<table>
<thead>
<tr>
<th>SECTION</th>
<th>TITLE</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-1.</td>
<td>TITLE</td>
<td>7</td>
</tr>
<tr>
<td>1-2.</td>
<td>AUTHORITY</td>
<td>7</td>
</tr>
<tr>
<td>1-3.</td>
<td>PURPOSES</td>
<td>7</td>
</tr>
<tr>
<td>1-4.</td>
<td>SCOPE</td>
<td>7</td>
</tr>
<tr>
<td>1-5.</td>
<td>PROVISIONS DECLARED TO BE MINIMUM REQUIREMENTS</td>
<td>8</td>
</tr>
<tr>
<td>1-6.</td>
<td>SEVERABILITY</td>
<td>8</td>
</tr>
<tr>
<td>1-7.</td>
<td>EXCLUSION</td>
<td>9</td>
</tr>
<tr>
<td>1-8.</td>
<td>SAVING PROVISION</td>
<td>9</td>
</tr>
<tr>
<td>1-9.</td>
<td>REPEAL OF PRIOR ORDINANCE</td>
<td>9</td>
</tr>
<tr>
<td>1-10.</td>
<td>EFFECTIVE DATE</td>
<td>9</td>
</tr>
<tr>
<td>2-1.</td>
<td>SUMMARY OF AUTHORITY</td>
<td>11</td>
</tr>
<tr>
<td>2-2.</td>
<td>TOWN COUNCIL</td>
<td>11</td>
</tr>
<tr>
<td>2-3.</td>
<td>PLAN COMMISSION</td>
<td>11</td>
</tr>
<tr>
<td>2-4.</td>
<td>BOARD OF ZONING APPEALS</td>
<td>12</td>
</tr>
<tr>
<td>2-5.</td>
<td>ZONING ADMINISTRATOR</td>
<td>13</td>
</tr>
<tr>
<td>2-6.</td>
<td>TECHNICAL ADVISORY COMMITTEE</td>
<td>14</td>
</tr>
<tr>
<td>3-1.</td>
<td>APPLICATIONS</td>
<td>16</td>
</tr>
<tr>
<td>3-2.</td>
<td>SUCCESSIVE APPLICATIONS</td>
<td>17</td>
</tr>
<tr>
<td>3-3.</td>
<td>NOTICE</td>
<td>17</td>
</tr>
<tr>
<td>3-4.</td>
<td>REVIEW AND HEARINGS</td>
<td>18</td>
</tr>
<tr>
<td>4-1.</td>
<td>IMPROVEMENT LOCATION PERMITS</td>
<td>21</td>
</tr>
<tr>
<td>4-2.</td>
<td>CERTIFICATE OF OCCUPANCY</td>
<td>22</td>
</tr>
<tr>
<td>4-3.</td>
<td>VARIANCES</td>
<td>23</td>
</tr>
<tr>
<td>4-4.</td>
<td>SPECIAL EXCEPTIONS</td>
<td>26</td>
</tr>
<tr>
<td>4-5.</td>
<td>APPEALS</td>
<td>28</td>
</tr>
<tr>
<td>4-6.</td>
<td>AMENDMENTS</td>
<td>30</td>
</tr>
<tr>
<td>4-7.</td>
<td>INTERPRETATIONS</td>
<td>31</td>
</tr>
<tr>
<td>4-8.</td>
<td>DEVELOPMENT PLANS</td>
<td>33</td>
</tr>
<tr>
<td>4-9.</td>
<td>TEMPORARY USE PERMITS</td>
<td>38</td>
</tr>
<tr>
<td>4-10.</td>
<td>WRITTEN COMMITMENTS</td>
<td>39</td>
</tr>
<tr>
<td>4-11.</td>
<td>WAIVERS</td>
<td>40</td>
</tr>
<tr>
<td>5-1.</td>
<td>PURPOSE</td>
<td>43</td>
</tr>
<tr>
<td>5-2.</td>
<td>AUTHORITY TO VARY REGULATIONS</td>
<td>43</td>
</tr>
<tr>
<td>5-3.</td>
<td>OWNERSHIP</td>
<td>44</td>
</tr>
<tr>
<td>5-4.</td>
<td>MINIMUM PROJECT AREA</td>
<td>44</td>
</tr>
<tr>
<td>5-5.</td>
<td>PERMITTED USES</td>
<td>44</td>
</tr>
<tr>
<td>5-6.</td>
<td>PROJECT DENSITY</td>
<td>44</td>
</tr>
<tr>
<td>5-7.</td>
<td>DEVELOPMENT STANDARDS</td>
<td>45</td>
</tr>
<tr>
<td>5-8.</td>
<td>WATER AND SEWER AVAILABILITY</td>
<td>46</td>
</tr>
<tr>
<td>5-9.</td>
<td>PUBLIC STREETS</td>
<td>46</td>
</tr>
<tr>
<td>5-10.</td>
<td>UTILITIES</td>
<td>46</td>
</tr>
<tr>
<td>5-11.</td>
<td>PROCEDURE FOR APPROVAL</td>
<td>46</td>
</tr>
<tr>
<td>5-12.</td>
<td>EXTENSIONS AND ABANDONMENT</td>
<td>51</td>
</tr>
<tr>
<td>5-13.</td>
<td>RECORDING</td>
<td>51</td>
</tr>
<tr>
<td>5-14.</td>
<td>LIMITATION OF REZONING</td>
<td>52</td>
</tr>
<tr>
<td>5-15.</td>
<td>FINANCIAL ASSURANCE REQUIREMENTS</td>
<td>52</td>
</tr>
<tr>
<td>5-16.</td>
<td>PROCEDURES FOR PLATTING PLANNED UNIT DEVELOPMENT</td>
<td>52</td>
</tr>
</tbody>
</table>
CHAPTER 6. NONCONFORMING LOTS, USES AND STRUCTURES .................................................54
  SECTION 6-1. PURPOSE .................................................................................................54
  SECTION 6-2. GENERAL STANDARDS .........................................................................54
  SECTION 6-3. NONCONFORMING LOTS .......................................................................55
  SECTION 6-4. NONCONFORMING USES ........................................................................55
  SECTION 6-5. NONCONFORMING STRUCTURES ..........................................................56
  SECTION 6-6. NONCONFORMING SIGNS .......................................................................57
  SECTION 6-7. NONCONFORMING LIGHTING ..................................................................57

CHAPTER 7. DISTRICTS AND BOUNDARIES ....................................................................59
  SECTION 7-1. ESTABLISHMENT OF DISTRICTS ..........................................................59
  SECTION 7-2. INTERPRETATION OF DISTRICT SEQUENCE ..........................................59
  SECTION 7-3. ANNEXED LAND .....................................................................................60
  SECTION 7-4. OFFICIAL ZONING MAP .........................................................................60
  SECTION 7-5. INTERPRETATION OF DISTRICT BOUNDARIES .........................................61

CHAPTER 8. RESIDENTIAL DISTRICTS ...........................................................................64
  SECTION 8-1. GENERAL PURPOSE STATEMENT .........................................................64
  SECTION 8-2. GENERAL CROSS-REFERENCE GUIDE FOR ADDITIONAL REGULATIONS .................................................64
  SECTION 8-3. RESIDENTIAL DISTRICTS GENERAL REGULATIONS .................................................65
  SECTION 8-4. PURPOSE STATEMENTS ..........................................................................65
    TABLE 8-1. RESIDENTIAL DISTRICTS USE MATRIX ...................................................66
    TABLE 8-2. RESIDENTIAL DISTRICTS ACCESSORY USE MATRIX .................................................67
    TABLE 8-3. RESIDENTIAL DISTRICTS BULK MATRIX ...................................................67
    TABLE 8-4. MULTIPLE-FAMILY RESIDENTIAL DISTRICTS DWELLING UNIT SIZE MATRIX .................................................68
  SECTION 8-5. ARCHITECTURAL STANDARDS FOR RESIDENTIAL DISTRICTS ......................68

CHAPTER 9. MOBILE HOME PARK DISTRICTS .................................................................71
  SECTION 9-1. PURPOSE STATEMENT ..........................................................................71
  SECTION 9-2. GENERAL CROSS-REFERENCE GUIDE FOR ADDITIONAL REGULATIONS .................................................71
  SECTION 9-3. MINIMUM ZONING DISTRICT SIZE .........................................................72
  SECTION 9-4. MOBILE HOME PARK DISTRICT GENERAL REGULATIONS .................................................72
    TABLE 9-1. MHP MOBILE HOME PARK DISTRICT USE MATRIX .................................................72
    TABLE 9-2. MHP MOBILE HOME PARK DISTRICT ACCESSORY USE MATRIX .................................................73
    TABLE 9-3. MHP MOBILE HOME PARK DISTRICT BULK MATRIX .................................................73
  SECTION 9-5. SITE DEVELOPMENT REGULATIONS FOR MOBILE HOME PARKS ..................73

CHAPTER 10. COMMERCIAL DISTRICTS ........................................................................76
  SECTION 10-1. GENERAL PURPOSE STATEMENT ..........................................................76
  SECTION 10-2. GENERAL CROSS-REFERENCE GUIDE FOR ADDITIONAL REGULATIONS .................................................76
  SECTION 10-3. COMMERCIAL DISTRICTS GENERAL REGULATIONS .................................................77
  SECTION 10-4. PURPOSE STATEMENTS ..........................................................................77
    TABLE 10-1. COMMERCIAL DISTRICTS USE MATRIX ...................................................78
    TABLE 10-2. COMMERCIAL DISTRICTS ACCESSORY USE MATRIX .................................................79
    TABLE 10-3. COMMERCIAL DISTRICTS BULK MATRIX ...................................................79

CHAPTER 11. SC SHOPPING CENTER DISTRICT ...............................................................81
  SECTION 11-1. PURPOSE STATEMENT ..........................................................................81
  SECTION 11-2. GENERAL CROSS-REFERENCE GUIDE FOR ADDITIONAL REGULATIONS .................................................81
  SECTION 11-3. MINIMUM ZONING DISTRICT SIZE .........................................................82
  SECTION 11-4. SC SHOPPING CENTER DISTRICT REGULATIONS .................................................82
    TABLE 11-1. SHOPPING CENTER DISTRICT USE MATRIX .................................................82
    TABLE 11-2. SHOPPING CENTER DISTRICT ACCESSORY USE MATRIX .................................................83
    TABLE 11-3. SHOPPING CENTER DISTRICT BULK MATRIX .................................................83

CHAPTER 12. INDUSTRIAL DISTRICTS ...........................................................................85
  SECTION 12-1. GENERAL PURPOSE STATEMENT ..........................................................85
SECTION 24-19. BRIDGE/WALL TREATMENTS ................................................................. 267
SECTION 24-20. LIGHTING REQUIREMENTS .............................................................. 268
SECTION 24-21. ACCESS TO INDIVIDUAL TRACTS .............................................. 268
SECTION 24-22. MULTI-USE TRAIL .......................................................................... 269
SECTION 24-23. EMERGENCY ACCESS ................................................................. 269
SECTION 24-24. OTHER REQUIREMENTS ............................................................ 269

CHAPTER 25. SIGNATURE STREETS ........................................................................... 273
SECTION 25-1. PURPOSE ......................................................................................... 273
SECTION 25-2. DESIGNATION .................................................................................. 273
SECTION 25-3. ROAD CROSS SECTION ................................................................. 274
SECTION 25-4. BUFFER REQUIREMENTS ............................................................... 275
SECTION 25-5. ARCHITECTURAL STANDARDS ..................................................... 275
SECTION 25-6. SIGNAGE ......................................................................................... 275
SECTION 25-7. ACCESS MANAGEMENT ............................................................... 275

APPENDIX A. DEVELOPMENT REVIEW REQUIREMENTS ..................................... 277
APPENDIX A-1. MINIMUM SUBMISSION REQUIREMENTS FOR IMPROVEMENT LOCATION PERMITS AND CERTIFICATES OF OCCUPANCY ................................................................. 277
APPENDIX A-2. MINIMUM SUBMISSION REQUIREMENTS FOR SPECIAL EXCEPTIONS ................................................................................................................................................................................................. 278
APPENDIX A-3. MINIMUM SUBMISSION REQUIREMENTS FOR VARIANCES ................................................................................................................................................................................................. 278
APPENDIX A-4. MINIMUM SUBMISSION REQUIREMENTS FOR AMENDMENTS ................................................................................................................................................................................................. 279
APPENDIX A-5. MINIMUM SUBMISSION REQUIREMENTS FOR ADMINISTRATIVE INTERPRETATIONS ................................................................................................................................................................................................. 279
APPENDIX A-6. MINIMUM SUBMISSION REQUIREMENTS FOR DEVELOPMENT PLAN REVIEW ................................................................................................................................................................................................. 279
APPENDIX A-7. MINIMUM SUBMISSION REQUIREMENTS FOR PLANNED UNIT DEVELOPMENT DISTRICT ................................................................................................................................................................................................. 280

APPENDIX B. COMMITMENT FORM ........................................................................... 286
CHAPTER 1. TITLE, PURPOSE AND EFFECT

Section 1-1. Title
This Ordinance shall be known and cited as the “Town of Avon Zoning Ordinance.”

Section 1-2. Authority
This Ordinance is adopted pursuant to the authority contained in Indiana Code 36-7-4 et seq. Whenever any provision of this Ordinance refers to or cites a section of the Indiana Code and that section is later amended or superseded, this Ordinance shall be deemed amended to refer to the amended section or the section that most closely corresponds to the superseded section.

Section 1-3. Purposes
The purpose of this Ordinance is to regulate the use and development of land within the Town of Avon, Indiana. The Ordinance is designed to accomplish the following:

1. promote the public health, safety, and general welfare;
2. guide the future growth and development of the Town of Avon in accordance with the Comprehensive Plan and Thoroughfare Plan;
3. secure adequate light, air, convenience of access, and safety from fire, flood, and other danger;
4. lessen or avoid congestion in public ways;
5. restrict development in areas prone to flooding;
6. protect the historic and architectural heritage of the community;
7. protect and conserve the value of land, building, and other improvements upon the land, and to minimize the conflicts among the uses of land and building;
8. guide public and private policy and action in order to assure adequate and efficient transportation, water, sewerage, schools, parks, drainage, and other public requirements and facilities;
9. avoid scattered and uncontrolled subdivision of land that would result in an excessive expenditure of public funds for the supply of community services; and
10. otherwise accomplish the purposes of Indiana Code 36-7-4 et seq.

Section 1-4. Scope
This Ordinance shall apply to all real property located within the corporate boundaries of the Town of
Avon, Indiana and other property in Hendricks County for which the Hendricks County Board of Commissioners has relinquished zoning jurisdiction to the Town. Except as expressly provided otherwise in this Ordinance, the following rules shall apply.

1. All buildings erected hereafter, all uses of land or buildings established hereafter, all structural alteration or relocation of existing buildings occurring hereafter, and all enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations of this Ordinance which are applicable to the zoning districts in which such buildings, uses or land shall be located.

2. However, where an improvement location permit has been issued in accordance with law prior to the effective date of this Ordinance and provided that construction is begun within one year of such effective date and diligently pursued to completion, said building or structure may be completed and occupied in accordance with the approved plans on the basis of which the improvement location permit has been issued, subject thereafter to the provisions of Chapter 6, (Nonconforming Lots, Uses and Structures).

3. Existing uses, buildings, and structures that do not comply with the regulations of this Ordinance shall be subject to the regulations of Chapter 6, (Nonconforming Lots, Uses and Structures).

Section 1-5. Provisions Declared To Be Minimum Requirements

The provisions of this Ordinance are declared by the Town Council of the Town of Avon, Indiana to be the minimum requirements for the promotion of the public health, safety, and general welfare.

1. Where this Ordinance imposes conditions upon the use of land or buildings or upon the bulk of buildings or structures that are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this Ordinance or of any other law, ordinance, resolution, rule, or regulation of any kind, the regulations which are more restrictive (or which impose higher standards or requirements) shall govern.

2. This Ordinance is not intended to invalidate any easement, covenant or any other private agreement, provided that where the regulations of this zoning Ordinance are more restrictive (or impose higher standards or requirements) than such easements, covenants or other private agreements, the requirements of this zoning Ordinance shall govern.

3. No building, structure or use which was not lawfully existing at the time of the adoption of this Ordinance shall become or be made lawful solely by reason of the adoption of this Ordinance; and to the extent that, and in any manner that, said unlawful building, structure or use is in conflict with the requirements of this Ordinance, said building, structure or use remains unlawful hereunder.

Section 1-6. Severability

It is the declared intention of the Town Council of the Town of Avon, Indiana, that the sections, subsections, paragraphs, clauses, words, or provisions of this Ordinance are severable.

1. If any court of competent jurisdiction shall adjudge any section, subsection, paragraph, clause, word, or provision of this Ordinance to be invalid, such judgment shall not affect any other section, subsection, paragraph, clause, word, or provision of this Ordinance not specifically included in said judgment.

2. If any court of competent jurisdiction shall adjudge invalid the application of any section, subsection, paragraph, clause, word, or provision of this Ordinance to a particular property, building or other structure, such judgment shall not affect the application of said section, subsection, paragraph, clause, word, or provision to any other property, building or structure not specifically included in said judgment.
Section 1-7. Exclusion
Nothing in this Ordinance or in any rules, regulations, or orders issued pursuant to this Ordinance shall be deemed to restrict or regulate or to authorize any unit of government, legislative body, commission, or board now or hereafter established, to restrict or regulate the exercise of the power of eminent domain by the State of Indiana or by any agency of the State of Indiana, or the use of property owned or occupied by the State of Indiana or any agency of the State of Indiana.

Section 1-8. Saving Provision
Except as expressly provided otherwise in this Ordinance, the adoption of this Ordinance shall not:

1. abate any action pending under, or by virtue of, any prior zoning ordinance (an action shall be considered pending only if a complete application and the required fee for such action has been received by the Town prior to the effective date of this Ordinance);

2. discontinue, abate, modify, or alter any penalty accruing or about to accrue under, or by virtue of, any prior zoning ordinance;

3. affect the liability of any person, firm, or corporation under, or by virtue of, any prior zoning ordinance;

4. waive any right of the Town of Avon under any chapter, section, or provision of any prior zoning ordinance; or

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

Section 1-9. Repeal of Prior Ordinance
After the effective date of this Ordinance, all provisions of the Zoning Ordinance of Avon, Indiana adopted April 4, 1996 as heretofore amended, are hereby expressly repealed.

Section 1-10. Effective Date
This Ordinance was adopted on November 14, 2002 and became effective on the January 1, 2003.
Reserved for Future Use
CHAPTER 2. LEGISLATIVE AND ADMINISTRATIVE AUTHORITY

Section 2-1. Summary of Authority
The following decision making bodies and officials described in this Chapter shall, without limitation upon such authority as each may possess by Law, have the responsibility for implementing and administering this Ordinance.

Section 2-2. Town Council
The Town Council hereby reserves to itself the following powers and duties in connection with the implementation of this Ordinance.

1. To approve, reject, or amend the comprehensive plan or portions thereof as certified to it by the Plan Commission.
2. To initiate amendments to the text of this Ordinance and to adopt, reject, or amend proposals to amend or partially repeal the text of this Ordinance, pursuant to the procedures and standards for amendments set forth in Chapter 4.
3. To initiate amendments to the Avon Subdivision Control Ordinance and to adopt, reject, or amend proposals to amend or partially repeal the text of this Avon Subdivision Control Ordinance.
4. To adopt, reject, or amend proposals to amend the zoning map pursuant to the procedures and standards for amendments set forth in Chapter 4.
5. To adopt, reject, or amend a Planned Unit Development Ordinance pursuant to the procedures and standards for amendments set forth in Chapter 5.
6. To take such other actions not exclusively delegated to other bodies, which may be desirable and necessary to implement the provisions of this Ordinance.

Section 2-3. Plan Commission
The Avon Plan Commission, being previously established pursuant to Indiana Code 36-7-4-200 et seq. and Chapter 2, Article 4 of the Avon Town Code shall have the following powers and duties in connection with the implementation of this Ordinance.

1. To initiate amendments to the text of this Ordinance and to the Zoning Map pursuant to the procedures and standards for amendments set forth in Chapter 4.
2. To review all proposed amendments to this Ordinance and make recommendations to the Town Council pursuant to the procedures and standards for amendments set forth in Chapter 4.
3. To review all Planned Unit Development Petitions and make recommendations to the Town Council for the adoption of said Petitions pursuant to the procedures and standards for Planned Unit Developments set forth in Chapter 5 and the procedures and standards for amendments, set
forth in Chapter 4.

4. To render final decision regarding secondary review of all Planned Unit Development Petitions pursuant to the procedures and standards for Planned Unit Development set forth in Chapter 5;

5. To initiate amendments to the Avon Subdivision Control Ordinance, to adopt, reject, or amend proposals to amend or partially repeal the text of this Avon Subdivision Control Ordinance, and to make recommendations on such matters to the Avon Town Council.

6. To initiate amendments to the Avon Thoroughfare Plan, to adopt, reject, or amend proposals to amend or partially repeal the text of the Avon Thoroughfare Plan, and to make recommendations on such matters to the Avon Town Council.

7. To review, approve, approve with modifications, or deny all subdivision applications pursuant to the procedures and standards for subdivision approval set forth in the Subdivision Control Ordinance.

8. To approve, approve with modifications, or deny all applications for waivers from the subdivision control ordinance, pursuant to the procedures and standards for plat approval set forth in the Subdivision Control Ordinance.

9. To approve, approve with modifications, or deny all Development Plans pursuant to the procedures and standards for Development Plans set forth in Chapter 4.

10. To supervise and adopt rules for the administration of the affairs of the Plan Commission.

11. To record and file all bonds and contracts and assume responsibility for the custody and preservation of all papers and documents of the Plan Commission.

12. To prepare, publish, and distribute reports, ordinances, and other material related to the Plan Commission activities as authorized by law or this Ordinance.

13. To bring an action in the circuit or superior court of the county to invoke any legal, equitable, or special remedy for the enforcement of state planning and zoning laws or this Ordinance.

14. To exercise all powers conferred on it by law, local ordinance or rule in the manner so prescribed. This Section shall not be construed as a limitation on such powers.

Section 2-4. Board of Zoning Appeals

The Avon Board of Zoning Appeals, having been previously established pursuant to Indiana Code 36-7-4-900 et seq. and Chapter 2, Article 5 of the Avon Town Code shall have the following powers and duties in connection with the implementation of this Ordinance.

1. To approve, approve with modifications, or deny any application for a variance from the development standards of this Ordinance pursuant to the procedures and standards for variances set forth in Chapter 4.

2. To approve, approve with modifications, or deny any application for a use variance pursuant to the procedures and standards for variances set forth in Chapter 4.

3. To grant, grant with modifications, or deny any application for a special exception pursuant to the procedures and standards for special exceptions set forth in Chapter 4.

4. To hear and decide an appeal from any order, requirement, decision or determination made by the Zoning Administrator, hearing officer, or staff in the administration or enforcement of this Ordinance pursuant to procedures and standards for appeals of administrative decisions set forth in Chapter 4.

5. To hear and decide an appeal from any order, requirement, decision or determination made by any administrative board, other than the Plan Commission, in the administration or enforcement of this Ordinance pursuant to procedures and standards for appeals of administrative decisions set forth in Chapter 4.
forth in Chapter 4.

6. To exercise all powers conferred on it by law, local ordinance or rule in the manner so prescribed, including to invoke any legal, equitable, or special remedy available by law or this Ordinance for the enforcement of the provisions of this Ordinance or actions taken thereunder. This Section shall not be construed as a limitation on the Board’s powers.

7. To adopt rules and procedures for the administration of the Board’s duties provided such rules do not conflict with this Ordinance.

Section 2-5. Zoning Administrator

The Town Manager, with the approval of the Town Council, shall appoint a Zoning Administrator for the purpose of administering and enforcing this Ordinance. The Zoning Administrator shall reserve the right to appoint a designee to act on his behalf, as necessity demands. Any designee shall be considered the Zoning Administrator and retain his full power and authority for the purpose of administering and enforcing this Ordinance. The Zoning Administrator shall have the following powers and duties in connection with the implementation of this Ordinance.

1. To interpret provisions of this Ordinance pursuant to the procedures and standards for Interpretation set forth in Chapter 4 and to provide reports to the Plan Commission and Board of Zoning Appeals regarding such interpretations on a quarterly basis.

2. To ensure compliance with or prevent violation of provisions of this Ordinance pursuant to the procedures and standards for Enforcement set forth in Chapter 19.

3. To issue all necessary permits and certificates, and maintain records thereof in the name of the Plan Commission and Board of Zoning Appeals pursuant to the procedures and standards for zoning certificates set forth in Chapter 4.

4. To provide assistance and communications on the status of past cases and code enforcement to the Plan Commission and Board of Zoning Appeals.

5. To maintain permanent and current records relative to the administration of this Ordinance, including but not limited to, all maps, amendments, Improvement Location Permits, Certificates of Occupancy, Variances, and Special exceptions, Appeals and disapproved applications, and record of hearings.

6. To review all development permit applications to determine that the application meets the requirements of this Ordinance and to determine that all necessary permits or prior approvals have been obtained from other government agencies where required.

7. To conduct all research and collect and analyze all data pertaining to the growth and development of the Town and its environs, as delegated by the Town Council, Plan Commission, Board of Zoning Appeals, or other bodies which may be desirable and necessary to implement the provisions of this Ordinance.

8. To coordinate and conduct all development activities and programs for the Town and its environs, as delegated by the Town Council, Plan Commission, Board of Zoning Appeals, or other bodies which may be desirable and necessary to implement the provisions of this Ordinance.

9. To obtain, review and reasonably utilize any base flood elevation data in order to administer this Ordinance.

10. To notify all jurisdictions and other bodies relative to the alteration of watercourses.

11. To make interpretations as to the location of special flood hazards.

12. To take such other actions as delegated by the Town Council, Plan Commission, Board of Zoning Appeals, or other bodies that may be desirable and necessary to implement the provisions of this
Section 2-6. Technical Advisory Committee

The Technical Advisory Committee is hereby created and vested with the review authority set forth in paragraph (2) in connection with the implementation of this Ordinance:

A. Membership

The Technical Advisory Committee shall be comprised of the following members.

A. Avon Zoning Administrator
B. Avon Building Commissioner
C. Avon Town Planner
D. Avon Town Engineer
E. Avon Fire Chief
F. The Zoning Administrator may also invite representatives of the Avon Police Department, the Avon/Washington Township School Corporation, representatives of the major utility companies, representatives of Plan Commission appointed committees, and representatives of Hendricks County and Washington Township for particular applications or as necessity demands.

B. Review Authority

A. To review and evaluate applications for waivers and make recommendations to the Plan Commission, pursuant to the procedures and standards for waivers set forth in the Subdivision Control Ordinance.

B. To review and evaluate all development plans, and make recommendations to the Plan Commission, pursuant to the procedures and standards for development plan review set forth in Chapter 4.

C. To take such other actions as delegated by the Plan Commission that may be desirable and necessary to implement the provisions of this ordinance.
AVON ZONING ORDINANCE

Reserved for Future Use
SECTION 3-1. Applications

All applications or petitions for development review, which shall include development plan review, zoning certificates, special exception permits, planned unit developments, variances, amendments to the zoning ordinance text or zoning map, administrative interpretations, and appeals from administrative determinations, shall be filed in conformance with the regulations set forth below.

1. Place of Filing

Applications and petitions shall be filed with the Zoning Administrator or with such other Town body or official as the Zoning Administrator may designate.

2. Form, Number, and Scale

Applications and petitions shall be on forms provided by the Zoning Administrator and shall be filed in such number and manner as the Zoning Administrator may designate. All plans filed as part of any application or petition shall be submitted both in paper and digital formats. Paper copies shall be drawn at a scale sufficient to permit a clear and precise understanding of its contents and of the proposal being made and shall be folded to a size of 8-1/2 inches by 11 inches.

3. Minimum Requirements

Applications or petitions submitted pursuant to this Ordinance shall contain such minimum data and information as listed in Appendix A. (Minimum Submission Requirements) Applications that are incomplete shall not be processed by the Zoning Administrator and shall be returned to the applicant at the applicant’s expense.

4. Filing Deadlines

A. An application or petition requiring a public hearing will not be scheduled for such hearing unless filed in a complete manner, by the prescribed deadlines of the hearing body, and no more than ninety (90) calendar days prior to the requested public hearing date. An application so filed will be scheduled for the date requested, or the first available date thereafter, on a first-filed-first-scheduled basis. All public hearings to consider applications or petitions filed pursuant to this Ordinance shall be, unless otherwise provided by order of the relevant body, scheduled at the same time as the regular meetings of such body.

B. An application or petition that does not require a public hearing also shall be filed with the Zoning Administrator in a complete manner. The Zoning Administrator shall process an application or petition so filed on a first-filed-first-processed basis.

C. Whenever supplemental data in connection with a previously filed application or petition is required by the Town or offered by the applicant, it shall be submitted at least ten (10) business days prior to the date on which the application or petition is to be considered or acted upon. The filing of such data shall, in the discretion of the Zoning Administrator be cause to delay a requested or scheduled hearing or decision date.

5. Fees
Every application or petition filed pursuant to this Ordinance shall be subject to an application and non-refundable filing fee as reviewed and established annually by the Town Council. The owner of the property subject to the application or petition and, if different, the applicant, or petitioner, shall be jointly and severally liable for the payment of the fee. The failure to pay any such fee when due shall be grounds for refusing to process an application or petition and for denying or revoking any permit or approval sought or issued with respect to the land or development to which the unpaid fee or required deposit relates. A current fee schedule may be found at the Town Hall.

6. Special Requests

The Zoning Administrator or any official, board or, commission before which an application or petition is pending may require an applicant or petitioner to submit additional data, information, or documentation if necessary or appropriate to achieve a full and proper consideration and disposition of the particular application or petition.

Section 3-2. Successive Applications

1. Second Applications without New Grounds Barred

When an application or petition filed pursuant to this Ordinance has been denied on its merits, a second application or petition seeking essentially the same relief shall not be brought for a period of one year from the denial date. However, if in the opinion of the Zoning Administrator there is substantial new evidence available, or a misinterpretation of law or fact occurred that significantly affected the prior denial, such second application or petition may be allowed.

2. New Grounds to Be Stated

Any such second application shall include a detailed statement of the grounds justifying its consideration.

3. Summary Denial With or Without Hearing

The Zoning Administrator may summarily deny, without hearing, any such second application or petition on a finding that no grounds warrant a new hearing. In any case where such application or petition is set for hearing, the applicant shall be required to establish grounds warranting reconsideration of the merits of its application prior to being allowed to offer any evidence on the merits. Unless such grounds are established, the application may be summarily dismissed for such failure.

4. Exception

Whether or not new grounds are stated, any second application or petition filed more than one year after the denial of a prior application shall be filed in compliance with Section 3-1 and heard on the merits as though no prior application had been filed. The applicant or petitioner shall, however, be required to place in the record all evidence available concerning changes of conditions or new facts that have developed since the denial of the first application or petition. In the absence of such evidence, it shall be presumed that no new facts exist to support the new application or petition that did not exist at the time of the denial of the first application or petition.

Section 3-3. Notice

1. Notice of Public Hearing

For any review procedure that requires a public hearing, the Town shall arrange for the publication of notice in conformance with Indiana Code 5-3-1 et. seq., and the rules of the particular municipal body, board, or commission. The applicant or petitioner shall bear the expenses for the advertising costs.
2. **Notice of Public Hearing through Posted Sign**

   In addition to the notice required by Indiana Code 5-3-1 et. seq., the Zoning Administrator shall require that a sign be posted on the affected property not less than ten (10) calendar days prior to the hearing. The sign shall state the date that a hearing will be held, including its time and place and a description of the matter to be heard. The posting of the sign shall the responsibility of the petitioner.

3. **Notice of Interested Parties.**

   A. In addition to the other notice provided, the applicant or petitioner shall provide notice to interested parties at least ten (10) calendar days before the date set for the hearing. Such interested parties shall be sent written notice by first class mail, at the applicant’s expense. Proof of such notice by Affidavit shall be required.

   B. In accordance with its rules, the Plan Commission or the Board of Zoning Appeals as the case may be, shall determine who are interested parties. Notwithstanding the forgoing, if the subject matter of the proposal abuts or includes a county line or a county line street, road, or body of water, then all owners of real property to a depth of two (2) ownerships or one-eighth (1/8) of a mile into the adjacent county, whichever is less, are interested parties who must receive notice.

   C. The applicant or petitioner shall also send written notice to all neighborhood associations or civic associations which have registered with the Town to receive notice of public hearings. Such notice shall be provided in the same manner as the notice for interested parties as stated in subsection A.

**Section 3-4. Review and Hearings**

1. **Staff Review**

   The Zoning Administrator shall refer every application or petition for which this Ordinance requires a public hearing to the appropriate Town official, departments and committees. Each official, department and committee to which an application or petition is referred will be asked to review such application and submit its comments thereon in writing to the Zoning Administrator for transmittal to the specific official or body hearing the application or petition. Such comments shall be submitted at least ten (10) calendar days prior to the date set for the hearing and shall be made available to any person on request prior to the hearing.

2. **Public Hearing**

   The provisions of this Ordinance and the rules established by the body or official conducting the hearing shall govern all other matters pertaining to the conduct of hearings.

3. **Examination and Copying of Application and Other Documents**

   At any time following the giving of notice as required in Section 3-3, and upon reasonable request, any person may examine the application or petition and, subject to the exceptions set forth in the Indiana Access to Public Records Act, all other documents on file pertaining to the application. In addition, any person shall be entitled to copies of such application and documents upon reasonable request and payment of a fee as established, from time to time, by ordinance of the Town to cover the cost of such copies.
Reserved for Future Use
# AVON ZONING ORDINANCE

## CHAPTER REVISION HISTORY

### Chapter 4. Development Review Approvals

<table>
<thead>
<tr>
<th>Ordinance #</th>
<th>Plan Commission Approval Date</th>
<th>Town Council Adoption Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008-04</td>
<td>2-25-08</td>
<td>03-13-08</td>
<td>Section 4-10.5 Written Commitment Enforcement</td>
</tr>
</tbody>
</table>

Town of Avon, Indiana

20.

Town Ordinance 2002-14
CHAPTER 4. DEVELOPMENT REVIEW APPROVALS

Section 4-1. Improvement Location Permits

1. Scope
   No building or other structure shall be erected, moved, added to, or structurally altered; nor shall any building, structure, or land be established or changed in use without an Improvement Location Permit issued by the Zoning Administrator. An Improvement Location Permit shall be issued only in conformity with the provisions of this Ordinance, or upon written order from the Board of Zoning Appeals deciding an appeal, special exception, or variance.

2. Application for Improvement Location Permit
   Applications for an Improvement Location Permit shall be filed in accordance with the requirements of Chapter 3 (Applications & Hearings) of this Ordinance.
   A. An application for an Improvement Location Permit shall be signed by the owner or agent attesting to the truth and accuracy of all information supplied in the application.
   B. 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.
   C. At a minimum, an application for an Improvement Location Permit shall contain the information, plans, and data set forth in Appendix A-2 of this Ordinance.
   D. An application for an Improvement Location Permit for an industrial use shall be accompanied by a “Certificate of Compliance” subscribed by a registered professional engineer or architect, certifying that the intended use will satisfy the requirements of this Section, the development standards within the particular zoning district, and the provisions of this Ordinance.

3. Action by the Zoning Administrator
   Within fifteen (15) business days after the receipt of a complete application, the Zoning Administrator shall either approve or disapprove the application. One set of the plans shall be returned to the applicant by the Zoning Administrator and be marked either “approved” or “disapproved”, and the Zoning Administrator’s signature on the copy should attest. If the application is approved, the Zoning Administrator shall issue a placard to the applicant. The placard is to be posted in a conspicuous place on the property in question and will attest to the fact that the plans for construction or alteration are in compliance with the provisions of this Ordinance. If disapproved, the Zoning Administrator shall notify the applicant indicating the reasons in writing for the disapproval within five (5) business days.
4. **Expiration of the Improvement Location Permit**
   The work or use authorized by any improvement location permit must be commenced within twelve (12) months of the date of issuance of such permit; otherwise the same shall expire and become void. All work so authorized shall be completed within twenty four (24) months from the issuance of the permit and, provided that for good cause shown the Zoning Administrator may extend the work completion time.

5. **Failure to Obtain an Improvement Location Permit**
   The failure to obtain an Improvement Location Permit as required by this Ordinance shall be deemed a violation of this Ordinance and subject to the provisions of Chapter 19 (Enforcement).

6. **Limitation on Improvement Location Permits**
   Improvement Location Permits issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use or arrangement set forth in such approved application or amendments thereto, and no other use, arrangements, or construction. Any use, arrangement, or construction contrary to that authorized shall be deemed a violation of this ordinance and subject to the provisions of Chapter 19, (Enforcement).

7. **Records of Improvement Location Permits**
   Every Improvement Location Permit issued pursuant to this Section shall be kept on file in the Office of the Zoning Administrator and shall be available as a public record.

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**Section 4-2. Certificate of Occupancy**

1. **Scope**
   It shall be unlawful to use, occupy, or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued by the Zoning Administrator. The certificate of occupancy shall state that the proposed use of the building and/or land conforms to the requirements of this ordinance and that the Zoning Administrator has inspected the property and attested to that fact.

   A. This Section is not intended to prevent a single family homeowner undergoing a single room addition to move or store personal property items in the addition prior to the issuance of the permit, provided however, the addition is not used or occupied as a livable space.

2. **Application for Certificate of Occupancy**
   Applications for a Certificate of Occupancy shall be filed with the Zoning Administrator thirty (30) calendar days prior to completion of the improvements to any building or premises. The application shall be in accordance with the requirements of Chapter 3 (Applications & Hearings) of this Ordinance.

3. **Change in Use**
   No change shall be made in the use of land or the use of any building or part thereof, now or hereafter erected, reconstructed, or structurally altered, without a Certificate of Occupancy having been issued by the Zoning Administrator; and no such Certificate shall be issued to make such change unless it is in conformity with the provisions of this ordinance.

4. **Change of Occupancy**
   No persons, firms, or corporations shall move into or occupy any nonresidential structure, new or existing, or the land upon which it is located, without first obtaining a Certificate of Occupancy from the Zoning Administrator.

5. **Issuance of Certificate of Occupancy**
Certificates of Occupancy may be issued by the Zoning Administrator within ten (10) business days after notification by the applicant that the lawful erection, reconstruction, or structural alteration of such building or other improvement of the land shall have been completed and the finding of the Zoning Administrator that such erection, reconstruction, or structural alteration is complete.

6. **Temporary Certificate of Occupancy**

A Temporary Certificate of Occupancy may be issued by the Zoning Administrator for a period of six (6) months during alterations or partial occupancy of a building or structure pending its completion. A Temporary Certificate of Occupancy may be administratively renewed by the Zoning Administrator for a period not to exceed six (6) additional months. Prior to the expiration of an administratively renewed Temporary Certificate of Occupancy, an appeal to the Board of Zoning Appeals requesting an additional renewal of the Temporary Certificate of Occupancy for a period not to exceed twelve (12) additional months may be filed. The Board of Zoning Appeals may approve or approve with conditions the renewal appeal only upon the determination and written findings that:

A. The renewal request arises from some condition peculiar to the property involved; and

B. A strict application of the twelve month limit would constitute an unnecessary hardship if applied to the property for which the appeal is sought.

In no case shall a Temporary Certificate of Occupancy be valid for a period longer than twenty-four (24) months.

7. **Failure to Obtain a Certificate of Occupancy**

Failure to obtain a Certificate of Occupancy shall be a violation of this ordinance and subject to the provisions of Chapter 19 (Enforcement).

8. **Limitation on Certificates of Occupancy**

Certificate of Occupancy permits issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use or arrangement set forth in such approved application or amendments thereto, and no other use, arrangements, or construction. Any use, arrangement, or construction contrary to that authorized shall be deemed a violation of this ordinance and subject to the provisions of Chapter 19 (Enforcement).

9. **Records of Certificate of Occupancy**

Every Certificate of Occupancy issued pursuant to this Section shall be kept on file in the Office of the Zoning Administrator and shall be available as a public record.

**Section 4-3. Variances**

The variance procedures are intended to provide a narrowly circumscribed means by which relief may be granted from the strict applications of this Ordinance that may result in practical difficulties or unnecessary hardships. Where relief may be more appropriately remedied, if at all, pursuant to other provisions of this Ordinance, the variance procedure is inappropriate.

1. **Authority**

The Board of Zoning Appeals may authorize, in specific cases, such variances from the terms of this Ordinance as will not be contrary to the public interest and where, owing to special conditions, a strict application of the provisions of this Ordinance would result in practical difficulty or unnecessary hardships.

2. **Parties Entitled to Seek Variance**

The owner or lessee of a property or other person having a legal or equitable interest in the
subject property may file with the Zoning Administrator an application for variance.

3. Procedure for Review and Decision

A. Application

Applications for a variance shall be filed in accordance with the requirements of Chapter 3 (Applications & Hearings).

B. Action by Zoning Administrator

Upon receipt of a properly completed application for variance, the Zoning Administrator shall transmit the application to the Board of Zoning Appeals together with all other administrative reports and recommendations regarding the proposed application. The application shall be scheduled for a public hearing in accordance with the requirements of Chapter 3 (Applications & Hearings).

C. Notice

Notice of the public hearing shall be provided in accordance with the requirements of Chapter 3 (Applications & Hearings).

(a) In addition, the Board of Zoning Appeals has determined for purposes of IC 36-7-4-920 that interested parties are all persons with a legal interest in the property and all owners of real property within a distance of six hundred sixty (660) feet or a depth of two (2) ownerships, whichever is less. Such interested parties shall be sent written notice by first class mail, at the applicant’s expense, at least ten (10) calendar days before the date of the hearing. Proof of such notice by Affidavit shall be required. If however, the subject matter of the proposal abuts or includes a county line or a county line street, road, or body of water, then all owners of real property to a depth of two (2) ownerships or one-eighth (1/8) of a mile into the adjacent county, whichever is less, are interested parties who must be sent notice.

D. Action by Board of Zoning Appeals

At the close of the public hearing, the Board of Zoning Appeals shall either approve, approve with supplementary conditions, or disapprove the application. Upon reaching a decision, the Board of Zoning Appeals shall instruct the Zoning Administrator to notify the applicant in writing of its decision. If the application is approved or approved with modifications, the Board of Zoning Appeals shall instruct the Zoning Administrator to issue a variance permit listing the variance allowed and the specific conditions specified by the Board of Zoning Appeals for approval. If the application is disapproved, a petition appealing the decision may be filed with the Hendricks County Court in accordance with the procedure below.

E. Review by Certiorari

Every decision by the Board of Zoning Appeals shall be subject to review by certiorari. Any person aggrieved by a decision of the Board of Zoning Appeals may present to the Hendricks County Court a petition duly verified setting forth that such decision is illegal in whole or in part and specifying the grounds of the illegality. The petition shall be presented to the court within thirty (30) calendar days after the entry of the decision or order of the Board of Zoning Appeals.

4. Standards for Variances

A. Variances of Use

The Board of Zoning Appeals may approve or approve with supplementary conditions, a variance of use from the terms of this Ordinance only upon the determination and written findings that the variance will meet each of the following conditions:
(a) the approval will not be injurious to the public health, safety, morals, and general welfare of the community;

(b) the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;

(c) the need for the variance arises from some condition peculiar to the property involved;

(d) the strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and

(e) the approval does not interfere substantially with the comprehensive plan for the Town of Avon.

B. Variance of Development Standards

The Board of Zoning Appeals may approve or approve with supplementary conditions a variance of the development standards (such as height, bulk, or area) of this Ordinance only upon the determination and written findings that:

(a) the approval will not be injurious to the public health, safety, morals, and general welfare of the community;

(b) the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and

(c) the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.

5. Variance Less Than Requested

The Board of Zoning Appeals may grant variance less than or different from that requested when the record supports the applicant’s right to some relief but not to the relief requested.

6. Conditions on Variances

The Board of Zoning Appeals may impose such supplementary conditions and limitations concerning the use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of this Ordinance. Such conditions shall be expressly set forth in the order granting the variance. Violation of any such condition shall be a violation of this Ordinance and subject to the provisions of Chapter 19, (Enforcement). In addition to prescribing supplementary conditions, the Board of Zoning Appeals may require the owner of the subject property to make written commitments concerning the use or development of the property.

7. Effect of Grant of Variance

The grant of a variance shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any permits and approvals that may be required by this Ordinances and other ordinances of the Town of Avon.

8. Limitations on Variances

A variance shall be deemed to authorize only the particular construction or development for which it was issued and shall automatically expire and cease to be of any force or effect if such construction or development is beyond the scope so authorized.

9. Expiration of Grant

No variance shall be valid for a period longer than twelve (12) months unless an improvement location permit is issued and construction is actually begun and diligently pursued to completion thereafter. For good cause shown, the Zoning Administrator may extend this time period up to twelve (12) additional months.

10. Review by Certiorari

Every decision by the Board of Zoning Appeals shall be subject to review by certiorari. Any person aggrieved by a decision of the Board of Zoning Appeals may present to the Hendricks...
Section 4-4. Special Exceptions

Special Exceptions are those uses that, because of their unique characteristics and potentially adverse impact upon the immediate area, as well as the Town as a whole, require a greater degree of scrutiny and review of site characteristics and impacts to determine their suitability in a given location. Therefore, the determination of a Special Exception as appropriate shall be contingent upon its meeting a set of development standards.

1. Authority

The Board of Zoning Appeals, in accordance with the procedures and standards set forth herein, may approve, approve with supplementary conditions, or deny an application for a Special Exception.

2. Parties Entitled to Seek Special Exceptions

The owner or lessee of the subject property or other person having a legal or equitable interest in the subject property may file an application for a Special Exception with the Zoning Administrator.

3. Procedure for Review and Decision

A. Application

Applications for a special exception permit shall be filed in accordance with the requirements of Chapter 3 (Applications & Hearings).

B. Action by the Zoning Administrator

Upon receipt of a properly completed application for a special exception permit, the Zoning Administrator shall transmit to the Board of Zoning Appeals the application together with any administrative reports and recommendations subject to the proposed application. The application shall be scheduled for a public hearing in accordance with the requirements of Chapter 3 (Applications & Hearings).

C. Notice

Notice of the public hearing shall be provided in accordance with the requirements of Chapter 3 (Applications & Hearings).

(a) In addition, the Board of Zoning Appeals has determined for purposes of IC 36-7-4-920 that interested parties are all persons with a legal interest in the property and all owners of real property within a distance of six hundred sixty (660) feet or a depth of two (2) ownerships, whichever is less. Such interested parties shall be sent written notice by first class mail, at the applicant’s expense, at least ten (10) calendar days before the date of the hearing. Proof of such notice by Affidavit shall be required. If however, the subject matter of the proposal abuts or includes a county line or a county line street, road, or body of water, then all owners of real property to a depth of two (2) ownerships or one-eighth (1/8) of a mile into the adjacent county, whichever is less, are interested parties who must be sent notice.

D. Action by the Board of Zoning Appeals

At the close of the public hearing, the Board of Zoning Appeals shall, in writing, either approve, approve with supplementary conditions, or deny the application. Upon reaching a decision, the Board of Zoning Appeals shall instruct the Zoning Administrator to notify the County Court a petition duly verified setting forth that such decision is illegal in whole or in part, and specifying the grounds of the illegality. The petition shall be presented to the court within thirty (30) calendar days after the entry of the decision or order of the Board of Zoning Appeals.
applicant in writing of its decision. If the application is approved or approved with conditions, the Board of Zoning Appeals shall also instruct the Zoning Administrator to issue a special exception permit which shall specify all conditions associated with the special exception approval.

E. **Review by Certiorari**

Every decision by the Board of Zoning Appeals shall be subject to review by certiorari. Any person aggrieved by a decision of the Board of Zoning Appeals may present to the Hendricks County Court a petition duly verified setting forth that such decision is illegal in whole or in part, and specifying the grounds of the illegality. The petition shall be presented to the court within thirty (30) calendar days after the entry of the decision or order of the Board of Zoning Appeals.

4. **Standards for Special Exceptions**

A. The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed special exception in terms of the following standards and shall find adequate evidence showing that such use at the proposed location meets each of the following:

- **(a)** is in fact a use listed as a special exception for the specific zoning district involved;
- **(b)** will not be detrimental to or endanger the public's health, safety, or general welfare;
- **(c)** will not be injurious to the use and enjoyment of other property in the immediate vicinity or substantially diminish or impair property values within the specific zoning district;
- **(d)** 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 special exception shall be able to provide adequately any such services;
- **(e)** will not create excessive additional requirements at public expense for public facilities and services, nor be detrimental to the economic welfare of the community or result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance; and
- **(f)** at least one year has elapsed since any denial by the Board of any prior application for a Special Exception that would have authorized substantially the same for all or part of the site, unless the Board determines that conditions in the area have substantially changed.

B. For the purpose of supplementing the above standards, the Board of Zoning Appeals in making its decision, may take into consideration, the extent to which the following facts, favorable to the applicant, have been established by the evidence.

- **(a)** In what respects the proposed special exception meets the requirements and standards of this Ordinance and its relationship and compatibility to adjacent properties and neighborhoods.
- **(b)** The method by which the proposed special exception makes adequate provision for public services, provides adequate control over vehicular traffic, provides for and protects designated common open space and furthers the amenities of light and air, recreation and visual enjoyment.
- **(c)** Whether the proposed special exception is in accordance with the general objectives of the Comprehensive Plan.

5. **Supplementary Conditions and Safeguards**

The Board of Zoning Appeals may impose such supplementary conditions and limitations concerning the use, construction, character, location, landscaping, screening, and other matters
relating to the purposes and objectives of this Ordinance. Such conditions shall be expressly set forth in the order granting the special exception. Violation of any such condition shall be a violation of this Ordinance and subject to the provisions of Chapter 19, (Enforcement). In addition to prescribing supplementary conditions, the Board of Zoning Appeals may require the owner of the subject property to make written commitments concerning the use or development of the property.

6. **No Presumption of Approval**

The listing of a special exception within each zoning district shall not constitute an assurance or presumption that such special exception will be approved. Rather, each proposed special exception shall be evaluated on an individual basis, in relation to its compliance with the standards and conditions set forth herein and with the development standards for the district in which it is to be located.

7. **Limitations on Special Exceptions**

A special exception permit shall be deemed to authorize only the particular use at the particular location for which the special exception was granted. A special exception permit shall automatically expire should, for any reason, the special exception be discontinued or abandoned for a period of twelve (12) months.

8. **Effect of Approval**

The approval of a proposed special exception shall not authorize the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for such permits or approvals as may be required by the regulations of the Town.

### Section 4-5. Appeals

The appeal procedure is provided as a safeguard against arbitrary, ill-considered, or erroneous administrative decisions. It is intended to avoid the need for legal action by establishing local procedures to review and correct administrative errors.

1. **Authority**

The Board of Zoning Appeals shall hear and decide appeals from, and review:

   A. any order, requirement, decision, or determination, made by an administrative official or staff member under this Ordinance; and

   B. any order, requirement, decision, or determination, made by an administrative board or other body, except the Plan Commission, in relation to the enforcement of this Ordinance.

2. **Parties Entitled to Appeal**

Any person aggrieved by an order, requirement, decision, or determination made by an administrative official, or staff member under this Ordinance, or any order, requirement, decision, or determination made by an administrative board or other body except the Plan Commission in relation to the enforcement of this Ordinance may take an appeal to Board of Zoning Appeals.

3. **Procedure**

   A. **Application**

   An appeal shall be filed in accordance with the requirements of Chapter 3 (Applications & Hearings). Every appeal must specify, in writing, the grounds under which the appeal is being taken. Failure to do so shall cause the appeal to be deemed incomplete and it shall not be processed by the Zoning Administrator and shall be returned to the applicant at the applicant’s expense.
B. **Action by Zoning Administrator**

Upon receipt of a properly completed appeal, the Zoning Administrator shall forthwith transmit to the Board of Zoning Appeals the appeal together with all the documents, plans and papers constituting the record upon which the action appealed from was taken. The appeal shall be scheduled for a hearing in accordance with the requirements of Chapter 3 (Applications & Hearings).

C. **Public Hearing and Notice**

Notice of the hearing shall be provided in accordance with the requirements of Chapter 3 (Applications & Hearings).

(a) In addition, the Board of Zoning Appeals has determined for purposes of IC 36-7-4-920 that interested parties are all persons with a legal interest in the property and all owners of real property within a distance of six hundred sixty (660) feet or a depth of two (2) ownerships, whichever is less. Such interested parties shall be sent written notice by first class mail, at the applicant’s expense, at least ten (10) calendar days before the date of the hearing. Proof of such notice by Affidavit shall be required. If however, the subject matter of the proposal abuts or includes a county line or a county line street, road, or body of water, then all owners of real property to a depth of two (2) ownerships or one-eighth (1/8) of a mile into the adjacent county, whichever is less, are interested parties who must be sent notice.

D. **Stay Work Pending Appeal**

The filing of an appeal shall stay all proceedings in furtherance of the action appealed from, unless the administrative official or board, from which the appeal was taken, certifies to the Board of Zoning Appeals that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property.

E. **Action by Board of Zoning Appeals**

At the close of the hearing, the Board of Zoning Appeals shall render a written decision on the appeal. Such decision may reverse, affirm, or modify, in whole or in part, the action appealed from and may include such order or determination as, in the opinion of the Board of Zoning Appeals, is proper to be made in the premises. The failure of the Board of Zoning Appeals to act at the close of the hearing, unless continued, shall be deemed to be a decision denying the appeal.

F. **Review by Certiorari**

Every decision by the Board of Zoning Appeals shall be subject to review by certiorari. Any person aggrieved by a decision of the Board of Zoning Appeals may present to the Hendricks County Court a petition duly verified setting forth that such decision is illegal in whole or in part and specifying the grounds of the illegality. The petition shall be presented to the court within thirty (30) calendar days after the entry of the decision or order of the Board of Zoning Appeals.

4. **Right to Grant Variance in Deciding Appeals**

In any case where the appeal is accompanied by an application for a variance in accordance with Section 4-3 of this Chapter, the Board of Zoning Appeals shall notice, hear, decide to grant, or deny such variance in compliance with the provisions of Section 4-3.

5. **Conditions and Limitations on Rights Granted by Appeal**

In any case where this Ordinance imposes conditions and limitations upon any right, any such right granted by the Board of Zoning Appeals on appeal shall be subject to said conditions and limitations in the same manner and to the same extent as if secured without the necessity of an
Section 4-6. Amendments

This Section is intended to provide standards and procedures for making amendments to the text of this Ordinance and the Zoning Map that are of general significance or application. The amendment process is not intended to relieve particular hardships, nor is to confer special privileges or rights upon any person, but only to make adjustments necessary in light of changed conditions or changes in public policy.

1. Authority

The text of this Ordinance and the Zoning Map may be amended from time to time by the passage of an ordinance duly adopted by the Town Council in accordance with the procedures set forth herein.

2. Parties Entitled to Initiate Amendments

A. Amendment to Text

Amendments to text of this Ordinance may be initiated by adoption of a motion of the Plan Commission or by adoption of a resolution by Town Council.

B. Amendment to Zoning Map

Amendments to the Zoning Map may be initiated by adoption of a motion of the Plan Commission; by adoption of a resolution by Town Council; or by the filing of a petition by at least fifty percent (50%) of the owners of the subject property within the area proposed to be changed or affected by said amendment.

3. Standards for Amendments

The wisdom of amending the text of this Ordinance or the Zoning Map is a matter committed to the sound legislative discretion of the Town Council and is not controlled by any one standard. In making their determination, however, the Town Council shall, in determining whether to adopt or deny, or to adopt some modification of the Plan Commission’s recommendation, pay reasonable regard to:

A. the Comprehensive Plan, as adopted and amended from time to time by the Town Council;

B. the current structures and uses within each zoning district;

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

D. the conservation of property values throughout the jurisdiction; and

E. responsible development and growth.

4. Procedure for Review and Decision

A petition to amend the text of this Ordinance or the Zoning Map shall be processed in accordance with the procedures set forth below.

A. Petitions

Petitions for amendment to this Ordinance shall be filed in accordance with the requirements of Chapter 3 (Applications & Hearings).

B. Action by the Zoning Administrator

Upon receipt of a properly completed amendment petition, the Zoning Administrator shall transmit to the Plan Commission the petition together with any administrative reports and recommendations subject to the proposed petition. The application shall be scheduled for a public hearing in accordance with the requirements of Chapter 3 (Applications & Hearings).
C. Notice

Notice of the public hearing shall be provided in accordance with the requirements of Chapter 3 (Applications & Hearings).

(a) In addition, the Plan Commission has determined for purposes of IC 36-7-4-604 that interested parties are all persons with a legal interest in the property and all owners of real property within a distance of six hundred sixty (660) feet or a depth of two (2) ownerships, whichever is less. Such interested parties shall receive written notice by certified mail, at the applicant’s expense, at least ten (10) calendar days before the date of the hearing. Proof of such notice by Affidavit shall be required. If however, the subject matter of the proposal abuts or includes a county line or a county line street, road, or body of water, then all owners of real property to a depth of two (2) ownerships or one-eighth (1/8) of a mile into the adjacent county, whichever is less, are interested parties who must receive notice.

D. Plan Commission Action

Within sixty (60) calendar days of receipt of the proposed amendment, the Plan Commission shall hold a public hearing on the proposed amendment. Within ten (10) business days after the Commission determines its recommendation, if any, the Commission shall certify, in writing, the proposed petition with a favorable recommendation, an unfavorable recommendation, or no recommendation to the Town Council.

E. Town Council Action

Within ninety (90) calendar days of receipt of Plan Commission recommendation, the Town Council shall vote on the proposed amendment in accordance with Indiana Code 36-7-4-607, as amended, if the petition is for a text amendment, or Indiana Code 36-7-4-608, as amended, if the petition is to amend the Zoning Map.

(a) Map Amendments

Pursuant to Indiana Code 36-7-4-610.5, as amended, if after the adoption of a petition to amend the Zoning Map, Town Council finds that the petition was adopted as a result of a person’s material misrepresentation or omission of facts, the Town Council may adopt an ordinance to nullify any change in the Zoning Map that resulted from the misrepresentation or omission. Such an ordinance may be adopted by the Town Council without being referred to the Plan Commission for consideration and recommendation.

5. Written Commitments

In approving a proposed amendment to the Zoning Map pursuant to Section 4-6(2)(B) the Plan Commission may require the owner of the subject property to make written commitments concerning the use or development of the property. Such written commitments shall be recorded in accordance with the provisions of Section 4-10(3).

Section 4-7. Interpretations

The interpretation authority established herein is intended to recognize that the provisions of this Ordinance, though detailed and extensive, cannot, as a practical matter, address every specific situation to which they may have to be applied. Many such situations can be readily addressed by an interpretation of the specific provisions of this Ordinance in light of the general and specific purposes for which those provisions have been enacted. Because the interpretation authority established is an administrative rather than a legislative authority, it is not intended to add to or change the essential content of this Ordinance but is intended only to allow authoritative application of that content to specific cases.
1. Authority

The Zoning Administrator, subject to the procedures, standards, and limitations of this Section may, by written order, render interpretations of the provisions of this Ordinance and of any rule or regulation issued pursuant to it.

2. Parties Entitled to Seek Interpretations

The owner or lessee of a property or other person having a legal or equitable interest in the subject property may file with the Zoning Administrator an application for interpretation. Application for interpretations shall not be accepted for solely hypothetical circumstances or where the interpretation would have no affect other than as an advisory opinion.

3. Procedure for Review and Decision

A. Application

Applications for an interpretation shall be filed in accordance with the requirements of Chapter 3 (Applications & Hearings).

B. Action on Application

Within ten (10) business days following the receipt of a properly completed application for interpretation, the Zoning Administrator shall inform the applicant in writing of his interpretation, stating the specific precedent, reasons, and analysis upon which the determination is based.

C. Records

A record of all applications for interpretations shall be kept on file in the office of the Zoning Administrator. The Zoning Administrator shall keep an up-to-date listing of his decisions, by address, regarding the applications for interpretation. Such listing shall be part of the public record.

D. Appeal

Appeals from interpretations rendered by the Zoning Administrator may be taken to the Board of Zoning Appeals pursuant to Section 4-5 of this Chapter.

4. Standards for Interpretations

The following standards shall govern the Zoning Administrator, and the Board of Zoning Appeals on appeals from the Zoning Administrator, in issuing interpretations.

A. Any term defined in Chapter 20 (Definitions) of this Ordinance shall be interpreted as therein defined;

D. No interpretation shall permit any use in any zoning district unless evidence shall be presented that demonstrates that the use will comply with the general district regulations established for that particular zoning district;

E. No interpretation shall permit any use in a particular zoning district unless such use is determined to be substantially similar to other uses permitted in the particular zoning district;

F. Where a proposed use is most similar to a use permitted only as a special exception, then any interpretation permitting such use shall be conditioned on the issuance of a special exception permit for such use pursuant to Section 4-3 of this Chapter; and

G. No interpretation shall permit the establishment of any use that would be inconsistent with the statement of purpose of the zoning district in question.

5. Effect of Favorable Interpretations
No interpretation finding a particular use to be permitted or permitted as a special exception shall authorize the establishment of such use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any permits and approvals that may be required by this Ordinance and ordinances of the Town.

6. Limitations on Interpretations

Subject to an extension of time granted by the Zoning Administrator, no use interpretation shall be valid for a period longer than twelve (12) months from the date of issue. A use interpretation finding a use to be either permitted or a special exception shall apply only to the particular use for which it was issued.

Section 4-8. Development Plans

The Avon Town Council has determined that before development and redevelopment may go forward in certain designated zoning districts, the review and approval of a development plan is required. The development plan review process is designed to promote the safe and efficient use of land, to protect property values, and to ensure for an orderly and harmonious development pattern within the Town that is in accordance the Comprehensive Plan.

1. Authority

The Plan Commission shall have exclusive authority to review and approve or disapprove all development plans required by this Ordinance.

2. Scope of Application

Development plans shall be required for all new construction, redevelopment of existing sites, conversion of a use from residential to commercial or institutional, or commercial or institutional to residential or industrial, or industrial to any other use, any change in traffic circulation, and additions or expansions of any existing use or structure by more than thirty-five percent (35%) of its current size, occurring in the following zoning districts.

A. R-1 Single Family Residential District (non-residential uses only)
B. R-2 Single Family Residential District (non-residential uses only)
C. R-3 Single Family Residential District (non-residential uses only)
D. R-4 Multiple Family Residential District
E. R-5 Multiple Family Residential District
F. MHP Mobile Home Park District
G. C-1 Neighborhood Commercial District
H. C-2 General Commercial District
I. C-3 Highway Commercial District
J. C-4 Transitional Office District
K. SC Shopping Center Commercial District
L. I-1 Transitional Industrial District
M. I-2 Light Industrial District
N. I-3 Heavy Industrial District
O. I-4 Industrial Park District

3. Parties Entitled to Approval of a Development Plan

The owner or lessee of a property or other person having a legal or equitable interest in the subject property may file an application for development plan approval with the Zoning Administrator.

4. Procedure for Review and Decision

A. Application
Applications for development plan approval shall be filed in accordance with the requirements of Chapter 3 (Applications & Hearings).

B. Pre-Application Meeting

(a) Prior to the filing of a development plan application, the petitioner shall schedule a pre-application meeting with the Zoning Administrator or his designee in accordance with the schedule published by the Plan Commission. The purpose of the pre-application meeting shall be to acquaint the petitioner with the development plan review process and the requirements for submittal.

(b) The pre-application meeting is intended only for the above purposes; neither the petitioner nor the Town is bound by any decisions made during a pre-application meeting.

C. Circulation to Relevant Departments

Upon receipt of properly completed application, the Zoning Administrator shall circulate copies of the application to all necessary departments and agencies, including but not limited to, engineering, highway, health, police, fire, soil conservation, and the school board for their review and comment.

D. Staff Review Meeting

The Zoning Administrator shall meet with the applicant or project representative to discuss the proposed project and the reviews of the various departments. Other interested parties, at the Zoning Administrator’s discretion, may be invited to the meeting. The goal of this meeting will be to allow the applicant to discuss his project with the Zoning Administrator and staff prior to the review of the Plan Commission and revise the Development Plan if necessary pursuant to the comments of Zoning Administrator. A detailed report of this meeting shall be forwarded with the application.

E. Public Hearing and Notice

Upon completion of the Staff Review Meeting, the application shall be scheduled for a public hearing in accordance with the requirements of Chapter 3 (Applications & Hearings). Notice of the public hearing shall be provided in accordance with the requirements of Chapter 3 (Applications & Hearings).

In addition, the applicant shall provide notice to the owners of all parcels of land joining or adjacent to the subject property to a depth of two (2) ownerships or six hundred sixty (660) feet, which ever is less, at least ten (10) calendar days before the date of the hearing. The notice shall be provided at the applicant’s expense and proof of such notice by Affidavit shall be required.

F. Decision of Plan Commission

Following a public hearing, the Plan Commission shall, in writing, either approve, approve with supplementary conditions, or disapprove the application. Upon reaching its decision, the Plan Commission shall instruct the Zoning Administrator to notify the applicant in writing of its decision. If the application is approved or approved with modifications, the President and the Secretary of the Plan Commission shall sign and date a copy of the complete approved plan and this copy shall become the official approved Development Plan. The complete approved plans shall include references to all variances or special exceptions obtained as well as any recorded written commitments.

(a) Supplementary Conditions and Safeguards

The Plan Commission may impose supplementary conditions on the approval of the Development Plan in order to achieve the purposes and objectives of this Ordinance.
Such conditions shall be expressly set forth and made part of the Development Plan and shall become a part of the written findings of fact of the Plan Commission. Violation of any such condition shall be a violation of this Ordinance and subject to the provisions of Chapter 19 (Enforcement).

(b) Special Studies Required

The Plan Commission may require additional information in order to make its decision. Therefore, it may request of the applicant or the Zoning Administrator additional studies or to seek expert advice. The cost of such additional studies or advice shall be the responsibility of the applicant.

(c) Commitments

In addition to prescribing supplementary conditions, the Plan Commission may require the owner of the subject property to make written commitments concerning the use or development of the property. See Section 4-10 for more information regarding written commitments.

(d) Effect of Approval

The approval of a Development Plan shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any permits and approvals that may be required by this Ordinance and any other ordinance or law. A State Plan Release from the State Building Commissioner or the State Fire Marshall may also be required for multiple family, commercial, and industrial projects, as well as any building that is to be occupied by the public. (Refer to the Indiana Department of Fire and Building Services for more information).

(e) Limitations of Approval

The approval of a development plan shall be deemed to authorize only the particular construction or development for which it was approved and shall automatically expire and cease to be of any force or effect if such construction or development is beyond the scope so authorized.

(f) Pre-Construction Meeting

Prior to the issuance of an Improvement Location Permit, the petitioner shall participate in a pre-construction meeting to determine whether or not all conditions of the Plan Commission’s approval of the development plan have been met. Those required to be present at the pre-construction meeting shall, at a minimum, include the Petitioner, the Zoning Administrator, the Building Commissioner, the Town Planner, the Town Engineer, and the Fire Marshall. The Zoning Administrator may invite additional staff or departments to the pre-construction meeting as he determines appropriate.

(g) Expiration of Approval

The applicant shall have twelve (12) months from the date of approval to obtain an Improvement Location Permit. Should the applicant fail to obtain an Improvement Location Permit within the twelve (12) month period, the Development Plan approval shall become void. The Plan Commission may, for good cause shown, extend this period up to six (6) additional months.

5. Review by Certiorari

Every decision by the Plan Commission shall be subject to review by certiorari. Any person
aggrieved by a decision of the Plan Commission may present to the Hendricks County Court, a petition duly verified setting forth that such decision is illegal in whole or in part and specifying the grounds of the illegality. The petition shall be presented to the court within thirty (30) calendar days after the entry of the decision of the Plan Commission.

6. Development Standards

A Development Plan under this Section shall be required to meet the development standards set forth in the zoning district in which the use is or is proposed to be located, as well as the standards of the Subdivision Control Ordinance. In addition, the development plan shall meet the applicable requirements of this ordinance, including but not limited to Chapter 13 (Specific Use Requirements), Chapter 14 (Performance Standards), Chapter 15 (Off-Street Parking and Loading), Chapter 16 (Landscaping and Screening), Chapter 17 (Floodplain Regulations) and Chapter 18 (Signs).

A. Building Materials

In order to protect the integrity of Avon’s major corridors and promote variation and interest in the built environment, all new buildings and building additions:

(a) abutting U.S. Highway 36 as measured perpendicular to U.S. Highway 36 for a depth of six hundred and sixty (660) feet from the right-of-way line,

(b) abutting Highway 267 and Dan Jones Road as measured perpendicular to those roads for a depth of six hundred and sixty (660) feet from the right-of-way line (where no right-of-way has been defined, the thoroughfare plan shall be used to determine the appropriate right-of-way width), and

(c) abutting 100 North, 100 South, 200 North and 200 South as measured perpendicular to those roads for a depth of six hundred and sixty (660) feet from the right-of-way line (where no right-of-way has been defined, the thoroughfare plan shall be used to determine the appropriate right-of-way width),

shall use brick, stone, dryvit or stucco materials on all its exterior walls, except the rear exterior wall, (and excluding windows, doors, roofing, fascia and soffit) which shall include at least two (2) architectural features or at least two (2) colors and textures. Appropriate architectural features may include, but shall not be limited to, cornice or bay windows, balconies, marquees, canopies, and the like. The use of these building materials shall constitute a minimum of sixty percent (60%) of each exterior wall facing the aforementioned highways and roads and a minimum of thirty percent (30%) of each side exterior. The Plan Commission may approve alternative building materials and/or architectural designs, provided such materials and designs meet the intent of this section.

B. Building Orientation

All buildings or building additions shall be designed so that its front exterior wall faces U.S. Highway 36, Highway 267, Dan Jones Road, County Road 100 North, or County Road 100 South. Where a building is located on a corner lot which fronts on more than one of the aforementioned roadways, each exterior wall facing such roadways shall have a front or front-like façade. No off-street loading docks, dumpsters, or outside storage shall face Highway 36, Highway 267, Dan Jones Road, County Road 100 North or County Road 100 South.

7. Criteria for Review

Every application shall be considered on the basis of its meeting the requirements of this Ordinance and the utility and functional aspects of its design. In making its decision, the Plan Commission shall evaluate the Development Plan against the following criteria.

A. The arrangement of the structure(s) on the site with respect to how well it:
allows for the safe and effective use of the proposed development;
creates innovative and efficient environments and the utilizes individual building
designs which achieve an enhanced relationship between the development and the land
is compatible with development on adjacent property; and
considers off-site utilities and services and minimizes potential impacts on existing or
planned municipal services, utilities, and infrastructure.

B. The architectural style of a project and its type, arrangement, and use of building materials
to enhance the built environment of Avon.

C. The arrangement of open space and landscape improvements on the site with respect to
how well it:
creates a desirable and functional environment for patrons, pedestrians, and occupants;
preserves unique natural resources where possible; and
respects desirable natural resources on adjacent sites.

D. The management of traffic in a manner that creates conditions favorable to the health,
safety, conveniences, and harmonious development of the community including:
the design and location of proposed street and highway access points minimize
safety hazards and congestion;
the capacity of adjacent streets and highways are sufficient to safely and
efficiently accept the traffic proposed to be generated by development;
the pedestrian circulation for the site minimize safety hazards for both pedestrians
and vehicular traffic; and
the internal traffic circulation and the points of egress and ingress are compatible
with existing and planned streets and adjacent developments.

E. Parking lots or garages with respect to how well they:
are located, designed, and screened to minimize adverse visual impacts on adjacent
properties; and
provide perimeter parking lot screening and internal landscaped islands as required by
Article 15 (Off-Street Parking and Loading).

F. Landscaping Design with respect to how well it meets the requirements of Chapter 16
(Landscaping and Screening) by:
creating a lucid transition to adjoining lots and developments;
screening incompatible uses;
imminizing the visual impact of the development on adjacent sites and roadways; and
utilizing native plant materials selected to withstand the climate of the Town and
individual site climates.

G. Site illumination with respect to how it has been designed, located and installed so as to
minimize adverse impacts to adjacent properties. See Section 14-15 for lighting
regulations.

H. The relationship of the Development Plan to the requirements of this Ordinance and
adopted land use policies and the goals and objectives of the Comprehensive Plan.

I. The grading, drainage, and erosion control measures proposed for the site with respect to
how well they meet the requirements of the Subdivision Control Ordinance and the Storm
Drainage, Erosion and Sediment Control Ordinance.

8. Performance Guarantee
The applicant may also be required to furnish a Performance Guarantee or an Irrevocable Letter
of Credit based upon an amount determined by the Plan Commission at the recommendation of the Zoning Administrator. The applicant shall be responsible for notifying the Zoning Administrator of completion of all work covered by the Performance Guarantee and, if upon inspection, the Zoning Administrator determines that all installations are in conformance with the approved plan, then he shall release the Performance Guarantee. However, a Performance Guarantee for landscaping will be held for one (1) year from the issuance of the permanent Certificate of Occupancy to insure survival of the required landscaping.

9. Amendments to Approved Plans

A. Minor Amendments

Minor amendments to Development Plans which have received prior approval from the Plan Commission and which do not involve:

(a) an increase in height, area, or bulk of a structure;
(b) the designation of additional uses or the elimination of uses;
(c) the reduction in landscaping requirements;
(d) the addition of driveways or access points to the development;
(e) the change in the amount of parking for any use located within the development, or
(f) a change in architectural materials or lighting,

may be authorized by the Zoning Administrator without a public hearing in its continuing administration of the Development Plan if, in the determination of the Zoning Administrator, the requested modifications do not adversely impact the purpose or intent of the overall development. Such minor modifications authorized by the Zoning Administrator shall be reported, in writing, to the Plan Commission at the next regular meeting of the Plan Commission.

B. Major Amendments

If the Zoning Administrator determines that the proposed amendment is of such a nature as to adversely impact the purpose or intent of the overall project, or if the proposed amendment includes changes beyond those provided for above, the amendment shall be deemed major. In this case, the petitioner shall then be required to file an application for a new Development Plan.

Section 4-9. Temporary Use Permits

1. Authority

The Zoning Administrator is authorized by this Ordinance to issue a temporary use permit for uses specifically authorized in particular zoning districts as temporary uses as set forth in Chapter 13 (Specific Use Requirements).

2. Application

An application for a temporary use permit shall be filed in accordance with the requirements of Chapter 3 (Applications & Hearings).

3. Action of the Application

Within ten (10) business days following the receipt of a properly completed application for a temporary use permit, the Zoning Administrator shall inform the applicant in writing of his decision. A temporary use permit will not be issued until the Zoning Administrator is satisfied that the use allowed by the temporary use permit will not adversely affect the public health, safety or general welfare of the Town of Avon or immediate neighborhood.

4. Appeals
Appeals from the decision of the Zoning Administrator can be made to the Zoning Board of Appeals pursuant to Section 4-5 of this Chapter.

5. **Conditions**

The Zoning Administrator may require that certain conditions relating to the public health, safety or general welfare be complied with before the issuance of a temporary use permit.

**Section 4-10. Written Commitments**

The Avon Town Council, Plan Commission, or Board of Zoning Appeals may, when authorized by this Ordinance, require or permit the owner(s) of a parcel of property to make written commitments concerning the use or development of that property in connection with a Map Amendment, a Planned Unit Development District, a Development Plan, a Variance, or Special Exception.

1. **Form**

   The commitments shall be reduced to writing in recordable form and signed by the owner(s) of the real estate. The commitments required or made under this Ordinance shall substantially be in the form set forth in Appendix C. The Zoning Administrator shall approve the form of the commitments prior to their submission.

2. **Application**

   The commitments shall run with the land, and be binding on the Owner of the subject real estate, subsequent owners of the subject real estate and any person or entity acquiring an interest therein. An unrecorded commitment is binding on the owner(s) of the subject real estate. An unrecorded commitment is binding on subsequent owners of the subject real estate and any person or entity acquiring an interest therein only if the subsequent owners of the subject real estate and any person or entity acquiring an interest therein has actual notice of the commitment.

3. **Recordation**

   The commitments shall be reviewed by the Town Attorney and recorded by the Zoning Administrator in the Office of the Recorder of Hendricks County, Indiana and shall take effect upon approval of the particular development review approval. Proof that such commitments were recorded shall be kept in the official records of the Plan Commission. Written Commitments shall be recorded within thirty (30) calendar days of the development plan approval.

4. **Modification and Termination**

   The commitments may be modified or terminated only with the approval of the owner or owners of the real estate subject to the commitments, and the Town Council, the Avon Plan Commission or the Avon Board or Zoning Appeals, as the case may be, after a public hearing. Commitments made or required in connection with a Map Amendment or a Planned Unit Development shall terminate if the zone map applicable to the parcel is changed.

5. **Enforcement**

   A. Commitments made or required in connection with this Ordinance may be enforced, jointly or independently, by:

      (a) the Avon Plan Commission or the Avon Board or Zoning Appeals, as the case may be;

      (b) the Avon Zoning Administrator; and

      (c) any owner or owners of the real estate subject to the commitments; and any owner or owners of the real estate who received notice on the original zoning amendment or planned unit development, including subsequent purchasers of the real estate owned by such persons for so long as any such person or persons is an owner of record of the real estate which was originally subject to a notice requirement.
B. In the event it becomes necessary to enforce a commitment or commitments made or required in connection with this Ordinance in court, and the owner of the real estate is found to be in violation of a commitment or commitments, the owner shall pay all reasonable costs in connection with the enforcement of the commitment or commitments, including attorney fees.

C. In the event signed written commitments are not returned in accordance with Section 4-10.3 of this ordinance, the Town shall have the following remedies:

(a) Revocation of Map Amendment;
(b) Injunctive relief in accordance with Section 4-10.5 of this ordinance;
(c) Waiver of Modification of commitments in accordance with Section 4-10.4 of this ordinance.

D. The procedure to revoke a Map Amendment as permitted in Section 4-10.5(C) of this ordinance shall be the same as the Map Amendment and requires a public hearing.

Section 4-11. Waivers

The Avon Plan Commission may in connection with a Development Plan, Preliminary Plat or Final Plat approve a request for a waiver of provisions of the Avon Subdivision Control Ordinance under the criteria and procedure provided for in Chapter 3 of the Subdivision Control Ordinance.
Reserved for Future Use
# CHAPTER REVISION HISTORY

Chapter 5. Planned Unit Developments

<table>
<thead>
<tr>
<th>Ordinance #</th>
<th>Plan Commission Approval Date</th>
<th>Town Council Adoption Date</th>
<th>Description</th>
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CHAPTER 5. PLANNED UNIT DEVELOPMENTS

Section 5-1. Purpose

The Planned Unit Development District is intended to provide a greater degree of flexibility in the design of developments than that prescribed in the standard zoning districts established by this Ordinance. To that end, each PUD shall be required to demonstrate that the PUD:

1. encourages innovation and creativity in the design and layout of developments;
2. provides for more efficient use of land including the reduction of land area disturbed for utility lines and motor vehicle access;
3. conserves special attributes of the property such as identifiable natural or topographical features, historical significance, landscape amenities, and size and shape;
4. encourages imaginative uses of common areas and open space;
5. can not be efficiently developed through the use of the standard zoning districts established by this Ordinance; and
6. provides for a comprehensive review and approval process aimed at furthering the intent of the Comprehensive Plan.

Section 5-2. Authority to Vary Regulations

In connection with approving a Planned Unit Development District, the Plan Commission and the Town Council shall have the authority to approve a Planned Unit Development District that varies from the provisions of this Zoning Ordinance or of the Subdivision Control Ordinance provided, however, such variation:

1. will achieve the purposes for which planned unit developments may be approved pursuant to the requirements of this Chapter;
2. will not violate the general purposes, goals, and objectives of the Zoning Ordinance and the Town’s Comprehensive Plan;
3. will not unduly burden adjacent roadways; and
4. will result in a development providing compensating amenities to the Town.

Section 5-3. Ownership
The owner of the subject property or other person(s) having a legal or equitable interest in the subject property may file a petition for a Preliminary Plan approval and Zoning Map Amendment.

Section 5-4. Minimum Project Area
The minimum acreage for a Planned Unit Development District shall be as follows:

1. Residential Planned Unit Development Districts: ten (10) acres.
3. Commercial Planned Unit Development Districts: ten (10) acres.
4. Industrial Planned Unit Development Districts: twenty (20) acres.

Section 5-5. Permitted Uses
The uses permitted in a Planned Unit Development District shall be any use or range of uses specified in the petitioner’s Planned Unit Development District Petition establishing such District. The uses shall be reflected both in text form and noted on the approved Preliminary Plan and made part of the Planned Unit Development District Ordinance. Permitted uses, by way of example, may include any residential, commercial or industrial land use, or any individual land use or combination of land uses deemed appropriate for the real estate.

1. Specific Limitations.

   Uses in a Residential Planned Unit Development plan shall be limited to the following:
   
   A. dwelling units in detached, attached, or multi-storied structures or any combination thereof; and
   
   B. non-residential uses of a religious, cultural, recreational, and commercial character, which are an integral part of a residential development logically oriented to and coordinated with the total Planned Unit Development in terms of use, character, and vehicular and pedestrian access. These uses shall be planned and gauged primarily for the service and convenience of the anticipated population of the Planned Unit Development.

Section 5-6. Project Density

1. All Planned Unit Development Districts
The overall density of the development in a Planned Unit Development District, either in terms of residential units per acre, gross floor area of business, industrial or manufacturing uses, or other units of measure contained elsewhere in the Zoning Ordinance, shall be those specified in the petitioner’s Planned Unit Development District Ordinance establishing such District.

2. Commercial Planned Unit Development Districts
For Planned Unit Development Districts containing commercial development, the minimum lot size requirement of the C-1 zoning district shall apply.

3. Industrial Planned Unit Development Districts
For Planned Unit Development Districts containing industrial development, the minimum lot size requirement of the I-1 zoning district shall apply.
Section 5-7. Development Standards

Development standards applicable to a Planned Unit Development District shall be those standards specified in the petitioner’s Planned Unit Development District Ordinance establishing such District. The development standards shall be reflected both in text form and noted on the approved Preliminary Plan and made part of the Planned Unit Development District Ordinance. Each petition for a Planned Unit Development District shall specify development standards applicable to each use permitted in the Planned Unit Development.

1. Specific Limitations

A. Open Space

No Planned Unit Development District shall be approved unless such district provides for passive or active open space of at least twenty-five percent (25%) of its gross density. Such space may take the form of parks, playgrounds, landscaped green space, nature walks, and natural areas. See the definition section for further explanation of open spaces. Land donated for any public purpose may be credited towards the open space requirement at the discretion of the Plan Commission. Where a planned unit development is to be developed in phases, a portion of the required open space shall be provided in each phase. Maintenance of the open space shall be provided for in the planned unit development’s restrictive covenants recorded as part of the project.

B. Creativity in Design

In order to facilitate creative streetscapes, each Planned Unit Development shall institute within its covenants a monotony code for single family neighborhoods. Such monotony code shall set forth the standards for separation of similar building facades and/or building colors so that a variety of housing styles is apparent from any point within the neighborhood.

C. Building Space Requirements

No residence or principal building shall be closer to any other residence or principal building than twenty (20) feet, unless a reduced setback of no less than fifteen (15) feet is approved by the Plan Commission as a result of increased fire prevention measures within the structures. (e.g. Two layers of 5/8 drywall or comparable fire prevention measure.) All residential structures shall be set back from the perimeter of the Planned Unit Development District at least twenty-five (25) feet. Commercial structures shall be separated from any residential structure a minimum of fifty (50) feet. Industrial structures shall be separated from any residential structure a minimum of one hundred (100) feet, and from any commercial structure by a minimum of fifty (50) feet.

D. Height Requirements

No structure shall exceed a height of forty (40) feet.

E. Parking

All Planned Unit Development Districts shall meet the parking requirements of Chapter 15 (Off-street Parking and Loading).

F. Transitional Yards

All Planned Unit Development Districts shall meet the landscaping requirements of Chapter 16 (Landscaping and Screening). In addition, all Planned Unit Development Districts shall provide the following transitional yards. The depth of a traditional yard shall be in addition to the required setback and landscaping requirements set forth in this Ordinance.

(a) Within a Planned Unit Development District where a commercial use abuts a
residential use, a transitional yard of at least thirty (30) feet in width shall be provided unless otherwise waived by the Commission. Within the transitional yard there shall be provided combination of shade trees, shrubs, walls, and mounding consistent with the requirements of Chapter 16, Section 16-10. Areas not planted with shade trees or shrubs shall be maintained as turf or other pervious ground cover.

(b) Within a Planned Unit Development District where an industrial use abuts a residential use, a transitional yard of at least forty (40) feet in width shall be provided unless otherwise waived by the Commission. Within the transitional yard there shall be provided combination of shade trees, shrubs, and mounding consistent with the requirements of Chapter 16, Section 16-10. Walls may also be incorporated into the design of the transitional yard. Areas not planted with shade trees or shrubs shall be maintained as turf or other pervious ground cover.

Section 5-8. Water and Sewer Availability

Attachment to suitable public or semi-public water facilities and sanitary sewer shall be mandatory for any Planned Unit Development developed pursuant to this Chapter, unless a waiver is approved from the Town of Avon for an alternative water or sanitary sewer system which has received approval from the State Department of Health or the Indiana Department of Environmental Management.

Section 5-9. Public Streets

Each Planned Unit Development developed pursuant to this Chapter shall have frontage on a public street and gain access from said street. Streets within the Planned Unit Development shall conform to the Town’s design and construction standards for streets, as set forth in the Avon Subdivision Control Ordinance. Any request to deviate from the standards of the Avon Subdivision Control Ordinance should be requested in the form of a waiver at the time of platting.

Section 5-10. Utilities

Underground utilities, including telephone, cable and electrical systems, are required within the limits of the Planned Unit Development District. Appurtenances to these systems that can be screened may be excepted from these requirements if the Plan Commission finds that such exemption will not violate the intent or character of the Planned Unit Development District.

Section 5-11. Procedure for Approval

The complete review and approval process for a Planned Unit Development Ordinance consists of the following elements. Approval of a Planned Unit Development Plan does not constitute plat approval. Platting procedures for Planned Unit Developments are defined in Section 5-16.

1. Preliminary Plan Review by the Zoning Administrator;
2. Preliminary Plan Review by the Plan Commission;
3. Preliminary Plan Review by the Town Council and Zoning Map Amendment; and

A. Preliminary Plan Review by the Zoning Administrator

(a) Filing of a petition to establish a Planned Unit Development District and Preliminary Plan for Review by the Zoning Administrator.

The petitioner shall submit a petition to establish a Planned Unit Development District in accordance with the requirements of Chapter 3 (Applications & Hearings). Petitions that are incomplete shall not be processed by the Zoning Administrator and shall be
returned to the applicant at the applicant’s expense. At a minimum, the petition shall contain a written description of the proposed planned unit development and a Preliminary Plan along with the information, plans and date set for in Appendix A of this Ordinance. The petition shall take the form of a Zone Map Amendment.

(b) Conceptual Review of Preliminary Plan by the Zoning Administrator.

The Zoning Administrator shall review the Petition and proposed Preliminary Plan taking into consideration information regarding the terrain of the site and any identifiable natural features of the site. In doing so, the Zoning Administrator’s review may include, but shall not be limited to, the following:

- (1) the protection of identifiable topographical features on the site, including, but not limited to, slopes, streams, and natural water features;
- (2) the protection and preservation of wooded areas, individual trees of significant size, wetlands, and other environmentally sensitive features;
- (3) the development of common space and recreational areas (passive or active) accessible to the residents or user of the planned unit development by way of sidewalks, footpaths or combined sidewalks / bikeways;
- (4) the efficient use of the land, including the reduction of land area disturbed for utility lines and motor vehicle access;
- (5) the creation of innovative residential and business environments;
- (6) the minimization of disturbance of the natural site features through the design and situation of individual lots, streets and buildings;
- (7) the diversity and originality in lot layout;
- (8) the utilization of individual building designs, spacing, and materials, which achieve an enhanced relationship between the development and the land; and
- (9) the relationship to surrounding properties
- (10) the impact on existing roadways.

The Zoning Administrator shall schedule the proposed Preliminary Plan for technical review by the Technical Advisory Committee at its next available meeting.

c) Notification of Petitioner

The Zoning Administrator shall notify the petitioner of any comments related to the proposed Preliminary Plan submitted for conceptual review within fifteen (15) business days of the submittal.

d) Limitation on the Zoning Administrator’s Review

Notwithstanding anything contained in this Ordinance to the contrary, neither the Zoning Administrator’s or the Technical Advisory Committee’s review of the proposed Preliminary Plan, nor its comments to the petitioner relating thereto shall be considered a denial, approval or decision concerning the proposed Preliminary Plan.

e) Additional Input on the Preliminary Plan

Prior to Plan Commission review, a Planned Unit Development Project may be subject to design review through the process of public meetings and workshops. Whether or not a public design review process is necessary shall be at the discretion of the Plan Commission and Zoning Administrator and shall be based on the scale of anticipated impact on the resources of the Town. At a minimum, these workshops will give Town officials, community leaders, and members of the general public an opportunity to provide input to the petitioner regarding the design of the project. The workshops, when required, shall be solely for the purpose of gathering information and sharing ideas. Neither the Town nor the petitioner shall be obligated by anything discussed during these workshops.
(f) Revisions to the Preliminary Plan

The petitioner shall have up to forty-five (45) business days to revise the Preliminary Plan in accordance with the comments of the Zoning Administrator or the technical review before proceeding to preliminary plan review by the Plan Commission. Failure to meet this time period, unless extended for good cause by the Plan Commission, shall be deemed a withdrawal of the petition for the Planned Unit Development District.

B. Preliminary Plan Review by the Plan Commission

(a) Filing of a Preliminary Plan for Review by the Plan Commission

Upon completion of the Zoning Administrator’s review and any other technical review necessary or required, the petition shall be forwarded to the Plan Commission for review. The petition shall be accompanied by the written recommendations of the Zoning Administrator and any other technical review conducted. The Plan Commission shall consider the petition at its first available meeting. The petition shall be subject to public hearing held and notice given according to the Plan Commission’s rules.

(b) Determination by the Plan Commission

In its determination of the appropriateness of the proposed Preliminary Plan and its recommendation of the petition to the legislative body, the Plan Commission shall be guided by the extent to which the proposal:

1. Accomplishes the purpose set forth in Section 5-1 above;
2. Meets the goals set forth in Section 5-2 above;
3. Provides for the protection or provision of the site features and amenities outlined above; and

(c) Commitments required by the Plan Commission

The Plan Commission may allow or require the owner of a parcel of property to make written commitments concerning the use or development of the subject property in connection with the recommendation of approval of a Planned Unit Development District. Such written commitments shall be recorded and made part of the Planned Unit Development District.

(d) Covenants and Maintenance

1. All covenants shall be set forth in detail and shall provide a provision for the release of such restriction by execution of a document so stating and suitable for recording, signed by the Plan Commission President and Secretary upon authorization by the Plan Commission and all of the owners of the property in the area involved in the petition for whose benefit the covenant was created. Such covenants shall provide that their benefits run to the Town and shall be specifically enforceable by the Town in addition to the property owners.

2. The Plan Commission may require the recording of covenants for any reasonable public or semi-public purpose, including, but not limited to, the allocation of land by the petitioner for public thoroughfares, parks, schools, recreational facilities, and other public and semi-public purposes. Such covenants shall specify that if a governmental unit or agency thereof does not proceed with acquisition of the allocated land within a specified period of time, the covenants shall automatically terminate. If such termination occurs, the petitioner shall then submit for approval by the Plan Commission a modified final detailed plan for such land, otherwise consistent with the approved Preliminary Planned Development.

3. The Plan Commission may require the recording of covenants for any reasonable
Purpose, including, but not limited to, imposing standards for development of property in a Planned Unit Development District. Such development standards may include, but are not limited to, requirements as to the following:

(i) Lot area;
(ii) Floor area;
(iii) Ratios of floor space to land space;
(iv) Area in which structures may be built (buildable area);
(v) Open space;
(vi) Setback lines and minimum yards;
(vii) Building separations;
(viii) Height of structures;
(ix) Signs;
(x) Off street parking and loading spaces;
(xi) Design standards (including architectural and landscaping requirements);
(xii) Phasing of development; and
(xiii) Sidewalks, trails and interconnections between the development and other residential or commercial development.

(4) Adequate provision shall be made for a private organization with direct responsibility to, and control by, the property owners involved to provide for the operation and maintenance of all common facilities jointly shared by such property owners if such facilities are a part of the Planned Unit Development, and, in such instance legal assurances shall be provided and recorded which show that the private organization is self perpetuating. The Final Plan, approved by the Plan Commission, for the Planned Unit Development District shall specify that the common facilities shall be made available to the residents and users of the overall Planned Unit Development District at a reasonable and non-discriminatory rate of charge, prior to obtaining final plat approval.

(5) Common facilities that are not dedicated to the public shall be maintained to standards assuring continuous and adequate maintenance. Common facilities not dedicated to the public shall be operated and maintained at no expense to any governmental unit or agency.

(e) Concurrent Filing of a Final Plan

If the Preliminary Plan expresses Development Standards in detailed terms and meets the requirements for a final review, the Petitioner may also request a Secondary Review of a Final Plan by the Plan Commission. However, approval of a Final Plan by the Plan Commission shall be conditioned upon the Town Council adopting the Zone Map Amendment for the Planned Unit Development District. The requirements for a Final Plan Approval are set forth in Section 5-11[D], below. Approval of the Final Plan by the Plan Commission shall be required prior to the issuance of an Improvement Location Permit for any development pursuant to Planned Unit Development District.

C. Preliminary Plan Review by the Town Council and Zoning Map Amendment

Within thirty (30) calendar days of the public hearing, the plan commission shall forward its written recommendation to the Town Council. Town Council shall consider the petition for the Planned Unit Development ordinance in accordance with its procedures for amending the Zoning Map set forth in the Avon Zoning Ordinance.

D. Secondary Review of the Final Plan by the Plan Commission.

(a) Filing of a Final Plan for Review by the Plan Commission

If Final Plan approval is not obtained jointly with the petition for Preliminary Plan and
AVON ZONING ORDINANCE

Zoning Map Amendment, the petitioner shall have a period of up to one (1) year from the date of the approval of the Preliminary Plan and Zoning Map Amendment to file a Final Plan for the Planned Unit Development District. If a Final Plan approval is filed in phases, each subsequent phase shall be filed for within two (2) years of the prior phase’s approval. The order of phasing shall have been determined at the preliminary review. Only the Plan Commission may approve a change in the phasing schedule.

(b) Determination by the Plan Commission

A determination by the Plan Commission on whether or not to approve a Final Plan shall be made at a public hearing of the Plan Commission, notice of which shall be given in the same manner as for a petition for Zone Map Amendment.

(c) Modifications to an Approved Preliminary Plan

The Plan Commission may, as part of its determination to approve a Final Plan, authorize modifications to the permitted uses or the development requirements or standards specified in an approved Preliminary Plan which involve:

(1) an increase in the height or area of a structure;
(2) a decrease in any required yard, provided no residence or principal building shall be closer than fifteen (15) feet to any other residence or principal building, and provided that such a reduction is accompanied by an increase in fire prevention measures within the structures (e.g. two layers of 5/8 drywall or comparable fire prevention measure);
(3) the designation of additional permitted uses or the elimination of permitted uses;
(4) the kind of building materials and styles of architecture within the Planned Unit Development District;
(5) the reduction in perimeter yards for the Planned Unit Development District, but not more than ten percent (10%);
(6) A change in the phasing schedule of the Planned Unit Development District; or
(7) the addition of driveways or access points to the Planned Unit Development District.

(d) Expiration of Planned Unit Development

(1) In the event that Final Plan approval is not obtained for all or a portion of the Project within the time frames outlined above, the Preliminary Plan shall be deemed expired for that portion of the Project that has not received Final Plan approval.

(2) Once a Preliminary Plan has expired for any portion of the Planned Unit Development District, no development shall occur within the expired portions of the Planned Unit Development District until:
   (i) A new Preliminary Plan is recommended for approval by the Plan Commission to the legislative body at a public hearing, notice of which shall be given in the same manner as for a petition for Zone Map Amendment;
   (ii) Such new Preliminary Plan is approved by the legislative body; and
   (iii) The Plan Commission approves a Final Plan in accordance with the requirements of this Chapter.

(3) Upon the expiration of a Preliminary Plan, the Plan Commission shall initiate an amendment to the Zoning Map so that the land will be zoned into a category or categories which most nearly approximates its then existing use or such other zoning category or categories which it deems appropriate.

(e) Minor Modifications to an Approved (Final) Planned Unit Development District
Ordinance

Minor modifications to an approved (final) Planned Unit Development District Ordinance, which do not involve:

1. an increase in the height, area, bulk, or intensity of land uses;
2. the designation of additional permitted uses or the elimination of permitted uses;
3. the reduction in perimeter yards for the Planned Unit Development;
4. the addition of driveways or access points to the Planned Unit Development;
5. the reduction in the amount of required parking for any use located within the Planned Unit Development; or
6. the kind of building materials and styles of architecture within the Planned Unit Development District;

may be authorized by the Plan Commission without a public hearing in its continuing administration of the Planned Unit Development if, in the determination of the Plan Commission, the requested modifications do not adversely impact the purpose or intent of the overall development. Such minor modifications authorized by the Plan Commission shall be set forth in writing, and made part of the approved Final Plan.

(f) Major Modifications to an Approved (Final) Planned Unit Development District Ordinance

If the Plan Commission determines that a proposed modification is of such a nature as to adversely impact the purpose or intent of the overall project, or if the proposed modification includes changes beyond those provided for above, the modifications shall be deemed major. In this case, the petitioner shall then be required to file a new petition for Preliminary Plan approval and Zone Map Amendment in accordance with the procedures set forth in Section 3-1.

Section 5-12. Extensions and Abandonment

1. Extensions of Time

Extensions of the time for accomplishing any matters set forth herein may be granted by the Plan Commission at a public hearing for good cause shown. The Zoning Administrator, for good cause shown, may grant extensions of time, in six (6) month increments not to exceed a total of one (1) year, for obtaining Final Plan approval. In the event that the Zoning Administrator disallows a requested extension, the petitioner may appeal the Zoning Administrator’s determination to the Plan Commission within thirty (30) calendar days of being notified of such determination.

2. Abandonment

Abandonment shall be deemed to have occurred when no improvements have been made pursuant to the approved Final Plan for twenty four (24) consecutive months, or upon the expiration of two (2) years from the date of approval of the Final Plan. An amendment may be initiated to the zoning map, as provided by law, so that the land will be zoned into a category or categories that most nearly approximate its then existing use or such other zoning category or categories that the legislative body deems appropriate.

Section 5-13. Recording

1. Recording Prior to Construction

All approved plans (Preliminary and Final), written commitments, subdivision plats, and any modifications thereof, for any Planned Unit Development District shall be recorded in the office of the County Recorder before an Improvement Location Permit may be issued or any development takes place.
2. **Recording after Construction Completed**

Upon the completion of all development, the exact measurements as to the location of buildings and structures erected during the development, shall be maintained as part of the public record. The developer shall submit a copy of the approved Final Plan(s), as amended, to the Plan Commission with the exact measurements thereon shown. The Plan Commission, after being satisfied that the measurements are substantially the same as indicated on the originally approved Final Plan(s), shall re-approve, date and sign said completed Final Plan(s) for the project, which the developer shall then record.

**Section 5-14. Limitation of Rezoning**

Unless the project is abandoned, no amendments to the zoning map concerning a Planned Unit Development District shall be initiated by the Plan Commission or the Town Council before completion of the development provided, provided that the development is in conformity with the approved Final Plans and the development is proceeding in accordance with the time requirements imposed therein.

**Section 5-15. Financial Assurance Requirements**

The petitioner shall provide financial assurance for the satisfactory installation of all public facilities in the form of bonds or any other assurances as are required in the normal procedures of platting pursuant to the provisions of the Avon Subdivision Control Ordinance.

**Section 5-16. Procedures for Platting Planned Unit Development**

Primary and Final Plat approval for any development pursuant to this Chapter shall be issued in a manner consistent with that of any other plat under the jurisdiction of the Plan Commission in compliance with the procedures set forth in the Avon Subdivision Control Ordinance and with any additional requirements or commitments entered into in connection with the approval of a Final Plan pursuant to this Section.
Reserved for Future Use
Chapter 6. Nonconforming Lots, Uses and Structures

Section 6-1. Purpose
The purpose of this Chapter is to provide for the regulation of legal nonconforming lots, uses, and structures and to specify those circumstances and conditions under which they may remain until they are removed. The zoning districts established by this Ordinance are designed to control the future use of land within the Town by encouraging the development and maintenance of desirable residential, business, office, and industrial areas, as well as to promote and protect the public health, safety, and general welfare. The continued existence of nonconforming lots, uses and structures is frequently inconsistent with the purposes for which such districts were established and thus the gradual elimination of such nonconforming lots, uses and structures has been determined by the Avon Town Council to be desirable.

Section 6-2. General Standards.

1. Avoidance of Undue Hardship
   Nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building, structure, or development on which construction was lawfully begun prior to the effective date of this Ordinance and upon which construction has actually begun and has been diligently pursued. Where demolition or removal of an existing building has been substantially begun prior to rebuilding, such demolition or removal shall be deemed to be construction.

2. Restoration of Structures to Safe Conditions
   Nothing in this Article shall be deemed to prevent the strengthening or restoring to a safe condition of any building or structure, or part thereof, declared to be unsafe by any official charged with protecting the public safety. Such strengthening or restoration shall not however, be used to enlarge, expand or extend such nonconforming building or structure, nor be used as grounds for adding other structures or uses which are prohibited by this Ordinance.

3. Illegal Uses
   Illegal uses and structures existing at the time this Ordinance is enacted shall not be validated by virtue of its enactment.

4. Variances Previously Granted for Uses and Structures
   Any use or structure that becomes nonconforming upon the effective date of this Ordinance and for which a variance was previously granted, shall remain subject to any conditions that were imposed pursuant to the granting of such variance.

5. Special Exceptions Previously Granted for Uses and Structures
   Any use or structure that becomes nonconforming upon the effective date of this Ordinance and for which a special exception permit was previously granted, shall remain subject to any
Section 6-3. Nonconforming Lots

1. Single Nonconforming Lots of Record

In any district a permitted use and its customary accessory uses may be erected on any single lot of record after the effective date of this Ordinance, notwithstanding limitation imposed by the provisions of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lots fail to meet the requirements for area or width, or both, that are generally applicable in the district. Said lots however, shall be required to meet all other lot development standards for the district in which the lot is located.

2. Lots in Combination

If two (2) or more lots or a combination of lots with continuous frontage and in single ownership are of record at the effective date of this Ordinance, and if all or part of the lots unimproved do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of meeting the minimum requirements of this Ordinance. No portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Ordinance.

Section 6-4. Nonconforming Uses

1. Authority to Continue

A lawfully existing nonconforming use may be continued, provided such use adheres to the limitations set forth herein, as well as the requirements of this Chapter and that such use remains otherwise lawful.

2. Ordinary Repair and Maintenance

Normal maintenance and incidental repair or replacement, and installation or relocation of nonbearing walls, nonbearing partitions, fixtures, wiring or plumbing, may be performed on any structure devoted in whole or in part to a legal nonconforming use. However, this paragraph shall not be interpreted to authorize an unlawful alteration, enlargement, extension, or move of a structure.

3. Structural Alteration

A structure devoted in whole or in part to a legal nonconforming use shall not be structurally altered unless the use thereof shall thereafter conform to the use regulations of the zoning district in which it is located.

4. Enlargement of Structure

A structure devoted in whole or in part to a legal nonconforming use shall not be enlarged or added to in any manner, including the addition of interior floor area, unless the use of such structure shall thereafter conform to the use regulations of the district in which it is located.

5. Extension of Use

A legal nonconforming use shall not be extended, expanded, enlarged or increased in its intensity. However, a nonconforming use located in a structure manifestly designed or intended for such use may be extended throughout any interior part of such structure. No such extension shall be permitted to occupy any land outside of such structure.
6. Moving
A structure devoted in whole or in part to a legal nonconforming use shall not be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot, unless the entire structure and its use shall thereafter be conforming to the regulations of the zoning district in which it is located.

7. Change in Use
A legal nonconforming use shall not be changed to any use other than a use permitted in the zoning district in which the use is located. When such a legal nonconforming use has been changed to a permitted use, it shall not thereafter be changed back to any nonconforming use.

8. Damage or Destruction
A structure devoted in whole or in part to, or accessory to, a legal nonconforming use that is damaged or destroyed, by any means, to the extent of more than fifty percent (50%) of the cost of replacement of such structure new shall not be restored unless the use of such structure shall thereafter conform to the use regulations of the zoning district in which it is located.

9. Termination by Discontinuance or Abandonment
A. When a legal nonconforming use is discontinued or abandoned for a period of twelve (12) months, such use shall not thereafter be reestablished or resumed. Any subsequent use or occupancy of such land or structure shall comply with the use regulations of the zoning district in which such land or structure is located.

B. Where a period of discontinuance is caused by government action, strikes, material shortages, or acts of God, and without any contributing fault of the owner, occupant or agents thereof, such period shall not be considered in calculating the length of discontinuance for purposes of this paragraph.

Section 6-5. Nonconforming Structures

1. Authority to Continue
A lawfully existing nonconforming structure may be continued provided such structure adheres to the limitations set forth herein as well as the requirements of this Chapter and that such structure remains otherwise lawful.

2. Repair, Maintenance, Alterations, and Enlargement
A legal nonconforming structure may be repaired, maintained, altered, or enlarged provided, however, that no such repair, maintenance, alteration, or enlargement shall either create any new nonconformity or increase the degree of the existing nonconformity of all or any part of such structure. For the purposes of this regulation, the vertical or horizontal extension of a structure shall be considered to increase the degree of an existing nonconformity related to a required yard or setback.

3. Moving
A legal nonconforming structure shall not be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located.

4. Damage or Destruction
Except for single family dwellings, any legal nonconforming structure that is damaged or destroyed to the extent of more than fifty percent (50%) of the cost of replacement of such structure new shall not be restored unless the structure shall thereafter conform to the regulations of the zoning district in which it is located. This regulation however, shall not be interpreted to
authorize the creation of a new nonconformity or increase the degree of any nonconformity existing prior to such damage or destruction.

Section 6-6. Nonconforming Signs

The regulations pertaining to nonconforming signs shall be found in Chapter 18 (Signs).

Section 6-7. Nonconforming Lighting

The regulations pertaining to nonconforming lighting shall be found in Chapter 14-15 (Outdoor Lighting).
Reserved for Future Use
CHAPTER 7. DISTRICTS AND BOUNDARIES

Section 7-1. Establishment of Districts.

In order to classify, regulate and restrict the location of specified uses, and to regulate and limit the height and bulk of buildings for those uses, the Town of Avon, Indiana, is hereby divided into the following districts.

1. Residential Districts
   A. E-1 Single Family Estate District
   B. R-1 Single Family Residential District
   C. R-2 Single Family Residential District
   D. R-3 Single Family Residential District
   E. R-4 Multiple Family Residential District
   F. R-5 Multiple Family Residential District

2. MH-1 Mobile Home Park District

3. Commercial Districts
   A. C-1 Neighborhood Commercial District
   B. C-2 General Commercial District
   C. C-3 Highway Commercial District
   D. C-4 Transitional Office District

4. SC Shopping Center Commercial District

5. Industrial Districts
   A. I-1 Transitional Industrial District
   B. I-2 Light Industrial District
   C. I-3 Heavy Industrial District
   D. I-4 Industrial Park District

6. Other Districts
   A. Planned Unit Development Districts
   B. AGO-1 Agricultural Overlay District

Section 7-2. Interpretation of District Sequence

1. General Rule

   This Ordinance rejects as outdated and inappropriate, the concept of cumulative zoning districts, where each district builds off of the uses of the less intense districts. Except as noted below, this Ordinance is based on the concept that each district should be designed to accomplish a specific purpose, to encourage a particular type of development, and to protect that development from being encroached upon by incompatible types of development.

2. Special Rule
Within the foregoing philosophy, however, it is recognized that, when different districts are side by side, their differing characters may require special treatment to diminish incompatibilities that might otherwise result. For this limited purpose, this Ordinance recognizes the concept of "more restrictive" and "less restrictive" districts, and the districts established by this Ordinance shall be considered "more restrictive" or "less restrictive" in accordance with the following rules:

A. the residential districts shall be deemed to be more restrictive than any nonresidential district;
B. the E-1 Single Family Residential District shall be deemed to be the most restrictive residential district and the R-5 Multiple Family Residential District shall be deemed to be the least restrictive Residential District, and the residential districts shall be deemed to become less restrictive as the district number increases;
C. the MH-1 Mobile Home Park District shall be deemed more restrictive than any nonresidential district but less restrictive than any residential district;
D. the commercial districts shall be deemed to become less restrictive as the district number increases except that the C-4 Transitional Office District shall be deemed more restrictive than the C-2 General Commercial District but less restrictive than the C-1 Neighborhood Commercial District;
E. the SC Shopping Center Commercial District shall be deemed to be less restrictive than the other commercial districts but more restrictive than the industrial districts;
F. the Planned Unit Development Districts shall be deemed to stand alone and may be fashioned to be less or more restrictive than other districts;
G. the industrial districts shall be deemed to become less restrictive as the district number increases except that the I-4 Industrial Park District shall be deemed more restrictive than the I-2 Light Industrial District but less restrictive than the I-1 transitional Industrial District; and
H. the I-3 Heavy Industrial District shall be deemed to be less restrictive than any other district.

Section 7-3. Annexed Land

Where land is to be annexed into the Town of Avon, the Town Council may direct the Plan Commission to make a recommendation on the appropriate zoning district classification for the property that the Council is considering for annexation. In such circumstances, the Plan Commission shall follow the process for amendments to the Zoning Map set forth in Chapter 4, Section 4-6 of this Ordinance. Town Council action on the Plan Commission’s recommendation shall be scheduled in conjunction with the Town Council’s adoption of the annexation ordinance.

1. Should the Town council annex land without adopting an amendment to the Zoning Map establishing the appropriate zoning district classification for the property, the property shall retain the zoning classification assigned to it by Hendricks County, as shown on its Official Zoning Map. If the Avon Zoning Ordinance does not have the same zoning classification as Hendricks County, the property will have the zoning district classification of the Avon Zoning Ordinance that is the closest to the classification assigned to it by Hendricks County. The Zoning Administrator shall be responsible for identifying the zoning district classification for property annexed under this paragraph.

Section 7-4. Official Zoning Map

1. Map Incorporated

The location and boundaries of the zoning districts established by this Ordinance shall be shown on the Official Zoning Map. The Official Zoning Map shall be identified by certification by and bearing the seal of the Town of Avon under the following words:

“THIS IS TO CERTIFY THAT THIS IS THE OFFICIAL ZONING MAP REFERRED TO IN
CHAPTER 7 OF ORDINANCE #2002-14 OF THE TOWN OF AVON, INDIANA, ADOPTED ON THE 14th DAY OF NOVEMBER 2002.”

Certification shall be by the signature of the President of the Town Council, and attested by the Clerk-Treasurer.

2. **Omitted Land**

   It is the intent of this Ordinance that the entire area of the Town of Avon, including all land and water areas, be included in the districts established by this Ordinance. Any area lying within the Town but not shown on the Official Zoning Map as being included in a district shall be deemed to be, and is hereby classified as being, within the E-1 Single Family Residential District.

3. **Maintenance and Availability of Official Zoning Map**

   The official copy of the Zoning Map shall be maintained by the Zoning Administrator and shall be available for public inspection during Town business hours at the Town Hall.

4. **Amendments to Map**

   Changes to zoning district boundaries or any change in any other information shown on the Zoning Map made by amendment to this Ordinance shall be indicated on the Official Zoning Map promptly after adoption. The date of such amendment shall also be shown on the Official Zoning Map, as well as the signature of the President of the Plan Commission and attested by the Secretary of the Plan Commission. No amendments shall be made on the Official Zoning Map except in conformance with procedures set for in Chapter 4, Section 4-6 (Amendments).

5. **Reproduction of Zoning Map**

   A revised, up-to-date copy of the official Zoning Map, certified as being inclusive of all amendments and drawn to a convenient scale, shall be published from time to time and made available for sale.

6. **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 Town Council may, by resolution, adopt a new Official Zoning Map that shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting errors or other errors or omissions in the prior Official Zoning Map, but no correction shall have the effect of amending the Official Zoning Map. The new Official Zoning Map shall be identified by the signature of the President of the Town Council and attested by the Clerk-Treasurer and shall bear the seal of the Town of Avon under the following words:

   “THIS IS TO CERTIFY THAT THIS OFFICIAL ZONING MAP SUPERSEDES AND REPLACES THE OFFICIAL ZONING MAP ADOPTED ON THE 14th DAY OF NOVEMBER 2002 BY ORDINANCE #2002-14 OF THE TOWN OF AVON, INDIANA, ADOPTED ON THE __ DAY OF _______ 200_."

   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.

**Section 7-5. Interpretation of District Boundaries**

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

1. Boundaries indicated as approximately following the centerline of thoroughfares or highways, street lines or highway right-of-way lines, or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

3. Boundaries indicated as approximately following Town limits shall be construed as following such Town limits.

4. Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main tracks.

5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of a change in the shore line, shall be construed as moving with the actual shore line.

6. Boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.

7. Boundaries indicated as approximately following floodplain lines shall be construed to follow floodplain lines.

8. Boundaries indicated as parallel to or extensions of features indicated in subparagraphs above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale on the Map.

9. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by the subparagraphs above, the Board of Zoning Appeals shall interpret the location of district boundaries.
Reserved for Future Use
CHAPTER 8. RESIDENTIAL DISTRICTS

Section 8-1. General Purpose Statement
The residential districts set forth herein are established to perpetuate the existing high quality residential character of the Town by preserving established neighborhoods while encouraging new residential development. Taken together, the Residential Districts blend to provide a broad range of housing alternatives. Notwithstanding further provisions of Section 13-1(1), more than one principal building may be permitted on a lot used for multi-family dwellings in the R-4 and R-5 Multiple Family Residential Districts.

Section 8-2. General Cross-reference Guide for Additional Regulations
1. Land Use Interpretation
   All applications for a permitted or special exception which are not listed in Table 8-1 (Residential District Use Matrix) shall be submitted to the Zoning Administrator for a use interpretation pursuant to the standards and procedures set forth in Chapter 4, Section 4-7 (Interpretations).

2. Temporary Uses
   Certain temporary uses may be permitted in the residential districts subject to the provisions of Chapter 13, Section 13-13 (Temporary Uses) and the securing of a temporary use permit, pursuant to Chapter 4, Section 4-9 (Temporary Use Permit).

3. Parking and Loading
   The parking and loading requirements applicable in the residential districts are set forth in Chapter 15 (Off-Street Parking and Loading).

4. Signs
   Sign regulations applicable in the residential districts are set forth in Chapter 18 (Signs).

5. Performance Standards
   Requirements relating to performance standards in the residential districts are set forth in Chapter 14 (Performance Standards).

6. Development Plan Review
   Certain development activity within the R-4 Multiple Family Residential District and the R-5 Multiple Family Residential District shall be subject to development plan review pursuant to Chapter 4, Section 4-8 (Development Plans).
7. **Landscaping and Screening**
   Requirements relating to landscaping, screening, and buffering in the residential districts are set forth in Chapter 16 (Landscaping and Screening).

8. **Nonconforming Lots**
   Requirements relating to nonconforming lots, use, and structures in the residential districts are set forth in Chapter 6 (Nonconforming Lots, Uses and Structures).

Section 8-3. **Residential Districts General Regulations**

1. **Permitted Uses**
   The uses permitted in the residential districts established herein are listed in the Residential Districts Use Matrix set forth in Table 8-1. The uses shall be considered permitted as of right, subject to any limitations set forth in Table 8-1, this Ordinance, or other Town ordinance or code, and the securing of an Improvement Location Permit.

2. **Special Exceptions**
   The uses allowed as special exceptions in the residential districts established herein are listed in the Residential District Use Matrix set forth in Table 8-1. The uses may be allowed subject to any limitations set forth in Table 8-1, this Ordinance, or other Town ordinance or code, and the securing of a special exception permit pursuant to Chapter 4, Section 4-4 (Special Exceptions).

3. **Accessory Uses**
   Accessory uses, buildings and structures customarily incidental to and commonly associated with a principal use may be permitted, subject to the provisions of Chapter 13 (Specific Use Requirements) and any limitation contained herein. Specifically permitted or allowed accessory uses, buildings and structures are listed in Table 8-2 (Residential Districts Accessory Use Matrix).

4. **Bulk Regulations**
   Subject to the limitations contained therein and elsewhere in this Chapter, the bulk regulations that apply to the Residential Districts are listed in Table 8-3 (Residential Districts Bulk Matrix).

5. **Prohibited Uses**
   Uses not listed as permitted or special uses in the Residential Districts Use Matrix set forth in Table 8-1 below are hereby strictly prohibited.

Section 8-4. **Purpose Statements**

1. **E-1 Single Family Estate District**
   The E-1 Single Family Estate District established herein is to provide for the establishment of large lot single-family residential developments. All shall have underground utilities, centralized water and sewer facilities.

2. **R-1 Single Family Residential District**
   The R-1 Single Family Residential District established herein is to provide for the establishment of single-family residential dwellings on lots having underground utilities, centralized water, and centralized sewer facilities.

3. **R-2 Single Family Residential District**
   The R-2 Single Family Residential District established herein is to provide for the establishment of single-family residential dwellings on lots having underground utilities, centralized water, and...
centralized sewer facilities.

4. **R-3 Single Family Residential District**

The R-3 Single Family Residential District established herein is to provide for the establishment of single-family residential dwellings on lots having underground utilities, centralized water, and centralized sewer facilities.

5. **R-4 Multiple Family Residential District**

The R-4 Multiple Family Residential District established herein is to provide for the establishment of townhouses, two-family and multiple family residential dwellings on lots having underground utilities, centralized water, and centralized sewer facilities.

6. **R-5 Multiple Family Residential District**

The R-5 Multiple Family Residential District established herein is to provide for the establishment of townhouses, two-family and multiple family residential dwellings on lots having underground utilities, centralized water, and centralized sewer facilities.

<table>
<thead>
<tr>
<th>Table 8-1. Residential Districts Use Matrix</th>
</tr>
</thead>
<tbody>
<tr>
<td>USES</td>
</tr>
<tr>
<td>E-1</td>
</tr>
<tr>
<td>-------------------------------------------</td>
</tr>
<tr>
<td>Agriculture</td>
</tr>
<tr>
<td>Assisted living facilities for elderly</td>
</tr>
<tr>
<td>Bed and Breakfast Establishments</td>
</tr>
<tr>
<td>Cemeteries</td>
</tr>
<tr>
<td>Community centers – public</td>
</tr>
<tr>
<td>Congregate Care Facilities</td>
</tr>
<tr>
<td>Country Clubs, golf courses, tennis clubs, swim clubs, and other outdoor recreational facilities</td>
</tr>
<tr>
<td>Dwellings - single-family detached</td>
</tr>
<tr>
<td>Dwellings – Townhouse (4 unit structures or less)</td>
</tr>
<tr>
<td>Dwellings - two-family</td>
</tr>
<tr>
<td>Dwellings - multi family (6 unit structures or less)</td>
</tr>
<tr>
<td>Dwellings - multi family (more than 6 unit structures)</td>
</tr>
<tr>
<td>Dwellings – manufactured homes subject to Section 13-9.</td>
</tr>
<tr>
<td>Funeral home and mortuaries</td>
</tr>
<tr>
<td>Government buildings</td>
</tr>
<tr>
<td>Home child care</td>
</tr>
<tr>
<td>Hospitals, clinics and emergency health care clinics,</td>
</tr>
<tr>
<td>Independent living facilities for elderly</td>
</tr>
<tr>
<td>Kennels</td>
</tr>
<tr>
<td>Libraries and Museums</td>
</tr>
<tr>
<td>Municipal buildings, utilities, and services</td>
</tr>
<tr>
<td>Nursing Home</td>
</tr>
<tr>
<td>Parks and playgrounds</td>
</tr>
<tr>
<td>Places of worship</td>
</tr>
<tr>
<td>Residential care homes for mentally ill</td>
</tr>
<tr>
<td>Schools - public and private</td>
</tr>
<tr>
<td>P = Permitted / S = Special Exception Permit Required</td>
</tr>
</tbody>
</table>
### Table 8-2. Residential Districts Accessory Use Matrix

<table>
<thead>
<tr>
<th>ACCESSORY USES</th>
<th>E-1</th>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
<th>R-4</th>
<th>R-5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory uses customary and incidental to a permitted or special use</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Garages and carports</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Home occupations (See Chapter 13)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Road side stands</td>
<td>S</td>
<td>S</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Stables</td>
<td>S</td>
<td>S</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Swimming pools (See Section 13-4)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

P = Permitted / S = Special Exception Permit Required

Note: 1. Stables and riding pens shall be no closer than two hundred (200) feet to any property line and shall only be permitted on lots greater than 1 acre in size.

### Table 8-3. Residential Districts Bulk Matrix

<table>
<thead>
<tr>
<th>Lot Requirements</th>
<th>E-1</th>
<th>R-1</th>
<th>R-1A</th>
<th>R-2**</th>
<th>R-3</th>
<th>R-4</th>
<th>R-5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Min. Lot Size (per dwelling unit)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single Family</td>
<td>30,000 sq. ft.</td>
<td>20,000 sq. ft.</td>
<td>15,000 sq. ft.</td>
<td>12,500 sq. ft.</td>
<td>12,500 sq. ft.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Townhouse 4 units or less</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>6,000 sq. ft.</td>
<td>4,000 sq. ft.</td>
<td></td>
</tr>
<tr>
<td>Two family</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>7,200 sq. ft.</td>
<td>4,000 sq. ft.</td>
<td></td>
</tr>
<tr>
<td>M. F. 6 units or less</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>3,750 sq. ft.</td>
<td>3,000 sq. ft.</td>
<td></td>
</tr>
<tr>
<td>M. F. 6 units or more</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1,500 sq. ft.</td>
<td></td>
</tr>
<tr>
<td>Min. Lot Width</td>
<td>135 ft.</td>
<td>100 ft.</td>
<td>100 ft.</td>
<td>90 ft.</td>
<td>85 ft.</td>
<td>75 ft.</td>
<td>60 ft.</td>
</tr>
<tr>
<td>Max Lot Coverage</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Principal</td>
<td>30%</td>
<td>35%</td>
<td>35%</td>
<td>35%</td>
<td>40%</td>
<td>40%</td>
<td>40%</td>
</tr>
<tr>
<td>Accessory</td>
<td>3% or 600 sq. ft.</td>
<td>3% or 600 sq. ft.</td>
<td>3% or 600 sq. ft.</td>
<td>3% or 600 sq. ft.</td>
<td>3% or 720 sq. ft.</td>
<td>3%</td>
<td>3%</td>
</tr>
<tr>
<td>Yards – Set back from ROW</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Principal Arterial</td>
<td>50 ft.</td>
<td>50 ft.</td>
<td>50 ft.</td>
<td>50 ft.</td>
<td>50 ft.</td>
<td>50 ft.</td>
<td>50 ft.</td>
</tr>
<tr>
<td>Minor Arterial</td>
<td>40 ft.</td>
<td>40 ft.</td>
<td>40 ft.</td>
<td>40 ft.</td>
<td>40 ft.</td>
<td>40 ft.</td>
<td>40 ft.</td>
</tr>
<tr>
<td>Collector</td>
<td>35 ft.</td>
<td>35 ft.</td>
<td>35 ft.</td>
<td>35 ft.</td>
<td>35 ft.</td>
<td>35 ft.</td>
<td>35 ft.</td>
</tr>
<tr>
<td>Local Road</td>
<td>30 ft.</td>
<td>30 ft.</td>
<td>30 ft.</td>
<td>30 ft.</td>
<td>30 ft.</td>
<td>30 ft.</td>
<td>30 ft.</td>
</tr>
<tr>
<td>Subdivision Road</td>
<td>25 ft.</td>
<td>25 ft.</td>
<td>25 ft.</td>
<td>25 ft.</td>
<td>25 ft.</td>
<td>25 ft.</td>
<td>25 ft.</td>
</tr>
<tr>
<td>Side</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Principal</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>One side</td>
<td>20 ft.</td>
<td>15 ft.</td>
<td>15 ft.</td>
<td>10 ft.</td>
<td>5 ft. /10 ft.</td>
<td>5 ft. /10 ft.</td>
<td>5 ft. /10 ft.</td>
</tr>
<tr>
<td>Sum of sides</td>
<td>45 ft.</td>
<td>35 ft.</td>
<td>35 ft.</td>
<td>30 ft.</td>
<td>15 ft. /20 ft.</td>
<td>15 ft. /20 ft.</td>
<td>15 ft. /20 ft.</td>
</tr>
<tr>
<td>Accessory</td>
<td>20 ft.</td>
<td>10 ft.</td>
<td>10 ft.</td>
<td>10 ft.</td>
<td>10 ft.</td>
<td>10 ft.</td>
<td>10 ft.</td>
</tr>
<tr>
<td>Rear</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>for all buildings</td>
<td>25 ft.</td>
<td>15 ft.</td>
<td>15 ft.</td>
<td>15 ft.</td>
<td>10 ft.</td>
<td>15 ft.</td>
<td>10 ft.</td>
</tr>
<tr>
<td>Garage Setbacks from an Alley</td>
<td>20 ft.</td>
<td>20 ft.</td>
<td>20 ft.</td>
<td>20 ft.</td>
<td>20 ft.</td>
<td>20 ft.</td>
<td>20 ft.</td>
</tr>
<tr>
<td>Max Height</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Principal</td>
<td>40 ft.</td>
<td>40 ft.</td>
<td>40 ft.</td>
<td>40 ft.</td>
<td>40 ft.</td>
<td>40 ft.</td>
<td>40 ft.</td>
</tr>
<tr>
<td>Accessory</td>
<td>18 ft.</td>
<td>18 ft.</td>
<td>18 ft.</td>
<td>18 ft.</td>
<td>18 ft.</td>
<td>18 ft.</td>
<td>18 ft.</td>
</tr>
<tr>
<td>Minimum Livable3 Floor Area (per dwelling unit)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single Story</td>
<td>2,100 sq.</td>
<td>1,850 sq.</td>
<td>1,400 sq.</td>
<td>1,400 sq.</td>
<td>960 sq. ft.</td>
<td>950 sq. ft.</td>
<td>900 sq. ft.</td>
</tr>
</tbody>
</table>
AVON ZONING ORDINANCE

Table 8-4. Multiple-Family Residential Districts Dwelling Unit Size Matrix.

<table>
<thead>
<tr>
<th>Dwelling Unit Type</th>
<th>Minimum Size of a Dwelling Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-4</td>
<td>R-5</td>
</tr>
<tr>
<td>Efficient unit</td>
<td>650 sq. ft.</td>
</tr>
<tr>
<td>One Bedroom</td>
<td>700 sq. ft.</td>
</tr>
<tr>
<td>Two Bedroom</td>
<td>900 sq. ft.</td>
</tr>
<tr>
<td>Three Bedroom</td>
<td>1,100 sq. ft.</td>
</tr>
<tr>
<td>Each additional bedroom unit over three</td>
<td>100 sq. ft.</td>
</tr>
</tbody>
</table>

Section 8-5. Architectural Standards for Residential Districts

The following standards shall apply to new residential uses within subdivisions which received an approval of the final plat after the effective date of this Ordinance.

1. Where two wall materials are combined horizontally on one façade, the heavier material must be below.
2. At least fifty percent (50%) of the first floor on the front façade, exclusive of windows and doorways, of residential buildings shall be masonry.
3. Where a residential structure abuts a perimeter road or a less intense residential zoning district, a minimum of fifty percent (50%) of the first floor on all faces of the building visible from the road or adjoining the less intense residential district, exclusive of windows and doorways, shall be masonry.
4. If used, vinyl shall be premium grade vinyl siding and shall have a minimum thickness of 0.044 inches and shall comply with the ASTM (American Society for Testing and Materials) Standard Specification for rigid poly siding (ASTM D3679) All siding shall be Class I as listed in this standard. The minimum length of uncut siding pieces shall be twelve (12) feet. The installer shall make every effort to minimize the number of joints and to keep the length of installed siding pieces to twelve (12) feet. Additionally, the selected materials shall preserve a wood grained finish in both the siding and the trim.
5. Residential drives shall be constructed of concrete material.
6. In order to facilitate creative streetscapes, each residential subdivision shall institute within its covenants a monotony code for single family housing. Such monotony code shall set forth the standards for separation of similar building facades and/or building colors so that a variety of
housing styles is apparent from any point within the neighborhood.
Reserved for Future Use
CHAPTER 9. MOBILE HOME PARK DISTRICTS

Section 9-1. Purpose Statement
The MHP Mobile Home Park District set forth herein is intended to provide for the development of mobile home parks in a well planned environment located along major arterials or major collector thoroughfares.

Section 9-2. General Cross-reference Guide for Additional Regulations

1. Land Use Interpretation
All applications for a permitted or special exception which are not listed in Table 9-1 (Mobile Home Park District Use Matrix) shall be submitted to the Zoning Administrator for a use interpretation pursuant to the standards and procedures set forth in Chapter 4, Section 4-7 (Interpretations).

2. Temporary Uses
Certain temporary uses may be permitted in the Mobile Home Park District subject to the provisions of Chapter 13, Section 13-13 (Temporary Uses) and the securing of a temporary use permit, pursuant to Chapter 4, Section 4-9 (Temporary Use Permit).

The parking and loading requirements applicable in the mobile home park district are set forth in Chapter 15 (Off-Street Parking and Loading).

4. Signs
Sign regulations applicable in the mobile home park district are set forth in Chapter 18 (Signs).

5. Performance Standards
Requirements relating to performance standards in the mobile home park district are set forth in Chapter 14 (Performance Standards).

6. Development Plan Review
Certain development activities, within the Mobile Home Park District, including the establishment of a District shall be subject to development plan review pursuant to Chapter 4, Section 4-8 (Development Plans).

7. Landscaping and Screening
Requirements relating to landscaping, screening, and buffering in the Mobile Home Park District are set forth in Chapter 16 (Landscaping and Screening).
8. **Nonconforming Lots**

Requirements relating to nonconforming lots, uses, and structures in the Mobile Home Park District are set forth in Chapter 6 (Nonconforming Lots, Uses and Structures).

**Section 9-3. Minimum Zoning District Size**

The minimum district area for the establishment of a MHP Mobile Home Park District shall be not less than fifteen (15) acres. In addition, the location of the district shall be located on site that has an acceptable relationship to major arterials or major collector thoroughfares that can accommodate the traffic needs of such a development.

**Section 9-4. Mobile Home Park District General Regulations**

1. **Permitted Uses**

The uses listed with a letter “P” in Table 9-1 shall be permitted in the MHP Mobile Home Park District. The uses shall be considered permitted as of right, subject to any limitations set forth in Table 9.1, this Ordinance, or other Town ordinance or code, and the securing of a Improvement Location Permit. (Section 4-1 Improvement Location Permit)

2. **Special Exceptions**

The uses listed with a letter “S” in Table 9-1 may be allowed as special exceptions in the MHP Mobile Home Park District. The uses may be allowed subject to any limitations set forth in Table 9-1, this Ordinance, or other Town ordinance or code, and the securing of a special exception permit pursuant to Chapter 4, Section 4-4 (Special Exception Permits).

3. **Accessory Uses**

Accessory uses, buildings, and structures customarily incidental to and commonly associated with a mobile home park may be permitted, subject to the provisions of Chapter 13 (Specific Use Requirements), and any limitation contained herein. Specifically permitted or allowed accessory uses, buildings, and structures are listed in Table 9-2 (MHP Mobile Home Park District Accessory Use Matrix).

4. **Bulk Regulations**

Subject to the limitations contained therein and elsewhere in this Ordinance, the bulk regulations that apply to the MHP Mobile Home Park District are listed in Table 9-3 (MHP Mobile Home Park District Bulk Matrix).

5. **Prohibited Uses**

Uses not listed as permitted or special uses in the MHP Mobile Home Park District Use Matrix set forth in Table 9-1 below are hereby strictly prohibited.

**Table 9-1. MHP Mobile Home Park District Use Matrix**

<table>
<thead>
<tr>
<th>USES</th>
<th>MHP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mobile home</td>
<td>P</td>
</tr>
<tr>
<td>Municipal buildings, utilities, and services</td>
<td>P</td>
</tr>
<tr>
<td>Parks</td>
<td>P</td>
</tr>
<tr>
<td>Public utilities</td>
<td>P</td>
</tr>
<tr>
<td>Schools, public and private</td>
<td>S</td>
</tr>
<tr>
<td><strong>P = Permitted / S = Special Exception Permit Required</strong></td>
<td></td>
</tr>
</tbody>
</table>

Note: 1. Uses may be permitted individually on lots provided they met the development standards for the C-3 district set for in Chapter 9, Table 9-1 (Commercial Districts Bulk Matrix).
Table 9-2. MHP Mobile Home Park District Accessory Use Matrix.

<table>
<thead>
<tr>
<th>ACCESSORY USES</th>
<th>MHP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory uses customary and incidental to a permitted or special use</td>
<td>P</td>
</tr>
<tr>
<td>Home occupation, subject to Chapter 13, Section 13-5</td>
<td>P</td>
</tr>
<tr>
<td>Manager’s office or apartment</td>
<td>S</td>
</tr>
<tr>
<td>Maintenance storage facilities</td>
<td>S</td>
</tr>
<tr>
<td>Laundry facilities</td>
<td>S</td>
</tr>
<tr>
<td>Garages, enclosed patios, bath houses, gazebos, cabanas, greenhouses, and storage facilities</td>
<td>S</td>
</tr>
<tr>
<td>Community Swimming Pools</td>
<td>P</td>
</tr>
</tbody>
</table>

P = Permitted / S = Special Exception Permit Required

Table 9-3. MHP Mobile Home Park District Bulk Matrix

<table>
<thead>
<tr>
<th>Bulk Standards</th>
<th>MHP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area</td>
<td></td>
</tr>
<tr>
<td>Area per mobile home site</td>
<td>4,500 square feet</td>
</tr>
<tr>
<td>Units per acre</td>
<td>7 mobile homes</td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td></td>
</tr>
<tr>
<td>Park</td>
<td>150 feet</td>
</tr>
<tr>
<td>Mobile home</td>
<td>40 feet</td>
</tr>
<tr>
<td>Max Lot Coverage</td>
<td></td>
</tr>
<tr>
<td>Park area excluding mobile homes</td>
<td>90%</td>
</tr>
<tr>
<td>Mobile home</td>
<td>35%</td>
</tr>
<tr>
<td>Accessory buildings</td>
<td>750 sq. ft.</td>
</tr>
<tr>
<td>Max Lot Depth to Width Ratio</td>
<td></td>
</tr>
<tr>
<td>Mobile home</td>
<td>3:1</td>
</tr>
<tr>
<td>Minimum Ground Floor Area</td>
<td></td>
</tr>
<tr>
<td>Mobile home</td>
<td>900 sq. ft.</td>
</tr>
<tr>
<td>Max Height</td>
<td></td>
</tr>
<tr>
<td>Mobile home</td>
<td>25 ft.</td>
</tr>
<tr>
<td>Accessory</td>
<td>18 ft.</td>
</tr>
<tr>
<td>Principal Building (other than mobile home)</td>
<td>35 ft.</td>
</tr>
<tr>
<td>Minimum Yards</td>
<td></td>
</tr>
<tr>
<td>Park</td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>60 feet</td>
</tr>
<tr>
<td>Side</td>
<td>50 feet</td>
</tr>
<tr>
<td>Rear</td>
<td>50 feet</td>
</tr>
<tr>
<td>Mobile Home Lot</td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>10 feet</td>
</tr>
<tr>
<td>Side</td>
<td>12.5 feet, but at least 25 feet between mobile homes at the closet point.</td>
</tr>
<tr>
<td>Rear</td>
<td>12.5 feet, but at least 25 feet between mobile homes at the closet point.</td>
</tr>
<tr>
<td>Accessory structures</td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>10 feet</td>
</tr>
<tr>
<td>Side</td>
<td>7.5 feet, but at least 25 feet between mobile homes and accessory structures at the closet point.</td>
</tr>
<tr>
<td>Rear</td>
<td>7.5 feet, but at least 25 feet between mobile homes and accessory structures at the closet point.</td>
</tr>
</tbody>
</table>

Section 9-5. Site Development Regulations for Mobile Home Parks.

A mobile home park must comply with the following requirements.

1. A park must have a minimum site area of three (3) acres and contain a minimum of twenty (20) mobile home spaces.
2. Each mobile home lot shall contain a mobile home slab. The slab shall be constructed so that it will not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, or other forces. The slab shall be provided with anchors and tie downs, securing the stability of the mobile home. Anchors and tie downs shall be placed at least at each corner of the slab.

3. Streets within a mobile home park must meet the Town’s standards for street design and construction, as set forth in the Avon Subdivision Control Ordinance.

4. Each mobile home lot shall be accessible from the internal road network. No direct access from a perimeter road to a mobile home lot shall be permitted.

5. A mobile home park must contain a minimum of 300 square feet of open space for each dwelling unit, with at least 150 square feet being located on each mobile home space. Open space that is not located on a mobile home space may be located in common open space areas distributed throughout the park in a manner that provides access to each mobile home space.

6. A mobile home park must provide pedestrian access to and from each mobile home space and all common facilities. A walkway that is designed separately from internal streets or parking areas must have a minimum paved width of three (3) feet.

7. A mobile home chassis may not rest more than three (3) feet above the ground elevation at the low end, measured at a ninety (90) degree angle to the frame.

8. A mobile home shall be skirted with a building material that is similar in appearance to the construction of the rest of the mobile home, or a mobile home shall be skirted in a material that gives the appearance of a permanent foundation.

9. The space immediately beneath a mobile home shall not be used for storage.

10. All mobile homes and mobile home parks must meet the requirements of Indiana Code 16-4-27.
Reserved for Future Use
CHAPTER 10. COMMERCIAL DISTRICTS

Section 10-1. General Purpose Statement
The commercial districts set forth herein are established to provide for and serve existing commercial and related uses and to encourage the development of new commercial activity. Taken together, the commercial districts blend to provide a broad range of alternatives for commercial development. Notwithstanding further provisions of Section 13-1(1), more than one principal use may be permitted on a lot within the C-4 Transitional Office District.

Section 10-2. General Cross-reference Guide for Additional Regulations
1. Land Use Interpretation
All applications for a permitted use or special exception which are not listed in Table 9-1 (The Commercial District Use Matrix) shall be submitted to the Zoning Administrator for a use interpretation pursuant to the standards and procedures set forth in Chapter 4, Section 4-7 (Interpretations).

2. Temporary Uses
Certain temporary uses may be permitted in the commercial districts subject to the provisions of Chapter 13, Section 13-13 (Temporary Uses) and the securing of a temporary use permit, pursuant to Chapter 4, Section 4-9 (Temporary Use Permit).

3. Parking and Loading
The parking and loading requirements applicable in the commercial districts are set forth in Chapter 15 (Off-Street Parking and Loading).

4. Signs
Sign regulations applicable in the commercial districts are set forth in Chapter 18 (Signs).

5. Performance Standards
Requirements relating to performance standards in the commercial districts are set forth in Chapter 14 (Performance Standards).

6. Development Plan Review
All development within the districts set forth below shall be subject to development plan review pursuant to Chapter 4, Section 4-8 (Development Plans).

7. Landscaping and Screening
Requirements relating to landscaping, screening, and buffering in the commercial districts are set forth in Chapter 16 (Landscaping and Screening).
8. Nonconforming Lots

Requirements relating to nonconforming lots, uses, and structures in the commercial districts are set forth in Chapter 6 (Nonconforming Lots, Uses and Structures).

Section 10-3. Commercial Districts General Regulations

1. Permitted Uses

The uses permitted in the commercial districts established herein are listed in the Commercial Districts Use Matrix set forth in Table 10-1. The uses shall be considered permitted as of right, subject to any limitations set forth in table 10-1, this Ordinance, or other Town ordinance or code, and the securing of a Improvement Location Permit. (Section 4-1 Improvement Location Permit)

2. Special Exceptions

The uses allowed as special exceptions in the commercial districts established herein are listed in the Commercial Districts Use Matrix set forth in Table 10-1. The uses may be allowed subject to any limitations set forth in Table 10-1, this Ordinance, or other Town ordinance or code, and the securing of a special exception permit pursuant to Chapter 4, Section 4-4 (Special Exceptions).

3. Accessory Uses

Accessory uses, buildings, and structures customarily incidental to and commonly associated with a principal use may be permitted, subject to the provisions of Chapter 13 (Specific Use Requirements), and any limitation contained herein. Specifically permitted or allowed accessory uses, buildings, and structures are listed in Table 10-2 (Commercial Districts Accessory Use Matrix). Within the Commercial Districts, wireless communication service facilities may be considered an accessory use subject to the requirements of Chapter 13, Section 13-12 (Wireless Communication Service Facilities).

4. Bulk Regulations

Subject to the limitations contained therein and elsewhere in this Ordinance, the bulk regulations that apply to the Commercial Districts are listed in Table 10-3 (The Commercial District Bulk Matrix).

5. Prohibited Uses

Uses not listed as permitted or special uses in the Commercial District Use Matrix set forth in Table 10-1 below are hereby strictly prohibited.

Section 10-4. Purpose Statements

1. C-1 Neighborhood Commercial District

The C-1 Neighborhood Commercial District established herein is to provide for the development of convenience business uses that are geared to meeting the daily needs of residents living in adjacent residential neighborhoods. Such districts shall be strategically located with access to a minor arterial or major collector.

2. C-2 General Commercial District

The C-2 General Commercial District established herein is to provide areas for the establishment of general business activities geared to meet the needs of a community wide market area. Activities established in this district shall often be large-scale uses located along a minor arterial or major collector.

3. C-3 Highway Commercial District (formerly C-4 Highway Commercial District)

The C-3 Highway Commercial District established herein is to provide for the development of
highway oriented business activities. Such districts shall be strategically located along highways and major arterials that generate substantial traffic.

4. **C-4 Transitional Office District (formerly C-3 Office Commercial District)**

The C-4 Transitional Office District established herein is to provide for and encourage the establishment of professional office and service related activities. The District is intended to serve as a transition between residential uses and more intense commercial development.

Table 10-1. Commercial Districts Use Matrix

<table>
<thead>
<tr>
<th>USES</th>
<th>C-1</th>
<th>C-2</th>
<th>C-3</th>
<th>C-4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal hospitals</td>
<td></td>
<td></td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Animal clinic</td>
<td>S</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Auctions houses</td>
<td></td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Auto body repair</td>
<td></td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Auto filing station</td>
<td>S</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Auto service repair</td>
<td>S</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Building material sales</td>
<td></td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Business services establishments</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>S</td>
</tr>
<tr>
<td>Car wash</td>
<td>S</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Child care facilities</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Commercial indoor recreation</td>
<td>S</td>
<td>P</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Commercial outdoor recreation</td>
<td>P</td>
<td>S</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Commercial parking lot/garage</td>
<td>P</td>
<td>S</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Convenience mart fueling center</td>
<td></td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Convenience retail store</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Drug &amp; pharmacy retail</td>
<td></td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Equipment sales &amp; leasing</td>
<td></td>
<td>S</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Financial institutions</td>
<td>S</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Funeral homes</td>
<td>S</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>General building contractors</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Government buildings (state, county &amp; federal)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Grocery retail</td>
<td>S</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Hospitals, clinics and emergency health care clinics</td>
<td>S</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Hotels</td>
<td></td>
<td>P</td>
<td>P</td>
<td>S</td>
</tr>
<tr>
<td>Kennel</td>
<td>S</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Libraries and Museums</td>
<td>P</td>
<td>P</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Manufacturing – light</td>
<td></td>
<td></td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Manufacturing service establishments</td>
<td></td>
<td></td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Media broadcast stations</td>
<td>S</td>
<td>P</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Media print production &amp; distribution</td>
<td>S</td>
<td>P</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Medical labs and testing</td>
<td></td>
<td></td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Medical and scientific research</td>
<td></td>
<td></td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Membership halls and organizations</td>
<td>S</td>
<td></td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Motels</td>
<td></td>
<td></td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Multiple tenant retail centers (under 5000 square feet area per tenant)</td>
<td>S</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Municipal buildings, utilities, and services</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Nursing Home</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Office</td>
<td>S</td>
<td>P</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Off-Premise Advertising Sign</td>
<td></td>
<td></td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Outdoor amusement and entertainment</td>
<td></td>
<td></td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Parks</td>
<td>P</td>
<td>P</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Personal service establishments</td>
<td>S</td>
<td>P</td>
<td>P</td>
<td>S</td>
</tr>
<tr>
<td>Places of Worship</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Public utilities</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Recreation vehicle sales</td>
<td></td>
<td></td>
<td></td>
<td>P</td>
</tr>
</tbody>
</table>
AVON ZONING ORDINANCE

<table>
<thead>
<tr>
<th>USES</th>
<th>C-1</th>
<th>C-2</th>
<th>C-3</th>
<th>C-4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recycling recovery and center</td>
<td></td>
<td>S</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Research and development industries</td>
<td></td>
<td></td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Restaurants – class A</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Restaurants - class B</td>
<td>S</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Retail good establishments (less than 5000 square feet floor area)</td>
<td>S</td>
<td>P</td>
<td>P</td>
<td>S</td>
</tr>
<tr>
<td>Retail good establishments (greater than 5000 square feet floor area)</td>
<td></td>
<td></td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Schools - public and private</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Schools - vocational</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Specialty food stores</td>
<td>S</td>
<td>S</td>
<td>P</td>
<td>S</td>
</tr>
<tr>
<td>Studios, artists, dance &amp; music</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Taverns &amp; lounges</td>
<td>S</td>
<td>P</td>
<td>P</td>
<td>S</td>
</tr>
<tr>
<td>Theaters - indoor</td>
<td></td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Vehicle sales &amp; leasing</td>
<td>S</td>
<td>P</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

P = Permitted / S = Special Exception Permit Required

Table 10-2. Commercial Districts Accessory Use Matrix

<table>
<thead>
<tr>
<th>ACCESSORY USES</th>
<th>C-1</th>
<th>C-2</th>
<th>C-3</th>
<th>C-4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory uses customary and incidental to a permitted or special use</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Car Wash</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Drive-through windows</td>
<td>S</td>
<td>S</td>
<td>P</td>
<td>S</td>
</tr>
<tr>
<td>Parking lots and garages ²</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Open storage</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Facilities for Recycling Drop-off</td>
<td>S</td>
<td>S</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

P = Permitted / S = Special Exception Permit Required

Note: 1. Accessory parking lots and structures shall be located no closer than ten (10) feet of any property line.
2. Limited to no more than five percent (5%) of the lot and only within the rear yard.

Table 10-3. Commercial Districts Bulk Matrix

<table>
<thead>
<tr>
<th>Lot Requirements</th>
<th>C-1</th>
<th>C-2</th>
<th>C-3</th>
<th>C-4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Min. Lot Size</td>
<td>10,890 sq. ft.</td>
<td>10,890 sq. ft.</td>
<td>32,670 sq. ft.</td>
<td>10,890 sq. ft.</td>
</tr>
<tr>
<td>Min. Lot Width</td>
<td>125 ft.</td>
<td>125 ft.</td>
<td>125 ft.</td>
<td>125 ft.</td>
</tr>
</tbody>
</table>

Max Lot Coverage

| All Structures | 50% | 50% | 50% | 50% |

Yards – Set back from ROW

<table>
<thead>
<tr>
<th>Front</th>
<th>C-1</th>
<th>C-2</th>
<th>C-3</th>
<th>C-4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal Arterial</td>
<td>50 ft.</td>
<td>50 ft.</td>
<td>50 ft.</td>
<td>50 ft.</td>
</tr>
<tr>
<td>Minor Arterial</td>
<td>40 ft.</td>
<td>40 ft.</td>
<td>40 ft.</td>
<td>40 ft.</td>
</tr>
<tr>
<td>Collector.</td>
<td>35 ft.</td>
<td>35 ft.</td>
<td>35 ft.</td>
<td>35 ft.</td>
</tr>
<tr>
<td>Local Road.</td>
<td>30 ft.</td>
<td>30 ft.</td>
<td>30 ft.</td>
<td>30 ft.</td>
</tr>
<tr>
<td>Subdivision Road</td>
<td>25 ft.</td>
<td>25 ft.</td>
<td>25 ft.</td>
<td>25 ft.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Side (for all buildings)</th>
<th>C-1</th>
<th>C-2</th>
<th>C-3</th>
<th>C-4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Side</td>
<td>10 ft.</td>
<td>10 ft.</td>
<td>10 ft.</td>
<td>10 ft.</td>
</tr>
</tbody>
</table>

Max Height

<table>
<thead>
<tr>
<th>Principal</th>
<th>Accessory</th>
</tr>
</thead>
<tbody>
<tr>
<td>35 ft.</td>
<td>18 ft.</td>
</tr>
<tr>
<td>60 ft.</td>
<td>20 ft.</td>
</tr>
</tbody>
</table>

Minimum Ground Floor Area

<table>
<thead>
<tr>
<th>One story building</th>
<th>Multiple story</th>
</tr>
</thead>
<tbody>
<tr>
<td>750 sq. ft.</td>
<td>450 sq. ft.</td>
</tr>
<tr>
<td>750 sq. ft.</td>
<td>900 sq. ft.</td>
</tr>
</tbody>
</table>

Note: 1. Requires centralized water and sewage treatment.
2. Includes accessory buildings and structures.
Reserved for Future Use
CHAPTER 11. SC SHOPPING CENTER DISTRICT

Section 11-1. Purpose Statement
The SC Shopping Center District set forth herein is intended to provide for the establishment of multiple tenant shopping centers planned, constructed and managed as a unified entity. Notwithstanding further provisions of Section 13-1(1), more than one principle use may be permitted on a lot within the SC Shopping Center District.

Section 11-2. General Cross-reference Guide for Additional Regulations
1. Land Use Interpretation
   All applications for a permitted use or special exception which are not listed in Table 11-1 (The SC Shopping Center District Use Matrix) shall be submitted to the Zoning Administrator for a use interpretation pursuant to the standards and procedures set forth in Chapter 4, Section 4-7 (Interpretations).

2. Temporary Uses
   Certain temporary uses may be permitted in the SC Shopping Center District subject to the provisions of Chapter 13, Section 13-13 (Temporary Uses) and the securing of a temporary use permit, pursuant to Chapter 4, Section 4-9 (Temporary Use Permit).

   The parking and loading requirements applicable in the shopping center district are set forth in Chapter 15 (Off-Street Parking and Loading).

4. Signs
   Sign regulations applicable in the shopping center district are set forth in Chapter 18 (Signs).

5. Performance Standards
   Requirements relating to performance standards in the shopping center district are set forth in Chapter 14 (Performance Standards).

6. Development Plan Review
   Certain development activity within the SC Shopping Center District shall be subject to development plan review pursuant to Chapter 4, Section 4-8 (Development Plans). Because of the special characteristics posed by shopping center development, the plan must present a unified and organized arrangement of buildings and service facilities which shall have a functional relationship to the properties comprising the shopping center development and the properties immediately adjacent to the proposed development.
7. Landscaping and Screening
Requirements relating to landscaping, screening, and buffering in the SC Shopping Center District are set forth in Chapter 16 (Landscaping and Screening).

8. Nonconforming Lots
Requirements relating to nonconforming lots, uses, and structures in the SC Shopping Center District are set forth in Chapter 6 (Nonconforming Lots, Uses and Structures).

Section 11-3. Minimum Zoning District Size
The minimum district area for the establishment of a SC Shopping Center District shall be not less than six (6) acres. In addition, the location of the district shall be located on a site that has an acceptable relationship to arterial thoroughfares that can accommodate the traffic needs of such a development.

Section 11-4. SC Shopping Center District Regulations
1. Permitted Uses
The uses listed with a letter “P” in the SC Shopping Center District Use Matrix set forth in Table 11-1 shall be permitted when part of a unified shopping center development. The uses shall be considered permitted as of right, subject to any limitations set forth in Table 11-1, this Ordinance, or other Town ordinance or code, and the securing of an Improvement Location Permit pursuant to Chapter 4, Section 4-1 (Improvement Location Permit).

2. Special Exceptions
The uses listed with a letter “S” in the SC Shopping Center District Use Matrix set forth in Table 11-1 may be allowed as special exceptions permitted when part of a unified shopping center development. The uses may be allowed subject to any limitations set forth in Table 11-1, this Ordinance, or other Town ordinance or code, and the securing of a special exception permit pursuant to Chapter 4, Section 4-4 (Special Exceptions).

3. Accessory Uses
Accessory uses, buildings and structures customarily incidental to and commonly associated with a shopping center development may be permitted, subject to the provisions of Chapter 13 (Specific Use Requirements) and any limitation contained herein. Specifically permitted or allowed accessory uses, buildings and structures are listed in Table 11-2 (SC Shopping Center District Accessory Use Matrix). Within the SC Shopping Center District, wireless communication service facilities may be considered an accessory use subject to the requirements of Chapter 13, Section 13-12 (Wireless Communication Service Facilities).

4. Bulk Regulations
Subject to the limitations contained therein and elsewhere in this Ordinance, the bulk regulations that apply to the SC Shopping Center District are listed in Table 11-3 (The SC Shopping Center District Bulk Matrix).

5. Prohibited Uses
Uses not listed as permitted or special uses in the SC Shopping Center District Use Matrix set forth in Table 11-1 below are hereby strictly prohibited.

Table 11-1. Shopping Center District Use Matrix

<table>
<thead>
<tr>
<th>USES</th>
<th>SC-1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Auto filing station</td>
<td>S</td>
</tr>
<tr>
<td>Car wash</td>
<td>S</td>
</tr>
</tbody>
</table>
Commercial indoor recreation ¹   S
Convenience mart fueling center ¹   S
Convenience retail store  P
Drug & pharmacy retail  P
Financial institutions ¹   P
Grocery retail  P
Emergency health care clinics,  P
Municipal buildings, utilities, and services  P
Office  P
Professional service establishments ¹   P
Public utilities  P
Restaurants – class A ¹   P
Restaurants - class B ²   S
Retail goods establishments  P
Retail service establishments  P
Specialty food stores  P
Studios, artists, dance & music  P
Taverns & lounges  S
Theaters – indoor ¹   P

P = Permitted / S = Special Exception Permit Required

Note:  1. The aforementioned uses may be permitted as part of a shopping center development or individually, on out lots, provided however, when developed as an out lot said uses must meet the development standards for the C-3 district set for in Chapter 10, Table 10-3 (Commercial Districts Bulk Matrix).

Table 11-2.  Shopping Center District Accessory Use Matrix

<table>
<thead>
<tr>
<th>ACCESSORY USES</th>
<th>C-1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory uses customary and incidental to a</td>
<td>P</td>
</tr>
<tr>
<td>permitted or special use</td>
<td>P</td>
</tr>
<tr>
<td>Drive-through windows</td>
<td>S</td>
</tr>
<tr>
<td>Parking lots and garages ¹</td>
<td>P</td>
</tr>
<tr>
<td>Facilities for Recycling Drop-off</td>
<td>S</td>
</tr>
</tbody>
</table>

P = Permitted / S = Special Exception Permit Required

Note:  1. Accessory parking lots shall be located no closer than ten (10) feet of any property line.

Table 11-3.  Shopping Center District Bulk Matrix

<table>
<thead>
<tr>
<th>Bulk Standards</th>
<th>SC</th>
</tr>
</thead>
<tbody>
<tr>
<td>District Requirement</td>
<td></td>
</tr>
<tr>
<td>Min. Lot Size</td>
<td>6 acres ¹</td>
</tr>
<tr>
<td>Max Lot Coverage</td>
<td></td>
</tr>
<tr>
<td>All buildings</td>
<td>50% ¹</td>
</tr>
<tr>
<td>Yards – Set back from district boundary line⁴</td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>50 ft.</td>
</tr>
<tr>
<td>Side</td>
<td>50 ft.</td>
</tr>
<tr>
<td>Rear</td>
<td>50 ft.</td>
</tr>
<tr>
<td>Max Height⁴</td>
<td></td>
</tr>
<tr>
<td>Principal</td>
<td>60 ft.</td>
</tr>
<tr>
<td>Accessory</td>
<td>20 ft.</td>
</tr>
</tbody>
</table>

Note:  1. Out lots may be included in determining this requirement even though such lots may be in different ownership.
2. Development occurring on any out lot shall conform to the development standards for the C-3 district.
Reserved for Future Use
CHAPTER 12. INDUSTRIAL DISTRICTS

Section 12-1. General Purpose Statement
The industrial districts set forth herein are established to provide for and serve existing industrial and related uses and to encourage the development of new industrial activity. Taken together, the industrial district’s blend to provide a broad range of alternatives for industrial development. Notwithstanding further provisions of Section 13-1(1), more than one principal use may be permitted on a lot within the I-4 Industrial Park District.

Section 12-2. General Cross-reference Guide for Additional Regulations
1. Land Use Interpretation
   All applications for a permitted or special exception which are not listed in Table 12-1 (The Industrial District Use Matrix) shall be submitted to the Zoning Administrator for a use interpretation pursuant to the standards and procedures set forth in Chapter 4, Section 4-7 (Interpretations).

2. Temporary Uses
   Certain temporary uses may be permitted in the industrial districts subject to the provisions of Chapter 13, Section 13-13 (Temporary Uses) and the securing of a temporary use permit, pursuant to Chapter 4, Section 4-9 (Temporary Use Permit).

   The parking and loading requirements applicable in the industrial districts are set forth in Chapter 15 (Off-Street Parking and Loading).

4. Signs
   Sign regulations applicable in the industrial districts are set forth in Chapter 18 (Signs).

5. Performance Standards
   Requirements relating to performance standards in the industrial districts are set forth in Chapter 14 (Performance Standards).

6. Development Plan Review
   Certain development activities with in the districts set forth below shall be subject to development plan review pursuant to Chapter 4, Section 4-8 (Development Plans).

7. Landscaping and Screening
   Requirements relating to landscaping, screening, and buffering in the industrial districts are set forth in Chapter 16 (Landscaping and Screening).
8. Nonconforming Lots

Requirements relating to nonconforming lots, uses, and structures in the industrial districts are set forth in Chapter 6 (Nonconforming Lots, Uses and Structures).

Section 12-3. Industrial Districts General Regulations

1. Permitted Uses

The uses permitted in the industrial districts established herein are listed in the Industrial District Use Matrix set forth in Table 12-1. The uses shall be considered permitted as of right, subject to any limitations set forth in Table 12-1, this Ordinance, or other Town ordinance or code, and the securing of a Improvement Location Permit pursuant to Chapter 4, Section 4-1 (Improvement Location Permit).

2. Special Exceptions

The uses allowed as special exceptions in the industrial districts established herein are listed in the Industrial District Use Matrix set forth in Table 12-1. The uses may be allowed subject to any limitations set forth in Table 12-1, this Ordinance, or other Town ordinance or code, and the securing of a special exception permit pursuant to Chapter 4, Section 4-4 (Special Exceptions).

3. Accessory Uses

Accessory uses, buildings and structures customarily incidental to and commonly associated with a principal use may be permitted, subject to the provisions of Chapter 13 (Specific Use Requirements) and any limitation contained herein. Specifically permitted or allowed accessory uses, buildings and structures are listed in Table 12-2 (Industrial District Accessory Use Matrix). Within the Industrial Districts, wireless communication service facilities may be considered an accessory use subject to the requirements of Chapter 13, Section 13-12 (Wireless Communication Service Facilities).

4. Bulk Regulations

Subject to the limitations contained therein and elsewhere in this Ordinance, the bulk regulations that apply to the industrial districts are listed in Table 12-3 (The Industrial District Bulk Matrix).

5. Prohibited Uses

Uses not listed as permitted or special uses in the Industrial District Use Matrix set forth in Table 12-1 below are hereby strictly prohibited.

Section 12-4. Purpose Statements

1. I-1 Transitional Industrial District

The I-1 Transitional Industrial District established herein is to provide for the development of institutional and research oriented activities. The district will be utilized as a transitional district between commercial development and more intense industrial uses.

2. I-2 Light Industrial District

The I-2 Light Industrial District established herein is to provide for the establishment of manufacturing and wholesale activities which are clean, quiet, and free of hazardous or objectionable elements.

3. I-3 Heavy Industrial District

The I-3 Heavy Industrial District established herein is to provide for the development of major manufacturing, processing, and warehousing activities. These establishments require extensive community facilities, and access to arterial or major collector thoroughfares. These uses may
have open storage and service areas, as well as generating substantial traffic.

4. **I-4 Industrial Park District**

The I-4 Industrial Park District established herein is to provide for the establishment of large scale industrial uses in a unified and well planned industrial park setting. The establishments should be located along minor arterial and major collectors.

**Table 12-1. Industrial Districts Use Matrix**

<table>
<thead>
<tr>
<th>USES</th>
<th>I-1</th>
<th>I-2</th>
<th>I-3</th>
<th>I-4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult Entertainment Facilities</td>
<td></td>
<td></td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Adult Retail Facilities</td>
<td></td>
<td></td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Animal Hospitals</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Auctions houses</td>
<td></td>
<td></td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Auto body repair</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Auto service repair</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building material sales</td>
<td>S</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Car wash</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial indoor recreation</td>
<td>S</td>
<td>S</td>
<td></td>
<td>S</td>
</tr>
<tr>
<td>Commercial outdoor recreation</td>
<td>S</td>
<td>S</td>
<td></td>
<td>S</td>
</tr>
<tr>
<td>Distribution facilities</td>
<td></td>
<td></td>
<td>S</td>
<td>P</td>
</tr>
<tr>
<td>Equipment sales &amp; leasing</td>
<td>S</td>
<td>S</td>
<td>P</td>
<td>S</td>
</tr>
<tr>
<td>General building contractors</td>
<td></td>
<td></td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>General building contractors yards</td>
<td>S</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Government buildings (state, county &amp; federal)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Grain Elevators</td>
<td></td>
<td>S</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Heavy construction contractors and yards</td>
<td></td>
<td></td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Hospitals, clinics and emergency health care clinics</td>
<td>P</td>
<td>P</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Kennel</td>
<td>S</td>
<td>S</td>
<td></td>
<td>S</td>
</tr>
<tr>
<td>Libraries and Museums</td>
<td>P</td>
<td></td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Manufacturing – light</td>
<td></td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Manufacturing - heavy</td>
<td></td>
<td></td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Manufacturing service establishments</td>
<td></td>
<td></td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Media broadcast stations</td>
<td>S</td>
<td>S</td>
<td>P</td>
<td>S</td>
</tr>
<tr>
<td>Media print production &amp; distribution</td>
<td></td>
<td></td>
<td>S</td>
<td>P</td>
</tr>
<tr>
<td>Medical labs and testing</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Medical and scientific research</td>
<td></td>
<td></td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Membership halls and organizations</td>
<td>P</td>
<td>S</td>
<td></td>
<td>S</td>
</tr>
<tr>
<td>Municipal buildings, utilities, and services</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Office</td>
<td>P</td>
<td>P</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Off-Premise Advertising Sign</td>
<td></td>
<td></td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Parks</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Places of worship</td>
<td>P</td>
<td>S</td>
<td></td>
<td>S</td>
</tr>
<tr>
<td>Public utilities</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Transportation services – rail &amp; air</td>
<td>S</td>
<td>S</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Rail distribution yards</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recreation vehicle sales</td>
<td></td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recycling recovery and center</td>
<td>S</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Research and development industries</td>
<td>P</td>
<td></td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Restaurants – class A</td>
<td>P</td>
<td>S</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Restaurants - class B</td>
<td>S</td>
<td>P</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Salvage yards</td>
<td></td>
<td></td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Schools - public and private</td>
<td>P</td>
<td>P</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Self Storage Facilities</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sexually oriented business as defined by Ordinance 2003-26</td>
<td></td>
<td></td>
<td></td>
<td>S</td>
</tr>
<tr>
<td>Solid waste transfer stations</td>
<td></td>
<td>S</td>
<td>P</td>
<td>S</td>
</tr>
<tr>
<td>Vehicle sales &amp; leasing</td>
<td>P</td>
<td>P</td>
<td></td>
<td>S</td>
</tr>
</tbody>
</table>
### AVON ZONING ORDINANCE

#### USES

<table>
<thead>
<tr>
<th>Uses</th>
<th>I-1</th>
<th>I-2</th>
<th>I-3</th>
<th>I-4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vehicle impound lots</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

P = Permitted / S = Special Exception Permit Required

<table>
<thead>
<tr>
<th>Uses</th>
<th>I-1</th>
<th>I-2</th>
<th>I-3</th>
<th>I-4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Waste water treatment plants</td>
<td>S</td>
<td>S</td>
<td>P</td>
<td>S</td>
</tr>
<tr>
<td>Wholesale distribution</td>
<td>S</td>
<td>P</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Warehousing</td>
<td>P</td>
<td>S</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

P = Permitted / S = Special Exception Permit Required

#### Table 12-2. Industrial Districts Accessory Use Matrix

<table>
<thead>
<tr>
<th>Accessory Uses</th>
<th>I-1</th>
<th>I-2</th>
<th>I-3</th>
<th>I-4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory uses customary and incidental to a permitted or special use</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Accessory retail sales</td>
<td></td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Child care facilities</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Parking lots &amp; garages</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Open Storage</td>
<td>S</td>
<td>S</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Facilities for Recycling Drop-Off</td>
<td></td>
<td>S</td>
<td>S</td>
<td></td>
</tr>
</tbody>
</table>

P = Permitted / S = Special Exception Permit Required

Note:
1. Limited to no more than ten percent (10%) of the floor area of the use.
2. Limited to no more than ten percent (10%) of the lot and only within the rear yard. Shall be screened and landscaped in accordance with Section 16.
3. Accessory parking lots shall be located no closer than ten (10) feet of any property line.

#### Table 12-3. Industrial Districts Bulk Matrix

<table>
<thead>
<tr>
<th>Lot Requirements</th>
<th>I-1</th>
<th>I-2</th>
<th>I-3</th>
<th>I-4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Min. Lot Size</td>
<td>21,780 sq. ft.</td>
<td>21,780 sq. ft.</td>
<td>65,340 sq. ft.</td>
<td>10 acres.</td>
</tr>
<tr>
<td>Min. Lot Width</td>
<td>100 ft.</td>
<td>125 ft.</td>
<td>240 ft.</td>
<td>240 ft.</td>
</tr>
</tbody>
</table>

Max Lot Coverage

| All Buildings                        | 50%  | 50%  | 50%  | 50%  |

Yards – Set back from ROW

<table>
<thead>
<tr>
<th>Front</th>
<th>I-1</th>
<th>I-2</th>
<th>I-3</th>
<th>I-4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principle Arterial.</td>
<td>50 ft.</td>
<td>50 ft.</td>
<td>50 ft.</td>
<td>50 ft.</td>
</tr>
<tr>
<td>Minor Arterial.</td>
<td>40 ft.</td>
<td>40 ft.</td>
<td>40 ft.</td>
<td>40 ft.</td>
</tr>
<tr>
<td>Collector.</td>
<td>35 ft.</td>
<td>35 ft.</td>
<td>35 ft.</td>
<td>35 ft.</td>
</tr>
<tr>
<td>Local Road.</td>
<td>30 ft.</td>
<td>30 ft.</td>
<td>30 ft.</td>
<td>30 ft.</td>
</tr>
<tr>
<td>Subdivision Road</td>
<td>25 ft.</td>
<td>25 ft.</td>
<td>25 ft.</td>
<td>25 ft.</td>
</tr>
<tr>
<td>Side (for all buildings)</td>
<td>20 ft.</td>
<td>20 ft.</td>
<td>30 ft.</td>
<td>20 ft.</td>
</tr>
<tr>
<td>Rear (for all buildings)</td>
<td>20 ft.</td>
<td>20 ft.</td>
<td>30 ft.</td>
<td>20 ft.</td>
</tr>
</tbody>
</table>

Max Height

<table>
<thead>
<tr>
<th>Principal</th>
<th>I-1</th>
<th>I-2</th>
<th>I-3</th>
<th>I-4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory</td>
<td>60 ft.</td>
<td>60 ft.</td>
<td>60 ft.</td>
<td>60 ft.</td>
</tr>
<tr>
<td></td>
<td>20 ft.</td>
<td>20 ft.</td>
<td>20 ft.</td>
<td>20 ft.</td>
</tr>
</tbody>
</table>

Note:
1. Requires centralized water and sewage treatment.
2. Chimneys, church spires, steeples, clock or bell towers, cooling towers, elevator bulkheads, fire towers, penthouses, stacks, tanks, water towers, transmission towers, or essential mechanical appurtenances may be erected to any height not prohibited by other laws or further provisions of this code.
Reserved for Future Use
## AVON ZONING ORDINANCE

### CHAPTER REVISION HISTORY

Chapter 13. Specific Use Requirements

<table>
<thead>
<tr>
<th>Ordinance #</th>
<th>Plan Commission Approval Date</th>
<th>Town Council Adoption Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009-18</td>
<td>09-21-09</td>
<td>08-06-09</td>
<td>Section 13-5 – Requirements for fencing in drainage easements</td>
</tr>
<tr>
<td>2008-21</td>
<td>07-28-08</td>
<td>08-14-08</td>
<td>Section 13-5 – Fences and Walls</td>
</tr>
</tbody>
</table>
CHAPTER 13. SPECIFIC USE REQUIREMENTS

Section 13-1. Lots

1. Number of Buildings on a Lot

   Except in the case of a unified development located in a C-4 Office District, I-4 Industrial Park District, or SC Shopping Center District, no more than one principal use and no more than one principal building may be located on a single lot of record or a single zoning lot.

2. Division of Lots

   No lot shall hereafter be divided into two or more lots for the purpose of transfer of ownership, unless the division shall conform to the applicable regulations of the Subdivision Control Ordinance and this Ordinance.

3. Corner Lots

   On a corner lot, both lot lines abutting on a street shall be considered front lot lines, and the required front yard setback on corner lots shall apply to each side of the lot facing a street. The remaining sides of the lot shall be considered side lot lines, and the required side yard setback on corner lots shall apply to each side of the lot not facing a street.

4. Street Frontage and Access

   A. Every lot must have frontage on a public street or permitted private access drive and must be provided with facilities (traffic access points) for ingress and egress to and from such street or drive. The number of facilities for ingress and egress for lots having one hundred (100) feet or less of frontage shall not exceed one (1), provided that each multi-family development, regardless of size, shall have an additional point of ingress and egress for emergency access. For lots having more than one hundred (100) feet of frontage, the number of facilities for ingress and egress shall be at the determination of the Plan Commission. Any request for more than one point of ingress and egress onto any public street shall require the submittal of a traffic study.
B. Private access drives shall only be permitted where, because of unusual site conditions, full compliance with the requirement for frontage on a public street would prevent reasonable access to the area. As used in this section, “unusual site conditions” shall include, but not be limited to, lots with acreage sufficient for development but with limited road frontage, and lots which currently do not have frontage on a public street. As used in this section, a lot shall be considered to not have “reasonable access” if access through a dedicated public street would result in a physical or financial hardship, thereby making the site prohibitive for development.

C. Private access drives shall meet the following requirements.

(a) Private access drives shall provide access only to commercial and industrial lots.
(b) Private access drives shall provide access only to abutting lots and shall be allowed only for such drives that have no public interest for traffic circulation.
(c) Private access drives shall not be created to provide access to more than three lots.
(d) The design and improvement of private access drives shall be to the same standards as those for public roads providing access to similar development and shall adhere to all provisions of the Subdivision Control Ordinance of the Town of Avon for public roads.

5. Lot Area Exclusions

Any portion of a lot located within the 100-year floodplain or floodway, within wetlands, lakes, ponds, areas used for storm water detention, or areas used for floodplain compensatory storage, may not be counted towards the minimum lot area.

6. Yards, Courts, and other Open Spaces on Lots

A. Open Spaces

The provisions of yards, courts, and other open spaces and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or property on which it is located, as long as the building or property is in existence. Furthermore, no legally required yards, courts, or other open space, or minimum lot area allocated to any building, shall by virtue of change of ownership, or for any other reason, be used to satisfy yard, court, or other open space or minimum lot area requirements for any other building.

B. Location of Required Yards, Courts, and other Open Space

All yards, courts, and other open space allocated to a building or group of buildings shall be located on the same zoning lots as such building or group of buildings.

C. Yards for Existing Buildings

No yard now or hereafter provided for a building existing on the effective date of this Ordinance shall subsequently be reduced below, or further reduced if already less than, the minimum yard requirement of this Ordinance for equivalent new construction.

7. Vision Clearance Areas

No building, structure or improvement, including landscaping, shall be erected, placed, planted or maintained so as to interfere with a vision clearance area located between the heights of two and one half (2 ½) feet and nine (9) feet above the crown of a street, driveway or alley. A vision clearance area shall be established for all streets whether public or private, in one of the following manners:
A. on a corner lot, the clear sight triangular area is formed by the street right-of-way lines and the diagonal line connecting points measured twenty-five (25) feet along the right-of-way lines from the intersection of such streets’ right-of-way lines, or in case of a round or cut property corner, from the intersection of the street right-of-way lines extended; or

B. on a lot adjacent to an at-grade railroad crossing, the clear sight triangular area is formed by the side lot line sharing a boundary with the railroad right-of-way, the street right-of-way line, and the diagonal line connecting points measured twenty-five (25) feet from the intersection of such lines, or

C. on a lot which has a driveway, abuts an alley or which is next to a lot which has a driveway, the two clear sight triangular areas are formed by the street right-of-way line, both sides of either the alley right-of-way or of the surface edge of the driveway, and the diagonal line connecting points measured (10) feet from the intersection of the street right-of-way line and driveway or alley lines extended.

D. Where no right-of-way line has been determined, a line parallel to the property line, drawn at a distance of thirty (30) feet from the edge of pavement, shall be used in place of the right-of-way line in the equations above.

Section 13-2. Permitted Obstruction in Required Yards

The following shall not be considered to be obstructions when located in the required yards specified.

1. All Yards
   A. Open porches, patios, terraces, and decks not over eighteen (18) inches above the average grade, but not including permanently roof-over porches, patios, terraces, and decks, provided, however, such porches, patios, terraces, and decks shall not extend more than two (2) feet into the required yards.
   B. Residential window awnings attached to the principal dwelling, but not projecting more than three (3) feet out, and at least seven (7) feet above the average level of the adjoining ground.
   C. Steps, four (4) feet or less above grade which are necessary for access to a permitted building.
   D. Chimneys projecting eighteen (18) inches or less into the yard;
   E. Arbors, trellises, flag poles, fountains, sculptures, plant boxes, and other similar ornamental objects.
   F. Overhanging eaves and gutters projecting three (3) feet or less into the yard.

2. Front Yards
   A. One-story bay windows projecting three (3) feet or less into the yard.
   B. Down spouts projecting not more than six (6) feet into the yard.

3. Side and Rear Yards
   A. Air conditioning units and compressors.
Section 13-3. Accessory Uses and Structures

1. Accessory uses and structures are allowed in the various districts, subject to any particular limitations therein, and provided they shall be:
   A. incidental to the principal use or structure;
   B. operated and maintained on the same lot as the principal use or structure;
   C. subordinate in height, area, purpose, and location to the principal use or structure;
   D. located at least ten (10) feet away from the principal use or structure; and
   E. compatible in style and materials with the principal use or structure.

Where authorized by this Ordinance, wireless communication service facilities may be considered an accessory use.

2. Except as provided elsewhere in this Ordinance, no accessory use, building, or structure or portion thereof, shall be located in front of the rear building line of the principal building. Furthermore, each accessory use, building, or structure or portion thereof, shall adhere to the side or rear yard requirements of the district in which it is located.

3. No accessory use, building, or structure shall be permitted prior to the construction and operation of the principal building.

4. Porches, patios or decks eighteen (18) inches above grade shall comply with all yard setback requirements of the district in which it is located except for stairs, which may encroach into the required yards. Such porches, patios or decks shall require an Improvement Location Permit.

Section 13-4. Swimming Pools and Hot Tubs

In addition to conforming to the regulations for accessory uses and structures set forth above, all swimming pools and hot tubs shall meet the following requirements.

1. No swimming pool shall be installed in the Town without first being issued an Improvement Location Permit pursuant to Chapter, 4, Section 4-1 (Improvement Location Permit).

2. No accessory swimming pool or hot tub shall be located in any required front yard or in front of the front building line of a principal use.

3. No accessory swimming pool or hot tub shall be located in any required side or rear yard.

4. No pools or hot tubs shall be erected or constructed unless adequate distance from overhead electrical wires is provided in accordance with the most current additions of the National Safety Code and the National Electrical Code.

5. All swimming pools and hot tubs shall be included in the calculation of maximum lot coverage.

6. All swimming pool construction, including associated decking, fencing and means of access shall conform with the regulations set forth in Indiana Administrative Code Title 675, Article 20: Swimming Pool Code. (675 IAC 20-4)
Section 13-5. Fences and Walls

In addition to conforming to the regulations for accessory uses and structures set forth above, all fences, walls, and like structural barriers shall meet the following requirements.

1. Improvement Location Permit

A fence, wall, or like structural barrier shall require an Improvement Location Permit pursuant to Chapter, 4, Section 4-1 (Improvement Location Permit) and further are subject to the regulations of this Section.

2. Fences Permitted Generally

A. Residential Districts

The following fence materials are permitted in the residential districts:

(a) Wood.
(b) Wrought iron.
(c) Masonry or stucco wall.
(d) Live continuous dense hedge of a non-hazardous nature.
(e) PVC/Vinyl.
(f) Vinyl coated chain link.

B. Non-residential Districts

(a) Wood.
(b) Wrought iron.
(c) Chain-link of conventional construction utilizing metal piping or tubing for fence post.
(d) Masonry or stucco wall.
(e) Live continuous dense hedge of a non-hazardous nature.
(f) Barbed wire, subject to Section 13-4[6].
(g) PVC/Vinyl

C. Safety Fencing

The Zoning Administrator may require safety fencing for all construction sites that present an immediate danger to the public health, safety and welfare.

3. Location and Height Limitations

A. Residential Districts

(a) Fences, walls, or like structural barriers located in a front yard shall be ornamental in nature, at least sixty percent (60%) open, and limited to a maximum height of four (4) feet. Live continuous dense hedges shall be limited to a maximum height of three (3) feet.
(b) Fences, walls, or like structural barriers located in a side or rear yard shall be limited to a maximum height of six (6) feet.
(c) Fence posts or support framework may exceed these height limitations by four (4) inches.

B. Non-residential Districts

(a) In all Commercial Districts, fences, walls, or like structural barriers shall be prohibited in any front yard. For side and rear yards in the Commercial Districts, fences, walls, or like structural barriers shall be limited to a maximum height of six (6) feet.
(b) In all Industrial Districts, fences, walls, or like structural barriers shall be limited to a maximum height of eight (8) feet.
(c) Fence posts or support framework may exceed these height limitations by six (6) inches.

C. Highways, Streets and Public Right of Ways, Drainage Easements
No fence, wall, or like structural barrier shall be erected or allowed on a public street, highway, alley or other public right-of-way. Fences, walls, or like structural barriers erected or placed in such areas shall be a violation of this Ordinance, subject to the provisions of Chapter 19 (Enforcement), and may be summarily removed by the Town of Avon.

D. **Utility Easements**

Fences, walls, or like structural barriers may be placed in public utility easements, subject to the following:

1. **Prohibitions**
   a. No fence, wall, or like structural barrier shall be allowed within a drainage easement prior to the recording of an Easement Encroachment Agreement with the title of the property.
   b. No fence, wall or like structural barrier shall be erected in such a manner as to leave Town staff without means of access to a connected or abutting easement.
   c. No fence, wall or like structure shall be erected above the known location of a buried storm water drainage conveyance.
   d. No fence, wall or like structure shall be located within five (5) feet of any storm water inlet.
   e. No impervious fence, wall or like structural barrier shall be allowed within a drainage easement.

2. **Permissions**
   a. A fence, wall, or like structural barrier may be permitted within a drainage easement, subject to the following:
      i. **Easement Encroachment Agreement**
         1. Prior to the issuance of a permit for the location of a fence, wall or like structural barrier within a drainage agreement, an Easement Encroachment Agreement shall be recorded with the title to the property.
         2. The Easement Encroachment Agreement shall be on a form acceptable to the Town.
         3. Any cost associated with the recording of an Easement Encroachment Agreement shall be borne by the property owner or their designee.
      ii. **Access**
         1. Any fence, wall or like structure within a drainage easement shall be erected in such a manner as to allow access to connected or abutting drainage easements.
         2. If, in the sole determination of the Town, additional gates or removable sections are necessary to provide access to connected or abutting drainage easements, the Town may require such improvements as a condition of approving the proposed fence, wall or like structural barrier.
            a. Failure to agree to the provision of any such required gate or removable section will result in the denial of the requested permit.
            b. The elimination or disabling of a required gate or removable section shall constitute a violation of this ordinance, and be subject to enforcement as per the provisions of Chapter 19 of this ordinance.
      iii. **Buried Storm Water Conveyance**
         1. A registered utility location service shall identify and verify the location of any buried storm water conveyance prior to the issuance of a permit for any fence, wall or like structural barrier.
         2. The location of any buried storm water conveyance shall be noted on the submitted plot plan accompanying the requested permit.
         3. Any fence, wall or like structural barrier shall be offset a minimum of five feet (5’) from the location of any buried storm water conveyance.
iv. Permeability
   1. A minimum unobstructed gap of twenty-five percent (25%) of the width of any vertical fence slat or plank shall be provided between abutting slats or planks within any portion of the fence within the swale.
   2. Slats or planks may be allowed to be mounted in a flush or touching manner if the proposed fence design provides an equivalent unobstructed pervious area (20%) within the portion of the area within the swale.
      a. The proposed unobstructed pervious area shall begin in contact with grade level.
      b. The proposed unobstructed pervious area shall continue to an elevation one (1) foot below the top of the swale.
   3. Any proposed wall or like structural barrier shall meet the same 20% permeability standard as any slat fence for the portion of the wall or like structural barrier within the swale.
      a. A plan depicting the means of meeting the 20% permeability standard shall be submitted with any application for any wall or like structural barrier.

3. Review
   a. Fence permit requests shall be reviewed and approved by the Avon Public Works Director or the Director’s designee prior to issuance.

4. Construction and Maintenance Requirements
   A. Construction
      (a) All fences shall be designed and constructed in conformity with the wind, stress, foundation, structural, and other requirements of the Building Code and other ordinances of the Town of Avon.
      (b) All fences, walls, and like structural barriers shall meet the vision clearance requirements set forth in Section 13-1(7) above.
      (c) All fence posts and support framework shall be located on the side of the fence facing the fence owner's property, and the fence’s finished side shall face the exterior of the lot.
      (d) All chain link fences must be a minimum of nine (9) gauge.
      (e) All fences that completely enclose a lot or portion thereof shall have at least one gate access.
      (f) No fence shall be constructed of a material or in a manner obviously intended to inflict great bodily harm should a person or animal attempt to climb or scale it. Such material includes, but is not limited to, electrically charged wires or other electrical conduit, broken glass, razor blades, and sharp or ragged metal spikes or spears. Barbed wire may be permitted pursuant to Paragraph 6 of this Section.

   B. Maintenance
      Every fence shall be maintained in a structurally sound and safe condition at all times. Every fence shall be maintained in a good and presentable condition, free of clutter, debris, damage or missing elements. Every damaged or missing element of any fence shall be repaired or replaced immediately.

5. Enforcement
   A. Any fence, wall, or like structural barrier erected, enlarged, expanded, altered, relocated, maintained, or repaired contrary to this Section shall be deemed a violation of this Ordinance and shall be subject to the provisions of Chapter 19 (Enforcement).
   B. Subject to the requirements of Chapter 6 (Nonconforming Lots, Uses and Structures), any
fence lawfully existing at the time this Ordinance is adopted that does not conform with this Section may be continued so long as it otherwise remains lawful. Notwithstanding the foregoing, the following fences, due to the public safety risk they pose, shall be immediately removed or immediately brought in full compliance with this Section upon adoption of this Ordinance:

(a) Nonconforming barbed wire or electrically charged fences, and
(b) Dilapidated or deteriorated fences.

6. Special Regulations for Barbed Wire Fences

Barbed wire fences may be permitted only in industrial districts, and then only where the Zoning Administrator first makes a finding that such a fence is necessary to protect the safety of persons or for security of the property, and issues a permit accordingly. In making his determination the Zoning Administrator may consider the type of use involved, the property’s security needs or its inherent danger to the public safety.

A. Where the Zoning Administrator determines that a barbed wire fence is appropriate, the barbed wire shall be installed at least six (6) feet above ground level, and be either:

(a) in a gable configuration having five strands or less, or
(b) attached to an angled arm supported approximately forty-five (45) degrees to the vertical and having three strands or less.

7. Conflicts with Other Provisions

Nothing in this Section shall be interpreted as requiring permits for ordinary landscaping, flowers or the like. Furthermore, nothing in this Section shall modify any requirements of Chapter 16 (Landscaping and Screening). Should any provision of this Section be in conflict with any other provision of this Ordinance, the provision most restrictive shall control.

Section 13-6. Home Occupations

1. In addition to conforming to the general regulations for accessory uses and structures set forth in this Chapter, all home occupations shall comply with each of the following requirements.

A. The operator of every home occupation shall reside in the dwelling unit in which the home occupation operates.

B. The home occupation shall be conducted entirely within the principal residential structure and shall be incidental and subordinate to the principal residential use of the structure. No work shall be conducted within any attached or detached garage. Limited storage may be allowed in any attached or detached garage provided, such storage does not create a nuisance or prevent the utilization of the garage for parking motor vehicles.

C. The home occupation shall not interfere with the delivery of utilities or other services to the neighborhood in which the principal residential structure is located.

D. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and the need for off-street parking shall be accommodated on site.

E. The activity shall not generate any noise, vibrations, smoke, dust, odors, heat, glare, or interfere with radio or television reception in the area that would exceed that normally produced by a dwelling unit used solely for residential purposes.

F. No toxic, explosive, flammable, radioactive, or other hazardous materials shall be used, sold, or stored on the site. However, materials common to ordinary household use are permitted, provided the quantity of such materials does not exceed that found in an ordinary
G. Alteration of the residential appearance of the principal residential structure designed to promote or draw attention to the home occupation shall not be permitted. Furthermore, no displays or other indications of a home occupation in the yard, on the exterior of the dwelling unit, or visible from anywhere outside of the dwelling unit shall be permitted, except for one non-animated, non-illuminated, non-flashing announcement plate, indicating not more than the name of the occupation and the address of the resident. Such plate shall be attached flat against the wall of the residence and shall not exceed one (1) square foot in total surface area.

H. No visitors in conjunction with the home occupation (clients, patrons, pupils, sales persons, etc.) shall be permitted between the hours of 9:00 p.m. and 6:00 a.m., and the home occupation shall not cause a significant increase in the amount of traffic or parking on any residential street. Furthermore, deliveries for the home occupation shall not restrict traffic circulation and may only occur between 9:00 a.m. and 5:00 p.m. Monday through Friday.

I. No outdoor display or storage of materials, goods, supplies, or equipment shall be permitted on the premises.

J. The home occupation shall, at all times, comply with all other applicable laws and ordinances.

K. The total interior floor area used for the home occupation shall not exceed twenty-five percent (25%) of the total interior floor area of the dwelling, provided that in no case shall the area of a home occupation exceed six hundred (600) square feet.

L. No more than one (1) person who is not an actual resident of the dwelling unit may be employed on the site in connection with the home occupation.

M. More than one home occupation may be permitted within an individual dwelling unit, provided all other standards and criteria applicable to home occupations are complied with. Such criteria shall be applied cumulatively to both uses as opposed to singularly to each use.

2. Certain uses by their very nature of investment or operation have a pronounced tendency, once commenced, to expand beyond the scope of activity permitted for home occupations, and thereby impair the integrity of the residential district in which they are located. For this reason, the following uses, regardless of their possible compliance with the standards set for accessory use or home occupations are strictly prohibited:

A. Animal hospitals, kennels, or exotic bird or wildlife retailing;
B. Barber Shops or beauty parlors;
C. Clubs, including fraternities and sororities;
D. Funeral parlors;
E. Firearm and ammunition sales
F. Medical or dental clinics;
G. Nursing homes;
H. Restaurants;
I. Vehicle or machine repair;
J. Welding or machine shops;
K. Other similar uses as determined by the Zoning Administrator pursuant to Chapter 4, Section 4-7 (Interpretations).

3. Any violation of this Section 13-6 shall be deemed to be a violation of this Ordinance and subject to the provisions of Chapter 19 (Enforcement).
Section 13-7.  Bed and Breakfast Establishments
Bed and breakfast establishments, where allowed, shall adhere to the following requirements.

1. Bed and breakfast establishments shall only be located within and accessory to an owner-occupied single-family detached home.
2. Bed and breakfast establishments shall comply with all local, county and state fire and health regulations.
3. No ancillary commercial use shall be operated in connection with an approved bed and breakfast establishment.
4. The operation of a bed and breakfast establishment shall not be considered or classified as a Home Occupation.
5. A bed and breakfast establishment shall include no more than five (5) guestrooms for rent.
6. Accommodations shall not be provided to a particular guest for more than fourteen (14) consecutive days.

Section 13-8.  Residential Facility for the Mentally Ill
A residential facility for the mentally ill as defined in this Ordinance and by Indiana Code 12-7-2-167 may not be located within three thousand (3,000) feet of another residential facility for the mentally ill, as measured between lot lines.

Section 13-9.  Manufactured Homes Standards
Manufactured homes as scattered-site residences shall, in addition to the requirements for all residential uses in such districts, meet each of the following requirements and limitations.

1. The home shall meet all requirements of this Ordinance, possess all necessary improvement location, building and occupancy permits and other certification required by this Ordinance.
2. The home shall be attached and anchored to a permanent foundation in conformance with the regulations of the Indiana Residential Code and the manufacturer's installation specifications.
3. The home shall comply with the provisions of the Town Building Code, pertaining to the exterior covering material, the roofing cover material, and roof pitch and customarily used on site-built residential dwellings. All exterior covering material shall extend over the top of the foundation.
4. The home shall meet the minimum square footage requirements for the appropriate zoning district.
5. The home shall be oriented such that its longest side is the side that faces the street frontage.

Section 13-10.  Satellite Dish Antenna
These regulations shall apply to satellite dish antenna and other satellite reception devices greater than two (2) feet in diameter.

1. General Purposes
   A. These regulations contained herein are designed to promote the public health and safety by providing criteria for the placement of these antenna than ensures that all such installations are performed in a manner that limits endangerment of life and property on the site and on surrounding properties due to collapse or destruction.
   B. These regulations are also designed to decrease the potential for urban blight in residential neighborhoods generated by guy wires, poles, cables, and other appurtenances.
C. These regulations are, however, intended to allow satellite dish antenna and other satellite reception devices to be located in a manner that: (1) does not unreasonably delay or prevent the installation, maintenance or use of the antenna; (2) does not unreasonably increase the cost of installation, maintenance or use of the antenna; or (3) preclude reception of an acceptable quality signal.

2. General Requirements

A. No person shall install a satellite dish antenna greater than two (2) feet in diameter without first obtaining an improvement location permit.

B. Satellite dish antenna may be erected in the R4 and R5 residential zoning districts, provided the following criteria are met.

(a) The satellite dish antenna shall be ground mounted.
(b) The diameter shall not exceed ten (10) feet.
(c) The height shall not exceed twelve (12) feet.
(d) It shall be located between the rear building line of the principal structure and the required rear yard setback line. In case of a corner lot, such antenna shall not be located within the exterior side yard setback line.

C. In the R-5 residential district, a satellite dish antenna may be roof mounted provided the diameter does not exceed ten (10) feet, and the height of the antenna does not exceed twelve (12) feet. A roof mounted satellite dish antenna shall be located at least ten (10) feet behind the front roofline of the structure. Notwithstanding the foregoing, a roof-mounted antenna shall not exceed the maximum height requirement of the zoning district within which it is located.

D. Satellite dish antenna may be erected in any non-residential zoning district provided the following criteria are met.

(a) The diameter shall not exceed twelve (12) feet.
(b) The height of a ground-mounted antenna shall not exceed twenty-five (25) feet.
(c) The height of a roof-mounted antenna shall not exceed fifteen (15) feet. Notwithstanding the foregoing, a roof-mounted antenna shall not exceed the maximum height requirement of the zoning district within which it is located. Furthermore, a roof mounted satellite dish antenna shall be located at least ten (10) feet behind the front roofline of the structure.
(d) A ground-mounted antenna shall comply with the yard setback requirements of the district within which it is located however, no antenna shall be located in any front yard or open space.

E. Satellite dish antennas shall be installed and maintained in compliance with all applicable building and electrical codes, and shall be subject to the following standards.

(a) Satellite dish antennae shall be solid in color.
(b) Not more than one (1) antenna greater than two (2) feet in diameter shall be allowed on any lot unless shown on an approved site plan.
(e) No advertising, logos, or corporate symbols shall be permitted on any satellite dish antenna greater than two (2) feet in diameter.

Section 13-11. Amateur Radio Antenna

Amateur radio serves the community by providing emergency communications that benefit both the Town of Avon, and central Indiana generally. The Town of Avon supports these valuable community services and therefore, individual amateur transmitting and receiving antennae and associated support structures owned or operated by licensed amateur radio operators shall be permitted as accessory structures in accordance with these provisions.
1. Amateur Radio Club and repeater station antennae and support structures are permitted to such a height as necessary to maintain reliable communications.

2. Antenna structures of amateur radio operators licensed by the Federal Communication Commission may, as of right, have a height not exceeding seventy-five (75) feet above grade. The height shall be measured vertically and shall include the height of any building upon which the antenna support structure is mounted.

3. Antennae may be located above the antenna support structure as reasonably necessary for effective radio communications.

4. Upon the Federal Communication Commission licensed operator’s cessation of ownership or leasehold rights in the subject antenna support structure, or on loss of his or her federal amateur radio license (whichever occurs first), the operator shall forthwith (but in no case more than thirty (30) days) safely remove all antenna support structures at no expense to the Town. In the event that the operator fails or refuses to remove the antenna support structure, then the owner of the subject lot shall be responsible for the removal of all such structures.

5. On residential lots, any antenna support structure shall be located in an area between the rear building line of the principal structure and the required rear yard setback line. In case of a corner lot, such antenna shall not be located within the exterior side yard setback.

6. Nothing in this Section shall affect any existing antenna support structure utilized by any federally licensed amateur radio operator which has been constructed and is in place prior to the passage of this Ordinance.

Section 13-12. Wireless Communication Service Facilities

1. Purpose

The purpose of this Section is to regulate the placement, construction, and modification of wireless communication service facilities in order to protect the health, safety, and general welfare of the public while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace within the corporate limits of the Town of Avon.

2. District Requirements

Wireless communication service facilities may be allowed in the following districts. (Subject to the limitations set forth herein, wireless communication service facilities shall be exempt from the maximum height limitations established in each zoning district.) Wireless communication service facilities requiring a special exception shall be subject to Chapter 4, Section 4-4 (Special Exceptions). Wireless communication service facilities permitted as of right shall be subject to the requirements of Chapter 4, Section 4-1 (Improvement Location Permit) and Chapter 4, Section 4-8 (Development Plans). A Wireless Communications Facility may be located on a lot occupied by another principal structure.

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### AVON ZONING ORDINANCE

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A. For the purpose of determining compliance with the requirements of this Section, measurement of a facility’s height shall include the structure itself (for roof or building mounted facilities), the base pad, and any other equipment attached thereto that extends more than twenty (20) feet over the top of the structure itself. The structure height shall be measured from grade.

B. Notwithstanding the foregoing height requirements, building or roof mounted wireless communication service facilities shall not exceed a height in excess of one hundred percent (100%) of the host building.

C. The Town of Avon encourages the collocation of commercial wireless telecommunications service facility antennae on existing or planned commercial wireless telecommunications service facilities in order to minimize the proliferation of antenna support structures and to achieve the most efficient use of land within the community. Therefore, the collocation of subsequent commercial wireless telecommunications service facility antennae on existing facilities, whether such facilities were originally permitted as of right or through the special exception process, will only require obtaining an Improvement Location Permit. (Chapter 4, Section 4-2)

3. Applications

In addition to requirements of Chapter 4, Section 4-4 (Special Exceptions), Chapter 4, Section 4-1 (Improvement Location Permit) or any other requirement prescribed by this zoning ordinance as the case may be, applications for the establishment of a commercial wireless telecommunications service facility shall include at least the following information.

A. The name, address, and telephone number of the owner and lessee of the parcel of land upon which the commercial wireless telecommunications service facility is to be situated. If the applicant is not the owner of the property, documentation that the owner of the property has granted, by agreement, use of the property for the proposed facility.

B. The name, address, and telephone number of all owners of other wireless communication service facilities within the service area of the proposed facility, including municipally owned property.

C. Documentation, signed by an Engineer licensed in the State of Indiana, that the facility is designed in accordance with the Town’s Building Code and with national standards for steel towers, in addition to all other state and federal laws and regulations applicable thereto.

D. An affidavit attesting to the fact that the applicant made diligent, but unsuccessful, efforts to receive permission to install or co-locate the applicant’s facility on another service provider’s facility within the service area desired by the applicant and that the proposed site is therefore, of practical necessity for the applicant. A diligent effort shall require that all owners of potentially suitable structures within a one-quarter (1/4) mile radius of the proposed Wireless Communications Tower site be contacted and that one (1) or more of the following reasons for not selecting such structure apply:

(a) The proposed antennas and related equipment would exceed the structural capacity of the existing structure and its reinforcement could not be accomplished at a reasonable
(b) The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference could not be prevented at a reasonable cost.

(c) Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.

(d) Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

(e) A commercially reasonable agreement could not be reached with the owners of such structures.

4. General Requirements

In addition to any other requirement prescribed by this zoning ordinance, a wireless communication service facility shall be required to meet the following requirements.

A. No wireless communication service facility shall be established or used within the Town of Avon until all necessary approvals and permits, whether local, state, or federal have been secured.

B. No wireless communication service facility shall be located in any required yard setback, nor shall a free standing or guy anchored wireless communication service facility be located within fifty (50) feet of any property boundary line.

C. A free standing or guy anchored wireless communication service facility shall be located no closer than fifteen hundred (1,500) feet from a residential district, residential use, or Planned Unit Development district containing residential structures.

D. All guy wires must be situated on the same lot as the commercial wireless telecommunications service facility, and shall not be located within the required yard areas (setbacks) dictated by the zoning district in which it is located.

E. Free standing or guy anchored wireless communication service facilities and their related accessory structures when located on a site as an accessory use shall be located behind the rear building line of the structure housing the principal use. Vehicle access to the tower and related accessory structure shall not interfere with the parking or vehicular circulation provided for the principal use.

F. Wireless communication service facilities shall be designed to be compatible with neighboring buildings and uses. Efforts shall be taken when locating wireless communication service facilities to preserve or enhance the existing character of a site’s topography and vegetation.

G. Wireless communication service facilities shall be designed to accommodate three or more wireless communication providers in order to facilitate the co-location of other service provider’s facilities.

H. Wireless communication service facilities shall be painted to blend or match with a host building or the environment. The facility shall be of a single color, having a flat, matte, non-gloss, non-fluorescent finish. The color scheme for the facility shall be subject to the approval of the Plan Commission as a part of the development plan review process.

I. Free standing or guy anchored commercial wireless communication service facilities, including any associated accessory building or structure, shall be enclosed by a fence or wall at least six (6) feet in height. All fences and walls shall be screened with appropriate landscaping and screening techniques, so that no more than two-thirds (2/3) of the surface of the fence or wall is visible within three (3) years after erection of facility from a public.
street or from any adjoining residential lot.

J. No advertising, logos, or corporate symbols shall be permitted on any wireless communication service facility or any building or structure accessory thereto.

K. Every wireless communication service facility shall be fully automated. No employee of the communication provider shall be stationed at the site, except for the completion of periodic maintenance.

L. Equipment storage shelters associated with a wireless communication service facility shall be compatible with the surrounding built or natural environment and shall not exceed a height of fifteen (15) feet, nor exceed a size of four hundred and fifty (450) square feet.

M. No signals or lights or other illumination shall be permitted on the wireless communication service facilities unless required by the Federal Communication Commission, the Federal Aviation Administration, or by the Town of Avon.

N. Every wireless communication service facility shall be separated from all other wireless communication service facilities a minimum of fifteen hundred (1,500) feet.

O. No wireless communication service facility may be established as an accessory use on a property prior to the establishment of a principal use.

P. No wireless communication service facility may disturb or diminish the radio or television or similar reception for any adjoining property.

Q. Where a wireless communication service facility becomes abandoned, obsolescent, or ceases to be used, except in relation to acts of God, it shall be taken down and removed from the premises by the owner of the facility, or its agents, or the person having control of the premises on which the facility is located within six (6) months of a finding by the Zoning Administrator of its abandonment, obsolescence, or cessation of use.

R. Wireless communication facilities shall be accessible from a public street by means of an easement or private drive at least twenty (20) feet in width and covered with a dust-free, all-weather surface.

Section 13-13. Temporary Uses

1. Authorization

Subject to the general and specific regulations set forth herein and all other applicable regulations of the district in which a temporary use may be located, the temporary uses set forth below may be allowed provided, a temporary use permit is first obtained, pursuant to Section 4-9 (Temporary Uses) of this Ordinance.

2. General Regulations

A. No temporary use shall be permitted in a district if it would have a significant negative impact, including aesthetic impact, on any adjacent property or on the area, as a whole, in which it is located.

B. No temporary use shall be permitted that causes or threatens to cause an on-site or off-site threat to the public safety.

C. No temporary use shall be permitted if the additional vehicular traffic reasonably expected to be generated by such temporary use would have undue detrimental effects on surrounding streets and uses.

D. No temporary use shall be permitted if such use would conflict with another previously authorized temporary use.

E. Temporary signs shall be permitted only in accordance with the provisions of Chapter 18.
AVON ZONING ORDINANCE

(Signs).

F. Except as expressly provided otherwise, every temporary use shall comply with the regulations applicable in the district in which such temporary use is located.

G. Every temporary use shall comply with any such other conditions as may be imposed by the Zoning Administrator designed to be reasonably necessary to achieve the purposes of this Ordinance or to protect the public health, safety, and general welfare.

3. Temporary Uses Permitted

A. Seasonal Sales of merchandise or the display of merchandise may be allowed in any commercial district, provided however, that:
   (a) No required front yard shall be used for the sale or display of merchandise,
   (b) Where more than one commercial establishment shares a parking lot, the sale or display of merchandise shall not encroach into parking areas.
   (c) Such use shall be limited to thirty (30) consecutive days, and no more than four (4) such sales may be held each year.
   (d) Where free standing tents or tent-like structures are used, such structures shall not cover more than 800 square feet in surface area and shall be inspected by the Fire Marshall.

B. House, Apartment, Garage, and Yard sales may be allowed in any residential district subject to the following conditions.
   (a) Sale merchandise shall be limited to the personal possessions of the owner-occupant of the dwelling unit at which such sale is being conducted.
   (b) Such use shall be limited to a period not to exceed three (3) consecutive days,
   (c) No more than two (2) such sales shall be conducted from the same residence in any twelve-month period.
   (d) The hours of operation shall be limited to 8 a.m. to 8 p.m.
   (e) One sign, not to exceed six (6) square feet in area, may be permitted in connection with the sale provided such sign shall be placed only in the yard of the premises conducting the sale.

C. Christmas tree sales may be allowed in any district other than a residential district subject to the following conditions.
   (a) Such use shall be limited to a period not to exceed forty-five (45) days.
   (b) Trees remaining on hand after December 25th shall be removed from the premises no later than December 31st of the same year.
   (c) Such use shall provide adequate customer parking, traffic access, and the absence of an adverse impact on other properties.
   (d) Christmas trees for sale shall not be stored or displayed within fifteen (15) feet of any building.
   (e) One sign, not to exceed sixteen (16) square feet in area, may be permitted in connection with the sale provided such sign shall be placed only on the lot on which the sale is located.

D. Fireworks sales may be permitted in any industrial district subject to the following conditions.
   (a) Such use shall be limited to a period not to exceed forty-five (45) days.
   (b) Such use shall provide adequate customer parking, traffic access, and the absence of an adverse impact on other properties.
   (c) No more than one temporary use permit for the sale of fireworks shall be issued per site within any twelve (12) month period.
   (d) No such uses shall be permitted when visible from anywhere along US 36 or from State
Route 267 or Dan Jones Road between 100 N and 100 S.

(e) Such use shall be inspected and approved by the Fire Marshall before any sales may begin.

E. Contractors’ offices and equipment sheds may be allowed in any district subject to the following conditions.

(a) the use shall be accessory to an active construction project and shall be located on the same lot or within the same phase of the subdivision under construction.

(b) The use shall contain no sleeping or cooking accommodations.

(c) Such use shall be limited to a period not to exceed the duration of the active construction phase of such project.

F. Real Estate offices, including model units, may be allowed in any district subject to the following conditions.

(a) The use shall be accessory to an active new development and shall not be constructed prior to secondary approval of the development by the Plan Commission.

(b) The use shall contain no sleeping or cooking accommodations unless located in a model dwelling unit. However, a model dwelling unit may not be used as residence or sleeping quarters during the period of the active selling or leasing of units or space in such development.

(c) Such use shall be limited to the period of the active selling or leasing of units or space in such development or phase of a subdivision, and to activities related to the development in which such office is located.

(d) No such office shall be used as the general office or headquarters of any firm, corporation, partnership, or other business entity form.

(e) Model units/homes shall not be located within 100 feet of the entrance to the subdivision unless off street parking is provided for the unit/home.

G. Indoor and outdoor art, craft, and plant shows, outdoor exhibits and display of merchandise and outdoor sales may be allowed in any district other than a residential district, subject to following conditions.

(a) Such use shall provide adequate customer parking, traffic access, and the absence of an adverse impact on other properties.

(b) Every such sale shall be limited to a period not to exceed three consecutive (3) days, and no more than two (2) sales shall be permitted in the same location in any twelve (12) month period.

(c) Notwithstanding Section 13-13(3)(L) below, no such uses shall be permitted when visible from anywhere along US 36 or from State Route 267 or Dan Jones Road between 100 N and 100 S.

(d) Permanent outdoor sales of merchandise or any temporary outdoor sales not defined as a temporary use in Section 13-13 shall not be permitted in any district unless express permission is granted by the Plan Commission through the development plan process for an approved permitted use or special exception.

H. Farm Product Sales may be allowed in any non-residential district subject to the following conditions.

(a) Such farm product sale shall use no permanent structures.

(b) The sale of products or merchandise shall be limited to fresh (never having been frozen or packaged) dairy goods, fruits, vegetables, juices, flowers, plants, herbs, and spices produced or grown by the vendor; and baked goods made by the vendor.

I. Civic and religious carnivals may be allowed in any district, but only when sponsored by a not-for-profit religious, philanthropic, or civic group or organization and subject to the following conditions.
(a) Such use shall provide adequate customer parking, traffic access, and the absence of an adverse impact on other properties.

(b) Such use shall be limited to a period not to exceed four (4) consecutive days when located within a Residential District or on any lot abutting a Residential District or ten (10) days when located within any other district.

(c) No such use shall be permitted to operate after 11:00 p.m.

(d) The concessionaire responsible for the operation of any such use shall submit to the Zoning Administrator, Fire Department and Police Department, along with its application for a Temporary Use Permit, the following:

1. a site layout displaying adequate ingress and egress routes for emergency vehicles with no dead-end aisles;
2. a plan for parking of vehicles, including handicapped parking;
3. a plan for fire extinguishers or fire safety equipment showing the location and number of such equipment;
4. a plan for a first aid station;
5. a plan for refuse containers and service pickup showing the location and number of such equipment;
6. a plan for restroom facilities; and
7. a plan for site clean-up upon termination of the event.

J. Sidewalk Sales may be allowed in any commercial district subject to the following conditions.

(a) Such sales shall be organized as an area-wide sidewalk sale with all merchants on all abutting lots in the same retail center.

(b) No more than four (4) such sales shall be permitted in any twelve (12) month period.

(c) No such sale shall be permitted for a period in excess of three (3) consecutive days.

(d) Items for sale shall be displayed so that there remains a clear walking path of at least five (5) feet in width.

K. Tents may be permitted in any district when in connection with a permitted, accessory, temporary, or special event or use and subject to the following conditions.

(a) All tents shall be constructed of fire-retardant material and erected securely. Guy wires, stakes, or other supports shall be clearly marked and secured.

(b) No tent shall be allowed to remain for a period of more than two (2) days longer than the period during which the use with which it is associated is allowed to remain or, in the absence of any such period, ten (10) days.

(c) Every tent shall comply with the bulk, yard, and space requirements applicable to the district in which it is located.

(d) Every tent shall be inspected by the Fire Marshall prior to the beginning of any activity within the tent.

L. Civic uses of public places may be permitted in any district when authorized by the governmental entity owning or controlling such property, provided, however, that no such use or activity imposes an undue adverse effect on neighboring streets or property.

M. Charity Drop Boxes may be permitted in any commercial or industrial district subject to the following conditions.

(a) Such use shall be limited to a period not to exceed forty-five (45) days.

(b) The location of drop boxes shall not interfere with either pedestrian or vehicular movement within the site.

(c) No more than four (4) temporary use permits for such use shall be issued per site within any twelve (12) month period.

(d) The placement of charity drop boxes on the lot shall be subject to approval by the Zoning Administrator at the time of the issuance of the temporary use permit.
N. Other similar temporary uses may be permitted in any district provided in the opinion of the Zoning Administrator the use is consistent with the purpose and intent of this Section and for the district in which it is proposed to be located.

Section 13-14. Sexually Oriented Businesses

1. 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 Town of Avon, and to establish reasonable and uniform regulations to prevent continued injurious location and concentration of sexually oriented businesses within the Town of Avon.

The provisions of this ordinance have neither the purpose nor the 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 the ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by 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.

2. Classification.

Principal Uses: The following sexually oriented businesses, as further defined in Section 20-3 (Definitions), shall be permitted in accordance with Table 12-1, the specific limitations of this Section and local licensing requirements.

A. Adult Media Stores;
B. Adult cabarets;
C. Adult Entertainment facilities;
D. Adult motels;
E. Adult motion picture theaters;
F. Adult theaters;
G. Escort agencies;
H. Lingerie modeling studio;
I. Nude modeling studios;
J. Sexual encounter centers; and
K. Sex shops

Any sexually oriented business not clearly defined by this ordinance shall require a special exception from the Board of Zoning Appeals prior to location in a district which permits a sexually oriented business.

Accessory Uses: No use defined in this ordinance as a sexually oriented business shall be considered an accessory use to any other use, whether or not the principal use is a sexually oriented business.

Prohibited Uses: The following sexually oriented businesses shall not be permitted within any district in the Town of Avon:

A. Adult arcades;
B. Video viewing booths; and
C. Unlicensed and/or sex-oriented massage establishments

3. Location of Sexually Oriented Businesses

Sexually Oriented Businesses shall be permitted in accordance with the use matrices of the individual zoning districts, in addition to the location requirements set forth below.
Non-Conforming Sexually Oriented Businesses: Any sexually oriented business lawfully operating on or before the effective date of this ordinance shall be deemed a non-conforming use and shall be subject to Chapter 6 of this Ordinance, with the following modifications:

A. When the non-conforming sexually oriented business is discontinued or abandoned for a period of ninety (90) days, such use shall not thereafter be reestablished or resumed.

B. Non-conforming sexually oriented businesses shall not be increased, enlarged, extended or altered in any way, except that the use may be changed to a conforming use.

C. If two (2) or more sexually oriented businesses which do not meet the separation requirements between sexually oriented uses, as set forth in subsection [C] below, but are otherwise within 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 non-conforming.

Separation Requirements

A. For the purpose of this ordinance, distance shall be measured as a straight line from the nearest portion of the building or structure in which a sexually oriented business is conducted, to the nearest property line of the use for which separation is required. Measurements shall be made in a straight line, without regard to intervening structures or objects. No sexually oriented use shall be permitted adjacent to or within the same building as any of the uses set forth in this subsection, regardless of the total distance between the uses.

B. Sexually Oriented Businesses shall not be established within one thousand (1,000) feet of the following uses:

(a) Another sexually oriented business
(b) A religious institution or place of worship;
(c) A public or private elementary or secondary school;
(d) A public or private park or recreational area; or
(e) The property line of a lot devoted to a residential use.

C. Sexually Oriented Businesses shall not be established within one thousand five hundred (1,500) feet of the boundary of any residential district.

D. Sexually Oriented Businesses shall not be established adjacent to or within the same block as the following uses:

E. A library
F. A day care center
G. A sexually oriented business lawfully operating as a conforming use is not rendered a non-conforming use by the establishment of any of the aforementioned uses subsequent to the granting of the approval for the sexually orientated business.

4. Special Regulations for Media and Adult Media Stores

A. Adult media in a shop where adult media constitutes more than 10 percent, but less than 40 percent, of the gross floor area, gross shelf area, or stock in trade, shall be kept in a separate room or section of the shop, which room or section shall:

B. not be open to any person under the age of 18;

C. be physically and visually separated from the rest of the store by an opaque wall of durable material, reaching at least eight feet high or to the ceiling, whichever is less;

D. have access controlled by electronic or other means to provide assurance that persons under age 18 will not easily gain admission and that the general public will not accidentally enter
such room or section; or continuous video or window surveillance of the room shall be conducted by store personnel; and

E. provide signage at the entrance stipulating that persons under 18 are not permitted inside.

(a) A media store where adult media constitutes no more than 10 percent of the gross floor area or gross shelf area, and no more than 10 percent of the stock in trade, shall be the same for zoning purposes as any other retail goods establishment.

(1) A media store where adult media constitutes more than forty percent of the gross floor area or gross shelf area, or more than 40 percent of the stock in trade, shall be regulated as an adult retail facility in accordance with the terms and conditions of this Ordinance.

5. Special Regulations for Adult Cabarets and Nude Dancing
All adult cabaret and nude dancing performances shall take place in rooms or sections greater than 750 square feet in area, on a raised stage at least 18 inches above the floor, and in a location visible to other patrons and employees.

6. Signs and Display of Materials
A. Signs for a sexually oriented business shall conform with the sign requirements of Chapter 18 for the district in which the use is located, provided that no sign for a sexually oriented business shall be permitted to contain sexually explicit messages or drawings.

B. No sexually oriented business shall be permitted to display publicly any adult products.

7. Exemptions
A. A person appearing in a state of nudity shall not be considered a sexually oriented business provided the person appearing in a state of nudity did so in a modeling class operated:

(a) By a school, college, junior college, or university supported entirely or partly by taxation which is licensed by the State of Indiana;

(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.
Reserved for Future Use
CHAPTER 14. PERFORMANCE STANDARDS

Section 14-1. Application of Performance Standards
All uses shall comply with the performance standards established in this Chapter, unless any federal, state, county, or local ordinance, law or regulation establishes a more restrictive standard in which event the more restrictive standard shall apply.

Section 14-2. Compliance with Performance Standards
When tests by the Zoning Administrator indicate a possible violation of these performance standards, the Zoning Administrator shall require the property owner to obtain and bear the cost of the qualified technical assistance to ascertain the exact amount of emissions of noxious effects at the lot lines of the property in question. The results of the test or tests shall be presented to the Plan Commission in writing.

Section 14-3. Enforcement
Enforcement of the performance standards shall be the duty of the Zoning Administrator pursuant to Chapter 19 (Enforcement).

Section 14-4. Toxic Matter
The storage, handling, or transport of toxic substances shall comply with all federal laws and regulations, all state laws and regulations, and all county and local ordinances, laws, and regulations regarding the storage, handling, or transport of toxic material. No use shall discharge across the boundaries of its lot toxic matter so as to endanger the public health, safety, or general welfare, or cause injury or damage to an abutting or adjoining property. Neither shall toxic matter be discharged into any streams or ground water running through the lot.

Section 14-5. Fire and Explosion Hazards
Materials that present potential fire and explosive hazards shall be transported, stored and used only in conformance with all applicable federal, state, and local ordinances and laws.
Section 14-6.  Glare or Heat

Any operation producing intense glare or heat shall be performed within a completely enclosed building or structure in such a manner as not to create a public nuisance or hazard along lot lines. Glare resulting from plant operations shall not exceed the limits set forth below for outdoor lighting. Heat resulting from plant operations shall not be perceptible beyond the lot lines without the aid of special instruments.

Section 14-7.  Odor

Emission of noxious, objectionable or annoying odor in such quantities as to be detectable at any point along a lot boundary without the aid of special instruments is prohibited.

Section 14-8.  Noise

Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association. Measurements shall be made using the flat network of the sound level meter. Pure tone and impulsive type noises shall be subject to the performance standards hereinafter prescribed, provided that such noises shall be capable of being accurately measured with such equipment. Noises capable of being so measured, for the purpose of this Ordinance, shall be those noises with a measurable variation of no more than plus or minus two (2) decibels. Noises incapable of being so measured, such as those of an irregular and intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses. At no point on the boundary of a district shall the sound intensity level of any individual operation or plant exceed the decibel levels in the designated octave bands.

<table>
<thead>
<tr>
<th>Octave Band (Frequency Cycles per Second)</th>
<th>Maximum Permitted Decibels Along Residential District Boundaries</th>
<th>Sound Level (Decibels) Along Business District Boundaries</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 75</td>
<td>72</td>
<td>75</td>
</tr>
<tr>
<td>76 to 150</td>
<td>67</td>
<td>70</td>
</tr>
<tr>
<td>151 to 300</td>
<td>59</td>
<td>63</td>
</tr>
<tr>
<td>301 to 600</td>
<td>52</td>
<td>57</td>
</tr>
<tr>
<td>601 to 1200</td>
<td>46</td>
<td>52</td>
</tr>
<tr>
<td>1201 to 2400</td>
<td>40</td>
<td>45</td>
</tr>
<tr>
<td>2401 to 4800</td>
<td>34</td>
<td>40</td>
</tr>
<tr>
<td>Above 4800</td>
<td>32</td>
<td>38</td>
</tr>
<tr>
<td>A Scale1</td>
<td>56</td>
<td>60</td>
</tr>
</tbody>
</table>

1 For monitoring purposes only.

The prescribed limits for sound levels along residential district boundaries shall apply between the hours of 8:00 AM and 6:00 PM. At other times, the allowable sound levels in each octave band are each reduced by six (6) decibels. Public safety sirens and related apparatus used solely for public safety purposes shall be exempt from the aforementioned noise standards.

Section 14-9.  Vibration

No use, operation, or activity shall cause, at any time, ground transmitted vibrations in excess of the limits set forth below. Such standards shall not apply to activities conducted during construction.

<table>
<thead>
<tr>
<th>Vibration (the periodic displacement measured in inches of earth)</th>
<th>Maximum Permitted Frequency (Cycles per Second)</th>
<th>Displacement Along Manufacturing District Boundaries</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 10</td>
<td>.0008</td>
<td></td>
</tr>
<tr>
<td>11 to 20</td>
<td>.0005</td>
<td></td>
</tr>
<tr>
<td>21 to 30</td>
<td>.0002</td>
<td></td>
</tr>
<tr>
<td>31 to 40</td>
<td>.0001</td>
<td></td>
</tr>
<tr>
<td>40 and over</td>
<td>.00005</td>
<td></td>
</tr>
</tbody>
</table>
AVON ZONING ORDINANCE

Section 14-10. Dust and Air Pollution

1. Dust and other types of air pollution borne by the wind from sources such as storage areas, yards, roads, conveying equipment and the like within lot boundaries shall be kept to a minimum by appropriate landscaping, screening, sheltering, paving, oiling, fencing, wetting, collecting or other acceptable means.

2. No person shall cause or allow the emission of fugitive particulate matter across lot lines which is visible by an observer looking generally toward the zenith, beyond the property line. This requirement shall not apply when the wind speed is greater than 40.2 kilometers per hour (25 miles per hour). Determinations of wind speed for the purposes of this rule shall be by a one (1) hour average or hourly recorded value at the nearest official station of the US Weather Bureau or by wind speed instruments operated on the site.

Section 14-11. Nuisance

No use shall be operated or maintained which creates an environmental detriment or public nuisance, including but not limited to visual clutter created by excessive signage, lighting, or outdoor storage; noise or odors as defined herein; or other noise and odors such as those created by pets or garbage.

Section 14-12. Electromagnetic Interference

1. Electromagnetic interference from any operations of any use in any district shall not adversely affect the operation of any equipment located off the zoning lot on which such interference originates.

2. Structures (including communications facilities) in all commercial districts, shall be constructed and/or maintained so as to provide for in-building public safety communications coverage. Additionally, structures (including communications facilities) in all districts shall be constructed and/or maintained so as to prevent interference with existing public safety communications.

Section 14-13. Water Pollution

All uses shall comply with the State of Indiana rules and regulations regarding prevention of water pollution.

Section 14-14. Outdoor Storage

Outdoor storage of fuel, raw materials and flammable products within two hundred 200 feet of a residential district, shall be enclosed by a fence, wall or plant materials adequate to conceal such storage from adjacent properties and public right-of-way. No outdoor storage of fuel, raw materials and flammable products shall permitted within fifty (50) feet of a residential district or use.

Section 14-15. 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.

1. Light Trespass

All areas containing outdoor lighting (except street 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.
2. **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:

A. The illumination of buildings shall be limited to security or highlighting architectural features. Security lighting shall be limited to illumination of doorways, windows, or other points of entry. Building lighting used for purposes other than security lighting shall not emit more than 1200 lumens and shall be full cut-off.

B. 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.

C. 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.

D. 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.

3. **Parking Lot Lighting**

All lighting fixtures serving parking lots shall be full cutoff fixtures. The maximum average maintained illumination level for a parking lot shall be no more than 1.6 horizontal foot-candles at grade level, and the ratio of the average illumination to the minimum illumination shall not exceed 4:1. Parking lot minimum illumination shall be no less than 0.1 horizontal foot-candles at grade level any time the use of the parking lot is required by the general public to access an open business or public gathering. Light fixtures located on the perimeter of parking lots and within 20 feet of a property line shall utilize IESNA Type IV forward throw optical distribution and/or “house-side” shielding to minimize light spillage with respect to that property line.

4. **Lighting of Exterior Display or Open Sales Areas**

Areas designated as exterior display or open sales areas shall be illuminated so that the average maintained horizontal illumination at grade level is no more than four (4) 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 shall be full cutoff, and those located less than a distance equal to three (3) times the fixture mounting height from a residential property line, or two (2) times the fixture mounting height from other property lines, shall use internal or external shielding to limit light spillage with respect to that property line.

5. **Lighting of Walkways, Bikeways, Parks and Playgrounds**

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

A. The walkway, pathway, or ground area shall be illuminated to a level of no more than 0.5 average horizontal foot-candles.

B. The vertical illumination levels at a height of five (5) feet above grade shall be no more than 0.5 average vertical foot-candles.

C. Lighting fixtures shall be designed to direct light downward, and the initial output of light sources shall not exceed one thousand (1,000) lumens.

6. **Lighting of Canopies and Bays**

A. The average maintained horizontal illumination at grade level under canopies shall not exceed fifteen (15) foot-candles, and the ratio of average to minimum illumination shall not exceed 4:1.

B. Areas used for parking or vehicle storage shall be illuminated in accordance with the requirements for Parking Lot Lighting.

C. Light fixtures mounted on or under canopy ceilings shall be full cutoff, unless indirect lighting is be 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.

D. Lights shall not be mounted on the top or sides of a canopy, and the sides of a canopy shall not be illuminated.

E. Lighting for drive-through bays must be fully shielded as if located outside

7. **Outdoor Activity Facilities**

A. 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.

B. Limits on light trespass appearing in Section 14-15[1] 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.

C. 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.

8. **Street Lighting**
A. All new, repaired, or replaced Street Lights shall be of a kind adopted by the Town, including:

(a) the STL Structural™ Outdoor Cutoff Luminaire with full cutoff option where its application is, subject to scale of the street, appropriate. Further, the fixture shall be mounted with the Truss structural option

(b) the BNS1 Bounce™ Pedestrian Scale Luminaire with full cutoff option

B. Alternative Street Lights

(a) Any street light fixtures that are not the adopted Town standard shall be full cutoff. The Zoning Administrator may approve alternative full cutoff fixtures.

(b) Any other street light fixtures must be approved by the Plan Commission and must meet the Illuminating Engineering Society of North America (IESNA) criteria for cutoff fixtures. In no case shall the resulting illumination exceed levels currently recommended by the IESNA in publication RP-8, American National Standard Practice for Roadway Lighting.

C. The location of street light fixtures shall be approved by the Public Works Director.

9. 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 Section 14-15[1]. Neon lighting shall not be considered as security lighting.

10. Other Outdoor Lighting

A. 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.

B. 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.

C. Tower or antenna lighting shall not be permitted unless required by the Federal Aviation Administration.

D. The use of search lights, laser lighting, or lights that pulse, flash, rotate or simulate motion for advertising or promotions is prohibited.

11. Lighting Plan

Wherever a lighting plan is required by this Ordinance, such plan shall become an integral part of any development review application. No improvement location permit shall be issued without first obtaining approval of a required lighting plan. A lighting plan shall include the following:

A. A plan showing buildings, landscaping, parking areas, and the locations of all proposed exterior lighting fixtures, with designation of cutoff and/or shielded fixtures;

B. 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;
C. Analysis and illuminance level diagrams showing that the proposed installation conforms to the lighting level standards in this ordinance.

D. Changes to an approved lighting plan shall be subject to review and approval by the Zoning Administrator.

12. Enforcement

Failure to adhere to the requirements of this Section 14-15 or an approved lighting plan shall be deemed a violation of this Ordinance and subject to the procedures of Chapter 19 (Enforcement).

13. Exceptions

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

B. Emergency lighting and traffic control lighting shall be exempt from the requirements of this Section.

14. Lights not Conforming to this Chapter

A. Authority to Continue

Any lawful lighting fixtures located within the Town at the effective date of this Ordinance or which shall come to be located in Town as a result of annexation after the effective date of this Ordinance, which does not conform to the provisions of this Chapter, may continue provided the lighting remains in conformance with the provisions of this Subsection.

B. Ordinary Maintenance and Repair

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

C. Loss of Lawful Status

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

(1) if a light fixture is no longer used for a period of six (6) months it shall be deemed abandoned and shall not thereafter be reestablished; or

(2) if a lighting fixture is structurally altered such that its nonconforming aspects increase; or

(3) if a lighting fixture is relocated, replaced, or moved in any way; or the lighting fixture is damaged and the cost of repair exceeds fifty percent of its replacement value.

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

D. Removal Pursuant to Public Order

Lighting found by a governmental agency to create public hazard can be ordered removed or altered at any time.
Reserved for Future Use
CHAPTER REVISION HISTORY

Chapter 15. Off-Street Parking and Loading

<table>
<thead>
<tr>
<th>Ordinance #</th>
<th>Plan Commission Approval Date</th>
<th>Town Council Adoption Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008-23</td>
<td>07-28-08</td>
<td>08-14-08</td>
<td>Section 15-9.1 Storage of Recreational Vehicles &amp; Trailers</td>
</tr>
</tbody>
</table>
CHAPTER 15. OFF-STREET PARKING AND LOADING

Section 15-1. Off-Street Parking and Loading Required

Subject to the limitations herein and elsewhere in this Ordinance, off-street parking and loading facilities shall be permitted as an accessory use in all zoning districts. All uses, buildings, structures, and building additions established after the effective date of this Ordinance, shall provide accessory parking and loading facilities in the amount and manner specified herein.

Section 15-2. General Requirements

1. Previously Issued Building Permits

Where a building permit has been issued prior to the effective date of this Ordinance, and construction has begun within one year of such issuance and diligently pursued thereafter, parking and loading facilities may be provided in the amounts required for the issuance of the building permit regardless of any different amounts required by this Ordinance.

2. Change of Use or Intensity of Use

Where the use of an existing building or structure is changed; or where the intensity of a use is increased through addition of dwelling units, gross floor area, or other units of measurement, parking and loading facilities shall be provided for the increase required for the new use or the increase in intensity.

3. No Reduction of Existing Parking and Loading Facilities

Accessory off-street parking facilities in existence on the effective date of this Ordinance and located on the same lot as the building or use served shall not hereafter be reduced below the requirements for this Ordinance.

4. Additional Parking and Loading Facilities for Existing Uses

Nothing in this Ordinance shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use or building, provided such parking or loading facilities either meet all regulations of this Ordinance governing the location, design, amount, and operation of such facilities, or bring the existing lot into closer conformity with the standards prescribed herein. The establishment of additional parking facilities, including the expansion of existing parking lots, shall require an improvement location permit.

5. Type of Facilities
Off-street parking and loading facilities for all types of uses may be provided in either paved surface lots, under ground, including under a building or structure, or in parking structures conforming to the provisions of this Ordinance.

6. **Parking Plan Required**

An application for an improvement location permit for a commercial, industrial, or multi-family development or remodel, shall include a parking site plan, drawn to scale and fully dimensioned, showing all proposed parking or loading facilities to be provided.

**Section 15-3. Location of Off-Street Parking Facilities**

Except for Town owned property, off-street parking and loading facilities shall be located on the same lot as the use for which it is provided. In the residential districts, off-street parking facilities shall not be located in any required yard. *(This provision shall not be interpreted to prevent the parking of vehicles on driveways which, may cross through a required yard.)* In the commercial and industrial districts, off-street parking facilities may be located in any yard. However, no such facility shall be located closer than five (5) feet from any side or rear property line or ten (10) feet from any right-of-way line, provided that parking facilities shall not be located closer than twenty (20) feet from any right-of-way line along US 36, Dan Jones Road, or State Route 267. No customer or employee parking shall be permitted on driveway approaches, landscaped areas, cross access driveways, frontage roads, adjacent alleys, streets, public right-of-ways, or vacant lots, except as authorized below.

1. **Special Location Provisions**

Notwithstanding the foregoing provision for on-site parking, off-street parking may be provided off-site in the following limited circumstances.

A. In all commercial districts, parking facilities may be located within three hundred (300) feet of the building they are required to serve.

B. In all industrial districts, parking facilities may be located within six hundred (600) feet of the building they are required to serve.

C. The distances specified above shall be measured from the nearest point of the parking facility to the nearest point of the building that such facility is required to serve.

2. **Shared or Collective Off-Street Parking**

A. Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided collectively is not less than the sum of the separate requirements for each such use, and further provided, that such collective facilities meet all regulations governing location of accessory parking spaces in relation to the use served.

B. The Plan Commission may authorize up to a twenty-five percent (25%) reduction of the total number of required parking spaces for two or more uses jointly providing off-street parking when their respective hours of operation do not substantially overlap. The property owners involved in the shared off-street parking facility shall provide, along with the required development plan, the following:

(a) Sufficient data to indicate that there is not a substantial conflict in the principal hours of operation of the uses.

(b) A legal agreement approved by the Town Attorney guaranteeing that the parking spaces shall be maintained so long as the uses requiring parking are in existence or unless the required parking is provided elsewhere in accordance with this Chapter. The instrument shall also be recorded with the Hendricks County Recorder’s Office.
Section 15-4. Specifications for Off-Street Parking Areas

1. Size and Access

   A. The dimension of a required off-street parking space shall be as set forth below.

   B. Each required off-street parking space shall open directly upon an aisle or driveway in such a width and design as set forth below to provide safe and efficient means of vehicular access to such parking space. No portion of a street or alley may be used in computing such aisle or access area. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street.

<table>
<thead>
<tr>
<th>Angle of Parking</th>
<th>Width of Space</th>
<th>Vertical Clearance</th>
<th>Depth of Space</th>
<th>Width of Aisle One way/two way</th>
</tr>
</thead>
<tbody>
<tr>
<td>45°</td>
<td>10.0'</td>
<td>8.0'</td>
<td>20.0'</td>
<td>15.0'/24.0'</td>
</tr>
<tr>
<td>60°</td>
<td>10.0'</td>
<td>8.0'</td>
<td>20.0'</td>
<td>18.0'/24.0'</td>
</tr>
<tr>
<td>90°</td>
<td>10.0'</td>
<td>8.0'</td>
<td>20.0'</td>
<td>24.0'/24.0'</td>
</tr>
<tr>
<td>Parallel</td>
<td>12.0'</td>
<td>8.0'</td>
<td>24.0'</td>
<td>14.0'/22.0'</td>
</tr>
<tr>
<td>Aisle with no parking (drive-through)</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>12.0'/24.0'</td>
</tr>
</tbody>
</table>

   C. A minimum of the first twenty (20) feet of a drive shall be kept free from parking maneuvers.

   D. The minimum turning radius of all parking drives shall be ten (10) feet.

2. Grading, Surfacing and Striping.

   A. Grading

   Off-street parking lots or areas shall be graded for proper drainage. No area of any parking lot or structure, excluding access ramps, shall have a slope in excess of five percent (5%). No ramp shall have a slope in excess of eight percent (8%). The minimum grade for all off-street parking lots or areas shall be one percent (1%).

   B. Surfacing

   (a) Off-street parking lots or areas shall be fully improved with a hard surface pavement such as bituminous asphalt or concrete material capable of carrying a wheel load of four thousand (4,000) pounds. Such lots or areas shall be maintained at all times in a manner to prevent the release of dust and to be free of trash and debris.

   (b) Gravel parking lots may be approved only by the Board of Zoning Appeals through the special exception process. In its review of a special exception for gravel parking lot, the Board shall consider the practical difficulty in developing a paved lot on the property, the location of the proposed gravel lot, and the time period for which the
gravel lot will be used.

C. **Striping**

Striping of the surface to define each parking space shall be provided and visible at all times.

3. **Wheel Stops**

Wheel stops adjacent to off-street parking spaces shall be protected from encroachment or intrusion of vehicles through the use of wheel stops. Wheel stops shall have a minimum height of six inches above the finish surface of the parking area, be properly anchored, and continuously maintained in good condition. Wheel stops shall not be required when adjacent to pedestrian walkways greater than six (6) feet in width.

4. **Landscape Islands**

All rows of parking spaces shall be provided a terminal island and at least one island at least every fifteen (15) parking spaces. Islands shall have concrete curbs and at least 130 square feet of area to protect parked vehicles, provide visibility, and confine moving traffic to aisles and driveways. Such islands may be used toward the requirement for interior parking lot landscaping, or divider medians may be substituted for terminal islands according to the standards set forth in Section 16-10(2).

5. **Curbing**

A. Off-street parking lots or areas shall provide concrete curbing along perimeter of the parking area and along any interior island. Where drives cross the perimeter of a parking lot, curbing shall be one (1) inch in height (see Town of Avon Standards).

B. Where necessary, all parking spaces shall be provided with wheel stops or other devices to insure that motor vehicles do not encroach beyond a parking space or into a required yard or landscaping.

C. Off-street parking lots or areas shall have no pavement or curbing located closer than five (5) feet from any property line unless it can be specifically demonstrated that the intent is to extend the parking to adjoining properties. A parking plan must be submitted and approved during the review process that shows how the extension of parking will occur.

D. In all commercial and Industrial districts shall maintain a minimum five (5) foot separation from the wall of a Building

6. **Sight Clearance**

At points of ingress and egress for off-street parking areas, no structure, parked vehicle, sign, or plant material shall obstruct the vision clearance requirements set forth in Chapter 13, Section 13-1[7].

7. **Use**

A. Accessory off-street parking facilities required herein shall be utilized solely for the parking of passenger automobiles or light trucks of less than one-ton capacity, of patrons, occupants, or employees of specified uses.

B. Unless otherwise authorized by this Ordinance, off-street parking lots or areas shall not be used for the sale, repair, dismantling, or serving of any vehicles, equipment, materials, or supplies.

8. **Illumination**

Parking lot or area illumination shall meet the requirements specified in Chapter 14, Section 14-15[3].

9. **Pedestrian Circulation**

Retail uses, restaurants, and other uses where there is anticipated to pedestrian traffic shall
provide a five (5) foot perimeter sidewalk within ten (10) feet of the building on all sides of the structure adjacent to the parking area, and on all sides of the building where direct public access is provided to the building.

Section 15-5. Computation of Required Spaces

1. **Basis for Computation**

   The total number of required parking spaces shall be based upon the parking requirement stated for the principal use of the zoning lot in question except that where residential uses and non-residential uses occupy the same zoning lot, the number of parking spaces for the residential uses shall be calculated separately from, and in addition to, the parking requirements for the non-residential uses.

2. **Fractional Spaces**

   When the determination of the number of required parking spaces results in the requirement of a fractional space, any fraction shall require one additional parking space.

3. **Bench Seating**

   In places of assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each twenty-two (22) inches of such seating facility shall be counted as one seat for the purpose of determining the requirement for off-street parking facilities under this Ordinance.

Section 15-6. Stacking Requirements for Drive-Through Facilities

1. Every drive-through facility shall provide stacking spaces in the amount prescribed below. The stacking spaces shall be designed so to not interfere with the ingress and egress of the off-street parking provided on the site.

<table>
<thead>
<tr>
<th>Type of Use</th>
<th>Stacking Spaces Required (per lane)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bank Teller</td>
<td>4</td>
</tr>
<tr>
<td>Automated Teller</td>
<td>3</td>
</tr>
<tr>
<td>Restaurants</td>
<td>6</td>
</tr>
<tr>
<td>Car Wash Automated</td>
<td>6</td>
</tr>
<tr>
<td>Car Wash Non-automated</td>
<td>3</td>
</tr>
<tr>
<td>Pharmacies</td>
<td>3</td>
</tr>
<tr>
<td>Gas Stations</td>
<td>2</td>
</tr>
<tr>
<td>Others not Listed</td>
<td>As determined by the Plan Commission</td>
</tr>
</tbody>
</table>

2. Each stacking space must be twenty (20) feet long, and each lane of stacking spaces must be at least twelve (12) feet wide. Lane widths should be delineated with pavement markings. However, individual spaces within the lane need not be marked.

3. Each drive-through lane shall further be provided with a by-pass lane at least twelve (12) feet in width. Such lane need not be marked.

Section 15-7. Off-Street Parking Requirements

The off-street parking requirements applicable in each district are set forth below. The minimum off-street parking for a use shall be provided at the rate set forth below.
### Residential Uses

<table>
<thead>
<tr>
<th>Description</th>
<th>Number of Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwellings, Single Family Detached</td>
<td>2 spaces per dwelling unit.</td>
</tr>
<tr>
<td>Townhouses (single family attached)</td>
<td>2 spaces per dwelling unit, plus 0.5 space per/due for guest parking1.</td>
</tr>
<tr>
<td>Two Family</td>
<td>2 spaces per dwelling unit.</td>
</tr>
<tr>
<td>Dwellings, Multiple Family</td>
<td>1.5 spaces per dwelling unit, plus 0.5 space per/due for guest parking1.</td>
</tr>
<tr>
<td>Mobile home</td>
<td>1.5 spaces per dwelling unit.</td>
</tr>
<tr>
<td>Mobile home park office</td>
<td>1 space per 153 Sq. Ft. of gross floor area.</td>
</tr>
<tr>
<td>Mobile home park recreation buildings</td>
<td>1 space per 300 Sq. Ft. of gross floor area.</td>
</tr>
</tbody>
</table>

### Institutional Uses

<table>
<thead>
<tr>
<th>Description</th>
<th>Number of Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Auditorium, theater (not including outdoor theater) or other place of assembly</td>
<td>1 space for every 5 seats of capacity.</td>
</tr>
<tr>
<td>Colleges or Universities</td>
<td>1 space for every 4 students based on maximum enrollment.</td>
</tr>
<tr>
<td>Assisted Living Facilities</td>
<td>1 space per every two beds, plus 1 space per employee, limited to employees on greatest shift.</td>
</tr>
<tr>
<td>Independent Living Facilities</td>
<td>0.8 spaces per dwelling unit; plus 1 space per employee on largest shift</td>
</tr>
<tr>
<td>Child Care Facilities</td>
<td>1 space per 10 children (at capacity), plus 1 per employee on the largest shift, plus 1 for each van or bus regularly parked on the property.</td>
</tr>
<tr>
<td>Hospitals</td>
<td>1 space per 2 beds, plus 1 space per physician with privileges, plus 1 space for every 2 employees, including nurses.</td>
</tr>
<tr>
<td>Places of Worship</td>
<td>1 space for every 5 seats in the main auditorium, sanctuary, nave or similar place of assembly and other rooms (gymnasiums, classrooms, offices) which are to be occupied simultaneously.</td>
</tr>
<tr>
<td>Schools - Elementary</td>
<td>2 spaces per classroom, plus 1 space per 200 Sq. Ft of area devoted to offices, plus 1 space for every 5 seats in the main auditorium</td>
</tr>
<tr>
<td>Schools - High school</td>
<td>1 space for each classroom, plus 1 space per 200 Sq. Ft. of area devoted to offices, plus 1 space for every 5 students based on maximum enrollment. (For auditoriums: 1 space for every 5 seats)</td>
</tr>
<tr>
<td>Billiard Halls</td>
<td>2 spaces per billiard table</td>
</tr>
<tr>
<td>Bowling Alleys</td>
<td>4 spaces per 1,000 Sq. Ft. of gross floor area.</td>
</tr>
<tr>
<td>Children Indoor Amusement Parks</td>
<td>1 space for every 125 Sq. Ft. of gross activity area.</td>
</tr>
<tr>
<td>Community or Recreation buildings</td>
<td>1 space for every 200 Sq. Ft. of gross activity area.</td>
</tr>
<tr>
<td>Cultural Institutions</td>
<td>1 space for every 400 Sq. Ft. of gross floor area.</td>
</tr>
<tr>
<td>Golf Courses and Driving Ranges</td>
<td>1 space for every 400 sq. ft. of gross floor area in the main building or club house, plus 1 space for every 2 practice tees in the driving range, plus 4 spaces for each green.</td>
</tr>
<tr>
<td>Gymnasiums, Health Clubs and Pools - indoors</td>
<td>1 space for every 250 Sq. Ft. of gross activity area,</td>
</tr>
<tr>
<td>Libraries</td>
<td>1 space for every 400 Sq. Ft. of gross floor area.</td>
</tr>
<tr>
<td>Parks – outdoor</td>
<td>A minimum of 2 spaces, plus 1 space for every 1/2 acre.</td>
</tr>
<tr>
<td>Neighborhood Recreational Areas</td>
<td>1 space for every 10 lots served.</td>
</tr>
<tr>
<td>Taverns or Clubs</td>
<td>1 space for every 125 Sq. Ft. of gross floor area.</td>
</tr>
<tr>
<td>Theaters - indoor</td>
<td>1 space for every 4 seats.</td>
</tr>
<tr>
<td>Theaters - outdoor</td>
<td>1 space per ten percent (10%) of designed capacity.</td>
</tr>
</tbody>
</table>

### Commercial and Office Uses

<table>
<thead>
<tr>
<th>Description</th>
<th>Number of Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bed and Breakfast Establishments</td>
<td>1 space per guest room, plus 2 spaces for the dwelling.</td>
</tr>
<tr>
<td>Camp grounds</td>
<td>1 space for every utility hookup.</td>
</tr>
<tr>
<td>Hotels or Motels</td>
<td>1 space per guest room, plus 1 space per 200 sq. ft of area devoted to public meeting areas and</td>
</tr>
</tbody>
</table>
### Commercial and Office Uses

<table>
<thead>
<tr>
<th>Use</th>
<th>Number of Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Automotive Repair Shops</td>
<td>4 spaces per service bay, plus 1 space for every 200 Sq. Ft. of accessory retail.</td>
</tr>
<tr>
<td>Automotive and Recreational Vehicular Sales Lots</td>
<td>1 space for every 200 Sq. Ft. of gross floor area, plus 1 space for every 6,000 Sq. Ft. of vehicle display areas.</td>
</tr>
<tr>
<td>Automotive Fuel Stations</td>
<td>2 spaces per pump, plus 1 space for every 200 Sq. Ft. of accessory retail.</td>
</tr>
<tr>
<td>Banks and Financial Institutions</td>
<td>1 space for every 250 Sq. Ft. of gross floor area.</td>
</tr>
<tr>
<td>Car Washes</td>
<td>One space per employee on largest shift, plus stacking spaces. (See Sec. 15-6)</td>
</tr>
<tr>
<td>Funeral Homes</td>
<td>1 space for every 4 seats in each chapel or parlor, plus 1 space for every company vehicle. However, in no event shall the use provide less than 50 spaces.</td>
</tr>
<tr>
<td>Furniture and Appliance Stores</td>
<td>1 space for every 500 Sq. Ft. of gross floor area.</td>
</tr>
<tr>
<td>Groceries</td>
<td>1 space for every 250 Sq. Ft. of gross floor area.</td>
</tr>
<tr>
<td>Laundromats</td>
<td>1 space for every 100 Sq. Ft. of gross floor area.</td>
</tr>
<tr>
<td>Medical and Dental Offices</td>
<td>1 space per 250 Sq. Ft. of gross floor area.</td>
</tr>
<tr>
<td>Nurseries, Building Material yards, Equipment Rental, and similar uses</td>
<td>1 space for every 500 Sq. Ft. of gross floor area.</td>
</tr>
<tr>
<td>Offices, including Government Buildings</td>
<td>1 space per 750 Sq. Ft. of gross floor area.</td>
</tr>
<tr>
<td>Outdoor recreational facilities</td>
<td>1 space per 500 square feet of gross activity area, plus 1 space per 100 square feet of gross floor area devoted to swimming pools.</td>
</tr>
<tr>
<td>Restaurants</td>
<td></td>
</tr>
<tr>
<td>Class A</td>
<td>1 space for every 3 seats plus one per employee on the largest shift.</td>
</tr>
<tr>
<td>Class B</td>
<td>1 space for every 2.5 seats plus one space per employee on the largest shift. Minimum 10 spaces.</td>
</tr>
<tr>
<td>Retail Establishments</td>
<td>1 space per 250 Sq. Ft. of gross floor area.</td>
</tr>
<tr>
<td>Retail Establishments/Shopping Centers</td>
<td>0-400,000 Sq. Ft. 1 space per 250 Sq. Ft. of gross floor area.</td>
</tr>
<tr>
<td></td>
<td>400,001-600,000 Sq. Ft. 1 space per 225 Sq. Ft. of gross floor area.</td>
</tr>
<tr>
<td></td>
<td>600,000 Sq. Ft. and above 1 space per 200 Sq. Ft. of gross floor area.</td>
</tr>
<tr>
<td>Retail Service Establishments</td>
<td>1 space per 225 Sq. Ft. of gross floor area.</td>
</tr>
<tr>
<td>Trade or Commercial Schools</td>
<td>1 space for each employee, plus 1 space for each 2 students based on maximum enrollment.</td>
</tr>
<tr>
<td>Industrial Uses</td>
<td></td>
</tr>
<tr>
<td>Industrial and Manufacturing Uses</td>
<td>2 spaces per every 3 employees, plus 1 space per company vehicle.</td>
</tr>
<tr>
<td>Utility and Service Buildings and Uses</td>
<td>2 spaces per every 3 employees, plus 1 space per company vehicle.</td>
</tr>
<tr>
<td>Warehousing and Wholesaling</td>
<td>2 spaces per every 3 employees, plus 1 space per company vehicle.</td>
</tr>
</tbody>
</table>

**Note:**
1. Parking spaces located within garages or driveways shall not count toward the guest parking requirement.
2. A property owner may provide off-street parking in excess of the minimum requirement up to but not to exceed an additional fifteen percent (15%) of the minimum requirement. For increases above fifteen percent (15%), a property owner is required to demonstrate a need for the additional parking in his parking plan and be subject to approval by the Plan Commission.

#### Section 15-8. Mobility-Impaired Accessible Parking

The Town of Avon encourages all developments that serve the public to provide parking facilities that are accessible to people with disabilities. In accordance with this goal, accessible parking shall be provided for any building or use initiated after the effective date of this Ordinance according to the following minimum requirements and any further requirements hereafter adopted by federal, state, or local law.
1. **Required Spaces**

Accessible parking spaces shall be provided at the rate listed below.

<table>
<thead>
<tr>
<th>Total Off-Street Parking Spaces Provided</th>
<th>Accessible Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 to 25</td>
<td>1</td>
</tr>
<tr>
<td>26 to 50</td>
<td>2</td>
</tr>
<tr>
<td>51 to 75</td>
<td>3</td>
</tr>
<tr>
<td>76 to 100</td>
<td>4</td>
</tr>
<tr>
<td>101 to 150</td>
<td>5</td>
</tr>
<tr>
<td>151 to 200</td>
<td>6</td>
</tr>
<tr>
<td>201 to 300</td>
<td>7</td>
</tr>
<tr>
<td>301 to 400</td>
<td>8</td>
</tr>
<tr>
<td>401 to 500</td>
<td>9</td>
</tr>
<tr>
<td>501 to 1,000</td>
<td>2% of total parking spaces provided</td>
</tr>
<tr>
<td>over 1,000</td>
<td>20 plus 1 space for each 100 parking spaces over 1,000</td>
</tr>
</tbody>
</table>

2. **General Requirements**

   A. The dimensions of accessible parking spaces and applicable aisles shall conform to ADA standards for accessible design.

   B. One in every eight accessible spaces, but not less than one shall be served by an access aisle eight (8) feet wide minimum and shall be designated as van accessible.

   C. Every accessible parking space shall be located in closest proximity to the most accessible entrance of the principal building.

   D. The ramp from the access aisle to the sidewalk or other transition to the principal use shall not exceed a slope of 1:12.

   E. The vertical clearance for accessible parking spaces shall be no less than eight (8) feet and two (2) inches, and the vertical clearance for passenger loading zones shall be no less than nine feet (6) six and six (6) inches.

   F. All accessible spaces shall be designated by the international access symbol. Signs shall be placed a minimum of five one half (5 ½) feet above ground level so as not to be obscured by parked vehicles. The mobility-impaired symbol shall also be painted on the ground to the rear of the parking space.

**Section 15-9. Specific Requirements related to the Storage of Recreational Vehicles and Trailers**

The following requirements shall apply to the parking of storage or recreational vehicles and trailers in residential districts.

1. Recreational vehicles and trailers may be parked or stored in permitted accessory buildings.

2. Recreational vehicles and trailers may be parked or stored in the open provided no part of such vehicle or trailer shall project into any required side or rear yard (setback) and shall be parked on a hard asphalt or concrete surface. Recreational vehicles and trailers may be parked on a driveway, provided they do not block the garage or any required parking space. A recreational vehicle or trailer shall not be parked in the open in a front yard or blocking any public right-of-way or sidewalk.

3. Not more than one (1) recreational vehicle or trailer shall be parked or stored in the open on a lot at any one time.

4. Parked or stored recreational vehicles and trailers shall not be occupied or used for living, sleeping or housekeeping purposes.
5. Recreational vehicles may be parked in a required parking space on a driveway or on a residential street for visitation purposes for a time period not to exceed seven (7) days in duration, with a maximum total of 14 cumulative days per year. At no time shall generators or motors run. Trailers are prohibited on residential streets at all times.

6. Nothing in this ordinance shall be construed to convey a right to a private property owner to violate a covenant restriction or agreement, which runs with the land, or to violate the bylaws of the owner’s Homeowners Associations (HOA). Property Owner’s should consult their HOA and their real estate title documents in order to satisfy themselves that no violation has occurred.

Section 15-10. Specific Requirements related to Commercial Vehicles in Residential Zoning Districts

The parking of a commercial, self-propelled vehicle in a residential zoning district shall be prohibited, except that one commercial vehicle of not more than three (3) tons capacity may be parked on any lot on which there is located a principal building, provided, however, that such vehicle is parked in an enclosed garage or accessory building, and is used by an occupant on the premises. This requirement shall not be interpreted to prohibit commercial vehicles from temporary loading in any residential district.

Section 15-11. Parking and Storage of Inoperable, Unlicensed Vehicles

Automotive vehicles or trailers of any type without current license plates or in an inoperable condition so as to be deemed dead storage shall be prohibited in residential districts other than within completely enclosed buildings, and shall not be parked or stored in any zone district unless specifically authorized under the terms of this Ordinance.

Section 15-12. Off-Street Loading General Requirements

1. Location

   The following requirements shall pertain to the location of loading berths.

   A. All required loading berths shall be located on the same zoning lot as the use served.
   
   B. All loading berths shall be screened from view by a uniformly solid fence, wall, or densely planted, mature shrubbery or any combination thereof, not less than six (6) feet in height.
       The only breaks in such fence, wall, or shrubbery shall be for vehicular access.
   
   C. No permitted or required loading berth shall be located within thirty (35) feet of the nearest point of intersection of any two streets.
   
   D. No loading berth shall be located in a front yard.
   
   E. No pavement or curbing shall be located closer than five (5) feet from any property line unless it can be specifically demonstrated that the intent is to extend the loading to adjoining properties. A plan must be submitted and approved during the review process that shows how the extension of loading will occur.

2. Size

   Unless otherwise specified, a required off-street loading berth shall be as follows:

   A. For local pick up and delivery trucks: Twelve (12) feet in width by thirty (30) feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least twelve (12) feet.
   
   B. For over-the-road tractor-trailers: Fourteen (14) feet in width by sixty (60) feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least fifteen (15) feet.
3. **Access**

Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement, and shall be subject to approval by the Zoning Administrator or the Plan Commission, whichever the case may be.

4. **Surfacing**

All off-street loading berths shall be surfaced with a bituminous asphalt or concrete material capable of bearing a live load of two hundred (200) pounds per square foot.

5. **Repair and Service**

No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities, except washing of accessory vehicles and emergency repair service necessary to start vehicles.

6. **Utilization**

Space allocated for off-street loading use shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.

7. **Minimum Facilities**

Uses for which off-street loading facilities are required herein, but which are located in buildings of less floor area than the minimum prescribed, shall provide adequate receiving facilities accessible by motor vehicles off any adjacent alley, service, drive, or open space on the same lot.

### Section 15-13. Off-Street Loading Specific Requirements

The requirements for off-street loading facilities shall be as follows, provided that loading spaces shall not be required for uses which do not receive or transmit goods or wares by truck delivery.

<table>
<thead>
<tr>
<th>Use Type</th>
<th>Number of Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail/Commercial</td>
<td></td>
</tr>
<tr>
<td>7,500 - 75,000 sq. ft. of gross floor area</td>
<td>1 loading space</td>
</tr>
<tr>
<td>each additional 50,000 sq. ft. of gross floor area</td>
<td>1 loading space</td>
</tr>
<tr>
<td>Office</td>
<td></td>
</tr>
<tr>
<td>10,000 - 100,000 sq. ft. of gross floor area</td>
<td>1 loading space</td>
</tr>
<tr>
<td>each additional 100,000 sq. ft. of gross floor area</td>
<td>1 loading space</td>
</tr>
<tr>
<td>Institutional and Recreational</td>
<td></td>
</tr>
<tr>
<td>10,000 - 100,000 sq. ft. of gross floor area</td>
<td>1 loading space</td>
</tr>
<tr>
<td>each additional 75,000 sq. ft. of gross floor area</td>
<td>1 loading space</td>
</tr>
<tr>
<td>Industrial</td>
<td></td>
</tr>
<tr>
<td>5,000 - 25,000 sq. ft. of gross floor area</td>
<td>1 loading space</td>
</tr>
<tr>
<td>25,000 - 75,000 sq. ft. of gross floor area</td>
<td>2 loading space</td>
</tr>
<tr>
<td>each additional 50,000 sq. ft. of gross floor area</td>
<td>1 loading space</td>
</tr>
</tbody>
</table>
Reserved for Future Use
## CHAPTER REVISION HISTORY

Chapter 16. Landscaping and Screening

<table>
<thead>
<tr>
<th>Ordinance #</th>
<th>Plan Commission Approval Date</th>
<th>Town Council Adoption Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008-28</td>
<td>08-25-08</td>
<td>10-09-08</td>
<td>Section 16-8.3: Amendment to Parkway Landscaping; Species</td>
</tr>
</tbody>
</table>
CHAPTER 16. LANDSCAPING AND SCREENING

Section 16-1. Purpose
The landscaping and screening requirements specified herein are intended to foster developments that will protect and preserve the appearance, character, health, safety, and welfare of the community. Specifically, these regulations are intended to increase the compatibility of adjacent uses, and, in doing so, minimize the harmful impact of noise, dust and other debris, motor vehicle headlight glare or other artificial light intrusions, and other objectionable activities or impacts conducted or created by adjoining or nearby uses.

Section 16-2. Enforcement of Landscaping Requirements
Wherever a landscape plan is required by this Ordinance, such plan shall become an integral part of any development review application. No improvement location permit shall be issued without first obtaining approval of a required landscape plan; and all plantings shall be installed as a condition on obtaining a Final Certificate of Occupancy. Temporary Certificates of Occupancy may be issued should weather conditions or planting seasons hinder the installation of the plant material. Failure to implement an approved landscape plan shall be deemed a violation of this Ordinance and subject to the procedures of Chapter 19 (Enforcement).

Section 16-3. Landscape Plan
A landscape plan shall be required for any development or redevelopment that requires development plan review pursuant to Section 4-8 (Development Plans). The Zoning Administrator may also require a landscape plan as part of a site plan required for the issuance of an improvement location permit. All landscape plans shall be prepared in conformance with the requirements of this Chapter; however, the Plan Commission may approve alternative landscape plans where site conditions create a practical difficulty in meeting the terms of the Ordinance, provided the purposes of this Chapter are met with the alternative landscape design.

1. Content of Landscape Plan
   All landscape plans submitted for review and approval shall contain or have attached thereto the following information.
   A. The location and dimension of all existing and proposed structures, parking lots and drives,
roadways and rights of way, sidewalks, bicycle paths, ground signs, refuse disposal areas, bicycle parking areas, fences, freestanding electrical equipment, tot lots and other recreational facilities, and other freestanding structural features as determined necessary by the Zoning Administrator.

B. The location, quantity, size and name, both botanical and common, of all proposed planting materials at time of planting and the location, quantity, size and name, both botanical and common, of all existing planting materials that are of a protective size according to Section 16-8 as well as all plant materials to be retained.

C. The location of existing buildings, structures and plant materials on adjacent property within twenty feet of the site.

D. Existing and proposed grading of the site, including proposed berming, indicating contours, at two (2) foot intervals.

E. Specification of the type and boundaries of all proposed ground cover, including grass.

F. Elevations of all fences proposed for location on site and an indication of material to be used.

G. Elevations, cross sections, and other details as determined necessary by the Zoning Administrator.

H. A legend, scale and north arrow.

Section 16-4. Selection, Installation and Maintenance of Plant Materials

1. Selection
All planting materials used shall be of good quality, and capable of withstanding the climate extremes of central Indiana, as well as, an individual site’s microclimate. Size and density of plant material, both at the time of planting and at maturity, are additional criteria that shall be considered when selecting plant materials. The use of drought tolerant plant material is preferred. The use of salt tolerant plant material is required for landscaping near streets and other rights-of-way.

2. Installation
All landscaping materials shall be installed in accordance with the current planting procedures established by the American Association of Nurserymen. The installation of all plant material required by this Chapter may be delayed until the next optimal planting season, as determined by the Zoning Administrator.

3. Maintenance
All landscaping materials shall be maintained in good condition so as to present a healthy and orderly appearance, and plant material not in this condition shall be replaced when necessary and shall be kept free of refuse and debris. The owner of the premises shall guarantee all plant material to live for one year and shall provide the Town with a maintenance bond to that effect in an amount to be determined by the Zoning Administrator. The owner shall be responsible for the maintenance, repair, and replacement of all failed landscaping materials. Irrigation systems, if needed, shall be maintained in good operating condition to promote the health of the plant materials and the conservation of water. The replacement of all failed landscaping materials shall be done within six (6) months of a determination by the Zoning Administrator that a plant is dead or severely damaged or diseased, or within the next planting season, whichever is earlier.

Section 16-5. Design Standards and Guidelines
Landscape plans shall be prepared based on the following design standards and guidelines. Design
standards are numerically measurable and can be definitively evaluated for compliance, however, design guidelines are not precisely measurable and therefore, compliance shall be evaluated based on appropriateness.

1. **Design Materials**

   For the purposes of this Chapter, caliper measurements shall be taken four and one-half (4 ½) feet above grade. All trees shall be planted at a size that enables them to grow to an average minimum height of six (6) feet for shade and ornamental trees, and seven (7) feet for evergreens, within two (2) years, under normal conditions.

   A. **Shade Trees**

   All shade trees shall have a minimum trunk size of two and one half (2-1/2) inches in caliper, unless otherwise specified.

   B. **Ornamental Trees**

   All ornamental trees shall have a minimum trunk size of one and one half (1-1/2) inches in caliper, unless otherwise specified. These trees may be single or multiple trunk specimen plants providing screening and seasonal interest with attractive fruit, flowers and trunks or branching. Whenever shade trees are required by the ordinance, ornamentals may be substituted at a rate of two (2) ornamental trees for each shade tree, unless otherwise specified.

   C. **Evergreen Trees**

   All evergreens shall be a minimum of six (6) feet in height at the time of planting. Whenever shade or ornamental trees are required by this ordinance, evergreens may be substituted at a rate of one-half (.5) evergreen for each ornamental tree or one (1) evergreen for each shade tree, unless otherwise specified. Where evergreens are required by this chapter, ornamentals and shade trees may not be substituted.

   D. **Shrubs**

   All shrubs shall have a minimum height of eighteen (18) inches at planting. Shrubs used to form hedges shall be of a non-deciduous species and shall be spaced not more than three (3) feet apart so as to form a continuous visual screen. Where shrubs are required, trees may be substituted at a rate of one shade or evergreen tree per five (5) shrubs or one (1) ornamental tree per three (3) shrubs. Shrubs may not be substituted for required trees, unless otherwise specified.

   E. **Mounds**

   Mounds shall have a minimum top width of at least two (2) feet, a maximum side slope for front and back sides of three (3) feet horizontal to one (1) foot vertical (3:1) and not to exceed eight (8) feet in height. Mounds shall be set back from the right-of-way line of a street and the property line of adjoining property so that the toe of the slope is not closer than five (5) feet from the right-of-way line and/or property line. Mounds shall be set back from retention and detention areas so that the toe of the slope is not closer than fifteen (15) feet from the top of bank or high water level of the retention or detention area. The design and location of a mound shall not interfere with the site triangle district of two or more intersecting streets or roads.

   F. **Fences and Walls**

   Fences and walls shall be, when provided as part of a landscaped treatment, consistent in shape, character, and placement with other fencing used within the development.
G. **Ground Cover**

Ground cover shall include living landscape materials or low-growing plants installed in such a manner so as to provide a continuous cover of the ground surface. Ground cover shall not exceed six (6) inches in height at maturity. Domestic turf grasses should be used in areas with little or no slope to prevent the runoff of irrigation water.

H. **Prohibited Materials**

Gravel and asphalt shall not be considered ground cover for the purposes of this Chapter. Neither shall rocks and bark be considered ground cover, although such materials may be permitted as decorative accents.

2. **Design Guidelines**

A. **Scale and Nature of Landscaping Material**

The scale and nature of landscaping materials shall be appropriate to the size of the structures. For example, large scaled plants should complement large scaled buildings.

B. **Selection of Plant Material**

Plant material shall be selected for its form, texture, color, pattern of growth, and suitability to local conditions.

C. **Evergreens**

Evergreens should be incorporated into the landscape treatment of a site and shall be required whenever a screen or buffer is required to ensure the integrity of such a screen or buffer through all seasons. Screening referred to in this chapter as “year round” shall consist of primarily evergreen plants so that the screen remains dense in seasons when deciduous plant materials have lost their leaves. Furthermore, plant material placement should be designed to reduce the energy consumption needs of a development.

   (a) Deciduous trees should be placed on the south and west sides of buildings to provide shade from the summer sun.

   (b) Evergreens and other plant materials should be concentrated on the north and west sides of buildings to dissipate the effect of winter winds.

D. **Softening of Walls and Fences**

Plant material should be placed intermittently against long expanses of building walls, fences, and other barriers to create a softening effect. This additional plant material shall not be required when decorative fencing, walls or other barriers with variations in design features are used, provided that the barrier’s architectural design varies as frequently as once every twenty (20) feet.

E. **Planting Beds**

Planting beds should be mulched with bark chips, feather rocks, or similar materials. Mulch shall not be used as a substitute for plant materials.

F. **Detention/Retention Basins and Ponds**

Detention/retention basins and ponds shall be landscaped. Such landscaping should include shade and ornamental trees, evergreens, shrubbery, hedges, turf, groundcover and/or other plant materials. Where a detention/retention basin abuts a sidewalk, such landscaping shall also include a fence along any adjacent portion of the basin or pond of at least four (4) feet in height, and not to exceed the fence height permitted in its zoning district. The type of fence provided shall be consistent with the types of fences permitted in that zoning district (see Section 13-5).
G. Water Conservation

Landscape design pursuant to the requirements of this Chapter must recognize the need for water conservation. While sprinkler irrigation systems are required for certain landscape areas, and may be desirable for other applications, all irrigation systems shall be designed to minimize the use of water.

Section 16-6. Minimum Landscaping of All Yards

All yards within the Town of Avon shall be landscaped primarily with turf or other plant materials. Pavement of yards other than for parking or loading purposes is prohibited. For all new residential subdivisions, shade trees, shall be provided for all lots at a rate of one (1) tree for every 3,500 square feet of lot area. For the purposes of calculating landscaping requirements, each fraction of a tree shall be counted as one whole tree.

Section 16-7. Foundation Plantings

Landscaping shall be required at the base of all principal buildings to help achieve harmony between the buildings and the landscape in conformance with the requirements set forth below. Foundation planting areas shall be located adjacent to the building or, in the case of a sidewalk which runs adjacent to the building, within ten (10) feet of the building.

1. Required Landscape Area

A landscaped area a minimum of five (5) feet in width shall be provided around the perimeter of all principal buildings, exclusive of areas required for access to the buildings from the parking lot or sidewalks, such as loading areas and doorways. Pedestrian walkways shall not constitute access to the building, as landscape areas may be provided adjacent to the walkway.

2. Coverage

Required foundation landscaping areas shall remain open and free of all paving except where sidewalks to buildings and other similar paving is required.

3. Plant Material

Foundation landscaping shall consist of a combination of shade or ornamental trees, evergreens, shrubbery, hedges and/or other plant material. Plant material shall be provided according to the following equation: one (1) ornamental tree plus ten (10) shrubs per 50 linear feet of landscape area. Plant material substitutions may be made in accordance with Section 16-5.1 (A-D). Particular attention shall be given to screening mechanical equipment, softening large expanses of building walls, and accenting building entrances and architectural features.

4. Ground Cover

Except where occupied by planting beds, all foundation landscaping areas shall be planted with sod or another comparable ground cover as determined appropriate by the Plan Commission.

Section 16-8. Parkway Landscaping

1. Applicability

The following requirements shall apply to the ground areas within the street right-of-way which are not covered by pavement or sidewalks.

2. General Landscape Requirements

All parkways shall be landscaped in conformance with the provisions of this Section. This shall involve improving the ground surface of the parkway with turf or other plant material, including parkway trees, shrubs, or hard surface treatments where permitted.
3. **Parkway Trees**

   **A. Quantity and Spacing**

   Parkway trees shall be provided at the equivalent of one per fifty (50) lineal feet apart in the right-of-way adjacent to the parcel. Where appropriate, parkway trees may be clustered in the right-of-way as determined by, as the case may be, the Plan Commission or the Zoning Administrator.

   **B. Species**

   Parkway tree species and placement shall conform to the requirements of this Section. A variety of compatible species should be included in the planting plan for a specific site or development. The selecting of tree species shall be reviewed and approved by the Zoning Administrator with particular regard for site-appropriate species. Trees proposed for placement along streets should be selected from the following list:

<table>
<thead>
<tr>
<th>Botanic Name</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acer Campestre</td>
<td>Hedge Maple</td>
</tr>
<tr>
<td>Acer Freemanii</td>
<td>Freeman Maple</td>
</tr>
<tr>
<td>Acer Rubrum</td>
<td>Red Maple</td>
</tr>
<tr>
<td>Acer Saccharum</td>
<td>Sugar Maple</td>
</tr>
<tr>
<td>Carpinus Betulas ‘Fastigiata’</td>
<td>Upright European Hornbeam</td>
</tr>
<tr>
<td>Carpinus Caroliniana</td>
<td>American Hornbeam</td>
</tr>
<tr>
<td>Celtis Occidentalis</td>
<td>Hackberry</td>
</tr>
<tr>
<td>Cercis Candensis</td>
<td>Eastern Redbud</td>
</tr>
<tr>
<td>Crataegus Crus-galli</td>
<td>Cockspur Hawthorn</td>
</tr>
<tr>
<td>Crataegus Phaeopyrum</td>
<td>Washington Hawthorn</td>
</tr>
<tr>
<td>Crataegus Viridis ‘Winter King’</td>
<td>Winter King Hawthorn</td>
</tr>
<tr>
<td>Gingko Biloba</td>
<td>Gingko</td>
</tr>
<tr>
<td>Gleditzia Tricanthos Inermis</td>
<td>Thornless Honeylocust</td>
</tr>
<tr>
<td>Koelreuteria Paniculata</td>
<td>Golden Rain Tree</td>
</tr>
<tr>
<td>Liquidambar Styraciflua</td>
<td>American Sweet Gum</td>
</tr>
<tr>
<td>Malus Hybrids</td>
<td>Flowering Cranapple</td>
</tr>
<tr>
<td>Pyrus Calleryana</td>
<td>Ornamental Pear</td>
</tr>
<tr>
<td>Quercus Coccinea</td>
<td>Scarlet Oak</td>
</tr>
<tr>
<td>Quercus Imbricaria</td>
<td>Shingle Oak</td>
</tr>
<tr>
<td>Quercus Palustris</td>
<td>Pin Oak</td>
</tr>
<tr>
<td>Quercus Phellos</td>
<td>Willow Oak</td>
</tr>
<tr>
<td>Quercus Robur</td>
<td>English Oak</td>
</tr>
<tr>
<td>Quercus rubra</td>
<td>Red Oak</td>
</tr>
<tr>
<td>Sophora Japonica</td>
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<tr>
<td>Syringa Reticulata</td>
<td>Japanese Tree Lilac</td>
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<td>Tilia Cordata</td>
<td>Little-leaf Linden</td>
</tr>
<tr>
<td>Tilia Tomentosa</td>
<td>Silver Linden</td>
</tr>
<tr>
<td>Zelkova Serrata ‘Village Green’</td>
<td>Village Green Zelkova</td>
</tr>
</tbody>
</table>

4. **Parkway Ground Surface Treatment**

   **A. Parkway Standards**

   The following standards apply to all properties that have street curbs and/or gutters. Vacant property owners may maintain native grasses to a maximum height of six (6) inches; however, these properties shall not maintain rocks, gravel, bark, or other similar materials within the public right-of-way.

   (a) **Turf.** Turf may be permitted in all parkways and is recommended on slope grades up to fifty percent (50%) (2 horizontal: 1 vertical). Turf is not recommended on slopes greater than fifty percent (50%).
(b) Driveways and Walkways. Driveways and walkways may be permitted in all parkways.

(e) Prohibited Materials. Materials prohibited in parkways include brick-pavers, gravel, asphalt, ground cover and shrubs exceeding eighteen (18) inches in height at maturity, and concrete except in conjunction with driveways and walkways.

Section 16-9. Preservation of Existing Plant Material

The purpose of the standards and regulations established in this Section are to promote clean air quality, to reduce noise, heat and glare, to improve surface drainage and minimize flooding, to provide visual buffers, to beautify and enhance both improved and undeveloped areas, to advance the aesthetic quality of the community, to maintain property values and the quality of life in the Town of Avon and to promote the public health, safety and welfare through the preservation and replacement of trees.

1. Protected Trees

Consistent with the expressed purposes of this Section, all persons shall make reasonable efforts to preserve and retain any existing, self-supporting trees as defined herein. The size tree deemed self-supporting, referred to herein as “minimum protected size,” for Category I trees is six (6) caliper inches; for Category II trees, eight (8) caliper inches; and for Category III trees, two (2) caliper inches. Protected tree species shall be as listed in Table 16-1. No person shall take out, destroy, cause to be destroyed, move or remove any protected tree in preparation for development activity without first obtaining an Improvement Location Permit from the Zoning Administrator.

2. To further encourage the preservation of existing trees, each tree preserved greater than eight (8) inches in caliper may be counted toward the required landscape materials at a rate of two (2) required shade or evergreen trees or four (4) required ornamental trees. Preserved trees may not count toward the caliper inches required for mitigation of any trees removed.

3. Exemptions

The requirements of this Section shall be followed except:

A. During a period of emergency, such as a tornado, ice storm, flood or any other such extreme act of nature;

B. If the failure to remove a tree would constitute an imminent danger to the environment, property, public health, safety, or welfare due to the hazardous or dangerous condition of such tree as verified prior to removal by the Zoning Administrator;

C. For necessary tree removal by a public agency or utility company within plotted or dedicated utility easements;

D. In an area upon which a permanent structure is located or will be located within a lot building area for all zoning districts;

E. With respect to trees on developed single-family lots;

F. With respect to trees of less than twelve (12) caliper inches on all lots less than 20,000 sq. ft.;

G. With respect to dead, substantially injured, diseased or damaged trees as verified prior to removal by the Zoning Administrator;

H. Government agencies, tree farms, nurseries and agricultural uses shall be exempt from this Section provided tree removal is consistent with normal and regular business activity.

4. Requirements for Development Plans

In addition to the requirements listed in Appendix A, all applications for an Improvement Location Permit or Development Plan Review that will require tree removal shall include the following items:
A. A tree survey plan which shall include:
   (a) A scale map or a plot plan prepared and sealed by a registered landscape architect,
       registered land surveyor, or qualified professional engineer showing the proposed
       development (including but not limited to buildings, parking area, streets, sidewalks,
       driveways, utilities, and water retention areas) and noting the location of all protected
       trees at or greater than the minimum protected size within the area to be modified from
       its natural state. Areas of stands of trees can be outlined giving number, species, caliper
       and category of trees. Trees at or greater than the minimum protected size to be
       removed shall be so indicated.
   (b) A schedule indicating the number and caliper inches by species of protected trees to be
       removed that are of the minimum protected size or greater.

B. A tree replacement plan which shall include:
   (a) The proposed location of all replacement trees within the proposed development. This
       information can be included as part of the overall landscape plan for the development.
   (b) A schedule indicating the number, size (caliper inches and height), and species of all
       replacement plantings. A total shall be provided for each species type.

5. Tree Removal Areas
   Permitted tree removal areas are as follows:
   A. Removal of protected trees is permitted within the area used, or to be used, by a permanent
      structure within the lot building area and ten (10) feet to either side, front, or rear of the
      structure, without replacement planting.
   B. Removal of protected trees is permitted on the entire site for access roads, parking areas,
      canopies, patios, decks, sidewalks, utility installation, water retention and similar necessary
      development needs provided replacement plantings are installed consistent with the
      provisions of 16-9[5].

However, it is required that reasonable effort shall be demonstrated to preserve protected trees at
or greater than the minimum protected size within all tree removal areas. Reasonable effort shall
include but not be limited to consideration of alternate building design, building location, parking
area layout, parking area location, or water retention location.

6. Tree Replanting
   A. When used for the replacement of protected trees of twenty-four (24) caliper inches or less,
       replanted Category I and Category II trees shall be at least ten (10) feet tall and have a
       trunk of not less than two (2) caliper inches, and replanted Category III trees shall be at
       least six (6) feet tall and have a trunk of not less than one (1) caliper inch.
   B. When used for the replacement of protected trees greater than twenty-four (24) caliper
       inches, replanted Category I, II, or III trees shall be at least twelve (12) feet tall and have a
       trunk of not less than three and one half (3½) caliper inches.
   C. It is desirable that the replanting of trees be compatible with the sites, and that native trees
      be used. Accordingly, replanted trees shall be from the same Category as those protected
      trees removed.
   D. Trees shall be planted replacing one (1) caliper inch for every one and one half (1½) caliper
      inches designated to be removed and requiring replacement on the Tree Survey Plan. If the
      site cannot physically accommodate the number of caliper inches required to be replanted,
      the Plan Commission may approve a financial contribution for the value of the trees to the
      Town’s Parks Department in lieu of a specific number of caliper inches.

7. Tree Removal without Approval
A. Replanted Category I and Category II trees shall be at least ten (10) feet tall and have a trunk of not less than three (3) caliper inches, and replanted Category III trees shall be at least six (6) feet tall and have a trunk of not less than two (2) caliper inches.

B. Replanted trees shall be from the same Category as those protected trees removed.

C. Protected trees shall be replaced at the rate of one (1) caliper inch for every one (1) caliper inch that have been removed.

Table 16-1. Protected Trees by Genus and Species

<table>
<thead>
<tr>
<th>Genus</th>
<th>Species</th>
<th>Common Name</th>
<th>Genus</th>
<th>Species</th>
<th>Common Name</th>
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<tbody>
<tr>
<td>Acer</td>
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<td>Betula</td>
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<td>Carya</td>
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<td>Populus</td>
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<td>Thuja</td>
<td>occidentalis</td>
<td>White cedar</td>
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<td>Cornus</td>
<td>Florida</td>
<td>Flowering Dogwood</td>
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<td>Magnolia</td>
<td>.tripetala</td>
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<td>Prunus</td>
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Section 16-10. Parking Lot Landscaping (In All Zoning Districts)

1. Applicability

All parking lots designed for ten (10) or more parking spaces shall provide landscaping in accordance with the provisions of this Article. Parking lots designed for less than ten (10) parking spaces shall provide landscaping as may be deemed appropriate by the Zoning Administrator.

2. Interior Parking Lot Landscaping

A. Area Required

Not less than five percent (5%) of the interior of a parking lot shall be devoted to landscaping. Landscaping areas located along the perimeter of a parking lot beyond the curb or edge of pavement of the lot shall not be included toward satisfying this requirement.

B. Landscaped Areas

The landscaped areas defined in Subsection A, above, shall be improved as follows:

(a) Location. Interior parking lot landscaping areas (planting islands at least six (6) inches above the surface of the parking lot) shall be dispersed throughout the parking lot in a design and configuration that aesthetically corresponds to the size and shape of the parking lot.

(b) Design of Landscape Areas. Landscape areas which are to be counted towards the requirements of this section shall follow one or more of the following designs:

(1) Landscaped Islands. Interior landscape islands may be used to meet the requirement of Section 15-4(5), in which case islands shall be provided at the terminus of each parking row and once at least every fifteen (15) parking spaces. Landscape islands which are not terminal islands should be evenly spaced throughout the parking lot to consistently reduce the visual impact of long rows of parked cars. Islands should be utilized where needed to control vehicular circulation and define major drives.

(2) Divider Medians. As an alternative to landscape islands, interior parking areas may be consolidated into landscaped divider medians. Divider medians shall form a continuous landscaped strip installed between abutting rows of parking spaces. Divider medians, when used shall occur consistently throughout the entire parking lot.

(c) Curbing. All landscape areas shall be separated from vehicular use areas by concrete curbing. Roll curbs may not be used for this separation.

(d) Size. Interior parking lot landscaping areas shall be a minimum of one hundred and thirty (130) square feet in area and shall be a minimum of eight (8) feet in width at their narrowest point, as measured from back of curb to back of curb.

(e) Landscape Material. The plant material used to improve the landscape areas defined above shall conform to the following:

(1) Type. The primary plant materials used in parking lots shall be shade tree species.
in conformance with applicable provisions of Sections 16-5[1][A] above. Ornamental trees may be substituted for shade trees as provided below. Shrubbery, hedges, and other plant materials may be used to supplement the tree plantings, but shall not be the sole contribution to such landscaping.

2. **Quantity.** One (1) shade tree shall be provided for every three hundred (300) square feet of landscaping area, provided that each landscape island shall have a minimum of one shade tree. Ornamental trees may be substituted for shade trees according to the provisions set forth in Section 16-5.1 (A-D).

3. **Groundcover.** A minimum of fifty percent (50%) of every interior parking lot landscaping area shall be planted with an approved groundcover in the appropriate density to achieve complete cover within two years. Mulch may be substituted for other ground cover if it is applied to the landscaping area and maintained at a thickness of at least two (2) inches.

### Section 16-11. Landscape Buffers

1. **Applicability**

   The regulations of this Section shall establish the dimensions and improvement requirements of landscape buffers as required for transitions between uses.

2. **General Restrictions**

   [Remainder of text not fully transcribed due to page limitations]
Landscape buffers shall be reserved for the planting of material and installation of mounds and fencing as required within this Section. No parking, driveways, sidewalks, accessory buildings or other impervious surfaces shall be permitted, unless specifically authorized by, as the case may be, the Plan Commission or the Zoning Administrator. Landscape buffers in commercial and industrial districts may be located within required yards or required landscape yards as established in the applicable district regulations. Landscape buffers in residential districts shall be in addition to the required yard established by the applicable district regulations. Where both landscape buffers and parking lot landscaping is required, the more restrictive shall apply. For the purposes of calculating landscaping requirements, each fraction of a tree shall be counted as one whole tree.

3. Location of Landscape Buffers

Landscape buffers shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line, except when prohibited by certain easements or road rights-of-way. In such cases the landscape buffer shall extend to such easement or right-of-way. Landscape buffers shall run the entire length of the lot line along which they are required.

4. Size and Improvement of Landscape Buffers

The size and improvement of landscape buffers for various situations shall be as follows. Where a continuous solid screen is required, the frequency of the planting shall accomplish the formation of a solid visual screen within three years of the date of planting.

A. Multiple Family Districts

Where a multiple family development abuts a single-family or two-family residential district or use, or another multiple family development, a landscape buffer a minimum of ten (10) feet in width shall be provided. Within the required landscape buffer, the following improvements shall be provided individually or in combination in order to create a solid, year round screen that effectively screens to a height of six (6) feet.

(a) Evergreen trees or shrubs, shall be planted on an average of one (1) tree/shrub for every thirty (30) feet of the yard length; however, trees/shrubs may be clustered only where site constraints would prohibit the even distribution of the trees/shrubs. Ornamental or shade trees may be substituted for evergreen trees according to the provisions set forth in Section 16-5.1 (A-D), only when the result would be sufficient to provide a solid, year round screen to the height of six (6) feet.

(b) Mounding, with a minimum top width of at least two (2) feet and a maximum side slope for front and back sides of three (3) feet horizontal to one (1) foot vertical (3:1). Such mounding shall not exceed eight (8) feet in height and shall be planted with a combination of ground cover, shrubs and trees effective in creating a solid, year round screen to a height of six (6) feet.

(c) A solid opaque fence six (6) feet in height erected along one hundred percent (100%) of the yard length, and subject to the requirements of Section 16-5.2 (D); or an interrupted solid, opaque fence six (6) feet in height and supplemented with landscaping in order to create a solid visual screen along the entire yard length. Where a fence is proposed, the Plan Commission may approve a reduction in the height and width of a buffer yard.

(d) Areas not planted with trees or shrubs shall be maintained as turf or other groundcover.

B. Commercial Districts

Where a lot in a Commercial District abuts a residential district or use, a landscape buffer a minimum of thirty (30) feet in width shall be provided. The arrangement of plantings in the buffer yard shall be effective in creating a solid, year round screen that screens to a height of eight (8) feet. The use of mounding in combination with plantings is encouraged to ensure that the minimum height is reached within three (3) years of planting. Where mounding is not used, either dense evergreens or a solid opaque fence shall be used to
ensure the screening is continuous at all times of the year. Within the required landscape buffer, the following improvements individually or in combination shall be provided.

(a) Evergreen trees or shrubs shall be planted on an average of one (1) tree/shrub for every thirty (30) feet of the yard length; however, trees/shrubs may be clustered only where site constraints would prohibit the even distribution of the trees/shrubs. Ornamental or shade trees may be substituted for evergreen trees according to the provisions set forth in Section 16-5.1 (A-D), only when the result would be sufficient to provide a solid, year round screen to the height of eight (8) feet.

(b) Mounding, with a minimum top width of at least two (2) feet, a maximum side slope for front and back sides of three (3) feet horizontal to one (1) foot vertical (3:1). Such mounding shall not exceed eight (8) feet in height and shall be planted with a combination of ground cover, shrubs and trees, effective in creating a solid, year round screen to a height of eight (8) feet.

(c) A solid opaque fence six (6) feet in height erected along one hundred percent (100%) of the yard length, and subject to the requirements of Section 16-5.2 (D); or an interrupted solid, opaque fence six (6) feet in height and supplemented with landscaping in order to create a solid visual screen along the entire yard length. Where a fence is proposed, the Plan Commission may approve a reduction in the height and width of a buffer yard.

(d) Areas not planted with trees or shrubs shall be maintained as turf or other groundcover.

C. Industrial Districts

Where a lot in a Industrial District abuts a residential district or use, a landscape buffer forty (40) feet in width shall be provided. The arrangement of plantings in the buffer yard shall be effective in creating a solid year-round screen that screens to a height of eight (8) feet. The use of mounding in combination with plantings is encouraged to ensure that the minimum height is reached within three (3) years of planting. Where mounding is not used, either dense evergreens or a solid opaque fence shall be used to ensure the screening is continuous at all times of the year. Within the required landscape buffer, the following improvements, individually or in combination, shall be provided.

(a) Evergreen trees or shrubs shall be planted on an average of one (1) tree/shrub for every thirty (30) feet of the yard length; however, trees/shrubs may be clustered only where site constraints would prohibit the even distribution of the trees/shrubs. Ornamental or shade trees may be substituted for evergreen trees according to the provisions set forth in Section 16-5.1 (A-D), only when the result would be sufficient to provide a solid, year round screen to the height of eight (8) feet.

(b) Mounding, with a minimum top width of at least two (2) feet and a maximum side slope for front and back sides of three (3) feet horizontal to one (1) foot vertical (3:1). Such mounding shall not exceed eight (8) feet in height and shall be planted with a combination of ground cover, shrubs and trees, effective in creating a solid, year round screen to a height of eight (8) feet.

(c) A solid opaque fence eight (8) feet in height erected along one hundred percent (100%) of the yard length, and subject to the requirements of Section 16-5.2 (D); or an interrupted solid, opaque fence six (6) feet in height and supplemented with landscaping in order to create a solid visual screen along the entire yard length. Where a fence is proposed, the Plan Commission may approve a reduction in the height and width of the buffer yard.

(d) Areas not planted with trees or shrubs shall be maintained as turf or other groundcover.

D. Planned Unit Development Districts

For all Planned Unit Development Districts a landscape yard a minimum of forty (40) feet in width shall be provided along the entire perimeter of the development. The buffer shall be indicated on the plan as a common area or as a landscape easement, with provisions in
the covenants for the maintenance of landscape materials and for replacement of diseased or dead materials. Within the required landscape buffer, the following improvements shall be provided.

(a) One (1) tree plus six (6) shrubs shall be planted on an average of one for every thirty (30) feet of the yard, as measured along the property line. Living plant materials shall cover a minimum of seventy percent (70%) of the required landscape area within five (5) years of planting. The required plant materials may be installed in the required area in any arrangement and do not need to be linear in design.

(b) When used, mounding shall meet the following requirements: a minimum top width of at least two (2) feet and a maximum side slope for front and back sides of three (3) feet horizontal to one (1) foot vertical (3:1). Such mounding shall not exceed eight feet (8) in height and shall be planted with a combination of ground cover, shrubs and trees in accordance with the ratio stated above. Mounding shall be required adjacent to perimeter roads.

(c) Areas not planted with trees or shrubs shall be maintained as turf or other groundcover.

E. Residential Subdivisions and Mobile Home Parks

For all one and two family Subdivisions and Mobile Home Parks a landscape yard a minimum of forty (40) feet in width shall be provided along where the subdivision abuts an existing public roadway, a zoning district of lesser intensity, or an existing subdivision of lesser intensity. The buffer shall be indicated on the plat as a common area or as a landscape easement, with provisions in the covenants for the maintenance of landscape materials and for replacement of diseased or dead materials. Within the required landscape buffer, the following improvements individually or in combination shall be provided.

(a) One (1) tree plus six (6) shrubs shall be planted on an average of one for every thirty (30) feet of the yard, as measured along the property line. Living plant materials shall cover a minimum of seventy percent (70%) of the required landscape area within five (5) years of planting. The required plant materials may be installed in the required area in any arrangement and do not need to be linear in design.

(b) When used, mounding shall meet the following requirements: a minimum top width of at least two (2) feet and a maximum side slope for front and back sides of three (3) feet horizontal to one (1) foot vertical (3:1). Such mounding shall not exceed eight feet (8) in height and shall be planted with a combination of ground cover, shrubs and trees in accordance with the ratio stated above. Mounding shall be required adjacent to perimeter roads.

(c) Areas not planted with trees or shrubs shall be maintained as turf or other groundcover.

F. Districts that Abut an existing Agricultural District

For all Districts and Uses a landscape yard of three hundred (300) feet in width shall be provided along where the district or uses abuts an existing Agricultural District (AG). The buffer shall be indicated on the plat as a common area or landscape easement, with provisions in the covenants for the maintenance of landscape materials and for replacement of diseased or dead materials. Within the required landscape buffer, the following improvements shall be provided.

(a) Ten (10) trees plus sixty (60) shrubs shall be planted on an average of one for every thirty (30) feet of the yard, as measured along the property line. Living plant materials shall cover a minimum of seventy percent (70%) of the required landscape area within five (5) years of planting. The required plant materials may be installed in the required area in any arrangement and do not need to be linear in design so long as the result would be sufficient to provide a solid year round screen to the height of six (6) feet.

(b) Mounding, with a minimum top width of at least two (2) feet and a maximum side slope for front and back sides of three (3) feet horizontal to one (1) foot vertical (3:1).
Section 16-12. Additional Screening Requirements

1. **Refuse Disposal Dumpsters**

Refuse disposal dumpsters in all zoning districts shall be screened on three sides by a solid wood, brick or masonry structure to a height of not less than six (6) feet but not more than eight (8) feet. The fourth side which provides access to the dumpster for refuse collectors shall be gated with an solid, opaque gate; and such gate shall remain closed at all times that trash is not being loaded or unloaded. All refuse shall be contained within the dumpster with the lid closed.

2. **Loading Berths**

All loading berths shall be completely screened by a uniformly solid fence, wall, or densely planted, mature shrubbery or any combination thereof, not less than six (6) feet but not more than eight (8) feet in height.

3. **Mechanical and Electrical Equipment**

All building mechanical and electrical equipment which is visible from any public thoroughfare or residential use or district shall be screened from view by means of walls, landscaping, camouflage, or other approved method. All screening shall be architecturally compatible with the primary structure.

4. **Outdoor Uses and Storage**

All non-residential manufacturing, assembling, repairing, maintenance and storage which takes place outdoors and which is within fifty (50) feet of a public street or residential zoning district shall be completely enclosed by a six (6) foot high screen consisting of a solid fence, masonry wall, dense plant material, mounding, or any combination thereof.

Section 16-13. Changes to Approved Landscape Plans

Any change or deviation to an approved landscape plan shall require the approval of the Zoning Administrator or the Plan Commission, whichever party granted the initial approval, provided that changes in planting materials due to the unavailability of approved species or changes to placement as a result of site constraints identified during construction may be approved by the Zoning Administrator, provided the quantities are not altered. Changes that do not conform to the provisions of this Chapter shall be subject to the procedures for a variance as established in Chapter 4 Section 4-3 (Variances). The death of plant material shall constitute as a deviation from the approved landscape plan, and such plant material shall be replaced within the next planting season. Landscape improvements made to a lot that are not in conformance with an approved landscape plan shall be a violation of this Ordinance and subject to the procedures of Chapter 19 (Enforcement).
Reserved for Future Use
# CHAPTER REVISION HISTORY

Chapter 17. Floodplain Regulations

<table>
<thead>
<tr>
<th>Ordnance #</th>
<th>Plan Commission Approval Date</th>
<th>Town Council Adoption Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009-35</td>
<td>11-23-09</td>
<td>12-03-09</td>
<td>Chapter 17: Total Revision of the Entire Chapter</td>
</tr>
</tbody>
</table>

Town of Avon, Indiana

Town Ordinance 2002-14
CHAPTER 17. FLOODPLAIN REGULATIONS

Section 17-1. Findings of Fact

1. The flood hazard areas of the Town of Avon are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

2. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

Section 17-2. Statement of Purpose

It is the purpose of this chapter to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities;

2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;

4. Control filling, grading, dredging, and other development which may increase erosion or flood damage;

5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands; and,

6. Make federally subsidized flood insurance available for structures and their contents in the Town of Avon by fulfilling the requirements of the National Flood Insurance Program.

Section 17-3. Objectives

The objectives of this chapter are:

1. To protect human life and health;
2. To minimize expenditure of public money for costly flood control projects;

3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

4. To minimize prolonged business interruptions;

5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains;

6. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas, and;

7. To ensure that potential homebuyers are notified that property is in a flood area.

Section 17-4. General Provisions

1. Lands to Which This Chapter Applies

This chapter shall apply to all SFHAs within the jurisdiction of the Town of Avon.

2. Basis for Establishing Regulatory Flood Data

This chapter’s protection standard is the regulatory flood. The best available regulatory flood data is listed below. Whenever a party disagrees with the best available data, the party submitting the detailed engineering study needs to replace existing data with better data and submit it to the Indiana Department of Natural Resources for review and approval.

A. The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs of the Town of Avon shall be as delineated on the 100 year flood profiles in the Flood Insurance Study of Hendricks County and Incorporated Areas and the corresponding FIRM prepared by the Federal Emergency Management Agency and dated September 25, 2009.

B. The regulatory flood elevation, floodway, and fringe limits for each of the unstudied SFHAs of Town of Avon delineated as an "A Zone" on the FIRM of Hendricks County and Incorporated Areas shall be according to the best data available as provided by the Indiana Department of Natural Resources.

3. Establishment of Floodplain Development Permit

A Floodplain Development Permit shall be required in conformance with the provisions of this chapter prior to the commencement of any development activities in areas of special flood hazard.

4. Compliance

No structure shall hereafter be located, extended, converted or structurally altered within the SFHA without full compliance with the terms of this chapter and other applicable regulations. No land or stream within the SFHA shall hereafter be altered without full compliance with the terms of this chapter and other applicable regulations.

5. Discrepancy between Mapped Floodplain and Actual Ground Elevations

A. In cases where there is a discrepancy between the mapped floodplain (SFHA) on the FIRM and the actual ground elevations, the elevation provided on the profiles shall govern.
B. If the elevation of the site in question is below the base flood elevation, that site shall be included in the SFHA and regulated accordingly.

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

6. Interpretation

In the interpretation and application of this chapter all provisions shall be:

A. Considered as minimum requirements;

B. Liberally construed in favor of the governing body; and,

C. Deemed neither to limit nor repeal any other powers granted under state statutes.

7. Warning and 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 ordinance does not create any liability on the part of the Town of Avon, the Indiana Department of Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this ordinance or any administrative decision made lawfully thereunder.

8. Penalties for Violation

Failure to obtain a Floodplain Development Permit in the SFHA or failure to comply with the requirements of a Floodplain Development Permit or conditions of a variance shall be deemed to be a violation of this chapter. All violations of this chapter shall be treated in accordance with the provisions of Chapter 19: Enforcement, and subject to all remedies contained therein.

A. A separate offense shall be deemed to occur for each day the violation continues to exist.

B. The Zoning 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 Town of Avon from taking such other lawful action to prevent or remedy any violations. All costs connected therewith, including attorney’s fees, shall accrue to the person or persons responsible.

9. Increased Cost of Compliance (ICC)

In order for buildings to qualify for a claim payment under ICC coverage as a “repetitive loss structure”, the National Reform Act of 1994 requires that the building be covered by a contract for flood insurance and incur flood-related damages on two occasions during a 10-year period ending on the date of the event for which the second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25 percent of the market value of the building at the time of each such flood event.
Section 17-5. Administration

1. Designation of Administrator

The Town Council of the Town of Avon hereby appoints the Zoning Administrator to administer and implement the provisions of this chapter and is herein referred to as the Floodplain Administrator.

2. Permit Procedures

Application for a Floodplain Development Permit shall be made to the Floodplain Administrator on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically the following information is required:

A. Application stage.

(a) A description of the proposed development;

(b) Location of the proposed development sufficient to accurately locate property and structure in relation to existing roads and streams;

(c) A legal description of the property site;

(d) A site development plan showing existing and proposed development locations and existing and proposed land grades;

(e) Elevation of the top of the lowest floor (including basement) of all proposed buildings. Elevation should be in NAVD 88 or NGVD;

(f) Elevation (in NAVD 88 or NGVD) to which any non-residential structure will be floodproofed;

(g) Description of the extent to which any watercourse will be altered or related as a result of proposed development, and;

B. Construction stage.

Upon placement of the lowest floor; or floodproofing, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the NAVD 88 or NGVD elevation of the lowest floor or floodproofed elevation, as built. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by the same. When floodproofing is utilized for a particular structure said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holders’ risk. (The Floodplain Administrator shall review the lowest floor and floodproofing elevation survey data submitted.) The permit holder shall correct deficiencies detected by such review before any further work is allowed to proceed.
AVON ZONING ORDINANCE

Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

3. Duties and Responsibilities of the Floodplain Administrator

The Floodplain Administrator and/or designated staff is hereby authorized and directed to enforce the provisions of this chapter. The administrator is further authorized to render interpretations of this chapter, which are consistent with its spirit and purpose. Duties and Responsibilities of the Floodplain Administrator shall include, but not be limited to:

A. Review all floodplain development permits to assure that the permit requirements of this chapter have been satisfied;

B. Review all applications for floodplain development permits to determine is the submitted application is complete;

C. Approve or deny any application for a floodplain development permit within thirty (30) days of receipt of a completed application;

D. Inspect and inventory damaged structures in SFHA and complete substantial damage determinations;

E. Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to Section 17-6(5) and Section 17-6(7)(A) of this chapter, and maintain a record of such authorization (either copy of actual permit or floodplain analysis/regulatory assessment.)

F. Ensure that all necessary federal or state permits have been received prior to issuance of the local floodplain development permit. Copies of such permits are to be maintained on file with the floodplain development permit;

G. Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA;

H. Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, Letters of Map Amendment (LOMA), Letters of Map Revision (LOMR), copies of DNR permits and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and “as-built” elevation and floodproofing data for all buildings constructed subject to this chapter.

I. Utilize and enforce all Letters of Map Revision (LOMR) or Physical Map Revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community.

J. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;

K. Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Section 17-5(2);

L. Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed, in accordance with Section 17-5(2);
M. Review certified plans and specifications for compliance.

N. Stop Work Orders
   (a) Upon notice from the floodplain administrator, work on any building, structure or premises that is being done contrary to the provisions of this chapter shall immediately cease.
   (b) Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed.

O. Revocation of Permits
   (a) The floodplain administrator may revoke a permit or approval, issued under the provisions of the chapter, in cases where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.
   (b) The floodplain administrator may revoke a permit upon determination by the floodplain administrator that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this chapter.

Section 17-6. Provisions for Flood Hazard Reduction

1. General Standards.

In all SFHAs the following provisions are required:

A. New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;

B. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;

C. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage below the FPG;

D. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;

E. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

F. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

G. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
H. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

I. Any alteration, repair, reconstruction or improvements to a structure that is in compliance with the provisions of this chapter shall meet the requirements of “new construction” as contained in this chapter; and,

J. Any alteration, repair, reconstruction or improvement to a structure that is not in compliance with the provisions of this chapter, shall be undertaken only if said non-conformity is not further, extended, or replaced.

2. Specific Standards

In all SFHAs, the following provisions are required:

A. In addition to the requirements of Section 17-6(1), all structures to be located in the SFHA shall be protected from flood damage below the FPG. This building protection requirement applies to the following situations:

(a) Construction or placement of any new structure having a floor area greater than 400 square feet;

(b) Addition or improvement made to any existing structure:

1. where the cost of the addition or improvement equals or exceeds 50% of the value of the existing structure (excluding the value of the land);

2. with a previous addition or improvement constructed since the community’s first floodplain ordinance.

(c) Reconstruction or repairs made to a damaged structure where the costs of restoring the structure to its before damaged condition equals or exceeds 50% of the market value of the structure (excluding the value of the land) before damage occurred;

(d) Installing a travel trailer or recreational vehicle on a site for more than 180 days;

(e) Installing a manufactured home on a new site or a new manufactured home on an existing site. This chapter does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage; and

(f) Reconstruction or repairs made to a repetitive loss structure.

B. Residential Construction

New construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor; including basement, at or above the FPG (two feet above the base flood elevation). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Section 17-6(2)(D).

C. Non-Residential Construction
New construction or substantial improvement of any commercial, industrial, or non-residential structure (or manufactured home) shall have the lowest floor, including basement, elevated to or above the FPG (two feet above the base flood elevation). Structures located in all “A Zones” may be floodproofed in lieu of being elevated if done in accordance with the following:

(a) A Registered Professional Engineer or Architect shall certify that the structure has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The structure design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the official as set forth in Section 17-5(3)(J).

(b) Floodproofing measures shall be operable without human intervention and without an outside source of electricity.

D. Elevated Structures

New construction or substantial improvements of elevated structures that include fully enclosed areas formed by foundation and other exterior walls below the flood protection grade shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

(a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

1. provide a minimum of two openings having a total net area of not less than one square inch for every one square foot of enclosed area; and

2. the bottom of all openings shall be no higher than one foot above foundation interior grade (which must be equal to in elevation or higher than the exterior foundation grade); and

3. openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions; and

4. access to the enclosed area shall be the minimum necessary to allow for parking for vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and

5. the interior portion of such enclosed area shall not be partitioned or finished into separate rooms; and

6. portions of the building below the flood protection grade must be constructed with materials resistant to flood damage.

E. Structures Constructed on Fill

A residential or nonresidential structure may be constructed on a permanent land fill in accordance with the following:
(a) The fill shall be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with the Standard Proctor Test method.

(b) The fill should extend at least ten feet beyond the foundation of the structure before sloping below the FPG.

(c) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than 3 horizontal to 1 vertical.

(d) The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.

(e) The top of the lowest floor including basements shall be at or above the FPG.

F. Standards for Structures Constructed with a Crawlspace

A residential or nonresidential structure may be constructed with a crawlspace located below the flood protection grade provided that the following conditions are met:

(a) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy; and

(b) Any enclosed area below the flood protection grade shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. Provide a minimum of two openings having a total net area of not less than one square inch for every one square foot of enclosed area. The bottom of the openings shall be no more than one foot above grade; and

(c) The interior height of the crawlspace measured from the interior grade of the crawlspace to the top of the foundation wall must not exceed four feet at any point; and

(d) Utility systems within the crawlspace must be elevated above the flood protection grade.

(e) An adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event; and

(f) Portions of the building below the flood protection grade must be constructed with materials resistant to flood damage.

(g) The interior grade of the crawlspace must be at or above the base flood elevation.

G. Standards for Manufactured Homes and Recreational Vehicles

Manufactured homes and recreational vehicles to be installed or substantially improved on a site for more than 180 days must meet one of the following 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.

(b) The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elevations that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. 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.

(c) Recreational vehicles placed on a site shall either:

1. be on site for less than 180 days; and,

2. 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

3. meet the requirements for “manufactured homes” as stated earlier in this section.

3. Standards for Subdivision Proposals

   A. All subdivision proposals shall be consistent with the need to minimize flood damage;

   B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

   C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;

   D. Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than the lesser of fifty lots or five acres.

4. Critical Facility

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

5. Standards for Identified Floodways
Located within SFHAs, established in Section 17-4(2), are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential. If the site is in an identified floodway, the Floodplain 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. Under the provisions of IC 14-28-1 a permit for construction in a floodway from the Indiana Department of Natural Resources is required prior to the issuance of a local building permit for any excavation, deposit, construction or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing and paving etc. undertaken before the actual start of construction of the structure. However, it does exclude non-substantial additions/improvements to existing (lawful) residences in a non-boundary river floodway. (IC 14-28-1-26 allows construction of non-substantial additions/improvements to residences in a non-boundary river floodway without obtaining a permit for construction in a floodway from the Indiana Department of Natural Resources. Please note that if fill is needed to elevate an addition above the existing grade, prior approval (construction in a floodway permit) for the fill is required from the Indiana Department of Natural Resources.)

No action shall be taken by the Floodplain Administrator until a permit (when applicable) has been issued by the Indiana Department of Natural Resources granting approval for construction in a floodway. Once a permit for construction in a floodway has been issued by the Indiana Department of Natural Resources, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in Section 17-6 of this chapter have been met. The Floodplain Development Permit cannot be less restrictive than the permit for construction in a floodway issued by the Indiana Department of Natural Resources. However, a community’s more restrictive regulations (if any) shall take precedence.

No development shall be allowed which acting alone or in combination with existing or future development, will increase the regulatory flood more than 0.14 of one foot; and

For all projects involving channel modifications or fill (including levees) the Town of Avon shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data.

6. Standards for Identified Fringe

If the site is located in an identified fringe, then the Floodplain Administrator may issue the local Floodplain Development Permit provided the provisions contained in Section 17-6 of this chapter 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 FPG.

7. Standards for SFHAs Without Established Base Flood Elevation and/or Floodways/Fringes

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

If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined, and the drainage area upstream of the site is greater than one square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.

No action shall be taken by the Floodplain Administrator until either a permit for construction in a floodway or a floodplain analysis/regulatory assessment citing the 100 year
flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.

Once the Floodplain Administrator has received the proper permit for construction in a floodway or floodplain analysis/regulatory assessment approving the proposed development, a Floodplain Development Permit may be issued provided the conditions of the Floodplain Development Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in Section 17-6 of this chapter have been met.

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

If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Floodplain Administrator shall require the applicant to provide an engineering analysis showing the limits of the floodway, fringe and 100 year flood elevation for the site.

Upon receipt, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in Section 17-6 of this chapter have been met.

C. The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the regulatory flood more than 0.14 of one foot and will not increase flood damages or potential flood damages.

Section 17-7. Variance Procedures

1. Designation of Variance and Appeals Board

The Board of Zoning Appeals as established by Town Council of the Town of Avon shall hear and decide appeals and requests for variances from requirements of this chapter.

2. Duties of Variance and Appeals Board

The Board of Zoning Appeals shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of this chapter.

   1. Any determination of the Floodplain Administrator shall be rendered in writing, shall constitute an Administrative Determination, and may be appealed within thirty (30) days of the date of issuance.

   2. Any Administrative Determination may be appealed to the Board of Zoning Appeals as established by Chapter 4 of the Town of Avon Zoning Ordinance.

   3. Any person aggrieved by the decision of the Board may appeal such decision to the Hendricks County Circuit Court, as provided by Statute.

3. Variance Procedures

In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and;

   A. The danger of life and property due to flooding or erosion damage;

   B. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
C. The importance of the services provided by the proposed facility to the community;

D. The necessity to the facility of a waterfront location, where applicable;

E. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

F. The compatibility of the proposed use with existing and anticipated development;

G. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

H. The safety of access to the property in times of flood for ordinary and emergency vehicles;

I. The expected height, velocity, duration, rate of rise, and sediment of transport of the floodwaters at the site; and,

J. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

4. Conditions for Variances

A. Variances shall only be issued when there is:

   (a) A showing of good and sufficient cause;

   (b) A determination that failure to grant the variance would result in exceptional hardship; and,

   (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.

B. No variance for a residential use within a floodway subject to Section 17-6(5) or Section 17-6(7)(A) of this chapter may be granted.

C. Any variance granted in a floodway subject to Section 17-6(5) or Section 17-6(7)(A) of this chapter will require a permit from the Indiana Department of Natural Resources.

D. Variances to the Provisions for Flood Hazard Reduction of Section 17-6(2), may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.

E. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

F. Variances may be granted for the reconstruction or restoration of any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.
G. Any application to whom a variance is granted shall be given written notice specifying the
difference between the base flood elevation and the elevation to which the lowest floor is to
be built and stating that the cost of the flood insurance will be commensurate with the
increased risk resulting from the reduced lowest floor elevation (See Section 17-7(5)).

H. The Floodplain Administrator shall maintain the records of appeal actions and report any
variances to the Federal Emergency Management Agency or the Indiana Department of
Natural Resources upon request (See Section 17-7(5)).

5. Variance Notification

Any applicant to whom a variance is granted shall be given written notice over the signature of a
community official that:

A. The issuance of a variance to construct a structure below the base flood elevation will result
in increased premium rates for flood insurance up to amounts as high as $25 for $100 of
insurance coverage; and;

B. Such construction below the base flood level increases risks to life and property. A copy of
the notice shall by recorded by the Floodplain Administrator in the Office of the County
Recorder and shall be recorded in a manner so that it appears in the chain of title of the
affected parcel of land.

The Floodplain Administrator will maintain a record of all variance actions, including
justification for their issuance, and report such variances issued in the community’s biennial
report submission to the Federal Emergency Management Agency.

6. Historic Structure

Variances may be issued for the repair or rehabilitation of “historic structures” upon a
determination that the proposed repair or rehabilitation will not preclude the structure’s continued
designation as an “historic structure” and the variance is the minimum to preserve the historic
character and design of the structure.

7. Special Conditions

Upon the consideration of the factors listed in Section 17-7, and the purposes of this chapter, the
Board of Zoning Appeals may attach such conditions to the granting of variances as it deems
necessary to further the purposes of this chapter.
Reserved for Future Use
CHAPTER REVISION HISTORY

Chapter 18. Signs

<table>
<thead>
<tr>
<th>Ordinance #</th>
<th>Plan Commission Approval Date</th>
<th>Town Council Adoption Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009-10</td>
<td>03-23-09</td>
<td>04-09-09</td>
<td>Section 18-4.19 Political Signs</td>
</tr>
<tr>
<td>2009-10</td>
<td>03-23-09</td>
<td>04-09-09</td>
<td>Section 18-7.1 Regulations for Residential Districts</td>
</tr>
</tbody>
</table>
Section 18-1. Purpose

The purpose of this Chapter is to provide a legal framework for the comprehensive regulation of signs in the Town of Avon. It recognizes the important communication function that signs serve within the community. It also recognizes that while aesthetics and design cannot be satisfactorily legislated, as individual opinions may vary, a community must ensure that all signs within its jurisdiction are structurally sound, well maintained, uncluttered in appearance, and harmonious to surrounding sites. To achieve this purpose, this Chapter is intended to control the height, area, location and other similar aspects of signs and sign structures, while also:

1. preserving the non-commercial character of residential neighborhoods;
2. providing reasonable yet appropriate conditions for identifying businesses and services rendered in commercial, institutional and industrial areas;
3. encouraging signs of good design which are integrated and harmonious to the sites they serve;
4. reducing potential hazards to motorists and pedestrians by restricting signs and lights which exceed a viewers’ capacity to receive information or which increases the potential for accidents created by signage that distracts or obstructs a viewer’s vision;
5. safeguarding and enhancing property values;
6. protecting public and private investment in buildings and open space; and
7. protecting the health, safety and general welfare of the residents of the Town.

Section 18-2. Signs Prohibited

The following signs shall be prohibited.

1. Signs or sign structures placed on, in, or above the right-of-way of an alley or a street, with the exception of official signs or signs erected on behalf of or pursuant to authorization of the Town, Hendricks County, the State of Indiana or the United States of America.
2. Signs which imitate traffic signs, including not but not limited to, signs which incorporate the words STOP, DANGER, WARNING, CAUTION, or GO SLOW, unless such language is part of a name of a business. (Private traffic direction signs shall not be deemed to fall within this prohibition.)
3. Signs or sign structures located in a manner that impede the view of any street or highway
intersection or in such a manner as to impede the view of the intersection of a street or highway with a railroad crossing. No sign or sign structure shall be located in the Visual Clearance Areas set forth in Chapter 13, Section 13-1[7].

4. Signs which move or give the appearance of movement, including but not limited pennants, banners, wind signs or any similar signs which flutter, undulate, swing, rotate, oscillate or otherwise move by natural or artificial means. Signs containing flashing or running lights that give the illusion of movement.

   A. Certain temporary promotional signs as described in Section 18-6 shall not be deemed to fall within this prohibition provided a sign permit is first obtained from the Zoning Administrator pursuant to Section 18-3 below. See Section 18-6 for permitted temporary promotional sign types and locations.

5. Signs or sign structures affixed, displayed, or located on any utility pole, light standard, traffic control device, or similar structure, equipment, or appurtenance located upon any public right-of-way, utility easement, or other public or private property unless authorized by Section 18-4[3].

6. Signs painted on, attached to, affixed, or maintained upon trees, rocks, or other natural features. Signs painted directly on an exterior wall, fascia, parapet of a building, fence, or chimney. Signs painted directly on a roof or embedded in the shingle design.

7. Portable signs, including but not limited to, A- or T-frame, and signs on trailer frames whether or not the trailer wheels or the typeface have been removed. A- or T-frame signs may be permitted as temporary promotional sign types as provided for in Section 18-6. See Section 18-6 for permitted temporary promotional sign types and locations.

8. Signs placed on parked vehicles, boats, or truck or utility trailers located on a public right-of-way, public property, or on private property which is visible from a public right-of-way, the apparent purpose of which is to advertise a product or to direct the public to a business or activity.

   A. This paragraph is not intended to apply to standard advertising or identification practices where signs or advertising is painted on or permanently attached to business or commercial vehicles which are used in the daily operation of the business and parked in designated parking spaces designed for their particular vehicle type.

   B. Vehicles with advertising or identification shall be in regular use by the business and shall not be permanently parked in the same parking space, so as to be used as an additional sign for the business.

9. Inflatable images such as balloons except as specifically authorized in Section 18-6.

10. Roof signs and projecting signs.

11. Signs that display obscene matter.

12. Illegal signs, obsolete signs and signs that contain inaccurate or outdated information.

13. Outlining property lines or open sales areas with exposed bulb or festoon lighting, except as specifically authorized in Section 18-6 below, shall be prohibited.

14. Pole signs, except for off premise advertising signs which meet the requirements of Section 18-9.

15. Electronic message boards, except for time and temperature signs which meet the requirements of Section 18-4(9).

16. An Off-Premise Advertising Sign and another principal use on the same lot. Off-Premise Advertising Signs shall constitute a primary use of a zoning lot or lot of record.

17. Snipe signs.

Section 18-3. Sign Permits
1. **Scope**

No sign, except as provided in Subsection 18-4 below, shall hereafter be erected, constructed, altered, or relocated without first obtaining a permit from the Zoning Administrator. This provision shall include changes to the face of an existing sign.

2. **Applications**

Applications for a sign permit shall be filed with the Zoning Administrator in accordance with the requirements of Chapter 3 (Applications and Hearings).

A. In addition, all applications shall contain the following information.
   (a) Name, address and telephone number of the applicant.
   (b) A site plan drawn to scale showing:
      (1) The location of the building, structure or parcel of property to which, or upon which, the sign or signs are to be attached or erected and location of parking, driveways and landscaped areas and the position of each sign in relation to building, structure or parcel;
      (2) Computation of maximum sign area for the lot and for each individual sign, as well as the height of each sign and the height of each sign in relation to street grade;
      (3) Two (2) copies of detailed sign plans and specifications that demonstrate the method of construction; and
      (4) A sketch showing sign faces, exposed surfaces and the proposed message thereof accurately represented in scale as to size, proportion and color.
      (5) A sign lighting plan that meets the requirements of Section 18-5(3) below.
   (c) Name of the person, firm, corporation or association erecting, constructing, altering or relocating the sign.
   (d) Written consent of the owners of the building, structure or land on or to which the sign is to be erected.
   (e) Such other information as the Zoning Administrator may require demonstrating full compliance with this and all other laws and ordinances of the Town.

3. **Issuance of the Permit**

   A. **Zoning Administrator**

   Upon receipt of a fully complete sign permit application, the Zoning Administrator shall examine the application and all material attached thereto to determine its compliance with this Chapter, as well as any other applicable Town ordinance or law. The Zoning Administrator shall take formal action on the application within thirty (30) days of the date the application was filed.

   B. **Approval by Electrical Inspector**

   Applications for a sign permit in which electrical wiring and connections are to be used shall also be reviewed and approved by the Electrical Inspector for the Town.

   C. **Validity of the Permit**

   If work authorized under a sign permit has not been started within six (6) months or completed within one (1) year of the date of issuance, the sign permit shall then become void.

   D. **Effect of the Permit**

   A sign permit issued hereunder shall not be deemed to permit or authorize the erection, construction, alteration, or relocation of an illegal sign nor shall a permit issued hereunder
AVON ZONING ORDINANCE

constitute a defense in an action to abate an illegal sign.

E. Appeals

An appeal from the decision of the Zoning Administrator shall be taken to the Board of Zoning Appeals pursuant to Chapter 4, Section 4-5 (Appeals).

Section 18-4. Exemptions

The following signs shall be exempt from the permit requirements set forth in Section 18-3 above, provided however, they meet the remaining requirements of this Chapter, as well as any limitation set forth elsewhere in this Ordinance. Such signs shall not be counted against the maximum signage allowance set forth for the zoning district in Section 18.7, provided they meet the specific standards set forth herein.

1. Public Service Signs. Signs used for safety purposes relative to the repair or maintenance of streets, sidewalks, or utilities in a public right-of-way.

2. Address Signs. Address numbers not exceeding two square feet in area.

3. Governmental. Signs and public notices erected or required by governmental bodies, or authorized for a public purpose by any law, statute, or ordinance.

4. Public Information Signs. Signs identifying the telephone, restrooms, and similar facilities, providing no advertising matter accompanies the sign.

5. Flags. Flags of the United States of America, any state, or a unit of local government. Flags shall not exceed sixty (60) square feet. Flagpoles accompanying such flags shall meet all setback requirements and shall be limited to a height of thirty (30) feet in residential districts and forty (40) feet in non-residential districts. Public utility poles shall not be used for the mounting of flags except where public entities or service organizations are granted permission for such use by both the Town and by the public utility provider.

6. Corporate Flags. Corporate flags when flown in conjunction with the flag of the United States of America provided such corporate flag is no larger than twenty-four (24) square feet in area and no larger than the American flag with which it is flying.

7. Memorial Plaques. Memorial plaques and cornerstones when not exceeding four (4) square feet in area when permanently affixed to a building or premises.

8. Bulletin boards. Notice and bulletin boards for public, charitable, religious, or similar type institutions when not exceeding sixteen (16) square feet and located on the same premises as the institution. No more than one sign per lot. Such signs shall not be visible from the public right-of-way, nor externally illuminated.

9. Time and Temperature Signs. Time and temperature signs containing computer generated messages such as a time, temperature and date, and not exceeding two (2) square feet. Time and temperature signs shall not be designed to contain flashing or running lights that give the illusion of movement. Time and Temperature signs shall meet the requirements of sign illumination set forth in Section 18-5[3] below.

10. Historical Identification Signs. Signs for property designated by the Federal, State, or local governments as a historical location, site, or landmark, provided such sign does not exceed twelve (12) square feet.

11. Miscellaneous Information Matter. Matter appearing on newspaper vending boxes, automatic teller machines, and other vending machines, or matter appearing on or adjacent to entry doors such as “Push,” “Pull,” “Open,” “Closed,” “Vacancy” and “No Vacancy” or matter appearing on display windows or doors denoting hours of operation, credit cards accepted, and similar information.
12. **Remembrances.** Tablets, grave markers, headstones, statuary/memorial plaques or remembrances of persons or events that are non-commercial in nature.

13. **No trespassing signs.** No trespassing signs, warning signs (e.g., "Beware of Dog") and other such signs regulating the use of property when such signs do not exceed two (2) square feet in area.

14. **Private traffic direction signs.** Private traffic direction signs directing traffic movement in and around a site, provided such signs do not exceed four (4) square feet in area and four (4) feet in height for each sign and that such signs contain no commercial messages.

15. **Real Estate signs.** Real estate signs in the type and number listed below.
   
   A. Signs advertising the sale, lease, or rent of residential property, provided:
   
   (a) no sign shall exceed six (6) square feet in area;
   (b) no sign shall exceed four (4) feet in height;
   (c) no sign shall be displayed above the second floor of a multi-story building;
   (d) not more than one (1) sign per street frontage of the residential property being sold, leased, or rented;
   (e) no sign shall be closer than ten (10) feet to a property line;
   (f) the sign is removed seven (7) days after the closing or execution of the lease; and
   (g) no off premise directional signs shall be permitted, except when associated with an open house as set forth below.

   B. Open House signs, provided:
   
   (a) no sign shall exceed four (4) square feet in area;
   (b) no sign shall exceed two (2) feet in height;
   (c) no sign shall be displayed above the second floor of a multi-story building;
   (d) not more than one (1) sign per street frontage property being sold, leased, or rented is displayed;
   (e) no sign shall be closer than ten (10) feet to a property line; and
   (f) the sign is placed no more than twenty-four (24) hours prior to the open house and removed within twenty-four (24) hours after the open house.

   In addition, for each open house there shall be allowed-directional signs provided:
   
   (a) no sign shall exceed four (4) square feet in area;
   (b) no sign shall exceed two (2) feet in height
   (c) no sign is located in the public right-of-way;
   (d) no sign is located closer than ten (10) feet to a property line;
   (e) no sign is erected more than twenty-four (24) hours prior to the open house;
   (f) such signs are removed within six (6) hours after the open house; and
   (g) such signs are located only at the entrance to the subdivision in which the home is located and/or at street corners within the subdivision where a change in driving direction is required.

   The Town of Avon reserves the right to remove any open house sign summarily without notice that creates a visual obstruction or impedes the orderly flow of traffic.

   C. Signs advertising the sale, lease, or rent of unimproved property, including lots for sale in a platted residential subdivision or horizontal property regime (HPR), provided:
   
   (a) for properties up to ten (10) acres, no sign shall exceed sixteen (16) square feet in area;
   (b) for properties above (10) acres, no sign shall exceed thirty-two (32) square feet in area;
   (c) not more than one (1) sign per street frontage of the unimproved property being sold, leased, or rented is displayed;
   (d) no sign shall be closer than ten (10) feet to a property line;
   (e) every sign is removed seven (7) days after the closing or execution of the lease, or in
AVON ZONING ORDINANCE

the case of a multiple lot subdivision or HPR, when 90% of the lots are sold; and

(f) no off premise directional signs shall be permitted.

(g) Model home courts may be permitted one additional sign which meets the standards set forth in items a through f above.

D. Signs advertising the sale, lease, or rent of non-residential property, provided:

(a) for properties up to five (5) acres, no sign shall exceed sixteen (16) square feet in area,

(b) for properties above five (5) acres and up to ten (10) acres, no sign shall exceed thirty-two (32) square feet in area;

(c) for properties above (10) acres and up to twenty (20) acres, no sign shall exceed forty-eight (48) square feet in area;

(d) for properties above twenty (20) acres no sign shall exceed sixty-four (64) square feet in area;

(e) no more than one (1) sign per street frontage of the non-residential property being sold, leased, or rented;

(f) no sign shall be closer than ten (10) feet to a property line; and

(g) every sign is removed seven (7) days after the closing or execution of the lease.

(h) No off-site directional signs shall be permitted.

16. Construction Project Signs. Not more than two (2) construction signs per street frontage with a sign area not to exceed thirty two (32) square feet each. Such signs shall not exceed ten (10) feet in height. The signs shall be confined to the site of the construction, and shall be removed within ten (10) days after completion of the project and prior to occupancy.

17. Contractor Signs. Not more than one (1) sign per contractor providing services on the site. Such signs shall not exceed four (4) square feet in area and shall not exceed three (3) feet in height. The signs shall be confined to the site of the service being performed and shall be removed immediately following the completion of the service.

18. Window Signs. In all commercial districts, two signs per window with the total sign area for both signs not to exceed twenty-five percent (25%) of the window surface area. A series of windows that are separated by frames and supporting material of less than six (6) inches in width shall be considered as a single window for the purposes of area computation. Such signs shall not be illuminated.

19. Political Signs. Political or campaign signs on behalf of candidates for public office or measures on election ballots. Such signs shall comply with the general sign standards contained in Sections 18-5 and 18-7 of the Avon Zoning Ordinance.

20. Decorative seasonal or holiday signs and lights customarily and commonly associated with any national, local or religious holiday. Such decorated seasonal displays shall not be located in any public right-of-way and shall meet all setbacks for the lot on which they are located.

21. The outlining of structural or architectural elements of buildings, such as roof lines or wall edges using neon, incandescent, or similar type of lighting in any C-3 Highway Commercial District, SC Shopping Center District, or Industrial District shall not be considered a sign for the purposes of this Ordinance. However, if such outlining contains text or logos, such items shall be considered signs and regulated by this Ordinance according to their placement and type.

22. For the purposes of this Chapter 18, the manual changing of copy on a sign, bulletin board, display encasement, or marquee where no structural changes are made, or the changing of interchangeable letters on signs designed for use of interchangeable letters, shall not require a permit.

23. Athletic Field Sponsorship Signs shall be permitted without limitation to number, provided such signs meet the following standards:

A. Sponsorship signs may only be affixed to fencing comprising part of, or located on the
perimeter of, each athletic field located within the facility. If the sponsorship sign is visible from a public right-of-way and it is to be displayed on fencing which runs along the perimeter of the recreational facility, it shall be placed in such a fashion so that the sign face is inwardly oriented relative to the perimeter of the recreational facility. Signs may also be affixed to buildings within the complex.

B. Sponsorship signs shall be maintained in good condition and appearance and secured at all four corners.

C. Sponsorship signs shall be limited in size to 24 square feet per sign.

D. Sponsorship signs shall not be lighted other than by a light source for the athletic field when the athletic field is in use.

24. **Field Banners** shall be permitted, provided such signs meet the following standards:

   A. One field banner per field.

   B. Maximum size shall be forty (40) square feet.

   C. Field Banners shall be maintained in good condition and appearance and be secured at all four corners.

   D. Field Banners shall be posted for no more than nine (9) months during any calendar year.

   E. Field Banners shall not be lighted other than by a light source for the athletic field when the athletic field is in use.

25. **Pre-occupancy Signs** used to identify the coming of a new business may only be used if attached in a secure manner to a structure such as an existing sign, on-site construction/hiring office, or building. Banners may not be permitted to span two (2) fixed points and may not be attached to natural features such as trees, rocks, and the like. Pre-occupancy signs may not exceed thirty-two (32) square feet in area and must be removed within thirty (30) days of the opening of the business or upon the installation of a permanent sign, whichever is earlier.

26. **Now Hiring Signs:** One (1) “now hiring” sign not more than ten (10) square feet in area and four (4) feet in height is permitted per individual freestanding business, shopping center or other multi-tenant facility. Now hiring signs may be permitted within a required front yard but shall not obstruct public walkways and shall not be located in the right-of-way of a public road.

**Section 18-5. General Sign Standards**

1. **General Limitations**

   A. No sign shall be erected or maintained so as to prevent the free ingress or egress from any door, window, or fire escape, and no signs shall be attached to a standpipe or fire escape.

   B. No sign shall have more than two (2) sign faces.

   C. No sign shall be located so as to project above the top edge of the roof or the top of the parapet whichever forms the top line of the building silhouette. A roof-integral sign shall not exceed a height of six (6) feet. A roof-integral sign may not exceed a height, when measured from grade to the sign’s highest point, of twenty-six (26) feet.

   D. No building mounted sign shall project into the public right-of-way nor shall a sign attached to a building extend more than eighteen (18) inches from the face of the building or be less than nine (9) feet above grade.

   E. Except as otherwise provided in this Chapter, permitted signs in the residential districts may be located anywhere on the property provided they are no closer than ten (10) feet to any property line.
2. **Specific limitations**

   A. **Awnings, canopies, and marquees**

      (a) Awnings, canopies, and marquees shall not, at the top edge, exceed a height of twenty (20) feet above the average grade.

      (b) The bottom edge of an awning, canopy, or marquee shall not be less than ten (10) feet above the average grade over walkways and not less than fifteen (15) feet over driveways.

      (c) The area of awning, canopy and marquee signs shall be counted against the maximum sign area for wall signs permitted by this Chapter.

   B. **Changeable copy signs**

      (a) Notwithstanding further provisions of Section 18-10, where permitted, no more than one (1) changeable copy sign shall be allowed per zoning lot.

      (b) Changeable copy signs shall not have its message changed more than eight (8) times per day.

      (c) Changeable copy signs shall meet the requirements of Section 18-5[3] below. Changeable copy signs shall be used in conjunction with pylon or ground signs and such signs shall be counted as and included in maximum area requirement for either the pylon sign or ground sign.

      (d) Notwithstanding further provisions of Section 18-10, a changeable copy sign shall not exceed thirty percent (30%) of the permitted sign area of the host sign.

3. **Illumination**

   In addition to the requirements for outdoor lighting found in Chapter 14, Section 14-15, the illumination of signs shall meet the following requirements.

   A. **Location and Design of Light Source**

      Whenever an external artificial light source is used to illuminate a sign, such source shall be so designed, located, shielded and directed as to prevent the casting of direct light upon any public right-of-way or residential property line, or any point twenty (20) feet or more outside other adjoining property lines. 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.

   B. **Level of Illumination for Externally Illuminated Signs.**

      The average level of illumination on the vertical surface of an externally illuminated sign shall not exceed thirty (30) foot-candles, unless permitted ground-mounted or bottom-mounted lighting fixtures are used, in which case the average level of illumination on the vertical surface of the sign shall not exceed twenty (20) foot-candles. No exposed reflective type bulb or incandescent 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.

   C. **Colors for Internally Illuminated Signs.**

      Except for changeable copy, internally illuminated signs shall be constructed with an opaque or colored background and lighter contrasting text or symbols.

   D. **Signs Adjacent to Residential Districts.**

      No sign within six hundred (600) feet of a Residential District shall be illuminated unless the sign is visibly obstructed from view from the Residential District. This section shall not apply to residential development identification signs, vending machines, telephone booths, time and temperature signs, or signs that do not exceed two (2) square feet in area.
E. Neon Lighting

For the purposes of this ordinance, signs using neon lighting shall be considered internally illuminated signs and shall be subject to the requirements specified for internally illuminated signs, provided that there shall be no color restrictions on neon signs.

4. Sign Area Computation

The following principles shall control the computation of sign area.

A. Computation of Area of Individual Signs

The area of a sign face shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, color, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework or bracing unless such framework or bracing is made part of the message or face of the sign.

B. Computation of Area of Multiple-Faced Signs

The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one of the faces. (Signs that require other signs to display full meaning, such as individually displayed letters or pictorial displays, shall be considered one (1) sign.) If both faces of a sign are visible from any one point, both sign faces shall be computed separately.

C. Computation of Height

The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of the existing grade prior to construction or the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases where the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is lower.

5. Construction, Design, and Maintenance

A. All signs shall meet the construction and design standards set forth for signs in the Town’s Building Code. All signs shall also be designed and constructed to withstand wind pressures and dead loads as required by the Town’s Building Code.

B. Every sign established in the Town shall, at all times, be maintained in good aesthetic and structural condition. The Zoning Administrator shall have the authority to inspect any sign pursuant to Section 18-10 below, and order any remedial action authorized thereunder.

6. Litter Control

All signs and the premises surrounding the sign shall be maintained in a clean, sanitary and inoffensive condition, and free and clear of all noxious substances, rubbish and weeds.

7. Landscaping Requirements

Every ground, pylon, or integrated center identification sign shall meet the landscaping standards
AVON ZONING ORDINANCE

Section 18-6. Temporary Signs
The following signs shall be permitted in the Town provided that they first obtain a permit in accordance with Section 18-3 above. Temporary Promotional Signs shall, in all respects, comply with the applicable regulations contained in this Chapter 18.

1. Application Information
   In addition to the requirements for specific temporary signs set forth below, all temporary signs shall be subject to the following:
   A. All temporary signs shall require a permit. Applications for temporary sign permits shall include a diagram depicting the number, exact location, size and other information identifying any proposed signage.
   B. A combination of two (2) sign types may be included within the temporary promotional signage.
   C. A sign shall not exceed thirty-two (32) square feet per sign face, and shall not have its own illumination source.
   D. All said signs shall not exceed ten (10) feet in height if freestanding, or if placed on a principal building, remain one (1) foot below the roofline. All temporary signs shall be properly secured from all corners.
   E. Signs shall not obstruct public walkways and shall not be located in the right-of-way of a public road.

2. Temporary Promotional Signs
   Portable signs and banners related to a specific promotion or event may be permitted as temporary promotional signs when specifically approved by the Zoning Administrator. Temporary promotional signs shall be subject to the following conditions.

hereinafter specified.

A. For every square foot of sign surface area there shall be provided 0.5 square feet of landscape area around the base of the sign.

B. Any sign constructed or erected to a height in excess of ten (10) feet above the average surrounding grade shall be required to be improved with an additional one square foot of landscaped area for each foot of height or portion thereof that said sign is constructed or erected above said ten (10) feet in height.

C. The required landscaped areas shall be improved with plantings such as hedges, conifers, flowering plants, miniature evergreens, or other similar specimens of a size and in quantity proportionate to the size and height of the sign as determined by the Zoning Administrator.

D. In addition to the plantings herein described, the landscaped area shall also include ground protection such as, but not limited to, ground cover plants, landscaping bark, decorative stone or landscape timbers.

E. It shall be the duty of each party owning any lot or parcel improved or to be improved with the landscaping required herein to maintain said landscaping including, but not by way of limitation, the replacement of any dead or diseased vegetation, the trimming of any overgrown vegetation and the maintenance of any groundcover or protection provided in accordance with the terms hereof.

F. All sign landscaping shall be installed at the time the sign is erected. However, the installation of required plant materials may be delayed until the next optimal planting season, as determined by the Zoning Administrator.
A. Each business may be permitted sixty (60) days of temporary signage within one (1) calendar year. A temporary sign permit may be issued for up to fifteen (15) days. Once a temporary promotional sign permit has expired, a business shall not be permitted another such permit for thirty (30) days.

B. No business shall receive more than four (4) temporary sign permits in any twelve (12) month period.

C. Temporary promotional signs shall not be located within the right-of-way of any public street or within the required front setback of any lot.

3. **Grand Opening Signs**

Portable signs, banners, balloons, pennants, streamers, festoon lights or other signs related to the initial opening and reopening of a new business may be permitted as grand opening signs when specifically approved by the Zoning Administrator. Grand opening signs shall be subject to the following conditions:

A. The display must occur within the first six months after either the opening of the business or a change in ownership of the business.

B. The grand opening signs shall be permitted for a period not to exceed thirty (30) days.

C. Grand opening signs shall not be located within the right-of-way of any public street or within five (5) feet of any property line.

4. **Civic Event Signs**

Portable signs, banners, pennants, balloons, streamers, or other promotional signs related to a specific civic event shall be permitted as civic event signs when specifically approved by the Zoning Administrator. Civic events shall include any events hosted by the Town or other municipality or events that are intended to be community-wide. Civic event signs subject to the following conditions.

A. A civic event may have up to two (2) signs located on the premises where the event is to take place. Such signs shall not exceed thirty-two (32) square feet for each sign.

B. A civic event may have a maximum of ten (10) off premise signs promoting the event. Such off premise signs shall not exceed six (6) square feet in area for each sign and shall have a maximum height of three (3) feet.

C. Signs promoting a civic event, whether on premise or off premise, shall not be located within the right-of-way of any public road or within a vision clearance triangle (see Section 13-1(7)).

D. Each civic event sign shall be permitted for a three-week period and must be removed within the three days following the event.

E. All signs shall be good quality and of weatherproof construction with supports suitable to maintain the sign for the permit period.

F. No civic event sign shall be smaller than six (6) square feet or exceed a maximum of thirty-two (32) square feet.

**Section 18-7. Regulation by District Classification**

1. **Residential Districts**

Subject to the requirements of Section 18-3 above, the following signs may be permitted in the Residential Districts and the MH-1 Mobile Home Park District. All signs in residential and MHP Mobile Home Park districts shall display only muted colors and shall be compatible with the surrounding landscape.
### AVON ZONING ORDINANCE

#### Sign Type | Number, Area, Height, And Other Limitations
---|---
Ground or Wall - single family subdivision identification, mobile home park identification | Maximum number: 1 two-faced sign per entrance or 2 complementary one-sided face signs per entrance. Maximum sign area: Each sign shall consist of no more than 20 square feet in area. Each sign shall be illuminated.
Ground or Wall - multiple family complex identification | Maximum number: 1 sign per entrance or 2 one-sided face signs per entrance. Maximum sign area: Each sign shall consist of no more than 24 square feet in area. Each sign shall be illuminated.
Ground or Wall – Non Residential Uses permitted in Residential Districts | Maximum number: 1 each ground or wall sign per public street frontage. Maximum sign area: Each sign shall consist of no more than 40 square feet in area. Maximum height: 6 feet. Ground signs may be illuminated and may contain changeable copy subject to Section 18-5(2)(B). Wall signs shall not be illuminated. Each sign shall indicate only the name and address of the building or use, conditions of operation, and associated information; it shall not include promotional information.

#### Temporary Promotional
See Section 18-6.

#### Exempt
See Section 18-4. No more than two exempt signs shall be permitted on any premise at any one time, regardless of the content or type of sign. This limitation shall not apply to political signs.

---

2. **Commercial Districts.**

Subject to the requirements of Section 18-3, signs permitted in the Commercial Districts are set forth below. No more than one free standing sign (either pylon or ground) shall be permitted per road frontage, except where a unified center sign is used, in which case one sign shall be permitted per entrance to the center.

#### C-1 Neighborhood Commercial and C-4 Transitional Office

| Sign Type | Number, Area, Height, And Other Limitations |
---|---|
**Ground** | Maximum number: 1 sign per street frontage. Maximum area: Each sign shall consist of no more than 40 square feet in area. Maximum height: 6 feet. Setback: 5 feet. Where abutting a residential property, the sign shall be setback from the abutting residential property a distance of 10 feet. |
**Wall** | Maximum number: 1 sign per public street frontage. For multiple tenant buildings: 1 sign per tenant bay Maximum area: 1 square foot of area for each linear foot of building face per public street frontage, provided the maximum area for each street frontage does not exceed 100 square feet. For multiple tenant buildings: 1 square foot for each linear foot of tenant space per public street frontage, provided the maximum area per street frontage does not exceed 100 square feet. |
**Awnings and Canopies** | Awnings and Canopies may be permitted, however, if such structures incorporate signage, the signage will be counted as and included in the wall sign requirements. |
**Temporary Promotional** | See Section 18-6 |
**Exempt** | See Section 18-4 |

#### C-2 General Commercial, C-3 Highway Commercial and SC Shopping Center Commercial

| Sign Type | Number, Area, Height, And Other Limitations |
---|---|
**Ground** | Maximum number: 1 sign per 300 feet of public street frontage. Minimum separation: 100 feet. Maximum area: Each sign shall consist of no more than 60 square feet in area. Maximum height: 6 feet. Setback: 10 feet. |
**Wall – multiple tenant** | Maximum number: 1 sign per tenant bay. Tenants with frontage on more than one public street may be permitted one (1) additional sign, provided no more than one sign is displayed on each street frontage. Maximum area: 1.5 square feet of area for each linear foot of building face per public street frontage, provided the maximum area for each street frontage does not exceed 300 square feet. |
AVON ZONING ORDINANCE

C-2 General Commercial, C-3 Highway Commercial and SC Shopping Center Commercial

<table>
<thead>
<tr>
<th>Sign Type</th>
<th>Number, Area, Height, And Other Limitations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wall – single use</td>
<td>Maximum number: 2 signs per public street frontage. Maximum area: 1.5 square foot of area for each linear foot of building face per street frontage, provided the maximum area for each street frontage does not exceed 150 square feet.</td>
</tr>
<tr>
<td>Awnings and Canopies</td>
<td>Awnings and Canopy may be permitted, however, if such structures incorporate signage, the signage will be counted as and included in the wall sign area requirements.</td>
</tr>
<tr>
<td>Marquee</td>
<td>A marquee sign may be permitted, however, the sign will be counted as, and included in, the wall sign area requirements.</td>
</tr>
<tr>
<td>Temporary Promotional</td>
<td>See Section 18-6.</td>
</tr>
<tr>
<td>Exempt</td>
<td>See Section 18-4.</td>
</tr>
</tbody>
</table>

3. Industrial Districts

Subject to the requirements of Section 18-3 above, signs permitted in the Industrial Districts are set forth below. No more than one free standing sign (either pylon or ground) shall be permitted per road frontage, except where a unified center sign is used, in which case one sign shall be permitted per entrance to the center.

<table>
<thead>
<tr>
<th>I-1 Transitional Industrial, I-2 Light Industrial and I-3 Heavy Industrial</th>
<th>Number, Area, Height, And Other Limitations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ground</td>
<td>Maximum number: 1 sign per public street frontage. Maximum area: Each sign shall consist of no more than 60 square feet in area. Maximum height: 6 feet. Setback: 10 feet.</td>
</tr>
<tr>
<td>Wall</td>
<td>Maximum number: 1 sign per public street frontage. Maximum area: 1 square foot of area for each linear foot of building face per public street frontage, provided the maximum area for each street frontage does not exceed 100 square feet.</td>
</tr>
<tr>
<td>Awnings and Canopies</td>
<td>Awnings and Canopies may be permitted, however, if such structures incorporate signage, the signage will be counted as, and included in, the wall sign area requirements.</td>
</tr>
<tr>
<td>Temporary Promotional</td>
<td>See Section 18-6.</td>
</tr>
<tr>
<td>Exempt</td>
<td>See Section 18-4.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>I-4 Industrial Park</th>
<th>Number, Area, Height, And Other Limitations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ground</td>
<td>Maximum number: 2 signs per entrance. Minimum separation: 100 feet. Maximum area: Each sign shall consist of no more than 60 square feet in area. Maximum height: 6 feet. Setback: 10 feet. In addition, each building shall be permitted 1 building identification ground sign that shall be no more than 16 square feet in area and no more than 4 feet high. The setback for such a sign shall be 10 feet.</td>
</tr>
<tr>
<td>Pylon</td>
<td>Maximum number: 2 signs per entrance. Maximum area: Each sign shall consist of no more than 60 square feet in area. Maximum height: 12 feet. Setback: 20 feet.</td>
</tr>
<tr>
<td>Wall</td>
<td>Maximum number: 1 sign per street frontage. Maximum area: 1 square foot of area for each linear foot of building face per public street frontage, provided the maximum area for each street frontage does not exceed 200 square feet.</td>
</tr>
<tr>
<td>Temporary Promotional</td>
<td>See Section 18-6.</td>
</tr>
<tr>
<td>Exempt</td>
<td>See Section 18-4.</td>
</tr>
</tbody>
</table>

Section 18-8. Integrated Center Signs

1. Authority

For unified centers, including Shopping Centers, Planned Business Areas and Industrial Areas
located in the C-2, C-3, C-4, SC, I-1, I-2, I-3, and I-4 zoning districts, in single ownership or under unified control, or individual uses with a collective and contiguous minimum frontage of 400 feet along one road, one additional business sign in addition to those signs permitted in this Section shall be permitted for each main entrance to such center, subject to the following:

A. Such sign shall indicate only the name and location of such center and the name and type of business of the occupants of such center.
B. Such sign shall be of a pylon or a ground mounted sign style.
C. The maximum surface area of such sign shall not exceed 100 square feet.
D. The maximum height of such sign shall not exceed 20 feet.
E. Such sign shall follow the setback requirements for the style of sign in the district in which it is located.
F. Integrated Center signs shall be located on one of the properties located within the integrated center advertised, provided that where an integrated center does not have frontage on a major public street, the Board of Zoning Appeals may issue a special exception for an off-site integrated center sign under the provisions of Section 4-4 of this Ordinance.

Section 18-9. Localized Alternative Sign Regulations

1. Authority

Office parks, universities, colleges, medical centers, and institutions having multi-building campuses may establish a localized alternative sign regulation plan for their property subject to review and approval by the Board of Zoning Appeals pursuant to the procedures for special exceptions found in Chapter 4, Section 4-4 (Special Exceptions).

2. Application

Applications for a localized alternative sign regulation plan shall be filed in accordance with the requirements of Chapter 4, Section 4-4 (Special Exceptions). In addition, the localized alternative sign regulation plan shall contain all the information set forth in Section 18-3(2) and shall also specify standards for consistency among all signs within the affected area including, but not limited to:

A. color scheme;
B. lettering or graphic style;
C. lighting;
D. location of each sign; and
E. sign materials and dimensions.

Applicants shall be encouraged to incorporate ground or pylon signs in association with wall or integral-roof signs. Pole signs shall be prohibited. For submitting to the public review process, applicants shall be entitled to a twenty-five percent (25%) increase for the sign area of all signs subject to the plan.

3. Sign Plan Control

No localized alternative sign regulation plan shall be approved by a special exception unless the regulations set forth in the plan are made part of the special exception and are binding on all real property and premises in the plan area.

4. Adherence
If approved, the localized alternative sign development plan shall control and be observed by the persons affected by the plan in lieu of compliance with Section 18-7 above.

Section 18-10. Signs for Auto Filling Stations

Due to differing characteristics for auto filling station sign requirements, the following sign provisions shall apply for auto filling stations:

1. A convenience store located on the same premise as the filling station shall be a separate tenant than the filling station.

2. Signs such as “self serve”, “full serve” and pump numbers shall be permitted, provided the letters and numbers are no larger than six (6) inches in height.

3. Filling stations shall be permitted one (1) sign no larger than one square foot in area, per gasoline pump. Such signs shall be permanently mounted to gasoline pumps. No signage shall be permitted on the gasoline pump island canopy supports.

4. Filling stations shall be permitted one set of gasoline prices (one price per fuel product) with letters and numbers no greater than eighteen (18) inches in height in addition to the sign allowance permitted in Section 18-7, provided that the total additional signage permitted by this allowance does not exceed forty (40) square feet. Such prices shall not be considered as changeable copy under the provisions of Section 18-5(2)(B).

Section 18-11. Off-Premise Advertising Signs

1. Districts Allowed

Off-premise advertising signs shall be permitted only in the C-3 Highway Commercial District and the I-3 Heavy Industrial District, provided however, that no billboard advertising sign shall be located within six hundred and sixty (660) feet of U.S. Highway 36 or any Residential District.

2. Type of Sign Structure

Off-premise advertising signs shall be designed and constructed as Pole signs.

3. Maximum Sign Surface Area and Height

A. An off-premise advertising sign shall not exceed three hundred (300) square feet of sign surface area. 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, may be permitted.

B. An off-premise advertising sign shall not contain more than two (2) advertisements per sign surface.

C. The maximum height of an off-premise advertising sign shall not exceed a height of thirty-five (35) feet.

4. Spacing Between Signs and Setbacks

A. 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. For the purpose of applying these spacing requirements, off-premise-advertising signs shall be treated the same whether doubled faced or single faced.

(a) The spacing requirement shall be applied equally to both sides of the street at the same time regardless of whether the off-premise advertising signs are on the same side of the street.
(b) The spacing requirement shall be applied continuously along a street to all off-premise-advertising signs oriented towards that street in either direction whether separated by blocks or intersections.
(c) 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-advertising sign is oriented from the point in the street’s centerline closest to the leading edge of the sign.
(d) 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.

B. Every off-premise-advertising sign shall be setback a minimum of sixty (60) feet from any right-of-way line.

5. Illumination

Lights illuminating an off-premise advertising sign shall meet the requirements specified in Chapter 18, Section 18-5[3] and shall be extinguished between the hours of 10 PM to 6 AM. Off-premise advertising signs shall be equipped with properly adjusted and functioning automatic timers and/or switches designed to automatically extinguish sign lighting with the required hours.

Section 18-12. Enforcement

The Zoning Administrator is authorized to enforce the provisions of this Chapter. The Zoning Administrator may inspect, at such times as he deems necessary, each sign or sign structure regulated by this Chapter for the purpose of ascertaining whether the sign is in compliance with this Chapter or any other relevant Town code, law or ordinance.

1. Unsafe and Unlawful Signs
   A. Duty to Remove or Repair
      (a) Should the Zoning Administrator find any sign regulated by this Chapter to be unsafe, unlawful, or a menace to the public; or constructed, erected, or maintained in violation of the provisions of this Chapter; he shall cause notice to be given to the holder of the permit in accordance with Chapter 19 (Enforcement).
      (b) If the holder of the permit should fail to remove the sign or bring the sign or other advertising structure in compliance, the Zoning Administrator shall cause prosecution of the violation in accordance with Chapter 19 (Enforcement).

2. Unlawful signs.

   Unlawful signs, regardless of type, are a violation of this Ordinance and shall be removed immediately upon notice. Should the owner fail to remove the sign or bring the sign or other advertising structure in compliance, the Zoning Administrator shall cause prosecution of the illegal sign in accordance with Chapter 19 (Enforcement).


   The Zoning Administrator may cause any sign or other advertising structure that is causing immediate peril to persons or property to be removed summarily without notice.

4. Signs No Longer in Use

   Any sign advertising a defunct or relocated business, or an unavailable product or service, shall be deemed a violation of this Ordinance and shall be taken down and removed by the owner, agent, or person having the control of the premises upon which the sign is located within thirty (30) days of the violation. The Zoning Administrator shall give notice to the owner or to any person occupying the property, in accordance with Chapter 19 (Enforcement), that the sign on his premises is in violation. Failure to comply with the notice within the time specified shall cause
the Zoning Administrator to prosecute the violation in accordance with Chapter 19 (Enforcement). The structure of a sign which is no longer in use may remain in place if the sign’s message can be removed without detriment to the overall appearance of the sign. A decision to allow the structure of the sign to remain shall be at the discretion of the Zoning Administrator.

5. Additional Enforcement Action for Violations on Private Property

In addition to proceeding under the provisions of Chapter 19 (Enforcement) for signs found to be in violation of the Chapter, the Zoning Administrator may enter onto the subject property and take the appropriate action, including removal of the sign, to bring the property into compliance. However, before such compliance action shall be taken, the Zoning Administrator shall provide notice to all persons holding a substantial interest in the property of his intentions and provide such persons a reasonable time to bring the property into compliance. If in enforcing this Chapter, the Zoning Administrator proceeds under this Section, the Town’s expenses involved in such action shall be made to become a lien against the subject property.

6. Signs not Conforming to this Chapter

A. Authority to Continue

Any lawful sign located within the Town at the effective date of this Ordinance or which shall come to be located in Town as a result of annexation after the effective date of this Ordinance, which does not conform to the provisions of this Chapter, may continue provided the sign remains in conformance with the provisions of this Section.

B. Conditions of Lawful Status

For the purposes of this Chapter, legal nonconforming status shall be conferred only on signs authorized by a sign permit or variance of a preceding ordinance, title, code, or law; or if no sign permit was required under the applicable preceding laws, the sign was otherwise in compliance with the requirements of the preceding ordinance, code, or law.

C. Ordinary Maintenance and Repair

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

D. Repairs Pursuant to Public Order

Nothing in this Section shall be deemed to prevent the strengthening or restoration to a safe condition of a legal nonconforming sign in accordance with a reasonable order of a public official who is charged with protecting the public safety and who declares such a sign to be unsafe and orders its restoration to a safe condition.

E. Loss of Lawful Status

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

(1) if the use of a sign is no longer used for a period of six (6) months it shall be deemed abandoned and shall not thereafter be reestablished; or

(2) if a sign is structurally altered such that its nonconforming aspects increase; or

(3) if a sign is relocated, replaced, or moved in any way; or the sign is damaged and the cost of repair exceeds fifty percent of its replacement value.

(b) Upon the event of any of the aforementioned, the sign shall be immediately brought into compliance with this Chapter in conjunction with a new sign permit, or the sign shall be removed. For the purpose of this Subsection the changing of copy shall not be
considered the replacement of an existing legal nonconforming sign.
Reserved for Future Use
### CHARTER REVISION HISTORY

**Chapter 19. Enforcement**

<table>
<thead>
<tr>
<th>Ordinance #</th>
<th>Plan Commission Approval Date</th>
<th>Town Council Adoption Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007-26</td>
<td>10-02-2007</td>
<td>10-11-2007</td>
<td>Chapter 19-5.3(B) Amendment to Fine Structure</td>
</tr>
</tbody>
</table>
AVON ZONING ORDINANCE

CHAPTER 19. ENFORCEMENT

Section 19-1. Authority

The Zoning Administrator or their authorized designee is hereby designated to enforce the terms and provisions of this Ordinance. The term Zoning Administrator throughout this Ordinance shall be inclusive of their authorized designee.

Section 19-2. Complaints Regarding Violations

Whenever the Zoning Administrator receives a complaint alleging a violation of this Ordinance or has reason to suspect that a violation is occurring, they shall assume the responsibility of investigating the complaint or suspicion and taking whatever action is warranted in accordance with this Chapter.

Section 19-3. Persons Liable

The owner, or occupant of any building, structure, land or part thereof, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this Ordinance shall be held responsible for the violation, suffer the penalties, and be subject to the remedies provided herein and by law.

Section 19-4. Right of Entry

The Zoning Administrator may enter upon any premises at any reasonable time to make inspections of all building, structure or premises located within the jurisdiction of this Ordinance to determine compliance with the provisions of this Ordinance. All inspections shall be subject to the following standards and conditions.

1. The Zoning Administrator shall furnish to the owner, tenant, or occupant of the building, structure, or premises sought to be inspected, sufficient identification and information to demonstrate that the person is a representative of the Town and the purpose of the inspection.

2. The Zoning Administrator may apply to any court of competent jurisdiction for research warrant or other legal process for the purpose of securing entry to any premises if the owner, tenant, or occupant refuses to grant entry.

Section 19-5. Procedures upon Discovery of Violations
1. Notice to Correct

A. If the Zoning Administrator finds that any provision of this Ordinance is being violated, he shall provide written Notice to Correct to the persons responsible for such violation.

B. The Notice to Correct shall appear on a designated form, and shall state the following:

i. Date of the Notice to Correct;
ii. Date and place the violation was observed;
iii. Name and address of property owner or responsible party;
iv. Section number in violation;
v. The nature of the violation;
vi. Name, business address, and phone number of person issuing citation;
vii. The action necessary to correct the violation;
viii. Any other action available to the Zoning Administrator to remedy the violation;
ix. That failure to correct the violation within ten (10) days of the date of the Notice shall cause the owner, occupant, of tenant or violator to be subject to the remedies described in this Chapter;
x. That the Notice to Correct shall serve as the only notice of the Civil Violation, and that no further written notice shall be necessary by the Town;
xii. Notice that each day is a new violation;
xiii. Amount of fine for each violation;
xiv. The location that fines may be paid; and
xv. Statement to violator of right to appeal.

C. Service of the Notice to Correct

i. The Zoning Administrator may issue a notice to the owner, tenant or occupant who commits a civil zoning violation or allows a civil zoning violation to be committed on real estate.

ii. Service may be perfected through personal service, by certified mail, or by First Class U.S. Mail, to the address of record at the Office of the Auditor, and by placing the citation in a conspicuous place on the subject property.

2. Enforcement without Prior Written Notice

Notwithstanding the provisions of 19-5 (1), in cases where delay would seriously threaten the effective enforcement of this Ordinance or pose a danger to the public health, safety, or welfare, the Zoning Administrator may:

A. Immediately issue to the owner, tenant or occupant a fine citation as provided for in 19-4 (D).

B. Immediately issue a stop work order as provided for in 19-3.

C. Immediately issue notice to correct the violation as provided in 19-4 (C).

D. Immediately pursue the other remedies provided for 19-4 (E) or by Indiana Law.

3. Stop Work Order

The Zoning Administrator is empowered to issue a Stop Work Order requiring the suspension of land improvement of any kind when any of the following circumstances exist.
A. A site is being improved without an Improvement Location Permit or any other permit required by this Ordinance.

B. A site is being improved in violation of:

   i. the terms, conditions or provisions of this Ordinance;
   ii. the terms, provisions, conditions or commitments of a variance;
   iii. the terms, provisions, conditions or commitments of a special exception permit;
   iv. the terms, provisions, conditions or commitments of a Planned Unite Development or Development Plan;
   v. commitments made in connection with a petition for a zone map amendment; or
   vi. any other development approval granted under this Ordinance.

C. Procedures for Stop Work Order:

   i. The Stop Work Order shall be posted on the property in a conspicuous place or personally delivered to the owner, tenant, occupant, or person in charge;
   ii. The Stop Work Order shall state the reason for the stoppage of work, and shall list any and all codes, ordinances, conditions or other requirements being violated.
   iii. The Stop Work Order shall indicate conditions under which construction or other activity may resume.
   iv. The Stop Work Order shall inform the recipient of the recipient’s right to meet with the Zoning Administrator or their designee to discuss the conditions under which construction or activity may resume.
   v. The recipient of a Stop Work Order may appeal the decision of the Zoning Administrator or their designee to the Board of Zoning Appeals in accordance with Section 19-9 of this Chapter.
   vi. The Zoning Administrator may bring a cause of action in a court of competent jurisdiction to enforce the provisions of the Stop Work Order or enjoin any activity in violation of this Ordinance.
   vii. Violation of a Stop Work Order shall be considered a violation of the Municipal Code of Ordinances, and shall be subject to enforcement and penalty as contained therein.

4. Appeal of Determination of Violation

   A. The determination that a violation exists may be appealed to the Board of Zoning Appeals.

   B. Any appeal of the determination that a violation exists shall be filed within twenty (20) days of the date of service of the Notice to Correct.

   C. Any appeal of the determination that a violation exists shall be made in accordance with the provisions of Section 19-9 of this Chapter.

   D. A person who timely files such appeal shall be required to pursue such appeal in accordance with the applicable Rules of Procedure.

   E. While such appeal is pending further enforcement action shall be stayed, but fines shall continue to accrue from the original date of service.
F. If the appeal is withdrawn or denied and the violation remains uncorrected, then the Zoning Administrator may pursue all legal and equitable relief available by law or provided by this Chapter.

G. If the Board of Zoning Appeals determines that no violation existed at the time of the Notice to Correct, no fines shall be due.

5. Corrections

A. A person who causes the violation to be corrected shall notify the Zoning Administrator within seven (7) days of the correction that his violation has been corrected.

B. If the violation is verified by Town staff to have been remedied within twenty (20) days of the date of service of the Notice to Correct, the Zoning Administrator shall have the authority in his discretion to waive any fines, fees, or penalties.

C. If the violation is corrected more than twenty (20) days after the date of service of the Notice to Correct, the responsible party shall pay all fines, fees or penalties associated with the violation.

D. Within ten (10) days of the Zoning Administrator’s determination that the violation has been corrected he shall notify the violator of the fines and fee due, and the violator shall have thirty (30) days to pay the fines and fees to the Clerk-Treasurer.

E. Appeal of fine to BZA thirty (30) days from the notice under Section 19-9.

F. A person who receives notice to correct may elect to file a development review application or variance petition to seek alternative relief for the violation.

i. A person who timely files such application or petition shall be required to pursue such application or petition in accordance with the applicable Rules of Procedure.

ii. While such application or petition is pending further enforcement action shall be stayed, but fines shall continue to accrue from the original date of service.

iii. If the development plan review application or variance petition is withdrawn or denied and the violation remains uncorrected, then the Zoning Administrator may pursue every legal and equitable remedy available by law or this Chapter.

iv. Should the applicable development plan review or variance petition resolve the issue and remedy the violation, fines shall not be applicable for the period of time during which the review or petition was pending.

6. Fine

A. First Occurrence of Violation

i. The monetary fine for the First Occurrence of a violation shall be One Hundred Dollars ($100.00)

ii. Each day a violation remains uncorrected shall be a distinct and separate violation and subject to an additional One Hundred Dollar ($100.00) fine.

B. Recurring Violation(s)
For any recurrence of any violation within a 365-day period from the correction of the First Occurrence, the following fines shall apply for each day the recurrence remains uncorrected:
1. Second Occurrence: $250.00
2. Third Occurrence: $500.00
3. Fourth Occurrence: $1,000.00
4. Each Occurrence in excess of four (4) $2,500.00

Each day a violation remains uncorrected shall be a distinct and separate violation and subject to an additional fine in the amount established in (6)(B)(i) above.

7. Other Remedies Reserved

A. The seeking of a civil penalty as authorized in this Chapter does not preclude the Zoning Administrator, Plan Commission, or the Board of Zoning Appeals from seeking alternative and additional relief from a court of competent jurisdiction in the same action or from seeking any other relief provided by law in a separate action for the enforcement of this Ordinance.

B. Pursuant to Indiana Code 36-1-6-2, as amended, where a condition exists on real property in violation of this Ordinance, the Zoning Administrator shall:
   i. provide notice to all owners, occupants or tenants of his intention to enter upon the property; and
   ii. enter onto the subject property and take the appropriate action to bring the property into compliance.

C. If the Zoning Administrator takes action under this Section, the Town may collect from the owner, occupant or tenant the Town’s expenses.

8. Legal Fees

A. In the event that a violation of this Ordinance is determined to exist by a court of competent jurisdiction, the respondent shall bear the costs of the enforcement action, including reasonable attorney fees.

Section 19-6. Violations Defined

The failure to comply with the terms and provisions of the Avon Subdivision Control Ordinance, Zoning Ordinance or any decision or ruling of the Plan Commission, Board of Zoning Appeals or Town Council on any zoning matter is a violation under this chapter.

Section 19-7. Revocation of Development Review Approvals

1. Authority

A. The Zoning Administrator may, in accordance with this Section, revoke any approval granted by an appointed body at a previous public hearing; including, but not limited to any development review approval, variance, special exception, plan review or any other approval, under the following circumstances:

   i. It is determined that said approval was obtained without adhering to the applicable procedures within the appropriate section of the Zoning Ordinance, including but not limited to:
AVON ZONING ORDINANCE

1. Failure to properly notify adjoining property owners as required by statute;
2. Failure to demonstrate consent of owners of included properties as required by statute;
3. Any other failure to satisfy a statutory provision of the applicable approval procedure as specified within the Town of Avon Zoning Ordinance.

ii. It is determined that said approval was obtained on the basis of factual errors in the submittal.

iii. It is determined that said approval was obtained on the basis of falsified information.

B. The Zoning Administrator may, in accordance with this Section, revoke any approval granted administratively, including but not limited to any improvement location permit, sign permit, or certificate of occupancy, for any of the reasons listed in Section 19-7 (1) (A).

2. Appeal

A. Any party aggrieved by the revocation of any approval by the Zoning Administrator may appeal the decision to revoke the approval.

i. The board or body responsible for the applicable approval and the original hearing shall conduct any public hearing related to any proposed revocation in accordance with the Rules of Procedure applicable to that board or body.

ii. Any revocation of an approval granted administratively may be appealed to the Board of Zoning Appeals in accordance with Section 19-9 of this Chapter.

3. Procedure

A. The Zoning Administrator shall cause a written copy of the official revocation of the approval to be delivered to the holder of the approval within ten (10) calendar days from the Administrator’s decision.

i. Service may be perfected through personal service, by certified mail, by First Class U.S. Mail, or by placing the citation in a conspicuous place on the subject property.

B. The holder of the approval may appeal the decision of the Administrator to the Board of Zoning Appeals in accordance with Section 19-9 of this Chapter.

4. Result of Revocation

No person may continue to make use of land or buildings in the manner authorized by any approval after the approval has been revoked in accordance with the provisions of this Chapter.

5. Records

A record of any decision to revoke any review shall be added to the original petition file.

Section 19-8. Common Nuisance

Pursuant to Indiana Code 36-7-4-1012, as amended, any structure, land, or premises found to be in violation of this Ordinance is hereby declared to be common nuisance. Any owner or possessor of said structure, land, or premises shall be, in addition to any other fine or civil penalty, liable for maintaining a common nuisance.
Section 19-9. Appeals of Zoning Administrator Decisions

All decisions of the Zoning Administrator may be appealed to the Board of Zoning Appeals in accordance with the procedures and standards for appeals of administrative decisions set forth in Chapter 4, Section 4-5 (Appeals).

Section 19-10. Private Remedies Reserved

Nothing in this Chapter shall be interpreted to prevent any person entitled to relief in law or equity by reason of a violation of the provisions of this Ordinance from bringing an appropriate action to secure relief.
Reserved for Future Use
CHAPTER 20. DEFINITIONS

Section 20-1. Definitions Generally
The terms and words defined in this Article shall have the meanings herein ascribed to them.

1. Undefined Terms
   Any words not defined in this Article shall be construed as defined in normal dictionary usage.

2. Tense and Form
   Words used or defined in one tense or form shall include other tenses and derivative forms.

3. Number
   Words in the singular number shall include the plural number, and words in the plural number shall include the singular number.

4. Gender
   The masculine gender shall include the feminine and neuter. The feminine gender shall include the masculine and neuter. The neuter gender shall include the masculine and feminine.

5. Time
   The time within which any act required by this Ordinance is to be performed shall be computed by excluding the first day and including the last day, unless the last day is a Saturday or Sunday or a holiday declared by the United States Congress or the Indiana General Assembly, in which event it shall also be excluded. The word "day" shall mean a calendar day, unless otherwise indicated.

6. Person
   The word "person" includes individuals, firms, partnerships, joint ventures, trusts, trustees, estates, corporations, associations, and any other similar entities.

7. Captions, Illustrations, and Tables
   In case of any difference of meaning or implication between the text of this ordinance and any caption, illustration, or table, the text shall control and no caption, illustration, or table shall be construed to limit the scope or intent of the text of this ordinance.

Section 20-2. Rules for Generic Use Definitions

1. Purpose of Generic Use Definitions
   Certain terms in this Chapter are defined to be inclusive of many uses in order to eliminate overly detailed listings of uses in the zoning districts established by this Ordinance. These terms shall be referred to in this Ordinance as “generic” definitions.

2. Components of Generic Use Definitions
   A Generic definition has three (3) components: (1) a brief listing of examples of uses intended to be included within the scope of the definition; (2) an identification (where appropriate) of certain
uses that are not meant to be included by the term; and (3) a statement that for the purposes of each zoning district, any other uses specifically listed within the particular zoning district shall not be construed as falling within the generic definition.

3. **Uses Not Listed or Not Within Scope of Generic Use Definitions**

A use that is not specifically listed in a zoning district or does not fall within a generic definition as defined in this Article, or as interpreted by the Zoning Administrator pursuant to Section 3.8, is prohibited.

**Section 20-3. Definitions**

For the purposes of this Ordinance, the following terms shall have the following meanings:

**Abutting**: To have a common property line or district line.

**Accessory Use Or Structure**: A structure or use that (1) is incidental to and serves a principal building or a principal use; (2) is subordinate in height, area, extent, and purpose to the principal structure or principal use served; (3) contributes to the comfort, convenience, or necessity of the occupants, business, or industry of the principal structure or principal use served; and (4) is located on the same lot as the principal structure or principal use served, except as otherwise expressly authorized by the provision of this Ordinance. Accessory parking facilities may be authorized to be located elsewhere. An accessory structure is a detached structure. Where authorized by this Ordinance, wireless communication service facilities may be considered an accessory use.

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

**Adjacent**: Lying near or in the immediate vicinity.

**Adjoining**: Touching or contiguous, as distinguished from lying near.

**Adult Arcade**: Any place to which the public is permitted or invited, wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at anyone time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual areas."

**Adult Cabaret**: A nightclub, bar, restaurant, or similar commercial establishment which regularly 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) files, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

**Adult Dancing**: See “Adult Cabaret”.

**Adult Entertainment Facilities**: Any commercial establishment, business or service, or portion thereof, which offers specific sexual activities, services, performances or any combination thereof, or in any other
form, whether filmed, recorded or live. The term “adult entertainment facilities” shall include, but not be limited to:

(1) Adult Cabaret  
(2) Adult Motel  
(3) Adult Motion Picture Theater  
(4) Adult Theater  
(5) Nude Model Studio  
(6) Clothing Modeling  
(7) Sexual Encounter Center

**Adult Media:** Magazines, books, videotapes, movies, slides, CD-ROMs or other devices used to record computer images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to hard-core material.

**Adult Media Store:** An establishment that rents and/or sells media, and that meets any of the three tests:

(1) 40 percent or more of the gross public floor area is devoted to adult media.  
(2) 40 percent or more of the stock-in-trade consists of adult media.  
(3) It advertises or holds itself out in any forum as “XXX”, “adult”, “sex”, or otherwise as a sexually oriented business other than an adult media store, adult motion picture theater or adult cabaret.

**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 "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 10 hours; or  
(3) allows a tenant or occupant of a sleeping room to sub rent the room for a period of time that is less than 10 hours.

**Adult Motion Picture Theater:** An establishment emphasizing or predominately showing sexually oriented movies.

**Adult Retail Facilities:** Any commercial establishment, business or service, or portion thereof, which offers sexually oriented material, services, devices, or paraphernalia in any form. The term “adult retail facilities” shall include, but not be limited to:

(1) Adult Media Store  
(2) Escort Agency  
(3) Sex Shops

**Adult Theater:** A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or by “specified sexual activities."

**Advertising Device:** See Sign, Off-Premise Advertising.

**Agricultural Building Or Structure:** Any building or structure existing or erected on land used principally for agricultural purposes, with the exception of dwelling units.
AVON ZONING ORDINANCE

Agriculture: The use of land for agricultural purposes, including farming, dairy farming, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory use shall be secondary to that of the normal agricultural activities. Included are truck farming, poultry farming, beekeeping, raising of fruit and berries, and the selling of agricultural products, but shall not include mechanized industrial animal farms. The land area (farm) necessary to constitute an agricultural use is ten acres. Agriculture shall not include the commercial feeding of garbage to swine or other animals.

Aisle (Parking): The area used by motor vehicles for access to and from all off-street parking spaces. For the purposes of this ordinance, regulations pertaining to aisles shall also apply to all parking lot access driveways.

Alley: A public or private way, at the rear or side of property, permanently reserved as a means of secondary vehicular access to abutting property. Frontage on said alley shall not be construed as satisfying the requirements of this Ordinance related to frontage on a dedicated street.

Alteration: Any change in size, shape, character, occupancy, or use of a building or structure, including any act or process which changes one or more exterior architectural features of an historical improvement.

Animal Clinic: A use or structure intended or used primarily for the testing and treatment of animals on an emergency or outpatient basis. Animal clinic shall not including the boarding or training of animals, except for recovery after medical treatment, and shall not provide outdoor runs or kennels. “Animal Clinic” shall not include any use that is otherwise listed specifically in a zoning district as a permitted or special use.

Animal Hospital: A use or structure intended or used primarily for the testing and treatment of the disorders of animals, including the indoor boarding of animals for such purpose, but not the training or grooming of animals. “Animal Hospital” shall not include any use that is otherwise listed specifically in a zoning district as a permitted or special use.

Antenna: An apparatus, free standing or attached to the exterior of a building, together with any supporting structure, for sending or receiving electromagnetic waves.

Apartment Building: A multiple-family dwelling originally constructed to accommodate three or more apartments, designed with more than one dwelling unit connecting to a common corridor or entranceway, in contrast to single- or two-family dwellings converted for multiple-family use.

Appeal: means a request for a review of the zoning administrator’s interpretation of any provision of this ordinance or a request for a variance.

Area of Shallow flooding: means a designated AO or AH Zone on the community’s Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Arbor: A lattice structure designed specifically for the purpose of supporting leafy vines, typically in an arc or corridor form. No structure shall be considered as an arbor for the purposes of this Ordinance unless the plant material typically associated with an arbor is in place.

Assisted Living: A facility for adults in need of some protective oversight or assistance due to functional limitation that provides a living arrangement integrating shelter, food and other supportive services to maintain a functional residential status. “Assisted Living” shall not include any use that is otherwise listed specifically in a zoning district as a permitted or special use.
**Auto Body Repair:** A building, property, or activity the principal use of which is automotive body repair other than those types of repairs permitted at automobile filling stations and auto service repair establishments. “Auto Body Repair” shall not include any use that is otherwise listed specifically in a zoning district as permitted or a special use.

**Auto Service Repair:** A building, property, or activity the principal use of which is the repair or replacement or parts, oils, coolants, lubricants, tires, and other similar services. “Auto service repair” shall include, but is not limited to, muffler shops, oil change shops, car care centers, tire centers and other uses similar in nature and impact. “Auto Service Repair” shall not include an auto body repair establishment, car washes, or any use that is otherwise listed specifically in a zoning district as permitted or a special use.

**Auto Filling Station:** A building, property, or structure the principal use of which dispenses or offers for retail sale of automotive fuels or oils and incidental convenience goods; having pumps and storage tanks thereon, and where battery, tire and other similar services, are rendered, but only if rendered wholly within lot lines and indoors. “Auto Filling Station” shall not include an auto body repair establishment.

**Awning:** A roof-like cover, temporary in nature, which projects from the wall of a building and, in some cases, overhangs the public way.

**Base Flood Elevation (BFE):** Means the elevation of the one-percent annual chance flood.

**Basement:** Means that portion of a structure having its floor sub-grade (below ground level) on all sides. (For use with Chapter 17)

**Block:** That property abutting on one side of a street between two nearest intersecting streets, railroad rights of way, or natural barriers; provided, however, that where a street curves so that any two chords thereof form an angle of one hundred twenty degrees or less measured on the lot side, such curve shall be construed as an intersecting street.

**Block Face:** All the property fronting on one side of a street between the two nearest intersecting streets, measured along the line of the street, or if dead-ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

**Boundary Line:** A line on the Zoning Map designating the edge of a use district. Such a boundary line may be a boundary line for two use districts depending on the particular use districts located on each side of said line.
Buildable Area: The space remaining on a zoning lot after the minimum yard requirements of the Ordinance have been complied with.

Building: A structure having a roof, supported by columns or walls for shelter, support or enclosure of persons, animals. For structures separated by division walls from the ground up and without openings, each portion of said building shall be deemed as a separate building unit.

Building, Accessory: See Accessory Building or Use.

Building, Detached: A building surrounded by an open space on the same lot.

Building Height: See Height of Building

Building, Nonconforming: See Nonconforming Building.

Building, Principal: A building in which the principal use of the zoning lot on which it is located is conducted.

Building Setback Line: The line parallel to the street identifying the minimum distance between a street right of way or property line and the nearest building foundation of any structure on the lot.

Building, Unit Group: One or more buildings located or grouped upon a lot and held under one ownership, such as universities, hospitals, institutions, churches and temples, industrial plants, shopping centers, townhouses, apartment buildings, and similar uses.

Bulk: The term used to indicate the size and setbacks of buildings or structures and the location of same with respect to one another, and includes the following:

1. Size and height of buildings.
2. Location of exterior walls at all levels in relation to lot lines, streets, or other buildings.
3. Gross floor area of buildings in relation to lot area (floor area ratio).
4. All open spaces allocated to buildings.
5. Amount of lot area provided per dwelling unit.

Business Services Establishments: A building, property, or activity of which the principal use or purpose is the provision of business support oriented services directly to business and office establishments. This term shall include, but will not be limited to, temporary employment services, computer, copier, and business machine repair and service shops, bulk mail services and similar establishments. “Business Services Establishments” shall not include any use or other type of establishment that is otherwise listed specifically in a zoning district as a permitted or special use.

Caliper: A measurement of the diameter of a tree trunk. For the purposes of this ordinance, measurements for all trees shall be taken at four and one half (4 ½) feet above grade level.

Canopy: See Marquee.

Capacity In Person: The maximum number of persons that can avail themselves of the services (or goods) of an establishment, at any one time, with reasonable comfort and safety.

Car Wash: A building or portion thereof where facilities for washing, cleaning and detailing automobiles are provided that involve machine or hand-operated mechanical devices or equipment. “Car Wash” shall not include any use that is otherwise listed specifically in a zoning district as permitted or a special use.
Carport: A roofed automobile shelter with the front clear, open, and unobstructed, and at least two other sides having seventy five percent of the vertical area remaining open and clear.

Cellar: A story having more than one-half of its height below the curb level or below the highest level of the adjoining ground. A cellar shall not be counted as a story for the purpose of height measurement.

Certiorari: An order commanding judges or officers of a lower court to certify or return the records of proceedings of a case for judicial review by an appellate court.

Child Care Center: Any place other than a family home in which persons receive child care services during any part of a day not exceeding thirteen (13) hours in any twenty-four hour period and licensed pursuant to the Town and State requirements.

College/University: A privately-owned or publicly-owned institution providing full-time or part-time education beyond the high school level, including any lodging rooms or housing for students or faculty.

Commercial Indoor Recreation: Public or private recreation facilities, tennis courts, ball courts, racquet courts or other courts, swimming pools, bowling alleys, skating rinks, or similar uses that are enclosed in buildings and are operated on a commercial or membership basis, and primarily for the use of persons who do not reside on the same lot as the recreational use. “Commercial Indoor Recreation” shall include but not be limited to, health and fitness clubs or any accessory use, such as snack bars, pro shops, and locker rooms that are designed and intended primarily for the use of patrons of the principal recreational use. “Commercial Indoor Recreation” shall not include gun-firing ranges, cultural facilities, dance halls, community, and recreation centers, or any use that is otherwise listed specifically in a zoning district as permitted or a special use.

Commercial Outdoor Recreation: Public or private swimming pools, tennis courts, ball fields, and ball courts that are not enclosed in buildings and are operated on a commercial or membership basis, and primarily for the use of persons who do not reside on the same lot as the recreational use. “Commercial Outdoor Recreation” shall include any accessory uses, such as snack bars, pro shops, and clubhouses that are designed and intended primarily for the use of patrons of the principal recreational use. “Commercial Outdoor Recreation” shall not include skateboarding courses, water slides, mechanical rides, go-cart or motorcycle courses, raceways, drag strips, overnight camping, or gun-firing ranges, or any use that is otherwise listed specifically in a zoning district as a permitted or a special use.

Commercial Parking Lot: An area reserved or used for parking or storage of automobiles, either privately or publicly owned, and generally available to the public and involving payment of a charge for such parking or storage.

Commercial Shopping Center: A concentration of related commercial establishments with one or more major anchor tenants, shared parking, and unified architectural and site design. A shopping center normally has single or coordinated ownership-operations-management control and may include out parcels as well as architecturally connected units.

Commercial Storage Facility: A commercial land use consisting of the rental of fully enclosed interior building space for the storage of personal property (mini-warehouse). An industrial warehouse shall not be considered commercial storage facility. “Commercial Storage Facility” shall not include any use that is otherwise listed specifically in a zoning district as permitted or a special use.

Common Open Space: Land unoccupied by structures, buildings, streets, rights of way, and automobile parking lots and designed and intended for the use or enjoyment of residents of a planned development. Common open space may contain structures for recreational use. No area within thirty feet of any building or structure, except a structure used for recreational use shall be included as common open space.
Community: means a political entity that has the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

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

Community Rating System (CRS): means a program developed by the Federal Insurance Administration to provide incentives for those communities in the Regular Program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

Comprehensive Plan: Extensively developed and evolving plan or any elements thereof, indicating the proposed future development of the Town as prepared through the Planning Commission.

Conforming Building Or Structure: Any building or structure which complies with all the regulations of this comprehensive amendment or of any amendment hereto governing bulk for the zoning district in which such building or structure is located; or is designed or intended for a conforming use.

Convenience Mart Fueling Station: A building, property or structure where the direct retail sale of food items such as cereals, grains, produce, baked goods, dairy products, canned and frozen prepared food products, beverages, cleaning supplies, pet food and supplies, household goods, books and magazines, and other sundry items as well as automotive fuels, oils and auto accessories are available to be purchased by the consumer. “Convenience Mart Fueling Station” may also include, as a secondary principal use, a carry-out restaurant.

Convenience Retail: A building or portion thereof, generally of small size and character, where the direct retail sale of food items such as meats, cereals, grains, produce, baked goods, dairy products, canned and frozen prepared food products, beverages, cleaning supplies, pet food and supplies, pharmaceuticals, over-the-counter medicines, personal products, household goods, books and magazines, plants, and other sundry items are available to be purchased by the consumer. “Convenience Retail” shall include, but not be limited to, a grocery store, a food and drug store, meat or fish market, fruit and vegetable market, retail bakery, convenience store and other uses similar in nature and impact. “Convenience Retail” shall not include a supermarket, grocery-mart, or wholesale club store or any use of other type that is otherwise listed specifically in a zoning district as a permitted or special use.

Court: An open unoccupied space other than a yard on the same lot with a building, which is totally or partially enclosed by a building or buildings and is completely open to the sky.

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

Curb Level: The level of the established curb in front of the building measured at the center of such front. Where a building faces on more than one street, the "curb level" shall be the average of the levels of the curbs at the center front of each street. Where no curb elevation has been established, the level of the centerline of the street shall be considered the "curb level."

Density, Gross: The numerical value obtained by dividing the total dwelling units in a development by the gross area of a tract of land upon which the dwelling units are located. Gross area shall be calculated by including into the total acreage of the development those areas to be utilized as private streets, open space or...
common areas, and those areas dedicated as streets, driveways and parking areas, as well as dedicated lands counted towards parkland donations or for retention and/or detention purposes.

**Density, Net:** The numerical value obtained by dividing the total dwelling units in a development by the net area of a tract of land upon which the dwelling units are located. Net area shall be calculated by reducing from the total acreage of the development those areas dedicated as right-of-way, common driveways and parking areas, as well as dedicated lands counted towards parkland donations or for retention and/or detention purposes. See Graphic in Section 5-6.

**Development:** means any man-made change to improved or unimproved real estate including but not limited to:

1. construction, reconstruction, or placement of a structure or any addition to a structure;
2. installing a manufactured home on a site, preparing a site for a manufactured home or installing recreational vehicle on a site for more than 180 days;
3. installing utilities, erection of walls and fences, construction of roads, or similar projects;
4. construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;
5. mining, dredging, filling, grading, excavation, or drilling operations;
6. construction and/or reconstruction of 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 structures and facilities such as painting, re-roofing; resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent structures.

**Development Review:** Development review shall consist of site plan review, development plan review, zoning certificates, special exception permits, planned unit developments, variances, amendments to the ordinance or map, and appeals from administrative determinations as provided in this Ordinance.

**Display Publicly:** The act of exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a street, highway, or public sidewalk, or from the property of others, or from any portion of the premises where items and material other than adult media are on display to the public.

**Distribution Facility:** A building, area, or portion thereof designed to accommodate large-scale trucking operations, including local, intrastate, or interstate motor carriers, for the transfer, loading and unloading of goods. “Distribution Facility,” may include facilities for the temporary storage of loads prior to shipment.

**District:** A portion of the Town within which certain uniform regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance.

**Dormitory:** A building or portion thereof that contains living quarters for students, staff, or members of an accredited college, university, boarding school, theological school, hospital, religious order, or comparable organization; provided that said building is owned or managed by said organization and contains not more than one cooking and eating area.

**Drive-Through Facility:** An accessory facility, structure or portion thereof that is designed, intended or used for transacting business with customers located in motor vehicles. “Drive-through Facility” shall not
include an automobile filling station or any use that is otherwise listed specifically in a zoning district as permitted or a special use.

**Dwelling:** A building, but not including a house trailer or mobile home, designed or used exclusively for residential occupancy, including one-family dwelling units, two-family dwelling units, and multiple-family dwelling units, but not including hotels, boarding or lodging houses.

**Dwelling, Apartment:** One or more rooms in an apartment building, or combination apartment and commercial building; arranged, intended or designed or occupied as a dwelling unit of a single-family, an individual, or a group of individuals.

**Dwelling, Attached (Group, Row, Or Townhouses):** A dwelling containing two or more dwelling units and joined to other dwellings by party wall or walls, originally constructed for said purposes.

**Dwelling, Converted:** Any building which was originally designed and constructed as one-, two-, or three-family dwelling, but which has been changed or altered by the construction of additional dwelling units to provide for more families than the original building.

**Dwelling, Detached:** A dwelling which is surrounded on all sides by open space.

**Dwelling, Efficiency Unit:** A dwelling unit consisting of one principal room exclusive of bathroom, kitchen, hallway, closet, or dining alcove directly off the principal room.

**Dwelling, Ground Floor Area:** The first floor area in square feet measured from the outside of the exterior walls but excluding cellars, basements, open porches, breezeways, garages, and other infrequently used spaces.

**Dwelling, Multiple-Family:** A dwelling containing three or more dwelling units, originally constructed for said purpose; and not including converted dwellings.

**Dwelling, Single-Family:** A dwelling containing accommodations for and occupied by only one family.

**Dwelling, Two-Family:** A building designed exclusively for occupancy by two families living independently of each other.

**Dwelling Unit:** One or more rooms in a dwelling or apartment hotel designed for occupancy by one family for living purposes and having its own permanently installed cooking and sanitary facilities.

**Elevated structure:** means a non-basement structure built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, or columns (posts and piers).

**Elevation Certificate:** is a certified statement that verifies a structure’s elevation information.

**Emergency Program:** means the first phase under which a community participates in the NFIP. It is intended to provide a first layer amount of insurance at subsidized rates on all insurable structures in that community before the effective date of the initial FIRM.

**Encroachment:** means the advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

**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.
Escort Agency: Furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes, for a fee, tip, or other consideration, provided no sexual activity is conducted on the premises.

Essential Services: Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, weirs, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, hydrants, etc., but not including buildings that do not need to be in the immediate area of the uses they service.

Et Seq.: Abbreviation for “et sequens” which means “and following”.

Excavation: Any act by which organic matter, earth, sand, gravel, rock, or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated, or bulldozed and shall include the conditions resulting therefrom.

Existing Construction: means any structure for which the “start of construction” commenced before the effective date of the community’s first floodplain ordinance.

Existing Grade: The vertical location of the existing ground surface prior to excavation or filling.

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

Expansion to an existing manufactured home park or subdivision: means 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).

Explicit Sexual Material (or Sexually Explicit Material): Any hard-core material.

Exterior Architectural Feature: The architectural style, design, general arrangement and components of all of the outer surfaces of an improvement, as distinguished from the interior surfaces enclosed by said exterior surfaces, including but not limited to, the kind of building materials and the type and style of all windows, doors, lights, signs and other fixtures are pertinent to such improvement.

Family: An individual, or two or more persons related by blood, marriage, or adoption, or a group of not more than three persons, not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit, but not including sororities, fraternities, or other similar organizations.

Farm: Land being used for agricultural purposes.

Farm Homestead: The building located on a farm that is the residence of the farm owner or tenant operator.

Farm Owner: The person operating a farm or holding Ordinance to the farm land.
Farm, Research, or Experimental: An agricultural use, including buildings and land, for the purpose of obtaining new knowledge in agricultural processes and procedures.

Feed Lot, Commercial: A structure or area in which twenty five or more units of livestock per acre are confined for a limited period of time prior to being shipped to market. One unit shall be equivalent to one head of cattle, seven hogs, nine sheep, or one hundred forty chickens.

FEMA: Federal Emergency Management Agency

Fence: Any construction of wood, metal, wire mesh, masonry, or other material erected for the purpose of assuring privacy, protection, or restraining animals.

Fence, Closed: A fence, including gates, which conceals from view from adjoining properties, streets, or alleys, activities conducted behind it.

Fence, Open: A fence, including gates, which has, for each one foot wide segment extending over the entire length and height of the fence, at least sixty percent of the surface area in open spaces which afford a direct view through the fence.

Field Banners: A sign that identifies the name of an athletic field.

Fill: Any act by which earth, sand, gravel, rock, or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported, or moved by man to a new location and shall include the conditions resulting therefrom.

Financial Institution: A building, property or activity, the principal use or purpose of which is the provision of financial services, including, but not limited to, banks, credit unions, savings and loan institutions, and mortgage companies. “Financial Institution” shall not include any use or other type of institution that is otherwise listed specifically in a zoning district as a permitted special use.

Five-hundred year flood (500-year flood): means the flood that has a 0.2 percent chance of being equaled or exceeded in any year.

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.

Flood Boundary and Floodway Map (FBFM): The Flood Boundary and Floodway Maps prepared by FEMA for Hendricks County with an effective date of March 16, 1981, as amended.

Flood Hazard Area: Those areas defined as flood hazard areas, without specifics, on the FEMA Flood Insurance Rate Maps or those areas where flood elevations have been determined but for which no regulatory flood elevations or floodway have been accepted by the County.

Flood Hazard Boundary Map (FHBM): means an official map of a community, issued by FEMA, where the boundaries of the areas of special flood hazard have been identified as Zone A.

Flood Insurance Rate Map (FIRM): means an official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study (FIS): is the official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM, FBFM (where applicable), and the water surface elevation of the base flood.
Floodlight: A bulb which projects light in a wide angled beam, typically 100° or more.

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.

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

Floodplain Management Regulations: means Chapter 17 of this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage. Floodplain management regulations are also referred to as floodplain regulations, floodplain ordinance, flood damage prevention ordinance, and floodplain management requirements.

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

Floodproofing Certificate: is a form used to certify compliance for non-residential structures as an alternative to elevating structures to or above the FPG. This certification must be by a Registered Professional Engineer or Architect.

Flood Protection Elevation: That elevation to which land or structures are elevated or flood proofed as required by the Town to provide protection from flooding. (Also see Regulatory Flood Elevation.)

Flood Protection Grade (FPG): is the elevation of the regulatory flood plus two feet at any given location in the SFHA. (see “Freeboard”)

Floodway: is the channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.

Floodway Fringe: Those portions of the floodplain outside the floodway and in which contains slow moving floodwater or the storage of floodwater.

Flood Zone (also ‘Zone’): means portions of the SFHA in which the principal source of flooding is runoff from rainfall, snowmelt, or a combination of both. In A zones, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to buildings. These areas are labeled as Zone A, Zone AE, Zones A1-A30, Zone AO, Zone AH, Zone AR and Zone A99 on a FIRM or FHBM. The definitions are presented below:

Zone A: Areas subject to inundation by the one-percent annual chance flood event. Because detailed hydraulic analyses have not been performed, no base flood elevation or depths are shown. Mandatory flood insurance purchase requirements apply.
Zone AE and A1-A30: Areas subject to inundation by the one-percent annual chance flood event determined by detailed methods. Base flood elevations are shown within these zones. Mandatory flood insurance purchase requirements apply. (Zone AE is on new and revised maps in place of Zones A1-A30.)

Zone AO: Areas subject to inundation by one-percent annual chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone. Mandatory flood insurance purchase requirements apply.

Zone AH: Areas subject to inundation by one-percent annual chance shallow flooding (usually areas of ponding) where average depths are 1-3 feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone. Mandatory flood insurance purchase requirements apply.

Zone AR: Areas that result from the decertification of a previously accredited flood protection system that is determined to be in the process of being restored to provide base flood protection. Mandatory flood insurance purchase requirements apply.

Zone A99: Areas subject to inundation by the one-percent annual chance flood event, but which will ultimately be protected upon completion of an under-construction Federal flood protection system. These are areas of special flood hazard where enough progress has been made on the construction of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. Zone A99 may only be used when the flood protection system has reached specified statutory progress toward completion. No base flood elevations or depths are shown. Mandatory flood insurance purchase requirements apply.

Floor, Lowest: means the lowest of the following:

1. the top of the lowest level of the structure;
2. the top of the basement floor;
3. the top of the garage floor, if the garage is the lowest level of the structure;
4. the top of the first floor of a structure elevated on pilings or pillars;
5. the top of the first floor of a structure constructed with a crawl space, provided that the lowest point of the interior grade is at or above the BFE and construction meets requirements of 6. a.; or
6. the top of the floor level of any enclosure, other than a basement, below an elevated structure where the walls of the enclosure provide any resistance to the flow of 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 net area of one (1) square inch for every one square foot of enclosed area. The bottom of all such openings shall be no higher than one (1) foot above grade; and,
   b). such enclosed space shall be usable solely for the parking of vehicles and building access.

Floor Area, Gross: The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The "floor area of a building" shall include the basement floor area when more than one-half of the basement height is above the established curb level. Floor area shall further include enclosed off-street parking spaces, elevator shafts and stairwells, floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof), penthouses, attic space having headroom of seven feet, ten inches or more, interior balconies, mezzanines, enclosed porches, and floor area devoted to accessory uses.
The "floor area" of structures devoted to bulk storage of materials including, but not limited to, grain elevators and petroleum storage tanks shall be determined on the basis of the height of such structures in feet; ten (10) feet in height shall be deemed to be equal to one floor (if a structure measures more than five (5) feet over such floor equivalent, it shall be construed to have an additional floor).

**Floor Area (For Determining Off-Street Parking and Loading):** The gross floor area taken from the outside walls of the building.

**Floor Area, Livable:** Floor area, as measured to the inside of outside walls or the interior side of common partition walls, in a structure specifically designed to be used for living, sleeping, eating, cooking, bathrooms, toilet departments, closets, hallways, storage, or utility. Garages, the floor area of stories below grade, and porches which are not enclosed and heated/cooled to be used year-round shall not be considered as livable floor area.

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

**Fringe:** is those portions of the floodplain lying outside the floodway.

**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.

**Fully shielded:** A fixture constructed, installed, and/or mounted such 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 property lines and from twenty (20) feet inside all other adjoining property lines.

**Functionally dependent facility:** means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

**Garage, Private:** An accessory building or an accessory portion of the principal building that is intended for and used for storing the privately owned motor vehicles, boats, and trailers of the family or families residing upon the premises, and in which no business, service or industry connected directly or indirectly with motor vehicles, boats and trailers is carried on, nor any other commercial activity not permitted as a home occupation.

**Government Building:** A building or structure owned and operated by a municipal, state, federal, or other taxing body institution in which governmental services are provided or conducted.

**Grade:** The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

**Grade, Street:** Same as Curb Level.

**Grading:** Excavation or fill or any combination thereof and shall include the conditions resulting from any excavation or fill.

**Grocery, Retail:** A building or portion thereof where the direct retail sale of food items such as meats, cereals, grains, produce, baked goods, dairy products, canned and frozen prepared food products, beverages, cleaning supplies, pet food and supplies, pharmaceuticals, over-the-counter medicines,
personal products, household goods, books and magazines, plants, and other sundry and similar items are available to be purchased by the consumer. “Grocery Retail” shall include, but not be limited to, grocery stores, supermarkets, meat or fish markets, fruit and vegetable markets, and other uses similar in nature and impact. “Grocery Retail” shall not include any use of other type of establishment that is otherwise listed specifically in a zoning district as a permitted or special use.

**Hard-Core Material:** Media characterized by sexual activity that includes one or more of the following: erect male organ; contact of the mouth of one person with the genitals of another; penetration with a finger or male organ into any orifice in another person; open female labia; penetration of a sex toy into an orifice; male ejaculation; or the aftermath of male ejaculation.

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

**Height of Building:** The vertical distance measured between the average finished grade at the sides around the building to the elevation of the highest point of coping of a flat roof or to the highest point of a mansard roof or to the average height between the eaves and ridge of a gable, gambrel, or hip roof.

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

**Historic structure:** means any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

**Home Childcare:** A home occupation where a family home is used to receive not more than six children for care during any part of the day not exceeding twelve hours in any twenty-four hour period. The maximum six children includes the family’s natural or adopted children under the age of eighteen and those children who are in the home under full-time care.

**Home Occupation:** An accessory use of a dwelling unit that is used for a gainful activity involving the provision, assembly, processing or sale of goods and/or services that is incidental and secondary to the use of a dwelling unit, but excluding the provision of shelter or lodging.

**Horizontal foot-candles:** The amount of light striking a horizontal plane or surface.

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

**Hotel:** A building in which lodging is offered with or without meals principally to transient guests and that provides a common entrance, lobby, halls and stairways.

**Impervious:** Incapable of being penetrated; not letting water through.

**Improvement Location Permit:** A permit issued by the Town for the construction, erection, or alteration of a structure or building.
Impulsive Sound: Sounds which change intermittently at a rate greater than ten decibels (10 dB) per second.

Increased Cost of Compliance (ICC): means the cost to repair a substantially damaged structure that exceeds the minimal repair cost and that is required to bring a substantially damaged structure into compliance with the local flood damage prevention ordinance. Acceptable mitigation measures are elevation, relocation, demolition, or any combination thereof. All renewal and new business flood insurance policies with effective dates on or after June 1, 1997, will include ICC coverage.

Indoor Amusement and Entertainment. A public or private facility that provides indoor entertainment including, but not limited to, video arcades, virtual reality games, and mechanical rides.

Independent Living Facilities (for the elderly): A building or group of buildings containing dwelling units where the occupancy of the dwelling is restricted to persons 60 years of age or older, or couples where either the husband or the wife is 60 years of age or older. This does not include a development that contains convalescent or nursing services.

Kennel: Any premises or portion thereof on which more than a combined total of three dogs, cats or other domestic animals or pets over six months of age are kept for the purpose of sale; or where any number of animals are cared for in return for remuneration.

Lesser Flood Water Runoff Channel: That portion of a drainage system which lies upstream from the main channel and which is generally subject to intermittent flows. They are generally indicated on the U.S.G.S. Hydrological Atlas maps, and serve a tributary area of sixty acres or more. Drainage below the level of a lesser channel is generally by means of a storm sewer.

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.

Letter of Map Revision (LOMR): An official revision to the currently effective FEMA map. It is only issued by FEMA and changes flood zones, delineations, and elevation.

Letter of Map Revision Based on Fill (LOMR-F): means an official revision by letter to an effective NFIP map. A LOMR-F provides FEMA’s determination concerning whether a structure or parcel has been elevated on fill above the BFE and excluded from the SFHA.

Light 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.

Limited Access Highway: A traffic way, including expressways and toll roads for through traffic, in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except at such points only and in such manner as may be determined by the public authority having jurisdiction over such traffic way.

Lingerie Modeling Studio: An establishment or business that provides the services of live models modeling lingerie to individuals, couples, or small groups in a room smaller than 750 square feet.

Loading And Unloading Space, Off-Street: An open hard-surfaced area of land, other than a street or public way, the principal use of which is for the standing, loading, and unloading of motor trucks, tractors, and trailers.
Lot: A legally divided area or portion of land under single ownership or control that is intended to be occupied by one use, group of uses, one or more main buildings, or structures.

Lot Area: The area of a horizontal plane bounded by the front, side, and rear lot line.

Lot, Corner: A lot located at the intersection of two streets or a lot bounded on two sides by a curving street and any two chords of which form an angle of one hundred twenty degrees or less measured on the lot side.

Lot Coverage: The area of a zoning lot occupied by the principal building or buildings and accessory buildings.

Lot Depth: The mean horizontal distance between front and rear lot lines measured within the lot boundaries.

Lot, Double Frontage: A lot other than a corner lot having frontage on two or more streets. An alley shall not be considered a street.

Lot Frontage: The horizontal distance between the side lot lines measured along the front lot line.

Lot, Interior: A lot other than a corner or reversed corner lot.

Lot Line: See Property Line.

Lot Line, Front: The front property line of a zoning lot, abutting or within a street. On lots abutting more than one street, each lot line abutting a street shall be considered a front lot line.

Lot Line, Interior: A lot line common with another lot.

Lot Line, Rear: The rear lot line is the lot line most nearly parallel to and most remote from the front lot line. Corner lots do not have rear lot lines.

Lot Line, Side: Lot lines other than front or rear lot lines. On a corner lot, those lot lines which are not abutting a street shall be considered side lot lines.

Lot of Record: A lot which is a part of a subdivision, the plat of which has been legally recorded, or land which has a parcel index number within the Town at the time this Ordinance is adopted.

Lot Width: The horizontal distance between side lot lines, or between the side lot line and the lot line adjoining a street of a corner lot, measured along the required minimum building setback line created by the front yard requirement of the district in which the lot is located.

Lot, Zoning: A parcel of land, composed of one or more recorded lots or a parcel of land described by metes and bounds that is of sufficient size to meet the minimum requirements of this Ordinance concerning use, coverage, width, area, yards, or other requirements of this Ordinance and having frontage on an improved public street, and which is designated by its owner or developer as a tract of land to be used, developed, or built upon as a unit, under single ownership or control. A "zoning lot" may or may not coincide with the definition of a "lot of record".

Lowest adjacent grade: means the lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.
Manufactured Home: A dwelling which is fabricated in one or more modules at a location other than the home site by assembly-line production techniques or by other construction methods unique to an off-site manufacturing process which bears a seal certifying it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law of 1974 (42 U.S.C. 5401 et seq.) and which was constructed after January 1, 1981, and exceeds nine hundred and fifty (950) square feet of main floor area exclusive of garages, carports, and open porches and exceeds twenty-three (23) feet in width and which is attached to a permanent foundation.

Manufactured Home Park or Subdivision: means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Manufacturing, Heavy: The assembly, fabrication or processing of goods and materials using processes that ordinarily have greater than minimal impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, visual impact, odors, glare, or health and safety hazards, or that otherwise do not constitute “light manufacturing.” Heavy manufacturing generally includes processing and fabrication of large or bulky products made from extracted or raw materials or products involving flammable or explosive materials and processes that require extensive floor areas or land area for the fabrication and/or incidental storage of the products. “Heavy Manufacturing” shall not include any use that is otherwise listed specifically in a zoning district as a permitted or special use.

Manufacturing, Light: The assembly, fabrication or processing of goods and materials using processes that do not create noise, smoke, fumes, odors, glare or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place, where such processes are housed entirely within a building. Light manufacturing generally includes processing and fabrication of finished products predominantly from previously prepared materials and includes processes that do not require extensive floor areas or land areas. “Light Manufacturing” shall not include any use that is otherwise listed specifically in a zoning district as a permitted or special use.

Manufacturing Service Establishment: A building, property, or activity of which the principal use or purpose is the provision of industrial support-oriented services directly to manufacturing establishments. This term shall include, but will not be limited to, tool shops, machine repair and service shops, blade sharpening shops and similar establishments. “Manufacturing Services Establishments” shall not include any use or other type of establishment that is otherwise listed specifically in a zoning district as a permitted or special use.

Map Amendment: means a change to an effective NFIP map that results in the exclusion from the SFHA of an individual structure or a legally described parcel of land that has been inadvertently included in the SFHA (i.e., no alterations of topography have occurred since the date of the first NFIP map that showed the structure or parcel to be within the SFHA).

Map Panel Number: is the four-digit number followed by a letter suffix assigned by FEMA on a flood map. The first four digits represent the map panel, and the letter suffix represents the number of times the map panel has been revised. (The letter “A” is not used by FEMA, the letter “B” is the first revision.)

Market Value: means the building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value), or adjusted assessed values.

Marquee or Canopy: A roof-like structure of a permanent nature that projects from the wall of a building and, in some cases, overhangs the public way.
Massage Studio: An establishment offering massage therapy and/or body work by a massage therapist certified by the National Certification Board for Therapeutic Massage and Bodywork or other recognized national group, or under the direct supervision of a licensed physician.

Media: Anything printed or written, or any picture, drawing, photograph, motion picture, film, videotape or videotape production, or pictorial representation, or any electrical or electronic reproduction of anything that is or may be used as a means of communication. Media includes but shall not necessarily be limited to books, newspapers, magazines, movies, videos, sound recordings, CD-ROMs, other magnetic media, and undeveloped pictures.

Media Broadcast Stations: A building, or portion thereof, used for the production and broadcast of media related programming. This term shall include, but will not be limited to, radio and television broadcasting stations and other uses similar in nature and impact.

Media Print Establishments: A building or portion thereof used for the production and distribution of newspapers, periodicals, magazines, journals, or other print media forms. “Media Print Establishments” shall not include any use that is otherwise listed specifically in a zoning district as a permitted or special use.

Media Store: A general term, identifying a category of business that may include sexually oriented material but that is not subject to the special provisions applicable to adult media shops. In that context, media store means a retail outlet offering media for sale or rent, for consumption off the premises provided that any outlet meeting the definition of adult media store shall be treated as an adult media outlet. See special conditions in Section 13-14 for media stores in which adult media constitute more than 10 percent but less than 40 percent of the stock in trade or occupies more than 10 percent but less than 40 percent of the gross floor area or gross shelf space.

Membership Organization: Lands, buildings, or portions of a premises owned or operated by an organization of professional, business, trade, civic, social, fraternal, political, or religious nature operating on a membership basis and engaged in promoting the interest of their members. “Membership Organizations” shall not include any use that is otherwise listed specifically in a zoning district as a permitted or special use.

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

Mobile Home: A movable or portable unit, which is eight (8) feet or more in width and is thirty two (32) feet or more in length, and constructed to be towed on its own chassis (comprised of frame and wheels) from the place of construction to the location or subsequent locations, and designed to be used without a permanent foundation and connected to utilities for year round occupancy with or without a permanent foundation. The term shall include:

1. units containing parts that can be folded, collapsed, or telescoped when being towed and that may be expanded to provide additional cubic capacity;
2. units composed of two or more separately towable components designed to be joined into one integral unit capable of being separated again into the components for repeated towing; and
3. units designed to be used for residential, commercial, educational, or industrial purposes, excluding, however, recreational vehicles.

Mobile Home Park: A parcel or tract of land developed with facilities for locating three or more "mobile homes", provided each mobile home contains a kitchen, flush toilet, shower or bath and that such mobile home park shall be for use only by non-transient dwellers remaining continuously for more than one year,
whether or not a charge is made. It shall not include a sales lot in which motor vehicles or unoccupied trailers are parked for the purpose of inspection or sale.

Motel: An establishment consisting of a group of attached or detached living or sleeping accommodations for transient guests with bathrooms and closet space, located on a single zoning lot and where access to the sleeping accommodations is directly from the outside. A "motel" furnishes customary hotel services such as maid service and laundering of linen, telephone and secretarial or desk service, and the use and upkeep of furniture. “Motel” shall not include any use that is otherwise listed specifically in a zoning district as a permitted or special use.

Motor Home, Mini Motor Home Or Van Camper: A self-contained motor vehicle, not used commercially, designed, or permanently converted to provide living quarters for recreational, camping or travel use, with direct walk-through access to the living quarters from the driver's seat.

Motor Vehicle: Any passenger vehicle, truck, tractor, tractor-trailer, trailer, or semi-trailer propelled or drawn by mechanical power.

Motor Vehicle Sales: An establishment, the principal use or purpose of which is the sale of motorized vehicles, including but not limited to the sale of automobiles, trucks, recreation vehicles, snowmobiles, boats, and motorcycles. “Motor Vehicle Sales” shall include accessory body and service repair areas. “Motor Vehicle Sales” shall not include any use otherwise listed specifically in a zoning district as a permitted or special use.

Municipal Buildings and Facilities: A municipal or facility utilized in the operation of local government. Municipal buildings and facilities shall include, but not be limited to, office space for the operation of administrative functions, police, fire, public works, emergency services, disaster relief, municipal parking lots, garages, and storage facilities, wastewater treatment facilities, municipal wells and enclosures and lift stations.

National Flood Insurance Program (NFIP): is the federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the Federal Government and the private insurance industry.

National Geodetic Vertical Datum of 1929 (NGVD): as corrected in 1929 is a vertical control datum used as a reference for establishing varying elevations within the floodplain.

New Construction: means any structure for which the “start of construction” commenced after the effective date of the community’s first floodplain ordinance.

New Manufactured Home Park or Subdivision: means 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 the community’s first floodplain ordinance.

Nonconforming Building Or Structure: A building or structure or portion thereof lawfully existing at the time of adoption of this Ordinance or amendment thereto, which:

(1) was designed, erected, or structurally altered for a use that does not conform to the use regulations of the district in which it is located; and
(2) does not comply with the bulk and other requirements of this Ordinance in the zoning district in which the building or structure is located.
Nonconforming Use: A use which lawfully occupies a building or land at the time of adoption of this Ordinance, or amendment thereto, and which does not conform with the use regulations of the district in which it is located.

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

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 (See Section 13-14 for exemptions).

Nudity or a State of Nudity: The appearance of a human bare buttock, anus, male genitals, female genitals, or female breast.

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

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

Office: A use or structure where business or professional activities are conducted and/or business or professional services are made available to the public, including but not limited to, tax preparation, accounting, architecture, legal services, medical clinics and laboratories, dental laboratories, psychological counseling, real estate and securities brokering, and professional consulting services, but not including drive-through service windows, the cutting and styling or hair, or recreational facilities or amusements. “Office” shall not include any use that is otherwise specifically in a zoning district as a permitted or special use.

One-hundred Year Flood (100-year flood): is the flood that has a one percent (1%) chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the one-percent annual chance flood. See “Regulatory Flood”.

One-percent Annual Chance Flood: is the flood that has a one percent (1%) chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the one-percent annual chance flood. See “Regulatory Flood”.

Open Space: The portion of a lot, excluding the required front, side and rear yards which is not occupied by any principal building or accessory building (unless said buildings are used solely for recreational use). The area should be unobstructed to the sky, with the exception of foliage, and not include paved areas. Natural bodies of water as well as any area within officially designated floodplains may have fifty percent (50%) of their normal pool total acreage counted as open space, provided that the area adjacent to the water body is no more steep than a 4 to 1 slope and provided that the land around the water can be used as a passive recreation area. Water areas constructed for the purpose of detention or retention shall not be considered toward required open space amounts.
**Outdoor Amusement and Entertainment:** A public or private facility that provides outdoor entertainment including, but not limited to, waterslides, water parks, go-cart tracks, miniature golf, batting cages and mechanical rides and games.

**Owner:** An individual firm, association, syndicate, partnership or corporation having sufficient proprietary interest to seek development of land.

**Parcel:** A track or plot of contiguous land held in one ownership.

**Parking Lot:** Public or private land intended for the use as a facility for parking motor vehicles. Parking may be with or without fee.

**Parking Space, Automobile:** Space within a public or a private parking area for the storage of one passenger automobile or commercial vehicle under one and one-half tons capacity.

**Participating Community:** is any community that voluntarily elects to participate in the NFIP by adopting and enforcing floodplain management regulations that are consistent with the standards of the NFIP.

**Party Wall:** A solid common wall which extends from its footing below grade to the underside of floor/roof and divides buildings.

**Permeable:** Allowing fluids or gases to pass or diffuse through.

**Person:** Any person, firm, or corporation, public or private, the State of Indiana and its agencies or political subdivisions, and the United States of America, its agencies and instrumentality, and any agent, servant, officer, employee of any of the foregoing.

**Personal Services Establishment:** A building, property, or activity, the principal use or purpose of which is the provision of personal services directly to the consumer. The term “Personal Services Establishment” shall include, but not be limited to, barber shops, beauty parlors, laundry and dry cleaning establishments, tailoring shops, massage therapy, shoe repair shops and the like. “Personal Services Establishment” shall not include any use or other type of establishment that is otherwise listed specifically in a zoning district as a permitted or special use.

**Pervious:** Open to passage or entrance; letting water through.

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

**Places Of Worship:** A church, synagogue, temple, meeting house, mosque, or other place of religious worship, including any accessory use of the structure, such as a school, child care center or dwelling.

**Planned Unit Development:** A development occurring on a parcel under single ownership or unified control which is developed as a unit and is mapped as a zoning district in and of itself. A planned unit development includes two or more principal buildings or uses, and is processed under Chapter 5 of this Ordinance.
Planned Unit Development Plan: A drawing or map made to a measuring scale upon which is presented a description and definition of the way in which the design requirements of the planned unit development are to be met and intended for recording with the County Recorder Office.

Porch: A roofed-over structure projecting out from the wall or walls of a main structure and commonly open to the weather in part.

Post-FIRM Construction: means construction or substantial improvement that started on or after the effective date of the initial FIRM of the community or after December 31, 1974, whichever is later.

Pre-FIRM Construction: means construction or substantial improvement, which started on or before December 31, 1974, or before the effective date of the initial FIRM of the community, whichever is later.

Probation: is a means of formally notifying participating communities of violations and deficiencies in the administration and enforcement of the local floodplain management regulations.

Property Line: A line at the edge or boundary of a "zoning lot" or a line at the boundary of a lot of record.

Public Open Space: A publicly owned area including, but not limited to, the following: parks, playgrounds, forest preserves, waterways, parkways, and streets.

Public Safety and Nuisance: anything which is injurious to the safety or health of an entire community, neighborhood or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Public Utility: Any person, firm, or corporation duly authorized to furnish, under regulation, to the public, cable television, electricity, gas, steam, telephone, telegraph, transportation, water, or sewerage systems.

Public Transportation Center: A building or portion thereof used as a terminus for rail or bus passenger service. This term shall include, but not be limited to, train and bus stations and other uses similar in nature and impact. “Public Transportation Center” shall not include maintenance barns, rail yards, or any use that is otherwise listed specifically in a zoning district as a permitted or special use.

Public Utilities: A building or portion thereof used for providing, monitoring, and housing utilities for public consumption or use. This term shall include, but not be limited to, operations providing water, sewer, gas, public works facilities, and other uses similar in nature and impact. “Public Utilities” shall not include any use that is otherwise listed specifically in a zoning district as a permitted or special use.

Public Way: Any sidewalk, street, alley, highway, or other public thoroughfare.

Pure Tone Sound: Sound concentrated in a narrow frequency range which is perceived as a humming, buzzing, whirring, or other such distinctive continuous sound.

Railroad Right-of-Way: A strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops or car yards.

Recreational Vehicle or Trailer: A vehicular, portable unit designed for travel, camping or recreational use, including but not limited to the following:

(1) Travel Trailer: A vehicular, portable dwelling unit built on a chassis, being of any length, provided its gross weight does not exceed forty-five hundred pounds, or being of any weight provided its overall length does not exceed twenty-eight feet.
(2) Pick-up Camper: A portable dwelling unit designed to be mounted on a pick-up truck or chassis, whether or not so mounted.

(3) Motorized Camper: A portable dwelling designated and constructed as an integral part of a self-propelled vehicle.

(4) Tent Trailer: A folding structure, constructed of canvas, plastic or similar water repellant material, designed to be mounted on wheels to be used as a temporary dwelling.

(5) Boat Trailer: A vehicle without motive power, designed to be drawn by a motor vehicle and designed for the hauling or storage of a boat, aircraft, snowmobile, jet ski or any other recreational vehicle.

Regular Program: means the phase of the community’s participation in the NFIP where more comprehensive floodplain management requirements are imposed and higher amounts of insurance are available based upon risk zones and elevations determined in a FIS.

Regulatory Flood: means the flood having a one percent (1%) chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in Section 17-4(2) of this ordinance. The "Regulatory Flood" is also known by the term "Base Flood", “One-Percent Annual Chance Flood”, and “100-Year Flood”.

Repetitive Loss: means flood-related damages sustained by a structure on two separate occasions during a 10-year period ending on the date of the event for which the second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25% of the market value of the structure at the time of each such flood event.

Research & Development Industries: A building, property, or structure in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the building, property or structure. “Research and Development Industries” shall not include any use that is otherwise listed specifically in a zoning district as a permitted or special use.

Residential Facility For Mentally Ill: A residential facility established under a program authorized by I. C. 12-22-1-1, which provides residential services for not more than eight (8) mentally ill individuals.

Restaurant: An establishment whose principal business is the sale of edible, prepared food stuffs and/or beverages for consumption on or off the premises. Restaurants are further defined by class as follows:

(1) Class A restaurants are those restaurants whose design or principal method of operation includes any two of the following characteristics:

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

(2) Class B restaurants are those restaurants not falling within the classification of Class A and having characteristics of offering food service over a counter or through a drive-through facility, having a limited menu of items already prepared and held for service, or prepared, fried, or grilled quickly, or heated in a microwave oven.

Retail Goods Establishment: A building, property, or activity, the principal use or purpose of which is, the sale of goods, products, or merchandise directly to the consumer. “Retail Goods Establishment” shall
include, but not be limited to, department stores, hardware stores, apparel stores, art galleries, and other uses similar in nature and impact. “Retail Goods Establishment” shall not include any use or other type of establishment that is otherwise listed specifically in a zoning district as a permitted or special use. Neither shall “Retail Goods Establishment” include the sale of fireworks or any business which occurs primarily out-of-doors, except in cases set forth in Chapter 13.

**Roof:** The cover of any building, including the eaves and similar projections.

**Salvage Yard:** An open area where discarded, used, or secondhand materials including motorized vehicles and buses are bought, sold, exchanged, stored, baled, packed, disassembled, or handled including, but not limited to, scrap iron, other metals, paper, rags, rubber tires, auto parts, and glass. All related activities, including accessory activities shall be conducted on the zoning lot. Salvage Yard includes wrecking yards, but does not include landfills, waste transfer stations, motor vehicle sales, auto service repair, auto filling station establishments and vehicle storage establishments, or uses carried on entirely within enclosed buildings. In addition, “Salvage Yard” shall not include a any use that is otherwise listed specifically in a zoning district as a permitted or special use.

**Section 1316:** is that section of the National Flood Insurance Act of 1968, as amended, which states that no new flood insurance coverage shall be provided for any property that the Administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

**Self-Storage Facility:** A building or portion thereof used for the storage of personal goods and/or materials.

**Semi-nude:** A state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

**Sex Shops:** An establishment offering goods for sale or rent and that meets any of the following tests.

1. The establishment offers for sale items from any two of the following categories: (a) adult media, (b) lingerie, or (c) leather goods marketed or presented in a context to suggest their use for sadomasochistic practices; and the combination of such items constitutes more than 10 percent of its stock in trade or occupies more than 10 percent of its floor area.
2. More than 5 percent of its stock in trade consists of sexually oriented toys or novelties.
3. More than 5 percent of its gross public floor area is devoted to the display of sexually oriented toys or novelties.

**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; or
2. activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

**Sexually Oriented Business:** An inclusive term used to describe collectively adult retail facilities and adult entertainment facilities.

**Sexually Oriented Toys or Novelties:** Instruments, devices, or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs.
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.

Sign, Changeable Copy: A sign or portion thereof 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 times per day shall be considered an animated sign and not a changeable copy sign for the purposes of this ordinance.

Sign: A name, identification, description, display, or illustration which is affixed to or painted or represented directly or indirectly upon a building, structure, or piece of land and which directs attention to an object, project, place, activity, person, institution, organization, or business.

Sign, Animated: Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

Sign, Electronic Message Board: Any sign that uses changing lights to form a sign message or messages wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.

Sign, Flashing: Any illuminated sign on which the artificial light is not maintained stationary and/or constant in intensity and color at all times when such sign is in use. For the purpose of this Ordinance, any revolving, illuminated sign shall be considered a "flashing sign".

Sign, Gross Surface Area Of: The entire area within a single continuous perimeter enclosing the extreme limits of a sign. However, such perimeter shall not include any structural or framing elements lying outside the limits of such sign. Where a sign has two or more surfaces which are visible from any one point, the gross surface area shall be the sum of all sides of the sign.

Sign, Ground: A sign which is completely self-supporting, has its sign face or base on the ground and has no air space, columns or supports visible between the ground and the bottom of the sign.

Sign, Identification: A sign indicating the name and address of a building, or the name of an occupant thereof, and the practice of a permitted occupation therein.

Sign, Integrated Center: A sign indicating the name and location of a commercial or industrial business or shopping center.

Sign, Integrated-Roof: A sign erected, constructed, and maintained as an integral or essentially integral part of a normal roof structure of any design, so that no part of the sign extends vertically above any portion of the roof of the building.

Sign, Nonconforming: Any sign which was lawfully erected in compliance with applicable regulations of the Town of Avon and maintained prior to the effective date of this Ordinance, and which fails to conform to all applicable standards and restrictions of this Ordinance.

Sign, Off-Premise Advertising (Billboard): A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where such sign is located or to which it is affixed.

Sign, Pole: A sign erected and maintained on a freestanding mast or pole or other support so that the bottom edge of the sign face is six feet or more above finished grade.
Sign, Political: A sign that advertises a candidate or issue to be voted upon on a definite election day.

Sign, Portable: Any sign designed to be transported or movable, including but not limited to:

1. Signs with wheels or with wheels removed;
2. Signs with chassis or support constructed without wheels;
3. Signs designed to be transported by trailer, wheels or boat;
4. Signs converted to or constructed as an A- or T-frame sign;
5. Signs painted, mounted or affixed on a motor vehicle or boat for advertising purposes, parked on or off public right-of-way or shore, and visible from the public right-of-way or shore, except signs identifying the related business when the motor vehicle or boat is being used in the normal day-to-day operations of that business.

Sign, Projecting: A sign which is suspended from or affixed to any building wall or other structure and extends beyond the building wall or parts thereof or structure more than eighteen (18) inches.

Sign, Pylon: A freestanding sign which has a vertical dimension greater than its horizontal dimension and which has a sign face within close proximity of the ground but separated from ground level by two or more supports such as poles or columns.

Sign, Public Service: A sign or device displaying only the time, temperature, stock market quotations or civic messages.

Sign, Roof: A sign that is mounted or painted on the roof of a building, or that is wholly dependent upon a building for support and that projects above the roof.

Sign, Snipe: Any sign of any size, made of any material including paper, cardboard, wood and metal, when such sign is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, fences, or other objects, and the advertising matter appearing thereon is not applicable to the premises on which said sign is located.

Sign, Sponsorship: Advertising signs employed by civic, fraternal, religious, charitable, or similar organizations which identify a sponsor of recreational facilities or special events provided on the premises where such signs are displayed.

Sign Structure or Support: Any structure that supports or is capable of supporting a sign, including decorative cover.

Sign, Vehicular: Signs on parked vehicles or boats visible from the public right-of-way where the primary purpose of the vehicle or boat is to advertise a product or to direct people to a business or activity located on the same of nearby property. For the purpose of this ordinance vehicular signs shall not
include business logos, identification or advertising on vehicles primarily used for other business purposes.

Sign, Wall: A sign affixed, painted, posted, or placed on a building or structure.

Sign, Window: A sign that is applied or attached to or suspended from the exterior or interior of a window or located within the interior of a structure so that its message can be read from the exterior of the structure.

Special Flood Hazard Area (SFHA): means those lands within the jurisdictions (including extraterritorial jurisdictions) of the Town of Avon subject to inundation by the regulatory flood. The SFHAs of the Town of Avon are generally identified as such on the Flood Insurance Rate Map of Hendricks County and Incorporated Areas prepared by the Federal Emergency Management Agency and dated September 25, 2009. (These areas are shown on a FIRM as Zone A, AE, A1- A30, AH, AR, A99, or AO).

Special Use: A specific use of land or buildings, or both, described and permitted herein, subject to special provisions and which, because of its unique characteristics, cannot be properly classified as a permitted use.

Specialty Food Store: A building or portion thereof where the direct retail sale of prepared food items, either for immediate consumption on premises or to carry out, are available. “Specialty Food” items include ice cream and frozen yogurt stores, bakery and bagel shops, coffee and tea shops, confectionery and candy shops, and other stores selling similar items. “Specialty Food Store” shall not include any use that is otherwise listed specifically in a zoning district as a permitted or special use.

Specified Anatomical Areas: The male genitals in a state of sexual arousal and or the vulva and more intimate parts of the female genitals.

Specified Sexual Activities: Means and 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 (A) through (C) above.

Spotlight: A bulb which projects light in a specific direction within a narrow angled beam, typically 45° or less.

Stable, Private: A structure which is located on a lot on which a dwelling is located, and which is designed, arranged, used, or intended to be used for housing horses for the private use of occupants of the dwelling, but in no event for remuneration, hire, or sale.

Stable, Commercial or Public: A building where horses are kept for remuneration, hire, or sale.

Start of Construction: includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement or permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footing, installation of piles, construction of columns, or any work beyond the stage of excavation for placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it
include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor
does it include the installation on the property of accessory buildings, such as garages or sheds not
occupied as dwelling units or not part of the main structure. For substantial improvement, the actual
start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a
building, whether or not that alteration affects the external dimensions of the building.

**Storage, Outdoor:** The outdoor accumulation of vehicles, equipment, or products or materials for
permanent or temporary holding.

**Story:** That portion of a building included between the surface of any floor and the surface of the floor next
above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. Any
portion of a story exceeding fourteen (14) feet in height shall be considered as an additional story for each
fourteen (14) feet or fraction thereof.

**Story, Above Grade:** Any story having its finished floor surface entirely above the surrounding grade,
except that a basement shall be considered as a story above grade when the distance from the surrounding
grade to the finished surface of the floor above the basement is more than five (5) feet for more than fifty
percent (50%) of the total perimeter or more than ten (10) feet for more than twenty five percent (25%) of the
total perimeter.

**Story, Below Grade:** Any story that is not a story above grade, as defined in this Ordinance.

**Story, Half:** That portion of a building under a gable, hip, or mansard roof, the wall plates of which, on at
least two opposite exterior walls, are not more than four and one-half (41/2) feet above the finished floor of
such story. In the case of one-family dwellings, two-family dwellings, and multiple-family dwellings, less
than three stories in height, a half-story in a sloping roof shall not be counted as a story for the purposes of
this Ordinance. In the case of multiple-family dwellings three (3) or more stories in height, a half-story shall
be counted as a story.

**Street, Minor Arterial:** Roadways which offer lower travel mobility than principal arterials and which
accommodate trips of moderate length.

**Street, Collector:** Roadways which provide land access and traffic circulation within residential
neighborhoods, commercial and industrial areas.

**Street, Local:** Roadways which provide direct access to abutting lands and connect to collectors and
arterials.

**Street, Principal Arterial:** The highest volume roadways, the purpose of which is to connect major activity
centers. For principal arterials, access to abutting land is subordinate to the mobility needs of through traffic.

**Street, Private:** Any street other than street, public.

**Street, Public:** All property dedicated or intended for public highway, freeway, or roadway purposes or
subject to public easements.

**Street Frontage:** All of the property fronting on one side of a street between two intersecting streets, or in
the cases of a dead-end street, all of the property along one side of a street between an intersecting street and
the end of such dead-end streets.

**Street Line:** The division line between private property and a dedicated street right of way, usually
uninterrupted from corner to corner in any given block.
**Structural Alterations:** Any change in the supporting members of a building, such bearing walls or partitions, columns, beams, or girders.

**Structure:** Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground. (Among other things, structures include buildings, manufactured homes, mobile homes, walls, and billboards, as well as recreational vehicles installed on a site for more than one hundred eighty (180) days.)

**Substantial Damage:** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

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

**Suspension:** means the removal of a participating community from the NFIP because the community has not enacted and/or enforced the proper floodplain management regulations required for participation in the NFIP.

**Swimming Pool:** Any structure, basin, chamber or tank containing an artificial body of water for swimming and wading, which uses or needs external buttresses or which is dug into the ground and having a depth of two (2) feet or more at any point.

**Swimming Pool – Private:** Any swimming pool, located on private residential property, the use of which is intended for the owner and guests.

**Swimming Pool – Public:** Any swimming pool which has been modified, improved, constructed or installed for the purpose of public swimming and includes pools for community use, pools at apartments having five or more living units, clubs, camps, school, institutions, park and recreation areas, motels, hotels and other commercial establishments.

**Tavern:** An establishment serving alcoholic beverages in which the principle business is the sale of such beverages at retail for consumption on the premises and where food and snacks may be made available for consumption on the premises.

**Tax Parcel:** Any lot, block, tract or other piece of real property, whether tax exempt or not, which has been assigned a permanent real estate index number, as shown on the record of the local real estate tax collector.

**Tenant Operator:** The person, including the family thereof, that is hired to operate a farm, normally not the owner of the farm.

**Terrace, Open And Patio:** A level plane or platform which, for the purpose of this Ordinance, is located adjacent to one or more faces of the principal structure and which is constructed not more than eighteen (18) inches in height above the average level of the adjoining ground.

**Through Lot:** A lot having its front and rear lot lines on adjacent and substantially parallel streets, otherwise known as a double-frontage lot.
Trailer: A vehicle without motive power used or adaptable for living, sleeping, business, or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirting, and has been recently or may be equipped with wheels or other devices for transporting the structure from place to place. A permanent foundation shall not change its character unless the entire structure is erected in accordance with the Town Building Code.

Trade Contractor: A building or portion thereof where building and construction trade services are provided to the public. “Trade Contractor” shall include, but will not be limited to, contractor offices, including landscaper’s showrooms, construction supplies and storage including plumbing, heating, air conditioning, and building equipment, materials, sales, and other uses similar in nature and impact. “Trade Contractor” shall not include a any use that is otherwise listed specifically in a zoning district as a permitted or special use.

Trellis: A latticed structure designed specifically for the purpose of supporting leafy vines. No structure shall be considered as a trellis for the purposes of this Ordinance unless the plant material typically associated with a trellis is in place.

Unified Control: The combination of two or more tracts of land wherein each owner has agreed that his tract of land shall be developed as part of a planned development and shall be subject to the control applicable to the planned development.

Uppermost Reach: An open drainage channel intended to serve two or more lots and generally found on private property. It is the first level of common drainage system, and is generally used to convey periodic rainfall to a storm sewer.

Use: The purpose or activity for which the land, or building thereon, is designed, arranged or intended, or for which it is occupied or maintained, and shall include any manner of performance of such activity with respect to the performance standards of this zoning ordinance.

Use, Principal: The primary use of land or buildings as distinguished from a subordinate or accessory use.

Use, Secondary Principal: A use, subordinate to the primary use, that is established on a lot or structure subsequent to or at the same time as the primary use but which is not accessory to the primary use.

Use, Temporary: A use that is established for a fixed period of time with the intent to discontinue such use upon the expiration of such time.

Use, Lawful: The use of any structure or land that conforms with all of the regulations of this Ordinance or any amendment hereto and which conforms with all of the codes, ordinances, and other legal requirements, as existing at the time of the enactment of this Ordinance or any amendment thereto, for the structure or land that is being examined.

Valuation: For the purposes of this Ordinance, valuation of a building shall be the assessed valuation, or where no assessed valuation exists, its appraised valuation as converted to assessed valuation.

Variance: is a grant of relief from the requirements of this ordinance, which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

Vehicle Sales: An establishment, the principal use or purpose of which is the sale of motorized vehicles, including but not limited to the sale of automobiles, trucks, recreation vehicles, snowmobiles, boats, and motorcycles. “Motor Vehicle Sales” shall include accessory body and service repair areas. “Motor
Vehicle Sales” shall not include any use otherwise listed specifically in a zoning district as a permitted or special use.

**Vehicle Towing Establishments:** A building, property, or activity, the principal use of which is the retrieving or securing of distressed, disabled, abandoned, or illegally parked motorized vehicles. “Vehicle Towing Establishments” shall not include any use that is otherwise listed specifically in a zoning district as a permitted or special use.

**Vertical foot-candles:** The amount of light striking a vertical plane or surface.

**Video Viewing Booths:** See “Adult Arcade”.

**Violation:** means the failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation, other certification, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

**Warehouse:** A building or portion thereof used for the storage of goods and/or materials. This term shall include, but not be limited to, industrial storage facilities, and other uses similar in nature and impact.

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

**Water Surface Elevation:** means the height, in relation to the North American Vertical Datum of 1988 (NAVD 88), National Geodetic Vertical Datum of 1929 (NGVD), or other datum where specified of floods of various magnitudes and frequencies in the floodplains of riverine areas.

**Wetlands:** Areas defined by the Army Corps of Engineers.

**Wholesale Goods Establishment:** A building, property, or activity, the use or purpose of which is the sale of goods, products, or merchandise, in bulk quantities to retailers or persons who will in turn sell the goods, products or merchandise directly to the consumer. “Wholesale Goods Establishment” shall not include any use or other type of establishment that is otherwise listed specifically on a zoning district as a permitted or special use.

**Wireless Communication Service Facility:** An unmanned facility consisting of antennae, equipment, and equipment storage shelter used for the reception, switching, and/or transmission of wireless telecommunications including, but not limited to paging, enhanced specialized mobile radio, personal communication services, cellular telephone, and similar technologies. A wireless communication service facility may be either be freestanding, guy anchored, roof mounted, or building mounted.

**X Zone:** means the area where the flood hazard is less than that in the SFHA. Shaded X zones shown on recent FIRMs (B zones on older FIRMs) designate areas subject to inundation by the flood with a 0.2 percent chance of being equaled or exceeded (the 500-year flood). Unshaded X zones (C zones on older FIRMs) designate areas where the annual exceedance probability of flooding is less than 0.2 percent.

**Yard:** An open space on the same zoning lot with a principal building or group of buildings which is unoccupied and unobstructed from its lowest level upward, except as otherwise permitted in this Ordinance, and which extends along a lot line and at right angles thereto to a depth or width specified in the yard regulations for the district in which the zoning lot is located.
Yard, Front: A yard extending across the full width of the zoning lot in accordance with the yard provisions of this Ordinance.

Yard, Rear: A yard extending across the full width of the rear of the lot between the side yards.

Yard, Required: The area of a yard located between the property line and the building setback line.

Yard, Side: A yard extending along a side lot line from the front yard to the rear yard.

Zone: means a geographical area shown on a FHBM or FIRM that reflects the severity or type of flooding in the area.

Zone A: (see definition for A zone)

Zone B, C, and X: means areas identified in the community as areas of moderate or minimal hazard from the principal source of flood in the area. However, buildings in these zones could be flooded by severe, concentrated rainfall coupled with inadequate local drainage systems. Flood insurance is available in participating communities but is not required by regulation in these zones. (Zone X is used on new and revised maps in place of Zones B and C.)

Zoning Administrator: The individual appointed by the Town Manager, by and with the consent of the Town Council, to administer and enforce the Zoning Ordinance of the Town.

Zoning Certificate: A written document from the Zoning Administrator approving a use, operation or activity.

Zoning Map: The map or maps incorporated into this Ordinance as a part hereof, designating zoning districts.
Reserved for Future Use
CHAPTER 21. AGRICULTURAL OVERLAY DISTRICT (AGO-1)

Section 21-1. Purpose
The AGO-1 Agricultural Overlay District is intended to protect and preserve, on an interim basis, areas of Hendricks County contiguous to the Town of Avon that are presently agricultural in character and use. The District shall provide for the continuation of the agricultural activities until such time that such areas and adaptable to orderly urban expansion.

Section 21-2. Application of the District
The designation of the AGO-1 Agricultural Overlay District shall be in conjunction with a voluntary annexation petition and the designation of an underlying zoning district, as set forth in Chapter 7, Section 7-1 of the Avon Zoning Ordinance. The requirements of the AGO-1 Agricultural Overlay District as set forth herein, shall supersede the requirements of the underlying zoning district until such time as the AGO-1 Agricultural Overlay District is removed from the property.

Section 21-3. Permitted Uses
The following uses are permitted as of right in the AGO-1 Agricultural Overlay District:

1. Agricultural uses as defined by the Avon Zoning Ordinance.

Section 21-4. Accessory Uses
Accessory uses and structures are permitted in the AGO-1 Agricultural Overlay District in conjunction with a principal use or structure provided such uses are:

1. on the same lot as the principal use or structure;
2. customarily incidental to and subordinate of the principle use or structure; and
3. not injurious to the character of the District.

Specific accessory uses and structures are permitted in the District as follows:

1. the accessory processing, including packaging, treating and storage of products produced on the premises.
2. one single-family farm house.
3. accessory agricultural structures.
4. home occupations.
Section 21-5.  Home Occupations

Subject to the approval of the Board of Zoning Appeals and the requirements of Chapter 4, Section 4-4 of the Avon Zoning Ordinance, the following uses may be permitted as special exception:

1. Artificial Lakes of 3 or more acres.
2. Seasonal roadside sales of produce grown on the premises.

Section 21-6.  Prohibited Uses

1. Confined feedlots

Section 21-7.  Area and Height Regulations for Permitted Uses

Minimum Lot Size: 15,000 square feet
Minimum Lot Width: 120 feet
Maximum Lot Coverage: 35 percent
Maximum Building Height:

1. Principal 40 feet
2. Accessory 20 feet

Minimum Front Yard Setbacks: (principal and accessory)

1. Abutting an rural minor: (50) feet
2. Abutting a major collector: (40) feet
3. Abutting a minor collector: (35) feet
4. Abutting a rural local road: (30) feet
5. Abutting a rural local road: (25) feet

Minimum Side Yard Setbacks: (principal and accessory)

1. One side: (20) feet
2. Sum of all sides: (45) feet

Minimum Rear Yard Setback: (principal and accessory)

1. Principal and accessory: (20) feet

Section 21-8.  Other Development Controls

1. Off-street parking and loading shall be provided in accordance with Chapter 15 of the Town of Avon Zoning Ordinance
2. The use and placement of signs shall be subject to the regulations set forth in Chapter 18 of the Town of Avon Zoning Ordinance.
3. Fences shall be subject to the regulations set forth in Chapter 13, Section 13-5 of the Town of Avon Zoning Ordinance.

Section 21-9.  Petitions to Amend the Zoning Map-Removal of the AGO-1 Agricultural Overlay District

When a property owner desires to discontinue the lands agricultural activity, the property owner shall have a right to petition and receive and amendment to the Zoning Map removing the AGO-1 Agricultural Overlay District. The property owner may request that the underlying district remain or request and entirely new zoning district. No amendment to the Zoning Map regarding the property shall be undertaking by the Town of Avon without consent of the owner.
Reserved for Future Use
CHAPTER 22. AGRICULTURAL DISTRICT (AG)

Section 22-1. Purpose

The “AG” Agriculture District is established to protect and preserve agriculture operations within the Town’s incorporated boundaries. Agriculture land and open area should be protected from the encroachment of urban development away from the Town core and that is inconsistent with the Avon Comprehensive Plan.

Section 22-2. Permitted Uses

The following uses are permitted as of right in the “AG” Agricultural District:

1. Agricultural uses as defined by the Avon Zoning Ordinance.
2. Public/Private parks

Section 22-3. Accessory Uses

Accessory uses and structures are permitted within the “AG” Agricultural District in conjunction with a principal use or structure provided such uses are:

1. on the same lot as the principal use or structure;
2. customarily incidental to and subordinate of the principle use or structure; and
3. not injurious to the character of the District.

Specific accessory uses and structures are permitted in the District are as follows:

1. the accessory processing, including packaging, treating and storage of products produced on the premises.
2. one single-family farm house.
3. accessory agricultural structures.
4. home occupations

Section 22-4. Special Exceptions

Subject to the approval of the Board of Zoning Appeals and the requirements of Chapter 4, Section 4-4 of the Avon Zoning Ordinance, the following uses may be permitted as special exception:

1. Artificial Lakes of 3 or more acres.
2. Seasonal roadside sales of produce grown on the premises.

Section 22-5. Prohibited Uses

1. Confined feeding operations
2. Concentrated animal feeding operations

Section 22-6. Area and Height Regulations for Permitted Uses

Minimum Lot Size: 5 acres
Minimum Dwelling Unit size: 1,200 square feet (single story)
Minimum Lot Width: 160 feet
Maximum Lot Coverage: 20 percent (includes all impervious area)
Maximum Building Height:
   1. Principal 40 feet
   2. Accessory 60 feet

Minimum Front Yard Setbacks: (principal and accessory)
   1. Abutting an rural minor arterial: (50) feet
   2. Abutting an urban minor arterial: (50) feet
   3. Abutting a major collector: (40) feet
   4. Abutting a minor collector: (40) feet
   5. Abutting a local street: (30) feet

Minimum Side Yard Setbacks: (principal and accessory)
   1. One side: (30) feet

Minimum Rear Yard Setback: (principal and accessory)
   1. Principal and accessory: (30) feet

Section 22-7. Other Development Controls

1. Off-street parking and loading shall be provided in accordance with Chapter 15 of the Town of Avon Zoning Ordinance

2. The use and placement of signs shall be subject to the regulations set forth in Chapter 18 of the Town of Avon Zoning Ordinance.

3. Fences shall be subject to the regulations set forth in Chapter 13, Section 13-5 of the Town of Avon Zoning Ordinance.

4. Buffering between uses and/or districts other than agriculture and this district are subject to the regulations set forth in Chapter 16, Section 16-11 of the Town of Avon Zoning Ordinance.
Reserved for Future Use
### CHAPTER REVISION HISTORY

Chapter 23. US 36 Overlay Zoning District

<table>
<thead>
<tr>
<th>Ordinance #</th>
<th>Plan Commission Approval Date</th>
<th>Town Council Adoption Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008-01</td>
<td>12-17-07</td>
<td>02-14-08</td>
<td>Chapter 23: Adoption of Chapter 23 US 36 Overlay Zoning District</td>
</tr>
</tbody>
</table>
CHAPTER 23. US HWY 36 OVERLAY ZONING DISTRICT

Section 23-1. Purpose
The purpose of the US Highway 36 Overlay Zoning District is to promote and protect the public health, safety, comfort, convenience, morals and general welfare by providing consistent and coordinated standards for properties adjacent to or near the US Highway 36 Corridor in Avon, Indiana. The Avon Plan Commission and Town Council, in establishing this zone, are relying on IC 36-7-4-600 et seq. and IC 36-7-4-1400 et seq. The US Highway 36 Overlay Zoning District is intended to serve as a tool for implementing the comprehensive plan. The corridor's character, viability, quality and functionality are important to the Town of Avon because it is the community's primary east-west thoroughfare, and also a major location for commercial uses that contribute to the local economy, and, as such, carries high numbers of local travelers and visitors. Therefore, a further purpose of the US Highway 36 Overlay Zoning District is to preserve and enhance the aesthetic qualities of properties both adjacent and visible from the corridor through:

1. the promotion of coordinated development within the US Highway 36 Overlay Zoning District;
2. the establishment of high standards for development on properties within the overlay zone, including buildings, signs, landscaping, parking and other site improvements, which permit innovative site design while encouraging efficient land use;
3. the establishment of development and use standards that will promote the quality, scale, character and type of development consistent with the corridor's high level of importance to the Town;
4. to diversify the workforce and provide more opportunities for residents of Avon to work in the Town, specifically high tech, office, and higher education;
5. the establishment of access management standards to reduce the number of curb cuts along US HWY 36 and improve traffic flow; and
6. to manage growth in undeveloped areas of town so not to increase traffic volume and degrade the level of service of the corridor.
Section 23-2. Boundaries

The boundaries of the US Highway 36 Overlay Zoning District for the Town of Avon, Indiana, can be generally described as follows:

Extending north ¼ mile from the northern edge of the US Highway 36 right-of-way and extending south to the northern boundary of the railroad, for the entire length of the highway within Avon's corporate limits, but excluding all property that is legally being used as residential. If the residually used property changes to a non-residential use, that property shall become part of the overlay district and shall conform to the regulations of the US Highway 36 Overlay Zoning District.

Furthermore, the overlay district is divided into three tiers. Each tier may have different zoning regulations. Tier 1 includes the portion of any lot that is within 260 feet from the edge of US Highway 36 right-of-way or in front of the first east/west access road for the highway, regardless of whether there is actual access from the highway. Tier 2 would include all other properties within the overlay district that are not determined to be within Tier 1 or Tier 3. Tier 3 includes all property that is 660 feet or more from the edge of the right-of-way of US Highway 36 and has tow or more lots between the edge of the right-of-way and said 660 foot line.

It is the intent of this ordinance to extend this overlay district to include any new properties that are annexed into Avon that would be within the north and south boundaries of the overlay. If only a portion of a lot or tract falls within the overlay district, the entire property must be developed using the standards of the overlay district. Likewise, if any portion of a lot or tract falls within more than one tier, the entire property must be developed using the standards that apply to lowest number tier.

Section 23-3. Applicability to Existing Development

Existing development, which was developed legally, shall be considered non-conforming, with respect to the overlay district standards. In the event of a casualty, natural disaster, or other force majeure event that destroys a structure beyond 50% of its value, a legally existing non-conforming structure may be rebuilt as it was. If it is to be larger than the non-conforming structure that was destroyed, than the new structure must comply with these overlay district standards.

Any of the following proposed changes to an existing legally non-conforming structure or site shall require that the improved area comply with the overlay district standards associated with the improvement(s):

1. If a proposed addition to a structure equals or exceeds 35% of the total existing building gross floor area of that structure; or
2. If a proposed change to a parking area would result in an increase of 35% or more parking spaces, or an increase in parking lot area of 35% or more.

The following improvements shall not be construed as improvements that will prompt the need to comply with the standards of the overlay:

1. Changes to paint color. Additionally, changes in paint color do not require Plan Commission approval provided the improvement complies with Section 23-18 (2(D)) of this ordinance; or
2. The addition of landscaping to a legal nonconforming site, that is not in association with improvements listed in numbers 1 and 2 above. All new landscaping shall comply with the Town of Avon’s approved species as found in Chapter 16 of the Avon Zoning Ordinance.

Note that the measurement is to be considered a cumulative measurement from the day that this ordinance is enacted, so that once increases reach the 35% threshold, the overlay district standards shall apply. Amendments to approved development plans shall be in compliance with Section 4-8 (9) of the zoning ordinance.
Section 23-4. Green Design

All new development and major redevelopment within the US Highway 36 Overlay Zoning District is encouraged, but not required to meet the Leadership in Energy and Environmental Design (LEED®) Green Building Rating System certification requirements.

The Town of Avon believes green design not only makes a positive impact on public health and the environment, but it also reduces operating costs, enhances building and organizational marketability, potentially increases occupant productivity, and helps create a sustainable community.

Section 23-5. Uses

When determining whether a use is allowed in the US Highway 36 Overlay Zoning District, first consult the underlying zoning district. If the use is allowed, then consult the following lists to determine if the use is prohibited in the overlay, or if the use requires a special exception in the overlay zone. If a use is legally established at the time the overlay ordinance is enacted, but is no longer permitted according to this section, it shall be considered legally non-conforming, in compliance with Chapter 6 of the zoning ordinance.

1. Tier 1 Prohibited Uses
   A. Auction houses
   B. Adult entertainment
   C. Adult retail
   D. Auto service repair
   E. Building material sales
   F. Buildings under 2,500 sq. ft.
   G. Car washes
   H. Cemeteries
   I. Commercial parking lot and garage
   J. Equipment sales & leasing
   K. Kennels
   L. Manufacturing (light or heavy)
   M. Manufacturing service
   N. Media print & distribution
   O. Membership halls and organizations
   P. Motels
   Q. Off-premise advertising
   R. Outdoor museum & entertainment
   S. Outdoor storage or display
   T. Public utilities
   U. Recreational vehicle sales
   V. Recycling/recovery center
   W. Research & development
   X. Retail buildings over 25,000 square feet of gross floor area
   Y. Utilities
2. **Tier 1 Special Exceptions**
   
   A. Child care centers
   B. Drive-throughs
   C. Hotels
   D. Parks
   E. Schools

3. **Tier 2 Prohibited Uses**
   
   A. Auction houses
   B. Adult entertainment
   C. Adult retail
   D. Cemeteries
   E. Kennels
   F. Media print and distribution
   G. Manufacturing (light or heavy)
   H. Manufacturing services
   I. Off-premise advertising
   J. Outdoor storage or display
   K. Recycling recovery center

4. **Tier 2 Special Exceptions**
   
   A. Car washes
   B. Motels
   C. Outdoor museum & entertainment
   D. Research & development
   E. Retail building over 40,000 square feet of gross floor area or individual retail tenant space over 25,000 square feet of gross floor area, located west of State Road 267
   F. Utilities

5. **Tier 3 Prohibited Uses**
   
   A. Adult entertainment
   B. Adult retail
   C. Off-premise advertising

6. **Tier 3 Special Exceptions**
   
   A. Retail building over 40,000 square feet of gross floor area or individual retail tenant space over 25,000 square feet of gross floor area, located west of State Road 267

A special exception is required for retail development over 40,000 sq. ft. of gross floor area for multi-tenant buildings and 25,000 sq. ft. for single tenant buildings west of SR 267 because of the traffic impacts associated with regional retailers of a larger scale and further to promote responsible growth and development in accordance with the Avon comprehensive plan. In considering special exceptions, the Board of Zoning Appeals should consider whether the proposed land use would adversely impact traffic management in the Town and if so what traffic mitigation measures are proposed for the site as well as the land use vision of the Avon comprehensive plan.
Section 23-6. Accessory Buildings and Uses

All accessory uses and buildings that are permitted in the underlying primary zoning district(s) shall be permitted, unless they are otherwise prohibited in this overlay zoning district. Any attached or detached accessory building shall meet all the standards of this overlay district and shall be architecturally compatible with the Principal Building(s) with which it is associated, unless the plan commission approves alternative architecture. No accessory buildings are permitted unless there is a principal building on the lot or tract.

Section 23-7. Properties with Agricultural Zoning

Properties within the overlay district which are zoned as Agricultural Overlay District and which are used in accordance with the standards of that district shall be considered legally non-conforming upon the adoption of this district. If the agricultural use changes, the property will no longer be considered as legally non-conforming. The adoption of this overlay district should not be construed as a change in zoning.

Section 23-8. Minimum Lot Size

The minimum lot size for new lots within the overlay zoning district shall be one (1) acre, except that for those properties which have an underlying zoning designation of SC, the minimum lot size shall be six (6) acres.

Section 23-9. Setbacks

1. Minimum Front -- The minimum front setback for all lots within Tier 1 is 60 feet. Lots within Tiers 2 and 3 shall comply with the minimum front setback in the underlying primary zoning district.

2. Maximum Front -- The maximum front setback for all lots within Tier 1 of the overlay district shall be 125 feet. There shall be no maximum front setback for Tier 2 and 3.

3. Minimum Side and Rear -- The minimum side and rear setbacks for all lots within the overlay shall be as required in the underlying zoning district, except where adjacent to any residential use or zone, the minimum shall be 45 feet.

Section 23-10. Building Height

Building height shall comply with the standard in the underlying zoning district.

Section 23-11. Utility Lines

All new on-site utility service lines shall be buried beneath the ground. If US Highway 36 is widened in the future, the Town requests that all overhead utility lines along the highway be buried beneath the ground.

Section 23-12. Parking & Loading

1. Pedestrian Walkways -- The plan commission shall approve all pedestrian walkways. Pedestrian walkways should be coordinated with the interior parking lot landscaping. All surface-parking areas with more than 200 parking spaces shall provide continuous internal pedestrian walkways to connect the parking area with the primary building entrance(s). For all parking areas with more than 50 spaces, there shall be at least one internal pedestrian walkway with a minimum width of 5' that connects the internal pedestrian walkway with the public sidewalk or trail. Pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low-maintenance surface materials such as pavers, bricks, or scored/stamped concrete or asphalt.
Further, pedestrian walkways should be coordinated with landscape areas whenever possible or their design of the walkways should provide some other form of protection from vehicles.

2. Parking in Front -- Within Tier 1, the maximum amount of parking that shall be allowed in front of a building shall be 2 rows. Within Tier 2, only the minimum amount of required parking may be located in front of the building. Any extra parking shall be located on the side or rear of the building. Within Tier 3 there is no limit on how much of the approved parking may be placed in front of the building. The plan commission may approve an alternative parking layout.

3. Extra Landscaping Required -- The extra parking area(s) in Tier 1 or Tier 2 that result from an excess of parking over the maximum amount shall be provided with additional landscaping in accordance with Section 23-15 (5), Interior Parking Lot Landscaping, below.

4. Handicapped Parking Spaces -- Handicapped-parking spaces shall comply with state and federal regulations and shall be located the closest to the entrance(s). Whenever possible there should be separation between handicap and pick-up spaces.

5. Pick-up Spaces -- No more than 2 parking spaces may be designated for pick-up and shall be shown on the plan. Pick-up spaces shall be located no closer to the entrance(s) than handicapped spaces. Pick-up spaces shall include a sign, not to exceed 2 square feet which shall count as part of a business's total sign area.

6. Bicycle Parking -- A bicycle parking area may be provided for each building, in an appropriate and accessible location.

7. Loading -- Loading and unloading areas shall not be oriented to US Highway 36 or any other public street and shall in all cases be placed behind the building.

Section 23-13. Drive-Throughs

All components of a drive-through, including stacking spaces, menu boards, and pick-up windows shall be located within the side or rear yards of a lot. In no case shall any of these drive-through components be located within the front yard, or in the case of a corner lot, shall not be located in the front yard that faces US Highway 36.

Section 23-14. Access to Individual Tracts

The purpose of this Section is to discourage new curb cuts and to reduce the use of existing curb cuts along U.S. Highway 36. Full access to all tracts from U.S. Highway 36 shall only occur at signalized intersections, as depicted in Avon's Thoroughfare Plan. When development occurs where a future business collector is indicated on the Thoroughfare Plan, the developer shall construct their portion of the business collector (access road). In lieu of access to U.S. Highway 36, tracts shall be accessed via connection to another arterial street, collector street, local street, or access easement through an adjoining parking lot when possible. When other access alternatives are not feasible and adjacent tracts fronting U.S. Highway 36 are undeveloped the Plan Commission may allow right in/right out driveways at a minimum distance of 600 feet from other curb cuts on U.S. Highway 36, in cooperation with the Indiana Department of Transportation. Bicycle and pedestrian circulation to and through the site shall be coordinated with vehicular access, landscaping and parking.

Section 23-15. Landscaping

At the time of planting, all plant materials shall comply with the standards found in the most recent edition of the American Standard for Nursery Stock published by the ANLA. Native/adapted plants should be used whenever possible. Native/adapted plants are indigenous to a locality or cultivars of native plants that are adapted to the local climate and are not considered invasive species or noxious weeds. Landscaping that does not require permanent irrigation systems should be installed whenever possible.
Required plantings may be clustered as long as their placement meets the spirit and intent of the pertinent landscape regulation. The plan commission may approve an alternative-landscaping plan if they determine that it meets the spirit and intent of this ordinance.

1. Tree Sizes -- The following minimum tree sizes shall apply within the overlay district:
   A. Large deciduous shade tree -- 2½ inch caliper
   B. Ornamental tree -- 1 ½ inch caliper

2. Parkway Plantings -- Parkway plantings, as required by the underlying zoning regulations, shall still be provided.

3. Front Yard Landscaping -- Each front yard must contain a 20' wide buffer. At a minimum, each 50-linear-foot segment of front yard buffer shall contain 10 shrubs or 1 large deciduous tree from the Town of Avon's a list of approved trees. Public art may be provided in the front yard in lieu of the equivalent of two required large deciduous trees, and must be approved by the plan commission.

4. Foundation Planting -- Foundation planting shall be shown on the landscape plan. If asked, the plan commission may choose to allow the required foundation plantings to be clustered. At least 10% of the foundation planting strip area shall be planted with annuals or perennials.
   A. Buildings up to 20,000 square feet -- Foundation plantings shall include shrubs, annuals or perennials. At least 10 shrubs shall be required every 50'.
   B. Buildings 20,000 sq.ft to 50,000 square feet -- Foundation planting areas shall be within 12' of the building when a sidewalk is adjacent to the building. Foundation plantings shall include shrubs, annuals or perennials and ornamental trees. At least one ornamental tree and 10 shrubs shall be required every 50'.
   C. Buildings over 50,000 square feet -- Foundation planting areas shall be within 18' of the building when a sidewalk is adjacent to the building. Foundation plantings shall include shrubs, annuals or perennials, ornamental trees and large deciduous shade trees. At least one large deciduous shade tree, one ornamental tree and 10 shrubs shall be required every 75'.

5. Interior Parking Lot Landscaping -- Not less than 7% of the interior of a parking area shall be devoted to landscaping, either located in planting islands or planting medians. In the case of parking that exceeds the maximum number of spaces required, 10% of the interior of the extra parking area shall be devoted to landscaping. There shall be a minimum of one large deciduous tree for every 15 parking spaces. Trees must be clear of branching to at least 6 feet. The landscape area not covered by tree canopy, but within an interior landscape area, shall be covered by shrubs, grass, ground cover, perennials or mulch. Plants may not interfere with visibility. (i.e. Assuming a 10,000 sq. ft. parking lot 700 sq. ft. of interior parking lot landscaping is required; if the parking exceeds the maximum allowed under the ordinance the interior parking lot landscaping required is 1,000 sq. ft.)

6. Perimeter Parking Lot Landscaping -- Landscape standards shall apply as they would to the underlying zoning districts, except that there shall be 2 (large deciduous) shade trees for every 70 lineal feet of length. A minimum of 50% of which should be evergreen.

Section 23-16. Signs

A sign plan shall be required during development plan review.

1. Pylon Signs -- No pylon signs shall be permitted, except for integrated centers, which may have such signage in accordance with Section 18-8 of the Avon Zoning Ordinance. Additionally, the pylon sign may not contain a visible metal pole and must be constructed using masonry products.
2. Ground Signs -- Ground signs shall follow the standards set in Section 18-7 of the Avon Zoning Ordinance.

3. Temporary Signs -- Temporary signs shall follow the standards set in Section 18-6 of the Avon Zoning Ordinance.

4. Electronic Message Signs -- Electronic message signs are prohibited within the US Highway 36 Overlay District, per Section 18-2 of the Avon Zoning Ordinance.

5. Wall Signs -- Wall signs shall follow the standards set in Section 18-8 of the Avon Zoning Ordinance. Additionally, wall signs that are part of an integrated center must be consistent within the center, specifically having a complimentary style (e.g., individual channel letters or lighted panel).

6. Off-Premise Advertising or Billboard Signs -- Off-Premise Advertising or Billboard Signs are prohibited within the US Highway 36 Overlay District, per Section 23-5, Uses, above. See also Sections 18-2 and 18-11 of the Avon Zoning Ordinance for additional Off-Premise Advertising or Billboard Sign regulations.

Section 23-17. Exterior Lighting
The underlying zoning districts' exterior lighting standards shall apply to all properties within the US Highway 36 Overlay Zoning District.

Section 23-18. Architectural Design Requirements
The following standards shall apply to all new or substantially renovated buildings within the US Highway 36 Overlay District. All buildings shall be designed with respect to the general character of the US Highway 36 Corridor and shall consider the design of buildings on lots that abut the project site. All buildings within Tier 1 and Tier 2 shall be oriented so that they face U.S. Highway 36. For corner lots, all other elevations facing a public street shall have a front-like façade.

1. Public Spaces
   A. In order to contribute to the establishment and enhancement of community and public spaces, each integrated center building of 40,000 square feet and over shall provide at least two of the following amenities: patio/seating area, pedestrian plaza with benches, transportation center, window shopping walkway, outdoor playground area, kiosk area, water feature, clock tower, or other deliberately shaped area and/or focal feature or amenity, that the plan commission believes will adequately enhance the community and public spaces. All such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape.

2. Building Materials
   A. Masonry -- Buildings within Tier 1 shall be 80% masonry on all sides. Buildings within Tier 2 shall be 80% masonry, excluding windows and doors, on the side facing US Highway 36 and 50%, excluding windows and doors, on the remaining sides. Buildings within Tier 3 shall follow the existing standards of the Avon Zoning Ordinance, and shall have 60% brick, stone, dryvit, or stucco, excluding windows and doors, on the elevation facing a public street and 30% masonry, excluding windows and doors, on the remaining sides.
   B. Prohibited Materials -- Dryvit, stucco, concrete block (including but not limited to split face), prefabricated steel panels and vinyl siding shall not be used as exterior finish materials within the US Highway 36 Overlay District, except that Dryvit and stucco may only be used as accent materials, covering the balance of the wall after the masonry is placed.
AVON ZONING ORDINANCE

applied, except in Tier 3 in which stucco and dryvit are permitted materials. Coating or painting of a prohibited material shall not constitute a permitted material.

C. Two Different Materials -- A minimum of two different exterior finish materials shall be used for building exteriors, including stone, brick, architectural pre-cast (panels or detailing if the surface looks like brick or stone), architectural metal panels, glass, ornamental metal and Dryvit or stucco when not exceeding the maximum wall coverage in Section 23-18 (2)(B), Prohibited Materials, above. The building(s) must use these materials for all of the exterior finish. The building may not be constructed entirely of a metal and glass curtain wall. Where materials are combined horizontally on one façade, the heavier material must be below.

D. Color -- A minimum of two different colors shall be used for building exteriors. Colors should be primarily neutral or earth tones. Neutral colors include beige, ivory, taupe, black, grey, and white. Earth tone colors include colors from the palette of browns, tans, greys, greens, and red. Earth tone colors should be flat or muted. The use of high intensity colors, neon or fluorescent color is prohibited. Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas. The plan commission shall approve the building's color palette and may approve an alternative color scheme.

E. Glazing -- Retail buildings shall provide glazing on a minimum of 35% of the ground floor front façade. Side elevations shall contain a minimum of 10% glazing of the ground floor side facade or in lieu of glazing two (2) architectural features. Nothing in these requirements shall be construed as prohibiting the use of stained glass windows for places of worship.

3. Building Design

A. Articulation -- Building elevations in Tier 1 and Tier 2 that are greater than 60' in length, measured horizontally, shall incorporate wall plane projections or recesses every 40', having a depth of at least 3 feet and a width of at least 20'.

B. Architectural Features -- Buildings having up to 25,000 square feet within Tier 1 and Tier 2 shall have a minimum of two architectural features, and buildings 25,000 square feet and over within Tier 1 and Tier 2 shall have a minimum of three architectural features. Architectural features shall be selected from the following:

(a) Front façade features -- On the elevation of the building that faces US Highway 36, at least 60% of the horizontal length shall have at least one of the following: arcades, display windows, outdoor patios or plazas, entry areas, awnings or other features approved by the plan commission.

(b) Entrance features -- Each principal building on a site shall have clearly defined, highly visible entrances featuring at least one of the following:

(1) Canopies or porticos
(2) Overhangs
(3) Recesses and/or projections
(4) Raised cornice parapets over the door
(5) Peaked roof forms
(6) Arches
(7) Architectural details including tile work and moldings integrated into the building structure and design
(8) Integral planters or wing walls that incorporate landscaped areas and/or places for sitting
(9) other features approved by the plan commission
* When additional tenant spaces will be located in the principal building, each space shall have at least one exterior entrance that shall conform to the above requirements.

C. Roofs -- Roofs shall include at least two of the following:

(a) Energy Efficient Rooftop Systems -- Roofs may be constructed of an energy efficient material, in order to reduce the "heat island" effect.

(b) Parapet -- The average height of a parapet shall not exceed 15% of the height of the supporting wall and at no point shall be taller than 1/3 of the height of the supporting wall. Parapets must feature 3-dimensional cornice treatment.

(c) Overhanging Eaves -- Eaves shall extend at least 3 feet past the supporting walls.

(d) Sloping Roof -- Sloping roofs shall have an average slope of at least 1 foot vertical rise for every 3 feet of horizontal run, but no greater than 1 foot of vertical rise for every 1 foot of vertical run.

(e) Multiple Planes -- There shall be at least 3 different roof slope planes.

D. Fences and Gates -- No fence shall be located within a front yard. Chain link and barbed wire fences are prohibited within the US Highway 36 Overlay District, except that chain link fencing may be used in Tier 3 if it is not visible from a public street. Gates for fences and all other screening walls shall be constructed of metal facing with wood or wood-look PVC slats.

E. Mechanical Equipment or Penetrations -- All mechanical equipment shall be located behind the building. If mechanical equipment is located on a roof, or if there are other roof penetrations, they shall be screened from all streets with a parapet wall or other acceptable method.

Section 23-19. Trash and Recycling

Trash collection and recycling areas shall be enclosed and screened on all sides, with an opaque wall, a minimum of 7 feet in height, but not exceeding 10 feet in height. Within Tier 1, screening walls shall be constructed of the same building materials as the principal building. Trash collection and recycling areas shall be located in the rear of all buildings, unless the plan commission approves an alternative location.
Reserved for Future Use
CHAPTER REVISION HISTORY

Chapter 24. Ronald Reagan Corridor Overlay District

<table>
<thead>
<tr>
<th>Ordinance #</th>
<th>Plan Commission Approval Date</th>
<th>Town Council Adoption Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008-11</td>
<td>06-23-08</td>
<td>07-10-08</td>
<td>Chapter 24: Adoption of Ronald Reagan Corridor Overlay District</td>
</tr>
</tbody>
</table>
CHAPTER 24. RONALD REAGAN CORRIDOR OVERLAY DISTRICT

Section 24-1. Purpose, Intent and Authority

It is the purpose of the Ronald Reagan Corridor Overlay District (herein referred to as the “Overlay District”) to promote and protect the public health, safety, comfort, convenience and general welfare by providing for the consistent and coordinated treatment of the properties bordering the Ronald Reagan Parkway in Hendricks County, Indiana. The Plan Commissions, Town Councils, and County Commissioners, in establishing this district, are relying on IC-36-7-4-600 et. seq. and IC 36-7-4-1400 et. seq. This overlay district is, intended to serve as a tool for implementing the development policies and guidelines set forth in the Ronald Reagan Corridor Master Plan. The Ronald Reagan Parkway is a limited access highway and an important economic development corridor to Hendricks County. The Ronald Reagan corridor is a premier location and employment center whose viability, quality, and character are important to the community as a whole, adjacent residents, employees, business owners and taxing districts. Therefore, it is the further purpose of the Ronald Reagan Corridor Overlay District:

1. To preserve the integrity of the road function through access management planning;
2. To maximize the opportunity to create high level development through sound land use planning; and,
3. To create a premier economic address in Hendricks County through the development of aesthetic standards that make the corridor appear as a planned twelve-mile campus.
Section 24-2. District Boundaries

The boundaries of the Overlay District are hereby established as shown on the attached map for Hendricks County, in the State of Indiana. The study area shall include the parkway alignment running north and south through Hendricks County, and adjacent properties within approximately 1000 feet on either side of the proposed parkway centerline as shown on Figure 1, District Boundary.

The Official Zone Maps for Hendricks County, in the State of Indiana are officially amended by the adoption of this Ordinance to include the Overlay District per the boundaries set forth.

If a portion of a parcel should fall within this identified boundary, the whole parcel shall be subject to the master plan and overlay district standards set forth for the corridor. (See the following page)
Figure 1: District Boundary
Section 24-3. Plan Commission Approval

The Plan Commission must approve, approve with conditions, or disapprove the development plan for any tract of land in the Overlay District per the provisions of this Ordinance. All development plans should adhere to the requirements set forth by the County.

1. Application Procedure – Applications shall comply with the standards found in Section 3-1 of this ordinance.

2. Findings for Approval by the Plan Commission – The Plan Commission may approve a Development Plan upon finding that:
   A. The Development Plan complies with all applicable Development Standards of the underlying district in which the site is located;
   B. The Development Plan complies with all applicable provisions of the Subdivision Control Ordinance;
   C. The Development Plan complies with all applicable provisions of the Overlay District;
   D. The proposed development is appropriate to the site and its surroundings; and
   E. The proposed development is consistent with the intent and purpose of this Ordinance and the Ronald Reagan Corridor Master Plan.

3. Validity of Approval of the Application by the Plan Commission – An approved development plan petition shall be valid for twelve (12) months from the date of approval. If an Improvement Location Permit has not been obtained within the twelve (12) month period, the development plan request shall become void. The Plan Commission may, for good cause shown, extend this period up to six (6) additional months.

4. Removal of a District – Nothing in this Ordinance shall be deemed to deny the Plan Commission the power to remove an Overlay designation from one or more parcels in the proper case by the rezoning process described in the zoning ordinance. Such removal may be done by rezoning the property to the underlying district classification “without the Ronald Reagan Corridor Overlay District,” and may be subject to such conditions as may be voluntarily proffered and approved pursuant to local Ordinance.

Section 24-4. Overlay Applicability

This district is created as a special overlay district to be superimposed on base districts by approval of the County Commissioners. Boundaries of this overlay are shown on the zoning district map for each jurisdiction. Development standards provided herein are intended to supplement those permitted in the underlying zoning classification and in most cases may be more restrictive than those of the underlying zoning classification. When the requirements of the underlying zoning district or a local overlay district and the Overlay District appear to be in conflict, the more restrictive shall apply.

Section 24-5. Definitions

Build-to line – An alignment established a certain distance from the right-of-way line to a line along which the building shall be built. Front porches and handicap ramps shall be exempt from build-to line requirements, and must occur behind the property line.

Façade – That portion of any exterior elevation on the building extending from grade to top of parapet, wall, or eaves and the entire width of the building elevation.

Flex Space – A building, usually prefabricated, that provides the appearance of a “store front” with a designated use and generally includes an additional use located within the back of a building. Typically these buildings are designed to be multifunctional containing office or retail space in the
front of the building along the “storefront” while other uses including office, retail, warehousing or light manufacturing are located in the rear of the building, hidden by the “store front” use.

**Development Plan** – Also referred to as Site Development Plan or Site Plan. A detailed plan, prepared in accordance with the rules and regulations of Hendricks County, and submitted to the Plan Commission or other designated body or authority for review and approval. The plan shall illustrate the proposed development or alterations of a site.

**Green Space Area** – That portion of the front yard of a lot that is immediately adjacent and parallel to the street right-of-way of the Ronald Reagan Parkway and all other Roads within the identified boundaries.

**Major Gateways** – Regional gateways where major traffic thoroughfares intersect with the Ronald Reagan Parkway. For purposes of this project, these are located where the parkway meets the interchanges at I-70 and I-74.

**Median Nose** – The tip of a median at its terminus of traffic opening.

**Overlay District** – A district established by ordinance to prescribe special regulations to be applied to a site in combination with the underlying or base district.

**Parapet** – That portion of a wall which extends above the roofline.

**Ronald Reagan Corridor** – A 16 mile limited access highway and economic development area running north and south through Hendricks County, Indiana beginning at I-70, connecting the Towns of Avon, Plainfield, and Brownsburg to the Boone County Line. The corridor incorporates adjacent properties radiating out approximately 1000 feet on either side of the proposed parkway centerline.

**Ronald Reagan Parkway** – A 16 mile roadway alignment running north and south through Hendricks County, Indiana, beginning at I-70 connecting the Towns of Avon, Plainfield, and Brownsburg to the Boone County Line.

**Secondary Gateways** – Entries to public and private establishments and/or developments.

**Section 24-6. Permitted Uses**

All uses which are permitted in a given site’s underlying primary zoning district, except those uses expressly excluded in Section G of this Ordinance, are permitted in the Overlay District.

**Section 24-7. Permitted Special Exceptions**

All special exceptions, which are permitted (upon obtaining the grant of a special exception from the Board of Zoning Appeals) in the underlying primary zoning district(s), except the uses expressly excluded in Section G, of this Ordinance, are permitted in the Overlay District.

**Section 24-8. Excluded Uses**

The following uses are prohibited in the Overlay District.

1. Adult Entertainment Facilities;
2. Adult Retail Facilities;
3. Amusement park/ go-cart track;
4. Automotive graveyard;
5. Bulk storage of petroleum products not used for on-site manufacturing;
6. Car rental agencies;
7. Cell towers and other wireless communication facilities;
8. Commercial Car and truck washes as a principal use;
9. Confined feeding operations;
10. Explosives manufacturing;
11. Fertilizer manufacturing, stock yards, slaughtering, leather curing and tanning;
12. Filling stations;
13. Garbage disposal plant/sanitary landfill;
14. Incineration for reduction of refuse;
15. Jail;
16. Junk or salvage yard;
17. Long-term surface parking;
18. Manufactured home dwelling sales;
19. Mineral extraction;
20. Mobile home park;
21. Ordinance products;
22. Outdoor sales;
23. Outdoor storage, with the exception of propane tanks. Propane tanks shall not be in the front yard between the roadway and the building unless otherwise screened with plant materials.
24. Penal or correctional institution;
25. Petroleum refining;
26. Reclaiming processes involving materials or chemicals that are considered dangerous to the health, safety, and welfare of the general public as determined by the State Board of Health or by the Hendricks County;
27. Recreation vehicle sales and leasing;
28. Refining or manufacturing of asphalt, cement, gypsum, lime, or wood preservatives;
29. Refining or manufacturing of petroleum products;
30. Roadside sales stand;
31. Sand and gravel extraction or sales;
32. Single-family residential uses;
33. Storage or disabled vehicles;
34. Vehicle sales and leasing; and
35. Waste transfer stations.

Section 24-9. Accessory Buildings and Uses
All accessory buildings and uses which are permitted in the underlying zoning district(s) shall be permitted, except that any detached accessory building in any development plan shall be architecturally compatible with the primary building(s) with which it is associated.
Section 24-10. Minimum Lot Area

The minimum lot area required within the Overlay District is 10,000 square feet for non-residential uses with sewer and 24,000 square feet for non-residential uses without sewer. All lots within the Overlay District shall be subject to development plan approval. For lots located only partially within the Overlay District, a development plan shall be submitted to the Plan Commission for the entire tract to be developed.

If a parcel of land or subdivision lot was recorded prior to the effective date of this Ordinance, and said parcel of lot does not contain the minimum lot area required by this paragraph, said parcel or lot ("Undersized Lot") may be used for any use permitted in the Overlay District provided that:

1. At the time of recordation of the undersized lot or on the effective date, the undersized lot met the requirements for minimum lot area then in effect for a lot in the underlying primary zoning district(s).

2. The owner of the undersized lot must include, up to the minimum tract size, any adjoining vacant land (not separated by a street or public way) owned, or owned by an affiliate, on or before the effective date or at the time of application which, if combined with the undersized lot, would create a tract which conforms, or more closely conforms, to the minimum tract size requirements of this Paragraph; and,

3. Other Development Requirements Applicable to the Overlay District

This Paragraph does not preclude the sale or other transfer of any parcel of land within a tract after the approval of a development plan for the entire tract. However, the development of the parcel must still conform to the development plan for the entire tract as approved or amended by the Plan Commission, and all other applicable requirements contained in this Ordinance.

Section 24-11. Development Requirements

1. Build-To Line

All lots located within the Overlay District that contain lot frontage adjacent to the Ronald Reagan parkway shall have their principal building located on the Build-To Line. The Build-To Line is an invisible line parallel to the Ronald Reagan Parkway that shall allow for a uniform setback and view of the corridor along the parkway. The Build-To Line shall be one hundred (100) feet from the edge of the Ronald Reagan Parkway right-of-way as illustrated in Figure 2, Build-To Line.

2. Green Space Area

All lots within the Overlay District shall contain a Green Space Area. Refer to Section M, Subsection 2.a. of this ordinance for specific requirements.

3. Remodel, Expansion or Improvement of Existing Structure or Parcels

If a parcel fronts the Ronald Reagan Parkway and is improved or an existing structure is expanded or remodeled within the Overlay District, then that parcel or structure shall be subject to the regulations contained in this Ordinance.
Section 24-12. Architectural Design Requirements – Commercial and Industrial

In reviewing the architectural design of commercial and industrial building(s) proposed to be built in the Overlay District, factors to be considered by the Plan Commission shall include but are not limited to the following:

1. Context
   All buildings shall be designed with respect to the general character of the Ronald Reagan Corridor as defined in the Ronald Reagan Corridor Master Plan and, particularly with due consideration to buildings located on the lots that abut the project site.

2. Massing
   A. A single, large, dominant structure mass shall be avoided in new buildings and, to the extent reasonably feasible, in development projects involving changes to the mass of existing buildings.
   B. Changes in mass shall be related to entrances, the integral structure and/or the organization of interior spaces and activities and not merely for cosmetic effect. False fronts or parapets create an insubstantial appearance and are prohibited.

3. Façade Treatment
   A. Facades along the Ronald Reagan Parkway frontage shall add architectural interest and variety and avoid the effect of a single wall or long or massive walls with no relation to human scale. No wall that faces a street or connecting walkway shall have a blank, uninterrupted length exceeding fifty feet without including, but not be limited to, at least two of the following:
      (a) Change in plane,
      (b) Change in texture or masonry pattern,
      (c) Windows, trellises with vines, or
      (d) An equivalent element.
   B. Facades greater than one hundred feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three percent of the length of the façade and extending at least twenty percent of the length of the façade. No interrupted length of any façade shall exceed one hundred horizontal feet.
   C. Horizontal masses shall not exceed a height to width ratio of 1:3 without substantial variation in massing that includes a change in height and projecting or recessed elements.
   D. Building facades must include a repeating pattern that includes any one or more of the following elements:
      (a) Color changes
      (b) Texture change; and/or
      (c) Material module change
   E. Facades shall have an expression of architectural or structural bays through a change in plane no less than twelve inches in width, such as an offset, reveal or projecting rib.
   F. Facades shall have at least one of the elements of subsections C. 1, 2, 3 or 4 of this section that repeat horizontally. All elements shall repeat at intervals of no more than thirty feet, either horizontally or vertically.

4. Roofs
   All facades shall have a recognizable “top” consisting of at least one element below:
   A. Parapets concealing flat roofs and rooftop equipment all or partially from public view. The average height of such parapets shall not exceed fifteen percent of the height of the
supporting wall and such parapets shall not at any point exceed one-third of the height of the supporting wall. Such parapets shall feature three-dimensional cornice treatment;

B. Overhanging eaves, extending no less than three feet past the supporting walls;

C. Sloping roofs that do not exceed the average height of the supporting walls, with an average slope of greater than or equal to one foot of vertical rise for every three feet of horizontal run and less than or equal to one foot of vertical rise for every one foot of horizontal run; or

D. Three or more roof slope planes.

5. Entryways

Use creative entry treatments and other focal points such as canopies, awnings, cornice treatments or atriums.

6. Building Elements & Accessory Structures

A. Separate building elements or accessory structures should be designated as an integral part of the building design.

B. Use signs that are complementary to and integrated with building design so that they do not dominate facades or appear tacked on.

C. Screen appurtenances or design them as integral parts of the buildings so that they are not visible from the street.

D. Screen docks, garage doors and service areas to minimize their visibility from adjacent streets.

7. Site Design and Relationship to Surrounding Community

A. Building sites shall contribute to the establishment or enhancement of community and public spaces by providing at least two of the following:

(a) Patio/seating area;
(b) Pedestrian plaza with benches;
(c) Water feature, except in the area south of US 40 where water features are discouraged because they may attract wildlife to airport-related areas;
(d) Clock tower;
(e) Or other such deliberately shaped area and/or a focal feature of amenity that, in the judgment of the Planning Director, adequately enhances such community and public spaces.

B. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the structure and landscaping.

8. Landscape Design

Design of proposed landscaping in relation to structures. Landscaping shall be in conformance with Section M, Landscaping, of this Overlay District.

Section 24-13. Open Space Requirements

1. Open Space Requirements

All sites shall provide for 15 percent open space on the lot. The required green space area can be counted towards the open space requirements.

2. Use of Open Space

In its review of the development plan, the Plan Commission shall consider how the location of open space within the development meets the following criteria:
A. The protection of unique topographical features such as slopes, streams, and other natural water bodies;

B. The protection of wooded areas, individual trees of significant size, wetlands or other environmentally sensitive features;

C. A more efficient use of land, including the reduction of land area disturbed for utility lines and motor vehicular access;

D. The minimization of the alteration of natural site features through the design and situation of individual lots, streets and buildings;

E. Diversity and originality in lot layout;

F. The relationship of the development to the surrounding properties; and


3. Standards for Open Space

A. All open space shall be accessible by way of road, bikeway, sidewalk or footpath. Such access shall not be through private property or by way of an easement over private property.

B. Areas dedicated as open space shall be a minimum of thirty (30) feet wide in their smallest dimension.

C. Areas dedicated as open space shall be free of all structures and buildings except for structures directly related to the purpose of the open space such as patio/seating areas, gazebos, pedestrian plaza’s, decks and bridges.

D. Bodies of water may have fifty percent (50%) of their total acreage counted as open space.

4. Ownership and Maintenance of Open Space

Unless otherwise agreed to by the Plan Commission, the cost and responsibility of land dedicated as open space shall be borne by the property owner.

5. Open Space Plan

An open space plan shall be submitted along with the development plan in accordance with the jurisdictions rules and procedures.

Section 24-14. Landscaping Requirements

In reviewing the landscape requirements proposed to be constructed in the Overlay District, factors to be considered by the Plan Commission shall include but are not limited to the following:

1. Landscape Plan

The applicant shall submit a landscape plan to the Plan Commission as part of the development plan application, per this Ordinance. Appendix 3: Recommended Plant Species of the Ronald Reagan Corridor Master Plan, lists the plant material recommended for use in the landscaping of a property in the overlay district.

2. Areas to be Landscaped

A. Green Space Area – A thirty (30) foot green space required for all property fronting the parkway within the Overlay District shall be composed of plantings as per the requirements in the Ronald Reagan Design Guidelines Manual and Section M.5 of this Ordinance. The incorporation of walkways and bikeways into the design is encouraged; however, no parking areas, through roads, buildings, accessory structures, etc. shall be established within this area.
B. Foundation – Foundation plantings shall be included along the front and any side of buildings that is visible from the Ronald Reagan Parkway or has primary pedestrian access in accordance with Section 16-7 of the Avon Zoning Ordinance.

C. Parking Lots – Parking lots shall be designed per the parking lot standards specified in the local zoning ordinance for the underlying district.

D. Screening Areas – All air conditioning units, HVAC systems, exhaust pipes or stacks, overhead doors, legally non-conforming outside storage areas, and satellite dishes shall be integrated into the overall building design or screened from the Ronald Reagan Parkway and adjoining land uses, by means of walls, fencing, parapets, penthouse screens, landscaping, berms, camouflage or other approved method.

E. Medians – Medians shall be landscaped per the standards specified in Section M.8 of this Ordinance.

3. Landscaping Standards

A. Plant Standards – All plant material proposed to be used in accordance with any landscape plan shall meet the following specifications:
   (a) Shade trees: A minimum of two and one-half (2 ½) inch caliper.
   (b) Ornamental trees: A minimum of one and one-half (1 ½) inch caliper.
   (c) Evergreen trees: A minimum height of eight (8) feet.
   (d) Deciduous shrubs: A minimum height of eighteen (18) inches.
   (e) Evergreen shrubs: A minimum height of eighteen (18) inches.

4. Design Standards

Wherever possible, native species shall be used in the landscaping throughout the Ronald Reagan Corridor.

A. The placement of shade trees in pedestrian areas shall be sited to provide the optimum amount of shade to pedestrians.

B. Landscaping shall conform to the local sight triangle standards set forth in the zoning ordinances for Hendricks County.

5. Protection of Existing Trees

A. To the greatest extent possible, existing trees shall be saved upon development of a property unless it can be demonstrated that the site design restrictions necessitate their removal.

B. The determination of which trees shall be saved shall be guided by the following principles:
   (a) The practicability of arranging site plan components around existing features. In general, plans for groups of structures should be designed so as to preserve tree masses, individual tree specimens, and small stands of trees. Natural woodland areas shall be protected wherever feasible.
   (b) The condition of the vegetation with respect to continued vitality.
   (c) The practical and economic possibility of designing the location and grades of proposed structures and paving to preserve existing vegetation.
   (d) The desirability or lack thereof of a particular tree or species by reason of its appearance, historic or ecological significance, botanical characteristics, and the function the vegetation would fulfill as a site plan component.
   (e) The potential for interference with utility services or with passage or visibility along roads or walkways.
   (f) The possibility of preserving the vegetation while meeting the development needs through pruning rather than removal.
C. Development Plans for sites with existing trees or stands of trees in the Overlay District should make reasonable efforts to protect and incorporate them into the overall site design.

D. Prior to the approval of the development and the issuance of an Improvement Location Permit, the developer shall inventory trees on the site which have a caliper of eight (8) inches or greater, following the “American Standard for Nursery Stock” standards that are intended to be saved. The inventory shall contain the location, size, and common name of an existing stand-alone tree, areas of dense trees or shrubs, and other natural features. Existing trees saved in the development of the site shall be credited toward the landscaping requirements as identified in sub-subsection e below.

E. To encourage tree preservation, each tree preserved greater than eight (8) inch caliper shall convert as credits for required landscaping. Credits for each preserved eight- (8) inch caliper tree shall be:
   (a) Two (2) required shade trees or
   (b) Four (4) ornamental trees

F. Barriers will be used to protect trees during the development of the site. Substantial barriers shall be specified on the landscape plan and shall be placed at or beyond the drip line of trees to be protected. These barriers shall remain in place during heavy construction on the site and no vehicles, machinery, tools, chemicals, construction materials, or temporary soil deposits may be permitted within the barriers, nor may any notice or other object be nailed or stapled to protected trees.

6. Green Space Area

The following standards in this Section shall apply to all lots located within the Overlay District and have frontage on the Ronald Reagan corridor. The primary landscaping materials used in the thirty-(30) foot green space area, shall be shade trees, ornamental trees, shrubs, ground covers and grass. See Figure 3, Green Space Area Requirements.

A. A minimum of three (3) shade trees, two (2) ornamental or evergreen trees, and six (6) shrubs shall be provided per one hundred (100) linear feet of green space area.

B. Trees planted within the green space area parallel to the Ronald Reagan Parkway shall contribute to the overall natural character of the corridor. Trees made be placed linearly or clustered in groups, with priority on natural patterns and clusters.
C. Earthen mounds are required to screen parking lots fronting the Ronald Reagan Parkway. The earthen mound shall be covered with groundcover and shall have a minimum of three (3) shade trees, two (2) ornamental or evergreen trees, and six (6) shrubs per one hundred (100) linear feet and shall be parallel the Ronald Reagan Parkway as illustrated in Figure 4, Earthen Mound Requirements. The earthen mound shall be a maximum of five feet above surrounding grade and have rounded flanks. The mounds and landscape patterns shall maintain the natural appearance and character of the corridor.

Figure 4: Green Space Area Requirements

Figure 5: Example of Earthen Mound

7. Foundation Plantings

*Foundation plantings shall be planted in accordance with Section 16-7 of the Avon Zoning Ordinance.* Perennials are also encouraged as accent plantings.

8. Parking Lots

A. Parking Lot Interior Planting

Where commercial, office, and industrial parking lots are located within the Overlay District, are located in the front or side yards of the building, and are visible from the Ronald Reagan Parkway:
(a) A minimum of one (1) shade tree and two (2) shrubs shall be planted within each parking lot for every seven (7) spaces provided, or ten (10) trees per acre of parking, whichever is greater as illustrated in Figure 6, Interior Parking Lot Planting.

![Figure 6: Interior Parking Lot Planting](image)

B. Parking Lot Perimeter Planting

(a) A six- (6) foot wide perimeter planting area shall be provided along the front and sides of the entire parking lot as shown in Figure 7, Example Perimeter Planting Area.

![Figure 7: Example Perimeter Planting Area](image)

(b) If an earthen mound is used to screen the parking from the Ronald Reagan Parkway, additional perimeter planting shall not be required on the side that contains the earthen mound. However, the three- (3) remaining sides shall be landscaped in accordance with the provisions set forth in this subsection.

(c) The perimeter planting area shall be provided in addition to the greenspace area.

(d) The required planting unit for this area shall include three (3) shade trees, two (2) ornamental or evergreen trees, and six (6) shrubs per one hundred (100) linear feet.

Section 24-15. Median Landscaping Guidelines

These standards apply to all medians not located within the Ronald Reagan Parkway. All medians shall be a minimum of five (5) feet.

1. Plantings

   A. Groundcover shall be incorporated into all median plantings. All medians shall be landscaped with a mixture of trees, shrubs, perennials, groundcovers, and annuals.

   B. As a minimum there shall be one (1) tree and one (1) shrub per forty (40) linear feet.

   C. The median plantings shall maintain the natural appearance and character of the corridor.
2. Sight Triangle
   Sight triangle for visibility around median plantings shall be maintained in accordance with the
   local zoning ordinance requirements.

3. Paving materials
   Paving accents such as brick or decorative pavers shall be incorporated into the median noses in a
   consistent manner with the Ronald Reagan Corridor Design Guidelines and Master Plan.

Section 24-16. Parking Requirements
In reviewing the parking requirements proposed to be constructed in the Overlay District, factors to be
considered by the Plan Commission shall include but are not limited to the following:

1. Parking Spaces required, and the dimensions of those Parking Spaces: See the standards from the
   zoning ordinance.

2. Landscaping Standards: See Section M, 7 above for standards.

3. Parking requirements and design:
   A. The required number of parking spaces is established in the local zoning ordinance for the
      underlying district.
   B. There shall be an appropriate number of parking spaces reserved for use by handicapped
      individuals, per State and Federal requirements.
   C. Direct, articulated pedestrian access shall be provided from the side street and parking area
      to the building’s primary entrance.
   D. Above grade, structured parking facilities shall have on all sides architectural features that
      are compatible with the principal building(s) with which they are associated.

4. Parking Lots shall be designed to provide coordinated access to parking areas on adjoining tracts
   or parcels within the Overlay District. As part of the development plan submission, the petitioner
   shall provide a site circulation plan to the Plan Commission that illustrates how coordinated
   access will occur relative to the overall Ronald Reagan corridor.

5. All parking areas and drives (including existing residential driveways) shall be paved with asphalt
   or concrete. Brick pavers or other decorative pavements may be used as accents in parking area
   design. Cast-in-place concrete curbs shall be used.

Section 24-17. Signs
In reviewing the sign requirements proposed to be constructed in the Overlay District, factors to be
considered by the Plan Commission shall include but are not limited to the following:

1. Signage Plan
   The applicant shall submit a signage plan to the Plan Commission as part of the development plan
   application, per this Ordinance.

2. General Requirements
   A. In the Overlay District, signage shall be designed as an integral part of the architectural and
      landscaping plans. The colors, materials, and style of signage shall be architecturally
      compatible and accentuate the buildings and landscaping on the site. The colors, materials,
      and lighting of every sign shall be restrained and harmonious with the building and site to
      which it principally relates.
   B. Off premise signs shall be prohibited in the Ronald Reagan Overlay District Corridor.
   C. All lettering or logos shall be prohibited on any awning in the Overlay District.
D. Private traffic direction signs and pavement markings for the direction and control of traffic into, out of, and within the site shall conform to the Manual of Uniform Traffic Control Devices as published by the Indiana Department of Highways and must be maintained.

E. The integration of development signage, particularly the sharing of signs to identify multiple businesses, is encouraged within the Overlay District. The Plan Commission shall have the authority to approve integrated center signage should it determine that such signage would promote the intent and purposes of the Ronald Reagan Corridor Overlay District. Any signage shall conform to the character of the corridor as outlined in the Ronald Reagan Corridor Master Plan.

F. Every sign shall conform to the design regulations as specified in the Ronald Reagan Design Guidelines Manual.

G. The number of graphic elements on a sign shall be held to the minimum needed to convey the sign’s major message and shall be composed in proportion to the area of the sign face.

H. Identification signs of a prototype design and corporation logos shall conform to the criteria for all other signs.

3. Integrated Center Sign Regulations

Integrated Center signs shall only identify a building, business, profession or industry within the overlay district boundaries not fronting on the Ronald Reagan Parkway. Integrated Center signs shall only be permitted by right for unified centers such as business parks, office parks, industrial parks and shopping centers under the provisions contained herein in the Overlay District. Only one such sign shall be displayed for each unified center.

Integrated Center signs shall meet the following requirements:

A. Integrated Center Signs shall be limited to a maximum sign area of 60 square feet and a height of 6 feet as measured from the ground. The sign area may be increased by 10% of the sign area when all signage on site is primarily comprised of brick, stone, sculpted metal, or equivalent substitute. An additional 10% increase will be permitted when a uniform and complimentary sign plan is provided for all signage for the site (including wall, tenant, outlot, and integrated center). The sign plan must be approved by the Avon Plan Commission during the development plan review process and address colors and materials.

B. Landscaping for unified center signs shall be in accordance with the standards in subsection d, Sign Landscaping, below.

C. Unified center signs shall resemble the character as depicted in Figure 8, Unified Center Sign.
4. Sign Landscaping

The landscaping plan for any signs shall be created, as follows:

A. A defined landscaped area shall be placed at the base of the sign in a method harmonious with the landscape concept for the whole site. Landscaping should be an attractive and dense cluster equally attractive in the winter and summer. The required landscaped area shall be parallel to the face of the sign.

B. Formal plantings shall be required at the base of all secondary gateways (monument) and unified center signs. These shall be a minimum three feet (3’) wide planting bed along both sides of signs containing a mixture of ground cover, shrubs, perennials, and annuals arranged as illustrated in Figure 9, Sign Landscaping.

![Figure 9: Sign Landscaping](image)

C. A landscaped area shall contain shrubs or perennials. The area shall be maintained to keep it free of weeds, debris, and brush.

D. Detailed drawings of the sign and landscaped area shall be submitted with the sign permit application for review.

E. Secondary gateway signs shall contain the Longshadow prairie planter and shall be landscaped in accordance with the standards specified in the Ronald Reagan Design Guidelines Manual.

5. Wayfinding Signage

Wayfinding signage shall be used to direct vehicular traffic to destinations in and near the Ronald Reagan Corridor. Parkway wayfinding signage shall be located within the right-of-way and shall meet the following criteria:

A. Signs shall be free standing and located near intersections where they provide direction to local destinations for vehicular travelers. The signs shall not interfere with pedestrian accessibility.

B. Signs shall conform to the theme of the Ronald Reagan Corridor Master Plan. See Figure 10, Example Wayfinding Signage, as an example of approved signage. Signs shall be in accordance with the standards specified in the Ronald Reagan Design Guidelines Manual.

![Figure 10: Example Wayfinding Signage](image)
6. Gateway Signage

A. Locations

(a) Major gateways shall be identified as the I-70 interchange, the Rockville Road/US 36 intersection, and the I-74 interchange.
(b) Secondary Gateways shall mark entrances to public and private establishments.

B. Major Gateways

(a) Major gateway signage shall be sited at Major gateways along the Ronald Reagan Parkway.
(b) The major gateway signage shall incorporate the Ronald Reagan Parkway into its design.
(c) Major gateway signage shall be constructed of natural materials consistent with the character of the Corridor as specified Ronald Reagan Corridor Master Plan and in accordance with the standards set forth in the Ronald Reagan Corridor Design Guidelines Manual illustrated in Figure 11, Example of Major Gateway.
(d) Major gateways shall be of a scale appropriate for vehicular traffic as set forth in the Ronald Reagan Corridor Design Guidelines Manual.
(e) Major gateways shall incorporate ornamental plantings, flags, and sculptural elements in accordance with the standards set forth in the Ronald Reagan Corridor Design Guidelines Manual.
(f) Major gateways shall maintain appropriate line-of-sight as determined by local ordinance.

![Image of Ronald Reagan Parkway]

Figure 11: Example Major Gateway

C. Secondary Gateways

(a) Secondary gateway signage shall be constructed of natural materials consistent with the character of the Corridor in accordance with the Ronald Reagan Corridor Design Guidelines Manual as shown in Figure 12, Example of Secondary Gateway.
(b) Special accent plantings shall be used to highlight the gateway as a distinct area in accordance with the Ronald Reagan Corridor Design Guidelines Manual.
(c) The signage shall be located within the thirty (30) foot green space area and shall maintain sight triangle regulations in accordance with the County ordinance.

![Image of Secondary Gateway]

Figure 12: Example Secondary Gateway
Section 24-18. Intersection Enhancements

1. All intersection enhancements shall be in accordance with the standards specified in the Ronald Reagan Corridor Design Guidelines Manual.
2. Pedestrian signals shall be installed at each intersection with a marked crosswalk.
3. Signalized intersections shall have marked crosswalks.
4. Marked crosswalks are strongly encouraged at non-signalized intersections.
5. Decorative paving and/or tactile surfaces are strongly encouraged at intersections and shall be in accordance with all Federal and State American Disabilities Act Standards.

Section 24-19. Bridge/Wall Treatments

1. Major Bridge
   A. Bridges shall have enhancements including special wall treatments, parkway signage visible from the underpass, corridor lighting, and decorative railings and planters as specified in the Ronald Reagan Corridor Design Guidelines Manual and as illustrated in Figure 13, Example of Special Bridge Enhancements.
   B. The bridge shall be well lit and shall contain a safe pedestrian passage in accordance with the standards specified in the Ronald Reagan Corridor Design Guidelines Manual.
   C. Bridges shall include a multi-use path at least twelve feet (12’) in width. For additional multi-use path standards, see Section T and the standards specified in the Ronald Reagan Corridor Design Guidelines Manual.

2. Minor Bridges
   A. The CSX bridge shall receive minor bridge treatments including corridor lighting consistent with the lighting standards of this Ordinance, decorative railings and planters developed in accordance with the standards specified in the Ronald Reagan Corridor Design Guidelines Manual.
   B. The bridge shall be well lit and shall contain a safe pedestrian passage in accordance with the standards specified in the Ronald Reagan Design Guidelines Manual.
   C. Bridges shall include a multi-use path at least twelve feet (12’) in width. For additional multi-use path standards, see Section T and the standards specified in the Ronald Reagan Design Guidelines Manual.

3. Retaining Walls
   A. Retaining walls shall be utilized at entry drives for public and private establishments.
   B. Walls that are connected to buildings shall conform to the character of the building.
   C. Retaining walls that are not connected to buildings shall conform to the character of the Corridor as established in the Ronald Reagan Corridor Master Plan and Design Guidelines by utilizing limestone and/or sandstone.
Section 24-20. Lighting Requirements

1. Lighting Plan

A lighting plan for the proposed development within this Overlay District shall be filed as part of the development plan application and in accordance with Section 14-15 of the Zoning Ordinance.

A. Design

(a) Lighting shall be configured in a manner that will not cause a false image of an aircraft runway. Where applicable and if in conflict with lighting standards for the airport or airport planning area, all FAA lighting standards shall prevail.

(b) All lighting standards, including those on buildings, security lights and architectural lights within the Overlay District shall be of uniform design and material.

(c) Parking lot and streetlights shall also be of a uniform height not to exceed thirty (20) feet.

(d) Lighting column foundations shall not extend more than 4" above the finished grade.


Section 24-21. Access to Individual Tracts

1. Access Restrictions

A. Consistent with the Ronald Reagan Corridor Master Plan, it is the intent of this ordinance to maximize safety and minimize disruption of traffic flow on the Ronald Reagan Parkway by directing access from abutting properties to existing or planned public streets that intersect with the Parkway.

B. Direct access to the Ronald Reagan Parkway shall be considered only where physical limitations and/or traffic impact studies show that there is no feasible option.

C. All median openings and traffic signals, if warranted, shall be at least one-half (1/2) mile apart in accordance with intersection space restrictions stated in the Ronald Reagan Corridor Master Plan.

D. Other access points, if approved, will be “right turn only” with no median opening.

E. The Ronald Reagan Parkway shall be an access managed highway, and access to individual tracts along this highway shall be gained by access roads if access does not exist.

F. In the Overlay District, common entrances shared by several properties and developments shall be required at the discretion of the Plan Commission.

G. In those cases where tracts can be accessed via connection to a primary or secondary arterial street as identified in the thoroughfare plan, a local street, or an adjoining parking lot, curb cuts shall not be established on the Ronald Reagan Parkway.

H. In order to preserve the aesthetic benefits provided by the green space area, access roads shall be provided at the rear of all tracts, whenever possible.

I. Access roads to contiguous tracts shall be coordinated so as to form one main access road serving adjoining developments. These roads should be designed so as to funnel traffic onto major arterial roads rather than into residential areas and roads that may adjoin or be near this Overlay District.

J. Access roads shall be designed to align with one another, where feasible.

K. The Plan Commission shall encourage maximum distances between curb cuts to the Ronald Reagan Parkway.

2. Traffic Impact Studies
Traffic Impact Studies shall be required for all new development proposed within the corridor that are expected to generate 100 or more new peak direction trips to or from the site. Traffic Impact studies shall meet the requirements of the zoning ordinance. Specific traffic impact analysis requirements for individual developments shall be established with the Planning Director or his or her designee, with input from the County Engineer.

3. Design Standards
The design of drives, auxiliary (turn) lanes, tapers, paving blisters and other roadway elements shall be in compliance with local requirements for principal or primary arterials as identified in the local thoroughfare plan or Subdivision Control Ordinance. Entryways on cross streets shall comply with local requirements for the classification of the roadway being accessed.

Section 24-22. Multi-Use Trail
1. A multi-use pathway shall be provided on the west side of the Ronald Reagan Parkway. The path shall be a minimum of twelve feet (12’) in width and have a minimum twenty foot (20’) buffer between the path and the roadway unless such a buffer is not feasible due to site constraints.
2. The trail shall be designed and constructed in accordance to the standards specified in the Ronald Reagan Corridor Design Guidelines Manual and as shown in Figure 14, Section of Corridor with Multi-Use Path.
3. The path shall be connected to other planned or existing pathways to maximize opportunities for pedestrian circulation throughout the corridor. Pocket plazas associated with commercial or industrial uses are encouraged to establish links to the multi-use path. Mid-block pedestrian crossings are prohibited.
4. The multi-use path shall make accommodations for wheelchairs, bicyclists, strollers, and shall be in accordance with all applicable Federal and State American with Disabilities Standards. Decorative paving and/or tactile surfaces are encouraged at curb ramps and intersections.
5. Lighting along the multi-use path shall be pedestrian in scale and shall be in accordance with the standards specified in the Ronald Reagan Corridor Design Guidelines Manual. Wherever possible, shade trees shall be oriented to provide shade for the trail and pedestrian friendly elements such as water fountains, seating, and rest spots should be incorporated into the pathway.

Section 24-23. Emergency Access
All emergency access areas and facilities shall be shown on the Site Plan and reviewed by the Fire Chief of the appropriate jurisdiction.

Section 24-24. Other Requirements
In reviewing the other specified requirements identified below to be constructed in the Overlay District, the following factors shall be considered by the Plan Commission but are not limited to the following:
1. **Outside Storage of Refuse**
   A. Unenclosed storage of refuse (whether or not in containers) or display of merchandise shall not be permitted on any property.
   B. Refuse collection and recycling areas shall be in the rear of all buildings and limited from view by traffic along the Ronald Reagan Corridor. Trash receptacles shall be screened on three sides with a minimum six foot opaque wall consistent in materials with the primary structure or opaque plant materials as shown in Figure 15 and Figure 16, Screened Refuse Area.
   C. All refuse collection containers shall be architecturally compatible with the principal building.
   D. No outside storage shall be permitted between an established Build-To Line and the right-of-way for the Ronald Reagan Parkway.

![Figure 15: Screened Refuse Area](image1)

![Figure 16: Screened Refuse Area](image2)

2. **Loading Areas**
   A. Loading areas are required per the regulations in the zoning ordinance and shall be identified on the development plan.
   B. Loading spaces and overhead doors shall be located at the rear or side of a building and shall be screened from view from the Parkway.
   C. Loading areas shall be screened using masonry wall(s), plant material, or a combination thereof as shown in Figure 17 and 18, Examples of Loading Area and, subject to Technical Review.

![Figure 17: Example Loading Area](image3)

![Figure 18: Example Loading Area](image4)
AVON ZONING ORDINANCE

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## CHAPTER REVISION HISTORY

**Chapter 25. Signature Streets**

<table>
<thead>
<tr>
<th>Ordinance #</th>
<th>Plan Commission Approval Date</th>
<th>Town Council Adoption Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008-25</td>
<td>08-25-08</td>
<td>09-02-08</td>
<td>Chapter 25: Adoption of Signature Streets</td>
</tr>
</tbody>
</table>

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*Town of Avon, Indiana*  
*Town Ordinance 2002-14*
CHAPTER 25. SIGNATURE STREETS

Section 25-1. Purpose
The purpose of this chapter is to promote and protect the public health, safety, comfort, convenience, morals and general welfare by providing standards for development along the Town’s arterial streets addressing access management, safety through a multi-modal approach, and protection of the character of existing developed areas. Signature Streets are identified as streets within the Town of Avon that are of prime importance to the Town because they are an arterial, a major gateway in and out of the Town, and/or are of local importance to the community.

Signature Streets are classified as such, further, because the development along these corridors should be consistent with the importance of the corridor to the Town. Signature Streets demonstrate the character of the community and tie into the regional transportation network.

Section 25-2. Designation
Signature Streets are identified as Dan Jones Road, SR 267, US HWY 36, Ronald Reagan Parkway, CR 100 N, CR 200 N, CR 200 S and CR 100 S. US HWY 36 and the Ronald Reagan Parkway are addressed through overlay districts.
Section 25-3. Road Cross Section

1. US HWY 36, SR 267, and Ronald Reagan Parkway are classified as primary arterials within the Town of Avon’s Thoroughfare Plan. Improvements to these corridors should be consistent with the cross sections provided in the Thoroughfare Plan and with preference to landscaped medians with a minimum 120 feet right-of-way. Trails and/or sidewalks are already required along these corridors and should match up with existing conditions when improvements are made.

2. Dan Jones Road, CR 100 N, CR 200 N, CR 100 S and CR 200 S are classified as secondary arterials in the Thoroughfare Plan. The Thoroughfare Plan also calls for a 120 foot minimum right-of-way. Improvements shall be consistent with the cross sections provided in the Thoroughfare Plan with landscape medians and as shown below. The width (2 or 4 lane) shall be at the discretion of the Public Works Director and ultimately approved by the Plan Commission.

3. A multi-purpose trail shall be installed on one side of the road with a sidewalk a minimum of 6 feet in width on the opposite side at the discretion of the Plan Commission. The trail shall be concrete or asphalt.
Section 25-4. Buffer Requirements

There shall be a minimum 20 foot landscape buffer, which may include a berm, along all new development and right-of-way of a Signature Street. A meandering sidewalk a minimum of 6 feet or a 10 foot multiple purpose trail shall be constructed as directed by staff. Landscaping shall create an effective screen, be a minimum of 50% evergreen, and also include deciduous trees, shrubs, and annuals/perennials. If a berm is used it shall meet the standards set forth in Section 16-11 of the Zoning Ordinance. One tree (2 ½” for deciduous and 6 ft. height for evergreen) and 10 shrubs shall be planted for every 50 lineal feet of street frontage. Native landscaping shall be used whenever possible to enhance the stormwater systems in the area. Public Art may substitute for a portion of the landscaping at the approval of the Plan Commission.

Section 25-5. Architectural Standards

1. Commercial developments shall comply with the architectural standards set forth in Section 4-8.6 of the Zoning Ordinance and must have three sided architectural.

2. Residential properties adjacent to a signature street shall comply with Section 8-5 of this ordinance and contain a minimum of three of the following features (in any combination)
   A. Minimum sixty percent (60%) masonry as the exterior building material on all sides
   B. Full first-floor masonry wrap
   C. Pop-out room a minimum of three (3) feet by ten (10) feet such as sun room or breakfast nook (on viewable sides)
   D. Screen porch (on viewable sides)
   E. Bay or oriel windows (on viewable sides)
   F. Shutters and window grids
   G. Cantilevered second story
   H. Raised wood deck or concrete patio, a minimum of eight (8) feet by ten (10) feet (on viewable sides)
   I. Roofs shall have a minimum twelve (12)-inch overhang on all sides or be of a gable, hip, or similar style
   J. Door, window and Corner Trim. All windows, doors and corners should have a nominal one (1) inch by four (4) inch wood or vinyl surround.

3. In the event brick cannot be used then the Plan Commission may approve the use of another quality masonry product or other product if the Plan Commission finds that the material is of equal quality and meets the spirit and intent of this ordinance.

Section 25-6. Signage

Signage along a Signature Street shall have a masonry base and/or supports (if used) and blend in with the development and buffer. Landscaping, perennials and annuals shall be planted around said signage to enhance the feel.

Section 25-7. Access Management

Access along Signature Streets will be limited, unless restricted through another overlay ordinance. Full access will be permitted every quarter mile along Signature Streets. A waiver will be required to have a full access entrance at intervals less than this standard. Waivers shall be at the discretion of the Plan Commission and in accordance with the procedures and standards established in the Subdivision Control Ordinance.
AVON ZONING ORDINANCE

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APPENDIX A. DEVELOPMENT REVIEW SUBMISSION REQUIREMENTS

Appendix A-1. Minimum Submission Requirements

As provided for in Chapter 3, Section 3-1(3), the minimum submission requirements for development approval applications are set forth below. The Plan Commission shall have the authority to waive any of the following submission requirements when, in their judgment, such waiver is appropriate in light of the relief being sought or in light of special circumstances making compliance with those provisions either unnecessary or unduly burdensome.

Appendix A-2. Minimum Submission Requirements for Improvement Location Permits and Certificates of Occupancy

1. A completed application containing the applicant’s name, address, and proof of interest in the subject property, and the owner’s name and address, if different than the applicant, and the owner’s signed consent to the filing of the application.

2. The street address and legal description of the property subject to the application.

3. The zoning classification and present land use of the subject property.

4. Four (4) copies of detailed site plan prepared by a professional engineer, architect or surveyor under and bearing a professional seal and depicting the following elements:
   
   A. General vicinity map;

   B. Property boundary lines including any easements and all adjacent streets;

   C. Elevation marks and contours;

   D. Traffic and circulation plan and a pedestrian circulation plan;

   E. Parking and loading plan, including refuse and trash storage areas;

   F. Landscaping plan, indicating plant types, numbers, location, size, and method of installation and an open space plan;

   G. Grading and surface drainage plan in accordance with the Subdivision Control Ordinance and the Storm Drainage, Erosion and Sediment Control Ordinance;

   H. Utilities plan (existing and proposed) showing location and size, signage plan showing location and size, and lighting plan showing location and size;

   I. Proposed improvements showing location, dimensions and configuration of existing and proposed buildings, structures, and uses;

   J. Floor plans (both in paper and digital format), building plans and elevations of all structures;

   K. Fire Safety Plans, including specifications for fire alarm systems, fire extinguishing systems, halon systems and other automatic fire-extinguishing systems, basement pipe inlets, and all other fire protection systems and appurtenances as well as occupant load calculations; and

   L. Development summary indicating lot area, building square footage, lot coverage building height, number and size of dwellings units and structures, and the number of parking spaces provided.

5. Such other and further information or documentation as the Zoning Administrator may deem to be necessary or appropriate for a full and proper consideration and deposition of the particular application.
Appendix A-3. Minimum Submission Requirements for Special Exceptions

1. A Letter of Intent.

2. A completed application containing the applicant’s name, address, and proof of interest in the subject property, and the owner’s name and address, if different than the applicant, and the owner’s signed consent to the filing of the application.

3. The names and addresses of all professional consultants advising the applicant with respect to the proposed development.

4. The street address and legal description of the property subject to the property.

5. The zoning classification and present land use of the subject property.

6. Three (3) copies of a current property survey locating permanent structures, six copies of a proposed site plan showing the intended use and six (6) copies of a traffic study indicating the impact caused by the intended use. Submitted along with the plans shall be a written description of the proposed use.

7. The particular provision of the Ordinance authorizing the proposed special exception and a written statement addressing each of the standards set forth in Chapter 4, Section 4-2 (Special Exceptions), and such additional standards, if any, as may be imposed by the specific provisions of this Ordinance. The statement shall state specifically how the proposed special exception relates to and meets each such standard.

8. Such other and further information or documentation as the Zoning Administrator may deem to be necessary or appropriate for a full and proper consideration and deposition of the particular application.

Appendix A-4. Minimum Submission Requirements for Variances

1. A Letter of Intent.

2. A completed application containing the applicant’s name, address, and proof of interest in the subject property, and the owner’s name and address, if different than the applicant, and the owner’s signed consent to the filing of the application.

3. The address and legal description of the property subject to the application.

4. The names and addresses of all professional consultants advising the applicant with respect to the proposed development.

5. Two (2) copies of a property survey, certified by a registered land surveyor, showing existing lot lines and dimensions as well as lot area, all easements, all public and private rights-of-way and all streets across and adjacent to the subject property.

6. A statement indicating the specific provision of this Ordinance from which the variance is being sought. The statement should also contain all the circumstances, factors, and arguments that the applicant offers in support of the proposed variance, including an explanation of how the application satisfies each standard set forth in Chapter 4, Section 4-3 (Variances).

7. A description, plan or graphic representation of any development or construction that will occur or any use that will be established or maintained if the requested relief is granted.

8. A letter of acknowledgment from each adjacent property owner indicating, that he or she has notice of the proposed variance.

9. Such other and further information or documentation as the Zoning Administrator may deem to be necessary or appropriate for a full and proper consideration and deposition of the particular application.
Appendix A-5. Minimum Submission Requirements for Amendments

1. A completed petition containing the petitioner’s names, address, and interest in the petition and the names, address and interest of every person, firm, corporation, or governmental agency represented by the petitioner in the petition.

2. If the amendment is a text amendment, the precise wording of the proposed amendment, together with concise explanation of its presumed effect.

3. A statement containing all the circumstances, factors, and arguments that the petitioner offers in support of the proposed amendment, including an explanation of how the petition satisfies each of the standards set forth in Chapter 4, Section 4-6 (Amendments);

4. In the event that the proposed amendment would result in the reclassification of any property:
   A. A statement specifying the names of the owners of the land proposed to be reclassified. [Owners of a majority of the land must be parties to a petition to reclassify land.];
   B. The street address of the land proposed to be reclassified;
   C. A legal description of the land proposed to be reclassified; and
   D. The present zoning classification and use of the land proposed to be reclassified.

5. Such other and further information or documentation as the Zoning Administrator may deem to be necessary or appropriate for a full and proper consideration and deposition of the particular application.

Appendix A-6. Minimum Submission Requirements for Administrative Interpretations

1. A completed application containing the applicant’s name, address, and proof of interest in the subject property, and the owner’s name and address, if different than the applicant, and the owner’s signed consent to the filing of the application.

2. The specific provision or provisions of this Ordinance for which the interpretation is being sought.

3. The facts and the specific situation giving rise to the request for interpretation.

4. The precise interpretation claimed by the applicant to be correct.

5. When a use interpretation is sought:
   A. The use permitted pursuant to the present zoning classification of the subject property that is claimed by the applicant to include, or to be most similar to, the proposed use.
   B. A statement containing all the circumstances, factors, and arguments that the applicant offers in support of the proposed use interpretation, including an explanation of how the petition satisfies each of the standards set forth in Chapter 4, Section 4-7 (Interpretations); and
   C. Such other and further information or documentation as the Zoning Administrator may deem to be necessary or appropriate for a full and proper consideration and deposition of the particular application.

Appendix A-7. Minimum Submission Requirements for Development Plan Review

1. A Letter of Intent.

2. A completed application containing:
   A. the applicant’s name, address, and proof of interest in the subject property, and the owner’s name and address, if different than the applicant, and the owner’s signed consent to the
filing of the application;

B. The street address and legal description of the subject property; and

C. The zoning classification and present use of the subject property;

3. One (1) copy of an architectural plan of the proposed project showing exterior elevations, floor plans and building materials used (all sides and roof). Seven (7) copies of a site plan, prepared by a professional engineer, architect or surveyor under and bearing a professional seal and depicting the following elements:

A. General vicinity map;
B. Property boundary lines including any easements;
C. Elevation marks and contours;
D. Traffic and circulation plan;
E. Pedestrian circulation plan;
F. Adjacent streets;
G. Parking and loading plan;
H. Landscaping plan, indicating plant types, numbers, location, size, and method of installation;
I. Grading and surface drainage plan in accordance with the Subdivision Control Ordinance and the Storm Drainage, Erosion and Sediment Control Ordinance;
J. Utilities plan (existing and proposed) showing location and size;
K. Signage plan showing location and size;
L. Lighting plan in accordance with Section 14-15(11);
M. Open space and recreation plan;
N. Refuse and trash storage areas, including elevations and building materials;
O. Proposed improvements showing location, dimensions and configuration of existing and proposed buildings, structures, and uses;
P. Floor plans, building plans and elevations of all structures;
Q. Fire Protection Plan showing fire hydrant location, water main size and details of installation, location of remote connection to sprinkler system (if provided), fire flow calculations, and the location of fire lanes and emergency access roads (when required); and
R. Development summary indicating lot area, building square footage, lot coverage building height, number and size of dwellings units and structures, and the number of parking spaces provided;

4. Additional Studies: The Zoning Administrator or the Plan Commission may require additional studies including, but not limited to, a traffic study, a wetland mitigation plan, environmental studies, and/or a market study. The Zoning Administrator shall inform the petitioner of such requirements during the Zoning Administrator review stage. However, this shall not preclude the Plan Commission from requesting additional information which they feel is necessary for their review of the proposed development.

5. The applicant shall 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) ownership’s. A copy of the portion of the Plat Map showing the location of these properties shall also be included in the application.

6. Such other and further information or documentation as the Zoning Administrator may deem to be necessary or appropriate for a full and proper consideration and deposition of the particular application.

Appendix A-8. Minimum Submission Requirements for Planned Unit Developments District

1. A Letter of Intent.
2. Preliminary Plan

   A. Petition A completed application containing the petitioner’s name (including the beneficial
   owners of a land trust), address, and proof of interest in the subject property, and the
   owner’s name and address, if different than the petitioner, and the owner’s signed consent
   to the filing of the petitioners.

   B. Legal Description A legal description of the site proposed for development and the street
   address of the subject property. The title under which the proposed development is to be
   recorded, with names and addresses of owners, and notation stating acreage.

   C. Preliminary Plan Six copies of a Preliminary Plan of the Planned Unit Development
   District prepared at a scale not less than 1" = 200', intended to show the basic concept,
   scope, character, and nature of entire proposed planned unit development. The submission
   may be composed of one or more sheets and drawings, and shall include:

   (a) Boundary lines --bearings, distances and acreage.

   (b) Easements -- location, width and purpose.

   (c) Existing land-use adjacent to the site.

   (d) General conditions on adjoining land -- actual direction and gradient of ground slope,
   including any embankments or retaining walls; character and location of major
   buildings, railroads, power lines, towers and other nearby nonresidential land-uses or
   adverse influences; for owners of adjoining platted land refer to subdivision plat by
   name, recording date and number and show approximate percent built up, typical lot
   size, and dwelling type.

   (e) Zoning on and adjacent to the tract.

   (f) Proposed public improvements -- highways and other collector roads planned by public
   authorities for future construction on or near the tract.

   (g) Utilities on, adjacent to, the tract -- location, size and invert elevation of sanitary and
   storm sewers; location and size of water mains; location of gas lines, fire hydrants,
   electric and telephone lines and street lights; direction and distance to, and size of
   nearest water mains and sewers adjacent to the tract showing invert elevation of sewers.

   (h) Ground elevation on the tract and on the first 50 feet on all adjacent tracts of land
   showing one (1) foot contours for land which slopes less than one/half (1/2) percent
   along with all breaks in grades, at all drainage channels or swells, and at selected points
   not more than 100 feet apart in all directions; for land that slopes more than one-half
   (1/2) percent showing two (2) foot contours. Any land within the 100 year floodplain
   within the project area shall be identified on these plans.

   (i) Open space -- all parcels of land intended to be dedicated for public use or reserved for
   the use of all property owners, with the purpose indicated.

   (j) Location, delineation and elevation of all floodway and floodway fringe areas within
   the boundaries of the Planned Unit District.

   (k) Covenants (see Section 5-11(4)(B)(d))

   D. Schedule Development schedule indicating:

   (a) Stages in which project will be built, with emphasis on area, density, use and public
   facilities, such as open space to be developed with each stage. Each stage shall be
   described and mapped as a unit of the project. Overall design of each unit shall be
   shown on the plan and through supporting graphic material; and

   (b) Anticipated dates for beginning and completion of each stage.

   E. Typical Floor Plans and Elevations Six (6) copies of typical floor plans and elevation plans,
   including foundation styles and building materials, for all prototype buildings shall be
   submitted to permit an understanding of the style of the development, the design of the
   building, and the number, size, and type of dwelling units.
F. Preliminary Engineering Site Plan Three (3) copies of preliminary engineering site plans and feasibility reports for:

(a) Roads, including classification, width of right-of-way, width of pavement, and construction details.
(b) Sidewalks.
(c) Sanitary sewers.
(d) Storm drainage,
(e) Water supply system.
(f) Street lighting.
(g) Public utilities.

G. Landscaping Plans Six (6) copies of a landscaping plan depicting the location of all buffer and transitional landscaping areas for the planned unit development and a typical perimeter landscaping cross-section plan for the site.

H. Lighting Plans Six (6) copies of a lighting plan depicting the location, style, size, and level of illumination of all outdoor lighting fixtures for the planned unit development and depicting the light spillage for perimeter planned unit development site. See Section 14-15(11) for requirements for a lighting plan.

I. Traffic Analysis Six (6) copies of a traffic study indicating the impact caused by the planned unit development on the street and highway systems operating in the Town will be required.

J. Additional Surveys and Studies

(a) Market Survey Documentation indicating the extent of market demand for the uses proposed in the planned unit development including analysis of demographics, sales potentials, competitive alignment, assessment of market share and market positioning of each component of the planned unit development.

(b) Fiscal Impact Analysis A study indicating the fiscal impact of the planned unit development on major taxing bodies which shall include but not be limited to the municipal corporation, school district(s), and other taxing bodies. The study shall include detailed estimates on expected population of the development, the operating cost to be incurred by each taxing body, any additional major capital investments required, in part or in whole, because of the planned unit development, and the revenue generated for each taxing body by the planned unit development to offset service and fiscal demands created by the planned unit development. The study should also include a cash flow analysis based on the proposed staging of the planned unit development.

(c) Community Impact Analysis A study of the impact caused by the planned unit development on planning and development, infrastructure and utilities, transportation, community character, social and development character, and fiscal impact within the Town will be required.

(d) Environmental Analysis A study analyzing the major impacts of the planned unit development on the environment and all major negative impacts shall be disclosed. Generally, these impacts would include effects on discrete ecosystems, and effects on sensitive land areas, such as floodplains, wetlands, forests, aquifer recharge areas, historic buildings or structures, or prairie landscapes, and mineral resource reserves.

K. Miscellaneous The Zoning Administrator may require additional documents. The Zoning Administrator shall inform the petitioner of such requirements during the Zoning Administrator review stage. In addition, The Zoning Administrator may, in its professional judgment, waive any of the aforementioned requirements if upon examination such information or data is not relevant to the approval of the Planned Unit Development District.
3. Final Plan

A. Final Detailed Plan. The petitioner shall submit six copies of a final plan. The Final Plat of the planned unit development shall include, but not be limited to:

(a) Area map insert showing the general location of the proposed subdivision in Avon referenced to major streets and section lines;
(b) Location map showing the names of all metes and bounds property owners, boundary lines of recorded subdivisions, zoning and land use of adjacent properties;
(c) Topographic contour every five (5) feet superimposed upon the Final Plan;
(d) Proof of final approval of Engineering Site Plans;
(e) Designation of the location of all buildings envelopes, and a designation of the specific internal uses of each building;
(f) Location and name of all existing and proposed public and private roads, access easements and rights-of-way within two hundred (200) feet of the real estate;
(g) Sidewalk plan or alternative plan for pedestrian ways;
(h) General location, purpose, and height of each building, including construction details, showing center line elevations, pavement type, curbs, gutters, culverts, etc., and a street numbering designation shall be furnished for each building;
(i) Certifications, seals, and signatures required for the dedication of land and recording of the document;
(j) Tabulation on each separate subdivided use area, including land area, number of buildings, floor area, building height, the amount and location of common open space, the hours of operation, number of employees, and specific uses, and the number of dwelling units per acre;
(k) Construction schedule;
(l) Provide information on all service facilities, driveways, private streets, paths and off-street parking facilities; and
(m) Final restricted covenants that will govern the use, maintenance, and continue protection of the planned unit development and any of its common open space. Proposed condominium declaration and by laws of condominium form of ownership or homeowners association if it is to be used in the planned unit development.

B. Architectural Plans One (1) copy of preliminary architectural plans for all primary buildings shall be submitted in sufficient detail to permit an understanding of the style of the development, the design of the building, and the number, size, and type of dwelling units.

C. Landscape Plan Three (3) copies of a detailed landscape planting plan for the site including a plant list containing the common and botanical names, sizes at the time of installation, and quantities of all plants, permanent signs and street fixtures. A "typical" planting detail may be provided for any area such as a building foundation that will use a specific planting layout in more than one location on the site.

D. Environmental Analysis If requested by The Zoning Administrator, the specific impacts of the planned unit development on the environment shall be analyzed and all major negative impacts shall be disclose. Generally, these impacts would include effects on discrete ecosystems, any deterioration in the groundwater or surface water quality, and effects on sensitive land areas, such as floodplains, wetlands, forests, aquifer recharge areas, historic buildings or structures, or prairie landscapes, and mineral resource reserves.

E. Additional Surveys and Studies If changes are made to the Planned Unit Development Plan between the Preliminary Plan approval and the Final Plan submittal, and those changes are determined to be significant by the Plan Commission, the Commission may request that the those studies required by section A-8(1)(J) above be amended and/or that their findings be reaffirmed in writing by the Study’s original author.
F. Any other information requested in writing by the Plan Commission, The Zoning Administrator or other members of the Architectural and Technical Review Committee.
Reserved for Future Use
APPENDIX B. COMMITMENT FORM

COMMITMENT EXHIBIT

This form is to be used when recording commitments made with respect to a development approval, the establishment of a planned unit development or an amendment to the Zoning Ordinance.

COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL PROPERTY MADE IN CONNECTION WITH A DEVELOPMENT REVIEW APPROVAL OR AN AMENDMENT TO THE ZONING ORDINANCE

In accordance with Chapter 4, Section 4-11 of the Avon Zoning Ordinance, the Owner of real estate located in the Town of Avon, Hendricks County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of the following described parcel of real estate:

Legal Description

STATEMENT OF COMMITMENTS

1. 
2. 
3. 
4. 
5. 

Pursuant to Chapter 4, Section 11 of the Avon Zoning Ordinance, the COMMITMENTS contained herein shall be effective upon approval of the ________________, application or petition # __________ and shall continue in effect until modified or terminated in conformance with the requirements herein.

These COMMITMENTS shall be recorded in the Office of the Hendricks County Recorder, Hendricks County, Indiana, and shall be considered a covenant running with the land.

These COMMITMENTS shall be binding on the Owner of the above-described real estate, subsequent owners of the above described real estate and any person or entity acquiring an interest therein.

The Petitioner shall have an affirmative duty to inform any third parties with whom the Petitioner negotiates for a possible sale, lease, assignment, mortgage, or transfer of the real estate of the existence of these commitments. In the event any sale, lease, assignment, mortgage or transfer occurs, the Petitioner shall ensure that a copy of these commitments is incorporated into any such written agreement with the third party. In the event the Petitioner fails to comply with the terms of this paragraph and the third party fails to perform these commitments, the Town of Avon shall be entitled to recover from the Petitioner any and all damages which naturally arise from this failure.
These COMMITMENTS may be modified or terminated only with the approval of the owner or owners of the real estate subject to the COMMITMENTS, and the Town of Avon Plan Commission after a public hearing.

These COMMITMENTS may be enforced, jointly or severally, by:

a. The Town of Avon Plan Commission or the Board of Zoning Appeals, as the case may be;
b. The Avon Zoning Administrator;
c. Any owner or owners of the real estate subject to the COMMITMENTS; and
d. Any person who is aggrieved by a violation of the COMMITMENTS.

In the event it becomes necessary to enforce these COMMITMENTS in a court of competent jurisdiction, and the owner of the Real Estate is found to be in violation of this COMMITMENT, the owner shall pay all reasonable cost in the enforcement of this COMMITMENT, including attorney fees.

The Petitioner agrees to indemnify the Town of Avon and hold it harmless from any liability, expense, cost or damages which result from Petitioner’s failure to perform petitioner’s obligations under the terms and conditions of these commitments. In addition, the principals of Petitioner shall also personally agree to indemnify the Town of Avon and hold it harmless from any liability, expense, cost or damages which result from Petitioner’s failure to perform Petitioner’s obligations under the terms and conditions of these commitments. The principals’ personal agreement is witnessed by their execution of this agreement.

The undersigned hereby authorizes the Secretary of the Town of Avon (Plan Commission or Board of Zoning Appeals) to record this instrument in the Office of the Recorder of Hendricks County, Indiana upon final approval of application or petition # __________.

IN WITNESS WHEREOF, Owner has executed this instrument this _____ day of __________ 200__.

Signature ______________________  Signature ______________________
Printed ________________________  Printed ________________________

(ORGANIZATION)

Name __________________________
By _____________________________
Printed _________________________
Title ____________________________

We, the principals of the petitioner hereby agree to personally indemnify the Town of Avon and hold it harmless from any and all liability, expense, cost or damages which result from petitioner’s failure to perform its obligations under the terms and conditions of these commitments.

________________________________  _________________________
Name and Title

________________________________  _________________________
Name and Title
NAME AND TITLE

STATE OF INDIANA )
) SS:
COUNTY OF HENDRICKS )

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

Witness my hand and Notorial Seal this ____ day of __________, 200_.

Signature ______________________
Printed ________________________

Name and Title

Name and Title

AVON ZONING ORDINANCE

Town of Avon, Indiana  288.  Town Ordinance 2002-14