

I-65 PUD ORDINANCE

Ordinance Number 2004-10
(APC: 03EA-23-808)

ANSON

DUKE REALTY CORPORATION

BOONE COUNTY COMMISSIONERS
(Approved August 6, 2004)

BOONE COUNTY AREA PLAN COMMISSION
(Approved July 14, 2004)

Steven B. Granner, AICP
Zoning Consultant
Bose McKinney & Evans LLP
600 East 96th Street, Suite 500
Indianapolis, IN 46240
(317) 684-5300

TABLE OF CONTENTS

<u>TAB</u>	<u>SECTION / DESCRIPTION</u>	<u>PAGE</u>
1	Section 1. Legislative Intent	.....2
2	Section 2. Applicability of the I-65 PUD Ordinance	.....3
	Section 2.1 Official Zoning Map	.....3
	Section 2.2 Controlling Ordinance	.....3
	Section 2.3 Platting Exception	.....3
	Section 2.4 Conflict	.....3
	Section 2.5 Developer Rights	.....3
3	Section 3. Construction of Language; Definitions	.....4
	Section 3.1 Construction of Language	.....4
	Section 3.2 Definitions	.....4
4	Section 4. General Requirements	.....17
	Section 4.1 Property Development Standards	.....17
	Section 4.2 Restricted Uses	.....17
	Section 4.3 Review and Approval of Development Plans	.....17
	Section 4.4 Non-Conforming Uses	.....17
	Section 4.5 Improvement Location Permit	.....17
	Section 4.6 Administration and Enforcement	.....18
	Section 4.7 Commercial, Industrial and Other Non-Residential Areas	.....18
	a. Outside Storage of Refuse	.....18
	b. Loading Berths	.....18
	c. Mechanical Equipment	.....18
	d. Building Height	.....18
	e. Sale or Transfer of Parcel	.....19
	f. Grounds Maintenance	.....19
	Section 4.8 Residential Areas	.....19
	Section 4.9 Minimum Open Space	.....19
	Section 4.10 Multiple Building Tracts	.....20
	Section 4.11 Water, Sewer and Utilities Facilities	.....20
	Section 4.12 Upper Level Residential Units	.....21
	Section 4.13 Encroachment of 2 nd Level or Upper Level Residential Units, 2 nd Level or Upper Level Offices, or 2 nd Level or Upper Level Professional Offices	.....21

TAB	SECTION / DESCRIPTION	PAGE
	Section 4.14 Districts, Use Areas and Default Zoning Districts	.....21
	Section 4.15 Required Buffer Yards	.....22
	Section 4.16 The Unacquired Parcel	.....24
	Section 4.17 Requirements for Temporary Seasonal Retail Sales Uses	.....25
	Section 4.18 Requirements for Heliports	.....25
	Section 4.19 Right to Farm	.....26
5	Section 5. Location of Districts and Permitted Use Areas	.....27
	Section 5.1 Neighborhood Residential District (“NRD”)	.....27
	Section 5.2 Town Center Residential District (“TCRD”)	.....27
	Section 5.3 Town Center Business District (“TCBD”)	.....27
	Section 5.4 Commerce District (“CD”)	.....27
	Section 5.5 Interstate Commerce District (“ICD”)	.....27
	Section 5.6 Business District (“BD”)	.....27
6	Section 6. Permitted Primary Uses	.....28
	Table 1, Permitted Primary Uses	.....28
	Single-Family Residential Areas	.....28
	Two-Family Residential Areas	.....29
	Multi-Family Residential Areas	.....30
	Professional Office Areas	.....31
	Office Areas	.....34
	Neighborhood Retail Areas	.....37
	Retail Areas	.....41
	Office/Flex Areas	.....47
	Industrial Areas	.....50
7	Section 7. Permitted Accessory Uses and Structures	.....53
	Section 7.1 Neighborhood Residential District	.....53
	Section 7.2 Town Center Residential District	.....53
	Section 7.3 Town Center Business District	.....54
	Section 7.4 Commerce District	.....54
	Section 7.5 Interstate Commerce District	.....54
	Section 7.6 Business District	.....54
8	Section 8. Permitted Temporary Uses	.....55

<u>TAB</u>	<u>SECTION / DESCRIPTION</u>	<u>PAGE</u>
9	Section 9. Density or Area Limitations	.....56
	Section 9.1 Neighborhood Residential District	.....56
	Section 9.2 Town Center Residential District	.....56
	Section 9.3 Town Center Business District	.....57
	Section 9.4 Commerce District	.....57
	Section 9.5 Interstate Commerce District	.....57
	Section 9.6 Business District	.....57
10	Section 10. Development Guidelines	.....58
	Section 10.1 Single-Family and Two-Family Residential Areas	.....58
	Section 10.2 Multi-Family Residential Areas	.....58
	Section 10.3 Professional Office Areas	.....58
	Section 10.4 Office Areas	.....58
	Section 10.5 Neighborhood Retail Areas	.....59
	Section 10.6 Retail Areas	.....59
	Section 10.7 Office/Flex Areas	.....60
	Section 10.8 Industrial Areas	.....61
11	Section 11. Architectural Design Guidelines	.....63
	Section 11.1 Single-Family and Two-Family Residential Areas	.....63
	Section 11.2 Multi-Family Residential Areas	.....64
	Section 11.3 Professional Office Areas	.....66
	Section 11.4 Office Areas	.....67
	Section 11.5 Neighborhood Retail Areas	.....68
	Section 11.6 Retail Areas	.....70
	Section 11.7 Office/Flex Areas	.....72
	Section 11.8 Industrial Areas	.....74
12	Section 12. Streets and Sidewalks	.....78
	Table 2a, Single and Two-Family Residential Area Street Standards	.....78
	Table 2b, Commercial and Industrial Area Street Standards	.....78
13	Section 13. Streetscape	.....80

<u>TAB</u>	<u>SECTION / DESCRIPTION</u>	<u>PAGE</u>
14	Section 14. Landscaping	.....81
	Section 14.1 Single and Two-Family Dwellings	.....81
	Section 14.2 Multi-Family Buildings (Three or Four Units per Building)	.....82
	Section 14.3 Multi-Family Buildings (Five or More Units per Building)	.....83
	Section 14.4 Commercial and Industrial Buildings	.....85
15	Section 15. Lighting	.....89
16	Section 16. Signs	.....90
17	Section 17. Preliminary (Primary) Development Plan Approval	.....91
18	Section 18. Detailed (Secondary) Development Plan Approval	.....92
19	Section 19. Change in Development Standards or Approval of Alternate Plans	.....93
20	Section 20. Alterations	.....94
21	Section 21. Appeals	.....95
22	Section 22. Fee Schedule	.....96
23	Section 23. Improvement Location Permit for Commercial, Industrial and Other Non-Residential Buildings	.....97
24	Section 24. Corridor Overlay District	.....98
	Section 24.1 Corridor Overlay District Boundaries	.....98
	Section 24.2 APC Approval	.....98
	Section 24.3 Permitted Uses	.....99
	Section 24.4 Accessory Buildings and Uses	.....99
	Section 24.5 Building Applicability	.....99
	Section 24.6 Height and Yard Requirements	.....99
	Section 24.7 Architectural Design Requirements	.....100
	Section 24.8 Required Screening	.....103
	Section 24.9 Waiver of Development Standards	.....103
	Section 24.10 Standards Applicability	.....103

<u>TAB</u>	<u>SECTION / DESCRIPTION</u>	<u>PAGE</u>
25	Section 25. Annexation of Additional Real Estate	.....104
A	Exhibit A Property Legal Description	.....105
	Boundary Map	.....110
B	Exhibit B Land Use Districting Plan	.....111
C	Exhibit C Table 3, Residential Development Standards Requirements – Single and Two-Family	.....112
D	Exhibit D Table 4, Residential Development Standards Requirements – Multi-Family (Three or Four Units per Building)	.....113
	Table 5, Residential Development Standards Requirements– Multi-Family (Five or More Units per Building)	.....113
	Table 6, Residential Development Standards Requirements – Upper Level Residential Units	.....113
E	Exhibit E Table 7, Commercial, Industrial and Other Non-Residential Development Standards Requirements	.....114
F	Exhibit F Table 8, Commercial and Industrial Parking Requirements	.....115
G	Exhibit G Streetscape Cross-Sections	.....116
H	Exhibit H Corridor Overlay District Boundary Map	.....125
I	Exhibit I Big Box Distribution Area	.....126
J	Exhibit J Greenway Buffer/Additional Buffer Areas	.....127
K	Exhibit K No Retail Use Area	.....128

ORDINANCE NUMBER 2004-10 (APC: 03EA-23-808)

**An Ordinance Establishing the
I-65 Planned Unit Development District**

WHEREAS, an Application has been filed to establish an Ordinance (“I-65 PUD Ordinance”) to amend the Zoning Ordinance of Boone County, Indiana (“Zoning Ordinance”), to establish on certain property located in Eagle, Perry and Worth Townships, Boone County, Indiana, the legal description of which is attached hereto and marked Exhibit A (the “Property”), a mixed use planned development district to be known as the I-65 Planned Unit Development District (“I-65 PUD District”); and,

WHEREAS, the Area Plan Commission of Boone County, Indiana (the “APC”) has conducted the public hearing as required by law in connection with the Application for a change in the zoning map for Boone County, Indiana; and,

WHEREAS, when it adopts a zoning ordinance, the legislative body shall act for the purposes of (1) securing adequate light, air, convenience of access, and safety from fire, flood, and other danger; (2) lessening or avoiding congestion in public ways; (3) promoting the public health, safety, comfort, morals, convenience, and general welfare; and (4) otherwise accomplishing the purposes of Indiana Code Section 36-7-4; and,

WHEREAS, in preparing and considering proposals under the 600 SERIES ZONING ORDINANCE, the plan commission and the legislative body shall pay reasonable regard to (1) the comprehensive plan; (2) current conditions and the character of current structures and uses in each district; (3) the most desirable use for which the land in each district is adapted; (4) the conservation of property values throughout the jurisdiction; and, (5) responsible development and growth; and,

WHEREAS, a PUD district ordinance may employ (1) written text; (2) a plan or other drawing; or (3) any combination of the items listed in (1) and (2) in specifying the permitted uses and development requirements that apply to a planned unit development district; and,

WHEREAS, the adoption and amendment of a PUD district ordinance is a legislative act; and,

WHEREAS, the APC has sent a recommendation relating to such Application to the Boone County Commissioners (the “County Commissioners”) dated the 14th day of July, 2004;

NOW, THEREFORE, BE IT ORDAINED by the County Commissioners, meeting in regular session, that the Zoning Ordinance and the Zone Map of the Zoning Ordinance are hereby amended in accordance with the provisions of this I-65 PUD Ordinance.

Section 1. Legislative Intent. The intent of the County Commissioners in adopting this I-65 PUD Ordinance is to ensure that the increased flexibility and specific design criteria applicable to the Property and the development authorized herein are implemented under appropriate administrative standards and procedures. This I-65 PUD Ordinance (1) designates a parcel of real property as a planned unit development district; (2) specifies uses or a range of uses permitted in the planned unit development district; (3) specifies development requirements in the planned unit development district; (4) specifies the plan documentation and supporting information that may be required; (5) specifies any limitation applicable to the planned unit development district; and (6) meets the requirements of the 1500 SERIES PLANNED UNIT DEVELOPMENT.

Section 2. Applicability of the I-65 PUD Ordinance.

Section 2.1. The Official Zoning Map, a part of the Zoning Ordinance, is hereby amended to designate the Property as a Planned Unit Development District (“PUD”) known as the I-65 Planned Unit Development District.

Section 2.2. Development of the Property shall be governed entirely by the provisions of this I-65 PUD Ordinance except to the extent reference is made to the Zoning Ordinance. When there is reference to the Zoning Ordinance in this I-65 PUD Ordinance, then only the provisions of the Zoning Ordinance so referenced, as are in effect under the Zoning Ordinance, shall be applicable to the Property. For a period of twenty years after the enactment of this I-65 PUD Ordinance, development of the Property shall not be governed, in whole or in part, by any future overlay district regulations that may include any part of the Property, other than Section 24 of this I-65 PUD Ordinance.

Section 2.3. This I-65 PUD Ordinance shall control whether or not any land within a District shall be required to be platted and under what circumstances the approval of subdivision plats are required. The approval of subdivision plats, when required by this I-65 PUD Ordinance, shall be in compliance with the provisions of this I-65 PUD Ordinance. Single-Family and Two-Family Residential Areas shall be platted pursuant to the provisions of the Subdivision Regulations, except as herein provided in Section 4.8 and Section 4.9. Multi-Family Residential Areas, Professional Office Areas, Office Areas, Neighborhood Retail Areas, Retail Areas, Office/Flex Areas or Industrial Areas are not required to be platted. Condominium development shall be governed by Indiana Code Section 32-25. Land not required by this I-65 PUD Ordinance to be approved as a subdivision plat may be subdivided through the recording of a metes and bounds legal description; however, at the option and discretion of the owner, such lands may nonetheless be platted, even though they are not required to be platted under this I-65 PUD Ordinance.

Section 2.4. In the event of a conflict between this I-65 PUD Ordinance and the Zoning Ordinance or the Subdivision Regulations, the provisions of this I-65 PUD Ordinance shall apply.

Section 2.5. No Developer may exercise any of the rights set forth herein without the consent of the Controlling Developer.

Section 3. Construction of Language; Definitions.

Section 3.1. Construction of Language. The language of this I-65 PUD Ordinance shall be interpreted in accordance with the following regulations:

- The particular shall control the general.
- In the case of any difference of meaning or implication between the text of this I-65 PUD Ordinance and any illustration or diagram, the text shall control.
- The word “shall” is always mandatory and not discretionary.
- The word “may” is permissive and at the discretion or option of the Developer.
- Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- A “building” or “structure” includes any part thereof, unless otherwise specifically stated.
- The phrase “used for,” includes “arranged for,” “designed for,” “intended for,” “maintained for,” or “occupied for.”
- Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction “and,” “or,” or “either...or,” the conjunction shall be interpreted as follows:
 - o “And” indicates that all the connected items, conditions, provisions or events shall apply.
 - o “Or” indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - o “Either...or” indicates that all the connected items, conditions, provisions or events shall apply singly but not in combination.

Section 3.2. Definitions. Unless otherwise stated, the following words shall, for the purpose of this I-65 PUD Ordinance, have the meaning herein indicated. Any word used in this I-65 PUD Ordinance which is not defined herein and which is defined in Section XI of the Zoning Ordinance shall, for purposes of this I-65 PUD Ordinance, have the meaning ascribed to such word in the Zoning Ordinance, unless the context otherwise requires.

- “APC” shall mean the Boone County Area Plan Commission.
- “Access Drive” shall mean that area within the right-of-way between the pavement edge or curb and the right-of-way line providing ingress and egress to and from a land parcel or property.
- “Additional Real Estate” shall mean that real estate, or any part thereof, bounded by I-65, County Road 400 South, County Road 575 East, County

Road 500 South, County Road 650 East and State Road 334 which is not located within the Property.

- “Alley” shall mean any privately-held right-of-way, with the exception of private streets, open for the purposes of affording a secondary means of vehicular access to abutting property which otherwise abuts upon a street and which is not intended for traffic other than public services and circulation to and from said property. An alley may be comprised of pavement, parking space, and the like.
- “Application” shall mean the application filed with the Executive Director of the Boone County Area Plan Commission to establish a Planned Unit Development District for the Property and includes all plans, documents, and supporting information filed therewith.
- “Area” shall mean a tract within a District that is designated by an approved Preliminary (Primary) Development Plan or a Detailed (Secondary) Development Plan for development with Single-Family Residential Area, Two-Family Residential Area, Multi-Family Residential Area, Professional Office Area, Office Area, Neighborhood Retail Area, Retail Area, Office/Flex Area or Industrial Area permitted uses.
- “Architectural Design Requirements” shall mean the criteria and guidelines outlining the architectural character of the proposed Single-Family Residential Areas, Two-Family Residential Areas, Multi-Family Residential Areas, Professional Office Areas, Office Areas, Neighborhood Retail Areas, Retail Areas, Office/Flex Areas or Industrial Areas to be developed in the Districts on the Property.
- “Association” shall mean any and all not-for-profit corporation(s) established under Indiana law, by the Developer of all or a portion of the Property, to maintain any Open Space or Easements on all or any portion of the Property and to carry out all other lawful purposes. An Association's members shall be the owners of all or a specific portion of the Property, including owners of residential lots or owners of the multi-family residential, commercial, retail or industrial portions of the Property, as provided in any declaration of covenants, conditions and restrictions, code of by-laws or similar documents establishing such Association (the “Controlling Document”). The Developer of the Property, with the consent of the owners of the Property to be included under such Association, may establish (i) a master Association for the entire Property or any common or shared Open Space, Easements and related improvements and (ii) one or more Associations whose responsibilities shall include, without limitation, the maintenance of Open Space, easements and related improvements for a defined portion of the Property.

Such Association(s) shall be established and operated under the relevant Controlling Document(s).

- “Big Box Distribution” shall mean an industrial building in excess of 400,000 square feet of gross floor area where at least 85% of the building is used for bulk distribution of goods.
- “Builder” shall mean the entity performing construction activity on a Lot.
- “Building Height” shall mean the vertical distance from the grade level at the main entrance to the top of the parapet that comprises the majority of the perimeter of the building for a flat roof; to the deck line of a mansard roof; and to the mean height between eaves and ridges for gable, hip and gambrel roofs.
- “BZA” shall mean the Boone County Area Board of Zoning Appeals of the Area Plan Commission of Boone County, Indiana.
- “Commercial” shall mean all uses permitted within Professional Office Areas, Office Areas, Neighborhood Retail Areas or Retail Areas which are not classified in Table 1 as residential uses or industrial uses.
- “Commercial Area” shall mean Professional Office Area, Office Area, Neighborhood Retail Area or Retail Area.
- "Controlling Developer" shall mean Duke Realty Limited Partnership ("DRLP"), its successors and assigns, until such time as DRLP transfers its rights as Controlling Developer. Such rights may be transferred in whole or in part. To transfer all or any portion of its rights as Controlling Developer, DRLP may (i) name each individual owner of real estate within the Property as Controlling Developer solely with respect to the real estate owned by each such individual owner; (ii) establish a committee of individual owners of the real estate within the Property to act as Controlling Developer with respect to the real estate owned by all such owners, or (iii) use either method described in (i) and (ii) above with respect to different Districts or Use Areas within the Property.
- “Corridor Overlay District” shall mean the overlay district established in Section 24 below.
- “Detailed (Secondary) Development Plan” shall mean a specific plan for the development of a District(s), or a portion of a District, that is submitted for APC approval showing proposed facilities, buildings and structures. This plan review includes final landscaping, parking, drainage, erosion control, signage, lighting, screening and buildings information for a site, and is established in Section 18 below..

- “Developer” shall mean the owner, or its designee, of an Area to be developed, including those Lots that a Developer may sell to a Builder. The Developer may also be a Builder.
- “Development Guidelines” shall mean the criteria and development standards requirements in this I-65 PUD Ordinance which establish the guidelines for the proposed Single-Family Residential Areas, Two-Family Residential Areas, Multi-Family Residential Areas, Professional Office Areas, Office Areas, Neighborhood Retail Areas, Retail Areas, Office/Flex Areas or Industrial Areas to be developed in the Districts on the Property.
- “Director” shall mean the official in charge of the Area Plan Commission Staff or the Executive Director of the Boone County Area Plan Commission and authorized to administer and enforce the Zoning Ordinance.
- “Districts” shall mean the six (6) Districts; consisting of the Neighborhood Residential District, the Town Center Residential District, the Town Center District, the Commerce District, the Interstate Commerce District, and the Business District; identified on the Land Use Districting Plan.
- “Driveway” shall mean the access for vehicular movement to egress/ingress between the right-of-way of private or public streets and the required front setback line.
- “Family” shall mean one or more human beings related by blood, marriage, adoption, foster care or guardianship together with incidental domestic servants and temporary, non-compensating guests; or, not more than four (4) human beings not so related, occupying a dwelling unit and living as a single housekeeping unit.
- “Fenestration” shall mean the arrangement of windows in a wall of a building. From the Latin word, “fenestra”, meaning window.
- “Financial Institution” shall mean any building wherein the primary occupation is concerned with such Federal or State regulated businesses as banking, savings and loans, loan companies and investment companies.
- “Front Yard” shall mean a yard extending across the full width of the Lot, unoccupied other than by steps, sidewalks, pathways, walkways, trails, terraces, interior access driveways, lampposts, and similar structures, the depth of which is the perpendicular distance between the street right-of-way line and the front setback line.

- “Grade Level” (adjacent ground elevation) shall mean the lowest point of elevation of the finished surface of the ground, paving or sidewalk and similar surface improvements within the area between the exterior walls of a primary building or structure and the property line, or when the property line is more than ten (10) feet from said walls, between said walls and a line ten (10) feet away from and paralleling said walls.
- “Gross Acre” shall mean 43,560 square feet of horizontal area within the perimeter boundaries of a District. A “gross acre” may include the area of half of any street rights-of-way abutting the District.
- “Gross Acreage” shall mean the total aggregate horizontal area within the perimeter boundaries of a District, plus the area of half of any abutting street rights-of-way.
- “Herein” shall mean and refer to the entirety of , and anywhere within, this I-65 PUD Ordinance and shall not be restricted to a particular paragraph or section in which the word “herein” appears.
- “I-65 PUD Ordinance” shall mean the ordinance establishing the I-65 Planned Unit Development District.
- “Industrial” shall mean data processing or analysis; distribution operations; engineering or research operations; industrial schools or training facilities; manufacture, assembly or repair of products; self-storage facility; warehousing; wholesaling; and other uses similar and comparable in character.
- “Industrial Area” shall mean that portion of the Commerce District or Interstate Commerce District that is designated for industrial development, and other permitted development, in an approved Detailed (Secondary) Development Plan.
- “Interior Access Drive” shall mean access for vehicular movement to egress/ingress between interior access drives connecting two (2) or more projects or land parcels.
- “Interior Access Driveway” shall mean a minor, private street providing access within the boundaries of a project beginning at the required setback line.
- “Landscape Easement” shall mean an area that may be privately owned, but is reserved to provide open space and buffer yards.
- “Landscape Requirements” shall mean landscape areas, landscape plant materials, fencing, walls or mounding.

- “Land Use Districting Plan” shall mean the plan for the Property attached hereto as Exhibit B identifying the six (6) Districts and approved by this I-65 PUD Ordinance.
- “Light Industry” shall mean manufacturing, processing, extraction, heavy repairing, dismantling, storage or disposal of equipment, raw materials, manufactured products or wastes.
- “Lot” shall mean a discrete platted or un-platted piece, parcel, plot or tract of land designated by its owner to be used, developed or built upon as a unit under single ownership or control and occupied or intended for occupancy by a use permitted in the I-65 PUD Ordinance, including one (1) or more main buildings, accessory uses thereto and the required yards as provided for in the I-65 PUD Ordinance and may consist of:
 - a. A single Lot of Record; or
 - b. A portion of a Lot of Record; or
 - c. A combination of complete Lots of Record, or complete Lots of Record and portions of Lots of Record, or of portions of Lots of Record.

A lot may or may not coincide with a Lot of Record. For the purposes of this definition, the ownership of a lot is further defined to include:

- a. The person(s) who holds either fee simple title to the property or is a life tenant as disclosed in the records of the Auditor of Boone County, Indiana;
 - b. A contract vendee;
 - c. A long-term lessee (but only if the lease is recorded among the records of the Recorder of Boone County, Indiana, and has at least twenty-five (25) years remaining before its expiration at the time of applying for a permit).
- “Lot Coverage” shall mean the total ground area, within the lot or project, covered by the primary structures plus garages and carports and other accessory structures which are greater than eighteen (18) inches above grade level, excluding fences and walls not attached in anyway to the roof.
- “Lot of Record” shall mean a lot which is platted as a part of a subdivision or a lot or a parcel which is un-platted and described by metes and bounds,

the description of which has been so recorded in the office of the Recorder of Boone County, Indiana.

- “Materials Alteration” shall mean any change to an approved plan of any type that involves the substitution of one material, species, element, etc., for another.
- “Maximum Density” shall mean a unit of measurement which represents the maximum number of dwelling units permitted to be developed on a particular area of land.
- “Medical Professional” shall mean chiropractors, dentists, optometrists, osteopathic physicians, physicians (M.D.), podiatrists and similar medical professionals.
- “Minor Alteration” shall mean any change to an approved plan of any type that involves the revision of less than twenty percent (20%) of the plan’s total area or approved materials.
- “Multi-Family Residential Area” shall mean that portion of the Town Center Residential District, Town Center Business District or Business District that is designated for multi-family residential development, and other permitted development, in an approved Detailed (Secondary) Development Plan.
- “Neighborhood Retail” shall mean the complete range of retail sales and personal, professional and business services required to meet the demand of a fully-developed residential neighborhood in a highly-varied grouping of retail and business functions.
- “Neighborhood Retail Area” shall mean that portion of the Neighborhood Residential District or Town Center Residential District that is designated for neighborhood retail development, and other permitted development, in an approved Detailed (Secondary) Development Plan. In a Neighborhood Residential District, a Neighborhood Retail Area may include 2nd Level Professional Offices or 2nd Level Residential Units. In a Town Center Residential District, a Neighborhood Retail Area may include Upper Professional Level Offices or Upper Level Residential Units.
- “Office” shall mean a place of business used exclusively for services involving predominantly administrative, professional or clerical operations not involving any equipment other than furniture and document processing and storage facilities and from which no product or commodity is located or sold, including but not limited to, business, personal or social service offices, sales offices, real estate offices, Financial Institution offices, governmental offices and professional offices.

- “Office Area” shall mean that portion of the Town Center Business District, Commerce District or Interstate Commerce District that is designated for office development, and other permitted development, in an approved Detailed (Secondary) Development Plan. In the Town Center Business District, an Office Area may include Upper Level Residential Units.
- “Office/Flex” shall mean a place of business whose use of space can range from a minority, but not less than ten (10) percent, of office space with a majority of light industrial space to a majority of office space with a minority of light industrial space.
- “Office/Flex Area” shall mean that portion of the Town Center Business District, Commerce District or Interstate Commerce District that is designated for office/flex development, and other permitted development, in an approved Detailed (Secondary) Development Plan.
- “Open Space” shall mean areas that provide light and air and are designed for environmental, scenic, or recreational purposes. Cropland, forested areas, or pastureland qualifies as open space. Open space may include turf areas, decorative plantings, walkways, active and passive recreation areas, playgrounds, wooded areas, and wetlands. Recreational facilities located on the grounds of public schools (specifically including, but not limited to, parking lots, turf areas, play grounds and sports fields; and, specifically excluding buildings) may qualify as open space, provided that there are no barriers (i.e., fences, walls, etc.) between said grounds and residential properties. Open space may include Primary Conservation Areas, Secondary Conservation Areas, buffer yards, green-space areas, lakes, ponds, water retention areas, water detention areas, natural environmental features, and landscape easements. Open space shall not include areas devoted to public or private streets or rights-of-way, except for that portion of any right-of-way devoted to a pedestrian pathway/walkway system. Except for Buffer Yards, open space shall be dedicated to the public and accepted, owned by a public or semi-public entity, owned by a controlling Association, owned by the project owners, or be in a similar type of ownership control; for the benefit of the public, members of the Association or residents of the project.
- “Parent Tract” shall mean a tract of land described by metes and bounds, the description of which has been recorded in the Office of the Recorder of Boone County, Indiana, and describes a District, or a portion of a District.
- “Parking Area” shall mean an area of paving other than an open exhibition or display area; not inclusive of interior access drives, driveways, interior

access driveways and access drives; intended for the temporary storage of automobile vehicles, including parking spaces and the area of access for the parking spaces and the area of access for the egress/ingress of automotive vehicles to and from the actual parking space.

- “Parking Space” shall mean an area having a rectangular area of not less than one hundred eighty (180) square feet and a minimum width of nine (9) feet exclusive of driveways, permanently reserved for the temporary storage of one automobile. In parking structures, the minimum width may be eight and one-half (8½) feet, and one-half (½) of the area occupied by supporting columns may be included in determining the width and area of each adjacent parking space, and the minimum height of such space shall be seven (7) feet.
- “Perimeter Yards” shall mean the required side and rear yards of a project, situated between and extending along the side and rear project boundaries and an interior line paralleling thereto. The width of said yards shall be determined by the applicable standards in the I-65 PUD Ordinance.
- “Preliminary (Primary) Development Plan” shall mean a specific plan for the development of a District, or a portion of a District, that is submitted for APC approval showing proposed facilities, buildings and structures. This plan review includes general landscaping, parking, drainage, erosion control, signage, lighting, screening and buildings information for a site and is established in Section 17 below.
- “Prior Zoning” shall mean the zoning classifications, as identified in and defined by the Zoning Ordinance and Zone Map, applicable to a discrete piece, parcel, plot or tract of land immediately prior to the enactment of this I-65 PUD Ordinance.
- “Private Street” shall mean a privately-held right-of-way, with the exception of alleys, open for the purposes of vehicular and pedestrian travel, which may also afford access to abutting property, whether referred to as a street, road or any other term commonly applied to a right-of-way for said purposes. A private street may be comprised of pavement, shoulders, gutters, curbs, sidewalks, parking space, and the like.
- “Professional Office” shall mean an office or clinic of a member of a recognized profession such as an architect, attorney, engineer and medical professionals.
- “Professional Office Area” shall mean that portion of the Town Center Residential District or Business District that is designated for professional office development, and other permitted development, in an approved

Detailed (Secondary) Development Plan. A Professional Office Area may include 2nd Level or Upper Level Residential Units.

- “Property” shall mean certain property located in Eagle, Perry and Worth Townships, Boone County, Indiana, as described in Exhibit A attached hereto and incorporated herein.
- “Protected Residential Area” shall mean (i) real estate abutting the east right-of-way line of County Road 575 East between County Road 400 South and County Road 500 South and zoned to a general agricultural (AG) or residential (R) zoning district and (ii) real estate abutting the south right-of-way of County Road 450 South between I-65 and County Road 575 East and zoned to a general agricultural (AG) or residential (R) zoning district.
- “PUD Enabling Ordinance” shall mean A Proposal for the Amendment of the Zoning Code Concerning Planned Unit Development Districts prepared by the Boone County Area Plan Commission staff, approved by the Boone County Area Plan Commission on February 4, 2004 and approved by the Boone County Commissioners on March 15, 2004.
- “Public Street” shall mean a publicly dedicated, accepted and maintained right-of-way, with the exception of alleys, open to the general public for the purposes of vehicular and pedestrian travel, which may also afford access to abutting property, whether referred to as a street, road or any other term commonly applied to a public right-of-way for said purposes. A public street may be comprised of pavement, shoulders, gutters, curbs, sidewalks, parking space, and the like.
- “R&D” shall mean research and development.
- “Rear Yard” shall mean a yard extending across the full width of the lot, unoccupied other than by steps, sidewalks, pathways, walkways, trails, terraces, interior access driveways, lampposts, and similar structures, the depth of which is the perpendicular distance between the rear lot line and the rear setback line.
- “Residential Area” shall mean real estate contiguous with, or adjacent to, the Property which is zoned to a general agricultural (AG) or residential (R) zoning district and not separated from the Property by an Interstate Highway.
- “Residential District” shall mean Neighborhood Residential District or Town Center Residential District.

- “Retail” shall mean uses which include shopping centers, sales of retail convenience or durable goods, shopping establishments, retail sales, entertainment and personal and professional service establishments. Retail uses shall include those uses which are permitted in Neighborhood Retail Areas or in Retail Areas but which are not permitted in Professional Office Areas or in Office Areas.
- “Retail Area” shall mean that portion of the Business District, Town Center Business District or Interstate Commerce District that is designated for retail development, and other permitted development, in an approved Detailed (Secondary) Development Plan. A Retail Area may include Upper Level Offices or Upper Level Residential Units.
- “2nd Level Professional Offices” shall mean one or more rooms connected together and located on the second floor in a Neighborhood Retail Area or Retail Area building, which are arranged, designed, used and intended for use by permitted professionals as owner occupancy or rental or lease on a monthly or longer basis.
- “2nd Level Residential Units” shall mean one or more rooms connected together and located on the second floor in a Professional Office Area, Office Area, Neighborhood Retail Area or Retail Area building, which are arranged, designed, used and intended for use by one or more human beings living together as a family and maintaining a common household for owner occupancy or rental or lease on a weekly, monthly or longer basis; and which includes lawful cooking, eating, sleeping space and sanitary facilities reserved solely for the occupants thereof.
- “Side Yard” shall mean a yard extending across the full length of the lot, unoccupied other than by steps, sidewalks, pathways, walkways, trails, terraces, interior access driveways, lampposts, and similar structures, the depth of which is the perpendicular distance between the side lot line and the side setback line.
- “Sign Program” shall mean a document approved by the APC, pursuant to Sections 17 and 18 of this I-65 PUD Ordinance, which creates a legal framework for sign regulations in each District and which may vary from those standards contained in the Zoning Ordinance.
- “Single-Family Residential Area” shall mean that portion of the Neighborhood Residential District or Town Center Residential District that is designated for single-family residential development, and other permitted development, in an approved Detailed (Secondary) Development Plan.

- “Street” shall mean a right-of-way; either privately-held or publicly dedicated, accepted, and maintained; established for the purposes of vehicular and pedestrian travel, which may also afford access to abutting property, whether referred to as a street, road or any other term commonly applied to a right-of-way for said purposes. A street may be comprised of pavement, shoulders, gutters, curbs, sidewalks, parking space, and the like.
- “Subdivision” shall mean the division of any parcel of land shown, as a unit as part of a unit, or as contiguous units, on the last preceding transfer of ownership thereof, into two (2) or more parcels or lots for the purpose, whether immediate or future, of transfer of ownership or building development; provided, however, that the division of land into parcels of more than five (5) acres and the transfer or exchange of parcels between adjoining land owners shall not constitute a subdivision for purposes of this ordinance.
- “Subdivision Regulations” shall mean the Subdivision Control Ordinance of Boone County, Indiana, as such existed on February 9, 2004.
- “Substantial Alteration” shall mean any change to an approved plan of any type that involves the revision of twenty percent (20%) or more of the plan’s total area or approved materials.
- “Temporary Seasonal Retail Sales Use” shall mean a temporary use established for a fixed period of time, for the retail sale of seasonal products, including, but not limited to, such items as food, Christmas trees, and live plants. This use may or may not involve the construction or alteration of any permanent building or structure.
- “Trailer Staging” shall be construed to be the parking of the trailer and/or cab of a semi-trailer/truck on the same site for a consecutive time period in excess of 48-hours.
- “Two-Family Residential Area” shall mean that portion of the Town Center Residential District or Business District that is designated for two-family residential development, and other permitted development, in an approved Detailed (Secondary) Development Plan.
- “Unacquired Parcel” shall mean any portion or parcel of the Property not yet acquired by the Controlling Developer.
- “Upper Level Offices” shall mean one or more rooms connected together and located above the ground floor in a Retail Area building, which are arranged, designed, used and intended for use by permitted office users as owner occupancy or rental or lease on a monthly or longer basis.

- “Upper Level Professional Offices” shall mean one or more rooms connected together and located above the ground floor in a Neighborhood Retail Area or Retail Area building, which are arranged, designed, used and intended for use by permitted professionals as owner occupancy or rental or lease on a monthly or longer basis. (This definition includes “2nd Level Professional Offices”.)
- “Upper Level Residential Unit” shall mean one or more rooms connected together and located above the ground floor in a Professional Office Area, Office Area, Neighborhood Retail Area or Retail Area building, which are arranged, designed, used and intended for use by one or more human beings living together as a family and maintaining a common household for owner occupancy or rental or lease on a weekly, monthly or longer basis; and which includes lawful cooking, eating, sleeping space and sanitary facilities reserved solely for the occupants thereof. (This definition includes “2nd Level Residential Units”.)
- “Zone Map” shall mean and refer to the official zone map corresponding to the Zoning Ordinance.
- “Zoning Ordinance” shall mean the Zoning Ordinance of Boone County, Indiana in existence on March 15, 2004, not including any subsequent amendment or revision.

Section 4. General Requirements.

Section 4.1. Property Development Standards. Uses in all Districts shall comply with Section IV of the Zoning Ordinance, except sub-sections E, I.3, Q and V. Provided, however, certain buffer yards required in Section IV, Q shall be required as indicated in Section 4.15 below.

Section 4.2. Restricted Uses. Except as provided for herein, uses in all Districts shall comply with Section VI of the Zoning Ordinance.

- Provided, however, the fences required in Section VI, D for an outdoor recreation facility, an automatic car wash and a day care center shall not be required.
- Provided, however, the entrance limitation in Section VI, F for industrial uses shall not be applicable to streets and roads located within the Districts. Ingress/egress from the surrounding County Road system shall be subject to the approval of the appropriate government agencies.

Section 4.3. Review and Approval of Development Plans. The approval process for development plans shall be governed by the PUD Enabling Ordinance and by Sections 17 and 18 of this I-65 PUD Ordinance. Except as provided for herein and in the PUD Enabling Ordinance, the documents and information required to be submitted for the Preliminary (Primary) Development Plan approval process and the Detailed (Secondary) Development Plan approval process shall generally comply with Section VII of the Zoning Ordinance, unless otherwise approved by the APC.

- Provided, however, the Preliminary (Primary) Development Plan submittal shall not be required to include (Section VII,2,n.) a detailed landscape planting plan and schedule of plant material and sizes. Said detailed landscape plans are required to be submitted for Detailed (Secondary) Development Plan approval.
- Provided, however, the Preliminary (Primary) Development Plan submittal shall not be required to include (Section VII,2,r.) the type, size and location of any signage or lighting existing and proposed for the property. Said detailed sign and lighting plans are required to be submitted for Detailed (Secondary) Development Plan approval.

Section 4.4. Non-Conforming Uses. Uses in all Districts shall comply with Section VIII of the Zoning Ordinance.

Section 4.5. Improvement Location Permit. (See also Section 23.) Development in all Districts shall comply with Section IX of the Zoning Ordinance. All owners shall

execute the Drainage Deed Restriction and Commitment, as applicable, prior to the issuance of an Improvement Location Permit.

Section 4.6. Administration and Enforcement. Development in all Districts shall be governed by Section X of the Zoning Ordinance.

Section 4.7. Commercial, Industrial and other Non-Residential Areas. Development within commercial, industrial and other non-residential areas shall also be in accordance with the following:

- a. Outside Storage of Refuse. All refuse shall be contained completely within the building(s) or in separate accessory structure(s) or enclosure(s), except for containers located in the loading berth area adjacent to the side or rear of the building. Any separate accessory structure or enclosure designed for refuse storage shall be architecturally compatible with the building(s).
- b. Loading Berths. All loading or unloading berths or bays within six hundred (600) feet of any adjacent Residential Area or I-65 shall be screened. Screening and buffering may be achieved through walls, fences and landscaping and shall be a minimum of six (6) feet in height. All loading or unloading berths or bays within six hundred (600) feet of any Protected Residential Area shall be located on the façade of the building that is opposite the Protected Residential Area; except, however, where such loading or unloading berths or bays are screened by an existing building.
- c. Mechanical Equipment. Within six hundred (600) feet of any single-family residence, any mechanical equipment which is clearly visible from said single-family residence shall be screened with suitable fencing, landscaping or walls, which in general shall be architecturally compatible with the building(s) with which it is associated.
- d. Building Height. The height limit for commercial and industrial buildings shall not apply to:
 1. Parapet walls not exceeding two (2) feet in height from the roof line;
 2. Roof structures for the housing of elevators, stairways, air conditioning apparatus, ventilating fans, sky lights, or similar equipment to operate and maintain the building or structure; or,
 3. Chimneys, flag poles, radio and television antennae, satellite dishes, and other similar structures, not exceeding twenty-five (25) feet in height from the roof line.

- e. Sale or Transfer of Parcel. No requirement within the I-65 PUD Ordinance, the Zoning Ordinance, or the Subdivision Regulations shall preclude the sale or transfer of any parcel of land within a Parent Tract after the approval of a Detailed (Secondary) Development Plan for the Parent Tract. However, the development of the parcel must still conform to the Detailed (Secondary) Development Plan for the Parent Tract as approved or amended by the APC, and the creation of a new property line within a Parent Tract shall not impose new development standards on the tract beyond those applicable to the Parent Tract.
- f. Grounds Maintenance. The project owner or management, controlling Association or other similar organization shall:
 - 1. Maintain the entire site in a safe, neat and clean condition; free from litter, trash, debris, junk and reasonably free of weeds;
 - 2. Maintain all sidewalks, pedestrian ways, interior streets, interior access drives, and parking areas in good repair and reasonably free of chuckholes, standing water, mud, ice and snow;
 - 3. Maintain the landscaping by keeping lawns mowed, all plants properly pruned and maintained as disease-free, and planting beds groomed, except in naturally occurring vegetation areas, such as thickets; and,
 - 4. Replace any required planting(s), which are removed or no longer living, within a year or the first planting season, whichever occurs first, except those in naturally occurring vegetation areas, such as thickets.
 - 5. Prohibit the placement or maintenance of any landscaping or fencing within any legal drain easement, unless otherwise approved by the Boone County Surveyor.

Section 4.8. Residential Areas. Development within residential Areas shall also be in accordance with the Grounds Maintenance provisions contained in Section 4.7.f. A homeowners' Association shall not be required to employ a staff to administer the maintenance of open space, common facilities or easements.

Section 4.9. Minimum Open Space. The minimum total aggregate Open Space shall be 12.5% of the Property. The minimum Open Space for each District shall be as follows:

- For purposes of determining minimum Open Space in the NRD and the TCRD, the NRD and the TCRD shall be combined, and the total minimum

Open Space shall be equal to 25% of the gross acreage of the NRD and the TCRD.

- The minimum required Open Space in the TCBD shall be the greater of (i) the gross acreage within the buffer yards required in the TCBD, or (ii) 10% of the gross acreage of the TCBD.
- The minimum required Open Space in the BD shall be the greater of (i) the gross acreage within the buffer yards required in the BD, or (ii) 10% of the gross acreage of the BD;
- The minimum required Open Space in the CD shall be the greater of (i) the gross acreage within the buffer yards required in the CD, or (ii) 5% of the gross acreage of the CD;
- The minimum required Open Space in the ICD shall be the greater of (i) the gross acreage within the buffer yards required in the ICD, or (ii) 5% of the gross acreage of the ICD.

Open Space areas shall be designated during the Preliminary (Primary) Development Plan approval process and approved during the Detailed (Secondary) Development Plan approval process. Any particular area within a District shall be permitted to contain greater or lesser Open Space than set forth above, provided that the total Open Space for the entire District (or the combined NRD and TCRD) satisfies the required percentage set forth above as corresponding to such District. The amount of designated Open Space which may be utilized for active recreation shall be designated during the Preliminary (Primary) Development Plan approval process and approved during the Detailed (Secondary) Development Plan approval process.

Section 4.10. Multiple Building Tracts. Except for single or two-family residential platted lots, no requirement within the I-65 PUD Ordinance, the Zoning Ordinance, or the Subdivision Regulations shall preclude the construction of more than one primary structure on any parcel of land within a Parent Tract.

Section 4.11. Water, Sewer and Utilities Facilities. No construction shall be permitted in any District that relies on well water for potable water and a private septic system for sewage disposal. Water, sewer and utilities facilities may be located within buffer yards, landscape easements, sidewalk or pathway/walkway system easements and other similar required landscape yards or reserved areas. All new utility facilities, including telephone, cable and electrical systems, but excluding high voltage electrical transmission lines which are impracticable to be underground (as determined by the applicable service provider and approved by the Technical Advisory Committee), constructed within the Property after the effective date of the I-65 PUD Ordinance are required to be underground. This includes distribution as well as transmission systems. Appurtenances to these systems that can be screened may be excepted from this requirement if the APC finds that such exemption will not violate the intent or character of the I-65 PUD District.

Section 4.12. Upper Level Residential Units. Upper Level Residential Units in the TCRD and TCBD shall count against the maximum density limitations of each District and the majority use on the ground floor shall determine the Area type for purposes of identifying the applicable development standards within Exhibit E attached hereto.

Section 4.13. Encroachments of 2nd Level or Upper Level Residential Units, 2nd Level or Upper Level Offices, or 2nd Level or Upper Level Professional Offices. 2nd Level or Upper Level Residential Units, 2nd Level or Upper Level Offices, or 2nd Level or Upper Level Professional Offices may encroach into the public right-of-way by up to three (3) feet for balconies and by up to two (2) feet for eave or cornice overhangs, bay windows and other similar appurtenant structural projections, subject to required permits and licenses required by the appropriate governmental agencies.

Section 4.14. Districts, Use Areas and Default Zoning Districts. The six (6) Districts shall be generally established by the Land Use Districting Plan. The size of these Districts may increase or decrease a maximum of 20% during the Preliminary (Primary) Development Plan and Detailed (Secondary) Development Plan approval process. The use Areas (i.e. single-family residential, two-family residential, multi-family residential, professional office, office, neighborhood retail, retail, office/flex, or industrial) shall be generally established in the Preliminary (Primary) Development Plan approval process for each District (or any part thereof) and shall be specifically established in the Detailed (Secondary) Development Plan approval process for each District (or any part thereof). To the extent this I-65 PUD Ordinance does not specifically control or does not vary or exclude a standard or requirement set forth in the corresponding default zoning district indicated below, these use Areas shall default to the standards of the below indicated zoning district and the omitted standard and/or requirement in the default zoning district shall control. The default zoning district, which is contained in the Zoning Ordinance, and which corresponds to each particular use Area within each District, shall be as follows:

Use Area Within A District	Default Zoning District Within Zoning Ordinance
Single-Family Residential	R3
Two-Family Residential	R4
Multi-Family Residential (three or four units per building)	MF
Multi-Family Residential (five or more units per building) in BD	AB
Multi-Family Residential (five or more units per building) in TRCD and TCBD	UB
Professional Office	PB
Office	PB
Neighborhood Retail	LB
Retail	GB
Office/Flex	I1
Industrial	I1

Section 4.15. Required Buffer Yards. (All Bufferyard classes referenced below are as established in Table 9, Bufferyard Requirements, of the Zoning Ordinance and shall be applicable where indicated below.) Buffer yards shall be required on the Property where:

- a. A District abuts I-65 (Bufferyard D).
- b. The Interstate Commerce District or the Commerce District abuts County Road 400 South (Bufferyard E).
- c. The Interstate Commerce District abuts a contiguous residential parcel at the northwest corner of the Property and not located within a District (Bufferyard J).
- d. The Interstate Commerce District or the Commerce District abuts an adjacent commercial or industrial parcel not located within a District (Bufferyard D).
- e. The Town Center Residential District abuts County Road 500 South (Bufferyard E).
- f. The Town Center Business District, the Interstate Commerce District or the Commerce District abuts an adjacent residential parcel located in Worth Township, south of County Road 450 South, west of County Road 575 East and not located within a District (the "Excluded" Protected Residential Area), a two hundred (200) foot wide greenway buffer yard shall be provided on the Property around the perimeter (including across County Road 450 South) of the Excluded Protected Residential Area. This greenway buffer yard may include retention/detention ponds/lakes, pathways/walk-ways/trails, and parks; provided, however, this greenway buffer area shall not include any structures. The existing tree grove within this greenway buffer yard, as delineated on Exhibit J, shall be preserved and protected. No trees shall be removed from the tree grove, other than dead trees or trees that pose a threat to health, safety and welfare. This greenway buffer yard shall include a six to eight (6-8) foot undulating earthen berm. On this berm there shall be placed six to eight (6-8) foot tall conifers, spaced fifteen (15) feet on center, together with five (5) ornamental trees and four (4) deciduous trees scattered within every one hundred twenty (120) linear feet of berm. The deciduous trees shall have a minimum caliper of 2 ½ inches. A sidewalk shall be installed along the County Road 450 South frontage south of that portion of the berm. Construction of the berm shall commence contemporaneously with the initial site development for the contiguous or adjacent real estate and will be finished contemporaneously with or prior to completion of the first building constructed on the contiguous or adjacent real estate. Beyond this two hundred (200) foot wide greenway buffer yard, an additional greenway buffer yard shall be provided as delineated on Exhibit J (the

“Additional Greenway Buffer”). Uses within the Additional Greenway Buffer shall be limited to the following uses: (i) all uses permitted within the above mentioned two hundred (200) foot wide greenway buffer yard; (ii) an agricultural, equestrian or nature center; (iii) park facilities; or (iv) other civic use, but only if the owner of the immediately adjacent land in the Excluded Protected Residential Area consents in writing to such other civic use. Notwithstanding the foregoing, government owned uses (e.g., fire station, police station, government center or meeting room, etc.) may be located within the areas labeled “Civic Use Areas” on Exhibit J without the consent of the owner of the immediately adjacent land in the Excluded Protected Residential Area.

- g. The Commerce District or the Town Center Business District abut County Road 575 East, a two hundred (200) foot wide greenway shall be provided which shall not include Multi-Family, Office, Retail Office/Flex, or Industrial Area buildings, structures or accessory uses; but, may include retention/detention ponds/lakes, pathways/walkways/trails, parks, school uses, civic uses and other uses similar and comparable in character; provided, however, any building or structure shall be setback a minimum of seventy-five (75) feet from the right-of-way of County Road 575 East and shall not exceed one story in height. Along the entire portion of the County Road 575 East frontage that fronts an existing homestead on the east side of County Road 575 East, a six to eight (6-8) foot undulating earthen berm shall be installed. On this berm there shall be placed six to eight (6-8) foot tall conifers, spaced fifteen (15) feet on center, together with five (5) ornamental trees and four (4) deciduous trees scattered within every one hundred twenty (120) linear feet of berm. The deciduous trees shall have a minimum caliper of 2 ½ inches. Construction of the berm shall commence contemporaneously with the initial site development for the contiguous or adjacent real estate and will be finished contemporaneously with or prior to completion of the first building constructed on the contiguous or adjacent real estate.
- h. The Business District abuts State Road 334 or County Road 650 East (Bufferyard E).
- i. The Business District abuts County Road 650 South or County Road 700 East, a fifty (50) foot wide buffer yard shall be provided which shall include a six to eight (6-8) foot undulating earthen berm. On this berm there shall be placed six to eight (6-8) foot tall conifers, spaced fifteen (15) feet on center, together with five (5) ornamental trees and four (4) deciduous trees scattered within every one hundred twenty (120) linear feet of berm. The deciduous trees shall have a minimum caliper of 2 ½ inches. A sidewalk shall be installed along the County Road 650 South frontage south of the berm and along the County Road 700 East frontage east of the berm. Construction of the berm shall commence contemporaneously with the initial site development for the adjacent real

estate and will be finished contemporaneously with or prior to completion of the first building constructed on the adjacent real estate.

- j. The Business District abuts a non-residential use (Bufferyard B).
- k. The Neighborhood Residential District abuts County Road 500 South or County Road 650 East, a minimum forty (40) foot wide buffer yard shall be provided. This buffer yard shall include four to six (4-6) foot undulating mounds with 2 ½ inch minimum caliper shade trees, 1 ½ inch minimum caliper ornamental trees and six (6) foot minimum tall conifer trees, planted so that a minimum of five (5) trees occur for every one hundred (100) lineal feet. Said trees shall be installed by the Developer with the controlling Association assuming responsibility for maintenance after the initial warranty period.
- l. Lots within the Neighborhood Residential District back up to Open Space or amenity areas of five (5) or more acres, 2 ½ inch minimum caliper shade trees, 1 ½ inch minimum caliper ornamental trees and/or six (6) foot minimum tall conifer trees shall be planted so that a minimum of six (6) trees occurs for every one hundred (100) lineal feet. Said trees shall be installed by the Developer in a minimum ten (10) foot wide landscape buffer within the Open Space or amenity area and shall be maintained by the controlling Association after the initial warranty period.
- m. Lots within the Neighborhood Residential District make up the perimeter of the District boundary, but do not abut an aforementioned roadway, Open Space or amenity area, a minimum ten (10) foot wide landscape buffer yard shall either be made a part of a common area or be made a part of the lot and be restricted by a landscape easement (such landscape easements shall not be considered Open Space) on the plat and through the Covenants and Restrictions. Either 2 ½ inch minimum caliper shade trees or six (6) foot minimum tall conifer trees, or a combination of both, shall be installed in the landscape buffer yard so that a minimum of four (4) trees occur for every one hundred (100) lineal feet. Said trees shall be installed by the Developer with the controlling Association assuming responsibility for maintenance of all common areas after the initial warranty period.

Section 4.16. The Unacquired Parcel. Notwithstanding anything to the contrary in this I-65 PUD Ordinance, until an Unacquired Parcel is acquired by the Controlling Developer, any Unacquired Parcel shall be zoned and may be developed not only per the terms and conditions of this I-65 PUD Ordinance, but shall also remain zoned and may be developed per the terms and conditions of the Prior Zoning. The discretion to develop an Unacquired Parcel, per the terms and conditions of the I-65 PUD Ordinance or the Prior Zoning, rests solely with the owner of the Unacquired Parcel.

Section 4.17. Requirements for Temporary Seasonal Retail Sales Uses.

- a. The use or structure must comply with all setback requirements for a primary building on the site.
- b. A minimum of three (3) off-street parking spaces shall be provided on site for the temporary seasonal retail sales use.
- c. The location of the temporary seasonal retail sales uses and its required minimum reservation of off-street parking spaces shall not utilize any required off-street parking spaces for the primary/permanent use of the site.
- d. The location of the temporary seasonal retail sales use, and any structure associated with such use, shall be completely within a striped, off-street parking space(s) for the primary/permanent use on the site and shall not be located within a drive or maneuvering area for that primary/permanent use.
- e. Final site plans, showing the location of the temporary seasonal retail sales use within the site, shall be subject to the Director's review and approval prior to the issuance of an Improvement Location Permit.
- f. Signs for the temporary seasonal retail sales shall comply with the regulations contained in the Zoning Ordinance.
- g. The sale of fireworks shall not be a permitted Temporary Seasonal Retail Sales Use; provided, however, the sale of fireworks may be permitted as an accessory use to a permitted retail use if such display and sales are conducted entirely indoors and do not occupy more than five (5) percent of the gross floor area of the primary retail use.

Section 4.18. Requirements for Heliports. Landing pads and stations for helicopters and vertical take-off aircraft shall be subject to the following special requirements:

- a. Minimum heliport size shall be two hundred (200) feet by four hundred (400) feet.
- b. No heliport shall be located within six hundred (600) feet of a Residential Area.
- c. A clear zone (which no structures shall penetrate) shall be provided. Such clear zone shall be described by a projected imaginary surface, the base of which encompasses the landing area, extends upward and outward at a slope equal to one (1) foot of vertical elevation to eight (8) feet of horizontal distance, and extends to a vertical projection of the heliport boundary.

- d. A clean landing surface shall be provided free of dust, loose gravel, and debris which may be blown about by the downwash of the helicopter's rotors.
- e. The landing area shall be well drained.
- f. If a roof top is used as a landing area, it shall be located on a building not more than four (4) stories or fifty (50) feet in height, whichever is the lesser, and the same obstruction clearance as required under paragraph c. above shall apply.
- g. The minimum setbacks required by this District shall apply to all structures and the landing area associated with such heliport.
- h. A fence or other suitable barrier, not less than three (3) feet in height, shall be erected at least seventy-five (75) feet from all landing surfaces.

Section 4.19. Right to Farm. The owners of the Property, and the Controlling Developer, acknowledge that: (i) until an individual parcel of the Property is developed, it may continue to be farmed as it has in the past; and, (ii) the area surrounding the Property may continue to be farmed. The owners of the Property, and the Controlling Developer, also acknowledge that the following agricultural uses are permitted: (i) Any activity or impact associated with the production of grain row crops; specialty crops, vegetable, or truck farms; fruit orchards; etc. This includes the operation of farm equipment 24 hours a day if necessary in the fields and on county roads, the application or spraying of typical agricultural fertilizers, including manure, the application or spraying of typical agricultural herbicides and pesticides, and the on-farm storage of these crops, including the operation of silos, grain augers, and grain dryers; and the facilities for the sorting or distribution associated with said agricultural crops; (ii) Raising of livestock and the confinement feeding of livestock, including but not limited to hogs, cattle, chickens, and turkeys; and (iii) Agri-business uses, including but not limited to seed research and processing facilities; grain elevators; corporate livestock production; commercial greenhouses; farm implement repair; livestock sale barn; roadside produce stand; plant nursery; and landscape contractor. The owners of the Property, and the Controlling Developer, acknowledge and agree that no agricultural operation or agri-business operation on the Property or in the area surrounding the Property shall be or become a nuisance, private or public, by any changed conditions in the vicinity as long as (i) no significant change has occurred in the type of operation since it began to operate and (ii) the operation is not operated in a negligent way as to cause a health or safety hazard to adjacent properties. The owners of the Property, and the Controlling Developer, further agree not to object to the continuation of any such agricultural or agri-business operation in the area surrounding the Property as long as such operation does not constitute a nuisance. These acknowledgements and agreements are supplemental to the Indiana Right to Farm Law, as amended, and as such are not subject to the continued effectiveness of such law.

Section 5. Location of Districts and Permitted Use Areas.

Section 5.1. Neighborhood Residential District (“NRD”). The Neighborhood Residential District shall be generally located as designated on the Land Use Districting Plan. The use Areas permitted within the Neighborhood Residential District shall be limited to Single-Family Residential Areas.

Section 5.2. Town Center Residential District (“TCRD”). The Town Center Residential District shall be generally located as designated on the Land Use Districting Plan. The use Areas permitted within the Town Center Residential District shall be limited to Single-Family Residential Areas, Two-Family Residential Areas, Multi-Family Residential Areas, Professional Office Areas and Neighborhood Retail Areas.

Section 5.3. Town Center Business District (“TCBD”). The Town Center Business District shall be generally located as designated on the Land Use Districting Plan. The use Areas permitted within the Town Center Business District shall be limited to Multi-Family Residential Areas, Office Areas, Retail Areas and Office/Flex Areas.

Section 5.4. Commerce District (“CD”). The Commerce District shall be generally located as designated on the Land Use Districting Plan. The use Areas permitted within the Commerce District shall be limited to Office Areas, Office/Flex Areas and Industrial Areas.

Section 5.5. Interstate Commerce District (“ICD”). The Interstate Commerce District shall be generally located as designated on the Land Use Districting Plan. The use Areas permitted within the Interstate Commerce District shall be limited to Office Areas, Retail Areas, Office/Flex Areas and Industrial Areas; provided, however, Retail Areas shall be prohibited within the area designated on Exhibit K.

Section 5.6. Business District (“BD”). The Business District shall be generally located as designated on the Land Use Districting Plan. The use Areas permitted within the Business District shall be limited to Two-Family Residential Areas, Multi-Family Residential Areas, Professional Office Areas and Retail Areas.

Section 6. Permitted Primary Uses. The uses permitted in the nine (9) use Areas established by this I-65 PUD Ordinance are shown in Table 1, Permitted Primary Uses. Where the District column is marked with an “X,” the use is permitted in the indicated use Area. Where the District column is blank, the use is not permitted in the indicated use Area.

For uses not listed, the Director shall attempt to determine if the requested use is similar to a permitted use. If the proposed use is determined to be similar to a permitted use, the permit shall be issued. If the Director determines that the use is not similar, then the application shall be denied. In case of uncertainty, the Director may refer the request for clarification or classification to the BZA for consideration in accordance with the provisions of Section X,C,5,c of the Zoning Ordinance.

Table 1, Permitted Primary Uses

SINGLE-FAMILY RESIDENTIAL AREAS

Educational Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Elementary or Secondary School	X	X					
Library or Information Center	X	X					

Government Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Fire, Police or Postal Station	X	X					
Municipal or Government Building	X	X					
Publicly Owned Park or Recreational Facility	X	X					

Non-Profit Membership Organization Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Church or Temple	X	X					

Residential Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Dwelling – Single-Family	X	X					
Dwelling – Two Family		X					

TWO-FAMILY RESIDENTIAL AREAS

Educational Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Elementary or Secondary School		X					
Library or Information Center		X		X			

Government Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Fire, Police or Postal Station		X		X			
Municipal or Government Building		X		X			
Publicly Owned Park or Recreational Facility		X		X			

Non-Profit Membership Organization Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Church or Temple		X		X			

Residential Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Dwelling – Single-Family		X					
Dwelling – Two Family		X		X			

MULTI-FAMILY RESIDENTIAL AREAS

Educational Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Elementary or Secondary School		X	X				
Library or Information Center		X	X	X			

Government Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Fire, Police or Postal Station		X	X	X			
Municipal or Government Building		X	X	X			
Publicly Owned Park or Recreational Facility		X	X	X			

Non-Profit Membership Organization Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Church or Temple		X	X	X			

Recreation, Amusement and Tourism Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Bed & Breakfast		X	X				
Hotel or Motel			X	X			

Residential Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Day Care Center		X	X	X			
Dwelling – Multi-Family		X	X	X			
Group Residential Facility		X	X	X			
Nursing Home			X	X			

Utilities, Transportation and Communications Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Mass Transit Station		X	X	X			

PROFESSIONAL OFFICE AREAS

Automotive Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Parking Lot		X		X			
Parking Garage		X		X			

Educational Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Art, Dance, Karate or Martial Arts, Photography or Music School				X			
Barber College/School				X			
Beauty or Cosmetology College/School				X			
College or University				X			
Junior College or Technical Institute				X			
Library or Information Center		X		X			
Trade or Business School				X			

General Service Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Accounting, Auditing and Bookkeeping Service		X		X			
Advertising Agency		X		X			
Agricultural Credit Institution		X		X			
Attorney Services		X		X			
Bank or Branch Bank		X		X			
Bond & Mortgage Company, Savings & Loan, Installment Sales, Finance		X		X			
Counselor-at-Law		X		X			
Engineering or Architectural Service		X		X			
Insurance Agent, Broker or Service		X		X			
Interior Decorator		X		X			
Professional Office		X		X			
Real Estate Service		X		X			
Stenographic Service		X		X			
Stock Broker or Dealer		X		X			

Professional Office Areas, cont'd

Government Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Fire, Police or Postal Station		X		X			
Municipal or Government Building		X		X			
Publicly Owned Park or Recreational Facility		X		X			

Medical Service Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Blood Bank				X			
Clinic				X			
Convalescent Home				X			
Hospital				X			
Immediate Care Facility		X		X			
Intermediate Care Facility				X			
Life Care Facility				X			
Medical or Dental Laboratory				X			
Medical Office		X		X			
Nursing Care (Skilled) Facility				X			
Nursing Home				X			
Veterinarian				X			

Non-Profit Membership Organization Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Business Association				X			
Charitable Institution				X			
Church or Temple		X		X			
Civic, Social, Religious, Political or Fraternal Organization				X			

Research, Laboratory and Tech Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Biotechnology R&D				X			
Engineering R&D				X			
Life Sciences R&D				X			
Physical Sciences R&D				X			
Research Laboratory				X			
Incubators				X			
Science and Technology R&D				X			
Software R&D				X			

Professional Office Areas, cont'd

Residential Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Day Care Center		X		X			
Group Residential Facility		X		X			
Nursing Home				X			
2 nd Level Residential Units		X		X			
Upper Level Residential Units		X		X			

Utilities, Transportation and Communications Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Heliport [only one (1) shall be permitted for all Professional Office Areas and it must be accessory to a Medical Service Use]				X			
Mass Transit Station		X		X			
Wireless Communication Facility				X			

OFFICE AREAS

Automotive Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Parking Lot			X		X	X	
Parking Garage			X		X	X	
Passenger Car Rental			X		X	X	

Educational Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Art, Dance, Karate or Martial Arts, Photography or Music School			X			X	
Barber College/School			X		X	X	
Beauty or Cosmetology College/School			X		X	X	
College or University			X		X	X	
Junior College or Technical Institute			X		X	X	
Library or Information Center			X				
Trade or Business School			X		X	X	

General Service Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Accounting, Auditing and Bookkeeping Service			X		X	X	
Advertising Agency			X			X	
Agricultural Credit Institution			X			X	
Attorney Services			X			X	
Bank or Branch Bank			X			X	
Bond & Mortgage Company, Savings & Loan, Installment Sales, Finance			X		X	X	
Call Center					X	X	
Collection Agency			X		X	X	
Commercial Testing Laboratory			X		X	X	
Counselor-at-Law			X		X	X	
Detective Agency or Protective Service			X		X	X	
Engineering or Architectural Service			X		X	X	
Insurance Agent, Broker or Service			X			X	
Interior Decorator			X			X	
Office Use, any type			X		X	X	
Private Employment Agency			X			X	
Professional Office			X			X	
Real Estate Service			X		X	X	

Office Areas, cont'd

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
<i>General Service Uses, cont'd</i>							
Recording Studio			X			X	
Stenographic Service			X			X	
Stock Broker or Dealer			X			X	
Temporary Help Supply Service			X		X	X	

Government Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Fire, Police or Postal Station			X		X	X	
Municipal or Government Building			X		X	X	
Publicly Owned Park or Recreational Facility			X		X	X	

Medical Service Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Blood Bank			X				
Clinic			X				
Convalescent Home			X				
Hospital			X		X	X	
Immediate Care Facility			X		X	X	
Intermediate Care Facility			X		X	X	
Life Care Facility			X				
Medical or Dental Laboratory			X		X	X	
Medical Office			X		X	X	
Nursing Care (Skilled) Facility			X		X	X	
Nursing Home			X		X	X	
Veterinarian			X			X	

Non-Profit Membership Organization Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Business Association			X		X	X	
Charitable Institution			X		X	X	
Church or Temple			X				
Civic, Social, Religious, Political or Fraternal Organization			X		X	X	

Office Areas, cont'd

Recreation, Amusement and Tourism Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Bed & Breakfast			X				
Hotel or Motel			X			X	
Museum or Art Gallery			X				

Residential Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Day Care Center			X		X	X	
Group Residential Facility			X				
Nursing Home			X				
2 nd Level Residential Units			X				
Upper Level Residential Units			X				

Utilities, Transportation and Communications Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Mass Transit Station			X		X	X	
Radio or Television Station or Studio			X		X		
Telephone Exchange or Public Utility Station					X	X	
Wireless Communication Facility					X	X	

NEIGHBORHOOD RETAIL AREAS

Automotive Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Parking Lot		X					
Parking Garage		X					

Educational Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Library or Information Center		X					

General Service Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Accounting, Auditing and Bookkeeping Service		X					
Advertising Agency		X					
Agricultural Credit Institution		X					
Attorney Services		X					
Bank or Branch Bank		X					
Blueprinting, Photocopying or Job Printing		X					
Bond & Mortgage Company, Savings & Loan, Installment Sales, Finance		X					
Coin Operated Laundry or Garment Pressing		X					
Counselor-at-Law		X					
Diaper Service		X					
Dressmaking, Tailor or Seamstress		X					
Dry Cleaning or Laundry Pick-Up Station		X					
Electrical Repair Shop		X					
Engineering or Architectural Service		X					
Insurance Agent, Broker or Service		X					
Interior Decorator		X					
Professional Office		X					
Real Estate Service		X					
Repair of Household Items		X					
Shoe Repair		X					
Stenographic Service		X					
Stock Broker or Dealer		X					
Tailoring or Pressing Shop		X					
Watch, Clock or Jewelry Repair		X					

Neighborhood Retail Areas, cont'd

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
General Service Uses, cont'd							
2 nd Level Professional Office		X					
Upper Level Professional Office		X					

Government Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Fire, Police or Postal Station		X					
Municipal or Government Building		X					
Publicly Owned Park or Recreational Facility		X					

Medical Service Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Immediate Care Facility		X					
Medical Office		X					

Non-Profit Membership Organization Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Church or Temple		X					

Personal Service Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Barber Shop, Beauty Shop		X					
Photographic Studio		X					
Reducing or Health Salon		X					
Tanning Salon		X					

Recreation, Amusement and Tourism Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Bed & Breakfast		X					
Dance Hall, Studio or School		X					
Indoor Recreation Facility		X					
Lodge or Private Club		X					
Museum or Art Gallery		X					

Neighborhood Retail Areas, cont'd

Residential Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Day Care Center		X					
2 nd Level Residential Units		X					
Upper Level Residential Units		X					

Retail Trade – Food Stores, Eating and Drinking Place Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Bar		X					
Cafeteria		X					
Candy, Nut or Confectionary		X					
Convenience Market		X					
Delicatessen		X					
Fruits & Vegetables		X					
Grocery, Bakery, Meat & Fish, Dairy Products, Health Foods, Produce, Fruit		X					
Restaurant		X					
Sidewalk Café		X					

Retail Trade – General Merchandise Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Antique Store		X					
Apparel Shop, Shoes, Custom Tailoring		X					
Bicycle Shop		X					
Book or Stationery Store		X					
Camera or Photographic Supply		X					
China, Glassware, Metalware		X					
Drug Store		X					
Florist, Furrier		X					
Gift, Novelty or Souvenir Shop		X					
Hardware or Variety Store		X					
Hobby, Toy or Game Shop		X					
Jewelry Store		X					
Music or Video Store		X					
Neighborhood Retail-Type Uses		X					
News Dealer		X					
Paint, Glass or Wallpaper Store		X					
Shopping Center		X					
Studio Business		X					

Neighborhood Retail Areas, cont'd

Utilities, Transportation and Communication Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Mass Transit Station		X					

RETAIL AREAS

Automotive Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Automatic Car Wash				X		X	
Parking Lot			X	X		X	
Automobile or Motorcycle Sales and Service			X	X		X	
Automobile Oil Change or Lubrication Shop				X		X	
Automobile Parts Supply				X		X	
Automobile Repair, Service Station				X		X	
Automotive-Related Use				X		X	
Parking Garage			X	X		X	
Passenger Car Rental			X	X		X	
Tire, Battery or Accessory Dealer				X		X	

Educational Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Art, Dance, Karate or Martial Arts, Photography or Music School			X	X		X	
Barber College/School			X	X		X	
Beauty or Cosmetology College/School			X	X		X	
College or University			X	X		X	
Gymnastics School			X	X		X	
Junior College or Technical Institute			X	X		X	
Library or Information Center			X	X			
Trade or Business School			X	X		X	

General Service Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Accounting, Auditing and Bookkeeping Service			X	X		X	
Advertising Agency			X	X		X	
Agricultural Credit Institution			X	X		X	
Attorney Services			X	X		X	
Bank or Branch Bank			X	X		X	
Blueprinting, Photocopying or Job Printing			X	X		X	
Bond & Mortgage Company, Savings & Loan, Installment Sales, Finance			X	X		X	
Call Center						X	

Retail Areas, cont'd

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
<i>General Service Uses, cont'd</i>							
Coin Operated Laundry or Garment Pressing			X	X		X	
Collection Agency			X	X		X	
Commercial Testing Laboratory			X			X	
Counselor-at-Law			X	X		X	
Detective Agency or Protective Service			X	X		X	
Diaper Service			X	X		X	
Dressmaking, Tailor or Seamstress			X	X		X	
Dry Cleaning or Laundry Pick-Up Station			X	X		X	
Electrical Repair Shop			X	X		X	
Engineering or Architectural Service			X	X		X	
Insurance Agent, Broker or Service			X	X		X	
Interior Decorator			X	X		X	
Key Duplicating Shop			X	X		X	
Locksmith			X	X		X	
Mail Order Store			X	X		X	
Office Use, any type			X	X		X	
Parcel Packing/Mailing Service			X	X		X	
Private Employment Agency			X	X		X	
Professional Office			X	X		X	
Radio, Television or Consumer Electronics Service			X	X		X	
Real Estate Service			X	X		X	
Recording Studio			X	X		X	
Rental or Leasing of Clothing, Computers, Costumes, Furniture, Office Machines and Similar and Comparable Items			X	X		X	
Repair of Household Items			X	X		X	
Repair Shop			X	X		X	
Reupholster or Furniture Repair			X	X		X	
Security System Service			X	X		X	
Shoe Repair			X	X		X	
Stenographic Service			X	X		X	
Stock Broker or Dealer			X	X		X	
Tailoring or Pressing Shop			X	X		X	
Temporary Help Supply Service			X	X		X	
Temporary Seasonal Retail Sales Use			X	X		X	
Tool and Light Equipment Rental or Leasing				X		X	
Typesetting			X	X		X	
Upholsterer			X	X		X	

Retail Areas, cont'd

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
<i>General Service Uses, cont'd</i>							
Watch, Clock & Jewelry Repair			X	X		X	
2 nd Level Professional Office				X			
2 nd Level Office			X			X	
Upper Level Professional Office				X			
Upper Level Office			X			X	

Government Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Fire, Police or Postal Station			X	X		X	
Municipal or Government Building			X	X		X	
Publicly Owned Park or Recreational Facility			X	X		X	

Medical Service Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Blood Bank			X	X			
Clinic			X	X			
Convalescent Home			X	X			
Hospital			X			X	
Immediate Care Facility			X	X		X	
Intermediate Care Facility			X	X		X	
Life Care Facility			X	X			
Medical or Dental Laboratory			X	X		X	
Medical Equipment Rental or Leasing			X	X			
Medical Office			X	X		X	
Nursing Care (Skilled) Facility			X	X		X	
Nursing Home			X	X		X	
Veterinarian			X	X		X	

Non-Profit Membership Organization Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Business Association			X	X		X	
Charitable Institution			X	X		X	
Church or Temple			X	X			
Civic, Social, Religious, Political or Fraternal Organization			X	X		X	

Retail Areas, cont'd

Personal Service Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Barber Shop, Beauty Shop			X	X		X	
Funeral Home				X			
Mortuary				X			
Photographic Studio			X	X		X	
Reducing or Health Salon			X	X		X	
Tanning Salon			X	X		X	

Recreation, Amusement and Tourism Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Bed & Breakfast			X				
Billiard/Pool Establishment			X	X			
Bowling Alley			X	X			
Dance Hall, Studio or School			X	X			
Golf Driving Range or Miniature Golf Course			X	X			
Hotel or Motel			X	X		X	
Indoor Recreation Facility			X	X		X	
Lodge or Private Club			X				
Motion Picture Theater			X	X			
Museum or Art Gallery			X	X			
Outdoor Recreation Facility			X	X			
Stadium, Coliseum				X		X	

Residential Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Day Care Center			X	X		X	
Dwelling – Multi-Family			X	X			
Group Residential Facility			X	X			
Nursing Home			X	X			
2 nd Level Residential Units			X	X			
Upper Level Residential Units			X	X			

Retail Trade – Food Stores, Eating and Drinking Places

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Bar			X	X		X	
Drive-In Restaurant				X		X	
Cafeteria			X	X		X	
Candy, Nut or Confectionary			X	X		X	
Carry Out Restaurant			X	X		X	

Retail Areas, cont'd

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
<i>Retail Trade – Food Stores, Eating and Drinking Places, cont'd</i>							
Caterer				X		X	
Convenience Market			X	X		X	
Delicatessen			X	X		X	
Dinner Theater			X	X		X	
Fruits & Vegetables			X	X		X	
Grocery, Bakery, Meat & Fish, Dairy Products, Health Foods, Produce, Fruit			X	X		X	
Night Club			X	X		X	
Restaurant			X	X		X	
Sidewalk Café			X	X		X	
Tavern			X	X		X	

Retail Trade – General Merchandise Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Antique Store			X	X		X	
Apparel Shop, Shoes, Custom Tailoring			X	X		X	
Bicycle Shop			X	X		X	
Book or Stationery Store			X	X		X	
Camera or Photographic Supply			X	X		X	
China, Glassware, Metalware			X	X		X	
Community-Regional Retail-Type Uses			X	X		X	
Department Store			X	X		X	
Drapery, Curtain & Upholstery			X	X		X	
Drug Store			X	X		X	
Electrical Supply Store			X	X		X	
Farm & Garden Supply				X		X	
Floor Coverings			X	X		X	
Florist, Furrier			X	X		X	
Gift, Novelty or Souvenir Shop			X	X		X	
Hardware or Variety Store			X	X		X	
Hobby, Toy or Game Shops			X	X		X	
Household Appliances, Furniture			X	X		X	
Jewelry Store			X	X		X	
Liquor Store			X	X		X	
Lumber & Building Materials Dealer				X		X	
Music or Video Store			X	X		X	
Neighborhood Retail-Type Uses			X	X		X	
News Dealer			X	X		X	
Paint, Glass or Wallpaper Store			X	X		X	
Pet Shop			X	X		X	

Retail Areas, cont'd

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
<i>Retail Trade – General Merchandise Uses, cont'd</i>							
Photofinishing			X	X		X	
Plumbing, Heating & Air Conditioning Dealer				X		X	
Shopping Center			X	X		X	
Sporting Goods			X	X		X	
Studio Business			X	X		X	
Tobacco Store			X	X		X	

Utilities, Transportation and Communication Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Mass Transit Station			X	X		X	
Off-Premise Sign			X	X		X	
Public Water Well, Water Station, Filtration Plant, Reservoir & Storage Tank						X	
Radio or Television Station or Studio			X				
Telephone Exchange or Public Utility Station						X	
Wireless Communication Facility				X		X	

OFFICE/FLEX AREAS

Automotive Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Parking Lot			X		X	X	
Parking Garage			X		X	X	
Passenger Car Rental			X		X	X	

Educational Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Art, Dance, Karate or Martial Arts, Photography & Music School			X			X	
Barber College/School			X			X	
Beauty or Cosmetology College/School			X			X	
College or University			X			X	
Gymnastics School			X		X	X	
Junior College or Technical Institute			X			X	
Trade or Business School			X			X	

General Service Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Accounting, Auditing and Bookkeeping Service			X		X	X	
Advertising Agency			X			X	
Blueprinting, Photocopying or Job Printing			X		X	X	
Call Center					X	X	
Commercial Testing Laboratory			X		X	X	
Detective Agency or Protective Service			X		X	X	
Disinfecting or Exterminating Service					X	X	
Newspaper Publishing					X	X	
Reupholster or Furniture Repair			X		X	X	
Security System Service			X			X	
Typesetting			X			X	
Upholsterer			X			X	

Office/Flex Areas, cont'd

Government Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Fire, Police or Postal Station			X		X	X	
Municipal or Government Building			X		X	X	
Publicly Owned Park or Recreational Facility			X		X	X	

Industrial Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Biotechnology R&D			X		X	X	
Business Park			X		X	X	
Data Processing or Analysis			X		X	X	
Engineering R&D			X		X	X	
Industry, Light			X		X	X	
Life Sciences R&D			X		X	X	
Manufacturing, Assembly or Repair					X	X	
Mini-Warehouse			X		X	X	
Office/Flex			X		X	X	
Physical Sciences R&D			X		X	X	
Research Laboratory			X		X	X	
R&D Incubator			X		X	X	
Science and Technology R&D			X		X	X	
Software R&D			X		X	X	
Wholesale Business			X		X	X	

Medical Service Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Immediate Care Facility			X		X	X	
Medical or Dental Laboratory			X		X	X	
Medical Equipment Rental or Leasing			X				

Non-Profit Membership Organization Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Church or Temple			X				

Personal Service Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Photographic Studio			X			X	
Reducing or Health Salon			X			X	

Office/Flex Areas, cont'd

Utilities, Transportation and Communication Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Heliport [only one (1) shall be permitted for all Office/Flex Areas]			X		X	X	
Mass Transit Station			X		X	X	
Public Water Well, Water Station, Filtration Plant, Reservoir & Storage Tank					X	X	
Radio or Television Station or Studio			X		X		
Telephone Exchange or Public Utility Station					X	X	
Wireless Communication Facility					X	X	

INDUSTRIAL AREAS

Automotive Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Automatic Car Wash						X	
Parking Lot					X	X	
Automobile Oil Change or Lubrication Shop					X	X	
Automobile Repair, Service Station					X	X	
Parking Garage					X	X	
Passenger Car Rental					X	X	

Educational Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Art, Dance, Karate or Martial Arts, Photography & Music School						X	
Barber College/School						X	
Beauty or Cosmetology College/School						X	
College or University						X	
Gymnastics School					X	X	
Junior College or Technical Institute						X	
Trade or Business School						X	

General Service Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Blueprinting, Photocopying and Job Printing					X	X	
Call Center					X	X	
Commercial Testing Laboratory					X	X	
Disinfecting or Exterminating Service					X	X	
Newspaper Publishing					X	X	
Reupholster or Furniture Repair					X	X	
Security System Service						X	
Tool and Light Equipment Rental or Leasing						X	
Typesetting						X	
Upholsterer						X	

Industrial Areas, cont'd

Government Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Fire, Police or Postal Station					X	X	
Municipal or Government Building					X	X	
Publicly Owned Park or Recreational Facility					X	X	

Industrial Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Biotechnology R&D					X	X	
Business Park					X	X	
Contractor, including Storage					X	X	
Data Processing or Analysis					X	X	
Distribution Operation					X	X	
Engineering R&D					X	X	
Farm Product Processing					X	X	
Food Processing, Canning, Bottling or Packaging					X	X	
Fuel Dealer					X		
Industrial Bakery					X	X	
Industrial School or Training Facility					X	X	
Industry, General					X	X	
Industry, Light					X	X	
Life Sciences R&D					X	X	
Linen Supply					X	X	
Liquefied Petroleum Gas, Bottled Gas Dealer					X		
Manufacturing, Assembly or Repair					X	X	
Mini-Warehouse					X	X	
Office/Flex					X	X	
Physical Sciences R&D					X	X	
Research Laboratory					X	X	
R&D Incubator					X	X	
Science and Technology R&D					X	X	
Software R&D					X	X	
Storage and Transfer Establishment					X	X	
Truck Freight Terminal					X	X	
Warehouse (General)					X	X	
Wholesale Produce Terminal					X	X	
Wholesale Business					X	X	
Wireless Communication Facility					X	X	

Industrial Areas, cont'd

Medical Service Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Immediate Care Facility					X	X	
Medical or Dental Laboratory					X	X	
Medical Equipment Rental or Leasing							

Non-Profit Membership Organization Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Church or Temple							

Utilities, Transportation and Communication Uses

	DISTRICT						
	NRD	TCRD	TCBD	BD	CD	ICD	
Mass Transit Station					X	X	
Public Water Well, Water Station, Filtration Plant, Reservoir & Storage Tank					X	X	
Radio or Television Station or Studio					X		
Telephone Exchange or Public Utility Station					X	X	
Wireless Communication Facility					X	X	

Section 7. Permitted Accessory Uses and Structures. Permitted accessory uses and structures shall be subject to the applicable standards in Section IV,C of the Zoning Ordinance. Accessory uses shall be operated and maintained under the same ownership and on the same lot or contiguous lot as the primary use.

Section 7.1. Neighborhood Residential District. In addition to the accessory uses and structures permitted in Section IV,C of the Zoning Ordinance, the following accessory uses and structures shall be permitted:

- a. Porches; Decks; Patios; Hot Tubs, Greenhouses and other accessory buildings or structures similar and comparable in character to these permitted uses.
- b. Signs, as regulated by Section 16 or the Zoning Ordinance.
- c. Management Office and other facilities normally associated with owners' or tenants' conveniences, such as club houses, recreational facilities, laundry facilities, maintenance facilities; provided, however, there is no exterior storage or display.
- d. Residential Occupancy by Domestic Employees Employed on the Premises, provided that the occupancy occurs within the primary building and that no alteration is made to the unit to create a room or rooms not accessible from the interior.
- e. Class I Child Care Home, as regulated by IC 12-7-2 and rules adopted by the Division of Family and Children or the Fire Prevention and Building Safety Commission of the State of Indiana. For purposes of this I-65 PUD Ordinance, a child care home shall not be considered a home occupation.
- f. Common Recreation Facilities, provided such facilities are dedicated to the public and accepted, owned by a controlling Association, owned by the project owners, or are in similar type of control; and, provided that the facilities are either open to the members of the Association or residents of the project.
- g. Other accessory uses and structures that may be provided for in the covenants and restrictions of individual areas.

Section 7.2. Town Center Residential District. The following accessory uses and structures shall be permitted:

- a. Any accessory use and structure permitted in Section 7.1.
- b. Awnings, Canopies, Porte Cochères, Off-Street Parking areas.

- c. Supportive services, accessory retail and accessory commercial uses which are subordinate, appropriate and incidental to the permitted primary uses, and which are directly related to and in the same building with the primary use.
- d. Automated Teller Machines (ATM's).

Section 7.3. Town Center Business District. The following accessory uses and structures shall be permitted:

- a. Any accessory use and structure permitted in Section 7.2.

Section 7.4. Commerce District. The following accessory uses and structures shall be permitted:

- a. Any accessory use and structure permitted in Section 7.2.

Section 7.5. Interstate Commerce District. The following accessory uses and structures shall be permitted:

- a. Any accessory use and structure permitted in Section 7.2.

Section 7.6. Business District. The following accessory uses and structures shall be permitted:

- a. Any accessory use and structure permitted in Section 7.2.

Section 8. Permitted Temporary Uses. Permitted temporary uses shall be subject to the applicable development standards in Section IV,D of the Zoning Ordinance. The following Temporary Uses shall be permitted in all nine (9) use Areas:

1. Temporary office, model home or unit, signs, or equipment storage, each incidental and necessary for the sale, rental, lease of, or construction of, real property or premises in the District and located on the same lot or project.
2. Temporary structures, including fences, walls, buildings, signs, barricades and similar temporary structures incidental and necessary to the development of land or the erection of structures, provided said temporary structures shall be removed at the termination of development or construction.

Section 9. Density or Area Limitations. The maximum residential density in each District shall not exceed the number of dwelling units indicated below, regardless of the final boundary of each District as approved by the APC. Notwithstanding the density limitations stated below, the maximum residential density combined in the Neighborhood Residential District, the Town Center Residential District, the Town Center Business District and the Business District shall not exceed 2,680 dwelling units, in the aggregate (the “Combined Dwelling Unit Cap”).

Section 9.1. Neighborhood Residential District.

- a. Maximum residential density of the District, in the aggregate, shall be 680 dwelling units or 3.0 dwelling units per gross acreage, whichever is less. The density for any particular area may exceed 3.0 dwelling units per gross acre, so long as the maximum number of dwelling units within the entirety of the District does not exceed the maximum number of dwelling units permitted. Provided, however, in no event shall the dwelling units permitted in this District cause the dwelling units within the entirety of the Neighborhood Residential District, the Town Center Residential District, the Town Center Business District and the Business District to exceed the Combined Dwelling Unit Cap.

Section 9.2. Town Center Residential District.

- a. Maximum residential density of the District, in the aggregate, shall be 12.0 dwelling units per gross acreage. The density for any particular area within the District may exceed 12.0 dwelling units per gross acre, so long as the maximum number of dwelling units within the entirety of the District does not exceed 12.0 dwelling units per gross acreage. Provided, however, in no event shall the dwelling units permitted in this District cause the dwelling units within the entirety of the Neighborhood Residential District, the Town Center Residential District, the Town Center Business District and the Business District to exceed the Combined Dwelling Unit Cap.
- b. Maximum Professional Office Area of the District, in the aggregate: 25% of the gross acreage. The density for any particular area may exceed 25%, so long as the maximum percentage within the entirety of the District does not exceed 25%.
- c. Maximum Neighborhood Retail Area of the District, in the aggregate: 20% of the gross acreage. The density for any particular area may exceed 20%, so long as the maximum percentage within the entirety of the District does not exceed 20%.

Section 9.3. Town Center Business District.

- a. Maximum residential density of the District: In no event shall the dwelling units permitted in this District cause the dwelling units within the entirety of the Neighborhood Residential District, the Town Center Residential District, the Town Center Business District and the Business District to exceed the Combined Dwelling Unit Cap.

Section 9.4. Commerce District.

- a. Maximum residential density of the District, in the aggregate, shall be zero (0) dwelling units, except for apartment units for on-site managers or security guards.

Section 9.5. Interstate Commerce District.

- a. Maximum residential density of the District, in the aggregate, shall be zero (0) dwelling units, except for apartment units for on-site managers or security guards.

Section 9.6. Business District.

- a. Maximum residential density of the District shall be 300 dwelling units. Provided, however, in no event shall the dwelling units permitted in this District cause the dwelling units within the entirety of the Neighborhood Residential District, the Town Center Residential District, the Town Center Business District and the Business District to exceed the Combined Dwelling Unit Cap.

Section 10. Development Guidelines. (See also Section 24.)

Section 10.1. Single-Family and Two-Family Residential Areas. The development of the Single-Family and Two-Family Residential Areas shall be in accordance with the Development Standards Requirements designated on Exhibit C attached hereto. The houses in the Single-Family and Two-Family Residential Areas shall be constructed in accordance with the design standards in the Architectural Design Guidelines, Section 11.1.

Section 10.2. Multi-Family Residential Areas. The development of the Multi-Family Residential Areas shall be in accordance with the Multi-Family Residential Development Standards Requirements designated on Exhibit D attached hereto. The buildings in the Multi-Family Residential Areas shall be constructed in accordance with the design standards in the Architectural Design Guidelines, Section 11.2.

Section 10.3. Professional Office Areas. The development of the Professional Office Areas shall be in accordance with the Development Standards and Parking Requirements designated on Exhibits E and F attached hereto. Development of the Professional Office Areas shall be in accordance with the professional office building design standards in the Architectural Design Guidelines, Section 11.3, and with the following:

- a. Streets may be private.
- b. All parking lots shall be landscaped and buffered in accordance with the requirements of Section IV,P,11 of the Zoning Ordinance.
- c. Buffer yards between commercial uses internal to the Property shall not be required.
- d. The number of loading berths shall be as is required in the Zoning Ordinance, Table 8, and shall be constructed subject to the following requirements:
 1. Loading docks and other service areas shall be placed to the rear or side of buildings.
 2. Recesses in the building, depressed access ramps or lifts may be used.

Section 10.4. Office Areas. The development of the Office Areas shall be in accordance with the Development Standards and Parking Requirements designated on Exhibits E and F attached hereto. Development of the Office Areas shall be in accordance with the office building design standards in the Architectural Design Guidelines, Section 11.4, and with the following:

- a. Streets may be private.
- b. All parking lots shall be landscaped and buffered in accordance with the requirements of Section IV,P,11 of the Zoning Ordinance.
- c. Buffer yards between commercial uses internal to the Property or between commercial and industrial uses internal to the Property shall not be required.
- d. The number of loading berths shall be as is required in the Zoning Ordinance, Table 8, and shall be constructed subject to the following requirements:
 - 1. Loading docks and other service areas shall be placed to the rear or side of buildings.
 - 2. Recesses in the building, depressed access ramps or lifts may be used.

Section 10.5. Neighborhood Retail Areas. The development of the Neighborhood Retail Areas shall be in accordance with the Development Standards and Parking Requirements designated on Exhibits E and F attached hereto. Development of the Neighborhood Retail Areas shall be in accordance with the neighborhood retail building design standards in the Architectural Design Guidelines, Section 11.5, and with the following:

- a. Streets may be private.
- b. All parking lots shall be landscaped and buffered in accordance with the requirements of Section IV,P,11 of the Zoning Ordinance.
- c. Buffer yards between commercial uses internal to the Property shall not be required.
- d. Adequate provision for deliveries, sufficient for the needs normally generated by the use, shall be provided as is required under the Zoning Ordinance for the UB District.

Section 10.6. Retail Areas. The development of the Retail Areas shall be in accordance with the Development Standards and Parking Requirements designated on Exhibits E and F attached hereto. Development of the Retail Areas shall be in accordance with the retail building design standards in the Architectural Design Guidelines, Section 11.6, and with the following:

- a. Streets may be private.

- b. All parking lots shall be landscaped and buffered in accordance with the requirements of Section IV,P,11 of the Zoning Ordinance.
- c. Buffer yards between commercial uses internal to the Property or between commercial and industrial uses internal to the Property shall not be required.
- d. No Retail Area shall be approved in the Business District within three hundred (300) feet of County Road 700 East
- e. The number of loading berths shall be as is required under the Zoning Ordinance, Table 8, and shall be constructed subject to the following requirements:
 - 1. Loading docks and other service areas shall be placed to the rear or side of buildings.
 - 2. Recesses in the building or depressed access ramps may be used.

Section 10.7. Office/Flex Areas. The development of the Office/Flex Areas shall be in accordance with the Development Standards and Parking Requirements designated on Exhibits E and F attached hereto. Development of the Office/Flex Areas shall be in accordance with the office/flex building design standards in the Architectural Design Guidelines, Section 11.7, and with the following:

- a. Streets may be private.
- b. All parking lots shall be landscaped and buffered in accordance with the requirements of Section IV,P,11 of the Zoning Ordinance.
- c. Buffer yards between commercial uses internal to the Property or between commercial uses and industrial uses internal to the Property shall not be required.
- d. Required front yards may include pedestrian walks, drives, entrance guard boxes, flag poles, fences, screening walls and similar appurtenant structures
- e. Required side and rear yards may include pedestrian walks, driveways, interior access driveways, interior access drives, off-street parking areas, entrance guard boxes, flag poles, fences, screening walls and similar appurtenant structures.

- f. Loading berths shall not be required, but loading areas shall be required as approved by the APC and shall be constructed subject to the following requirements:
 1. Loading areas and other service areas shall be placed to the rear or side of buildings.
 2. Recesses in the building or access ramps or lifts may be used.
 3. Loading berths shall be prohibited within two hundred (200) feet of a Protected Residential Area.

Section 10.8. Industrial Areas. The development of the Industrial Areas shall be in accordance with the Development Standards and Parking Requirements designated on Exhibits E and F attached hereto. Development of the Industrial Areas shall be in accordance with the industrial building design standards in the Architectural Design Guidelines, Section 11.8, and with the following:

- a. Streets may be private.
- b. All parking lots shall be landscaped and buffered in accordance with the requirements of Section IV,P,11 of the Zoning Ordinance.
- c. Buffer yards between industrial uses internal to the Property or between industrial uses and commercial uses internal to the Property shall not be required.
- d. All operations, servicing or processing located within six hundred (600) feet of a Residential Area boundary (except storage and off-street loading) shall be conducted within completely enclosed buildings.
- e. Required front yards may include pedestrian walks, drives, entrance guard boxes, flag poles, fences, screening walls and similar appurtenant structures
- f. Required side and rear yards may include pedestrian walks, driveways, interior access driveways, interior access drives, off-street parking areas, loading areas, trailer staging areas, entrance guard boxes, flag poles, fences, screening walls and similar appurtenant structures.
- g. The number of loading berths shall be as is required under the Zoning Ordinance, Table 8, and shall be constructed subject to the following requirements:
 1. Recesses in the building or depressed access ramps may be used.

2. Loading berths shall be prohibited within two hundred (200) feet of a Protected Residential Area.
- h. Big Box Distribution uses shall be limited to the areas shown on Exhibit I, unless otherwise approved by the APC.

Section 11. Architectural Design Guidelines. (See also Section 24.)

Section 11.1. Single-Family and Two-Family Residential Areas. Development within the Single-Family and Two-Family Residential Areas shall be in accordance with the following:

- a. Purpose. The purpose of these Architectural Guidelines is to establish the character, value, look, and style of the single-family and two-family dwellings.
- b. General Requirements. Any building, structure or use of land, when erected or enlarged, shall provide architectural elements within the following provisions of this Section. The Builder shall submit to the Developer for review and approval all proposed building elevations with all exterior materials specified. No ILP shall be issued prior to the plans being stamped "Approved" by the Controlling Developer.
- c. Design Standards. All single-family and two-family dwellings shall be in accordance with the following standards and specifications:
 1. 100% of the first floor of all front elevations, excluding windows, doors and similar appurtenances, shall be brick, stone or cultured stone; up to eight (8) feet in height. Provided, however, that if the design of building so dictates, the brick, stone, or cultured stone which would occupy the first floor of the front elevation up to eight (8) feet in height, excluding windows, doors, and similar appurtenances, may be located anywhere on the front elevation. In the alternative, the exterior building material of the entire building or structure may be a masonry/wood based siding product, in which case, no brick, stone, or cultured stone shall be required as an exterior building material. In no case shall concrete block be permitted as an exterior finish material.
 2. Window grids shall be provided on all operable non-casement windows on all elevations.
 3. Chimney chases shall be enclosed.
 4. One dusk to dawn light shall be required on the front façade of each dwelling unit or on each side of the front façade of the garage. Pole yard lights shall be prohibited.
 5. The pitch of all roofs, exclusive of roofs on porches, bumpouts, dormers, and other ancillary structures, shall be a minimum of 6/12 (6 vertical to 12 horizontal).

6. No dwellings shall have the same front elevation or exact color scheme within a 3-lot “snapshot” on the same side of the street, or of the home immediately across the street from the center of the 3-lot “snapshot.”
7. Minimum two (2) car garages shall be required.
8. Vinyl siding shall be permitted on no more than 50 % of the dwellings, shall be a minimum 0.044 mil. - ASTM D3679 Class I where permitted, and shall not be permitted on the front façade of any dwelling.
9. In addition, each single-family and two-family dwelling shall have at least three (3) of the items below:
 - The entire front elevation of 100% brick, stone or cultured stone; excluding windows, doors and similar appurtenances
 - Brick , stone or cultured stone wainscot around the rear and both side elevations; excluding windows, doors and similar appurtenances
 - Dormers
 - Reverse gable or hip roof
 - Covered front porch (minimum 16 sq. ft.)
 - Decorative door surround, trim molding or header
 - Garage bump-out (minimum 2 ft.)
 - A raised wood deck (80 sq. ft. min.) or concrete patio (80 sq. ft. min.) provided on the rear elevation.
 - Shutters on all operable windows
 - Keystone or decorative brick or wood surround on one or more windows or doors
 - Bay or “boxed-out” window
 - Decorative trim molding at gutter height
 - Decorative garage door(s)
 - Side or rear loaded garage
10. Each subdivision shall be planned to accomplish a desirable transition with the streetscape and to provide for adequate planting, safe pedestrian movement and connection to the District pedestrian pathway/walkway system.

Section 11.2. Multi-Family Residential Areas. Development within the Multi-Family Residential Areas shall be in accordance with the following:

- a. Purpose. The purpose of these Architectural Guidelines is to establish the character, value, look, and style of the multi-family dwellings.

- b. General Requirements. Any building, structure or use of land, when erected or enlarged, shall provide architectural elements within the following provisions of this Section. The Builder shall submit to the Developer for review and approval all proposed building elevations with all exterior materials specified. No Detailed (Secondary) Development Plan Approval request shall be accepted for filing prior to the plans being stamped “Approved” by the Controlling Developer.
- c. Design Standards. All multi-family dwellings shall be in accordance with the following standards and specifications:
 - 1. 100% of the first floor of all front elevations, excluding windows, doors and similar appurtenances, shall be brick, stone or cultured stone; up to eight (8) feet in height. Provided, however, that if the design of building so dictates, the brick, stone, or cultured stone which would occupy the first floor of the front elevation up to eight (8) feet in height, excluding windows, doors, and similar appurtenances, may be located anywhere on the front elevation. In the alternative, the exterior building material of the entire building or structure may be a masonry/wood based siding product, in which case, no brick, stone, or cultured stone shall be required as an exterior building material. In no case shall concrete block be permitted as an exterior finish material.
 - 2. Rooftop equipment shall be fully screened on all sides using parapets, penthouse screens or other similar methods which are integrated into the overall building design.
 - 3. Window grids shall be provided on all operable non-casement windows on all elevations.
 - 4. Chimney chases shall be enclosed.
 - 5. Sloped roofs shall extend with “overhangs” a minimum of nine (9) inches on all sides of the building.
 - 6. Vinyl siding shall be permitted and shall be a minimum 0.044 mil. - ASTM D3679 Class I.
 - 7. Any side elevation windows shall be treated by a decorative header, surround or similar appurtenance.
 - 8. All utility panels shall be screened or located in an area not visible from a public street right-of-way.

9. In addition, each building shall have at least two (2) of the items below:
- Dormers
 - Reverse gable or hip roof
 - Decorative door surround, trim molding or header
 - Accent siding, decorative vents, or accents in gable peak or face
 - All front entry doors include sidelights or a transom
 - Shutters on all operable windows
 - Bay or “boxed-out” windows
 - A keystone or decorative brick or wood surround provided on one or more windows or doors on the front elevation
 - Decorative columns
 - Decorative trim molding at gutter height
 - Brick full height of front façade, including gables
 - Brick wainscot around rear and both side elevations
10. Parking areas shall be planned to accomplish a desirable transition with the streetscape and to provide for adequate planting, safe pedestrian movement and connection to the District pedestrian pathway/walkway system.

Section 11.3. Professional Office Areas. Development within the Professional Office Areas shall be in accordance with the following:

- a. Purpose. The purpose of these Architectural Guidelines is to establish the character, value, look, and style of the professional office buildings.
- b. General Requirements. Any building, structure or use of the land, when erected or enlarged, shall provide architectural elements within the following provisions of this Section. The Builder shall submit to the Developer for review and approval all proposed building elevations with all exterior materials specified. No Detailed (Secondary) Development Plan Approval request shall be accepted for filing prior to the plans being stamped “Approved” by the Controlling Developer.
- c. Design Standards. All professional office buildings shall be in accordance with the following standards and specifications:
1. All elevations of one and two-story buildings shall be masonry, brick, stone, cultured stone, wood or a masonry/wood based siding product, excluding windows, doors and similar appurtenants. Concrete block is not a permitted exterior finish material.

2. A minimum of three materials shall be used for three, or more, story building exteriors from the following list: stone, brick, architectural pre-cast (panels or detailing), structural concrete panels, exterior insulated finish system, architectural metal panels, glass ornamental metal. Concrete block is not a permitted exterior finish material.
3. All buildings, except one-story buildings, shall be designed with a minimum of six external corners, in order to eliminate monotonous box buildings.
4. Any building with a sloped roof shall extend with “overhangs” a minimum of twelve (12) inches on all sides of the building.
5. Any sloped roofs shall be a maximum of one hundred (100) feet without a change in roof plane, or gable or dormer.
6. Sloped roofs shall be clad with either standing-seam metal or dimensional “shaped” asphalt/fiberglass shingles.
7. Building penthouses must be incorporated into the building façade design, including exterior materials specifications.
8. Parking areas shall be planned to accomplish a desirable transition with the streetscape and to provide for adequate planting, safe pedestrian movement and connection to the District pedestrian pathway/walkway system.

Section 11.4. Office Areas. Development within the Office Areas shall be in accordance with the following:

- a. Purpose. The purpose of these Architectural Guidelines is to establish the character, value, look, and style of the office buildings.
- b. General Requirements. Any building, structure or use of land, when erected or enlarged, shall provide architectural elements within the following provisions of this Section. The Builder shall submit to the Developer for review and approval all proposed building elevations with all exterior materials specified. No Detailed (Secondary) Development Plan Approval request shall be accepted for filing prior to the plans being stamped “Approved” by the Controlling Developer.
- c. Design Standards. All office buildings shall be in accordance with the following standards and specifications:

1. A minimum of three materials shall be used for building exteriors from the following list: stone, brick, architectural pre-cast (panels or detailing), structural concrete panels, exterior insulated finish system, architectural metal panels, glass, ornamental metal. Concrete block is not a permitted exterior finish material.
2. All buildings, except one-story buildings, shall be designed with a minimum of six external corners, in order to eliminate monotonous box buildings.
3. Any building with a sloped roof shall extend with “overhangs” a minimum of twelve (12) inches on all sides of the building.
4. Any sloped roofs shall be a maximum of one hundred (100) feet without a change in roof plane, or gable or dormer.
5. Any sloped roofs shall be clad with either standing-seam metal or dimensional “shaped” asphalt/fiberglass shingles.
6. Building penthouses must be incorporated into the building façade design, including exterior materials specifications.
7. Parking areas shall be planned to accomplish a desirable transition with the streetscape and to provide for adequate planting, safe pedestrian movement and connection to the District pedestrian pathway/walkway system.

Section 11.5. Neighborhood Retail Areas. Development within the Neighborhood Retail Areas shall be in accordance with the following:

- a. Purpose. The purpose of these Architectural Guidelines is to establish the character, value, look, and style of the neighborhood retail buildings.
- b. General Requirements. Any building, structure or use of land, when erected or enlarged, shall provide architectural elements within the following provisions of this Section. The Builder shall submit to the Developer for review and approval all proposed building elevations with all exterior materials specified. No Detailed (Secondary) Development Plan Approval request shall be accepted for filing prior to the plans being stamped “Approved” by the Controlling Developer.
- c. Design Standards. All neighborhood retail buildings shall be in accordance with the following standards and specifications:
 1. All elevations shall be masonry, brick, stone, cultured stone, wood or a masonry/wood based siding product, excluding windows,

doors and similar appurtenances. Concrete block is not a permitted exterior finish material.

2. Front and side façades shall be of the same materials and similarly detailed.
3. All entrances shall be defined by architectural elements such as lentels, pediments, plasters, columns, awnings and other design elements appropriate to the architectural style and details of the building as a whole or shall project or recess by not less than four (4) feet. All entrances shall be covered.
4. The roofs of one-story buildings shall be gabled, hip, full or parapet and shall be clad in wood shingles, slate, dimensional “shaped” asphalt/fiberglass shingles, standing-seam metal, composite or PVC.
5. Dormers shall be designed with the correct details, proportion and style consistent with the overall building composition and roofed with symmetrical gable, hip or barrel roofs. Belvederes, cupolas, and pergolas shall be permitted if appropriate to the style, well proportioned, and fully detailed.
6. All vents, attic ventilators, turbines, flues and other roof penetrations shall be painted to match the color of the roof or flat black.
7. Rooftop equipment shall be fully screened on all sides using parapets, penthouse screens or other similar methods and which are integrated into the overall building design.
8. Gutters and downspouts shall be appropriate to or visually integrated with the architectural style of the structure.
9. All trash collection facilities shall be masonry enclosed with decorative gates in discrete but accessible areas.
10. Exterior walks, steps, and ramps shall be masonry, stone or brick pavers, or poured or pre-cast concrete.
11. Parking lots shall be concrete, asphalt paving or brick pavers, or any combination thereof.
12. Building width ratio requirements shall be as follows:

- Front façades fewer than twelve (12) feet long, measured horizontally, and side and rear facades shall not require any fenestration.
 - Front façades greater than twelve (12) feet long, measured horizontally, shall require thirty percent (30%) fenestration.
 - Façades greater than seventy-five (75) feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three percent (3%) of the length of the façade and extending at least twenty percent (20%) of the length of the façade. No uninterrupted length of any façade shall exceed seventy-five (75) horizontal feet.
 - Façades shall include a repeating pattern that includes no fewer than three (3) of the following elements: color change; texture change; material change; fenestration, doors or openings change; or profile change (turns and projections, etc.).
13. Parking areas shall be planned to accomplish a desirable transition with the streetscape and to provide for adequate planting, safe pedestrian movement and connection to the District pedestrian pathway/walkway system.

Section 11.6. Retail Areas. Development within the Retail Areas shall be in accordance with the following:

- a. Purpose. The purpose of these Architectural Guidelines is to establish the character, value, look, and style of the retail buildings.
- b. General Requirements. Any building, structure or use of land, when erected or enlarged, shall provide architectural elements within the following provisions of this Section. The Builder shall submit to the Developer for review and approval all proposed building elevations with all exterior materials specified. No Detailed (Secondary) Development Plan Approval request shall be accepted for filing prior to the plans being stamped “Approved” by the Controlling Developer.
- c. Design Standards. All retail buildings shall be in accordance with the following standards and specifications:
 1. A minimum of three (3) materials shall be used for building exteriors from the following list: masonry (brick, stone, cut-faced block, stucco), glass, composite (fiber cement, cultured stone,

PVC), architectural pre-cast (panels or detailing), exterior insulated finish system, metal (architectural panels, ornamental), wood products.

2. Front and side façades shall be of the same materials and similarly detailed.
3. All façades of out-lot buildings shall be of the same materials and similarly detailed.
4. All entrances shall be defined by architectural elements such as lentels, pediments, plasters, columns, awnings and other design elements appropriate to the architectural style and details of the building as a whole or shall project or recess by not less than four (4) feet. All entrances shall be covered.
5. The roofs will be gabled, hip, full or parapet and shall be clad in wood shingles, slate, dimensional “shaped” asphalt/fiberglass shingles, standing-seam metal, composite or PVC.
6. Building width ratio requirements shall be as follows:
 - Front façades fewer than twelve (12) feet long, measured horizontally, and side and rear facades shall not require any fenestration.
 - Front façades greater than twelve (12) feet long, measured horizontally, shall require twenty percent (20%) fenestration. In addition, where large retail structures contain additional, separately owned or leased stores that occupy fewer than 25,000 square feet of gross floor area and have separate, exterior customer entrances, the street level façade of such stores shall be transparent vision glass between the height of three (3) feet and eight (8) feet above the walkway grade level for no fewer than sixty percent (60%) of the horizontal length of the building façade of such additional stores.
 - Façades greater than seventy-five (75) feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three percent (3%) of the length of the façade and extending at least twenty percent (20%) of the length of the façade. No uninterrupted length of any façade shall exceed seventy-five (75) horizontal feet.

- Façades shall include a repeating pattern that includes no fewer than three (3) of the following elements: color change; texture change; material change; fenestration, door or openings change; or profile change (turns and projections, etc.).
7. Parking areas shall be planned to accomplish a desirable transition with the streetscape and to provide for adequate planting, safe pedestrian movement and connection to the District pedestrian pathway/walkway system.

Section 11.7. Office/Flex Areas. Development within the Office/Flex Areas shall be in accordance with the following:

- a. Purpose. The purpose of these Architectural Guidelines is to establish the character, value, look, and style of the office/flex buildings.
- b. General Requirements. Any building, structure or use of land, when erected or enlarged, shall provide architectural elements within the following provisions of this Section. The Builder shall submit to the Developer for review and approval all proposed building elevations with all exterior materials specified. No Detailed (Secondary) Development Plan Approval request shall be accepted for filing prior to the plans being stamped “Approved” by the Controlling Developer.
- c. Design Standards. All office/flex buildings shall be in accordance with the following standards and specifications:
 - 1. A minimum of three (3) materials shall be used for building exteriors from the following list: stone, brick, architectural pre-cast (panels or detailing), structural concrete panels, exterior insulated finish system, architectural metal panels, glass, ornamental metal. Except for the interior service court, concrete block is not a permitted exterior finish material.
 - 2. Buildings with continuous façades that are ninety (90) feet or greater in width shall be designed with offsets (projecting or recessed) not less than four (4) feet deep, and at intervals of not greater than sixty (60) feet.
 - 3. Building penthouses must be incorporated into the building façade design, including exterior materials specifications.
 - 4. Each entrance to the building’s office space shall be designed with at least two (2) window openings associated with each doorway.

5. Each building shall be of unified design, through the use of common materials, architectural details, signage and lighting consistent with the overall building style.
6. Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.
7. Exterior lighting shall be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with building design.
8. Refuse and waste removal areas, service yards, storage yards, and exterior work areas shall be screened from view from public ways, using materials consistent with the building design.
9. Building designs should avoid long, monotonous, uninterrupted walls or pitched roof planes.
10. Facades constructed of more than one material shall only change material along a horizontal line (not a vertical or diagonal line). The heavier material shall always be placed beneath the lighter material. Front and side facades of buildings located on corner lots or parcels shall be of the same materials and similarly detailed.
11. Architectural style is not restricted. Evaluation of the appearance of a project shall be based on the quality of its design, function, relationship to surroundings and the District in which it resides.
12. Parking areas shall be planned to accomplish a desirable transition with the streetscape and to provide for adequate planting, safe pedestrian movement and connection to the District pedestrian pathway/walkway system.
13. In the Town Center Business District or the Interstate Commerce District, in no case shall the total area of outside storage exceed ten (10) percent of the gross floor area of enclosed structures and buildings.
14. In the Commerce District, in no case shall the total area of outside storage exceed twenty (20) percent of the gross floor area of enclosed structures and buildings.
15. Loading berths, if provided:
 - Non Drive-In Type Berth.

- i. Shall be designed with a minimum 15 foot concrete dolly apron area adjacent to the structure.
 - ii. Shall provide a clear area for truck maneuverability.
 - Drive –In Type Berth.
 - i. Shall be designed with a minimum twelve (12) foot by sixty (60) foot clear area dedicated for ingress-egress to the loading berth.
16. Trailer Staging:
- Trailer staging is prohibited in an Office/Flex Area.
 - Fleet van and fleet truck parking shall only be permitted in the rear service area and shall be located such that it does not interfere with loading/parking areas and access requirements of other tenants.
17. Outdoor Employee Areas:
- If provided, any structures or enclosures erected for outdoor employee areas not located within a loading or service area shall be of the same or similar materials as the building and shall be similarly or compatibly detailed.

Section 11.8. Industrial Areas. Development within the Industrial Areas shall be in accordance with the following:

- a. Purpose. The purpose of these Architectural Guidelines is to establish the character, value, look, and style of the industrial buildings.
- b. General Requirements. Any building, structure or use of land, when erected or enlarged, shall provide architectural elements within the following provisions of this Section. The Builder shall submit to the Developer for review and approval all proposed building elevations with all exterior materials specified. No Detailed (Secondary) Development Plan Approval request shall be accepted for filing prior to the plans being stamped “Approved” by the Controlling Developer.
- c. Design Standards. All industrial buildings shall be in accordance with the following standards and specifications:
 - 1. A minimum of three (3) materials shall be used for building exteriors from the following list: stone, brick, architectural pre-

cast (panels or detailing), structural concrete panels, exterior finish system, architectural metal panels, glass and ornamental metal. Except for the interior service court facade, concrete block is not a permitted exterior finish material.

2. Expansion walls of a building shall be declared such upon initial approval of the building and will be allowed to deviate from the materials listed above providing the substitute material is compatible in look with the remainder of the building
3. Buildings with continuous façades in excess of 240 feet shall provide architectural details or relief in the façade that break up the monotony of the continuous façade in a fashion that provides good scale and provides harmonious conformance with permanent neighboring facilities. Utility features of the facility, such as loading docks, shall be not be construed to be an architectural feature providing this relief.
4. Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.
5. Exterior lighting shall be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with building design.
6. Refuse and waste removal areas, service yards, storage yards, and exterior work areas shall be screened from view from public ways, using materials consistent with the building design, or placed within a loading or service area.
7. Front and side façades of buildings located on corner lots or parcels shall be of the same materials and similarly detailed.
8. Architectural style is not restricted. Evaluation of the appearance of a project shall be based on the quality of its design, function, relationship to surroundings and the District in which it resides.
9. Parking areas shall be planned to accomplish a desirable transition with the streetscape and to provide for adequate planting, safe pedestrian movement and connection to the District pedestrian pathway/walkway system.
10. In the Interstate Commerce District, in no case shall the total area of outside storage exceed ten (10) percent of the total gross floor area of enclosed structures and buildings.

11. In the Commerce District, in no case shall the total area of outside storage exceed twenty (20) percent of the total gross floor area of enclosed structures and buildings.
12. Conversion of loading areas to car parking in a demised building shall be permitted only if said parking is located so that it does not interfere with the loading area and access requirements of other tenants.
13. Loading berths:
 - Non Drive-In Type Berth:
 - i. Shall be designed with a minimum 60 foot concrete apron area immediately adjacent to the structure.
 - ii. Shall provide for a minimum total depth of 130 feet of clear area pavement (no parking included).
 - Drive –In Type Berth:
 - i. Shall be designed with a minimum twelve (12) foot by sixty (60) foot clear area dedicated for ingress-egress to the loading berth.
14. Trailer Staging:
 - Trailer staging shall be designed and shown on the development plans. Appropriate areas adjacent to or in close proximity to the loading areas shall be used and trailer staging areas shall be screened from public street rights-of-way. Trailer staging shall (i) be prohibited within two hundred (200) feet of a Protected Residential Area and (ii) be located behind the façade of the building that is opposite a Protected Residential Area within six hundred (600) feet of any Protected Residential Area; except , however, where such trailer staging areas are screened by an existing building.
 - In no instance shall trailer staging areas be permitted between the public rights-of-way and the building (front or side yard) unless 100% screening is provided.
 - Trailer staging areas shall not be construed as, or used as, outside storage areas. Any material or product storage in a

trailer staging area must be contained within a trailer and readily mobile.

15. Outdoor Employee Areas:

- If provided, any structures or enclosures erected for outdoor employee areas not located within a loading or service area shall be of the same or similar materials as the building and shall be similarly or compatibly detailed.

Section 12. Streets and Sidewalks. The street layout and type (including rights-of-way) shall be determined by the APC during the Preliminary (Primary) Development Plan approval process and approved during the Detailed (Secondary) Development Plan approval process. The street layout and type shall be adapted as appropriate to the topography, unique natural features and environmental constraints of the Property. The streets shall conform to the following requirements:

Table 2a, SINGLE and TWO-FAMILY RESIDENTIAL AREA STREET STANDARDS

Street Type	ROW Width	Pavement Width	Design Speed	Centerline Radius	Curb Return Radius	Tangent between Reverse Curves
Alley (Residential Access)	Private	14'	5	26'	20'	0'
Neighborhood Street (Residential Access)	50'	28' 1	20	200'	20'	50'
Residential Avenue (Residential Feeder)	75'	55' 1,2	20	200'	20'	75'

Table 2b, COMMERCIAL and INDUSTRIAL AREA STREET STANDARDS

Street Type	ROW Width	Pavement Width	Design Speed	Centerline Radius	Curb Return Radius	Tangent between Reverse Curves
Frontage Road (Major Collector)	110'	71' 3	40	500'	20'	100'
Boulevard (Major Collector)	120'	80' 4	30	500'	20'	100'
The Commons (Major Collector)	66'	66' 5,6	30	500'	20'	100'
Canal Street (Minor Collector)	60'	60' 5,7	30	300'	20'	100'
Main Street (Minor Collector)	83'	41'	30	300'	20'	100'
Parkside Drive (Minor Collector)	60'	41'	30	300'	20'	100'
Commerce Blvd (Major Collector)	110'	66' 8	30	500'	20'	100'
Commerce Road (Minor Collector)	60'	36'	30	300'	20'	100'

NOTES:

1 - Roll Curb & Gutter

2 - includes 7' median

3 - includes 6' bike path

4 - includes 14' median

5 - back of curb to back of curb

6 - excludes internal park lanes and linear park

7 - only one lane of travel each way with parking each side

8 - includes 16' median

All curbs are either Extruded Curb or Combined Curb & Gutter unless otherwise noted

All street types as designated in Tables 2a and 2b, except alleys, shall be dedicated to the public and accepted; provided, however, maintenance of all street types shall be as determined by the APC on the applicable Detailed (Secondary) Development Plan. All streets; including private streets, alleys, frontage roads and “eyebrows”; shall be constructed, as a minimum, to the depth and materials standards of the Boone County Highway Department. All cul-de-sacs shall not exceed the standard length for cul-de-sacs as established by the Subdivision Regulations or end with less than a minimum radius of ninety (90) feet curb to curb. Certain interior streets may be private streets, as approved on the applicable Preliminary (Primary) and Detailed (Secondary) Development Plan by the APC.

Sidewalks shall be provided on both sides of all streets within the Single and Two-Family Residential Areas unless otherwise shown on the Preliminary (Primary) Development Plan approved by the APC. Sidewalks shall be a minimum of four (4) feet in width. Sidewalks in all other Districts shall be as shown on the applicable plan approved by the APC. A District pedestrian pathway/walkway system shall be provided to (i) connect the various use Areas within a District to one another and (ii) connect the various Districts to one another.

Section 13. Streetscape. A streetscape program for each District in the I-65 PUD shall be submitted to, and approved by, the APC and shall be consistent with the intent of the cross-sections and details shown on Exhibit G attached hereto. Within the Neighborhood Residential District, all street trees shall be located behind the sidewalk and shall not be located between the sidewalk and the curb; and, the area between the curb and sidewalk shall be reserved for utility lines. In all other Districts, the location of street trees and utility lines shall be determined by the APC on the applicable Detailed (Secondary) Development Plan; provided, however, no tree shall be planted within five (5) feet of the back of curb, except within the center median of a Residential Avenue where the minimum setback shall be four (4) feet from back of curb. After approval by the APC, Minor Alterations to a District streetscape program may be submitted to, and shall be approved by, the Director. Any alteration which alters the concept or the intent of the original District streetscape program shall not be construed to be a Minor Alteration and shall be referred by the Director to the APC for review and approval.

Section 14. Landscaping. (See also Section 4.7) A landscape program for each District in the I-65 PUD shall be submitted to, and approved by, the APC. After approval by the APC, Minor Alterations to a District landscape program may be submitted to, and shall be approved by, the Director. Any alteration which alters the concept or the intent of the original District landscape program shall not be construed to be a Minor Alteration and shall be referred by the Director to the APC for review and approval. Landscape programs submitted for approval shall be consistent with the landscape concepts contained herein. The plant materials recommended for buffer yards in Table 16 of the Zoning Ordinance are incorporated herein by reference.

Section 14.1. Single and Two-Family Dwellings. All landscaping for lots containing single-family and two-family dwellings shall be in accordance with the following standards and specifications:

- a. Where lots back up to County Road 500 South or County Road 650 East, a minimum forty (40) foot wide landscape buffer shall be provided. This buffer shall include four (4) to six (6) foot undulating mounds with 2-1/2" caliper shade trees, 1-1/2" caliper ornamental trees and six (6) foot tall conifer trees, planted so that a minimum of five (5) trees occur for every one hundred (100) lineal feet. Said trees shall be installed by the Developer with the controlling Association assuming responsibility for maintenance after the initial warranty period.
- b. Where lots back up to Open Space or amenity areas of five (5) or more acres, 2-1/2" caliper shade trees, 1-1/2" caliper ornamental trees and/or six (6) foot tall conifer trees shall be planted so that a minimum of six (6) trees occurs for every one hundred (100) lineal feet. Said trees shall be installed by the Developer in a minimum ten (10) foot wide landscape buffer within the Open Space or Amenity Area and shall be maintained by the controlling Association after the initial warranty period.
- c. Where lots make up the perimeter of the District boundary, but do not abut an aforementioned roadway, a minimum ten (10) foot wide landscape buffer shall either be made a part of a common area or be made a part of the lot and be restricted by a landscape easement on the plat and through the Covenants and Restrictions. Either 2-1/2" caliper shade trees or six (6) foot tall conifer trees, or a combination of both, shall be installed in the landscape buffer zone so that a minimum of four (4) trees occur for every one hundred (100) lineal feet. Said trees shall be installed by the Developer with the controlling Association assuming responsibility for maintenance after the initial warranty period.
- d. All front yards and side yards to the rear corner of the house shall be finish graded for proper drainage and sodded.

- e. All rear yards shall be finish graded for proper drainage, seeded and hydro mulched, as a minimum requirement.
- f. A minimum of two (2) 2-1/2" caliper shade trees shall be planted in the front yard by the Builder and thereafter maintained by the Homeowner. (Corner lots shall have two front yards.)
- g. A minimum of one (1) 2-1/2" caliper shade tree shall be planted in the rear yard by the Builder and thereafter maintained by the Homeowner. For purposes of this Section, a corner lot shall have one rear yard.
- h. Foundation landscaping in the front yard shall include a minimum of ten (10) deciduous and/or evergreen shrubs. All foundation landscaping shall be installed in a natural mulch bed.
- i. All mailboxes shall be of common post design, box size, color and location as approved by the Developer.

Section 14.2. Multi-Family Buildings (Three or Four Units per Building). All landscaping for buildings containing three or four units shall be in accordance with the following standards and specifications:

- a. All front yards and side yards to the rear corner of the building shall be finish graded for proper drainage and sodded.
- b. All rear yards shall be finish graded for proper drainage, seeded and hydro mulched, as a minimum requirement.
- c. A minimum of three (3) 2-1/2" caliper shade trees shall be planted in the front yard of each building by the Builder and thereafter maintained by the owner. (Corner lots shall have two front yards.)
- d. A minimum of two (2) 2-1/2" caliper shade trees shall be planted in the rear yard by the Builder and thereafter maintained by the owner. For purposes of this Section, a corner lot shall have one rear yard.
- e. Foundation landscaping in the front yard shall include a minimum of ten (10) deciduous and/or evergreen shrubs. All foundation landscaping shall be installed in a natural mulch bed.
- f. All mailboxes shall be of common post design, box size, color and location as approved by the Developer.

Section 14.3. Multi-Family Buildings (Five or More Units per Building). All landscaping for buildings containing five or more units shall be in accordance with the following standards and specifications:

a. Screening.

1. Front yards of the project: An ornamental, decorative fence or masonry wall, not more than forty-two (42) inches in height if solid, or six (6) feet if the sight barrier is less than fifty percent (50%), may be used in conjunction with the required landscaping. Chain link fencing is not permitted.
2. Side and rear yard of the project: An ornamental, decorative fence or masonry wall may be used in conjunction with the required landscaping. Chain link fencing is permitted provided it is black vinyl covered chain link and does not include slats.
3. Trash containers: All trash containers exceeding six (6) cubic feet shall:
 - i. be completely screened within a solid walled or fenced stall equipped with a self-latching solid gate and buffered by landscaping; and
 - ii. be accessible only from an interior access drive of the project; and,
 - iii. not be located in any required perimeter yard.

b. Landscaping.

1. All required perimeter yards shall be landscaped. The landscaping of these yards shall, at a minimum, consist of a combination of living vegetation, such as trees, shrubs, grasses or ground cover materials, planted or transplanted and maintained, or preserved as existing natural vegetation areas (e.g., woods or thickets). Loose stone, rock or gravel may be used as a landscaping accent, but shall be limited to only twenty percent (20%) of the area of the required yard in which it is used.
2. Within the perimeter yards, there shall be at least one (1) tree planted or maintained for every thirty (30) feet of total linear distance along all perimeter yard property lines. Required trees may be grouped together in the perimeter yard, however, in no

case shall spacing between said trees exceed sixty (60) feet on center.

3. All parking areas adjacent to required perimeter yards shall be screened along the perimeter yard with a solid hedge. Screening may include the combination of said solid hedge and earthen mound, provided the effective screening height shall be at least thirty-six (36) inches above the parking area's grade level at the time of planting and the maximum incline of the earthen mound shall not exceed a 3:1 ratio with the exception of previously existing, naturally occurring outcroppings.
4. Required trees shall be deciduous or evergreen with a spreading branch habit. A group of shrubs may be substituted for a required tree, provided, however:
 - i. that the proposed tree to be substituted is not an existing tree;
 - ii. that no more than twenty percent (20%) of the required trees are substituted with shrubs;
 - iii. that the shrubs are planted or maintained five (5) feet or less on center;
 - iv. the shrubs substituted are in addition to any under-planting requirements; and,
 - v. that a grouping of five (5) shrubs may be substituted for one tree.
5. The minimum size of all required landscape plant materials, at the time of planting, including substituting or replacements trees and shrubs, shall be as follows:
 - i. Deciduous shade (over-story) trees – two and one-half (2-1/2) inch caliper at six (6) inches above the ground.
 - ii. Deciduous ornamental (under-story) trees – one and one-half (1-1/2) inch caliper at six (6) inches above the ground.
 - iii. Multi-stemmed trees – eight (8) feet in height.
 - iv. Evergreen trees – five (5) feet in height.

- v. Deciduous shrubs – twenty-four (24) inch spread or two (2) feet in height.
- vi. Evergreen shrubs – twenty-four (24) inch spread or two (2) feet in height.
- 6. Deciduous and evergreen shrubs when used for required hedges shall be planted an average of thirty-six (36) inches or less on center within the hedge row.
- 7. All trees and shrubs shall be planted, maintained or transplanted in accordance with the standards of the American Standard for Nursery Stock, copyrighted by the American Association of Nurserymen and approved by the American National Standards Institute, Inc. (a copy of which is on file in the office of the APC and is hereby incorporated by reference and made a part hereof). All trees and shrubs shall be mulched and maintained to give a clean and weed-free appearance.

Section 14.4. Commercial and Industrial Buildings. All landscaping for commercial and industrial buildings shall be in accordance with the following standards and specifications:

- a. All required yards shall be landscaped. The landscaping of these yards shall, at a minimum, consist of a combination of living vegetation such as, trees and shrubs as specified in sub-sections b and c and grasses or ground cover materials, planted or transplanted and maintained, or preserved as existing natural vegetation areas (e.g., woods or thickets). Loose stone, rock or gravel may be used as a landscaping accent, but shall not exceed ten percent (10%) of the area of the required yard in which it is used.
- b. Landscaping and screening of the required front yard shall be provided and maintained according to the following minimum standards:
 - 1. Landscaping in the required front yard shall consist of trees planted in accordance with one of the two following alternatives:
 - i. If deciduous shade (over-story) trees are used:

There shall be one (1) tree planted at a maximum of every forty (40) feet on center of linear distance along all required front yards.

These required trees may be grouped together in the required front yard, however, in no case shall spacing between the trees exceed eighty (80) feet; or,

- ii. If deciduous ornamental (under-story) trees are used:

There shall be one (1) tree planted at a maximum of every twenty-five (25) feet on center of linear distance along the required front yard.

These required trees may be grouped together in the required front yard, however, in no case shall spacing between the trees exceed fifty (50) feet.

Deciduous shade trees and deciduous ornamental trees may be grouped together in the required yards, however, in no case shall spacing between a deciduous shade tree and a deciduous ornamental tree exceed fifty (50) feet.

- 2. Screening in the required front yard may include:

- i. Wall or fence – an ornamental, decorative fence or masonry wall, not more than forty-two (42) inches in height if solid, or six (6) feet if the sight barrier is less than fifty percent (50%), may be used in conjunction with the required landscaping; or,
- ii. Berm – an earthen berm may be used in conjunction with the required landscaping. It shall be a maximum height of forty-two (42) inches, have a minimum crown width of two (2) feet, a side slope of no greater than three to one (3:1), and shall be planted and covered with live vegetation (a retaining wall may be used on one side of the berm in lieu of a side slope, if desired); or,
- iii. Plant Material Screen – a compact hedge of evergreen or densely twigged deciduous shrubs may be used in conjunction with the required landscaping.

Provided, however, for all parking areas between the building line, as extended, and the street, there shall be provided and maintained along the front line of the parking area, a screen of a minimum height of twenty-four (24) inches along a minimum of seventy-five percent (75%) of the linear distance of the parking area (excluding the linear width of driveways) with a solid wall, solid fence, berm, or plant material screen. In addition, no linear open space between the above noted screening techniques shall be greater than thirty (30) feet.

The ground area between such wall, fence, berm, or plant material screen and the front right-of-way line shall be planted and maintained in grass or other suitable ground cover.

A minimum of half of the required trees shall also be planted between the right-of-way and the wall, fence, berm, or plant material screen.

c. Landscaping and screening in the required side and rear yards shall be provided and maintained according to the following minimum standards:

1. Landscaping in the required front yard shall consist of trees planted in accordance with one of the two following alternatives:

i. If deciduous shade (over-story) trees are used:

There shall be one (1) tree planted at a maximum of every sixty (60) feet on center of linear distance along all required side and rear yards.

These required trees may be grouped together in the required side and rear yards, however, in no case shall spacing between the trees exceed eighty (80) feet; or,

ii. If deciduous ornamental (under-story) trees are used:

There shall be one (1) tree planted at a maximum of every forty (40) feet on center of linear distance along all required side and rear yards.

These required trees may be grouped together in the required side and rear yards, however, in no case shall spacing between the trees exceed fifty (50) feet.

Deciduous shade trees and deciduous ornamental trees may be grouped together in the required yards, however, in no case shall spacing between a deciduous shade tree and a deciduous ornamental tree exceed fifty (50) feet.

2. Screening in the required side and rear yard of the project may include:

i. Wall or fence – an ornamental, decorative fence or masonry wall up to a maximum height of ten (10) feet may be used in conjunction with the required landscaping; or,

- ii. Berm – an earthen berm may be used in conjunction with the required landscaping. It shall have a maximum height of ten (10) feet, have a minimum crown width of two (2) feet, a side slope of no greater than three to one (3:1), and shall be planted and covered with live vegetation; or,
 - iii. Plant Material Screen – a compact hedge of evergreen or densely twigged deciduous shrubs may be used in conjunction with the required landscaping.
- d. The minimum size of all required landscape plant materials, at the time of planting, including substituting or replacement trees and shrubs, shall be as follows:
 - 1. Deciduous shade (over-story) trees – two and one-half (2½) inch caliper at six (6) inches above the ground.
 - 2. Deciduous ornamental (under-story) trees – one and one-half (1½) inch caliper at six (6) inches above the ground.
 - 3. Multi-stemmed trees – eight (8) feet in height.
 - 4. Evergreen trees – six (6) feet in height.
 - 5. Deciduous or evergreen shrubs – twenty-four (24) inches in height. Shrubs are to be planted at a maximum of four (4) feet on center of linear distance along the required yard.
- e. All trees and shrubs shall be planted or transplanted in accordance with the standards contained in the American Standard for Nursery Stock, copyrighted by the American Association of Nurserymen and approved by the American National Standards Institute, Inc. (a copy of which is on file in the office of the APC and is hereby incorporated by reference and made a part hereof). All trees and shrubs shall be mulched and maintained to give a clean and weed-free appearance.
- f. In computing the number of trees to be planted in a required yard, a fraction of one-half (½) or greater shall be rounded up to count as an additional tree.
- g. Existing trees may fulfill the requirements for tree planting in required yards as long as the standards specified for required yards are met.

Section 15. Lighting. A lighting program for each District in the I-65 PUD shall be submitted to, and approved by, the APC. The lighting program proposed for each District shall include layout, spread and intensity of all site lighting. All site lighting shall be coordinated throughout each District and be of uniform design, color and materials in each District. All exterior on-site area pole lighting fixtures shall be of the “shoe box” variety which directs light downward. Other on-site area pole lighting fixture types may be permitted by the APC, if the APC determines that the alternate fixtures are consistent and compatible with the streetscape guidelines shown in Exhibit G attached hereto. All exterior area pole lighting fixtures within the right-of-way shall be consistent with the streetscape guidelines shown in Exhibit G attached hereto. After approval by the APC, Minor Alterations to a District lighting program may be submitted to, and shall be approved by, the Director. Any alteration which alters the concept or the intent of the original District lighting program shall not be construed to be a Minor Alteration and shall be referred by the Director to the APC for review and approval. Individual lights which conform to the light program shall not require further approval. All on-site lighting shall conform to the following design standards:

1. Light sources shall be located in such a way that minimizes light spilling over onto contiguous properties.
2. Lighting shall be installed so as to reflect away from adjoining properties. Covers shall be installed on lighting fixtures. Lamps shall not extend below the bottom of such covers.
3. All pole lights shall be of the directional/cut-off, down-light, “shoe box” style fixture.
4. Light poles shall not exceed thirty (30) feet, except that within one hundred (100) feet of Single and Two-Family Residential Areas and adjacent Residential Areas they shall not exceed twenty (20) feet in height.
5. Reflected glare on nearby buildings, streets, or pedestrian areas shall be mitigated by utilizing overhangs and awnings; using non-reflective building materials for exterior walls and roof surfaces; controlling angles of reflection; and placing landscaping and screening in appropriate locations.
6. Special attention shall be given to the intensity, function and appearance of lighting to be installed.
7. All lighting shall be in conformance with the requirements of Section IV,N of the Zoning Ordinance.

Section 16. Signs. A sign program for each District in the I-65 PUD shall be submitted to, and approved by, the APC pursuant to Sections 17 and 18 of this I-65 PUD Ordinance. Signs shall comply with the Zoning Ordinance, unless otherwise provided for herein or approved in the sign program by the APC; provided, however, that (i) signs in the Retail Areas located in the Business District and in the Interstate Commerce District shall default to the standards in the Zoning Ordinance for signs in the AB District and (ii) off-premise signs shall not be allowed in any District. This off-premise sign prohibition shall not prohibit incidental signs located at the entrances to commercial, industrial or other non-residential Areas. Signs proposed for each District shall be architecturally compatible with regard to color, materials and design. All signs located within six hundred (600) feet of the Excluded Protected Residential Area shall not be illuminated during the hours from 9:00 pm to 6:00 am. After approval by the APC, Minor Alterations to a District sign program may be submitted to, and shall be approved by, the Director. Any alteration which alters the concept or the intent of the original District sign program shall not be construed to be a Minor Alteration and shall be referred by the Director to the APC for review and approval. Individual signs which conform to the sign program or, in the absence of an approved sign program, conform to the Zoning Ordinance shall not require further approval; provided, however, such signs shall require a sign permit. Initial project marketing and project construction signs along I-65, SR 334 and CR 400S shall be exempt from the provisions of the Zoning Ordinance and shall be subject to the approval of the Director as to materials, size, height, number and location.

Section 17. Preliminary (Primary) Development Plan Approval. (See also Sections 4.3 and 4.14) A Preliminary (Primary) Development Plan approval request for any District (or any part thereof) within the Property shall be made to the APC in accordance with the procedure established in this I-65 PUD Ordinance, or as otherwise established by the APC. The Preliminary (Primary) Development Plan shall generally establish the use Areas within the District (or any part thereof). This plan review includes general landscaping, parking, drainage, erosion control, signage, lighting, screening and multi-family residential, commercial, industrial or non-residential building information for a site. APC approval of the Preliminary (Primary) Development Plan for such District (or any part thereof) shall be provided upon a determination by the APC that (i) the Preliminary (Primary) Development Plan is in accord with the Land Use Districting Plan; and, (ii) the Preliminary (Primary) Development Plan is otherwise in compliance with this I-65 PUD Ordinance. Upon approval of the Preliminary (Primary) Development Plan and prior to applying for an ILP, the applicant must obtain approval of a Detailed (Secondary) Development Plan in accordance with the procedure established in this I-65 PUD Ordinance. Preliminary (Primary) Development Plan approval and Detailed (Secondary) Development Plan approval may be sought simultaneously. If the APC determines that the Preliminary (Primary) Development Plan is not in accord with the Land Use Districting Plan or is not otherwise in compliance with this I-65 PUD Ordinance and denies the application for approval, the APC shall specifically detail in writing the basis for its belief that (i) the Preliminary (Primary) Development Plan is not in accord with the Land Use Districting Plan; or, (ii) the Preliminary (Primary) Development Plan is not otherwise in compliance with this I-65 PUD Ordinance. An applicant who has been denied by the APC may immediately apply for approval of a new or amended Preliminary (Primary) Development Plan. If the APC denies the Preliminary (Primary) Development Plan, the County Commissioners may review and affirm, revise, modify or reverse that decision.

If the County Commissioners revise, modify or reverse the denial by the APC of a Preliminary (Primary) Development Plan, the Preliminary (Primary) Development Plan shall be approved as revised, modified or reversed. If the County Commissioners affirm the denial by the APC of a Preliminary (Primary) Development Plan, the County Commissioners shall specifically detail in writing its basis for its belief that (i) the Preliminary (Primary) Development Plan is not in accord with the Land Use Districting Plan or (ii) the Preliminary (Primary) Development Plan is not otherwise in compliance with this I-65 PUD Ordinance. An applicant who has been denied by the County Commissioners may immediately reapply for approval of a new or amended Preliminary (Primary) Development Plan.

Section 18. Detailed (Secondary) Development Plan Approval. (See also Sections 4.3. and 4.14) A Detailed (Secondary) Development Plan approval request for any District (or any part thereof) within the Property shall be made to the APC in accordance with the procedure established in this I-65 PUD Ordinance, or as otherwise established by the APC. The Detailed (Secondary) Development Plan shall specifically establish the use Areas within the District (or any part thereof). This plan review includes final landscaping, parking, drainage, erosion control, signage, lighting, screening and multi-family residential, commercial, industrial or non-residential building information for a site. Approval by the APC of the Detailed (Secondary) Development Plan for any District (or any part thereof) within the Property, including architectural design, lighting and landscaping, shall be necessary prior to the issuance of any ILP for a structure. APC approval of the Detailed (Secondary) Development Plan for such District (or any part thereof) shall be provided upon a determination by the APC that (i) the Detailed (Secondary) Development Plan is in substantial compliance with the approved Preliminary (Primary) Development Plan; and, (ii) the Detailed (Secondary) Development Plan is in compliance with this I-65 PUD Ordinance. If the APC determines that the Detailed (Secondary) Development Plan is not in substantial compliance with the approved Preliminary (Primary) Development Plan or is not in compliance with this I-65 PUD Ordinance and denies the application for approval, the APC shall specifically detail in writing the basis for its belief that (i) the Detailed (Secondary) Development Plan is not in substantial compliance with the approved Preliminary (Primary) Development Plan or (ii) the Detailed (Secondary) Development Plan is not in compliance with this I-65 PUD Ordinance. An applicant who has been denied by the APC may immediately apply for approval of a new or amended Detailed (Secondary) Development Plan. If the APC denies the Detailed (Secondary) Development Plan, the County Commissioners may review and affirm, revise, modify or reverse that decision.

If the County Commissioners revise, modify or reverse the denial by the APC of a Detailed (Secondary) Development Plan, the Detailed (Secondary) Development Plan shall be approved as revised, modified or reversed. If the County Commissioners affirm the denial by the APC of a Detailed (Secondary) Development Plan, the County Commissioners shall specifically detail in writing its basis for its belief that (i) the Detailed (Secondary) Development Plan is not in substantial compliance with the Preliminary (Primary) Development Plan or (ii) the Detailed (Secondary) Development Plan is not in compliance with this I-65 PUD Ordinance.. An applicant who has been denied by the County Commissioners may immediately reapply for approval of a new or amended Detailed (Secondary) Development Plan.

Section 19. Change in Development Standards or Approval of Alternate Plans. The APC, upon petition of a Developer at a public hearing conducted per the rules of the APC, may approve a development standard or an alternate plan that is not included in, or is different from, those set forth in this I-65 PUD Ordinance or which is different than previously approved by the APC, so long as the APC determines that such addition or modification (i) would not substantially affect the integrity of the development plan for the Property, (ii) is appropriate for the site and its surrounding and (iii) is compatible and consistent with the intent of the stated standards or development plan; provided, however, that any change in any uses permitted within a District, or any Substantial Alteration in the location of any District, must be accomplished through an amendment to this I-65 PUD Ordinance approved by the County Commissioners.

Section 20. Alterations. After conferring with the President of the APC, any Minor Alteration to an approved plan may be reviewed and approved by the Executive Director. Minor Alterations are limited to approvals governed by Section 13 – Streetscape, Section 14 – Landscaping, Section 15 – Lighting and Section 16 – Signs, unless otherwise designated by the APC. All Minor Alterations approved by the Executive Director must be in compliance with the standards contained in this I-65 PUD Ordinance. Any Substantial Alteration to an approved plan must be reviewed and approved by the APC. The denial by the APC of a Substantial Alteration may be appealed to the County Commissioners.

Section 21. Appeals. Appeals from the denial of a Development Plan by the APC shall be governed by Sections 17 and 18. An applicant whose request has been denied by the Director may appeal the decision of the Director to the APC. An applicant whose appeal of a Director's denial has been denied by the APC may appeal the decision of the APC to the County Commissioners.

Section 22. Fee Schedule. The filing fee for any subsequent amendments to this I-65 PUD Ordinance shall be \$450. The filing fee for any Preliminary (Primary) or Detailed (Secondary) Development Plan approval not involving a plat shall be the same fee as that required, at the time of filing, by the Boone County Area Plan Commission Fee Schedule for a Preliminary or Final Development Plan. The filing fee for any Preliminary (Primary) or Detailed (Secondary) Development Plan approval involving a plat shall be the same fee as that required, at the time of filing, by the Boone County Area Plan Commission Fee Schedule for a Primary or Secondary Plat for Major Subdivisions.

Section 23. Improvement Location Permit for Commercial, Industrial and Other Non-Residential Buildings. (See also Section 4.5.) Prior to the issuance of the final ILP, the Director, at the Applicant's request, shall exercise the Director's authority to issue an ILP (i) for alteration to the condition of land or (ii) for foundations for structures thereon for any proposed alteration which:

- has received Detailed (Secondary) Development Plan Approval from the APC and
- has been issued a Foundation Release by the Plan Review Division of the Indiana Fire and Building Services Department.

Section 24. Corridor Overlay District. The purpose of providing this Corridor Overlay District within the I-65 PUD Ordinance is to promote a consistent and coordinated treatment of defined portions of the Property which border Interstate 65 (“I-65”) State Road 334 (“SR 334”) and County Road 400 South (“CR 400 S”), and which are located within the Corridor Overlay District, at a higher quality and character of development than is otherwise required within the I-65 PUD Ordinance. This corridor is a premier office and industrial business location and employment center whose viability, quality and character are important to the community as a whole, adjacent residents, employees, business owners, and taxing districts. In recognition of this, this Corridor Overlay District establishes higher standards for buildings, landscaping, and other improvements located within the Corridor Overlay District. These standards and requirements seek to foster development to establish the I-65 PUD as a special place within the greater I-65 corridor by providing a coordinated set of design principles for buildings, site planning, landscaping and signage. These principles are intended to guide individual development activities within the Corridor Overlay District so that they coordinate visually in support of the quality, scale, and character of development envisioned for this important business corridor.

Section 24.1. Corridor Overlay District Boundaries. The boundaries of the Corridor Overlay District, as designated on Exhibit H, are hereby established as follows:

- All portions of the Property within an area beginning at a point on the east right-of-way line of I-65 measuring six hundred (600) feet south of the south right-of-way line of SR 334 extended; proceeding east, parallel with SR 334 at a distance of six hundred (600) feet from the SR 334 right-of-way, to a point on the west right-of-way line of CR 700 E extended; proceeding north, along the west rights-of-way lines of CR 700 E extended and CR 700 E, across SR 334 to a point measuring six hundred (600) feet north of the SR 334 right-of-way; proceeding west, parallel to SR 334 at a distance of six hundred (600) feet from the SR 334 right-of-way, to a point measuring six hundred (600) feet from the east right-of-way line extended of I-65; proceeding northwest, parallel to I-65 at a distance of six hundred (600) feet from the I-65 right-of-way line extended and the I-65 right-of-way, to a point measuring six hundred (600) feet from the south right-of-way line of CR 400 S; proceeding east, parallel with CR 400 S at a distance of six hundred (600) feet from the CR 400 S right-of-way, to a point on the west right-of-way line of CR 575 E; proceeding north six hundred (600) feet along the west right-of-way line of CR 575 E to a point on the south right-of-way line of CR 400 S; proceeding west, along the south right-of-way line of CR 400 S, to a point on the east right-of-way line of I-65; proceeding south along the east right-of-way line of I-65 to the point of beginning.

Section 24.2. APC Approval. The APC must approve, approve with conditions, or disapprove the Preliminary (Primary) Development Plan and the Detailed (Secondary)

Development Plan for any commercial or industrial use of any tract of land in the Corridor Overlay District, per the provisions of the Sections 17 and 18 of this I-65 PUD Ordinance.

Section 24.3. Permitted Uses. All uses which are permitted in the underlying District, per Table 1, are permitted in the Corridor Overlay District.

Section 24.4. Accessory Buildings and Uses. All accessory uses and structures which are permitted in Section 7 of the I-65 PUD Ordinance shall be permitted, except that any attached or detached accessory structure shall have on all sides the same finished architectural features and construction materials and in general be architecturally compatible with the primary structure(s) with which it is associated.

Section 24.5. Building Applicability. For buildings located only partially within the Corridor Overlay District boundaries, the entire building shall be subject to the standards applicable to buildings located within the Corridor Overlay District.

Section 24.6. Height and Yard Requirements. The purpose of this Section is to provide site design requirements that align buildings along the street edges of a parcel, while still offering a front door orientation towards the right-of-way of I-65, SR 334 or CR 400 S. It is the intent of these regulations to orient new office and retail buildings with their longest axis parallel to the adjoining highway or street to create a sense of enclosure along these streets, with parking located to the rear, and if necessary, to the side or front of a building. It is the intent of these regulations to limit, but not prohibit, parking located to the side or front of a building.

a. Building Height.

1. Minimum:

- The minimum building height shall be twenty (20) feet.
- The height of new professional office buildings, office buildings and retail buildings shall be at least one and one-half (1 ½) stories, or be designed to appear so from the front and sides.

2. Maximum:

- Within three hundred (300) feet of SR 334, the maximum height for any retail building shall be thirty-five (35) feet.
- The maximum height for any industrial building shall be fifty (50) feet.

b. Front Yard. Required front yards shall be as specified in the development standards of the underlying District in which the site is located.

- c. Minimum Side and Rear Yards. Required front yards shall be as specified in the standards of the underlying District in which the site is located.
- d. Minimum Gross Floor Area. All primary structures shall have a minimum of two thousand five hundred (2,500) square feet of gross floor area, excluding the floor area of any basement or any accessory structures. Accessory structures need not meet the minimum floor area requirement.
- e. Primary Structure Orientation.
 - 1. The facades of all primary structures located within the Corridor Overlay District and facing and parallel to I-65, SR 334 or CR 400 S shall contain at least one (1) main building entrance of the type described in sub-section 24.7 below.
 - 2. Unless otherwise approved by the APC for a building situated to the rear of another building, loading docks shall not be located on a façade facing and parallel to I-65, SR 334 or CR 400 S.

Section 24.7 Architectural Design Requirements.

- a. Building Design. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to surroundings. New buildings are not required to be imitative, but must incorporate the desired salient features.
- b. Building Facades. To avoid long, monotonous, uninterrupted walls or roof planes, building facades ninety (90) feet or greater in width shall incorporate changes in pattern, texture or color.
- c. Roofs. Flat roofs shall be edged by a railing or parapet and rooftop mechanical equipment shall either be camouflaged on all sides or visually integrated into the overall design of the building. In no case shall rooftop mechanical equipment be visible from adjoining residential zones or uses.
- d. Entrances. Building entrances shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, and other design elements appropriate to the architectural style and details of the building as a whole. The location, orientation, proportion and style of doors must faithfully reflect the chosen style of the building. Building facades for industrial and warehouse uses shall be designed with a main entrance and at least two (2) window openings associated with this doorway.
- e. Windows. All window design shall be compatible with the style, materials, color, details and proportion of the building. The number of

panes, the way it opens, the trim around it and whether it is embellished with shutters must be consistent with the architectural style of the structure.

- f. Awnings. Fixed or retractable awnings are permitted if they complement a building's architectural style, material, colors, and details; do not conceal architectural features (such as cornices, columns, pilasters, or decorative details); do not impair facade composition; and are designed as an integral part of the facade.
- g. Additional Requirements for Office and Retail Buildings. The following additional requirements shall be applicable to any buildings in the Corridor Overlay District having office and retail as the principal use:
 - 1. Storefronts. Storefronts shall be integrally designed with an overall façade character. Ground floor retail, service and restaurant uses should generally have large pane display windows, however, the windows shall not exceed seventy-five (75%) of the total ground level (first floor) façade area. Buildings with multiple storefronts shall be of unified design.
 - 2. Drive-thru windows. Drive-thru windows shall be designed as a related, integrated architectural element and part of the overall design composition of the building. Any use having a drive-thru service unit shall provide the off-street stacking area on-site to minimize off-site traffic congestion while waiting for service and shall provide for the exit from the final service unit to be to an interior driveway. Each drive-thru service unit shall provide stacking spaces as follows:
 - i. Each stacking space shall be not less than eight and one-half (8 ½) feet in width and seventeen and one half (17 ½) feet in length, with additional spaces for necessary turning and maneuvering.
 - ii. The area required for stacking spaces shall be exclusive of and in addition to any required parking space, loading space, driveway, aisle and required yard, unless specifically noted.
 - iii. A parking space at any component of a drive-thru service unit, (window, menu board, order station, or service bay) shall be considered to be a stacking space.
 - iv. An area reserved for stacking spaces shall not double as a circulation driveway or maneuvering area.

- v. Sites with stacking spaces shall include an exclusive bypass aisle, driveway or other circulation area in the parking lot design to allow vehicles to bypass the stacking area.
 - vi. A drive-thru service unit may project up to one (1) foot into the stacking area.
 - vii. A drive-thru service unit shall not be permitted on the side or rear of a building, or within the side or rear yard of a building, which abuts residential zones or uses unless the side or rear setback of each component of a service unit is located more than one hundred (100) feet from the adjoining residential zones or uses.
3. Roofs. Except as hereinafter provided, roofs shall be simply and symmetrically pitched and only in the configuration of gables and hips, with pitches ranging from 4:12 to 14:12. Shed roofs are permitted only when the ridge is attached to an exterior wall of a building, and shall conform to pitch between 14:12 and 4:12. Flat roofs are permitted when consistent with the style of architecture, and if they meet the requirements of sub-section 24.7.c above. Pitched roofs shall be clad in wood shingles, slate, dimensional “shaped” asphalt/fiberglass shingles or standing-seam metal. Dormers, if appropriate to the style, shall be designed with the correct details, proportion and style consistent with the overall building composition and roofed with symmetrical gable, hip or barrel roofs. Belvederes, cupolas, and pergolas are permitted if appropriate to the style, well proportioned, and fully detailed. All vents, attic ventilators, turbines, flues and other roof penetrations must be painted to match the color of the roof or flat black. Gutters and downspouts shall be appropriate to or visually integrated with the architectural style of the structure.
- h. Suitability of exterior building materials. Exterior building facades shall include the following:
- 1. Exposed foundation walls shall be constructed of one or more of the following:
 - Brick.
 - Stone (limestone, granite, fieldstone, etc.).
 - Split-face block or architectural pre-cast concrete.
 - 2. The use of accent and trim elements (accent panels, banding, cornices, canopies/awnings, etc.) shall be required in order to add

visual interest and break down the scale of facades. Permitted building trim materials include: brick, clay, stone, simulated cut stone, tile (ceramic or porcelain), wood, glass, painted aluminum and formed polymers.

- i. Color. Colors used on building facades must be complementary. Natural, muted colors (earth tones or neutral colors) should serve as the primary façade color, with brighter colors used only as accents.

Section 24.8. Required Screening. All air conditioning units, HVAC systems, exhaust pipes or stacks, overhead doors, outside storage areas (where permitted by the underlying District), trash collection areas, and satellite dishes shall be integrated into the overall building design or screened from view from I-65, SR 334, CR 400 S or adjoining residential zones or uses using (i) walls, fencing, parapets or screens architecturally compatible with the primary building(s) with which they are associated, (ii) landscaping or camouflage, or (iii) other approved methods.

Section 24.9. Waiver of Development Requirements.

- a. Architectural Design Findings. The APC may grant a waiver of the Architectural Design Requirements of Section 24.7 and approve an Architectural design which does not meet requirements of said section upon finding that:
 1. The architectural design represents an innovative use of building materials or design, or site design features, which will not be detrimental to the use or value of area properties;
 2. The proposed building is appropriate when compared to the architecture, design and overall exterior character of other buildings on the site and surrounding sites;
 3. The building design is consistent with and compatible with other development located in the District; and
 4. The proposed building is consistent with the intent and purpose of this I-65 PUD Ordinance.
- b. Height and Yard Requirements. The APC may also grant a waiver of the height and yard requirements of this Corridor Overlay District contained in Section 24.6.

Section 24.10. Standards Applicability. In the event of a conflict between this Section 24 and the balance of the I-65 PUD Ordinance, the stricter provisions shall apply.

Section 25. Annexation of Additional Real Estate. In the event the Controlling Developer acquires Additional Real Estate, the Controlling Developer may request that the text of this I-65 PUD Ordinance be amended to annex and include such Additional Real Estate. Such Additional Real Estate may be of any size, but shall still be deemed to be in compliance with the minimal acreage requirements of the PUD Enabling Ordinance, as the Real Estate originally approved under this I-65 PUD Ordinance satisfies this minimal acreage requirement. After approval by the County Commissioners of the text amendment annexing such Additional Real Estate to the I-65 PUD Ordinance, such Additional Real Estate shall be part of and subject to the provisions of this I-65 PUD Ordinance. If the annexed real estate is adjacent to the Town Center Residential District, the Town Center Business District or the Business District, the PUD District Ordinance shall establish a maximum dwelling unit cap for the annexed real estate which shall be in addition to the Combined Dwelling Unit Cap established in Section 9 above. Once annexed and subjected to the provisions of this I-65 PUD Ordinance, the Additional Real Estate shall be included in that District to which the Additional Real Estate is contiguous. In the event the Additional Real Estate is contiguous or adjacent to more than one District, the text amendment shall divide the Additional Real Estate between contiguous Districts.

EXHIBIT A

Property Legal Description

A part of the Northeast Quarter of Section 1, Township 17 North, Range 1 East, a part of Section 25, Township 18 North, Range 1 East, a part of Section 26, Township 18 North, Range 1 East, a part of the Northeast Quarter of Section 35, Township 18 North, Range 1 East and a part of Section 36, Township 18 North, Range 1 East, a part of the North Half of Section 6, Township 17 North, Range 2 East and a part of the West Half of Section 31, Township 18 North, Range 2 East all located Boone County, Indiana being bounded as follows:

Commencing at the Northeast Corner of the Northeast Quarter of Section 1, Township 17 North, Range 1 East; thence south along the East Line of said Northeast Quarter 1,563.97 feet to the centerline of the east service road of Interstate Highway Number 65 ("I-65") and to the **POINT OF BEGINNING** of this description; thence northwesterly 1,912.29 feet along the centerline of said service road to the West Line of the East Half of said Northeast Quarter; thence north along the West Line of the East Half of said Northeast Quarter to the northeastern right-of-way line of I-65; thence northwesterly along the northeastern right-of-way line of I-65 to the North Line of Northeast Quarter of said Northeast Quarter which is also the South Line of the Southeast Quarter of Section 36, Township 18 North, Range 1 East; thence easterly 338.95 feet along the South Line of said Southeast Quarter to a point being 1,090.00 feet west of the Southeast Corner of said Southeast Quarter; thence easterly 1,133.40 feet to a point on the East Line of said Southeast Quarter that is 300.00 feet north of the Southeast Corner of said Southeast Quarter; thence north 1,405.00 feet along the East Line of said Southeast Quarter to point being 930.59 feet south of the Northeast Corner of said Southeast Quarter; thence west 1,339.17 feet to a point on the East Line of the Northwest Quarter of said Southeast Quarter that is 388.47 feet north of the Southeast Corner of the Northwest Quarter of said Southeast Quarter; thence south 388.47 feet along the East Line of the Northwest Quarter of said Southeast Quarter to the Southeast Corner of the Northwest Quarter of said Southeast Quarter; thence west 1,292.54 feet along the South Line of the Northwest Quarter of said Southeast Quarter to the northeastern right-of-way line of I-65; thence northwesterly 9,736 feet, more or less, along the northeastern right-of-way line of I-65 through said Section 36, the Northeast Quarter of Section 35, Township 18 North, Range 1 East and Section 26, Township 18 North, Range 1 East to the West Line of the East Half of the Northwest Quarter of said Section 26; thence north 1,489.82 feet, more or less, along the West Line of the East Half of said Northwest Quarter to a fence line; thence east 213.13 feet along said fence line to the southwestern corner of the tract of land described in the WARRANTY DEED recorded as instrument #9912240 by the Recorder of Boone County, Indiana; thence north 614.03 feet along the western boundary of said tract of land to the North Line of said Northwest Quarter; thence east 3,772 feet, more or less, to the Northeast Corner of said Section 26 and the Northwest Corner of Section 25, Township 18 North, Range 1 East; thence east 3,960 feet, more or less, to the Northeast Corner of the West Half of the Northeast Quarter of said Section 26; thence south 2,640 feet along the East Line of the West Half of said Northeast Quarter to the Southeast Corner of the West Half of said Northeast Quarter and the Northeast Corner of the West Half of the Southeast Quarter of said Section 25; thence south 2,640 feet, more or less, along the East Line of the West Half of the Southeast Quarter of said Section 26 to the Southeast Corner of the West Half of said Southeast Quarter and the Northwest

Corner of the East Half of the Northeast Quarter of said Section 36; thence east 1,320 feet, more or less, to the Northeast Corner of the East Half of said Northeast Quarter and the West Line of the Northwest Quarter of Section 31, Township 18 North, Range 2 East; thence north 75.9 feet, more or less, along the West Line of said Northwest Quarter to the Northwest Corner of said Northwest Quarter; thence east 2,087 feet, more or less, to the east line of the 20.85 acre tract of land ("Parcel 5") described in the QUITCLAIM DEED recorded as instrument #0305521 by said Recorder; thence south 1,332 feet, more or less, along the east line of said 20.85 acre tract of land to its southeastern corner on the North Line of the Southeast Quarter of said Northwest Quarter; thence east 632 feet, more or less, along the North Line of the Southeast Quarter of said Northwest Quarter to the East Line of said Northwest Quarter; thence south 1,320 feet, more or less, along the East Line of said Northwest Quarter to the Southeast Corner of said Northeast Quarter and the Northeast Corner of the Southwest Quarter of said Section 31; thence south 1,320 feet, more or less, along the East Line of said Southwest Quarter to the Southeast Corner of the Northeast Quarter of said Southwest Quarter; thence west 1,320 feet, more or less, along the South Line of the Northeast Quarter of said Southwest Quarter to the Southwest Corner of the Northeast Quarter of said Southwest Quarter on the East Line of the West Half of said Southwest Quarter; thence south 1,320 feet, more or less, along the East Line of the West Half of said Southwest Quarter to the Southeast Corner of the West Half of said Southwest Quarter on the North Line of the Northwest Quarter of Section 6, Township 17 North, Range 2 East; thence east 1,320 feet, more or less, along the North Line of said Northwest Quarter to the Southeast Corner of Southwest Quarter of said Section 31; thence east 257.4 feet, more or less, along the North Line of said Northwest Quarter to the Northeast Corner of said Northwest Quarter and the Northwest Corner of the Northeast Quarter of said Section 6; thence east 2,692.16 feet along the North Line of said Northeast Quarter to the Northeast Corner of said Northeast Quarter; thence south 1,433.27 feet along the East Line of said Northeast Quarter to a fence line; thence west 243.95 feet along said fence line to a fence line; thence south 98.90 feet along said fence to the northern right-of-way line of SR 334, the following eleven (11) courses are along the northern right-of-way line of SR 334 and recited from a plat of survey by Stoeppelwerth & Associates, Inc. (Job No. 47870) dated November 10, 2003; 1) thence westerly 172.35 feet along a non-tangent curve concave to the south to a point being North 01 degree 09 minutes 53 seconds West (this bearing and the bearings in the following ten numbered courses are relative to the North Line of said Northeast Quarter having a bearing of North 89 degrees 17 minutes 42 seconds East) 34,415.19 feet from the radius point of said curve; 2) thence North 88 degrees 23 minutes 21 seconds West 100.25 feet to a point on a non-tangent curve concave to the south, said point being North 01 degree 19 minutes 53 seconds West 34,420.19 feet from the radius point of said curve; 3) thence westerly 248.22 feet along said curve to its point of tangency, said point of tangency being North 01 degree 44 minutes 40 seconds West 34,420.19 feet from the radius point of said curve; 4) thence South 88 degrees 15 minutes 20 seconds West 652.10 feet; 5) thence South 86 degrees 49 minutes 24 seconds West 200.06 feet; 6) thence South 88 degrees 15 minutes 20 seconds West 602.26 feet; 7) thence North 81 degrees 49 minutes 05 seconds West 203.04 feet; 8) thence South 88 degrees 15 minutes 20 seconds West 200.00 feet; 9) thence North 37 degrees 41 minutes 37 seconds West 67.04 feet; 10) thence South 00 degrees 10 minutes 48 seconds East 72.03 feet; 11) thence South 89 degrees 49 minutes 12 seconds West 25.00 feet to the West Line of said Northeast Quarter which is also the East Line of the Northwest Quarter of said Section 6; thence north 780.71 feet, more or less, along the East Line of Northwest Quarter to the northeastern corner of the 7.77 acre tract of land described in the

WARRANTY DEED recorded in Deed Record 256, page 50 by said Recorder; thence west 812.70 feet along the northern boundary of said 7.77 acre tract of land to its northwestern corner; thence south 557 feet, more or less, along the western boundary of said 7.77 acre tract of land to the northeastern corner of the sixty-foot by four hundred eighty-foot tract of land depicted on Exhibit "C" of the MEMORANDUM OF LEASE AND RIGHT OF FIRST REFUSAL recorded as instrument #9602934 by said Recorder; thence west 480 feet along the northern boundary of said sixty-foot by four hundred eighty-foot tract of land to its northwestern corner; thence south 60 feet along the western boundary of said sixty-foot by four hundred eighty-foot tract of land to the northern boundary of the 4.298 acre tract of land described in MEMORANDUM OF LEASE AND RIGHT OF FIRST REFUSAL; thence west 381.3 feet along the northern boundary of said 4.298 acre tract of land and along the northern boundary of the 1.937 acre tract of land also described in said MEMORANDUM OF LEASE AND RIGHT OF FIRST REFUSAL to the northwestern corner of said 1.937 acre tract of land; thence south 361.4 feet, more or less, along the western boundary of said 1.937 acre tract of land the northern right-of-way line of SR 334, said point being on a non-tangent curve concave to the south having a radius of 3,338.16 feet; thence westerly 459 feet, more or less, along said curve; thence South 80 degrees 53 minutes 35 seconds West 69.49 feet along said right-of-way line; thence North 68 degrees 51 minutes 47 seconds West 158.10 feet along the right-of-way for I-65; thence South 88 degrees 16 minutes 19 seconds West 480.48 feet along the right-of-way for I-65; thence North 71 degrees 13 minutes 57 seconds West 345.39 feet along the right-of-way for I-65; thence North 52 degrees 30 minutes 20 seconds West 171.03 feet along the right-of-way for I-65 to the **POINT OF BEGINNING** containing 1,725 acres, more or less.

ALSO, a part of the Northeast Quarter of Section 6, Township 17 North Range 2 East located in Eagle Township, Boone County, Indiana being bounded as follows (the following land description is recited from a plat of survey by Stoeppelwerth & Associates, Inc. (Job No. 47870) dated November 10, 2003):

BEGINNING at the Southwest Corner of the Northeast Quarter of Section 6, Township 17 North Range 2 East; thence North 00 degrees 10 minutes 48 seconds West 1,115.50 feet along the West Line of said Northeast Quarter to the southern right-of-way line of SR 334, the following eight (8) courses are along the southern right-of-way line of SR 334; 1) thence North 89 degrees 49 minutes 12 seconds East 25.00 feet; 2) thence South 00 degrees 10 minutes 48 seconds East 50.02 feet; 3) thence North 38 degrees 45 minutes 45 seconds East 72.34 feet; 4) thence North 88 degrees 15 minutes 20 seconds East 200.00 feet; 5) thence North 78 degrees 19 minutes 45 seconds East 203.04 feet; 6) thence North 88 degrees 15 minutes 20 seconds East 502.26 feet; 7) thence South 88 degrees 52 minutes 56 seconds East 100.12 feet; 8) thence North 88 degrees 15 minutes 20 seconds East 245.04 feet to a fence line; thence South 00 degrees 07 minutes 37 seconds East 1,213.23 feet along said fence to the South Line of said Northeast Quarter; thence North 88 degrees 59 minutes 04 seconds West 1,315.64 feet along the South Line of Northeast Quarter to the **POINT OF BEGINNING** containing 35.482 acres, more or less.

EXCEPT the 4.434-acre tract of land described in the CORPORATE WARRANTY DEED recorded in Deed Record 230, page 398 by said Recorder as follows:

Commencing at the Northwest Corner of the Southwest Quarter of Section 25, Township 18 North, Range 1 East (iron pin found); thence South 89 degrees 47 minutes 00 seconds East (assumed bearing) 1,336.20 feet along the North Line of said Southwest Quarter to the

Northwest Corner of the East Half of said Southwest Quarter and the **POINT OF BEGINNING** of this description, said corner being collinear with and equidistant from the Northwest Corner and the Northeast Corner (occupied center of section) of said Southwest Quarter; thence South 89 degrees 47 minutes 00 seconds East 535.00 feet along the North Line of said Southwest Quarter; thence South 00 degrees 17 minutes 55 seconds West 361.00 feet parallel with the West Line of the East Half of said Southwest Quarter; thence North 89 degrees 47 minutes 00 seconds West 535.00 feet parallel with the North Line of said Southwest Quarter to the West Line of the East Half of said Southwest Quarter; thence North 00 degrees 17 minutes 55 seconds East 361.00 feet along the West Line of the East Half of said Southwest Quarter to the **POINT OF BEGINNING**. Containing 4.434 acres, more or less.

ALSO EXCEPT the Northwest Quarter of the Southwest Quarter of Section 25, Township 18 North, Range 1 East.

ALSO EXCEPT all that part of the following described tract of land (see the QUITCLAIM DEED recorded in Deed Record 242, page 20) that is located in the Southeast Quarter of Section 26, Township 18 North, Range 1 East located in Worth Township, Boone County, Indiana:

A part of the Northwest Quarter of the Southwest Quarter of Section 25, Township 18 North, Range 1 East and a part of the Northeast Quarter of the Southeast Quarter of Section 26, Township 18 North, Range 1 East of the Second Principal Meridian, situated in Worth Township, Boone County, Indiana, more particularly described as follows:

BEGINNING at a point 1,145.67 feet west of the Northeast Corner of the Northwest Quarter of the Southwest Quarter of Section 25, Township 18 North, Range 1 East, and run thence west 510 feet following the half section line and center of public road 450-S; thence south 283 feet; thence east 510 feet; thence north 283 feet to the **PLACE OF BEGINNING**.

ALSO EXCEPT all that part of the following described tract of land (see the WARRANTY DEED recorded in Deed Record 237, page 195) that is located in the Southeast Quarter of Section 26, Township 18 North, Range 1 East located in Worth Township, Boone County, Indiana:

BEGINNING at a point on the East Line of the Northeast Quarter of the Southeast Quarter in Section 26 being South 01 degree 12 minutes 51 seconds West (assumed bearing) 284.94 feet from the Northeast Corner thereof; thence South 89 degrees 39 minutes 23 seconds East 187.37 feet to a point being South 01 degree 12 minutes 51 seconds West, parallel with said East Line 283.00 from the North Line of the Northwest Quarter of the Southwest Quarter in Section 25; thence South 01 degree 12 minutes 51 seconds West, parallel with said East Line 317.00 feet; thence North 89 degrees 39 minutes 23 seconds West 509.95 feet; thence North 01 degree 12 minutes 51 seconds East; parallel with said East Line 317.00 to a point being South 01 degree 12 minutes 51 seconds West 283.00 feet from the North Line of said quarter-quarter in Section 26; thence South 89 degrees 39 minutes 23 seconds East 322.58 feet to the **POINT OF BEGINNING**, containing 1.364 acres

ALSO EXCEPT the 1.00-acre tract of land described in the WARRANTY DEED recorded in Deed Record 187, page 153 by said Recorder as follows:

A part of the Southwest Quarter of Section 31, Township 18 North, Range 2 East of the Second Principal Meridian and more particularly described as follows, to-wit:

From a railroad rail at the Northeast Corner of the aforesaid tract, proceed thence South 88 degrees 44 minutes 0 seconds West for a distance of 265.90 feet to the **POINT OF BEGINNING**. From said point of beginning, proceed thence South 88 degrees 44 minutes 0 seconds West for a distance of 200.00 feet along the North Line of the Southwest Quarter, thence South 1 degree 16 minutes 0 seconds East for a distance of 217.80 feet, thence North 88 degrees 44 minutes 0 seconds East for a distance of 200.00 feet, thence North 1 degree 16 minutes 0 seconds West for a distance of 217.80 feet to the **POINT OF BEGINNING**, containing 1.00 acre, more or less.

LEAVING, after said exceptions, 1,709 acres, more or less.

This land description is based upon public record documents and does not represent a land survey.

EXHIBIT B

Land Use Districting Plan

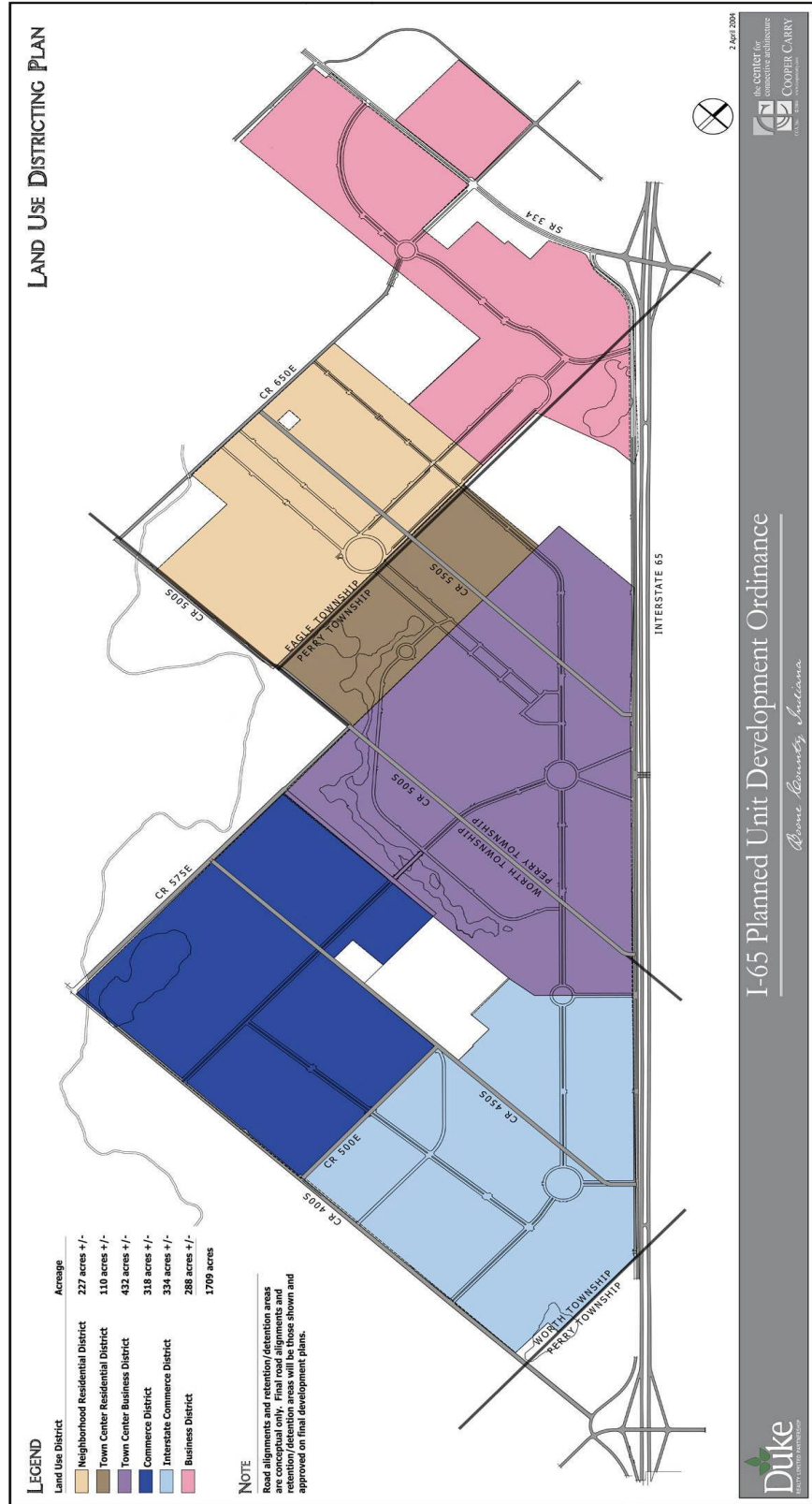


EXHIBIT C

Table 3, Development Standards Requirements – Single and Two-Family Residential Areas

DISTRICT	Neighborhood Residential District	Town Center Residential District		Business District
<i>AREA</i>	<i>Single-Family</i>	<i>Single-Family</i>	<i>Two-Family</i>	<i>Two-Family</i>
Maximum Height of Buildings	35' ¹	35' ¹	35' ¹	35' ¹
Minimum Ground Floor Area, per unit:				
One-Story	1,200 sq. ft.	1,200 sq. ft.	900 sq. ft.	900 sq. ft.
Multi-Story	600 sq. ft. ²	600 sq. ft. ²	450 sq. ft. ³	450 sq. ft. ³
Maximum Density, units per gross acreage	3.0 ⁴	3.0 ⁴	5.0 ⁴	5.0 ⁴
Minimum Open Space - See Section 4.9.				
Minimum Primary Structure Width	18'	18'	36'	36'
Maximum Lot Coverage	70%	70%	70%	70%
Minimum Lot Area	5,000 sq. ft. ⁵	5,000 sq. ft. ⁵	9,000 sq. ft. ⁶	9,000 sq. ft. ⁶
Minimum Street Frontage	25'	25'	50'	50'
Minimum Front Yard ⁷	15'	15'	15'	15'
Minimum Side Yard ⁷	0'	0'	5' ⁸	5' ⁸
Minimum Aggregate Side Yards	10'	10'	10' ⁸	10' ⁸
Minimum Distance Between Buildings	10'	10'	10'	10'
Minimum Rear Yard for Primary Structures ⁷	10'	10'	10'	10'
Minimum Rear Yard for Accessory Structures ⁷	5'	5'	5'	5'
Minimum Off-Street Parking Spaces ⁹ , per unit	2	2	1	1

¹ Or, 45 feet, if for each foot of height in excess of 35 feet, to an absolute height of 45 feet, one (1) additional foot setback shall be provided beyond the required aggregate side yards for each foot of building or structural height above 35 feet.

² Provided the total floor area shall be 1,200 sq. ft.

³ Provided the total floor area shall be 900 sq. ft.

⁴ Subject to the dwelling unit cap requirements of Section 9.

⁵ Said minimum lot area for up to 10% of the total number of lots permitted may be reduced by up to 36% below such 5,000 sq. ft. requirement.

⁶ Said minimum lot area for up to 10% of the total number of lots permitted may be reduced by up to 15.6% below such 9,000 sq. ft. requirement. The minimum lot area is per building.

⁷ Except, as otherwise required by the Buffer Yard requirements of Section 4.15.

⁸ Per building (a zero foot setback may occur if each unit is sold separately).

⁹ Said minimum off-street parking space(s) may be located in an accessory garage structure.

EXHIBIT D

**Table 4, Development Standards Requirements – Multi-Family Residential Areas
(Three or Four Units per Building)**

DISTRICT	Town Center Residential District	Town Center Business District	Business District
Maximum Density, units per gross acreage	7 ¹	7 ¹	7 ¹
Maximum Height of Buildings	35' ²	35' ²	35' ²
Minimum Floor Area, per unit	900 sq. ft.	600 sq. ft.	900 sq. ft.
Minimum Open Space - See Section 4.9.			
Maximum Lot Coverage	60%	70%	50%
Minimum Front Yard ³	0'/20' ⁴	0'/20' ⁴	20'/20' ⁴
Minimum Perimeter Yards ³	15'	10'	25'
Minimum Distance Between Buildings	20'	10'	20'
Minimum Off-Street Parking Spaces, per unit	1.2	1.0	1.5

**Table 5, Development Standards Requirements – Multi-Family Residential Areas
(Five or More Units per Building)**

DISTRICT	Town Center Residential District	Town Center Business District	Business District
Maximum Density, units per gross acreage	12.0 ¹	20.0 ¹	12.0 ¹
Maximum Height of Buildings	50'	Unlimited	35' ²
Minimum Floor Area, per unit	700 sq. ft.	500 sq. ft.	500 sq. ft.
Minimum Open Space - See Section 4.9.			
Maximum Lot Coverage	70%	70%	60%
Minimum Front Yard ³	0'/20' ⁴	0'/20' ⁴	20'/20' ⁴
Minimum Perimeter Yards ³	0'	0'	25'
Minimum Distance Between Buildings	20'	10'	20'
Minimum Off-Street Parking Spaces, per unit	1.5	1.2	1.5

Table 6, Development Standards Requirements – Upper Level Residential Units

DISTRICT	Town Center Residential District	Town Center Business District
Maximum Density, units per gross acreage	12.0 ¹	20.0 ¹
Minimum Floor Area, per unit	700 sq. ft.	500 sq. ft.

¹ Subject to the dwelling unit cap requirements of Section 9.

² But not to exceed three (3) stories containing a dwelling unit or units.

³ Except, as otherwise required by the Buffer Yard requirements of Section 4.15.

⁴ Twenty (20) foot minimum setback from pavement edge of private streets.

EXHIBIT E

Table 7, Commercial, Industrial and Other Non-Residential Development Standards Requirements

DISTRICT	Town Center Residential District		Business District		Town Center Business District			Commerce District			Interstate Commerce District			
<i>AREA</i>	<i>Professional Office</i>	<i>Neighborhood Retail</i>	<i>Professional Office</i>	<i>Retail</i>	<i>Office</i>	<i>Office/ Flex</i>	<i>Retail</i>	<i>Office</i>	<i>Office/ Flex</i>	<i>Indus.</i>	<i>Office</i>	<i>Office/ Flex</i>	<i>Retail</i>	<i>Indus.</i>
Max. Height of Buildings	70'	One-Story ¹	70' ²	50' ²	80'	35'	50'	80'	35'	60' ³	80'	35'	50'	60' ³
Min. Road Frontage ⁴	45'	45'	45'	45'	45'	45'	45'	45'	45'	45'	45'	45'	45'	45'
Minimum Open Space - See Section 4.9.														
Min. Front Yard ⁵	0'	0'	20'	20'	0'	20'	0'	20'	20'	20'	20'	20'	20'	20'
Min. Side Yard ⁵	0'	0'	10'	10'	0'	10'	0'	10'	10'	10'	10'	10'	10'	10'
Min. Rear Yard ⁵	0'	0'	10'	10'	0'	10'	0'	10'	10'	10'	10'	10'	10'	10'

¹ Without upper level professional offices or upper level residential units.

² Within the area which is three hundred (300) feet north of SR 334 and within 1,320 feet of CR 700 E, the maximum height of all buildings shall be two (2) stories; provided, however, one building may be a maximum of four (4) stories provided it is used only for Medical Service Uses and provided it is setback from the CR 700 E Buffer Yard a minimum of five (5) feet for every one (1) foot in building height over thirty-five (35) feet. Within the area which is within three hundred (300) feet of SR 334 and within 1,320 feet of CR 700 E, the maximum height of all buildings shall be thirty-five (35) feet. Within three hundred (300) feet of SR 334, the maximum height of any retail building shall be thirty-five (35) feet.

³ Within six hundred (600) feet of any Residential Area, the maximum height of any building or structure shall be forty-five (45) feet. Within six hundred (600) feet of the Excluded Protected Residential Area, the maximum height of any building shall be thirty-five feet (35). Within the Corridor Overlay District, the maximum height of any industrial building shall be fifty (50) feet.

⁴ See Section 4.10.

⁵ Except, as required by the Buffer Yard requirements of Section 4.15.

EXHIBIT F

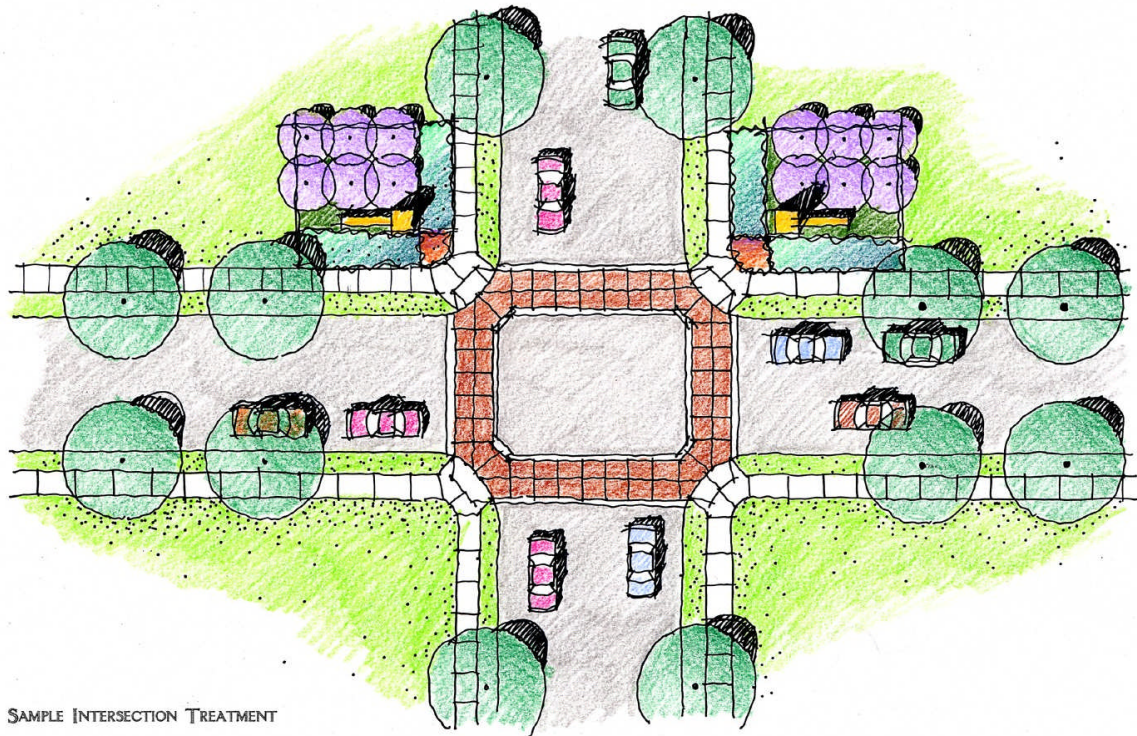
Table 8, Commercial and Industrial Parking Requirements

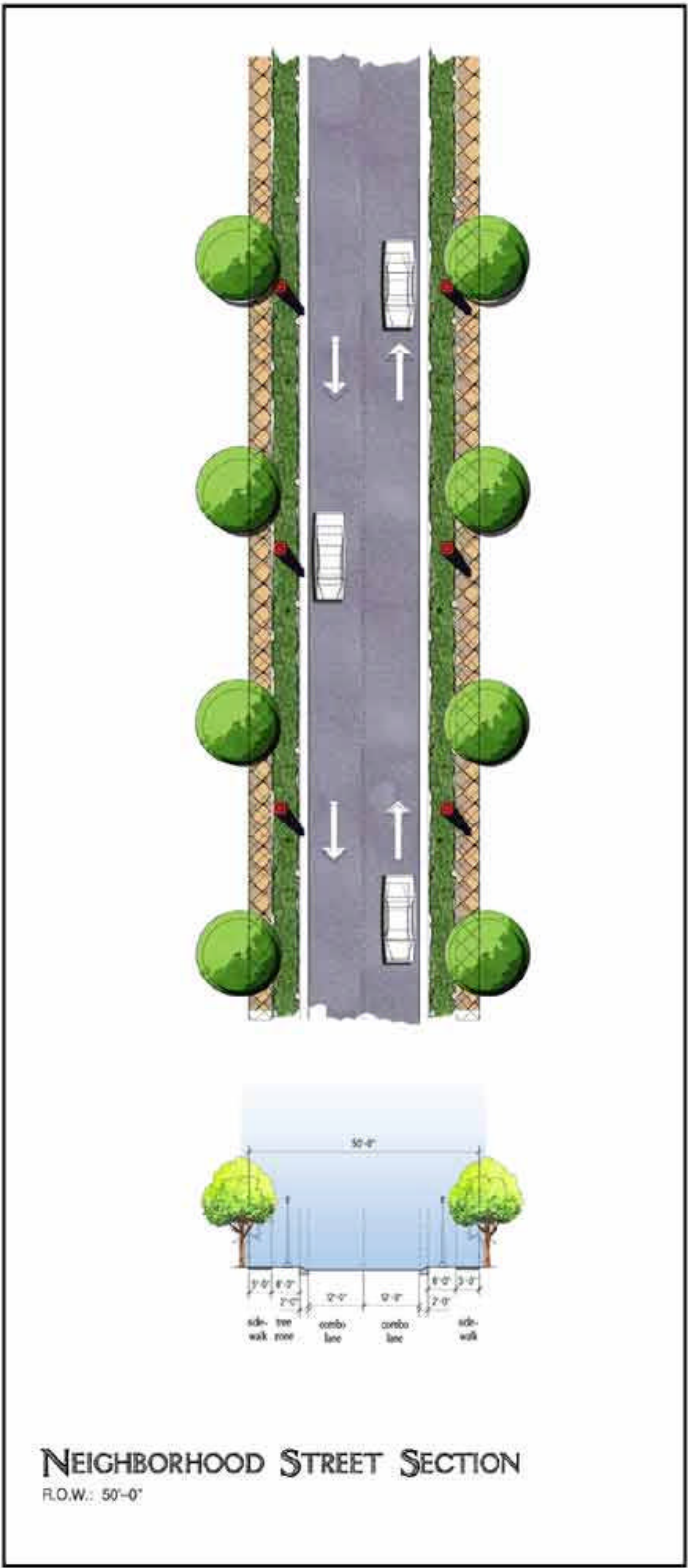
USE	REQUIRED PARKING¹
Professional Office Areas	Three and one-half (3.5) spaces per one thousand (1,000) square feet of gross floor area.
Office Areas	Three and one-half (3.5) spaces per one thousand (1,000) square feet of gross floor area.
Neighborhood Retail Areas	Three and one-half (3.5) spaces per one thousand (1,000) square feet of gross floor area.
Retail Areas	<p>For Retail Areas with less than 400,000 square feet of gross floor area, four (4) spaces per one thousand (1,000) square feet of gross floor area.</p> <p>For Retail Areas with 400,000 to 600,00 square feet of gross floor area, four and one-half (4.5) spaces per one thousand (1,000) square feet of gross floor area.</p> <p>For Retail Areas with more than 600,000 square feet of gross floor area, five (5) spaces per one thousand (1,000) square feet of gross floor area.</p>
Office/Flex Areas	One (1) space per one thousand (1,000) square feet of gross floor area or one (1) space for each two employees on the premises during the largest shift, whichever is greater.
Industrial Areas	One (1) space for each one and one-half (1½) employees on the premises during the largest shift.

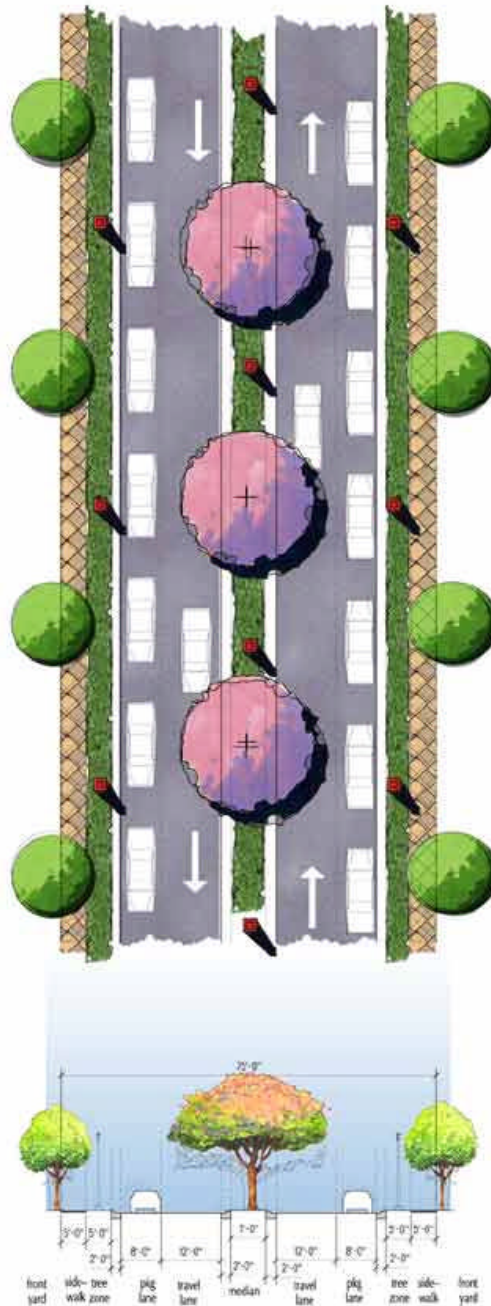
¹ If Table 7 of the Zoning Ordinance allows for less required parking for an individual use than this Exhibit F requires, then the lesser standard shall apply.

EXHIBIT G

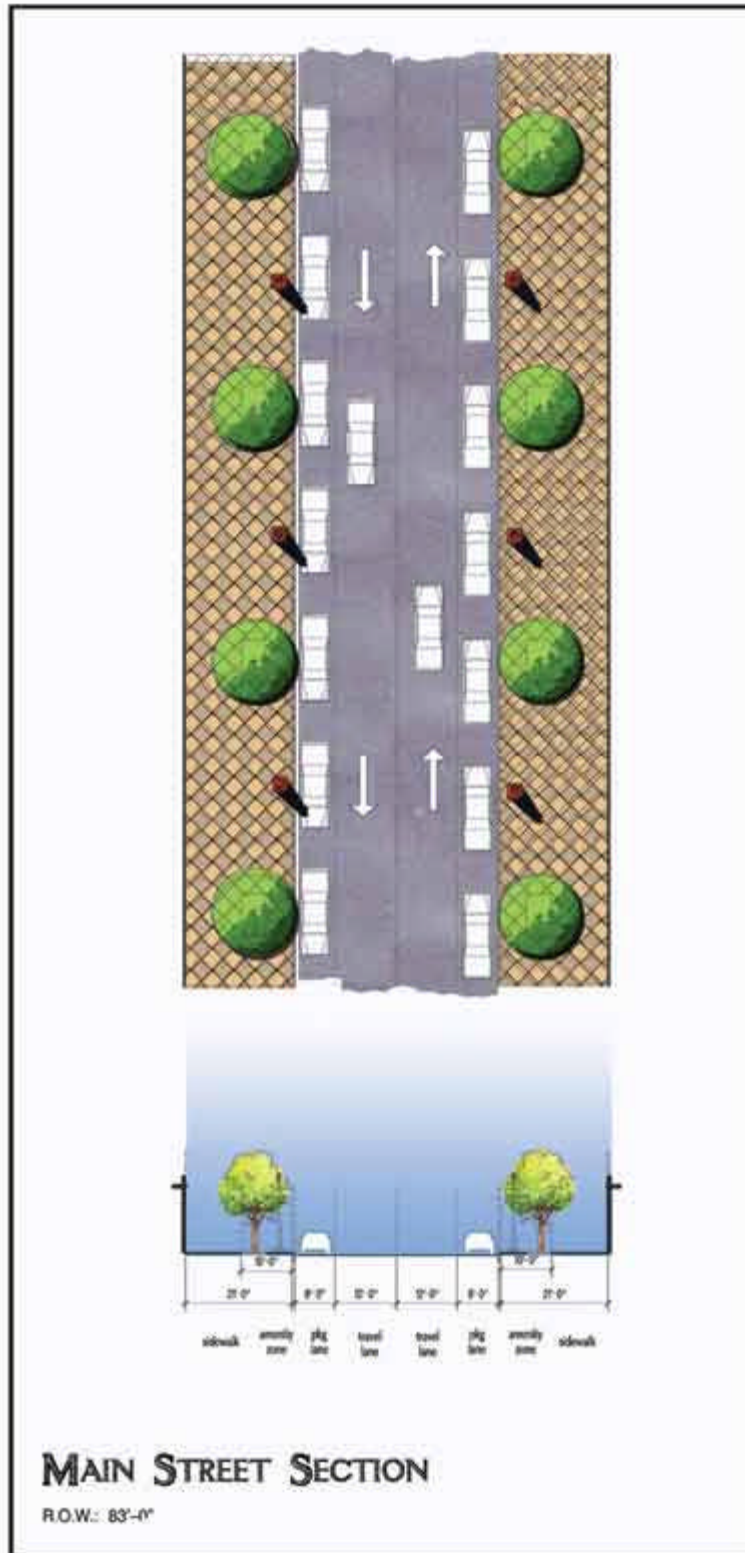
Streetscape Cross-Sections

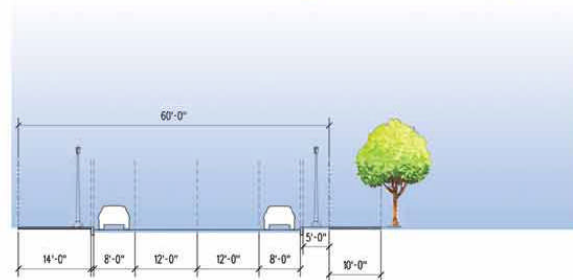
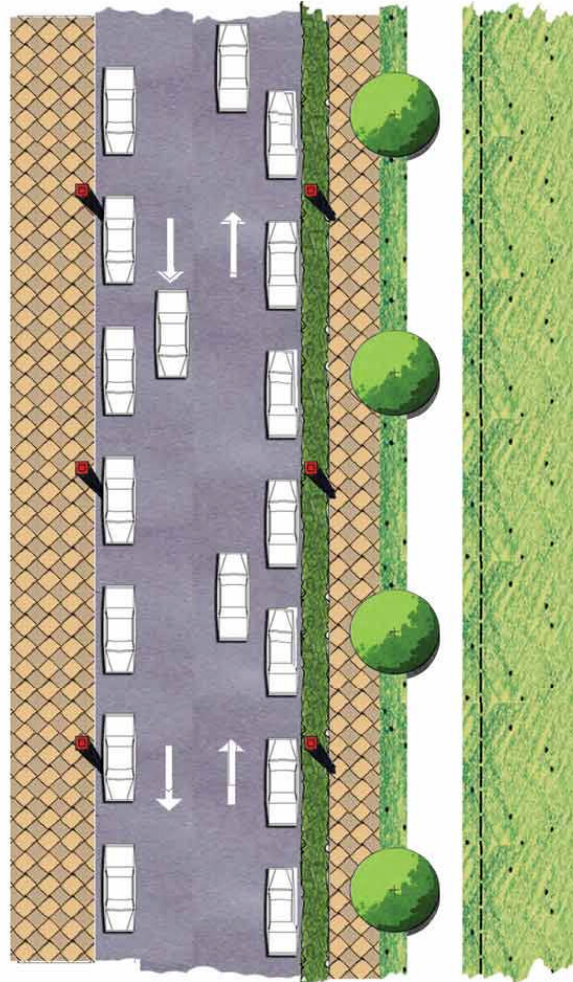






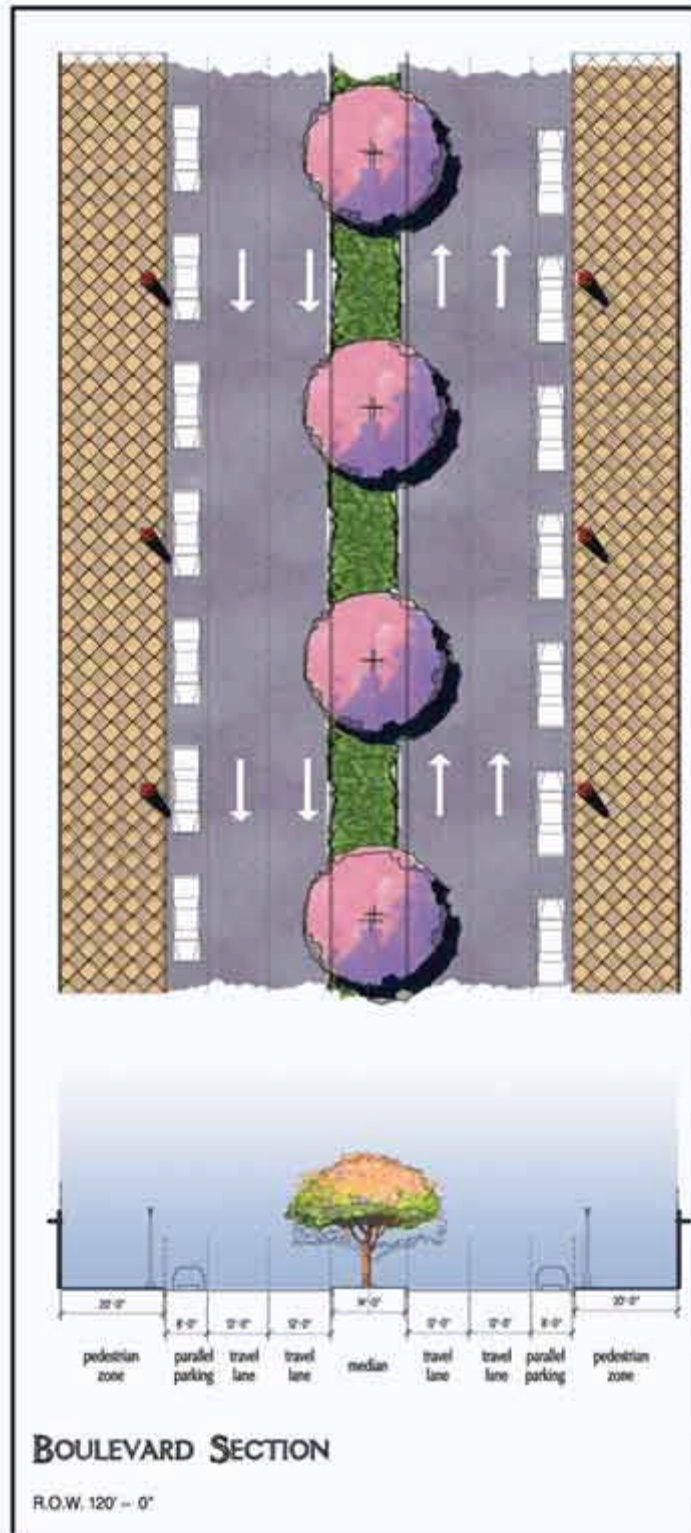
RESIDENTIAL AVENUE SECTION
R.O.W.: 75'-0"



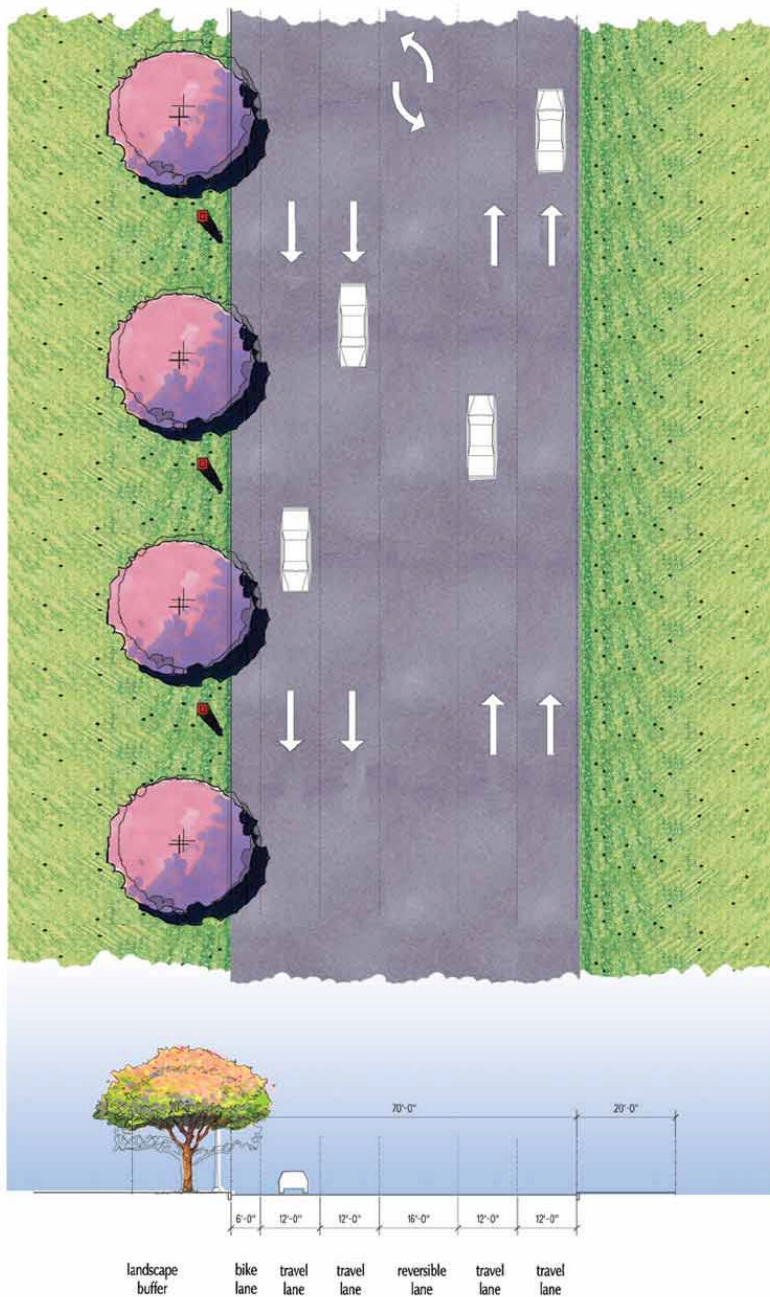


PARKSIDE DRIVE SECTION

R.O.W.: 60'-0"

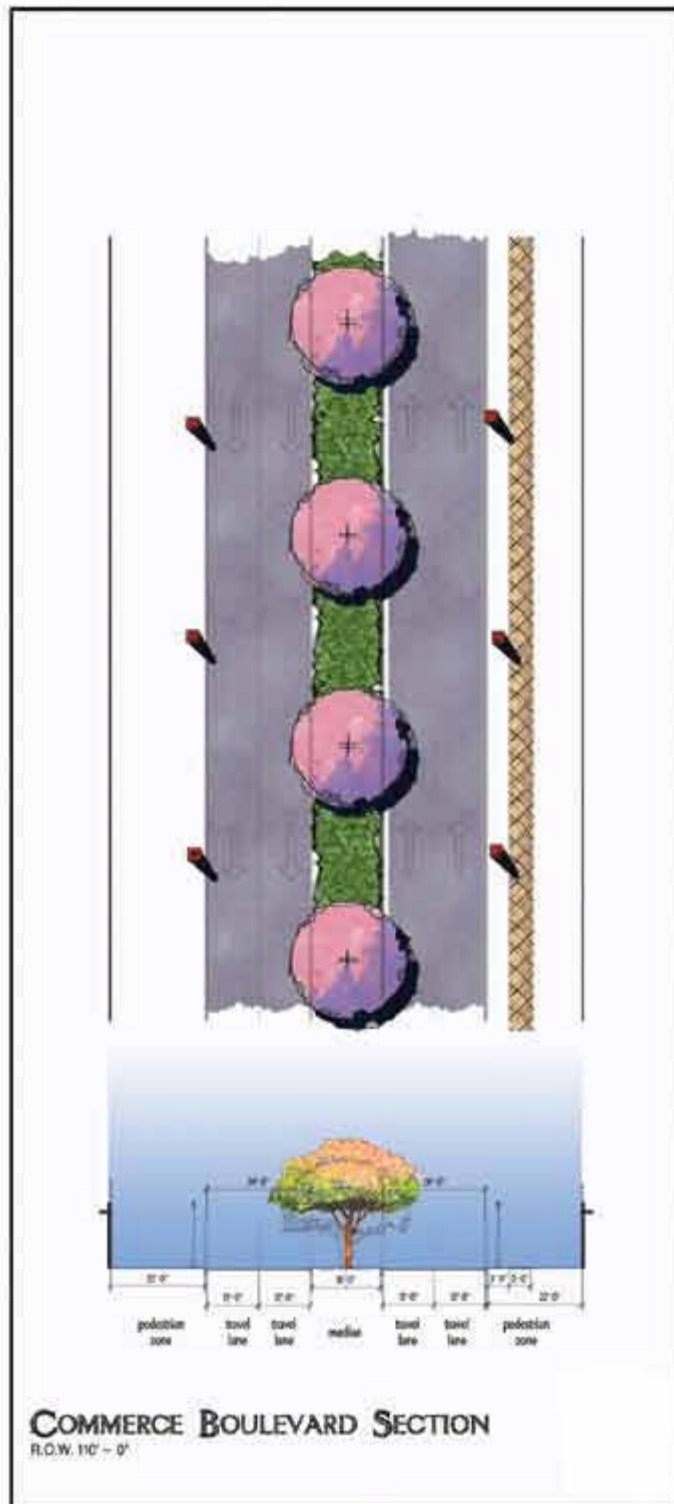


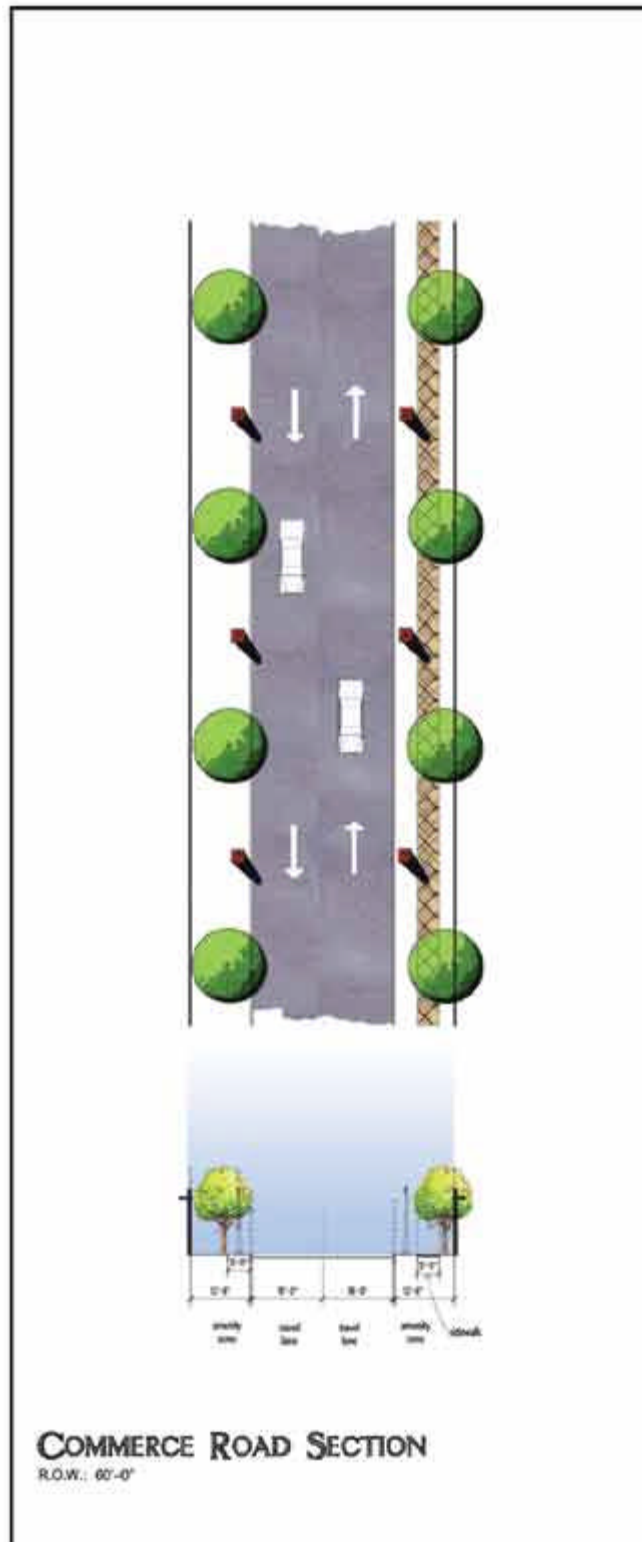




FRONTAGE ROAD SECTION

R.O.W. 110'-0"





Big Box Distribution Area

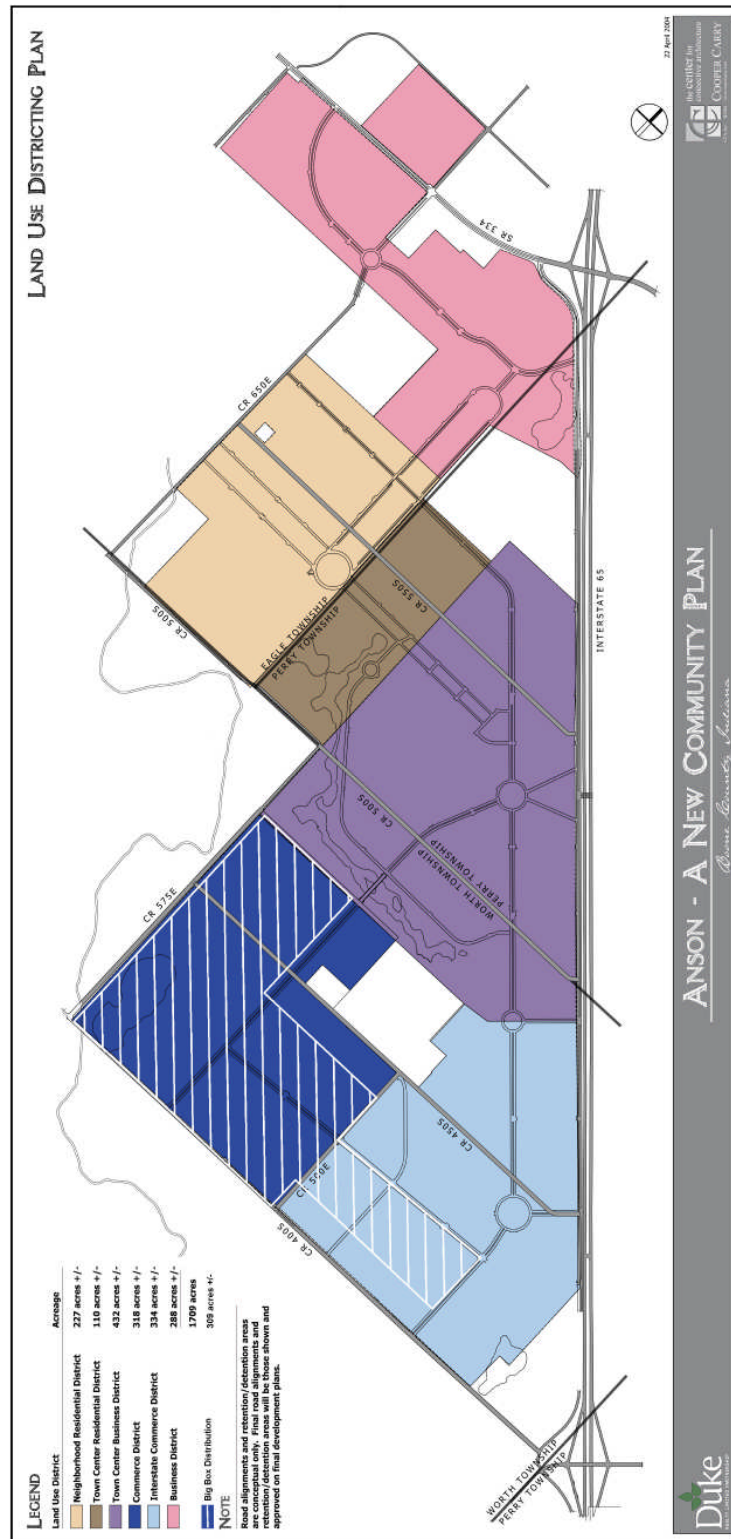
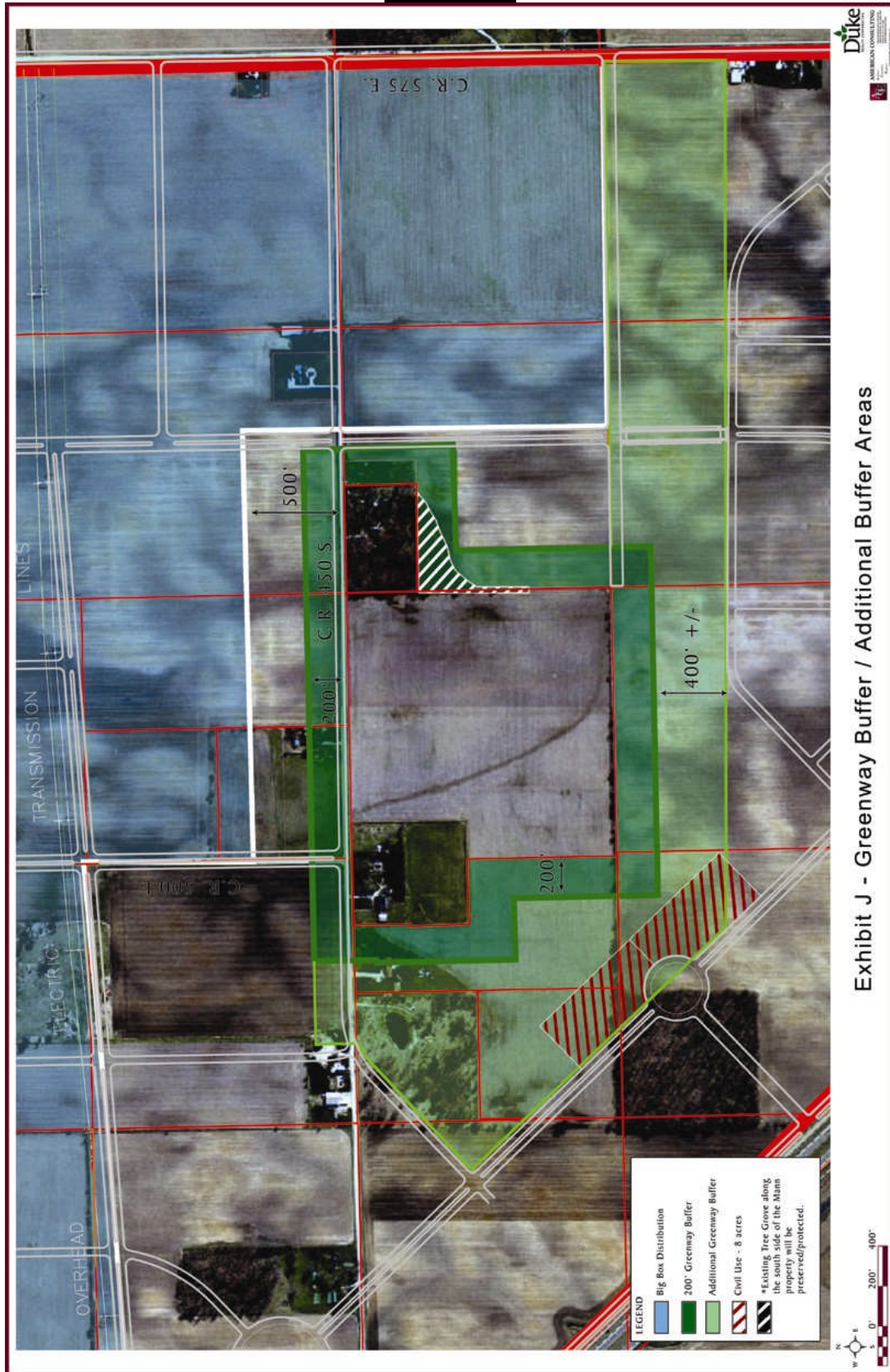


EXHIBIT J





FURTHER, this Amendment shall be in full force and effect from and after its adoption and any publication as may be required by law.

ALL OF WHICH IS ADOPTED this 6th day of August, 2004 by the Board of Commissioners of Boone County, Indiana.

BOARD OF COMMISSIONERS OF
BOONE COUNTY, INDIANA


Betty Lee Cooper


Byron Loveless

ATTEST:


Gretchen Smith, Auditor JKR

This instrument was prepared by Steven B. Granner, AICP, Bose McKinney & Evans LLP and Steven C. Niblick, Executive Director of the Boone County Area Plan Commission.

ANSON

The Business District

and

The Neighborhood Residential District

Sign Program

FILE NUMBER 05AE-27b-369

Boone County Area Plan Commission

July 13, 2005

Received By
Boone Co. APC

JUN 22 2005

Duke
Construction
Limited Partnership

I-65 PUD Ordinance
Ordinance Number 2004-10
(APC: 03EA-23-808)

ANSON SIGN PROGRAM

The purpose of this Sign Program (the "Sign Program") is (i) to encourage the effective use of signs as a means of communication and identification within Anson; (ii) to maintain and enhance the aesthetic environment and Anson's ability to attract sources of economic development and growth; (iii) to minimize the possible adverse effect of signs on nearby public and private property; and (iv) to enable the fair and consistent enforcement of these sign restrictions.

A sign may be located only in conformance with the requirements of this Sign Program. Signs may be permitted in the Use Areas where such uses are permitted after having secured an ILP approving the proposed sign, except when not required by this Sign Program.

1. **STATE REQUIREMENTS.** Signs are also subject to the requirements of The Highway Advertising Control Act of 1967, as amended. All signs shall conform to the provisions of said Act. Should this Sign Program and the Act be in conflict, the requirements of the more restrictive shall apply.
2. **COUNTY REQUIREMENTS.** Signs shall comply with the Zoning Ordinance, unless otherwise provided for herein. Should the two be in conflict, the requirements of this Sign Program shall apply.
3. **CONTROLLING DEVELOPER REQUIREMENTS.** All signs to be constructed within Anson must be submitted to the Controlling Developer for review and approval. No signs shall be constructed within Anson without first having the plans for said sign(s) stamped "Approved" by the Controlling Developer. Signs requiring permits by this Sign Program must be stamped "Approved" by the Controlling Developer prior to submitting said plans to the Executive Director of the APC. The Controlling Developer shall have a minimum of ten (10) business days to review submitted sign plans before either approving or denying the submittal.
4. **SIGNS ALLOWED WITH AND WITHOUT PERMITS.** Signs shall be allowed on private property in accordance with the Sign Program. All types of signs permitted by the Sign Program that are required by the Zoning Ordinance to obtain a permit shall also be required by the Sign Program to obtain a permit, unless otherwise provided for by the Sign Program. Although permitted in Section 2, a sign permitted by the Sign Program shall be allowed only if:
 - a. The sum of the area of all signs on the lot conforms to the maximum permitted sign area (as determined by the standards for the Use Area in which the site is located);
 - b. The size, location, and number of signs on the lot conform with the requirements which establishes permitted sign dimensions by sign type, and with any additional limitations; and,

- c. The characteristics of the sign conform with the requirements and to any additional limitations listed in the Sign Program.

5. DESIGN, CONSTRUCTION, AND MAINTENANCE OF SIGNS. All signs shall be designed, constructed, and maintained in accordance with the following standards:

- a. All signs shall comply with applicable provisions of the Uniform Building Code and the electrical code.
- b. Except for banners, flags, and window signs conforming in all respects with the requirements of the Sign Program, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, building, or another structure by direct attachment to a rigid wall, frame, or structure.
- c. All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this Sign Program.

6. SIGNS IN THE PUBLIC RIGHT-OF-WAY. No sign or sign structure may be placed on or in the right-of-way of an alley or a street, with the exception of (i) governmental and public signs, (ii) projecting signs permitted by this Sign Program which, if required, have obtained an encroachment license or similar approval from the proper governmental agency, and (iii) Permanent Subdivision Identification Signs placed in the boulevard median of the main street entrance; subject to the following:

- a. Official Signs. Signs which are authorized by a government or governmental subdivision which give traffic, directional, or warning information, and signs of public service companies indicating danger and aids to service or safety which are erected by, or on the order of, a public officer in the performance of their public duty. A permit shall not be required if the provisions noted above are satisfied.
- b. Public Notices. Official notices posted by public officers, employees or their agents in the performance of their duties, or as directed by such officers, employees or agents. A permit shall not be required.
- c. Public Signs. Signs required or specifically authorized for a public purpose by any law, statute or ordinance, or Executive Director's Approval; which may be of any type, number, area, height above grade, location or illumination required by the law, statute or ordinance under which the signs are erected. Provided, the Executive Director may approve public signs to be located temporarily, for a period not to exceed sixty (60) days, for purposes of promoting specific civic, sporting or special events, on conditions that such signs be removed prior to the end of such period. A permit shall not be required.
- d. Prohibition Of Signs Affixed To Utility Poles, Etc. No sign or sign structure shall be affixed to, displayed, or located upon any utility pole, light standard, tree, public transportation or school bus passenger shelter or bench, traffic control device, or similar structure, equipment, or appurtenance located upon any public right-of-way, utility easement, or other public or private property unless

authorized under the previous paragraph.

- e. Other Signs Forfeited. Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the county shall have the right to recover from the sign owner, or person placing such a sign, the full costs of removal and disposal of such sign.

7. SIGNS EXEMPT FROM REGULATION UNDER THIS SIGN PROGRAM. The following signs shall be exempt from regulation under this Sign Program, shall be subject to the approval of the Controlling Developer, and a permit shall not be required:

- a. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance;
- b. Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the lot line of the lot or parcel on which such sign is located;
- c. Works of art that do not include a commercial message;
- d. Commercial murals on barns, silos, etc;
- e. Holiday lights and decorations with no commercial message;
- f. Traffic control signs on private property, such as Stop, Yield, and similar signs, the face of which meet the Department of Transportation standards and which contain no commercial message of any sort;
- g. Temporary campaign signs displayed for not more than one month before and five days after said election is held;
- h. Project construction signs;
- i. Flags, emblems or insignia of federal, state or local political subdivisions, including one flag displaying a corporate emblem;
- j. Historic or commemorative plaques;
- k. Home improvement, home construction, home remodeling signs;
- l. House number and name plates;
- m. Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or inlaid so as to be part of the building or when constructed of bronze or other incombustible material;
- n. Model home signs;

- o. Real estate signs;
- p. Incidental signs which (i) do not exceed three (3) feet in height and six (6) square feet in surface area and are a minimum of two (2) feet from any street right-of-way line or the required building setback line, whichever is lesser; (ii) do not exceed four (4) feet in height and eight (8) square feet in surface area and are a minimum of ten (10) feet from any street right-of-way line; or, (iii) do not exceed six (6) feet in height and twelve (12) square feet in surface area and are a minimum of twenty (20) feet from any street right-of-way line;
- q. Temporary signs; including pennants, banners and wind signs; for grand openings which (i) do not exceed thirty-two (32) square feet in surface area, (ii) are erected no more than ten (10) days prior to the event, (iii) are removed no more than five (5) days after the event, and (iv) in no case remain on the premises for more than thirty (30) days;
- r. Public signs located outside of the right-of-way, subject to the provisions noted in Section 6,c of this Sign program; and,
- s. Building outline lighting of structural/architectural elements of buildings, such as roof lines, doors, windows or wall edges using neon, incandescent, or similar type of lighting. If however, such outline contains text or logos, such items shall be considered signs and regulated by this Sign program according to their type and placement. In no case, however, shall such building outlining flash or be animated.

8. **SIGNS PROHIBITED UNDER THIS SIGN PROGRAM.** All signs not expressly permitted under this Sign Program, or exempt from regulation hereunder, are prohibited. Such signs include, but are not limited to: beacons, pennants (temporary exception to this stipulation is noted in Section 7,q), banners (temporary exception to this stipulation is noted in Section 7,q), wind signs (temporary exception to this stipulation is noted in Section 7,q), strings of lights not permanently mounted to a rigid background, inflatable signs, tethered balloons, signs which interfere with official signs/traffic devices, signs which materially impede the view of any street or highway intersection, signs on natural features (trees, rocks or other natural features), and commercial statuary (statues utilized and intended for commercial advertising purposes).

9. **GENERAL PERMIT AND INSPECTION PROCEDURES.** The following shall be the procedure for the issuance or modification of all sign permits under this Sign Program.

- a. Applications. All applications for sign permits shall be submitted on an application form published by the APC. One application may include multiple signs on the same lot, however a separate permit will be issued and a separate fee will be collected for each sign.
- b. Site Plan. For any lot on which the applicant proposes to erect one or more signs requiring a permit, the applicant shall submit a site plan containing the following:

- (1) A plot plan of the lot, at such scale as may be reasonably required.
 - (2) Location of buildings, parking lots, driveways, and landscaped areas on such lot.
 - (3) Computation of the total sign area for all signs, the height of each sign, and the number of signs.
 - (4) An accurate indication on the plot plans of the proposed location of each present and future sign of any type, whether requiring a permit or not. Incidental signs need not be shown.
- c. Fees. Upon the issuance of a permit, the applicant shall pay all applicable fees to the APC, as established in the Boone County Area Plan Commission Fee Schedule.
- d. Computations.
- (1) Computation of Area of Individual Signs. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest rectangle that will encompass the extreme limits of the sign, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets the I-65 PUD Ordinance regulations and is clearly incidental to the display itself.
 - (2) Computation of Area of Multifaced Signs. The sign area for a sign with more than one face shall be computed by adding together the sign area of all sign faces viewed from any one point. When two identical sign faces are placed back to back, or at no greater than fifteen (15) degrees from one another, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one (1) of the faces.
 - (3) Computation of Height. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (i) existing grade prior to construction or (ii) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower.

(4) Computation of Maximum Total Permitted Sign Area. The permitted maximum sign area of all individual signs permitted shall be computed by applying the standards in the Sign Program to the street frontage, building frontage, or wall area, as appropriate, for the Use Area in which the signs are located. Sites fronting on two or more streets are allowed the permitted sign area for each street frontage. However, the total sign area that is oriented toward a particular street may not exceed the portion of the site's total sign area allocation that is derived from the lot, building, or wall area frontage on that street.

- e. Inspection. A final inspection of each permit for a new sign or modification of an existing sign will be performed six months after the issuance of such permit or earlier if the owner requests. If the construction is not substantially complete at the time of inspection, the permit shall lapse and become void. If the construction is complete and in full compliance with this Sign Program and with the building and electrical codes, a permanent label identifying the sign and permit number shall be affixed. If the construction is substantially complete but not in full compliance with this Sign Program and applicable codes, the owner or applicant shall be notified of the deficiencies and shall be given an additional 30 days from the date of inspection for the deficiencies to be corrected. If the deficiencies are not corrected by such date, the permit shall lapse. If the construction is then complete, a permanent label identifying the sign(s) and applicable permit number shall be affixed.
- f. Lapse of a Sign Permit. A continuing sign permit shall lapse automatically if the business or activity on the premises is discontinued for a period of more than 180 consecutive days.

10. **NONCONFORMING SIGNS AND SIGNS WITHOUT PERMITS.** Except as otherwise provided herein, the owner of any lot or other premises on which exists a sign that does not conform with the requirements of this Sign Program, a previous applicable ordinance, or for which there is no valid sign permit issued under a previous ordinance, shall be obligated to remove such sign.

- a. Nonconforming Existing Signs, Permits, and Terms. A sign that would be permitted under this Sign Program only with a sign permit, but which was in existence at the time this Sign Program went into effect, and which was constructed in accordance with the ordinance and other applicable laws in effect on the date of its construction, but which by reason of its size, height, location, design, or construction is not in conformance with the requirements of this Sign Program, shall be classified as a Nonconforming Sign. A change in the information on the face of an existing nonconforming sign is allowed. However, any nonconforming sign shall either be eliminated or made to conform to the requirements of this Section upon proposed expansion of the sign or if the face area of such sign has been damaged beyond 50%.

- b. Lapse of Permit for a Nonconforming Sign. A permit for a nonconforming sign shall lapse and become void under the same circumstances as those under which any other sign permit may lapse and become void.

11. VIOLATIONS. Any of the following shall be a violation of this Sign Program and shall be subject to the enforcement remedies and penalties provided by the Zoning Ordinance, and by state or federal law:

- a. To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the lot on which the sign is located;
- b. To install, create, erect, or maintain any sign requiring a permit without such a permit;
- c. To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the lot on which sign is located;
- d. To fail to remove any sign that is installed, created, erected, or maintained in violation of this Sign Program, or for which the sign permit has lapsed; or
- e. To continue any such violation. Each such day of a continued violation shall be considered a separate violation when applying the penalty portions of the Zoning Ordinance.

12. ENFORCEMENT AND REMEDIES. A violation of this Sign Program shall be considered a violation of the Zoning Ordinance and shall be enforced accordingly.

13. USE AREA SIGN PROGRAMS. (See attached.)

NEIGHBORHOOD RESIDENTIAL DISTRICT

Single-Family Residential Areas

- A. Sign and Graphic Requirements - It is the intent of this Sign Program that the design and graphics of the signage in the Single-Family Residential Areas be an additional unifying element within the Anson development. This will be accomplished through the use of similar designs, design elements, materials, location of signs, and lighting techniques.
- B. No signs shall be erected except in conformity with the Anson Sign Program.
- C. Overall Design
 - 1. All identification signs shall utilize the Anson logo to be copyrighted by the Controlling Developer.
 - 2. Ground signs shall not exceed four (4) feet in height and shall use horizontal wording. Monument signs shall not exceed eight (8) feet in height and may use diagonal or vertical wording.
 - 3. Identification Signs may identify:
 - a. Subdivision Entrances
 - b. Amenity Areas
 - c. Pathway/Walkway System
 - d. Common Areas
- D. Permanent Subdivision Identification Signs shall include one of the following options:
 - 1. Single face monument or ground sign(s) located on either or both side(s) of the main street entrance; or
 - 2. Double face monument or ground sign placed in the boulevard median of the main street entrance; or
 - 3. Single face wall sign(s) located on a fence or wall on either or both side(s) of the main street entrance.
- E. Sign material for permanent signs shall consist of a combination of limestone, granite, field stone, brick, steel and/or aluminum, excluding the sign faces.
 - 1. Signs shall indicate the name and/or logo of the neighborhood.
 - 2. Signs shall not exceed forty (40) square feet of sign surface, single sided or eighty (80) square feet double sided.
 - 3. Signs shall not encroach into any public right-of-way, except as noted in D,2 above.
 - 4. Signs shall not interfere with the sight triangle requirements of the Boone County Ordinances.
 - 5. Entrance wall heights for signs shall not exceed 6 feet and column heights shall not exceed 8 feet.
 - 6. If the sign is located on a fence or wall, only the area of the actual sign itself shall be calculated in determining the maximum sign area, not the fence or wall itself.
- F. Address signage on individual single-family units shall comply with Boone County requirements.
- G. Identification Signs shall include a landscape design package appropriate to the sign and site location.

BUSINESS DISTRICT

Two-Family Residential Areas

- A. Sign and Graphic Requirements - It is the intent of this Sign Program that the design and graphics of the signage in the Two-Family Residential Areas be an additional unifying element within the Anson development. This will be accomplished through the use of similar designs, design elements, materials, location of signs, and lighting techniques.
- B. No signs shall be erected except in conformity with the Anson Sign Program.
- C. Overall Design
 - 1. All identification signs shall utilize the Anson logo to be copyrighted by the Controlling Developer.
 - 2. Ground signs shall not exceed four (4) feet in height and shall use horizontal wording. Monument signs shall not exceed eight (8) feet in height and may use diagonal or vertical wording.
 - 3. Identification Signs may identify:
 - a. Subdivision Entrances
 - b. Amenity Areas
 - c. Pathway/Walkway System
 - d. Common Areas
- D. Permanent Subdivision Identification Signs shall include one of the following options:
 - 1. Single face monument or ground sign(s) located on either or both side(s) of the main street entrance; or
 - 2. Double face monument or ground sign placed in the boulevard median of the main street entrance; or
 - 3. Single face wall sign(s) located on a fence or wall on either or both side(s) of the main street entrance.
- E. Sign material for permanent signs shall consist of a combination of limestone, granite, field stone, brick, steel and/or aluminum, excluding the sign faces.
 - 1. Signs shall indicate the name and/or logo of the neighborhood.
 - 2. Signs shall not exceed forty (40) square feet of sign surface, single sided or eighty (80) square feet double sided.
 - 3. Signs shall not encroach into any public right-of-way, except as noted in D.2 above.
 - 4. Signs shall not interfere with the sight triangle requirements of the Boone County Ordinances.
 - 5. Entrance wall heights for signs shall not exceed 6 feet and column heights shall not exceed 8 feet.
 - 6. If the sign is located on a fence or wall, only the area of the actual sign itself shall be calculated in determining the maximum sign area, not the fence or wall itself.
- F. Address signage on individual two-family units shall comply with Boone County requirements.
- G. Identification Signs shall include a landscape design package appropriate to the sign and site location.

BUSINESS DISTRICT

Multi-Family Residential Areas

- A. Sign and Graphic Requirements - It is the intent of this Sign Program that the design and graphics of the signage in the Multi-Family Residential Areas be an additional unifying element within the Anson development. This will be accomplished through the use of similar designs, design elements, materials, location of signs, and lighting techniques.
- B. No signs shall be erected except in conformity with the Anson Sign Program.
- C. Overall Design
 - 1. All identification signs shall utilize the Anson logo to be copyrighted by the Controlling Developer.
 - 2. Ground signs shall not exceed four (4) feet in height and shall use horizontal wording. Monument signs shall not exceed eight (8) feet in height and may use diagonal or vertical wording.
 - 3. Identification Signs may identify:
 - a. Subdivision Entrances
 - b. Amenity Areas
 - c. Pathway/Walkway System
 - d. Common Areas
- D. Permanent Subdivision Identification Signs shall include one of the following options:
 - 1. Single face monument or ground sign(s) located on either or both side(s) of the main street entrance; or
 - 2. Double face monument or ground sign placed in the boulevard median of the main street entrance; or
 - 3. Single face wall sign(s) located on a fence or wall on either or both side(s) of the main street entrance.
- E. Sign material for permanent signs shall consist of a combination of limestone, granite, field stone, brick, steel and/or aluminum, excluding the sign faces.
 - 1. Signs shall indicate the name and/or logo of the project or neighborhood.
 - 2. Signs shall not exceed forty (40) square feet of sign surface, single sided or eighty (80) square feet double sided.
 - 3. Signs shall not encroach into any public right-of-way, except as noted in D.2 above.
 - 4. Signs shall not interfere with the sight triangle requirements of the Boone County Ordinances.
 - 5. Entrance wall heights for signs shall not exceed 6 feet and column heights shall not exceed 8 feet.
 - 6. If the sign is located on a fence or wall, only the area of the actual sign itself shall be calculated in determining the maximum sign area, not the fence or wall itself.
- F. Address signage on individual multi-family units shall comply with Boone County requirements.
- G. Identification Signs shall include a landscape design package appropriate to the sign and site location.

BUSINESS DISTRICT

Professional Office Areas

- A. Sign and Graphic Requirements - It is the intent that the design and graphics of the signage in the Professional Office Areas be an additional unifying element within the Anson development. This will be accomplished through the use of similar designs, design elements, materials, location of signs, and lighting techniques.
- B. No signs shall be erected except in conformity with the Anson Sign Program.
- C. Overall Design
 - 1. Signs shall utilize the Anson logo, to be copyrighted by the Controlling Developer, consistent with the signs depicted on Exhibit A.
 - 2. All identification and directional signs shall be consistent with those depicted on Exhibit A.
 - 3. Development Pylon Monument Signs may identify groupings of professional office buildings.
 - 4. Tenant(s) Identification Monument Signs may identify individual professional office buildings.
- D. Sign material for all identification and directional signs shall consist of a combination of limestone, granite, field stone, brick, steel and/or aluminum, excluding the sign faces.
 - 1. Signs may indicate the name and/or logo of the Area.
 - 2. The minimum setback for all Development Pylon Monument Signs, District Directional Monument Signs and Tenant(s) Identification Monument Signs shall be fifteen (15) feet from the existing street right-of-way line or the required building setback line, whichever is lesser.
 - 3. Signs shall not interfere with the sight triangle requirements of the Boone County Ordinances.
- E. Address signage shall comply with Boone County requirements.
- F. Development Pylon Monument Signs and Tenant(s) Identification Monument Signs shall include a landscape design package appropriate to the sign and site location.
- G. Building Identification Wall Signs
 - 1. The maximum sign surface area for building identification wall signs shall not exceed twenty (20) percent of the area of the front façade, fifteen (15) percent of the area of the side facades (each side façade shall be calculated separately) and ten (10) percent of the rear façade.
 - 2. Any combination of building identification wall signs may be utilized, so long as the total surface area on a particular building façade does not exceed the percentage noted in 1. above.
 - 3. There shall be no limit on the number of wall signs allowed, provided the provisions noted in 1. above are not exceeded on the façade on which the signs are located.
 - 4. On buildings having more than one (1) street frontage, the maximum allowable square footage of wall signs are permitted for each building frontage. Said

maximum allowance, however, is not transferable either in whole or in part from one building frontage to another.

5. Other than logo "boxes", all building identification wall signs shall consist of individual dimensional letters with 1/8 inch minimum plastic faces which are (i) illuminated reverse metal construction channel letters with clear backs or (ii) internally illuminated self-contained channel letters with the letter back being aluminum welded to sidewalls and sealed and which do not project more than eight (8) inches beyond the building wall or fascia. The type of wall sign illumination (reverse or internal), except for logo illumination, shall be consistent on each building.
6. Raceways shall not be permitted unless a waiver is granted by the Controlling Developer and raceways with a waiver shall only be used on masonry walls or facades and shall be painted to match the wall or façade.

H. Window Signs

1. The sign copy area shall (i) not exceed twenty-five (25) percent of the window surface area on which it is placed or through which it is viewed and (ii) be limited to door windows and door side-light windows.
2. The sign surface area calculation of window signs shall be included in the total area of building identification wall signs permitted.

I. Roof-Integral Signs, Projecting Signs, Suspended Signs, Awning Signs, Canopy Signs and Marquee Signs shall comply with the requirements contained in Exhibit B.

BUSINESS DISTRICT

Retail Areas

- A. Sign and Graphic Requirements - It is the intent that the design and graphics of the signage in the Retail Areas be an additional unifying element within the Anson development. This will be accomplished through the use of similar designs, design elements, materials, location of signs, and lighting techniques.
- B. No signs shall be erected except in conformity with the Anson Sign Program.
- C. Overall Design
 - 1. Signs shall utilize the Anson logo, to be copyrighted by the Controlling Developer, consistent with the signs depicted on Exhibit A.
 - 2. All identification and directional signs shall be consistent with those depicted on Exhibit A.
 - 3. Identification Pylon Signs may identify groupings of retail buildings.
 - 4. Tenant(s) Identification Monument Signs may identify individual retail buildings.
- D. Sign material for all identification and directional signs shall consist of a combination of limestone, granite, field stone, brick, steel and/or aluminum, excluding the sign faces.
 - 1. Signs may indicate the name and/or logo of the Area.
 - 2. The minimum setback for all Identification Pylon Signs, District Directional Monument Signs and Tenant(s) Identification Monument Signs shall be fifteen (15) feet from the existing street right-of-way line or the required building setback line, whichever is lesser.
 - 3. Signs shall not interfere with the sight triangle requirements of the Boone County Ordinances.
- E. Address signage shall comply with Boone County requirements.
- F. Identification Pylon Signs and Tenant(s) Identification Monument Signs shall include a landscape design package appropriate to the sign and site location.
- G. Building Identification Wall Signs
 - 1. The maximum sign surface area for building identification wall signs shall not exceed twenty (20) percent of the area of the front façade, fifteen (15) percent of the area of the side façades (each side façade shall be calculated separately) and ten (10) percent of the rear façade.
 - 2. Any combination of building identification wall signs may be utilized, so long as the total surface area on a particular building façade does not exceed the percentage noted in 1. above.
 - 3. In addition to paragraphs 1. and 2. above, the linear measurement of the sign shall not exceed eighty (80) percent of the liner frontage of the façade of the structure or tenant space.
 - 4. There shall be no limit on the number of wall signs allowed, provided the provisions noted in 1. above are not exceeded on the façade on which the signs are located.
 - 5. On buildings having more than one (1) street frontage, the maximum allowable square footage of wall signs are permitted for each building frontage or occupancy. Said maximum allowance, however, is not transferable either in

whole or in part from one building frontage to another nor from one occupancy to another occupancy.

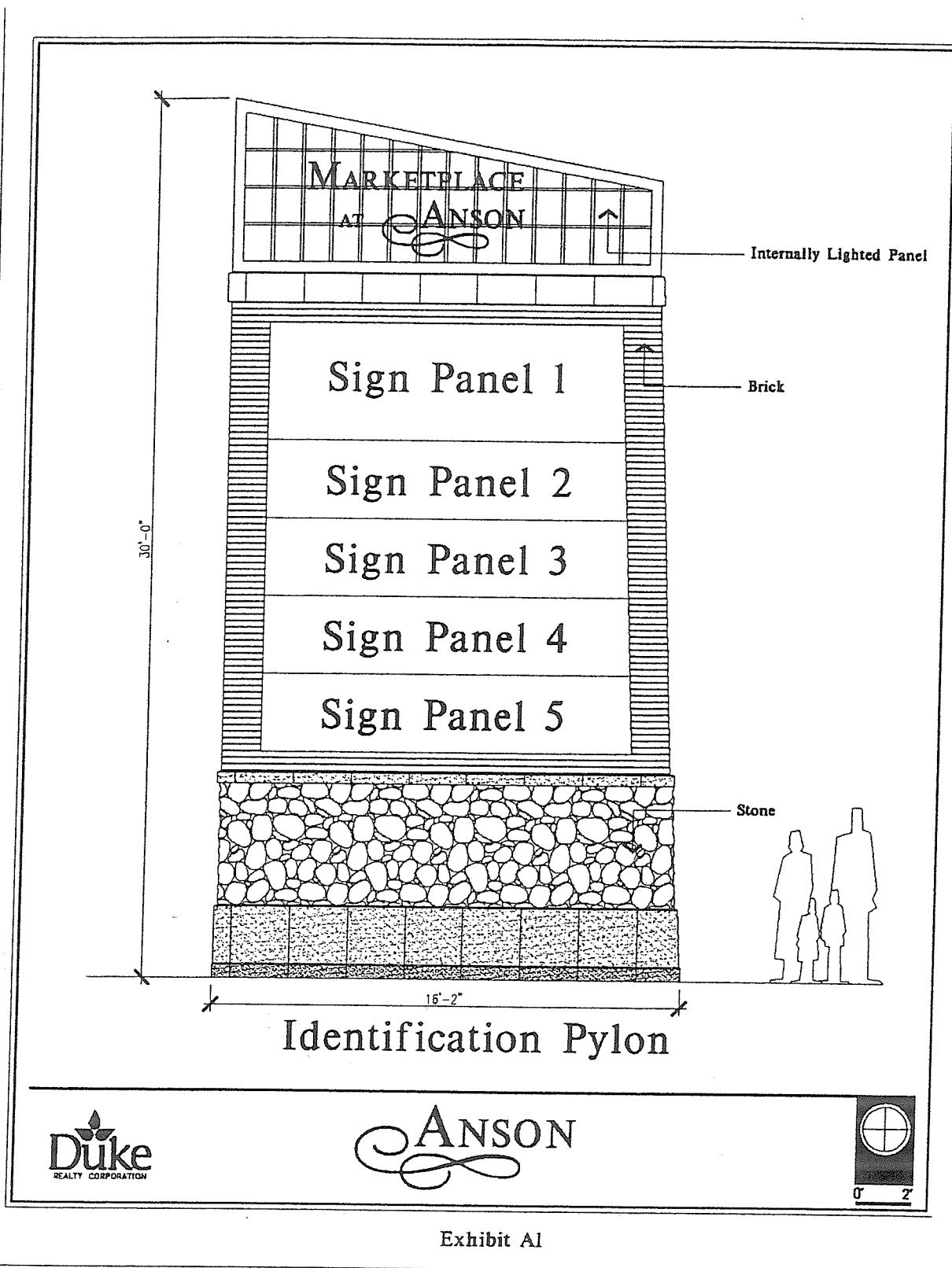
6. Other than logo "boxes", all building identification wall signs shall consist of individual dimensional letters with 1/8 inch minimum plastic faces which are (i) illuminated reverse metal construction channel letters with clear backs or (ii) internally illuminated self-contained channel letters with the letter back being aluminum welded to the sign sidewalls and sealed and which do not project more than eight (8) inches beyond the building wall or fascia. The type of wall sign illumination (reverse or internal), except for logo illumination, shall be consistent on each building.
7. Raceways shall not be permitted unless a waiver is granted by the Controlling Developer and raceways with a waiver shall only be used on masonry walls or facades and shall be painted to match the wall or façade.

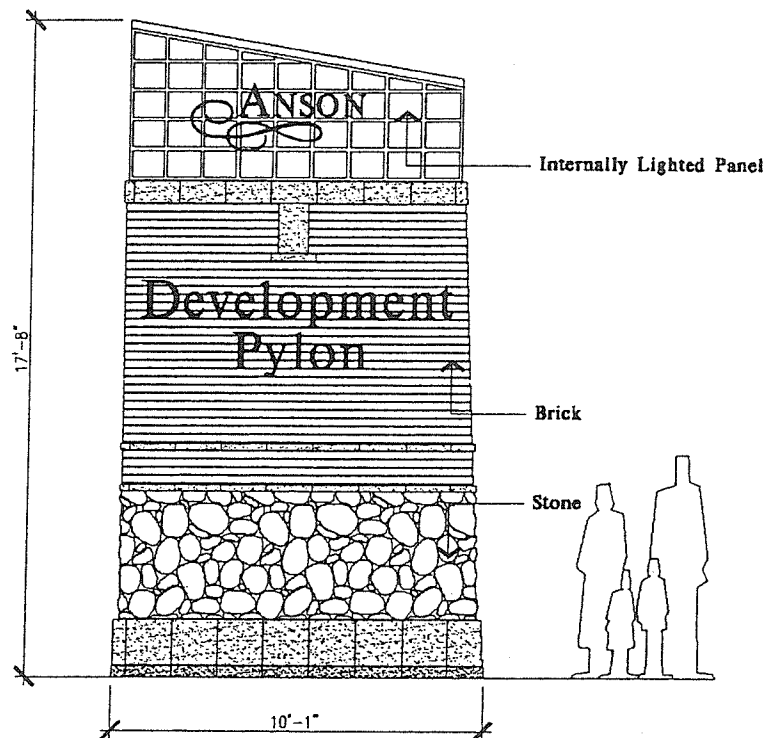
H. Window Signs

1. The sign copy area shall (i) not exceed twenty-five (25) percent of the window surface area of door windows and door side-light windows on which it is placed or through which it is viewed and (ii) subject to the approval of the Controlling Developer, be limited to a maximum of ten (10) percent of the area of other windows.
2. The sign surface area calculation of window signs shall be included in the total area of building identification wall signs permitted.

I. Roof-Integral Signs, Projecting Signs, Suspended Signs, Awning Signs, Canopy Signs and Marquee Signs shall comply with the requirements contained in Exhibit B.

EXHIBIT A

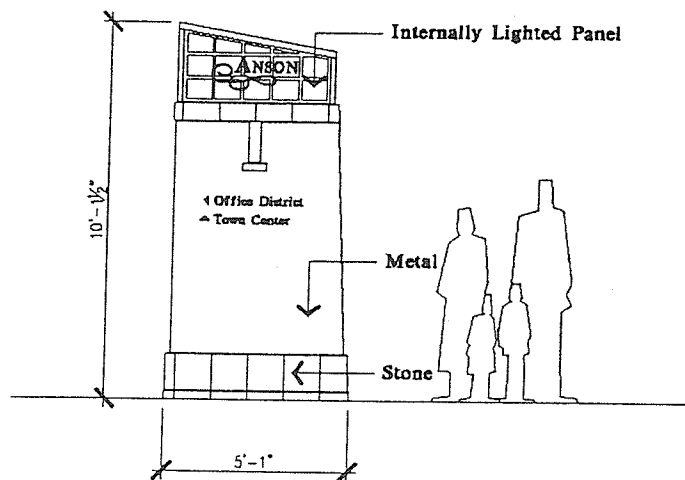




Development Pylon Monument



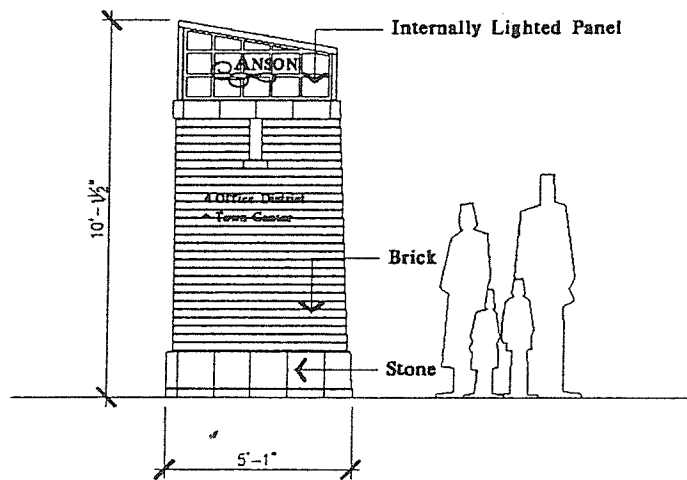
Exhibit A2



District Directional Monument



Exhibit A3



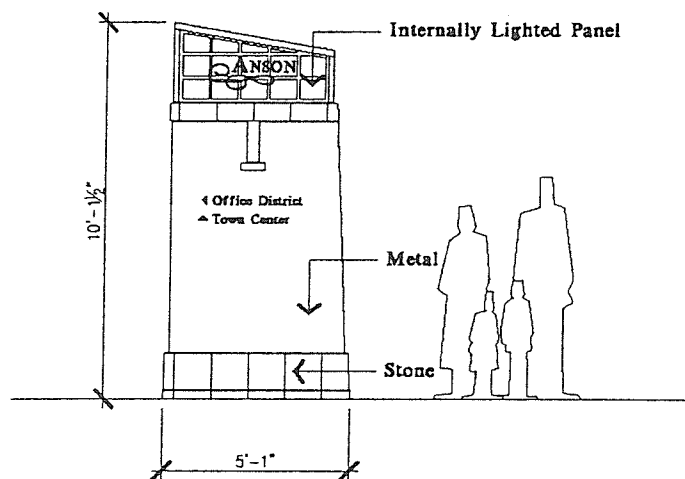
District Directional Monument



ANSON



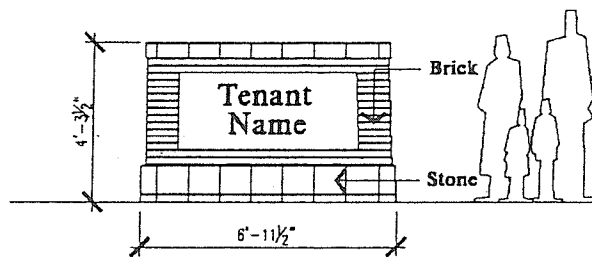
Exhibit A3



District Directional Monument



Exhibit A3



Tenant(s) Identification Monument

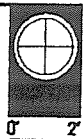
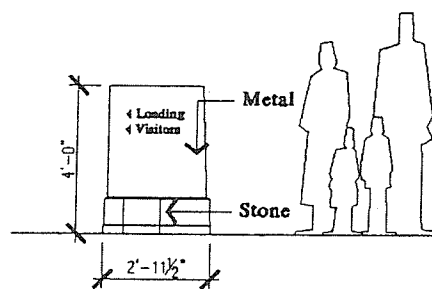


Exhibit A4



Directional Sign

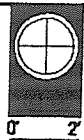


Exhibit A5

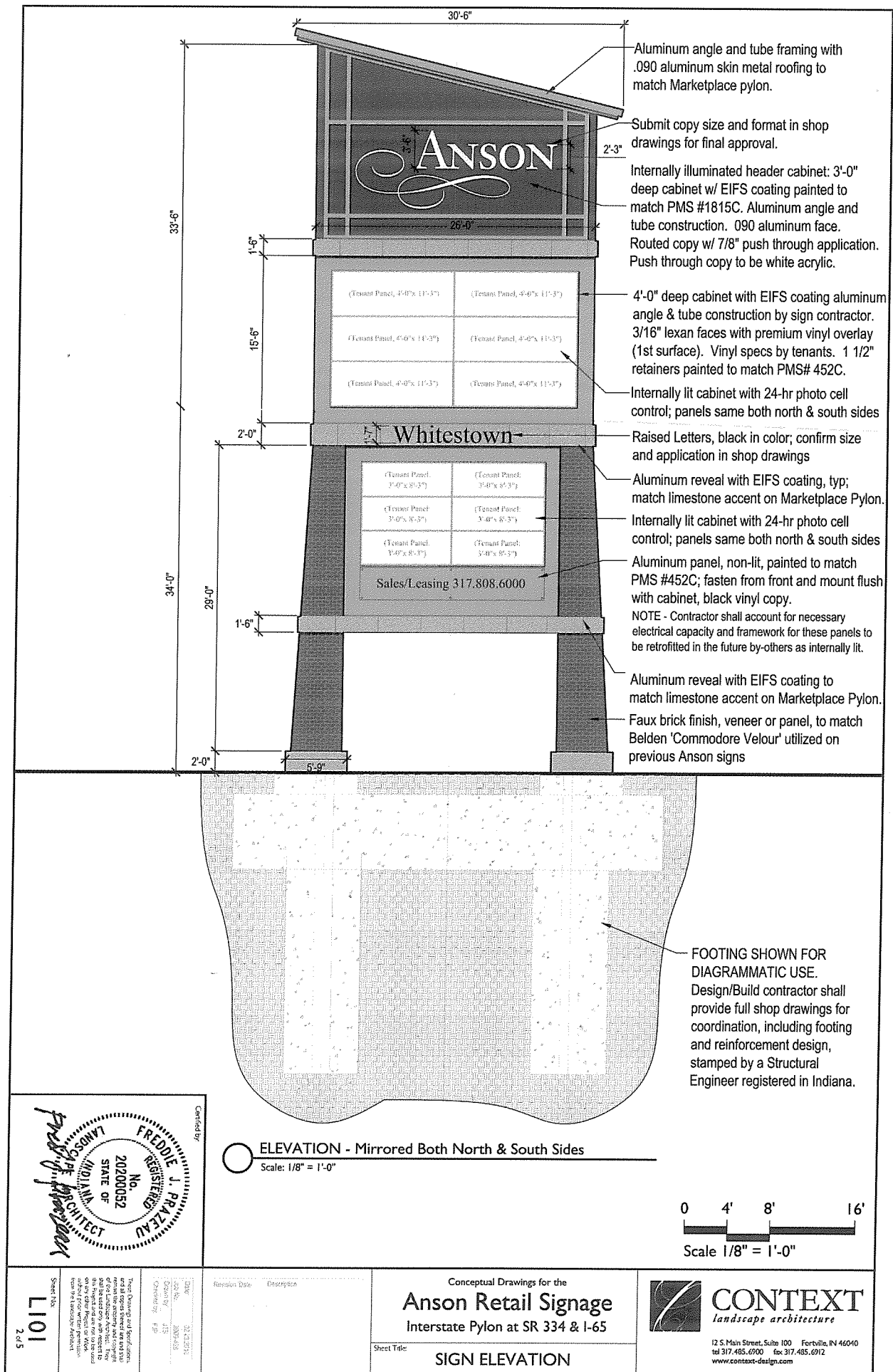


Exhibit A6

EXHIBIT B

1. Definitions:

Awning – a roof-like cover, often of fabric, metal, plastic, fiberglass or glass, designed and intended for protection from the weather or as a decorative embellishment and which is supported by and projects from a wall or roof of a structure over a window, walk, door, or the like.

Awning Sign – any sign which is affixed or graphically printed on or in some fashion attached directly to the awning cover.

Canopy – a roof-like cover, often of fabric, metal, plastic, fiberglass, or glass, on a support which is supported, in total or in part, from the ground and which provides shelter over, for example, a doorway, outside walk, parking area or outdoor service area.

Canopy Sign – any sign that is part of, affixed to, or in some fashion attached directly to the canopy cover.

Integral Roof Sign – any sign erected or constructed as an integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof such that the closest point of the sign elements from the roof structure shall not be more than six inches.

Marquee Sign – any sign painted, mounted, constructed or attached in any manner on the marquee cover.

Projecting Sign – any sign which is affixed to a building or wall in such a manner that its leading edge extends more than eighteen (18) inches beyond the surface of the adjacent building wall face.

Wall Sign – any sign attached parallel to, but within eighteen inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface. Except, however, the logo portion of a wall sign may project above the limits of an outside wall with the approval of the Controlling Developer.

2. Awning and Canopy Signs:

- a. WHERE PERMITTED. Canopy and awning signs shall be permitted in the Business District Professional Office Areas and in the Business District Retail Areas.
- b. MAXIMUM SIGN AREA. The provisions of Section G.1 shall apply. The total sign content of copy area of awning or canopy signs shall not exceed forty-five

percent (45%) of the area of the awning or canopy on which it is placed. The computation of the sign copy area of the awning or canopy sign shall be limited only to the area of the awning or canopy which contains the graphics or sign..

- c. CLEARANCE FROM GRADE. All portions of a canopy or awning shall be not less than eight (8) feet above the finished grade beneath the awning or canopy.
- d. MINIMUM SET BACK, FRONT. The horizontal projection of any awning or canopy may extend to a point not closer than two (2) feet from an imaginary perpendicular vertical plane at the street pavement edge, back of curb or outside edge of the sidewalk.

3. Integral Roof Signs:

- a. WHERE PERMITTED. Integral roof signs shall be permitted in the Business District Professional Office Areas and in the Business District Retail Areas.
- b. MAXIMUM SIGN AREA. The provisions of Section G.1 shall apply.
- c. NUMBER OF SIGNS. One (1) integral roof sign shall be permitted per each building façade (if a single use) or tenant space (if an integrated center), subject to the provisions of Section G, 2-4.

4. Marquee Signs:

- a. WHERE PERMITTED. Marquee signs shall be permitted in the Business District Retail Areas.
- b. MAXIMUM SIGN AREA. The provision of Section G.1 shall apply. The total sign area of marquee signs shall not exceed seventy-five percent (75%) of the area of the marquee on which it is placed. The computation of the sign copy area of the marquee sign shall be limited to the area of the marquee which contains the graphics or sign.
- c. CLEARANCE FROM GRADE. All portions of a marquee shall be not less than eight (8) feet above the finished grade beneath the Marquee.
- d. MINIMUM SETBACK, FRONT. The horizontal projection of any marquee may extend to a point not closer than two (2) feet from an imaginary perpendicular vertical plane at the street pavement edge, back of curb or outside edge of the sidewalk.

5. Projecting Signs:

- a. WHERE PERMITTED. Projecting signs shall be permitted in the Business District Retail Areas.

- b. MAXIMUM SIGN AREA. The provisions of Section G.1 shall apply.
 - c. NUMBER OF SIGNS. One projecting sign shall be permitted per each building façade (if a single use) or grade level tenant space (if an integrated center), subject to the provisions of Section G, 2-4.
 - d. MAXIMUM PROJECTION FROM A BUILDING. No projecting sign or sign structure shall extend more than eight (8) feet from, beyond, or above its supporting building.
 - e. CLEARANCE FROM GRADE. All portions of any projecting sign or sign structure shall be not less than eight (8) feet above the finished grade beneath the projecting sign.
 - f. MINIMUM SETBACK, FRONT. The horizontal projection of any projecting sign may extend to a point not closer than two (2) feet from an imaginary perpendicular vertical plane at the street pavement edge, back of curb or outside edge of the sidewalk.
6. Suspended Signs:
- a. WHERE PERMITTED. Suspended signs shall be permitted in the Business District Professional Office Areas and in the Business District Retail Areas.
 - b. MAXIMUM SIGN AREA. The maximum sign surface area for a suspended sign shall not exceed five (5) square feet. In addition, the provisions of Section G.1 shall apply.
 - c. NUMBER OF SIGNS. One suspended sign shall be permitted per each building façade (if a single use) or grade level tenant space (if an integrated center).
 - d. CLEARANCE FROM GRADE. All portions of any suspended sign or sign structure shall not be less than eight (8) feet above the finished grade beneath the suspended sign.