in front of 'requests permission' in the last paragraph should be completed with the entity ultimately responsible for the crossing and its potential future exposure or relocation.
5. Need to circle owner, applicant or utility in the last paragraph, whomever is the responsible entity.
6. The applicant or an agent of the applicant must sign the form.
7. Check or money order is to be made payable to the **Hendricks County Drainage Board**. Fees are as follows:

| | |
|-------------------------------------|--------------------|
| a. Individual - Residences or Farms | \$100.00/ Crossing |
| b. Utilities | \$100.00/ Crossing |

CROSSING REQUEST

Hendricks County Surveyor's Office
355 South Washington Street, #214
Danville, Indiana 46122

Name of Drain: _____ Project Name: _____

Parcel Number: _____ Township: _____

Applicant's Name: _____ Property Owner: _____

Address: _____ Property Address: _____

Phone:() _____ Phone:() _____

Fax:() _____ Fax:() _____

Contractor-Installer: _____

Address: _____

Phone:() _____ Fax:() _____

Purpose of Crossing: _____

Crossing Type: Open Cut: _____ Push or Bore: _____ Other: _____

Number of Crossings: _____

Location of Crossing: _____

_____ requests permission to cross the above mentioned regulated drain. The crossing should conform to the standards of the County Surveyor, as outlined in the 'Access Ordinance'. A plan showing the location and specifications of the crossing is included. This request is made per I.C. 36-9-27-33 (d) or 72 (c). The Surveyor's Office will be given an As-Built drawing when the project is completed. At the Drainage Board and/or Surveyor's request, the crossing is subject to exposure or relocation at owner/applicant/utility's expense. This must be scheduled, with a completion date approved, within 5 days notification from the Surveyor's Office, excluding Saturdays, Sundays and holidays.

Signature _____ Date _____
Check Title: Owner _____ Contractor _____ Engineer _____ Utility _____ Other _____

Permit#: _____ Plan Project Number: _____ Check: _____

**For Office Use Only Engineering Firm: _____

Part 5

FEE SCHEDULE

- ❖ AN ORDINANCE ESTABLISHING A
DRAINAGE BOARD UNIFORM FEE
SCHEDULE
- ❖ FEE SCHEDULE

ORDINANCE No. 2001-29

AN ORDINANCE ESTABLISHING A DRAINAGE BOARD UNIFORM FEE SCHEDULE:

WHEREAS, the Hendricks County Drainage Board desires to establish a Drainage Board Uniform Fee Schedule, separate from the Hendricks County Zoning Ordinance and the Hendricks County Subdivision Control Ordinance and the Hendricks County Planning and Building Uniform Fee Schedule Ordinance, which will include the setting and collecting of all Drainage Board administrative fees; and

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

NOW THEREFORE, BE IT ORDAINED by the Hendricks County Drainage Board, by the authority of Section 36-9-27-73 of the Indiana Code that there is hereby established a Drainage Board Uniform Fee Schedule as follows:

DRAINAGE BOARD UNIFORM FEE SCHEDULE

I. SUBDIVISION:

- | | |
|---|----------|
| 1. Minor Subdivision | |
| a. Preliminary & Final | \$250.00 |
| 2. Major Subdivision | |
| a. Preliminary | \$250.00 |
| b. Final | \$250.00 |
| 3. Planned Unit Development (PUD) | |
| a. Preliminary | \$250.00 |
| b. Final | \$250.00 |
| 4. Multi Family | |
| a. Preliminary | \$250.00 |
| b. Final | \$250.00 |
| 5. Amendment – Change to recorded Plat | \$250.00 |
| 6. Revision – Change to approved Plat, not recorded | \$150.00 |

II. SITE PLAN REVIEW

- | | |
|-------------------------------|----------|
| 1. Preliminary | \$250.00 |
| 2. Final | \$250.00 |
| 3. Amendment to Approved Plan | \$150.00 |

III. INDIVIDUAL RESIDENCE AND FARMS

- | | |
|--|---------------------------|
| 1. Regulated Drain Outlet Permit | \$100.00 per outlet |
| 2. Regulated Drain Crossing Permit | \$100.00 per crossing |
| 3. Regulated Drain Encroachment Permit | \$100.00 per encroachment |
- (NOTE: All fees in this section can be waived or modified by the Hendricks County Surveyor and/or the Hendricks County Drainage Board)

IV. UTILITIES

- | | |
|--|-------------------------------------|
| 1. Regulated Drain Crossing Permit | \$100.00 per crossing |
| 2. Regulated Drain Encroachment Permit | \$ 0.25 per foot (min. \$150.00) |

(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)

V. OTHER

1. Copy of the Hendricks County
Drainage Board Handbook \$ 50.00
2. Removal of Obstruction \$250.00
(NOTE: Fee can be waived at the discretion of the County Surveyor)
3. Variance of a Regulated Drainage Easement \$100.00

VI. REVIEW CHARGES

All engineering projects will require a review fee above and beyond the application fee. This fee shall equate to the contract rate of the reviewing Engineer, not to exceed \$100.00 per 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

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

APPROVED, by the Drainage Board of Hendricks County, Indiana, this 16th day of NOVEMBER, 2001.



DRAINAGE BOARD

Steven L. Ostermeier
Steven L. Ostermeier, President

Linda Palmer
Linda Palmer, Vice President

John D. Clampitt
John D. Clampitt, Member

ATTEST:
David L. Gaston
David L. Gaston
Hendricks County Surveyor

| | |
|------------------------------|-------------------|
| Hendricks County Code | 36-9-27-1 |
| Ordinance Number | 2001-29 |
| Approved | November 26, 2001 |

Fees listed below are per application for outlets, crossings and encroachments.

| | Direct Outlet | Crossing | Encroachment |
|--------------------------------|---------------------|-----------------------|-----------------------------------|
| Individual Residences or Farms | \$100.00 per outlet | \$100.00 per crossing | \$100.00 per encroachment |
| Utility | N/A | \$100.00 per crossing | \$0.25 per foot (Min.\$150.00) |

Fees include an initial inspection and one (1) re-inspection.

"Notification of Work" shall be made seventy two (72) hours prior to commencing any construction activities.
A Stop-Work-Order shall be issued for projects failing to give proper notification.

Violations of this County Ordinance may result in a fine of up to Five Thousand Dollars (\$5000.00) against a person, corporation, partnership, association or utility who commits the violation.

