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1.1 Title

This Ordinance is known as the “Town of Avon Unified Development Ordinance,” and may be cited and referred to as the “Zoning Ordinance,” “Subdivision Control Ordinance,” or “Unified Development Ordinance” (referred to here as this “Ordinance”).

1.2 Ordinance Format/Quick Links

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

- Chapter 1.11 (A) (1) (a) Section

How to Use Hyper-Linked Cross-References.

- Certain aspects of the electronic format of this document allow the user to quickly navigate the document by clicking on hyperlinks and quick access chapter tabs.
- Chapter titles in the footers will direct the user to that chapter’s table of contents.
- Article headings in the table of will direct the user to that article within the chapter.
- Zoning District names within this document which are colored and emphasized in italics will direct the user to the zoning district’s standards in CHAPTER 2: ZONING DISTRICTS.
- In-line text cross-references to other articles within this document which are colored and emphasized will direct the user to the cross-referenced article.
- Cross-references to documents and websites outside of this document are provided for convenience only. The Town does not guarantee the accuracy of these links.

1.3 Authority and Purpose

A. Authority. This Ordinance is adopted according to the authority of IC 36-7-4 et seq. If sections of Indiana Code or Indiana Administrative Code referenced in this Ordinance are amended or replaced, this Ordinance is amended to refer to the updated section of code.

B. Scope. This Ordinance applies to all real property located within the corporate boundaries of the Town of Avon, Indiana, and to real property in Hendricks County by the Hendricks County Board of Commissioners has relinquished zoning jurisdiction to the Town. The use of land and structures must comply with all provisions of this Ordinance, including obtaining all required permits and certificates.

An improvement location permit issued prior to the effective date of this Ordinance may be completed and occupied according to the approved plans, provided construction begins within one year of the effective date and is diligently pursued to completion. The structure is subject thereafter to the provisions of 1.16 Nonconforming Structures.

C. Purpose. This Ordinance is intended to guide the growth and development of the community according to the Comprehensive Plan (consistent with IC 36-7-4-601(c) et seq.) in order to:

1. Promote the public health, safety, and general welfare;
2. Secure adequate light, air, convenience of access, and safety from fire, flood, and other danger;
3. Restrict development in areas prone to flooding;
4. Protect the historic and architectural heritage of the community;
5. Conserve property values and minimize the conflicts between land uses;
6. Assure adequate and efficient transportation, water, sewerage, schools, parks, drainage, and other public requirements and facilities; and
7. Promote the efficient and economical use of public funds while being sensitive to the surrounding environment and neighboring development.

1.4 Interpretation and Application

A. Severability. It is the declared intention of the Town Council that the provisions of this Ordinance are severable. If any provision or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, that decision does not affect the validity of any portion the Ordinance except the portion declared invalid.

B. Minimum Requirements. The provisions of this Ordinance are the minimum requirements for the promotion of the public health, safety, and general welfare.

1. If two or more provisions within this Ordinance conflict or are inconsistent with one another, then the most restrictive provision controls. Where graphics or illustrations within this Ordinance conflict with the text of the Ordinance, the text provision controls.

2. This Ordinance is not intended to invalidate any easement, covenant or any other private agreement, provided that where the regulations of this Ordinance are more restrictive (or impose higher standards or requirements), the provisions of this Ordinance control.

C. Defined Words. Words used in a special sense in this Ordinance are defined. All other words have the meaning inferred from their context in this Ordinance or their generally accepted definitions (see Chapter 10: Definitions).

1.5 Exclusion

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

1.6 Saving Provision

Except stated otherwise in this Ordinance, the adoption of this Ordinance does not:

A. Reduce any pending action under any prior zoning ordinance (an action is considered pending if a complete application and required fee has been received by the Town before the effective date of this Ordinance);

B. Modify any penalty accruing or about to accrue under any prior zoning ordinance;

C. Affect the liability of any person, firm, or corporation under any prior zoning ordinance;

D. Waive any right of the Town of Avon under any prior zoning ordinance;

E. Annul any rights obtained by lawful action of the Town of Avon under any prior zoning ordinance.

1.7 Repeal of Prior Ordinance

After the effective date of this Ordinance, all provisions of the prior Zoning Ordinance or Subdivision Control Ordinance of Avon, Indiana are repealed.

1.8 Effective Date

A. This Ordinance comprises a replacement ordinance for the jurisdiction of the Town of Avon, as described in IC 36-7-4-602(a). Accordingly, the prior Avon Zoning Ordinance and Avon Subdivision Control Ordinance are repealed on the effective date of this Ordinance.
B. The effective date of this Ordinance is the latest of the following dates:
   - The final day on which notice of the adoption of the penalty provisions of this Ordinance is published under *IC 36-7-4-610(a)*.
   - The day on which this Ordinance is filed with the Clerk-Treasurer’s office under *IC 36-7-4-610(f)*.
   - July 1, 2020.

C. This subsection applies to any application for a permit pending before the Planning Department on the effective date of this Ordinance. The Applicant may request the Administrator treat the application as an application filed according to this Ordinance instead of the prior Avon Zoning Ordinance or Avon Subdivision Control Ordinance. If the Administrator grants the request, the application is then approved or denied by the Planning Department, the BZA, the Plan Commission, or the Council according to the provisions of this Ordinance.

### 1.9 Public Utility Installations

Structures and land used for public utility installations are subject to the provisions of this Ordinance to the extent permitted under Indiana law. All structures for a public utility installation, including substations, must be effectively landscaped and must require approval of a development plan (see *8.12 Development Plan Review*) and improvement location permit (see *8.5 Improvement Location Permit*).

### 1.10 Zoning Map

A. **Official Zoning Map.** The zoning map for the jurisdiction of the Plan Commission in effect on the date of adoption of this Ordinance is included as part of this Ordinance. The map may be known and referred to as the “Official Zoning Map” and as the “Zoning Map”.

The Official Zoning Map is located in the office of the Department and may be maintained as an *electronic zoning map*.

Copies of the Official Zoning Map must be labeled as copies and contain the last date of modification.

The Official Zoning Map should be revised annually or as the Plan Commission determines necessary.

B. **Determination and Interpretation of District Boundaries.** The following rules apply where uncertainty exists about the exact boundaries of any Zoning District as shown on the Zoning Map:

1. Zoning District boundaries shown within or parallel to the lines of streets, easements, and rights-of-way are deemed to follow the centerline of the affected street, easement, or right-of-way. At the boundaries of the jurisdiction of the Plan Commission, district boundaries are deemed to include the full width of such streets, easements, and rights-of-way.

2. Zoning District boundaries indicated as following or being parallel to section or fractional sectional lines, lot lines, or town corporation lines are interpreted as following or paralleling such lines.

3. Zoning District boundaries indicated as approximately following the centerline of streams, rivers, or other bodies of water are interpreted to follow such centerlines.

4. Zoning District boundaries indicated as approximately following the parcel lines as established by the Town are interpreted to follow such parcel lines.

5. If the boundary line of a district divides a lot in a manner essentially perpendicular to a street, the district which applies to the larger part of the lot applies to the entire lot.
6. In the case of uncertainty, the Administrator will interpret the intent of the Zoning Map and determine the location of the boundary in question. If the Administrator cannot definitively determine the location of a Zoning District boundary, the BZA may determine the location of the Zoning District boundary.

C. Procedure Relating to Annexed or Vacated Areas. Land annexed into the Town remains as zoned, unless changed by an amendment to this Ordinance. Whenever any right-of-way or other similar area is vacated, the Zoning Districts adjoining each side of the right-of-way or the area automatically extend to the center of such vacation. All areas included in the vacation are then subject to all appropriate provisions of the extended Zoning District. In the event of a partial vacation, the adjoining Zoning District, or Zoning District nearest the portion vacated, extends automatically to include all the vacated area.

1.11 Nonconforming Regulations

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

A. This article does not prevent restoring to a safe condition all or part of a structure declared unsafe by an official charged with protecting the public safety. This restoration cannot be used to enlarge the nonconforming structure nor be used as grounds for adding other structures or uses prohibited by this Ordinance.

B. Any nonconforming use or structure for which a variance was previously granted, remains subject to the conditions imposed when the variance was granted.

C. Any nonconforming use or structure granted a special exception permit remains subject to conditions imposed when the special exception permit was granted.

1.12 Exemption for Nonconformity Created by Public Acquisition

Any property, lot or structure rendered nonconforming solely by the action of a governmental agency modifying any street, is exempt from these nonconformance provisions.

1.13 Legal Nonconforming and Illegal Nonconforming

A. Legal Nonconforming. Legal nonconformance is caused by an amendment to this Ordinance and not due to a change to the property, resulting in the property no longer conforming to the standards of the applicable Zoning District. When this situation occurs, the property is deemed legal nonconforming and is subject to the terms of this Ordinance.

B. Illegal Nonconforming. A building, structure, sign, or lot constructed or used without an approved building permit, improvement location permit or approval from the BZA or Plan Commission is considered illegal nonconforming when it does not conform to this Ordinance. An illegal nonconforming property is subject to enforcement and penalties as set forth in CHAPTER 8: PROCESS AND PERMITS, and all other applicable state or municipal law. The illegal nonconforming property must be altered to conform with all applicable standards and regulations of this Ordinance.

C. A structure being used by a legal nonconforming use may be expanded an aggregate of up to 10% of the gross floor area that existed on the passage date of this Ordinance. Expansions must conform to all applicable standards of this Ordinance.
1.14 Nonconforming Lots of Record

A. **Single Nonconforming Lots of Record.** In any district, a permitted use and its customary accessory uses may be erected on any single lot of record after the effective date of this Ordinance, despite limitation imposed by this Ordinance. This lot must be in separate ownership and not contain continuous frontage with other lots of the same ownership. This provision applies even though the lots fail to meet the requirements for area and/or width generally applicable in the district. The lots are required to meet all other lot development standards for their district.

B. **Lots in Combination.** If 2 or more lots with continuous frontage and single ownership are of record on the effective date of this Ordinance, and if all or part of the unimproved lots do not meet the requirements established for lot width and area, the land involved is considered to be an undivided parcel to meet the minimum requirements of this Ordinance. No portion of the parcel can be used or sold, nor can the parcel be divided to create a lot, in a manner which diminishes compliance with lot width and area Ordinance requirements.

1.15 Nonconforming Uses

A. A lawfully existing nonconforming use may be continued if the use adheres to the requirements of this Chapter and the use remains otherwise lawful.

B. Normal maintenance and repair, including replacement, installation, or relocation of non-bearing walls, nonbearing partitions, fixtures, wiring or plumbing, may be performed on any structure devoted fully or partially to a legal nonconforming use.

C. A structure devoted fully or partially to a legal nonconforming use must not be structurally altered unless the alteration conforms the use to the regulations of the zoning district in which it is located.

D. A legal nonconforming use cannot be expanded or enlarged. However, a nonconforming use located in a structure intended for the use may be extended throughout the interior part of the structure. Such extension cannot occupy any land outside of the structure.

E. A legal nonconforming use cannot be changed to any use not permitted in the zoning district in which the use is located. When a legal nonconforming use has been changed to a permitted use, it cannot be changed back to any nonconforming use.

F. **Termination by Discontinuance or Abandonment**

   1. When a legal nonconforming use is discontinued or abandoned for a period of 12 months, the use cannot be reestablished or resumed. Subsequent use or occupancy of such land or structure must comply with the use regulations of the zoning district in which such land or structure is located.

   2. 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 or occupant, the period will not be considered in calculating the length of discontinuance.

1.16 Nonconforming Structures

A. A lawfully existing nonconforming structure may be continued if the structure adheres to the requirements of this Chapter and that the structure remains otherwise lawful.

B. A legal nonconforming structure may be repaired, maintained, altered, or enlarged provided that no new nonconformity or increase the degree of the existing nonconformity is created.
C. A legal nonconforming structure cannot be moved, unless the entire structure conforms to the regulations of the zoning district in which it is located.

D. Except for single family dwellings, any legal nonconforming structure damaged or destroyed by more than 50% of the replacement cost cannot be restored unless the replacement structure conforms to the regulations of the zoning district in which it is located. This regulation does not authorize the creation of a new nonconformity or increase the degree of any nonconformity existing prior to such damage or destruction.

E. The regulations pertaining to nonconforming signs are found in 6:15 Signage – Permits, Exemptions, and Enforcement.

F. The regulations pertaining to nonconforming lighting are found in 6:10 Lighting Standards.
Chapter 2 – Zoning Districts

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2.1 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.

A. Residential Districts
   1. E-1 Single Family Estate District
   2. R-1 Single Family Residential District
   3. R-2 Mixed Residential District
   4. R-3 Mixed Residential District
   5. R-4 Multi-Family Residential District
   6. R-5 Multi-Family Residential District

B. Commercial Districts
   1. C-1 Neighborhood Commercial District
   2. C-2 General Commercial District
   3. C-3 Transitional Office District

C. Industrial Districts
   1. I-1 Transitional Industrial District
   2. I-2 General Industrial District
   3. I-3 Industrial Park District

D. Mixed-Use Districts
   1. MU-OSR Mixed Use – Open Space, Recreation District
   2. MU-COR Mixed Use – Commercial, Office, Residential District
   3. PUD – Planned Unit Development District

E. Other Districts
   1. AG Agricultural District
   2. AGO-1 Agricultural Overlay District
   3. FP Floodplain Overlay District
   4. INST Institutional District
   5. RRCO Ronald Reagan Corridor Overlay District
   6. SSO Signature Streets Overlay District
### 2.2 Residential Districts

#### A. Purpose

1. **E-1** – The E-1 Single Family Estate District is established to provide for the creation of single-family detached residential uses on large estate lots.

2. **R-1** – The R-1 Single Family Residential District is established to provide for the creation of single family detached residential uses on moderate-sized lots.

3. **R-2** - The R-2 Mixed Residential District is established to provide for the creation of a mix of residential uses where appropriate.

4. **R-3** - The R-3 Mixed Residential District is established to provide for the creation of a mix of residential uses, including some multi-unit residential products where the context is deemed appropriate.

5. **R-4** - The R-4 Multi-Family Residential District is established to provide for the creation of the broadest mix of residential uses.

6. **R-5** - The R-5 Multi-Family Residential District is established to provide for the creation of a broad mix of residential uses in a more urban configuration.

#### B. Lot Requirements

<table>
<thead>
<tr>
<th></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><strong>Maximum Density (units/acre)</strong></td>
<td>1.0</td>
<td>2.5</td>
<td>4.0</td>
<td>5.0</td>
<td>10</td>
<td>24</td>
</tr>
<tr>
<td><strong>Minimum Lot Size (sf)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single-Family Detached Dwelling</td>
<td>30,000</td>
<td>7,200</td>
<td>4,000</td>
<td>3,000</td>
<td>2,250</td>
<td>2,250</td>
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<tr>
<td>Two-Family Dwelling ¹</td>
<td>n/a</td>
<td>n/a</td>
<td>2,000</td>
<td>1,500</td>
<td>1,125</td>
<td>1,125</td>
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<tr>
<td>Single-Family Attached Dwelling</td>
<td>n/a</td>
<td>n/a</td>
<td>1,500</td>
<td>1,500</td>
<td>1,500</td>
<td>1,500</td>
</tr>
<tr>
<td>Multi-Family Dwelling (sf/DU)</td>
<td>n/a</td>
<td>n/a</td>
<td>2,000</td>
<td>1,800</td>
<td>1,500</td>
<td>1,200</td>
</tr>
<tr>
<td><strong>Minimum Lot Width</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single-Family Detached Dwelling</td>
<td>135’</td>
<td>60’</td>
<td>40’</td>
<td>40’</td>
<td>30’</td>
<td>30’</td>
</tr>
<tr>
<td>Two-Family Dwelling ¹</td>
<td>n/a</td>
<td>n/a</td>
<td>25’</td>
<td>20’</td>
<td>15’</td>
<td>15’</td>
</tr>
<tr>
<td>Single-Family Attached Dwelling</td>
<td>n/a</td>
<td>n/a</td>
<td>25’</td>
<td>20’</td>
<td>15’</td>
<td>15’</td>
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<tr>
<td><strong>Minimum Lot Frontage/Street Frontage</strong></td>
<td>100’</td>
<td>40’</td>
<td>35’</td>
<td>35’</td>
<td>20’</td>
<td>20’</td>
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#### C. Building Placement Requirements

<table>
<thead>
<tr>
<th></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><strong>Minimum Front Setback</strong></td>
<td>30’</td>
<td>20’</td>
<td>15’</td>
<td>15’</td>
<td>10’</td>
<td>5’</td>
</tr>
<tr>
<td><strong>Minimum Street Side Setback</strong></td>
<td>25’</td>
<td>15’</td>
<td>15’</td>
<td>10’</td>
<td>5’</td>
<td>5’</td>
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<tr>
<td><strong>Minimum Side Yard Setback ²</strong></td>
<td>20’</td>
<td>7’</td>
<td>7’</td>
<td>7’</td>
<td>5’</td>
<td>3’</td>
</tr>
<tr>
<td><strong>Minimum Rear Setback</strong></td>
<td>25’</td>
<td>20’</td>
<td>15’</td>
<td>10’</td>
<td>10’</td>
<td>5’</td>
</tr>
<tr>
<td><strong>Garage Along Street Setback</strong></td>
<td>35’</td>
<td>25’</td>
<td>20’</td>
<td>20’</td>
<td>20’</td>
<td>10’</td>
</tr>
</tbody>
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### D. Building Requirements

<table>
<thead>
<tr>
<th>Category</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>Maximum Building Height</td>
<td>40’</td>
<td>35’</td>
<td>35’</td>
<td>40’</td>
<td>40’</td>
<td>45’</td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td>30%</td>
<td>50%</td>
<td>55%</td>
<td>60%</td>
<td>70%</td>
<td>80%</td>
</tr>
</tbody>
</table>

#### Maximum Ground Floor Area (sf)

- **1 Story Dwelling**
  - E-1: 2,000
  - R-1: 960
  - R-2: 900
  - R-3: 850
  - R-4: 750
  - R-5: 650

- **Dwelling with more than 1 story**
  - E-1: 1,850
  - R-1: 900
  - R-2: 850
  - R-3: 775
  - R-4: 700
  - R-5: 600

#### Multi-Family Dwelling Min. Floor Area/D.U.

- **Efficiency Unit**
  - E-1: n/a
  - R-1: n/a
  - R-2: 650
  - R-3: 600
  - R-4: 550
  - R-5: 500

- **One Bedroom Unit**
  - E-1: n/a
  - R-1: n/a
  - R-2: 700
  - R-3: 675
  - R-4: 650
  - R-5: 600

- **Two Bedroom Unit**
  - E-1: n/a
  - R-1: n/a
  - R-2: 900
  - R-3: 850
  - R-4: 800
  - R-5: 700

- **Three Bedroom Unit**
  - E-1: n/a
  - R-1: n/a
  - R-2: 1,100
  - R-3: 1,050
  - R-4: 1,000
  - R-5: 800

- **Each additional bedroom over three**
  - E-1: n/a
  - R-1: n/a
  - R-2: 100
  - R-3: 100
  - R-4: 100
  - R-5: 100

### Notes:

1. These standards apply when each unit of a Two-Family Dwelling is on its own lot. When both units of a Two-Family Dwelling are on one lot, the standards for a Single-Family Detached Dwelling apply.
2. The minimum side yard setback between attached units within the same building is 0’.
3. Does not apply to Multi-Family Dwellings.

### E. Parking Requirements

See Article 6.13 Parking – Specific Requirements

### F. Architectural Requirements

See Article 7.9 Architectural Standards – Residential Districts
2.3 Commercial Districts

A. Purpose

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

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

3. **C-3** - The C-3 Transitional Office District is established to provide for the establishment of professional office and service-related activities. This district is intended to serve as a transitional land use between residential uses and more intense commercial development.

<table>
<thead>
<tr>
<th></th>
<th>C-1</th>
<th>C-2</th>
<th>C-3</th>
<th>Integrated Center Internal Lot</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size (sf)</td>
<td>10,890</td>
<td>10,890</td>
<td>10,890</td>
<td>10,890</td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td>125’</td>
<td>125’</td>
<td>125’</td>
<td>None</td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td>50%</td>
<td>50%</td>
<td>50%</td>
<td>None</td>
</tr>
</tbody>
</table>

B. Lot Requirements

C. Building Placement Requirements

D. Building Requirements

E. Parking Requirements

See Article 6.13 Parking – Specific Requirements

F. Architectural Requirements

See Article 7.10 Architectural Standards – Commercial, Mixed-Use, and Institutional Districts

Notes:

1. Includes accessory buildings and structures.
2. Same as District minimums.
3. These standards only apply to the creation of a lot within an approved integrated commercial center for purposes of creating a lot based upon the walls of an existing structure.
2.4 Industrial Districts

A. Purpose

1. **I-1** - The I-1 Transitional Industrial District is established 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** - The I-2 General Industrial District is established to provide for the establishment of manufacturing and wholesale activities which are generally clean, quiet, and free of hazardous or objectionable elements, while allowing major processing and warehousing activities that may require extensive community facilities, access to arterial or major collector thoroughfares, and may have open storage and service areas.

3. **I-3** - The I-3 Industrial Park District is established 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>
<thead>
<tr>
<th></th>
<th>I-1</th>
<th>I-2</th>
<th>I-3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Size (sf)</td>
<td>21,780</td>
<td>21,780</td>
<td>10 acres</td>
</tr>
<tr>
<td>Lot Width</td>
<td>100’</td>
<td>125’</td>
<td>240’</td>
</tr>
<tr>
<td>Lot Coverage</td>
<td>50%</td>
<td>50%</td>
<td>50%</td>
</tr>
</tbody>
</table>

B. Lot Requirements

C. Building Placement Requirements

D. Building Requirements

E. Parking Requirements

F. Architectural Requirements

Notes:

E. Parking Requirements

See **Article 6.13 Parking – Specific Requirements**

F. Architectural Requirements

See **Article 7.11 Architectural Standards – Industrial Districts**
### 2.5 Mixed-Use Districts

**A. Purpose**

1. **MU-OSR** — The Mixed-Use Open Space, Recreation district is established to promote active and passive greenspace uses in a manner maintaining the feel and character inherent to the district.
2. **MU-COR** — The Mixed-Use Commercial, Office, Residential district is established to accommodate developments containing a variety of commercial, office, and residential uses.
3. **PUD** — The Planned Unit Development district is established to encourage large-scale, identity-building developments mixing uses, building types, and building arrangements. See Article 8.18 PUD: Purpose.

<table>
<thead>
<tr>
<th></th>
<th>MU-OSR</th>
<th>MU-COR</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>B. Lot Requirements</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum Density (units/acre)</td>
<td>1.0</td>
<td>10.0</td>
</tr>
<tr>
<td>Minimum Lot Size (sf)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential Use (sf per dwelling unit)</td>
<td>6,000</td>
<td>1,800</td>
</tr>
<tr>
<td>Nonresidential Use</td>
<td>No min.</td>
<td>No min.</td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential Use</td>
<td>50’</td>
<td>30’</td>
</tr>
<tr>
<td>Nonresidential Use</td>
<td>No min.</td>
<td>No min.</td>
</tr>
<tr>
<td>Minimum Lot Frontage/Street Frontage</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential Use</td>
<td>40’</td>
<td>20’</td>
</tr>
<tr>
<td>Nonresidential Use</td>
<td>No min.</td>
<td>No min.</td>
</tr>
</tbody>
</table>

**C. Building Placement Requirements**

<table>
<thead>
<tr>
<th></th>
<th>MU-OSR</th>
<th>MU-COR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Front Setback</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential Use</td>
<td>20’</td>
<td>10’</td>
</tr>
<tr>
<td>Nonresidential Use</td>
<td>20’</td>
<td>0’</td>
</tr>
<tr>
<td>Minimum Street Side Setback</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential Use</td>
<td>10’</td>
<td>7’</td>
</tr>
<tr>
<td>Nonresidential Use</td>
<td>7’</td>
<td>0’</td>
</tr>
<tr>
<td>Minimum Side Yard Setback</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential Use</td>
<td>5’</td>
<td>5’</td>
</tr>
<tr>
<td>Nonresidential Use</td>
<td>5’</td>
<td>0’</td>
</tr>
<tr>
<td>Minimum Rear Setback</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential Use</td>
<td>20’</td>
<td>10’</td>
</tr>
<tr>
<td>Nonresidential Use</td>
<td>10’</td>
<td>0’</td>
</tr>
<tr>
<td>Min. Separation of Primary and Accessory Buildings</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential Use</td>
<td>6’</td>
<td>6’</td>
</tr>
<tr>
<td>Nonresidential Use</td>
<td>6’</td>
<td>10’</td>
</tr>
<tr>
<td>Garage Along Street Setback</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential Use</td>
<td>20’</td>
<td>20’</td>
</tr>
<tr>
<td>Nonresidential Use</td>
<td>0’</td>
<td>0’</td>
</tr>
</tbody>
</table>
## D. Building Requirements

<table>
<thead>
<tr>
<th></th>
<th>Residential Use</th>
<th>Nonresidential Use</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Maximum Building Height</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential Use</td>
<td>35’</td>
<td>45’</td>
</tr>
<tr>
<td>Nonresidential Use</td>
<td>50’</td>
<td>40’</td>
</tr>
<tr>
<td><strong>Maximum Lot Coverage</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential Use</td>
<td>60%</td>
<td>80%</td>
</tr>
<tr>
<td>Nonresidential Use</td>
<td>80%</td>
<td>80%</td>
</tr>
<tr>
<td><strong>Minimum Ground Floor Area (sf)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 Story Dwelling</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential Use</td>
<td>960</td>
<td>700</td>
</tr>
<tr>
<td>Nonresidential Use</td>
<td>No min.</td>
<td>No min.</td>
</tr>
<tr>
<td>Dwelling with more than 1 story</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential Use</td>
<td>750</td>
<td>400</td>
</tr>
<tr>
<td>Nonresidential Use</td>
<td>No min.</td>
<td>No min.</td>
</tr>
<tr>
<td><strong>Min. Floor Area per D.U. for Multi-Family Dwellings</strong></td>
<td>n/a</td>
<td>2</td>
</tr>
</tbody>
</table>

### Notes:
1. Any lot without street frontage must have an unobstructed access easement at least 25’ wide.
2. 450 sf + 150 sf per bedroom
3. 15’ for Two-Family Dwelling and Single-Family Attached Dwelling

## E. Parking Requirements

See [Article 6.13 Parking – Specific Requirements](#).

## F. Architectural Requirements

See [Article 7.10 Architectural Standards – Commercial, Mixed-Use, and Institutional Districts](#).
2.6 Other Districts

A. Purpose

1. **AG** - The 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 in a manner consistent with the Comprehensive Plan.

2. **INST** - The Institutional District is established to promote and maintain the development facilities for institutional uses within the Town of Avon. The development of institutional facilities or the major expansion of existing institutional facilities within the district requires approval of an Institutional Use Master Plan to assure the development of a particular institutional use is compatible with nearby residential neighborhoods.

<table>
<thead>
<tr>
<th></th>
<th>AG</th>
<th>INST</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>B. Lot Requirements</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum Density (units/acre)</td>
<td>0.2</td>
<td>n/a</td>
</tr>
<tr>
<td>Minimum Lot Size (acres)</td>
<td>5</td>
<td>No min.</td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td>160’</td>
<td>100’</td>
</tr>
<tr>
<td>Minimum Lot Frontage/Street Frontage</td>
<td>150’</td>
<td>100’</td>
</tr>
<tr>
<td><strong>C. Building Placement Requirements</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum Front Setback</td>
<td>30’</td>
<td>30’</td>
</tr>
<tr>
<td>Minimum Street Side Setback</td>
<td>30’</td>
<td>15’</td>
</tr>
<tr>
<td>Minimum Side Yard Setback</td>
<td>30’</td>
<td>15’</td>
</tr>
<tr>
<td>Minimum Rear Setback</td>
<td>30’</td>
<td>15’</td>
</tr>
</tbody>
</table>

**D. Building Requirements**

<table>
<thead>
<tr>
<th></th>
<th>AG</th>
<th>INST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Building Height</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Principal Building</td>
<td>40’</td>
<td>45’</td>
</tr>
<tr>
<td>Accessory Building</td>
<td>60’</td>
<td>30’</td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td>20%</td>
<td>n/a</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Minimum Ground Floor Area (sf)</th>
<th>AG</th>
<th>INST</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Story Dwelling</td>
<td>1,200</td>
<td>n/a</td>
</tr>
<tr>
<td>Dwelling with more than 1 story</td>
<td>900</td>
<td>n/a</td>
</tr>
</tbody>
</table>

Notes:
1. Unless an alternate standard is specified in an approved Institutional Use Master Plan.
2. Accessory buildings and structures have a 10’ side yard and rear yard setback.

E. Parking Requirements

See **Article 6.13 Parking – Specific Requirements**

F. Architectural Requirements

See **Article 7.10 Architectural Standards – Commercial, Mixed-Use, and Institutional Districts**
F. Approval of Institutional Use Master Plans

1. The following are deemed approved Institutional Use Master Plans:
   a. An Institutional Use Master Plan submitted as part of a zone map change or development plan approval.
   b. The latest development plan for an institutional use approved by the BZA as part of a special exception grant.

2. In the event a legal, non-conforming institutional use has not received one of the approvals listed above, the Institutional Use Master Plan is interpreted as the primary facilities, accessory uses, and physical development of the site existing on the date this Ordinance is adopted.

3. Institutional Use Master Plan approvals may be obtained for a total project at one time or in phases.
   a. Phases may include physical areas of development (i.e., portions of an overall site) or elements of a development (i.e., building elevations, a sign program, landscaping, parking, etc.).
   b. If phases are physical areas of development, the phases must be depicted on an overall plan for the entire site.
   c. Institutional Use Master Plan applications may include requests for waivers (see 8.17 Waiver of Development Standards).

G. Applicability

1. New Institutional Uses: Approval of an Institutional Use Master Plan by the Plan Commission is required prior to the development of a new institutional use.

2. Major Expansions: An Institutional Use Master Plan must be approved by the Plan Commission prior to any major expansion (i.e., greater than 10,000 square feet or in excess of 20% of gross floor area of existing buildings, or 30% increase in paved surface parking area) or the development of additional real estate at an existing institutional use site.

3. Minor Expansions: Minor expansions of existing facilities (i.e., less than 10,000 square feet and less than excess of 20% of gross floor area of existing buildings or less than 30% increase in paved surface parking area) and the addition of accessory uses or temporary uses require only the Administrator’s review of an Improvement Location Permit application.

4. Amendments: Amendments to Institutional Use Master Plans follow the process outlined in 8.10 Rezones and Amendments.

5. After an Institutional Use Master Plan is approved for an institutional use, all development within that use site is subject only to Administrator’s review of Improvement Location Permit applications for compliance with this Ordinance, and approved Institutional Use Master Plan for the site, and any waivers, conditions, and commitments of prior approvals for the site.

H. Procedures and Filing Requirements.

1. Unless filed as part of a petition for Zoning Map change, an Institutional Use Master Plan is filed as a Development Plan (see 8.10 Development Plans).

2. Each Institutional Use Master Plan must include:
   • General guidelines for the improvement of the site
The size of the Institutional facility proposed
The overall layout and design of the site (i.e., location, size and scope of Buildings or Structures, Off-Street Parking Areas and Signs)
Conceptual Building elevations for major Buildings or Structures
Proposed site lighting
Conceptual landscape plans;

**I. Findings**

The Plan Commission may approve a Development Plan as proposed by an Institutional Use Master Plan upon finding:

1. The Development Plan complies with all applicable development standards of Institutional Use District;
2. The Development Plan complies with all applicable provisions of the subdivision regulations;
3. The proposed development is consistent with the Comprehensive Plan;
4. The proposed development is appropriate to the site and its surroundings; and,
5. The proposed development is consistent with the intent and purpose of this Ordinance.

**2.7 Agricultural Overlay District (AGO-1)**

**A. 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 provides for the continuation of agricultural activities until orderly urban expansion is appropriate for the property.

**B. Application of the District**

The designation of the AGO-1 Agricultural Overlay District occurs in conjunction with a voluntary annexation petition and the designation of an underlying zoning district, as set forth in 2.7 Agricultural Overlay District. The requirements of this overlay district replace the requirements of the underlying zoning district until overlay district is removed from the property.

**C. Permitted Uses**

See 3.2 Permitted Use Table.

**D. Accessory Uses**

Specific accessory uses and structures are permitted in the district:

1. the accessory processing, packaging, treating and storage of products produced on the premises.
2. one single-family farmhouse.
3. accessory agricultural structures.
4. home occupations
E. **Area and Height Regulations for Permitted Uses**

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Requirement Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size</td>
<td>15,000 sq. feet</td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td>120 feet</td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td>35%</td>
</tr>
<tr>
<td>Max. Building Height</td>
<td></td>
</tr>
<tr>
<td>Principal</td>
<td>40 feet</td>
</tr>
<tr>
<td>Accessory</td>
<td>20 feet</td>
</tr>
<tr>
<td>Minimum Front Yard Setbacks</td>
<td>30 feet</td>
</tr>
<tr>
<td>Minimum Side Yard Setbacks</td>
<td>20 feet</td>
</tr>
<tr>
<td>Minimum Rear Yard Setback</td>
<td>20 feet</td>
</tr>
</tbody>
</table>

F. **Other Development Controls**

1. Off-street parking and loading must be provided according to **CHAPTER 6: IMPROVEMENT STANDARDS** of this Ordinance.

2. The use and placement of signs is subject to the regulations set forth in **CHAPTER 6: IMPROVEMENT STANDARDS** of this Ordinance.

3. Fences are subject to the regulations set forth in **5.11 Fence and Wall Standards** of this Ordinance.

G. **Petitions to Amend the Zoning Map to Remove the Overlay District**

When a property owner desires to discontinue the agricultural activity, the property owner may apply remove the Overlay District from the Zoning Map. The property owner may also request to change the underlying district. The Town will not change the zoning of the property without the consent of the owner.

2.8 **Floodplain Regulations**

The flood hazard areas of the Town are subject to periodic inundation resulting in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

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.

A. **Purpose**

The purpose of this section is 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 uses that 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 uses vulnerable to floods be protected against flood damage at the time of initial construction;

3. Control the alteration of natural floodplains, stream channels, and natural protective barriers involved in the accommodation of flood waters;

4. Control filling, grading, dredging, and other development that 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 by fulfilling the requirements of the National Flood Insurance Program.

B. Objectives

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;

C. General Provisions

1. **Applicability:** This chapter applies to all SFHAs and known flood prone areas within the jurisdiction of the Town of Avon.

2. **Basis for Establishing Regulatory Flood Data:** This section’s protection standard is the regulatory flood. The best available regulatory flood data is listed below.

   a. The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs within the jurisdiction of Town of Avon is delineated on the one-percent annual chance flood profiles in the Flood Insurance Study of Hendricks County, Indiana and Incorporated Areas dated September 25, 2009 and the corresponding Flood Insurance Rate Map dated September 25, 2009 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency (FEMA) with the most recent date.

   b. The regulatory flood elevation, floodway, and fringe limits for each of the SFHAs within the jurisdiction of the Town of Avon, delineated as an "A Zone" on the Hendricks County, Indiana and Incorporated Areas Flood Insurance Rate Map dated September 25, 2009 as well as any future updates, amendments, or revisions, prepared by FEMA with the most recent date, is according to the best data available as provided by the Indiana Department of Natural Resources (IDNR), provided the upstream drainage area from the subject site is greater than one square mile. Whenever a party disagrees with the best available data, the party needs to replace existing data with better data that meets current engineering standards. To be considered, this data must be submitted to IDNR for review and subsequently approved.

   c. In the absence of a published FEMA map, or absence of identification on a FEMA map, the regulatory flood elevation, floodway, and fringe limits of any watercourse in the community’s known flood prone areas is according to the best data available as provided by IDNR, provided the upstream drainage area from the subject site is greater than one square mile.
d. Upon issuance of a Letter of Final Determination (LFD), any more restrictive data in the new (not yet effective) mapping/study is utilized for permitting and construction (development) purposes, replacing all previously effective less restrictive flood hazard data provided by FEMA.

3. Establishment of Floodplain Development Permit. A Floodplain Development Permit is required in conformance with the provisions of this article prior to the commencement of any development activities in areas of special flood hazard.

4. Compliance. No structure can be located, extended, converted or structurally altered within the SFHA without full compliance with the terms of this article and other applicable regulations. No land or stream within the SFHA can be altered without full compliance with the terms of this article and other applicable regulations.

5. Abrogation and Greater Restrictions. This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and another conflict or overlap, the more stringent restrictions apply.

6. Discrepancy between Mapped Floodplain and Actual Ground Elevations
   a. In cases where there is a discrepancy between the mapped floodplain (SFHA) on the FIRM and the actual ground elevations, the elevation provided on the profiles governs.
   b. If the elevation of the site in question is below the base flood elevation, that portion of the site is included in the SFHA and regulated accordingly.
   c. If the elevation (natural grade) of the site in question is above the base flood elevation, that portion of the site is considered outside the SFHA and the floodplain regulations will not be applied. The property owner should apply for a Letter of Map Amendment (LOMA).

7. Interpretation: In the interpretation and application of this section all provisions are considered as minimum requirements; construed in favor of the governing body; and, deemed neither to limit nor repeal any other powers granted under state statutes.

8. Warning and Disclaimer of Liability: The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this article does not create any liability on the part of the Town, the IDNR, or the State of Indiana, for any flood damage that results from reliance on this article or any administrative decision lawfully made.

9. Penalties for Violation: Failure to obtain a Floodplain Development Permit in the SFHA or failure to comply with the requirements of a Floodplain Development Permit or conditions of a variance is deemed a violation of this Article and subject to enforcement.
   a. A separate offense occurs each day the violation continues to exist.
   b. The Administrator informs the owner that such a violation is considered a willful act to increase flood damages and therefore may cause suspension of a Standard Flood Insurance Policy.
Chapter 2:16  Floodplain Regulations

c. The Town is not prevented from taking other lawful action to prevent or remedy violations. All enforcement costs, including attorney’s fees, accrue to the persons responsible.

D. Administration

1. Designation of Administrator: The Town Council appoints the Administrator to administer and implement the provisions of this section and is referred to as the Floodplain Administrator.

2. Permit Procedures: Application for a Floodplain Development Permit is made to the Floodplain Administrator on forms furnished by the Department prior to any development activities and may include plans the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, and drainage facilities.

   a. At the pre-development stage the following information is required:
      - A description of the proposed development;
      - Location of the proposed development sufficient to accurately locate property and structures in relation to existing roads and streams;
      - A legal description of the property;
      - A development plan showing existing and proposed improvements and existing and proposed land grades;
      - Elevation of the top of the lowest floor (including basement) of all proposed buildings. Elevation should be in NAVD 88 or NGVD;
      - Elevation (in NAVD 88 or NGVD) to which any non-residential structure will be floodproofed;
      - Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. A hydrologic and hydraulic engineering study is required, and any watercourse changes submitted to DNR for approval and then to FEMA as a Letter of Map Revision. (See 2.8(D)(3)(f) for additional information.)

   b. At the construction stage the following information is required: Upon establishment of the lowest floor of an elevated structure or structure constructed on fill, it is the duty of the applicant to submit to the Floodplain Administrator a certification of the NAVD 88 or NGVD elevation of the lowest floor, as built. The certification is prepared by or under the direct supervision of a registered land surveyor, professional engineer or architect and certified by the same. The Floodplain Administrator reviews the lowest floor elevation survey data submitted. The applicant corrects deficiencies detected by such review before any further work can proceed. Failure to submit the survey or failure to make the corrections required is cause to issue a stop-work order for the project. Any work undertaken prior to submission of the elevation certification is at the applicant’s risk.

Upon establishment of the floodproofed elevation of a floodproofed structure, the applicant submits to the Floodplain Administrator a
floodproofing certificate. Certification is prepared by or under the direct supervision of a registered professional engineer or architect and certified by same. (The Floodplain Administrator reviews the floodproofing certification submitted.) The applicant corrects any deficiencies detected by such review before any further work can proceed. Failure to submit the floodproofing certification or failure to make correction required is cause to issue a stop-work order for the project.

c. At the completion of construction the following information is required: Upon completion of construction, an elevation certification (FEMA Elevation Certificate Form 086-0-33 or any future updates) which depicts the “as-built” lowest floor elevation is required to be submitted to the Floodplain Administrator. If the project includes a floodproofing measure, floodproofing certification (FEMA Floodproofing Certificate Form 81-65 or any future updates) is required to be submitted by the applicant to the Floodplain Administrator.

3. Duties and Responsibilities of the Floodplain Administrator: The Floodplain Administrator is authorized to enforce the provisions of this section. The Floodplain Administrator is authorized to render interpretations of this section consistent with its intent and purpose. Duties and responsibilities of the Floodplain Administrator include:

a. Review floodplain development permits to assure the requirements of this section are satisfied;

b. Inspect and inventory damaged structures in the SFHA and complete substantial damage determinations.

c. Ensure that construction authorization has been granted by IDNR for all development projects subject to 2.8(E)(5) and 2.8(E)(7)(a) of this article, and maintain a record of such authorization (either copy of actual permit/authorization or floodplain analysis/regulatory assessment).

d. Ensure that all necessary federal or state permits have been received prior to issuance of the local floodplain development permit. Copies of such permits/authorizations are to be maintained on file with the floodplain development permit.

e. Maintain and track permit records involving additions and improvements to residences located in the floodway.

f. 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.

g. Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, Letters of Map Change (LOMC), copies of DNR permits, letters of authorization, and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and “as-built” elevation and floodproofing data for all buildings constructed subject to this article.

h. Utilize and enforce all Letters of Map Change (LOMC) or Physical Map Revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community.
Chapter 2:18 Floodplain Regulations

1. **Provisions for Flood Hazard Reduction**

1. **General Standards:** In all SFHAs and known flood prone areas the following provisions are required:

   a. New construction and substantial improvements must be anchored to prevent flotation, collapse or lateral movement of the structure.

   b. Manufactured homes must be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include the use of over-the-top or frame ties to ground anchors. This standard is in addition to applicable state requirements for resisting wind forces.

   c. New construction and substantial improvements must be constructed with

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i. Assure that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished.

j. Review certified plans and specifications for compliance.

k. Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with 2.8(D)(2).

l. Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed in accordance with 2.8(D)(2).

m. Perform a minimum of three inspections to ensure that all applicable ordinance and floodplain development requirements have been satisfied. The first upon the establishment of the Flood Protection Grade reference mark at the development site; the second upon the establishment of the structure’s footprint/establishment of the lowest floor; and the final inspection upon completion and submission of the required finished construction elevation certificate. Authorized Town officials have the right to enter and inspect properties located in the SFHA.

n. **Stop Work Orders**
   - Upon notice from the Floodplain Administrator, work on any building, structure or premises done contrary to the provisions of this article must immediately cease.
   - The notice is in writing and given to the owner of the property, or to his agent, or to the person doing the work, and states the conditions under which work may be resumed.

o. **Revocation of Permits**
   - The Floodplain Administrator may revoke a permit or approval, issued under the provisions of the Ordinance, in cases where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.
   - The 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 Ordinance.
materials and utility equipment resistant to flood damage below the FPG.

d. New construction and substantial improvements must be constructed by methods and practices that minimize flood damage.

e. Electrical, heating, ventilation, plumbing, air conditioning equipment, utility meters, and other service facilities must be located at or above the FPG or designed to prevent water from entering or accumulating within the components below the FPG. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG.

f. New and replacement water supply systems must be designed to minimize or eliminate infiltration of flood waters into the system.

g. New and replacement sanitary sewage systems must be designed to minimize or eliminate infiltration of flood waters into the system.

h. On-site waste disposal systems must 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 in compliance with the provisions of this article must meet the requirements of “new construction” as contained in this article.

j. Parking lots, driveways, and sidewalks within the SFHA must be constructed with permeable materials.

k. Whenever any portion of the SFHA is authorized for use, the volume of space occupied by the authorized fill or structure below the BFE must be compensated for and balanced by an equivalent volume of excavation taken below the BFE. The excavation volume must be at least equal to the volume of storage lost (minimum replacement ratio of 1:1).

• The excavation takes place in the floodplain on the same property as the authorized fill or structure.

• Under certain circumstances, the excavation may be allowed to take place adjacent to the floodplain if the excavated volume is: (a) below the regulatory flood elevation, (b) on the same property as the authorized fill or structure, (c) accessible to the regulatory flood water, (d) not be subject to ponding when not inundated by flood water, and (e) not refilled.

• The excavation provides true storage of floodwater and is not subject to ponding when not inundated by flood water.

• The fill or structure cannot obstruct a drainage way leading to the floodplain.

• The excavated area is accessible to the regulatory flood water.

• The fill or structure is a material deemed stable enough to remain firm and in place during periods of flooding and includes provisions to protect adjacent property owners against any increased runoff or drainage resulting from its placement.
• Plans depicting the areas to be excavated and filled are submitted prior to the start of any site work or construction. After site work is complete, but before the start of construction, the applicant provides the Floodplain Administrator a certified survey demonstrating the fill and excavation comply with this article.

2. **Specific Standards**: In all SFHAs, the following provisions are required:

   a. In addition to the requirements of 2.8(E)(1), all structures located in the SFHA are protected from flood damage below the FPG. This applies to the following situations:

      • Construction or placement of any structure having a floor area greater than 400 square feet.
      • Addition or improvement to any existing structure where the cost is 50% or more of the existing structure's value, excluding the value of the land.
      • Reconstruction or repairs to a damaged structure where the cost is 50% or more of the market value of the structure before the damage occurred, excluding the value of the land.
      • Installing a travel trailer or recreational vehicle on a site for more than 180 days.
      • Installing a manufactured home on a new or existing site. This does not apply to returning a manufactured home to a site it lawfully occupied before it was removed to avoid flood damage.

   b. **Residential Structures**: New construction or substantial improvement of any residential structure or manufactured home has the lowest floor, including the basement, at or above the FPG. If solid foundation perimeter walls are used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters are provided in accordance with 2.8(E)(2)(d).

   c. **Non-Residential Structures**: New construction or substantial improvement of any commercial, industrial, or non-residential structure or manufactured home: (i) has the lowest floor, including basement, elevated at or above the FPG or (ii) is floodproofed at or above the FPG. If solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters are provided in accordance with 2.8(E)(2)(d). Structures located in all “A Zones” may be floodproofed in lieu of being elevated if:

      • A Registered Professional Engineer or Architect certifies the structure is designed so the structure and utilities below the FPG are watertight and capable of resisting the effects of the regulatory flood. The structure design accounts for flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. The certification...
is provided to the Floodplain Administrator per 2.8(D)(3)(k).

- Floodproofing measures are operable without human intervention and an external source of electricity.

d. Elevated Structures: New construction or substantial improvements of elevated structures have the lowest floor at or above the FPG.

Elevated structures with fully enclosed areas formed by foundation and other exterior walls below the flood protection grade are 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. Designs must meet the following minimum criteria:

- A minimum of two openings each located in separate exterior walls are provided. The total net area of the openings is at least one square inch for every square foot of enclosed area.

- The bottom of all openings is a maximum of one foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher.

- Openings may be equipped with screens, louvers, valves or other coverings or devices if they permit the automatic flow of floodwaters in both directions.

- Access to the enclosed area is the minimum necessary to allow for vehicle parking, limited storage of maintenance equipment, or entry to the living area.

- The interior portion of the enclosed area cannot be partitioned or finished into separate rooms.

- The interior grade of the enclosed area is at or higher than the exterior grade.

- Openings are at least 3 inches in any direction in the surface of the wall. This requirement excludes any inserted device such as a typical foundation air vent device.

- Property owners are required to execute a flood openings/venting affidavit acknowledging all openings will be maintained as flood vents, and that the elimination or alteration of the openings are a violation of the requirements of 2.8(E)(2)(d). Periodic inspections are conducted by the Floodplain Administrator to ensure compliance. The affidavit is recorded, along with the deed, in the office of the Hendricks County Recorder.

- Property owners are required to execute and record in the office of the Hendricks County Recorder a non-conversion agreement committing that the area below the lowest floor cannot be improved, finished or otherwise converted and that the community has the right to inspect the enclosed area.

e. Structures Constructed on Fill: All structures may be constructed on fill if:

- The fill is placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with either the Standard or Modified Proctor Test method. The results of the test showing
compliance are retained in the permit file.

- The fill extends 10 feet beyond the foundation of the structure before sloping below the BFE.

- The fill is protected against erosion and scour during flooding by vegetative cover, riprap, or bulkheading. If vegetative cover is used, the slopes cannot be steeper than 3 horizontal to 1 vertical.

- The fill cannot adversely affect the flow of surface drainage from or onto neighboring properties.

- The top of the lowest floor including basements is at or above the FPG.

- Fill is composed of clean granular or earthen material.

f. Standards for Manufactured Homes and Recreational Vehicles: Manufactured homes and recreational vehicles installed or substantially improved on a site for more than 180 days must meet one of the following requirements:

i. These requirements apply to all manufactured homes placed on a site outside a manufactured home park or subdivision; in a new manufactured home park or subdivision; in an expansion to an existing manufactured home park or subdivision; or in an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as a result of a flood:

   - The manufactured home is elevated on a permanent foundation so the lowest floor is at or above the FPG and securely anchored to a foundation system to resist flotation, collapse, and lateral movement.

   - Fully enclosed areas formed by exterior walls below the FPG are designed to prohibit finished living space and allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required in 2.8(E)(2)(d).

ii. These requirements apply to all manufactured homes placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood:

   - The manufactured home is elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elevations that are at least 36 inches above grade and be securely anchored to a foundation system to resist flotation, collapse, and lateral movement.

   - Fully enclosed areas formed by exterior walls below the FPG are designed to prohibit finished living space and allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required in 2.8(E)(2)(d).
• Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.

iii. Recreational vehicles placed on a site must:
• be on site for less than 180 days; or
• 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
• meet the requirements for “manufactured homes” as stated earlier in this section.

g. Accessory Structures: Relief to the elevation or dry floodproofing standards may be granted for accessory structures if they are:
• Not used for human habitation.
• Constructed of flood resistant materials.
• Placed on the lot and constructed to offer the minimum resistance to the flow of floodwaters.
• Firmly anchored to prevent flotation.
• Constructed with service facilities such as electrical and heating equipment elevated or flood-proofed to or above the FPG.
• Designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in 2.8(E)(2)(d).

h. Above Ground Gas or Liquid Storage Tanks: All above ground gas or liquid storage tanks must be anchored to prevent flotation or lateral movement.

3. Standards for Subdivision Proposals
a. Subdivision proposals must be consistent with the need to minimize flood damage.

b. Subdivision proposals must have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

c. Subdivision proposals must have adequate drainage to reduce exposure to flood hazards.

d. Proposed subdivisions or developments (including manufactured home parks) with 50 or more lots or 5 or more acres must provide base flood elevation data.

e. Subdivision proposals must minimize development in the SFHA and/or limit the density of development permitted in the SFHA.

f. Subdivision proposals must ensure safe access into and out of SFHA’s for pedestrians and vehicles (especially emergency responders).

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

5. **Standards for Identified Floodways**: Located within SFHAs are areas designated as floodways, established in 2.8(C)(2). 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 requires the applicant to forward the application, along with all pertinent plans and specifications, to IDNR 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 IDNR is required prior to the issuance of a local building permit for any excavation, deposit, construction, or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing and paving etc. undertaken before the actual start of construction of the structure. However, it excludes non-substantial additions/improvements to existing, lawful residences in a non-boundary river floodway.

The Floodplain Administrator takes no action until a permit or letter of authorization has been issued by the IDNR granting approval for construction in the floodway. Once a permit for construction in a floodway or letter of authorization has been issued by the IDNR, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions in 2.8(E) have been met. The Floodplain Development Permit cannot be less restrictive than the permit issued by the IDNR.

No development, either alone or in combination with other development, is allowed that will adversely affect the efficiency or capacity of the floodway. This adverse effect is defined as an increase in the elevation of the regulatory flood by at least 0.15 feet determined by comparing the regulatory flood elevation under the project condition to the natural, pre-floodway condition as proven with hydraulic analyses.

For all projects involving channel modifications or fill (including levees) the Town submits the data and requests FEMA revise the regulatory flood data per the mapping standard regulations found at 44 CFR §65.12.

6. **Standards for Identified Fringe**: If the site is in an identified fringe, then the Floodplain Administrator may issue the local Floodplain Development Permit if the provisions of 2.8(E) of this article have been met. The key provision is that the top of the lowest floor of any new or substantially improved structure must be at or above the FPG.

7. **Standards for SFHAs without Established Base Flood Elevation and/or Floodways/Fringes**

   a. 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 applicant forwards the application, plans, and specifications to IDNR for review and comment.

   The Floodplain Administrator takes no action until a permit for construction in a floodway or a floodplain analysis/regulatory assessment citing the one-percent annual chance flood elevation and
the recommended FPG has been received from IDNR. Once the Floodplain Administrator receives the permit or floodplain analysis, a Floodplain Development Permit may be issued if the conditions of the permit are not less restrictive than the conditions received from IDNR and the provisions of 2.8(E) are met.

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 applicant provides an engineering analysis showing the limits of the floodplain and one-percent annual chance flood elevation for the site. Upon receipt, the Floodplain Administrator may issue the local Floodplain Development Permit, if the provisions of 2.8(E) are met.

b. The total cumulative effect of the proposed development, when combined with all other existing and anticipated development cannot adversely affect the efficiency or capacity of the floodway. This adverse effect is defined as an increase in the elevation of the regulatory flood of at least 0.15 feet as determined by comparing the regulatory flood elevation under the project condition to the natural, pre-floodway condition as proven with hydraulic analyses.

8. Standards for Flood Prone Areas: All development in known flood prone areas not identified on FEMA maps, or where no FEMA published map is available, must meet the applicable standards of 2.8(E).

F. Variance Procedures.

1. Designation of Variance and Appeals Board: The Board of Zoning Appeals hears and decides appeals and requests for variances from requirements of this article.

2. Duties of Variance and Appeals Board: The Board hears and decides appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the administration of this article. Any person aggrieved by the decision of the Board may appeal the decision to the Hendricks County Circuit Court.

3. Variance Procedures: In acting upon such applications, the Board considers all technical evaluations, relevant factors, standards specified in other sections of this Ordinance, 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 of the facility to 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.
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The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area.

The safety of access to the property in times of flood for ordinary and emergency vehicles.

The expected height, velocity, duration, rate of rise, and sediment of transport of the floodwaters at the site.

The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

4. Conditions for Variances
   a. Variances are only granted when there is:
      i. A showing of good and sufficient cause.
      ii. A determination that failure to grant the variance results in exceptional hardship.
      iii. A determination that granting the variance does not increase flood heights, increase threats to public safety, add extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.
   b. No variance for a residential use within a floodway subject to 2.8(E)(5) and 2.8(E)(7)(a) of this article may be granted.
   c. Any variance granted in a floodway subject to 2.8(E)(5) and 2.8(E)(7)(a) of this article requires a permit from IDNR.
   d. Variances to the Provisions for Flood Hazard Reduction of 2.8(E)(2), are granted only when a new structure is located on a lot 0.5 acres or less in size, contiguous to and surrounded by lots with existing structures constructed below the FPG.
   e. Variances are only granted upon a determination that the variance is the minimum necessary to afford relief, considering the flood hazard.
   f. Variances are 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. (Refer to 2.8(F)(6)).
   g. Any applicant receiving variance approval is given written notice specifying the difference between the FPG and the elevation the lowest floor may be built and stating the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation (See 2.8(F)(5)).
   h. The Floodplain Administrator maintains records of appeal actions and reports any variances to FEMA or IDNR upon request (See 2.8(F)(5)).

5. Variance Notification: Any applicant receiving variance approval to allow the lowest floor of a structure to be built below the FPG is given written notice that:
   a. A variance to construct a structure below the FPG results in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage; and;
b. Construction below the FPG increases risks to life and property. The Floodplain Administrator records a copy of the notice in the Office of the Hendricks County Recorder so it appears in the chain of title of the affected parcel of land.

The Floodplain Administrator maintains a record of all variance actions, including justification for their issuance.

6. Historic Structure: Variances are granted for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation does 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 considering the factors listed in 2.8(F), and the purposes of this article, the BZA may attach conditions to the granting of variances it deems necessary to further the purposes of this article.

2.9 Ronald Reagan Corridor Overlay District

A. Purpose

It is the purpose of the Ronald Reagan Corridor 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 Corridor is a limited access highway and an important economic development corridor to Avon and Hendricks County. The Ronald Reagan Corridor is a premier location and employment center whose viability, quality, and character are important to the community, 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 Avon and Hendricks County through the development of aesthetic standards that make the corridor appear as a planned 12-mile campus.

B. District Boundaries

The boundaries of the Overlay District are hereby established as shown on the Zoning Map for Avon and Hendricks County Indiana. The study area includes the parkway alignment running north and south through Avon, and adjacent properties within approximately 1,000 feet on either side of the proposed parkway centerline.

The Official Zone Maps for Avon, 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 is subject to the master plan and Overlay District standards for the corridor.

C. Plan Commission Approval

The Plan Commission approves, approves with conditions, or disapproves the development plan
for any tract of land in the Overlay District per the provisions of this Ordinance. All lots within the Overlay District require development plan approval. All development plans must adhere to the requirements set forth by the Town.

1. **Application Procedure**: Applications must comply with the standards found in §8.1 Applications 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 regulations;
   
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 is valid for 12 months from the date of approval. If an Improvement Location Permit has not been obtained within the 12-month period, the development plan becomes void. The Plan Commission may, for good cause shown, extend this period up to 6 additional months.

4. **Removal of a District**: Nothing in this Ordinance denies 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 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 approved pursuant to this Ordinance.

**D. Overlay Applicability**

This district is created as an overlay district superimposed on base districts by approval of the Town Council. Boundaries of this overlay are shown on the Zoning Map. Overlay development standards supplement the underlying zoning classification and in most cases are 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 conflict, the more restrictive provision applies.

**E. Prohibited Uses**

The following uses are prohibited within this Overlay District:

- Adult businesses
- Car rental agencies
- Cell towers & wireless communication facilities
- Commercial car or truck wash as a principal use
- Gas stations
- Incineration for reduction of refuse
- Jail, penal institution or correctional institutions
- Long-term surface parking
- Manufacture of explosives
- Manufactured home sales
- Manufacturing: fertilizers, stockyards, slaughtering, leather curing and tanning
- Mineral extraction
- Mobile homes
- Ordinance products
- Outdoor amusement and entertainment
• Outdoor sales
• Outdoor storage
• Petroleum and petroleum products refining
• Reclaiming process of hazardous materials
• Recreational vehicle sales and leasing
• Refining or manufacturing of asphalt, cement, gypsum, lime, or wood preservation
• Roadside sales stand
• Salvage or junk yard
• Sand and gravel extraction or sales
• Single-family detached dwellings
• Vehicle sales or leasing
• Waste transfer station

F. Accessory Buildings and Uses

Accessory buildings and uses permitted in the underlying zoning district are permitted, except any detached accessory building must be architecturally compatible with the associated primary building.

G. Development Requirements

1. Build-To Line: Lots located within the Overlay District containing lot frontage on the Ronald Reagan parkway must locate their principal building on the Build-To Line. The Build-To Line is an invisible line parallel to the Ronald Reagan Parkway allowing for a uniform setback and view of the corridor along the parkway. The Build-To Line is 100 feet from the edge of the Ronald Reagan Parkway right-of-way as illustrated in Figure 2-1, Build-To Line.

2. Remodel, Expansion or Improvement of Existing Structure or Parcels: If a parcel fronts the Ronald Reagin Parkway and is improved or an existing structure is expanded or remodeled within the Overlay District, then that parcel or structure is subject to the regulations contained in this Ordinance.

H. Open Space Requirements

1. Open Space Requirements: All sites must provide at least 15% 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 considers 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 must be accessible by way of a public road, bikeway, sidewalk or footpath. Access through private property or by way of an easement over private property is prohibited.

b. Areas dedicated as open space must be a minimum of 30 feet wide in their smallest dimension.

c. Areas dedicated as open space must 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 50% of their total acreage counted as open space.

4. Ownership and Maintenance of Open Space: Unless otherwise agreed to by the Town Council, the cost of maintaining land dedicated as open space is the responsibility of the property owner.

5. Open Space Plan: An open space plan must accompany the development plan application according to the jurisdictions rules and procedures.

I. Landscaping Requirements

1. Plant Selection: The required landscape plan should use the plant material recommended in the landscaping of a property within the Overlay District (see the Town of Avon Landscaping Manual). Evergreen trees planted within this overlay must have a minimum height of 8 feet.

2. Green Space Area: A 30 foot green space is required for all property fronting the Ronald Reagan Parkway with plantings per the requirements in the Ronald Reagan Design Guidelines Manual and as detailed below. Incorporating walkways and bikeways into the design is encouraged. However, parking areas, through roads, buildings, accessory structures, etc. cannot be located within this area.

3. This green space must be planted with shade trees, ornamental trees, shrubs, ground covers and grass. (See Figure 2-2, Green Space Area Requirements)

a. A minimum of 3 shade trees, 2 ornamental or evergreen trees, and 6 shrubs must be provided per 100 linear feet of green space.

b. Trees planted within the green space parallel to the Ronald Reagan Parkway contribute to the overall natural
character of the corridor. Trees may be placed linearly or clustered in groups, with priority on natural patterns and clusters.

c. Mounds are required to screen parking lots fronting the Ronald Reagan Parkway. Mounds must be covered with groundcover and planted with a minimum of 3 shade trees, 2 ornamental or evergreen trees, and 6 shrubs per 100 linear feet and must be parallel the Ronald Reagan Parkway as illustrated in Figures 3 and 4, Mounds. The mound is a maximum of 5 feet above surrounding grade and must have rounded flanks. The mounds and landscape patterns must maintain the natural appearance and character of the corridor.

4. Parking Lot Landscaping

Parking Lot Interior Planting: Where parking lots of commercial, office, and industrial uses are in the front or side yards of the building and are visible from the Ronald Reagan Parkway:

a. The interior of the parking lot must be planted with 10 shade trees and 20 shrubs for every acre of parking.

b. A 6-foot wide perimeter planting area is required along the front and sides of the entire parking lot as shown in Figures 5 and 6, Parking Lot Planting. The perimeter planting area is required in addition to the greenspace area.

c. If an earthen mound is used to screen the parking from the Ronald Reagan Parkway.
Parkway, additional perimeter planting is not required on the side containing the earthen mound. The 3 remaining sides must be landscaped according to the provisions set forth below.

d. The perimeter planting area must be landscaped with at least 3 shade trees, 2 ornamental or evergreen trees, and 6 shrubs per 100 linear feet.

J. **Median Landscaping Guidelines**

These standards apply to all medians within the Overlay located outside the Ronald Reagan Parkway right-of-way. Medians must be a minimum of 5 feet wide.

1. Medians must be landscaped with a mixture of trees, shrubs, perennials, groundcovers, and annuals. The median plantings must maintain the natural appearance and character of the corridor.

2. The median must be planted with at least one tree and one shrub per 40 linear feet.

3. Paving accents, such as brick or decorative pavers, must be incorporated into the median noses in a manner consistent with the Ronald Reagan Corridor Design Guidelines and Master Plan.

K. **Parking Standards**

1. Direct, articulated pedestrian access is provided from the side street and parking area to the building’s primary entrance.

2. Above grade, structured parking facilities must have architectural features on all sides compatible with the principal building.

3. Parking lots must be designed to provide coordinated access to parking areas on adjoining parcels within the Overlay. A site circulation plan is required as part of the development plan to illustrate how coordinated access will occur relative to the overall Ronald Reagan corridor.

4. Parking areas and drives must 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 are required.

L. **Sign Standards**

1. A signage plan is included as part of the development plan application.

2. In the Overlay, signage must be designed as an integral part of the architectural and landscaping plans. The colors, materials, and style of signage must be architecturally compatible and accentuate the buildings and landscaping on the site. The colors, materials, and lighting of every sign is restrained and harmonious with the building and site to which it principally relates.

3. Off premise signs are prohibited in the Ronald Reagan Overlay District Corridor.

4. All lettering or logos are prohibited on any awning in the Overlay District.

5. The integration of development signage, particularly the sharing of signs to identify multiple businesses, is encouraged within the Overlay. The Plan Commission has the authority to approve integrated center signage if it determines the signage would promote the intent and purposes of the Ronald Reagan Corridor Overlay District. Signage must conform to the character of the corridor as outlined in the Ronald Reagan Corridor Master Plan.

7. The number of graphic elements on a sign is held to the minimum needed to convey the sign’s major message and must be in proportion to the area of the sign face.

8. Identification signs of a prototype design and corporation logos conforms to the criteria for all other signs.

9. Integrated Center signs only identify a building, business, profession or industry within the overlay district boundaries not fronting on the Ronald Reagan Parkway. Integrated Center signs are only permitted by right for unified centers such as business parks, office parks, industrial parks and shopping centers under these provisions. Only one such sign is displayed for each unified center. Integrated Center signs must meet the following requirements:
   a. A maximum sign area of 60 sq ft and a maximum height of 6 feet. The sign area may be increased by 10% if all signage on the site is primarily comprised of brick, stone, sculpted metal, or an equivalent substitute. An additional 10% increase is permitted when a uniform and complimentary sign plan is provided for all signage for the site (including wall, tenant, outlot, and integrated center signs). The sign plan must be approved by the Plan Commission during the development plan review process and address colors and materials.
   b. Unified center signs must resemble the character depicted in Figure 7, Unified Center Sign.

10. Sign Landscaping: The landscaping plan for any signs must be created, as follows:
   a. A defined landscaped area must 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 should be parallel to the face of the sign.
   b. Formal plantings are required at the base of all secondary gateways (monument) and unified center signs using a minimum 3' wide planting bed along both sides of signs and planted with a mixture of ground cover, shrubs, perennials, and annuals arranged as illustrated in Figure 8, Sign Landscaping.
   c. Secondary gateway signs must contain the Longshadow prairie planter and must be landscaped according to the

11. **Wayfinding Signage**: Wayfinding signage is used to direct vehicular traffic to destinations in and near the Ronald Reagan Corridor. Parkway wayfinding signage must be located within the right-of-way and meet the following criteria:

   a. Signs are free standing and located near intersections where they provide direction to local destinations for vehicular travelers. The signs cannot interfere with pedestrian accessibility.

   b. Signs conform to the theme of the Ronald Reagan Corridor Master Plan. See Figure 9, Example Wayfinding Signage, as an example of approved signage. Signs comply with the standards specified in the Ronald Reagan Design Guidelines Manual.

12. **Gateway Signage Locations**

Major gateways are identified as the I-70 interchange, the Rockville Road/US 36 intersection, and the I-74 interchange. Secondary gateways mark entrances to public and private establishments.

13. **Major Gateway Signage**

   a. Major gateway signage is located at major gateways along the Ronald Reagan Parkway and incorporates the Ronald Reagan Parkway into its design.

   b. Major gateway signage is constructed of natural materials consistent with the character of the Corridor as specified according to the standards set forth in the Ronald Reagan Corridor Design Guidelines Manual. See Figure 10, Example of Major Gateway.

   c. Major gateways are of a scale appropriate for vehicular traffic as set forth in the Ronald Reagan Corridor Design Guidelines Manual.


14. **Secondary Gateway Signage**

   a. Secondary gateway signage is constructed of natural materials consistent with the character of the corridor...
according to the Ronald Reagan Corridor Design Guidelines Manual as shown in Figure 11, Example of Secondary Gateway.

b. Special accent plantings are used to highlight the gateway as a distinct area according to the Ronald Reagan Corridor Design Guidelines Manual.

c. The signage is located within the 30 foot green space area and maintains vision clearance standards (see 5.21 Vision Clearance).

M. Intersection Enhancements

1. Intersection enhancements are made according to the standards specified in the Ronald Reagan Corridor Design Guidelines Manual.

2. Pedestrian signals are installed at each intersection with a marked crosswalk.

3. Signalized intersections must have marked crosswalks. Marked crosswalks are strongly encouraged at non-signalized intersections.

4. Decorative paving and/or tactile surfaces are strongly encouraged at intersections and must comply with all Americans with Disabilities Act standards.

N. Major Bridge Treatments

1. Bridges must 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 12, Example of Special Bridge Enhancements.

2. Bridges must be well lit and contain a safe pedestrian passage according to the standards specified in the Ronald Reagan Corridor Design Guidelines Manual.

3. Bridges must include a multi-use path at least 12’ in width. For additional multi-use path standards, see Section T and the standards specified in the Ronald Reagan Corridor Design Guidelines Manual.

O. Minor Bridge Treatments

1. The CSX bridge receives minor bridge treatments including corridor lighting consistent with the lighting standards of this Ordinance, decorative railings and planters developed according to the standards specified in the Ronald Reagan Corridor Design Guidelines Manual.

2. Bridges must be well lit and contain a safe pedestrian passage according to the standards specified in the Ronald Reagan Design Guidelines Manual.

3. Bridges must include a multi-use path at least 12’ in width. For additional multi-use path standards, see Section T and the standards specified in the Ronald Reagan Corridor Design Guidelines Manual.

P. Retaining Wall Treatments

1. Retaining walls are utilized at entry drives for public and private establishments.

2. Walls that are connected to buildings must all conform to the character of the building.

3. Retaining walls that are not connected to buildings must 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.

Q. **Lighting Standards**

1. Lighting patterns must not cause a false image of an aircraft runway. All FAA lighting standards supersede the requirements of this Ordinance within the airport planning area.

2. All lighting fixtures, including those on buildings, security lights and architectural lights within the Overlay must be of uniform design and material.

3. Parking lot lighting and streetlights must be a uniform height not to exceed 20 feet.

4. Lighting standard foundations must not extend more than 4” above the finished grade.


R. **Access to Individual Tracts**

1. Consistent with the Ronald Reagan Corridor Master Plan, the intent of this Overlay is 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.

2. The Ronald Reagan Parkway is an access managed highway, and access to individual tracts along this highway must be gained by access roads if access does not exist.

3. Direct access to the Ronald Reagan Parkway is only considered where physical limitations and/or traffic impact studies show there is no feasible alternative.

4. All median openings and traffic signals, if warranted, must be at least 1/2 mile apart according to intersection space restrictions of the Ronald Reagan Corridor Master Plan.

5. Other access points, if approved, will be right in, right out only with no median opening.

6. Common entrances shared by several properties and developments are required at the discretion of the Plan Commission.

7. Curb cuts are not permitted on the Ronald Reagan Parkway in cases where tracts can be accessed by connection to a primary or secondary arterial street identified in the Thoroughfare Plan, a local street, or an adjoining parking lot.

8. In order to preserve the aesthetic benefits provided by the green space area, access roads must be provided at the rear of all tracts, whenever possible.

9. Access roads to contiguous tracts must be coordinated to form one main access road serving adjoining developments. These roads should be designed to funnel traffic onto major arterial roads rather than into residential areas and roads that adjoin or near the Overlay.

10. Access roads must be designed to align with one another.


S. **Traffic Impact Studies**

Traffic Impact Studies are required for proposed developments expected to generate 100 or more new peak direction trips to or from the site. Traffic Impact Studies must meet the requirements of this Ordinance. Specific traffic impact analysis requirements for individual developments must be
established with the Administrator with input from the County Engineer.

T. **Multi-Use Path**

1. A multi-use path must be provided on the west side of the Ronald Reagan Parkway. The path must be a minimum of 12’ in width and have a minimum 20’ buffer between the path and the roadway unless such a buffer is not feasible due to site constraints.

2. The path must be designed and constructed according to the standards specified in the Ronald Reagan Corridor Design Guidelines Manual and as shown in Figure 13, *Section of Corridor with Multi-Use Path*.

![Figure 2- 13 Section of Corridor with Multi-Use Path](image)

3. The path must 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. Decorative paving and/or tactile surfaces are encouraged at curb ramps and intersections.

5. Lighting along the path must be pedestrian in scale and comply with the standards specified in the Ronald Reagan Corridor Design Guidelines Manual. Wherever possible, shade trees must 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.

U. **Emergency Access**

All emergency access areas and facilities must be shown on the site plan and approved by the Fire Chief.

V. **Other Requirements**

1. **Outside Storage of Refuse:** Unenclosed storage of refuse (whether in containers) is not permitted on any property within the overlay. Refuse collection and recycling areas must be in the rear of all buildings and not visible by traffic along the Ronald Reagan Corridor. Trash receptacles must be screened on three sides with a minimum 6’ opaque wall consistent in materials with the primary structure or opaque plant materials as shown in Figure 15 and Figure 16.

![Figure 15: Screened Refuse Area](image)
Chapter 2:38  US HWY 36 Overlay Zoning District

2.10 US HWY 36 Overlay Zoning District

A. 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 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 District;

2. the establishment of high standards for development on properties within the Overlay District, 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 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

16. Screened Refuse Area. Refuse collection containers must be architecturally compatible with the principal building.

Outdoor Display and Storage: Outdoor display of merchandise is prohibited on any property within the Overlay. Outside storage is prohibited between an established Build-To Line and the right-of-way for the Ronald Reagan Parkway.

3. Loading Areas: Loading spaces and overhead doors must be located at the rear or side of a building and screened from view from the Parkway. Loading areas must be screened using masonry walls and plant material as shown in Figure 17 and 18, Examples of Loading Area.
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.

B. Boundaries

The boundaries of the US Highway 36 Overlay Zoning District are:

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 excluding existing residential dwellings. New residential dwellings must comply with the architectural design standards for residential districts (see Article 7.9). If the residentially used property changes to a non-residential use, that property becomes part of the Overlay District and must conform to the regulations of the US Highway 36 Overlay Zoning District.

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 includes 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 two or more lots between the edge of the right-of-way and the 660 foot line.

It is the intent of this Ordinance to extend this Overlay District to include any properties that are annexed into Avon within 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.

C. Applicability to Existing Development

Existing development, which was developed legally, is considered non-conforming, with respect to the Overlay District standards. In the event of an unavoidable accident which 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, 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 requires the addition or change comply with the Overlay District standards:

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 are not improvements prompting compliance with the overlay:

1. Changes to paint color. Additionally, changes in paint color do not require Plan Commission approval provided the improvement complies with 7.9 – 7.11 Architectural Standards of this Ordinance; or

2. The addition of landscaping to a legal non-conforming site, that is not in association with improvements listed in numbers 1 and 2 above. All new landscaping must comply
with the approved species as found in 6.1 Landscaping – General Standards of this Ordinance.

The measurement is a cumulative measurement from the day this Ordinance is enacted, so that once increases reach the 35% threshold, the Overlay District standards apply.

Amendments to approved development plans must comply with 8.9 Rezones and Amendments of this Ordinance.

D. 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 believes green design makes a positive impact on public health and the environment and also reduces operating costs, enhances building and organizational marketability, potentially increases occupant productivity, and helps create a sustainable community.

E. 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 District is enacted, but is no longer permitted according to this section, it is considered legally non-conforming, in compliance with this Ordinance.

The following uses are prohibited in all Tiers:

- Adult Businesses
- Auto Services, Heavy
- Telecommunication Towers
- Mining and Extraction (all types)
- Off-Premise Sign

The following uses are prohibited in Tiers 1 and 2:

- Cemetery
- Arts, Recreation, Entertainment – Outdoor
- Retail Sales, Service and Repair – Special Handling
- Contractors, Special Trade – Heavy
- Food Preparation and Sales, Commercial
- Manufacturing (all types)
- Composting Facility
- Wholesale Storage (all types)
- Outdoor Storage

The following uses are prohibited in Tier 1:

- Retail Sales, Service and Repair – Outdoor
- Contractors, Special Trade – General
- Recycling Drop-Off Facilities
- Plant Nursery

The following uses are prohibited in Tier 1 and require special exception approval in Tier 2:

- Hotel or Motel
- Auto Services, Light

The following uses require special exception approval in Tier 1:

- Parks and Playgrounds
- Schools (all types)
- Drive-thru facilities

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 according to Comprehensive Plan. In considering special exceptions, the Board of Zoning Appeals considers 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 Comprehensive Plan.

F. Accessory Buildings and Uses

All accessory uses and buildings permitted in the underlying zoning district are permitted, unless they are otherwise prohibited in this Overlay District. Any attached or detached accessory building must meet all the standards of this Overlay District and be architecturally compatible with the principal buildings 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.

G. Properties with Agricultural Zoning

Properties within the Overlay District which are zoned as Agricultural Overlay District and used according to the standards of that district are considered legally non-conforming upon the adoption of this district. If the agricultural use changes, the property will no longer be considered legally non-conforming. The adoption of this Overlay District should not be construed as a change in zoning.

H. Setbacks

1. Minimum Front: The minimum front setback for lots within Tier 1 is 60 feet. Lots within Tiers 2 and 3 must comply with the minimum front setback in the underlying zoning district.

2. Maximum Front: The maximum front setback for lots within Tier 1 is 125 feet. There is no maximum front setback for Tier 2 and 3.

3. Minimum Side and Rear: The minimum side and rear setbacks must comply with the underlying zoning district, except where adjacent to any residential use or zone, when the minimum is 45 feet.

I. Utility Lines

All new on-site utility service lines must be buried underground. If US Highway 36 is widened in the future, the Town requests all overhead utility lines along the highway be buried beneath the ground.

J. Parking & Loading

1. Pedestrian Walkways: The Plan Commission approves all pedestrian walkways. Pedestrian walkways should be coordinated with the interior parking lot landscaping. All surface parking areas with more than 200 parking spaces must 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 must 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 must be distinguished from driving surfaces through the use of durable, low-maintenance surface materials such as pavers, bricks, or scored/stamped concrete or asphalt. Pedestrian walkways should be coordinated with landscape areas whenever possible or the 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 allowed in front of a building is 2 rows. Within Tier 2, only the minimum amount of required parking may be in front of the building. Any extra
parking must 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:** In Tier 1 or Tier 2 parking provided above the minimum parking requirement must provide additional landscaping according to 6.7 *Landscaping – Parking Lots.*

4. **Handicapped Parking Spaces:** Handicapped-parking spaces must comply with state and federal regulations and be located the closest to the entrances. Whenever possible there should be separation between handicap and pick-up spaces.

5. **Pick-up Spaces:** Pick-up spaces must be located no closer to the entrances than handicapped spaces. Each pick-up space may include a sign, not to exceed 2 square feet, which counts 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 cannot be oriented to US Highway 36 or any other public street and must be placed behind the building.

K. **Drive-Throughs**

All components of a drive-through, including stacking spaces, menu boards, and pick-up windows must be located within the side or rear yards of a lot. Drive-through components cannot be located within the front yard, or in the case of a corner lot, cannot be located in the front yard that faces US Highway 36.

L. **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 can 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 must construct their portion of the business collector (access road). In lieu of access to U.S. Highway 36, tracts must 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 must be coordinated with vehicular access, landscaping and parking.

M. **Landscaping**

1. **Front Yard Landscaping:** Each front yard must contain a landscape buffer at least 20' wide planted with a minimum of one shade tree and 10 shrubs per 50 lineal feet of frontage. With the approval of the Plan Commission, public art may be provided in the front yard in lieu of 2 required large deciduous trees.

2. **Foundation Planting:** For buildings up to 50,000 sf, the standard foundation plant requirements apply (see 6.5 – *Landscaping – Foundation Plantings*). For buildings over 50,000 sf, at least one shade tree, one ornamental tree, and 10 shrubs are required every 75 linear feet of landscape area. Foundation planting areas must be within 18' of the building when a sidewalk is adjacent to the building.
3. **Interior Parking Lot Landscaping**: At least 7% of the interior of a parking area must be devoted to landscaping. In the case of parking exceeding the minimum number of spaces required, 10% of the interior of the extra parking area must be devoted to landscaping.

4. **Perimeter Parking Lot Landscaping**: In addition to the underlying landscape standards, at least 2 shade trees are required for every 70 lineal feet of perimeter parking lot length.

**N. Signs**

Except as noted below, signage within the Overlay follows the standards set in **CHAPTER 6: IMPROVEMENT STANDARDS**.

1. **Pylon Signs**: Pylon signs are prohibited, except for integrated centers which may have signage according to 6.17 Signage – Specific Requirements of this Ordinance. A pylon sign may not contain a visible metal pole and must be constructed using masonry products.

2. **Electronic Message Signs**: Electronic message signs are prohibited within the Overlay.

3. **Wall Signs**: 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).

4. **Off-Premise Advertising or Billboard Signs**: Off-Premise Advertising or Billboard Signs are prohibited within the Overlay.

**O. Architectural Design Requirements**

The following standards apply to all new or substantially renovated buildings within this Overlay District. All buildings must be designed with respect to the general character of the US Highway 36 Corridor and must consider the design of buildings on abutting lots. Buildings within Tier 1 and Tier 2 must be oriented to face U.S. Highway 36. For corner lots, all other elevations facing a public street must have a front-like façade.

1. **Public Spaces**: In order to contribute to the establishment and enhancement of community and public spaces, each integrated center building 40,000 s.f or larger must 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 the Plan Commission believes will adequately enhance the community and public spaces. Such areas must have direct access to the public sidewalk network. The features cannot be constructed of materials inferior to the principal materials of the building and landscape.

2. **Building Materials**

   a. **Masonry**: Buildings within Tier 1 must be a minimum of 80% masonry on all sides, excluding windows and doors. Buildings within Tier 2 must be a minimum of 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 must follow the existing standards of this Ordinance, and must have a minimum of 60% brick, stone, dryvit, or stucco, excluding windows and doors, on the elevation facing a public street and a minimum of 30% masonry, excluding windows and doors, on the remaining sides.
b. **Prohibited Materials:** Concrete block (including split face block), prefabricated steel panels, and vinyl siding are prohibited as exterior finish materials within this Overlay District. In Tier 1 and Tier 2, Dryvit and stucco are prohibited except when used as accent materials covering the balance of the wall after the masonry is applied. Coating or painting of a prohibited material does not constitute a permitted material.

c. **Two Different Materials:** A minimum of two different exterior finish materials must be used for building exteriors, including stone, brick, architectural precast (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 7.9 – 7.11 **Architectural Standards.** The building(s) must use these materials for all 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 must 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 is not an acceptable feature for building trim or accent areas. The Plan Commission approves the building’s color palette and may approve an alternative color scheme.

e. **Glazing:** Retail buildings must provide glazing on a minimum of 35% of the ground floor front façade. Side elevations must contain a minimum of 10% glazing of the ground floor side facade or in lieu of glazing 2 architectural features. These requirements do not prohibit the use of stained-glass windows for places of worship.

3. **Building Design**

a. **Articulation:** Building elevations in Tier 1 and Tier 2 greater than 60' in length, measured horizontally, must 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 s.f within Tier 1 and Tier 2 must have a minimum of 2 architectural features, and buildings 25,000 s.f and larger within Tier 1 and Tier 2 must have a minimum of 3 architectural features. Architectural features are selected from the following:

i. **Front façade features:** On the building elevation facing US Highway 36, at least 60% of the horizontal length must 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.

ii. **Entrance features:** Each principal building on a site must have clearly defined, highly visible entrances
featuring at least one of the following:

- Canopies or porticos
- Overhangs
- Recesses and/or projections
- Raised cornice parapets over the door
- Peaked roof forms
- Arches
- Architectural details including tile work and moldings integrated into the building structure and design
- Integral planters or wing walls that incorporate landscaped areas and/or places for sitting
- Other features approved by the Plan Commission

When additional tenant spaces will be in the principal building, each space must have at least one exterior entrance that conforms to the above requirements.

c. **Roofs:** Roofs must include at least two of the following:

i. **Energy Efficient Rooftop Systems:** Roofs may be constructed of an energy efficient material in order to reduce the "heat island" effect.

ii. **Parapet:** The average height of a parapet cannot exceed 15% of the height of the supporting wall and at no point can be taller than 1/3 of the height of the supporting wall. Parapets must feature 3-dimensional cornice treatment.

iii. **Overhanging Eaves:** Eaves must extend at least 3 feet past the supporting walls.

iv. **Sloping Roof:** Sloping roofs must have an average pitch between 4:12 and 12:12.

v. **Multiple Planes:** There must be at least 3 different roof slope planes.

d. **Fences and Gates:** Fences are prohibited within a front yard. Chain link and barbed wire fences are prohibited within this 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 must be constructed of metal facing with wood or wood-look PVC slats.

e. **Mechanical Equipment or Penetrations:** All mechanical equipment must be located behind the building. If mechanical equipment is located on a roof, or if there are other roof penetrations, they must be screened from all streets with a parapet wall or other acceptable method.

4. **Waivers of Standards:** The provisions of **7.9 – 7.11 Architectural Standards** may be waived according to the terms of **8.16 Waivers of Design Standard.**

P. **Trash and Recycling**

Trash collection and recycling areas must be enclosed and screened on all sides, with an opaque wall between 7 feet and 10 feet in height. Within Tier 1, screening walls must be constructed of the same building materials as the principal building. Trash collection and recycling areas must be in the rear of all buildings, unless the Plan Commission approves an alternative location.
Chapter 3 – Permitted Uses

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3.1 Permitted Uses

A. Applicability

Land can only be used and structures can only be used, erected, or structurally altered for allowable uses in the Zoning District where they are located.

B. Land Use Specified

Each land use is either a permitted, not permitted, or a special exception use in each Zoning District as set forth in **CHAPTER 3 - PERMITTED USES** (the “Use Table”) or elsewhere in this Ordinance.

C. Special Exception Uses

A special exception designation does not imply the use will be disallowed but it requires a greater degree of scrutiny because of the potential adverse impact upon the immediate neighborhood and the community. The Board of Zoning Appeals reviews a special exception for its characteristics and impacts to determine suitability in a zoning district. The approval of the special exception is subject to a public hearing by the Board of Zoning Appeals according to **8.8 Special Exceptions**.

D. Unlisted or Questionable Land Uses

Any use not listed in the use table or otherwise permitted by this Ordinance is prohibited. The Administrator determines land use placement if it is not specifically listed. This determination may be appealed to the Board of Zoning Appeals consistent with **8.9 - Appeals**.
### Chapter 3:5 Permitted Use Table

#### 3.2 Permitted Use Table

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## Chapter 3:6 Permitted Use Table

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## Chapter 3:7

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**Legend:**
- **P**: Permitted Use
- **S**: Special Exception Use
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**ACCESORY TO PRIMARY COMMERCIAL USE**

- Accessory Uses Customary to Commercial Uses
  - §4.1
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- Accessory Indoor Firing Range
  - §4.1
  - S

- Car Wash
  - §4.1
  - S

- Drive-Thru Windows
  - §4.1
  - S

- Parking Lots and Garages
  - (2)
  - P

- Outdoor Storage
  - §4.6
  - S

- Recycling Drop-Off Facilities
  - §4.1
  - P

**ACCESORY TO PRIMARY INDUSTRIAL USE**

- Accessory Uses Customary to Industrial Uses
  - §4.1
  - P

- Accessory Retail Sales
  - §4.1
  - P

- Childcare Facilities
  - §4.1
  - S

- Parking Lots and Garages
  - (2)
  - P

- Outdoor Storage
  - §4.6
  - S

- Recycling Drop-Off Facilities
  - §4.1
  - P
3.3 Use Limitation Notes

1. Stables and riding pens are permitted on lots greater than 1 acre in size and must be located at least 200' from any property line.

2. Accessory parking lots and structures must be located at least 10' from any property line. This restriction does not apply to integrated center internal lots.

3. Limited to no more than 5% of the lot and must be located within the rear yard.

4. Limited to no more than 10% of the floor area of the use.

5. Limited to no more than 10% of the lot and must be located within the rear yard.

6. **Live/Work Dwelling**: In all zoning districts where permitted with limitations, a Live/Work Dwelling's commercial activity may be any nonresidential primary use permitted in the same zoning districts that the Live/Work Dwelling is established, subject to the limitations below. The following commercial activities, when not otherwise specifically listed as permitted in the applicable zoning districts, are permitted in a Live/Work Dwelling use: art gallery, artist studio, professional studio, office (excluding dental/medical office and clinic) and other similar activities determined by the Administrator.
   
   a. A Live/Work Dwelling use is not a “residential use” or “residential district” or “protected use,” nor in any other way be accorded residential protection (e.g. separation) against the effects of surrounding industrial uses as may otherwise be required by this Ordinance.
   
   b. Any repair, assembly, or fabrication of goods is limited to the use of hand tools or domestic mechanical equipment.
   
   c. The commercial activity must not exceed 50% of the gross floor area of the use.
   
   d. The commercial activity cannot have more than 2 employees or assistants on the premises at one time. The employees or assistants may be in addition to residents of the Live/Work Dwelling.
   
   e. Signs are limited to not more than 2 non-animated, non-illuminated wall or window signs with a maximum total area of 20 square feet.
   
   f. Outside storage of any flammable and combustible liquids and flammable gases is prohibited.
   
   g. Nonresidential storage in the Live/Work Dwelling is limited to no more than 10% of the space dedicated to the commercial activity.

7. **Major Impact Utility**: In all zoning districts where permitted with limitations, a major impact utility is permitted with the following:
   
   a. Sanitary sewer treatment plants must be at least 500 feet from any residential district. This requirement may be reduced by the Administrator if the applicant can show a smaller separation will have no significant effect on the nearby residential district.
   
   b. Solid waste facilities must be in a completely enclosed structure and at least 500 feet from any residential district.
   
   c. The expansion of transmission line capacity does not require a zoning permit provided such expansion may be accomplished within an existing right-of-way or with existing structures or poles.
(8) **Minor Impact Utility:** In all zoning districts where permitted with limitations, a minor impact utility is permitted with the following:
   
a. Electric substations are prohibited in residential districts.

   b. Exposed electric substation transformers must be enclosed by a fence or wall at least 6 feet high and adequate to obstruct view, noise, and passage of persons.

   c. A minor impact utility use must be at least 50 feet from the nearest boundary of any lot containing a single- or two-unit dwelling use existing at the time of application for the utility use unless the utility has been sited and designed to assure its compatibility with adjacent dwelling units.

(9) **Community Center:** In all zoning districts where permitted with limitations:
   
a. A community center cannot have an outdoor public address system or any type of amplified music or sound device.

   b. Overnight accommodations are prohibited.

   c. Where a community center includes accessory outdoor recreation or entertainment services facilities within or abutting a residential district, all outdoor lighting must be extinguished when the outdoor facilities are not in use, by 10:00 p.m. Sunday through Thursday, and by 11:00 p.m. Friday and Saturday.

(10) **Cemetery:** In all zoning districts where permitted with limitations, a cemetery may include a crematorium. A crematorium must be at least 500 feet from a residential district.

(11) **Parks and Playgrounds:** In all zoning districts where permitted with limitations, a publicly owned park or recreation facility must comply with the following:
   
a. Outdoor lighting must be extinguished when outdoor facilities are not in use, by 10:00 p.m. Sunday through Thursday, or 11:00 p.m. Friday and Saturday.

   b. Any recreation facility not completely enclosed (e.g. basketball or racquet sport courts) must be at least 50 feet from the boundary of a residential district.

(12) **Public and Religious Assembly Uses:** In residential districts where permitted with limitations, a public or religious assembly use must comply with the following:
   
a. The following operations must be terminated by 11:00 p.m.: (i) daily operations of uses and activities accessory to a primary public or religious assembly use, including but not limited to, accessory recreation uses or activities; and (ii) daily operations of other primary uses located on the same zone lot as the public or religious assembly use, including but not limited to, child care centers or elementary or secondary schools, but not including a primary household living use located on the same zone lot.

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

(13) **Arts, Recreation, and Entertainment, Indoor Uses:** In all residential districts where permitted with limitations, seating capacity in a permitted Arts, Recreation, and Entertainment, Indoor use is limited to no more than 100 people.

(14) Mineral Extraction is prohibited within urban areas as defined in I.C. 36-7-4-1103.
(15) **Mass Transit Facility**: In all residential districts where permitted with limitations, the use is limited to a stop or station for the mass passenger transit system; and parking for the use of passengers or employees of the passenger transit provider.

(16) **Parking Garage**: In all zoning districts where permitted with limitations, a parking garage is limited to enclosed structures or structures enclosed except for portions of the parking structure over 45 feet above grade. Any unenclosed parking deck must have screening walls at least 4 feet in height. All lighting on the unenclosed parking deck must use fully shielded fixtures, not exceeding 6,500 lumens per fixture, and installed to not project glare off the lot.

(17) **Dental/Medical Office or Clinic**: In all zoning districts where permitted with limitations, up to 20 patients or clients may stay overnight at any one time in a Dental/Medical Office or Clinic use.

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

(19) **Animal Sales and Services, All Others**: In all zoning districts where permitted with limitations, an Animal Sales and Services, All Others use must comply with the following:
   a. Wild or dangerous animal boarding and breeding services are prohibited.
   b. No more than 25 non-neutered or non-spayed dogs older than 6 months may be kept on the premises at any time.
   c. Overnight accommodations are allowed.
   d. Where located abutting a residential district, a minimum 50-foot wide landscaped buffer must be provided. The buffer is intended to substantially mitigate potential adverse effects from the animal service use.
(20) **Grocery:** In all zoning districts where permitted with limitations, a Grocery use must comply with the following:

a. Accessory outdoor sales and displays, including outdoor sales of fruits or vegetables, must occupy no greater than 1/4 the gross floor area of the structure containing the Food Sales or Market primary use.

b. Outdoor storage is prohibited unless enclosed by a fence or wall adequate to conceal such storage from adjacent residential property or public right-of-way.

(21) **Pawn Shop:** In all zoning districts where permitted with limitations, a pawn shop cannot be established, operated, or maintained within 1,000 feet of another pawn shop.

(22) **Retail Sales, Service, and Repair – Outdoor:** In all Mixed-Use Districts where permitted with limitations, only outdoor retail sales are permitted, and outdoor retail repair or service uses are prohibited.

(23) **Automobile Services-Light:** In all zoning districts, where Automobile Services-Light are permitted with limitations, automobile wash, laundry, detail or polishing shops are permitted subject to compliance with the following standards:

a. The structure housing the primary use must be setback at least 8 feet from a residential district

b. Adequate landscaping and solid fencing must be installed to control the effects of noise when a bay is located adjacent to a residential use or a residential district.

c. If the use abuts a residential district, the hours of operation are limited to 7:00 a.m. to 10:00 p.m.

d. In addition to any other required off-street parking, the use must provide for each washing stall, enough hard-surfaced and dust-free space on the lot to accommodate at least 3 vehicles waiting to be washed.

Within the US HWY 36 Overlay Zoning District, Automobile Services-Light uses are only permitted within the areas designated as “Area Retail” on the Future Land Use Cluster Map in the Comprehensive Plan.

(24) **Automobile Services, Heavy:** In all zoning districts where permitted with limitations, an Automobile Services, Heavy use must comply with the following:

a. The lot must be enclosed with a solid fence or wall except for:
   - No more than 40% of the street frontage containing the entrance to the use is required to have a fence;
   - The street frontage of an automobile retail display area; or
   - Any portion of a lot line containing a building wall.

b. The fence or wall must be constructed high enough to conceal vehicles, equipment, or parts located on the lot; provided the wall or fence does not interfere with vision clearance at the intersections (5.20– Vision Clearance Standards).
c. Permitted fence or wall materials consist of wood, brick, masonry or other similar durable materials as approved by the Administrator. Salvaged doors, corrugated or sheet metal, and chain link are prohibited fence or wall materials.

(25) **Auto/Motorcycle/Boat/Light Truck Sales or Rentals:** In all zoning districts where permitted with limitations, an Auto/Motorcycle/Boat/Light Truck Sales or Rentals use must comply with the following:

a. Outdoor public address or loudspeaker systems are prohibited.

b. Accessory uses and activities may include the retail sale of vehicle accessories, oil, grease, antifreeze, tires and batteries, and other similar products; and providing services of installing the above items, making minor mechanical adjustment, washing and polishing vehicles.

c. The facility must not include heavy automobile service uses as an accessory or primary use unless permitted as a primary use in the subject Zoning District.

d. Adjoining residential districts must be protected from the external effects of permitted outdoor vehicle or equipment display or storage areas by landscape buffers or an opaque fence or wall at least 5 feet high, by landscaped employee or public parking areas, or by other means to achieve the same protection purpose.

e. Vehicles being displayed, serviced, or stored cannot be parked on streets, alleys, public sidewalks, or public landscaped parkways.

f. As permitted, vehicles displayed outside a completely enclosed structure may have individual signs and, when provided, the signs must be located inside the vehicles.

g. For facilities engaged only in the rental of automobiles, the land area assigned for storage of rental automobiles must not be included when computing required off-street parking spaces.

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

Within the US HWY 36 Overlay Zoning District, Auto/Motorcycle/Boat/Light Truck Sales or Rentals uses are only permitted within the areas designated as "Area Retail" on the Future Land Use Cluster Map in the Comprehensive Plan.

(26) **Self-Storage Facilities:** In all zoning districts where permitted with limitations, Self-Storage Facilities cannot have individual entrances to storage units from the exterior of the structure.

(27) **Vehicle Storage, Commercial:** In all zoning districts where permitted with limitations, the use must be located at least 500 feet from any residential district. This requirement may be reduced by the Administrator if the applicant can show a smaller separation will have no significant effect on the nearby residential district.

(28) **Sports and/or Entertainment Arena or Stadium:** In all zoning districts where permitted with limitations, a Sports and/or Entertainment Arena or Stadium use must be at least 500 feet from a residential district. This requirement may be reduced by the Administrator if the applicant can show a smaller separation will have no significant effect on the nearby residential district.

(29) **Heavy Vehicle/Equipment Sales, Rentals, and Service:** In all zoning districts where permitted with limitations, a Heavy Vehicle/Equipment Sales, Rentals, and Service use must be located at least 500 feet from the nearest boundary of any residential district existing at the time of application.
requirement may be reduced by the Administrator if the applicant can show a smaller separation will have no significant effect on the nearby residential district.

(30) **Contractors, Special Trade – General**: In all Industrial Districts where permitted with limitations, the use must be located at least 500 feet from any residential district. This requirement may be reduced by the Administrator if the applicant can show a smaller separation will have no significant effect on the nearby residential district.

(31) In all zoning districts where permitted with limitations, the use must be located at least 500 feet from any residential district. This requirement may be reduced by the Administrator if the applicant can show a smaller separation will have no significant effect on the nearby residential district.

(32) **Laboratory, Research and Development Services**: In all zoning districts where permitted with limitations, a Laboratory, Research and Development Services use may include sales facilities limited to non-retail sales and sales activities occupying no more than 20% of the gross floor area of the structure. Such use may include indoor storage space for parts and supplies.

(33) **Aquaculture**: In all zoning districts where permitted with limitations, the outdoor storage of waste material from fish processing is prohibited.
# Chapter 4 – Use Standards

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4.1 Accessory Uses

A. Accessory uses are allowed, subject to district limitations, provided they are:
   - Incidental to the principal use;
   - Operated and maintained on the same lot as the principal use;
   - Subordinate in height, area, purpose, and location to the principal use; and
   - Compatible in style and materials with the principal use.

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

B. Except as provided elsewhere in this Ordinance, all or part of an accessory use must be behind the rear building line of the principal building. Furthermore, all or part of each accessory use or must adhere to the side or rear yard requirements of the district.

C. Accessory uses are not permitted prior to the construction and operation of the principal use.

D. Accessory uses are not permitted within any easement.

4.2 Accessory Dwelling Units

A. The purpose of this section is to allow accessory dwelling units in certain situations to:
   1. Create new housing units while respecting the look and scale of single-dwelling development;
   2. Support more efficient use of existing housing stock and infrastructure;
   3. Provide housing that responds to changing family needs, smaller households, and increasing housing costs; and
   4. Provide accessible housing for seniors and persons with disabilities.

B. An accessory dwelling unit (ADU) is defined as a smaller, secondary home on the same lot as a primary dwelling. ADUs are independently habitable and provide the basic requirements of shelter, heating, cooking, and sanitation. There are two types of ADUs:
   1. Garden cottages are detached structures. Examples include converted garages or new construction.
   2. Accessory suites are attached to or part of the primary dwelling. Examples include converted living space, attached garages, basements or attics; additions; or a combination thereof.

C. See 3.2 Permitted Use Table for the zoning districts where ADU’s are permitted.

D. One ADU is permitted per residentially zoned lot.

E. An ADU may be created through new construction, conversion of an existing structure, addition to an existing structure, or conversion of a qualifying existing house to a garden cottage while simultaneously constructing a new primary dwelling on the site.

F. ADUs are exempt from the residential density standards of this code.

G. Applications for ADUs must meet the following criteria.
1. The applicant must demonstrate that the ADU complies with all development and design standards of this Ordinance.

2. The applicant must demonstrate that the proposed modifications comply with applicable building and fire safety codes.

H. Occupancy and use standards for an ADU are the same as those applicable to a primary dwelling on the same site.

I. All ADUs must meet the following design standards in addition to the base zoning district standards:
   1. **Size.** An ADU cannot exceed 800 square feet or the size of the primary dwelling, whichever is less.
   2. **Parking.** No additional parking is required for an ADU. Existing required parking for the primary dwelling must be maintained or replaced on-site.
   3. **Exterior finish materials.** Exterior finish materials must visually match in type, size and placement, the exterior finish materials of the primary dwelling.
   4. **Roof pitch.** The roof pitch must be the same as the predominant roof pitch of the primary dwelling.
   5. **Windows.** If the street-facing façade of the ADU is visible from the street, its windows must match, in proportion and orientation, the windows of the primary dwelling.
   6. **Eaves.** If the primary dwelling has eaves, the ADU must have eaves that project the same distance from the building. If the primary dwelling does not have eaves, no eaves are required for the ADU.

J. Accessory Suites must meet the following design standards:
   1. **Location of entrances.** Only one entrance may be located on the façade of the primary dwelling facing the street, unless the primary dwelling contained additional entrances before the accessory suite was created. Entrances that do not have access from the ground, such as entrances from balconies or decks, are exempt from this requirement.
   2. **Exterior stairs.** Fire escapes or exterior stairs for access to an upper level accessory suite cannot be located on the front of the primary dwelling.

K. Garden cottages must meet the following design standards:
   1. **Height.** The building height cannot exceed 20 feet or the height of the primary dwelling, whichever is less.
   2. **Building setbacks.** Garden cottages must be located at least 6 feet behind the primary dwelling, unless the garden cottage is in an existing detached structure that does not meet this standard.
   3. **Building coverage.** The building coverage of a garden cottage may not be larger than the building coverage of the primary dwelling.
   4. **Yard setbacks.** No portion of an existing building that encroaches within a required yard setback may be used as a garden cottage unless the building complies with setback.
exemptions available in this Ordinance.

5. **Exemptions.** Garden cottages are eligible for the following exemptions:

   a. Garden cottages are exempt from the Design Standards for Garden Cottages above if they (i) are under 500 square feet and under 18-foot average height, or (ii) meet the architectural standards for residential districts (see **7.9 – Architectural Standards**).

   b. If a garden cottage is proposed for an existing detached accessory structure that does not meet one or more of the Design Standards for Garden Cottages above, the structure is exempt from the standards it does not meet. Alterations that would move the structure out of conformance with standards are not allowed. If any floor area is added to a detached accessory structure, the entire structure must meet the Design Standards for Garden Cottages.

### 4.3 Adult Businesses

**A. Purpose**

The purpose of this ordinance is to regulate adult businesses to promote the health, safety, morals, and general welfare of the Town, and to establish reasonable, uniform regulations to prevent injurious location and concentration of adult businesses within the Town.

The provisions of this ordinance do not seek to limit or restrict the content of any communicative materials, including adult materials. It is not the intent of this Ordinance to restrict or deny access to adult materials protected by the First Amendment, or to deny access by distributors and exhibitors of adult entertainment to their intended market. It is not the intent of this Ordinance to condone or legitimize the distribution of obscene material.

**B. Classification**

1. **Principal Uses:** The following adult businesses are permitted according to **3.2 Permitted Use Table**, the provisions of this article, and local licensing requirements:
   - Adult media stores
   - Adult cabarets
   - Adult entertainment facilities
   - Adult motels
   - Adult motion picture theaters
   - Adult theaters
   - Escort agencies
   - Lingerie modeling studio
   - Nude modeling studios
   - Sexual encounter centers
   - Sex shops

Any adult business not clearly defined by this Ordinance requires special exception approval before locating in a district permitting an adult business.

2. **Accessory Uses:** An adult business cannot be an accessory use.

3. **Prohibited Uses:** The following adult businesses are not permitted within any district in the Town:
   - Adult arcades
   - Video viewing booths
   - Unlicensed and/or sex-oriented massage establishments
C. Location of Adult Businesses

Adult businesses are permitted according to the 3.2 Permitted Use Table and the location requirements below.

1. Non-Conforming Adult Businesses:
Any Adult business lawfully operating prior to the effective date of this ordinance is considered a non-conforming use and subject to Chapter 1: General Provisions, with the following modifications:

a. When the non-conforming adult business is discontinued or abandoned for a period of 90 days, the use cannot later be reestablished or resumed.

b. Non-conforming adult businesses cannot be enlarged or altered in any way, except modifying the use to a conforming use.

c. If 2 or more adult businesses do not meet the separation requirements between adult uses described below, but are otherwise within a permissible location, the adult business first established and continually operating at a particular location is the conforming use. The later-established business is non-conforming.

2. Separation Requirements

a. For the purpose of this ordinance, distance is measured as a straight line from the nearest portion of the building or structure where an adult business is conducted, to the nearest property line of the use requiring separation. Measurements are made in a straight line, without regarding intervening structures or objects. No adult use is permitted adjacent to, or within the same building, as any of the uses in this subsection, regardless of the total distance between the uses.

b. Adult businesses cannot be established within 1,000 feet of the following uses:
- Another adult business
- A religious institution or place of worship
- A public or private elementary or secondary school
- A public or private park or recreational area
- The property line of a lot devoted to a residential use

c. Adult Businesses must not be established within 1,500 feet of the boundary of any residential district.

d. Adult Businesses must not be established adjacent to or within the same block as the following uses:
- A library
- A day care center

e. A adult business lawfully operating as a conforming use does not become a non-conforming use if any of the uses mentioned above are established after the adult business approval is granted.

D. Special Regulations for Media and Adult Media Stores

1. Adult media in a shop consisting of 10% to 40% percent of the gross floor area, gross shelf area, or stock in trade, must be kept in a separate room or section of the shop. This room or section must:

a. not be open to anyone under the age of 18.
b. 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;

c. have access controlled by electronic or other means to assure people under age 18 will not easily gain admission and the general public will not accidentally enter the room or section; or continuous video or window surveillance of the room is conducted by store personnel; and

d. provide signage at the entrance stipulating that people under 18 years old are not permitted inside.

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

3. A media store where adult media constitutes more than 40% of the gross floor area or gross shelf area, or more than 40% of the stock in trade, will be regulated as an adult retail facility according to the terms and conditions of this Ordinance.

E. **Special Regulations for Adult Cabarets and Nude Dancing**

All adult cabaret and nude dancing performances must 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.

F. **Signs and Display of Materials**

1. Signs for an adult business must conform with the sign requirements of

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**6.14 - 6.17 Signage** for the district. No sign for an adult business is permitted to contain sexually explicit messages or drawings.

2. No adult business is permitted to display any adult products publicly.

G. **Exemptions**

1. A person appearing in a state of nudity is not considered an adult business if the person appearing in a state of nudity did so in a modeling class operated:

   a. By a school, college, junior college, or university licensed by the State of Indiana supported entirely or partly by taxation;

   b. By a private college or university maintaining and operating educational programs where credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or

   c. In a structure:

      - which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing;

      - where in order to participate in a class a student must enroll at least 3 days in advance of the class; and

      - where no more than one nude model is on the premises at any one time.
4.4 Bed and Breakfast Establishments

Bed and breakfast establishments, where allowed, must adhere to the following requirements:

A. Bed and breakfast establishments must be located within and accessory to an owner-occupied single-family detached home.

B. Bed and breakfast establishments must comply with all local, county, and state fire and health regulations.

C. No ancillary commercial use can be operated in connection with a bed and breakfast establishment.

D. The operation of a bed and breakfast establishment is not a home occupation.

E. A bed and breakfast establishment is limited to no more than 5 guestrooms for rent.

F. Accommodations cannot be provided to a guest for more than 14 consecutive days.

4.5 Home Occupations

A. In addition to conforming to the regulations for accessory uses and structures set forth, home occupations must comply with the following:

1. The operator of the home occupation must reside in the dwelling unit containing the home occupation.

2. The home occupation must be conducted entirely within the principal building and be subordinate to the principal residential use of the structure. No work can be conducted within an attached or detached garage. Limited storage may be allowed in an attached or detached garage provided the storage does not create a nuisance or prevent using the garage for parking motor vehicles.

3. The home occupation must not interfere with delivering utilities or other services to the neighborhood.

4. The activity must not generate noise, vibrations, smoke, dust, odors, heat, glare, or interfere with radio or television reception in the area exceeding normal production of a residential dwelling unit.

5. Toxic, explosive, flammable, radioactive, or other hazardous materials cannot be used, sold, or stored on the site. Materials common to an ordinary household use are permitted, provided the quantity of materials does not exceed ordinary household amount.

6. Altering the residential appearance of the principal building is prohibited. One non-animated, non-illuminated, non-flashing announcement plate, indicating only the name of the occupation and the address of the residence is allowed. This plate must be attached flat against the wall of the residence and must not exceed one square foot in total surface area.

7. Visitors to the home occupation are not permitted between 9:00 p.m. and 6:00 a.m. The home occupation must not cause a significant increase in the amount of traffic or parking on any residential street. Deliveries for the home occupation must not restrict traffic circulation and may only occur between 9:00 a.m. and 5:00 p.m., Monday through Friday.
8. Outdoor display or storage of materials, goods, supplies, or equipment is prohibited.

9. The total interior floor area used for the home occupation cannot exceed 25% of the total interior floor area of the dwelling. In no case can the area of a home occupation exceed 600 square feet.

10. Only one person who is not a resident of the dwelling unit may be employed on-site.

11. More than one home occupation may be permitted within an individual dwelling unit provided the cumulative impact of the home occupations do not exceed the standards and limitations for a single home occupation.

B. The following uses are prohibited as home occupations:
   • Animal hospitals, kennels, or exotic animal sales
   • Barber shops or beauty parlors
   • Clubs, including fraternities and sororities
   • Funeral parlors
   • Medical or dental clinics
   • Nursing homes
   • Restaurants
   • Vehicle or machine repair
   • Welding or machine shops
   • Other similar uses as determined by the Administrator

C. Any violation of this section is a violation of this Ordinance and subject enforcement (CHAPTER 9 - ADMINISTRATION AND ENFORCEMENT).

4.6 Mobile Home Parks

A. Purpose

These provisions provide for the development of mobile home parks in a well-planned environment located along major arterials or major collector thoroughfares. Mobile home parks are approved only through the Planned Unit Development Process.

1. Accessory Uses

Accessory uses, buildings, and structures commonly associated with a mobile home park may be permitted, subject to the provisions of 4.1 Accessory Uses and any limitation of this article.

2. Bulk Regulations

The bulk regulations that apply to mobile home parks are according to Table 4-2 MHP Mobile Home Park District Bulk Matrix below.
Table 4-2 MHP Mobile Home Park District Bulk Matrix

<table>
<thead>
<tr>
<th>Bulk Standards</th>
<th>MHP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mobile Home Park Minimum Lot Area</td>
<td></td>
</tr>
<tr>
<td>Area per mobile home site</td>
<td>4,500 sf</td>
</tr>
<tr>
<td>Maximum number of 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’</td>
</tr>
<tr>
<td>Mobile home lot</td>
<td>40’</td>
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<tr>
<td>Maximum Lot Coverage</td>
<td></td>
</tr>
<tr>
<td>Park area excluding mobile homes</td>
<td>90%</td>
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<tr>
<td>Mobile home lot</td>
<td>50%</td>
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<tr>
<td>Accessory buildings</td>
<td>750 sf</td>
</tr>
<tr>
<td>Maximum Lot Depth to Width Ratio</td>
<td></td>
</tr>
<tr>
<td>Mobile home</td>
<td>3:1</td>
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<tr>
<td>Minimum Ground Floor Area</td>
<td></td>
</tr>
<tr>
<td>Mobile home</td>
<td>900 sq. ft. maximum</td>
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<tr>
<td>Maximum Height</td>
<td></td>
</tr>
<tr>
<td>Mobile home</td>
<td>25’</td>
</tr>
<tr>
<td>Accessory</td>
<td>18’</td>
</tr>
<tr>
<td>Principal Building (other than mobile home)</td>
<td>35’</td>
</tr>
<tr>
<td>Minimum Yards for Mobile Home Park</td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>60’</td>
</tr>
<tr>
<td>Side</td>
<td>50’</td>
</tr>
<tr>
<td>Rear</td>
<td>50’</td>
</tr>
<tr>
<td>Minimum Yards for Mobile Home Lot</td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>10’</td>
</tr>
<tr>
<td>Side</td>
<td>12.5’, but at least 25’ between mobile homes at the closest point.</td>
</tr>
<tr>
<td>Rear</td>
<td>12.5’, but at least 25’ between mobile homes at the closest point.</td>
</tr>
<tr>
<td>Accessory Structures</td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>10’</td>
</tr>
<tr>
<td>Side</td>
<td>7.5’, but at least 25’ between mobile homes and accessory structures at the closest point.</td>
</tr>
<tr>
<td>Rear</td>
<td>7.5’, but at least 25’ between mobile homes and accessory structures at the closest point.</td>
</tr>
</tbody>
</table>
B. Site Development Regulations for Mobile Home Parks

A mobile home park must comply with the following requirements.

1. Have acceptable vehicular access to major arterials and collectors that can accommodate its traffic needs.

2. A minimum site area of 3 acres and a minimum of 20 mobile home spaces.

3. Each mobile home lot contains a mobile home slab constructed so the slab does 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 contains anchors and tie downs at each corner of the slab.

4. Streets within a mobile home park comply with the Town’s standards for street design and construction.

5. Each mobile home lot is accessed only from the internal road network and not perimeter roads.

6. 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 lot. Open space not located on a mobile home space may be located in common areas distributed throughout the park that creates an open space network throughout the park.

7. Pedestrian network connecting each mobile home lot and common facilities. At a minimum, this is a 3-foot-wide paved walkway separate from internal streets and parking areas.

8. A mobile home chassis may not rest more than 3 feet above the ground elevation at the lowest point.

9. Each mobile home is skirted with a building material that is (1) similar in appearance to the material of the rest of the mobile home, or (2) in a material that gives the appearance of a permanent foundation.

10. The space beneath a mobile home cannot be used for storage.

11. All mobile homes and mobile home parks must meet the requirements of IC 16-41-27.

4.7 Outdoor Storage and Outdoor Display

These standards to outdoor storage and outdoor display apply as accessory uses in all zoning districts.

A. Outdoor storage for business uses is only permitted if delineated on an approved development plan and in accordance with the following:

1. A lot’s outdoor storage area must not exceed 50% of the gross floor area of the principal building.

2. Outdoor storage areas must be in a side or rear yard immediately adjacent to the principal building and must not encroach onto any required building setback.

3. Outdoor storage areas must be incorporated into the design of the principal building as follows:
   - Outdoor storage areas must be completely screened from view from any adjacent property or right-of-way.
• Outdoor storage areas must be screened on all sides at least 7 feet high with a solid wall, fence, or landscaping, or a combination of these elements. A wall or fence must use materials consistent or complementary to the principal building. Chain link fencing is prohibited.

• Access into outdoor storage areas must occur from a side or rear yard. Access gates must be opaque and architecturally compatible with the materials used on the principal building.

4. All materials, product or merchandise stored in an outdoor storage area must be stacked no higher than 12 inches below the top of the wall.

B. Outdoor storage may be permitted in industrial uses, subject to the following standards:

1. Outdoor storage is not permitted in the established front yard or in a yard adjoining a residential district.

2. Outdoor storage areas must be screened as follows:
   • Continuous screening by a combination of walls, fencing, and landscaping at least 6 feet high.
   • Stored materials must not be stacked higher than 12 inches below the top of the wall or screen. Equipment and vehicles must be stored at their lowest state.

3. Within outdoor storage areas, high-volume travel lanes, and an area 50 feet deep adjacent to the building must be paved with asphalt or concrete. The remainder of the outdoor storage may be finished with stone. Curbing is not required around outdoor storage areas.

C. Any proposed outdoor sales display must be delineated on an approved development plan and in accordance with the following:
1. The development plan must include the types of merchandise and products, location, landscaping, and other improvements of the outdoor sales display area.

2. Pedestrian circulation areas cannot be obstructed.

3. Outdoor sales display areas must be delineated and compatible with the design of the building and the context of the site.

4. Enhanced screening or landscaping ensuring the compatibility of the proposed use with adjoining areas may be required.

5. Approval of an amendment to the development plan is required prior to altering an outdoor display area.

D. The following uses are exempt from the outdoor sales display requirements:

   • Automobile dealerships, and other similar uses as determined by the Administrator or Plan Commission.
   • Outdoor sales displays that otherwise comply with the outdoor storage standards above.
   • Merchandise associated with a temporary use or event.

4.8 Outdoor Eating Areas

Outdoor cafes and eating areas in any zoning district are subject to these standards.

A. All outdoor eating areas must conform to State and County Health Department regulations and code.

B. Music and other audio devices must be maintained at a level not audible 40 feet from the source or 90 decibels or less when measured 6 feet from source.

C. Outdoor eating areas must not impede pedestrian traffic or force pedestrians into vehicle travel lanes. A 6-foot pedestrian access area must be maintained on the perimeter of the outdoor café and eating area. The Director of Public Works may approve a narrower pedestrian access area. The pedestrian access area must remain clear of obstructions.

D. Outdoor eating areas used for more than 7 days in a calendar year are deemed permanent. Permanent outdoor cafes and eating areas require development plan approval to ensure compliance with this Ordinance and compatibility with the surrounding area and Zoning District.

4.9 Residential Facility for the Mentally Ill

A residential facility for the mentally ill as defined in this Ordinance and by [IC 12-7-2-167] may not be located within 3,000 feet of another residential facility for the mentally ill, as measured between lot lines.

4.10 Short-Term Rentals

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

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

   • Family occupancy: Any member of a family and the family’s guests may occupy a dwelling if owned by the family. Family occupancy extends to guest houses or similarly separate dwellings legally located on the
same premises as the primary building and used without remuneration to the owner.

- **House sitting**: During the temporary absence of the owner and the owner’s family, the owner may permit non-owner occupancy without remuneration to the owner.

- **Dwelling sales**: Occupancy of up to 90 days after closing by a prior owner after the sale of a dwelling is permitted.

- **Estate representative**: Occupancy by a personal representative, trustee, or guardian of the estate, with or without remuneration is permitted.

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

- **A.** When provided, off-street parking must occur only on designated paved portions of the lot, such as driveways.

- **B.** Rental of the dwelling is done in a manner consistent with the character of the surrounding neighborhood.

- **C.** The owner provides the renter the following information prior to occupancy and posts this information in a conspicuous location within the dwelling:
  
  - The name and telephone number of the contact person who may be reached any time the dwelling is rented;
  
  - Notification of the maximum occupancy permitted in the dwelling;
  
  - Notification and instructions of the parking locations;

- **D.** The owner’s contact person must always be available to accept calls when the dwelling is rented. The contact person must have a key to the dwelling and be capable of being physically present at the dwelling within 3 hours to address issues.

- **E.** The appearance of the dwelling must not conflict with the residential character of the neighborhood. The dwelling must be properly maintained and kept in good repair, so the use does not detract from the general appearance of the neighborhood.

- **F.** Renters must not encroach on neighboring properties.

- **G.** The premises must be maintained free of debris and unwholesome substances. Garbage must be kept in a closed container and disposed of on a regular, weekly schedule.

- **H.** Renters must not create a nuisance. For purposes of this chapter, a nuisance includes, but is not limited to, any activity that violates the Town noise regulations.

- **I.** Short-term rentals must not be used to house sex offenders; operate a structured sober living home; manufacture, exhibit, distribute, or sell illegal drugs, liquor, pornography, or obscenity; or operate an adult business as defined in **IC 12-7-2-1.8**.

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

### 4.11 Temporary Uses, Events, and Structures

#### A. Authorization

Temporary uses may be allowed according to these provisions if a temporary use permit is obtained first, according to **4.10 Temporary Uses, Events and Structures**.
B. **General Regulations**

1. A temporary use is not permitted if:
   - It causes significant negative impact, including aesthetic impact, on adjacent property or on the area as a whole.
   - It causes, or potentially causes, a threat to public safety. The additional vehicular traffic generated by the use would have detrimental effects on surrounding streets and uses.
   - It conflicts with a previously authorized temporary use.

2. Temporary signs are only permitted according to the provisions of article 6.16 Signage – General Standards.

3. Every temporary use must comply with the regulations applicable in its district, unless expressly provided otherwise.

4. Temporary uses must comply with any conditions imposed by the Administrator to protect the public health, safety, and general welfare.

C. **Temporary Uses Permitted**

1. Seasonal Sales of merchandise or the display of merchandise may be allowed in any commercial district if:
   a. No merchandise is placed in a required front yard.
   b. In shared parking lots, the sale or display of merchandise does not encroach into parking areas of other merchants.
   c. The use is limited to 30 consecutive days, and no more than 4 such sales may be held each year.
   d. Where free standing tents are used, the structures must not cover more than 800 square feet in surface area and must be inspected by the Fire Marshall.

2. House, apartment, garage, and yard sales may be allowed in any residential district subject to the following:
   a. Sale merchandise is limited to the personal possessions of the owner-occupant of the dwelling unit where the sale is being conducted.
   b. The use is limited to a period not more than 3 consecutive days,
   c. No more than 2 such sales can be conducted from the same residence in any twelve-month period.
   d. The hours of operation are limited to 8 a.m. to 8 p.m.
   e. One sign, not to exceed 6 square feet in area, is permitted in the yard of the sale premises.

3. Christmas tree sales may be allowed in any district other than a residential district subject to the following:
   a. Such use is limited to not more than 45 days.
   b. Trees must be removed from the premises no later than December 31st of the same year.
   c. The use must provide adequate customer parking, traffic access, and have no adverse impact on other properties.
   d. Christmas trees must not be stored or displayed within 15 feet of any building.
   e. One sign, not to exceed 16 square feet in area, is permitted if it is placed only on the sale lot.
4. Fireworks sales may be permitted in any industrial district subject to the following conditions:
   a. The use is limited to not more than 45 days.
   b. The use must provide adequate customer parking, traffic access, and have no adverse impact on other properties.
   c. Only one temporary use permit for fireworks sales can be issued per site within a 12-month period.
   d. Fireworks sales are not permitted if visible from US 36, State Route 267, or Dan Jones Road between 100 N and 100 S.
   e. The use must be inspected and approved by the Fire Marshall before any sales can begin.

5. Contractors’ offices and equipment sheds may be allowed in any district subject to the following:
   a. The use must be accessory to an active construction project and be located on the same lot or within the same phase of the subdivision under construction.
   b. The use must not contain sleeping or cooking accommodations.
   c. The use must not exceed the duration of the active construction phase of the project.

6. Real Estate offices, including model units, may be allowed in any district subject to the following:
   a. The use is accessory to an active new development and must not be constructed before to secondary plat approval of the subdivision.
   b. The use must not contain 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 active selling or leasing period in the development.
   c. The use is limited to the active selling or leasing period in the development and to activities related to the development.
   d. The office cannot used as the general office or headquarters of any business entity.
   e. Model units/homes must not be located within 100 feet of the entrance to the subdivision unless off street parking is provided.

7. 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:
   a. The use must provide adequate customer parking, traffic access, and the absence of an adverse impact on other properties.
   b. Every such sale must not exceed 3 consecutive days.
   c. No more than 2 sales are permitted in the same location in any 12-month period.
   d. The uses are not permitted to be visible from anywhere along US 36, State Route 267, or Dan Jones.
Road between 100 N and 100 S, except as stated in below.

e. Permanent outdoor sales of merchandise, or any temporary outdoor sales not defined as a temporary use, in this section are not permitted in any district unless permission is granted by the Plan Commission through the development plan process for an approved permitted use or special exception.

8. Farm Product Sales may be allowed in any non-residential district subject to the following:
   
a. The farm product sale does not use permanent structures.

b. The sale of products or merchandise is 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.

9. 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, subject to the following:
   
a. The use provides adequate customer parking, traffic access, and does not create an adverse impact on other properties.

b. The use is limited to 4 consecutive days when located within or abutting a residential district or 10 days when in any other district.

c. The use does not operate after 11:00 p.m.

d. The concessionaire responsible for the operation of the use submits to the Administrator, Fire Department and Police Department, an application for a Temporary Use Permit and the following:
   
   - a site layout for emergency vehicles displaying adequate ingress and egress routes without dead-end aisles;
   
   - a plan for vehicle parking including handicapped parking;
   
   - a plan for fire extinguishers or fire safety equipment showing the location and number of the equipment;
   
   - a plan for first aid station;
   
   - a plan for refuse containers and service pickup showing the location and number of the equipment;
   
   - a plan for restroom facilities; and
   
   - a plan for site clean-up upon event termination.

10. Sidewalk sales may be allowed in any commercial district subject to the following:
   
   a. The sales are organized as an area-wide sidewalk sale with other merchants in the same retail center.

   b. No more than 4 such sales are permitted in any 12-month period.

   c. The sale is not permitted for more than 3 consecutive days.

   d. Items for sale are displayed so a clear walking path at least 5 feet wide is provided.
11. Tents may be permitted in any district when in connection with a permitted, accessory, temporary, or special event or use, subject to the following:
   a. All tents must be constructed of fire-retardant material and erected securely. Guy wires, stakes, or other supports are clearly marked and secured.
   b. Tent are not allowed to remain for more than 2 days longer than the associated use can remain or, in the absence of any such period, 10 days.
   c. Every tent must comply with the bulk, yard, and space requirements applicable to the district in which it is located.
   d. Every tent must be inspected by the Fire Marshall prior to the beginning of any activity.

12. Civic uses of public places may be permitted in any district when authorized by the governmental entity owning or controlling such property, provided the use or activity does not impose an adverse effect on neighboring streets or property.

13. Charity Drop Boxes may be permitted in any commercial or industrial district subject to the following:
   a. The use is limited to no more than 45 days.
   b. The location of drop boxes does not interfere with pedestrian or vehicular movement within the site.
   c. No more than 4 temporary use permits per site for such use are issued within any 12-month period.
   d. The placement of charity drop boxes on the lot is subject to approval by the Administrator when the temporary use permit is issued.

14. Other similar temporary uses may be permitted in any district if the Administrator considers the use consistent with the purpose and intent of this section and appropriate for the district.

4.12 Wireless Communications Facilities

A. Purpose

The purpose of this article is to regulate the placement, construction, and modification of wireless communication service facilities to protect public health, safety, and general welfare while not interfering with the development of the wireless telecommunications marketplace within of the Town.

B. District Requirements

Wireless communication service facilities may be allowed as follows:

- In the C-1 District special exception approval is required and the facilities cannot exceed a height of 150 feet.
- In all other commercial districts, facilities less than 150 feet high are permitted by right. Special exception approval is required for facilities taller than 150 feet. Facilities cannot exceed a height of 250 feet.
- In industrial districts, facilities less than 200 feet in height are permitted by right. Special exception approval is required for facilities taller than 200 feet. Facilities cannot exceed a height of 250 feet.
- Wireless communication service facilities are prohibited in all other zoning districts.

1. Wireless communication service facilities are exempt from maximum height limitations established in each zoning district. Wireless communication service facilities requiring a special exception are subject to **8.8 Special Exceptions**. Wireless communication service facilities permitted by right are subject to the requirements of **8.5 Improvement Location Permit** and **8.12 Development Plans**. A wireless communications facility may be located on a lot occupied by another principal structure.

2. When measuring roof or building mounted facilities, the height is measured from the finish grade at the base of the building to the top of any attached equipment that extends over the top of the structure.

3. The Town encourages the collocation antennae on existing or planned commercial wireless telecommunications service facilities to minimize the proliferation of antenna support structures and achieve the most efficient use of land within the community. The collocation of subsequent antennae on existing facilities only requires obtaining an Improvement Location Permit (see **8.5 Improvement Location Permit**).

**C. Applications**

Applications for establishing a wireless telecommunications service facility must include:

1. The name, address, and telephone number of the owner and lessee of the land where the wireless telecommunications service facility is situated. If the applicant is not the property owner, proof of the owner’s consent is required.

2. 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.

3. Documentation, signed by an engineer licensed in the State of Indiana, stating the facility is designed according to the Town’s building code and with national standards for steel towers, in addition to all other applicable state and federal regulations.

4. An affidavit attesting the applicant made diligent, but unsuccessful, efforts to receive permission to install or collocate on another service provider’s facility within the service area desired by the applicant and that the proposed site is of practical necessity for the applicant. A diligent effort requires that all owners of potentially suitable structures within 1/4 mile radius of the proposed wireless communications tower site are contacted and that one 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 cost.

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

d. Addition of the proposed antennas and related equipment would result in electromagnetic radiation from the structure exceeding applicable standards established by the Federal Communications Commission.

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

D. General Requirements

In addition to any other requirement prescribed by this Ordinance, a wireless communication service facility is required to meet the following requirements:

1. A facility cannot be established or used within the Town until all necessary local, state, or federal approvals and permits have been secured.

2. A facility cannot be located in any required yard setback, nor may a free standing or guy anchored facility be located within 50 feet of any property boundary line.

3. A free standing or guy anchored facility cannot be located closer than 1,500 feet from a residential district, residential use, or planned unit development district containing residential structures.

4. All guy wires must be situated on the same lot as the commercial and cannot be located within the required yard areas (setbacks) of the zoning district.

5. When located on a site as an accessory use, free standing or guy anchored facilities and their accessory structures must be located behind the principle building line. Vehicle access to the tower and accessory structures cannot interfere with the parking or vehicular circulation of the principal use.

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

7. Facilities must be designed to accommodate three or more wireless communication providers to facilitate the co-location of other service provider’s facilities.

8. Facilities must be painted to blend or match with a host building or the environment. The facility must be a single color, with a flat, matte, non-gloss, non-fluorescent finish. The color scheme for the facility is subject to the approval of the Plan Commission as a part of the development plan review process.

9. Free standing or guy anchored facilities, including any accessory building or structure, must be enclosed by a fence or wall at least 6 feet high. All fences and walls must be screened with appropriate landscaping so within 3 years of construction no more than 2/3 of the surface of the fence or wall is visible from a public street or from any adjoining residential lot.

10. No advertising, logos, or corporate symbols are permitted on any wireless
communication service facility or any accessory building or structure.

11. Every facility must be fully automated. No employee of the communication provider may be stationed at the site, except for the completing periodic maintenance.

12. Equipment storage shelters associated with a facility must be compatible with the surrounding built or natural environment and must not exceed a height of 15 feet nor a floor area of 450 square feet.

13. No signals, lights, or other illumination are permitted on the wire facilities unless required by the Federal Communication Commission, the Federal Aviation Administration, or the Town.

14. Every wireless communication service facility must be separated from all other wireless communication service facilities by a minimum of 1,500 feet.

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

16. If a wireless communication service facility becomes abandoned, obsolescent, or ceases to be used, except from an act of God, it must be taken down and removed from the premises by the owner of the facility, its agents, or the person having control of the premises within 6 months of a finding by the Administrator of its abandonment, obsolescence, or cessation of use.

17. Wireless communication facilities must be accessible from a public street by an easement or private drive at least 12 feet wide and covered with a dust-free, all-weather surface.
# Chapter 5 – Design and Maintenance Standards

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<th>Description</th>
<th>Page</th>
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<td>-------------------------------------------</td>
<td>------</td>
</tr>
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<td>5.19</td>
<td>Setback Standards</td>
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<td>5.21</td>
<td>Vision Clearance Standards</td>
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</tr>
<tr>
<td>5.22</td>
<td>Yard Standards</td>
<td>33</td>
</tr>
</tbody>
</table>
5.1 Accessory Structures

A. Accessory buildings are permitted in all Zoning Districts. No more than one accessory building, including a detached private garage, is permitted on any single-family dwelling lot. The maximum ground floor area of an accessory building is the lesser of the ground floor area of the principal building or 1,000 square feet.

B. Accessory buildings must be constructed on the same lot as their principal building.

C. Accessory buildings for residential uses must be setback at least 10 feet behind the front facade of the principal building.

D. An accessory building 200 square feet or smaller must be a minimum of 3 feet from the side and rear lot lines and located outside of all easements. An accessory building over 200 square feet must meet the minimum side, street side, and rear yard building setback lines of the Zoning District, except as otherwise established by this chapter.

E. Accessory buildings must not be constructed until the construction of the principal building on the same lot has begun. Accessory buildings cannot be occupied or utilized unless the principal building is first legally occupied for a permitted use within the applicable Zoning District. The construction of an accessory building must be completed:

1. Within one year of the issuance of a building permit, if such permit is obtained individually; or

2. Within one year of the completion of construction of the principal building, if the accessory building’s building permit is obtained as part of the building permit for the principal building.

F. Property owners should refer to any applicable Declaration of Covenants, Conditions, and Restrictions which may impose greater restrictions than are found in this Ordinance. This ordinance does not abrogate any private covenants that may apply to property.

G. Likewise, approval of any addition or improvement pursuant to private covenants does not act as a waiver of any requirements contained in this ordinance.

H. Screening of Receptacles and Loading Areas: These standards apply to all garbage containers, trash receptacles, pallet storage areas, trash compactors, recycling areas and other similar facilities in all Zoning Districts; however, these standards do not apply to single-family dwellings:

1. Garbage containers, trash receptacles, pallet storage areas, trash compactors, recycling areas, loading areas and other similar facilities must be completely and permanently screened from view of rights-of-way and where possible, adjoining properties.

2. Enclosures cannot be in an established front yard or in any required side or rear yard.

3. The enclosure must be solid on all sides and not less than 6 feet in height above grade or 2 feet above the receptacle, whichever is greater.

4. Enclosures must be constructed of materials that match or complement the principal building.

5. Enclosures must have opaque gates. The gates cannot be oriented towards residential properties or rights-of-way, where possible.
6. Trash enclosures should provide convenient pedestrian access for daily waste disposal. Such access should be provided without swinging or moveable doors.

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

8. Landscaping must be provided around enclosures in accordance with 6.1 Landscaping - General Standards.

I. A satellite receiver antenna 2 feet in diameter or less may be installed in any location in accordance with the provisions of IC 36-7-4-201.1.

J. The standards of this Ordinance do not prevent the use of a temporary construction building to be utilized for the storage of tools, materials, and other equipment during the period of construction.

K. Carports must be consistent in design, appearance, and materials with the principal building.

5.2 Building Standards

A. Every building erected must be located on a lot and in accordance with this Ordinance.

B. A lot used for single-family residential purposes must have only one principle building devoted to residential use, except as otherwise permitted in this ordinance.

C. A lot used for multi-family purposes may have more than one principal building devoted to residential use.

D. A lot in a non-residential district may have more than one principal building devoted to non-residential uses.

E. Building Types

1. Purpose: This section sets forth the standards applicable to the residential building types shown on the Permitted Land Use Table. These standards supplement the standards for each zoning district where the building types are allowed. These standards are intended to ensure development reinforcing the highly valued character and scale of the Town of Avon’s neighborhoods.

2. Applicability: The requirements of this chapter apply to all proposed development and will be considered in combination with the standards for the applicable zoning district.

3. Building types overview: The names of the building types are not intended to limit uses within a building type. For example, a detached house may have non-residential uses within it, such as a restaurant or office.

4. Each lot can have only one building type.

5. Specific building types: [see following 5.3-5.10 – Building Types]
5.3 Single Family Detached: Standard

A. Description

The Single-Family Detached House: Standard building type is a detached structure on a medium size lot that incorporates one unit. It is typically located within a primarily single-family neighborhood. This type is the most common type found in Avon. This building type occurs on wider lots, usually 60’ or more in width. Typically, this building type has a front-load garage, but side-load garages are possible on corner lots or wider lots.

Figure 5-1: Standard Detached House: Model Site Plan
B. Number of Units

<table>
<thead>
<tr>
<th>Units per Building</th>
<th>1 max.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compact Houses per Lot</td>
<td>1 max.</td>
</tr>
</tbody>
</table>

C. Building Size and Massing

**Height**

Per Zoning District standards in *CHAPTER 2*.

D. Pedestrian Access

| Main Entrance Location | Front Street |

E. Private Open Space

| Area | 400 sf min. |

Required street setbacks and driveways cannot be included in the private open space area calculation.

Required private open space must be located behind the main body of the building.

F. Parking Location

| With Alley | Rear Yard |
| Without Alley | Front Yard or Street Side Yard |
5.4 Single Family Detached: Compact

G. Description

The **Single-Family Detached House: Compact** building type is a detached structure on a small lot that incorporates one unit. It is typically located within a primarily single-family neighborhood in a walkable urban setting, potentially near a neighborhood main street. This type enables appropriately scaled, well-designed higher densities, provides a broad choice of housing types, and promotes walkability. This building type occurs on lots 50’ wide or less. Typically, this building type has a rear-load garage, but front-load garages are possible as long as the garage is recessed well behind the front façade of the building. It is important that the front façade of this building type not be dominated by garage doors.

![Figure 5-1: Compact Detached House: Model Site Plan](image)
### H. Number of Units

<table>
<thead>
<tr>
<th>Units per Building</th>
<th>1 max.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compact Houses per Lot</td>
<td>1 max.</td>
</tr>
</tbody>
</table>

### I. Building Size and Massing

**Height**

Per Zoning District standards in *CHAPTER 2*.

**J. Pedestrian Access**

| Main Entrance Location | Front Street |

**K. Private Open Space**

| Area | 300 sf min. |

Required street setbacks and driveways cannot be included in the private open space area calculation.

Required private open space must be located behind the main body of the building.

**L. Parking Location**

| With Alley | Rear Yard |
| Without Alley | Front Yard or Street Side Yard |
5.5 Duplex

A. Description

The **Duplex** building type is a small- to medium-sized structure that consists of two side-by-side or stacked dwelling units, both facing the street, and within a single building massing. This type has the appearance of a medium to large single-family home and is appropriately scaled to it within primarily single-family residential neighborhoods or medium-density residential neighborhoods. It enables appropriately scaled, well-designed higher densities, provides a broad choice of housing types, and promotes walkability. Both units may be on one lot or the lot can be split so each unit is on its own lot.

---

**Figure 5-2: Duplex: Model Site Plan**
### Chapter 5: Duplex

#### AVON UDO

<table>
<thead>
<tr>
<th>B. Number of Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Units per Building</td>
</tr>
<tr>
<td>Duplexes per Lot</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>C. Building Size and Massing</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Height</strong></td>
</tr>
<tr>
<td>Per Zoning District standards in <em>CHAPTER 2</em>.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>D. Pedestrian Access</th>
</tr>
</thead>
<tbody>
<tr>
<td>Main Entrance Location</td>
</tr>
<tr>
<td>Each unit must have an individual entry facing a Street.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>E. Private Open Space</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area</td>
</tr>
<tr>
<td>Required street setbacks and driveways cannot be included in the private open space area calculation.</td>
</tr>
<tr>
<td>Required private open space must be located behind the main body of the building.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>F. Parking Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>With alley</td>
</tr>
<tr>
<td>Without alley</td>
</tr>
</tbody>
</table>

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**Definitions**

- **GENERAL PROVISIONS**
- **ZONING DISTRICTS**
- **PERMITTED USES**
- **USE STANDARDS**
- **IMPROVEMENT STANDARDS**
- **SUBDIVISION REGULATIONS**
- **PROCESS AND PERMITS**
- **ADMIN**
- **DEFINITIONS**
Chapter 5: Bungalow Court

5.6 Bungalow Court

A. Description

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

Figure 5-3: Bungalow Court: Model Site Plan
### Chapter 5: Bungalow Court

**AVON UDO**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>B. Number of Units</strong></td>
<td></td>
</tr>
<tr>
<td>Units per Building</td>
<td>1 max.</td>
</tr>
<tr>
<td>Bungalow Houses per Lot</td>
<td>3 min., 9 max.</td>
</tr>
<tr>
<td><strong>C. Building Size and Massing</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Height</strong></td>
<td>1½ stories max.</td>
</tr>
<tr>
<td><strong>D. Pedestrian Access</strong></td>
<td></td>
</tr>
<tr>
<td>Main Entrance Location</td>
<td>Front Street or Courtyard</td>
</tr>
<tr>
<td><strong>E. Private Open Space</strong></td>
<td></td>
</tr>
<tr>
<td>Area</td>
<td>400 sf per unit min.</td>
</tr>
<tr>
<td>Required street setbacks and driveways cannot be included in the private open space area calculation.</td>
<td></td>
</tr>
<tr>
<td><strong>F. Parking Location</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rear Yard or Side Yard</td>
</tr>
</tbody>
</table>
5.7 **Townhouse**

A. **Description**

The **Townhouse** building type is a small- to medium sized typically attached structure that consists of 2–8 townhouses placed side-by-side. This type may also occasionally be detached with minimal separations between the buildings. This type is typically located within medium-density residential neighborhoods or in a location that transitions from a primarily single-family residential neighborhood into a neighborhood main street. This type enables appropriately scaled, well-designed higher densities, provides a broad choice of housing types, and promotes walkability.

![Townhouse: Model Site Plan](image)

Figure 5-4: Townhouse: Model Site Plan
### B. Number of Units

<table>
<thead>
<tr>
<th>Description</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Units per Townhouse</td>
<td>1 per floor max.</td>
</tr>
<tr>
<td>Townhouses per Lot</td>
<td>1 max.</td>
</tr>
<tr>
<td>Townhouses per run</td>
<td>2 min., 8 max.</td>
</tr>
</tbody>
</table>

### C. Building Size and Massing

#### Height

Per Zoning District standards in *CHAPTER 2.*

#### Main Body

- **Width per Townhouse**: 18’ min., 36’ max.

### D. Pedestrian Access

- **Main Entrance Location**: Front Street

Each unit must have an individual entry facing the Street.

### E. Private Open Space

- **Area**: 100 sf per unit, min.

Required street setbacks and driveways cannot be included in the private open space area calculation.

Required private open space must be located behind the main body of the building.

### F. Parking Location

- **Rear Yard**
5.8 Apartment Complex: Small

A. Description

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

Figure 5-5: Small Apartment Complex: Model Site Plan
### Chapter 5: Apartment Complex: Small

**AVON UDO**

<table>
<thead>
<tr>
<th>B. Number of Units</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Units per Building</td>
<td>3 min., 6 max.</td>
</tr>
<tr>
<td>Small Apartment Buildings per Lot</td>
<td>1 max.</td>
</tr>
</tbody>
</table>

**C. Building Size and Massing**

**Height**

Per Zoning District standards in **CHAPTER 2**.

**D. Pedestrian Access**

Main Entrance Location: Front Street

Each unit may have an individual entry.

**E. Private Open Space**

Area: 100 sf per unit min.

Required street setbacks and driveways cannot be included in the private open space area calculation.

Required private open space must be located behind the main body of the building.

**F. Minimum Dwelling Unit Size**

<table>
<thead>
<tr>
<th>Type of Apartment</th>
<th>Minimum Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio Apartment</td>
<td>550 sf</td>
</tr>
<tr>
<td>1 Bedroom Apartment</td>
<td>650 sf</td>
</tr>
<tr>
<td>2 Bedroom Apartment</td>
<td>800 sf</td>
</tr>
<tr>
<td>3 Bedroom Apartment</td>
<td>1,000 sf</td>
</tr>
</tbody>
</table>

**G. Parking Location**

Rear Yard or Side Yard

---

**GENERAL PROVISIONS**

**ZONING DISTRICTS**

**PERMITTED USES**

**USE STANDARDS**

**IMPROVEMENT STANDARDS**

**SUBDIVISION REGULATIONS**

**PROCESS AND PERMITS**

**ADMIN**

**DEFINITIONS**
5.9 Apartment Complex: Large

A. Description

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

Figure 5-6: Large Apartment Complex: Model Site Plan
### Chapter 5: Apartment Complex: Large

#### B. Number of Units

| Units per Building | 7min., 30 max. |

Number of Large Apartment Buildings per Lot per Zoning District standards in [CHAPTER 2](#).

#### C. Building Size and Massing

**Height**

Per Zoning District standards in [CHAPTER 2](#).

#### D. Pedestrian Access

| Main Entrance Location | Front Street |

Units located in the main body must be accessed by a common entry along the front street.

On corner lots, units in a secondary wing may enter from the side street.

#### E. Private Open Space

No private open space requirement.

#### F. Minimum Dwelling Unit Size

<table>
<thead>
<tr>
<th>Type</th>
<th>Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio Apartment</td>
<td>550 sf</td>
</tr>
<tr>
<td>1 Bedroom Apartment</td>
<td>650 sf</td>
</tr>
<tr>
<td>2 Bedroom Apartment</td>
<td>800 sf</td>
</tr>
<tr>
<td>3 Bedroom Apartment</td>
<td>1,000 sf</td>
</tr>
</tbody>
</table>

#### G. Parking Location

<table>
<thead>
<tr>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rear Yard or Side Yard</td>
</tr>
</tbody>
</table>
5.10 Live/Work

A. Description

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

![Figure 5-7: Live/Work: Model Site Plan](image-url)
### Chapter 5:20  Live/Work

**AVON UDO**

<table>
<thead>
<tr>
<th>B. Number of Units</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Units per Building</td>
<td>2 max.; both must be used by same occupant</td>
</tr>
<tr>
<td>Live/Work Buildings per Lot</td>
<td>1 max.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>C. Building Size and Massing</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Height</strong></td>
<td></td>
</tr>
<tr>
<td>Height</td>
<td>2 stories min.; 4 stories max. ¹</td>
</tr>
<tr>
<td>¹ Height must also comply with Zoning District standards in <a href="#">CHAPTER 2</a>.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>D. Pedestrian Access</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Main Entrance Location</td>
<td>Front Street A</td>
</tr>
<tr>
<td>Ground-floor space and upper unit must have separate entries.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>E. Private Open Space</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Area</td>
<td>15% of Lot Area min. B</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>F. Parking Location</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Rear Yard C</td>
<td></td>
</tr>
</tbody>
</table>
5.11 Fence and Wall Standards
All fences and walls must meet the requirements below. Fences and walls cannot be installed without first being issued an Improvement Location Permit according to 8:5 Improvement Location Permit.

A. Fences Permitted Generally
1. Residential and Agricultural Districts: The following fence materials are permitted in residential districts: wood, wrought iron, masonry or stucco wall, live continuous dense hedge of a non-hazardous nature, PVC/vinyl, vinyl coated chain link, and barbed wire subject to 5.11 Fence and Wall Standards. Chain link, chicken wire, wire mesh, agricultural wire (typical farm field fence) are only permitted in agricultural districts for the containment of livestock or to surround agricultural fields.

2. Non-residential Districts: The following fence materials are permitted in non-residential districts: wood, wrought iron, masonry or stucco wall, live continuous dense hedge of a non-hazardous nature, PVC/vinyl, barbed wire subject to 5.11 Fence and Wall Standards, and chain-link of conventional construction utilizing metal piping or tubing for fence post.

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

C. Location and Height Limitations
1. Agricultural Districts
   • Fences, walls, or structural barriers in a front yard cannot exceed 4 feet high except for containment fences and agricultural field fences that cannot exceed 6 feet high.
   • Fences, walls, or structural barriers located in a side or rear yard must not exceed 8 feet high. Fence posts or support framework may exceed these height limitations by 6 inches.

2. Residential Districts
   • Ornamental fences, walls, or structural barriers located in a front yard must be at least 60% open and limited to 4 feet high.
   • Live continuous dense hedges are limited to 3 feet high.
   • Fences, walls, or structural barriers located in a side or rear yard are limited to 6 feet high. Fence posts or support framework may exceed these height limitations by 4 inches.

3. Non-residential Districts
   • In all commercial districts, fences, walls, or structural barriers are prohibited in any front yard and are limited to 6 feet high in side and rear yards.
   • In all industrial districts, fences, walls, or structural barriers are limited to 8 feet high. Fence posts or support framework may exceed these height limitations by 6 inches.

4. No fence, wall, or structural barrier can be erected within a public right-of-way. Fences, walls, or structural barriers erected or placed in these areas are a violation of this Ordinance and subject to enforcement (CHAPTER 9: ADMINISTRATION AND ENFORCEMENT).
Chapter 5:22  Fence and Wall Standards

D. Fences, walls, or structural barriers may be placed in public utility easements, with the following conditions:

1. **Prohibited**
   - Fences, walls, or structural barriers cannot be erected without providing Town staff access to a connected or abutting easement.
   - Fences, walls, or structural barriers cannot be erected above the known location of a buried stormwater drainage conveyance.
   - Fences, walls, or structural barriers cannot be located within 5 feet of any stormwater inlet.
   - Impervious fences, walls, or structural barriers are allowed within a drainage easement.

2. **Permissions**
   - Prior to issuing a permit for the location of a fence, wall or structural barrier within a drainage agreement, an Easement Encroachment Agreement must be recorded with the title to the property on a form acceptable to the Town. The costs associated with the recording of an Easement Encroachment Agreement is borne by the property owner.
   - Any fence, wall or structure within a drainage easement must be erected to provide access to connected or abutting drainage easements.
   - 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 structural barrier. Failure to agree to providing the required gate or removable section will result in the denial of the requested permit. Eliminating or disabling a required gate or removable section constitutes a violation of this ordinance and is subject to enforcement (**CHAPTER 9: ADMINISTRATION AND ENFORCEMENT**).
   - A registered utility location service must identify the location of any buried stormwater pipe before issuing a permit for any fence, wall or structural barrier. The location of any buried stormwater pipe must be noted on the submitted plot plan accompanying the requested permit. Any fence, wall or structural barrier must have a minimum of 5 feet from buried stormwater pipe.
   - Any fence, wall, or structure within a swale must allow for the movement of water through the swale. The area between the finish grade and an elevation one foot below the top of the swale must have a minimum unobstructed pervious area of at least 20%. For fences, this can be achieved through providing gaps between the vertical slats of the fence. A detail depicting how the permeability requirement is being attained must accompany the ILP application for all fences, walls, or structural barriers located within the swale.

E. Improvement Location Permit applications for fences, walls, and structural barriers are
reviewed and approved by the Avon Public Works Director prior to issuing the permit.

F. Construction Requirements

1. All fences must 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.

2. All fences, walls, and like structural barriers must meet the vision clearance requirements (see Vision Clearance Standards).

3. All fence posts and support framework must be located on the side of the fence facing the fence owner’s property, and the finished side of the fence must face the exterior of the lot.

4. Chain link fences must be a minimum of 9 gauge.

5. Fences that completely enclose all or part of a lot must have at least one gate access.

6. Fences cannot be constructed of a material or in a manner obviously intended to inflict great bodily harm should a person or animal attempt to climb 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 according to Paragraph (I) of this section.

G. Maintenance Requirements

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

H. Enforcement

Any fence, wall, or structural barrier erected, expanded, altered, relocated, or repaired contrary to this section is a violation of this Ordinance and is subject to enforcement (CHAPTER 9: ADMINISTRATION AND ENFORCEMENT).

According to 1.16 - Nonconforming Structures, any fence lawfully existing when this Ordinance is adopted that does not conform with this section may be continued so long as it otherwise remains lawful. Nonconforming barbed wire, electrically charged fences, and dilapidated or deteriorated fences, due to the public safety risk they pose, must be immediately removed or immediately brought in full compliance with this section upon adoption of this Ordinance:

I. Barbed Wire Fences

a. Barbed wire fences may be permitted in industrial districts only where the Administrator finds that barbed wire fence is necessary to protect the safety of persons or for security of the property. The barbed wire must be installed at least 6 feet above ground level, and be either:
   • In a gable configuration having 5 strands or less, or
   • Attached to an angled arm supported approximately 45 degrees to the vertical and having 3 strands or less.

b. Barbed wire fences may be used in districts where agricultural activities are permitted subject to the following limitations:
Chapter 5: Lot Standards

- Barbed wire fences are only be permitted in agricultural districts for the containment of livestock or to surround agricultural fields and may not be used as a property fence, border fence or security/privacy fence.
- Barbed wire must be placed a minimum of 4 feet above grade level.

5.12 Height Standards
A structure must not exceed the height limits established and specified in the Zoning District in which the structure is located except as otherwise noted.

In all Zoning Districts, spires, church steeples, chimneys, cooling towers, stacks, tanks, water towers, elevator bulkheads, fire towers, scenery lofts, power transmission lines or towers and distribution poles and lines, and essential mechanical appurtenances may be erected to any height not prohibited by other laws or ordinances.

5.13 Lot Standards
A. Number of Buildings on a Lot

Except for unified developments, 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.

B. Division of Lots

No lot can be divided unless the division conforms to the applicable subdivision regulations of this Ordinance.

C. Corner Lots

On a corner lot, the narrowest street frontage of the lot is the front lot line, and the other street frontage is the street side lot line, unless the Administrator determines otherwise based upon the context of the lot.

D. Street Frontage and Access

1. Every lot must abut on a public street or private access drive with facilities for ingress and egress between the lot and street or drive. Lots having 100 feet or less of frontage are allowed only one access point. Each multi-family development, regardless of size, must have an additional access point for emergency access. Lots with more than 100 feet of frontage may have more than one access point as determined by the Administrator or Plan Commission. Any request for more than one access point onto any public street may require a traffic study if requested by the Administrator, Director of Public Works, or the Plan Commission.

2. Access to lots should be provided from public streets whenever possible. Private access drives are discouraged and will be permitted only when site conditions prevent reasonable access to the lot from a public street. Examples of such conditions include lots with limited or no road frontage or where providing
access by a public street would result in a physical or financial hardship.

3. Private access drives must meet the following requirements.
   a. Private access drives can provide access only to commercial and industrial lots.
   b. Private access drives must provide access only to abutting lots and are allowed only for drives that have no public interest for traffic circulation.
   c. Private access drives can provide access to a maximum of three lots.
   d. Private access drives must be designed and constructed to the same standards as the public roads providing access to similar development and meet all provisions of the subdivision regulations for public roads.

E. Lot Area Exclusions
Any portion of a lot located within the 100-year floodplain, wetlands, lakes, ponds, stormwater detention areas, or floodplain compensatory storage areas, cannot be counted towards the minimum lot area.

F. Yards, Courts, and other Open Spaces on Lots
   1. Open Spaces: The provisions of yards and open spaces and minimum lot area required for a building are continuing obligations of the owner. Legally required yards or open space, or minimum lot area allocated to a building, cannot be used to satisfy yard or open space or minimum lot area requirements for any other building.
   2. Location of Required Yards and Open Space: All yards and open space allocated to a building or group of buildings must be located on the lots as the building or group of buildings.

5.14 Performance Standards
A. Application of Performance Standards
All uses must 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 applies.

B. Compliance with Performance Standards
When tests by the Administrator indicate a possible violation of these performance standards, the Administrator requires 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(s) are presented to the Plan Commission in writing.

C. Enforcement
Enforcement of the performance standards is the duty of the Administrator according to CHAPTER 9: ADMINISTRATION AND ENFORCEMENT.

D. Toxic Matter
The storage, handling, or transport of toxic substances must 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 can 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 can toxic matter be discharged into
any streams or ground water running through the lot.

E. Fire and Explosion Hazards

Materials that present potential fire and explosive hazards must be transported, stored and used only in conformance with all applicable federal, state, and local ordinances and laws.

F. Glare or Heat

No use must produce heat or glare in such a manner as to be a nuisance or create a hazard perceptible from any point beyond the lot lines.

G. 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.

H. Noise

Sound levels are measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association. Measurements are made using the flat network of the sound level meter. Pure tone and impulsive type noises are subject to the performance standards below, provided that such noises are capable of being accurately measured with such equipment. Noises capable of being measured, for the purpose of this Ordinance, are 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, are controlled so as not to become a nuisance to adjacent uses. At no point on the boundary of a district can the sound intensity level of any individual operation or plant exceed the decibel levels in the designated octave bands.

Table 5-1 Noise Levels

<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 Scale(^1)</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 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 are exempt from the noise standards.

I. Vibration

No use, operation, or activity can cause, at any time, ground transmitted vibrations in excess of the limits set forth below. These standards do not apply to activities conducted during construction.
**L. Electromagnetic Interference**

1. Electromagnetic interference from any operations of any use in any district cannot 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, must be constructed and/or maintained so as to provide for in-building public safety communications coverage. Additionally, structures (including communications facilities) in all districts must be constructed and/or maintained so as to prevent interference with existing public safety communications.

**M. Water Pollution**

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

### 5.15 Permitted Obstructions in Required Yards

The following are not considered obstructions when located in the required yards specified.

#### A. All Yards

1. Open porches, patios, terraces, and decks no more than 18 inches above the average grade. Porches, patios, terraces, and decks with a permanent roof can extend no more than 2 feet into the required yard.

2. Residential window awnings attached to the principal dwelling, but not projecting more than 3 feet out, and at least 7 feet clearance above the adjoining ground.

---

**Table 5-2 Vibration**

<table>
<thead>
<tr>
<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>
</tr>
<tr>
<td>11 to 20</td>
<td>.0005</td>
</tr>
<tr>
<td>21 to 30</td>
<td>.0002</td>
</tr>
<tr>
<td>31 to 40</td>
<td>.0001</td>
</tr>
<tr>
<td>40 and over</td>
<td>.00005</td>
</tr>
</tbody>
</table>

**J. 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 must be kept to a minimum by appropriate landscaping, screening, sheltering, paving, oiling, fencing, wetting, collecting or other acceptable means.

2. No person can 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 does 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 are the one 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.

**K. Nuisance**

No use can be operated or maintained which creates an environmental detriment or public nuisance, including 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.
3. Steps 4 feet or less above grade which are necessary for access to a permitted building.

4. Chimneys projecting 18 inches or less into the yard;

5. Arbors, trellises, flag poles, fountains, sculptures, plant boxes, and other similar ornamental objects.

6. Overhanging eaves and gutters projecting 3 feet or less into the yard.

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

C. Side and Rear Yards
   1. Air conditioning units and compressors.
   2. One-story bay windows projecting 3 feet or less into the yard.

D. Rear Yards
   1. Enclosed, attached or detached off-street parking spaces in non-residential districts.
   2. Balconies and breezeways.

5.16 Property Maintenance Standards
This chapter applies to all Zoning Districts.

A. All land and exterior areas under roof but not enclosed must be maintained free from:
   1. Accumulation of garbage, debris, or blight, including: graffiti, tires, broken glass, or anything posing a hazard to public health;
   2. Tarps, plastic sheeting, or similar materials used as screening, fencing, or wall covering;
   3. Abandoned vehicles or inoperable vehicle parts, visible from a right-of-way, except a single inoperable vehicle undergoing minor repair work, not to exceed 72 hours; or lawful commercial activities involving vehicles as allowed by this Ordinance;
   4. Commercial appliances, machinery, freezers, refrigerators or other household items;
   5. Any object or landscaping that interferes with the use of any sidewalk, street, alley, highway, or visibility of a traffic light or sign in the town;
   6. Landscaping visible from public property that is substantially dead, damaged, or characterized by uncontrolled growth;
   7. Anything posing an imminent hazard to public health and safety;
   8. Any unprotected well or excavation more than 2 feet deep;
   9. Any wall or fence missing blocks, boards, or other material, or is otherwise deteriorated to constitute a hazard to people or property; and
   10. Graffiti visible from a public area or right-of-way.

These standards exclude: items kept in covered bins or receptacles; a lawfully established junkyard; any neatly stored materials used in the development of property; and items stored or kept in enclosed trailers or vehicles.
These standards do not apply to the orderly storage of materials in side and rear yards provided:

- The storage does not exceed 10% of the area of the yard, and
- The storage does not exceed the height of any fence or wall enclosing the storage area.

B. All premises must be kept free from rodent infestation and other noxious pests.

C. All premises must prevent the accumulation of stagnant water.

D. All fences and walls must be safe, structurally sound, and uniform in color, structure, and design. They must not constitute a hazard or be in disrepair. Repair of an existing fence or wall must be made with the same or similar materials.

E. Occupied buildings must have an adequate number of garbage receptacles maintained in clean condition and good repair. The owner or occupant must arrange for the removal of garbage from the premises.

F. Vacant lots or land subject to enforcement action for dumping must be secured to prevent future dumping.

G. Unenclosed or unsecured excavations, septic tanks, cesspools, and similar conditions must be fully restored to a safe, serviceable condition, or filled with clean fill. Excavations must be maintained in a secure manner to prevent a hazard to public health and safety.

H. Buildings or structures determined to be unsafe or dangerous as defined in the Building Code must be abated in accordance with the provisions of that code.

I. Vacant structures and premises must be maintained and monitored including:

1. Maintenance of the exterior of the building and landscaping with regular removal of all exterior trash, debris, and graffiti; and

2. Prevention of reoccurring criminal activity on the premises. Unsecured buildings and structures must secured in the following manner:
   - Doorways and windows must be boarded up using 5/8” or thicker exterior grade plywood, fastened by tamper-proof screws or one-way bolts;
   - All boarding must be painted to match the dominant exterior color of the elevation of the structure; and
   - For commercial buildings, opaque window coverings may be allowed by the Administrator in lieu of boarding provided all windows are maintained and if broken or cracked, are replaced within 48 hours. The Administrator may revoke the use of this alternative when the owner or responsible party fails to maintain the within the specified period.

3. If, after 5 business days from when notice provided, the owner fails to install barricades, the Administrator is authorized to barricade the building or structure. All costs associated with this work will be recovered from the property owner.

**5.17 Satellite Dish Antenna**

These regulations apply to satellite dish antenna and other satellite reception devices greater than 2 feet in diameter.
A. General Purposes

1. These regulations are designed to promote the public health and safety by providing criteria for the placement of these antenna. This ensures that all installations limits endangerment of life and property on the site and surrounding properties due to collapse or destruction.

2. These regulations are also designed to decrease the potential for urban blight in residential neighborhoods generated by guy wires, poles, cables, and other appurtenances.

3. These regulations 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.

B. General Requirements

1. A satellite receiver antenna 2 feet in diameter or less may be installed in any location in accordance with the provisions of IC 36-7-4-201.1.

2. Satellite dish antenna greater than 2 feet in diameter may be erected in the R-4 and R-5 residential zoning districts after an improvement location permit is obtained, provided the following criteria are met.
   - The satellite dish antenna is ground mounted.
   - The diameter does not exceed 10 feet.
   - The height does not exceed 12 feet.

3. In the R-5 residential district, a satellite dish antenna may be roof mounted provided the diameter is no more than 10 feet, and the height of the antenna is no more than 12 feet. A roof mounted satellite dish antenna must be located at least 10 feet behind the front roofline of the structure. A roof-mounted antenna cannot exceed the maximum height requirement of the zoning district.

4. Satellite dish antenna may be erected in any non-residential zoning district provided:
   - The diameter must not exceed 12 feet.
   - The height of a ground-mounted antenna must not exceed 25 feet.
   - The height of a roof-mounted antenna cannot exceed 15 feet.
   - A roof-mounted antenna must not exceed the maximum height requirement of the zoning district. A roof mounted satellite dish antenna must be located at least 10 feet behind the front roofline of the structure.
   - A ground-mounted antenna must comply with the yard setback requirements of the district. Antenna must not be located in any front yard or open space.

5. Satellite dish antennas must be installed and maintained in compliance
with all applicable building and electrical codes and are subject to the following standards:

- Satellite dish antennae must be solid in color.
- Not more than one antenna greater than two feet in diameter is allowed on any lot unless shown on an approved site plan.
- No advertising, logos, or corporate symbols are permitted on any satellite dish antenna greater than 2 feet in diameter.

### 5.18 Amateur Radio Standards

Individual amateur transmitting and receiving antennae and associated support structures owned or operated by licensed amateur radio operators are permitted as accessory structures according to these provisions.

A. Amateur Radio Club and repeater station antennae and support structures are permitted to the height necessary to maintain reliable communications.

B. Antenna structures of amateur radio operators licensed by the Federal Communication Commission may not exceed 75 feet above grade. The height is measured vertically and includes the height of the building where the antenna support structure is mounted.

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

D. Upon the Federal Communication Commission licensed operator’s cessation of ownership or leasehold rights in the antenna support structure, or on loss of his or her federal amateur radio license (whichever occurs first), the operator must safely remove all antenna support structures within 30 days at no expense to the Town. If the operator fails or refuses to remove the antenna support structure, the owner of the subject lot is responsible for the removal of all such structures. Failure to remove antenna support structures is a violation of this Ordinance and subject to enforcement (CHAPTER 9: ADMINISTRATION AND ENFORCEMENT).

E. On residential lots, antenna support structures must be located between the rear building line of the principal structure and the required rear yard setback line. For a corner lot, the antenna cannot be located within the street side yard.

F. Nothing in this section affects any existing antenna support structure utilized by any federally licensed amateur radio operator constructed and in place before the passage of this Ordinance.

### 5.19 Setback Standards

These standards apply in all Zoning Districts.

A. The measurement of any building setback line or building separation is the shortest distance between the building façade and the lot line or right-of-way line, whichever is closest. Where there is no right-of-way line, the building setback line is measured from the building façade to the edge of pavement or the access easement line, whichever is closest. The front yard setback for new lots is measured from the lot line abutting the open space to the building façade.

B. The minimum building setback lines and minimum building separation requirements are as set forth in this Ordinance (see also CHAPTER 2: ZONING DISTRICTS).

C. If a minimum building separation requirement is not provided, the minimum
building separation requirement is the district’s minimum side yard building setback.

D. Porches, patios or decks 18 inches or more above grade must comply with all setback requirements of the district except for stairs, which may encroach into the required yards.

E. Where 25% or more of the lots in a block frontage are occupied by buildings, then the average building setback line of buildings on that block determines the location of the building setback line for the block frontage in lieu of the building setback lines contained in this Ordinance.

F. Building setback lines established in a recorded subdivision establish the setback of buildings in such subdivisions, except when such building setback lines may be less restrictive than provided in this Ordinance.

G. On through lots, the front yard is established by the existing principal buildings in the block.

H. All improvements are subject to 5.21 Vision Clearance Standards, unless specifically exempted.

5.20 Swimming Pools and Hot Tubs

In addition to conforming to the regulations for accessory uses and structures above, all swimming pools and hot tubs must meet the following requirements:

A. Swimming pools cannot be installed without first being issued an Improvement Location Permit according to 8:5 Improvement Location Permits.

B. Swimming pools or hot tubs cannot be in any required front, side, or rear yard or in front of the front building line of a principal use.

C. Swimming pools or hot tubs cannot be constructed unless adequate distance from overhead electrical wires is provided according to the current National Safety Code and National Electrical Code.

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

E. All swimming pool construction, including associated decking, fencing, and means of access must conform with the regulations set forth in 675 IAC 20-4.
5.21 Vision Clearance

Standards

No building, structure, or improvement can be placed that interferes with a vision clearance area located between 2½ feet and 9 feet above the crown of a street, driveway, or alley. A vision clearance area is formed by the intersecting centerlines of each right-of-way and the line connecting the two end points of each extended centerline. The distance along the right-of-way centerlines is as follows:

<table>
<thead>
<tr>
<th>Street Classification</th>
<th>Distance Along ROW Centerline</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arterial</td>
<td>100’</td>
</tr>
<tr>
<td>Collector</td>
<td>80’</td>
</tr>
<tr>
<td>Local</td>
<td>50’</td>
</tr>
<tr>
<td>Alley</td>
<td>40</td>
</tr>
<tr>
<td>Driveway</td>
<td>35’</td>
</tr>
</tbody>
</table>

Figure 5 - 2 Vision Clearance

5.22 Yard Standards

A. Buildings must not be erected, reconstructed or structurally altered to encroach upon or reduce the yards, lot area, minimum living area, or lot coverage provisions established for the use and the Zoning District or Overlay District in which such building is located.

B. One-half of an alley abutting the rear or side yard may be included in the required rear or side yard of a lot, respectively, if the alley has not been developed for carrying traffic; however, such alley area must not be included for loading berths.

C. The yard width and depth of required yards are measured as the shortest horizontal distance from a lot line to the required building setback line. In the case of a standard applying to an established yard, the yard width and depth are measured as the shortest horizontal distance (e.g., ninety degrees) from a lot line to the nearest outside wall of a building or structure.

D. All required Yards must be maintained as open space and landscaped with grass, trees, shrubs, or in combination with other suitable groundcover materials in compliance with 

6.1 – 6.9 Landscaping Standards, except as otherwise improved in accordance with this Ordinance (e.g. Parking Areas).
6.1 Landscaping – General Standards

A. The landscaping requirements of this chapter are intended to foster developments that 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, motor vehicle headlight glare or other artificial light intrusions, and other objectionable activities or impacts conducted or created by adjoining or nearby uses.

B. Enforcement of Landscaping Requirements

Wherever a landscape plan is required by this Ordinance, the plan becomes part of any development review application. An improvement location permit cannot be issued without first obtaining approval of a required landscape plan. All plantings must be installed to obtain a 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 is a violation of this Ordinance and subject to CHAPTER 9 - ADMINISTRATION AND ENFORCEMENT.

C. Landscape Plan

A landscape plan is required as part of development plan review according to 8.12 Development Plans. The Administrator may also require a landscape plan as part of a site plan required for the issuance of an improvement location permit.

Content of Landscape Plan: Landscape plans must contain the following information:

- The location and dimension of all existing and proposed structures, parking lots, rights-of-way, sidewalks, bicycle paths, signs, refuse disposal areas, bicycle parking areas, fences, freestanding electrical equipment, recreational facilities, and other freestanding structural features as determined necessary by the Administrator.
- The location, quantity, size and name (botanical and common) of all existing plants to remain and all proposed plant materials to be installed.
- The location of existing buildings, structures and plant materials on adjacent property within 20 feet of the site.
- Existing and proposed grading of the site (including proposed berming) indicating contours, at no more than 2 foot intervals.
- The type and boundaries of all proposed ground cover, including grass.
- Elevations of all proposed fences noting the materials to be used.
- Elevations, cross sections, and other details requested by the Administrator.
- A legend, scale and north arrow.

D. Selection, Installation and Maintenance of Plant Materials

1. Selection: Plant materials must be of good quality and capable of withstanding the climate extremes of central Indiana. Wherever possible, native species should be used in landscaping. Plant material is selected for its form, texture, color, pattern of growth, and suitability to local conditions. Size and density of plant material, both at the time of planting and at maturity, are additional criteria considered when
selecting plant materials. The use of drought tolerant plant material is preferred. Use of salt tolerant plant material is required for landscaping near streets and other rights-of-way.

1. Installation: Landscaping materials must be installed according to the American Association of Nurserymen standards. Installation of plant material may be delayed until the next planting season, as determined by the Administrator.

2. Maintenance: Landscaping materials must be maintained in good condition to present a healthy appearance. Plant material not in this condition must be replaced. The owner of the premises guarantees all plant material to live for one year and provides the Town with a maintenance bond in an amount equal to 20% of the installation cost of the plant material. The owner is responsible for the maintenance, repair, and replacement of all plant materials and irrigation systems. Replacement of materials must be done within 6 months of the Administrator determining a plant is dead, severely damaged, or diseased, or within the next planting season, whichever is earlier.

E. Changes to Approved Landscape Plans

Any change or deviation to an approved landscape plan requires the approval of the Administrator or the Plan Commission. The Administrator approves changes in plant materials due to the unavailability of approved species or changes to placement as a result of site constraints identified during construction. Landscape improvements not in conformance with an approved landscape plan are a violation of this Ordinance and subject to CHAPTER 9 - ADMINISTRATION AND ENFORCEMENT.

F. Vision Clearance

Vision clearance standards must be maintained according to 5.13 Vision Clearance Standards.

6.2 Landscaping – Design Standards and Guidelines

Landscape plans must 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 is evaluated based on appropriateness.

A. Design Materials

1. Shade Trees - Shade trees must have a minimum caliper of 2.5 inches.

2. Ornamental Trees - Ornamental trees must have a minimum caliper of 1.5 inches. They may be single or multi-trunk plants providing screening and seasonal interest with attractive fruit, flowers and trunks or branching.

3. Evergreen Trees - Evergreens must be at least 6 feet in height at the time of planting.

4. Shrubs - Shrubs must have a minimum height of 18 inches at planting. Shrubs used to create hedges must be spaced to form a continuous visual screen.

5. Mounds - Mounds must have a minimum top width of at least 2 feet, a maximum slope of 3:1 and cannot exceed 8 feet in height. The toe of the slope cannot be closer than 5 feet from the right-of-way line and/or property line. Mounds must be set back from retention and detention areas so the toe of the slope is not closer than 15 feet from the top of bank or high water level of the retention or detention area. The
design and location of a mound cannot interfere with the vision clearance.

6. **Fences and Walls** - Fences and walls must be consistent in shape, character, and placement with other fencing used within the development.

7. **Ground Cover** - Ground cover includes living materials or low-growing plants installed to provide a continuous cover of the ground surface. Ground cover cannot exceed 6 inches in height at maturity. Domestic turf grasses should be used in areas with little or no slope to prevent water runoff.

8. **Prohibited Materials** - Gravel and asphalt are not considered ground cover for the purposes of this chapter. Rocks and bark are not considered ground cover, although they are permitted as decorative accents.

9. **Plant Material Substitutions**
   - Whenever shade trees are required by the ordinance, ornamentals may be substituted at a rate of 2 ornamental trees for each shade tree.
   - Whenever shade or ornamental trees are required by this ordinance, evergreens may be substituted at a rate of one evergreen for each ornamental tree or 2 evergreen trees for each shade tree, unless otherwise specified.
   - Where shrubs are required, trees may be substituted at a rate of one shade or evergreen tree per 5 shrubs or one ornamental tree per 3 shrubs.

B. **Design Guidelines**

1. **Scale and Nature of Landscaping** - The scale and nature of landscaping should be appropriate to the size of the structures. For example, large scaled plants should complement large scaled buildings.

2. **Evergreens** - Evergreens should be incorporated into the landscape treatment of a site and are required when a screen or buffer is required to ensure the integrity of the screen or buffer through all seasons. Screening referred to in this chapter as “year-round” consists primarily of evergreen plants so the screen remains dense in all seasons.

3. **Energy Conservation** - Plant material placement should be designed to reduce the energy consumption needs of a development. Deciduous trees should be placed on the south and west sides of buildings to shade buildings from summer sun and allow winter sun to warm the building. Evergreens and other dense plant material should be concentrated on the north and west sides of buildings to dissipate the effect of winter winds. Shade trees in pedestrian areas should be located to maximize shade to pedestrians.

4. **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 planting is not required when variations in the design of the barrier create visual interest at interval no more than 20 feet.

5. **Planting Beds**: Planting beds should be mulched with bark chips, feather rocks, or similar materials. Mulch is not a substitute for plant material.

6. **Detention/Retention Basins and Ponds**: Detention/retention basins and ponds must be landscaped with a mix of trees,
shrubs, ground cover, and turf. A vegetative buffer strip at least 10 feet wide must be planted around the shoreline to discourage waterfowl from using the pond. The vegetative buffer strip must be planted with grasses and wildflowers that retain their height throughout the winter. Where the top of a detention/retention basin is within 10 feet of a sidewalk, a fence at least 4 feet in height is required. The type of fence provided should be cohesive with the types of fences within the development and the zoning district.

7. Landscaping at Utility Facilities: Landscaping around solar arrays, telecommunications towers, wind farms, and similar facilities must utilize native plants beneficial to wildlife. The Administrator may approve alternate landscape designs using native plants that are equal or better than the required landscaping.

8. Low Impact Development: The Administrator may approve alternate landscape designs integrating Low Impact Development stormwater techniques such as rain gardens, bioswales, etc.

### 6.3 Landscaping – Preservation of Existing Plant Material

**A. General**

1. To the greatest extent possible, when a property develops existing trees must be protected in place unless it can be demonstrated that site design restrictions necessitate their removal.

2. The determination of which trees must be saved is guided by the following principles:
   - The practicability of arranging site plan components around existing features. Site improvements should be designed to preserve tree masses, individual tree specimens, and small stands of trees. Natural woodland areas should be protected wherever feasible.

   - The condition of the vegetation with respect to continued vitality.

   - The practical and economic possibility of designing the site to preserve existing vegetation.

   - The desirability or undesirability of a 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.

   - The potential for interference with utility services or with vision clearance standards along roads or walkways.

   - The possibility of preserving the vegetation while meeting the development needs through pruning rather than removal.

**B. Exemptions**

The requirements of this section do not apply:

1. During a period of emergency, such as a tornado, ice storm, flood or any other such extreme act of nature;

2. If a tree creates a hazardous or dangerous condition posing an imminent danger to the environment, property, or PHSW, as verified by the Administrator prior to the removal of the tree;

3. To a public agency or utility company removing trees within utility easements;
4. To an area where a permanent structure is or will be located within the building area of a lot;

5. To trees on developed single-family lots;

6. To trees less than 12 caliper inches on lots less than 20,000 sq. ft.;

7. To dead, substantially injured, diseased, or damaged trees as verified prior to removal by the Administrator;

8. To government agencies, tree farms, nurseries, and agricultural uses provided tree removal is consistent with normal and regular business activity.

C. Protected Trees

1. Reasonable efforts are required to preserve the protected tree species listed in the Avon Landscape Manual with the following minimum protected sizes:
   - Deciduous trees with a caliper of 6 inches or larger,
   - Evergreen trees with a caliper of 8 inches or larger, and
   - Ornamental trees with a caliper of 2 inches or larger.

2. An Improvement Location Permit is required before removing any protected tree.

3. Each tree preserved greater than 8 inches in caliper may be counted toward the required plant materials at a rate of 2 required shade or evergreen trees or 4 required ornamental trees. Preserved trees cannot count toward the caliper inches required for mitigation of any trees removed.

4. Tree protection barriers are required during the development of the site. Barriers must be specified on the landscape plan and placed at or beyond the drip line of trees to be protected. These barriers must 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.

D. Requirements for Development Plans

All applications for an Improvement Location Permit or Development Plan Review that require tree removal must include the following items:

1. A tree survey plan including:
   - A scale map prepared and sealed by a registered landscape architect, registered land surveyor, or licensed professional engineer showing the proposed development (including buildings, parking area, streets, sidewalks, driveways, utilities, and water retention areas) and noting the location of all protected trees at the minimum protected size or greater within the area to be modified from its natural state. Dense stands of trees can be outlined noting the number, species, caliper and category of trees. Trees at the minimum protected size or greater to be removed must be indicated.
   - A schedule identifying the quantity of protected trees and their caliper by species to be removed.

2. A tree replacement plan including:
   - 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.

- A schedule indicating the quantity, size (caliper and height), and species of all replacement plantings. A total must be provided for each species type.

E. Permitted Tree Removal Areas

1. Removal of protected trees is permitted within the area used, or to be used, by a permanent structure within the lot building area and 10 feet to either side, front, or rear of the structure, without replacement planting.

2. 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 below.

3. Reasonable effort must be demonstrated to preserve protected trees at the minimum protected size or greater within all tree removal areas. Reasonable effort includes consideration of alternate building design, building location, parking area layout, parking area location, or water retention location.

F. Tree Replanting

1. When used for the replacement of protected trees of 24 caliper inches or less, replanted Category I and Category II trees must be at least 10 feet tall and have a trunk of at least 3.5 caliper inches. Replanted Category III trees must be at least 6 feet tall and have a trunk of at least 2 caliper inches.

2. When used for the replacement of protected trees greater than 24 caliper inches, replanted Category I, II, or III trees must be at least 12 feet tall and have a trunk of at least 3.5 caliper inches.

3. Use of native tree species is encouraged. Trees used in replanting must be from the same Category as the protected trees being removed.

4. Tree replanting must be done at a minimum rate of one caliper inch for every 1.5 caliper inches designated to be removed on the Tree Survey Plan. If the site cannot physically accommodate replanting required, 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.

G. Tree Removal without Approval

Protected tree removed prior to approval are replaced at higher planting standards.

1. Replanted Category I and Category II trees must be at least 10 feet tall with a minimum caliper of 3 inches. Replanted Category III trees must be at least 6 feet tall with a minimum caliper of 2 inches.

2. Protected trees must be replaced at a minimum rate of one caliper inch for every one caliper inch.

6.4 Landscaping – Minimums

Yards within the Town of Avon must be landscaped primarily with turf or other plant materials. Pavement of yards other than for parking or loading purposes is prohibited. In new residential subdivisions, each lot must be planted with shade trees at a rate of one tree for every 3,500 s.f. of lot area. For the purposes of calculating landscaping requirements, each fraction of a tree counts as one whole tree. Where there is insufficient room to place a shade tree...
on a lot, the shade tree may be planted within a common area within the subdivision.

6.5 Landscaping – Foundation Plantings

Landscaping is required at the base of all principal buildings. Foundation planting must be located adjacent to the building or within 12 feet of the building when a sidewalk runs adjacent to the building.

A. Required Landscape Area: A landscaped area at least 5 feet wide must be provided around the perimeter of all principal buildings, excluding access to the buildings such as loading areas and doorways. Walkways do not constitute access points to the building, as landscape areas may be provided adjacent to the walkway.

B. Coverage: Foundation landscaping areas must remain open and free of paving except where paving at access points is required.

C. Plant Material: Foundation landscaping is a combination of shade or ornamental trees, evergreens, shrubbery, hedges and/or other plants at a rate of at least one ornamental tree plus 10 shrubs per 50 linear feet of landscape area. Plant material substitutions may be made according to 6.2.A(9) Plant Material Substitutions. At least 10% of the required shrubs must be perennials. Attention should be given to screening mechanical equipment, softening large expanses of building walls, and accenting building entrances and architectural features.

D. Ground Cover: Except where occupied by planting beds, foundation landscaping areas must be planted with sod or another comparable ground cover as determined appropriate by the Plan Commission.

6.6 Landscaping – Parkways

A. Applicability: The following requirements apply to the areas within rights-of-way (1) between the curb and sidewalk, and (2) within medians between traffic lanes.

B. General Landscape Requirements: Unpaved portions of rights-of-way must be planted with turf, trees, shrubs, and/or ground cover.

C. Parkway Trees

1. Quantity and Spacing - Parkway trees are required in the right-of-way adjacent to the parcel planted at the rate of at least one tree per 50 linear feet. Where appropriate, parkway trees may be clustered in the right-of-way.

2. Species - A variety of compatible species should be included in the planting plan for a specific site. Tree species are reviewed and approved by the Administrator with particular regard for site-appropriate species. Trees proposed for placement along streets should be selected from the Town of Avon Landscape Manual.

D. Parkway Ground Surface Treatment

1. Native grasses maintained to not more than 6 inches high are permitted adjacent to vacant or unimproved properties. Rocks, gravel, bark, or other similar materials are prohibited in these locations.

2. Turf is recommended on slope grades up to 50% (2 horizontal: 1 vertical). Turf is not recommended on slopes greater than 50%.

3. Driveways and walkways are permitted in parkways.

4. Brick pavers, gravel, concrete, or asphalt not a part of driveways or
walkways, and shrubs or groundcover exceeding 18 inches high at maturity are prohibited in parkways.

E. Parkways along Signature Streets

Along streets identified as Signature Streets on the Thoroughfare Plan, a minimum 20-foot wide landscape buffer is required along all new development and right-of-way. The buffer area may include a berm. A meandering sidewalk a minimum of 6-feet wide or a 10-foot multi use path must be constructed as directed by staff. Landscaping to create an effective screen includes at least 50% evergreens, and deciduous trees, shrubs, and annuals/perennials. If a berm is used it must meet the standards set forth in 6.8 Buffers. One tree and 10 shrubs must be planted for every 50 lineal feet of street frontage. Public Art may substitute for a portion of the landscaping at the approval of the Plan Commission.

6.7 Landscaping – Parking Lots

A. Applicability: Parking lots designed for 10 or more parking spaces must provide landscaping according to the provisions of this article. Parking lots designed with fewer parking spaces must provide landscaping as deemed appropriate by the Administrator.

B. Interior Parking Lot Landscaping:

1. Area Required – At least 5% of the interior of a parking lot must be devoted to landscaping. Landscape islands and divider medians used to meet the requirement of 6.13 Parking - Specific Requirements may be included toward satisfying this requirement. Landscaping areas located along the perimeter of a parking lot beyond the curb or edge of pavement of the lot cannot be included toward satisfying this requirement.

2. Location - Interior planting islands at least 6 inches above the finish surface must be dispersed throughout the parking lot to maximize canopy cover and shade the parking lot while aesthetically corresponding to the size and shape of the parking lot.

3. Material - The primary plant materials used in parking lots are shade trees. Shrubbery may be used to supplement the tree plantings but must not be the sole contribution to such landscaping.

4. Planting – At least one shade tree must be provided for every 300 square feet of landscaping area, provided each landscape island has a minimum of one shade tree. At least 50% of every interior parking lot landscaping area must be planted with an approved ground-cover in the appropriate density to achieve complete cover within 2 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 3 inches.

C. Perimeter Parking Lot Landscaping.

1. Landscape Area - Where perimeter landscaping is required, it must be at least 5 feet wide measured from the back of curb and excluding any parking space overhang area. Perimeter landscaping is required on all sides of the parking lot not immediately adjacent to the building served by the parking lot.

2. Required Improvements - The perimeter landscape area must provide the following landscape improvements:

   a. Shade Trees – At least one tree for every 50 lineal feet of length.
Shade trees may be clustered based on specific site conditions.

b. **Shrubs** - Shrubs, at least 18 inches at planting and not to exceed 4 feet at maturity, clustered or spaced linearly to form a continuous dense hedge. A shrub hedge must run the full length of the lot when abutting a residential use and 75% of the lot when abutting a non-residential use. Evergreen shrub hedges are required adjacent to residential properties in order to limit headlight glare in all seasons.

c. **Groundcover** - Landscaped areas not occupied by shrub masses must be planted in turf or other ground-cover.

d. **Wall** - A masonry wall having a significant design variation evenly spaced at intervals of not more than 20 lineal feet.

### 6.8 Landscaping – Buffers

**A. General**

Landscape buffers are required for transitions between uses. Landscape buffers are reserved for the plant material and mounds or fencing as required within this section. Parking, driveways, sidewalks, accessory buildings or other impervious surfaces are not permitted, unless specifically authorized by the Plan Commission or the Administrator. In commercial and industrial districts, landscape buffers may be located within required yards for the applicable district regulations. In residential districts, landscape buffers are in addition to the required yard for the applicable district regulations. Where a continuous solid screen is required, the density of the planting must form a solid visual screen within 3 years of the date planted. Where both landscape buffers and parking lot landscaping is required, the more restrictive standard applies. For the purposes of calculating landscaping requirements, each fraction of a tree is counted as one whole tree.

**B. Location of Landscape Buffers**

Landscape buffers are located on the outer perimeter of a lot, extending from the lot line inward, except when prohibited by certain easements or road rights-of-way. In such cases the landscape buffer extends to such easement or right-of-way. Landscape buffers run the entire length of the lot line along which they are required.

**C. Landscape Buffers for Multi Family Uses**

Where a multiple family use abuts a single-family use or two-family residential use, or another multiple family use, a landscape buffer at least 10 feet wide with a solid, year-round screen of at least 6 feet high is required. The screen must be achieved using at least one of the following:

1. Evergreen trees or shrubs planted at a rate of at least one tree/shrub for every 30 feet of the yard length. The trees/shrubs may be clustered only to create a more effective screen. Ornamental or shade tree substitutions are only permitted if the result creates a solid, year-round screen at least 6 feet high.

2. Undulating mounding with a minimum top width of at least 2 feet and a maximum side slope of 3 feet horizontal to one foot vertical (3:1). Mounding must have a minimum height of 3 feet and a maximum height of 8 feet. Mounding should vary in width and height. Straight, monolithic mounds without variation are prohibited. Mounds must be planted with a combination of ground cover, shrubs, and trees.
creating a solid, year-round screen to a minimum height of 6 feet.

3. A solid opaque fence 6 feet in height along 100% of the yard length.

4. An intermittent solid, opaque fence 6 feet in height supplemented with landscaping 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 width of a buffer yard.

5. Areas not planted with trees or shrubs must be maintained as turf or other ground cover.

D. **Landscape Buffers for Commercial and Industrial Uses**

Where a lot in a Commercial District or Industrial district abuts a residential district or use, a landscape buffer at least 30 feet wide with a solid, year-round screen at least 8 feet high is required. A combination of mounding and plantings is encouraged to ensure the minimum height is reached within 3 years of planting. Where mounding is not used, either dense evergreens or a solid opaque fence must be used to ensure continuous screening all times of the year. The screen must be achieved using at least one of the following:

1. Evergreen trees or shrubs planted at a rate of at least one tree/shrub for every 30 feet of the yard length. The trees/shrubs may be clustered only to create a more effective screen. Ornamental or shade tree substitutions are only permitted if the result creates a solid, year-round screen at least 8 feet high.

2. Mounding with a minimum top width of at least 2 feet and a maximum side slope of 3 feet horizontal to one foot vertical (3:1). Mounding cannot exceed 8 feet in height. Mounds must be planted with a combination of ground cover, shrubs, and trees creating a solid, year-round screen to a minimum height of 8 feet.

3. A solid opaque fence 6 feet in height along 100% of the yard length.

4. An intermittent solid, opaque fence 6 feet in height supplemented with landscaping 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 width of a buffer yard.

5. Areas not planted with trees or shrubs must be maintained as turf or other ground cover.

E. **Landscape Buffers for Residential Subdivisions**

For all one- and two-family subdivisions, a landscape yard at least 30 feet wide is required where the subdivision abuts an existing public roadway, a zoning district of lesser intensity, or an existing subdivision of lesser intensity. The buffer must be located in (1) a common area or (2) as a landscape easement on private lots with an obligation in the covenants for the homeowner’s association to maintain the landscape buffer if the lot owner does not. The required buffer must be achieved using at least one of the following:

1. Planting at a rate of at least one tree and 6 shrubs for every 30 feet of the yard, as measured along the property line. Living plant materials must cover a minimum of 70% of the required landscape area within 5 years of planting. The required plant materials may be installed in any arrangement and do not need to be linear in design.
2. Mounding with a minimum top width of at least 2 feet and a maximum side slope of 3 feet horizontal to one foot vertical (3:1). The mounding cannot exceed 8 feet in height. Mounds must be planted with a combination of ground cover, shrubs, and trees. Mounding is required adjacent to perimeter roads.

3. A solid, opaque fence at least 6 feet in height along 100% of the yard length.

4. An intermittent solid, opaque fence at least 6 feet in height supplemented with landscaping.

5. Where a fence is proposed, the Plan Commission may approve a reduction in the width of the buffer yard.

6. Areas not planted with trees or shrubs must be maintained as turf or other groundcover.

F. **Landscape Buffers for Abutting an Agricultural District**

A landscape yard of 50 feet wide is required where the district or use abuts an existing Agricultural District (AG). The buffer must be located in a (1) common area or (2) landscape easement on private lots with an obligation in the covenants for the homeowners association to maintain the landscape buffer if the lot owner does not. The required buffer must be achieved using at least one of the following:

1. Planting at a rate of at least 2 shade trees, 2 ornamental trees, 5 evergreen trees, and 15 shrubs per linear feet of the yard, as measured along the property line. Living plant materials must cover a minimum of 70% of the required landscape area within 5 years of planting. The required plant materials may be installed 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 6 feet.

2. Mounding with a minimum top width of at least 2 feet and a maximum side slope of 3 feet horizontal to one foot vertical (3:1). Mounding must have a minimum height of 3 feet and a maximum height of 8 feet. Mounding should vary in width and height. Straight, monolithic mounds without variation are prohibited. Mounds must be planted with a combination of ground cover, shrubs, and trees creating a solid, year-round screen to a height of 6 feet.

3. Areas not planted with trees or shrubs must be maintained as turf or other groundcover.

4. Perimeter trails may be incorporated into the buffer.

5. The Agricultural District landscape buffer may contribute to the overall open space requirements of the District or Use even if located on private lots.

G. **Landscape Buffers for Planned Unit Development Districts**

Planned Unit Development Districts must provide landscape buffers based upon the type of use within the PUD and the use of the abutting property. For example, a commercial use area of a PUD abutting an existing residential use would provide the buffer required in 6.8(D) **Landscaping Buffers**. The specific design of the landscape buffer can further be defined in the PUD if changes are being proposed.
6.9 Landscaping – Additional Screening Requirements

A. Trash Receptacles

Trash receptacles in all zoning districts must be screened on three sides by a solid wood, brick or masonry structure to a minimum height of 6 feet and a maximum height of 8 feet. The fourth side provides access for refuse collection. This side must be gated with a solid, opaque gate. The gate must always remain closed trash is not being loaded or unloaded. All refuse must be kept within containers with the lids closed.

B. Loading Berths

Loading berths must be completely screened with a 6 to 8-foot-high, uniformly solid fence, wall, landscape screen, or combination of these elements.

C. Mechanical and Electrical Equipment

Building mechanical and electrical equipment visible from any public thoroughfare or residential use or district must be screened from view by means of fence, walls, landscape screens, or other approved method. Screening must be architecturally compatible with the primary structure.

D. Outdoor Uses and Storage

Outdoor non-residential manufacturing, assembling, repairing, maintenance and storage within 50 feet of a public street or residential district must be completely enclosed by a 6 foot high screen consisting of a solid fence, masonry wall, dense plant material, mounding, or any combination of these elements.

6.10 Lighting Standards

A. Light Tresspass

Outdoor lighting must limit light spillage onto adjacent property. Compliance can be achieved by utilizing fixture shielding, directional control designed into fixtures, fixture location, height, or aim, or a combination of these elements. Measured at any point along a property line, the maximum light spillage cannot exceed:

- 0.10 footcandles onto adjoining agricultural uses and residential uses.
- 0.30 footcandles onto adjoining commercial uses, industrial uses, and public rights-of-way.

B. Illumination of Buildings and Other Vertical Structures

1. Illumination of buildings or other structures is limited to security lighting or highlighting architectural features. Security lighting is limited to illumination of doorways, windows, or other points of entry. Building lighting other than security lighting cannot emit more than 1200 lumens.

2. Lighting fixtures must be located or directed so light is directed only onto the building surface. All fixtures illuminating buildings must be fully shielded.

3. For statues, monuments, fountains, or other objects that may be difficult to reliably and consistently illuminate with downward lighting, spotlights may be used to confine the illumination to the object of interest.

4. Spotlights may be used to illuminate flags. Floodlights directed above the horizontal are prohibited when illuminating a flag.
C. Parking Lot Lighting

Lighting fixtures serving parking lots must be full cutoff fixtures. The maximum average illumination level for a parking lot is 1.6 foot-candles at grade level. The minimum average illumination level for a parking lot is 0.1 foot-candles at grade level when the parking lot is in use. Light fixtures located on the perimeter of parking lots within 20 feet of a property line must use shielding to minimize light spillage at the property line.

D. Lighting of Exterior Display or Open Sales Areas

If illuminated, exterior displays or open sales areas must be illuminated so the average maintained illumination at grade level is no more than 4 foot-candles. Light fixtures located less than 3 times the fixture mounting height from a residential property line or 2 times the fixture mounting height from non-residential property lines, must use shielding to limit light spillage at the property line.

E. Lighting of Walkways, Bikeways, Parks and Playgrounds

Where lighting is provided for walkways, bikeways, or parks, the following requirements apply:

1. The walkway, pathway, or ground area is illuminated to a level of 0.5 foot-candles.
2. The vertical illumination levels at a height of 5 feet above grade cannot exceed 0.5 average foot-candles.
3. Lighting fixtures must direct light downward. The initial output of light sources cannot exceed 1,000 lumens.

F. Lighting of Canopies and Bays

1. The average horizontal illumination at grade level under canopies cannot exceed 15 foot-candles.
2. If illuminated, areas used for vehicle storage must be illuminated according to the requirements for Parking Lot Lighting.
3. Light fixtures mounted on or under canopies must be full cutoff unless indirect lighting is being used to direct upward and then reflect down from the ceiling of the structure. In this case, light fixtures must be shielded to direct illumination exclusively on the ceiling of the structure.
4. Lights cannot be mounted on the top or sides of a canopy. The sides of a canopy cannot be illuminated.
5. Lighting for drive-through bays must be fully shielded.

G. Outdoor Activity Facilities

1. Outdoor activity facilities may have unique lighting needs for performing or playing areas. A design plan detailing the lighting requirements of the performing or playing areas, and how to minimize unwanted glare,
Chapter 6:16 Lighting Standards

Avon UDO

illumination of surrounding streets and properties, and nighttime atmospheric light pollution.

2. If floodlighting is used, the center beam must be aimed below the horizontal plane at least ½ the angular beam spread of the fixture. A registered engineer must certify the design and installation of such lighting systems comply with the requirements of this Ordinance.

3. Except for sporting events covered by intrastate televised broadcast, the illumination of the playing field or performing area cannot be exceeded 30 foot-candles.

H. Street Lighting

All new, repaired, or replaced street lights must conform to the specifications established by the Public Works Director.

I. Neon Lighting

Light sources consisting of glass tubes filled with neon, argon, krypton, or other similar gas ("neon lighting") are excluded from shielding and line-of-sight requirements but must comply with the light trespass requirements. Neon lighting is not considered security lighting.

J. Other Outdoor Lighting

1. Outdoor lighting not otherwise specified in this Ordinance emitting more than 1200 lumens must 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 must be frosted glass or covered by frosted glass or other similarly translucent material.

2. A spotlight or floodlight of less than 1800 lumens need not be full cutoff or fully shielded if its center beam is aimed at a point not beyond any property lines and no less than 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 cannot be activated by normal business or resident activity.

3. Tower or antenna lighting is not permitted unless required by the Federal Aviation Administration.

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

K. Lighting Plan

Wherever a lighting plan is required by this Ordinance, it becomes an integral part of any development review application. An improvement location permit cannot be issued without first obtaining approval of a required lighting plan. A lighting plan must include the following:

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

2. A description of the outdoor light fixtures including manufacturer's catalog cuts, photometric report with candela distribution, drawings, and shielding information;

3. Analysis and illuminance level diagrams showing the proposed installation conforms to the lighting level standards in this ordinance.
4. Changes to an approved lighting plan must be subject to review and approval by the Administrator.

L. Enforcement

Failure to adhere to the lighting requirements of this Ordinance or an approved lighting plan is a violation of this Ordinance and subject to the procedures of CHAPTER 9 – ADMINISTRATION AND ENFORCEMENT.

M. Exceptions

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

2. Emergency lighting and traffic control lighting are exempt from the requirements of this chapter.

N. Lights not Conforming to this Chapter

1. Authority to Continue: Any lawful lighting fixtures located within the Town at the effective date of this Ordinance or after the effective date of this Ordinance, which do not conform to the provisions of this chapter, may continue provided the lighting remains in compliance with the provisions of this chapter.

2. Ordinary Maintenance and Repair: Nothing in this chapter relieves 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, is not a condition which triggers a loss of lawful status described below, unless such maintenance increases the nonconforming aspects of the lighting.

3. Loss of Lawful Status: Legal nonconforming status terminates under the following conditions:

   a. if a light fixture is no longer used for a period of 6 months it is deemed abandoned and cannot be reestablished; or

   b. if a lighting fixture is structurally altered such that its nonconforming aspects increase; or

   c. if a lighting fixture is relocated, replaced, or moved in any way; or the lighting fixture is damaged, and the cost of repair exceeds 50% of its replacement value.

Upon the event of any of these conditions, the lighting fixture must be immediately brought into compliance with this chapter, or the lighting fixture must be removed.

4. Removal Pursuant to Public Order: Lighting found by a governmental agency to create public hazard can be ordered removed or altered at any time.

6.11 Parking and Loading

A. Off-Street Parking and Loading Required

Unless otherwise restricted in this Ordinance, off-street parking and loading facilities are permitted as an accessory use in all zoning districts. All uses, buildings, structures, and
building additions established after the effective date of this Ordinance, must provide accessory parking and loading facilities as specified.

B. **General Requirements**

1. **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 must be provided for the increase required for the new use or the increase in intensity.

2. **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 cannot be reduced below the requirements for this Ordinance.

3. **Additional Parking and Loading Facilities for Existing Uses**: Nothing in this Ordinance prevents the voluntary establishment of off-street parking or loading facilities to serve any existing use or building, provided the parking or loading facilities either: (a) meet all regulations of this Ordinance governing the location, design, amount, and operation of such facilities, or (b) 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, requires an improvement location permit.

4. **Type of Facilities**: Off-street parking and loading facilities for all types of uses may be provided in either paved surface lots, underground, including under a building or structure, or in parking structures conforming to the provisions of this Ordinance.

5. **Parking Plan Required**: An application for an improvement location permit for a commercial, industrial, or multi-family development or remodel, must include a parking site plan, drawn to scale and fully dimensioned, showing all proposed parking or loading facilities to be provided.

C. **Location of Off-Street Parking Facilities**

Except for Town owned property, off-street parking and loading facilities must be located on the same lot as the associated use. In residential districts, off-street parking facilities cannot be in any required yard, (except driveways may cross through a required yard. In the commercial and industrial districts, off-street parking facilities may be in any yard, but no closer than 5 feet from any side or rear property line or 10 feet from any right-of-way line. Parking facilities cannot be located closer than 20 feet from any right-of-way line along US 36, Dan Jones Road, or State Route 267. Customer or employee parking is prohibited 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. **Off-Site Parking Provisions**: Off-street parking may be provided off-site in the following limited circumstances.

   a. In commercial districts, parking facilities may be located within 300 feet of the building they are required to serve.

   b. In industrial districts, parking facilities may be located within 600 feet of the building they are required to serve.
c. These distances are measured from the nearest point of the parking facility to the nearest point of the building the facility is required to serve.

2. **Shared Parking**

a. Off-street parking facilities for separate uses may be provided collectively if the total number of spaces provided collectively is not less than the sum of the separate requirements for each such use, and that the 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 25% reduction of the total number of required parking spaces for uses jointly providing parking when their respective hours of operation do not substantially overlap. The property owners involved in the shared parking facility must provide:

   - Enough data to indicate there is not a substantial conflict in the principal hours of operation of the uses.

   - A legal agreement approved by the Town Attorney guaranteeing the parking spaces are maintained as long as the uses participating are in existence or unless the required parking is provided elsewhere according to this chapter. This agreement must be recorded with the Hendricks County Recorder’s Office.

c. Approval of a shared parking agreement is considered a waiver request and is evaluated according to the provisions of 8.15 **Waivers**.

D. **Size and Access Off-Street Parking Area**

1. The dimension of a required off-street parking space is set forth in Table 6.1 below.

2. Each required off-street parking space must open directly upon an aisle or driveway as set forth below. No portion of a street or alley may be used in computing such aisle or access area. All off-street parking facilities must be designed with appropriate means of vehicular access to a street.

3. The first 20 feet of a drive must be kept free from parking maneuvers.

4. The minimum turning radius of all parking drives is 10 feet.

<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’</td>
<td>8’</td>
<td>20’</td>
<td>15’/24’</td>
</tr>
<tr>
<td>60</td>
<td>10’</td>
<td>8’</td>
<td>20’</td>
<td>18’/24’</td>
</tr>
<tr>
<td>90</td>
<td>10’</td>
<td>8’</td>
<td>20’</td>
<td>24’/24’</td>
</tr>
<tr>
<td>Parallel</td>
<td>8’</td>
<td>8’</td>
<td>22’</td>
<td>14’/22’</td>
</tr>
<tr>
<td>Aisle with no parking (drive-thru)</td>
<td>12’’/24’</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

E. **Off-Street Parking Area**

1. Grading, Surfacing and Striping: Off-street parking areas or structures must be graded for proper drainage. The minimum grade is 1%. The maximum grade is 5%, except for access ramps that may have a grade up to 8%.
2. Off-street parking areas must be fully improved with a hard surface pavement such as asphalt or concrete capable of carrying a wheel load of 4,000 pounds. Parking areas must be maintained in a manner preventing the release of dust and be free of trash and debris.

3. Gravel parking areas may be approved only by the Board of Zoning Appeals through the special exception process. In its review, the Board considers 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.

4. The surface of parking areas must be striped to define each parking space.

F. **Wheel Stops**

Pedestrian walkways adjacent to parking spaces must be protected from vehicle encroachment through wheel stops. Wheel stops must have a minimum height of 6 inches above the finish surface of the parking area, be properly anchored, and maintained in good condition. Wheel stops are not required when adjacent to pedestrian walkways 6 feet or more in width.

G. **Landscape Islands**

All rows of parking spaces must have terminal islands and at least one island every 15 parking spaces. Islands must have concrete curbs and at least 130 square feet of area with a minimum width of 8 feet.

H. **Curbing**

1. Concrete curbing is required along perimeter of the parking area and along any interior island.

2. Where necessary, wheel stops or other devices are required to insure motor vehicles do not encroach beyond a parking space or into a required yard or landscaping.

3. Paving and curbing of off-street parking areas must be at least 5 feet from any property line unless it can be specifically demonstrated the intent is to extend the parking to adjoining properties. A parking plan showing the extension of the parking must be submitted and approved during the review process.

4. Parking areas in commercial and industrial districts must have at least a 5 foot separation from the wall of a building.

I. **Sight Clearance**

Access points for off-street parking areas must meet the vision clearance requirements of **5.21 Vision Clearance Standards**.

J. **Use**

1. Required accessory off-street parking facilities can only be used for the parking of passenger automobiles or light trucks (less than one-ton capacity), of patrons, occupants, or employees of the site’s primary use.

2. Unless otherwise authorized by this Ordinance, off-street parking areas cannot be used for the sale, repair, dismantling, or serving of any vehicles, equipment, materials, or supplies.

K. **Illumination**

Parking area lighting must meet the requirements specified in **6.10 Lighting Standards**.

L. **Pedestrian Circulation**:

Retail uses, restaurants, and other uses where pedestrian traffic is anticipated must provide a 5 foot perimeter sidewalk within 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.

6.12 Parking — Computation and General Requirements

A. Computation of Required Spaces

1. Basis for Computation: The total number of required parking spaces is based upon the parking requirement for the principal use of the lot except that where residential uses and non-residential uses occupy the same zoning lot, the number of parking spaces for the residential uses are calculated separately from, and in addition to, the parking requirements for the non-residential uses.

2. Fractional Spaces: When the calculation of the number of required parking spaces results in a fraction, any fraction requires one additional parking space.

B. Stacking Requirements for Drive-Through Facilities

1. A drive-through facility must provide stacking spaces prescribed Table 6.2. The stacking spaces cannot 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 Administrator</td>
</tr>
</tbody>
</table>

2. Each stacking space must be at least 20 feet long, and each lane of stacking spaces must be at least 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 must have a by-pass lane at least 12 feet wide. When the by-pass lane also serves as a drive aisle for parking, the minimum aisle width noted in Table 6.1 must be provided. By-pass lanes do not need to be marked.

C. Required Spaces

The minimum automobile off-street parking required is provided in Table 6.3 below.
### Table 6.3 – Off Street Parking Requirements

<table>
<thead>
<tr>
<th>RESIDENTIAL PRIMARY USES</th>
<th>Vehicle Min</th>
</tr>
</thead>
<tbody>
<tr>
<td>Household Living</td>
<td></td>
</tr>
<tr>
<td>Dwellings - Single-Family Detached</td>
<td>2.0/DU</td>
</tr>
<tr>
<td>Dwellings - Duplex</td>
<td>1.25/DU</td>
</tr>
<tr>
<td>Dwellings - Triplex and Fourplex</td>
<td>1.25/DU</td>
</tr>
<tr>
<td>Dwellings - Bungalow Court</td>
<td>1.25/DU</td>
</tr>
<tr>
<td>Dwellings - Townhouse</td>
<td>1.25/DU</td>
</tr>
<tr>
<td>Dwellings - Apartment Building: Small</td>
<td>1.25/DU</td>
</tr>
<tr>
<td>Dwellings - Apartment Building: Large</td>
<td>1.25/DU</td>
</tr>
<tr>
<td>Accessory Dwelling Unit</td>
<td>1.0/DU</td>
</tr>
<tr>
<td>Upper Story Residential</td>
<td>1.25/DU</td>
</tr>
<tr>
<td>Live/Work</td>
<td>1.25/DU</td>
</tr>
<tr>
<td>Mobile home</td>
<td>1.5/DU</td>
</tr>
<tr>
<td>Group Living</td>
<td></td>
</tr>
<tr>
<td>Assisted Living Facilities</td>
<td>0.75/unit</td>
</tr>
<tr>
<td>Fraternity, Sorority, or Student Housing</td>
<td>1.25/unit</td>
</tr>
<tr>
<td>Group Residential Facility</td>
<td>0.75/unit</td>
</tr>
<tr>
<td>Nursing Home, Hospice</td>
<td>0.75/unit</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CIVIC, PUBLIC &amp; INSTITUTIONAL PRIMARY USES</th>
<th>Vehicle Min</th>
</tr>
</thead>
<tbody>
<tr>
<td>Basic Utilities</td>
<td></td>
</tr>
<tr>
<td>Utility, Major Impact</td>
<td>0.5/1,000 sf of GFA</td>
</tr>
<tr>
<td>Utility, Minor Impact</td>
<td>0.5/1,000 sf of GFA</td>
</tr>
<tr>
<td>Community/Public Services</td>
<td></td>
</tr>
<tr>
<td>Child Care Facilities</td>
<td>1/1,000 sf of GFA</td>
</tr>
<tr>
<td>Community Center</td>
<td>0.5/1,000 sf of GFA</td>
</tr>
<tr>
<td>Correctional Institution</td>
<td>0.5/1,000 sf of GFA</td>
</tr>
<tr>
<td>Fairgrounds</td>
<td>No requirement</td>
</tr>
<tr>
<td>Hospital</td>
<td>2.5/1,000 sf of GFA</td>
</tr>
<tr>
<td>Municipal &amp; Government Buildings</td>
<td>1/1,000 sf of GFA</td>
</tr>
<tr>
<td>Cultural/Special Purpose/Public Parks &amp; Open Space</td>
<td></td>
</tr>
<tr>
<td>Cemetery</td>
<td>1/1,000 sf of GFA</td>
</tr>
<tr>
<td>Libraries and Museums</td>
<td>1/1,000 sf of GFA</td>
</tr>
<tr>
<td>Parks and playgrounds</td>
<td>No requirements</td>
</tr>
<tr>
<td>Education</td>
<td></td>
</tr>
<tr>
<td>Schools - public and private</td>
<td>1/1,000 sf of GFA</td>
</tr>
<tr>
<td>Schools - vocational</td>
<td>1/1,000 sf of GFA</td>
</tr>
<tr>
<td>Public &amp; Religious Assembly</td>
<td></td>
</tr>
<tr>
<td>All Types</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>COMMERCIAL SALES, SERVICES, AND REPAIR PRIMARY USES</th>
<th>Vehicle Min</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult Business</td>
<td></td>
</tr>
<tr>
<td>All Types</td>
<td>2.5/1,000 sf of GFA</td>
</tr>
</tbody>
</table>
### Table 6.3 – Off Street Parking Requirements

<table>
<thead>
<tr>
<th>Category</th>
<th>Minimum Parking Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Arts, Recreation &amp; Entertainment</strong></td>
<td></td>
</tr>
<tr>
<td>Arts, Recreation, Entertainment, Indoor</td>
<td>2.5/1,000 sf of GFA</td>
</tr>
<tr>
<td>Arts, Recreation, Entertainment, Outdoor</td>
<td>2.5/1,000 sf of GFA</td>
</tr>
<tr>
<td>Sports and/or Entertainment Arena or Stadium</td>
<td>1/1,000 sf of GFA</td>
</tr>
<tr>
<td><strong>Parking of Vehicles</strong></td>
<td></td>
</tr>
<tr>
<td>Parking Garage</td>
<td>No requirement</td>
</tr>
<tr>
<td>Parking Lot</td>
<td>No requirement</td>
</tr>
<tr>
<td><strong>Eating &amp; Drinking Establishments</strong></td>
<td></td>
</tr>
<tr>
<td>Restaurants – class A</td>
<td>5/1,000 sf of GFA</td>
</tr>
<tr>
<td>Restaurants - class B</td>
<td>5/1,000 sf of GFA</td>
</tr>
<tr>
<td>Taverns &amp; lounges</td>
<td>5/1,000 sf of GFA</td>
</tr>
<tr>
<td><strong>Lodging Accommodations</strong></td>
<td></td>
</tr>
<tr>
<td>Bed and Breakfast Establishments</td>
<td>1/guest room</td>
</tr>
<tr>
<td>Hotel or Motel</td>
<td>1/guest room</td>
</tr>
<tr>
<td><strong>Office</strong></td>
<td></td>
</tr>
<tr>
<td>Dental/Medical Office or Clinic</td>
<td>2/1,000 sf of GFA</td>
</tr>
<tr>
<td>Office, All Others</td>
<td>2/1,000 sf of GFA</td>
</tr>
<tr>
<td><strong>Retail Sales, Service &amp; Repair</strong></td>
<td></td>
</tr>
<tr>
<td>Animal Sales and Services, Household Pets</td>
<td>2.5/1,000 sf of GFA</td>
</tr>
<tr>
<td>Animal Sales and Services, All Others</td>
<td>1.5/1,000 sf of GFA</td>
</tr>
<tr>
<td>Food Sales or Market</td>
<td>2.5/1,000 sf of GFA</td>
</tr>
<tr>
<td>Pawn Shop</td>
<td>2.5/1,000 sf of GFA</td>
</tr>
<tr>
<td>Retail Sales, Service &amp; Repair, Outdoor</td>
<td>2.5/1,000 sf of GFA</td>
</tr>
<tr>
<td>Retail Sales, Service &amp; Repair, Special Handling</td>
<td>2.5/1,000 sf of GFA</td>
</tr>
<tr>
<td>Retail Sales, Service &amp; Repair, All Others</td>
<td>2.5/1,000 sf of GFA</td>
</tr>
<tr>
<td><strong>Vehicle/Equipment Sales, Service &amp; Repair</strong></td>
<td></td>
</tr>
<tr>
<td>Automobile Services, Light</td>
<td>0.5/1,000 sf of GFA</td>
</tr>
<tr>
<td>Automobile Services, Heavy</td>
<td>0.5/1,000 sf of GFA</td>
</tr>
<tr>
<td>Auto/Motorcycle/Boat/Light Truck Sales or Rentals</td>
<td>0.5/1,000 sf of GFA</td>
</tr>
<tr>
<td>Heavy Vehicle/Equipment Sales, Rentals &amp; Service</td>
<td>0.5/1,000 sf of GFA</td>
</tr>
<tr>
<td><strong>INDUSTRIAL, MANUFACTURING, AND WHOLESALE PRIMARY USES</strong></td>
<td>Vehicle Min</td>
</tr>
<tr>
<td>Communication Services</td>
<td>0.5/1,000 sf of GFA</td>
</tr>
<tr>
<td>Telecommunication Towers</td>
<td>No requirement</td>
</tr>
<tr>
<td>Telecommunication Facilities – All Others</td>
<td>No Requirement</td>
</tr>
<tr>
<td><strong>Industrial Services</strong></td>
<td></td>
</tr>
<tr>
<td>Contractors, Special Trade – General</td>
<td>0.5/1,000 sf of GFA</td>
</tr>
<tr>
<td>Contractors, Special Trade – Heavy/Contractor Yard</td>
<td>0.5/1,000 sf of GFA</td>
</tr>
<tr>
<td>Food Preparation and Sales, Commercial</td>
<td>0.5/1,000 sf of GFA</td>
</tr>
<tr>
<td>Laboratory, Research, and Development Services</td>
<td>0.5/1,000 sf of GFA</td>
</tr>
<tr>
<td><strong>Manufacturing &amp; Extraction and Energy Producing Systems</strong></td>
<td></td>
</tr>
</tbody>
</table>
### Chapter 6:24 Parking – Computation and General Requirements

<table>
<thead>
<tr>
<th><strong>Mining &amp; Extraction and Energy Producing Systems</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Mineral Extraction</strong></td>
<td>No requirement</td>
</tr>
<tr>
<td><strong>Refining or manufacturing of asphalt, cement, gypsum, lime, or wood preservatives</strong></td>
<td>No requirement</td>
</tr>
<tr>
<td><strong>Sand &amp; gravel extraction or sales</strong></td>
<td>No requirement</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Transportation Facilities</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Airport</strong></td>
<td>0.5/1,000 sf of GFA</td>
</tr>
<tr>
<td><strong>Heliport</strong></td>
<td>0.5/1,000 sf of GFA</td>
</tr>
<tr>
<td><strong>Mass Transit Facility (Bus/Light-Rail)</strong></td>
<td>0.5/1,000 sf of GFA</td>
</tr>
<tr>
<td><strong>Transportation services – rail &amp; air</strong></td>
<td>0.5/1,000 sf of GFA</td>
</tr>
<tr>
<td><strong>Rail distribution yards</strong></td>
<td>0.5/1,000 sf of GFA</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Waste Related Services</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Composting Facility</strong></td>
<td>No requirement</td>
</tr>
<tr>
<td><strong>Recycling recovery and center</strong></td>
<td>No requirement</td>
</tr>
<tr>
<td><strong>Salvage or junk yards</strong></td>
<td>No requirement</td>
</tr>
<tr>
<td><strong>Solid Waste Facility</strong></td>
<td>No requirement</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Wholesale Storage, Warehouse &amp; Distribution</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Automobile Towing Service Storage Yard</strong></td>
<td>0.5/1,000 sf of GFA</td>
</tr>
<tr>
<td><strong>Self-Storage Facilities</strong></td>
<td>0.1/1,000 sf of GFA</td>
</tr>
<tr>
<td><strong>Truck Freight Terminal/Distribution Center</strong></td>
<td>0.25/1,000 sf of GFA</td>
</tr>
<tr>
<td><strong>Vehicle Storage, Commercial</strong></td>
<td>0.5/1,000 sf of GFA</td>
</tr>
<tr>
<td><strong>Wholesale Trade or Storage, General</strong></td>
<td>0.5/1,000 sf of GFA</td>
</tr>
<tr>
<td><strong>Wholesale Trade or Storage, Light</strong></td>
<td>0.5/1,000 sf of GFA</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>AGRICULTURE PRIMARY USES</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Anhydrous Ammonia Storage &amp; Distribution</strong></td>
<td>0.5/1,000 sf of GFA</td>
</tr>
<tr>
<td><strong>Aquaculture</strong></td>
<td>0.5/1,000 sf of GFA</td>
</tr>
<tr>
<td><strong>Confined Feeding</strong></td>
<td>No requirement</td>
</tr>
<tr>
<td><strong>Farm</strong></td>
<td>No requirement</td>
</tr>
<tr>
<td><strong>Plant Nursery</strong></td>
<td>0.5/1,000 sf of GFA</td>
</tr>
<tr>
<td><strong>Roadside Produce Stand</strong></td>
<td>0.5/1,000 sf of GFA</td>
</tr>
<tr>
<td><strong>Sale Barn for Livestock</strong></td>
<td>0.5/1,000 sf of GFA</td>
</tr>
<tr>
<td><strong>Slaughterhouse</strong></td>
<td>0.5/1,000 sf of GFA</td>
</tr>
</tbody>
</table>
D. **Required Spaces – Bicycles**

Bicycle parking spaces must be provided as follows:

1. **Location and Placement Standards**
   - Bicycle parking must be located as close or closer than the nearest car parking space to the building entrance, other than those spaces for persons with disabilities.
   - Bicycle parking facilities cannot interfere with accessible paths of travel or accessible parking as required by the American with Disabilities Act.
   - Bicycle racks cannot block the building entrance or inhibit pedestrian flow.
   - Bicycle racks are located to protect bicycles from damage from automobiles.
   - Bicycle racks are designed to minimize visual clutter and be maintained in good condition.
   - Bicycle racks are securely anchored to the ground.

2. **Design Standards**
   - Each bicycle rack is designed to accommodate a minimum of 2 bicycles, one per side parked parallel to the rack. Bicycle racks must be designed as an inverted “U” unless an alternative is approved by the Plan Commission.
   - Bicycle racks are designed to resist cutting, rusting, bending and deformation.
   - The surfacing of bicycle parking areas is designed and maintained to be free of mud and snow.
   - Required bicycle parking spaces are at least 4 feet wide by 6 feet long with a vertical clearance of at least 6 feet.
   - Bicycle racks are placed on 48-inch centers.
   - The minimum required bicycle parking is evenly divided between each public entrance to the building. Bicycle racks may be grouped together provided a landscape divider is included once every 5 bicycle racks. Landscape areas must be at least 3 feet wide by 6 feet long planted with a mix of shrubs and perennials.

3. **Required Number**
   - Commercial/Non-Residential Uses – A minimum of one bicycle rack must be provided for every 20 automobile parking spaces required. Each development must have at least one bicycle rack.
   - Multi-Family Uses – One bicycle rack must be provided for every 8 automobile parking spaces. Each multi-family development must have at least one bicycle rack.
   - In all cases, the maximum required bicycle parking spaces is 20. Nothing in this ordinance prevents a developer from providing bicycle parking beyond the minimum or maximum requirement.
   - A reduction in the minimum required automobile parking may be approved by the Plan Commission equal to the number of required bicycle parking spaces provided. ADA accessible parking spaces must still be provided based on the required
automobile parking prior to the adjustment for bicycle parking spaces.

- When the intensity of use of any building, structure or premises increases and additional automobile parking is required, additional bicycle parking is also required. If the increase requires additional parking spaces of 35% or more of the existing total, bike parking must be provided for the total number of parking spaces on site.

E. **Accessible Parking Spaces**

Accessible parking must be provided for any building or use according to the following minimum requirements and any further requirements hereafter adopted by federal, state, or local law. Accessible parking spaces must be provided at the rate listed in **Table 6.4 – Accessible Parking Spaces**.

<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>
1. The dimensions of accessible parking spaces and applicable aisles must conform to ADA standards for accessible design.

2. For every 8 accessible spaces, at least one must be served by an access aisle at least 8 feet wide. The space is designated as van accessible.

3. Every accessible parking space must be in closest proximity to the most accessible entrance of the principal building.

4. The ramp from the access aisle to the sidewalk or other transition to the principal use cannot exceed a slope of 1:12.

5. The vertical clearance for accessible parking spaces must be at least 8 feet and 2 inches. The vertical clearance for passenger loading zones must be at least 9 feet 6 inches.

6. Accessible spaces must be designated by the international access symbol. Signs are placed at least 5 ½ feet above ground level to not to be obscured by parked vehicles. The mobility-impaired symbol must also be painted on the ground to the rear of the parking space.

6.13 Parking – Specific Requirements

A. Storage of Recreational Vehicles and Trailers

The following requirements apply to the parking or storage of recreational vehicles and trailers in residential districts.

1. Recreational vehicles and trailers may be parked or stored in accessory buildings.

2. Recreational vehicles and trailers may be parked or stored in the open provided no part of the vehicle or trailer projects into any required side or rear yard setback and the parking area has 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 cannot be parked in the open in a front yard or blocking any public right-of-way or sidewalk.

3. Only one recreational vehicle or trailer can be parked or stored in the open on a lot at any one time.

4. Parked or stored recreational vehicles and trailers cannot be occupied or used for living, sleeping or housekeeping purposes. Connections to gas, electric, water, or sanitary sewer service are prohibited.

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 7 days in duration, with a maximum total of 14 cumulative days per year. Trailers are always prohibited on residential streets.

6. Nothing in this ordinance should be construed to convey a right to a private property owner to violate a covenant restriction or agreement. Property owners should consult their homeowner’s association and their real estate title documents to avoid potential violations.

B. Commercial Vehicles in Residential Districts

The parking of a commercial, self-propelled vehicle in a residential zoning district is prohibited, except that one commercial vehicle of not more than 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 does not apply to the temporary loading of commercial vehicles in any residential district.

C. Off-Street Loading General Requirements

1. Location
   a. All required loading berths must be located on the same lot as the use served.
   b. Loading berths must be screened per 6.9 Landscaping – Additional Screening.
   c. Loading berths must be at least 35 feet from the intersection of any two streets.
   d. Loading berths cannot be in a front yard.
   e. Pavement or curbing must be at least 5 feet from any property line unless it can be demonstrated that the intent is to extend the paving to adjoining properties. A plan showing the paving extension must be submitted and approved during the review process.

2. Size
   a. For local pick-up and delivery trucks the loading berth must be at least 12 feet wide by 30 feet long, exclusive of aisle and maneuvering space, with a vertical clearance of at least 12 feet.
   b. For over-the-road tractor-trailers the loading berth must be at least 14 feet wide by 60 feet long, exclusive of aisle and maneuvering space, with a vertical clearance of at least 15 feet.

3. Access: Each required off-street loading berth must be designed with appropriate means of vehicular access to a street or alley in a manner that will least interfere with traffic movement. Access routes are approved by the Administrator or the Plan Commission.

4. Surfacing: All off-street loading berths must be surfaced with a bituminous asphalt or concrete capable of bearing a live load of 200 pounds per square foot.

5. Repair and Service: No motor vehicle repair work or service is 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 cannot be used to satisfy the space requirements for any off-street parking facilities.

7. Minimum Facilities: Uses requiring off-street loading facilities but located in buildings of less floor area than the minimum prescribed, must provide adequate receiving facilities accessible by motor vehicles off any adjacent alley, service drive, or open space on the same lot.

D. Off-Street Loading Specific Requirements

The requirements for off-street loading facilities are as follows, if loading spaces are not 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><strong>Retail/ Commercial</strong></td>
<td></td>
</tr>
<tr>
<td>7,500 - 75,000 sf of gross floor area</td>
<td>1 loading space</td>
</tr>
<tr>
<td>each additional 50,000 sf of gross floor area</td>
<td>1 loading space</td>
</tr>
<tr>
<td><strong>Office</strong></td>
<td></td>
</tr>
<tr>
<td>10,000 - 100,000 sf of gross floor area</td>
<td>1 loading space</td>
</tr>
<tr>
<td>each additional 100,000 sf of gross floor area</td>
<td>1 loading space</td>
</tr>
<tr>
<td><strong>Institutional and Recreational</strong></td>
<td></td>
</tr>
<tr>
<td>10,000 - 100,000 sf of gross floor area</td>
<td>1 loading space</td>
</tr>
<tr>
<td>each additional 75,000 sf of gross floor area</td>
<td>1 loading space</td>
</tr>
<tr>
<td><strong>Industrial</strong></td>
<td></td>
</tr>
<tr>
<td>5,000 - 25,000 sf of gross floor area</td>
<td>1 loading space</td>
</tr>
<tr>
<td>25,000 - 75,000 sf of gross floor area</td>
<td>2 loading space</td>
</tr>
<tr>
<td>each additional 50,000 sf of gross floor area</td>
<td>1 loading space</td>
</tr>
</tbody>
</table>
6.14 Signage – Purpose and Manner

A. Purpose

The purpose of this section is to provide a legal framework for the comprehensive regulation of signs in the Town of Avon. These regulations are designed to advance the Town of Avon’s substantial interests in the following:

1. Promoting traffic and pedestrian safety;
2. Promoting the Town’s unique residential, commercial, industrial, institutional, agricultural and other zoning districts, and the overlay districts that apply to these zoning districts;
3. Encouraging signs of good design that enhance the development environment, and are integrated and harmonious to the sites they serve;
4. Promoting development that enhances property values;
5. Preserving open space;
6. Minimizing the visual clutter associated with multiple signs either on the same property or in signs near one another; and
7. Protecting the health, safety and general welfare of the residents of the Town.

B. Manner of Regulation

The Town of Avon regulates signs only to advance its substantial governmental interests. These regulations do not consider the content of the regulated speech, are narrowly tailored to advance the Town’s substantial interests, and leave open ample alternative channels of communication for information.

6.15 Signage – Exemptions and Nonconforming Signs

A. Exemptions

The following signs are exempt from sign permit requirements, provided they meet the remaining requirements of this chapter and this Ordinance. Such signs are not counted against the maximum signage allowance set forth for the zoning district in 6:16 Signage – General Standards.

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 2 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. 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 12 square feet.
6. 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.
7. **Remembrances.** Tablets, grave markers, headstones, statuary/memorial plaques or remembrances of persons or events that are non-commercial in nature.

8. **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 2 square feet in area.

9. **Private traffic direction signs.** Private traffic direction signs directing traffic movement in and around a site, provided such signs do not exceed 4 square feet in area and 4 feet in height for each sign and that such signs contain no commercial messages.

B. **Signs Not Conforming to this Chapter**

1. **Authority to Continue:** Any lawful sign located within the Town at the effective date of this Ordinance or annexed into the Town after the effective date of this Ordinance, that does not conform to the provisions of this chapter, may continue provided the sign remains in conformance with the provisions of this section.

2. **Conditions of Lawful Status:** For the purposes of this chapter, legal nonconforming status is conferred only on signs authorized by a sign permit or variance. If no sign permit was required under the applicable preceding laws and the sign was otherwise in compliance with the requirements of the preceding, the sign retains its legal nonconforming status.

3. **Ordinary Maintenance and Repair:** Nothing in this section relieves the owner, user, or 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, is not a condition triggering a loss of lawful status described below, unless such maintenance increases the nonconforming aspects of the sign.

4. **Repairs Pursuant to Public Order:** Nothing in this section is deemed to prevent the restoration of a legal nonconforming sign to a safe condition to comply with and order of a public official.

5. **Loss of Lawful Status**

   a. Legal nonconforming status terminates under the following conditions:

      - if the sign is not used for a period of 6 months it is deemed abandoned and cannot be reestablished; or
      - if a sign is structurally altered so its nonconforming aspects increase;
      - if a sign is relocated, replaced, or moved in any way;
      - if a sign is damaged and the cost of repair exceeds 50% of its replacement value.

   b. Upon losing its legal nonconforming status, the sign must immediately be brought into compliance with this chapter or the sign must be removed. For the purpose of this subsection, the changing of copy is not considered the replacement of an existing legal nonconforming sign.

C. **Unenforceability During Elections**

   No regulation or ordinance relating to the number of signs, with a surface area less than 32
square feet is enforceable 60 days before an election until 12:01 a.m. the 6th day after the election, unless enforcement is necessary to ensure public safety. This regulation applies to general elections, municipal elections, primary elections, school district elections, and special elections.

6.16 Signage – General Standards

A. General Limitations

1. No sign can be erected or maintained that prevents free ingress or egress from any door, window, or fire escape. Signs cannot be attached to a standpipe or fire escape.

2. A sign cannot have more than 2 sign faces.

3. A sign cannot project above the top line of the building silhouette (either the top edge of the roof or the top of a parapet). A roof-integral sign cannot exceed a height of 6 feet, nor an overall height of 26 feet measured from grade to the sign's highest point.

4. A building mounted sign cannot project into the public right-of-way. A sign attached to a building must be at least 9 feet above grade and may extend up to 18 inches from the face of the building.

5. Permitted signs in residential districts must be located outside the right-of-way and may be located anywhere on the property provided they are no closer than 10 feet to any property line.

B. Specific limitations

1. Awnings, Canopies, and Marquees
   
   a. The distance from the average grade to the top edge of awnings, canopies, and marquees cannot exceed 20 feet.

b. The bottom edge of an awning, canopy, or marquee must provide at least 10 feet of clearance over walkways and 15 of clearance over driveways.

c. The area of awning, canopy and marquee signs is counted toward the maximum sign area for wall signs.

2. Changeable Copy Signs

   a. Where permitted, one changeable copy sign is allowed per zoning lot.

   b. Changeable copy signs must be used with pylon or ground signs. These signs are included in maximum area requirement for either the pylon sign or ground sign.

   c. A changeable copy sign cannot exceed 30% of the permitted sign area of the host sign.

   d. The owner of a changeable copy sign may substitute noncommercial copy in place of any other commercial or noncommercial copy. The substitution of copy is allowed by right without a new or additional permit. Nothing in this section should be construed as favoring commercial speech over noncommercial speech or favoring a noncommercial message over another noncommercial message.

C. Illumination

In addition to the lighting requirements of this section, the illumination of signs must meet the following requirements.

1. Location and Design of Light Source: When an external light source is used to illuminate a sign, such source must be designed, located, shielded and directed to prevent casting of direct light
upon any public right-of-way or residential property, or any point 20 feet or more outside adjoining property lines. Light fixtures must be top mounted and directed below the horizontal, except ground-mounted signs no higher than 6 feet which may be illuminated with ground-mounted or bottom-mounted lighting fixtures.

2. **Level of Illumination for Externally Illuminated Signs**: The average level of illumination on the vertical surface of an externally illuminated sign cannot exceed 30 foot-candles, except when ground-mounted or bottom-mounted lighting fixtures are used, in which case the average level of illumination cannot exceed 20 foot-candles. If a reflective type bulb or incandescent lamp is used on the exterior surface of any sign, it cannot expose the face of the bulb, light or lamp to any public right-of-way or adjacent property.

3. **Signs Adjacent to Residential Districts**: A sign within 600 feet of a residential district cannot be illuminated unless the sign is visibly obstructed from view from the residential district.

4. **Neon Lighting**: Signs using neon lighting are considered internally illuminated signs and are subject to the requirements for internally illuminated signs.

**D. Sign Area Computation**

The following principles control the computation of sign area.

1. **Computation of Area of Individual Signs**: The area of a sign face is computed by calculating the area of the smallest square, circle, rectangle, triangle, or combination of shapes that 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. Supporting framework or bracing is not included in the calculation unless the framework or bracing is made part of the message or face of the sign.

2. **Computation of Area of Multiple-Faced Signs**: The sign area for a sign with more than one face is computed by adding together the area of all sign faces visible from any point. When two identical sign faces are placed back to back so both faces cannot be viewed from any point at the same time and when the sign faces are part of the same sign structure not more than 42 inches apart, the sign area is 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, are considered one sign. If both faces of a sign are visible from any one point, both sign faces are computed separately.

3. **Computation of Height**: The height of a sign is 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 is construed to be the lower of the existing grade prior to construction or the newly established grade after construction, exclusive of any filling, mounding, or excavating solely for the purpose of locating the sign. In cases where the normal grade cannot reasonably be determined, sign height is 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.

**E. Construction, Design, and Maintenance**

1. Signs must meet the construction and design standards for signs in the Town's Building Code.

2. All signs must be maintained in good aesthetic and structural condition. The Administrator has the authority to pursue enforcement for signs violating these sign regulations.

**F. Litter Control**

All signs and the premises surrounding the sign must be maintained in a clean, sanitary and inoffensive condition, and free and clear of all noxious substances, rubbish and weeds.

**G. Landscaping Requirements**

1. Ground, pylon, or integrated center identification signs must meet the landscaping standards hereinafter specified.

   a. For every square foot of sign surface area at least 0.5 square feet of landscape area must be provided around the base of the sign.

   b. Signs exceeding 10 feet above the average surrounding grade are required to provide an additional one square foot of landscaped area for each foot of height. Fractional portions of a foot are rounded up to the next whole number.

   c. Required landscaped areas must be improved with plantings of a size and quantity proportionate to the size and height of the sign as determined by the Administrator. The landscaped area must also include ground protection such as ground cover plants, landscaping bark, or decorative stone.

   d. The property owner must maintain the landscaping including replacement of any dead or diseased vegetation, trimming overgrown vegetation, and maintaining any groundcover.

   e. Sign landscaping must be installed at the time the sign is erected.

2. Signage along a street classified as a Signature Street on the Thoroughfare Plan must have a masonry base and/or supports (if used) and be cohesive with the development and buffer. Landscaping, perennials and annuals must be planted around the signage to enhance the feel.

**H. Prohibited Signs**

1. Signs adversely affecting traffic and pedestrian safety are prohibited including:

   a. Signs or sign structures placed within public rights-of-way except for official traffic or information signs erected on behalf of the Town, Hendricks County, the State of Indiana or the United States of America;

   b. Signs imitating traffic or information signs;

   c. Signs or sign structures that impede the vision clearance area (see [5.21 Vision Clearance Standards](#)) of any intersection;

   d. Signs that move or give the appearance of movement that distract or
can distract operators of motor vehicles; and

e. Signs or sign structures located on any structures within the rights-of-way, such as utility poles, light standards, traffic control devices, or similar structures.

2. Signs adversely affecting the development environment are prohibited including:
   a. Signs painted on or attached to trees, rocks, or other natural features;
   b. Signs painted directly on an exterior portion of a building, fence, roof or chimney;
   c. Signs embedded in wall structures or roof shingles;
   d. Portable signs;
   e. Signs placed on parked vehicles, boats, trailers or other movable structures;
   f. Signs that display obscene matter.

I. Temporary Signs

Temporary signs are permitted in the Town if a sign permit is obtained first. Temporary signs must comply with the applicable regulations contained in this chapter.

1. Temporary signs exceeding 6 square feet require a permit. Applications for temporary sign permits must include a diagram depicting the number, location, size and other information identifying any proposed signage.

2. A temporary sign cannot exceed 32 square feet per sign face and cannot have its own illumination source.

3. A temporary sign cannot exceed 10 feet in height if freestanding. If placed on a building, the temporary sign must remain one foot below the roofline.

4. A temporary sign is allowed for a period not to exceed 60 days.

5. A landowner or occupant may not apply for more than 2 temporary sign permits during any 12-month period.
6.17 Signage – Specific Requirements

A. Regulation by District Classification

1. Residential Districts: The following signs maybe permitted in residential districts. Signs in residential districts can display only muted colors and must be compatible with the surrounding landscape.

<table>
<thead>
<tr>
<th>Residential Districts</th>
<th>Max. Number</th>
<th>Max. Area</th>
<th>Max. Height</th>
<th>Illumination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ground or Wall- single family subdivision identification</td>
<td>1 two-faced sign per entrance or 2 complementary one-sided face signs per entrance.</td>
<td>20 sf</td>
<td></td>
<td>Each sign may be illuminated.</td>
</tr>
<tr>
<td>Ground or Wall- multiple family complex identification</td>
<td>1 two-faced sign per entrance or 2 one-sided face signs per entrance.</td>
<td>24 sf</td>
<td></td>
<td>Each sign may be illuminated.</td>
</tr>
<tr>
<td>Ground or Wall- Non-Residential Uses permitted in Residential Districts</td>
<td>1 ground sign and 1 wall sign per public street front-age.</td>
<td>40 sf per sign</td>
<td>6 feet</td>
<td>Ground signs may be illuminated and may contain changeable copy. Wall signs cannot be illuminated. Each sign must indicate only the name and address of the building or use, conditions of operation, and associated information. Signs cannot include promotional information.</td>
</tr>
</tbody>
</table>

Temporary Promotional  See Article 6.16

Exempt  See Article 6.16

No more than 2 exempt signs are permitted on any premise at any one time, regardless of the content or type of sign. This limitation does not apply to political signs.
2. **Commercial Districts**: The following signs may be permitted in commercial districts. No more than one free standing sign (either pylon or ground) are permitted per road frontage, except where a unified center sign is used, in which case one sign is permitted per entrance to the center.

### C-1 Neighborhood Commercial and C-3 Transitional Office

<table>
<thead>
<tr>
<th></th>
<th>Maximum Number</th>
<th>Maximum Area</th>
<th>Max. Height</th>
<th>Min. Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ground Signs</td>
<td>1 sign per street frontage.</td>
<td>40 sf per sign</td>
<td>6 feet</td>
<td>5 feet. 10’ when abutting a residential district.</td>
</tr>
<tr>
<td>Wall Signs</td>
<td>1 sign per public street frontage. For multiple tenant buildings: 1 sign per tenant bay</td>
<td>1 sf 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 sf. For multiple tenant buildings: 1 sf for each linear foot of tenant space per public street frontage, provided the maximum area per street frontage does not exceed 100 sf</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Awnings & 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 area requirements.

**Temporary Promotional**
See *Article 6.16*

**Exempt**
See *Article 6.16*
## C-2 General Commercial

<table>
<thead>
<tr>
<th></th>
<th>Maximum Number</th>
<th>Maximum Area</th>
<th>Max. Height</th>
<th>Min. Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ground Signs</td>
<td>1 sign per 300 feet of public street frontage. Minimum separation: 100 feet.</td>
<td>60 sf per sign</td>
<td>6 feet</td>
<td>10 feet</td>
</tr>
<tr>
<td>Wall - multiple tenant bay</td>
<td>1 sign per tenant bay. Tenants with frontage on more than one street may be permitted one additional sign, provided no more than one sign is displayed on each street frontage.</td>
<td>1.5 sf of area for each linear foot of building face per public street frontage and 0.5 square foot of area for each linear foot of building face per private street frontage, provided the maximum area for each street frontage does not exceed 300 sf.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wall - single tenant</td>
<td>2 signs per public street frontage.</td>
<td>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 sf.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Awnings &amp; 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>
<td></td>
<td></td>
<td></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>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Temporary Promotional</td>
<td>See <strong>Article 6.16</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Exempt</td>
<td>See <strong>Article 6.16</strong></td>
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</tbody>
</table>
3. **Industrial Districts:** The following signs may be permitted in the Industrial. No more than one free standing sign (either pylon or ground) is permitted per road frontage, except where a unified center sign is used, in which case one sign is permitted per entrance to the center.

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<tr>
<th>I-1 Transitional Industrial, 1-2 Light Industrial and 1-3 Heavy Industrial</th>
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<tbody>
<tr>
<td><strong>Max. Number</strong></td>
</tr>
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<td>Ground Signs</td>
</tr>
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<td>Wall Signs</td>
</tr>
<tr>
<td>Awnings &amp; Canopies</td>
</tr>
<tr>
<td>Temporary Promotional</td>
</tr>
<tr>
<td>Exempt</td>
</tr>
</tbody>
</table>

**B. Integrated Center Signs**

For unified centers under single ownership or 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 is permitted for each main entrance to such center, subject to the following:

1. The sign must indicate only the name and location of the center and the name and type of business of the occupants of the center.
2. The sign must be a pylon or a ground mounted sign style.
3. The maximum surface area of the sign cannot exceed 100 sf.
4. The maximum height of the sign is 20 feet.
5. The sign must follow the setback requirements for the style of sign in the district in which it is located.
6. Integrated center signs must be located on one of the properties within the integrated center. 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.

**C. 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.

2. **Application:** In addition to the application requirements for special exceptions and sign permits, the localized alternative sign regulation plan must also specify standards for consistency among all signs within the affected area including:
   a. color scheme;
   b. lettering or graphic style;
   c. lighting;
   d. location of each sign; and
   e. sign materials and dimensions.

Applicants are encouraged to incorporate ground or pylon signs in association with wall or integral-roof signs. Pole signs are prohibited. Applicants are entitled to a 25% increase in sign area of all signs included in the plan.

3. **Sign Plan Control:** A localized alternative sign regulation plan approved by special exception is binding on all real property and premises in the plan area.

4. **Adherence:** If approved, the localized alternative sign regulation plan controls and in lieu of the standards in the sections above.

D. **Conforming Outdoor Advertising Signs Along US Highway 36**

1. **Applicability:** This section applies to conforming outdoor advertising signs located along US Highway 36 and any other highway where control of outdoor advertising signs is required under 23 U.S.C. 131.

2. As used in this section, the term "conforming outdoor advertising signs" means an outdoor advertising sign, display, or device located within 660 feet of the nearest edge of right-of-way and visible from the main travel way, so long as the sign, display, or device is regulated by and conforms to the requirements of 23 U.S.C. 131, 23 Code of Federal Regulations 750.708, and Indiana Code 8-23-20. The following signs are not conforming outdoor advertising signs:
   a. Signs, displays, or devices advertising the sale or lease of property upon which the sign is located; and
   b. Signs, displays, or devices, including those which may be changed at reasonable intervals by electronic process or by remote control, advertising activities conducted on the property on which the sign is located.

3. **Elevation or Relocation of Conforming Outdoor Advertising Signs:** The owner or operator of a conforming outdoor advertising sign may seek special exception approval to elevate, adjust, or relocated a conforming outdoor advertising sign if the sign is no longer visible or becomes obstructed or the sign must be moved due to any of the following:
   - Noise abatement;
   - Safety measure;
   - Grade changes;
   - Construction;
   - The placement of a directional sign;
   - The widening of a highway; or,
- Aesthetic improvements made by an agency of the State.

4. **Regulation of Elevation or Relocation:**
   If the special exception is approved, the owner or operator of a conforming outdoor advertising sign may:
   
   a. Elevate the conforming outdoor advertising sign so the entire advertising content of the sign is visible;
   
   b. Adjust the angle of the sign so the entire advertising content of the sign is visible; or,
   
   c. Relocate the sign within 500 feet of its current location, as long as the sign complies with all applicable spacing requirements detailed in this Ordinance and the new location is in an area zoned for commercial or industrial use.

   The sign area of an elevated or relocated sign cannot exceed the size of the previous sign.
# Chapter 7 – Subdivision Regulations

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7.1 Establishment of Control

A. Application

These Subdivision Regulations and the standards established in this chapter apply to:
- Subdivision of land,
- Subdivision replat,
- Plat vacation,
- Plat amendment,
- Combining of lots,
- Property line adjustments,
- Planned unit developments, and
- Development plans.

B. Compliance

A development proceed may only after being in full compliance with all provisions of these Subdivision Regulations.

C. Exemptions:

The following actions are exempt from these Subdivision Regulations. All exempt subdivisions must still be recorded at the office of the Hendricks County Recorder.

1. Corrections: A modification to lot lines to correct errors in an existing legal description, provided no additional building sites are created.

2. Right-of-Way: A division of land resulting from right-of-way acquisition for a federal, state, or local project.

3. Transfers: A division of land for the transfer of a tract or tracts between adjoining lots provided that no additional building sites are created by the division.

4. Utility Easement: Transfer of land to a utility service provider or transfer through a recorded plat for buried utility lines.

7.2 Subdivision Process

A. Application Processes

An application and process for creating new buildable lots, combining 2 or more lots into fewer buildable lots, modifying a recorded plat, or adjusting lot lines. Divisions of land recorded at the office of the Hendricks County Recorder without being approved by these Subdivision Regulations cannot result in buildable lots. See 7.3 Major Subdivision of Land: Primary Plat, 7.5 Minor Subdivision of Land: Primary Plat, or 7.7 Subdivision of Land: Administrative for applicability and applicable procedures.

B. Exemptions

Condominiums regulated by IC 32-35 are exempt from this subdivision process and lot establishment standards outlined in these Subdivision Regulations but are not exempt from other applicable design standards.

C. Fees

The applicable fee from the Town's fee schedule must be paid at the time the application is filed. The application will not be considered substantially complete without the application fees.
7.3 Major Subdivision of Land; Primary Plat

A. Purpose and Intent

A Major Subdivision Primary Plat provides the Plan Commission with the opportunity to review the details of a major subdivision of land to determine compliance with the provisions of this Ordinance and the Town of Avon Construction Standards.

B. Project Applicability

The major subdivision of land may occur in all zoning districts except the AG district. A Major Subdivision Primary Plat is prepared in conjunction with any proposal to subdivide property within the jurisdictional area of the Plan Commission.

C. Prerequisites

1. Eligible Applicants: An application for a Major Subdivision Primary Plat is initiated by the owner of the land involved in the development or the owner's authorized agent. If an authorized agent files an application, a signed and notarized consent form from the owner must accompany the application.

2. Pre-application Conference: Before applying for a Major Subdivision Primary Plat, the applicant meets with the Technical Advisory Committee by contacting the Administrator who will arrange the meeting. At least one week prior to the meeting, the applicant provides sketch information in .pdf electronic file format to the Administrator for distribution to the Technical Advisory Committee. The sketch should contain: the geographic boundaries and acreage of the land to be subdivided, location of entrances, number of new lots, concept for stormwater management, and building product description. The Technical Advisory Committee may review the applicable zoning district regulations, determine the subdivision type, offer initial comments, provide resources, direct the applicant to relevant regulatory documents, and give procedural guidance.

3. Commitments: If any preceding approval (e.g. rezoning, annexation, variance, etc.) for the subject property included commitments relative to the proposed subdivision, those commitments must be recorded in the office of the Hendricks County Recorder prior to submitting an application for a Major Subdivision Primary Plat.

D. Filing Requirements

1. Application: An application for a Major Subdivision Primary Plat is made on forms provided by the Administrator, and electronically per the Avon Planning and Building Office.

2. Supporting Information: The following information must accompany a primary plat application. The Administrator or Plan Commission may request other information necessary to make a thorough review of the project.

   a. The names and mailing addresses of interested parties obtained from the Hendricks County Auditor's office.

   b. A site plan drawn at a scale of 1"=50' or 1"=100' unless otherwise approved by the Administrator prior to submission. The site plan must include:
• Proposed name of the subdivision including the words "Primary Plat."
• Name and address of the applicant.
• Name and address of the engineer preparing the plans.
• Date of latest submission or revision.
• North arrow and graphic scale.
• Proposed address for each lot.
• Area map showing the general location of the site referenced to major streets.
• Legal description of the site.
• Legal survey of the site including dimensions.
• Proposed names, center lines, and right-of-way widths of all streets and alleys.
• Location and dimensions of easements including a label indicating their function.
• Lot layout, lot number (progressively numbered within each phase if intending to build-out in phases), lot dimension, lot area, and applicable building setback lines applied to each lot.
• Location and dimensions of any existing structures.
• Location of all floodway, floodway fringe, and wetlands within or adjacent to the boundaries of the site.
• Existing and proposed contours based in U.S.G.S. datum with intervals of not more than 5 feet where the slope is greater than 10% and not more than 2 feet where the slope is less than 10%. Elevations are based on sea level datum.
• Areas reserved for park, recreation, conservation, wetland, common area, pond, lake, trails, entryway feature, or other similar uses.
• Stamp of registered professional engineer for all design documents and stamp of licensed surveyor for all legal survey and legal description documents.
• Statement of compliance with the Town of Avon Comprehensive Plan and the Town of Avon Unified Development Ordinance.

c. Representative building elevations for each facade of primary structures including the following information.
• Intended building materials to be used for exterior walls, window, roof, and other notable exterior architectural features.
• Proposed placement, area, dimensions, and illumination details for any proposed wall sign.

d. A Site Access and Circulation Plan. This plan may be incorporated into the required site plan or may be submitted as a separate plan. The plan must include:
• Proposed name of the subdivision including the words "Primary Plat."
• Name and address of the applicant.
• Date of latest submission or revision.
• North arrow and graphic scale.
• Names, center lines, and right-of-way widths of all existing and proposed streets, alleys, and easements within 100 feet of the site.
• All improvements to the street system on-site and off-site.
• Measurement of curb radius and/or flares.
• Location of proposed and existing pedestrian facilities.
• Location and details of all proposed street signs and wayfinding signs.

f. A Utility Design Plan drawn to scale. The plan must include:

• The wastewater utility plan approved or submitted for approval by the provider according to their design requirements, or a plan already approved by the provider.
• The water utility plan approved or submitted for approval by the provider according to their design requirements.
• Location of all existing and proposed utility easements and labeled to indicate the purpose for the easement and to what entity it is granted.
• Location, depth, and description of all existing and proposed utility components for stormwater, electric, natural gas, communications and the like. This includes the location and description of equipment, cabinets, and closures for electric and communication utilities; shutoffs and other surface located features for natural gas systems.
• Location and description of all street light fixtures.
• Location and names of regulated drains, ditches and streams in or adjacent to the site.
• Contours sufficient to illustrate stormwater runoff.
• Stormwater drainage plan including estimated runoff.

• A Traffic Impact Study (TIS) is required when a proposed development meets or exceeds the following thresholds based on the Indiana Department of Transportation Traffic Impact Study Guidelines. The thresholds are: 150 or more dwelling units; 15,000 sf or more of retail space; 35,000 sf or more of office space; 70,000 sf or more of industrial space; 30,000 sf or more of educational space; 120 or more leasable rooms; 46,000 sf or more of medical space; or any proportional combination of the above.
• A registered professional engineer prepares and certifies the TIS. The TIS evaluates the impact of present and future traffic generated by the proposed development on the adjacent street system. Prior to commencement, the applicant meets with the Administrator and Avon Public Works Director to determine the minimal necessary scope for the TIS.
• The TIS includes a statement of coordination with the Town of Avon Comprehensive Plan and Thoroughfare Plan.

g. A Statement of Development Build-out in writing and graphically depicted on the required site plan, including phasing boundaries and an estimate of the time frame for build-out of each phase.

h. A landscape plan either on the required site plan or as a separate plan. The plan must include:

• Botanic and common name of all landscape material and description of minimal sizes to be planted.
• Basic characteristics of all landscape material, including height at maturity, and whether it is a canopy tree, understory tree, ornamental tree, evergreen tree, woody shrub, or other type of plant.
• Notation of existing landscape material that is intended to be saved in order to be counted toward minimum landscaping standards. Also, a description of how this landscape material will be guarded from grade change, surface water changes, encroachment of trucks, heavy equipment and storage of construction material, and from inadvertent damage.
• Description of and/or design drawings for any proposed landscape structures (e.g. entry features, fences, wall, benches), fountains, waterfalls, and other architectural features.
• Description and general design of proposed landscape mounds, including the flare edge, crown and a line depicting the midpoint between the crown and flare.

i. The proposed restrictive covenants that apply to the development.

j. Requested waivers from the design standards in these Subdivision Regulations (see 8.6 Waivers of Design Standards).

3. Deadline: The application and support information must be submitted at least 45 days prior to the public meeting at which it is intended to first be heard by the Plan Commission.

4. Required Quantities and Format of Submittals: The applicant submits 5 hard copies of the application and supporting information; 1 digital copy of the application and supporting information in .pdf format; and 1 digital copy of any drawings in .dwg file format.

E. Formal Procedure

1. Application Submittal and Assignment: An application determined to be substantially complete by the Administrator, is assigned a case number and placed on the next available Plan Commission agenda occurring at least 45 days after submittal. The Administrator notifies the applicant of the hearing date.

2. Technical Review: The Administrator notifies the Technical Advisory Committee, utility providers, and other
applicable agencies of the proposed development and asks for their review and comment on the plans based on this Ordinance, other town ordinances, and known County, State or Federal rules, regulations and law.

The Administrator may submit a written report to the Plan Commission stating any facts concerning the physical characteristics of the area involved in the application, the surrounding land use, public facilities available to service the area, or other pertinent facts. The written report may also contain opinions of the Administrator concerning the proposal and information from the Technical Advisory Committee and/or other agencies that have reviewed the proposal. A copy of the report is made available to the applicant and all interested persons prior to the public hearing.

3. **Submittal of Revised Plans:** The petitioner is given the opportunity to submit revised plans addressing concerns or compliance issues identified by the technical review process. Revised plans must be received at least 21 days prior to the Plan Commission meeting. The Administrator may ask for the revised plans to be forwarded to the Technical Advisory Committee further review. If unresolved issues persist, the application may be continued to the next Plan Commission meeting. Copies of the revised plan review are made available to the applicant and interested persons prior to the public hearing.

4. **Public Notice:** Notice of the public hearing is made in accordance with **IC 36-7-4-706** and the Plan Commission’s Rules of Procedures. All costs associated with providing notice are borne by the applicant.

5. **Public Hearing:** A public hearing is held in accordance with the Plan Commission Rules and Procedures.

6. The Plan Commission reviews and hears:
   - The application for primary plat and all supporting information.
   - The testimony of the applicant.
   - Information presented in writing or verbally by the Administrator, the Technical Advisory Committee, and other applicable departments.
   - Input from the public during the public hearing.

7. **Decision:**
   a. The Plan Commission must take final action or continue the application to a defined future meeting date.
   b. If pursuing final action, the Plan Commission makes the following findings of fact:
      - The proposal is consistent with the Town of Avon Comprehensive Plan.
      - The proposal satisfies the applicable provisions this Ordinance and the Town of Avon Construction Standards.
      - Any requested waivers must meet the requirements of **8.16 Waivers of Design Standards**.
      - The applicant has provided proof that the wastewater utility provider and water utility provider have approved utility plans per their specifications.
c. Affirmation of findings may be in the form of a general statement. Findings that cannot be affirmed must specify the provision not in compliance.

d. The Plan Commission may require the applicant to prepare a commitment concerning the primary plat to be made in writing prior to final action.

e. Final Action: If the Plan Commission affirms the findings of, it approves or approves with commitments the application. If the Plan Commission does not affirm the findings of fact, it denies the application.

f. If the primary plat is approved, the primary plat, support material, findings, documentation of final action, written commitments, and any conditions are signed and dated by the President of the Plan Commission. Written commitments are recorded in the office of the Hendricks County Recorder within 90 days of the Plan Commission's approval of the primary plat. Failure to record the commitments during this time period nullifies the approval.

g. The Administrator provides the applicant a copy of the decision.

F. Duration

An approved primary plat is valid for 2 years from the date the Plan Commission grants approval. If the applicant fails to file for final plat approval for at least one phase of the development within that time frame the plat is void. The Administrator may grant up to two, 6-month extensions for cause as determined at their discretion.

G. Modification

1. Major Amendments: The applicant is required to bring proposed major amendments to an approved primary plat to the Plan Commission for approval at a public hearing. Amendments requiring Plan Commission approval include:
   - An increase in the total number of lots;
   - Changes in lot area for any single lot of 20% or more,
   - Changes in lot area for 10% or more of all the approved lots,
   - Shifts the location of 20% or more of the approved lots;
   - Reduction in or substantial redesign of perimeter landscaping;
   - Widening an easement by 20% or 5 feet from the approved primary plat, whichever is greater;
   - Changes to on-street parking resulting in a 10% or greater change in the total number of spaces, or the relocation of 10% or more of the approved on-street spaces;
   - Modification of street design resulting in relocation of an intersection by more than 50 feet, shortening or lengthening a street segment by more than 10% of its original design length, or adding 50 or more lineal feet of new streets;
   - Modification of pedestrian facility design resulting in the removal of sidewalks or sidepaths along a segment of street, reducing the width of a sidewalk by 6 inches or more, reducing the width of a sidewalk to less than 4 feet, reducing the width of a sidepath by more than one...
foot, reducing the width of a sidepath to less than 6 feet, or removing a mid-block crossing.
- Notable realignment of streets;
- A relocation of an entrance by 20 feet or more from its approved location;
- Any change that would result in noncompliance with the design standards in the Subdivision Regulations or a written commitment;
- A proposed minor amendment that adds to previously approved minor amendments, that cumulatively comprises a major change to the approved primary plat; or
- Any proposed deviation from a provision determined by the Administrator or Avon Public Works Director to be essential for protecting health, safety and welfare.

2. **Minor Amendments:** The applicant may seek minor amendments to an approved primary plat that do not adversely impact the integrity of the approved primary plat and that do not require a major amendment approval. A minor amendment may be approved by the Administrator without a public hearing. A minor amendment authorized by the Administrator is reported in writing to the Plan Commission at the next regular meeting of the Plan Commission.

3. **Affect on Utilities:** Amendments must not affect easements designated and/or currently approved by the utility service providers.

### 7.4 Major Subdivision of Land; Final Plat

#### A. Purpose and Intent

The Major Subdivision Final Plat must clearly define all plats and documents for recording.

#### B. Delegation of Powers

In accordance with **IC 36-7-4-709** as amended, the Plan Commission delegates approval authority of a Major Subdivision Final Plat to the Administrator.

#### C. Prerequisites

1. **Primary Plat:** A Major Subdivision Primary Plat must have already been approved by the Plan Commission. Final plans and supporting information regarding the primary plat must have already been submitted to the administrator prior to applying for final plat.

2. **Commitments:** Any written commitments required by the Plan Commission during the primary plat process have been recorded at the Hendricks County Recorder before applying for Major Subdivision Final Plat.

#### D. Filing Requirements

1. **Application:** An application for a Major Subdivision Final Plat is made on forms provided by the Administrator and electronically per the Avon Planning and Building Office.

2. **Supporting Information:** The following information must accompany the application for a Major Subdivision Final Plat.

   a. Exact location of all monuments and markers.
b. Plans showing final dimensions for lots, common area, rights-of-way, and easements.

c. If infrastructure improvements are complete, the supporting information including as-built drawings stamped by a certified engineer for each infrastructure system, and copies of any required inspections or certifications. As-built drawings must also be submitted in the Town's required digital format to the Avon Public Works Director.

d. If infrastructure improvements intended to be dedicated to the Town are not complete, detailed descriptions and locations of infrastructure to be installed, cost estimates from contractors for all infrastructure improvements, and a performance surety as detailed in 7.24 – Surety Standards.

3. Deadline: The application and supporting information for final plat approval must be filed within 2 years of the date the primary plat was approved.

4. Required Quantities and Format of Submittals: The applicant submits 5 hard copies of the final plat application and supporting information; 1 digital copy of the application and all supporting information in .pdf; and 1 digital copy of any drawings in .dwg format.

5. Fee: The applicable fee from the Town's fee schedule must be paid at the time the application for a Minor Subdivision Primary Plat is filed. The application will not be considered substantially complete without the application fees.

6. Utilities: Infrastructure for utility providers and the associated as-built drawings become the property of the utility provider. The requirements for as-buils are at the discretion of the service provider.

E. Formal Procedure

1. Assignment: A complete application for final plat is assigned a case number.

2. Technical Review: Once assigned a case number, the Administrator notifies the Technical Advisory Committee and other applicable agencies of the final plat and asks for review and comment on the plat.

3. Submittal of Revised Plans: The petitioner is given the opportunity to submit revised plats to address the comments raised by the Technical Advisory Committee.

4. Decision:

   a. The Administrator makes findings of fact as part of final action on the application for final plat

   b. The Administrator makes the following findings of fact.

      • The subdivision is consistent with the Major Subdivision Primary Plat approval.

      • A performance surety for unfinished improvements is in place and meets the requirements for a performance surety.

      • A maintenance surety for finished, inspected and approved improvements is in place and meets the requirements for a maintenance surety.

      • An agreement has been signed and filed restricting the
applicant from selling, reserving, or committing future lots (i.e. phases that have not received final plat approval) or lots that do not have streets constructed giving access to the public street network. Transfer of the entire subdivision or a phase of the subdivision is permissive.

- The subdivision satisfies the requirements of the Town of Avon Construction Standards.

a. Findings may be in the form of a general statement. Findings that cannot be affirmed must specify the provision not in compliance.

b. If the Administrator makes affirmative findings of fact, the Administrator tentatively approves the final plat. If the Administrator does not find all the findings of fact in the affirmative, the Administrator denies the final plat.

c. If the final plat is tentatively approved, the Administrator signs and dates the findings and documentation.

d. The Administrator conveys a copy of the findings and documentation of action to the applicant. If the final plat was tentatively approved, the Administrator requests the applicant prepare the final plat and supporting information for recording. If the final plat was denied, the Administrator identifies the necessary revisions to the final plat and supporting information, or the modifications to make to previously installed and noncompliant elements of the development before resubmitting and application for final plat approval.

F. Recording Plat

The process for recording the final plat and supporting information is as follows:

1. Prerequisites: The Administrator signs and dates the findings and documentation.

2. Submittal for Signatures:

a. The final plat and supporting information are complete and ready for recording.

b. The applicant submits 1 reproducible Mylar and 2 prints of the final plat and 3 copies of supporting information for signature by the Administrator.

c. Upon receipt and verification of compliance with submittal requirements, the Administrator signs and dates the documents.

3. Responsibility: The applicant is responsible for recording the approved final plat with the Hendricks County Recorder within 30 days of the date of signature.

4. Within 30 days of recording the applicant submits 2 paper copies and 1 Mylar of the recorded final plat to the Administrator. Failure to do so voids the application. If voided, the application for Major Subdivision Final Plat must be refiled for approval.

G. Final Action

Delivery of the recorded copies constitutes final action and final approval.
H. Replats

A replat consists of two processes. First, the portion of a recorded final plat intended to be changed is vacated in accordance with IC 36-7-3-10 and IC 36-7-3-11. Then, the vacated area is platted using the Major Subdivision of Land; Primary Plat process and the Final Plat process.

I. Addresses

Addresses will not be assigned to any lot until copies of the recorded final plat are delivered to the Administrator and the required performance or maintenance surety is in place.

J. Improvement Location Permits

Improvement location permits will not be issued on lots until copies of the recorded final plat are delivered to the Administrator, the required performance or maintenance surety is in place, and the street from which the lot gains access is paved and connects to the public street network.

K. As-built Drawings

The developer must provide as-built drawings within 1 year of recording the final plat. As-built drawings must be submitted in a digital format as specified by the Avon Public Works Director. Failure to submit as-built drawings is considered a violation of this ordinance and subject to enforcement.

7.5 Minor Subdivision of Land; Primary Plat

A. Purpose and Intent

A Minor Subdivision Primary Plat provides the Plan Commission with the opportunity to review the details of a minor subdivision of land to determine compliance with the provisions of this Ordinance, and the Town of Avon Construction Standards. The approval process for a minor subdivision is similar to major subdivisions except there are fewer submittal requirements and a simpler approval process.

B. Project Applicability

A Minor Subdivision Primary Plat must be prepared in conjunction with any proposal to subdivide property within the jurisdictional area of the Plan Commission.

1. Applicable Districts: The minor subdivision of land may occur in all zoning districts.

2. Restrictions: A proposed division of land including one or more of the following is prohibited from using the Minor Subdivision Primary Plat process:
   a. A new interior street,
   b. Divisions of land resulting in 5 or more lots,
   c. Plan Commission approval to waive the applicable design standards, or
   d. Common area is required.

C. Prerequisites

1. Eligible Applicants: An application for Minor Subdivision Primary Plat is initiated by the owner of the land involved in the subdivision or the owner's authorized agent. If an authorized agent files an application, a signed and notarized consent form from the owner must accompany the application.

2. Pre-application Conference: Before applying for Minor Subdivision Primary Plat, the applicant must meet with the Administrator to examine the conceptual design for the site and review the applicable zoning district, regulatory ordinances, materials, and procedures.
3. **Commitments**: If any prior approval for the subject property included commitments relative to the proposed subdivision, those commitments must be recorded in the Office of the Hendricks County Recorder prior to submitting an application for Minor Subdivision Primary Plat.

D. **Filing Requirements**

1. **Application**: An application for Minor Subdivision Primary Plat is made on forms provided by the Administrator, and electronically per the Avon Planning and Building Office.

2. **Supporting Information**: The following information must accompany a primary plat application. The Administrator or Plan Commission may request other information necessary to make a thorough review of the project.
   a. A list of the names and mailing addresses of interested parties obtained from the Hendricks County Auditor's office.
   b. A Site Plan, drawn to a scale 1"=50' or 1"=100' unless otherwise approved by the Administrator prior to submission. The site plan must include:
      - Proposed name of the subdivision including the words "Primary Plat."
      - Name and address of the applicant.
      - Name and address of the engineer preparing the plans.
      - Date of latest submission or revision.
      - North arrow and graphic scale.
      - Proposed address for each lot.

   - Area map showing the general location of the site referenced to major streets.
   - Legal description of the site.
   - Legal survey of the site including dimensions.
   - Location and dimensions of existing easements including a label indicating their function.
   - Lot layout, lot number, lot dimension, lot area, and applicable building setback lines applied to each lot.
   - Location and dimensions of any existing structures.
   - Location of all floodway, floodway fringe, and wetlands within or adjacent to the boundaries of the site.
   - Existing and proposed contours based in U.S.G.S. datum with intervals of not more than 5 feet where the slope is greater than 10% and not more than 2 feet where the slope is less than 10%. Elevations are based on sea level datum.
   - Stamp of registered professional engineer for all design documents and stamp of licensed surveyor for all legal survey and legal description documents.
   - Statement of compliance with the Comprehensive Plan.
   - Statement of compliance with this Ordinance.

3. **Deadline**: The application, required plans, and support information must be submitted at least 30 days prior to the Plan Commission public hearing on the application.
4. **Required Quantities and Format of Submittals:** The applicant submits 5 hard copies of the application and supporting information, one digital copy of the application and all supporting information in .pdf format, and one digital copy of any drawings in .dwg format.

E. **Formal Procedure**

1. **Application Submittal and Assignment:** An application determined to be substantially complete by the Administrator is assigned a case number and is placed on the next available Plan Commission agenda occurring at least 30 days after submittal. The Administrator notifies the applicant of the hearing date.

2. **Technical Review:** The Administrator and, if necessary the Technical Advisory Committee, will review and comment on the plans based on this Ordinance, other town ordinances, and known County, State or Federal rules, regulations and law.

   The Administrator may submit a written report to the Plan Commission stating any facts concerning the physical characteristics of the area involved in the application, the surrounding land use, public facilities available to service the area, or other pertinent facts. The written report may also contain opinions of the Administrator concerning the proposal and information from the Technical Advisory Committee. A copy of the report is made available to the applicant and all interested persons prior to the public hearing.

3. **Submittal of Revised Plans:** The petitioner is given the opportunity to submit revised plans addressing concerns or compliance issues identified by the technical review. Revised plans must be received at least 18 days prior to the Plan Commission meeting. If unresolved issues persist, the Administrator may ask for a continuance to allow additional time for revisions before going before the Plan Commission meeting. Copies of the revised plan review are made available to the applicant and interested persons prior to the public hearing.

4. **Public Notice:** Notice of the public hearing is made in accordance with [IC 36-7-4-706](#) and the Plan Commission’s Rules of Procedure. All costs associated with providing public notice are borne by the applicant.

5. **Public Hearing:** A public hearing is held in accordance with the Plan Commission Rules and Procedures.

6. **Review:** The Plan Commission reviews and hears:
   - The application for primary plat and all supporting information.
   - The testimony of the applicant.
   - Information presented in writing or verbally by the Administrator.
   - Input from the public during the public hearing.
   - Applicable provisions of these Subdivision Regulations.
   - Applicable requirements of the Town of Avon Construction Standards.

7. **Decision:**
   a. The Plan Commission takes final action or continues the application for Minor Subdivision Primary Plat to a defined future meeting date.
b. If pursuing final action, the Plan Commission makes the following findings of fact:
   - The proposal is consistent with the Comprehensive Plan.
   - The proposal satisfies the standards of this Ordinance and the construction requirements of the Town of Avon Construction Standards.

   c. Affirmation of findings may be in the form of a general statement. Findings that cannot be affirmed must specify the provision not in compliance.

   d. The Plan Commission may require the applicant to prepare written commitments concerning the primary plat to be made in writing prior to formal action.

   e. Final Action: If the Plan Commission finds all of the findings of fact in the affirmative, it approves or approves with commitments the application for Minor Subdivision Primary Plat. If the Plan Commission does not find all the findings of fact in the affirmative, it denies the application for Minor Subdivision Primary Plat.

   f. If the Minor Subdivision Primary Plat is approved, the primary plat, supporting information, findings, documentation of final action, written commitments, and any conditions are signed and dated by the President of the Plan Commission. Written commitments are recorded in the office of the Hendricks County Recorder within 90 days of the Plan Commission’s approval of the primary plat or the approval is nullified.

   g. The Administrator provides the applicant a copy of the decision.

A. Duration

An approved Minor Subdivision Primary Plat is valid for 2 years from the date of Plan Commission approval. The Administrator may grant one extension up to six months.

B. Modification

1. Replats: A replat consists of two processes. First, the approved Minor Subdivision Primary Plat is voided and revoked by the applicant. Second, a new application is submitted for a Minor Subdivision of Land.

2. Minor Amendments: The applicant may seek minor amendments to an approved Minor Subdivision Primary Plat. Minor amendments are limited to adjustment to lot lines (e.g. changes to lot widths) provided the changes do not adversely impact the integrity of the approved Minor Subdivision Primary Plat and the changes maintain compliance with this Ordinance. A minor amendment may be approved by the Administrator without a public hearing. A minor amendment authorized by the Administrator is reported in writing to the Plan Commission at their next regular meeting.

7.6 Minor Subdivision of Land; Final Plat

A. Purpose and Intent

The Minor Subdivision Final Plat assures that the primary plat and support information are prepared and recorded.
B. **Delegation of Powers**

In accordance with **IC 36-7-4-709** as amended, the Plan Commission delegates final plat approval authority to the Administrator.

C. **Prerequisites**

A Minor Subdivision Primary Plat must have already been approved by the Plan Commission prior to applying for final plat.

D. **Filing Requirements**

1. **Application**: An application for a Minor Subdivision Final Plat is made on forms provided by the Administrator and electronically per the Avon Planning and Building Office.

2. **Supporting Information**: The following information must accompany the application:
   
   a. Statement from a licensed surveyor indicating that required monuments and markers have been placed, or an agreement from the applicant to comply with monument and marker requirement within 3 months.
   
   b. Any other information necessary to review the Minor Subdivision Final Plat as requested on the application form or from the Administrator.

3. **Deadline**: The application and supporting information must be filed within 2 years from the date the Minor Subdivision Primary Plat was approved by the Plan Commission.

4. **Required Quantities and Format of Submittals**: The applicant submits 1 reproducible Mylar and 2 paper prints of the final plat, and 3 copies of supporting documents and in their final form for recording and ready for signature.

E. **Formal Procedure**

1. **Review**: The Administrator determines if the application is substantially complete. Upon determining substantial completion, the Administrator reviews the final plat and supporting information for compliance.

2. **Submittal of Revised Plans**: The applicant is given the opportunity to revise plans to address issues identified by the Administrator.

3. **Decision**: When the Administrator determines the proposal is consistent with the Minor Subdivision Primary Plat approval, the Administrator approves the final plat application and signs and dates the final plat. If the Administrator determines the proposal is not in compliance, the Administrator denies the final plat application and notifies the applicant of the deficiencies to be remedied to secure plat approval.

F. **Plat Recording Process**

1. **Prerequisites**: The final plat is signed and dated by the Administrator and conveyed to the applicant.

2. **Responsibility**: The applicant is responsible for recording the approved final plat with the Hendricks County Recorder within 30 days of the date of signature.

3. **Deliver Copies and Proof of Recording**: The applicant submits 2 paper copies and 1 Mylar of the recorded final plat to the Administrator. Failure to record the final plat and supporting information within the 30-day time frame voids the
application. The application must be refiled for Minor Subdivision Final Plat approval.

G. Replat

A replat consists of two processes. First, the recorded final plat is vacated in accordance with IC 36-7-3-10 and IC 36-7-3-11. Then, the area is platted using the Minor Subdivision of Land process.

H. Addresses

Addresses will not be assigned until the final plat is recorded and copies are delivered to the Administrator.

I. Improvement Location Permits

Improvement location permits will not be issued until the final plat is recorded and copies delivered to the Administrator.

J. As-built Drawings

The developer must provide as-built drawings within one year of recording the final plat. As-built drawings must be submitted in a digital format as specified by the Avon Public Works Director. Failure to submit as-built drawings is considered a violation of this Ordinance and subject to enforcement.

7.7 Subdivision of Land; Administrative

A. Purpose and Intent

An administrative subdivision provides the Town with the opportunity to expedite adjustments to property lines when no new lots are created or when parcels are merged into fewer buildable lots. This provision is an administrative process for exempt forms of subdivision.

B. Project Applicability

An administrative subdivision can be used to modify the division of property according to the standards written below. All other divisions of land or alterations to property lines must be processed as a Minor Subdivision or Major Subdivision.

1. Applicable Districts: An administrative subdivision may occur in any zoning district.

2. Applicable Actions:

a. Merging Common Ownership Lots: The owner of 2 to 10 lots may merge them together as fewer buildable lots when the resulting lot does not result in a new nonconformance or an escalation in an existing nonconformance; and when there is no change to public services, roads, or utilities.

b. Splitting a Lot and Merging its Pieces with Two or More Adjacent Lots: Owners of 2 or more lots adjacent to a vacant lot may jointly purchase the lot, divide it, and merge all of the pieces with their buildable lot. If the lot is not vacant, the primary structure must be demolished and/or the primary use dissolved prior to application for an administrative subdivision.

c. Adjusting Lot Lines: Two owners may adjust a lot line separating their two properties if survey errors were discovered or if both owners desire such a modification as long as it does not result in a new nonconformance or an escalation in an existing nonconformance; and does
not reduce either’s lot area by more than 25%.

C. **Prerequisites**

1. **Eligible Applicant:** Owners of all applicable lots or their authorized agent may apply for primary plat approval. A signed and notarized consent form from the owners must accompany the application if submitted by an authorized agent.

2. **Removing Unnecessary Driveway Cuts:** Pre-existing driveway cuts established for a dissolved lot must be vacated and removed, including the apron within the right-of-way.

3. **Restrictions:** A proposed subdivision that includes one or more of the following is prohibited from using the administrative subdivision process:
   a. An additional driveway cut, or
   b. A subdivision that was platted on or after the Town’s first Subdivision Regulations’ effective date.

D. **Administrative Subdivision Filing Requirements**

1. **Application:** An application for an administrative subdivision is made on forms provided by the Administrator and electronically per the Avon Planning and Building Office.

2. **Supporting Information:** The following information must accompany an administrative subdivision application: a legal description and address for each lot involved. The Administrator may waive in writing the submittal of unnecessary information relative to the application. The Administrator may request other information necessary to make a thorough review of the project.

3. **Site Plan:** A Site Plan, drawn to a scale of 1”=50’ or 1”=100’ unless otherwise approved by the Administrator prior to submission. The site plan includes:
   - Name and address of the applicant,
   - North arrow and graphic scale,
   - Adjacent streets, sidewalks, and easements,
   - Boundary lines of each lot including all lot dimensions,
   - Proposed adjustments with lot dimensions, lot area, and building setback lines on the resulting lots,
   - Footprint and dimensions of existing structures with measurements to property lines pre and post adjustments, and
   - Stamp of registered professional engineer, surveyor, landscape architect, or architect.

4. **Submittal Material:** The applicant provides 3 paper copies of the application and supporting information; and 1 digital copy of the application and supporting information in .pdf format.

E. **Procedure and Approval**

1. **Review of Material:** A complete application for an administrative subdivision is reviewed by the Administrator and an appointed member of the Plan Commission for compliance with the Subdivision Regulations. If a member of the Plan Commission has not been appointed the Plan Commission President serves as the second reviewer.

2. **Decision:** The Administrator and Plan Commission representative make a joint determination as to whether the petition complies with the standards. If
3. **Report to Plan Commission**: After approval, at the first regularly scheduled Plan Commission meeting, the approval of any administrative subdivisions are be reported by the Administrator.

4. **Proof of Recording**: To officially complete the process the applicant records the plat with the Hendricks County Recorder’s office and provides proof to the Administrator.

5. **Failure to Record**: If an approved administrative subdivision is not recorded within 30 days from the date of approval and signature, the application and approval are deemed void. The Administrator reports any failures to the Plan Commission at their first regularly scheduled meeting after discovering default occurred and notifies the applicant of the failure to record in the Town’s records.

F. **Improvement Location Permits**

A building permit will not be issued until proof of recording is demonstrated.

7.8 **Principles and Standards of Design**

A. Improvement location permits, development plans and subdivisions must conform to the principles and standards established by this Ordinance.

B. The Town of Avon Construction Standards and Specifications ("Construction Standards"), as published and maintained by the Avon Public Works Department, are incorporated, as amended, by cross-reference into this Ordinance. All development plans and subdivisions must conform to the Construction Standards.

7.9 **Architectural Standards – Residential Districts**

A. **General Residential Architectural Standards**

1. Vinyl siding used on residential dwellings must meet the following specifications:

   a. **Material Requirements**
   
   i. Vinyl must have a minimum thickness of 0.044 with a minimum butt or panel projection of ¾ inch.
   
   ii. Heavy duty lock extended return leg is required.
   
   iii. A full rollover/ double nail hem or approved hammer stop is required if the vinyl is less than 0.048 inches thick.
   
   iv. The maximum panel width between butts is 5 inches, except for panels with foam backing.

   b. **Sheathing Requirements**
   
   i. Use of 7/16 inch minimum thickness OSB or plywood is preferred.
   
   ii. Rigid foam insulation boards must have a minimum thickness of ½ inch, have a reinforced plastic membrane
surface on both sides, and a minimum compression strength of 15 PSI.

iii. All sheathing materials must have a weather resistant barrier.

c. Construction/Installation Requirements

i. Exterior wall stud spacing must not exceed 16” on center.

ii. Manufactured I joists abutting outer walls must have a band board wrap to provide a flush nailing surface.

iii. Shutters, downspouts, utility connections and other attachments must be connected to the building in a manner that does not restrict the movement of the vinyl siding. All attachment hardware must pass through the siding into substrate with nail-holding strength. All penetrations in the siding must be properly sealed to prevent moisture infiltration.

iv. All wall penetrations must be properly flashed according to the manufacturer’s instructions.

v. Installers must be certified by the Vinyl Siding Institute.

B. Single-Family Detached Residential Architectural Standards

1. Architectural Elements: The architectural elements in Table 1 are used to determine if building elevations are sufficiently different based upon the context of the lot or building. In order to encourage architectural diversity, only one point per category may contribute to meeting the architectural requirements.

2. Architectural Diversity Standards for Front Façades

a. Applicability: These requirements apply to all new detached single-family dwelling units.

b. The front elevations within a pattern of 6 lots must be substantially different from each other as well as any dwelling two lots away on the same side of the street. In order to be substantially different, at least 3 of the architectural elements listed for front façades on Table 7-1 must be met.

c. In Figures 7-1, 7-2, and 7-3, the lots shaded in gray must use a different building elevation and color scheme than the subject property, however, they may use the same trim color as the subject property.

d. In Figures 7-1, 7-2, and 7-3, the lots indicated with hash marks must use a different color scheme than the subject property, however, they may use the same trim color and brick or stone color as the subject property. These lots may use the same building elevation as the subject property.

3. Architectural Diversity Standards for Perimeter Lots

a. Applicability: These requirements apply to all new detached single-family dwelling units where the rear or side elevations of a
dwellings are within 100 feet of the right-of-way of a perimeter street.

b. The building elevations closest to the perimeter street within two lots of the subject property must be substantially different from each other. In order to be substantially different, at least three of the architectural elements listed for perimeter lots on Table 1 must be met.

c. In Figure 7-4, the lots shaded in gray must use a different elevation and color scheme than the subject property, however, they may use the same trim color as the subject property.

d. In Figure 7-4, the lots indicated with hash marks must use a different color scheme than the subject property, however, they may use the same trim color and brick or stone color as the subject property. These lots may use the same building elevation as the subject property.

4. Standards for Key Lots

a. Applicability: These requirements apply to all new detached single-family dwelling units: (1) on lots less than 7,200 sf in area and (2) on lots with high visibility such as corner lots, lots at the focal points of T-intersections, and lots at community entries are considered key lots and require a higher level of architectural detailing (see Figure 7-5).

b. Front façades: Front façades of dwellings on key lots must be substantially different by at least 5 of the architectural elements listed for front façades on Table 7-1.

c. Side façades: Corner lot side façades adjacent to the street must be substantially different by at least 4 of the architectural elements listed for key lot side façades on Table 7-1.

C. Multi-Family Residential Architectural Standards

All new multi-family dwellings must comply with the following:

1. Design detailing must continue completely around the building consistent with the intended architectural style. Detailing elements include, but are not limited to, number and style of windows, window placement, trim detailing, roof design, and exterior materials.


3. At least 75% of each building façade, excluding windows and doors, must be masonry materials or fiber cement siding.

4. Each building façade must utilize at least 2 different exterior building materials (excluding window, door, and roofing materials). A different style of the same building material (e.g., horizontal and shake-style fiber cement siding) does not constitute two different building materials.
5. **Windows:** A building façade must incorporate a minimum of one window (a minimum of 15 square feet) per dwelling unit located along the building façade. Required windows may be located anywhere on the building façade, as architecturally appropriate. Windows in a building façade of a masonry material must have a casing or sill of natural or masonry material. Windows in a building façade of a non-masonry material must be trimmed to match the architectural style of the building.

6. **Roof Design:**
   a. The roof pitch of the main roof must be at least 6:12. Elements such as porches, bays, walkways, may have a lower roof pitch. Lower roof pitches may occur on rear elevations if concealed by side roof elements.
   
   b. The roof overhangs must be at least 11 inches, as measured prior to the installation of masonry materials.
   
   c. The roof form and pitch design of a building must include, where appropriate, varied pitches and ridge levels in accordance with the intended architectural style of the building and the building façade projections.

7. **Streetscape Diversity**
   a. Building elevations of similar floor plans must have variety in style, massing, use of materials, and detailing of elements. The same elevation may occur as buildings are grouped together if each building plan has a minimum of 2 different elevation styles.
   
   b. If more than 1 building is proposed, then the building(s) must be located so no more than 2 buildings are in a straight, unbroken line. An unbroken line includes an offset in the building setback at least 1/3 the height of the adjacent building.

# 7.10 Architectural Standards – Commercial, Mixed-Use, and Institutional Districts

In reviewing the architectural design of commercial, mixed-use, and institutional buildings the Plan Commission considers:

A. **Context:** All buildings are designed with respect to the general character of the Comprehensive Plan, Ronald Reagan Corridor Master Plan, and other planning documents.

B. **Architectural Features:** The following architectural features may be used to meet the design requirements of this section.

   - Change in plane
   - Change in texture or masonry pattern
   - Change in building materials
   - Windows, trellis with vines
   - Color changes
   - Texture changes
   - Material module changes
   - Canopies or porticos
   - Overhangs
• Recesses and/or projections
• Raised cornice parapets over the door
• Peaked roof forms
• Arches
• Architectural details including tile work and moldings integrated into the building structure and design
• Integral planters or wing walls that incorporate landscaped areas and/or places for sitting
• Other features approved by the Plan Commission.

C. Massing

1. A single, large, dominant building mass must be avoided in new buildings and, to the extent reasonably feasible, to existing buildings when changes to the exterior of the building are proposed.

2. Changes in mass are 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 that create an insubstantial appearance and are prohibited.

D. Façade Treatment

1. Facades abutting arterial and collector streets must 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 facing a street or connecting walkway can have a blank, uninterrupted length exceeding 50 feet without including at least two of the architectural features listed.

2. Facades greater than 100 feet in length must incorporate wall plane projections or recesses having a depth of at least 3 feet and extending at least 20 feet.

3. Horizontal masses cannot 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.

4. Building facades must include a repeating pattern that includes one or more of the architectural features listed above.

5. Facades must have an expression of architectural or structural bays through a change in plane no less than 12 inches in width, such as an offset, reveal or projecting rib.

6. Facades must have at least one of the architectural features listed that repeat horizontally. Elements must repeat at intervals of no more than 30 feet, either horizontally or vertically.

7. A minimum of two different exterior finish materials must 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. The building(s) must use these materials for all 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.
8. A minimum of 2 different colors must be used on facades. The use of high intensity, neon, or fluorescent colors is prohibited.

9. Retail buildings must provide glazing on a minimum of 35% of the ground floor front façade. Side facades must contain (1) a minimum of 10% glazing of the ground floor side facade or (2) two architectural features.

E. **Roofs**: Roofs must include at least 2 of the following:

1. Roofs may be constructed of an energy efficient material in order to reduce the heat island effect;
2. Parapets with a three-dimensional cornice treatment that conceal flat roofs and rooftop equipment from public view;
3. Overhanging eaves extending at least 3 feet past the supporting walls;
4. Sloping roofs with an average pitch between 4:12 and 12:12; or
5. Three or more roof slope planes.

F. **Entryways**: Each principal building on a site must have clearly defined, highly visible entrances featuring at least 1 of the architectural features listed. When additional tenant spaces will be in the principal building, each space must have at least one exterior entrance that conforms to the above requirements.

G. **Building Elements & Accessory Structures**

1. Separate building elements or accessory structures should be designated as an integral part of the building design.

2. Signage should be complementary to and integrated with the building design as to not dominate facades or appear tacked on.

3. Appurtenances must be screened or integrated into the building design so that they are not visible from the street.

4. Docks, garage doors, and service areas must be screened to minimize their visibility from adjacent streets.

H. **Site Design and Relationship to Surrounding Community**

In order to contribute to the establishment and enhancement of community and public spaces, buildings must provide at least two of the amenities listed below. The amenities must have direct access to the public sidewalk network. The amenities cannot be constructed of materials inferior to the principal materials of the building and landscape.

- Patio/seating area;
- Pedestrian plaza with benches;
- Water feature;
- Clock tower; or
- Other such deliberately shaped area and/or a focal feature of amenity that, in the judgment of the Administrator, adequately enhances the community and public spaces.

I. **Building Materials**

1. The following are prohibited as exterior finish materials: brick or stone
masonry less than 4 inches thick, concrete block (including split face block), prefabricated steel panels, and vinyl siding. Coating or painting a prohibited material does not constitute a permitted material.

2. The following materials are limited to use only as accent materials: Dryvit and stucco.

7.11 Architectural Standards – Industrial Districts

All new nonresidential buildings or building additions located within an Industrial District must comply with the following:

A. Buildings and structures within a single development should have complementary architectural themes.

B. All roof or ground mounted mechanical equipment must be completely enclosed. Ground-mounted enclosures must be landscaped on all sides not facing the building served in accordance with 5.8 Landscaping Standards.

C. Each building façade visible from a street or oriented to an adjoining residential district, must have at least 40% masonry materials on the building façade (exclusive of window and doors).

D. Building façades 90 feet or greater in length, must have offsets at intervals no greater than 60 feet apart. Offsets can project or recess. They must extend the entire vertical plane of the building façade. The offset must be at least 12 inches in depth and be at least 20% of the overall building façade length. Architectural elements (e.g. arcades, columns, pilasters, etc.) meeting the offset requirements may be used to fulfill this requirement.

E. Loading spaces, loading docks or oversized service doors are prohibited on an external façade.

F. If materials other than masonry materials are used on any building façade, then the building façade must be enhanced with: (i) the use of multiple colors and textures (e.g., rough, smooth, striated, etc.); or (ii) the addition of architectural elements (e.g. quoins, pilasters, soldier courses, lintels, friezes, cornices, dentils, architraves, etc.)

7.12 Block Standards

The maximum length of a single-family residential subdivision block is 1,250 feet, except where an internal street or frontage road parallels an expressway or arterial.

7.13 Development Name Standards

A. Proposed Development Name

The applicant proposes a unique name for the development. The proposed root name must not duplicate or closely approximate in spelling or phonetically, the name of any other development within the Town or within one mile of the town's corporate limit. Deviations in suffix names (e.g. Place, Woods, or Glen) do not constitute a unique name (e.g. if Preston Place exists, the name Preston Woods is not permitted). Unique subareas within a large development or separate developments within proximity may be authorized to use the same root name by the Plan Commission.

B. Approval Authority

The Plan Commission has authority to approve or deny the proposed development name.
C. Renaming Authority

1. Existing development names or development names approved by the Plan Commission, but not yet built, cannot be changed without Plan Commission approval.

2. The Plan Commission has the authority to require the applicant to propose a new unique name for a development if the initial name is unacceptable. If an acceptable unique development name is not proposed by the applicant, the Plan Commission will name the development prior to final approval.

7.14 Easement Standards

A. Cross-access Easements

1. Cross-access easements must not impede, encroach, or interfere with utility easements or utility providers.

2. When required by this Ordinance, each property owner of record must execute a cross-access easement instrument in favor of the adjoining property owner. The cross-access easement instrument must be signed by the owners of all associated properties. The cross-access easement instrument must:

   a. Identify the development associated with the cross-access easement.

   b. Grant the general public the right to use the easement to access adjoining parking areas, public spaces, or lots.

   c. Prohibit parking vehicles within the easement.

   d. Prohibit any person, including the property owner, from placing an obstruction within the cross-access easement, or from removing or modifying features installed in the easement.

   e. Be binding on all heirs, successors, and assigns to the property.

   f. Be enforceable by the owners of each associated property, the Town, and any other specially affected persons identified in the cross-access easement.

   g. Provide for modification or termination as specified in this Ordinance.

   h. Be cross-referenced to the most recently recorded deeds of the associated properties.

   i. Include a metes and bounds description of the easement.

3. Cross-access Easement Certificate.

   a. Instead of recording a separate cross-access easement instrument, the applicant may place the following language on the final plat to be recorded:

      "Areas on these plans designated as a Cross-access Easement are established in favor of the adjoining property owner and grant the public the right to enter the easement for purposes of accessing adjoining lots. These easements prohibit any..."
person from parking vehicles within the easement and prohibit the property owners or any other person from placing any obstruction within the easement. These easements are binding on all heirs, successors, and assigns to the property on which they are located. The grantee or the Town of Avon may enforce the provisions of the easement. The easement shall only be modified or vacated in the manner stipulated in the Town of Avon Subdivision Regulations, or its succeeding ordinance.

b. The dedication and acceptance of any cross-access easements shown on a recordable instrument is accomplished via a Certificate of Dedication and Acceptance signed by the appropriate property owners, or their agents.

c. If a Declaration of Covenants is included on the recordable instrument, the cross-access easement certificate must be clearly separate from the Declaration of Covenants.

B. General Easements

1. When an easement is proposed by the applicant, required by this Ordinance, or an easement is required per a commitment or condition of approval, but the standards for the easement type are not specified, the property owner of record executes the easement instrument in favor of the appropriate parties (e.g. the general public, Town of Avon, specific abutting property owner, etc.). The easement instrument must be signed by the property owner of record granting the easement and an authorized representative of the party accepting the easement. The easement instrument must:

a. Identify the development associated with the easement.

b. Specify the activities the appropriate parties are authorized to perform.

c. Specify the activities the property owner of record is prohibited from performing.

d. Be binding on all heirs, successors, and assigns to the property.

e. Be enforceable by the property owner of record, any appropriate parties, and the Town of Avon.

f. Provide for modification in the manner stipulated in this Ordinance.

g. Be cross-referenced to the most recently recorded deed to the property.

h. Include a metes and bounds description.

i. Be signed by an authorized representative of the property owner of record granting the easement and by an authorized representative of the grantee accepting the easement.

2. Easement Certificate.

a. When a final plat is being recorded, the applicant may place a Plan
Commission Attorney-approved easement certificate on the final plat instead of recording a separate easement instrument.

b. The dedication and acceptance of any easements shown on a recordable instrument are accomplished by a Certificate of Dedication and Acceptance signed by the appropriate property owners or their agents.

c. If a Declaration of Covenants is included on the recordable instrument, the easement certificate must be separate from the Declaration of Covenants.

7.15 Erosion Control Standards

A. All proposed subdivisions must comply with the Title V. Chapter 54 Stormwater Management in the Town of Avon Code of Ordinances.

B. Permits

1. A Stormwater Pollution Prevention Plan must reviewed and a Site Improvement Permit must be issued by the MS4 Coordinator before changes are made in the contour of the land, or before beginning grading or excavating begin.

2. Any development over one acre must obtain a Rule 5 Permit from the Indiana Department of Environmental Management.

C. Off-site Sedimentation

Whenever sedimentation is caused by stripping vegetation, regrading, or other development activities, it is the responsibility of the applicant to remove sedimentation from all adjoining surfaces, drainage systems, and watercourses, and to repair any damage. This work is done at the applicant's expense.

D. Fill Material

All fill material must be compacted to meet the specifications in the Town of Avon Construction Standards.

1. Off-site fill material must be free of environmentally hazardous materials. The source of fill material must be identified upon request of the MS4 Coordinator or Administrator.

2. Detrimental amounts of organic material are not be permitted in fill material.

3. No rock or similar irreducible material with a dimension greater than 12 inches, measured through a cross-section of the material, can be buried or placed in fills unless approved as part of the Site Improvement Permit.

4. Stockpiling of fill material must not occur more than two years beyond the approval date of a final plat. A mass excavation and grading bond in the amount of 110% of the total earthwork costs associated with a subdivision section must be submitted by the applicant upon the recording of the final plat.

E. Health, Safety and Welfare

If the MS4 Coordinator, Avon Public Works Director, or Administrator determines that any existing excavation, embankment, or fill is hazardous, the property owner or the owner's agent will be notified in writing. Within the
period specified, the hazard must be repaired or eliminated or be subject to enforcement (see CHAPTER 9: ADMINISTRATION AND ENFORCEMENT).

F. Disturbance of Protected Areas

If any protected area is driven over, altered, disturbed, or damaged in any way, the applicant or property owner is subject to the enforcement (see CHAPTER 9: ADMINISTRATION AND ENFORCEMENT).

7.16 Monument and Marker Standards

A. Installation of Monuments and Markers

All monument and marker improvements must be installed per 865 IAC 1-12-18 and the Town of Avon Construction Standards.

B. Centerline Monuments

Monuments conforming to 865 IAC 1-12-18(a)(2) must be set on street center lines at the beginning and end of curves and at the intersection of center lines. When it is not practical to set a centerline monument according to 865 IAC 1-12-18(a)(2), a centerline monument conforming to 865 IAC 1-12-18(a)(3) must be set.

C. Reporting

Upon completion of the development, a licensed surveyor prepares as-built drawings showing the placement of monuments and markers. As-built drawings must also be submitted in the Town's required digital format to the Avon Public Works Director with an affidavit by the surveyor certifying that the monuments and markers are still in place, and were not removed, moved, or buried such that they do not accurately denote surveyed lines or cannot be easily located.

7.17 Open Space and Amenity Standards

A. Applicability

This article applies to all residential development plans, primary plats, and final plats. All residential developments must set aside open space according to this article.

B. Minimum Open Space

1. The minimum open space required for each development, as a percentage of its gross acreage, is as follows:

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Min. Open Space Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>R1</td>
<td>5%</td>
</tr>
<tr>
<td>R2</td>
<td>8%</td>
</tr>
<tr>
<td>R3</td>
<td>10%</td>
</tr>
<tr>
<td>R4</td>
<td>12%</td>
</tr>
<tr>
<td>R5</td>
<td>15%</td>
</tr>
<tr>
<td>MU-OSR</td>
<td>50%</td>
</tr>
<tr>
<td>MU-COR</td>
<td>10%</td>
</tr>
</tbody>
</table>

2. The following residential developments are exempted from providing open space under this article:
   - Developments with a gross density of 0.33 dwelling units per acre
   - Minor subdivisions
   - Infill developments with 6 or fewer dwelling units

3. Open space areas retain private ownership by an owners' association or similar joint ownership of all associated properties in perpetuity.
4. The following features count toward the minimum open space requirements.

   a. Any required preservation or conservation area.

   b. Any water feature, including a retention facility, with a surface area of at least 32,670 square feet at normal pool elevation and that supports aquatic life:

   c. Any man-made stormwater dry detention facility at least 10,890 square feet of flat bottom area and a depth that does not exceed 5 feet from top of bank. Slopes within the detention facility cannot exceed 4 horizontal units to 1 vertical unit ratio. A buffer area at least 20 feet wide must be provided around the perimeter of the facility. The buffer area and facility must be planted and maintained as a useable area. Tree planting is permitted within the facility. The water outlet of the facility must use an anti-vortex or anti-entrapment design.

   d. 50% of any floodplain for a natural stream.

   e. 50% of the perimeter landscaping areas required in 6:1 Landscaping – General Standards.

   f. Other common areas set aside to meet open space requirements.

5. Up to 75% of the required open space for one sub-area of a development may be shifted to another sub-area within the same overall development with the approval of the Plan Commission.

6. The Plan Commission has the authority to grant a waiver allowing required open space to be provided off-site in the form of a public park facility.

7. Open space areas are encouraged to be used for active and passive recreation uses tailored to the residents of the neighborhood.

### 7.18 Owners Association Standards

A. Any development with common area, private streets, shared parking, amenity centers, retention pond, detention pond, and the like must meet the Owners' Association Standards.

B. Establishment of Owners Association

1. An owners association is created in perpetuity to maintain all common property and common facilities.

2. An owners association is a legal mechanism providing shared ownership or shared responsibility of common property and common facilities. A board of directors or other means for representation in decision-making must be established.

3. The legal mechanism binding all property owners or vested parties must be recorded with the Hendricks County Recorder and be cross-referenced to each applicable lot or property.

4. The owners association is responsible for the administration of any covenants
the development. The Declaration of Covenants must be recorded with the Hendricks County Recorder before selling a lot or unit.

5. Covenant language resulting from as a commitment or condition of approval must be clearly noted as non-amendable by the owners association in perpetuity.

6. The legal mechanism must include an association fee or other financial mechanism must be included in the legal mechanism and be equal to the financial needs of the owners association to maintain common property and common facilities, and to accumulate a reserve account for long-term large expenditures, emergencies, and contingencies.

C. The developer must not enter into any contractual obligation on behalf of the owners association that exceeds 1 year. Once the residents control the owners association, the renewal of such a contract is at the discretion of the owners association.

D. Failure of the owners association to maintain an effective legal mechanism or fulfill its responsibilities within that legal mechanism is deemed a violation of this Ordinance and may be subject to enforcement (see **CHAPTER 9: ADMINISTRATION AND ENFORCEMENT**).

E. **Restrictive Covenant Standards**

1. **Applicability:** A Declaration of Covenants applying to each lot within a subdivision must be prepared and submitted for review as part of the application for subdivision approval. The applicant must provide a final copy of the Declaration of Covenants for review by the Administrator prior to recording.

2. The following language is required in the Declaration of Covenants:

a. Language required by the Town may not be amended or removed without approval by the Avon Plan Commission. Waivers or variances to the language required by the Town of Avon will only be granted by the Avon Plan Commission or indicated authority.

b. When private improvements such as street lighting, a retention pond and other drainage systems, and private streets and sidewalks located outside the right-of-way are installed, the Town of Avon will never be obligated to accept the private improvements as public property. The Town of Avon bears no financial responsibility for operation or maintenance costs associated with the private improvements. The owners association bears the cost of operation and maintenance. In the event the owners association fails to maintain the private improvements, the Town of Avon may make the improvements and assess each property for the project cost plus administration costs.

c. Unless approved by the Avon Public Works Director, no fence, wall, building, or other obstruction may be placed or maintained in an area designated on the plat as a drainage or utility easement. Unless
approved by the Avon Public Works Director, there can be no alteration of the grades or contours within the easement area.

d. When landscaping is installed in common areas or easements, the owners association is responsible for maintaining the plant material in healthy condition, removal of dead or diseased vegetation, and/or replacement of landscaping.

e. Once rights-of-way are platted, the Town of Avon obtains ownership of the area within the right-of-way. The Town of Avon retains the right to reasonably remove any tree or shrub impeding work to be performed by the Town and/or all public utilities, or other properly authorized users, regardless if the owners association is assigned financial, maintenance, or replacement responsibility. However, action by the Town of Avon will not result in an unnecessary or unfair financial burden to the owners association.

f. Each owner agrees that the Town of Avon, Indiana, is authorized and empowered to require the owners association and each owner, jointly and/or individually, to provide for the orderly maintenance and upkeep of the common areas. The Town may determine the common areas are being maintained in a manner dangerous or detrimental to the public health, safety and welfare, according to the provisions of the Avon Town Code. After providing 30 days’ notice to the owners association, the Town may enter the common area and make any repairs or improvements necessary to remedy such conditions. The owners association is obligated to pay to the Town the costs for all improvements, work, and/or labor, provided to the common areas within 15 days of receipt of a statement from the Town. The statement is required to be served only upon the president of the owners association. All individual owners hereby waive notice of receipt of the statement for such costs. In order to secure payment, a continuing lien will arise and charge against each lot in favor of the Town in an amount including costs and reasonable attorneys' fees to the extent permissible by law. The Town may bring an action of law against the owners association and/or any owner or foreclose a lien against any property owned by any owner. Neither the owners association nor any owner may waive or otherwise escape liability for the cost incurred by the Town described here.

3. Whenever a private covenant land use regulation imposes a greater restriction or a higher standard than required by a provision this Ordinance, the Town is not obligated to enforce the provisions of the private covenant.

7.19 Pedestrian Network Standards

Developments must integrate an interior and exterior pedestrian network comprised of concrete sidewalks and/or asphalt side paths for
pedestrian transportation and recreation. This network must be consistent with the Avon Bicycle and Pedestrian Plan. Details about when and where sidewalks are required are indicated in the Avon Bicycle and Pedestrian Plan. If not indicated, the Administrator determines the appropriate sidewalk or side path requirements.

A. Sidewalks or side paths should be located one foot inside the right-of-way to be dedicated to the Town. If utility poles, trees, or other features complicate installation, then the sidewalk or side path may extend into common areas or private property if a pedestrian easement is created and executed.

B. Sidewalks must be spaced away from the curb to create a tree plot and to provide pedestrian separation from vehicles. as indicated in the Town of Avon Construction Standards.

C. The minimum sidewalk or sidepath width is according to the Town of Avon Engineering and Construction Standards.

7.20 Stormwater Standards

A. Subdivisions must provide for the collection and management of all storm and surface water drainage.

B. Cross-reference:

1. Developments within the zoning jurisdiction of the Town of Avon must meet or exceed the Town Stormwater Management Ordinance. (See Title V. Chapter 54 Stormwater Management in the Town of Avon Code of Ordinances.)

2. Developments outside of the Town of Avon's municipal limits and developments accessing a county legal drain must meet or exceed the standards of Hendricks County per the Hendricks County Surveyor's office.

3. Drainage facilities must be constructed to meet or exceed the Town of Avon Construction Standards.

C. Proposed drainage facilities must meet the following conditions:

1. Proposed drainage facilities must be in common areas or on private property with the necessary utility and drainage easements created and executed.

2. A proposed retention pond or detention facility must have an access easement at least 20 feet wide from at least one public right-of-way or private street for either public access or maintenance access. This access easement may also be a drainage easement but must be obstacle free and graded for work trucks and earth moving equipment to access the drainage facility. If limited to maintenance access, the homeowner's association and its contractors, Hendricks County government, and Town of Avon government will be named and granted rights to utilize the easement.

3. Proposed drainage facilities will be inspected during construction by the Avon Public Works Director or a professional engineer at the expense of the applicant to certify compliance with this Ordinance and Title V. Chapter 54 in the Town of Avon Code of Ordinances.
D. The applicant may propose a "Low Impact Design" solution that meets or exceeds the intent of the Stormwater Standards. The Plan Commission encourages low impact design and will determine whether the proposed green stormwater management system meets or exceeds the Stormwater Standards. Any alternative solution is subject to Avon Public Works and Avon Stormwater Engineer review and approval.

7.21 Street and Right-of-Way Standards

A. Applicability

Proposed developments must allocate adequate areas for new streets in conformity with 7.8 Principles and Standards of Design and the Thoroughfare Plan.

B. Thoroughfare Plan

The Thoroughfare Plan is declared to be a part of this Ordinance.

C. Compliance with Thoroughfare Plan

In addition to meeting requirements of the Americans with Disabilities Act (ADA), developments abutting or adjoining streets designated on the Thoroughfare Plan must conform to the requirements of the Thoroughfare Plan regarding the dedication of rights-of-way.

D. Dedication of Public Improvement standards

Project Applicability: The following standard applies to a subdivision containing public streets, public sidewalks, public side paths, or public trails.

Right-of-way: The primary plat and final plat must show the necessary right-of-way for each public facility. The right-of-way is considered dedicated upon final plat approval.

Exclude Atypical Features: The Town of Avon may elect to not allow atypical access and parking facilities to be included in the proposed right-of-way, such as alleys, driveway aprons, access roads, unusual on-street parking, or eyebrows.

1. Performance Surety: Prior to recording the final plat, a performance bond must be provided to the Town in the amount of 110% of the total cost for the public streets, public sidewalks, public side paths, public trails, erosion control, street signs, boundary markers and monuments, drainage improvements, and mass excavation.

2. Exemption: The responsibility for a surety for sidewalks may transferred to a builder if the builder has purchased the lots or has exclusivity to develop lots within the development. If this practice is utilized, the builder provides a surety equal to 20% of the total cost of the sidewalk for each lot under the builder's control.

3. Other Public Facilities: The Avon Town Council may allow other facilities to be dedicated to the Town. Under no circumstance is the Town Council required to accept other public facilities. These facilities may include parks, open space, retention ponds, public utilities, drainage facilities, or street lighting in which the Town may have interest. Performance bonds may be required.

E. Street and Access Standards

1. General: All developments must provide adequate access to the existing street network and allocate adequate areas for new streets consistent with the Thoroughfare Plan and all other applicable ordinances. All street
improvements, private or public, must be designed, constructed, and installed to meet or exceed the requirements of this Ordinance and the Town of Avon Construction Standards.

2. **Design Principles:** Streets must create conditions favorable to health, safety, convenience, and the harmonious development of the community; give consideration to connectivity to adjacent parcels; and provide access to the Town’s existing street network.

   Permanent dead-end streets are prohibited. Cul-de-sacs and stub streets are not considered dead end streets.

   Eyebrow streets are prohibited as part of the right-of-way. Eyebrow streets may be used but must be privately maintained by the owner’s association or the contiguous lot owners who gain access from the eyebrow street.

3. **Connectivity:** Developments must provide stub streets to connect to adjacent properties that meet the following criteria:

   - Where the development abuts land that has established stub streets, built or platted, the applicant must design the street system to connect to those stub streets.

   - Where the development abuts undeveloped land, stub streets may be proposed by the applicant. Generally, each side of the development not bordering a public street should have at least one stub street. In large developments, additional stub streets may be necessary to provide adequate connectivity to adjacent properties. The final number and location of stub streets is determined by the Administrator and the Avon Public Works Director.

   - Regard is given to the Thoroughfare Plan for the Town of Avon.

4. **Stub Streets:** Stub streets must be constructed at the same time other streets are built within the development. A sign indicating the stub street will connect to a future development is placed at the end of each stub street and maintained in perpetuity by the owner’s association. A vehicular barricade must also be installed at the property line.

5. **Temporary Turnarounds:** A temporary turnaround is required for each stub street and a temporary turnaround easement must be provided for the turnaround. When a temporary turnaround is required, the applicant executes a temporary turnaround easement instrument in favor of the general public through the Avon Town Council. Alternatively, a temporary turnaround easement certificate may be placed on the plat to be recorded. The easement instrument must:

   - Identify the development with which the temporary turnaround easement is associated.

   - The temporary turnaround easement grants the general public the right to access the easement for purpose of maneuvering vehicles.
• The temporary turnaround easement grants the Town of Avon the right to alter, repair, maintain, or remove the improvements.

• The temporary turnaround easement prohibits any person from parking vehicles within the easement.

• The temporary turnaround easement prohibits any person, including the property owner, from placing any obstruction within the easement.

• The temporary turnaround easement is binding on all heirs, successors, and assigns to the property on which the temporary turnaround easement is located.

• The temporary turnaround easement is enforceable by the Town Council, the Avon Public Works Director, the Plan Commission, the Administrator, or the Town of Avon's Attorney.

• The temporary turnaround easement automatically terminates upon the Town’s acceptance of a connecting street. Otherwise, the temporary turnaround easement can only be modified or terminated in a manner specified in these Subdivision Regulations.

• When a temporary turnaround easement instrument is used, it must cross-reference the most recently recorded deed to the property on which the easement is to be established; include a metes and bounds description of the easement; and be signed by the property owner of record granting the easement and by authorized representatives of the Avon Town Council accepting the easement.

• When a temporary turnaround easement certificate is used on a final, the dedication and acceptance of the easement is accomplished by a Certificate of Dedication signed by the property owner of record granting the easement, and a Certificate of Acceptance signed by the appropriate representative of the Avon Town Council. These documents are recorded with the final plat and cannot be part of any Declaration of Covenants for the development.

4. **Gated Entrances**: Developments may have gated entrances. Gated entrances must have an apparatus installed to allow emergency vehicles and utility providers quick and easy access to the development. The gates must allow the largest fire truck in service in the Town to easily turn into the development.

Gated Entrances must be approved by the Avon Fire Department, Avon Police Department, and the Department of Public Works. Any street separated from the public street network by a gated entrance must be a private street.

5. **Boulevard Entrances**:

• Smaller developments may have a boulevard entrance. Developments with over 75 residential lots or 10 or more non-residential lots are
required to install a boulevard entrance.

- A boulevard entrance must extend at least 50 feet from the perimeter street's right-of-way.

- The center planting strip must be at least 10 feet wide. It remains public right-of-way and is subject to all applicable Town standards and regulations.

6. **Intersections:**

- Intersections of more than 2 streets at one point are not permitted.

- Wherever possible, new local streets should align with existing local streets. Local street intersections with centerline offsets less than 125 are prohibited.

7. **Proposed Street Names:** A unique name is required for each street within the development at the time of initial application. The proposed street names must meet the following criteria:

- Streets that are extensions, continuations, or in alignment with any existing street, platted right-of-way, or recorded access easement, must continue the name of the existing street.

- The root street name (e.g. Maple) cannot duplicate or be phonetically like any existing street name.

- Deviations in suffix names (e.g. Street, Court, or Avenue) do not constitute a unique name (for example, if Maple Street existed, the name Maple Court would not be permissible).

- Streets within a large development or separate developments within proximity may be authorized to use the same root name by the Plan Commission.

8. **Address Numbers:** The applicant proposes street address numbers for all lots consistent with the Town’s existing address scheme and the requirements of the Hendricks County E-911 System.

9. **Approval Authority:** While the applicant proposes street names and address numbers, the Plan Commission has the authority to approve or deny any proposed street name or address number.

10. **Renaming Authority:** Existing street names and address numbers approved by the Plan Commission cannot be changed without Plan Commission approval.

The Plan Commission has the authority to require a new name for any street if the name proposed by the applicant is unacceptable. If an acceptable street name is not proposed by the applicant, the Plan Commission renames the street prior to final approval. Likewise, if an unacceptable address number is proposed for a lot, the Plan Commission has the authority to assign a new address number to any lot prior to final approval.

F. **Additional Rights-of-way Required**

When a development abuts or includes an existing street that does not meet the minimum right-of-way widths established in the Thoroughfare Plan, the applicant dedicates additional width along the street sufficient to meet the requirements of the Thoroughfare Plan. If
the applicant only controls property on one side of the street, sufficient right-of-way must be dedicated to bring the half right-of-way up to the width required in the Thoroughfare Plan.

G. **Private Street and Access Standards**

1. **Applicability:** Private streets are permitted but must meet or exceed the standards for public streets established within these Subdivision Regulations and the Town of Avon Construction Standards.

2. When a private street easement appears on a plat, the following language is required on the plat:

   The developer of this real estate covenants and warrants on behalf of itself and all future owners of lots within this subdivision or development that because the streets are private, all maintenance, repairs, and replacement, now and forever, must be undertaken at the expense of the lot owners (or unit owners) according to the terms and conditions set forth in the owners association by-law and articles. No governmental entity is responsible to maintain, repair, or replace any private street.

3. Private streets must be located within private street easements not rights-of-way. All private street easements must meet or exceed the standards for rights-of-way established within these Subdivision Regulations, the Thoroughfare Plan, and the Town of Avon Construction Standards.

4. The applicant must execute a private street easement instrument in favor of the future lot owners or unit owners to when the private street provides access. The language of the private street easement instrument must:
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AVON UDO

- Identify the development with which the private street easement is associated.
- Grant future owners the right to access the easement for purposes of accessing their lot or unit.
- Specify the financial responsibilities of the future with respect to the alteration, repair, maintenance, and removal of the improvements.
- Prohibit future owners or any other person from placing any obstruction within the easement.
- Require that the private street be built to the Town of Avon Construction Standards.
- Be binding on all heirs, successors, and assigns to the property on which the easement is located.
- Be enforceable by the future owners, the Town, and any other specially affected persons entitled to enforce the easement.
- Provide for modification or termination in the manner stipulated in these Subdivision Regulations.
- Be cross-referenced to the most recently recorded deeds to the properties on which the easement is to be established.
- Include a metes and bounds description of the easement.
- Be signed by each property owner granting the easement and by an authorized representative of future lot or unit owners accepting the easement.

H. Private Street Easement Certificate:

1. When a final plat is being recorded, the applicant may choose to add the private street easement certificate below to the final plat rather than record a separate easement.

2. Areas show on this plat designated as a "Private Street Easement" are established in favor of the adjoining property owners that are hereby granted the right to enter the easement for purposes of accessing their lot. The easement prohibits the property owners or any other person from placing any obstruction within the easement. The easements are binding on all heirs, successors, and assigns to the property on which they are located. The adjoining property owners or the Town of Avon may enforce the provisions of the easement. The easement can only be modified or vacated in the manner stipulated in the Town of Avon UDO.

3. The dedication and acceptance of Private Street Easements shown on a recordable instrument must be accomplished via a Certificate of Dedication and Acceptance signed by the property owner of record granting the easement, and a Certificate of Acceptance signed by an authorized representative of the future owners.

4. If a Declaration of Covenants is included on the recordable instrument, the Private Street Easement Certificate must be clearly separate from the Declaration of Covenants.

I. Alley standards

1. General: In order to better allow diversity in subdivision developments, alleys may be used to provide access to lots intended for single-family dwelling units to accommodate side-load
garages, rear-load garages, or detached garages.

2. Design Principles

a. Associated Right-of-way or Easement: Alleys must be in an easement that is at least 16 feet in width or located in a right-of-way if the Avon Town Council agrees to dedication.

b. Pavement Width: Alleys must have pavement that is at least 12 feet in width.

c. Curb: Alleys are not required to have curb except when the alley is within a right-of-way or private street easement where the associated street is required to have curb. In cases where an alley and curbed street intersect, the minimum curb radius is 8 feet.

d. Intersections: Alley intersections with streets cannot exceed 20° from perpendicular to the streets.

3. Construction Standards: Alleys, public or private, must be constructed to meet or exceed the Town of Avon Construction Standards.

J. Street and Access Standards; Residential

1. Access Points: Vehicular access for the development must be provided as follows:

a. Small Developments: A subdivision with less than 50 lots or dwelling units must have at least one street access onto an appropriate perimeter street.

b. Medium Developments: A subdivision with 50 to 200 lots or dwelling units must have at least 2 street accesses onto appropriate perimeter streets. The 2 street access points must be on different perimeter streets or at least 1,200 feet from one another if located on the same street. One of the required streets access points may include connecting to an existing stub street.

c. Large Developments: A subdivision with more than 200 lots or dwelling units must have at least 3 street accesses onto appropriate perimeter streets. The 3 street access points must each be on different perimeter streets or at least 1,200 feet from one another if located on the same street. One of the required streets accesses may include connecting to an existing stub street.

2. Frontage Streets: Any development with a single-family detached dwelling unit fronting an arterial street, must provide a frontage street unless the single-family detached dwelling unit is the only property within 400 feet that obtains access from the same arterial. The Administrator or Avon Public Works Director may require frontage streets in other circumstances to ensure a safe and efficient future transportation network. Frontage streets must meet the following conditions:

a. Frontage streets must generally run parallel to the arterial street and be
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separated a minimum of 30 feet (edge of pavement to edge of pavement) from the arterial street they parallel.

b. Frontage streets must accommodate two-way traffic.

c. Right-of-way or private street easement for a frontage street must be at least 40 feet in width.

d. A frontage street must have a minimum pavement width of 24 feet when parking is not permitted, or 28 feet when parking is permitted on one side.

e. Sidewalks are required on both sides of a frontage street that has residential lots deriving their access from the frontage street.

f. A frontage street less than 300 feet in length or serving 5 or fewer properties must have one ingress/egress point onto a street. All other frontage streets are permitted up to 2 ingress/egress points onto street.

g. Each ingress/egress point must be at least 150 feet from any intersection and any other ingress/egress point on the same or opposite side of the street. Ingress/egress points that align across the street from each other do not require separation.

3. Access on Signature Streets: Access along streets indicated as Signature Streets on the Thoroughfare Plan is limited, unless restricted through another overlay ordinance. Full access will be permitted every half mile along Signature Streets. A waiver is required to have a full access entrance at intervals less than this standard. Waivers are approved at the discretion of the Plan Commission and according to the procedures and standards established in the subdivision regulations.

K. Street and Access Standards; Non-residential

1. Access Points: An applicant must propose the minimal quantity of ingress/egress points to provide safe, efficient, and adequate access for the various types of vehicular traffic that will access the development. The Administrator makes the final determination.

2. Access Streets: Any non-residential development that fronts an arterial street and has 2 or more lots or a multiple tenant building must provide an access street as the primary access. Commonly, an access street is perpendicular to the arterial street providing access to lots fronting the arterial street (typically outlots) and the second-tier commercial lots (often the anchor lots). The Administrator and Avon Public Works Director may require access streets to ensure a safe and efficient transportation network. Access streets must meet the following conditions:

a. Access streets must generally run perpendicular to the arterial street and be at least 150 feet from the arterial street (measured from the edge of pavement to the edge of pavement).
b. Access streets must accommodate two-way traffic.

c. The right-of-way or private street easement for an access street must be at least 40 feet wide.

d. Pavement width for an access street is a minimum of 24 feet.

e. Parking is not be permitted on an access street.

f. Sidewalks must be provided on one side of access streets and be integrated into the overall pedestrian network of the development.

g. An access street serving a development less than 15 acres is permitted 2 ingress/egress points onto a street. Developments 15 acres or more may have a maximum of 3 ingress/egress points onto a street.

7.22 Street Light Standards

Street lights must be installed within the right-of-way at all intersections where internal streets intersect with arterial streets or collector streets. These streetlights must meet the Town of Avon Engineering and Construction Standards.

7.23 Street Sign Standards

A. All streets, public or private, must have signs necessary to provide a safe environment for drivers and pedestrians, and to provide information for locating streets, addresses, or development amenities.

B. Applicable Standards

The Town of Avon’s policies and the Manual on Uniform Traffic Control Devices for Streets and Highways (current version adopted by the Indiana Department of Transportation) are used to determine the type, size, height, and location of each of these signs.

C. Regulatory Signage Plan

A regulatory signage plan must be submitted to the Department of Public Works. All proposed signs must be approved by the Department of Public Works prior to installation.

D. Public Safety Signs

The applicant must coordinate with the Public Works Director before purchasing and installing any public safety related street sign. The Public Works Director makes the final determination regarding the location and height of each sign. All public safety related street signs must be installed prior to any street being open to the public.

E. Street Name Signs

The applicant coordinates with the Public Works Director before purchasing and installing any street name sign. One street name sign is required for each intersection within the development and on all perimeter intersections. The Public Works Director makes the final determination regarding the location and height of each sign.

F. Installation Timing

All street name signs must be installed prior to any street being open to the public, and prior to any home or building construction commencing on that street.

G. Custom Street Signs
The applicant may propose an alternative to the standards for street signs. Approval by the Administrator and the Public Works Director is required. The Owner’s Association is responsible, in perpetuity, for maintaining all custom street signs.

7.24 Surety Standards

A. Performance Surety

All applicants must provide a performance surety to the Town for any street, sidewalk, path, trail, public utility, drainage facility, mass excavation, or any other facility that is intended and desired to be dedicated to the Town. Performance surety for erosion control and landscaping may also be required when requested by the Plan Commission. All such facilities, any off-site improvements committed to by the applicant, and any off-site improvements required as a condition of approval must be covered by the performance surety. The performance surety must be accepted by the Avon Town Council prior to recording the final plat. Any final plat approval recorded in error of this provision must provide a performance surety at the time of discovery.

1. The performance surety must:
   a. Be in an amount equivalent 110% of the estimated completion cost of installing the improvements in compliance with the Subdivision Regulations and the Town of Avon Construction Standards.
   b. Be a type of surety satisfactory to the Avon Town Council (e.g. bond or letter of credit).

2. Phasing of Development: If a development is intended to be built-out in phases, the following options may be approved by the Town Council:
   a. Option One: The applicant provides a Performance Surety for all phases of the development, regardless of how many months or years the development is expected to take to build-out.
   b. Option Two: The applicant proposes a phasing plan to the Town Council prior to final plat approval. If the proposal is accepted, the applicant provides a performance surety for the first phase(s) of the development and signs a binding agreement with the Town Council stating that the applicant must maintain ownership of all lots and land outside of each phase that has been approved for development. No lot or property can be sold or committed in phases of the development that have not been approved for commencement or that are not subject to a performance surety. Additionally, the applicant must sign a contract with the Town Council.
Council stating it will support and not interfere with the vacation of plat, vacation of right-of-way, and/or reversion of approval granted to the applicant for any phases of the development yet to be authorized in the event that the applicant defaults on any authorized phase of the project requiring the Town Council to claim the surety for its completion. If default occurs, at the request of the Town Council or at the discretion of the Plan Commission, the Plan Commission may vacate the plat, vacate the right-of-way, and/or revert any approval granted to the applicant for phases left undeveloped in order to protect the Town from having to pay for public improvements in any phases remaining without a performance surety.

3. **Duration of Surety:** All performance sureties must be effective from the final plat approval date and cannot terminate until:

   a. **As-built Drawings:** As-built drawings stamped by the applicant’s engineer for stormwater drainage, utilities, streets, pedestrian facilities and any other public facility are submitted in hard copy and in the Town's required digital format.

   b. **Final Construction:** The final construction has been inspected by the Avon Public Works Director and stated in a report that the improvement meets the Town of Avon Construction Standards,

   c. **Town Council Concurrence:** The Town Council concurs with the Public Works Director's report, and

   d. **Maintenance Surety:** The Town Council has been provided with a maintenance surety as described below, if applicable.

4. **Incremental Release of Surety:** The Town Council may release increments of a performance surety once portions of an improvement have been completed and after that portion of the improvement has met the requirements in Section 3 above.

**B. Maintenance Surety**

The applicant must provide a maintenance surety to the Town for any improvement made that was subject to a performance surety, prior to the performance surety's release.

1. The maintenance surety must:

   a. Be for 25% of the total cost to complete the improvements.

   b. Be a type of surety satisfactory to the Town Council (e.g. bond or letter of credit).

   c. Run to and be in favor of the Town of Avon, or Hendricks County if the improvements are outside the town limits.

   d. Specify that it expires after 3 years from the date the improvement was released from the performance surety. However, the Town Council may reduce the duration of the maintenance surety by up to 3
years if cause, evidence, or risk assessment shows that a 3 year duration is not necessary.

e. Be submitted in a form approved or provided by the Town Council, or its legal counsel.

f. Warrant the workmanship and all materials used in the construction, installation, and completion of the improvements, and that the installations are of good quality and have been constructed and completed in a workmanlike manner according to standards, specifications and requirements of this Subdivision Regulations and the Town of Avon Construction Standards.

g. Include a certification from the applicant that all required improvements for the development are in compliance with these Subdivision Regulations and according to the approved plans and specifications.

2. **Release of Surety:** The maintenance surety is released upon its expiration date without formal action by the Town of Avon, unless a claim has been filed against the maintenance surety prior to the expiration date. Once all claims have been settled, the maintenance surety is released by the Town of Avon.

3. **Exemption:** The Town Council may, at its discretion, waive the requirement for a maintenance surety if it determines it is not in the interest of the Town to require a maintenance surety, or if the risk of premature failure of the improvement is negligible.

### 7.25 Utility Standards

A. Under no circumstances can any reference to “utility” or “utilities” within these Subdivision Regulations apply to or supersede design and construction standards from a non-Town of Avon water or wastewater utility. Specifically, this exemption separates design and construction, waiver, dedication of improvement, performance and maintenance surety, and easement standards from being applicable to a non-Town of Avon water or wastewater utility. However, the following Town of Avon design and construction standards still apply:

- The location, spacing, and type of fire hydrants or requirements for looping of water lines used to supply hydrants still apply.
- The procedural requirement for coordinating all utilities and surface infrastructure within a subdivision. The Town of Avon must have access to draft utility plans, documents, or plans submitted for review to utility providers, identified or proposed design alternatives, correspondences between parties, or notes on design decisions.
- A representative from the Town of Avon may attend meetings between the developer and the utility provider.
- All new development must be installed with centralized water and sewer facilities except for large lot residential uses in AG, E-1, and AGO-1 districts where individual septic systems and wells may be used because centralized water and sewer facilities are unavailable or cannot be reasonably extended to the site.
B. **Wastewater and Water Utility**

1. **Wastewater**: A wastewater utility collection system must be provided by the developer per the applicable wastewater utility's installation standards.

2. **Water**: A water utility distribution system must be provided by the developer per the applicable water utility's installation standards.

3. **Wells**: Within any subdivision developed under this Ordinance, a well is only be permitted for the purpose of filling and replenishing a water feature.

4. **Wastewater and Water Utility Location**: The wastewater collection system and the water collection system must be in the right-of-way or within an area designated as a utility easement.

5. **Hydrants**:

   a. **Spacing and Location**: The spacing and location of each hydrant must comply with the Town of Avon Construction Standards.

   b. **Looping**: Water lines used to supply hydrants may be required to be looped when determined to be necessary for public safety, based on Fire Department and Town of Avon Construction Standards.

C. **Stormwater Utility**

1. **Easement**: A drainage easement must be established for all drainage swales, retention ponds, detention ponds, storm drains, etc., except when within a right-of-way.

2. **Easement Width**: A drainage easement must meet the Town of Avon Stormwater Management Ordinance.

3. **Construction Standards**: All stormwater facilities must meet or exceed the Town of Avon Construction Standards.

D. **Gas, Electric, and Communications Utility**:

1. **Easement**: An easement must be established along a right-of-way or in rear yards. Easement widths are a minimum of:

   a. **When Asymmetrical Along a Right-of-Way**: 20 feet wide on one side and 10 feet wide on the other,

   b. **When Symmetrical Along a Right-of-Way**: 15 feet wide per side,

   c. **Single-sided Along A Right-of-Way**: 30 feet on one side,

   d. **Rear Yard**: 20 feet wide, or

   e. **Side Yards**: 20 feet wide.

2. **Installation Standards**: All gas, electric and communication facilities must meet or exceed the applicable State and corresponding utility's standards, and must utilize the least conspicuous markers, junction boxes and other above ground components available that meet the minimum installation standards.
7.26 Plat Certificates and Deeds of Dedication

A. Applicability

Plat document information must be included on all plats.

B. Information Required on Plats:
   1. Signature Block: The following signature block is required on all plats:

   I, (President), President, of the Advisory Plan Commission, Town of Avon, Hendricks County, Indiana, do hereby certify that the above plat and dedication was approved by the Town of Avon, Indiana, for filing in the Records Office of Hendricks County, Indiana, on the __________ day of ______________, 20______.

   ___________________________________
   (Name of President), President

   ADVISORY PLAN COMMISSION, TOWN OF AVON, INDIANA

   ATTEST:

   ___________________________________
   (Name), Director of Planning and Building

   PLANNING DEPARTMENT, TOWN OF AVON, INDIANA

   2. Dedication Statement for Streets and Pedestrian Facilities: The following dedication statement must be included on all plats that are dedicating streets to the Town of Avon:

   That I do hereby dedicate for public use and benefit forever the streets/alleys shown hereon for all public purposes including but not limited to all street and pedestrian facility purposes and utilities, and the right of the Town of Avon, its assigns, and utilities to lay, install, operate, maintain, repair, replace, and remove and reconstruct any and all street, pedestrian, or utility facilities necessary or useful in providing services. Utilities include but are not limited to water lines, wastewater lines, storm drainage and stormwater lines, gas lines, communication facilities, utility poles, electrical power lines, equipment, cabinets, closures, manholes, conduit, cables, lines, and appurtenances.

   3. Dedication Statement for Easements: The following dedication statement must be included on all plats that are dedicating easements to the Town of Avon or a utility provider:

   The easements shown on this plat are hereby granted and dedicated and reserved for the mutual use and accommodation of the Town of Avon and/or any granted public utility service provider desiring to use the easement for public or private utilities, including: water lines, wastewater lines, storm drainage and stormwater lines, gas lines, communication facilities, utility poles, electrical power lines, equipment, cabinets, closures, manholes, conduit, cables, lines, and appurtenances. All grantees shall have the right to remove and keep removed all or part of any structure, building, fence, tree, shrub or other improvement, growth, or obstruction which may in any way endanger or interfere with the construction, maintenance, operation or efficiency of the respective utility in, on, or under said easement strips. The Town of Avon and all granted public utilities shall at all times have the full right of ingress and egress to and from and upon said easement strips for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, and adding to or removing all or part of
the respective systems without the necessity at any time of procuring the permission of anyone.

4. **Dedication Statement for Private Easements:** Any private utility or similar which requires or requests the dedication of an easement must negotiate and establish the easement outside the regulations of the subdivision Regulations. Nothing in these Subdivision Regulations regulates or necessitates the granting of an easement to a private utility.

5. **Private Streets:** The following statement must be included on all plats that contain private streets:

(Developer) hereby binds itself, its successors, and assigns to construct and maintain all streets, alleys, pedestrian facilities, drainage structures and drainage facilities located under, though, and on the access easement in the subdivision shown on this plat according to the requirements, standards, and specifications of the Town of Avon. All such improvements shall be subject to the right of inspection and approval by the Avon Public Works Director or Public Works department.

The streets and alleys shown on this plat as access easements represent private streets and alleys. By acceptance of a deed conveying title to any lot in this subdivision, the owner thereof shall be deemed to have agreed and acknowledged as follows:

a. The Town of Avon has no responsibility or liability to make any repairs to such streets, alleys, pedestrian facilities, drainage structures and drainage facilities located in the access easement.

b. So long as such streets and alleys are private, the responsibility for maintenance and replacement thereof shall fall on the Owner's Association (the "Association"), its successors and assigns, or on the owners of the lots in this subdivision.

c. Neither the property owners within this subdivision nor the Association nor any other association or other organization or entity representing them shall have the right to dedicate (whether by voluntary or involuntary act or omission) such private streets and alleys to the Town of Avon unless and until the Town of Avon has inspected such streets and alleys and determined that, at the time in question, they meet the Town of Avon’s Standards. Under no circumstances whatsoever shall the Town of Avon be required to accept responsibility for the maintenance of such streets and alleys until after the Town of Avon has inspected same and determined that they meet the Town of Avon's Standards and further determined in its absolute discretion that it desires to accept such responsibility. If the Town of Avon desires to accept a dedication of said streets and alleys and inspects the streets and alleys and determines that they do not meet the Town of Avon Standards, the Town of Avon shall not accept such dedication until the Owner’s Association, its successors or assigns, or the owners of the lots in this subdivision make, at the owner, or the Owner’s Association expense, all repairs required by the Town of Avon to bring the streets and alleys up to the Town of Avon Construction Standards.

d. The provisions hereof shall be binding upon and enforceable against all property owners in this subdivision and the Association, its successors or assigns.

e. These covenants and restrictions herein set forth shall run with the land and be binding
on the owners, their successors and assigns, and all parties claiming by, through and under them shall be taken to hold, agree and covenants with the owners and their successors in title, and with each of them, to conform to and observe all restrictions and covenants herein, and said covenants and restrictions shall survive any replatting of a part of this property. Upon replatting of all or part of this property, the Town of Avon may require any lawful, similar or additional restrictions and covenants as it may require any lawful, similar or additional restrictions and covenants as it may see fit. These covenants and restrictions shall terminate when all the access easements shown on this plat are included within a replat of all or part of this property and are dedicated as public streets and/or alleys.

f. Invalidation of any word, phrase, sentence, paragraph, covenant or restriction by court judgment or otherwise, shall not affect the validity of the other covenants or restrictions contained herein.

g. If the owner or owners should open the private streets to the public, such shall be considered a temporary license only. The owner or owners, through the Owner’s Association, reserve the right to close the street to the public at any time prior to formal dedication of the street to the public, and acceptance of the same by the Town of Avon.

h. Until such time as the private streets shown herein are formally offered for dedication and formally accepted by resolution of the Avon Town Council, the owners of the lots shown hereon agree to release, indemnify, defend and hold harmless any governmental entity or utility for damages to the private street occasioned by the reasonable use of the private street by the governmental entity, and for damages to any party arising from the condition of said street. All governmental service vehicles, including, without limitation, law enforcement, fire, ambulance, schools, sanitation, building inspection, and health; and private or public utility providers shall have a right of access on, through, or under the private streets and alleys.

i. The owner or owners of any lot or lots within this subdivision hereby agree and recognize that the entire subdivision is benefited by the Town of Avon allowing the owners to maintain and control access to the private streets shown hereon; and that the Town of Avon is benefited by having the value of the property enhanced for ad valorem tax purposes and not being under any maintenance obligations with respect to the private streets and alleys. For purposes of enforcement of these covenants, these benefits shall constitute sufficient and valid considerations.

6. Minor Amendment: The following statement shall be included on all plats that have obtained minor amendment approval:

PLANNING DEPARTMENT STATEMENT: This amended plat is hereby approved according to the Town of Avon Subdivision Regulations.

_________________________________
(Name), Director of Planning and Building

PLANNING DEPARTMENT, TOWN OF AVON, INDIANA

_________________________________ Date

APPLICANT’S STATEMENT: As the owner or agent for the owner, I hereby endorse and
adopt this "Amended Plat" for the sole purpose of ________________________________ (Fill in this blank with the explanation and reason that authorized said amendments to said plat).

7. Major Amendment: The following statement must be included on all plats that have obtained major amendment approval:

ADVISORY PLAN COMMISSION STATEMENT:
Amended plat approved by the Advisory Plan Commission of the Town of Avon, Indiana, on the ______ day of ____________, 20_____.

______________________________
(Name of President), President

ADVISORY PLAN COMMISSION, TOWN OF AVON, INDIANA ATTEST:

(NAME), Director of Planning and Building

PLANNING DEPARTMENT, TOWN OF AVON, INDIANA

APPLICANT'S STATEMENT: As the owner or agent for the owner, I hereby endorse and adopt this "Amended Plat" for the sole purpose of ________________________________ (Fill in this blank with the explanation and reason that authorized said amendments to said plat).

C. Plat Attachments

A transmittal letter is required to be submitted with each plat or plat set to be signed. The letter must list the name of the subdivision/development as well as the name of the applicant and contact information of the individual responsible for the plat.
### 7.27 Tables and Figures

A. Single-Family Detached Architectural Standards

**Table 7-1**

<table>
<thead>
<tr>
<th>Architectural Elements</th>
<th>Front Façade</th>
<th>Perimeter Lots</th>
<th>Corner Lot Side Façade</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Category 1 - Building Mass</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of full stories</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Garage door orientation (e.g. Front-load, side-load, or rear-load)</td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Side of a house where a side-load garage is located (garage handing)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of front-load garage doors differs</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front-load garage doors are recessed at least 2’ behind the front façade of the house or 4’ behind the posts of the front porch</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A sunroom or screened porch at least 64 sf</td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Covered patio, porch, or lanai at least 120 sf</td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td><strong>Category 2 - Roof Design</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Roofline change at least 1/3 the width of the elevation</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Main roof pitch differs at least two units of change (e.g. 6/12 pitch to 8/12 pitch)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of dormers</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of gables</td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Use of dimensional shingles</td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Roof overhangs on the main roof of at least 11” prior to the installation of masonry materials (1)</td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>A clipped hip roof extending at least 20% of the distance from the peak of the gable to the bottom of the gable</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td><strong>Category 3 - Exterior Materials (exclusive of trim)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>At least three exterior materials or patterns are used</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>At least three exterior colors are used (2)</td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>100% masonry materials used below the main roof line</td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Masonry materials from the first-floor plate and continuing down to the foundation</td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Masonry wainscot from the first-floor windowsill and continuing down to the foundation</td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>An exterior fireplace chase finished in a masonry material</td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Use of architectural garage doors</td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td><strong>Category 4 - Façade Projections or Recessions</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bay window projecting at least 12” from the wall</td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>At least one offset in the façade a minimum depth of 4’ with a minimum height of one story</td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>At least two offsets in the façade a minimum depth of 2’ with a minimum height of one story</td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>An exterior fireplace chase extending at least 18” from the building façade and extending above the roof line</td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>
### Architectural Elements

<table>
<thead>
<tr>
<th>Category 5 - Windows (exclusive of doors)</th>
<th>Front Façade</th>
<th>Perimeter Lots</th>
<th>Corner Lot Side Façade</th>
</tr>
</thead>
<tbody>
<tr>
<td>A second floor cantilever projecting at least 12” over the first floor for at least 30% of the length of the building façade</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Number of windows if there is at least two feet of separation between windows when multiple windows are present</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>At least three windows with a minimum 15 sf each with proportions appropriate with the architectural style of the home</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Multiple masonry material details around window as architecturally appropriate</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Window trim at least 5 ½” wide or decorative window trim (e.g. arches, cornices, pediments, etc.) around all windows</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>At least 75 sf of windows on the rear façade</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>At least 45 sf of windows on the side façade</td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

### Category 6 - Other

| Landscape plantings of at least 1 shade tree, 1 ornamental or evergreen tree, and 5 shrubs | | X |
| Landscape buffer of at least 2 shade trees, 4 ornamental or evergreen trees, and 10 shrubs per 100 linear feet of frontage | | X |

**Notes:**

1. Overhang requirement does not apply to architectural features such as dormers, shed roofs, porches, or areas with architectural enhanced decorative trim.

2. In determining if a building elevation meets this standard, the reviewer evaluates differentiation in the colors of the (a) siding, (b) siding accents, (c) trim, (d) front door, (e) shutters, and (f) brick or stone.
Figure 7 - 1

Figure 7 - 2
In this scenario the applicant for the subject property has the discretion to choose whether lot 6a or 6b will satisfy the six lot pattern.

**Figure 7 - 3**

**Figure 7 - 4**
Figure 7-5
Chapter 8 – Process and Permits

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8.1 Applications

All applications for development review must be filed in conformance with the regulations below:

A. **Filing Requirements**

Applications are filed with the Administrator on forms provided by the Administrator in the number and manner designated. Paper copies must be drawn at a scale sufficient to permit a clear understanding of its contents and of the proposal being made.

B. **Filing Deadlines**

1. An application requiring a public hearing will be scheduled for on a first-filed-first-scheduled basis.

2. Applications not requiring a public hearing are filed with the Administrator and processed on a first-filed-first-processed basis. Incomplete applications will be returned to the applicant.

3. When supplemental data for an application is required by the Town or offered by the applicant, it must be submitted at least 10 business days prior to the hearing date of the application. At the discretion of the Administrator, the scheduled hearing may be delayed to allow time to review the supplemental data.

C. **Fees**

A non-refundable filing fee must accompany applications filed according to this Ordinance. The Administrator may not process an application or issue a permit until all applicable fees and fines owed by the applicant to the town, have been paid in full. This requirement applies not only to fees due for the specific application or permit, but also to fees and fines owed for any previous application, permit, or violation of this Ordinance. A current fee schedule may be found at the Town Hall.

D. **Special Requests**

The Administrator or any board or commission before which an application is pending may require an applicant to submit additional information or documentation to allow a full consideration of the application.

8.2 Successive Applications

A. **Second Applications**

When an application is denied on its merits, a successive application seeking essentially the same request cannot be filed for a one year from the denial date. If the Administrator determines there is substantial new evidence or a misinterpretation of law or fact occurred significantly affect the prior denial, the successive application may be allowed. The successive application must include a detailed statement justifying its consideration.

B. **Summary Denial With or Without Hearing**

The Administrator may summarily deny without hearing any successive application upon finding that no grounds warrant a new hearing. When a successive application is set for hearing, the applicant is required to establish grounds warranting reconsideration of the merits of its application before being allowed to offer any evidence on the merits. The application may be summarily dismissed for failure to establish grounds for reconsideration.

C. **Exception**

Any successive application filed more than one year after the denial of a prior application is filed as though no prior application had been filed. The applicant should identify changes in conditions that have developed since the denial of the prior application.
Chapter 8:4  Interpretations

8.3 Notice

A. Published Notice of Public Hearing

For applications requiring a public hearing, the Town publishes notice in conformance with IC 5-3-1 et. seg., and the rules of the board or commission. The applicant pays for the advertising costs.

B. Notice of Public Hearing through Posted Sign

In addition to the notice required by IC 5-3-1 et. seg., the Administrator must post a sign on the affected property at least 10 days before the hearing. The sign must state the date, time, and location of the hearing and a description of the matter being heard. Proof of notice by affidavit is required.

C. Notice to Interested Parties

The applicant must provide by first class mail written notice to interested parties at least 10 days prior to the hearing. The applicant must also send written notice to all neighborhood associations or civic associations registered with the Town to receive notice of public hearings. Proof of notice by affidavit is required.

8.4 Review and Hearings

A. Staff Review

The Administrator refers every application requiring a public hearing to the appropriate Town official, departments and committees. Each official or committee receiving an application is asked to review the application and submit written comments to the Administrator. Comments are due at least 10 days prior to the hearing date and are available to any person upon request.

B. Public Hearing

The provisions of this Ordinance and the rules established by the body conducting the hearing govern the conduct of hearings.

C. Examination and Copying of Application and Other Documents

Any person may examine the application and supporting documentation, subject to the exceptions of the Indiana Access to Public Records Act. Any person is entitled to copies of the application and documents upon reasonable request and payment of a fee to cover the cost of the copies.

8.5 Interpretations

While the provisions of this Ordinance are detailed and extensive, they cannot address every specific situation. Many such situations can be addressed by interpreting the specific provisions of this Ordinance considering the general and specific purposes for which those provisions have been enacted. The interpretation authority established is an administrative rather than a legislative authority. It is not intended to add to or change the essential content of this Ordinance but is only to allow authoritative application of that content to specific cases.

A. Authority

The Administrator may render written interpretations of the provisions of this Ordinance and of any rule or regulation issued according to it.

B. Parties Entitled to Seek Interpretations

A person having a legal or equitable interest in the subject property may file an application for interpretation. Applications are not accepted for solely hypothetical circumstances or where the interpretation has no affect other than as an advisory opinion.

C. Procedure for Review and Decision

1. Application: Applications for an interpretation are filed according to 8.1 - Applications.
2. **Action on Application**: Within 10 business days following the receipt of a complete application, the Administrator provides the applicant a written interpretation, stating the specific precedent, reasons, and analysis upon which the determination is based.

3. **Records**: A record of all applications are kept on file in the office of the Administrator. The Administrator keeps an up-to-date listing of decisions regarding the applications for interpretation. The listings are part of the public record.

4. **Appeal**: Appeals from interpretations rendered by the Administrator may be taken to the BZA according to **8.9 - Appeals**.

**D. Standards for Interpretations**

The following standards govern interpretations by the Administrator and the BZA on appeals from the Administrator.

1. An interpretation cannot permit a use in any zoning district unless evidence shows the use complies with the general district regulations established for that zoning district;

2. An interpretation cannot permit a use in a particular zoning district unless the use is determined to be substantially similar to other uses permitted in the zoning district;

3. Where a proposed use is most similar to a use permitted only as a special exception, then interpretation permitting such use is conditioned on the approval of a special exception; and

4. An interpretation cannot permit the establishment of any use inconsistent with the statement of purpose of the zoning district.

**E. Effect of Favorable Interpretations**

Interpretations do not authorize the establishment of uses nor the development, construction, or moving of any structure. Interpretations merely authorize the filing of applications for permits and approvals required.

**F. Limitations on Interpretations**

Use interpretations are only valid for 12 months from the date of issue, unless a time extension is granted by the Administrator. A use interpretation applies only to the use for which the interpretation was requested.

**8.6 Appeals**

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

**A. Authority**

The BZA hears and decide appeals from:

- any order or decision made by an administrative official or staff member under this Ordinance; and
- any order or decision made by an administrative board or other body, except the Plan Commission, in relation to the enforcement of this Ordinance.

**B. Parties Entitled to Appeal**

Any person aggrieved by an order or decision made by a staff member, an administrative official, or other body under this Ordinance except the Plan Commission may take an appeal to BZA.

**C. Procedure**

1. **Application**: An appeal is filed according to the requirements of **8.1 -**
**Applications.** Every appeal must specify, in writing, the grounds under which the appeal is being taken. Failure to do so causes the appeal to be deemed incomplete and the Administrator returns it to the applicant at the applicant's expense.

2. **Action by Administrator:** Upon receipt of a complete application, the Administrator transmits it to the BZA with documents, plans and papers constituting the record upon which the action appealed from was taken. The appeal is scheduled for a hearing according to the requirements of 8.4 – Review and Hearings.

3. **Public Hearing and Notice:** Notice of the hearing is provided according to the requirements of 8.3 – Notice.

4. **Stay Work Pending Appeal:** Filing an appeal stays all proceedings in the action appealed, unless the administrative official or board from which the appeal was taken, certifies to the BZA that a stay would cause imminent peril to life or property.

5. **Action by BZA:** After the hearing, the BZA makes a written decision on the appeal. The decision may reverse, affirm, or modify, in whole or in part, the action appealed and may include a determination of what is appropriate for the premises. Failure of the BZA to act after of the hearing is a decision denying the appeal.

6. **Judicial Review:** Every decision by the BZA is subject to Judicial Review as provided for by I.C. 36-7-4-1600 et al.. Any person aggrieved by a decision of the BZA 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. A petition must be filed for judicial review within 30 days from the date of the vote of the BZA.

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

When an appeal is accompanied by a variance application, the BZA notices, hears, decides to grant, or denies the variance in compliance with 8.7 - Variances.

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

Where this Ordinance imposes limitations upon any right, any right granted by the BZA is subject to limitations in the same manner as if secured without requiring an appeal.

8.7 **Variances**

The variance procedures are intended to provide a process where relief may be granted from the strict applications of this Ordinance that results in practical difficulties or unnecessary hardships.

A. **Authority**

The BZA may authorize variances from the terms of this Ordinance when not contrary to the public interest and where special conditions create circumstances where a strict application of this Ordinance result in practical difficulty or unnecessary hardships.

B. **Parties Entitled to Seek Variance**

A person having a legal or equitable interest in the subject property may file an application for variance.

C. **Procedure for Review and Decision**

1. **Application:** Applications for a variance are filed according to the requirements of 8.3 - Notice.
2. **Action by Administrator:** Upon receiving a complete application for variance, the Administrator transmits the application to the BZA with administrative reports and recommendations regarding the application. The application is scheduled for a public hearing according to the requirements of **8.3 - Notice**.

3. **Notice:** Notice of the public hearing must be provided according to the requirements of **8.3 - Notice**.

4. **Action by BZA:** After the public hearing, the BZA approves, approves with conditions, or disapproves the application. Upon reaching a decision, the BZA instructs the Administrator to notify the applicant in writing of its decision. If the application is approved or approved with modifications, the BZA instructs the Administrator to issue a variance permit listing the variance allowed and the specific conditions specified by the BZA for approval. If the application is disapproved, a petition appealing the decision may be filed with the Hendricks County Court according to the procedure below.

5. **Judicial Review:** Every decision by the BZA is subject to Judicial Review as provided for by **I.C. 36-7-4-1600 et al.** Any person aggrieved by a decision of the BZA 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. A petition must be filed for judicial review within 30 days from the date of the vote of the BZA.

D. **Standards for Variances**

1. **Variances of Use:** The BZA may approve, or approve with conditions, a variance of use from the terms of this Ordinance only upon determining in writing the variance will meet each of the following conditions:
   - the approval will not be injurious to the public health, safety, morals, and general welfare of the community;
   - the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
   - the need for the variance arises from some condition peculiar to the property involved;
   - the strict application of the terms of the Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
   - the approval does not interfere substantially with the comprehensive plan for the Town of Avon.

2. **Variance of Development Standards:** The BZA may approve, or approve with conditions, a variance of the development standards (such as height, bulk, or area) of this Ordinance only upon determining in writing the variance will meet each of the following conditions:
   - the approval will not be injurious to the public health, safety, morals, and general welfare of the community;
   - 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
   - the strict application of the terms of the Ordinance will result in practical difficulties in the use of the property.
E. **Variance Different Than Requested**

The BZA may grant a variance different than requested when the record supports the applicant’s right to some relief but not to the relief requested.

F. **Conditions on Variances**

The BZA may impose conditions concerning the use and development of the property relating to the purposes and objectives of this Ordinance. The conditions must be written in the order granting the variance. Violation of any condition is a violation of this Ordinance and subject to enforcement. In addition to prescribing conditions, the BZA may require the owner of the subject property to make written commitments concerning the use or development of the property.

G. **Effect of Grant of Variance**

Granting a variance does not authorize the establishment or extension of any use nor the development or alteration but merely authorizes the preparation, filing, and processing of applications for permits and approvals required.

H. **Limitations on Variances**

A variance is deemed to authorize only the particular construction or development for which it was issued. It automatically expires if the construction or development exceeds the scope authorized.

I. **Expiration of Grant**

A variance has a maximum duration of 12 months unless an improvement location permit is issued and construction is actually begun and diligently pursued to completion. If good cause is shown, the Administrator may extend the time period up to 12 additional months.

J. **Judicial Review**

Every decision by the BZA is subject to Judicial Review as provided for by I.C. 36-7-4-1600 et al.. Any person aggrieved by a decision of the BZA 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. A petition must be filed for judicial review within 30 days from the date of the vote of the BZA.

### 8.8 Special Exceptions

Special exceptions are uses that, because of their unique characteristics and potentially adverse impacts require a greater degree of scrutiny to determine their suitability in a location. Determining a special exception’s appropriateness is contingent upon meeting a set of development standards.

#### A. **Authority**

The BZA may approve, approve with conditions, or deny an application for a special exception.

#### B. **Parties Entitled to Seek Special Exceptions**

A person having a legal or equitable interest in the subject property may file an application for a special exception with the Administrator.

#### C. **Procedure for Review and Decision**

1. **Application**: Special exception applications are filed according to the requirements of **8.1 - Applications**.

2. **Action by the Administrator**: Upon receiving a complete application, the Administrator transmits the application to the BZA with administrative reports and recommendations regarding the application. The application is scheduled for a public hearing according to the requirements of **8.4 - Review and Hearings**.
3. **Notice**: Notice of the public hearing must be provided according to the requirements of **8.3 – Notice**.

4. **Action by the BZA**: After the public hearing, the BZA approves, approves with conditions, or denies the application. Upon reaching a decision, the BZA instructs the Administrator to notify the applicant in writing of its decision. If the application is approved or approved with conditions, the BZA also instructs the Administrator to issue a special exception permit specifying all conditions associated with the approval.

5. **Judicial Review**: Every decision by the BZA is subject to Judicial Review as provided for by I.C. 36–7-4-1600 et al. Any person aggrieved by a decision of the BZA 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. A petition must be filed for judicial review within 30 days from the date of the vote of the BZA.

**D. Standards for Special Exceptions**

1. The BZA reviews the particular facts and circumstances of each special exception. The special exception use at the proposed location must prove it:
   - will not be detrimental to the public's health, safety, or general welfare;
   - 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;
   - 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 are able to adequately provide such services; and
   - 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.

2. The BZA may take into consideration the following facts as established by the evidence:
   - How the proposed special exception meets the requirements and standards of this Ordinance and its relationship and compatibility to adjacent properties and neighborhoods.
   - How 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.
   - How will proposed special exception aligns with the general objectives of the Comprehensive Plan.

**E. Supplementary Conditions and Safeguards**

The BZA may impose conditions concerning the use and development of the special exception to implement the purposes and objectives of this Ordinance. The conditions must be written in the order granting the special exception. Violation of any condition is a violation of this Ordinance and subject to enforcement. In addition to prescribing conditions, the BZA may require the owner of the subject property to
make written commitments concerning the use or development of the property.

F. No Presumption of Approval

The listing of a special exception within each zoning district does not assure or presume the special exception will be approved. Rather, each proposed special exception is evaluated on an individual basis, in relation to its compliance with the standards and with the development standards for the district where it is located.

G. Limitations on Special Exceptions

Special exception approval authorizes only the particular use at the particular location for which the special exception was granted. A special exception permit automatically expires if, for any reason, the special exception is discontinued or abandoned for a period of 12 months.

H. Effect of Approval

Special exception approval does not authorize the development or alteration but merely authorizes the preparation, filing and processing of applications for permits or approvals required by the regulations of the Town.

I. Judicial Review

Every decision by the BZA is subject to Judicial Review as provided for by I.C. 36-7-4-1600 et al. Any person aggrieved by a decision of the BZA 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. A petition must be filed for judicial review within 30 days from the date of the vote of the BZA.

8.9 Rezones and Amendments

This article provides standards and procedures for making amendments to the text of this Ordinance and the Zoning Map. The amendment process is not intended to relieve particular hardships nor confer special privileges upon any person but only to make adjustments necessary due to changed conditions or changes in public policy.

A. Authority

This Ordinance and the Zoning Map may be amended by the Town Council according to the following procedures.

B. Parties Entitled to Initiate Amendments

1. Amendment to Text: Amendments to text of this Ordinance may be initiated by the Plan Commission or by Town Council.

2. Amendment to Zoning Map: Amendments to the Zoning Map may be initiated by the Plan Commission, by Town Council, or by a petition of at least 50% of the owners of the property proposed to be affected by the amendment.

C. Standards for Amendments

When considering amendments, the Plan Commission and the Town Council will pay reasonable regard to:

- the Comprehensive Plan;
- the current conditions and current structures and uses within each zoning district;
- the most desirable use for which the land in each zoning district is adapted;
- the conservation of property values throughout the jurisdiction; and
- responsible development and growth.

D. Procedure for Review and Decision

A petition to amend the Ordinance or Zoning Map follows the procedures below:

1. Petitions: Proposals for amendment are filed according to 8.1 - Applications.
2. **Action by the Administrator**: Upon receipt of a complete application, the Administrator transmits the proposal to the Plan Commission with administrative reports and recommendations regarding the proposal. The proposal is scheduled for a public hearing according to **8.4 - Review and Hearings**.

3. **Town Council Introduction**: At the first regularly scheduled Town Council meeting after the receipt of a complete application, the applicant presents the proposal to the Town Council for their initial comments. The Council’s comments are not binding, but rather are intended to provide the applicant some feedback regarding the proposal prior to the Plan Commission’s public hearing.

4. **Notice**: Notice of the hearing provided according to **8.3 - Notice**.

5. **Plan Commission Action**: Within 60 days of receiving a complete application, the Plan Commission holds a public hearing on the proposed amendment. After the hearing, the Plan Commission makes a written recommendation on the proposal. Within 10 business days after the Commission makes its recommendation, the Commission certifies the proposal to the Town Council with a favorable recommendation, an unfavorable recommendation, or no recommendation.

6. **Town Council Action**: Within 90 days of the Plan Commission recommendation, the Town Council votes on the proposal according to **IC 36-7-4-607 et. seq.** for text amendments or **IC 36-7-4-608 et. seq.** for Zoning Map amendments.

7. **Map Amendments Nullification**: If, after the adoption of a Zoning Map amendment, the Town Council finds 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.

**E. Written Commitments**

In approving a Zoning Map amendment, the Plan Commission may require the owner of the subject property to make written commitments concerning the use or development of the property. The written commitments must be recorded according to **8.15 - Commitments**.

**8.10 Development Plans**

In certain zoning districts, the review and approval of a development plan is required.

**A. Purpose**

The development plan review process is designed to: promote the safe and efficient use of land, protect property values, and ensure for an orderly and harmonious development pattern according to the Comprehensive Plan.

**B. Authority**

1. The Plan Commission has exclusive authority to review and approve development plans specifically assigned to the Plan Commission by this Ordinance.

2. The Administrator has the exclusive authority to review and approve development plans specifically assigned to the Administrator by this Ordinance.
3. Any development proposal not specifically assigned to either the Plan Commission or Administrator for review and approval is presented to the Administrator. The Administrator determines the body responsible for the review or whether review is not required. Any determination by the Administrator may be appealed to the BZA according to 8.6 - Appeals.

C. Scope of Application

1. Plan Commission review of development plans is required for:
   a. Secondary review of any non-residential portion of any Planned Unit Development District.
   b. Improvements within any Institutional Use District (1) not included on the approved Institutional Use District Master Plan; or (2) exceeding the approved parameters of the Institutional Use District Master Plan by more than 10%.
   c. New construction;
   d. Redevelopment of existing sites;
   e. Conversion of an existing structure or site requiring external site improvements;
   f. The addition or removal of any:
      - Vehicular access point to any existing public right-of-way;
      - Vehicular access point to any internal private drive not shown on a previously-approved Development Plan;
      - Drive-Through service lane;
      - Loading dock;
      - Outdoor storage or sales area exceeding fifteen percent (15%) of the under-roof area of the associated structure;
   g. Additions or expansions of any existing use or structure by more than 35% of its current size; and
   h. Change in architectural materials, lighting, or reduction of site landscaping.

2. Administrator review of development plans is required for all:
   a. Additions or expansions of any existing use or structure by less than 35% of its current size;
   b. The addition or removal of any:
      - Outdoor storage or sales area comprising less than 15% of the under-roof area of the associated structure;
      - Sidewalk, multi-use path or other pedestrian conveyance internal to the site and not shown on any Town connectivity plan; and
      - Parking spaces or paved surface parking area of less than 10% of existing spaces or area.
   c. The Administrator determines the requested modifications do not adversely impact the purpose or intent of the overall development prior to approval of any requested Administrator review. Should the Administrator find potential adverse
impact, the petitioner may submit for review by the Plan Commission.

d. Minor modifications authorized by the Administrator are reported to the Plan Commission at their next regular meeting.

3. Development Plan Review is required in all zoning districts except for:
   • Single-Family Detached Residential uses in Residential Districts
   • Uses in the E-1 district

D. Parties Entitled to Approval of a Development Plan

A person having a legal or equitable interest in the subject property may file an application for development plan approval with the Administrator.

E. Procedure for Review and Decision

1. Application: Applications for development plan approval are filed according to the requirements of 8.1 - Applications.

2. Pre-Application Meeting: Prior to the filing of a development plan application, the petitioner must attend a pre-application meeting with the Administrator or the Administrator’s designee. The purpose of the pre-application meeting is to:
   • acquaint the petitioner with the development plan review process and the requirements for submittal,
   • identify impacted utility and emergency service providers;
   • identify the need for a traffic impact study or traffic impact analysis; and identity the need for any additional information.

Neither the petitioner nor the Town is bound by any decisions made during a pre-application meeting. Failure by the Town to identify the need for a traffic study does not eliminate ability of Town or Plan Commission to require one at later date. Failure by the Town to identify an impacted utility or emergency services provider does not eliminate the ability of the provider to review and comment on the application at a later date.

3. Technical Advisory Committee (TAC): An affidavit confirming the application has been submitted to all TAC member agencies impacted by the proposed development is required as part of the submittal to the Town of Avon Department of Planning and Building.
   a. The Department maintains a list of TAC members, utility and service providers with facilities within the Town’s planning and zoning jurisdiction;
   b. The petitioner is responsible for the distribution of a full set of development plans to TAC members unless specifically released in writing by the member;
   c. The petitioner is responsible for paying any fees assessed by the TAC member for the review of the submitted plans.
   d. The Department is responsible for soliciting comments on the submittal from the TAC members for inclusion in the petition file.

4. TAC Review Meeting

The goal of the TAC meeting is to allow the applicant to discuss his project with the TAC members prior to review by the Plan Commission. The applicant
may revise the Development Plan based upon comments received.

The Administrator forwards report of this meeting with the application.

TAC members may request additional meetings to address unresolved issues or review responses to requested revisions.

5. **Public Hearing and Notice:** The application is scheduled for a public hearing according to the requirements of 8.4 - Review and Hearings. Notice of the public hearing according to the requirements of 8.3 - Notice is required.

6. **Decision of Plan Commission**

After hearing, the Plan Commission approves, approves with conditions, or disapproves the application. Upon reaching its decision, the Plan Commission instructs the 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 signs and dates a copy of the complete approved plan, and this copy becomes the official approved Development Plan. The complete approved plans must include references to all variances or special exceptions obtained and any recorded written commitments.

a. **Supplementary Conditions and Safeguards:** The Plan Commission may impose conditions on the approval of the Development Plan to achieve the purposes and objectives of this Ordinance. The conditions are made part of the Development Plan and become a part of the written findings of fact of the Plan Commission. Violation of any condition subject to enforcement.

b. **Special Studies Required:** The Plan Commission may require additional information in order to make its decision. It may request the applicant or the Administrator additional studies or to seek expert advice. The cost of additional studies or advice is the responsibility of the applicant.

c. **Commitments:** In addition to prescribing conditions, the Plan Commission may require the owner of the subject property to make written commitments concerning the use or development of the property.

d. **Effect of Approval:** Approval of a development plan does not authorize the establishment or extension of any use nor the development, construction, alteration, or moving of any building or structure, but merely authorizes the filing of applications for any permits and approvals required. A State Design 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.

e. **Limitations of Approval:** The approval of a development plan authorizes only the construction or development approved. It automatically expires if the construction or development is beyond the scope approved.
f. **Pre-Construction Meeting:** Prior to the issuance of an Improvement Location Permit, the petitioner participates in a pre-construction meeting to determine whether all conditions of the Plan Commission’s approval of the development plan have been met. At a minimum, The petitioner, the Administrator, the Building Commissioner, the Town Planner, the Town Engineer, and the Fire Marshall must be present at the pre-construction meeting. The Administrator may invite additional staff or departments to the pre-construction meeting.

g. **Expiration of Approval:** The applicant has 12 months from the date of approval to obtain an Improvement Location Permit. If the applicant fails to obtain an Improvement Location Permit within this period, the development plan approval becomes void. The Plan Commission may, for good cause shown, extend this period up to 6 additional months.

7. **Judicial Review**

Every decision by the Plan Commission is subject to Judicial review according to *I.C. 36-7-4-1600 et al.* 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. A petition must be filed for judicial review within 30 days from the date of the vote of the Plan Commission.

F. **Criteria for Review**

In making a decision, the Plan Commission evaluates the development plan against the following criteria:

1. The arrangement of the structures on the site with respect to:
   - allowing safe and effective use of the proposed development;
   - creating innovative and efficient environments that enhanced relationship between the development and the site;
   - compatibility with development on adjacent property; and
   - consideration of off-site utilities and services and minimizes potential impacts on existing or planned municipal services, utilities, and infrastructure.

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

3. The arrangement of open space and landscape improvements on the site that:
   - create a desirable and functional environment for patrons, pedestrians, and occupants;
   - preserve unique natural resources where possible; and
   - respect desirable natural resources on adjacent sites.

4. Traffic circulation that creates conditions favorable to the health, safety, and harmonious development including:
   - Street and highway access points that minimize safety hazards and congestion by their design and location;
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1. The capacity of adjacent streets and highways is sufficient to safely and efficiently accept traffic generated by the proposed development;
2. The pedestrian circulation that minimizes safety hazards for pedestrians and vehicular traffic; and
3. Internal traffic circulation with access points compatible with existing and planned streets and adjacent developments.

5. Parking lots or garages that:
   a. are located, designed, and screened to minimize adverse visual impacts on adjacent properties; and
   b. provide perimeter parking lot screening and internal landscaped islands as required by 6.7 Landscaping – Parking Lots.

6. Landscaping that meets the intent of 6.1 – 6.9 Landscaping by:
   a. creating clear transitions to adjoining lots and developments;
   b. screening incompatible uses;
   c. minimizing the visual impact of the development on adjacent sites and roadways; and
   d. utilizing native plant materials compatible with the local climate and the specific conditions of the site.

7. Outdoor lighting designed and installed to minimize adverse impacts to adjacent properties.

8. Provision of site development features such as vehicle and pedestrian connectivity, elements of site character, and innovative stormwater management techniques consistent with the intent of the Comprehensive Plan.

9. Grading, drainage, and erosion control measures that meet the requirements of CHAPTER 7: SUBDIVISION REGULATIONS and the Storm Drainage, Erosion and Sediment Control Ordinance.

10. For infill development, cohesiveness with the surrounding neighborhood is important. Therefore, the compatibility of the proposed development with the neighborhood is reviewed regarding:
   a. Massing of the building form
   b. Building scale
   c. Location and treatment of entryways (including porch heights)
   d. Surface materials, finishes, and textures
   e. Size of the building footprint
   f. Eave heights
   g. Building silhouette
   h. Spacing between buildings
   i. Setbacks from street property lines
   j. Proportions of windows, bays, doorways, etc.
   k. Shadow patterns from massing and features
   l. Landscaping
   m. Driveway surfacing

G. Performance Guarantee

The applicant may be required to furnish a performance guarantee surety per 7.24 Surety Standards or an irrevocable letter of credit. A performance guarantee for landscaping will be held for one year after issuing the permanent Certificate of Occupancy to insure survival of the required landscaping.

8.11 Improvement Location Permits

A. Scope

An Improvement Location Permit is required prior to: (1) erecting moving, adding to, or structurally altering a building or structure, or
(2) establishing or changing the use of any building, structure, or land. The Administrator can only issue an Improvement Location Permit when the application conforms with the provisions of this Ordinance, or after the BZA approves an appeal, special exception, or variance.

B. Application for Improvement Location Permit

1. An Improvement Location Permit application must be signed by the owner or agent attesting to the truth and accuracy of all information supplied in the application.

2. Applications are filed with the Administrator on forms provided by the Administrator in the number and manner designated. Paper copies must be drawn at a scale sufficient to permit a clear understanding of its contents and of the proposal being made.

3. The Improvement Location Permit application for an industrial use must include a Certificate of Compliance signed by a registered professional engineer or architect certifying the intended use satisfies the provisions of this Ordinance.

C. Action by the Administrator

Within 15 business days after receiving a completed application, the Administrator will approve or disapprove the application. One set of the plans is marked either “approved” or “disapproved” and returned to the applicant. If the application is approved, the Administrator issues a placard to the applicant. The placard must be posted in a conspicuous place on the subject property. If disapproved, the Administrator notifies the applicant in writing indicating the reasons for disapproval.

D. Expiration of the Improvement Location Permit

Work authorized by an Improvement Location Permit must start within 12 months of issuing the permit; otherwise permit expires and becomes void. All work must be completed within 24 months from issuing the permit. The Administrator may extend the work completion time when good cause is shown.

E. Failure to Obtain an Improvement Location Permit

Failure to obtain an Improvement Location Permit is a violation of this Ordinance and subject to enforcement.

F. Limitation on Improvement Location Permits

Improvement Location Permits issued based on plans and applications authorize only the use or arrangement set forth in the approved application or its amendments. Any use, arrangement, or construction contrary to that authorized is a violation of this Ordinance and subject to enforcement.

G. Records of Improvement Location Permits

Every Improvement Location Permit issued according to this article is be kept on file and is available as a public record.

8.12 Certificate of Occupancy

A. Scope

It is unlawful to use or occupy any building and/or premises until a certificate of occupancy is issued by the Administrator. The certificate of occupancy states the use of the building and/or premises conforms to the requirements of this ordinance as confirmed by the Administrator.

B. Application for Certificate of Occupancy
Applications for a Certificate of Occupancy are filed with the Administrator at least 30 calendar days before the improvements to any building or premises are completed. The application must comply with the requirements of 8.1 Applications of this Ordinance.

C. Change in Use
A change in the use of land or buildings is prohibited without a Certificate of Occupancy.

D. Change of Occupancy
A Certificate of Occupancy is required prior to occupying any nonresidential structure or the premises where it is located.

E. Issuance of Certificate of Occupancy
Within 10 business days of the applicant’s notification that improvements are completed, the Administrator may issue a Certificate of Occupancy after confirming the improvements are complete.

F. Temporary Certificate of Occupancy
A Temporary Certificate of Occupancy may be issued by the Administrator for a period of up to 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 Administrator for up to 6 additional months. Prior to the expiration of an administratively renewed Temporary Certificate of Occupancy, an appeal to the BZA requesting an additional renewal for up to 12 additional months may be filed. The BZA may approve or approve with conditions the renewal appeal only after determining in written findings that:

1. The renewal request arises from some condition peculiar to the property involved; and
2. A strict application of the 12-month limit constitutes an unnecessary hardship when applied to the property for which the appeal is sought.

A Temporary Certificate of Occupancy has a maximum duration of 24 months.

G. Failure to Obtain a Certificate of Occupancy
Failure to obtain a Certificate of Occupancy is a violation of this Ordinance and subject to enforcement.

H. Limitation on Certificates of Occupancy
Certificates of Occupancy issued based on plans authorize only the use or arrangement described in the approved application or its amendments. Any use, arrangement, or construction contrary to that authorized is a violation of this Ordinance and subject to enforcement.

I. Records of Certificate of Occupancy
Every Certificate of Occupancy issued according to this section is kept on file in the Office of the Administrator and is available as a public record.

8.13 Sign Permits
A. No sign, except as provided in 6.15 Signage – Exemptions and Nonconforming Signs, can be erected, constructed, altered, or relocated without first obtaining a permit from the Administrator. This provision includes changes to the face of an existing sign.

B. Applications for a sign permit are filed with the Administrator according to the requirements of this chapter. Applications must contain the following information.

1. Name, address and telephone number of the applicant.
2. A site plan drawn to scale showing 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 the location of parking, driveways and landscaped areas and the position of each sign in relation to building, structure or parcel;

3. 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;

4. Two copies of detailed sign plans and specifications that demonstrate the method of construction; and

5. A sketch showing sign faces, exposed surfaces and the proposed message thereof accurately represented in scale as to size, proportion and color.

6. A sign lighting plan that meets the requirements of 6:16 Signage – General Standards.

7. Name of the person, firm, corporation or association erecting, constructing, altering or relocating the sign.

8. Written consent of the owners of the building, structure or land on or to which the sign is to be erected.

9. Other information as the Administrator may require demonstrating full compliance with this and all other laws and ordinances of the Town.

C. Issuance of a Sign Permit

1. Administrator: Upon receipt of a fully complete sign permit application, the Administrator examines the application and all supplementary material to determine compliance with this Ordinance and any other applicable Town ordinances or laws. The Administrator takes formal action on the application within 30 days of the date the application was filed.

2. Approval by Electrical Inspector: Applications for a sign permit involving electrical wiring and connections are also be reviewed and approved by the Electrical Inspector for the Town.

3. Validity of the Permit: If work authorized under a sign permit has not been started within 6 months or completed within one year of the date of issuance, the sign permit becomes void.

4. Effect of the Permit: Issuance of a sign permit does not permit or authorize the erection, construction, alteration, or relocation of an illegal sign nor does a permit issued constitute a defense in an action to abate an illegal sign.

5. Appeals: Decision of the Administrator are appealed to the Board of Zoning Appeals according to 8.6 Appeals.

8.14 Temporary Use Permits

A. Authority

The Administrator is authorized by this Ordinance to issue a temporary use permit for uses allowed in zoning districts as temporary uses in CHAPTER 4: USE STANDARDS.

B. Application

An application for a temporary use permit is filed according to the requirements of 8.1 - Applications.

C. Action of the Application

Within 10 business days following the receipt of a complete application for a temporary use permit, the Administrator informs the applicant in writing of his decision. A temporary use permit will not be issued until the Administrator is satisfied that the use allowed by the temporary use permit will not adversely affect the public
Commitments

A. Form

The commitments must be in writing in recordable form and signed by the owners of the property. The Administrator approves the form of the commitments prior to their submission.

B. Application

The commitments run with the land and are binding on the current owners of the property and any person acquiring an interest in the property. An unrecorded commitment is binding on the owners of the property and any person acquiring an interest in the property only if the person acquiring an interest in the property has actual notice of the commitment.

C. Recordation

The effective date of the commitments is the date the application was approved. The commitments are reviewed by the Town Attorney and recorded by the Administrator in the Office of the Recorder of Hendricks County, Indiana.

Proof the commitments were recorded is kept in the official records of the Plan Commission. Written Commitments must be recorded within 30 days of the approval.

D. Modification and Termination

The commitments may be modified or terminated only with the approval of the owners of the property subject to the commitments, and the body requesting the commitments (the Town Council, the Plan Commission or the BZA, as the case may be) after a public hearing. Commitments made or required in connection with a map amendment or a planned unit development terminate if the zone map applicable to the parcel is changed.

E. Enforcement

1. Commitments made in connection with this Ordinance may be enforced, jointly or independently, by:
   - the Plan Commission or the BZA, as the case may be;
   - the Administrator;
   - any owners of the properties subject to the commitments; and
   - any owners of the properties who received notice of the original zoning amendment or planned unit development, including subsequent purchasers of such properties.

2. If it becomes necessary to enforce commitments made in connection with this Ordinance in court, and the owner of the property is found to be in violation of commitments, the owner pays all reasonable costs connected with the enforcement of the commitments, including attorney fees.

3. If signed written commitments are not returned per 8.15 Commitments, the Town has the following remedies:
   - Revocation of the map amendment;
• Injunctive relief according to 8.15 Commitments;
• Waiver of modification of commitments according to 8.15 Commitments.

4. The procedure to revoke a map amendment according to 8.15 Commitments is the same as the map amendment process and requires a public hearing.

8.16 Waiver of Design Standard

In connection with a Development Plan, Preliminary Plat, or Final Plat, the Plan Commission may approve a request for a waiver of the provisions in CHAPTER 7: SUBDIVISION REGULATIONS if the purpose of the design standards is better served by an alternative proposal and the benefit achieved or the public interest served does not undermine the intent and purpose of this Ordinance.

The Plan Commission cannot approve waivers unless it makes written findings for each specific request that granting the waiver:

• Will not be detrimental to the public health, safety, or general welfare, or be injurious to adjacent or nearby property;
• Will not contradict the intent of design standards or the purpose of the Subdivision Regulations;
• Is due to conditions specific to the property and the proposed development and not applicable generally to other properties;
• Enhances the proposed development and the surrounding area;
• At the time of filing an application, the petitioner submits a written statement of waivers being requested stating the grounds for each request and detailed written findings of fact in support of each request. Only design standards specifically identified in each request may be waived by the Plan Commission. Waivers may only be granted after a public hearing.

8.17 Waiver of Development Standard

In connection with a Development Plan, Preliminary Plat, or Final Plat, a request for a waiver of the dimensional and quantitative standards of up to 35% for the provisions in CHAPTER 2: ZONING DISTRICTS, CHAPTER 5: DESIGN AND MAINTENANCE STANDARDS and CHAPTER 6: IMPROVEMENT STANDARDS may be approved consistent with the following requirements:

• The proposal does not create conditions detrimental to the public health, safety, and welfare.
• The proposal is harmonious with the purpose and intent of the zoning district in which the project is located.
• The proposal enhances the overall Development Plan, Preliminary Plat, or Final Plat, the abutting streetscapes and neighborhoods, and the surrounding area.
• The proposal does not produce a site design that is impractical or detracts from the appearance of the proposed development and the surrounding area.
• The proposal provides improved site design characteristics such as increased pedestrian connections, enhanced landscaping, tree preservation, or public art.

For items where final approval has been delegated to staff, the Administrator has the
authority to grant waivers. In all other circumstances, the Plan Commission may grant the waiver after a public hearing.

In granting the waiver, the Plan Commission or Administrator may impose conditions it deems necessary to secure the purposes of this article. The applicant retains the right to petition the Board of Zoning Appeals for a variance from development standards as provided in **IC 36-7-4-918.5**.

### 8.18 PUD: Purpose

The Planned Unit Development (PUD) zoning district provides for the development of mixed zoning classifications, densities, and uses under a common classification when presented to the Plan Commission in a well-prepared, organized and documented plan. This zoning district is intended to:

- Encourage large-scale, identity-building developments that mix uses, building types, and building arrangements;
- Provide greater flexibility for sites with natural constraints in order to conserve natural resources; and
- Allow a review process for creative building types that do not fit well into other zoning districts.

### 8.19 PUD: Authority to Vary Regulations

In a Planned Unit Development District, the Plan Commission and the Town Council have the authority to approve Planned Unit Developments that vary from the provisions of this Ordinance provided such variation:

- Achieves the purposes of planned unit developments as identified in this chapter;
- Does not violate the general purposes, goals, and objectives of this Ordinance and the Comprehensive Plan;
- Does not unduly burden adjacent roadways; and
- Results in a development providing adequate levels of open space and other amenities within the proposed development and the Town.

### 8.20 PUD: Ownership & Control

Properties subject to any Planned Unit Development request must: (1) be under single ownership or control, or (2) if not under single ownership or control, must demonstrate consent of the owners of property included in the PUD request.

All owners of record must provide a signed, notarized consent form for the petition file authorizing inclusion of the property within the PUD request. The properties included within a PUD request must be contiguous.

Properties included in a Planned Unit Development request may revoke consent, in writing, at any point during the PUD process until the approved PUD ordinance and any commitments are recorded with the title to the property.

A request to include a site within a PUD zoning district may originate from the Town Council or Plan Commission.

### 8.21 PUD: Minimum Project Area and Minimum Open Space

There is no minimum project acreage for a Planned Unit Development District.

There is no minimum open space requirement for a Planned Unit Development District. Instead, each proposed PUD provides: amenities, recreation areas, open areas, preservation areas, improvements and features at a level consistent with the intent and character of the proposed PUD zoning district.
8.22 PUD: Development Standards

A. Development Standards:

1. Unless the applicant proposes alternate development standards in the PUD district ordinance, the default development standards of the zoning district specified in the PUD district ordinance apply to the PUD zoning district.

2. Modification of the default development standards must be directly linked to the purpose of the PUD noted in 8.18 above.

3. Where supplemental exhibits (such as elevations, renderings, materials samples, and color palates) are provided as supporting documentation of a concept, style, theme, or other element of a PUD zoning district, the exhibits are considered a component of the Development Standards of the PUD zoning district for the purposes of secondary review.

   a. Any exhibit provided as supporting documentation must identify the element of the PUD District Ordinance the exhibit illustrates.

   b. Any conflict or confusion between exhibits and the text of the approved ordinance is resolved through interpretation by the Administrator (see 8.5 Interpretations).

B. Procedure for Establishing Alternate Standards:

1. Avon Department of Public Works: All proposals to deviate from the design and construction standards of the Town must be approved through the waiver process by the Director of the Department of Public Works in conjunction with the PUD district ordinance and concept plans.

   a. Technical Advisory Committee: Prior to appearing before the Plan Commission, the petitioner is responsible for securing the approval of all agencies with facilities affected by an alternate standard.

   b. Local, State and Federal Agencies: Prior to appearing before the Plan Commission, the petitioner is responsible for securing the approval of the alternate standards of any local, State and Federal agencies that are not represented on the Technical Advisory Committee that would have facilities affected by an alternate standard.

   c. Restriction: Failure to secure approval of any proposed alternate standard by any agency with facilities affected by an alternate standard precludes bringing development plan that relies on the standard before the Plan Commission or Town Council for consideration.

C. PUD District Ordinance Format

The submitted PUD district ordinance and supporting documentation follow the standard format adopted by the Town.

D. Procedures

The procedures for the establishment and administration of a PUD zoning district are set forth in 8.24 Procedures for Initial Review. Alternate procedures must not be established for any PUD zoning district.

E. Amendments to This Ordinance

Unless the PUD zoning district has specified an alternate development, design or construction standard, an amendment to the text of this Ordinance or to the design and construction
standards of the Department of Public Works applies to PUD zoning districts.

8.23 PUD: Procedures for Initial Review

The review and approval process for a Planned Unit Development Ordinance consists of the following elements.

A. Pre-filing Meeting
   1. A pre-filing meeting between the applicant and Administrator occurs a minimum of 10 days before the filing of a proposed PUD district ordinance and concept plan.
   2. At a minimum, the applicant must bring:
      * A draft of PUD zoning district ordinance text; and
      * A preliminary plan;
   3. The Pre-Filing meeting serves as an opportunity to alert the petitioner to potential conflicts with adopted Town policies, plans, ordinances, and potential conflicts with affected utility and service providers.
   4. Failure to identify potential conflicts at the pre-filing meeting does not eliminate the responsibility of the petitioner to address issues identified later in the approval process.

B. Submittal
   The submitted PUD District request consists of:
   1. A complete application packet;
   2. Proposed PUD district ordinance text;
   3. Supporting information as identified; and
   4. Any additional information identified as necessary by the Administrator at the pre-filing conference. Failure to provide the information results in the petition not being docketed for the next available hearing date.

C. Neighborhood Meeting
   1. A minimum of 15 days before the Plan Commission public hearing, the applicant must host a neighborhood meeting.
   2. Notice of the neighborhood meeting must be provided to interested parties via first class mail at least 10 days before the meeting.
   3. The neighborhood meeting does not constitute a public hearing on the proposed Planned Unit Development and will not be administered by Town staff or appointed board.
      a. A report detailing the events, attendance, and information presented by the applicant at the neighborhood meeting must be submitted to the Administrator at least 10 days before the Plan Commission public hearing.
      b. Copies of the report are distributed to the Plan Commission members as a component of any staff report provided prior to the Plan Commission public hearing.
      c. A person may submit written comments regarding the petition file. Comments received at least 10 days prior to the public hearing will be provided to Plan Commission members.

D. Technical Advisory Committee (TAC)
   1. Any proposed PUD district appears before the Technical Advisory Committee prior to any Plan Commission public hearing.
2. Any PUD district proposing to modify design or construction standards of any TAC member agency must submit a detailed description of the proposed change.

3. The affected TAC member must provide a written response to the proposed modification before any public hearing of the proposed PUD zoning district.

E. **Town Council Informational Appearance**

1. The proposed PUD district appears before the Town Council for an informational presentation of the proposal.

2. The informational appearance is conducted at a regularly scheduled Town Council meeting.

3. The informational meeting is not the required public hearing for the proposed PUD district.

4. The informational meeting is administered by Town staff.

5. No action may be taken on any proposed PUD district at an informational meeting, and comments, proposed changes, or requested changes are not considered binding.

F. **Plan Commission Public Hearing**

1. The public hearing for any proposed PUD district is conducted according to the terms of **8.4 Review and Hearings** of and with the terms of the Town of Avon Rules of Procedure.

2. Legal notice for any public hearing on any proposed PUD district is provided according to the terms of **8.3 Notice** of this Ordinance and with the terms of the Plan Commission Rules of Procedure.

3. After the public hearing, the Plan Commission recommends approval, approval with conditions, or denial of the proposal to the Town Council. The Plan Commission may also continue the matter to a later hearing date. Within 10 business days after the Commission makes its recommendation, the Commission certifies the proposal to the Town Council with a favorable recommendation, an unfavorable recommendation, or no recommendation.

G. **Town Council**

1. Within 45 days of certification of the Plan Commission recommendation, the application is placed on the Town Council agenda.

2. The Town Council considers the petition for the Planned Unit Development ordinance according to the procedures for amending the Zoning Map set forth in **8.9 Rezones and Amendments**.

3. The Town Council may take the following action on the application:
   - Adopt the proposed PUD district;
   - Adopt the proposed PUD district with conditions and/or commitments;
   - Return the proposed PUD district to the Plan Commission with proposed amendments; or
   - Deny the proposed PUD district.

**8.24 PUD: Secondary Review by the Plan Commission**

A. Secondary review of any PUD district is delegated to the Plan Commission according to **IC 36-7-4-1511**.

B. **Development Plan Review**

1. Development plan review by the Plan Commission serves as the secondary review of the PUD for any non-
Chapter 8:26  PUD: Phasing, Extensions and Abandonment

residential portion of any approved PUD zoning district.

- Development plan review occurs according to 8.10 Development Plans.
- Any Development plan review of an adopted PUD district consists of all or part of the adopted PUD district.
- Undergoing development plan review of any portion of a PUD district does not remove the requirement to plat any newly created, divided or otherwise modified lot according to CHAPTER 7: SUBDIVISION REGULATIONS.

2. Primary and Secondary Plat
- Primary plat review by the Plan Commission serves as the secondary review of the PUD for any residential portion of any approved PUD zoning district.
- Secondary plat review of any approved PUD zoning district is according to CHAPTER 7: SUBDIVISION REGULATIONS.

8.25 PUD: Phasing, Extensions and Abandonment

A. Phasing Schedule

1. The phasing schedule submitted as part of the approved PUD district controls the timing of the development of the PUD district.

2. Secondary review by the Plan Commission must be completed within the timeline established by the approved phasing schedule.

   a. Failure to complete a secondary review for a component of a PUD district within the timeframe established by the phasing schedule requires amendment of the PUD zoning district according to 8.28 PUD Amendments before seeking any additional secondary review for any other component of the PUD zoning district.

b. While the amendment is pending and until it is approved, permits cannot be issued in the portion of the PUD pending amendment.

3. All approvals subsequent to the required secondary review approval (eg. final/secondary plat, ILP, etc...) must be completed within the timeline for said approval established by this Ordinance.

B. Extensions of Time

1. Any request for any extension of time must be completed prior to the expiration of the time period in question. Extensions of time filed, but not approved, by the expiration of the time period in question are considered denied upon the expiration of the time period in question.

2. A single extension of time to complete secondary review of any component of a PUD zoning district may be granted by the Administrator. The extension is for a maximum of 6 months. Any extension must be requested in writing, confirmed in writing, added to the petition file, and reported to the Plan Commission. The required secondary review of the component of the PUD district must be completed prior to the expiration of the 6-month extension.

3. Any other request for an extension of time is considered an amendment to the adopted PUD district and is subject to 8.28 - PUD: Amendments.
C. Abandonment

1. Abandonment is deemed to occur when no improvements have been made according to the approved secondary review for 24 consecutive months, or upon the expiration of 2 years from the approval date of the last component of the PUD district.

2. An amendment to the zoning map is initiated so the land will be zoned into a category or categories that most nearly approximate it’s then existing use or other zoning category or categories that the legislative body deems appropriate.

8.26 PUD: Recording

Prior to the issuance of any Improvement Location Permit or any development:

- A copy of the approved PUD district ordinance text must be recorded with the title to the subject site;
- Any concept plan, graphic or other visual rendering adopted as a component of the PUD district ordinance must be reduced to a legible, recordable form and recorded with the title to the subject site; and
- Any written commitments attached during the approval of the PUD zoning district are placed on the form adopted by the Town and recorded with the title to the subject site.

8.27 PUD: Amendments

A. Minor Amendment

1. Minor amendments to PUD districts may be approved by the Administrator.

2. Any amendment must be requested in writing, confirmed in writing, added to the petition file, and reported to the Plan Commission.

3. Only proposed amendments not identified in 7.3(G)(1) Major Amendments are eligible for consideration as a minor amendment.

4. Appeal of a denial of a minor amendment must be in the form of a detailed amendment as established below.

B. Detailed Amendment

1. A detailed amendment is required when proposing to:
   - Modify or terminate a condition of approval;
   - Modify or terminate a commitment of approval;
   - Increase the density or intensity of the project (e.g. additional structures, additional square footage, etc.);
   - A new right-of-way is proposed;
   - A right-of-way is proposed to be removed from the approved PUD zoning district, concept plan, development plan review or primary plat for the project;
   - The ratio of platted lot area to common area and/or open space is being increased;
   - The boundary of the area included in the PUD district is being expanded to include additional area or contracted to exclude areas previously included in the approved PUD district.

2. A detailed amendment follows the same procedures for approval as those listed in 7.3(G)(1) Major Amendments, including providing notice of a neighborhood meeting as provided in 8.23(C) and conducting a neighborhood meeting at least 15 days prior to meeting with the Technical Advisory Committee meeting provided for in
8.23(D), except no informational appearance before the Plan Commission is required. Amendment petitions may proceed directly to public hearing at the Plan Commission after all other preliminary steps.

C. Permission

Any modification to an approved PUD district requires:

1. The consent of property owners who own at least 50% of the land involved, or
2. If the applicant is unable to obtain the required consent, a waiver of the consent requirement. In order to obtain a waiver of the consent requirement, the applicant must demonstrate the amendment is:
   - Consistent with the intent of the original PUD district;
   - Consistent with the recommendations of all Town land use policies and plans; and
   - Necessary because of: (a) physical changes to the site or abutting properties, or (b) changes in market demand, demographics, policies, or law.

Any amendment, modification, or rezoning of a PUD district initiated by the Town Council does not require consent of property owners within the PUD district.

D. Considerations

In consideration of any proposed amendment, the Plan Commission evaluates the following:

- Consistency of the proposed amendment with the intent of the original PUD district;
- Consistency of the proposed amendment with the recommendations of all current adopted land use policies and plans (e.g. Comprehensive Plan, Parks Master Plan, Thoroughfare Plan, Trail and Sidewalk Plan, et al).
- Changes to physical site conditions and to the physical conditions of properties abutting the subject site; and
- Changes to market demand, demographic shifts, geopolitical considerations, and other policy and legal environmental changes.

8.28 PUD: Limitation of Rezoning

This section applies to new Planned Unit Development proposals initiated after the date of adoption of this Ordinance and is not applicable to Planned Unit Development districts in existence at the time of passage of this ordinance.

Any amendments to PUD districts in existence at the time of adoption of this Ordinance are subject to the requirements set forth in this section.
Chapter 9 – Administration and Enforcement

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9.1 General Administration
The decision-making bodies and officials identified in this Chapter have the responsibility for implementing and administering this Ordinance.

A. Meeting Schedule
The Administrator maintains an annual schedule of meeting and filing dates for the Technical Advisory Committee, Plan Commission, and BZA. Modifications of filing dates are considered if determined reasonable by the Administrator. The existence of this calendar does not prohibit special meetings or changes of meeting dates by the Technical Advisory Committee, Plan Commission, or BZA. The schedule of meeting and filing dates must be made available in the office of the Department.

B. Fee Schedule
Filing fees for applications and petitions are set forth in the fee schedule. The fee schedule is established by resolution of the Council. Copies of the Fee Schedule are available in the office of the Department.

9.2 Board of Zoning Appeals
The Avon Board of Zoning Appeals, established according to IC 36-7-4-900 et seq., has the powers and duties described below:

A. To approve, approve with modifications, or deny any application for a variance from the development standards of this Ordinance.

B. To approve, approve with modifications, or deny any application for a use variance.

C. To grant, grant with modifications, or deny any application for a special exception.

D. To hear and decide an appeal from any order, requirement, decision or determination made by the Administrator or staff in the administration or enforcement of this Ordinance.

E. 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.

F. To exercise all powers conferred by law, local ordinance, or rule including to invoke any legal, equitable, or special remedy available by law or this Ordinance for the enforcement of the provisions actions taken under this Ordinance.

G. To adopt rules and procedures for the administration of the Board’s duties.

9.3 Town Council
The Town Council has the following powers and duties connected to the implementation of this Ordinance.

A. As certified by the Plan Commission to approve, reject, or amend all or part of the comprehensive plan.

B. To initiate amendments to this Ordinance and to adopt, reject, or amend proposals to amend or partially repeal the text of this Ordinance.

C. To adopt, reject, or amend proposals to amend the zoning map according to the procedures and standards for amendments set forth in 8.4 Rezones and Amendments.

D. To adopt, reject, or amend a Planned Unit Development Ordinance according to the procedures and standards for amendments set forth in 8.22 Procedures for Initial Review.
E. To take such other actions not exclusively delegated to other bodies, which may be desirable and necessary to implement the provisions of this Ordinance.

9.4 Planning Director

A. Administrative Officer: It is the duty of the Director of the Department of Planning and Community Development (the “Director”) to enforce and implement the provisions of this Ordinance, receive applications required by this Ordinance, issue permits, and furnish the prescribed certificates.

B. Duties: The Director and/or the Director’s designees, in connection with the implementation of this Ordinance and in accordance with Indiana law will:

1. Maintain a Council approved Comprehensive Plan and the Unified Development Ordinance, as authorized under Indiana law.


3. Maintain complete records of all meetings, hearings, correspondences, and affairs of the Plan Commission and BZA.

4. Publish and make available to the public all plans, ordinances, and other related material that are the responsibility of the Plan Commission and BZA. All such records must be open to public inspection during the Department’s normal hours of business.

5. Maintain a permitting process and seal used to certify official or approved documents. Keep careful and comprehensive records of applications, permits issued, certificates issued, inspections made, reports rendered, and of notices or orders issued. Retain on file copies of all documents in connection with building work if any part of the structure to which they relate remains existence.

6. Examine premises for which permits have been issued and make necessary inspections to see that the provisions of the law are within compliance.

7. Enforce laws relating to the construction, alteration, use, occupancy, location, and maintenance of structures and land, except as may be otherwise provided for in local or Indiana law.

8. Issue notices or orders necessary for enforcing compliance with the laws or preventing a violation of provisions of this Ordinance.

9. Determine the appropriate categories of land uses not specifically listed on the Permitted Uses Table.

10. Render interpretations of the provisions of this Ordinance.

11. Approve or deny sign permit applications.

12. Review applications for Improvement Location Permits for compliance with the standards of this Ordinance.

13. Issue Improvement Location Permits for Special Exceptions after approval by the Board.
14. Other duties set forth here or that may be delegated by the Plan Commission, BZA, or Council.

9.5 Floodplain Administrator

A. **Floodplain Administrator:** The Director and/or designated staff of the Department, is designated as the Floodplain Administrator.

B. **Authority:** The Floodplain Administrator is authorized and directed to enforce and implement the provisions of the Floodplain Regulations.

C. **Duties:** The Floodplain Administrator will, in connection with the implementation of this Ordinance and in accordance with Indiana law:

1. Review floodplain development permits to assure the permit requirements of this Ordinance have been satisfied.

2. Inspect and inventory damaged structures in the Special Flood Hazard Area (SFHA) and complete substantial damage determinations.

3. Ensure that required construction authorization has been granted by the Indiana Department of Natural Resources for development subject to the Flood Plain Regulations.

4. Ensure that all necessary federal or state permits have been received prior to issuance of an Improvement Location Permit.

5. Maintain improvement location permit records involving building additions and improvements to residences located in the Floodway.

6. Maintain related permits and information for buildings constructed subject the Flood Plain Regulations.

7. Utilize and enforce map revisions issued by the Federal Emergency Management Agency (FEMA) for the currently effective SFHA maps.

8. Review certified plans and specifications for compliance.

9. Verify required certifications of the actual elevation of the lowest floor for new or substantially improved buildings.

10. Verify required certifications of the actual elevation of the floodproofing for any new or substantially improved buildings.

11. Notify adjacent communities and the State’s floodplain coordinator prior to any alteration or relocation of a watercourse and submit copies of the notifications to the Federal Emergency Management Agency.

12. Assure that maintenance is provided within the altered or relocated portion of the altered watercourse, so the flood-carrying capacity is not diminished.

9.6 Plan Commission

The Avon Plan Commission, being previously established according to Indiana Code 36-7-4-200 et seq. has the following powers and duties in connection with the implementation of this Ordinance.

A. To initiate amendments to the text of this Ordinance and to the Zoning Map according to the procedures and standards for amendments set forth in 8.4 Rezones and Amendments.

B. To review all proposed amendments to this Ordinance and make recommendations to the Town Council according to the procedures and standards for amendments.
set forth in 8.4 Rezones and Amendments.

C. To review all Planned Unit Development Petitions and make recommendations to the Town Council for the adoption of the petitions according to the procedures and standards for Planned Unit Developments set forth in 8.22 Procedures for Initial Review.

D. To render final decision regarding secondary review of all Planned Unit Development Petitions according to the procedures and standards for Planned Unit Development set forth in 8.23 Secondary Review by the Plan Commission;

E. 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.

F. To review, approve, approve with modifications, or deny all subdivision applications according to the procedures and standards for subdivision approval set forth in the CHAPTER 7 – SUBDIVISION REGULATIONS.

G. To approve, approve with modifications, or deny all applications for waivers from the subdivision regulations, according to the procedures and standards for plat approval set forth in CHAPTER 7 – SUBDIVISION REGULATIONS.

H. To approve, approve with modifications, or deny all Development Plans according to the procedures and standards for Development Plans set forth in 8.12 Development Plans.

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

J. 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.

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

L. To exercise all powers conferred on it by law, local ordinance or rule including to invoke any legal, equitable, or special remedy for the enforcement of state planning and zoning laws or this Ordinance.

9.7 Technical Advisory Committee

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

A. Membership

The Technical Advisory Committee is comprised of the following members.

1. Avon Zoning Administrator
2. Avon Building Commissioner
3. Avon Director of Public Works
4. Washington Township Fire Marshal
5. The 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 applications or as necessity demands.

B. **Review Authority**

1. To review and evaluate applications for waivers and make recommendations to the Plan Commission, according to the procedures and standards for waivers set forth in the Subdivision regulations.

2. To review and evaluate all development plans, and make recommendations to the Plan Commission, according to the procedures and standards for development plan review set forth in **8.22 Procedures for Initial Review**.

3. To take such other actions as delegated by the Plan Commission that may be desirable and necessary to implement the provisions of this Ordinance.

**9.8 Zoning Administrator**

A. **Zoning Administrator**: The Director and/or designated staff of the Department, is designated as the Zoning Administrator.

B. **Authority**: The Zoning Administrator is authorized and directed to enforce and implement the provisions of this Ordinance.

C. **Duties**: The Zoning Administrator will, in connection with the implementation of this Ordinance and in accordance with Indiana law:

1. Determine the appropriate categories of land uses not specifically listed on the Permitted Uses Table.

2. Determine if a proposed home occupation use is compatible as a home occupation.

3. Approve or deny sign permit applications.

4. Review applications for Improvement Location Permits for compliance with the performance standards of this Ordinance.

5. Issue Improvement Location Permits for Special Exceptions after approval of the BZA.

6. Inspect properties for compliance with the provisions of this ordinance.

7. Take enforcement actions to bring violations into compliance with the requirements of this Ordinance, including investigating complaints, issuing stop work orders, and revoking sign permits.

**9.9 Authority**

The Administrator is designated to enforce the terms and provisions of this Ordinance.

**9.10 Complaints Regarding Violations**

Whenever the Administrator receives a complaint alleging a violation of this Ordinance or has reason to suspect that a violation is occurring, they are responsible for investigating the complaint or suspicion and taking action as warranted.

**9.11 Persons Liable**

The owner or occupant of any building, structure, land, or other person who creates or maintains any situation contrary to the requirements of this Ordinance is responsible for the violation, the penalties, and is subject enforcement.

**9.12 Right of Entry**

The Administrator may enter upon any premises at any reasonable time to inspect all buildings, structures, or premises located within the
jurisdiction of this Ordinance to determine compliance with the provisions of this Ordinance. All inspections are subject to the following standards and conditions.

A. The Administrator must furnish to the owner, tenant, or occupant of the building, structure, or premises sought to be inspected, enough identification and information to demonstrate the person is a representative of the Town and the purpose of the inspection.

B. The 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.

9.13 Enforcement Authority
The Town of Avon, including the Director, Council, Plan Commission, Board, Building Commissioner, and their delegates are designated to enforce the provisions, regulations, and intent of this Ordinance, according to IC 36-7-4-100, et. seq., as amended.

9.14 Violation
A. Violation of any of the provisions of this Ordinance is considered a common nuisance and may be abated as nuisances are abated under existing law. Violations may include:

1. The erection, demolition, or conversion of any structure, building, or sign without the required approvals,
2. The use of any land or premises used in violation of any provisions of this Ordinance, or
3. Failure to comply with any condition, requirement, or commitment established with the approval of a variance, special exception, development plan, planned unit development, certificate of compliance, or other development approval under this Ordinance.

B. Any person who violates or resists the enforcement of any provisions of this Ordinance is subject to judgment for each offense. Each day a violation exists constitutes a separate offense. A violation exists until corrected. Correction may include:

1. Stopping an unlawful practice;
2. Removal of a building, structure, or improvement;
3. Faithful or otherwise-approved restoration or replacement of a building, structure, site or natural feature;
4. Any other remedy specified in this Ordinance; and/or
5. Other remedy acceptable to the Town.

9.15 Enforcement Options
A. Options for Enforcement. The Town has the following options to enforce the provisions of this Ordinance:

1. Issue a citation to a person alleged to have committed a violation of this Ordinance, according to IC 33-36 and 9.17 Citations for Zoning Violations.
2. Issue a stop work order under 9.18 Stop Work Orders.
3. Enter onto property and take action to bring that property into compliance with this Ordinance, according to IC 36-1-6-2 and 9.18 Action to Enforce Compliance or 9.19 Correcting Immediate Public Risk Violations.
4. Initiate enforcement through an administrative proceeding before the BZA, according to IC 36-1-6-9 and 9.19 Correcting Immediate Public Risk Violations.
5. To bring a civil action in the Town Court of Avon, according to IC 34-28-5-1 and 9.20 Administrative Enforcement.

B. Exercise of Options. The Town’s exercise of the options specified in this section, including the imposition of any penalties for an Ordinance violation, are not prerequisites for taking any other action against an alleged violator of this Ordinance, nor do they prohibit the Town from taking any further action.

C. Warnings. Before exercising any of the Town’s options under this section, the Administrator may issue a warning to a person alleged to be in violation of this Ordinance and give the person at least 10 days but not more than 60 days to remedy the alleged violation.

9.16 Penalty Schedule
A. Maximum Penalties. According to IC 36-1-3-8 and IC 36-7-4-1018, the maximum civil penalty for the first violation of a provision of this Ordinance is a fine of $2,500. The maximum civil penalty for the second or subsequent violation of a provision of this Ordinance (other than a provision that regulates parking) is a fine of $7,500.

B. Processing through Ordinance Violations Bureau. According to IC 33-36-3-1(a), the Council designates the following schedule of Ordinance provisions that are subject to the jurisdiction of the Town Court. The first and second (or subsequent) admission of the same violation within a 12-month period is subject to the fixed civil penalty described in this section.
### D. Subsequent Violations

The penalties listed above for subsequent violations apply whenever the responsible party commits an additional violation of the same provision within 12 months of the first violation, regardless of whether the additional violation is on the same property as the first violation.

### 9.17 Citations for Zoning Violations

#### A. Notice to Alleged Violator

An enforcement official may issue a notice citation for a violation of this Ordinance. The enforcement official must advise the alleged violator that the violation may be admitted and, if admitted, is subject to payment of the fixed civil penalty listed in 9.16(B). A copy of the citation must be filed with the Town Court no later than the next business day following its issuance. A failure to file a copy of the citation does not affect its validity or the alleged violator’s option to admit the violation and pay the fixed civil penalty.

<table>
<thead>
<tr>
<th>Ordinance violation subject to the jurisdiction of the Avon Ordinance Violations Bureau</th>
<th>Fine for first violation</th>
<th>Fine for subsequent violation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Temporary signage without permit</td>
<td>$100</td>
<td>$200</td>
</tr>
<tr>
<td>Permanent signage without permit</td>
<td>$250</td>
<td>$500</td>
</tr>
<tr>
<td>Parking on an unimproved surface</td>
<td>$50</td>
<td>$100</td>
</tr>
<tr>
<td>Temporary use without permit</td>
<td>$500</td>
<td>$1,000</td>
</tr>
<tr>
<td>Illegal land use</td>
<td>$1,000</td>
<td>$2,000</td>
</tr>
<tr>
<td>Operation of home business without certificate of compliance</td>
<td>$200</td>
<td>$400</td>
</tr>
<tr>
<td>Alteration of land without ILP</td>
<td>$200</td>
<td>$400</td>
</tr>
<tr>
<td>Failure to comply with commitments</td>
<td>$500</td>
<td>$1,000</td>
</tr>
<tr>
<td>Failure to obtain certificate of compliance</td>
<td>$500</td>
<td>$1,000</td>
</tr>
<tr>
<td>Failure to comply with certificate of compliance</td>
<td>$250</td>
<td>$500</td>
</tr>
<tr>
<td>Failure to comply with development standards</td>
<td>$100</td>
<td>$200</td>
</tr>
<tr>
<td>Any other violation of this Ordinance</td>
<td>$25</td>
<td>$50</td>
</tr>
</tbody>
</table>
B. **Form of Citation.** Citations must be numbered and contain the following information:

1. The date and time of issuance;
2. The specific Ordinance violation for which the citation is issued;
3. The amount of the civil penalty fixed for that violation under 9.16(B);
4. The date and location of the violation;
5. The name and address of the person alleged to have committed the violation, if known or readily obtainable;
6. The signature of the enforcement official issuing the citation or the enforcement official's name (and badge number, if any) in computer generated form; and
7. The duty of the alleged violator to appear.

C. **Service of Citation.** A citation is served by the enforcement official upon the alleged violator. If the alleged violator is present, the citation must be delivered personally to the alleged violator. If the alleged violator is not present and the violation involves specific premises, it must be served on the owner or other person in possession of the premises either in person or by first class mail.

D. **Duty to Appear.** Any person receiving a citation must appear in person or by attorney at the Town Court, to admit or deny the alleged violation at the time prescribed by the Town Court Administrator. Payment of the civil penalty fixed under 9.16(B) within 10 days of the date the citation is issued fulfills the duty to appear in person or by attorney and is deemed an admission of the violation.

E. **Procedure on Admission of Violation.** If a violation is admitted to the Town Court, the civil penalty fixed under 9.16(B) for the violation must be paid to the Town in a manner authorized by the violations clerk. Whenever a person assessed a civil penalty fails to mail or deliver payment to the Town Court within 10 days of the date the citation is issued, the violations clerk adds a late charge in the amount of $25. Late payments are accepted by the violations clerk only with the consent of the Administrator if the violation has been referred to the Administrator under subsection (F).

F. **Procedure on Denial of Violation, Failure to Appear, or Failure to Pay.** If a person served a citation:

1. appears at the Town Court and denies the alleged violation;
2. fails to appear and admit or deny the alleged violation within 10 days of the issuance of the citation; or
3. fails to pay the fixed civil penalty within 10 days after admitting the violation; the violations clerk reports the circumstances to the Administrator to begin appropriate administrative or judicial proceedings against the person.

G. **Limitations.** The fixed civil penalties specified in 9.16(B) apply only to violations admitted as provided in this section and are considered offers in compromise. If administrative or judicial proceedings are initiated for an alleged violation, the maximum penalty specified for the violation in 9.16(A) is applicable to the violation.

### 9.18 Stop Work Orders

A. **Occurrence of Violation.** If the Administrator finds that a violation is occurring or has occurred on a construction site, the Administrator may place a stop work order on any land/property improvement process.

B. **Procedure.** Stop work orders must be a written letter stating the nature of the
violation and requiring the work and any other illegal activity to stop immediately until the matter is resolved. If someone other than the property owner occupies the property, a copy of the stop work order must be provided to the occupant. This letter must be posted in a conspicuous place and be delivered or mailed to the property owner.

C. **Reasons.** Reasons for a stop work order may include:

1. Not complying with any element of the development standards or any regulation of the Ordinance.
2. Not obtaining a permit or approval prior to the construction or installation of any improvement requiring a permit or approval by this Ordinance.
3. Not completing structures or other site improvements consistent with any approved improvement location permit, variance, special exception, development plan, or other approval.
4. Not meeting the commitments imposed upon the approval of a special exception, variance, rezoning, development plan, subdivision plat, or other approval.
5. Not meeting the conditions of a PUD Ordinance or other rezoning, or any written commitment imposed upon an approval, whether recorded or not.
6. Illegal use or expansion of use of structures, or structures and land in combination.

D. **Appeals.** Any stop work order may be appealed to the BZA. Upon the resolution of the violation(s) to the satisfaction of the Administrator or the BZA, the stop work order is lifted and construction activity may resume.

### 9.19 Municipal Action to Enforce Compliance

**A. Entry into Property.** According to [IC 36-1-6-2(a)](https://www.in.gov/code/sec36_1-6-2-a.html), if violation of a provision of this Ordinance exists on real property, the Administrator may have employees or contractors of the Town enter the property and take appropriate action to bring the property into compliance with the Ordinance.

**B. Notice Requirement.** Before the Town takes action to bring a property into compliance, anyone holding a substantial interest in the property must be given at least 10 days but not more than 60 days to bring the property into compliance. Notice must be served on such persons in person or by first class mail. In addition, continuous enforcement orders (as defined in [IC 36-7-9-2](https://www.in.gov/code/sec36_7-9-2.html)) may be enforced, and liens may be assessed, without the need for additional notice.

**C. Expenses Constitute a Lien.** Whenever the Administrator takes action to bring compliance under this section, the resulting expenses incurred by the Town constitute a lien against the property. The lien attaches when notice of the lien is recorded in the office of the Hendricks County Recorder. The lien is superior to all other liens except liens for taxes and does not exceed:

1. $10,000 for real property that: (a) contains one or more occupied or unoccupied single or double family dwellings or the appurtenances or additions to those dwellings, or (b) is unimproved; or
2. $20,000 for all other real property not described in subdivision (1).

**D. Issuance of Bill to Owner.** According to [IC 36-1-6-2(b)](https://www.in.gov/code/sec36_1-6-2-b.html), the Administrator may issue a bill to the owner of the real property for all expenses incurred by the Town.
in bringing the property into compliance, including administrative costs and removal costs. According to **IC 36-1-6-2(c)**, a bill issued under this section is delinquent if the owner of the property fails to pay the bill to the Clerk-Treasurer within 30 days after the bill is issued.

**E. Collection of Fees and Penalties.** According to **IC 36-1-6-2(d)**, the Clerk-Treasurer’s office may prepare a list of delinquent fees and penalties enforceable under this section, including:

1. the names of the owners of each lot or parcel of real property on which fees or penalties are delinquent;
2. a description of the premises, as shown on the records of the Hendricks County Auditor; and
3. the amount of the delinquent fees or penalties.

**F. Preparation and Recording of Instrument.** The Clerk-Treasurer’s office may then prepare an instrument for each lot or parcel of real property on which fees or penalties are delinquent. The instrument is recorded with the Hendricks County Recorder, who charges a recording fee under the fee schedule established in **IC 36-7-2-10**.

**G. Placement of Lien on Tax Duplicate.** According to **IC 36-1-6-2(f)**, the amount of a lien is placed on the tax duplicate by the Hendricks County Auditor. The total amount, including any accrued interest, is collected in the same manner as delinquent taxes are collected and is disbursed to the general fund of the Town.

**H. Enforcement of Lien against Subsequent Owner.** According to **IC 36-1-6-2(q)**, a fee is not enforceable as a lien against a subsequent owner of property unless the lien for the fee was recorded before conveyance to the subsequent owner. If the property is conveyed before the lien is recorded, the Town must notify the person who owned the property at the time the fee became payable. The notice must inform the person that payment, including penalty fees for delinquencies, is due not later than 15 days after the date of the notice. If payment is not received within 180 days after the date of the notice, the amount may be considered a bad debt loss.

**I. Release of Lien.** According to **IC 36-1-6-2(h)**, the Town releases:

1. liens filed with the Hendricks County Recorder after the recorded date of conveyance of the property; and
2. delinquent fees incurred by the seller; upon receipt of a written demand from the purchaser or a representative of the title insurance company or agent that issued a title insurance policy to the purchaser. The demand must state that the delinquent fees were not incurred by the purchaser as a user, lessee, or previous owner and that the purchaser has not been paid by the seller for the delinquent fees.

**J. Removal of Lien from Tax Duplicate.** According to **IC 36-1-6-2(i)**, the Hendricks County Auditor removes the fees, penalties, and service charges that were not recorded before a recorded conveyance to a subsequent owner, upon receipt of a copy of the written demand under Subsection I.

### 9.20 Correcting Immediate Public Risk Violations

**A. General Requirements.** According to **IC 36-1-6-2(a)**, if a condition violating a provision of this Ordinance presents an immediate risk to public health, safety, or welfare or to property in the Town, the Administrator may opt to have employees or contractors of the Town enter the property and take immediate action to bring the
property into compliance. The Administrator is not required to provide prior notice to the property owner or other person responsible for the violation.

B. Immediate Public Risks. Immediate public risk violations may include:

1. Obstructions. Signs, structures, landscaping, or other materials placed in an easement, sight visibility triangle, or rights-of-way in violation of this Ordinance;

2. Distractions. Any sign, structure, landscaping, or other material located on private property that serves to distract or inhibit operators of motor vehicles on adjacent public ways, pedestrians, or other members of the general public; and

3. Other Threats. Any other immediate threat to public welfare as determined by the Town Manager or the BZA, based upon the advice and recommendation of the Administrator.

C. Seizure of Materials. Any sign, structure, landscaping or other material constituting an immediate public risk violation may be seized by the Administrator in a manner resulting in the least damage to the material or the property on which it is located.

D. Notice of Violation. The Administrator provides notice to the owner of the property, as listed in the records of the Hendricks County Auditor, where the violation was located, or any discernible appropriate owner of materials placed within a public way in violation of this Ordinance, by placing a notice in a conspicuous place on the property and mailing a letter to that property owner. All notice letters are sent to the property owner via certified mail within 24 hours of the seizure. Any notice posted on the property must be posted at the time the material is seized. The letter and posted notice must include:

1. A description of the materials seized;

2. A citation of the sections of this Ordinance that were violated and the characteristics of the violation that posed an immediate threat to public welfare;

3. The address and phone number of the Administrator and the name of the person to be contacted by the property owner to discuss the violation and request the return of the seized items; and

4. Instructions describing how, where, and when the seized items may be claimed.

E. Storage and Retrieval of Seized Materials. The Administrator stores any sign, structure, landscape materials or other items seized in a secure location for a period of no less than 30 days from the date notice was mailed to the property owner. The property owner may claim the seized property following its seizure upon the payment of the fine specified in §9.16 and the establishment of a Memorandum of Agreement between the property owner and Administrator regarding the future use of the item in a manner consistent with this Ordinance.

F. Liability. Neither the Administrator, the Town, nor any other official or entity involved in the seizure is liable for any damage to the seized materials or the property from which they were taken.

9.21 Administrative Enforcement

A. Provisions that Restrict or Prohibit Actions Harmful to the Land, Air, or Water. According to IC 36-1-6-9, the Town may opt to enforce any provision of this Ordinance that restricts or prohibits actions harmful to the land, air, or water, through an administrative proceeding before the BZA. The BZA must find that the violation has been proved by a preponderance of the evidence. Upon finding a
violation, the BZA may assess a civil penalty within the limits set forth in 9.16.

B. Appeal to Court. According to IC 36-1-6-9(e), a person who is assessed a civil penalty under this section may appeal the BZA’s order imposing the penalty to the Hendricks Circuit or Superior Court. An appeal under this section must be filed not more than 60 days after the date on which the BZA enters the order.

C. Payment of Civil Penalty. Unless a person who is assessed a civil penalty under this section files an appeal, the person must pay the penalty to the Town in a manner authorized by the Clerk-Treasurer. Whenever a person liable for a civil penalty under this section fails to deliver payment to the Town within 75 days after the date on which the administrative body enters the order imposing the penalty, the Clerk-Treasurer reports the circumstances to the Administrator for the initiation of appropriate judicial proceedings against the person.

D. Effect of Administrative Process. An Ordinance violation processed under this section does not constitute a judgment for the purposes of IC 33-37. An ordinance violation costs fee may not be collected from the defendant under IC 33-37-4.

9.22 Enforcement through Judicial Proceedings

A. Initiation. According to IC 36-7-4-1014, the Administrator or the BZA may bring a civil action to enforce a provision of this Ordinance, or any conditions imposed by the Commission or BZA under the Advisory Planning Law. The action is brought in the name of the Administrator or the BZA as plaintiff. According to IC 34-28-5-1, the plaintiff need not prove this Ordinance is valid, unless its validity is controverted by affidavit. The plaintiff may invoke any legal, equitable, or special remedy in an action brought under this section. Actions must be filed in the Town Court.

B. Procedure in General. An action to enforce a provision of this Ordinance must be brought within 2 years after the alleged violation occurred. Proceedings initiated under this section are conducted according to the Indiana Rules of Trial Procedure. The plaintiff must prove the commission of a violation by a preponderance of the evidence. The complaint and summons described in IC 9-30-3-6 (without the provisions relating to the operation of a vehicle) may be used in any Ordinance enforcement case.

C. Right to Trial. A person charged with an Ordinance violation is entitled to a court trial as provided by law, unless the person waives the right to trial and enters an admission of the violation.

D. Judgment. A judgment may be entered against the defendant upon a finding by the court that the defendant violated this Ordinance. A judgment up to the amount requested in the complaint may be entered for the violation. A defendant against whom a judgment for a violation is entered is liable for costs. Costs are part of the judgment and may not be suspended; however, whenever a judgment is entered against a person for the commission of 2 or more ordinance violations, the court may waive the person's liability for costs for all but one of the violations, as specified by the court.

9.23 Violations Defined

The failure to comply with the terms and provisions of the Avon Unified Development 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.
Chapter 9: Revocation of Development Review Approvals

9.24 Revocation of Development Review Approvals

A. Authority

1. The Administrator may, according to this section, revoke any approval granted by an appointed body at a previous public hearing; including any development review approval, variance, special exception, plan review or any other approval, under the following circumstances:

a. It is determined that the approval was obtained without adhering to the applicable procedures within the appropriate section of this Ordinance including:
   • Failure to properly notify adjoining property owners as required by statute;
   • Failure to demonstrate consent of owners of included properties as required by statute;
   • Any other failure to satisfy a statutory provision of the applicable approval procedure as specified within this Ordinance.

b. It is determined that the approval was obtained based on factual errors in the submittal.

c. It is determined that the approval was obtained based on falsified information.

2. The Administrator may revoke any approval granted administratively, including any improvement location permit, sign permit, or certificate of occupancy.

B. Appeal

Any party aggrieved by the revocation of any approval by the Administrator may appeal the decision.

1. The board or body responsible for the applicable approval and the original hearing conducts any public hearing related to any proposed revocation according to the Rules of Procedure applicable to that board or body.

2. Any revocation of an approval granted administratively may be appealed to the Board of Zoning Appeals according to 8.9 Appeals.

C. 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.

D. Records

A record of any decision to revoke any review is added to the original petition file.

9.25 Common Nuisance

According to IC 36-7-4-1012 et seq. 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 the structure, land, or premises is, in addition to any other fine or civil penalty, liable for maintaining a common nuisance.

9.26 Appeals of Administrator Decisions

All decisions of the Administrator may be appealed to the Board of Zoning Appeals according to the procedures and standards for appeals of administrative decisions in 8.9 Appeals.
9.27 Private Remedies Reserved
Nothing in this chapter should 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.

9.28 Sign Enforcement
The Administrator is authorized to enforce the provisions of this chapter. The 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 complies with this chapter or any other relevant Town code, law or ordinance.

Should the Administrator find any sign to be unsafe, unlawful, or a menace to the public; or constructed, erected, or maintained in violation of the provisions of this chapter; the Administrator may begin enforcement.

If the holder of the permit should fail to remove the sign or bring the sign into compliance, the Administrator may pursue enforcement of the violation.

A. Unlawful signs
Unlawful signs are a violation of this Ordinance and must be removed immediately upon notice. Should the owner fail to remove the sign or bring the sign into compliance, the Administrator may pursue enforcement of the illegal sign.

B. Signs Causing Immediate Peril
The Administrator may cause any sign causing immediate peril to persons or property to be removed summarily without notice.

C. Signs No Longer in Use
Any sign advertising a defunct or relocated business or an unavailable product or service, is deemed a violation of this Ordinance and must be taken down and removed by the owner, agent, or person having the control of the premises upon which the sign is located within 30 days of the violation. The Administrator gives notice to the owner or to any person occupying the property that the sign on the premises is in violation. Failure to comply with the notice within the time specified causes the Administrator to prosecute the violation. The structure of a sign 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. The Administrator decides to allow the structure of the sign to remain.

D. Additional Enforcement Action for Violations on Private Property
For signs found to be in violation of this chapter, the Administrator may enter onto the subject property and take appropriate action, including removal of the sign, to bring the property into compliance. However, before such compliance action is taken, the Administrator provides notice of the pending compliance action to all people holding a substantial interest in the property to provide a reasonable time to bring the property into compliance. The Town's expenses involved in the compliance action become a lien against the subject property.
### Chapter 10 – Definitions

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10.1 Definitions Generally

A. Undefined Terms

Words not defined in this chapter are considered as defined in normal dictionary usage.

B. Tense and Form

Words used or defined in one tense or form include other tenses and derivative forms.

C. Number

Words in the singular include the plural, and words in the plural include the singular.

D. Gender

The masculine gender includes the feminine and neuter. The feminine gender includes the masculine and neuter. The neuter gender includes the masculine and feminine.

E. Time

For an act required by this Ordinance, the time requirement is computed by excluding the first day and including the last day, unless the last day is a Saturday, Sunday, or a holiday declared by the United States Congress or the Indiana General Assembly, in which case it is also excluded. The word "day" means a calendar day, unless otherwise indicated.

F. Person

The word "person" includes individuals, firms, partnerships, joint ventures, trusts, trustees, estates, corporations, associations, and any other similar entities.

G. Captions, Illustrations, and Tables

In case of difference of meaning between the text of this Ordinance and any caption, illustration, or table, the text controls. No caption, illustration, or table limits the scope or intent of the text of this Ordinance.

10.2 Rules for Generic Use Definitions

A. Purpose of Generic Use Definitions

Certain terms in this chapter are defined to include many uses to eliminate overly detailed listings of uses in the zoning districts established by this Ordinance. These terms are referred to in this Ordinance as “generic” definitions.

B. Components of Generic Use Definitions

A generic definition has 3 components: (1) a brief listing of examples of uses to be included within the scope of the definition; (2) an identification of certain uses not meant to be included by the term; and (3) a statement that, for the purposes of each zoning district, any other uses listed within the zoning district do not fall within the generic definition.

C. Uses Not Listed or Not Within Scope of Generic Use Definitions

A use not specifically listed in a zoning district or not falling within a generic definition as defined in this chapter, or as interpreted by the Administrator pursuant to 8.11 - Interpretations, is prohibited.
10.3 Definitions

For this Ordinance, terms or words used are interpreted or defined as follows.

**Abutting**: Having a common property line or district line.

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

**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.

For **2.8 Floodplain Regulations**, an **Accessory Structure** is a structure with a floor area 400 square feet or less located on the same parcel of property as the principal structure. The use is incidental to the use of the principal structure. Accessory structures constitute a minimal initial investment, are not be used for human habitation, and are designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

**Addition**: Any walled and roofed expansion to the perimeter of a structure where the addition is connected by a common, load-bearing wall other than a firewall. Any walled and roofed addition connected by a firewall or separated by independent perimeter load-bearing walls is new construction.

**Adjacent**: Lying near or in the immediate vicinity.

**Adjoining**: Touching or contiguous, as distinguished from lying near.

**Administrator (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.

**Adult Arcade**: Any place the public is permitted, where still or motion picture machines, projectors, or other image-producing devices show images to five or fewer people per machine at one time, and where the images displayed are characterized by the depicting or describing "specified sexual areas."

**Adult Cabaret**: A nightclub, bar, restaurant, or similar establishment regularly featuring:
- persons who appear in a state of nudity;
- live performances, characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
• motion pictures or other photographic reproductions characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

**Adult Dancing:** See Adult Cabaret.

**Adult Entertainment Facilities:** All or part of an establishment, business or service that offers specific sexual activities, services, or performances whether filmed, recorded or live. The term "adult entertainment facilities" include:

- Adult Cabaret
- Adult Motel
- Adult Motion Picture Theater
- Adult Theater
- Nude Model Studio
- Clothing Modeling
- Sexual Encounter Center

**Adult Media:** ROMs or other devices used to record computer images, or other media characterized by 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 these three criteria:

- 40% or more of the gross public floor area is devoted to adult media.
- 40% or more of the stock-in-trade consists of adult media.
- It advertises 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 that:

- offers accommodations to the public; provides patrons with television transmissions, films, motion pictures, or other photographic reproductions 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 that advertises the availability of adult type of photographic reproductions;
- offers a sleeping room for rent for a period less than 10 hours; or
- allows a tenant or occupant of a sleeping room to sub rent the room for a period less than 10 hours.

**Adult Motion Picture Theater:** An establishment emphasizing or predominately showing sexually oriented movies.

**Adult Retail Facilities:** All or part of any establishment, business or service that offers sexually oriented material, services, devices, or paraphernalia. The term "adult retail facilities" includes:

- Adult Media Store
- Escort Agency
- Sex Shops

**Adult Theater:** A theater, concert hall, auditorium, or similar establishment that regularly features people in a state of nudity or live performances characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

**Agriculture:** Using land for agricultural purposes, including farming, dairy farming, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry, including the necessary accessory uses for packing, treating or storing the produce. Agriculture does not include the commercial feeding of garbage to swine or other animals.
Airport: A facility operated by an airport authority or governmental entity that provides infrastructure and services for air travel, together with all activities commonly associated with the operation of a major air carrier facility. Such services, infrastructure, and activities may include but are not limited to: landing fields; facilities for the parking, storage, fueling, repair, and rental of aircraft; passenger and baggage terminals; air cargo operations and associated facilities; public transportation infrastructure, including terminals and stations; safety facilities such as fire and police stations; open space uses such as agriculture, parks, golf courses, and recreation; energy production; retail, concessions, and other uses designed primarily to serve airline passengers, other airport users, and space; and other accessory uses as determined by the Administrator.

Aisle (Parking): The area used by motor vehicles for access to and from off-street parking spaces. For this ordinance, regulations pertaining to aisles 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 secondary vehicular access to abutting property.

Alteration: Any change in size, shape, character, occupancy, or use of a building or structure, including any act or process that changes any exterior architectural features of a historical improvement.

Anhydrous Ammonia Storage and Distribution: A facility, or group of facilities, that receives, stores, and handles anhydrous ammonia.

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

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

a. The retail sale, grooming, care, or boarding of domestic or household animals only, and which may include overnight accommodations. The retail sale of domestic animals (e.g., pet store) is permitted.

b. The maintaining, raising, harboring and/or boarding of 4 or more dogs, or 6 or more cats, or 6 or more dogs and cats is considered a primary “animal services and sales - household pets only” use.

c. Provision of veterinary medicine, dentistry, or surgery services by licensed veterinary practitioners for household or domestic pets only.

Antenna: An apparatus, free standing or attached to the exterior of a building, 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.
**Definitions**

**Appeal:** A request for a review of the Administrator’s interpretation of any provision of this ordinance.

**Aquaculture:** An agricultural use in which food fish, shellfish or other marine foods, aquatic plants, or aquatic animals are cultured or grown in order to sell them or the products they produce. Includes fish hatcheries, growing tanks or raceways; the processing, storage, packaging and distribution of shellfish and fish; and accessory uses such as feed storage and water treatment facilities.

**Area of Shallow Flooding:** 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: (1) a clearly defined channel does not exist, (2) the path of flooding is unpredictable and indeterminate, and (3) velocity flow may be evident. This flooding is characterized by ponding or sheet flow.

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

**Auto Body Repair:** Establishments primarily engaged in automotive body repair other than the types of repairs permitted at automobile filling stations and auto service repair establishments.

**Auto Service Repair:** Establishments primarily engaged in the repair or replacement of parts, oils, coolants, lubricants, tires, and other similar services. “Auto service repair” includes muffler shops, oil change shops, car care centers, tire centers and other uses similar in nature and impact.

**Auto Filling Station:** Establishments primarily engaged in dispensing or offering for retail sale automotive fuels or oils and incidental convenience goods; having pumps and storage tanks, and where battery, tire and other similar services are rendered wholly indoors.

**Auto/Motorcycle/Boat/Light Truck Sales or Rentals:** Establishments primarily engaged in the sales, leasing, rental, and related servicing of new and used automobiles, light trucks, vans and sport utility vehicles limited to a capacity of not more than one-and-one-half tons, motorcycles, motor scooters, mopeds, all-terrain vehicles, snowmobiles, go-carts, automobile hitches or utility trailers, and similar items; excluding commercial wrecking, dismantling, or junk yard.

**Automobile Services, Light:** Establishments providing routine maintenance and minor repair servicing of automobiles, which may include washing, cleaning, waxing, greasing, tire repair, wheel alignment, brake repair, muffler replacement, engine tune-up, flushing of radiators, servicing of air conditioners, and other activities of minor repair and servicing.

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

**Automobile Towing Service Storage Yard:** The assembling or standing of damaged or impounded vehicles for indeterminate periods of time, excluding the wrecking, dismantling or repairing of vehicles.
**Base Flood**: The flood having a 1% chance of being equaled or exceeded in any given year.

**Base Flood Elevation (BFE)**: The elevation of the one-percent annual chance flood.

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

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

**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 form an angle of 120° or less measured on the lot side, such curve is construed as an intersecting street.

**Boundary Line**: A line on the Zoning Map designating the edge of a use district. 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.

**Boundary River**: The part of the Ohio River that forms the boundary between Kentucky and Indiana.

**Boundary River Floodway**: The floodway of a boundary river.

**Build-to line**: An alignment established a certain distance from the right-of-way line to a line along which the building must be built. Front porches and handicap ramps are be exempt from build-to line requirements and must occur on the property.

**Buildable Area**: The space remaining on a 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 or animals. For structures separated by division walls from the ground up and without openings, each portion of the building is deemed 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 lot 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.
**Bulk:** The term used to indicate the size and setbacks of buildings or structures and their location with respect to one another, including:
- Size and height of buildings.
- Location of exterior walls at all levels in relation to lot lines, streets, or other buildings.
- Gross floor area of buildings in relation to lot area (floor area ratio).
- All open spaces allocated to buildings.
- Amount of lot area provided per dwelling unit.

**Caliper:** A measurement of the diameter of a tree trunk. Caliper is measured 6” above the ground level for calipers up to 4½ inches. Caliper is measured 12” above the ground level for calipers greater than 4½ inches.

**Campground/RV Park:** An area to be used for transient occupancy by camping in tents, camp trailers, travel trailers, motor homes, or similar movable or temporary sleeping quarters of any kind.

**Canopy:** See **Marquee.**

**Car Wash:** All or part of a building where facilities for washing, cleaning and detailing automobiles are provided that involve machine or hand-operated mechanical devices or equipment.

**Carport:** A roofed automobile shelter with the front open and unobstructed, and at least two other sides having 75% 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 is not counted as a story for the purpose of height measurement.

**Cemetery:** Any land or structure dedicated to and used for the interment, entombment, or inhumation of human remains.

**Child Care Facilities:** Any place other than a family home in which people receive child care services during any part of a day not exceeding 13 hours in any 24-hour period and licensed pursuant to the Town and State requirements.

**Clinic:** An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, other health care professionals, or similar professions.

**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.

**Communication Services:** Establishments engaged in the provision of television and film production, broadcasting, and other information relay services accomplished using electronic and telephone mechanisms. Facilities that broadcast exclusively over the internet and have no live, in-building audiences to broadcasts are excluded from this definition. Typical uses include: television studios; television and film production studios; broadcast and/or recording studios; telecommunication or telecommuting service centers; or cable services.
Community: 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): A program developed by the Federal Insurance Administration to provide incentives for communities in the Regular Program exceeding the minimum floodplain management requirements to develop extra flood protection measures.


Composting Facility: A commercial or public solid waste processing facility where yard or garden waste is transformed into soil or fertilizer by biological decomposition.

Confined Feeding: A facility engaged in the confined feeding of animals as defined in IC 13-11-2-40.

Conforming Building or Structure: A building or structure complying with the regulations of this Ordinance and the amendments governing structures for the zoning district where it is located; or a structure designed or intended for a conforming use.

Contractors, Special Trade – General: An establishment providing general contracting and/or building construction services for residential, farm, industrial, or commercial uses, and which typically does not involve outdoor storage of machinery or equipment. This definition includes: general building contractors; plumbing, heating, air-conditioning; painting and paper hanging; electrical work; masonry, stonework, and plastering; carpentry and floor works; roofing, siding, and sheet metal work; glass and glazing work; installing building equipment; and special trade contractors.

Contractors, Special Trade – Heavy/Contractor Yard: Establishments providing general contracting and/or construction services other than for buildings, such as for highways and streets, bridges, sewers, and flood control projects, and which may involve outdoor storage of machinery or equipment, or a contractor yard for vehicles, equipment, materials and/or supplies.

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

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: 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 the front. Where a building faces on more than one street, the "curb level" is the average of the levels of the curbs at the center of each street frontage. Where no curb elevation has been established, the level of the centerline of the street is considered the curb level.
**Density:** 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.

**Dental Office:** See Clinic.

**Department:** The Town of Avon Planning Department.

**Development:** Any man-made change to improved or unimproved real estate including:
- construction, reconstruction, or placement of a structure or any addition to a structure;
- installing a manufactured home on a site, preparing a site for a manufactured home or installing recreational vehicle on a site for more than 180 days;
- installing utilities, erecting walls and fences, constructing roads, or similar projects;
- constructing flood control structures such as levees, dikes, dams, channel improvements, etc.;
- mining, dredging, filling, grading, excavation, or drilling operations;
- constructing and/or reconstructing bridges or culverts;
- storing materials; or
- 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 Plan:** Also referred to as a site plan. A detailed plan, prepared in accordance with and submitted to the Plan Commission or other designated body for review and approval. The plan illustrates the proposed development or alterations of a site.

**Development Review:** Development review consists 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.

**District:** A portion of the Town where certain uniform regulations and requirements apply under the provisions of this Ordinance.

**Drive-Through:** An accessory facility that is designed for conducting business with customers in motor vehicles.

**Dwelling:** A building designed or used exclusively for residential occupancy, including one-family dwelling units, two-family dwelling units, and multiple-family dwelling units, but excluding a house trailer, mobile home, hotels, and boarding or lodging houses.

**Dwelling, Accessory:** A second dwelling unit either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility with provisions within the accessory apartment for cooking, eating, sanitation, and sleeping.
**Dwelling, Apartment Building - Large**: See Article 5.9.

**Dwelling, Apartment Building - Small**: See Article 5.8.

**Dwelling, Attached**: A dwelling typically containing three or more dwelling units and joined to other dwellings by party wall or walls.

**Dwelling, Bungalow Court**: See Article 5.6.

**Dwelling, Converted**: Any building which was originally designed and constructed as a 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 surrounded on all sides by open space.

**Dwelling, Duplex**: See Article 5.5.

**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 square footage of first-floor measured from the outside of the exterior walls, excluding cellars, basements, open porches, breezeways, garages, and other infrequently used spaces.

**Dwelling, Multiple-Family**: A dwelling containing three or more dwelling units, and not including converted dwellings.

**Dwelling, Single-Family Detached**: A dwelling containing accommodations for and occupied by only one family.

**Dwelling, Townhouse**: See Article 5.7.

**Dwelling Unit**: One or more rooms in a dwelling or apartment designed for occupancy by one family for living purposes and having its own permanently installed cooking and sanitary facilities.

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**Ee**

**Election**: An election means a general election, municipal election, primary election, school district election, and special elections.

**Elevated Structure**: 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**: A certified statement verifying a structure’s elevation information. This certification must be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information.

**Emergency Program**: The first phase under which a community participates in the NFIP. It provides a first layer amount of insurance at subsidized rates on all insurable structures in that community before the effective date of the initial FIRM.

**Existing Manufactured Home Park or Subdivision**: A manufactured home park or subdivision where facilities for the lots are constructed (including at least: utility installation, street construction, and either final site grading or concrete pads pouring) is completed before the effective date of the community’s first floodplain ordinance.
Expansion to an Existing Manufactured Home Park or Subdivision: The preparation of additional sites where facilities for the lots are constructed (including utility installation, street construction, and either final site grading or concrete pads pouring).

Encroachment: The infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, that may impede or alter the flow capacity of a floodplain.

Equipment Sales and Leasing: Establishments primarily engaged in the temporary leasing of tools, materials, or construction equipment, excluding equipment used for excavation, grading, or similar tasks or processes.

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: Establishments primarily engaged in furnishing escorts as one of its primary business purposes, for a fee, tip, or other consideration, provided no sexual activity is conducted on the premises.

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 the resulting conditions of such activity.

Existing Grade: The vertical location of the existing ground surface prior to excavation or filling.

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 the exterior surfaces, including the kind of building materials, type and style of all windows, doors, lights, signs, and other fixtures pertinent to such improvement.

Facade: 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.

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

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.

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.

**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, the resulting conditions of such activity.

**Financial Institution:** Establishments primarily engaged in the provision of financial services, including banks, credit unions, savings and loan institutions, and mortgage companies.

**Firing Range:** A licensed enclosed space designed and used for discharging firearms safely fully within the confines of a structure; primarily for sport, maintaining proficiency, and training.

**Five-hundred Year Flood (500-year flood):** A 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):** An official map where the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has outlined the areas of flood hazards and regulatory floodway.

**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 (FHB):** 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):** 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):** The official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM, FHB (where applicable), and the water surface elevation of the base flood.

**Floodlight:** A bulb that 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 covered by the regulatory flood. The floodplain includes both the floodway and the floodway fringe districts.

**Floodplain Management:** 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 emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

**Floodplain Management Regulations:** Article 2.8 of this Ordinance and other 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 that 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.

**Flood Prone Area:** Any land area acknowledged by a community as susceptible to inundation by water from any source. (See *Flood*)

**Floodproofing (dry floodproofing):** A method of protecting a structure that ensures 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 can resist hydrostatic and hydrodynamic flood forces, including the effects of buoyancy, and anticipated debris impact forces.

**Floodproofing Certificate:** A form certifying 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 Grade (FPG):** The elevation of the regulatory flood plus two feet at any given location in the SFHA. (see “Freeboard”)

**Floodway:** The channel of a river or stream and those portions of the floodplains adjoining the channel that 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 ‘A Zone’):** 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. The definitions are presented below:

- **Zone A:** Areas subject to inundation by the 1% annual chance flood event. Because detailed hydraulic analyses have not been performed, no base flood elevation or depths are shown.
- **Zone AE and A1-A30:** Areas subject to inundation by the 1% annual chance flood event determined by detailed methods. Base flood elevations are shown within these zones. (Zone AE is on new and revised maps in place of Zones A1-A30.)
- **Zone AO:** Areas subject to inundation by 1% annual chance shallow flooding (usually sheet flow on sloping terrain) where average depths are 1-3 feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone.
- **Zone AH:** Areas subject to inundation by 1% 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.

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.

Zone A99: Areas subject to inundation by the 1% 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.

**Floor, Lowest:** 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 below; 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:
   - 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 square inch for every one square foot of enclosed area. The bottom of all these openings must be no higher than one foot above grade; and,
   - such enclosed space is usable solely for the parking of vehicles and building access.

**Floor Area, Gross:** The sum of the gross horizontal areas of all floors of 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" includes the basement floor area when more than ½ of the basement height is above the established curb level. Floor area includes enclosed off-street parking spaces, elevator shafts and stairwells, floor space used for mechanical equipment (excluding equipment located on the roof), penthouses, attic space having headroom of 7'10" 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 grain elevators and petroleum storage tanks is determined on the basis of the height of such structures in feet; 10 feet in height are deemed equal to one floor (if a structure measures more than 5 feet over the floor equivalent, it is 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.

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

Fraternity: see Student Housing

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

Fringe: Those portions of the floodplain lying outside the floodway.

Full cutoff: A light fixture that 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 20 feet inside all other adjoining property lines.

Funeral Home: Establishment engaged in undertaking services such as preparing the dead for burial and arranging and managing funerals. Typical uses include funeral homes or mortuaries.

Garage, Private: An accessory building or an accessory portion of the principal building intended for and used for storing privately owned motor vehicles, boats, and trailers of the family or families residing on the premises, and in which no business, service or industry connected 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: See Curb Level.

Grading: Excavation, fill, or any combination and the resulting conditions from any excavation or fill.

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.

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

**Group Residential Facility:** A facility licensed by the State of Indiana to provide a homelike setting to the developmentally disabled and/or the mentally ill. This provides the benefits of a group living situation as an alternative to hospitalization or institutionalization.

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**Hh**

**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, 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, personal preferences, or the disapproval of one’s neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

**Heavy Vehicle/Equipment Sales, Rentals and Service:** Establishments primarily engaged in the sales, leasing, or rental, and related servicing, of high capacity mechanical devices for moving earth or other materials, and mobile power units including: carryalls, graders, loading and unloading devices, cranes, drag lines, trench diggers, tractors, augers, bulldozers, concrete mixers and conveyors, harvester combines and other major agricultural equipment and similar devices, trucks in excess of one-and-one-half tons or equipment for use in agriculture, mining, industry, business, transportation, building, or construction; or automobile hitches or trailers, house trailers, recreational vehicles, and boats, but excluding commercial wrecking, dismantling, or junk yard.
**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.

**Heliport:** A facility for landing or take-off area for rotor craft that may include a passenger terminal and/or routine servicing of rotor craft.

**Highest Adjacent Grade:** The highest natural elevation of the ground surface next to the proposed walls of a structure before the start of construction.

**Historic Structure:** Any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

**Home Child Care:** The provision of child care services within a residential dwelling unit during any part of a day not exceeding 13 hours in any 24-hour period and licensed pursuant to the Town and State requirements.

**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.

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

**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.

**Increased Cost of Compliance (ICC)**: 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, or demolition in any combination. All renewal and new business flood insurance policies with effective dates on or after June 1, 1997, include ICC coverage.

**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.

**Indoor Art, Recreation, and Entertainment**: A public or private facility that provides indoor entertainment including, video arcades, virtual reality games, and mechanical rides.

**Indoor Firing Range**: A facility designed or used for shooting at targets with rifles, pistols, or shotguns, and which is completely enclosed within a building or structure.

**Interested Parties**: All persons with a legal interest in the property and all owners of real property within 660 feet or a depth of 2 ownerships, whichever is less. 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 2 ownerships or 1/8 of a mile into the adjacent county, whichever is less, are interested parties who must be sent notice.

**Jail**: A facility established in conjunction with a law enforcement or public safety building, established for the temporary detention of adult or juvenile persons while being processed for arrest or detention by law enforcement. Such facilities do not include lodging or food service facilities to facilitate a stay longer necessary for processing of the arrest. Holding facilities do not include detention, correctional, or release facilities.

**Kennel**: Any premises where 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.
Laboratory, Research, and Development Services: A building or group of buildings containing one or more of the following types of facilities:

a. A research and development facility, training facility, production studio, laboratory, display/showroom/sales facility, or other similar use which typically has a high ratio of square feet of floor area per employee.

b. A building or part of a building devoted to the testing and analysis of any product. No manufacturing is conducted on the premises except for experimental or testing purposes.

c. A business primarily engaged in the development or engineering of computer software or computer hardware, but excluding retail sales, computer hardware manufacturers, and computer repair services.

d. A facility for the servicing of technological equipment and/or office machinery, such as computers, copying machines and word processing equipment.

e. A facility for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

f. A facility devoted to the testing and analysis of any product, including medical laboratories, biological product manufacturing, and blood and organ banks.

g. A laboratory that provides bacteriological, biological, medical, x-ray, pathological and similar analytical or diagnostic services to doctors or dentists. No fabricating is conducted on the premises, except the custom fabrication of dentures or similar dental appliances. This definition excludes in-patient or overnight care, animal hospitals, veterinarians, or other similar services.

Letter of Final Determination (LFD): A letter issued by FEMA during the mapping update process that establishes final elevations and provides the new flood map and flood study to the community. The LFD initiates the 6-month adoption period. The community must adopt or amend its floodplain management regulations during this 6-month period unless the community has previously incorporated an automatic adoption clause.

Letter of Map Change (LOMC): A general term used to refer to the several types of revisions and amendments to FEMA maps that can be accomplished by letter. They include Letter of Map Amendment (LOMA), Letter of Map Revision (LOMR), and Letter of Map Revision based on Fill (LOMR-F).

- **Letter of Map Amendment (LOMA):** An amendment to the currently effective FEMA map that establishes 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 issued by FEMA and changes flood zones, delineations, and elevations.

- **Letter of Map Revision Based on Fill (LOMR-F):** 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.

Library: A public facility for the use, but not sale, of literary, musical, artistic, or reference materials.
**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.

**Live/Work Dwelling:** A unit containing an integrated living and working space with shared access that is intended to function predominately as business workspace with incidental residential use that has bathing facilities. The unit typically has the workspace, public display area, or showroom on the ground floor of the unit and most of the residence located with on an upper floor or at the back of the unit.

**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. A lot may be comprised of several abutting lots under the same ownership to create a lot of sufficient size to meet the minimum requirements of this Ordinance (e.g. lot area, lot width, lot coverage, etc.)

**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 lot occupied by the principal building 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 is not 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 lot.

**Lot Line:** See **Property Line**.

**Lot Line, Front:** A lot line abutting a street. For a corner lot, a line separating the narrowest street frontage of the lot from the street, unless otherwise determined by the Administrator.

**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.

Lot Line, Side: Lot lines other than front, street side, or rear lot lines.

Lot Line, Street Side: A lot line, other than a front lot line or a rear lot line, that abuts a street. A street side lot line does not include lot lines that abut an alley.

Lot, Mew: A lot fronting an open space or common area served by an alley or street at the rear of the lot. The front yard setback of a mew lot is measured from the narrowest lot line abutting the open space or common area.

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, Through: See Lot, Double Frontage

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.

Lowest Adjacent Grade: The lowest elevation immediately next to the structure, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway.

Lowest Floor: The lowest elevation among the following:
- The top of the lowest level of the structure.
- The top of the basement floor.
- The top of the garage floor, if the garage is the lowest level of the structure.
- The top of the first floor of a structure elevated on pilings or pillars.
- 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:
  - The walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters. Each enclosed area must have a minimum of two openings (in addition to doorways and windows) each located in separate exterior walls;
  - The total net area of all openings must be at least one square inch for every square foot of enclosed area. The bottom of the openings cannot be higher than one foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher; and,
  - The enclosed space can only be used for the parking of vehicles and building access.

Mm

Major Gateways: Regional gateways where major traffic thoroughfares intersect with the Ronald Reagan Parkway. For purposes of this Ordinance, Major Gateways are located where the Ronald Regan Parkway meets the interchanges at I-70 and I-74.
Manufactured Home: A dwelling that 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 that 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 950 sf of main floor area exclusive of garages, carports, and open porches and exceeds 23 feet wide and is attached to a permanent foundation.

For 2.8 Floodplain Regulations, Manufactured Home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a recreational vehicle.

Manufactured home park or subdivision: A parcel (or contiguous parcels) of land divided into 2 or more manufactured home lots for rent or sale.

Manufacturing, Fabricating, and Assembly – General: A manufacturing establishment primarily engaged in the fabrication or assembly of products from prestructured materials or components; or a manufacturing establishment whose operations include storage of materials; processing, fabrication, or assembly of products; and loading and unloading of new materials and finished products, and does not produce or utilize in large quantities as an integral part of the manufacturing process, toxic, hazardous, or explosive materials. Because of the nature of its operations and products, little or no noise, odor, vibration, glare, and/or air and water pollution is produced, and, therefore, there is minimal impact on surrounding properties.

Manufacturing, Fabricating, and Assembly – Heavy: A manufacturing establishment whose operations include storage of materials; processing, fabrication, or assembly of products; and loading and unloading of new materials and finished products. Toxic, hazardous, or explosive materials may be produced or used in large quantities as an integral part(s) of the manufacturing process. Noise, odor, dust, vibration, or visual impacts, as well as potential public health problems in the event of an accident, could impact adjacent properties.

Market Value: 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.

Masonry Material: Brick, limestone, natural stone, manufactured stone, or a combination of these materials, bonded together with a mortar to form a wall, buttress, or similar mass. For the purpose of this Ordinance, thin stone veneer, thin brick veneer, and fiber cement siding are not masonry materials.

Mass Transit Facility: A facility for bus, fixed rail, or other types of transportation service available to the general public that move relatively large numbers of people at one time.

Media: Anything printed or written, or any picture, drawing, photograph, motion picture,
film, or pictorial representation, or any electronic reproduction of anything that is or may be used as a means of communication. Media includes books, newspapers, magazines, movies, videos, sound recordings, CD-ROMs, other magnetic media, and undeveloped pictures.

**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 must be treated as an adult media outlet. See special conditions in **Article 4.3-Adult Businesses** for media stores in which adult media constitutes more than 10% but less than 40% of the stock in trade or occupies more than 10% but less than 40% of the gross floor area or gross shelf space.

**Median Nose:** The tip of a median at its terminus of traffic opening.

**Medical Office:** See **Clinic**.

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

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

**Mobile Home:** A movable or portable unit, 8 feet or more wide and is 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 includes:
- units containing parts that can be folded, collapsed, or telescoped when being towed and that may be expanded to provide additional cubic capacity;
- 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
- units designed to be used for residential, commercial, educational, or industrial purposes, excluding 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 the mobile home park is only used by non-transient dwellers remaining continuously for more than one year, whether or not a charge is made. A mobile home park excludes 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 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.

**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 primarily engaged in the sale of motorized vehicles, including the sale of automobiles, trucks, recreation vehicles, snowmobiles, boats, and motorcycles.

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

**Museum:** An institution devoted to the procurement, care, study, and display of objects of lasting interest or value.

**National Flood Insurance Program (NFIP):** 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, a vertical control datum used as a reference for establishing varying elevations within the floodplain.

**New Construction:** 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:** A manufactured home park or subdivision where facilities for the lots are constructed (including at least: utility installation, street construction, and either final site grading or concrete pads pouring) is completed on or after the effective date of the community’s first floodplain ordinance.

**Non-Boundary River Floodway:** The floodway of any river or stream that is not a boundary river.

**Nonconforming Building or Structure:** All or portion of a building or structure lawfully existing at the time of adoption of this Ordinance, as amended that:

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 that lawfully occupies a building or land at the time of adoption
of this Ordinance, as amended, and that does not conform with the use regulations of the district in which it is located.

**North American Vertical Datum of 1988 (NAVD88):** As adopted in 1993, 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 4.3(G) 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, that seeks to provide for a period exceeding 24 hours, nursing care, personal care, or custodial care for three or more persons not related to the owner or manager by blood or marriage, who by reason of illness, physical infirmity, or advanced age require such services, but, in contradistinction to a hospital, does not include any place providing care or treatment primarily for the acutely ill.

**Obstruction:** For 2.8 - Floodplain Regulations, an obstruction is any object in, adjacent to, or projecting into any watercourse that may alter, impede, or change the direction and/or velocity of the flow of water. An obstruction is a hazard due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream. Examples of obstructions include 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.

**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 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.

**One Percent Annual Chance Flood:** A flood that has a 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 Regulated Flood.

**Open Space:** The portion of a lot that 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, except for foliage. Natural bodies of water as well as any area within officially designated floodplains may have up to 50% of their normal pool acreage counted as open space, provided the land around the water can be used as a passive recreation area. Water areas constructed for the
purpose of detention or retention are not be considered toward required open space amounts.

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

**Outdoor Lighting:** Illumination including to floodlighting, security lighting, or parking lot lighting.

**Outdoor Storage:** The permanent placement or deposit of any equipment, furniture, machine, material, merchandise, or supplies in an outside location or outside an enclosed structure, except objects that are customarily placed outside and clearly incidental and commonly associated with the permitted primary use. Outdoor storage is more intensive than outdoor retail display and sales use, with such outdoor storage typically remaining outdoors overnight. Vehicles for sale, lease, or rent as part of a permitted primary use (including boats and manufactured housing) are not considered outdoor storage for purposes of this Ordinance.

**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.

**Owner:** An individual firm, association, syndicate, partnership or corporation having enough proprietary interest to seek development of land.

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**Parapet:** That portion of a wall extending above the roofline.

**Parcel:** A track or plot of contiguous land held in one ownership.

**Park:** An open space with natural vegetation and landscaping that may include recreational facilities.

**Parking Lots and Garages:** An off-street, surfaced, ground level open area or a structure of two or more stories used for the temporary parking or storage of more than 4 motor vehicles.

**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:** 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 that extends from its footing below grade to the underside of floor/roof and divides buildings.

**Pawn Shop:** An establishment primarily engaged in the loaning of money on the security of property pledged in the keeping of the pawnbroker, and the sale of the property.

**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 above.

**Pervious:** Open to passage or entrance; letting water through.

**Physical Map Revision (PMR):** An official republication of a community’s FEMA map to effect changes to base (1% 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, childcare center or dwelling.

**Planned Unit Development:** A development occurring on a parcel under single ownership or unified control that 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 8** 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.

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

**Playground:** A publicly owned area for recreational use primarily by children.

**Porch:** A roofed-over structure projecting from the wall of a main structure and commonly open to the weather.

**Portable Signs:** Signs including "A" or "T" frame and signs on trailer frames, whether the trailer wheels or typeface have been removed.

**Professional Services:** Work done for others, predominately on the premises of an office, by someone trained and engaged in such work for a career; e.g., doctors, lawyers, accountants.

**Property Line:** A line at the edge or boundary of lot or a lot of record.

**Public Safety and Nuisance:** Anything that 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 of any navigable lake, river, bay, stream, canal, or basin.

**Public Utility:** Any person, firm, or corporation duly authorized to furnish to the public,
cable television, electricity, gas, steam, telephone, transportation, water, or sewerage systems.

**Public Utilities:** All or part of building used for providing, monitoring, and housing utilities for public consumption or use including operations providing water, sewer, gas, public works facilities, and other uses similar in nature and impact.

**Public Way:** Any sidewalk, street, alley, highway, or other public thoroughfare.

For **2.8 – Floodplain Regulations**, **Recreational Vehicle** means a vehicle which is (1) built on a single chassis; (2) 400 square feet or less measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) not designed for use as a permanent dwelling but as quarters for recreational camping, travel, or seasonal use.

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

**Regular Program:** 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:** The flood having a 1% chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved

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**Rail Distribution Yards:** A facility for the operation of a line-haul or short-line freight railroad.

**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:

- **Travel Trailer:** A vehicular, portable dwelling unit built on a chassis, being of any length, provided its gross weight does not exceed 4,500 pounds, or being of any weight provided its overall length does not exceed 28 feet.
- **Pick-up Camper:** A portable dwelling unit designed to be mounted on a pick-up truck or chassis, whether so mounted.
- **Motorized Camper:** A portable dwelling designated and constructed as an integral part of a self-propelled vehicle.
- **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.
- **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.
by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The regulatory flood elevation at any location is defined in 28 CFR 1224-1226. The “Base Flood” is also known by the term “100-Year Flood”.

**Religious Institution:** A church or place of worship, or religious assembly with related facilities such as: rectory or convent, private school, meeting hall, offices for administration of the institution, licensed child or adult day care, playground, athletic fields, cemetery.

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

**Residential Facility for Mentally Ill:** A residential facility established under a program, authorized by IC 12-22-10, that provides residential services for no more than 8 mentally ill individuals.

**Restaurants:** An establishment whose principal method of operation includes any two of the following characteristics: (a) business is the sale of edible, prepared food items and/or beverages for consumption on or off the premises; (b) facilities are primarily engaged in serving food and beverages to the consumer, who does not purchase the food or beverages; (c) guests are provided with an individual menu, are served their food or beverages by wait staff, in non-disposable containers, at the same table; (d) service is not the predominant type of service available.

**Retail Sales, Service & Repair:** A commercial enterprise that provides goods and/or services directly to the consumer, where the goods are available for immediate purchase and removal from the premises.
Retail Sales, Service & Repair, Outdoor: The display and sale of products and services outside of a building or structure, including vehicles, garden supplies, gas, motor oil, food and beverages, boats and aircraft, farm equipment, motor homes, burial monuments, building and landscape materials, and similar materials or items.

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

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

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 1,000 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.

Roof: The cover of any building, including the eaves and similar projections.

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

Salvage or Junk Yards: A place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking yards, house wrecking and structural steel materials and equipment, but excluding the purchase or storage of used furniture and household equipment, used cars in operable condition, used or salvaged materials as part of manufacturing operations.

Sand and Gravel Extraction or Sales: Establishments primarily engaged in the extraction of sand and gravel from an open pit to be processed and sold for commercial purposes.

Schools, Public and Private: An institution for the teaching of children or adults including primary and secondary schools, colleges, and similar facilities; also, physical improvements and structures related to the activity of teaching, as well as associated accessory uses and structures, including maintenance areas, parking athletic fields, outdoor study areas, etc.

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

**Secondary Gateways**: Entries to public and private establishments and/or developments.

**Section 1316**: The section of the National Flood Insurance Act of 1968, et seq., stating new flood insurance coverage is not provided for any property declared by a state or local zoning authority or other authorized public body to violate state or local laws, regulations, or ordinances intended to discourage or restrict land development or occupancy in flood-prone areas.

**Self-Storage Facility**: All or part of a building 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% of its stock in trade or occupies more than 10% of its floor area.
2. More than 5% of its stock in trade consists of sexually oriented toys or novelties.

3. More than 5% 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.

**Short-Term Rental**: The rental or subletting of any dwelling or portion of a dwelling for a term of less than 30 days at a time. Short-Term Rental does not include the use of campgrounds, hotel rooms, transitional housing operated by a non-profit entity, group homes (such as nursing homes and adult foster care homes), hospitals, or housing provided...
by a substance abuse rehabilitation clinic, mental health facility, or other health care related clinic. The term does not include property used for any nonresidential use.

**Sign, Changeable Copy:** A sign with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day is considered an animated sign and not a changeable copy sign for the purposes of this ordinance.

**Sign:** A name, identification, description, display, or illustration that is affixed to or painted or represented directly or indirectly upon a building, structure, or piece of land and which that directs attention to an object, project, place, activity, person, institution, organization, or business. Objects such as flags, banners, plaques, bulletin boards, historical markers and remembrances are not signs.

**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, Ground:** A sign that 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, Nonconforming:** Any sign that 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 that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at locations other than the premises where the sign is located.

**Sign, Pole:** A sign erected and maintained on a freestanding 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 an election day.

**Sign, Portable:** Any sign designed to be transported or movable, including:

- Signs with wheels or with wheels removed;
- Signs with chassis or support constructed without wheels;
- Signs designed to be transported by trailer, wheels or boat;
- Signs converted to or constructed as an A- or T-frame sign;
- 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 that is suspended from or affixed to any building wall or other structure and extends beyond the building wall or structure more than 18 inches.

**Sign, Pylon**: A freestanding sign that has a vertical dimension greater than its horizontal dimension and which has a sign face within 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, 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 can support a sign, including decorative cover.

**Sign, Wall**: A sign affixed, painted, posted, or placed on a building or structure.

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

**Solid Waste Facility**: An establishment in which municipal solid waste is collected, separated by material, compacted, baled or packaged for shipment to others for the manufacture of new products or for disposal. No manufacturing, remanufacturing, fabrication or processing of new products occurs in this facility. This use may include a waste transfer station.

**Sorority**: see *Student Housing*

**Special Flood Hazard Area (SFHA)**: Those lands within the jurisdictions (including extra-territorial 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 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. (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 subject to special provisions because of its unique characteristics.

**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**: 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 above activities.

**Sports and/or Entertainment Arena or Stadium:** A large structure with tiers of seats for spectators at sporting or other recreational events.

**Spotlight:** A bulb which projects light in a specific direction within a narrow-angled beam, typically 45° or less.

**Stable:** An accessory building having stalls or compartments where animals, excluding dogs or cats, are sheltered and fed.

**Start of Construction:** 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 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); installation of streets and/or walkways; excavation for a basement, footings, piers, foundations, or the erection of temporary forms; the installation on the property of accessory buildings. 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 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 14 feet in height is considered as an additional story for each 14 feet or fraction thereof.

**Story, Above Grade:** Any story having its finished floor surface entirely above the surrounding grade, except that a basement is 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 5 feet for more than 50% of the total perimeter or more than 10 feet for more than 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 4 1/2 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 is not counted as a story for the purposes of this Ordinance. In the case of multiple-family dwellings 3 or more stories in height, a half-story is counted as a story.
**Street, Minor Arterial:** Roadways that offer lower travel mobility than principal arterials and that accommodate trips of moderate length.

**Street, Collector:** Roadways that provide land access and traffic circulation within residential neighborhoods, commercial and industrial areas.

**Street, Local:** Roadways that provide direct access to abutting lands and connect to collectors and arterials.

**Street, 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 a public street.

**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 the property along one side of a street between an intersecting street and the end of the dead-end streets.

**Structural Alterations:** Any change in the supporting members of a building, such as 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. Structures include buildings, manufactured homes, mobile homes, walls, and billboards, as well as recreational vehicles installed on a site for more than 180 days.

For **2.8 – Floodplain Regulations, Structure** means a structure principally above ground and enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, or a prefabricated building. The term also includes recreational vehicles installed on a site for more than 180 days.

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

**Substantial Damage:** Damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition equals or exceeds 50% of the market value of the structure before the damage occurred.

**Substantial Improvement:** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures that have incurred “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.

**Subdivision:** The division of any parcel of land into two or more parcels or lots or the
combination of two or more smaller parcels or lots into one lot for the purpose of transfer of ownership or development.

**Subdivision, Administrative**: A subdivision adjusting property lines when no new lots are created or when parcels are merged into fewer buildable lots.

**Subdivision, Major**: Any subdivision other than an administrative subdivision or minor subdivision.

**Subdivision, Minor**: A subdivision resulting in 4 or fewer lots that does not involve: the creation of new interior streets, adjustments to applicable design standards, or the creation or common areas.

**Suspension**: 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, that uses or needs external buttresses, or that is dug into the ground and having a depth of 2 feet or more at any point.

**Swimming Pool Private**: Any swimming pool, located on private property, the use of which is intended for the owner and guests.

**Swimming Pool Public**: Any swimming pool for the purpose of public swimming, including 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 whose principle business is the sale and service of alcoholic beverages at retail for consumption on the premises. Food and snacks may also be made available for consumption on the premises.

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

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

**Tenant Operator**: The person hired to operate a farm, normally not the owner of the farm.

**Thoroughfare Plan**: The Town of Avon Thoroughfare Plan, as amended.

**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 does not change its character unless the entire structure is erected in accordance with the Town Building Code.
**Transportation Services:** Passenger services provided by public, private, or non-profit entities using modes such as express buses, minibuses, or vans.

**Trellis:** A latticed structure designed specifically for the purpose of supporting leafy vines.

**Truck Freight Terminal/Distribution Center:** Any premises used by a motor freight company as a carrier of goods, that is the origin or destination point of goods being transported, for the purpose of storing, transferring, loading, and unloading goods, but excluding loading and unloading of freight accessory to an otherwise permitted use on the site.

**Unified Control:** The combination of two or more tracts of land where each owner has agreed their tract of land will be developed as part of a planned development and will be subject to the control applicable to the planned development.

**Upper Story Residential:** In a vertically mixed-use building, residential uses occurring above the first floor of the building.

**Use:** The purpose or activity for which land or a building is designed, arranged or intended, or for which it is occupied or maintained.

**Use, Lawful:** The use of any structure or land that conforms with all of the regulations of this Ordinance as amended and that conforms with all of the codes, ordinances, and other legal requirements, as existing at the time of the enactment of this Ordinance as amended, for the structure or land that is being examined.

**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 with the intent to discontinue the use upon the expiration of the time period.

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

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

**Variance:** A grant of relief from the requirements of this Ordinance, that permits construction in a manner otherwise prohibited by this Ordinance where specific enforcement would result in practical difficulties.

**Vehicle Sales:** An establishment primarily engaged in the sale of motorized vehicles, including the sale of automobiles, trucks, recreation vehicles, snowmobiles, boats, and motorcycles. “Motor Vehicle Sales” include accessory body and service repair areas.
Vehicle Storage, Commercial: Establishments primarily engaged in the assembling or standing of operable vehicles for periods of more than one day. Such use does not include the storage of damaged, dismantled or impounded vehicles. This land use need not be enclosed.

Vertical Foot-Candles: The amount of light striking a vertical plane or surface.

Video Viewing Booths: See Adult Arcade.

Violation: 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 that documentation is provided.

Ww

Warehouse: A building used for the storage of goods and/or materials. This term includes industrial storage facilities, and other uses similar in nature and impact.

Watercourse: 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: 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 Trade or Storage, General: Establishments primarily engaged in one or more of the following activities: Selling durable and nondurable goods to retailers; to industrial, commercial, institutional, farm, or building trade contractors; to professional businesses; or to other wholesalers. Activities may include physically assembling, sorting, and grading goods into large lots and breaking bulk for redistribution in smaller lots; the sale at wholesale and/or storage or warehousing of toxic and/or hazardous materials; providing support services primarily to other businesses (rather than to individuals), including: advertising; employment services; equipment rental and leasing; property management, security and maintenance, including custodial services; printing and reproduction services; publishing and bookbinding; air courier pickup and delivery “drop-off points”; personnel services; computer programming, data processing and other computer-related services; mailing, addressing, stenographic services; and special business services such as travel bureaus, news service, importer, interpreter, appraiser, film library, business to business brokers or agents that arrange for the purchase or sale of goods for others, and which services do not include the warehousing of goods, are classified as “office” uses. Operations with more than 25 percent of sales to retail customers are categorized as “retail sales” rather than as “wholesale trade” uses. This use excludes self-storage facilities.

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

**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 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.

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**Xx**

**X Zone:** The area where the flood hazard is less than that in the SFHA. Shaded X zones shown on 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.

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**Yy**

**Yard:** An open space on the same lot with a principal building or group of buildings that is unoccupied and unobstructed from its lowest level upward, except as otherwise permitted in this Ordinance, and extending along a lot line at right angles to a depth or width specified in the yard regulations for the district in which the lot is located.

**Yard, Front:** A yard extending across the full width of the 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.

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**Zz**

**Zone:** A geographical area shown on a FIRM that reflects the severity or type of flooding in the area.

**Zone A:** See Flood Zone, also Zone

**Zone B, C, and X:** 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 D:** Unstudied areas where flood hazards are undetermined, but flooding is possible. Flood insurance is available in participating communities but is not required by regulation in this zone.
**Zoning Map:** The map or maps incorporated into this Ordinance designating zoning districts.