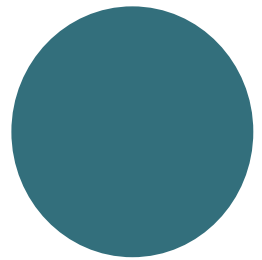
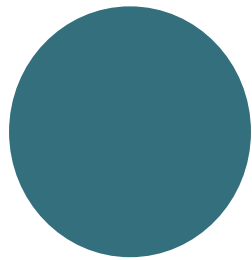


Unified Development Ordinance



WHITESTOWN, INDIANA

February 2017



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Chapter 1

Introductory Provisions

INTRODUCTORY PROVISIONS

A. Zoning Standards.

1. **General Provisions.** Pursuant to IC 36-7-4-606(a) and IC 36-7-4-610(h), the Whitestown Town Council hereby adopts this ordinance as a replacement zoning ordinance for the planning and zoning jurisdiction of the Town of Whitestown.
 - a. Title. This ordinance may be cited as the “Whitestown Unified Development Ordinance,” “UDO,” or “ordinance.” Except as otherwise provided in this ordinance, the provisions of this ordinance shall be constructed as prescribing the zoning standards for the Town of Whitestown.
 - b. Interpretation. In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, morals, convenience, and general welfare. It is not the intent of this ordinance, nor would it be the result of this ordinance, that any usage of land existing at the time or prior to the passage of this ordinance, which was illegal or unlawful under former zoning ordinances or regulations, should become legal or lawful under the terms of this ordinance.
 - c. Non-interference with Greater Restrictions Otherwise Imposed. It is not the intention of this ordinance to interfere with, or abrogate, or annul any easements, covenants, or other agreements between parties, nor to interfere with, or abrogate, or annul any ordinances, other than those expressly repealed hereby, rules, regulations or permits previously adopted or issued, and not in conflict with any of the provisions of this ordinance, or which shall be adopted or approved, except, that where this ordinance imposes a greater restriction upon the use of buildings or land, or upon the height of buildings, or requires larger open spaces or greater lot area per family, than are required or imposed by such easements, covenants or agreements between parties, or by such ordinances, rules, regulations or permits, the provisions of this ordinance shall control.
2. **Purpose.** The purpose of these regulations is to protect and promote the public health, safety, and general welfare of the residents in the jurisdiction of the Town of Whitestown, and to:
 - a. Guide future growth and development in accordance with the comprehensive planning process;
 - b. Protect the character and the social and economic stability of all parts of the area;
 - c. Encourage orderly and beneficial development of all parts;
 - d. Protect and conserve the value of land, buildings, and other improvements upon the land, and minimize the conflicts among the uses of land or buildings;
 - e. Avoid scattered and uncontrolled subdivision of land that would result in the unnecessary imposition of an excessive expenditure of public funds for the supply of services that are a part of the community infrastructure.

3. **Severability.** If any chapter, section, subsection, clause, paragraph, provision, or portion of this ordinance shall be held to be invalid or unconstitutional by any court of proper jurisdiction, such decision shall not affect any other chapter, section, subsection, clause, paragraph, provision, or portion of this ordinance.
4. **Effective Date.** Pursuant to IC 36-7-4-610(e), the Whitestown Unified Development Ordinance took effect July 1, 2015.

B. Subdivision Control Standards

1. **General Provisions.** Pursuant to IC 36-7-4-606(a) and IC 36-7-4-610(h), the Whitestown Town Council hereby adopts this ordinance as a replacement subdivision control ordinance for the planning and zoning jurisdiction of the Town of Whitestown. In accordance with Subsection A.1.a above, this ordinance may be cited as the “Whitestown Unified Development Ordinance,” “UDO,” or “ordinance.” The provisions of Chapters 6 and 7 of this ordinance shall be construed as prescribing the subdivision control standards for the Town of Whitestown.
2. **Purpose.** This ordinance is enacted for the purpose of adopting subdivision regulations for the jurisdictional area of the WPC. The regulation of land subdivision has become widely recognized as a method of ensuring sound community growth and the safeguarding of the interests of the home owner, the subdivider, and the Town. The citizens of Whitestown need the assurance that residential subdivisions will provide permanent assets to their community or neighborhood. This ordinance should be viewed, not as an end in itself, but as one tool or technique for the shaping of urban oriented land use according to the Comprehensive Plan. The planning of a subdivision is the joint responsibility of the subdivider and the WPC, the former having the prime responsibility for the creation of desirable, stable neighborhoods that become an integral part of the entire town. Subdivision design and utilities can enhance or depreciate the character and potentialities of the surrounding areas and stabilize or endanger the individual’s investment in a home. The WPC has the responsibility of helping the subdivider achieve a high standard of excellence in the planning of his subdivision, and of informing all subdividers of the minimum standards and requirements for subdivision development within Whitestown. Furthermore, the purpose of these subdivision regulations are to protect and promote the public health, safety, and general welfare, and to:
 - a. Avoid scattered and uncontrolled subdivision of land that would result in the unnecessary imposition of an excessive expenditure of public funds for the supply of services that are a part of the community infrastructure.
 - b. Establish reasonable standards and procedures for subdivisions and replats, in order to further the orderly layout and use of land, and to ensure proper legal descriptions and monumenting of subdivided land.
 - c. Prevent the pollution of air and water; provision of drainage facilities and the safeguarding of the water table; and the encouragement of wise use and management

of natural resources in order to preserve the integrity, stability, natural beauty and topography, and the value of land.

- d. Simplify land descriptions and avoid susceptibility to more than one interpretation.

3. Establishment of Control. No plat or replat of a subdivision of land located within the jurisdiction of the WPC shall be recorded until it has been approved by the WPC or Plat Committee, and such approval has been entered in writing on the plat by the WPC President and the Administrator. In determining whether an application for approval of a Primary Plat or a Secondary Plat of a subdivision shall be granted, the WPC shall determine that the plat is in accordance with the principles and standards required in this ordinance which shall be deemed as minimal; and whenever the applicable requirements of other ordinances adopted by the Town Council are higher or more restrictive, those requirements shall control any application for plat approval.

- a. Before granting approval of any subdivision, the WPC shall be satisfied that the proposed subdivision meets the criteria set forth in all other applicable ordinances including, but not limited to the *Storm Drainage, Erosion, and Sediment Control Ordinance* and the *Flood Hazard Management Ordinance*.
- b. Due consideration shall be given to the prevention of air and stream pollution, proper treatment and disposal of refuse and other waste, and the elimination of other blighting characteristics.
- c. Land may be considered by the WPC to be unsuitable for such use by reason of flooding or improper drainage, objectionable earth and rock formations, topography, or any other feature harmful to the health and safety of potential residents and the community as a whole.
- d. No land shall be subdivided for residential use unless adequate access to the land over approved streets or thoroughfares exists or will be provided by the subdivider.
- e. No land shall be subdivided unless the intended use of the individual lot is in conformance with the Zoning Ordinance, now or hereafter adopted.

Chapter 2










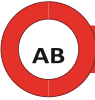

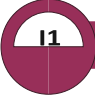

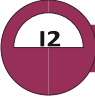


Zoning Districts

Zoning Districts

Zoning Districts Introduction

A . General .

The jurisdiction area is hereby classified and divided into districts.

 C	Conservation	 LB	Local Business
 AP	Agricultural Preservation	 PB	Professional Business
 AG	General Agriculture	 UB	Urban Business
 RE	Rural Equestrian	 GB	General Business
 R1	Low-density Single-family Residential	 AB	Accommodation Business
 R2	Low-density Single-family & Two-family Residential	 I1	Light Industry
 R3	Medium-density Single-family & Two-family Residential	 I2	General Industry
 MF	High-density Multi-family Residential	 PUD	Planned Unit Development

B . USES NOT LISTED .

For uses not listed, the Administrator 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 Administrator determines that the use is not similar, then the application shall be denied. In case of uncertainty, the Administrator may refer the request for clarification or classification to the WBZA for consideration in accordance with the provisions of Section 9.3.E.4. Uses Not Listed under the Duties of the Board of Zoning Appeals.

C . DEVELOPMENT STANDARDS

1. Lot Width. Lot width is measured at the building line.
2. Minimum Front Yard Setback. Minimum front yard setback is as shown or 70 (seventy) feet from the center of the road, whichever is greater (not applicable to flag lots).
3. Minimum Side Yard Setback. In all districts, a side yard adjoining a street which does not face the primary structure is 25 (twenty-five) feet or 70 (seventy) feet from the centerline of the road, whichever is greater. The minimum side yard setback is as shown or the width of the applicable bufferyard, whichever is greater.
4. Minimum Rear Yard Setback. Minimum rear yard setback is as shown or the width of the applicable bufferyard, whichever is greater.
5. Where encroachment into the public right-of-way is approved by the Town Council pursuant to Section 7.8.B.4, a setback line may be extended into an alley located within the Legacy Core, as defined in the Whitestown Comprehensive Plan Chapter 4.10.

2.1 General Agricultural



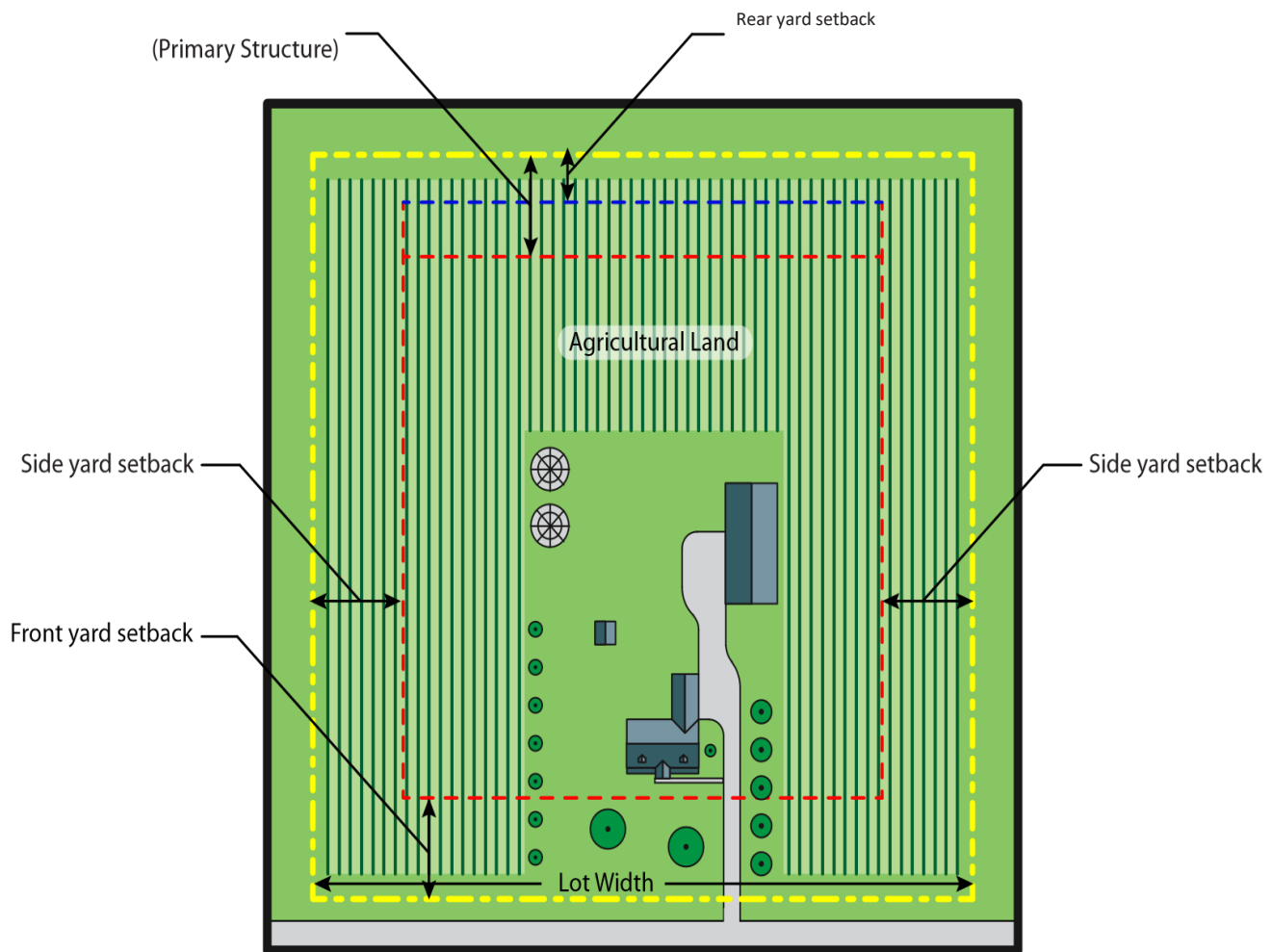
A. Purpose.

This district is intended to maintain the rural and scenic qualities of the existing rural areas by preserving farm land and significant open lands while allowing landowners a reasonable return on their holdings. This district is designated to (a) minimize the loss of farm lands and significant open lands to residential uses through the establishment of contiguous parcels of non-residential acres, and (b) maximize the clustering of rural residential lots on the least number of acres located on existing farmlands and significant open lands.

B. General Agricultural-Uses.

Permitted Uses.	Permitted Conditional Uses.
<ul style="list-style-type: none"> • Church or Temple • Civic, Social, or Religious Organizations • Customary Home Occupation (Accessory Use) • Elementary & Secondary Schools • Farm • Farm Seasonal Worker Housing • Hay, Grain, & Feed Stores • Libraries & Information Centers • Municipal or Government Buildings • Plant Nursery • Seasonal Hunting & Fishing Lodge • Temporary Mobile Home 	<ul style="list-style-type: none"> • Cemetery or Crematory • Commercial Facility for Breeding Nonfarm Fowl • Confined Feeding • Fairgrounds • Police, Postal, or Fire Station • Publicly Owned Park or Recreational Facility • Roadside Produce Stand • Sale Barn for Livestock • Sanitary Landfill, Publicly Owned • Stable, Private • Stable, Public

Special Exceptions.	Special Exception Conditional Uses.
<ul style="list-style-type: none"> • Animal Day Care Facility • Bed & Breakfast • Dwelling - Single-family • Landscape Contractor • Minor Residential Subdivision • Studio Business 	<ul style="list-style-type: none"> • Anhydrous Ammonia Storage & Distribution • Compost/Digester Facility • Construction/Demolition Site • Day Care Center • Incinerator • Kennel, Large • Kennel, Small • Kennel, Unlimited • Mineral Extraction • Outdoor Recreation Facility • Outdoor Shooting Range, public or private • Public Camp Ground or Recreational Vehicle Park • Resource Recovery Facility • Sanitary Landfill, Privately Owned • Slaughter House • Theater, Outdoor • Transfer Station • Veterinary Animal Hospital • Warehouse (Grain Storage) • Wholesale Produce Terminal



Development Standards						
<div>AG</div>		Single-family Residential	Two-family Residential	Multi-family Residential	Mobile Home Parks	Non-residential
Structure Standards						
Maximum height of buildings		35				25
Minimum ground floor area	One-story	1,200				
	Multi-story	900				
Minimum structure size	Minimum width					
	Minimum length					
Minimum primary structure width		18				
Minimum primary structure length						
Minimum distance between dwelling units		140				
Minimum distance between all structures						
Lot Standards						
Minimum lot width		200				
Minimum road frontage		50				45
Minimum lot area per development						
Minimum lot area per unit		15,000				
Minimum front yard setback		50				20
Minimum distance from building to road						
Minimum side yard setback		40				10
Minimum rear yard setback	Primary Structure	40				10
	Accessory Structure	5				10
Maximum density (units/acre)		0.50				
Minimum open space		50%				15%
Maximum lot coverage		50%				
Utility Standards						
Municipal water and sewer required		Yes				Yes

2.2 Low-density Single-family Residential



A . Purpose .

This is a low-density suburban residential district. The lot area and minimum floor area requirements are larger than the other residential districts. Development in this district is typically at a density of less than one (1) home per two (2) acres.

B . Low-Density Single-Family Residential-Uses .

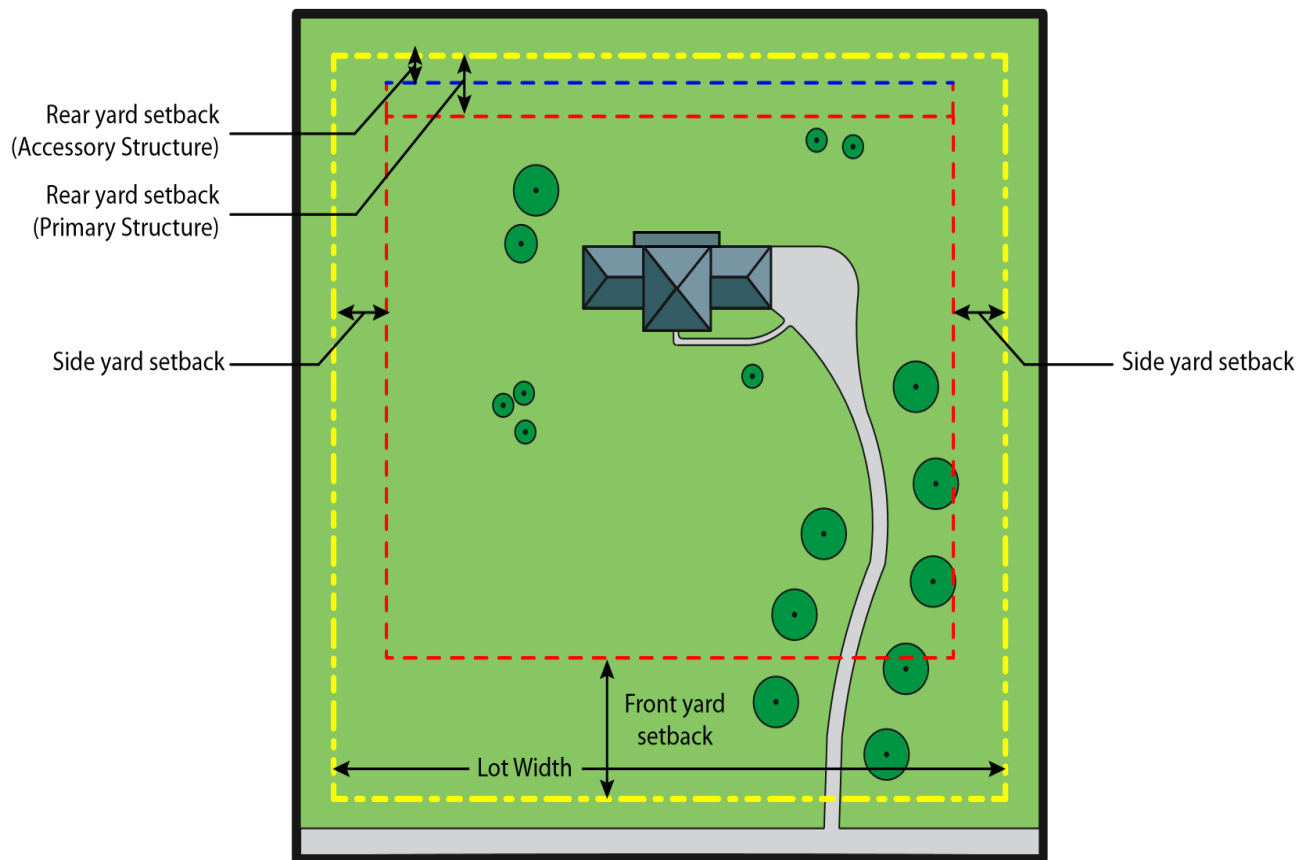
Permitted Uses.	Permitted Conditional Uses.
<ul style="list-style-type: none"> • Church or Temple • Dwelling - Single-family • Elementary & Secondary Schools • Farm • Libraries & Information Centers • Major Residential Subdivision • Mass Transit Station • Minor Residential Subdivision • Public Golf Course • Temporary Mobile Home • Transmission Lines for Utilities 	<ul style="list-style-type: none"> • Composting Facility • Golf & Country Clubs • Long Term Permitted Clean Fill Disposal Site • Long Term Permitted Clean Fill Processing Site • Mobile Home Park • Police, Postal, or Fire Station • Public Water Wells, Water Stations, Filtration Plants • Publicly Owned Park or Recreational Facility • Stable, Private • Temporary Clean Fill Disposal Site • Temporary Clean Fill Land Reclamation Site • Temporary Clean Fill Processing Site


Special Exceptions.	Special Exception Conditional Uses.
<ul style="list-style-type: none"> • Bed & Breakfast • Colleges & Universities • Customary Home Occupation (Accessory Use) • Junior Colleges & Technical Institutes • Municipal or Government Buildings • Studio Business 	<ul style="list-style-type: none"> • Mineral Extraction • Telephone Exchange, or Public Utility Station • Wireless Facility

5. Uses Not Listed. For uses not listed, the Administrator 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 Administrator determines that the use is not similar, then the application shall be denied. In case of uncertainty, the Administrator may refer the request for clarification or classification to the WBZA for consideration in accordance with the provisions of Section 9.3.E.4 (*Uses Not Listed*) under the Duties of the Board of Zoning Appeals.

C. Development Standards.

- 1. Lot Width.** Lot width is measured at the building line.
- 2. Minimum Front Yard Setback.** Minimum front yard setback is as shown or 70 (seventy) feet from the center of the road, whichever is greater (not applicable to flag lots).
- 3. Minimum Side Yard Setback.** In all districts, a side yard adjoining a street which does not face the primary structure is 25 (twenty-five) feet or 70 (seventy) feet from the centerline of the road, whichever is greater. The minimum side yard setback is as shown or the width of the applicable bufferyard, whichever is greater.



DEVELOPMENT STANDARDS						
		Single-family Residential	Two-family Residential	Multi-family Residential	Mobile Home Parks	Non-residential
Structure Standards						
Maximum height of buildings		35				25
Minimum ground floor area	One-story	1,200			1,000	
	Multi-story	900				
Minimum structure size	Minimum width					
	Minimum length					
Minimum primary structure width		18			12	
Minimum primary structure length					70	
Minimum distance between dwelling units						
Minimum distance between all structures					10	
Lot Standards						
Minimum lot width		100				
Minimum road frontage		50				45
Minimum lot area per development					5 acres	
Minimum lot area per unit		15,000			5,000	
Minimum front yard setback		30			20	20
Minimum distance from building to road					20	
Minimum side yard setback		10			10	10
Minimum rear yard setback	Primary Structure	30			10	10
	Accessory Structure	5			10	10
Maximum density (units/acre)		1.00			2.00	
Minimum open space		40%			50%	15%
Maximum lot coverage		50%				
Utility Standards						
Municipal water and sewer required		Yes			Yes	Yes

2.3 Low-density Single family and Two-family Residential

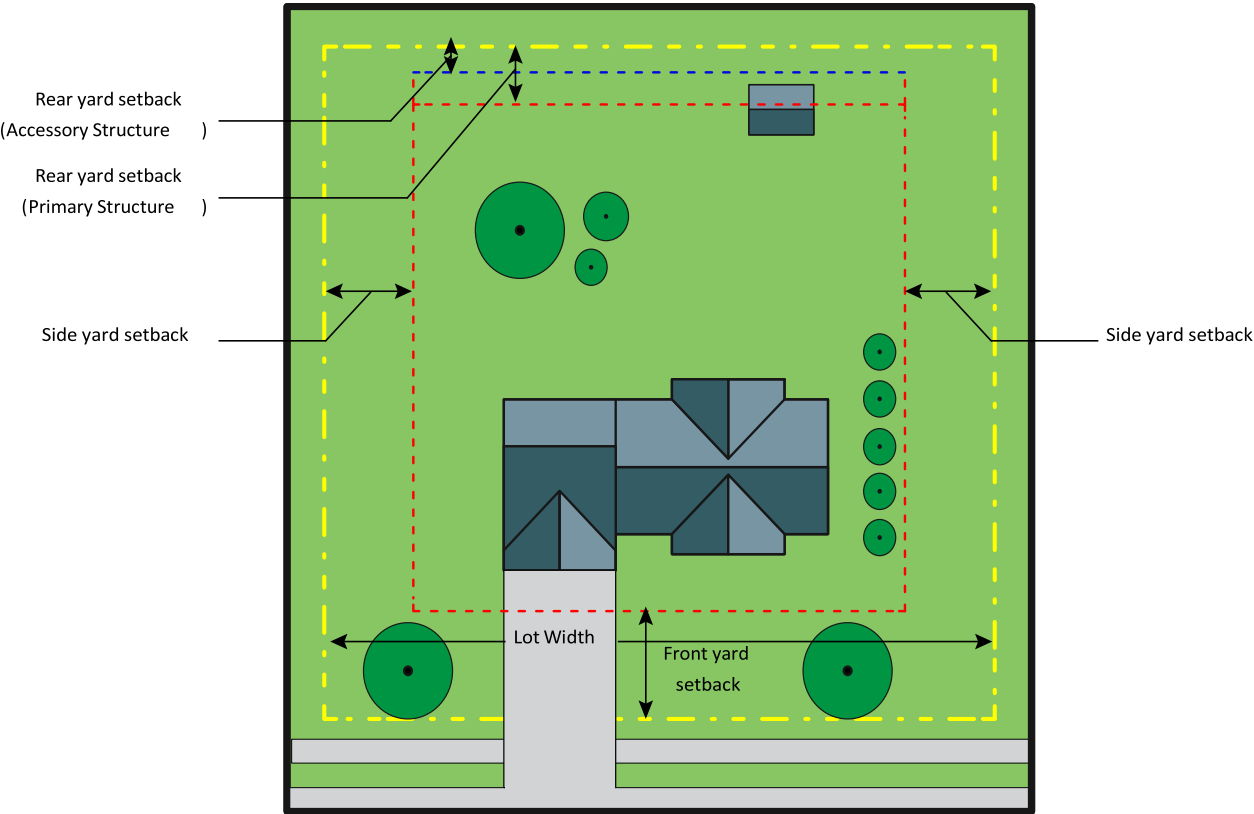



A . Purpose .

This is a low-density single-family district, which could include two-family dwellings with Development Plan approval. This district is primarily suited for suburban residential development in areas contiguous to the urban centers of the town. Development in this district typically ranges from .50 homes per acre (without public water and public sewer) to 1.75 homes per acre (with public water and public sewer).

B . Low-Density Single-Family and Two-Family Residential-Uses .

Permitted Uses.	Permitted Conditional Uses.
<ul style="list-style-type: none"> • Church or Temple • Dwelling - Single-family • Dwelling - Two-family • Elementary & Secondary Schools • Farm • Libraries & Information Centers • Major Residential Subdivision • Minor Residential Subdivision • Municipal or Government Buildings • Public Golf Course • Temporary Mobile Home 	<ul style="list-style-type: none"> • Composting Facility • Golf & Country Clubs • Mobile Home Park • Police, Postal, or Fire Station • Publicly Owned Park or Recreational Facility • Stable, Private • Temporary Clean Fill Disposal Site • Temporary Clean Fill Land Reclamation Site • Temporary Clean Fill Processing Site
Special Exceptions.	Special Exception Conditional Uses.
<ul style="list-style-type: none"> • Bed & Breakfast • Colleges & Universities • Customary Home Occupation (Accessory Use) • Group Residential Facility • Junior Colleges & Technical Institutes • Studio Business 	<ul style="list-style-type: none"> • Long Term Permitted Clean Fill Disposal Site • Long Term Permitted Clean Fill Processing Site • Mineral Extraction



DEVELOPMENT STANDARDS						
		Single-family Residential	Two-family Residential	Multi-family Residential	Mobile Home Parks	Non-residential
Structure Standards						
Maximum height of buildings		35	35			25
Minimum ground floor area	One-story	1,200	900		900	
	Multi-story	900	450			
Minimum structure size	Minimum width					
	Minimum length					
Minimum primary structure width		18			12	
Minimum primary structure length					70	
Minimum distance between dwelling units						
Minimum distance between all structures					10	
Lot Standards						
Minimum lot width		80				
Minimum road frontage		50				45
Minimum lot area per development					5 acres	
Minimum lot area per unit		12,000			5,000	
Minimum front yard setback		25	25		20	20
Minimum distance from building to road					20	
Minimum side yard setback		10	10		10	10
Minimum rear yard setback	Primary Structure	20	20		10	10
	Accessory Structure	5	20		10	10
Maximum density (units/acre)		1.75	1.75		4.00	
Minimum open space		40%	40%		50%	15%
Maximum lot coverage		50%				
Utility Standards						
Municipal water and sewer required		Yes	Yes		Yes	Yes

2.4 Medium-density Single-family and Two-family Residential

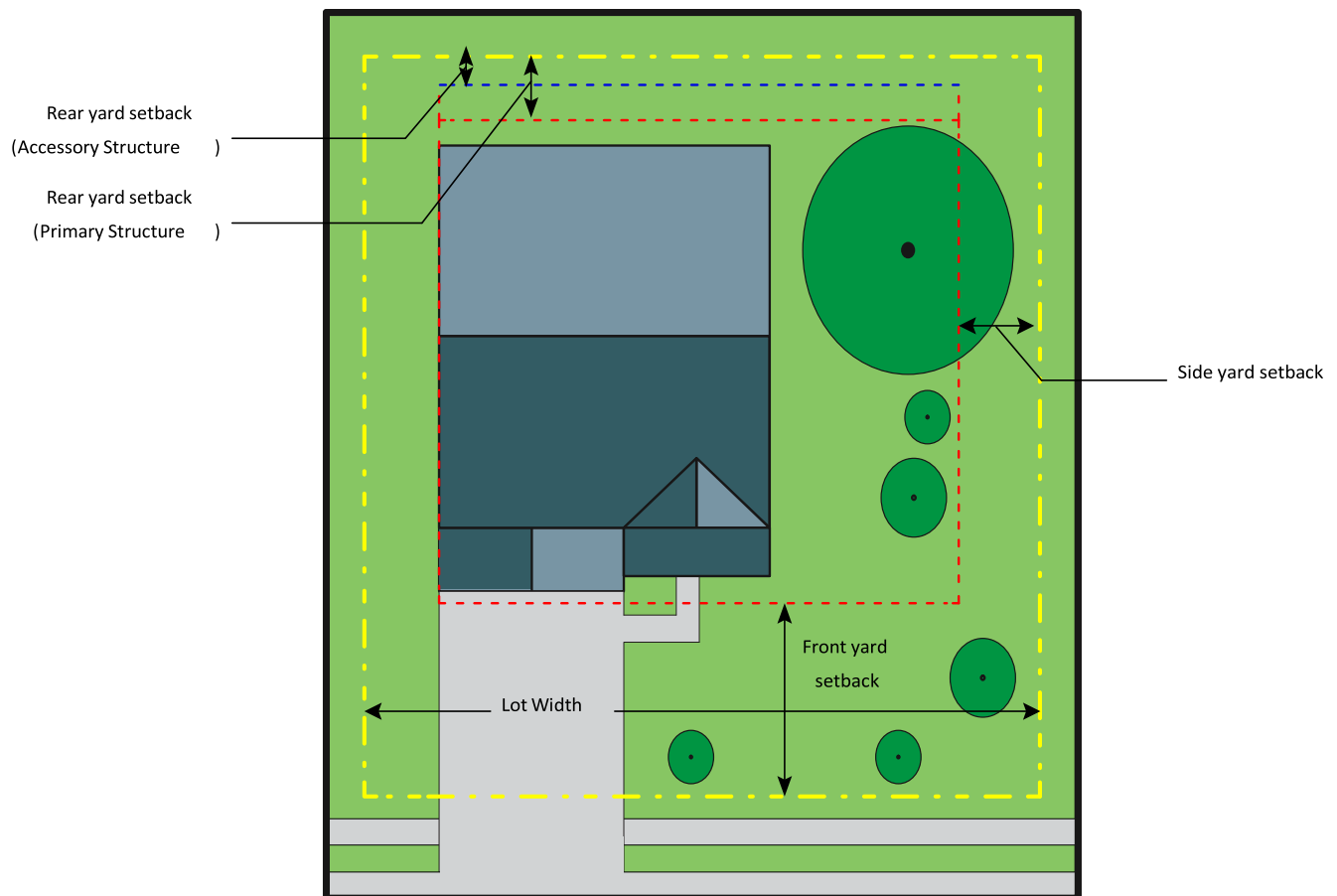



A. Purpose.

This is a medium-density single-family district, which may include two-family dwellings with Development Plan approval. Development in this district typically ranges from 1.75 homes per acre to 3.00 homes per acre. In this district, residential development at these densities requires connection to public water and public sewer utilities.

B. Medium-Density Single-Family and Two-Family Residential-Uses.

Permitted Uses.	Permitted Conditional Uses.
<ul style="list-style-type: none"> • Church or Temple • Colleges & Universities • Dwelling - Single-family • Dwelling - Two-family • Elementary & Secondary Schools • Farm • Group Residential Facility • Junior Colleges & Technical Institutes • Libraries & Information Centers • Major Residential Subdivision • Minor Residential Subdivision • Municipal or Government Buildings • Orphanage • Public Golf Course • Temporary Mobile Home 	<ul style="list-style-type: none"> • Composting Facility • Golf & Country Clubs • Mobile Home Park • Police, Postal, or Fire Station • Publicly Owned Park or Recreational Facility • Temporary Clean Fill Disposal Site • Temporary Clean Fill Land Reclamation Site • Temporary Clean Fill Processing Site
Special Exceptions.	Special Exception Conditional Uses.
<ul style="list-style-type: none"> • Bed & Breakfast • Brewery • Customary Home Occupation (Accessory Use) • Studio Business 	<ul style="list-style-type: none"> • Mineral Extraction • Stable, Private



DEVELOPMENT STANDARDS						
		Single-family Residential	Two-family Residential	Multi-family Residential	Mobile Home Parks	Non-residential
Structure Standards						
Maximum height of buildings		35	35			25
Minimum ground floor area	One-story	1,200	700		900	
	Multi-story	900	400			
Minimum structure size	Minimum width					
	Minimum length					
Minimum primary structure width		18			12	
Minimum primary structure length					70	
Minimum distance between dwelling units						
Minimum distance between all structures					10	
Lot Standards						
Minimum lot width		60				
Minimum road frontage		50				45
Minimum lot area per development					5 acres	
Minimum lot area per unit		9,000			5,000	
Minimum front yard setback		25	25		20	20
Minimum distance from building to road					20	
Minimum side yard setback		10	10		10	10
Minimum rear yard setback	Primary Structure	20	20		10	10
	Accessory Structure	5	20		10	10
Maximum density (units/acre)		3.00	2.50		6.00	
Minimum open space		30%	30%		40%	15%
Maximum lot coverage		60%				
Utility Standards						
Municipal water and sewer required		Yes	Yes		Yes	Yes

2.5 High-Density Multi-family Residential

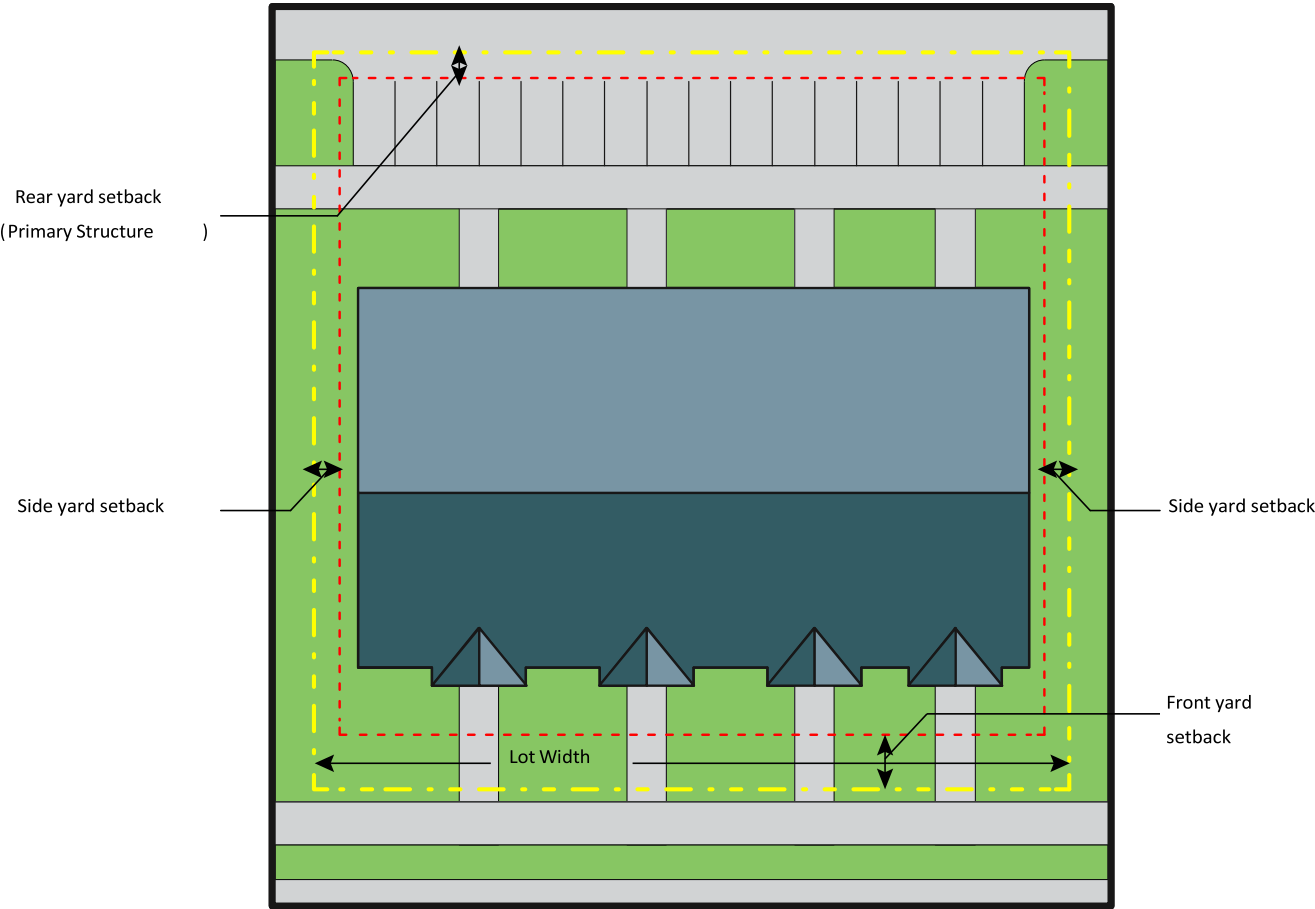



A . Purpose .

This is a high-density multi-family district. Development in this district is typically at a density of up to 20 dwelling units per acre. Development in this district requires connection to public water and public sewers and Development Plan approval.

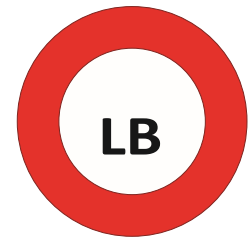
B . High-Density Multi-Family Residential-Uses .

Permitted Uses.	Permitted Conditional Uses.
<ul style="list-style-type: none"> • Church or Temple • Colleges & Universities • Convalescent Homes • Dwelling - Multi-family • Elementary & Secondary Schools • Farm • Fraternity, Sorority or Student Housing • Group Residential Facility • Junior Colleges & Technical Institutes • Libraries & Information Centers • Life Care Facility • Major Residential Subdivision • Municipal or Government Buildings • Nursing Home • Orphanage • Public Golf Course • Temporary Mobile Home 	<ul style="list-style-type: none"> • Composting Facility • Golf & Country Clubs • Hospital • Police, Postal, or Fire Station • Publicly Owned Park or Recreational Facility • Temporary Clean Fill Disposal Site • Temporary Clean Fill Land Reclamation Site • Temporary Clean Fill Processing Site
Special Exceptions.	Special Exception Conditional Uses.
<ul style="list-style-type: none"> • Bed & Breakfast • Customary Home Occupation (Accessory Use) • Studio Business 	<ul style="list-style-type: none"> • Day Care Center • Mineral Extraction



DEVELOPMENT STANDARDS						
		Single-family Residential	Two-family Residential	Multi-family Residential	Mobile Home Parks	Non-residential
Structure Standards						
Maximum height of buildings				50		25
Minimum ground floor area	One-story			700	900	
	Multi-story			400		
Minimum structure size	Minimum width					
	Minimum length					
Minimum primary structure width					12	
Minimum primary structure length					70	
Minimum distance between dwelling units						
Minimum distance between all structures					10	
Lot Standards						
Minimum lot width						
Minimum road frontage						45
Minimum lot area per development					5 acres	
Minimum lot area per unit					5,000	
Minimum front yard setback				25	20	20
Minimum distance from building to road					20	
Minimum side yard setback				10	10	10
Minimum rear yard setback	Primary Structure			10		10
	Accessory Structure			10		10
Maximum density (units/acre)				20.00	6.00	
Minimum open space				30%	30%	15%
Maximum lot coverage						
Utility Standards						
Municipal water and sewer required				Yes	Yes	Yes

2.6 Local Business



A . Purpose .

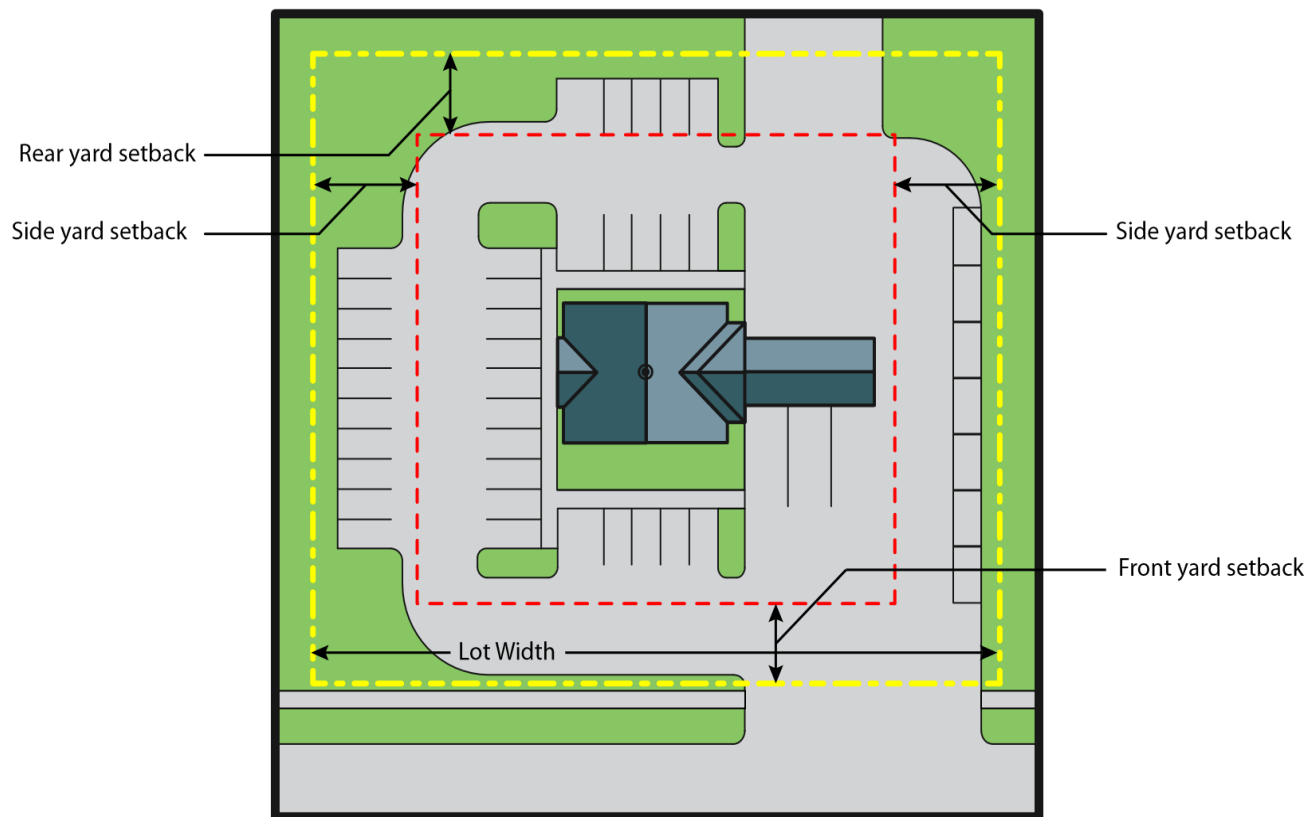
This district is designed and located in neighborhoods to accommodate the primary needs of that locality. This district would place convenience and necessity facilities close to consumers in limited areas close to residences. Development in this district requires connection to public water and public sewers and Development Plan approval.


B . Local Business - Uses .

Permitted Uses.

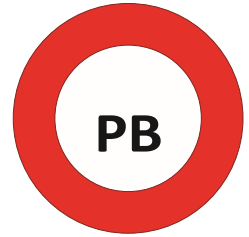
- | | |
|---|--|
| <ul style="list-style-type: none"> • Agricultural Credit Institutions • Animal Day Care Facility • Apparel Shop, Shoes, Custom Tailoring • Attorney Services • Auto License Bureaus • Bait Sales • Banks & Branch Banks • Barber Shop, Beauty Shop • Bicycle Shops • Bond & Mortgage Company • Book & Stationary Store • Cafeteria, Restaurant • Candy, Nut & Confectionery • Church or Temple • Coin Operated Laundry & Dry-cleaning • Counselor-At-Law • Customary Home Occupation (Accessory Use) • Dressmaking • Dwelling - Multi-Family • Dwelling - Single-family • Dwelling - Two-family • Elementary & Secondary Schools • Farm • Florists, Furriers • Fruits & Vegetables • Grocery, Bakery, Meat & Fish | <ul style="list-style-type: none"> • Group Residential Facility • Hardware or variety Store • Hay, Grain, & Feed Stores • Insurance Agents, Brokers & Service • Major Residential Subdivision • Mass Transit Station • Medical Office • Minor Residential Subdivision • Municipal or Government Buildings • News Dealers • Nursing Home • Plant Nursery • Professional Office • Shoe Repair • Stock Brokers & Dealers • Studio Business • Tailoring & Pressing Shops • Temporary Mobile Home • Tobacco Stores • Transmission Lines for Utilities |
|---|--|

Permitted Conditional Uses.	
<ul style="list-style-type: none"> • Clinic • Day Care Center • Hospitals • Kennel, Small • Parking Lot • Police, Postal, or Fire Station • Public Water Wells, Water Stations, Filtration Plants • Publicly Owned Park or Recreational Facility • Roadside Produce Stand • Shopping Center • Telephone Exchange, or Public Utility Station 	
Special Exceptions.	Special Exception Conditional Uses.
<ul style="list-style-type: none"> • Antique Store • Automobile Repair, Service Station • Bed & Breakfast • Blueprinting & Photocopying • Carry Out Restaurant • China, Glassware, Metalware • Drapery, Curtain & Upholstery • Drug Store • Electrical Repair Shop • Floor Coverings • Household Appliances, Furniture • Landscape Contractor • Liquor Store • Music & Video Stores • Reupholster & Furniture Repair • Tavern • Tire, Battery & Accessory Dealers • Watch, Clock & Jewelry Repair 	<ul style="list-style-type: none"> • Automatic Car Wash • Drive-In Restaurant • Mineral Extraction • Public Camp Ground or Recreational Vehicle Park • Wireless Facility



DEVELOPMENT STANDARDS						
		Single-family Residential	Two-family Residential	Multi-family Residential	Mobile Home Parks	Non-residential
Structure Standards						
Maximum height of buildings		35	50	50		35
Minimum ground floor area	One-story	900	700	700		
	Multi-story	750	400	400		
Minimum structure size	Minimum width					
	Minimum length					
Minimum primary structure width		18				
Minimum primary structure length						
Minimum distance between dwelling units						
Minimum distance between all structures						
Lot Standards						
Minimum lot width		60				
Minimum road frontage		50				45
Minimum lot area per development						
Minimum lot area per unit		7,500				
Minimum front yard setback		25	25	25		20
Minimum distance from building to road						
Minimum side yard setback		10	10	10		10
Minimum rear yard setback	Primary Structure	20	20	20		10
	Accessory Structure	5	20	20		10
Maximum density (units/acre)		4.25	4.25	20.00		
Minimum open space		30%	30%	30%		15%
Maximum lot coverage		70%				
Utility Standards						
Municipal water and sewer required		Yes	Yes	Yes		Yes

2.7 Professional Business

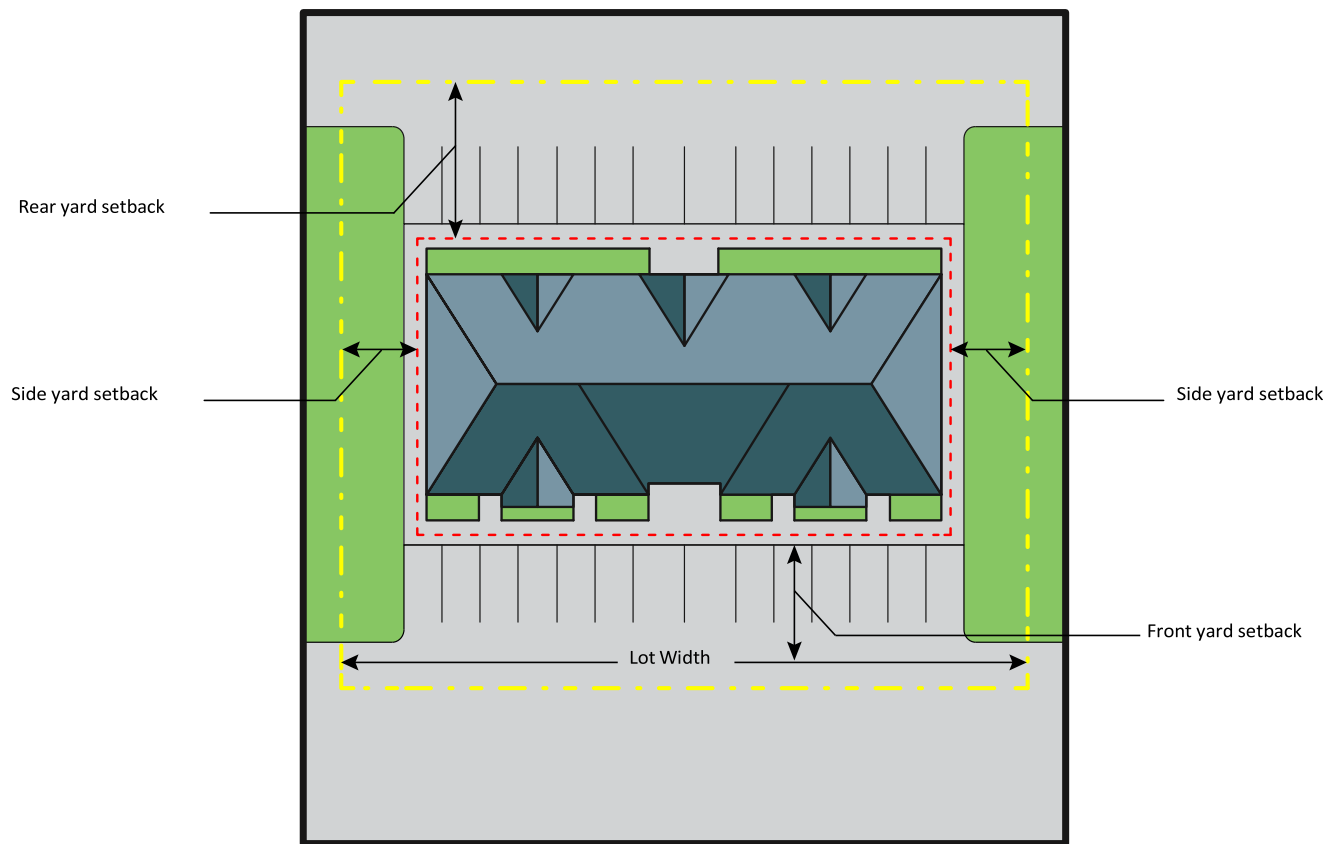



A . Purpose .

This district is established as a buffer generally between commercial and residential districts permitting selected business and professional uses having limited contact with the public. Development in this district requires connection to public water and public sewers and Development Plan approval.

B . Professional Business - Uses .

Permitted Uses.	Permitted Conditional Uses
<ul style="list-style-type: none"> • Museum & Art Gallery • News Dealers • Newspaper Publishing • Nursing Home • Orphanage • Parking Garage • Private Employment Agencies • Professional Office • Radio or Television Station or Studio • Real Estate Service • Stenographic Service • Stock Brokers & Dealers • Studio Business • Temporary Help Supply Services • Temporary Mobile Home • Transmission Lines for Utilities 	<ul style="list-style-type: none"> • Composting Facility
Special Exceptions.	Special Exception Conditional Uses.



DEVELOPMENT STANDARDS						
		Single-family Residential	Two-family Residential	Multi-family Residential	Mobile Home Parks	Non-residential
Structure Standards						
Maximum height of buildings		35	50	50		35
Minimum ground floor area	One-story	1,200	700	700		
	Multi-story	900	400	400		
Minimum structure size	Minimum width					
	Minimum length					
Minimum primary structure width		18				
Minimum primary structure length						
Minimum distance between dwelling units						
Minimum distance between all structures						
Lot Standards						
Minimum lot width		60				
Minimum road frontage		50				45
Minimum lot area per development						
Minimum lot area per unit		7,500				
Minimum front yard setback		25	25	25		20
Minimum distance from building to road						
Minimum side yard setback		10	10	10		10
Minimum rear yard setback	Primary Structure	20	20	20		10
	Accessory Structure	5	20	20		10
Maximum density (units/acre)		4.25	4.25	20.00		
Minimum open space		30%	30%	30%		15%
Maximum lot coverage		70%				
Utility Standards						
Municipal water and sewer required		Yes	Yes	Yes		Yes

2.8 Urban Business



A. Purpose.

This district is designed to address the needs of existing and future downtown development. This district carries virtually all of the characteristics of the GB district but without the setbacks, bufferyards, or other design requirements common to suburban development. Development in this district requires connection to public water and public sewers and Development Plan approval.

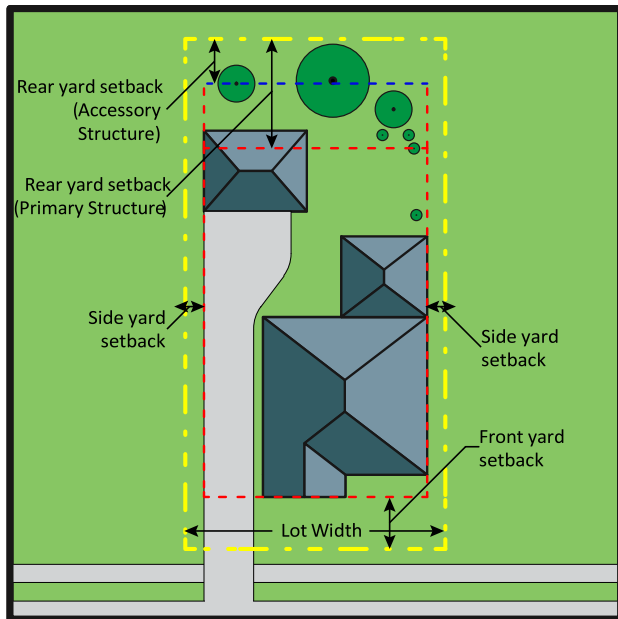
B. Urban Business - Uses.

1. Permitted Uses.

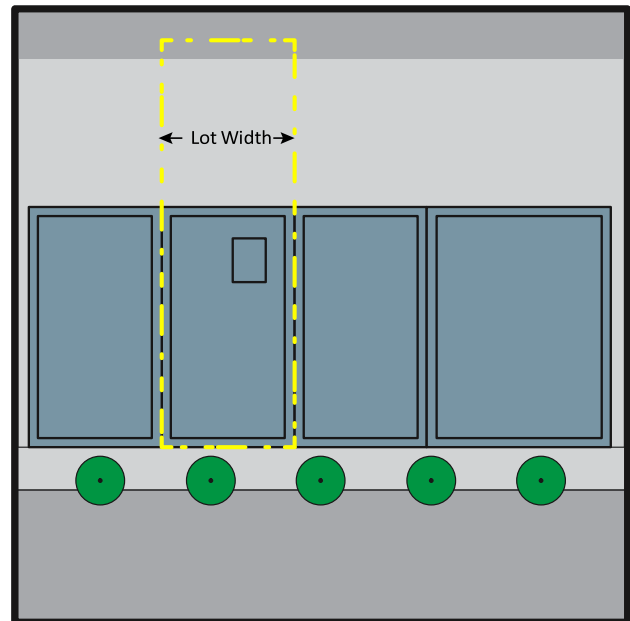
- | | |
|---|---|
| • Accounting, Auditing, & Bookkeeping Service | • Charitable Institutions |
| • Advertising Agencies | • China, Glassware, Metalware |
| • Agricultural Credit Institutions | • Church or Temple |
| • Animal Day Care Facility | • Civic, Social, or Religious Organizations |
| • Antique Store | • Clothing Rental |
| • Apparel Shop, Shoes, Custom Tailoring | • Coin Operated Laundry & Dry-cleaning |
| • Art & Music Schools | • Collection Agencies |
| • Attorney Services | • Counselor-At-Law |
| • Auto License Bureaus | • Customary Home Occupation (Accessory Use) |
| • Automobile or Motorcycle Sales | • Dance Halls, Studios & Schools |
| • Automobile Parts Supply | • Department Store |
| • Automobile Repair, Service Station | • Detective Agencies & Protective Services |
| • Bait Sales | • Dinner Theater |
| • Banks & Branch Banks | • Disinfecting & Exterminating Services |
| • Barber Shop, Beauty Shop | • Drapery, Curtain & Upholstery |
| • Bed & Breakfast | • Dressmaking |
| • Bicycle Shops | • Drug Store |
| • Billiard & Pool Establishments | • Dwelling - Multi-Family |
| • Blood Banks | • Dwelling - Single-family |
| • Blueprinting & Photocopying | • Dwelling - Two-family |
| • Bond & Mortgage Company | • Electrical Repair Shop |
| • Book & Stationary Store | • Electrical Supply Store |
| • Bowling Alleys | |
| • Business Associations | |

- Cafeteria, Restaurant
- Camera & Photographic Supply
- Candy, Nut & Confectionary
- Carry Out Restaurant
- Food Processing
- Fruits & Vegetables
- Gifts, Novelty & Souvenir Shops
- Grocery, Bakery, Meat & Fish
- Group Residential Facility
- Hardware or Variety Store
- Hobby, Toy & Game Shops
- Household Appliances, Furniture
- Insurance Agents, Brokers & Service
- Jewelry Store
- Libraries & Information Centers
- Liquor Store
- Lodge or Private Club
- Major Residential Subdivision
- Medical & Dental Laboratories
- Medical Office
- Minor Residential Subdivision
- Monument Sales
- Mortuary
- Motion Picture Theater
- Municipal or Government Buildings
- Museum & Art Gallery
- Music & Video Store
- News Dealers
- Newspaper Publishing
- Night Club
- Paint, Glass & Wallpaper Store
- Parking Garage
- Passenger Car Rental
- Pet Shops Photographic Studios
- Elementary & Secondary Schools
- Engineering & Architectural Service
- Farm & Garden Supply
- Farm Product Processing
- Floor Coverings
- Florists, Furriers
- Plumbing, Heating & Air Conditioning Dealers
- Private Employment Agencies
- Professional Office
- Real Estate Service
- Reducing & Health Salons
- Reupholster & Furniture Repair
- Shoe Repair
- Sporting Goods
- Stenographic Service
- Stock Brokers & Dealers
- Studio Business
- Tailoring & Press Shops
- Tavern
- Temporary Help Supply Services
- Tire, Battery & Accessory Dealers
- Tobacco Stores
- Truck Sales, Rental, Leasing, Repair
- Watch, Clock & Jewelry Repair
- Police, Postal, or Fire Station
- Publicly Owned Park or Recreational Facility
- Shopping Center
- Veterinary Animal Hospital


2. Permitted Conditional Uses.	
<ul style="list-style-type: none"> • Automatic Car Wash • Clinic • Day Care Center • Drive-In Restaurant • Hotel or Motel • Parking Lot 	<ul style="list-style-type: none"> • Police, Postal, or Fire Station • Publicly Owned Park or Recreational Facility • Shopping Center • Veterinary Animal Hospital
3. Special Exceptions.	4. Special Exception Conditional Uses.
<ul style="list-style-type: none"> • Automobile Body Shop & Painting • Boat Sales • Diaper Service • Mobile Home, Travel Trailer, Camper Sales & Service • Trade or Business School 	<ul style="list-style-type: none"> • Mineral Extraction • Truck Service Center



Residential Development Standards



Non-Residential Development Standards

DEVELOPMENT STANDARDS						
		Single-family Residential	Two-family Residential	Multi-family Residential	Mobile Home Parks	Non-residential
Structure Standards						
Maximum height of buildings		35	50	50		75
Minimum ground floor area	One-story	900	500	500		
	Multi-story	750	350	350		
Minimum structure size	Minimum width					
	Minimum length					
Minimum primary structure width		18				
Minimum primary structure length						
Minimum distance between dwelling units						
Minimum distance between all structures						
Lot Standards						
Minimum lot width		60				
Minimum road frontage		50				
Minimum lot area per development						
Minimum lot area per unit		7,500				
Minimum front yard setback		25	25	25		
Minimum distance from building to road						
Minimum side yard setback		10	10	10		
Minimum rear yard setback	Primary Structure	20	20	20		
	Accessory Structure	5	20	20		
Maximum density (units/acre)		4.25	4.25	20.00		
Minimum open space		30%	30%	30%		
Maximum lot coverage		70%				
Utility Standards						
Municipal water and sewer required		Yes	Yes	Yes		Yes

2.9 General Business



A . Purpose .

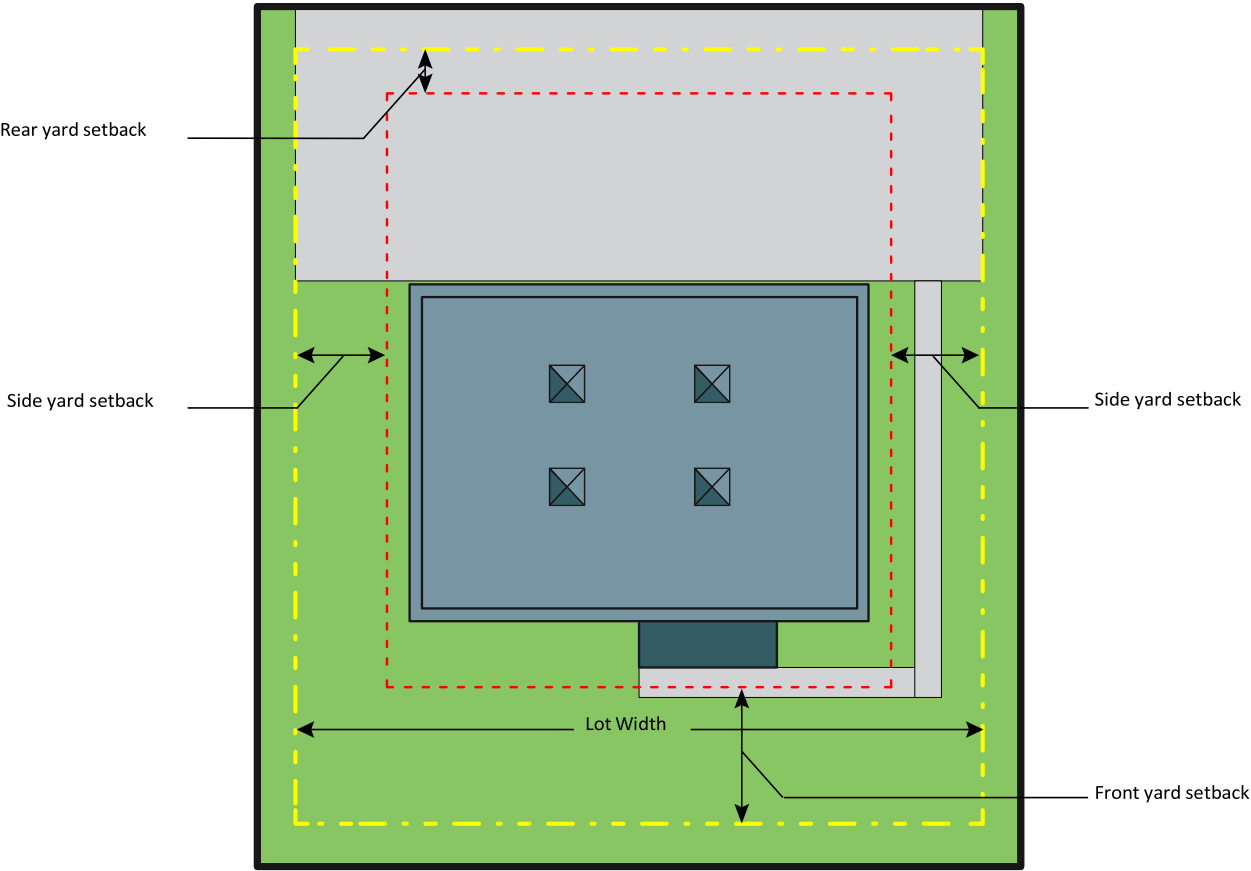
This district is designed to include central business districts in established urban places. This district would be used for most types of business and service uses. Development in this district requires connection to public water and public sewers and Development Plan approval.


B . General Business - Uses .

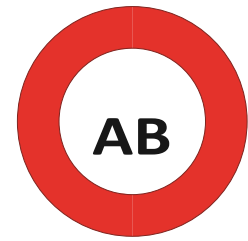
1. Permitted Uses.

- | | |
|---------------------------------------|--------------------------------|
| • Dwelling – Multi-Family | • Candy, Nut & Confectionary |
| • Electrical Repair Shop | • Charitable Institutions |
| • Electrical Supply Store | • China, Glassware, Metalware |
| • Elementary & Secondary Schools | • Church or Temple |
| • Engineering & Architectural Service | • Civic, Social, or Religious |
| • Florists, Furriers | • Organizations |
| • Fruits & Vegetables | • Clothing Rental |
| • Gift, Novelty & Souvenir Shops | • Coin Operated Laundry & |
| • Grocery, Bakery, Meat & Fish | • Dry-cleaning |
| • Hardware or Variety Store | • Collection Agencies |
| • Hay, Grain, & Feed Stores | • Counselor-At-Law |
| • Hobby, Toy & Game Shops | • Customary Home Occupation |
| • Household Appliances, Furniture | • (Accessory Use) |
| • Indoor Recreation Facility | • Dance Halls, Studios & |
| • Insurance Agents, Brokers & Service | • Schools |
| • Jewelry Store | • Department Store |
| • Lumber & Building Materials Dealer | • Detective Agencies & |
| • Medical & Dental Laboratories | • Protective Services |
| • Medical Office | • Diaper Service |
| • Monument Sales | • Dinner Theater |
| • Wholesale Business | • Disinfecting & Exterminating |
| • Motion Picture Theater | • Services |
| • Municipal or Government Buildings | • Drapery, Curtain & |
| • Museums & Art Gallery | • Upholstery |
| • Music Video Store | • Dressmaking |
| • News Dealers | • Dwelling - Multi-Family |
| • Newspaper Publishing | • Dwelling - Single-family |

Permitted Conditional Uses.	
<ul style="list-style-type: none"> • Automatic Car Wash • Clinic • Day Care Center • Drive-In Restaurant • Golf Driving Range & Miniature Golf Course • Hotel or Motel • Kennel, Small • Parking Lot • Food Processing • Fraternity, Sorority or Student Housing • Minor Residential Subdivision • Major Residential Subdivision • Group Residential Facility • Farm • Drug Store 	<ul style="list-style-type: none"> • Police, Postal, or Fire Station • Publicly Owned Park or Recreational Facility • Roadside Produce Stand • Shopping Center • Stable, Public • Theater, Outdoor • Truck Service Center • Veterinary Animal Hospital • Dwelling- Single-Family • Dwelling- Two-Family • Carry Out Restaurant • Lodge or Private Club • Commercial Testing Laboratories
Special Exceptions.	Special Exception Conditional Uses.
<ul style="list-style-type: none"> • Automobile Body Shop & Painting • Brewery • Liquor Store • Landscape Contractor • Linen Supply • Fuel Dealers • Mortuary • Mobile Home, Travel Trailer, Camper Sales & Service 	<ul style="list-style-type: none"> • Auction Sales Yard (Excluding Livestock) • Mineral Extraction • Penal or Correctional Institutions • Warehouse (General) • Warehouse (Grain Storage) • Wholesale Produce Terminal



DEVELOPMENT STANDARDS						
		Single-family Residential	Two-family Residential	Multi-family Residential	Mobile Home Parks	Non-residential
Structure Standards						
Maximum height of buildings		35	50	50		75
Minimum ground floor area	One-story	900	500	500		
	Multi-story	750	350	350		
Minimum structure size	Minimum width					
	Minimum length					
Minimum primary structure width		18				
Minimum primary structure length						
Minimum distance between dwelling units						
Minimum distance between all structures						
Lot Standards						
Minimum lot width		60				
Minimum road frontage		50				45
Minimum lot area per development						
Minimum lot area per unit		7,500				
Minimum front yard setback		25	25	25		20
Minimum distance from building to road						
Minimum side yard setback		10	10	10		10
Minimum rear yard setback	Primary Structure	20	20	20		10
	Accessory Structure	5	20	20		10
Maximum density (units/acre)		4.25	4.25	20.00		
Minimum open space		30%	30%	30%		15%
Maximum lot coverage		70%				
Utility Standards						
Municipal water and sewer required		Yes	Yes	Yes		Yes



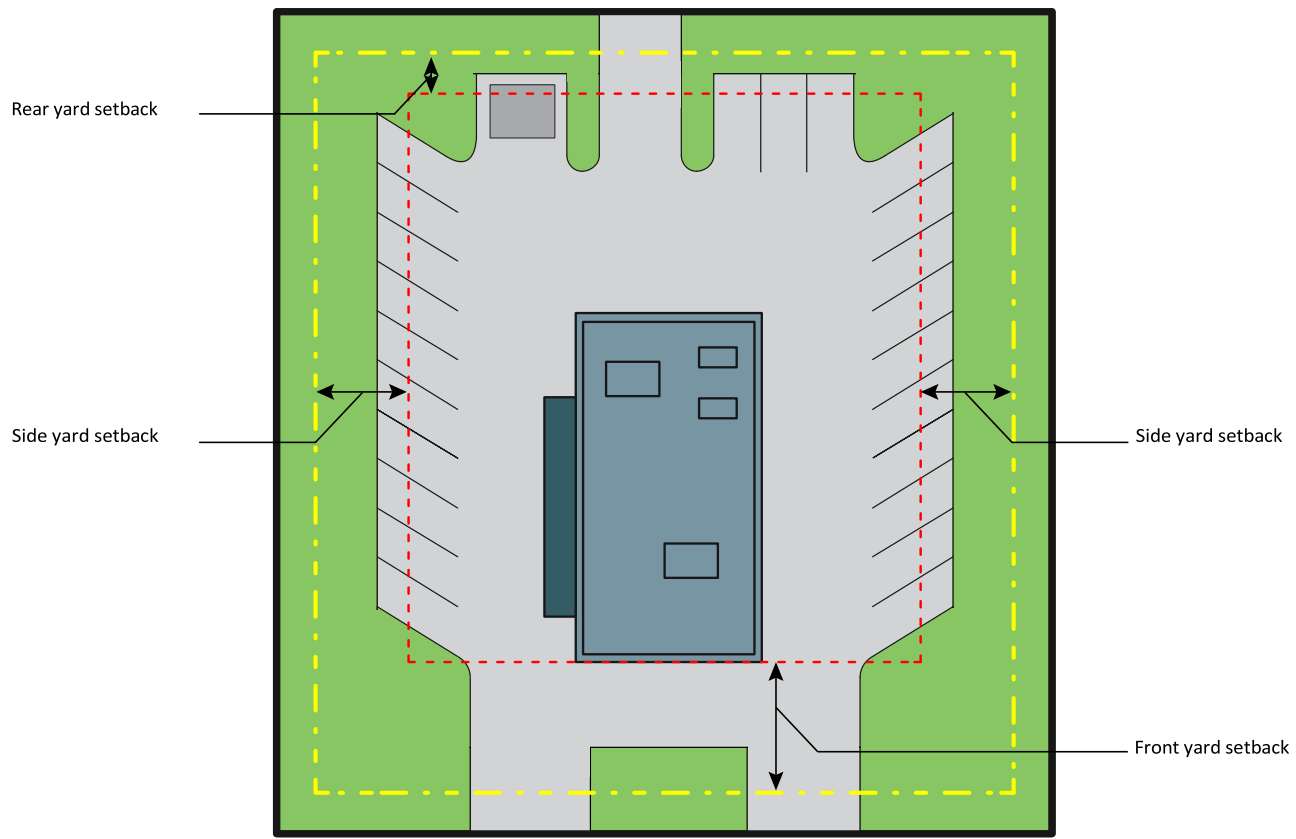
2.10 Accommodation Business


A . Purpose .

This district is established as a buffer generally between commercial and residential districts permitting selected business and professional uses having limited contact with the public. Development in this district requires connection to public water and public sewers and Development Plan approval.

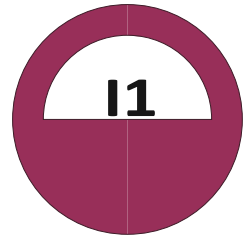
B . Accommodation Business - Uses .

Permitted Uses.	Permitted Conditional Uses.
<ul style="list-style-type: none"> • Automobile Repair, Service Station • Bed & Breakfast • Cafeteria, Restaurant • Candy, Nut & Confectionary • Church or Temple • Customary Home Occupation (Accessory Use) • Dwelling - Single-family • Dwelling - Two-family • Farm • Fruits & Vegetables • Major Residential Subdivision • Minor Residential Subdivision • Municipal or Government Buildings • News Dealers • Night Club • Temporary Mobile Home 	<ul style="list-style-type: none"> • Automatic Car Wash • Golf Driving Range & Miniature Golf Course • Hotel or Motel • Parking Lot • Police, Postal, or Fire Station • Publicly Owned Park or Recreational Facility • Truck Service Center
Special Exceptions.	Special Exception Conditional Uses.
<ul style="list-style-type: none"> • Carry Out Restaurant • Gift, Novelty & Souvenir Shops • Passenger Car Rental • Tire, Battery & Accessory Dealers 	<ul style="list-style-type: none"> • Dine-In Restaurant • Mineral Extraction



DEVELOPMENT STANDARDS						
		Single-family Residential	Two-family Residential	Multi-family Residential	Mobile Home Parks	Non-residential
Structure Standards						
Maximum height of buildings		35	50	50		35
Minimum ground floor area	One-story	900	700	700		
	Multi-story	750	400	400		
Minimum structure size	Minimum width					
	Minimum length					
Minimum primary structure width		18				
Minimum primary structure length						
Minimum distance between dwelling units						
Minimum distance between all structures						
Lot Standards						
Minimum lot width		60				
Minimum road frontage		50				45
Minimum lot area per development						
Minimum lot area per unit		7,500				
Minimum front yard setback		25	25	25		20
Minimum distance from building to road						
Minimum side yard setback		10	10	10		10
Minimum rear yard setback	Primary Structure	10	10	10		10
	Accessory Structure	5	20	20		10
Maximum density (units/acre)		4.25	4.25	12.00		
Minimum open space		30%	30%	30%		15%
Maximum lot coverage		70%				
Utility Standards						
Municipal water and sewer required		Yes	Yes	Yes		Yes

2.11 Light Industry



A . Purpose .

This district is established to accommodate light industrial uses in which all operations, including storage of materials would be confined within a building, and would include warehousing operations. Development in this district requires connection to public water and public sewers and Development Plan approval.

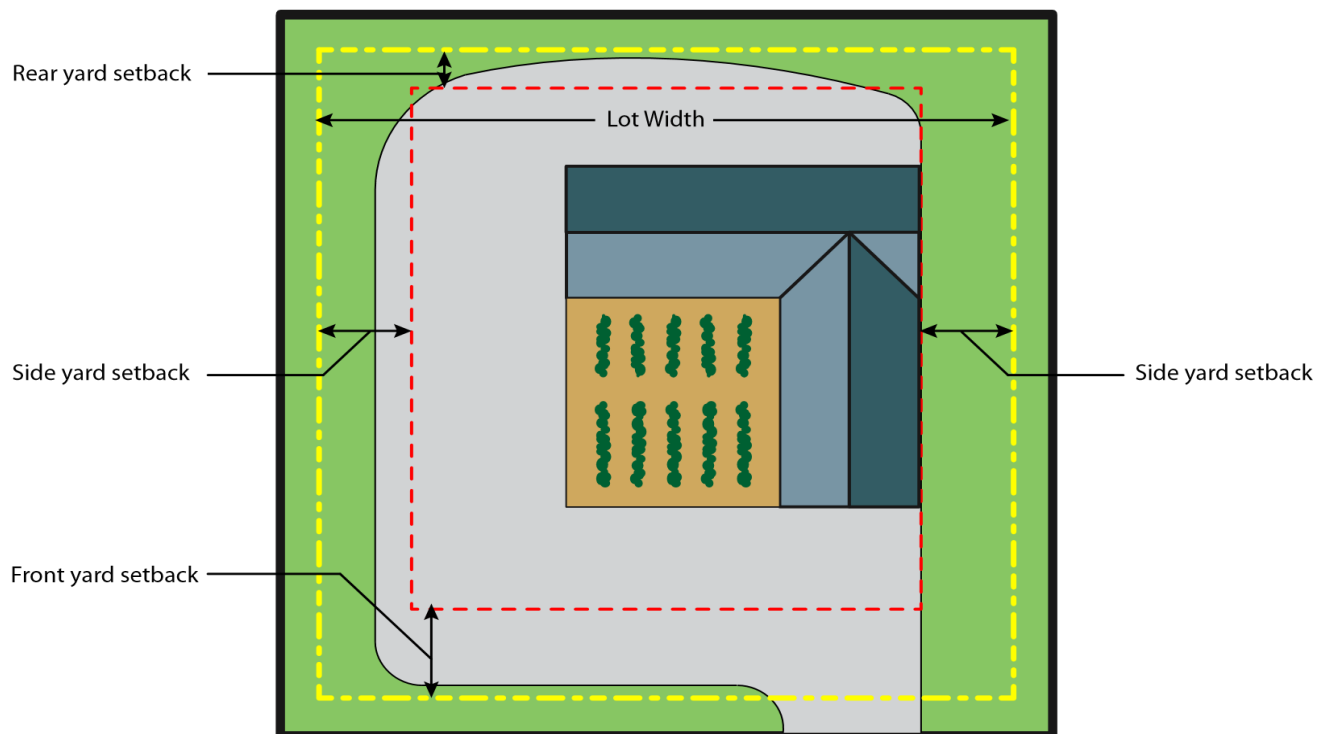
B . Light Industry - Uses .


Permitted Uses.

- | | |
|---|--|
| • Accounting, Auditing, & Bookkeeping Service | • Indoor Recreation Facility |
| • Animal Day Care Facility | • Life Care Facility |
| • Automobile or Motorcycle Sales | • Light Industry |
| • Automobile Parts Supply | • Linen Supply |
| • Automobile Repair, Service Station | • Lodge or Private Club |
| • Banks & Branch Banks | • Mobile Home, Travel Trailer, Camper |
| • Blueprinting & Photocopying | • Sales & Service |
| • Bowling Alleys | • Monument Sales |
| • Business Associations | • Municipal or Government Buildings |
| • Charitable Institutions | • Newspaper Publishing |
| • Civic, Social, or Religious Organizations | • Nursing Home |
| • Commercial Testing Laboratories | • Paint, Glass & Wallpaper Store |
| • Customary Home Occupation (Accessory Use) | • Parking Garage |
| • Department Store | • Passenger Car Rental |
| • Diaper Service | • Plant Nursery |
| • Electrical Repair Shop | • Plumbing, Heating & Air Conditioning |
| • Electrical Supply Store | • Dealer |
| • Engineering & Architectural Service | • Professional Office |
| • Farm | • Public Golf Course |
| • Farm & Garden Supply | • Real Estate Service |
| • Farm Implements & Equipment Sales | • Reducing & Health Salons |
| • Farm Product Processing | • Reupholster & Furniture Repair |
| • Farm Seasonal Worker Housing | • Skating |
| • Food Processing | • Tailoring & Pressing Shops |
| • Fuel Dealers | |
| • Hardware or Variety Stores | |

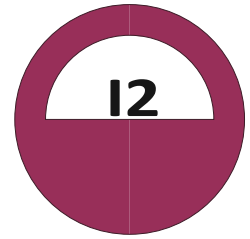
<ul style="list-style-type: none"> • Hay, Grain, & Feed Stores • Temporary Mobile Home • Tire, Battery & Accessory Dealers • Trade or Business School • Truck Sales, Rental, Leasing, Repair • Wholesale Business 	
Permitted Conditional Uses.	
<ul style="list-style-type: none"> • Anhydrous Ammonia Storage & Distribution • Anhydrous Ammonia Storage & Distribution • Auction Sales Yard (Excluding Livestock) • Automatic Car Wash • Brewery • Cemetery or Crematory • Commercial Facility for Breeding Nonfarm Fowl • Contractors Storage • Day Care Center • Fairgrounds • Golf & Country Clubs • Golf Driving Range & Miniature Golf Course • Industry, General • Junk Yard • Light Industrial Park • Liquefied Petroleum Gas, Bottled Gas Dealers • Open Material Storage • Outdoor Shooting Range, public or private • Parking Lot • Petroleum Tank Farm • Police, Postal, or Fire Station • Publicly Owned Park or Recreational Facility • Race Track • Roadside Produce Stand • Sale Barn for Livestock • Slaughter House • Stable, Private • Stable, Public • Stadium, Coliseum • Theater, Outdoor • Truck Freight Terminal • Truck Service Center • Veterinary Animal Hospital • Warehouse (General) • Warehouse (Grain Storage) • Wholesale Produce Terminal • Composting Facility • Sanitary Landfill, Publicly Owned • Transfer Station 	
Special Exceptions.	Special Exception Conditional Uses.

- | | |
|--|---|
| <ul style="list-style-type: none"> • Dwelling - Single-family • Landscape Contractor • Major Residential Subdivision • Minor Residential Subdivision | <ul style="list-style-type: none"> • Kennel, Large • Kennel, Small • Kennel, Unlimited • Manufacturing, Use, or Storage of Explosives • Mineral Extraction • Outdoor Recreation Facility • Penal or Correctional Institutions • Public Camp Ground or Recreational Vehicle Park • Compost/Digester Facility • Construction/Demolition Site • Incinerator • Sanitary Landfill, Privately Owned |
|--|---|



DEVELOPMENT STANDARDS						
		Single-family Residential	Two-family Residential	Multi-family Residential	Mobile Home Parks	Non-residential
Structure Standards						
Maximum height of buildings						75
Minimum ground floor area	One-story					
	Multi-story					
Minimum structure size	Minimum width					
	Minimum length					
Minimum primary structure width						
Minimum primary structure length						
Minimum distance between dwelling units						
Minimum distance between all structures						
Lot Standards						
Minimum lot width						
Minimum road frontage						45
Minimum lot area per development						
Minimum lot area per unit						
Minimum front yard setback						20
Minimum distance from building to road						
Minimum side yard setback						10
Minimum rear yard setback	Primary Structure					10
	Accessory Structure					10
Maximum density (units/acre)						
Minimum open space						15%
Maximum lot coverage						
Utility Standards						
Municipal water and sewer required						Yes

2.12 General Industry



A . Purpose .

This district is established for all types of industrial uses requiring both enclosed and unenclosed spaces for storage, manufacturing, and fabricating.

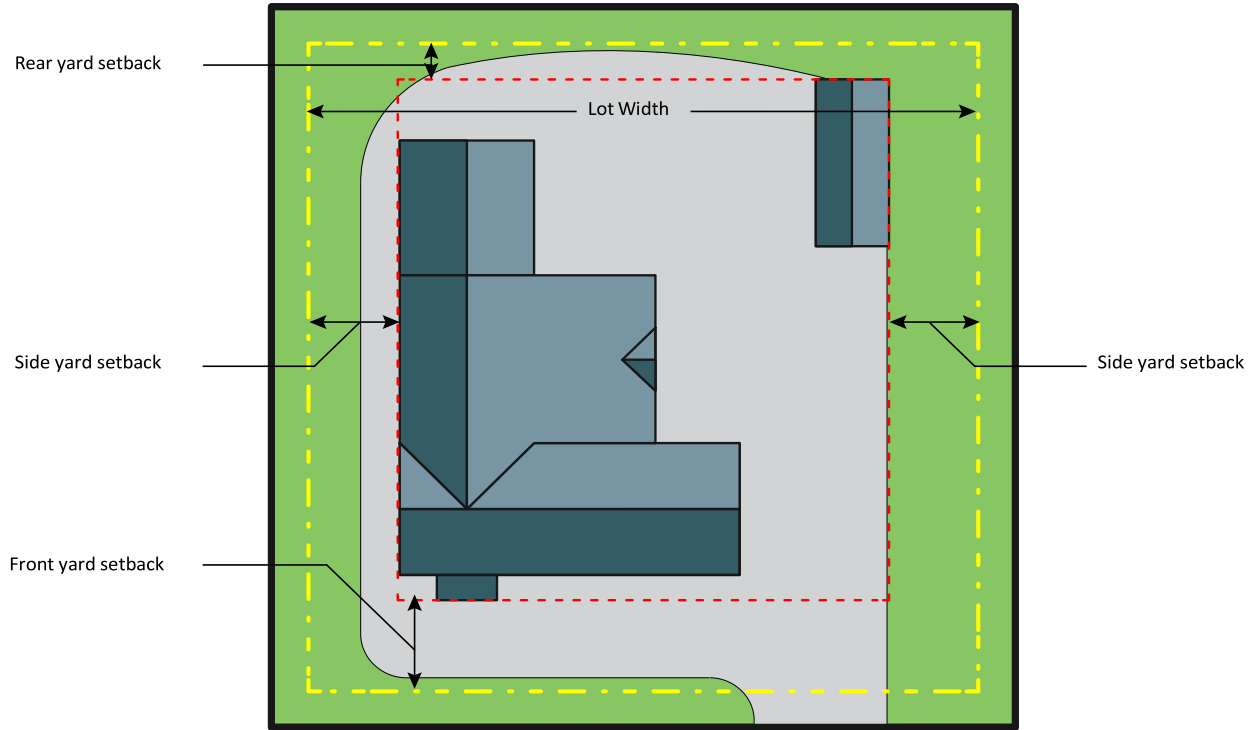
Development in this district requires connection to public water and public sewers and Development Plan approval.


B . General Industry - Uses .

Permitted Uses.

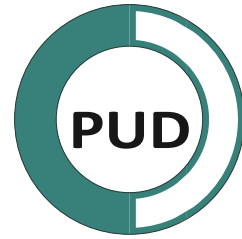
- | | |
|---|--|
| • Accounting, Auditing, & Bookkeeping Service | • Indoor Recreation Facility |
| • Animal Day Care Facility | • Light Industry |
| • Automobile Body Shop & Painting | • Linen Supply |
| • Automobile or Motorcycle Sales | • Lumber & Building Materials Dealer |
| • Automobile Repair, Service Station | • Mobile Home, Travel Trailer, Camper |
| • Brewery | • Sales & Service |
| • Business Associations | • Municipal or Government Buildings |
| • Charitable Institutions | • Parking Garage |
| • Civic, Social, or Religious Organizations | • Passenger Car Rental |
| • Commercial Testing Laboratories | • Plant Nursery |
| • Customary Home Occupation (Accessory Use) | • Plumbing, Heating & Air Conditioning |
| • Electrical Repair Shop | • Dealer |
| • Electrical Supply Store | • Public Golf Course |
| • Engineering & Architectural Service | • Reupholster & Furniture Repair |
| • Farm | • Storage & Dismantling of Disabled |
| • Farm Implements & Equipment Sales | • Vehicles |
| • Farm Product Processing | • Temporary Mobile Home |
| • Farm Seasonal Worker Housing | • Truck Sales, Rental, Leasing, Repair |
| • Food Processing | • Wholesale Business |
| • Fuel Dealers | |
| • Hay, Grain, & Feed Stores | |

Permitted Conditional Uses.	
<ul style="list-style-type: none"> • Anhydrous Ammonia Storage & Distribution • Anhydrous Ammonia Storage & Distribution • Auction Sales Yard (Excluding Livestock) • Automatic Car Wash • Cemetery or Crematory • Commercial Facility for Breeding Nonfarm Fowl • Contractors Storage • Day Care Center • Fairgrounds • Golf & Country Clubs • Golf Driving Range & Miniature Golf Course • Industry, General • Junk Yard • Light Industrial Park • Liquefied Petroleum Gas, Bottled Gas Dealers • Open Material Storage • Outdoor Shooting Range, public or private 	<ul style="list-style-type: none"> • Parking Lot • Petroleum Tank Farm • Police, Postal, or Fire Station • Publicly Owned Park or Recreational Facility • Race Track • Roadside Produce Stand • Sale Barn for Livestock • Slaughter House • Stable, Private • Stable, Public • Stadium, Coliseum • Theater, Outdoor • Truck Freight Terminal • Truck Service Center • Veterinary Animal Hospital • Warehouse (General) • Warehouse (Grain Storage) • Wholesale Produce Terminal • Composting Facility • Sanitary Landfill, Publicly Owned • Transfer Station
Special Exceptions.	Special Exception Conditional Uses.
<ul style="list-style-type: none"> • Dwelling - Single-family • Landscape Contractor • Major Residential Subdivision • Minor Residential Subdivision 	<ul style="list-style-type: none"> • Kennel, Large • Kennel, Small • Kennel, Unlimited • Manufacturing, Use, or Storage of Explosives • Mineral Extraction • Outdoor Recreation Facility • Penal or Correctional Institutions • Public Camp Ground or Recreational Vehicle Park • Compost/Digester Facility • Construction/Demolition Site • Incinerator • Sanitary Landfill, Privately Owned



DEVELOPMENT STANDARDS						
		Single-family Residential	Two-family Residential	Multi-family Residential	Mobile Home Parks	Non-residential
Structure Standards						
Maximum height of buildings						75
Minimum ground floor area	One-story					
	Multi-story					
Minimum structure size	Minimum width					
	Minimum length					
Minimum primary structure width						
Minimum primary structure length						
Minimum distance between dwelling units						
Minimum distance between all structures						
Lot Standards						
Minimum lot width						
Minimum road frontage						45
Minimum lot area per development						
Minimum lot area per unit						
Minimum front yard setback						20
Minimum distance from building to road						
Minimum side yard setback						10
Minimum rear yard setback	Primary Structure					10
	Accessory Structure					10
Maximum density (units/acre)						
Minimum open space						15%
Maximum lot coverage						
Utility Standards						
Municipal water and sewer required						Yes

2.13 Planned Unit Development



A . Purpose

This district is established to encourage improved land development and building site design, to encourage and allow a variety of innovative uses, building types and arrangements, and to allow development of land areas so planned, located or situated as to merit and justify consideration as a PUD district. The district is intended to be used only for large scale developments that will include a variety of residential and related uses and/or a variety of businesses and related uses, all planned and developed as a single unit.

B . Planned Unit Development-Uses

Any PUD District Ordinance that was adopted before January 1, 2011, by the Boone County Commissioners (as part of the Boone County Zoning Ordinance), for property that is now located within the Jurisdictional Area of the Town, is hereby ratified and shall hereafter be deemed to have originally been adopted by the Town Council as part of the Whitestown Zoning Ordinance. These Include:

1. Golf Club of Indiana PUD - See Boone County ordinance 1999-10
2. Anson PUD - See Boone County ordinance 2004-10

C . New PUDs

For purposes of IC 36-7-4 1506, the Town Council will neither accept nor consider any proposal to create an additional PUD District Ordinance unless at least fifty percent (50%) of the land affected by the proposal is located within one or more of the special development areas identified in Chapter 4 (Land Use) of the Whitestown Comprehensive Plan. The following procedures shall govern the establishment and administration of any additional PUD districts:

- a. The area of land to be developed shall not be less than twenty (20) acres.
- b. Properties adjacent to the PUD district shall not be adversely affected.
- c. In a PUD district, the density of development, the lot and yard sizes, the building locations, the common use or public areas, and the pedestrian and traffic circulation system shall be specifically designated in a District Plan and approved by the WPC and the Town Council.
- d. The District Plan shall specifically designate the proposed land uses within the boundaries of the district including the various types of residential development and/or the specific types of business, together with all other related land uses.
- e. The district shall be designed to preserve any natural amenities of the site and to create a stable environment of compatible uses and functions.
- f. The district may permanently reserve land suitable for the common use of the public or the owners in the development. This may be accomplished by dedication, covenant, or

easement. This land may be for future public facilities, for recreational or scenic open space, or for a landscape buffer zone as approved by the WPC. Provisions for permanent control and maintenance of this land shall be outlined in a form acceptable to the WPC.

- g. The District Plan shall be consistent with the purpose of this Section.
- h. The District Plan shall be submitted to and reviewed by the WPC as a proposed amendment to the Zoning Map and as a Subdivision. Following the review by the WPC, including the required public hearing, the WPC shall make its recommendation to the Town Council in accordance with this Ordinance.
- i. Permits for any site improvement or structure in a PUD district shall be issued only after the plans for such development have been approved by the WPC, and after the District Plan has been duly recorded with the Boone County Recorder. All structures in an approved PUD shall be constructed as shown on the approved plans and in accordance with the applicable building codes, and any site improvement activities shall fall within the limitations for the approved District Plan.
- j. In the exercise of its continuing subdivision jurisdiction, the WPC may from time to time modify the approved PUD in a manner consistent with the approved PUD to allow for changed circumstances and/or conditions unforeseen at the time of original approval.
- k. Approval of the District Plan by the WPC shall expire after a period of ten (10) years from the approval of the Plan unless the development is fifty percent (50%) completed in terms of public improvement including streets, parks, walkways, and utility installations such as power, gas, water, and sanitary sewers, in which latter instance an extension of time may be granted by the WPC not to exceed five (5) successive periods of two (2) years each.
- l. Upon the abandonment of a PUD district development authorized under this section (abandonment shall be deemed to have occurred when no improvements have been made pursuant to the District Plan for thirty-six (36) consecutive months), or upon the expiration of ten (10) years from the approval by the WPC for a development that has been completed (or the expiration of an extension granted by the WPC as described above), the WPC shall initiate an amendment to the Whitestown Zoning Map so that the land will be zoned into a category or categories which most nearly approximate its then existing use or such other zoning category or categories as appropriate.

Chapter 3

Overlay Districts

3.0 Overlay Districts Introduction

A . Purpose, Intent, and Authority .

The purpose of this Chapter is to provide for overlay districts, establish consistent procedures for their establishment, and to foster the purposes of the Zoning Ordinance. The intent of overlay districts is to give Whitestown a tool to address specifically identified areas of the jurisdiction that requires special attention and guidance. In addition to the Zoning Ordinance purposes, the general purposes of overlay districts are to promote coordinated, quality development per the land use recommendations set forth in the comprehensive plan; to establish basic development standards for structures, landscaping, and other improvements on the properties within overlay districts which promote high quality and innovative site design while at the same time encourage efficient land usage; and to establish development standards which will encourage capital investments for the development of those properties within overlay districts. The authority to establish overlay districts is based on the goals and objectives of the Comprehensive Plan and IC 36-7-4-600.

B . Establishment of Overlay Districts .

1. The establishment of an overlay district shall be a combination of a zoning text amendment and a zoning map amendment and shall be processed concurrently. To simplify the process, the public hearings shall be advertised and held together; when considering the overlay district establishment, the WPC and the legislative body shall consider the recommendations together, the Town Council's certifications shall be combined, and the adopting ordinances shall be combined.
2. The WPC shall only initiate overlay districts. IC 36-7-4-602 (b) and (c) and IC 36-7-4-607 and 608 shall govern the procedure for the establishment of overlay districts.

C . Zoning Map .

As part of the establishment of overlay districts as set forth above, the WPC shall recommend the boundaries of the overlay districts. Each ordinance that establishes an overlay district shall authorize the Administrator to graphically delineate the overlay district on the zoning maps. Each overlay district shall be identified on the zoning maps with its boundaries, an identifying name, and the ordinance number that established the overlay district.

3.1 I-65 South Corridor Overlay Zoning District

A. Purpose.

The purpose of the I-65 South Corridor Overlay District is to promote and protect the public health, safety, comfort, convenience and general welfare by providing for consistent and coordinated treatment of the properties bordering I-65 within the jurisdiction of Whitestown. The WPC, in establishing this district, are relying on IC 36-7-4-600 et seq. and IC 36-7-41400 et seq. This zoning district is, likewise, intended to serve as a tool for implementing the development policies and guidelines set for the I-65 Corridor in the Comprehensive Plan. I-65 is a limited access interstate highway and an important business corridor to Boone County. The I-65 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. Therefore, it is the further purpose of the I-65 South Corridor Overlay District to preserve the aesthetic qualities of those bordering properties through:

1. the promotion of coordinated development in the I-65 South Corridor Overlay District;
2. the establishment of high standards for buildings, landscaping, and other improvements constructed on the properties within the I-65 South Corridor Overlay District which permit innovative site designs and at the same time encourage efficient land usage; and
3. the establishment of development requirements which will encourage substantial capital investments for the development of those properties and promote the quality, scale, and character of development consistent with the I-65 Corridor's existing and planned uses.

This Ordinance further seeks to foster development that will provide this district with a special sense of place that will increase property values, protect real estate investment, spur commercial activity, and attract new businesses. More specifically, the creation of this special sense of place shall be encouraged by means of a coordinated set of design principles for buildings, site planning, landscaping and signage. These principles are intended to guide individual development activities so that they will work together visually in support of the common architectural theme described below.

B. District Boundaries.

The boundaries of the I-65 South Corridor Overlay District are hereby established as follows as they lie within the jurisdiction of the Town of Whitestown:

1. Beginning at the Boone County/Marion County border, six hundred (600) feet east of the I-65 right-of-way, proceeding northwest, parallel with I-65 at a distance of six hundred (600) feet from the I-65 right-of-way, to a point measuring six hundred (600) feet from the right-of-way of State Road 334,

proceeding east, parallel with State Road 334 at a distance of six hundred (600) feet to the State Road 334 right-of way, to a point measuring two thousand six hundred forty (2640) feet from the I-65 right-of-way, extending north, across State Road 334 to a point measuring six hundred (600) feet north of the State Road 334 right-of-way, proceeding west, parallel to State Road 334 at a distance of six hundred (600) feet to the State Road 334 right-of way, to a point measuring six hundred (600) feet from the I-65 right-of-way, proceeding northwest parallel to I-65 at a distance of six hundred (600) feet from the I-65 right-of-way, to a point measuring six hundred (600) feet from the right-of-way 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 measuring two thousand six hundred forty (2640) feet from the I-65 right-of-way, extending north, across CR 400 S. to a point measuring six hundred (600) feet north of the CR 400 S. right-of-way, proceeding west, parallel to CR 400 S. at a distance of six hundred (600) feet to the CR 400 S. right-of way, to a point measuring six hundred (600) feet from the CR 400 E. right-of-way, proceeding north, parallel with CR 400 E. at a distance of six hundred (600) feet to the CR 400 E. right-of way, to a point measuring two thousand six hundred forty (2640) feet from the I-65 right-of-way, extending west across CR 400 E. to a point measuring six hundred (600) feet west of the CR 400 E. right-of-way, proceeding south, parallel with CR 400 E. at a distance of six hundred (600) feet to the CR 400 E. right-of way, to a point measuring six hundred (600) feet from the I-65 right-of-way, proceeding northwest, parallel to I-65 at a distance of six hundred (600) feet from the I-65 right-of-way to the corporate limits of the City of Lebanon.

2. Beginning at the Boone County/Marion County border, six hundred (600) feet west of the I-65 right-of-way, proceeding northwest, parallel with I-65 at either a) a distance of six hundred (600) feet from the I-65 right-of-way or b) the center line of Indianapolis Road, whichever is the greater distance from the I-65 right-of-way, to a point measuring six hundred (600) feet from the CR 650 S. right-of-way, proceeding west, parallel with CR 650 S. at a distance of six hundred (600) feet to a point measuring two thousand six hundred forty (2640) feet from the I-65 right-of-way, extending north across CR 650 S. to a point measuring six hundred (600) feet north of the CR 650 S. right-of-way, proceeding east, parallel to CR 650 S. at a distance of six-hundred (600) feet, to the center line of Indianapolis Road, proceeding northwest, along the center line of Indianapolis Road, to a point measuring six hundred (600) feet from the State Road 267 right-of-way, proceeding south, parallel with State Road 267 at a distance of six hundred (600) feet from the State Road 267 right-of-way, extending west across State Road 267 to a point measuring six hundred (600) feet west of the State Road 267 right-of-way, proceeding north, parallel to State Road 267 at a distance of six hundred (600) feet, to the center line of Indianapolis Road, proceeding northwest, parallel with I-65 at either a) a distance of six hundred (600) feet from the I-65 right-of-way or b) the center line of Indianapolis Road, whichever is the greater distance from the I-65 right-of-way, to the corporate limits of the City of Lebanon.

C. Uses.

1. Permitted Uses. All primary uses and accessory uses which are permitted in the underlying zoning district(s), except the uses expressly excluded by Section 9.3.E.4 (*Excluded Uses*), are permitted in the I-65 South Corridor Overlay District.
2. Permitted Conditional Uses.

3. Special Exceptions. All Special Exceptions which are permitted (upon obtaining approval from the WBZA) in the underlying zoning district(s), except the uses expressly excluded in Section 9.3.E.4 (*Excluded Uses*), are permitted in the I-65 South Corridor Overlay District.
4. Special Exception Conditional Uses.
5. Prohibited Uses. The following uses will not be permitted in the I-65 South Corridor Overlay District:
 - a. Confined Feeding
 - b. Junk Yard
 - c. Manufacturing, Use, or Storage of Explosives
 - d. Slaughter House
 - e. Sanitary Landfill
 - f. Restricted Waste Site
 - g. Sexually Oriented Business
 - h. Any other uses excluded by the underlying zoning district
6. Uses Not Listed . For uses not listed, the Administrator 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 Administrator determines that the use is not similar, then the application shall be denied. In case of uncertainty, the Administrator may refer the request for clarification or classification to the WBZA for consideration in accordance with the provisions of Section 9.3.E.4 (*Uses Not Listed*) under the Duties of the Board of Zoning Appeals.

DEVELOPMENT STANDARDS		Single-family Residential	Two-family Residential	Multi-family Residential	Mobile Home Parks	Non-residential
Structure Standards						
Building height	Minimum height of principal buildings	1.5 stories (20 feet)	1.5 stories (20 feet)	1.5 stories (20 feet)		2 stories
	Maximum height of principal buildings	Per the underlying zoning district	Per the underlying zoning district	Per the underlying zoning district		Per the underlying zoning district
	Minimum height of accessory buildings	20 feet	20 feet	20 feet		20 feet
Minimum ground floor area	One-story					
	Multi-story					
Minimum structure size	Minimum width					
	Minimum length					
Minimum gross floor area (excluding basement)						2500
Minimum primary structure width						
Minimum primary structure length						
Minimum distance between dwelling units						
Minimum distance between all structures						
Lot Standards						
Minimum lot width						
Minimum road frontage						
Minimum lot area per development		3 acres	3 acres	3 acres		3 acres
Minimum lot area per unit						
Minimum front yard setback		Per the underlying zoning district	Per the underlying zoning district	Per the underlying zoning district		Per the underlying zoning district
Minimum distance from building to road						
Minimum side yard setback						
Minimum rear yard setback	Primary Structure	Per the underlying zoning district	Per the underlying zoning district	Per the underlying zoning district		Per the underlying zoning district
	Accessory Structure	Per the underlying zoning district	Per the underlying zoning district	Per the underlying zoning district		Per the underlying zoning district
Maximum density (units/acre)						
Minimum open space						
Maximum lot coverage						
Utility Standards						
Municipal water and sewer required		Yes	Yes	Yes		Yes

D. Development Standards.

1. Uses.

- a. Primary Uses.
- b. Accessory Uses.
- c. Temporary Uses.
- d. Residential Uses.
- e. Commercial Uses.
- f. Industrial Uses.
- g. Non-conforming Uses.
 - i) Alteration. A Development Plan shall be submitted to the WPC for consideration when a legal non-conforming use is altered as follows:
 - a) A building has been more than sixty percent (60%) destroyed.
 - b) Any expansion of a building or site development (including addition of parking lot). Normal maintenance and repair is exempt from the Development Plan approval requirement.
 - c) If a property or building is vacated for more than one (1) year.
 - ii) Conversion to a Conforming Use. A Development Plan shall be submitted to the WPC for consideration when a legal non-conforming use is changed to a conforming use and when either:
 - a) Any new building is to be constructed; or
 - b) Any existing building or site development (including addition of parking lot) is expanded by more than thirty percent (30%).

2. Structures.

- a. Primary Structures.
 - i) Orientation: The façades of all primary structures located within the I-65 South Corridor Overlay District and facing and parallel to I-65 or Indianapolis Road, or any other primary thoroughfare identified by the Comprehensive Plan, shall contain at least one (1) main building entrance of the type described in Item j below. Unless otherwise approved by the WPC, loading docks shall not be located on a façade facing and parallel to I-65 or Indianapolis Road, or any other primary thoroughfare identified by the Comprehensive Plan.
- b. Accessory Structures.
 - i) All accessory buildings which are permitted in the underlying zoning district(s) shall be permitted, except that any attached or detached accessory building in any Development Plan shall have on all sides the same building proportions, architectural features, construction materials, and in general be architecturally compatible with the principal building(s) with which it is associated.
- c. Structure Height.
 - i) The height of new principal buildings shall be at least the standard shown above or be designed to appear so from the front and sides. The minimum height for all buildings shall be measured either at the roofline or at the top of the parapet wall.
- d. Structures Relocated.

- e. Residential Structures.
 - f. Commercial Structures.
 - i) Retail and office Buildings. 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 the streets, with parking located to the rear, and, if necessary, to the side of a building. Retail and office buildings are encouraged to have office or residential uses on the second floor.
 - g. Industrial Structures.
 - h. Other Structures.
 - i) Trash Receptacles. Trash collection structures and areas shall be permitted per the needs of the business establishments and shall be identified on the Development Plan.
3. Lots.
- a. Minimum Tract Size. A parcel that is less than three (3) acres will be allowed only if it is part of a Development Plan that includes land totaling more than three (3) acres.
For tracts located only partially within the I-65 South Corridor Overlay District, a Development Plan shall be submitted to the WPC for the entire tract to be developed. If a parcel of land or subdivision lot was recorded prior to the effective date of this overlay ordinance, and said parcel or lot does not contain the minimum area required by this Paragraph, said parcel or lot ("Undersized Lot") may be used for any use permitted in the I-65 South Corridor Overlay District provided that all other development requirements applicable to the I-65 South Corridor Overlay District can be met. This Paragraph does not preclude the sale or other transfer of any parcel of land within a tract after the approval of a Development Plan for the entire tract. However, the development of the parcel must still conform to the Development Plan for the entire tract as approved or amended by the WPC, and all other applicable requirements contained in the Zoning Ordinance.
 - b. Lot Width. Lot width is measured at the building line.
4. Yards.
- a. Minimum Front Yard Setback. Minimum front yard setback is as shown or 70 (seventy) feet from the center of the road, whichever is greater (not applicable to flag lots). The purpose of the setback requirements in this section is to provide site design requirements that align buildings along the edges of a parcel, towards the public right of-way of the I-65 South Corridor.
 - b. Minimum Side Yard Setback. In all districts, a side yard adjoining a street which does not face the primary structure is 25 (twenty-five) feet or 70 (seventy) feet from the centerline of the road, whichever is greater. The minimum side yard setback is as shown or the width of the applicable bufferyard, whichever is greater.
 - c. Minimum Rear Yard Setback. Minimum rear yard setback is as shown or the width of the applicable bufferyard, whichever is greater.
5. Access.
- a. Emergency Access. All emergency access areas and facilities shall be shown on the site plan and reviewed by the appropriate Fire Chief.

- b. Access to Individual Lots. The streets that are considered by their functional nature as primary thoroughfares must have reasonable restrictions as to the number and location of access points within the I-65 South Corridor Overlay District. I-65 represents a total barrier to east-west streets. Therefore, in order to provide safe and efficient traffic movement to and from adjacent lands and to protect the functional integrity of the corridor's primary thoroughfares, in many cases the building of frontage roads, access roads, or distributor roads will be required. Such roads shall be coordinated with those of contiguous lots and designed to preserve the aesthetic benefits provided by greenbelt and other landscaped areas. Access at the side or rear of buildings is to be encouraged. New access points onto the primary thoroughfare in the corridor shall be coordinated with existing access points whenever possible.
- 6. Geographic and Topographic Restrictions.
 - 7. Storage.
 - 8. Lighting.
 - a. Lighting Plan. A Lighting Plan, meeting the following standards, for the proposed development shall be filed as part of the Development Plan.
 - b. Design. All lighting standards, including those on buildings, security lights and architectural lights within the development area shall be of uniform design and materials. Parking lot and streetlights shall also be of uniform height not to exceed thirty (30) feet. Luminaries for such lights shall be in proportion to the pole diameter and height. All lights within gas station canopies and adjacent to residential areas shall be of a "down lighting" type with the light element completely shielded on all sides and top. The WPC may approve decorative lighting should it be more appropriate to the overall site design.
 - c. Intensity. Lighting shall not cause illumination beyond any residential lot line or road right-of-way line in excess of one-tenth (0.1) foot-candle of light. Lighting shall not cause illumination beyond any non-residential tract or parcel line or road right-of-way line in excess of three-tenths (0.3) foot-candle of light.
 - 9. Parking and Loading Requirements.
 - a. Parking. 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 the streets, with parking located to the rear, and, if necessary, to the side of a building. For all other requirements, see Section 4.4.
 - b. Loading Berths. Loading berths shall be permitted per the needs of the business establishments and shall be identified on the Development Plan. Loading berths and overhead doors shall be encouraged to face to the rear of all buildings. Should a loading berth be located adjacent to or visible from a public right-of-way, it shall be screened per WPC approval.
 - 10. Bufferyards and Landscaping.
 - a. Landscaping Plan. The applicant shall submit a Landscaping Plan as part of the Development Plan application to the WPC. This plan shall be drawn to scale, including dimensions and distances; shall delineate all existing and proposed structures, private parking areas, walks, ramps for the handicapped, terraces, driveways, signs, lighting standards, steps, storm water facilities and other

similar structures; and shall delineate the location, size and description of all landscape material and the method to be used for the watering or irrigation of all planting areas. Landscape treatment for plazas, roads, paths, service and private parking areas and storm water areas shall be designed as an integral and coordinated part of the Landscaping Plan for the entire site. The Landscaping Plan shall be consistent with the requirements of Section 4.1.

- b. Screening. All air conditioning units, HVAC systems, exhaust pipes or stacks, overhead doors, outside storage areas (where permitted by the underlying zoning district), trash collection areas, and satellite dishes shall be integrated into the overall building design or screened from view from I-65 or adjoining residential zones or uses using:
 - i) walls, fencing, parapets or screens architecturally compatible with the principal building(s) with which they are associated,
 - ii) landscaping or camouflage, or iii) other approved method.
- c. Landscaping Installation and Maintenance.
 - i) Installation. All landscaping approved as part of the Development Plan shall be installed prior to the issuance of a Certificate of Occupancy by the Administrator. ii) Maintenance. It shall be the responsibility of the owners and their agents to ensure proper maintenance of all trees, shrubs and other landscaping approved as part of the Development Plan in accordance with the standards set by this Ordinance. This is to include, but is not limited to, replacing dead plantings with identical varieties or a suitable substitute, irrigation and mulching of planting areas, and keeping the area free of refuse, debris, rank vegetation and weeds. iii) Changes after Approval. No landscaping which has been approved by the WPC may later be substantially altered, eliminated or sacrificed without first obtaining further WPC approval. However, minor material alterations in landscaping may be approved by the Administrator in order to conform to specific site conditions. iv) Inspection. The Administrator, or authorized agent thereof, may visit any tract within the I-65 South Corridor Overlay District to inspect the landscaping and check it against the approved plan on file.

11. Signs.

- a. On-Premise Signs. A Sign Plan for the proposed development shall be submitted to the WPC as part of the Development Plan. Signs for each proposed use shall be uniform in character as to color and architectural design as approved by the WPC. Should a Sign Plan be replaced with a new design, the amended Sign Plan must go before the WPC for review and consideration. Individual signs which conform to both the Zoning Ordinance and to the Sign Plan shall not require further consideration, however, such signs shall require an ILP for each sign.
- b. Off-Premise (Outdoor Advertising) Signs. Off-Premise Signs will not be allowed in the I-65 South Corridor Overlay District. This shall not prohibit incidental signs located at the entrances to commercial or industrial subdivisions.

12. Architectural Design Requirements. The required Development Plan shall depict the architectural design of building(s) to be constructed in the development subject thereto. In reviewing such architectural design, the WPC shall consider the following factors:

- 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. Pre-existing buildings on adjoining tracts shall not be a factor in the design of new buildings unless they are consistent with the architectural objectives of the I-65 South Corridor Overlay District.

- b. **Building Façades:** To avoid long, monotonous, uninterrupted walls or roof planes, building façades ninety (90) feet or greater in width shall incorporate changes in pattern, texture or color. Façades constructed of more than one (1) material shall only change material along a horizontal or vertical line (not a diagonal line). In the case of a change along a horizontal line, the heavier material shall always be placed beneath the lighter material. Front and side façades of buildings located on corner lots or parcels shall be of the same materials and similarly detailed.
- 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 façades 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 façade composition; and are designed as an integral part of the façade.
- g. **Additional Requirements for Retail and Commercial Buildings:** The following additional requirements shall be applicable to any buildings in the I-65 South Corridor Overlay District having office and retail as the primary use:
 - i) **Storefronts:** Storefronts shall be integrally designed with overall facade character. Ground floor retail, service and restaurant uses should generally have large pane display windows, however, they shall not exceed seventy-five percent (75%) of the total ground level (first floor) facade area. Buildings with multiple storefronts shall be of unified design, through the use of common materials, architectural details, signage and lighting consistent with the overall building style.
 - ii) **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.

Stacking for drive-thru lanes shall be confined to the side or rear of the tract or parcel with outlet from such lines also being to the rear of the building. Lines for drive-thru facilities shall not be permitted along the front and sides of structures within the I-65 South Corridor Overlay District, nor permitted to spill onto adjoining properties.

iii) **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 other requirements of this paragraph. Pitched roofs shall be clad in wood shingles, slate, composition asphalt shingle or standing-seam metal panels. Asphalt shingles shall be colored to resemble gray slate; standing-seam panels may be either gray, black, dark blue, dark green or barn red. 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 others roof penetrations must be painted to match the color of the roof or flat black, except those made of metal which may be left natural. Gutters and downspouts shall be appropriate to or visually integrated with the architectural style of the structure.

- h. Suitability of exterior building materials: Unless otherwise approved by the WPC, exterior building materials shall be as follows:
- i) Exposed foundation shall be constructed of one (1) or more of the following:
 - a) Red brick;
 - b) Stone (limestone, granite, fieldstone, etc.);
 - c) Split-face block or architectural pre-cast concrete, if surface looks like brick or stone.
 - ii) Façade walls of buildings (other than industrial buildings and warehouse facilities, including self-storage and mini-warehouse uses) shall be constructed of one (1) or more of the following materials:
 - a) Red brick or stone;
 - b) Smooth cut cedar shingles;
 - c) Wood clapboard siding;
 - d) Wood beaded siding;
 - e) Stucco with smooth finish, or dryvit (or equivalent), not to exceed twenty percent (20%) of the overall non-window façade area;
 - f) Architectural metal panels;
 - g) Glass (up to seventy-five percent (75%) of the façade area); and
 - h) Ornamental metal.
 - iii) Façade walls of industrial buildings and warehouse facilities, including self-storage and mini-warehouse uses, visible from I-65 shall be constructed of one (1) or more of the following:
 - a) Red brick façades trimmed with split-faced aggregate block (of a color and texture resembling Indiana limestone), provided that it also includes red brick accents (such as windowsills, lintels above windows and doorways, building corners, parapet coping, etc.).
 - b) Split-face aggregate block (of a color and texture resembling Indiana limestone) provided that it also incorporates red brick accents.
 - c) Pre-cast concrete wall panels of a color and texture resembling either red brick or Indiana limestone, provided the building design also incorporates architecturally appropriate details of contrasting color and material.
 - d) Architectural metal panels;
 - e) Glass (up to seventy-five percent (75%) of the façade area); and
 - f) Ornamental metal.

- iv) The use of accent and trim elements (accent panels, banding, cornices, canopies/awnings, etc.) is recommended 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.
- v) 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.

E. Procedures.

1. Development Plan Review. Development Plans shall be reviewed in accordance with Section 9.4.
2. Waiver of Development Requirements.
 - a. Building Materials Findings. The WPC may grant a waiver of Subsection D.12.h and approve the use of alternate exterior building materials on any facade of a building upon finding that:
 - i) the building materials utilized represent an innovative use of said materials which enhance the overall aesthetic exterior character of the building and will not be detrimental to the use or value of area properties;
 - ii) the building materials utilized are appropriate when compared to the building materials utilized on other buildings on the site and surrounding sites;
 - iii) the building materials utilized are consistent with and compatible with other Building materials utilized on, and with the overall exterior character of, other buildings and development located along the street; and
 - iv) the Building materials utilized are consistent with the intent and purpose of this Ordinance.
 - b. Architectural Design Findings. The WPC may grant a waiver of Subsection D.12 and approve an architectural design that does not meet the requirements of said provisions upon finding that:
 - i) 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;
 - ii) the proposed building is appropriate when compared to the architecture, design and overall exterior character of other buildings on the site and surrounding sites;
 - iii) the Building design is consistent with and compatible with other development located along the street; and
 - iv) the proposed building is consistent with the intent and purpose of this ordinance.
 - c. The WPC may also grant a waiver of the dimensional standards of Subsections D.3 and D.4.

Chapter 4

Site Standards

4.1 Landscaping and Bufferyards

A. Landscape and Bufferyards

The bufferyard is a unit of yard together with the planting thereon. Both the amount of land and the type and amount of planting specified for each bufferyard requirement are designed to minimize nuisances between adjacent land uses. The planting units required of bufferyards have been calculated to ensure that they do, in fact, function as “buffers”.

Bufferyards shall be required to separate land uses from each other in order to eliminate or minimize potential nuisances such as dirt, litter, noise, glare of lights, signs, and unsightly building or parking areas, or to provide spacing to reduce adverse impacts of noise, odor, or danger from fires or explosions.

Proposed uses in any district that are specifically agricultural, as defined under “agriculture”, are exempt from providing bufferyards unless otherwise specified.

1. Location, Maintenance, Planting Size, and Landscape Plan.

- a. Bufferyards shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line.
- b. At the discretion of the Administrator, the width of the bufferyard may include all or a portion of rights-of-way, drainage easements, and utility easements, however plantings shall not be located on any portion of these areas. With this discretion, the Administrator must ensure that the effectiveness of the required bufferyard shall not be compromised.
- c. All plant material that dies must be replaced within six (6) months so as to maintain the approved bufferyard and landscape plan.
- d. Deciduous trees are to be a minimum of two (2) inches in diameter or eight (8) feet tall at the time of planting. Evergreen trees shall be a minimum of five (5) feet tall at the time of planting.
- e. Any existing plant material which otherwise satisfies the requirements of this section may be counted toward satisfying all such requirements.
- f. The following plant material substitutions shall satisfy the requirements of this section.
 - i) In all bufferyards evergreen, canopy or evergreen understory trees may be substituted for deciduous canopy trees without limitation.
 - ii) In all bufferyards, evergreen or conifer shrubs may be substituted for deciduous shrubs without limitation. A landscape plan shall be submitted with each applicable application. Such plan shall be a site plan drawn to scale showing the location, type, size, and category of each plant unit used.
- g. When it has been proven that the required plantings of a bufferyard cannot be installed because of existing easements or other unavoidable site constraints, the Administrator shall have the discretion to allow the substitution of alternative vegetation, provided that the total number of plantings does not decrease.

2. Determination of Bufferyard Requirements.

- a. To determine the type of bufferyard required between two (2) adjacent parcels, the following procedure shall be followed.
 1. Identify the zoning district of the proposed land use by referring to the horizontal column of Table 1.
 2. Identify the zoning district of the adjacent parcels by referring to the vertical column of Table 1.
 3. Determine the bufferyard required on each boundary of the subject parcel by referring to Table 1 and then to the options for that bufferyard.
- b. The required bufferyards constitute the total bufferyard required between the adjacent land uses. Any of the alternatives for the required bufferyard shall satisfy the requirement of buffering between adjacent land uses.

3. Bufferyard Requirements.

- a. Bufferyard requirements are stated in terms of the width of the bufferyard and the number of plant units required per one hundred (100) linear feet of bufferyard. The requirements of a bufferyard may be satisfied by any of the alternatives illustrated. The quantity and type of plant materials required by each bufferyard are specific and identified in the Appendix. The specifications of each bufferyard and its alternatives are illustrated in this section. Each alternative depicts the total bufferyard located between two (2) parcels.
- b. Whenever a wall, fence, or berm is required within a bufferyard, these are shown as “Fence/Berm” in the following table, wherein their respective specifications are also shown. Whenever a wall is required in addition to a berm, the wall shall be located between the berm and the higher intensity use, in order to provide maximum sound absorption.
- c. If the development on the adjoining use is existing, planned, or deed-restricted for solar access, understory trees may be substituted for canopy trees where canopy trees would destroy solar access.
- d. If the development borders a jurisdictional boundary outside that of this ordinance, the bufferyard used shall be based on the district most comparable to that of this ordinance, at the discretion and approval of the Administrator.
- e. The exact placement of required plants and structures shall be the decision of each user except that the following requirements shall be satisfied.
 1. Evergreen (or conifer) plant materials shall be planted in clusters rather than singly in order to maximize their chances of survival. ii) Berms with masonry walls required of bufferyard J and K options are intended to buffer more significant nuisances from adjacent uses and, additionally, to break up and absorb noise, which is achieved by the varied heights of plant materials between the wall and the noise source.
 - iii) When berms with walls are required, the masonry wall shall be closer than the berm to the higher intensity use.
 - iv) Within a bufferyard, a planting area at least five (5) feet wide containing fifteen percent (15%) of the total plant requirements shall be located between the masonry wall and the higher intensity class use. These plants shall be chosen to provide species and sizes to reduce noise in conjunction with the wall.

Table 1: Bufferyard Requirement

Adjacent District		C	AP	AG	R1	R2	R3	MF	PB	LB	GB	UB	AB	I1	I2
	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	AP	-	-	Ag	Ag	Ag	Ag	Ag	Ag	Ag	Ag	Ag	Ag	Ag	Ag
	AG	-	-	Ag	Ag	Ag	Ag	Ag	A/B *	A/C *	A/E *	-	A/G *	A/H *	A/I *
	R1	-	-	Ag	B	C	D	D	D	E	G	-	I	J	K
	R2	-	-	Ag	C	B	D	D	D	E	G	-	I	J	K
	R3	-	-	Ag	D	C	B	B	D	E	G	-	I	J	K
	MF	-	-	A	D	C	B	B	D	E	G	-	I	J	K
	PB	-	-	A	D	D	D	D	A	A	B	-	C	C	C
	LB	-	-	A	E	E	E	E	A	A	A	-	C	C	C
	GB	-	-	A	G	G	G	G	A	A	A	-	C	C	D
	UB	-	-	A	H	H	H	H	D	C	A	-	A	B	C
	AB	-	-	A	I	I	I	I	E	D	C	-	A	A	B
	I1	-	-	A	J	J	J	J	E	D	C	-	B	A	A
	I2	-	-	F	K	K	K	K	F	E	D	-	C	A	A
	PUD	@	@	@	@	@	@	@	@	@	@	@	@	@	@
Streets															
Collector		-	-	-	F	F	F	-	-	-	-	-	C	D	E
Sub collector		-	-	-	D	D	D	B	B	C	D	-	F	G	H
Feeder		-	-	-	B	B	B	B	B	D	F	-	G	H	I
Access		-	-	-	B	B	B	B	B	B	C	-	D	E	F

- f. All bufferyard areas shall be live vegetation and seeded with lawn or prairie grasses unless such ground cover is already established.
 - g. Bufferyards may contain natural water amenities or areas established for drainage provided that planting requirements are still satisfied.
 - h. Where drainage and utility easements
- 4. Use of Bufferyards.** A bufferyard may be used for passive recreation. It may contain pedestrian, bike, or equestrian trails, provided that no plant material is eliminated, the total width of the bufferyard is not reduced, and all other regulations of the ordinance are met. In no event, however, shall permanent structures be permitted in bufferyards including ice skating rinks, stables, swimming pools, and tennis courts.
- 5. Ownership of Bufferyards.** Bufferyards may remain in the ownership of the original developer of a land use, or they may be subjected to deed restrictions and subsequently be freely conveyed, or they may be transferred to any consenting grantees, such as adjoining landowners, a park or forest preserve, or an open space or conservation group, provided that any such conveyance adequately guarantees the protection of the bufferyards for the purposes of this ordinance.
- 6. Excess Bufferyard.** Where the bufferyard required between a land use and vacant land turns out to be greater than that bufferyard which is required between the first use and the subsequently developed use, the following uses apply:
- a. The subsequent use may provide one half (1/2) of the bufferyard required. The existing use may expand its use into the original bufferyard area, provided that the resulting total bufferyard between the two (2) uses meets the bufferyard requirements.
 - b. The existing use may enter into agreements with abutting landowners to use its existing bufferyard to provide some or all of the required bufferyard of both land uses. The total bufferyard shall equal the requirements. Provided that such an agreement can be negotiated, the initial use may provide the second use some or all of its required bufferyard and/or extra land on which it might develop. The existing use may reduce its excess bufferyard by transferring part or the entire excess bufferyard to the adjoining landowner to serve as its buffer. Any remaining excess bufferyard area may be used by the existing use for expansion of that use or for transfer by it to the adjoining landowner to expand that adjoining use.
- 7. Bufferyard Between Like Uses.** Where a bufferyard is required in a zoning district where the proposed use is similar to existing, surrounding uses in terms of land use, size, density, and lot size, the bufferyard may be waived at the discretion of the Administrator. Such waiver (or denial of a waiver) by the Administrator shall be made in writing, justifying the decision.

* = In areas abutting an existing residential use or agricultural use, the more restrictive bufferyard shall apply

- = No bufferyard required

@ = As determined by WPC

TABLE 2: Bufferyard Alternatives							
			Plant Units Required per 100 Linear Feet				
Bufferyard	Alternative	Width	Canopy Trees	Understory Trees	Shrubs	Evergreens	Fence/ Berm
AG <i>No plantings permitted in the 30 feet closest to the agricultural zoning</i>							
	1	40.0	-	-	-	-	-
A							
	1	5.0	1	1	0	0	-
	2	7.5	0	1	0	0	-
	3	10.0	0	1	0	0	-
	4	12.5	0	0	0	0	-
B							
	1	10.0	1	2	0	0	-
	2	15.0	1	2	0	0	-
	3	20.0	1	1	0	0	-
	4	25.0	0	1	0	0	-
C							
	1	10.0	1	2	3	0	-
	2	15.0	1	2	2	0	-
	3	20.0	1	1	2	0	-
	4	25.0	0	1	1	0	-
D							

	1	15.0	2	4	6	0	-
	2	20.0	2	3	5	0	-
	3	25.0	1	2	4	0	-
	4	30.0	1	2	2	0	-
E							
	1	10.0	3	5	8	0	F1
	2	20.0	3	6	9	0	-
	3	25.0	2	5	7	0	-
	4	30.0	2	4	5	0	-
F							
	1	10.0	4	8	12	0	F3
	2	15.0	5	9	14	0	F2
	3	20.0	5	10	15	0	-
	4	25.0	4	8	12	0	-
	5	30.0	3	6	9	0	-

TABLE 2 Continued: Bufferyard Alternatives

			Plant Units Required per 100 Linear Feet				
Bufferyard	Alternative	Width	Canopy Trees	Understory Trees	Shrubs	Evergreens	Fence/ Berm
G							
	1	15.0	3	4	17	8	F3
	2	20.0	3	5	18	9	F4
	3	25.0	4	6	24	12	-

	4	30.0	3	5	19	10	-
	5	40.0	2	4	14	7	-
H							
	1	20.0	3	5	18	9	F5
	2	30.0	5	8	30	15	F4 or B2
	3	40.0	4	6	24	12	F3 or B1
	4	50.0	3	5	18	9	-
I							
	1	25.0	4	5	22	22	F6
	2	30.0	5	7	29	29	F5
	3	40.0	6	9	36	36	F4 or B2
	4	50.0	5	7	29	29	F3 or B1
	5	75.0	4	5	22	22	-
J							
	1	30.0	5	7	29	14	BW2
	2	40.0	6	10	38	19	F6 or BW1
	3	50.0	8	12	48	24	B3 or F5
	4	75.0	6	10	38	19	B2 or F4
K							
	1	50.0	6	9	36	18	BW3
	2	75.0	8	12	48	24	BW2
	3	100.0	10	15	60	30	BW1 or F6
	4	125.0	8	12	48	24	B3 or F5
	5	30.0	3	6	9	0	-

Table 3: Fence, Berm, and Wall Standards

Fence	Fence Height (feet)		Material and Design
F1	3.70		wood picket
F2	4.00		wood rail
F3	6.00		wood stockade
F4	8.00		wood stockade
F5	6.00		masonry wall
F6	8.00		masonry wall
Berm	Berm Height (feet)		Material and Design
B1	4.00		earth
B2	5.00		earth
B3	6.00		earth
Berm Walls	Berm Height (feet)	Wall Height (feet)	Material and Design
BWa	4.00	6.00	earth berm and masonry wall
BW2	5.00	7.00	earth berm and masonry wall
BW3	6.00	8.00	earth berm and masonry wall

4.2 Lighting

A. Lighting.

In any district, outdoor lighting, where provided, shall be of a design and size that is harmonious with the design of the building, the type of land use, and the type of adjacent land uses. If external spot or flood lighting is used, the light source should be shielded and restrained in such a manner so as not to illuminate or intrude on surrounding properties. Excessive brightness, flashing lights, and brilliant colors are not permitted.

4.3 Lots and Setbacks

A . Lots .

Every primary structure hereafter erected, except agricultural structures not used for human habitation, shall be located on an individual lot which fronts on a street or private drive. No building or structure shall hereafter be erected or located on a lot unless such lot conforms with the lot area regulations of the district in which it is located or in accordance with Chapter 8.

B . Setbacks .

1. In the case of a through or corner lot, any property line abutting a street shall be considered a front property line and the setback from that line shall conform to the front yard setback regulations of that district. Corner lots shall have two (2) front yard setbacks and two (2) side yard setbacks.
2. Where twenty-five percent (25%) or more of the lots in a block are occupied by buildings, the average setbacks of such buildings determine the front yard setback in the block. If there are no other buildings within three hundred thirty (330) feet of the proposed building in either direction, then the standard setback for the district shall apply.
3. Front yard setback lines established in recorded subdivisions establish the front yards in such subdivisions. After the adoption of this ordinance, no subdivision shall be platted with building setback lines less than the required front yard of the district in which it is located.
4. One-half of an alley abutting the rear or side of a lot may be included in the rear yard setback or side yard setback, respectively, but such alley space shall not be included for loading and unloading berths.
5. Architectural features (cornices, chimney, eave, sill, canopy, or similar feature) or open platforms, porches, or landings may extend into a required side or rear yard not more than two (2) feet, and may project into a required front yard not more than three (3) feet.

C . Driveways .

Driveways shall be adequately separated from roadway intersections in order to minimize conflict with intersection traffic. No driveway shall enter the adjoining street at a point closer than the distances shown below to the intersection of the street right-of-way lines, or in the case of a rounded property corner, from the intersection of the street right-of-way lines extended:

- a. Local Street: 50 feet
- b. Collectors: 75 feet
- c. Arterials: 100 feet
- d. I-65 PUD Streets:
 - i) Residential Avenue: 75 feet
 - ii) Neighborhood: 50 feet

- iii) Boulevard: 100 feet
- iv) The Commons: 50 feet
- v) Main Street: 100 feet
- vi) Commerce Boulevard: 100 feet
- vii) Commerce Road: 50 feet

4.4 Parking and Loading

A . Purpose .

1. To reduce traffic problems and hazards by eliminating unnecessary on-street parking and loading. Every use of land except those located in the UB zoning district must include on premises parking and loading sufficient for the needs normally generated by the use, as provided by this section.
2. Off-street parking spaces shall be used only for the parking of vehicles of occupants, patrons, visitors, or employees and shall not be used for any kind of loading, sales, servicing, or continuous storage of vehicles for more than forty-eight (48) hours.
3. Automotive vehicles or trailers of any type without plates in an inoperable condition so as to be deemed dead storage shall be prohibited in residential districts other than in completely enclosed buildings and shall not be parked or stored in any district unless specifically authorized under the terms of this ordinance.
4. Space allotted to loading berths and loading areas shall not be used to satisfy parking space requirements.

B . General Design .

1. Non-residential parking or loading areas along the street-front should be minimized. When possible, parking or loading areas should be placed to the rear of the structure. All parking or loading areas shall be designed with appropriate means of movement and shall be so arranged that movement can proceed safely without posing a danger to pedestrians or other vehicles. No parking area shall be so designed as to require backing into a public street, public or private pedestrian access way, or from a public alley.
2. All parking or loading spaces shall be designed, arranged and regulated as to open directly upon an aisle or driveway without obstruction.
3. All parking areas shall be striped and channelized as appropriate. Parking spaces shall be marked and access lines clearly defined, including directional arrows to guide internal movement and directional signs as necessary.
4. All parking or loading areas shall be maintained in good condition and free of weeds, dirt, trash, and debris.
5. Parking spaces shall be provided with bumper guards or wheel stops along the perimeter of the parking area so located that no part of a parked vehicle will extend beyond the boundary of the parking area.
6. No more than fifteen (15) parking spaces shall be permitted in a continuous row.

7. All parking areas consisting of more than sixty (60) spaces shall provide separate pedestrian walkways. Such walkways should generally be oriented perpendicular to and between parking bays.
 - a. One (1) walkway can serve as a collector for up to four (4) rows of parking spaces.
 - b. The walkway should be a minimum of four (4) feet wide, allowing an additional thirty (30) inches on each side for overhanging of vehicles.
 - c. All walkways should be constructed to be clearly defined through the use of material, landscaping or other form of delineation.
8. Any use which fronts upon and utilizes access to a primary or secondary arterial shall provide and utilize a common frontage or access lane for the purpose of access, parking and loading.
9. Required parking spaces may be open to the sky or enclosed in a structure. Parking structures shall be treated as any major structure and shall be subject to all applicable structural requirements of this ordinance and the issuance of an ILP.
10. Parking structures shall be designed to be architecturally compatible with their surroundings, including appearance, size, scale, building materials, and bulk.
11. All parking areas shall conform to state and federal requirements regarding handicap accessibility.

C . Design Flexibility .

1. Due to particularities of any given development, the inflexible application of required parking spaces may result in parking and loading spaces in excess of need. Upon the written request of the applicant, the Administrator may authorize a reduction of required parking spaces not to exceed ten percent (10%). Approval of reduction of required parking spaces by the Administrator shall be in writing and shall include justification for allowing such reduction.
2. Upon written request by the applicant, up to twenty-five percent (25%) of the dedicated parking area may remain unpaved and in greenspace until such time as the need for maximum parking is determined. This decision and determination shall be at the discretion of the Administrator. Such decision shall be ratified by or appealed to the WPC. Such greenspace shall not be counted toward required landscaping or bufferyards.

D . Required Parking Spaces .

1. In determination of required parking spaces, any fraction of less than one-half (0.50) shall be disregarded, while a fraction one-half (0.50) or greater shall be counted as one (1) parking space.
2. For uses not specified in this section or in the instance requirements for an adequate number of spaces is unclear, the number of spaces shall be determined by the Administrator on the basis of similar requirements, the number of persons served or employed and the capability of adequately serving the visiting public. Such determination may be reviewed by the WPC or appealed to the WBZA.
3. Unless noted in accordance with this section, the number of required automobile parking spaces shall be considered the minimum allowable number of spaces for any particular use.

Table 4: Parking Requirements

Education		
	College & Universities Trade or Business School	1 per 3 students and employees
	Elementary & Secondary Schools	3 per classroom
	High School	6 per classroom
	Libraries & Information Centers	1 per 250 sq ft
Government		
	Municipal or Government Buildings	1 per 250 sq ft
Industrial Uses		
	Commercial Facility for Breeding Non-farm Fowl Commercial Facility for Breeding Non-farm Animals	1 per 3 employees, plus 1 per 125 sq ft of sales area
	Industry, General Confined Feeding Slaughter House Warehouse (General) Warehouse (Grain Storage) Wholesale Business Wholesale Produce Terminal Non-industrial Farm, Agricultural, Animal Related Uses Commercial Greenhouse	1 per 2 employees
	Commercial Greenhouse	1 per 3 employees, plus 1 per 125 sq ft of sales area
	Veterinary Animal Hospital	1 per 3 animal spaces (cages or pens)
Non-profit Membership Organizations		
	Non-profit Membership Organizations	1 per 5 seats
Recreation, Amusement, Tourism		

	Bowling Alleys	4 per lane
	Golf & Country Clubs	3 per golf hole
	Bed and Breakfast Hotel or Motel	1 per sleeping room
	Lodge or Private Club	1 per 800 sq ft of gross floor area
	Motion Picture Theater Stadium, Coliseum Theater, Outdoor	1 per 5 seats
	Outdoor Recreation Facility	5 per acre
	Stable, Public	1 per 5,000 sq ft of lot area

Residential		
	Day Care Center	1 per 6 children, plus 1 per 2 employees
	Group Residential Facility Nursing Home	1 per 4 residents
	Dwelling – Single-family Dwelling – Multi-family Dwelling – Two-family	2 per dwelling unit
Government		
	Municipal or Government Buildings	1 per 250 sq ft
Retail Trade - Food Stores		

	Cafeteria, Restaurant Candy, Nut & Confectionary Carry Out Restaurant Dairy Products, Health Foods Dinner Theater Drive-In Restaurant Fruits & Vegetables Grocery, Bakery, Meat & Fish Night Club Tavern	1 per 3 seats
Trade - General Merchandise		
	Antique Store Apparel Shop, Shoes, Custom Tailoring Bait Sales Bicycle Shops Boat Sales Book & Stationary Store Camera & Photographic Supply China, Glassware, Metalware Department Store Drapery, Curtain & Upholstery Drug Store Electrical Supply Store Farm & Garden Supply Farm Implements & Equipment Sales Floor Coverings Florists, Furriers Gift, Novelty & Souvenir Shops Hardware or Variety Store Hobby, Toy & Game Shops	1 per 200 sq ft of gross floor area
Trade - General Merchandise		

	Household Appliances, Furniture Jewelry Store Liquor Store Lumber & Building Materials Dealer Monument Sales Music & Video Stores News Dealers Paint, Glass & Wallpaper Store Pet Shops Plumbing, Heating & Air Conditioning Dealer Shopping Center Sporting Goods Studio Business Tobacco Stores	1 per 200 sq ft of gross floor area
	Farm Implements & Equipment Sales	1 per 1,000 sq ft of lot and floor area
Services – General		
Services – Medical		
	Convalescent Homes	1 per 4 residents
	Hospitals	1 per 4 beds, plus 1 per doctor, plus 1 per 3 employees, plus 1 per hospital vehicle
	Clinic Medical Office	1 per 2 employees, plus 3 per doctor
Services – Personal		
	Cemetery or Crematory Mortuary	1 per 2 employees, plus 1 per 6 seats
Utilities, Transportation, Communications		
	Mass Transit Station	1 per 2 employees, plus 1 per 4 public seats

Vehicle Dealers, Repair, and Service		
	Automobile or Motorcycle Sales Automobile Repair, Service Station	1 per 200 sq ft of gross floor area, plus 1 per employee, plus 1 per 1,000 sq ft of sales lot

E . Joint Use .

Non-residential uses, within the same and/or separate structures, may provide joint parking provided the total number of spaces is not less than the sum of requirements for the various uses. To the extent that developments with joint parking operate at different times, such parking spaces may be credited to both uses.

F . Satellite Parking .

Parking shall be required on site, except as provided in this section; however, the WBZA may grant satellite parking to any non-residential use by Special Exception. At least part of such parking must be within three hundred (300) feet of the proposed use. A site plan must accompany any such application for Special Exception and must include the following:

1. Adjacent streets, alleys and lots.
2. All uses to be served including the location, use and number of parking spaces provided.
3. A layout drawn to scale indicating aisles, driveways, entrances, exits, turn-off lanes, parking spaces, setbacks, drainage facilities, landscaping, lighting, pavement, and identification signs including location, size and design.
4. All satellite parking shall be developed, maintained and used in accordance with the approved site plan and all other requirements.
5. Any change or other modification of uses served or number or parking spaces shall require amendment and re-approval by the WBZA.

G . Dimensions of Parking Spaces .

1. Each parking space shall contain a rectangular area nine (9) feet wide and nineteen (19) feet long, exclusive of pedestrian passageways, access drives, aisles, ramps, or landscaped areas. Handicapped parking spaces shall conform to state and federal requirements regarding handicap accessibility.
2. In parking areas containing ten (10) or more parking spaces, up to twenty percent (20%) of the spaces may contain a rectangular area only seven and one half (7.5) feet wide and fifteen (15) feet long. Such spaces shall be conspicuously designated as reserved for small or compact cars.
3. Parking areas set aside for parallel parking shall contain a rectangular area nine (9) feet wide and twenty-two (22) feet long.
4. Parking aisle widths shall conform to the following table:

5.

Table 5: Parking Aisle Width					
Parking Angle	0°	30°	45°	60°	90°
One-way Traffic (feet)	13	11	13	18	24
Two-way Traffic (feet)	19	20	21	23	24

6. Each loading space shall be of a size not less than that required for parking space but scaled larger to delivery vehicles expected to be used.
7. Driveways shall be a minimum ten (10) feet wide for one-way traffic and eighteen (18) feet wide for two-way traffic, except that a ten (10) foot wide driveway is permissible for two-way traffic when the driveway is no longer than fifty (50) feet and provides access to a maximum of five (5) parking spaces.

H. Loading Areas.

Loading areas shall conform with the following requirements.

Table 6: Loading Berth Requirements and Distance from Residential Uses		
	Required Berths	Berth Distance from Residential Uses (feet)
Retail or Department Store, Wholesale Storage, Warehousing or other Business Use		
3,000 to 15,000 sq ft gross floor area	1	-
Each 15,000 sq ft or additional fraction of gross floor area	1 additional	-
Office Building		
25,000 to 100,000 sq ft gross floor area	1	-
100,000 to 350,000 sq ft gross floor area	2	-
Each 200,000 or additional fraction of gross floor area	1 additional	-
Industrial Use		
Less than 15,000 sq ft gross floor area	1	100
15,000 to 40,000 sq ft gross floor area	2	100
40,000 to 100,000 sq ft gross floor area	3	100
Each 40,000 or additional fraction of gross floor area	1 additional	100
Commercial Greenhouse		
15,000 square feet or less	1	50
More than 15,000 square feet	2	-
Hospital		
200 beds or less	1	50
200 to 500 beds	2	50
more than 500 beds	3	50
Commercial facility for breeding/raising non-farm fowl and animals	1	100

Stadium or Coliseum	2	50
Airport	Same as Industrial	100
Mineral Extraction, Borrow Pit, Topsoil Removal and Their Storage Areas	Same as Industrial	300
Outdoor Commercial Recreational Enterprise	Same as Industrial	50
Truck Freight Terminal	Same as Industrial	100

I . Surface .

All parking or loading areas for five (5) or more automobiles shall be developed in accordance with the following standards:

1. Parking and loading areas shall be graded and surfaced with an all-weather paving material such as asphalt, concrete, or other material that will provide equivalent protection against potholes, erosion, and dust. However, a gravel surface may be used for a period not exceeding one (1) year after the date of issuing the Certificate of Occupancy where ground conditions are not immediately suitable for permanent surfacing as specified in this section.
2. All areas shall be striped and channelized as appropriate. Parking stalls shall be marked and the access lines clearly defined, including directional arrows to guide internal movement.

J . Landscaping .

Parking lots should be effectively landscaped with trees and shrubs to reduce the visual impact of glare, headlights, and parking lot lights from the public right-of-way and from adjoining properties. In addition, parking lots should be adequately shaded to reduce the amount of reflected heat.

1. Perimeter Bufferyard. Parking or loading areas abutting any street-front or residential use shall provide a perimeter Bufferyard C for parking and Bufferyard E for loading areas or that required for the proposed use in Section 4.1, whichever is greater.
2. Interior Landscaping. Interior landscaping shall be comprised of one (1) canopy tree and three (3) shrubs for every fifteen (15) parking spaces.
3. Maintenance. Maintenance of landscaping for parking and loading areas shall be in accordance with Section IV.Q. Bufferyards.
4. Lighting. Lighting provided to illuminate off-street parking areas shall be so arranged, shielded and directed upon the parking area in such a manner as to not reflect or cause glare into adjacent properties or interfere with street traffic.
5. Loading and Unloading. Uses, except those that do not receive or transport goods in quantity by truck delivery, shall be provided loading berths. Each loading and unloading berth must include a twelve (12) foot by forty-five (45) foot loading space with a fourteen (14) foot height clearance. Loading and unloading berths must be a minimum distance from the nearest residential use in accordance with Table 6.

6. Inspections. At the time the structure receives its final inspection, the completion of the landscaping in accordance with these requirements shall also be a part of the final inspection. However, if seasonal circumstances do not permit the planting of the required landscaping, the final inspection of the landscaping shall be performed at a reasonable, later date as determined by the Administrator.

K . Non-conforming Parking, Enlargement, or Alteration of Existing Structure .

1. No use lawfully established prior to the effective date of this section shall be required to provide and maintain the parking and loading requirements of this section, provided that parking and loading spaces required by any previous ordinance pursuant to state statutes shall be continued and maintained.
2. For any non-conforming use which is hereafter damaged or partially destroyed, and which is lawfully reconstructed, re-established, or repaired, parking and loading facilities equivalent to those maintained at the time of such damage or partial destruction shall be restored and continued in operation, provided, however, it is not necessary to restore or maintain parking or loading facilities in excess of those required by this ordinance for equivalent new uses.
3. When the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, floor area, beds, seating capacity, or other unit of measurement, parking and loading facilities shall be provided for such increase in intensity of use.
4. When the existing use of a building, structure or premises shall be changed or converted to a new use permitted by this ordinance, parking and loading facilities shall be provided as required for the new use.
5. Parking and loading facilities in existence on the effective date of this section shall not be reduced below or if already less than, shall not be further reduced below, the requirements for a new use under this section.

L . Statement of Purpose

1. It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
 - a. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities.
 - b. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
 - c. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters.
 - d. Control filling, grading, dredging, and other development which may increase erosion or flood damage.
 - e. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

- f. Make federally subsidized flood insurance available for structures and their contents in the Town by fulfilling the requirements of the National Flood Insurance Program.
- g. Objectives. The objectives of this ordinance are:
- h. To protect human life and health.
- i. To minimize expenditure of public money for costly flood control projects.
- j. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
- k. To minimize prolonged business interruptions.
- l. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains.
- m. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas.
- n. To ensure that potential homebuyers are notified that property is in a flood area.
- o. Definitions. Unless specifically defined below or in the Whitestown Zoning Ordinance, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance it's most reasonable application.

2. General Provisions.

- a. Lands to Which This Ordinance Applies. This ordinance shall apply to all SFHAs and known flood prone areas within the jurisdiction of the Town of Whitestown.
- b. Basis for Establishing Regulatory Flood Data. This ordinance's protection standard is the regulatory flood. The best available regulatory flood data is listed below. Whenever a party disagrees with the best available data, the party submitting the detailed engineering study needs to replace existing data with better data and submit it to the Indiana Department of Natural Resources for review and approval.

3. The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs within the jurisdiction of the Town of Whitestown shall be as delineated on the one percent (1%) annual chance flood profiles in the Flood Insurance Study of Boone County and Incorporated Areas dated January 18, 2012 and the corresponding Flood Insurance Rate Map prepared by the Federal Emergency Management Agency and dated January 18, 2012.

4.5 Signs

A . Purpose .

The purpose of this section is 1) to encourage the effective use of signs as a means of communication in the town; 2) to maintain and enhance the aesthetic environment and the town's ability to attract sources of economic development and growth; 3) to minimize the possible adverse effect of signs on nearby public and private property; 4) and to enable the fair and consistent enforcement of these sign restrictions. A sign may be located only in conformance with the requirements of this ordinance. Signs and advertising structures may be permitted in the districts where such uses are permitted after having secured an ILP approving the proposed sign except when not required by this section.

B . Federal and State Requirements .

Signs and advertising structures are also subject to the requirements of the Federal Highway Beautification Act of 1965 and the Indiana Code provisions regulating billboards and junkyards, IC 8-23-20. All signs and advertising structures shall conform to the provisions of said statutes. Should this ordinance and the statutes be in conflict, the requirements of the more restrictive shall apply.

C . Signs Allowed With and Without ILPs .

Signs shall be allowed on private property in accordance with Table 7.

1. The letter "X" means such sign is allowed without an ILP in the appropriate zoning districts.
2. The letter "P" means such sign is allowed only with an approved ILP in the appropriate zoning districts. Special conditions may apply in some cases.
3. If an "X" or "P" is not present, such sign is not allowed in the zoning district under any circumstances.
4. Although permitted under the previous paragraph, a sign designed by a "P" or "X" in Table 7 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 formula for the zoning district in which the lot 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;
 - c. The characteristics of the sign conform with the requirements and to any additional limitations listed in Table 7.

D . Design, Construction, and Maintenance of Signs .

1. All signs shall be designed, constructed, and maintained in accordance with the following standards:
2. All signs shall comply with applicable provisions of the Uniform Building Code and the electrical code.

3. Except for banners, flags, and window signs conforming in all respects with the requirements of this ordinance, 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.

All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this ordinance.

E . ILPs for Signs in the Public Right-of-way .

No signs shall be allowed in the public right-of-way, except for the following:

1. Permanent Signs. Permanent signs shall be in accordance with the conditions of Table 7. Such permitted permanent signs include public signs erected by or on behalf of a governmental body, public transit company, or public utility.
2. Emergency Signs. Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.
3. 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 town shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

F . Signs Exempt from Regulation Under this Ordinance .

The following signs shall be exempt from regulation under this ordinance:

1. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance;
2. Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three (3) feet beyond the lot line of the lot or parcel on which such sign is located;
3. Works of art that do not include a commercial message;
4. Commercial murals on barns, silos, etc;
5. Holiday lights and decorations with no commercial message; and
6. 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.
7. Temporary campaign signs displayed for not more than one (1) month before and two (2) days after said election is held.

G . Signs Prohibited Under this Ordinance .

All signs not expressly permitted under this ordinance or exempt from regulation hereunder are prohibited in the town. Such signs include, but are not limited to: beacons, pennants, strings of lights not permanently mounted to a rigid background, inflatable signs, and tethered balloons.

H . General ILP and Inspection Procedures .

The following shall be procedure for locating or modification of all ILPs issued for signs under this ordinance.

1. Applications. All ILP applications for signs shall be submitted on an application form published by the WPC. One application may include multiple signs on the same lot, however a separate ILP will be issued and a separate fee will be collected for each sign.
2. Site Plan. For any lot on which the owner proposes to erect one (1) or more signs requiring an ILP, the owner shall submit a site plan containing the following:
 - a. A plot plan of the lot, at such scale as may be reasonably required.
 - b. Location of buildings, parking lots, driveways, and landscaped areas on such lot.
 - c. Computation of the total sign area for all signs, the height of each sign, and the number of signs.
 - d. An accurate indication on the plot plans of the proposed location of each present and future sign of any type, whether requiring a ILP or not. Incidental signs need not be shown.
3. Fees. Upon the issuance of an ILP, the applicant shall provide all applicable fees, as established in the Fee Schedule.
4. Computations
 - a. 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 (1) face) shall be computed by means of the smallest shape 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 regulations and is clearly incidental to the display itself.
 - b. Computation of Area of Multifaceted Signs. The sign area for a sign with more than one (1) face shall be computed by adding together the area of all sign faces.
 - c. Computation of Height. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) 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 zone lot, whichever is lower.

- d. Computation of Maximum Total Permitted Sign Area for a Lot. The permitted sum of the area of all individual signs on a lot shall be computed by applying the formula contained in Table 7 to the road frontage, building frontage, or wall area, as appropriate, for the zoning district in which the lot is located. Lots fronting on two (2) 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 lot's total sign area allocation that is derived from the lot, building, or wall area frontage on that street.
5. Inspection. A final inspection of each ILP for a new sign or modification of an existing sign will be performed six (6) months after the issuance of such ILP or earlier if owner requests. If the construction is not substantially complete at the time of inspection, the ILP shall lapse and become void. If the construction is complete and in full compliance with this ordinance and with the building and electrical codes, a permanent label identifying the sign and ILP number shall be affixed. If the construction is substantially complete but not in full compliance with this ordinance and applicable codes, the owner or applicant shall be notified of the deficiencies and shall be given an additional thirty (30) days from the date of inspection for the deficiencies to be corrected. If the deficiencies are not corrected by such date, the ILP shall lapse. If the construction is then complete, a permanent label identifying the sign(s) and applicable ILP number shall be affixed.
6. Lapse of an ILP for a Sign. An ILP for a sign shall lapse automatically if the business or activity on the premises is discontinued for a period of one hundred eighty (180) days or more.

I . Non-conforming Signs and Signs Without Permits .

1. 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 ordinance, a previous applicable ordinance, or for which there is no valid ILP for a sign issued under a previous ordinance shall be obligated to remove such sign.
2. Non-conforming Existing Signs, Permits, and Terms. A sign that would be permitted under this ordinance only with an ILP, but which was in existence at the time this ordinance 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 ordinance, shall be classified as a non-conforming sign. A change in the information on the face of an existing non-conforming sign is allowed. However, any non-conforming 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 fifty percent (50%).

Lapse of an ILP for a Non-conforming Sign. An ILP for a non-conforming sign shall lapse and become void under the same circumstances as those under which any other ILP for a sign may lapse and become void.

J . Violations .

Any of the following shall be a violation of this ordinance and shall be subject to the enforcement remedies and penalties provided by this ordinance, and by state or federal law:

1. To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or ILP governing such sign or the zone lot on which the sign is located;
2. To install, create, erect, or maintain any sign requiring an ILP without such an ILP;
3. To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or ILP governing such sign or the zone lot on which sign is located;
4. To fail to remove any sign that is installed, created, erected, or maintained in violation of this ordinance, or for which the ILP for the sign has lapsed; or
5. To continue any such violation. Each such day of a continued violation shall be considered a separate violation when applying the penalty portions of this of this ordinance.

K . Enforcement and Remedies .

1. A violation of this section of the ordinance shall be considered a violation of the Zoning Ordinance and shall be enforced accordingly, except as provided in paragraph 2.
2. Notwithstanding any other provision of this section, the owner of any sign that otherwise complies with all Town ordinances may substitute non-commercial copy in lieu of a commercial message or any other commercial or non-commercial copy. This substitution of copy may be made without the issuance of any additional ILP or other approval of the sign. The purpose of this substitution provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or the favoring of any particular non-commercial message over any other non-commercial message.

Table 7: Sign Regulations

	AG	R1	R2	R3, MF	PB	LB	GB, UB	AB	I1, I2
Total Quantity of Signs Permitted									
Total per lot or per linear feet of road frontage	1	1	1	1/200	1/200	1	1/200	1/200	1/200
Lighting									
Animated, exposed bulbs, or internal/external illumination					P _k	X	P	P	P
On-Premises Free-standing Signs									
Maximum combined area	6	6	6	12	40	40	80	160	80
Maximum height (feet)	5	5	5	5	12	12	12	36	12
Minimum setback (feet)	2	2	2	2	5 _h	2	5 _h	10	10
Residential	P	P	P	P		A	A	C	C
Incidental				X	X	X	X	X	X
Other	P		P	P	P	P	P	P	P
Off-Premises Free-standing Signs									
Permitted							P	P	P
Maximum area per side (square feet)							100	200	150
Maximum height (feet)							35	50	35
Minimum setback (feet)							20	20	20
All Other Signs									
Maximum area (square feet)	2	2	2	2		10			

Maximum Wall Area (%)					10%		15%	15%	20%
Banner, Canopy					P		P	P	P
Building Marker		X	X	X	X	X	X	X	X
Incidental				X	X	X	X	X	X
Marquee, Roof-integral, Temporary							P	P	
Residential		P	P	P					
Suspended						P			
Wall					P	P	P	P	P
Flag	X	X	X	X	X	X	X	X	X

Legend (Table 7)

X – allowed without a sign permit

P – sign permit required

h - Maximum sign height is 12 feet, and minimum setback is 5 feet; however, in no case shall the actual sign height exceed the actual sign setback from any adjacent lot that is zoned and used for residential purposes. For example, if the sign is set back 7 feet from such a lot, it may be no more than 7 feet high.

j - In addition to the setback requirements on this table, signs shall be located such that there is at every street intersection a clear view between heights of three (3) feet and ten (10) feet in a triangle formed by the corner and points on the curb thirty (30) feet from the intersection or entranceway.

k - No direct light or significant glare from the sign shall be cast onto any adjacent lot that is zoned or used for residential purposes.

4.6 Storage

A . Bulk Storage .

In any district, structures, buildings or above ground tanks, used for bulk storage of flammable or explosive liquids, gases or other materials, shall not be located closer than fifty (50) feet to the property line. Additional information regarding evidence of safety measures may be required in order to determine the public safety therein.

B . Outside Storage .

A landscape contractor located in an agricultural district may store equipment and materials used in the business on the property as long as the equipment and non-plant materials are stored in an enclosed structure and no retail sales occur on the property.

4.7 Structures

A . Primary Structures .

1. Orientation.

- a. All new construction of any building or structure, or renovation of or addition to an existing building or structure, shall be rear loading if said building or structure is located on a lot or lots adjacent to a major thoroughfare and the building or structure is not separated from the major thoroughfare by another buildable lot. The front elevation of said building or structure shall face the major thoroughfare.
- b. Except as provided in Item 1 above, all new construction of a building or structure, or renovation or addition to an existing building or structure, shall require the front doorway of the building or structure to be oriented to the front elevation of the building or structure which shall face the nearest improved road.

B . Accessory Structures .

Accessory structures shall be permitted in all zoning districts provided the following requirements have been met.

1. Orientation. Detached garages and secondary structures shall be excepted from being oriented toward a major thoroughfare.
2. Accessory structures shall secure an ILP and shall not be erected prior to the primary structure, except for structures used for agricultural purposes as defined under “agriculture” in Chapter 11.
3. Accessory structures shall be clearly subordinate in height, area, bulk extent, and purpose to the primary structure.
4. The following accessory structures are permitted in all districts and may be installed in any required yard without an ILP:
 - a. Structures exclusively for agricultural purposes, landscape vegetation, swing sets, children’s tree houses, bird baths, bird houses, curbs, fences, lamp posts, mail boxes, name plates, parking spaces, utility installations for local services, retaining walls, decks under thirty (30) inches high, walks, drainage installations, housing for domestic pets provided it is not for profit and does not constitute a “kennel” as defined in Chapter 11.
 - b. Wireless facilities are permitted in all districts and may be installed without an ILP provided they are co-located upon an existing or pre-approved wireless facility, or they are no taller than fifteen (15) feet and visually integrated or camouflaged against a structure other than another antenna.
5. The following accessory structures are permitted in all zoning districts and require an ILP certifying that all applicable requirements of the ordinance have been met.
 - a. Buildings such as garages, carports, enclosed patios, bath houses, gazebos, cabanas, greenhouses, storage sheds, stables, and other structures over fifty (50) square feet in area.

- b. Home occupation structures in accordance with this ordinance.
- c. In-ground swimming pools subject to a five (5) foot high fence placement around the pool area and/or a mechanical pool cover over the pool.
- d. Signs as set forth in this ordinance.
- e. Antennas and amateur radio towers over thirty (30) feet in height measured from the roofline.

C. Structure Height.

All buildings hereafter shall comply with the height regulations of the district in which it is located, with the exception of the following:

- 1. An agricultural structure may be erected or changed to any height necessary for its operation.
- 2. Spires and church steeples may be erected or changed to any height that is not otherwise prohibited

D. Structures Relocated.

No buildings or structures shall be moved from one lot or premises to another unless such buildings conform to the regulations of the district to which such building shall be moved and an ILP has been secured.

E. Residential Structures.

- 1. **Residential Structure Conversions.** Structures originally designed for occupancy by two (2) families or less converted to occupancy by more than two (2) families shall secure an ILP. Such structures shall show no evidence of change to indicate the extra dwelling units. All fire escapes or stairways leading to a second or higher floor shall be completely enclosed within the converted building.
- 2. **Manufactured Homes.**
 - a. Permanent Placement. Manufactured Homes shall be permitted provided the following requirements and limitations are met:
 - viii) All zoning regulations pertaining to the individual site shall be met;
 - ix) The minimum area of a structure shall conform with the square footage requirements established for the district;
 - iii) The structure shall be attached and anchored to a permanent foundation in conformance with the appropriate building code and with manufacturer's installation specifications;
 - iv) The entire area between the floor joists of the structure and the underfloor grade shall be completely enclosed with a permanent perimeter enclosure constructed in accordance with the terms of the appropriate building code; the manufacturer's installation specifications; and requirements set forth by the Indiana Administrative Building Council;

- v) The structure shall possess all necessary building, water, and sewage disposal permits prior to placement of the structure upon the lot;
 - vi) The wheels, axles, and hitches shall be removed;
 - vii) The structure shall be covered with an exterior material customarily used on site built structures;
 - viii) The roof of the structure shall be shingled and pitched, rather than flat; ix) In areas outside of a mobile home park, manufactured homes shall have a width no less than eighteen (18) feet to be considered compatible with surrounding conventional construction.
- b. Temporary Residential Occupancy.
- i) Permitted for Occupancy.
 - a) During Construction. In all zoning districts, an ILP may be issued for the temporary placement and occupancy of a manufactured or mobile home outside of a mobile home park, to a person intending to build a permanent residence on the property. The ILP for temporary use of the manufactured or mobile home is for issued a period of two (2) years and may be renewed for an additional one (1) year period if construction of the dwelling has started but has not been completed.
 - b) Health Issue. An ILP may also be issued to an applicant whose own health or the health of another necessitates care, and where the facts show that an unnecessary hardship would occur if not permitted to locate a manufactured or mobile home adjacent to the residence of someone who is able to provide such care or in need of such care. The ILP would be valid for the lifetime of the person needing care and is renewable every four (4) years from the date of issuance.
 - ii) Regulations. The following regulations shall apply to the temporary occupancy of a manufactured or mobile home:
 - a) The structure is to be located on the same property as an existing residence or located on property on which a permanent residence with a valid ILP is intended to be built within two (2) years.
 - b) The structure should be served by the same address, water supply, and sewage facilities serving the existing residence or the residence under construction, subject to the approval of the Boone County Board of Health.
 - c) The structure shall remain on its wheels and shall not be placed on a permanent foundation.
 - d) Applicable front, side, and rear yard regulations of the district in which it is located are to be observed.
 - e) Occupancy of the structure is restricted to relatives, persons employed in the care of the property owner (employed on the premises of the property owner) or the owner of the property who intends to construct a permanent residence.
 - f) The structure used for temporary occupancy shall have a ground floor area greater than five hundred (500) square feet.
 - g) The manufactured or mobile home shall be tied down as per the requirements of the One and Two-family Dwelling Code or the manufacturer's recommendation.
 - h) The perimeter of the manufactured or mobile home shall be completely enclosed except for access and ventilation openings. The perimeter enclosure may consist of skirting materials

installed in accordance with the manufacturer's installation specifications and secured as necessary to provide stability, minimize vibrations, and minimize susceptibility to wind damage and to provide adequate insulation to protect exposed piping. Perimeter enclosures other than skirting shall meet requirements of the One and Two-family Dwelling Code and the requirements set forth by the Indiana Administrative Building Council.

- c. Permanent Residential Occupancy. Mobile homes may be permanently occupied when located in a mobile home park.

F . Commercial Structures .

G . Industrial Structures .

1. Contractor's Offices. Mobile homes, trailers, or vans may be utilized as contractor's offices, watchman's shelters, or tool and equipment storage on the project site and only during the period of construction.

H . Other Structures .

1. Trash Receptacles. In any district, non-pedestrian outdoor trash receptacles used for nonagricultural or non-residential uses shall be completely screened from view by the use of either solid fencing or evergreen vegetation. Such receptacles shall not be visible from the street front or any adjacent residential use during any time of the year.

4.8 Topographic and Hydrologic

A. Restrictions Along Streams.

(See Storm Drainage, Erosion, and Sediment Control Ordinance.)

1. No permanent structures may be erected, and if erected in violation of this section, no such structure may be used if the location is within seventy-five (75) feet of the center line of any legal tile ditch, or within seventy-five (75) feet of the existing top edge of any legal open ditch as determined by the Boone County Surveyor.
2. No authorization of a use under this ordinance includes the authority to discharge liquid or solid wastes into public waters except as permitted under State law. Plans and specifications for proposed public or district sewage or other waste treatment and disposal facilities must be approved by the Indiana Department of Environmental Management (IDEM), except when connecting to a public sewer utility.

B. Flood Protection.

Structures shall be permitted only if they comply with all Federal and State requirements and with the Flood Hazard Management Ordinance, the provisions of which are hereby incorporated by reference into this Zoning Ordinance below.

C. Flood Hazard Areas.

1. Statutory Authorization, Findings of Fact, Purpose, and Objectives
 - a. Statutory Authorization. The Indiana Legislature has in IC 36-7-4 and IC 14-28-4 granted the power to local government units to control land use within their jurisdictions. Therefore, the Town Council of the Town of Whitestown does hereby adopt the following floodplain management regulations.
 - b. Findings of Fact.
 - i) The flood hazard areas of the Town of Whitestown are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
 - ii) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

Chapter 5

Use Standards

5.1 General

A . Primary Uses .

No building or land shall be used, and no building shall be erected, reconstructed, or structurally altered, which is used for any purpose other than a use which is permitted and specified in a district in which such building or land is located, and which is in accordance with the requirements of this ordinance.

B . Accessory Uses .

Accessory uses are permitted in connection with the permitted uses listed in each district. Accessory uses shall be operated and maintained under the same ownership and on the same lot or contiguous lot as the primary use.

C . Temporary Uses .

Temporary uses shall be permitted in all zoning districts subject to approval by the Administrator provided that the use will not detrimentally affect the health, welfare, safety, or morals of the neighborhood under consideration for such use. Other uses deemed temporary by the WBZA subject to all conditions the WBZA may deem necessary.

1. The following are general provisions that must be met before approval:
 - a. The duration of a permit is stated herein, however, the Administrator may renew such permit for a use in thirty (30) day increments if so requested.
 - b. Temporary uses shall be subject to all of the regulations of the applicable zoning district.
 - c. Adequate access and off-street parking facilities shall be provided.
 - d. Public address systems shall not be used in areas of concentrated residential development.
 - e. Floodlights and other lighting shall be directed upon the premises and shall not be detrimental to adjoining properties.
 - f. Signs shall not flash or blink or resemble traffic and emergency warning signals.
 - g. Upon termination, the lot shall be put in a clean condition devoid of trash and remnants of the temporary use.
2. The following are permitted temporary uses subject to the issuance of an ILP and a Certificate of Occupancy.
 - a. Temporary office,
 - b. Model home, or
 - c. model apartment
3. The following are permitted temporary uses subject to the issuance of an ILP.
 - a. Incidental signs on the same property, necessary for the sale, rental, or lease of property.
 - b. Announcement signs necessary to explain the character of a building enterprise for a

maximum of eighteen (18) months.

- c. Mobile homes as emergency shelters when needed until construction or emergency ends.
- d. Other uses deemed temporary by the WBZA subject to all conditions the WBZA may deem necessary.

4. The following are permitted temporary uses that do not require an ILP or Certificate of Occupancy.

- a. Parking area designated for a special event for a maximum of thirty (30) days.

5.2 Development Standards for Specific Uses

1. Sexually Oriented Businesses.

All sexually oriented businesses shall be required to comply with the following standards:

1. **Intent.** In the development and adoption of this section, it is recognized that there are some sexually oriented business uses which due to their very nature have certain adverse secondary effects in the form of objectionable operational characteristics particularly when located in close proximity to residential neighborhoods, thereby having a deleterious impact upon property values and the quality of life in such surrounding areas. It has been acknowledged by communities across the nation that state and local governmental entities have a special concern in regulating the operation of such sexually oriented businesses under their jurisdiction to ensure that these adverse secondary effects will not contribute to the blighting or down grading of adjacent neighborhoods. The special regulations deemed necessary to control the undesirable externalities arising from these sexually oriented businesses are set forth below. The purpose of these controls and regulations is to preserve the integrity and character of residential neighborhoods, to deter the spread of urban blight and to protect minors from the objectionable operational characteristics of these sexually oriented business uses by restricting their close proximity to churches, parks, fairgrounds, schools, day care centers, and residential areas including Agricultural zoning districts.
2. **Prohibitions.** The establishment of a sexually oriented business, as defined, shall be prohibited if such sexually oriented business is within one thousand (1,000) feet of another such sexually oriented business or within six hundred (600) feet of any existing church, school, day care center, park, fairground, an Agricultural zoning district, or a Residential zoning district within the jurisdiction of the WPC.
3. **Measurement of Distances.** The distance between one (1) sexually oriented business and another sexually oriented business shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior structural wall of each such business. The distance between a sexually oriented business, and any church, school, park, fairground, day care center, an Agricultural zoning district, or a Residential zoning district shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior structural wall of the sexually oriented business to the nearest lot line of the church, school, day care center, park, fairground, an Agricultural zoning district or a Residential zoning district.
4. **Exterior Display.** Notwithstanding any other provisions of this Ordinance to the contrary, all exterior displays for a sexually oriented business shall comply with the following regulations.

- a. No sexually oriented business shall be conducted in any manner that permits the observation of any material depicting, describing or relating to specified sexual activities or specified anatomical areas by display, decorations, sign, show window or other opening from any public right-of-way.
- b. Number of Signs. Not more than one (1) wall sign shall be permitted for a sexually oriented business and said wall sign shall be permitted only on the front facade of the building. In addition to the one (1) permitted wall sign, a sexually oriented business may be permitted not more than one (1) free-standing sign, and which meets all of the requirements of the zoning district in which it is located.
- c. Sign Surface Area. The maximum sign area of a wall sign for a sexually oriented business shall not exceed an amount equal to five percent (5%) of the front building facade of the first floor elevation (first ten (10) feet) of the premises occupied by the sexually oriented business, or one hundred (100) square feet, whichever is the lesser. The maximum combined sign area of a freestanding sign shall not exceed one (1) square foot for each lineal foot of frontage of the lot, or twenty-four (24) square feet, which is the lesser.
- d. Lighting. Signs and sign structures may be illuminated, provided, however, such illumination shall not be by way of exterior lighting (e.g., spot or floodlights).

2. Airport.

1. Minimum Lot Area.

- a. Minimum Lot Area: 80 acres
- b. A lot on which the restricted use is located may not be smaller in area than the area prescribed for that use.

2. Setbacks.

- a. Minimum Front Setback: The minimum front setback for the zoning district shall apply.
- b. Minimum Side Setback: The minimum side setback for the zoning district shall apply.
- c. Minimum Rear Setback: The minimum rear setback for the zoning district shall apply.
- d. Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.

3. Separation from Residential Districts.

- a. Minimum Distance from a Residential District: 1,320 feet
- b. The restricted use may not be located closer to residential districts than the distance shown, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance shown.

4. Landscaping and Bufferyards.

- a. Required Bufferyards.
 - i) Minimum Bufferyard Required: Bufferyard E + required fencing
 - ii) The restricted use shall provide the bufferyards required at the discretion of the WPC or WBZA and shall meet the size requirements specified within five (5) years after installation.
- b. Bufferyards Abutting Residential Uses.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyards requirement for the zoning district between residential uses shall apply.
 - ii) Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the WBZA.

5. Access to Primary or Secondary Streets.

- a. Maximum Number of Entrances: 2
- b. This standard does not apply to entrances for emergency use only.
- c. As used in this section the term “entrance” means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.

3. Anhydrous Ammonia Storage and Distribution

1. Minimum Lot Area.

- a. Minimum Lot Area: The standard minimum lot area for the zoning district shall apply.
- b. A lot on which the restricted use is located may not be smaller in area than the area prescribed for that use.

2. Setbacks.

- a. Minimum Front Setback: 100 feet
- b. Minimum Side Setback: 100 feet
- c. Minimum Rear Setback: 100 feet
- d. Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.

3. Separation from Residential Districts.

- a. Minimum Distance from a Residential District: 1,320 feet
- b. The restricted use may not be located closer to residential districts than the distance shown, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance shown.

4. Landscaping and Bufferyards.

- a. Required Bufferyards.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyard requirement for the zoning district shall apply.
 - ii) The restricted use shall provide the bufferyards required at the discretion of the WPC or WBZA and shall meet the size requirements specified within five (5) years after installation.

b. Bufferyards Abutting Residential Uses.

- i) Minimum Bufferyard Required: The standard landscaping and bufferyards requirement for the zoning district between residential uses shall apply.
- ii) Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the WBZA.

5. Access to Primary or Secondary Streets.

- a. Maximum Number of Entrances: The number of entrances is not restricted.
- b. This standard does not apply to entrances for emergency use only.
- c. As used in this section the term “entrance” means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.

4. Auction Sales Yard (excluding livestock)**1. Minimum Lot Area.**

- a. Minimum Lot Area: 5 acres
- b. A lot on which the restricted use is located may not be smaller in area than the area prescribed for that use.

2. Setbacks.

- a. Minimum Front Setback: The minimum front setback for the zoning district shall apply.
- b. Minimum Side Setback: The minimum side setback for the zoning district shall apply.
- c. Minimum Rear Setback: The minimum rear setback for the zoning district shall apply.

- d. Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.

3. Separation from Residential Districts.

- a. Minimum Distance from a Residential District: The standard building setback for the zoning district shall apply.
- b. The restricted use may not be located closer to residential districts than the distance shown, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance shown.

4. Landscaping and Bufferyards.

- a. Required Bufferyards.
 - i) Minimum Bufferyard Required: Bufferyard E
 - ii) The restricted use shall provide the bufferyards required at the discretion of the WPC or WBZA and shall meet the size requirements specified within five (5) years after installation.
- b. Bufferyards Abutting Residential Uses.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyards requirement for the zoning district between residential uses shall apply.
 - ii) Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the WBZA.

5. Access to Primary or Secondary Streets.

- a. Maximum Number of Entrances: The number of entrances is not restricted.
- b. This standard does not apply to entrances for emergency use only.
- c. As used in this section the term “entrance” means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.

5. Car Wash, Automatic

1. Minimum Lot Area.

- a. Minimum Lot Area: The standard minimum lot area for the zoning district shall apply.
- b. A lot on which the restricted use is located may not be smaller in area than the area prescribed for that use.

2. Setbacks.

- a. Minimum Front Setback: The minimum front setback for the zoning district shall apply.
- b. Minimum Side Setback: The minimum side setback for the zoning district shall apply.
- c. Minimum Rear Setback: The minimum rear setback for the zoning district shall apply.
- d. Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.

3. Separation from Residential Districts.

- a. Minimum Distance from a Residential District: The standard building setback for the zoning district shall apply.
- b. The restricted use may not be located closer to residential districts than the distance shown, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance shown.

4. Landscaping and Bufferyards.

- a. Required Bufferyards.
 - i) Minimum Bufferyard Required: Bufferyard E + Fence F3
 - ii) The restricted use shall provide the bufferyards required at the discretion of the WPC or WBZA and shall meet the size requirements specified within five (5) years after installation.
- b. Bufferyards Abutting Residential Uses.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyards requirement for the zoning district between residential uses shall apply.
 - ii) Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the WBZA.

5. Access to Primary or Secondary Streets.

- a. Maximum Number of Entrances: The number of entrances is not restricted.
- b. This standard does not apply to entrances for emergency use only.
- c. As used in this section the term "entrance" means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.

6. Cell Towers and Wireless Communications Facilities.

1. Generally. The purpose of this section is intended to implement the provisions of IC 8-1-32.3, but otherwise to comply with IC 36-7-4, in regard to the Town's regulation of the placement, construction, or modification of wireless support structures.

2. Definitions. The following definitions apply throughout this Section.

- a. "Antenna" means any communications equipment that transmits or receives electromagnetic radio signals used in the provision of wireless communications service.
- b. "Base station" means a station located at a specific site that is authorized to communicate with mobile stations. The term includes all radio transceivers, antennas, coaxial cables, power supplies, and other electronics associated with a station.
- c. "Collocation" means the placement or installation of wireless facilities on existing structures that include a wireless facility or wireless support structure, including water towers, and other buildings or structures. The term includes the placement, replacement, or modification of wireless facilities within an approved equipment compound.
- d. "Electrical transmission tower" means a structure that physically supports high voltage overhead power lines. The term does not include a utility pole.
- e. "Equipment compound" means the area that:

- (1) Surrounds or is near the base of a wireless support structure; and
- (2) Encloses wireless facilities.

f. "Existing structure" does not include a utility pole or an electrical transmission tower.

g. "Small cell facility" means either:

- (1) A personal wireless service facility (as defined by the Federal Telecommunications Act of 1996 as in effect on July 1, 2015); or
- (2) A wireless service facility that satisfies the following requirements:
 - (A) Each antenna, including exposed elements, has a volume of three (3) cubic feet or less.
 - (B) All antennas, including exposed elements, have a total volume of six (6) cubic feet or less.
 - (C) The primary equipment enclosure located with the facility has a volume of seventeen (17) cubic feet or less. For purposes of this clause (C), the volume of the primary equipment enclosure does not include the following equipment that is located outside the primary equipment enclosure: electric meters; concealment equipment; telecommunications demarcation boxes; ground based enclosures; back up power systems; grounding equipment; power transfer switches; cut off switches.

h. "Small cell network" means a collection of interrelated small cell facilities designed to deliver wireless service.

i. "Substantial modification of a wireless support structure" means the mounting of a wireless facility on a wireless support structure in a manner that either:

- (1) Increases the height of the wireless support structure by ten percent (10%) of the original height of the wireless support structure, or twenty (20) feet, whichever is greater;
- (2) Adds an appurtenance to the wireless support structure that protrudes horizontally from the wireless support structure more than twenty (20) feet, or the width of the wireless support structure at the location of the appurtenance, whichever is greater; or
- (3) Increases the square footage of the equipment compound in which the wireless facility is located by more than two thousand five hundred (2,500) square feet.

However, notwithstanding subdivisions (1), (2), and (3), the term does not include any of the following:

- (4) Increasing the height of a wireless support structure to avoid interfering with an existing antenna.
- (5) Increasing the diameter or area of a wireless support structure to shelter an antenna from inclement weather, or to connect an antenna to the wireless support structure by cable.
- (6) Any modification of a wireless support structure or base station that involves only collocation, removal of transmission equipment, or replacement of transmission equipment.

j. "Utility pole" means a structure (other than a wireless support structure or electrical transmission tower) that is:

- (1) Owned or owned or operated by a public utility, a communications service provider, a political subdivision, an electric membership corporation, or a rural electric cooperative; and

(2) Designed and used to carry lines, cables, or wires for telephony, cable television, or electricity, or to provide lighting.

k. "Wireless facility" means the set of equipment and network components necessary to provide wireless communications service. The term does not include a wireless support structure.

l. "Wireless support structure" means a freestanding structure designed to support wireless facilities. The term does not include a utility pole or electrical transmission tower.

3. Delegation of Authority. For purposes of IC 8-1-32.3 and Section 332(c)(7)(B) of the Federal Telecommunications Act of 1996 as in effect on July 1, 2015, the WBZA shall exercise the authority to conduct hearings, to make decisions, and to approve the issuance or denial of ILP's (except for collocation) under this Section. The Administrator shall exercise the authority to review applications for completeness, within the meaning of IC 36-7-4-1109, and to issue ILP's under this Section.

4. Review of Applications. The Administrator shall promptly review for completeness every application duly filed with the Town which requests authorization to place, construct, or modify personal wireless facilities. Every applicant shall be notified within ten (10) business days of the Town's receipt of an application whether its application is complete and whether a public hearing will be required regarding its request. Whenever no public hearing is required, the Administrator shall take final action on the request within a reasonable period of time after the request is duly filed. Whenever a public hearing is required regarding a request, the WBZA shall conduct the hearing and take final action on the request within a reasonable period of time. For purposes of this Section, any application that contains all of the following information shall be considered complete:

- a. A statement that the applicant is a person that either provides wireless communications service or owns or otherwise makes available infrastructure required for such service.
- b. The name, business address, and point of contact for the applicant.
- c. The location of the proposed or affected wireless support structure or wireless facility.
- d. A construction plan that includes evidence of conformance with all applicable building code requirements.
- e. Except for an application that requests collocation only, evidence showing that the application complies with the applicable criteria set forth in Section 9.3 of this Ordinance for a Special Exception, or that the application complies with the applicable criteria for a Variance of Use under IC 36-7-4-918.4. An application that requests collocation only is required to comply only with subdivisions a, b, c, and d.
- f. If the application requests an ILP for the construction of a new wireless support structure, a construction plan that describes the proposed wireless support structure and all equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment, along with evidence supporting the choice of location for the proposed wireless support structure, including a sworn statement from the individual responsible for the choice of location demonstrating that collocation of wireless facilities on an existing wireless support structure is not a viable option because collocation:

- (1) Would not result in the same wireless service functionality, coverage, and capacity;
- (2) Is technically infeasible; or
- (3) Is an economic burden to the applicant.

g. If the application requests an ILP for substantial modification of a wireless support structure, a construction plan that describes the proposed modifications to the affected wireless support structure and all equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment.

- 5. Failure to Notify.** Any failure by the Administrator to notify an applicant within ten (10) business days whether its application is complete shall be considered a nonfinal zoning decision within the meaning of IC 36-7-4-1602(c), with the applicant consequently entitled to expedited judicial review of the nonfinal zoning decision.
- 6. Deadlines for Final Action.** For purposes of Section 5.2.6.4 above, a reasonable period of time shall be determined as follows:
 - a. If the request involves an application for collocation only, a reasonable period of time is not more than forty-five (45) days from the date that the applicant is notified by the Administrator that the application is complete. An application for collocation only is not subject to a public hearing before the WBZA, but the Administrator may review the application for compliance with applicable building code requirements before issuing the applicant an ILP.
 - b. If the request involves an application for an ILP to construct a new wireless support structure or for substantial modification of a wireless support structure, a reasonable period of time is not more than ninety (90) days from the date that the applicant is notified that the application is complete, or not more than one hundred twenty (120) days in any case in which the approval of a Variance of Use is necessary. The WBZA shall conduct a public hearing on the request and shall make a decision on the request at the meeting at which it is first presented. Decisions made by the WBZA after a public hearing conducted in accordance with this Section are considered zoning decisions for purposes of IC 36-7-4 and are subject to judicial review under the IC 36-7-4-1600 series.
 - c. If an applicant has requested additional time to amend its application or requested or agreed to a continuance during the review or hearing process, then the period of time prescribed by subdivision a or b shall be extended for a corresponding amount of time. However, any failure by the Administrator or the WBZA to take final action on a request within a reasonable period of time shall be considered a nonfinal zoning decision within the meaning of IC 36-7-4-1602(c), with the applicant consequently entitled to expedited judicial review of the nonfinal zoning decision.
- 7. Additional Rules.** Notwithstanding IC 36-7-4 or any rules adopted by the WBZA under that chapter, the following provisions apply to all applications submitted under this section:
 - a. In reviewing applications and conducting hearings, the Administrator and the WBZA shall comply with all applicable provisions of Section 332(c)(7)(B) of the Federal

Telecommunications Act of 1996 as in effect on July 1, 2015, and Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 as in effect on July 1, 2015.

- b. Neither the Administrator nor the WBZA may require an applicant to submit information about or evaluate an applicant's business decisions with respect to the applicant's designed service, customer demand, service quality, or desired signal strength to a particular location.
- c. All meetings of the WBZA are subject to the Open Door Law (IC 5-14-1.5). However, neither the Administrator nor the WBZA may release to the public any records that are required to be kept confidential under Federal or State law, including the trade secrets of applicants, as provided in the Access to Public Records Act (IC 5-14-3) and other applicable laws.
- d. The Administrator shall allow an applicant to submit a single consolidated application to collocate multiple wireless service facilities, or for multiple small cell facilities that are located within the Town and that comprise a single small cell network. Whenever a consolidated application is approved, the Administrator shall issue the applicant a single ILP for the multiple facilities, or for the small cell network, in lieu of issuing multiple permits for each respective facility.
- e. The WBZA may not impose on an applicant a fall zone requirement for a wireless support structure that is larger than the area within which the structure is designed to collapse, as set forth in the applicant's engineering certification for the structure, unless evidence submitted by a professional engineer demonstrates that the engineering certification in the application is flawed. This subdivision e does not apply to any setback requirement prescribed by this Ordinance for the land use which is not based on the height of the wireless support structure.
- f. Neither the Administrator nor the WBZA may require or impose conditions on an applicant regarding the installation, location, or use of wireless service facilities on utility poles or electrical transmission towers.
- g. Neither the Administrator nor the WBZA may require an applicant to pay a fee associated with the submission, review, processing, or approval of the application unless the same or a similar fee also applies to applications for permits for similar types of commercial or industrial development within the Town. In addition, if a fee is imposed in connection with the submission, review, processing, or hearing of an application, including a fee imposed by a third party that provides review, technical, or consulting assistance to the Administrator or the WBZA, the fee must be based on actual, direct, and reasonable costs incurred for the review, processing, and hearing of the application, and may not include:
 - (1) Travel expenses incurred by a third party in its review of an application; or
 - (2) Direct payment or reimbursement of third party fees charged on a contingency basis.

7. Cemetery or Crematory

1. Minimum Lot Area.

- a. Minimum Lot Area: 5 acres
- b. A lot on which the restricted use is located may not be smaller in area than the area prescribed for that use.

2. Setbacks.

- a. Minimum Front Setback: The minimum front setback for the zoning district shall apply.
- b. Minimum Side Setback: The minimum side setback for the zoning district shall apply.
- c. Minimum Rear Setback: The minimum rear setback for the zoning district shall apply.
- d. Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.

3. Separation from Residential Districts.

- a. Minimum Distance from a Residential District: The standard building setback for the zoning district shall apply.
- b. The restricted use may not be located closer to residential districts than the distance shown, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance shown.

4. Landscaping and Bufferyards.

- a. Required Bufferyards.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyard requirement for the zoning district shall apply.
 - ii) The restricted use shall provide the bufferyards required at the discretion of the WPC or WBZA and shall meet the size requirements specified within five (5) years after installation.
- b. Bufferyards Abutting Residential Uses.
 - i) Minimum Bufferyard Required: Bufferyard E + Fence F3
 - ii) Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the WBZA.

5. Access to Primary or Secondary Streets.

- a. Maximum Number of Entrances: 2
- b. This standard does not apply to entrances for emergency use only.
- c. As used in this section the term “entrance” means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.

8. Clinic

1. Minimum Lot Area.

- a. Minimum Lot Area: The standard minimum lot area for the zoning district shall apply.
- b. A lot on which the restricted use is located may not be smaller in area than the area prescribed for that use.

2. Setbacks.

- a. Minimum Front Setback: The minimum front setback for the zoning district shall apply.
- b. Minimum Side Setback: The minimum side setback for the zoning district shall apply.
- c. Minimum Rear Setback: The minimum rear setback for the zoning district shall apply.
- d. Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.

3. Separation from Residential Districts.

- a. Minimum Distance from a Residential District: The standard building setback for the zoning district shall apply.
- b. The restricted use may not be located closer to residential districts than the distance shown, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance shown.

4. Landscaping and Bufferyards.

- a. Required Bufferyards.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyard requirement for the zoning district shall apply.
 - ii) The restricted use shall provide the bufferyards required at the discretion of the WPC or WBZA and shall meet the size requirements specified within five (5) years after installation.
- b. Bufferyards Abutting Residential Uses.
 - i) Minimum Bufferyard Required: Bufferyard E
 - ii) Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the WBZA.

5. Access to Primary or Secondary Streets.

- a. Maximum Number of Entrances: The number of entrances is not restricted.
- b. This standard does not apply to entrances for emergency use only.
- c. As used in this section the term “entrance” means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.

9. Commercial Facility for Breeding Non-farm Animals

1. Minimum Lot Area.

- a. Minimum Lot Area: 3 acres
- b. A lot on which the restricted use is located may not be smaller in area than the area prescribed for that use.

2. Setbacks.

- a. Minimum Front Setback: 100 feet
- b. Minimum Side Setback: 100 feet
- c. Minimum Rear Setback: 100 feet
- d. Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.

3. Separation from Residential Districts.

- a. Minimum Distance from a Residential District: The standard building setback for the zoning district shall apply.
- b. The restricted use may not be located closer to residential districts than the distance shown, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance shown.

4. Landscaping and Bufferyards.

- a. Required Bufferyards.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyard requirement for the zoning district shall apply.
 - ii) The restricted use shall provide the bufferyards required at the discretion of the WPC or WBZA and shall meet the size requirements specified within five (5) years after installation.
- b. Bufferyards Abutting Residential Uses.
 - i) Minimum Bufferyard Required: Bufferyard E + required fencing
 - ii) Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the WBZA.

5. Access to Primary or Secondary Streets.

- a. Maximum Number of Entrances: 1
- b. This standard does not apply to entrances for emergency use only.
- c. As used in this section the term “entrance” means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.

10. Commercial Facility for Breeding Non-farm Fowl

1. Minimum Lot Area.

- a. Minimum Lot Area: 3 acres
- b. A lot on which the restricted use is located may not be smaller in area than the area prescribed for that use.

2. Setbacks.

- a. Minimum Front Setback: 100 feet
- b. Minimum Side Setback: 100 feet
- c. Minimum Rear Setback: 100 feet
- d. Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.

3. Separation from Residential Districts.

- a. Minimum Distance from a Residential District: The standard building setback for the zoning district shall apply.
- b. The restricted use may not be located closer to residential districts than the distance shown, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance shown.

4. Landscaping and Bufferyards.

- a. Required Bufferyards.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyard requirement for the zoning district shall apply.
 - ii) The restricted use shall provide the bufferyards required at the discretion of the WPC or WBZA and shall meet the size requirements specified within five (5) years after installation.
- b. Bufferyards Abutting Residential Uses.
 - i) Minimum Bufferyard Required: Bufferyard E + required fencing
 - ii) Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the WBZA.

5. Access to Primary or Secondary Streets.

- a. Maximum Number of Entrances: 1
- b. This standard does not apply to entrances for emergency use only.
- c. As used in this section the term “entrance” means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.

11. Compost/Digester Facility

1. Minimum Lot Area.

- a. Minimum Lot Area: 5 acres
- b. A lot on which the restricted use is located may not be smaller in area than the area prescribed for that use.

2. Setbacks.

- a. Minimum Front Setback: 100 feet
- b. Minimum Side Setback: 50 feet
- c. Minimum Rear Setback: 50 feet
- d. Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.

3. Separation from Residential Districts.

- a. Minimum Distance from a Residential District: The standard building setback for the zoning district shall apply.
- b. The restricted use may not be located closer to residential districts than the distance shown, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance shown.

4. Landscaping and Bufferyards.

- a. Required Bufferyards.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyard requirement for the zoning district shall apply.
 - ii) The restricted use shall provide the bufferyards required at the discretion of the WPC or WBZA and shall meet the size requirements specified within five (5) years after installation.
- b. Bufferyards Abutting Residential Uses.
 - i) Minimum Bufferyard Required: Bufferyard E + Fence F3
 - ii) Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the WBZA.

5. Access to Primary or Secondary Streets.

- a. Maximum Number of Entrances: 1
- b. This standard does not apply to entrances for emergency use only.
- c. As used in this section the term “entrance” means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.

12. Composting Facility

1. Minimum Lot Area.

- a. Minimum Lot Area: 5 acres
- b. A lot on which the restricted use is located may not be smaller in area than the area prescribed for that use.

2. Setbacks.

- a. Minimum Front Setback: 100 feet
- b. Minimum Side Setback: 50 feet
- c. Minimum Rear Setback: 50 feet
- d. Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.

3. Separation from Residential Districts.

- a. Minimum Distance from a Residential District: The standard building setback for the zoning district shall apply.
- b. The restricted use may not be located closer to residential districts than the distance shown, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance shown.

4. Landscaping and Bufferyards.

- a. Required Bufferyards.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyard requirement for the zoning district shall apply.
 - ii) The restricted use shall provide the bufferyards required at the discretion of the WPC or WBZA and shall meet the size requirements specified within five (5) years after installation.
- b. Bufferyards Abutting Residential Uses.
 - i) Minimum Bufferyard Required: Bufferyard E + Fence F3
 - ii) Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the WBZA.

5. Access to Primary or Secondary Streets.

- a. Maximum Number of Entrances: 1
- b. This standard does not apply to entrances for emergency use only.
- c. As used in this section the term “entrance” means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.

13. Confined Feeding

1. Minimum Lot Area.

- a. Minimum Lot Area: The standard minimum lot area for the zoning district shall apply.
- b. A lot on which the restricted use is located may not be smaller in area than the area prescribed for that use.

2. Setbacks.

- a. Minimum Front Setback: The minimum front setback for the zoning district shall apply.
- b. Minimum Side Setback: The minimum side setback for the zoning district shall apply.
- c. Minimum Rear Setback: The minimum rear setback for the zoning district shall apply.
- d. Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.

3. Separation from Residential Districts.

- a. Minimum Distance from a Residential District: 1,320 feet
- b. The restricted use may not be located closer to residential districts than the distance shown, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance shown.

4. Landscaping and Bufferyards.

- a. Required Bufferyards.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyard requirement for the zoning district shall apply.
 - ii) The restricted use shall provide the bufferyards required at the discretion of the WPC or WBZA and shall meet the size requirements specified within five (5) years after installation.
- b. Bufferyards Abutting Residential Uses.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyards requirement for the zoning district between residential uses shall apply.
 - ii) Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the WBZA.

5. Access to Primary or Secondary Streets.

- a. Maximum Number of Entrances: The number of entrances is not restricted.
- b. This standard does not apply to entrances for emergency use only.
- c. As used in this section the term “entrance” means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.

14. Construction/Demolition Site

1. Minimum Lot Area.

- a. Minimum Lot Area: 5 acres
- b. A lot on which the restricted use is located may not be smaller in area than the area prescribed for that use.

2. Setbacks.

- a. Minimum Front Setback: 100 feet
- b. Minimum Side Setback: 100 feet
- c. Minimum Rear Setback: 100 feet
- d. Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.

3. Separation from Residential Districts.

- a. Minimum Distance from a Residential District: The standard building setback for the zoning district shall apply.
- b. The restricted use may not be located closer to residential districts than the distance shown, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance shown.

4. Landscaping and Bufferyards.

- a. Required Bufferyards.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyard requirement for the zoning district shall apply.
 - ii) The restricted use shall provide the bufferyards required at the discretion of the WPC or WBZA and shall meet the size requirements specified within five (5) years after installation.
- b. Bufferyards Abutting Residential Uses.
 - i) Minimum Bufferyard Required: Bufferyard E + Fence F3
 - ii) Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the WBZA.

5. Access to Primary or Secondary Streets.

- a. Maximum Number of Entrances: 1
- b. This standard does not apply to entrances for emergency use only.
- c. As used in this section the term “entrance” means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.

15. Contractor Storage

1. Minimum Lot Area.

- a. Minimum Lot Area: The standard minimum lot area for the zoning district shall apply.
- b. A lot on which the restricted use is located may not be smaller than the area prescribed for that use.

2. Setbacks.

- a. Minimum Front Setback: The minimum front setback for the zoning district shall apply.
- b. Minimum Side Setback: The minimum side setback for the zoning district shall apply.
- c. Minimum Rear Setback: The minimum rear setback for the zoning district shall apply.
- d. Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.

3. Separation from Residential Districts.

- a. Minimum Distance from a Residential District: The standard building setback for the zoning district shall apply.
 - i) The restricted use may not be located closer to residential districts than the distance shown, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance shown.
 - ii) Landscaping and Bufferyards.
- b. Required Bufferyards.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyard requirement for the zoning district shall apply.
 - ii) The restricted use shall provide the bufferyards required at the discretion of the WPC or WBZA and shall meet the size requirements specified within five (5) years after installation.

4. Bufferyards Abutting Residential Uses.

- a. Minimum Bufferyard Required: The standard landscaping and bufferyards requirement for the zoning district between residential uses shall apply.
- b. Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the WBZA.

5. Access to Primary or Secondary Streets.

- a. Maximum Number of Entrances: 1
- b. This standard does not apply to entrances for emergency use only.
- c. As used in this section the term “entrance” means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.

16. Day Care Center

1. Minimum Structure Area.

- a. Minimum Structure Area Dedicate to the Use: 110 square feet per child
- b. The dedicated area within the structure in which the restricted use is located may not be smaller in area than the area prescribed for that use.

2. Setbacks.

- a. Minimum Front Setback: The minimum front setback for the zoning district shall apply.
- b. Minimum Side Setback: The minimum side setback for the zoning district shall apply.
- c. Minimum Rear Setback: The minimum rear setback for the zoning district shall apply.
- d. Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.

3. Separation from Residential Districts.

- a. Minimum Distance from a Residential District: The standard building setback for the zoning district shall apply.
- b. The restricted use may not be located closer to residential districts than the distance shown, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance shown.

4. Landscaping and Bufferyards.

- a. Required Bufferyards.
 - i) Minimum Bufferyard Required: Bufferyard E + Fence F3
 - ii) The restricted use shall provide the bufferyards required at the discretion of the WPC or WBZA and shall meet the size requirements specified within five (5) years after installation.
- b. Bufferyards Abutting Residential Uses.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyards requirement for the zoning district between residential uses shall apply.
 - ii) Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the WBZA.

5. Access to Primary or Secondary Streets.

- a. Maximum Number of Entrances: The number of entrances is not restricted.
- b. This standard does not apply to entrances for emergency use only.
- c. As used in this section the term “entrance” means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.

17. Drive-in Restaurant

1. Minimum Lot Area.

- b. Minimum Lot Area: The standard minimum lot area for the zoning district shall apply.
- b. The dedicated area within the structure in which the restricted use is located may not be smaller in area than the area prescribed for that use

2. Setbacks.

- a. Minimum Front Setback: The minimum front setback for the zoning district shall apply.
- b. Minimum Side Setback: The minimum side setback for the zoning district shall apply.
- c. Minimum Rear Setback: The minimum rear setback for the zoning district shall apply.
- d. Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.

3. Separation from Residential Districts.

- a. Minimum Distance from a Residential District: The standard building setback for the zoning district shall apply.
- b. The restricted use may not be located closer to residential districts than the distance shown, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance shown.

4. Landscaping and Bufferyards.

- a. Required Bufferyards.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyard requirement for the zoning district shall apply.
 - ii) The restricted use shall provide the bufferyards required at the discretion of the WPC or WBZA and shall meet the size requirements specified within five (5) years after installation.
- b. Bufferyards Abutting Residential Uses.
 - i) Minimum Bufferyard Required: Bufferyard E + Fence F3
 - ii) Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the WBZA.

5. Access to Primary or Secondary Streets.

- a. Maximum Number of Entrances: The number of entrances is not restricted.
- b. This standard does not apply to entrances for emergency use only.
- c. As used in this section the term “entrance” means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.

18. Explosives - Manufacturing, Use, or Storage

2. Minimum Lot Area.

- a. Minimum Lot Area: The standard minimum lot area for the zoning district shall apply.
- b. A lot on which the restricted use is located may not be smaller in area than the area prescribed for that use.

3. Setbacks.

- a. Minimum Front Setback: The minimum front setback for the zoning district shall apply.
- b. Minimum Side Setback: The minimum side setback for the zoning district shall apply.
- c. Minimum Rear Setback: The minimum rear setback for the zoning district shall apply.
- d. Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.

4. Separation from Residential Districts.

- a. Minimum Distance from a Residential District: 1,320 feet
- b. The restricted use may not be located closer to residential districts than the distance shown, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance shown.

5. Landscaping and Bufferyards.

- a. Required Bufferyards.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyard requirement for the zoning district shall apply.
 - ii) The restricted use shall provide the bufferyards required at the discretion of the WPC or WBZA and shall meet the size requirements specified within five (5) years after installation.
- b. Bufferyards Abutting Residential Uses.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyards requirement for the zoning district between residential uses shall apply.
 - ii) Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the WBZA.

6. Access to Primary or Secondary Streets.

- a. Maximum Number of Entrances: 1
- b. This standard does not apply to entrances for emergency use only.
- c. As used in this section the term “entrance” means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.

19. Fairgrounds

1. Minimum Lot Area.

- a. Minimum Lot Area: The standard minimum lot area for the zoning district shall apply.
- b. A lot on which the restricted use is located may not be smaller in area than the area prescribed for that use.

2. Setbacks.

- a. Minimum Front Setback: The minimum front setback for the zoning district shall apply.
- b. Minimum Side Setback: The minimum side setback for the zoning district shall apply.
- c. Minimum Rear Setback: The minimum rear setback for the zoning district shall apply.
- d. Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.

3. Separation from Residential Districts.

- a. Minimum Distance from a Residential District: The standard building setback for the zoning district shall apply.
- b. The restricted use may not be located closer to residential districts than the distance shown, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance shown.

4. Landscaping and Bufferyards.

- a. Required Bufferyards.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyard requirement for the zoning district shall apply.
 - ii) The restricted use shall provide the bufferyards required at the discretion of the WPC or WBZA and shall meet the size requirements specified within five (5) years after installation.
- b. Bufferyards Abutting Residential Uses.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyards requirement for the zoning district between residential uses shall apply.
 - ii) Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the WBZA.

5. Access to Primary or Secondary Streets.

- a. Maximum Number of Entrances: 2
- b. This standard does not apply to entrances for emergency use only.
- c. As used in this section the term “entrance” means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.

20. Golf and Country Club

1. Minimum Lot Area.

- a. Minimum Lot Area: The standard minimum lot area for the zoning district shall apply.
- b. A lot on which the restricted use is located may not be smaller in area than the area prescribed for that use.

2. Setbacks.

- a. Minimum Front Setback: The minimum front setback for the zoning district shall apply.
- b. Minimum Side Setback: The minimum side setback for the zoning district shall apply.
- c. Minimum Rear Setback: The minimum rear setback for the zoning district shall apply.
- d. Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.

3. Separation from Residential Districts.

- a. Minimum Distance from a Residential District: The standard building setback for the zoning district shall apply.
- b. The restricted use may not be located closer to residential districts than the distance shown, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance shown.

4. Landscaping and Bufferyards.

- a. Required Bufferyards.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyard requirement for the zoning district shall apply.
 - ii) The restricted use shall provide the bufferyards required at the discretion of the WPC or WBZA and shall meet the size requirements specified within five (5) years after installation.
- b. Bufferyards Abutting Residential Uses.
 - i) Minimum Bufferyard Required: Bufferyard E
 - ii) Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the WBZA.

5. Access to Primary or Secondary Streets.

- a. Maximum Number of Entrances: 1
- b. This standard does not apply to entrances for emergency use only.
- c. As used in this section the term “entrance” means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.

21. Golf Driving Range and Miniature Golf Course

1. Minimum Lot Area.

- a. Minimum Lot Area: 1 acre
- b. A lot on which the restricted use is located may not be smaller in area than the area prescribed for that use.

2. Setbacks.

- a. Minimum Front Setback: The minimum front setback for the zoning district shall apply.
- b. Minimum Side Setback: The minimum side setback for the zoning district shall apply.
- c. Minimum Rear Setback: The minimum rear setback for the zoning district shall apply.
- d. Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.

3. Separation from Residential Districts.

- a. Minimum Distance from a Residential District: The standard building setback for the zoning district shall apply.
- b. The restricted use may not be located closer to residential districts than the distance shown, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance shown.

4. Landscaping and Bufferyards.

- a. Required Bufferyards.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyard requirement for the zoning district shall apply.
 - ii) The restricted use shall provide the bufferyards required at the discretion of the WPC or WBZA and shall meet the size requirements specified within five (5) years after installation.
- b. Bufferyards Abutting Residential Uses.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyards requirement for the zoning district between residential uses shall apply.
 - ii) Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the WBZA.

5. Access to Primary or Secondary Streets.

- a. Maximum Number of Entrances: 1
- b. This standard does not apply to entrances for emergency use only.
- c. As used in this section the term “entrance” means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.

22. Greenhouse-Commercial

1. Minimum Lot Area.

- a. Minimum Lot Area: The standard minimum lot area for the zoning district shall apply.
- b. A lot on which the restricted use is located may not be smaller in area than the area prescribed for that use.

2. Setbacks.

- a. Minimum Front Setback: The minimum front setback for the zoning district shall apply.
- b. Minimum Side Setback: The minimum side setback for the zoning district shall apply.
- c. Minimum Rear Setback: The minimum rear setback for the zoning district shall apply.
- d. Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.

3. Separation from Residential Districts.

- a. Minimum Distance from a Residential District: The standard building setback for the zoning district shall apply.
- b. The restricted use may not be located closer to residential districts than the distance shown, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance shown.

4. Landscaping and Bufferyards.

- a. Required Bufferyards.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyard requirement for the zoning district shall apply.
 - ii) The restricted use shall provide the bufferyards required at the discretion of the WPC or WBZA and shall meet the size requirements specified within five (5) years after installation.

5. Bufferyards Abutting Residential Uses.

- i) Minimum Bufferyard Required: The standard landscaping and bufferyards requirement for the zoning district between residential uses shall apply.
- ii) Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the WBZA.

6. Access to Primary or Secondary Streets.

- a. Maximum Number of Entrances: 1
- b. This standard does not apply to entrances for emergency use only.
- c. As used in this section the term “entrance” means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.

23. Heliport

1. Minimum Lot Area.

- a. Minimum Lot Area: 1 acre
- b. A lot on which the restricted use is located may not be smaller in area than the area prescribed for that use.

2. Setbacks.

- a. Minimum Front Setback: The minimum front setback for the zoning district shall apply.
- b. Minimum Side Setback: The minimum side setback for the zoning district shall apply.
- c. Minimum Rear Setback: The minimum rear setback for the zoning district shall apply.
- d. Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.

3. Separation from Residential Districts.

- a. Minimum Distance from a Residential District: The standard building setback for the zoning district shall apply.
- b. The restricted use may not be located closer to residential districts than the distance shown, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance shown.

4. Landscaping and Bufferyards.

- a. Required Bufferyards.
 - i) Minimum Bufferyard Required: Bufferyard E + required fencing
 - ii) The restricted use shall provide the bufferyards required at the discretion of the WPC or WBZA and shall meet the size requirements specified within five (5) years after installation.
- b. Bufferyards Abutting Residential Uses.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyards requirement for the zoning district between residential uses shall apply.
 - ii) Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the WBZA.

5. Access to Primary or Secondary Streets.

- a. Maximum Number of Entrances: 2
- b. This standard does not apply to entrances for emergency use only.
- c. As used in this section the term “entrance” means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.

24. Home Occupations

A home occupation shall be permitted when said occupation conducted on residentially used premises is considered customary and traditional, incidental to the primary use of the premises as a residence, and not construed as a business. Permitted home occupations shall not adversely affect the residential character of the district or interfere with the reasonable enjoyment of adjoining properties. Permitted home occupations shall be of a personal service nature limited to domestic crafts and professional service.

Table 8 - Permitted Types of Home Occupations	
Permitted Uses	Domestic crafts, dressmaking, millinery, sewing, weaving, tailoring, ironing, washing, custom home furnishings work, carpentry work, furniture repair, hair grooming.
Permitted Uses, but limited to advice and consultation	Law, medicine, architecture, engineering, accounting, planning, real estate, insurance, notary public, manufacturer's agent, clergy, writing, music, painting, photography, academic tutoring, outdoor instructional studio for 1 student at a time.
Prohibited Uses	Real estate office, insurance office, clinic, doctor's office, dress shop, millinery shop, funeral home, bed and breakfast, outdoor instructional studios for more than 1 student at a time, day care center, animal hospital, kennel, trailer rental, and all uses associated with vehicle dealers, repair, and services.

1. Standards.

- The primary use of the primary structure or dwelling unit shall remain residential and the operator of the home occupation shall remain a resident in the dwelling unit.
- A home occupation and all activities and materials related to such occupation may be permitted in a single accessory structure provided that such structure is subordinate to the primary residence in terms of height, setback, area, and bulk and compatible with the primary residence in terms of materials.
- The operator conducting the home occupation shall be the sole entrepreneur, and he shall not employ any other person other than a member of the immediate family residing in the residence and one (1) non-family member.
- No structural additions, enlargements, or exterior alterations changing the residential appearance to a business appearance shall be permitted.
- No more than twenty-five percent (25%) of the floor area of any one (1) story of the dwelling unit shall be devoted to such home occupation.
- Outside storage of machinery, equipment, or materials shall not be permitted.

- g. No additional and separate entrance incongruent with the residential structural design shall be constructed for the purpose of conducting the home occupation.
- h. No provision for more than two (2) extra off-street parking or loading facilities, other than the requirements and permitted facilities of the zone district, shall be permitted. No part of a minimum required setback distance shall be used for off-street parking or loading facilities, and no additional driveway to serve such home occupations shall be permitted.
- i. No display of goods or external evidence of the home occupation shall be permitted, except for signs in accordance with Section 4.5.
- j. No stock in trade or commodities, other than those prepared, produced, or created on the premises by the operator of the home occupation, shall be kept or sold on the premises.
- k. No electrical or mechanical equipment shall interfere with local radio communications and television reception, or cause fluctuation in line voltage off the premises.

25. Hospital

1. Minimum Lot Area.

- a. Minimum Lot Area: 5 acres
- b. A lot on which the restricted use is located may not be smaller in area than the area prescribed for that use.

2. Setbacks.

- a. Minimum Front Setback: The minimum front setback for the zoning district shall apply.
- b. Minimum Side Setback: The minimum side setback for the zoning district shall apply.
- c. Minimum Rear Setback: The minimum rear setback for the zoning district shall apply.
- d. Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.

3. Separation from Residential Districts.

- a. Minimum Distance from a Residential District: The standard building setback for the zoning district shall apply.
- b. The restricted use may not be located closer to residential districts than the distance shown, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance shown.

4. Landscaping and Bufferyards.

- a. Required Bufferyards.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyard requirement for the zoning district shall apply.
 - ii) The restricted use shall provide the bufferyards required at the discretion of the WPC or WBZA and shall meet the size requirements specified within five (5) years after installation.
- b. Bufferyards Abutting Residential Uses.
 - i) Minimum Bufferyard Required: Bufferyard E
 - ii) Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the WBZA.

5. Access to Primary or Secondary Streets.

- a. Maximum Number of Entrances: The number of entrances is not restricted.
- b. This standard does not apply to entrances for emergency use only.
- c. As used in this section the term “entrance” means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.

26. Hotel or Motel

1. Minimum Lot Area.

- a. Minimum Lot Area: 1 acre
- b. A lot on which the restricted use is located may not be smaller in area than the area prescribed for that use.

2. Setbacks.

- a. Minimum Front Setback: The minimum front setback for the zoning district shall apply.
- b. Minimum Side Setback: The minimum side setback for the zoning district shall apply.
- c. Minimum Rear Setback: The minimum rear setback for the zoning district shall apply.
- d. Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.

3. Separation from Residential Districts.

- a. Minimum Distance from a Residential District: The standard building setback for the zoning district shall apply.
- b. The restricted use may not be located closer to residential districts than the distance shown, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance shown.

4. Landscaping and Bufferyards.

- a. Required Bufferyards.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyard requirement for the zoning district shall apply.
 - ii) The restricted use shall provide the bufferyards required at the discretion of the WPC or WBZA and shall meet the size requirements specified within five (5) years after installation.
- b. Bufferyards Abutting Residential Uses.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyards requirement for the zoning district between residential uses shall apply.
 - ii) Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the WBZA.

5. Access to Primary or Secondary Streets.

- a. Maximum Number of Entrances: 2
- b. This standard does not apply to entrances for emergency use only.
- c. As used in this section the term "entrance" means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.

27. Incinerator

1. Minimum Lot Area.

- a. Minimum Lot Area: 5 acres
- b. A lot on which the restricted use is located may not be smaller in area than the area prescribed for that use.

2. Setbacks.

- a. Minimum Front Setback: 100 feet
- b. Minimum Side Setback: 100 feet
- c. Minimum Rear Setback: 100 feet
- d. Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.

3. Separation from Residential Districts.

- a. Minimum Distance from a Residential District: The standard building setback for the zoning district shall apply.
- b. The restricted use may not be located closer to residential districts than the distance shown, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance shown.

4. Landscaping and Bufferyards.

- a. Required Bufferyards.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyard requirement for the zoning district shall apply.
 - ii) The restricted use shall provide the bufferyards required at the discretion of the WPC or WBZA and shall meet the size requirements specified within five (5) years after installation.
- b. Bufferyards Abutting Residential Uses.
 - i) Minimum Bufferyard Required: Bufferyard E + Fence F3.
 - ii) Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the WBZA.

5. Access to Primary or Secondary Streets.

- a. Maximum Number of Entrances: 1
- b. This standard does not apply to entrances for emergency use only.
- c. As used in this section the term “entrance” means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.

28. General Industrial

1. Minimum Lot Area.

- a. Minimum Lot Area: The standard minimum lot area for the zoning district shall apply.
- b. A lot on which the restricted use is located may not be smaller in area than the area prescribed for that use.

2. Setbacks.

- a. Minimum Front Setback: The minimum front setback for the zoning district shall apply.
- b. Minimum Side Setback: The minimum side setback for the zoning district shall apply.
- c. Minimum Rear Setback: The minimum rear setback for the zoning district shall apply.
- d. Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.

3. Separation from Residential Districts.

- a. Minimum Distance from a Residential District: The standard building setback for the zoning district shall apply.
- b. The restricted use may not be located closer to residential districts than the distance shown, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance shown.

4. Landscaping and Bufferyards.

- a. Required Bufferyards.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyard requirement for the zoning district shall apply.
 - ii) The restricted use shall provide the bufferyards required at the discretion of the WPC or WBZA and shall meet the size requirements specified within five (5) years after installation.
- b. Bufferyards Abutting Residential Uses.
 - i) Minimum Bufferyard Required: Bufferyard E.
 - ii) Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the WBZA.

5. Access to Primary or Secondary Streets.

- a. Maximum Number of Entrances: The number of entrances is not restricted.
- b. This standard does not apply to entrances for emergency use only.
- c. As used in this section the term “entrance” means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.

6. Performance Standards.

The following performance standards shall apply to all industrial uses, in addition to the previous requirements.

7. Smoke.

- a. No industry in the I1 zoning district may emit more than ten (10) smoke units per hour per stack or smoke in excess of Ringleman No. 2. However, once during any twenty-four (24) hour period, for soot blowing, process purging, and fire cleaning, each stack may emit an additional ten (10) smoke units, and during that period it may emit smoke up to and including Ringleman No. 3.
- b. No industry in the I2 zoning district may emit more than thirty (30) smoke units per hour per stack or smoke in excess of Ringleman No. 2. However, once during any twenty-four (24) hour period, for soot blowing, process purging, and fire cleaning, each stack may emit an additional ten (10) smoke units, and during that period it may emit smoke up to and including Ringleman No. 3.

8. Odor. No industrial use in any district may release an odor that is detectable at the lot line.

9. Toxic Materials. No gases or fumes toxic to persons or injurious to property shall be permitted to escape beyond the building in which it occurs.

10. Glare and Heat. No industrial use may cause heat at the property line so intense as to be a public nuisance or hazard. No glare shall be seen from any street or residential area.

11. Vibration. No intense vibration shall be created or maintained by any industrial use so as to be noticeable beyond the boundary lines of the tract on which it is located.

12. Noise and Sound. At no boundary line of any residential or business district may the sound level of any industrial use (excluding background noises produced by sources not under the control of this ordinance such as the operation of motor vehicles) exceed seventy (70) decibels. Noise is to be muffled so as not to be objectionable due to intermittence, frequency, or shrillness.

13. Exceptions. The items above inclusive do not apply to:

- a. Site preparation or construction, maintenance, repair, alterations, or improvements of buildings, structures, equipment, or other improvements on or within the lot lines; and
- b. The operation of motor vehicles or other facilities for the transportation of personnel, materials, or products; and
- c. Safety or emergency warning signals or alarms necessary for the protection of life, limb, or property.

14. Special Restrictions. Any industrial operation or activity must, in addition to the above, conform to any applicable Acts of the state and federal government. Where the requirements of this ordinance are more restrictive, they shall take precedence. All relevant federal and state permits or approvals are required prior to issuance of an ILP.

29. Industrial Park, Light

1. Minimum Lot Area.

- a. Minimum Lot Area: The standard minimum lot area for the zoning district shall apply.
- b. A lot on which the restricted use is located may not be smaller in area than the area prescribed for that use.

2. Setbacks.

- a. Minimum Front Setback: The minimum front setback for the zoning district shall apply.
- b. Minimum Side Setback: The minimum side setback for the zoning district shall apply.
- c. Minimum Rear Setback: The minimum rear setback for the zoning district shall apply.
- d. Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.

3. Separation from Residential Districts.

- a. Minimum Distance from a Residential District: The standard building setback for the zoning district shall apply.
- b. The restricted use may not be located closer to residential districts than the distance shown, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance shown.

4. Landscaping and Bufferyards.

- a. Required Bufferyards.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyard requirement for the zoning district shall apply.
 - ii) The restricted use shall provide the bufferyards required at the discretion of the WPC or WBZA and shall meet the size requirements specified within five (5) years after installation.
- b. Bufferyards Abutting Residential Uses.
 - i) Minimum Bufferyard Required: Bufferyard E + Fence F2
 - ii) Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the WBZA.

5. Access to Primary or Secondary Streets.

- a. Maximum Number of Entrances: 1
- b. This standard does not apply to entrances for emergency use only.
- c. As used in this section the term “entrance” means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.

30. Junkyard

1. Minimum Lot Area.

- a. Minimum Lot Area: 10 acres
- b. A lot on which the restricted use is located may not be smaller in area than the area prescribed for that use.

2. Setbacks.

- a. Minimum Front Setback: 100 feet
- b. Minimum Side Setback: 100 feet
- c. Minimum Rear Setback: 100 feet
- d. Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.

3. Separation from Residential Districts.

- a. Minimum Distance from a Residential District: 1,320 feet
- b. The restricted use may not be located closer to residential districts than the distance shown, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance shown.

4. Landscaping and Bufferyards.

- a. Required Bufferyards.
 - i) Minimum Bufferyard Required: Bufferyard E + Fence F3
 - ii) The restricted use shall provide the bufferyards required at the discretion of the WPC or WBZA and shall meet the size requirements specified within five (5) years after installation.
- b. Bufferyards Abutting Residential Uses.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyards requirement for the zoning district between residential uses shall apply.
 - ii) Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the WBZA.

5. Access to Primary or Secondary Streets.

- a. Maximum Number of Entrances: 1
- b. This standard does not apply to entrances for emergency use only.
- c. As used in this section the term “entrance” means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.

31. Kennels (Small, Large, and Unlimited)

1. Minimum Lot Area.

- a. Minimum Lot Area: 3 acres
- b. A lot on which the restricted use is located may not be smaller in area than the area prescribed for that use.

2. Setbacks.

- a. Minimum Front Setback: The minimum front setback for the zoning district shall apply.
- b. Minimum Side Setback: The minimum side setback for the zoning district shall apply.
- c. Minimum Rear Setback: The minimum rear setback for the zoning district shall apply.
- d. Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.

3. Separation from Residential Districts.

- a. Minimum Distance from a Residential District: The standard building setback for the zoning district shall apply.
- b. The restricted use may not be located closer to residential districts than the distance shown, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance shown.

4. Landscaping and Bufferyards.

- a. Required Bufferyards.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyard requirement for the zoning district shall apply.
 - ii) The restricted use shall provide the bufferyards required at the discretion of the WPC or WBZA and shall meet the size requirements specified within five (5) years after installation.
- b. Bufferyards Abutting Residential Uses.
 - i) Minimum Bufferyard Required: Bufferyard E + Fence F3
 - ii) Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the WBZA.

5. Access to Primary or Secondary Streets.

- a. Maximum Number of Entrances: 1
- b. This standard does not apply to entrances for emergency use only.
- c. As used in this section the term “entrance” means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.

5. Additional Standards Based on Zoning District.

- i) Kennel, Small. Where the subject property is located in an Agricultural zoning district, the outer most edge of the facility, including the parking lot and runs, must be at least five hundred (500) feet from the property line. Where the subject property is located in an Industrial zoning district or a Commercial

- zoning district, the outer most edge of the facility, including the parking lot and runs, must be at least five hundred (500) feet from the nearest Agricultural zoning district or Residential zoning district boundary.
- ii) Kennel, Large. Where the subject property is located in an Agricultural zoning district, the outer most edge of the facility, including the parking lot and runs, must be at least one thousand (1,000) feet from the property line. Where the subject property is located in an Industrial zoning district or a Commercial zoning district, the outer most edge of the facility, including the parking lot and runs, must be at least one thousand (1,000) feet from the nearest Agricultural zoning district or Residential zoning district boundary.
 - iii) Kennel, Unlimited. Where the subject property is located in an Agricultural zoning district, the outer most edge of the facility, including the parking lot and runs, must be at least one thousand five hundred (1,500) feet from the property line. Where the subject property is located in an Industrial zoning district or Commercial zoning district, the outer most edge of the facility, including the parking lot and runs, must be at least one thousand five hundred (1,500) feet from the nearest Agricultural zoning district or Residential zoning district boundary.

32. Liquefied Fertilizer Storage and Distribution

1. Minimum Lot Area.

- a. Minimum Lot Area: The standard minimum lot area for the zoning district shall apply.
- b. A lot on which the restricted use is located may not be smaller in area than the area prescribed for that use.

2. Setbacks.

- a. Minimum Front Setback: 100 feet
- b. Minimum Side Setback: 100 feet
- c. Minimum Rear Setback: 100 feet
- d. Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.

3. Separation from Residential Districts.

- a. Minimum Distance from a Residential District: 1,320 feet
- b. The restricted use may not be located closer to residential districts than the distance shown, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance shown.

4. Landscaping and Bufferyards.

- a. Required Bufferyards.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyard requirement for the zoning district shall apply.
 - ii) The restricted use shall provide the bufferyards required at the discretion of the WPC or WBZA and shall meet the size requirements specified within five (5) years after installation.
- b. Bufferyards Abutting Residential Uses.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyards requirement for the zoning district between residential uses shall apply.
 - ii) Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the WBZA.

5. Access to Primary or Secondary Streets.

- a. Maximum Number of Entrances: The number of entrances is not restricted.
- b. This standard does not apply to entrances for emergency use only.
- c. As used in this section the term “entrance” means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.

33. Liquefied Petroleum Gas, Bottled Gas Dealers

1. Minimum Lot Area.

- a. Minimum Lot Area: The standard minimum lot area for the zoning district shall apply.
- b. A lot on which the restricted use is located may not be smaller in area than the area prescribed for that use.

2. Setbacks.

- a. Minimum Front Setback: 100 feet
- b. Minimum Side Setback: 100 feet
- c. Minimum Rear Setback: 100 feet
- d. Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.

3. Separation from Residential Districts.

- a. Minimum Distance from a Residential District: The standard building setback for the zoning district shall apply.
- b. The restricted use may not be located closer to residential districts than the distance shown, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance shown.

4. Landscaping and Bufferyards.

- a. Required Bufferyards.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyard requirement for the zoning district shall apply.
 - ii) The restricted use shall provide the bufferyards required at the discretion of the WPC or WBZA and shall meet the size requirements specified within five (5) years after installation.
- b. Bufferyards Abutting Residential Uses.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyards requirement for the zoning district between residential uses shall apply.
 - ii) Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the WBZA.

5. Access to Primary or Secondary Streets.

- a. Maximum Number of Entrances: The number of entrances is not restricted.
- b. This standard does not apply to entrances for emergency use only.
- c. As used in this section the term “entrance” means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.

34. Material Storage (open)

1. Minimum Lot Area.

- a. Minimum Lot Area: The standard minimum lot area for the zoning district shall apply.
- b. A lot on which the restricted use is located may not be smaller in area than the area prescribed for that use.

2. Setbacks.

- a. Minimum Front Setback: The minimum front setback for the zoning district shall apply.
- b. Minimum Side Setback: The minimum side setback for the zoning district shall apply.
- c. Minimum Rear Setback: The minimum rear setback for the zoning district shall apply.
- d. Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.

3. Separation from Residential Districts.

- a. Minimum Distance from a Residential District: The standard building setback for the zoning district shall apply.
- b. The restricted use may not be located closer to residential districts than the distance shown, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance shown.

4. Landscaping and Bufferyards.

- a. Required Bufferyards.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyard requirement for the zoning district shall apply.
 - ii) The restricted use shall provide the bufferyards required at the discretion of the WPC or WBZA and shall meet the size requirements specified within five (5) years after installation.
- b. Bufferyards Abutting Residential Uses.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyards requirement for the zoning district between residential uses shall apply.
 - ii) Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the WBZA.

5. Access to Primary or Secondary Streets.

- a. Maximum Number of Entrances: 1
- b. This standard does not apply to entrances for emergency use only.
- c. As used in this section the term “entrance” means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.

35. Mineral Extraction

1. Minimum Lot Area.

- a. Minimum Lot Area: The standard minimum lot area for the zoning district shall apply.
- b. A lot on which the restricted use is located may not be smaller in area than the area prescribed for that use.

2. Setbacks.

- a. Minimum Front Setback: The minimum front setback for the zoning district shall apply.
- b. Minimum Side Setback: The minimum side setback for the zoning district shall apply.
- c. Minimum Rear Setback: The minimum rear setback for the zoning district shall apply.
- d. Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.

3. Separation from Residential Districts.

- a. Minimum Distance from a Residential District: The standard building setback for the zoning district shall apply.
- b. The restricted use may not be located closer to residential districts than the distance shown, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance shown.

4. Landscaping and Bufferyards.

- a. Required Bufferyards.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyard requirement for the zoning district shall apply.
 - ii) The restricted use shall provide the bufferyards required at the discretion of the WPC or WBZA and shall meet the size requirements specified within five (5) years after installation.
- b. Bufferyards Abutting Residential Uses.
 - i) Minimum Bufferyard Required: Bufferyard E + required fencing
 - ii) Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the WBZA.

5. Access to Primary or Secondary Streets.

- a. Maximum Number of Entrances: The number of entrances is not restricted.
- b. This standard does not apply to entrances for emergency use only.
- c. As used in this section the term “entrance” means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.

36. Mobile Home Parks

1. Minimum Lot Area.

- a. Minimum Lot Area: 5 acres for the entire park project.
- b. A lot on which the restricted use is located may not be smaller in area than the area prescribed for that use.

2. Setbacks.

- a. Minimum Front Setback: The minimum front setback for the zoning district shall apply.
- b. Minimum Side Setback: The minimum side setback for the zoning district shall apply.
- c. Minimum Rear Setback: The minimum rear setback for the zoning district shall apply.
- d. Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.

3. Separation from Residential Districts.

- a. Minimum Distance from a Residential District: The standard building setback for the zoning district shall apply.
- b. The restricted use may not be located closer to residential districts than the distance shown, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance shown.

4. Landscaping and Bufferyards.

- a. Required Bufferyards.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyard requirement for the zoning district shall apply.
 - ii) The restricted use shall provide the bufferyards required at the discretion of the WPC or WBZA and shall meet the size requirements specified within five (5) years after installation.
- b. Bufferyards Abutting Residential Uses.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyards requirement for the zoning district between residential uses shall apply.
 - ii) Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the WBZA.

5. Access to Primary or Secondary Streets.

- a. Maximum Number of Entrances: The number of entrances is not restricted.
- b. This standard does not apply to entrances for emergency use only.
- c. As used in this section the term “entrance” means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.

6. Performance Standards.

Mobile homes may be permanently occupied when located in a mobile home park. Such mobile home parks require Development Plan approval and shall be developed in accordance with the requirements

of this ordinance. Mobile homes for permanent occupancy shall meet the standards for the district and shall have the following requirements:

- a. The placement of any mobile home requires an ILP.
- b. No electric lines shall pass over any mobile home.
- c. All mobile homes shall be skirted prior to being occupied.
- d. When applicable by the terms of this ordinance, accessory structures for storage on individual sites are subject to all applicable setback requirements and require an ILP.
- e. Driveways shall be provided on the site where necessary for convenient access to service entrances of buildings, to delivery and collection points for refuse and other material, and elsewhere as needed.
- f. Resident parking shall be provided either on the trailer site or in common parking facilities, and shall be designed so as not to interfere with pedestrian walkways and to allow adequate space for visitor parking either along the street or in common parking areas.
- g. Walkways.
 - i) Where possible, walkways leading to frequently used public facilities should be through interior areas removed from the vicinity of streets. Public pedestrian sidewalks should be at least four (4) feet in width and paved with a suitable material for use in all weather conditions.
 - ii) Individual walkways shall be provided from a public walkway, street, or parking area to the individual mobile home stands. These walkways shall be at least eighteen (18) inches in width and should be paved with a suitable material for use in all weather conditions.
- h. Covenants. Covenants shall be submitted and recorded with the Development Plan approval of the Mobile Home Park. Such covenants must contain/address the following:
 - i) The Mobile Home Park owner shall furnish each occupant of a mobile home site with a copy of the recorded Covenants.
 - ii) The placement or replacement of each mobile home shall be in accordance with and shall follow the procedures set forth by the Zoning Ordinance.
 - iii) When applicable by the terms of this ordinance, accessory structures are subject to all applicable site setbacks and require an ILP.
 - iv) It shall be the responsibility of the Mobile Home Park owner to see that all sites and open spaces are kept in a neat and orderly condition at all times.
 - v) In order not to impede safety vehicles, no on-street parking of boats, trailers, semitrucks, etc. shall be permitted.

37. Park or Recreational Facility (public)

1. Minimum Lot Area.

- a. Minimum Lot Area: The standard minimum lot area for the zoning district shall apply.
- b. A lot on which the restricted use is located may not be smaller in area than the area prescribed for that use.

2. Setbacks.

- a. Minimum Front Setback: 100 feet
- b. Minimum Side Setback: 40 feet
- c. Minimum Rear Setback: 40 feet
- d. Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.

3. Separation from Residential Districts.

- a. Minimum Distance from a Residential District: The standard building setback for the zoning district shall apply.
- b. The restricted use may not be located closer to residential districts than the distance shown, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance shown.

4. Landscaping and Bufferyards.

- a. Required Bufferyards.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyard requirement for the zoning district shall apply.
 - ii) The restricted use shall provide the bufferyards required at the discretion of the WPC or WBZA and shall meet the size requirements specified within five (5) years after installation.
- b. Bufferyards Abutting Residential Uses.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyards requirement for the zoning district between residential uses shall apply.
 - ii) Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the WBZA.

5. Access to Primary or Secondary Streets.

- a. Maximum Number of Entrances: The number of entrances is not restricted.
- b. This standard does not apply to entrances for emergency use only.
- c. As used in this section the term “entrance” means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.

38. Parking Lot

1. Minimum Lot Area.

- a. Minimum Lot Area: The standard minimum lot area for the zoning district shall apply.
- b. A lot on which the restricted use is located may not be smaller in area than the area prescribed for that use.

2. Setbacks.

- a. Minimum Front Setback: The minimum front setback for the zoning district shall apply.
- b. Minimum Side Setback: The minimum side setback for the zoning district shall apply.
- c. Minimum Rear Setback: The minimum rear setback for the zoning district shall apply.
- d. Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.

3. Separation from Residential Districts.

- a. Minimum Distance from a Residential District: The standard building setback for the zoning district shall apply.
- b. The restricted use may not be located closer to residential districts than the distance shown, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance shown.

4. Landscaping and Bufferyards.

- a. Required Bufferyards.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyard requirement for the zoning district shall apply.
 - ii) The restricted use shall provide the bufferyards required at the discretion of the WPC or WBZA and shall meet the size requirements specified within five (5) years after installation.
- b. Bufferyards Abutting Residential Uses.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyards requirement for the zoning district between residential uses shall apply.
 - ii) Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the WBZA.

5. Access to Primary or Secondary Streets.

- a. Maximum Number of Entrances: 1
- b. This standard does not apply to entrances for emergency use only.
- c. As used in this section the term “entrance” means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.

39. Penal or Correctional Institutions

1. Minimum Lot Area.

- a. Minimum Lot Area: 80 acres
- b. A lot on which the restricted use is located may not be smaller in area than the area prescribed for that use.

2. Setbacks.

- a. Minimum Front Setback: The minimum front setback for the zoning district shall apply.
- b. Minimum Side Setback: The minimum side setback for the zoning district shall apply.
- c. Minimum Rear Setback: The minimum rear setback for the zoning district shall apply.
- d. Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.

3. Separation from Residential Districts.

- a. Minimum Distance from a Residential District: 1,320 feet
- b. The restricted use may not be located closer to residential districts than the distance shown, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance shown.

4. Landscaping and Bufferyards.

- a. Required Bufferyards.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyard requirement for the zoning district shall apply.
 - ii) The restricted use shall provide the bufferyards required at the discretion of the WPC or WBZA and shall meet the size requirements specified within five (5) years after installation.
- b. Bufferyards Abutting Residential Uses.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyards requirement for the zoning district between residential uses shall apply.
 - ii) Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the WBZA.

5. Access to Primary or Secondary Streets.

- a. Maximum Number of Entrances: 1
- b. This standard does not apply to entrances for emergency use only.
- c. As used in this section the term “entrance” means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.

40. Petroleum Tank Farm

1. Minimum Lot Area.

- a. Minimum Lot Area: The standard minimum lot area for the zoning district shall apply.
- b. A lot on which the restricted use is located may not be smaller in area than the area prescribed for that use.

2. Setbacks.

- a. Minimum Front Setback: 100 feet
- b. Minimum Side Setback: 100 feet
- c. Minimum Rear Setback: 100 feet
- d. Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.

3. Separation from Residential Districts.

- a. Minimum Distance from a Residential District: The standard building setback for the zoning district shall apply.
- b. The restricted use may not be located closer to residential districts than the distance shown, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance shown.

4. Landscaping and Bufferyards.

- a. Required Bufferyards.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyard requirement for the zoning district shall apply.
 - ii) The restricted use shall provide the bufferyards required at the discretion of the WPC or WBZA and shall meet the size requirements specified within five (5) years after installation.
- b. Bufferyards Abutting Residential Uses.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyards requirement for the zoning district between residential uses shall apply.
 - ii) Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the WBZA.

5. Access to Primary or Secondary Streets.

- a. Maximum Number of Entrances: The number of entrances is not restricted.
- b. This standard does not apply to entrances for emergency use only.
- c. As used in this section the term “entrance” means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.

41. Police, Postal, or Fire Station

1. Minimum Lot Area.

- a. Minimum Lot Area: The standard minimum lot area for the zoning district shall apply.
- b. A lot on which the restricted use is located may not be smaller in area than the area prescribed for that use.

2. Setbacks.

- a. Minimum Front Setback: The minimum front setback for the zoning district shall apply.
- b. Minimum Side Setback: The minimum side setback for the zoning district shall apply.
- c. Minimum Rear Setback: The minimum rear setback for the zoning district shall apply.
- d. Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.

3. Separation from Residential Districts.

- a. Minimum Distance from a Residential District: The standard building setback for the zoning district shall apply.
- b. The restricted use may not be located closer to residential districts than the distance shown, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance shown.

4. Landscaping and Bufferyards.

- a. Required Bufferyards.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyard requirement for the zoning district shall apply.
 - ii) The restricted use shall provide the bufferyards required at the discretion of the WPC or WBZA and shall meet the size requirements specified within five (5) years after installation.
- b. Bufferyards Abutting Residential Uses.
 - i) Minimum Bufferyard Required: Bufferyard E
 - ii) Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the WBZA.

5. Access to Primary or Secondary Streets.

- a. Maximum Number of Entrances: The number of entrances is not restricted.
- b. This standard does not apply to entrances for emergency use only.
- c. As used in this section the term “entrance” means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.

42. Public Camp Ground or RV Park

1. Minimum Lot Area.

- a. Minimum Lot Area: 5 acres
- b. A lot on which the restricted use is located may not be smaller in area than the area prescribed for that use.

2. Setbacks.

- a. Minimum Front Setback: The minimum front setback for the zoning district shall apply.
- b. Minimum Side Setback: The minimum side setback for the zoning district shall apply.
- c. Minimum Rear Setback: The minimum rear setback for the zoning district shall apply.
- d. Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.

3. Separation from Residential Districts.

- a. Minimum Distance from a Residential District: The standard building setback for the zoning district shall apply.
- b. The restricted use may not be located closer to residential districts than the distance shown, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance shown.

4. Landscaping and Bufferyards.

- a. Required Bufferyards.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyard requirement for the zoning district shall apply.
 - ii) The restricted use shall provide the bufferyards required at the discretion of the WPC or WBZA and shall meet the size requirements specified within five (5) years after installation.
- b. Bufferyards Abutting Residential Uses.
 - i) Minimum Bufferyard Required: Bufferyard E + Fence F2
 - ii) Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the WBZA.

5. Access to Primary or Secondary Streets.

- a. Maximum Number of Entrances: 2
- b. This standard does not apply to entrances for emergency use only.
- c. As used in this section the term “entrance” means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.

43. Race Track

1. Minimum Lot Area.

- a. Minimum Lot Area: The standard minimum lot area for the zoning district shall apply.
- b. A lot on which the restricted use is located may not be smaller in area than the area prescribed for that use.

2. Setbacks.

- a. Minimum Front Setback: The minimum front setback for the zoning district shall apply.
- b. Minimum Side Setback: The minimum side setback for the zoning district shall apply.
- c. Minimum Rear Setback: The minimum rear setback for the zoning district shall apply.
- d. Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.

3. Separation from Residential Districts.

- a. Minimum Distance from a Residential District: The standard building setback for the zoning district shall apply.
- b. The restricted use may not be located closer to residential districts than the distance shown, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance shown.

4. Landscaping and Bufferyards.

- a. Required Bufferyards.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyard requirement for the zoning district shall apply.
 - ii) The restricted use shall provide the bufferyards required at the discretion of the WPC or WBZA and shall meet the size requirements specified within five (5) years after installation.
- b. Bufferyards Abutting Residential Uses.
 - i) Minimum Bufferyard Required: Bufferyard E + Fence F4
 - ii) Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the WBZA.

5. Access to Primary or Secondary Streets.

- a. Maximum Number of Entrances: 1
- b. This standard does not apply to entrances for emergency use only.
- c. As used in this section the term “entrance” means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.

44. Recreational Facility (outdoor)

1. Minimum Lot Area.

- a. Minimum Lot Area: The standard minimum lot area for the zoning district shall apply.
- b. A lot on which the restricted use is located may not be smaller in area than the area prescribed for that use.

2. Setbacks.

- a. Minimum Front Setback: The minimum front setback for the zoning district shall apply.
- b. Minimum Side Setback: The minimum side setback for the zoning district shall apply.
- c. Minimum Rear Setback: The minimum rear setback for the zoning district shall apply.
- d. Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.

3. Separation from Residential Districts.

- a. Minimum Distance from a Residential District: The standard building setback for the zoning district shall apply.
- b. The restricted use may not be located closer to residential districts than the distance shown, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance shown.

4. Landscaping and Bufferyards.

- a. Required Bufferyards.
 - i) Minimum Bufferyard Required: Bufferyard E + Fence F2
 - ii) The restricted use shall provide the bufferyards required at the discretion of the WPC or WBZA and shall meet the size requirements specified within five (5) years after installation.
- b. Bufferyards Abutting Residential Uses.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyards requirement for the zoning district between residential uses shall apply.
 - ii) Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the WBZA.

5. Access to Primary or Secondary Streets.

- a. Maximum Number of Entrances: 2
- b. This standard does not apply to entrances for emergency use only.
- c. As used in this section the term “entrance” means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.

45. Public Reservoirs and Storage Tanks

1. Minimum Lot Area.

- a. Minimum Lot Area: The standard minimum lot area for the zoning district shall apply.
- b. A lot on which the restricted use is located may not be smaller in area than the area prescribed for that use.

2. Setbacks.

- a. Minimum Front Setback: 100 feet
- b. Minimum Side Setback: 100 feet
- c. Minimum Rear Setback: 50 feet
- d. Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.

3. Separation from Residential Districts.

- a. Minimum Distance from a Residential District: The standard building setback for the zoning district shall apply.
- b. The restricted use may not be located closer to residential districts than the distance shown, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance shown.

4. Landscaping and Bufferyards.

- a. Required Bufferyards.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyard requirement for the zoning district shall apply.
 - ii) The restricted use shall provide the bufferyards required at the discretion of the WPC or WBZA and shall meet the size requirements specified within five (5) years after installation.
- b. Bufferyards Abutting Residential Uses.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyards requirement for the zoning district between residential uses shall apply.
 - ii) Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the WBZA.

5. Access to Primary or Secondary Streets.

- a. Maximum Number of Entrances: The number of entrances is not restricted.
- b. This standard does not apply to entrances for emergency use only.
- c. As used in this section the term “entrance” means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.

46. Resource Recovery Facility

1. Minimum Lot Area.

- a. Minimum Lot Area: 5 acres
- b. A lot on which the restricted use is located may not be smaller in area than the area prescribed for that use.

2. Setbacks.

- a. Minimum Front Setback: 100 feet
- b. Minimum Side Setback: 100 feet
- c. Minimum Rear Setback: 100 feet
- d. Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.

3. Separation from Residential Districts.

- a. Minimum Distance from a Residential District: The standard building setback for the zoning district shall apply.
- b. The restricted use may not be located closer to residential districts than the distance shown, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance shown.

4. Landscaping and Bufferyards.

- a. Required Bufferyards.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyard requirement for the zoning district shall apply.
 - ii) The restricted use shall provide the bufferyards required at the discretion of the WPC or WBZA and shall meet the size requirements specified within five (5) years after installation.
- b. Bufferyards Abutting Residential Uses.
 - i) Minimum Bufferyard Required: Bufferyard E + Fence F3
 - ii) Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the WBZA.

5. Access to Primary or Secondary Streets.

- a. Maximum Number of Entrances: 1
- b. This standard does not apply to entrances for emergency use only.
- c. As used in this section the term “entrance” means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.

47. Roadside Produce Stand

1. Minimum Lot Area.

- a. Minimum Lot Area: The standard minimum lot area for the zoning district shall apply.
- b. A lot on which the restricted use is located may not be smaller in area than the area prescribed for that use.

2. Setbacks.

- a. Minimum Front Setback: The minimum front setback for the zoning district shall apply.
- b. Minimum Side Setback: The minimum side setback for the zoning district shall apply.
- c. Minimum Rear Setback: The minimum rear setback for the zoning district shall apply.
- d. Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.

3. Separation from Residential Districts.

- a. Minimum Distance from a Residential District: The standard building setback for the zoning district shall apply.
- b. The restricted use may not be located closer to residential districts than the distance shown, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance shown.

4. Landscaping and Bufferyards.

- a. Required Bufferyards.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyard requirement for the zoning district shall apply.
 - ii) The restricted use shall provide the bufferyards required at the discretion of the WPC or WBZA and shall meet the size requirements specified within five (5) years after installation.
- b. Bufferyards Abutting Residential Uses.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyards requirement for the zoning district between residential uses shall apply.
 - ii) Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the WBZA.

5. Access to Primary or Secondary Streets.

- a. Maximum Number of Entrances: 1
- b. This standard does not apply to entrances for emergency use only.
- c. As used in this section the term “entrance” means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.

48. Sale Barn for Livestock

1. Minimum Lot Area.

- a. Minimum Lot Area: The standard minimum lot area for the zoning district shall apply.
- b. A lot on which the restricted use is located may not be smaller in area than the area prescribed for that use.

2. Setbacks.

- a. Minimum Front Setback: 100 feet
- b. Minimum Side Setback: 100 feet
- c. Minimum Rear Setback: 100 feet
- d. Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.

3. Separation from Residential Districts.

- a. Minimum Distance from a Residential District: The standard building setback for the zoning district shall apply.
- b. The restricted use may not be located closer to residential districts than the distance shown, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance shown.

4. Landscaping and Bufferyards.

- a. Required Bufferyards.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyard requirement for the zoning district shall apply.
 - ii) The restricted use shall provide the bufferyards required at the discretion of the WPC or WBZA and shall meet the size requirements specified within five (5) years after installation.
- b. Bufferyards Abutting Residential Uses.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyards requirement for the zoning district between residential uses shall apply.
 - ii) Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the WBZA.

5. Access to Primary or Secondary Streets.

- a. Maximum Number of Entrances: 1
- b. This standard does not apply to entrances for emergency use only.
- c. As used in this section the term “entrance” means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.

49. Sanitary Landfill (private or public)

1. Minimum Lot Area.

- a. Minimum Lot Area: 50 acres
- b. A lot on which the restricted use is located may not be smaller in area than the area prescribed for that use.

2. Setbacks.

- a. Minimum Front Setback: 300 feet
- b. Minimum Side Setback: 300 feet
- c. Minimum Rear Setback: 300 feet
- d. Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.

3. Separation from Residential Districts.

- a. Minimum Distance from a Residential District: The standard building setback for the zoning district shall apply.
- b. The restricted use may not be located closer to residential districts than the distance shown, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance shown.

4. Landscaping and Bufferyards.

- a. Required Bufferyards.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyard requirement for the zoning district shall apply.
 - ii) The restricted use shall provide the bufferyards required at the discretion of the WPC or WBZA and shall meet the size requirements specified within five (5) years after installation.
- b. Bufferyards Abutting Residential Uses.
 - i) Minimum Bufferyard Required: Bufferyard E + required fencing
 - ii) Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the WBZA.

5. Access to Primary or Secondary Streets.

- a. Maximum Number of Entrances: 1
- b. This standard does not apply to entrances for emergency use only.
- c. As used in this section the term "entrance" means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.

50. Shooting Range (outdoor)(public or private)

1. Minimum Lot Area.

- a. Minimum Lot Area: The standard minimum lot area for the zoning district shall apply.
- b. A lot on which the restricted use is located may not be smaller in area than the area prescribed for that use.

2. Setbacks.

- a. Minimum Front Setback: The minimum front setback for the zoning district shall apply.
- b. Minimum Side Setback: The minimum side setback for the zoning district shall apply.
- c. Minimum Rear Setback: The minimum rear setback for the zoning district shall apply.
- d. Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.

3. Separation from Residential Districts.

- a. Minimum Distance from a Residential District: The standard building setback for the zoning district shall apply.
- b. The restricted use may not be located closer to residential districts than the distance shown, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance shown.

4. Landscaping and Bufferyards.

- a. Required Bufferyards.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyard requirement for the zoning district shall apply.
 - ii) The restricted use shall provide the bufferyards required at the discretion of the WPC or WBZA and shall meet the size requirements specified within five (5) years after installation.
- b. Bufferyards Abutting Residential Uses.
 - i) Minimum Bufferyard Required: Bufferyard E + Fence F2
 - ii) Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the WBZA.

5. Access to Primary or Secondary Streets.

- a. Maximum Number of Entrances: 1
- b. This standard does not apply to entrances for emergency use only.
- c. As used in this section the term “entrance” means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.

51. Shopping Center

1. Minimum Lot Area.

- a. Minimum Lot Area: The standard minimum lot area for the zoning district shall apply.
- b. A lot on which the restricted use is located may not be smaller in area than the area prescribed for that use.

2. Setbacks.

- a. Minimum Front Setback: The minimum front setback for the zoning district shall apply.
- b. Minimum Side Setback: The minimum side setback for the zoning district shall apply.
- c. Minimum Rear Setback: The minimum rear setback for the zoning district shall apply.
- d. Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.

3. Separation from Residential Districts.

- a. Minimum Distance from a Residential District: The standard building setback for the zoning district shall apply.
- b. The restricted use may not be located closer to residential districts than the distance shown, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance shown.

4. Landscaping and Bufferyards.

- a. Required Bufferyards.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyard requirement for the zoning district shall apply.
 - ii) The restricted use shall provide the bufferyards required at the discretion of the WPC or WBZA and shall meet the size requirements specified within five (5) years after installation.
- b. Bufferyards Abutting Residential Uses.
 - i) Minimum Bufferyard Required: Bufferyard E + Fence F3
 - ii) Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the WBZA.

5. Access to Primary or Secondary Streets.

- a. Maximum Number of Entrances: The number of entrances is not restricted.
- b. This standard does not apply to entrances for emergency use only.
- c. As used in this section the term “entrance” means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.

52. Slaughter House

1. Minimum Lot Area.

- a. Minimum Lot Area: 5 acres
- b. A lot on which the restricted use is located may not be smaller in area than the area prescribed for that use.

2. Setbacks.

- a. Minimum Front Setback: 100 feet
- b. Minimum Side Setback: 100 feet
- c. Minimum Rear Setback: 100 feet
- d. Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.

3. Separation from Residential Districts.

- a. Minimum Distance from a Residential District: The standard building setback for the zoning district shall apply.
- b. The restricted use may not be located closer to residential districts than the distance shown, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance shown.

4. Landscaping and Bufferyards.

- a. Required Bufferyards.
 - i) Minimum Bufferyard Required: Bufferyard E + required fencing
 - ii) The restricted use shall provide the bufferyards required at the discretion of the WPC or WBZA and shall meet the size requirements specified within five (5) years after installation.
- b. Bufferyards Abutting Residential Uses.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyards requirement for the zoning district between residential uses shall apply.
 - ii) Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the WBZA.

5. Access to Primary or Secondary Streets.

- a. Maximum Number of Entrances: 1
- b. This standard does not apply to entrances for emergency use only.
- c. As used in this section the term “entrance” means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.

53. Stables (public or private)

1. Minimum Lot Area.

- a. Minimum Lot Area: 3 acres
- b. A lot on which the restricted use is located may not be smaller in area than the area prescribed for that use.

2. Setbacks.

- a. Minimum Front Setback: 100 feet
- b. Minimum Side Setback: 100 feet
- c. Minimum Rear Setback: 100 feet
- d. Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.

3. Separation from Residential Districts.

- a. Minimum Distance from a Residential District: The standard building setback for the zoning district shall apply.
- b. The restricted use may not be located closer to residential districts than the distance shown, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance shown.

4. Landscaping and Bufferyards.

- a. Required Bufferyards.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyard requirement for the zoning district shall apply.
 - ii) The restricted use shall provide the bufferyards required at the discretion of the WPC or WBZA and shall meet the size requirements specified within five (5) years after installation.
- b. Bufferyards Abutting Residential Uses.
 - i) Minimum Bufferyard Required: Bufferyard E + Fence F2
 - ii) Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the WBZA.

5. Access to Primary or Secondary Streets.

- a. Maximum Number of Entrances: 1
- b. This standard does not apply to entrances for emergency use only.
- c. As used in this section the term “entrance” means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.

54. Stadium or Coliseum

1. Minimum Lot Area.

- a. Minimum Lot Area: The standard minimum lot area for the zoning district shall apply.
- b. A lot on which the restricted use is located may not be smaller in area than the area prescribed for that use.

2. Setbacks.

- a. Minimum Front Setback: The minimum front setback for the zoning district shall apply.
- b. Minimum Side Setback: The minimum side setback for the zoning district shall apply.
- c. Minimum Rear Setback: The minimum rear setback for the zoning district shall apply.
- d. Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.

3. Separation from Residential Districts.

- a. Minimum Distance from a Residential District: The standard building setback for the zoning district shall apply.
- b. The restricted use may not be located closer to residential districts than the distance shown, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance shown.

4. Landscaping and Bufferyards.

- a. Required Bufferyards.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyard requirement for the zoning district shall apply.
 - ii) The restricted use shall provide the bufferyards required at the discretion of the WPC or WBZA and shall meet the size requirements specified within five (5) years after installation.
- b. Bufferyards Abutting Residential Uses.
 - i) Minimum Bufferyard Required: Bufferyard E + Fence F3
 - ii) Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the WBZA.

5. Access to Primary or Secondary Streets.

- a. Maximum Number of Entrances: 2
- b. This standard does not apply to entrances for emergency use only.
- c. As used in this section the term “entrance” means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.

55. Telephone Exchange or Public Utility Station

1. Minimum Lot Area.

- a. Minimum Lot Area: The standard minimum lot area for the zoning district shall apply.
- b. A lot on which the restricted use is located may not be smaller in area than the area prescribed for that use.

2. Setbacks.

- a. Minimum Front Setback: The minimum front setback for the zoning district shall apply.
- b. Minimum Side Setback: The minimum side setback for the zoning district shall apply.
- c. Minimum Rear Setback: The minimum rear setback for the zoning district shall apply.
- d. Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.

3. Separation from Residential Districts.

- a. Minimum Distance from a Residential District: The standard building setback for the zoning district shall apply.
- b. The restricted use may not be located closer to residential districts than the distance shown, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance shown.

4. Landscaping and Bufferyards.

- a. Required Bufferyards.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyard requirement for the zoning district shall apply.
 - ii) The restricted use shall provide the bufferyards required at the discretion of the WPC or WBZA and shall meet the size requirements specified within five (5) years after installation.
- b. Bufferyards Abutting Residential Uses.
 - i) Minimum Bufferyard Required: Bufferyard E + required fencing
 - ii) Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the WBZA.

5. Access to Primary or Secondary Streets.

- a. Maximum Number of Entrances: The number of entrances is not restricted.
- b. This standard does not apply to entrances for emergency use only.
- c. As used in this section the term “entrance” means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.

56. Theater (outdoor)

1. Minimum Lot Area.

- a. Minimum Lot Area: The standard minimum lot area for the zoning district shall apply.
- b. A lot on which the restricted use is located may not be smaller in area than the area prescribed for that use.

2. Setbacks.

- a. Minimum Front Setback: The minimum front setback for the zoning district shall apply.
- b. Minimum Side Setback: The minimum side setback for the zoning district shall apply.
- c. Minimum Rear Setback: The minimum rear setback for the zoning district shall apply.
- d. Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.

3. Separation from Residential Districts.

- a. Minimum Distance from a Residential District: The standard building setback for the zoning district shall apply.
- b. The restricted use may not be located closer to residential districts than the distance shown, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance shown.

4. Landscaping and Bufferyards.

- a. Required Bufferyards.
 - i) Minimum Bufferyard Required: Bufferyard E + Fence F4
 - ii) The restricted use shall provide the bufferyards required at the discretion of the WPC or WBZA and shall meet the size requirements specified within five (5) years after installation.
- b. Bufferyards Abutting Residential Uses.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyards requirement for the zoning district between residential uses shall apply.
 - ii) Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the WBZA.

5. Access to Primary or Secondary Streets.

- a. Maximum Number of Entrances: 1
- b. This standard does not apply to entrances for emergency use only.
- c. As used in this section the term “entrance” means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.

57. Transfer Station

1. Minimum Lot Area.

- a. Minimum Lot Area: 5 acres
- b. A lot on which the restricted use is located may not be smaller in area than the area prescribed for that use.

2. Setbacks.

- a. Minimum Front Setback: 100 feet
- b. Minimum Side Setback: 100 feet
- c. Minimum Rear Setback: 100 feet
- d. Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.

3. Separation from Residential Districts.

- a. Minimum Distance from a Residential District: The standard building setback for the zoning district shall apply.
- b. The restricted use may not be located closer to residential districts than the distance shown, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance shown.

4. Landscaping and Bufferyards.

- a. Required Bufferyards.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyard requirement for the zoning district shall apply.
 - ii) The restricted use shall provide the bufferyards required at the discretion of the WPC or WBZA and shall meet the size requirements specified within five (5) years after installation.
- b. Bufferyards Abutting Residential Uses.
 - i) Minimum Bufferyard Required: Bufferyard E + Fence F3
 - ii) Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the WBZA.

5. Access to Primary or Secondary Streets.

- a. Maximum Number of Entrances: 1
- b. This standard does not apply to entrances for emergency use only.
- c. As used in this section the term “entrance” means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.

58. Truck Freight Terminal

1. Minimum Lot Area.

- a. Minimum Lot Area: The standard minimum lot area for the zoning district shall apply.
- b. A lot on which the restricted use is located may not be smaller in area than the area prescribed for that use.

2. Setbacks.

- a. Minimum Front Setback: The minimum front setback for the zoning district shall apply.
- b. Minimum Side Setback: The minimum side setback for the zoning district shall apply.
- c. Minimum Rear Setback: The minimum rear setback for the zoning district shall apply.
- d. Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.

3. Separation from Residential Districts.

- a. Minimum Distance from a Residential District: The standard building setback for the zoning district shall apply.
- b. The restricted use may not be located closer to residential districts than the distance shown, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance shown.

4. Landscaping and Bufferyards.

- a. Required Bufferyards.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyard requirement for the zoning district shall apply.
 - ii) The restricted use shall provide the bufferyards required at the discretion of the WPC or WBZA and shall meet the size requirements specified within five (5) years after installation.
- b. Bufferyards Abutting Residential Uses.
 - i) Minimum Bufferyard Required: Bufferyard E + Fence F3
 - ii) Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the WBZA.

5. Access to Primary or Secondary Streets.

- a. Maximum Number of Entrances: 1
- b. This standard does not apply to entrances for emergency use only.
- c. As used in this section the term “entrance” means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.

59. Truck Service Center

1. Minimum Lot Area.

- a. Minimum Lot Area: The standard minimum lot area for the zoning district shall apply.
- b. A lot on which the restricted use is located may not be smaller in area than the area prescribed for that use.

2. Setbacks.

- a. Minimum Front Setback: The minimum front setback for the zoning district shall apply.
- b. Minimum Side Setback: The minimum side setback for the zoning district shall apply.
- c. Minimum Rear Setback: The minimum rear setback for the zoning district shall apply.
- d. Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.

3. Separation from Residential Districts.

- a. Minimum Distance from a Residential District: The standard building setback for the zoning district shall apply.
- b. The restricted use may not be located closer to residential districts than the distance shown, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance shown.

4. Landscaping and Bufferyards.

- a. Required Bufferyards.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyard requirement for the zoning district shall apply.
 - ii) The restricted use shall provide the bufferyards required at the discretion of the WPC or WBZA and shall meet the size requirements specified within five (5) years after installation.
- b. Bufferyards Abutting Residential Uses.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyards requirement for the zoning district between residential uses shall apply.
 - ii) Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the WBZA.

5. Access to Primary or Secondary Streets.

- a. Maximum Number of Entrances: 1
- b. This standard does not apply to entrances for emergency use only.
- c. As used in this section the term “entrance” means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.

60. Veterinary Animal Hospital

1. Minimum Lot Area.

- a. Minimum Lot Area: The standard minimum lot area for the zoning district shall apply.
- b. A lot on which the restricted use is located may not be smaller in area than the area prescribed for that use.

2. Setbacks.

- a. Minimum Front Setback: The minimum front setback for the zoning district shall apply.
- b. Minimum Side Setback: The minimum side setback for the zoning district shall apply.
- c. Minimum Rear Setback: The minimum rear setback for the zoning district shall apply.
- d. Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.

3. Separation from Residential Districts.

- a. Minimum Distance from a Residential District: The standard building setback for the zoning district shall apply.
- b. The restricted use may not be located closer to residential districts than the distance shown, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance shown.

4. Landscaping and Bufferyards.

- a. Required Bufferyards.
 - i) Minimum Bufferyard Required: Bufferyard E + Fence F3
 - ii) The restricted use shall provide the bufferyards required at the discretion of the WPC or WBZA and shall meet the size requirements specified within five (5) years after installation.
- b. Bufferyards Abutting Residential Uses.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyards requirement for the zoning district between residential uses shall apply.
 - ii) Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the WBZA.

5. Access to Primary or Secondary Streets.

- a. Maximum Number of Entrances: 1
- b. This standard does not apply to entrances for emergency use only.
- c. As used in this section the term “entrance” means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.

61. Warehouse, General

1. Minimum Lot Area.

- a. Minimum Lot Area: 5 acres
- b. A lot on which the restricted use is located may not be smaller in area than the area prescribed for that use.

2. Setbacks.

- a. Minimum Front Setback: The minimum front setback for the zoning district shall apply.
- b. Minimum Side Setback: The minimum side setback for the zoning district shall apply.
- c. Minimum Rear Setback: The minimum rear setback for the zoning district shall apply.
- d. Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.

3. Separation from Residential Districts.

- a. Minimum Distance from a Residential District: The standard building setback for the zoning district shall apply.
- b. The restricted use may not be located closer to residential districts than the distance shown, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance shown.

4. Landscaping and Bufferyards.

- a. Required Bufferyards.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyard requirement for the zoning district shall apply.
 - ii) The restricted use shall provide the bufferyards required at the discretion of the WPC or WBZA and shall meet the size requirements specified within five (5) years after installation.
- b. Bufferyards Abutting Residential Uses.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyards requirement for the zoning district between residential uses shall apply.
 - ii) Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the WBZA.

5. Access to Primary or Secondary Streets.

- a. Maximum Number of Entrances: The number of entrances is not restricted.
- b. This standard does not apply to entrances for emergency use only.
- c. As used in this section the term “entrance” means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.

62. Warehouse, Grain Storage

1. Minimum Lot Area.

- a. Minimum Lot Area: The standard minimum lot area for the zoning district shall apply.
- b. A lot on which the restricted use is located may not be smaller in area than the area prescribed for that use. .

2. Setbacks.

- a. Minimum Front Setback: 100 feet
- b. Minimum Side Setback: 100 feet
- c. Minimum Rear Setback: 100 feet
- d. Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.

3. Separation from Residential Districts.

- a. Minimum Distance from a Residential District: The standard building setback for the zoning district shall apply.
- b. The restricted use may not be located closer to residential districts than the distance shown, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance shown.

4. Landscaping and Bufferyards.

- a. Required Bufferyards.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyard requirement for the zoning district shall apply.
 - ii) The restricted use shall provide the bufferyards required at the discretion of the WPC or WBZA and shall meet the size requirements specified within five (5) years after installation.
- b. Bufferyards Abutting Residential Uses.
 - i) Minimum Bufferyard Required: Bufferyard E + Fence F3
 - ii) Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the WBZA.

5. Access to Primary or Secondary Streets.

- a. Maximum Number of Entrances: 1
- b. This standard does not apply to entrances for emergency use only.
- c. As used in this section the term “entrance” means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.

63. Public Water Wells, Water Stations, Filtration Plants

1. Minimum Lot Area.

- a. Minimum Lot Area: The standard minimum lot area for the zoning district shall apply.
- b. A lot on which the restricted use is located may not be smaller in area than the area prescribed for that use.

2. Setbacks.

- a. Minimum Front Setback: 100 feet
- b. Minimum Side Setback: 50 feet
- c. Minimum Rear Setback: 50 feet
- d. Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.

3. Separation from Residential Districts.

- a. Minimum Distance from a Residential District: The standard building setback for the zoning district shall apply.
- b. The restricted use may not be located closer to residential districts than the distance shown, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance shown.

4. Landscaping and Bufferyards.

- a. Required Bufferyards.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyard requirement for the zoning district shall apply.
 - ii) The restricted use shall provide the bufferyards required at the discretion of the WPC or WBZA and shall meet the size requirements specified within five (5) years after installation.
- b. Bufferyards Abutting Residential Uses.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyards requirement for the zoning district between residential uses shall apply.
 - ii) Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the WBZA.

5. Access to Primary or Secondary Streets.

- a. Maximum Number of Entrances: The number of entrances is not restricted.
- b. This standard does not apply to entrances for emergency use only.
- c. As used in this section the term “entrance” means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.

64. Wholesale Produce Terminal

1. Minimum Lot Area.

- a. Minimum Lot Area: The standard minimum lot area for the zoning district shall apply.
- b. A lot on which the restricted use is located may not be smaller in area than the area prescribed for that use.

2. Setbacks.

- a. Minimum Front Setback: The minimum front setback for the zoning district shall apply.
- b. Minimum Side Setback: The minimum side setback for the zoning district shall apply.
- c. Minimum Rear Setback: The minimum rear setback for the zoning district shall apply.
- d. Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.

3. Separation from Residential Districts.

- a. Minimum Distance from a Residential District: The standard building setback for the zoning district shall apply.
- b. The restricted use may not be located closer to residential districts than the distance shown, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance shown.

4. Landscaping and Bufferyards.

- a. Required Bufferyards.
 - i) Minimum Bufferyard Required: The standard landscaping and bufferyard requirement for the zoning district shall apply.
 - ii) The restricted use shall provide the bufferyards required at the discretion of the WPC or WBZA and shall meet the size requirements specified within five (5) years after installation.
- b. Bufferyards Abutting Residential Uses.
 - i) Minimum Bufferyard Required: Bufferyard E + Fence F3
 - ii) Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the WBZA.

5. Access to Primary or Secondary Streets.

- a. Maximum Number of Entrances: 1
- b. This standard does not apply to entrances for emergency use only.
- c. As used in this section the term “entrance” means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.

Chapter 6

Subdivisions

6.1 Commercial Subdivision

A . Density Requirement .

1. **Number of Lots.** Lot size and number of lots for commercial subdivisions shall be dictated by the private market.

B . Open Space Requirement .

1. **UB Zoning District:** Commercial subdivisions within the UB-Urban Business zoning district shall be required to provide only sufficient open space as to meet the bufferyard requirements.
2. **All Other Zoning Districts:**
 - a. A minimum of fifteen percent (15%) open space is required.
 - b. Bufferyards and parking lot landscaping islands greater than three hundred (300) square feet may be considered open space.

C . Exemptions (placeholder only) .

6.2 Industrial Subdivision

A . Density Requirement .

- 1. Number of Lots.** Lot size and number of lots for commercial subdivisions shall be dictated by the private market.

B . Open Space Requirement (placeholder only) .

C . Exemptions (placeholder only) .

6.3 Residential Subdivision - Major

A . Density Requirement .

The Comprehensive Plan encourages housing development around existing town centers where existing utilities, educational institutions, and public safety services are already in place. Therefore, development criteria have been established to limit development density unless close to the appropriate infrastructure.

1. **Base Density.** The number of lots in any subdivision shall be as indicated in the development standards for the respective zoning district. The number of acres used in determination of the number of lots shall exclude areas designated as Primary Conservation Areas. In determination of lots, any fraction of less than five tenths (0.5) shall be disregarded, while a fraction of five tenths (0.5) or greater shall be counted as one (1) lot.
2. **Density Incentives.** The maximum gross density of a subdivision may be increased by meeting the requirements of the Excessive Open Space Incentive and/or the Four-sided Architecture Incentive.

B . Open Space Requirement .

1. **Percent Open Space.** The percent of open space required for any subdivision shall be as indicated in the development standards for the respective zoning district, or shall be the sum of all required Primary Conservation Areas, Bufferyards, and Perimeter Landscaping Areas within a subdivision, whichever is greater.
2. **Composition.** Open space may be comprised of Primary Conservation Areas, Secondary Conservation Areas, Major Utility Easements, Bufferyards, Perimeter Landscaping, Recreation Areas, and Drainage Facilities under the conditions described below.
 - a. **Primary Conservation Areas.** This category includes wetlands, lands that are generally inundated (under natural ponds, natural lakes, or creeks), land within the 100-year floodplain, and slopes exceeding twenty percent (20%). All areas designated as Primary Conservation Areas shall be designated as open space on the plat.
 - i) Primary Conservation Areas shall not count toward any more than fifty percent (50%) of the total required open space for a subdivision no matter how large the feature exists.
 - ii) Inclusive in the designated Primary Conservation Area shall be a twenty-five (25) foot “no build” buffer maintained around all Primary Conservation Areas. Primary Conservation Areas shall not count toward the maximum density for the subdivision.

- b. Secondary Conservation Areas. This category shall typically include all or part of the following kinds of resources: woodlands; aquifer recharge areas; poorly drained soils; significant wildlife habitat areas; prime farmland; historic, archaeological or cultural features listed (or eligible to be listed) on national, state, county, or town registers or inventories; scenic views into the property from existing public roads; or other features unique to the site. Secondary Conservation Areas therefore typically include parks, forest, meadows, pastures, farm fields, part of the ecologically connected matrix of natural areas significant for wildlife habitat, water quality protection or other reasons.
 - i) All Secondary Conservation Areas that are preserved as common area shall count toward the minimum required open space for a subdivision.
 - ii) The most significant environmental features shall be conserved first when a site has more Secondary Conservation Areas necessary to fulfill the minimum open space requirement.
- c. Major Utility Easements. This category may be considered open space, but only if the combination of all Primary Open Space, preserved Secondary Conservation Areas, required Perimeter Landscaping and required Bufferyards do not fulfill the minimum open space requirement. Major Utility easements within the property lines of a buildable lot shall not count as open space.
- d. Bufferyards. Bufferyards, when required, shall be in accordance with Section 4.1.
 - i) Bufferyards are not subject to reduction.
 - ii) Bufferyards shall be in addition to Perimeter Landscaping and Major Utility Easements.
- e. Perimeter Landscaping. See Table 9.
- f. Recreation Areas. Active recreation areas shall be centrally located within the subdivision, or shall be situated next to Primary Conservation Areas.
 - i) Under no circumstances shall active recreation areas be located within Major Utility Easements, required perimeter landscaping areas, or required Bufferyards.
 - ii) At least one (1) acre of land that is at least one hundred fifty (150) feet wide shall be usable for recreation for every fifty (50) acres of parent tract.
- g. Drainage Facilities.
 - i) All drainage easements outside of buildable lots shall be counted as open space.
 - ii) Retention ponds with a water surface area over twenty-five thousand (25,000) square feet at normal pool elevation qualify as open space. All smaller ponds shall not count toward open space.
 - iii) Each retention pond shall have natural edges for at least eighty-five percent (85%) of its perimeter. Rip-rap, inlets, outlet structures or other engineered materials may be used in the remaining fifteen percent (15%). Any retention ponds that do not meet these design criteria shall not count as open space.
 - iv) Detention facilities that have over twenty-five thousand (25,000) square feet of area measured within the top of bank shall qualify for open space. All smaller detention facilities shall not count toward open space.

C . Exemptions .

1. **Number of Lots.** Lot size and number of lots for commercial subdivisions shall be dictated by the private market.

D . Anti-monotony Requirements .

Residential subdivisions are required to meet the standards set-forth in the Anti-monotony Requirements. See the “Architectural Standards” as described in Chapter 7.

E . Development in the AG-General Agricultural District .

1. **Rural Design.** All lots in the AG – General Agricultural zoning district must design the lot configuration to take into account the minimum spacing between newly constructed dwellings. The minimum spacing between residential dwellings is one hundred forty (140) feet. The minimum space shall provide an aesthetic reprieve from new residential development going into a rural area. Within the one hundred forty (140) foot buffer, no permanent structures can be built. The applicant must provide a provision in the Covenants, Conditions, and Restrictions which describes the obligation of the developer to meet the requirements of the spacing buffer.
2. **Aesthetics.** An aesthetic design reprieve shall be placed on developing minor plats in the AG – General Agricultural zoning district. The minimum spacing buffer shall be measured from the nearest property line requiring a spacing distance between minor plats equally sharing the three hundred (300) foot reprieve not less than half of the three hundred (300) foot reprieve per developer. Within the minimum spacing buffer, no permanent structures can be built. The applicant must provide a provision in the future Covenants, Conditions, and Restrictions for any developing minor plat which describes the obligation of the developer to meet the requirements of the minimum spacing buffer

6.4 Residential Subdivision - Minor

A . Density Requirement .

B . Open Space Requirement .

C . Exemptions .

Chapter 7

Subdivision Design Regulations

7.1 General

A . Conditions for Approval .

The subdivision layout shall be of such a character that it protects the health, safety, and general welfare of the residents in the jurisdiction of the WPC. Considerations for approval, in addition to the other criteria and requirements in this ordinance include:

1. Protection of all Primary Conservation Areas;
2. Preservation and maintenance of woodlands, existing fields, pastures, meadows, and orchards and creation of sufficient buffer areas to minimize conflicts between uses, including residential and agricultural uses;
3. Protection of wildlife habitat areas and sites of historic, archaeological or cultural value;

B . Exemptions .

1. **Commercial Subdivisions.**
2. **Industrial Subdivisions.**
3. **Residential Subdivision – Minor.** The following subdivisions are exempt from the requirements of this section for Minor Residential Subdivisions if the Technical Advisory Committee (TAC) reviews and approves the plan. If the applicant disagrees with the TAC recommendation, the petition must be presented to the WPC as a minor plat.
 - a. Agricultural sales: A subdivision where the resulting lots are intended solely for agricultural uses, are at least twenty (20) acres in area, and abut existing public ways.
 - b. Two-lot subdivision: A subdivision resulting in only two (2) building lots where the parent lot, tract or parcel existed prior to January 1, 1999.
 - c. Adjoining transfers: A subdivision resulting in the transfer or sale of land between adjoining lot owners that does not create additional building sites.
4. **Residential Subdivisions – Major.**

7.2 Amenity Center Standards

A. Commercial Subdivisions.

B. Industrial Subdivisions.

C. Residential Subdivisions—Minor.

D. Residential Subdivisions—Major.

Amenity centers shall be installed in established common areas, excluding common areas established for perimeter landscaping and bufferyards. The following requirements are cumulative:

1. **Core Amenity Center.** A neighborhood park is required in any residential subdivision with a parent tract greater than sixty (60) acres or with over one hundred twenty (120) dwelling units. An additional neighborhood park is required per additional sixty (60) acres or one hundred twenty (120) dwelling units. When an additional neighborhood park is required, one of the following shall occur:
 - a. A sport court may be substituted and located adjacent to the first park or on a unique site; or
 - b. The second neighborhood park can be located adjacent to the first and integrate the minimum required amenities for both parks together as a single park; or
 - c. The second neighborhood park can be located on a unique site.
2. **Minor Amenity Center.** A standard clubhouse is required in any residential subdivision with a parent tract greater than one hundred twenty (120) acres or with over two hundred twenty (220) dwelling units. An additional standard clubhouse is required for every additional one hundred twenty (120) acres or two hundred twenty (220) dwelling units. When an additional standard clubhouse is required, one (1) of the following shall occur:
 - a. Substitute a nature center for an additional standard clubhouse; or
 - b. The first standard clubhouse shall be expanded to an enhanced clubhouse; or
 - c. The second standard clubhouse shall be located on a unique site.
3. **Major Amenity Center.** A swimming pool, skate park, indoor playground or equivalent is required in any residential subdivision with a parent tract greater than two hundred fifty (250) acres or with over four hundred sixty (460) dwelling units. An additional, but different than the first, swimming pool, skate park, or indoor playground or the equivalent is required for every two hundred (200) acres or four hundred (400) dwelling units. However, a doubling of the minimum standards for a swimming pool may be substituted for a second major amenity center.

E . Minimum Standards for Each Facility .

1. Neighborhood Park.

- a. Passive Neighborhood Park.
 - i) minimum of one (1) acre;
 - ii) At least fifty percent (50%) of the lot shall have nature trees or eighty percent (80%) of the lot shall be planted with canopy trees and understory trees under the guidance of a certified arborist and landscape architect;
 - iii) A minimum of a small open shelter that is two hundred (200) square feet in area; and
 - iv) A minimum of three hundred (300) feet of trails with two (2) inches of crushed limestone or five hundred (500) feet of trails with three (3) inches of mulch.
- b. Active Neighborhood Park.
 - i) A minimum of eighteen thousand (18,000) square feet;
 - ii) A decorative metal fence no more than four (4) feet in height surrounding the lot, and with at least two (2) gateway entrances;
 - iii) Playground equipment with at least two (2) slides, four (4) swings, three (3) climbing apparatus, and three (3) additional optional apparatus. All playground equipment shall be commercial grade and permanently affixed to the ground. Further, at least one-third (1/3) of all apparatus shall be designed for toddlers; and
 - iv) A safe surface shall be installed below and around each apparatus. A safe surface may include, but is not limited to eight (8) inches of mulch or four (4) inches of recycled tires.

2. Sport Court. The minimum standards for a sport court include one (1) of the following: a. Tennis.

- i) A single regulation sized tennis court and net;
- ii) Minimum sixteen (16) feet of hard surface at each end of the court and twelve (12) feet of hard surface on each side for comfortable play;
- iii) Minimum of six (6) foot tall side fences and eight (8) foot tall end fences with at least four (4) entrances; and
- iv) A commercial quality net and court striping.
- b. Basketball.
 - i) A minimum three-quarter regulation sized court;
 - ii) A minimum of eight (8) feet of hard surface from all edges of the court for comfortable play;
 - iii) A minimum of six (6) foot tall side fences and eight (8) foot tall end fences with at least four (4) entrances.
 - iv) Volleyball.
 - v) A single regulation sized sand volleyball court;
 - vi) A minimum of eight (8) feet of sand at each end of the court and six (6) feet of sand on each side for comfortable play;
 - vii) A minimum of six (6) foot tall side fences and eight (8) foot tall end fences with four

(4) gated entrances; viii) A commercial quality net, poles, and boundary tapes; and ix) A depth of at least eight (8) inches of very fine sand.

3. Clubhouse.

a. Standard Clubhouse.

- i) Four Seasons. The clubhouse shall be fully enclosed, heated, and air-conditioned.
- ii) Architecture: The clubhouse shall be designed to reflect the best residential characteristics in the neighborhood.
- iii) Square footage: the clubhouse shall be at least eight hundred fifty (850) square feet in floor area.
- iv) Indoor facilities. The clubhouse shall have at least a men's and women's restroom, kitchenette, and a minimum of fifty (50) square feet of lockable storage.
- v) Outdoor facilities. A minimum of three hundred (300) square feet of patio space plus sidewalks connecting the clubhouse to the appropriate pedestrian network.
- vi) Furnishings. The clubhouse shall have commercial grade chairs, tables, and other furnishings for small parties, small gatherings, and small meetings.

b. Enhanced Clubhouse.

- i) Four Seasons. The clubhouse shall be fully enclosed, heated, and air-conditioned.
- ii) Architecture: The clubhouse shall be designed to reflect the best residential characteristics in the neighborhood and have a brick or stone chimney.
- iii) Square footage: the clubhouse shall be at least one thousand seven hundred sixty (1,760) square feet in floor area.
- iv) Indoor facilities. The clubhouse shall have at least a men's and women's restroom, a full kitchen, gas or wood burning fireplace, and a minimum of one hundred (100) square feet of lockable storage.
- v) Outdoor facilities. A minimum of six hundred (600) square feet of patio space plus sidewalks connecting the clubhouse to the appropriate pedestrian network.
- vi) Furnishings. The clubhouse shall have commercial grade chairs, tables, and other furnishings for large parties, large gatherings, and large meetings. It should also have two (2) pieces of indoor play sets for children, unless the development is an age restricted community.

4. Nature Center. The minimum standards for a nature center include all of the following:

- a. Location/area. The nature center shall be located adjacent to or on a wooded lot, and shall be located on a minimum of a one-half acre (1/2) parcel.
- b. Four seasons. The nature center shall be fully enclosed and heated and air-conditioned. All mechanical equipment shall be substantially screened.

- c. Architecture. The nature center shall be designed to blend into the natural area and be complementary to the neighborhood.
 - d. Square footage. The nature center shall be at least five hundred (500) square feet in floor area.
 - e. Indoor facilities. The nature center shall have at least a men's and women's restroom, twenty (20) educational displays, and a minimum of fifty (50) square feet of lockable storage.
 - f. Outdoor facilities. A minimum of three hundred (300) square feet of gathering space plus sidewalks leading to and from the clubhouse. The gathering space and sidewalks leading to the nature center do not have to be concrete. They may be wood, stone, crushed limestone, or similar natural material.
 - g. Furnishings. The nature center shall have commercial grade chairs, tables, and other furnishings for small parties, small gatherings, and small meetings.
 - h. Landscaping. The nature center shall have at least five(5) canopy trees planted around the facility if it is not located on or immediately adjacent to a wooded lot.
- 5. Swimming Pool.** The minimum standard for a swimming pool includes all of the following:
- a. Area. The pool shall be at least one thousand two hundred (1,200) square feet in surface area.
 - b. Fencing. A decorative, non-privacy, metal fence shall be installed as per the height required per code.
 - c. Indoor facilities. An enclosed men's and women's restroom/changing room are required in proximity to the pool.
 - d. Patio. A hard surface area shall extend at least twelve (12) feet from the edge of the pool on all sides.
 - e. Landscaping. Landscaping shall be installed around the facility and reflect the best characteristics of the neighborhood.
- 6. Skate Park.** The minimum standard for a skate park includes all of the following:
- a. Area. The skate park shall be at least eight hundred (800) square feet in area and comprised of appropriate hard surfaces.
 - b. Fencing. A decorative, non-privacy, minimum four (4) foot tall metal fence shall be installed around the facility with at least four (4) entrances.
 - c. Features. A series of ramps, edges, half-pipes, and the like shall be designed by an experienced skate park designer.
- 7. Indoor Playground.** The minimum standard for an indoor playground includes all of the following:
- a. Four seasons. The facility shall be fully enclosed, heated, and air-conditioned.
 - b. Square footage. The facility shall be at least seven hundred (700) square feet in area.
 - c. Architecture. The facility shall be designed to reflect the best residential characteristic in the neighborhood.
 - d. Indoor play features. The indoor playground shall have at least two (2) slides, four (4) climbing apparatus, and two (2) additional optional apparatus. The ceiling height shall

be at least fourteen (14) feet, and the floor shall be effectively padded with a foam or rubber covering where appropriate.

- e. Other indoor features. The indoor playground shall have a men's and women's restroom and a minimum of fifty (50) square feet of lockable storage.

F . W P C A U T H O R I T Y .

The WPC shall have the authority to accept a clearly equivalent or greater equivalent amenity center in lieu of what is required. The developer shall provide plan view drawings, elevation drawings, supportive illustrations, and a description of the facility and products proposed to be used for the WPC to determine equivalency. Further, a developer can meld together and located multiple required amenity centers in a single area, so long as the intent of this ordinance provision is clearly met.

G . C o n s t r u c t i o n .

Amenity center facilities shall be installed or constructed prior to the sale of seventy-five percent (75%) of the subdivision lots, upon construction of sixty-five percent (65%) of the primary structures, or upon construction of ninety-five percent (95%) of the primary structures within any given phase of the subdivision, whichever is less.

1. If two (2) or more subdivisions are contiguous; separated by a right-of-way; separated by an easement; or within one hundred (100) feet of the boundary of each other AND are Platted by a single developer or its partners or associate organization; or Built-out by a single builder or dominantly built-out by a single builder, THEN the subdivisions shall aggregately be subjected to the amenity center standards above. For example, if a one hundred ten (110) lot subdivision is separated by a major collector from a three hundred fifty (350) lot subdivision platted by the same developer, then the amenity standards shall apply to both developments as if they were a single development. Together they would be regulated as if they were a four hundred sixty (460) lot subdivision requiring three (3) core amenity centers, two (2) minor amenity centers, and one (1) major amenity center.

7.3 Architectural Standards

A . Commercial Subdivisions .

B . Industrial Subdivisions .

C . Residential Subdivisions – Minor .

D . Residential Subdivisions – Major .

1. Homes on Perimeter Lots.

- a. Rear or Side Façades. Any rear or side façade of a primary structure that is within zero degrees (0o) to forty-five degrees (45o) of being parallel to an established perimeter road shall be required to have one (1) of the following components itemized below. However, no more than ten percent (10%) of all perimeter lots shall utilize option (g); and no other single option listed below shall be utilized on more than forty percent (40%) of all perimeter lots.
 - i) An all-season sunroom at least eleven (11) feet by eleven (11) feet;
 - ii) An all-brick functional chimney at least two (2) feet offset from the façade and at least four (4) feet in width (only an option for fiber-cement sided facades); and a wood deck at least one hundred twenty (120) square feet in area;
 - iii) A minimum four (4) foot offset from the rear façade over the course of sixty percent (60%) of the rear façade, and parallel to the rear façade; iv) A minimum eight (8) foot offset from the rear façade over the course of forty percent (40%) of the rear façade, and parallel to the rear façade;
 - v) A minimum of fifty percent (50%) brick or stone on the entire rear elevation. This option is only allowed if the rest of the home has at least fifty percent (50%) brick on its elevations;
 - vi) A screened-in porch at least nine (9) feet deep and twelve (12) feet wide incorporated into the architecture of the structure; or
 - vii) Planting two (2) additional canopy trees native to central Indiana in the rear yard in such a manner as to soften the view of the façade. Said trees must be two (2) inch DBH.
- b. Windows. Any rear or side façade of a primary structure that is within zero degrees (0o) to forty-five degrees (45o) of being parallel to an established perimeter road shall have enhanced window treatments. Eighty percent (80%) of all windows on a rear or side façade shall be required to have at least one (1) of the following window treatments (or combinations thereof). Windows in brick facades and in sunrooms shall be exempt from this provision.
 - i) Shutters;
 - ii) Masonry lintel or arch and projecting sill (only an option for brick facades);

- iii) Decorative head (pediment-shaped, eyebrow, arch, or cornice) and projecting sill;
- iv) Three and one-half (3 ½) inch minimum trim and projecting out from the plane of the siding by at least three-fourths (¾) of an inch;
- v) Two (2) inch minimum trim projecting out from the plane of the siding by at least three-fourths (¾) of an inch, and durable wood window boxes.

c. Fences.

- i) Perimeter lots shall not establish a perimeter fence or wall (a fence on or near the property line) except when it is a single fence type, color, height, and setback from the property line determined by the developer and written into the restrictive covenants. Essentially, all fences for those properties shall be uniform in character and location.
- ii) Perimeter lots may install fences of their own choosing within the building envelope as long as it meets all other applicable regulations.
- iii) The structural side of perimeter fences or walls shall be oriented inward toward the subdivision.
- iv) Under no circumstances shall the fences be chain link, wire, privacy fences, or the like. Acceptable fences include ornamental metal, wood split rail, and wood or PVC rail or picket, and the like.

2. Homes on Internal Lots.

- a. Facades. At least eighty percent (80%) of all primary structures within a subdivision shall have at least one (1) of the following components below incorporated into the rear façade. However, no more than ten percent (10%) of all perimeter lots shall utilize option (g); and no other single option listed below shall be utilized on more than forty percent (40%) of all perimeter lots. Perimeter lots count toward the eighty percent (80%) of all primary structures.
 - i) An all-season sunroom at least eleven (11) feet by eleven (11) feet;
 - ii) An all-brick functional chimney at least two (2) feet offset from the façade and at least four (4) feet in width (only an option for fiber-cement sided facades);
 - iii) A minimum four (4) foot offset from the rear façade over the course of sixty percent (60%) of the rear façade, and parallel to the rear façade;
 - iv) A minimum eight (8) foot offset from the rear façade over the course of forty percent (40%) of the rear façade, and parallel to the rear façade;
 - v) A minimum of fifty percent (50%) brick or stone on the entire rear elevation.
 - vi) A screened-in porch at least nine (9) feet deep and twelve (12) feet wide incorporated into the architecture of the structure; or
 - vii) Planting two (2) additional canopy trees native to central Indiana in the rear yard in such a manner as to soften the view of the façade. Said trees must be two (2) inch DBH.
- b. Windows.
- c. Fences.
 - i) The structural side of perimeter fences or walls shall be oriented inward toward the subdivision.

- ii) Under no circumstances shall the fences be chain link, wire, privacy fences, or the like. Acceptable fences include ornamental metal, wood split rail, and wood or PVC rail or picket, and the like

3. Floor Plans and Façades.

- a. Minimum Number. At least five (5) notably unique floor plans shall be utilized within any single subdivision phase.
- b. Proximity.
 - i) No two (2) notably unique floor plans shall be utilized contiguous to, directly across the street from, or directly behind any given lot. Notably similar shall include reversed, minor variation in wall configuration, variations in room use, and the like. ii) Not two (2) notably similar facades shall be utilized within two (2) properties of any given lot unless the exterior appearance is significantly different through variations in five (5) or more of the following:
 - a) Roof systems and patterns,
 - b) Mix or location of exterior wall materials,
 - c) Siding color,
 - d) Brick color,
 - e) Architectural features,
 - f) Garage door location,
 - g) Porch/entryway design,
 - h) Window treatments,
 - i) Window quantity,
 - j) Window location, or
 - k) Reversed floor plan.

4. Windows.

- a. Quantity. Two (2) windows are required per floor on the front and rear façade. Side facades on a single-story home shall cumulatively have three (3) windows, with a minimum of one (1) per side façade. Side facades on a two-story home shall cumulatively have five (5) windows, with a minimum of two (2) per side façade. Two (2) windows may be paired together to meet this requirement. For example, a paired double-hung window would count as two (2) windows.
- b. Area. A window shall only be counted toward this requirement if the transparent area is at least ten (10) square feet.

5. Roof. Single-gable roof design is prohibited. At least forty percent (40%) of the cumulative roof system on the primary structure shall be cross-gables, independent gables, dormers, hips, flat roofs, or similar variation.

6. Garages.

- a. Front-loading Garages.
 - i) A front-loading garage shall not exceed sixty percent (60%) of the primary structure's total width.

- ii) A front-loading garage shall not extend more than four (4) feet forward of the remaining primary structure's established setback.
- b. Side or Rear-loading Garage.
 - i) Side and rear-loading garages may encroach up to four (4) feet over the minimum

7.4 Density Incentives

A. Commercial Subdivisions.

B. Industrial Subdivisions.

C. Residential Subdivisions—Minor.

D. Residential Subdivisions—Major.

1. Excess Open Space Incentive.

- a. Incentive.
 - i) Density. For each five percent (5%) increase in open space above the minimum base open space (e.g. increasing from thirty percent (30%) to thirty-five percent (35%); increasing from thirty-five percent (35%) to forty percent (40%), etc.), the subdivision is entitled to an incremental increase in the maximum gross density of one tenth (0.1) dwelling unit per acre.
 - ii) Intensity. For each five percent (5%) increase in open space above the minimum base open space (e.g. increasing from thirty percent (30%) to thirty-five percent (35%); increasing from thirty-five percent (35%) to forty percent (40%), etc.), the subdivision is entitled to:
 - a) A one (1) foot reduction in the minimum side setback requirement for the zoning district; however, the minimum aggregate side setback (both side yard setbacks) shall in no case be less than twelve (12) feet; and
 - b) A three percent (3%) reduction in the minimum lot area requirement for the applicable zoning district.

2. Four-sided Architecture Incentive.

- a. Incentive.
 - i) Density. For every twenty percent (20%) increment of houses in the subdivision that adhere to the four-sided architecture standards, the subdivision is entitled to an incremental increase in the Maximum Gross Density of one tenth (0.1) dwelling unit per acre.
 - ii) Intensity. For every twenty percent (20%) increment of houses in the subdivision that adhere to the four-sided architecture standards, the subdivision is entitled to:
 - a) A one (1) foot reduction in the minimum side setback requirement for the applicable zoning district; however, the minimum aggregate side setback shall in no case be less than twelve (12) feet; and

- b) A three percent (3%) reduction in the minimum lot area requirement for the zoning district.
- b. Standards.
 - i) Windows. Eighty percent (80%) of all windows on any given façade shall have at least one (1) of the following (or combination thereof):
 - a) Shutters;
 - b) Masonry lintel and sill (only an option for brick facades);
 - c) Decorative head (pediment-shaped, eyebrow, arch, or cornice) and projecting sill;
 - d) Three and one-half (3 ½) inch minimum trim in a complimentary color to the siding and projecting out from the plane of the siding by at least three-fourths ($\frac{3}{4}$) of an inch;
 - e) Two (2) inch minimum trim in a complimentary color to the siding and projecting out from the plane of the siding by at least three-fourths ($\frac{3}{4}$) of an inch, and durable wood window boxes.
 - f) Awnings; or
 - g) As proposed and accepted by the WPC as long as the proposed window treatments are equal to or greater than the standards listed above.
 - ii) Siding Materials. One (1) or more of the following options is required:
 - a) Seventy-five percent (75%) or greater of all facades of the primary structure are sided in brick or stone;
 - b) Fifty percent (50%) or greater of all facades of the primary structure are sided in brick or stone with the remaining façade to be cement fiber-board siding. A minimum of twenty-five percent (25%) brick is required on all facades (brick on all facades); or
 - c) Other as proposed and accepted by the WPC as long as the proposed enhanced siding is equal or greater than the above minimum standards.

7.5 Drainage and Erosion Control

A . Environmental Restrictions .

1. No land shall be subdivided that is found to be unsuitable for subdivisions by reason of flooding, ponding, poor drainage, adverse soil conditions, adverse geological formations, unsatisfactory topography or other conditions likely to be harmful to public health, safety or general welfare, unless such unsuitable conditions are to the satisfaction of the Town.
2. No subdivision containing land located in a floodway or a flood hazard area shall be approved by the WPC with the approval of Indiana Department of Environmental Management. No lot shall be located so as to include land located within a floodway or flood hazard area unless the lot is such size and shape it will contain a buildable area not within a floodway or flood hazard area, suitable for development as allowed by the Zoning Ordinance for zone in which the lot is located.

B . Minimum Requirements .

In order to provide more suitable sites for building and other uses, improve surface drainage, and control erosion, the following requirements shall be met:

1. The locations, grading, and placement of sub-grade (base) material of all street, public driveway, and public parking areas shall be accomplished as the first work done on a development plan.
2. All lots, tracts, or parcels shall be graded to provide proper drainage away from the buildings and dispose of it without ponding, and all land within the development shall be graded to drain and dispose of surface water without ponding, except where approved by the Boone County Drainage Board. Around each permanent building foundation there shall be a slope with a minimum vertical fall of six (6) inches for the area measured from the foundation to a point ten (10) feet from the building foundation or to the property line, whichever is closer.
3. All drainage provisions shall be of such design to adequately handle the surface runoff and carry it to the nearest suitable outlet such as a curbed street, storm drain, or natural watercourse. Where drainage swales are used to divert surface waters away from buildings, they shall be sodded or planted as required and shall be of such slope, shape, and size as to conform to the requirements of the WPC.
4. Concentration of surface water runoff shall only be permitted in swales or watercourses.
5. Land alteration shall be accomplished in such a way that the grades left at the time that the work is completed will be permanent and stable.

C . Excavation and Fills .

1. Cuts and fills shall not endanger adjoining property.
2. Fill shall be placed and compacted so as to minimize sliding or erosion of the soil,
3. Fills shall not encroach or impede flows on natural watercourses or constructed channels.
4. Fills placed adjacent to natural watercourses or constructed channels shall have suitable protection against erosion during this period of construction.
5. Grading will not be done in such a way so as to divert water onto the property of another land owner without the expressed consent of the Administrator.
6. During grading operations, necessary measures for dust control will be exercised.
7. Grading equipment will not be allowed to cross live streams. Provision will be made for the installation of temporary or permanent culverts or bridges.

D . Sedimentation .

Whenever sedimentation is caused by stripping, vegetation, regrading, or other development activities, it shall be the responsibility of the applicant, person, corporation, and/or other entity causing such sedimentation to remove it from all adjoining surfaces, drainage systems, and watercourses and to repair any damage at his expense as quickly as possible.

E . Maintenance .

Maintenance of all driveways, parking areas, drainage facilities, and watercourses within any development plan area is the responsibility of the subdivider, provided that said facilities have not been dedicated to the public and accepted by the Town Council for public maintenance.

F . Drainage Ways .

1. **Construction Along Waterways.** It is the responsibility of the applicant and any person, corporation, or other entity doing any act on or across a communal stream, watercourse, or swale or upon the floodplain, floodway, or floodway fringe area of any watercourse during the period of development to return these areas to their original or equal conditions upon completion of said activities.
2. **Construction In Drainage Ways.** No applicant or person, corporation, or other entity shall block, impede the flow of, alter, construct any structure, or deposit any material or thing, or commit any act which will affect normal or flood flow in any communal stream or watercourse without having obtained prior approval from the Boone County Drainage Board and/or the IDNR Division of Water, whichever is applicable.

G . Design, Installation, and Maintenance .

The design, installation, and maintenance of the required drainage facilities and erosion and sediment control measures shall be in accordance with the standards and specifications set forth in the Storm Drainage, Erosion, and Sediment Control Ordinance.

H . Plan Approval.

The approval of plans and specifications for the control of erosion and sedimentation shall be concurrent with the approval of the development, and shall become a part thereof.

I . Grading/Clearing.

1. Permission for clearing and grading prior to the approval of the development plan may be obtained under temporary easements or other conditions satisfactory to the Administrator.
2. In the event the subdivider proceeds to clear and grade prior to the approval of the subdivision or development plan, without satisfying conditions specified herein, the jurisdictional agency having authority over the approval of said subdivision or development plans may revoke the approval of all plans and a suit for an injunction may be instituted by the WPC to halt further construction until development plans are approved.
3. Topsoil shall not be removed from residential lots or used as spoil, but shall be redistributed so as to provide at least adequate cover on the lots. No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste materials of any kind shall be buried in any land, or left deposited on any lot or street in the subdivision.

J . Other.

1. Land which exhibits severe limitations to urban development due to flooding, inadequate drainage, poor soils, or other features likely to be harmful to the safety, welfare, and general health of future residents, shall not be subdivided, unless adequate remedies to overcome said limitations are formulated by the subdivider and approved by the WPC and other appropriate officials and agencies.
2. Land which exhibits very severe limitations to urban development, such as floodplains and very poorly drained organic (muck) soils, characterized by seasonal high water tables at or near the surface, ponding, or frequent to occasional flooding, shall not be platted for urban development or used for non-agricultural structures.
3. The subdivider shall provide the subdivision with an adequate storm water sewer system in accordance with the Storm Drainage, Erosion, and Sediment Control Ordinance. When the surface drainage is adequate, easements for such surface drainage shall be provided. Curbs and gutters along streets are required; however, if the WPC finds it necessary to waive this requirement, a shallow swale with its low point at least three (3) inches below the elevation

of the subgrade of the pavement shall be installed. In this case, one (1) of the following types of improvements shall be furnished at driveway crossings:

- a. A corrugated metal pipe, at least twelve (12) inches in diameter and fourteen (14) feet in length to be placed where required for each driveway; or
- b. A proper length vertical curve concrete pavement, twenty-four (24) feet in length, twelve (12) feet minimum width, and six (6) inches thick, designed to meet INDOT Standard

Specifications so as not to create a hazard to the under parts of automobiles, at the entrance of each driveway.

4. Upon completion of the storm sewer installation, the plans for such system as built shall be filed with the WPC and the Boone County Surveyor.

7.6 Emergency Warning Sirens

A. General.

In those areas of the Town where the WPC and the Boone County Emergency Management Agency (BEMA) determine that adequate coverage by the County's comprehensive emergency warning siren system does not exist for a proposed major subdivision and where the WPC and BEMA determine it necessary for public safety, developers of new major subdivisions shall be required to furnish and install an emergency warning siren that meets the specifications of BEMA or its successors.

1. The location for or placement of the emergency warning siren and the extent/radius of its coverage area shall be determined by the WPC during the review of the primary plat and based upon coverage deficiencies identified by BEMA.
2. Emergency warning sirens shall be located within platted easements dedicated to the county, or in common areas of the subdivision, with a maintenance easement running to Boone County.
3. Following its acceptance by the WPC and BEMA, all future maintenance, repair or replacement of emergency warning sirens shall be the responsibility of Boone County.

7.7 Landscaping

A. Commercial Subdivisions.

B. Industrial Subdivisions.

C. Residential Subdivisions—Minor.

D. Residential Subdivisions—Major.

E. Perimeter Landscaping.

1. A common area shall be established between an existing or proposed perimeter thoroughfare rights-of-way and subdivision lots for the use as perimeter landscaping.

Common area widths shall be as follows:

Table 9: Perimeter Landscaping	
Thoroughfare Plan Design	Minimum Common Area Width
Interstate	150 feet
Major Arterial	75 feet
Minor Arterial or Major Collector	60 feet
Minor Collector	50 feet

- a. Minimum Plant Material. Plant material shall be installed in the common area. The required quantity of vegetation per one hundred (100) linear feet of perimeter thoroughfare rights-of-way shall be calculated as follows:
 - i) Seven (7) small canopy deciduous trees (minimum one and a half (1.5) inch DBH);
 - ii) One (1) large canopy tree (minimum three (3) inch DBH);
 - ii) Four (4) understory or ornamental trees (minimum one and a quarter (1.25) inch DBH; and
 - iii) Two (2) evergreen trees (minimum four (4) feet in height). One (1) small canopy tree may be substituted for every two (2) evergreen trees.
- b. Spacing Requirements. Required trees shall be installed in uneven intervals and clusters, but shall meet the following maximum and minimum separation. Separation variations not listed do not require any minimum or maximum spacing.

Table 10: Tree Spacing Requirements

Type of Tree	Minimum Spacing	Maximum Spacing
Canopy tree to canopy tree	12 feet	60 feet
Understory tree to canopy tree	6 feet	20 feet
Ornamental tree to canopy tree	30 feet	n/a
Ornamental tree to understory tree	25 feet	n/a
Evergreen tree to canopy tree	25 feet	n/a
Evergreen tree to understory tree	25 feet	n/a
Evergreen tree to ornamental tree	10 feet	n/a

2. Rear Yards for Perimeter Lots. Perimeter lots shall have at least one (1) additional deciduous canopy tree planted in the rear yard above and beyond any other required landscape provisions.

3. Landscaping Along Streets.

a. Tree Plot. Tree plots between the curb and sidewalk shall be at least six (6) feet deep. b. Street Trees.

- i) Type. Street trees shall be deciduous canopy trees with taproot root or deep root systems. Trees with shallow or surface root systems shall not be used.
- ii) Quantity. One (1) tree per forty (40) linear feet of lot frontage, or fraction thereof.
- iii) Spacing. Trees shall be spaced a minimum of twenty (20) feet on center, but no more than fifty-five (55) feet on center.

7.8 Lots and Setbacks

A . General .

Subdivision lots shall be in accordance with the land use and design standards set forth in the Zoning Ordinance.

B . Commercial Subdivisions .

1. Access.

- a. All lots shall abut on a street.
- b. For the purposes of establishing lot lines, street right-of-way lines shall be considered as the front line of lots and tracts bordering such street.
- c. Lots shall not derive access exclusively from an arterial, major collector or minor collector. Where driveway access from an arterial, major collector or minor collector may be necessary for several adjoining lots, the WPC may require that such lots be served by a shared driveway in order to limit possible traffic hazards on such street. Because of their limited nature, shared driveways are not required to meet public roadway requirements.
- d. In order to provide extended flexibility in design, road frontage requirements may be reduced by up to twenty percent (20%) on up to twenty percent (20%) of all lots in a subdivision.
- e. Driveways shall be adequately separated from roadway intersections in order to minimize conflict with intersection traffic. No driveway shall enter the adjoining street at a point closer than the distances shown below to the intersection of the street right-of-way lines, or in the case of a rounded property corner, from the intersection of the street right-of-way lines extended:
 - i) Local Street: 50 feet
 - ii) Collectors: 75 feet
 - iii) Arterials: 100 feet
 - iv) I-65 PUD Streets:
 - a) Residential Avenue: 75 feet
 - b) Neighborhood: 50 feet
 - c) Boulevard: 100 feet
 - d) The Commons: 50 feet
 - e) Main Street: 100 feet
 - f) Commerce Boulevard: 100 feet
 - g) Commerce Road: 50 feet

2. Orientation and Configuration.

- a. Side lines of lots shall be at approximately right angles to straight streets and on radial lines on curved streets. Some variation from this requirement is permissible, but pointed or very irregular lots should be avoided.
- b. Double frontage lots should not be platted, except that, where desired along interstates, arterials, major collectors, or minor collectors, lots may face on a local street and back on such thoroughfares. In that event a bufferyard of no less than Bufferyard D of the Zoning Ordinance shall be provided along the back of each lot.

3. Shape.

- a. The depth and width of any lot shall not exceed a three-to-one (3:1) depth to width ratio.
- b. The lot size, width, depth, shape, grade location, and orientation shall be in proper relation to street and block design and to existing and proposed topographical conditions.
- c. Building lines shall conform to the provisions of the Zoning Ordinance.
- d. Corner lots shall be sufficiently larger than interior lots to allow maintenance of building lines on both streets.
- e. Lots abutting a watercourse, drainage way, channel, or stream, outside of the area designated as open space shall have additional minimum width or depth as required to provide an adequate building site and afford the minimum usable area required by the Zoning Ordinance for front, rear, and side yards.

- 4. **Other.** Whenever possible, unit shopping centers, based upon sound development standards, should be designed in contrast to the platting of lots for individual commercial use. New development within the Legacy Core Subdivision may seek approval through the Town Council to allow encroachment to Town owned alleyways whenever setback requirements cannot be met due to lot sizes.

C. Industrial Subdivisions.**1. Access.**

- a. All lots shall abut on a street.
- b. For the purposes of establishing lot lines, street right-of-way lines shall be considered as the front line of lots and tracts bordering such street.
- c. Lots shall not derive access exclusively from an arterial, major collector or minor collector. Where driveway access from an arterial, major collector or minor collector may be necessary for several adjoining lots, the WPC may require that such lots be served by a shared driveway in order to limit possible traffic hazards on such street. Because of their limited nature, shared driveways are not required to meet public roadway requirements.
- d. In order to provide extended flexibility in design, road frontage requirements may be reduced by up to twenty percent (20%) on up to twenty percent (20%) of all lots in a subdivision.

2. Orientation and Configuration.

- a. Side lines of lots shall be at approximately right angles to straight streets and on radial lines on curved streets. Some variation from this requirement is permissible, but pointed or very irregular lots should be avoided.
- b. Double frontage lots should not be platted, except that, where desired along interstates, arterials, major collectors, or minor collectors, lots may face on a local street and back on such thoroughfares. In that event a bufferyard of no less than Bufferyard D of the Zoning Ordinance shall be provided along the back of each lot.

3. Shape.

- a. The depth and width of any lot shall not exceed a three-to-one (3:1) depth to width ratio.
- b. The lot size, width, depth, shape, grade location, and orientation shall be in proper relation to street and block design and to existing and proposed topographical conditions.
- c. Building lines shall conform to the provisions of the Zoning Ordinance.
- d. Corner lots shall be sufficiently larger than interior lots to allow maintenance of building lines on both streets. A corner lot shall include a vision clearance space between three (3) feet and twelve (12) feet above the established grade at the street corner which is free from any kind of obstruction to vision. The vision clearance space shall occupy the triangular space at the street corner which is above a diagonal line connecting two (2) points measured fifteen (15) feet equidistant from the street corner along each property line.
- e. Lots abutting a watercourse, drainage way, channel, or stream, outside of the area designated as open space shall have additional minimum width or depth as required to provide an adequate building site and afford the minimum usable area required by the Zoning Ordinance for front, rear, and side yards.

4. Other.**D. Residential Subdivisions - Minor.****1. Access.**

- a. All lots shall abut on a street.
- b. For the purposes of establishing lot lines, street right-of-way lines shall be considered as the front line of lots and tracts bordering such street.
- c. Lots shall not derive access exclusively from an arterial, major collector or minor collector. Where driveway access from an arterial, major collector or minor collector may be necessary for several adjoining lots, the WPC may require that such lots be served by a shared driveway in order to limit possible traffic hazards on such street. Because of their limited nature, shared driveways are not required to meet public roadway requirements.

- d. In order to provide extended flexibility in design, road frontage requirements may be reduced by up to twenty percent (20%) on up to twenty percent (20%) of all lots in a subdivision.

2. Orientation and Configuration.

- a. All residential subdivisions must depict an arrangement of residential lots so as to reduce, to the maximum extent feasible, any nuisance or conflict between residential and agricultural uses, both within the tract and in relation to adjoining and nearby tracts and to demonstrate compatibility of the proposed minor plat and existing agricultural uses.
- b. In order to preserve agricultural ground, minor subdivisions in the AG – General Agricultural zoning district shall be laid out in a cluster design. This is best accomplished by contiguously grouping the lots in such a manner so as to consume the least amount of land possible given the constraints of the landscape.
- c. Minor subdivision plats must locate and arrange the residential lots so as to protect, to the maximum extent possible, that portion of the tract preserved for agricultural use.
- d. Side lines of lots shall be at approximately right angles to straight streets and on radial lines on curved streets. Some variation from this requirement is permissible, but pointed or very irregular lots should be avoided.
- e. Double frontage lots should not be platted, except that, where desired along interstates, arterials, major collectors, or minor collectors, lots may face on a local street and back on such thoroughfares. In that event a bufferyard of no less than Bufferyard D of the Zoning Ordinance shall be provided along the back of each lot.

3. Shape.

- a. The depth and width of any lot shall not exceed a three-to-one (3:1) depth to width ratio.
- b. The lot size, width, depth, shape, grade location, and orientation shall be in proper relation to street and block design and to existing and proposed topographical conditions.
- c. Building lines shall conform to the provisions of the Zoning Ordinance.
- d. Corner lots shall be sufficiently larger than interior lots to allow maintenance of building lines on both streets. A corner lot shall include a vision clearance space between three (3) feet and twelve (12) feet above the established grade at the street corner which is free from any kind of obstruction to vision. The vision clearance space shall occupy the triangular space at the street corner which is above a diagonal line connecting two (2) points measured fifteen (15) feet equidistant from the street corner along each property line.
- e. Lots abutting a watercourse, drainage way, channel, or stream, outside of the area designated as open space shall have additional minimum width or depth as required to provide an adequate building site and afford the minimum usable area required by the Zoning Ordinance for front, rear, and side yards.

4. Other.

- a. AG-District Rural Design. All lots in the AG – General Agricultural zoning district must design the lot configuration to take into account the minimum spacing between newly constructed dwellings. The minimum spacing between residential dwellings is one hundred forty (140) feet. The minimum space shall provide an aesthetic reprieve from new residential

development going into a rural area. Within the one hundred forty (140) foot buffer, no permanent structures can be built. The applicant must provide a provision in the Covenants, Conditions, and Restrictions which describes the obligation of the developer to meet the requirements of the spacing buffer.

- b. AG-District Aesthetic Design. An aesthetic design reprieve shall be placed on developing minor plats in the AG – General Agricultural zoning district. The minimum spacing buffer shall be measured from the nearest property line requiring a spacing distance between minor plats equally sharing the three hundred (300) foot reprieve not less than half of the three hundred (300) foot reprieve per developer. Within the minimum spacing buffer, no permanent structures can be built. The applicant must provide a provision in the future Covenants, Conditions, and Restrictions for any developing minor plat which describes the obligation of the developer to meet the requirements of the minimum spacing buffer.

E. Residential Subdivisions - Major.

1. Access.

- a. All lots shall abut on a street.
- b. For the purposes of establishing lot lines, street right-of-way lines shall be considered as the front line of lots and tracts bordering such street.
- c. Lots shall not derive access exclusively from an arterial, major collector or minor collector. Where driveway access from an arterial, major collector or minor collector may be necessary for several adjoining lots, the WPC may require that such lots be served by a shared driveway in order to limit possible traffic hazards on such street. Because of their limited nature, shared driveways are not required to meet public roadway requirements.
- d. In order to provide extended flexibility in design, road frontage requirements may be reduced by up to twenty percent (20%) on up to twenty percent (20%) of all lots in a subdivision.

2. Orientation and Configuration.

- a. All residential subdivisions must depict an arrangement of residential lots so as to reduce, to the maximum extent feasible, any nuisance or conflict between residential and agricultural uses, both within the tract and in relation to adjoining and nearby tracts and to demonstrate compatibility of the proposed minor plat and existing agricultural uses.
- b. Side lines of lots shall be at approximately right angles to straight streets and on radial lines on curved streets. Some variation from this requirement is permissible, but pointed or very irregular lots should be avoided.
- c. Double frontage lots should not be platted, except that, where desired along interstates, arterials, major collectors, or minor collectors, lots may face on a local street and back on such thoroughfares. In that event a bufferyard of no less than Bufferyard D of the Zoning Ordinance shall be provided along the back of each lot.

3. Shape.

- a. The depth and width of any lot shall not exceed a three-to-one (3:1) depth to width ratio.
- b. The lot size, width, depth, shape, grade location, and orientation shall be in proper relation to street and block design and to existing and proposed topographical conditions.
- c. Variety. One (1) of every ten (10) contiguous lots shall be twenty-five percent (25%) larger in lot area and lot width than the minimum requirements for the applicable zoning district found in the Zoning Ordinance.
- d. Corner Lots.
 - i) All corner lots shall be twenty-five percent (25%) larger in lot area and lot width than the minimum requirements for the applicable zoning district found in the Zoning Ordinance.
 - ii) Corner lots shall be sufficiently larger than interior lots to allow maintenance of building lines on both streets. A corner lot shall include a vision clearance space between three (3) feet and twelve (12) feet above the established grade at the street corner which is free from any kind of obstruction to vision. The vision clearance space shall occupy the triangular space at the street corner which is above a diagonal line connecting two (2) points measured fifteen (15) feet equidistant from the street corner along each property line.
- e. Setbacks. Building lines shall conform to the provisions of the Zoning Ordinance.
 - i) Front Setback.
 - a) Variation. All residential subdivisions shall have variation in the established front setback for primary structures as to avoid a monotonous streetscape. No three (3) homes in a row shall have the same established front setback, and variations shall be in at least one (1) foot increments. For every primary structure that has an established setback beyond the required front setback, another primary structure is allowed to project into the required front setback by the same amount. However, a primary structure may not project forward of the required front setback by more than three (3) feet.
 - b) Patterns. Irregular patterns of established front setbacks are encouraged. Additionally, front porches (allowed projections into the front setback) and variations in rooflines should be used to create the illusion of variations in established front setback.
 - ii) Side Setback. If eighty percent (80%) or more of the primary structures in the development, or phase of the development, will have side-load or rear-load garages, then the development may be a zero lot line development. However, all primary structure separation shall be equal to the aggregate of the required side setback from the applicable zoning district in the Zoning Ordinance. For example, if the minimum side setback in the Zoning Ordinance is eight (8) feet, then the minimum primary structure separation shall be sixteen (16) feet.

- f. Lots abutting a watercourse, drainage way, channel, or stream, outside of the area designated as open space shall have additional minimum width or depth as required to provide an adequate building site and afford the minimum usable area required by the Zoning Ordinance for front, rear, and side yards.

7.9 Monuments and Markers

A . General .

Monuments and markers shall be placed so that the center of the pipe or marked point shall coincide exactly with the intersection of lines to be marked, and shall be set so that the top of the monument or marker is level with the finished grade.

B . Monuments .

Monuments shall be of stone, pre-cast concrete, or concrete poured in place with minimum dimensions of four (4) inches by thirty (30) inches set vertically in place. They shall be marked on top with iron or copper dowel set flush with the top of the monument, or deeply scored on top with a cross. Monuments shall be set:

1. At the intersection of lines forming angles in the boundary of the subdivision, provided that not more than eight (8) such monuments shall be required.
2. At the intersection of the center lines of all streets and also at the center points of all cul-de-sac turnarounds.

C . Markers .

Markers shall consist of iron pipes or steel bars at least thirty (30) inches long, and not less than five-eighths ($5/8$) inches in diameter. Markers shall be set:

1. At the beginning and ending of all curves along street property lines.
2. At all points where lot lines intersect curves, either front or rear.
3. At all angles in property lines of lots.
4. At all lot corners not established by monuments.

7.10 Open Space

A . P o n d s .

Detention/retention ponds may be included as part of the open space area, as may land within easements for underground pipelines and high-tension power lines, provided that no more than twenty-five percent (25%) of all open space areas within the subdivision shall be used for these purposes. Waiver from this requirement may be requested at the time of Primary or Secondary Plat application.

B . O w n e r s h i p .

Open space areas shall be owned and managed by an owners' association, a recognized land trust or conservancy, or a public entity. Open space may not be owned by an individual property owner.

1. **Offer of Dedication.** Dedication of open space may be made to any public or private agency interested in accepting the responsibility for continued management. Dedication shall take the form of fee simple ownership. Such accepting entity may, but shall not be required to accept open space. Any entity accepting open space and its continued management may require the posting of financial surety to ensure structural integrity of said improvements as well as the functioning of said improvements for a term not to exceed three (3) years from the date of acceptance of dedication. The amount of financial surety shall not exceed twenty percent (20%) of the actual cost of installation of said improvements.
2. **Owner's Association.** Any owners' association holding in common ownership. The undivided open space and associated facilities shall be formed and operated under the following minimum provisions:
 - a. The subdivider shall provide a description of the association, including its bylaws, covenants, restrictions and methods for maintaining the open space.
 - b. Membership in the association is mandatory for all purchasers of property therein and their successors. The conditions and timing of transferring control of the association from subdivider to owners shall be identified.
 - c. The owners' association shall be responsible for maintenance of insurance and payment of taxes on undivided open space, enforceable by liens placed by the Town or WPC on the owners' association. The owners' association may place liens on the improvements or lots of its members who fail to pay their association dues in a timely manner, if provided for in the covenants and restrictions.
 - d. The members of the owners' association shall share equitably the costs of maintaining and developing such undivided open space.
 - e. In the event of a proposed transfer, within the methods permitted in this ordinance, of undivided open space land by the owners' association, or of the assumption of

maintenance of the undivided open space land by a public or private agency, notice of such action shall be given to all property owners within the subdivision.

- f. The owners' association shall obtain adequate staff to administer common facilities and properly and continually maintain the undivided open space.
- g. Lease. The owners' association may lease undivided open space lands to any qualified person, or corporation, for operation and maintenance of open space lands, but such a lease or agreement shall provide:
 - i) That the residents or tenants of the subdivision shall at all times have access to the open space lands and facilities (except open space lands used for agricultural purposes);
 - ii) That the undivided open space to be leased shall be maintained for the purposes set forth in this ordinance; and
 - iii) Any lease shall be subject to the approval of the board of the association and any transfer or assignment of the lease shall be further subject to the approval of the board of the association.

- 3. **Dedication of Easements.** A public agency may, but shall not be required to, accept easements for public use of any portion of undivided open space land and facilities, title of which is to remain in ownership by the owners' association provided that such land and facilities are available to the general public and that a satisfactory maintenance agreement is reached between the subdivider or owners' association and the public agency.
- 4. **Transfer of Easements.** An owners' association may transfer easements to a private, nonprofit organization, among whose purposes it is to conserve open space and natural resources provided that the conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue to carry out its functions and that a maintenance agreement acceptable to the board of the association is entered into by the subdivider or owners' association and the organization.

C . Maintenance .

The owner of the open space shall be responsible for maintaining operation, maintenance and physical improvements to open space lands and facilities, through use of annual dues, special assessments or other financial capacity. A homeowners' association shall be authorized under its bylaws to place liens on the property of residents who fall delinquent in payment of such dues or assessments.

D . Failure to Maintain .

Failure to adequately maintain the divided and undivided open space in reasonable order and condition in accordance with recorded covenants and restrictions, constitutes a violation of this ordinance subject to any and all enforcement measures authorized by this ordinance necessary to obtain compliance. In the event that the association or any successor organization shall, at any time after establishment of a subdivision containing open space, fail to maintain

the divided or undivided open space in reasonable order and condition in accordance with recorded covenants and restrictions, the WPC may serve written notice upon the owner of record, setting forth the manner in which the owner of record has failed to maintain the open space. If no association is functioning, each property owner shall be individually and jointly liable for the assessed cost of maintenance.

7.11 Plat Sheets

A. Required Plat Language.

The following paragraphs shall be required as a provision of the restrictive covenants and on the plats sheets to which they apply:

- 1. Site Distance and Visibility:** “No fence, wall, hedge, tree, or shrub planting which obstructs sight lines and elevations between three (3) and twelve (12) feet above the street shall be placed or permitted to remain on any corner lot within the triangular area formed by the street right-of-way lines and a line connecting a point twenty-five (25) feet from the intersection of said street lines, or in the case of a rounded property corner from the intersection of the street right-of-way lines extended. ”

7.12 Spaces Set Aside for Public Use

A. Public Use Sites.

Where sites for schools, fire prevention, law enforcement, day care, or other public uses indicated by the applicant, such shall be reserved for a negotiated period of time, following the date of the final approval of the plan. In the event a government agency or other entity concerned passes a resolution expressing its intent to acquire the land for its intended purpose, the reservation period shall be extended for not more than one (1) additional year.

7.13 Streets

A . Local Street Classifications .

Per the Comprehensive Plan, streets in Whitestown are classified as Interstate, Major Arterial, Minor Arterial, Major Collector, Minor Collector, and Local Street. For the purposes of subdivision development, Local roads shall be further classified and defined as Subcollector, Feeder Road, and Access Street.

1. **Subcollector.** Subcollectors operate as the principal traffic artery within subdivision development. Subcollectors commonly carry relatively high volumes and convey traffic from collectors and other roads outside of the development. Subcollectors are designed to promote the free flow of traffic. Parking along a subcollector shall be prohibited and road cuts shall be minimized.
2. **Feeder Road.** Feeders convey traffic from access streets to subcollectors, collectors and other roads. Feeders commonly carry a relatively low volume of traffic. Feeders may be used for road frontage and access to lots.
3. **Access Street.** Access streets convey traffic from the subdivision lot to feeders or subcollectors. Access streets commonly carry no through traffic and include short streets, often ending in a cul-de-sac. Access streets are designed to serve a limited number of dwellings or establishments.

B . Considerations for Local Street Classification .

In classification of streets, the average daily traffic (ADT) shall be considered. Traffic Volume According to Street Classification shall be determined according to Trip Generation, developed by the Institute of Transportation Engineers. In the instance that a use is not indicated, the applicant shall either propose, to the satisfaction of the Administrator, a similar but indicated use, or provide sufficient private information regarding such use as to provide an accurate estimate of average daily traffic including but not limited to:

1. Density and lot width,
2. Abutting land use,
3. Availability of off-street parking ,
4. Proximity of residential to commercial (or commercial to residential) development and other services, and
5. Public service such as trash collection, snow removal and public safety.

C . Layout .

The street layout shall provide adequate vehicular and pedestrian access to all lots and parcels of land within the subdivision and where streets cross other streets, jogs shall not be created. Streets shall conform to the following principles and standards:

1. Proposed streets shall be adjusted to the contour of the land so as to produce usable lots and streets of reasonable gradient.
2. Residential street systems may be designed to minimize through traffic movement, but certain proposed streets, where appropriate, shall be extended to the boundary line of the tract to be subdivided so as to provide for normal circulation of traffic within the vicinity.
3. Wherever there exists a dedicated or platted portion of a street adjacent to the proposed subdivision, the remainder of the street to the prescribed width shall be platted within the proposed subdivision.
4. Residential street patterns shall provide reasonably direct access to the primary circulation system.
5. Local circulation systems and land development patterns shall not conflict with the efficiency of bordering thoroughfares.
6. Widths of thoroughfares shall conform to the widths set forth in Appendix 1, Whitestown Standard Specifications and Standard Details.
7. The minimum right-of-way of residential streets or cul-de-sacs shall be fifty (50) feet. All cul-de-sacs longer than six hundred (600) feet shall terminate in a right-of-way with a minimum diameter of one hundred (100) feet and minimum roadway diameter of ninety-five (95) feet.
8. The center lines of streets should intersect as nearly at right angles as possible.
9. At intersections of streets, property line corners shall be rounded by arcs of at least twenty (20) feet radii or by chords of such arcs.
10. If the smaller angle of intersection of two (2) streets is less than sixty degrees (60°), the radius of the arc at the intersection of property lines shall be increased as deemed advisable by the WPC.
11. Intersections of more than two (2) streets at one (1) point shall be avoided.
12. Street jogs with centerline off-sets of less than one hundred twenty-five (125) feet shall not be permitted when intersecting an access or feeder road, or two hundred fifty (250) feet when intersecting a subcollector or collector road.
13. Where parkways or special types of streets are involved, the WPC may apply special standards to be followed in their design.
14. Whenever the proposed subdivision contains or is adjacent to a railroad right-of-way, arterial, major collector, or minor collector, frontage or access road to be built in such a manner as to provide adequate and safe access, parking and loading to the site while minimizing road cuts.
15. A temporarily dead-ended street shall be permitted in any case in which a street is proposed to be and should logically be extended but is not yet constructed. An adequate easement for a turn-around shall be provided for any such temporary dead-end street which extends two hundred (200) feet or more in length. Such easement shall be

automatically vacated to abutting property owners when said dead-ended street is legally extended.

16. In subdivisions that adjoin or include existing streets that do not conform to the minimum right-of-way dimensions as established in Appendix 1, Whitestown Standard Specifications and Standard Details, the subdivider shall dedicate additional width along either one (1) or both sides, of such streets of inadequate width so as to bring them up to standards, provided the area to be used for widening is owned by the subdivider or under his control.
17. Horizontal visibility on curved streets and vertical visibility on all streets must be maintained along the center line as follows:
 - a. Major Arterial, Minor Arterial, and Major Collector – five hundred (500) feet;
 - b. Minor Collector – three hundred (300) feet;
 - c. Local Street – two hundred (200) feet.
18. Curvature measure along the center line shall have a minimum radius as follows:
 - a. Major Arterial, Minor Arterial, and Major Collector – five hundred (500) feet;
 - b. Minor Collector – three hundred (300) feet;
 - c. Local Street – two hundred (200) feet.
 - d. Between reversed curves of Major Arterials, Minor Arterials, Major Collectors, and Minor Collectors, there shall be a tangent of not less than one hundred (100) feet and on Local Streets such tangent shall be not less than forty (40) feet.
19. Maximum grades for streets shall be as follows:
 - a. Major Arterials, Minor Arterials, Major Collectors, and Minor Collectors: not greater than six percent (6%).
 - b. Local Streets: not greater than eight percent (8%).
 - c. The minimum grade of any street gutter shall not be less than five tenths percent (0.5%).

D . Installation .

Streets shall be completed to grades shown on plans, profiles, and cross-sections, provided by the subdivider, and prepared by a registered professional engineer and approved by the WPC.

1. The streets shall be graded, surfaced, and improved to the dimensions required by such plans, profiles and cross-sections and the work shall be performed in the manner prescribed in “Standard Specifications for Road and Bridge Construction and Maintenance” (current issue) of INDOT and construction standards of this ordinance and the appropriate Highway Department. References in the following paragraphs refer to the INDOT Standard Specifications.
2. The street pavement shall be of Portland Cement Concrete or a flexible asphalt concrete pavement in accordance with design standards noted in Appendix 1, Whitestown Standard Specifications and Standard Details. Acceptable pavement alternatives are also available in Appendix 1. All concrete pavement and flexible asphalt pavement mix designs shall meet or exceed all minimum INDOT Standard Specifications. A gradation report of all materials used in the mix designs and the mix design shall be furnished to the appropriate Highway Department.

Recycled Asphalt Pavement (RAP) shall not exceed ten percent (10%) of base or binder mix designs. No RAP will be allowed in the asphalt surface mix design.

3. No asphalt base, binder or surface layer shall be placed until air temperature is forty-five degrees (45o) and rising as in accordance with INDOT standards and the applicable Highway Department requirements. An asphalt emulsion tack coat is required on the full face of any curb and in between the base or binder and surface layer. Before any surface layer can be applied it should be cleaned to the approval of the appropriate Highway Department.
4. The asphalt contractor shall have an adequate supply of equipment on the job site approved by the Highway Inspector.
5. Compaction of all pavement shall be in accordance with INDOT standards specifications.
6. All stone aggregates used shall meet or exceed INDOT Standard Specifications and shall be a Class A Type "O" aggregate. A gradation report of the material dated no more than five (5) days prior to delivery of material to the subdivision shall be supplied to the appropriate Highway Department prior to placement of stone material. If the stone does not have enough moisture in it to get adequate compaction then the contractor shall have a water truck available to apply a sufficient amount of water needed to obtain the required compaction. All stone bases shall be compacted by a minimum ten (10) ton vibratory roller. Each stone base shall be inspected by the appropriate Highway Department before the next course can be applied.
7. Under drains shall be required under both sides of streets and shall be located as indicated in Appendix 1, Whitestown Standard Specifications and Standard Details and shall discharge into a storm drainage system. A gradation report for stone or gravel shall be provided to the appropriate Highway Department and the Boone County Surveyor prior to placement of material.
8. Subcollector streets for commercial or industrial development shall be required to meet all specifications for residential collector streets while feeder or access streets shall be required to meet all specifications for residential subcollector streets.
9. Where an arterial, major collector or minor collector is located within a subdivision as established by this ordinance, the subdivider shall construct such street pavement in accordance with Appendix 1, Whitestown Standard Specifications and Standard Details.
10. Prior to placing the street surface, adequate drainage for the street shall be provided by the subdivider. Culvert drainage pipe, when required, shall be concrete pipe or a similar type not less than twelve (12) inches in diameter approved by the WPC. Upon the completion of the street improvements, plans and profiles as built shall be filed with the WPC. Longitudinal sub-grade drainage shall be provided below the depth of the sub-grade.
11. Before any performance bond covering a street installation is released, the WPC, the Town Council, or appropriate Highway Department may request that core borings of the street be done at the subdivider's expense. Cores shall be sent to the appropriate Highway Department and/or an independent testing laboratory for analysis. The subdivider may request permission of the WPC and the Town Council to delay the installation of the one

and a half (1.5) inch surface layer of asphalt until the binder layer of asphalt has had a sufficient time period to prove its durability under the stress of heavy construction traffic. The subdivider shall be required to submit a separate performance bond to cover the cost of the installation of the one and a half (1.5) inch surface layer of asphalt.

E . Block Standards .

1. Block length and width or acreage within bounding streets shall be such as to accommodate all requirements of this ordinance in the zoning district in which the subdivision is to be located, and to provide convenient access, circulation control, and safety of traffic. Blocks that are unreasonably large or small shall not be approved.
2. Blocks shall not exceed one thousand two hundred (1,200) feet in length. In the design of blocks longer than eight hundred (800) feet, the WPC may specify the provision of pedestrian crosswalks or interior trails near the center of the block, or wherever would be most useful to facilitate pedestrian circulation to a school, park, recreation area, shopping center, or other significant neighborhood destination.

F . Curbs and Gutters .

The WPC shall require curb and gutter to be installed on each side of the street surface. The curb and gutter shall be constructed according to the following specifications:

1. Curb and gutters shall be placed on a well compacted aggregate base that extends approximately one (1) foot outside the back of the curb.
2. All gutters and curbs shall be constructed in accordance with Appendix 1, Whitestown Standard Specifications and Standard Details.
3. All materials in the curb mix shall meet or exceed INDOT Standard Specifications Class A Concrete and a gradation report for all materials shall be furnished to the Highway Inspector prior to installation.

No concrete curb mix shall be placed below air temperatures of forty degrees (40o).

G . Sidewalks and Trails .

1. Sidewalks shall be required on both sides of any Major Collector, Minor Collector, subcollector, feeder, or access street upon which development occurs. The Administrator, PC, or Plat Committee may allow a minimum five (5) foot wide asphalt trail as an alternate.
2. Sidewalks shall be constructed of Class A Portland Cement Concrete in accordance with Appendix 1, Whitestown Standard Specifications and Standard Details.
3. When possible, trails should be provided within the subdivision and should complement the sidewalk system. Trails shall be comprised of asphalt and shall maintain a minimum width of five (5) feet.

H . Street Signs .

The subdivider shall provide the subdivision with standard Town street signs at the intersection of all streets.

1. Stop signs shall be constructed of thirty (30) inch by thirty (30) inch High Intensity 3M sheeting. Stop signs shall be mounted on flanged u-channel sign posts, shall weigh three (3) pounds per foot and extend twelve (12) feet in length.
2. Speed limit signs shall be constructed on Engineer Grade 3M sheeting and be mounted on flanged u-channel sign posts which shall weigh three (3) pounds per foot and extend twelve (12) feet in length.
3. All street name signs are to be constructed on nine (9) inch aluminum plate High Intensity sheeting. Street signs shall be green with six (6) inch white letters and a white border. All street signs are to be mounted on tubular sign posts, twelve (12) feet in length.
4. All mounting brackets shall be provided by the Highway Department.
5. All street signs shall conform to the Manual on Uniform Traffic Control Devices (MUTCD) for Conventional Roads.

I . Street Lights .

Street lights may be required to be installed at intersections throughout the subdivision and such installations shall conform to the requirements of the public utility providing such lighting.

J . Acceleration and Deceleration Lanes .

Acceleration and deceleration lanes shall be provided at the intersection of any proposed Local street and arterial, major collector or minor collector.

K . Bridges and Culverts .

All bridges and culverts shall be constructed in accordance with applicable engineering standards as approved by the Boone County Highway Department.

L . Street Names .

No street names may be used which will duplicate, or be confused with, the names of any existing streets unless said proposed streets are the logical extension or continuation of, or obviously in alignment with an existing platted street, in which case the proposed streets shall bear the names of such existing streets. The WPC shall have final authority to approve names for all streets.

M . Improvements to Adjacent Streets .

Whenever a proposed subdivision borders an existing street, the WPC may require the reconstruction or widening of such street as a condition of plat approval. Additional dedication of right-of-way may also be required.

N . Private Roadways .

1. Major Subdivisions. Private roadways are not permitted in any type of major subdivisions.

2. Minor Residential Subdivision.

- a. Private roadways may be constructed to serve lots in minor residential subdivisions. The owners of each lot parallel to the roadway shall own, as tenants in common, an undivided interest in the private roadway.
- b. Minor subdivisions may utilize a private, shared driveway as an alternative to development of a public street.

O . Gravel Roads .

Public gravel roads, in general, will not be improved by the Town in order to mitigate impacts resulting from increased population or subdivision.

P . Marginal Access Street Standards .

- 1. Marginal access street rights-of-way shall be separated from the perimeter thoroughfare right-of-way by a common area at least fifty (50) feet wide.
- 2. Within the aforementioned common area, the subdivider shall install the same minimum landscaping as is required for perimeter landscaping.

Q . Abandonment of Right-of-way .

No public roadway shall be abandoned or vacated unless in accordance with IC36-7-3.

R . Rights-of-Way .

- 3. **Permanent Structures.** No permanent decorative signs or permanent objects of any kind such as sprinkler heads or fencing of any kind shall be permitted within the public right-of-way.
- 4. **Landscaping in the Rights-of-way.** Trees and shrubs shall be permitted in the public rightof-way in accordance with a landscape plan approved by the WPC during the Secondary Plat process. Such plan shall be developed by an Urban Forester, Arborist or Landscape Architect.
 - a. In development of any landscape plan that includes trees or shrubs in the public rightof-way, consideration shall be given to mature height and spread; potential damage to sidewalks, street under-drains, curbs, and street pavements by root systems; maintenance requirements; tolerance to pruning; and adaptability to the specific street environment, including heat, glare, snow and salt. Tree selection shall consider vertical clearance of branches sufficient to allow adequate room visually and physically for vehicles passing underneath.
 - b. Shrubs shall be low growing and salt tolerant.
 - c. The location of trees and shrubs at intersections shall permit clear sight distance two (2) feet to six (6) feet above the street and one hundred (100) feet in any direction of an intersection.

- d. Vegetation shall be selected with consideration for low maintenance requirements and shall have a minimal amount of leaf and fruit litter. All vegetation and its continued maintenance shall be the responsibility of the homeowner or homeowners' association.

7.14 Utilities

A . General Design Standards .

Underground installation of communication and electric utilities is required. At least eighty percent (80%) of all homes in a subdivision shall be served from the rear of the lots. Such installations shall be placed along the rear lot lines within dedicated utility easements.

B . Utility Easements .

Utility easements shall have minimum width of twenty (20) feet, and where located along lot lines, no more than one-half (1/2) the width shall be taken from each lot. In the case of lots extending to the boundary of the lands platted and not adjoining another plat, the full width of the easements shall be provided on such peripheral lots. Before determining the location of easements, the plan shall be discussed with the local public utilities to assure their proper placing for the installation of such services.

C . Sewage Disposal .

The subdivider shall provide the subdivision with a complete sewer system, which shall connect with an existing approved public sewer utility and have a documented commitment by that public utility to provide sewer service. The plans for the installation of a sanitary sewer system shall be provided by the subdivider and approved by the Indiana State Board of Health (Refer to Regulation H. S. E. -14, I. S. B. H.). All public utility installations shall be designed and installed at least to the standards and specifications as permitted by law of an incorporated area if within two (2) miles of the development.

D . Water .

The subdivider shall provide the subdivision with a complete water supply system, which shall be connected to an existing approved public water utility, except that when no such supply is available, the subdivider shall provide one (1) of the following:

1. A complete community water supply system to be provided in accordance with the minimum requirements of the Indiana State Board of Health. The plans for the installation of water main supply systems shall be provided by the subdivider and approved by the Indiana State Board of Health.
2. An individual water supply on each lot in the subdivision in accordance with the minimum requirements of the Boone County Health Department. In the case of private water supply the subdivider shall provide evidence that such facility can feasibly be installed and function on the site.

Chapter 8

Non-Conforming

8.1 Non-conforming Lots, Structures, Uses, and Districts

A . General Provisions .

Within the districts established by this ordinance or by amendments that may later be adopted, there exist individually or in combination: Non-conforming lots; Non-conforming structures; Non-conforming uses of land; and Non-conforming districts; which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendments. It is the intent of this ordinance to permit these non-conforming uses to continue until they are removed, but not to encourage their survival. It is further the intent of this ordinance that non-conforming uses shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses which are prohibited elsewhere in the same district. Illegal uses existing at the time this ordinance is enacted shall not be validated by virtue of its enactment. Non-conforming uses are declared by this ordinance to be incompatible with permitted uses in the districts in which such uses are located. A non-conforming use of a structure, a non-conforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located. To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building or development on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been carried on diligently. Where demolition or removal of an existing building has been substantially begun prior to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried on diligently. Actual construction is hereby defined at a minimum as having a valid ILP upon the initial passage of this ordinance on December 21, 1998.

B . Non-conforming Lots of Record .

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record after the effective date of adoption or amendment of this ordinance notwithstanding limitation imposed by other provisions of this ordinance. Such lot must be in separate record and not of continuous frontage with existing lots. This provision shall apply even though such lots fail to meet the

requirements for area or width, or both, that are generally applicable in the district provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.

C . Non-conforming Structures .

Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not now be built under the terms of this ordinance by reason of restrictions on area, lot, height, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions.

1. No such non-conforming structure may be enlarged or altered in a way that increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.
2. Should such non-conforming structure or non-conforming portion of structure be destroyed by any means to the extent of more than fifty percent (50%) of the area of the building immediately prior to the damage, it shall not be reconstructed except in conformity with the provisions of this ordinance.
3. Should such structure be moved for any reason, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
4. A non-conforming use may be extended throughout any parts of a building, which manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.

D . Non-conforming Uses of Land .

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

1. No such non-conforming uses shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.
2. No such non-conforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this ordinance.
3. If any such non-conforming uses of land are discontinued or abandoned for any reason for more than one (1) year, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.

4. No additional structure not conforming to the requirements of this ordinance shall be erected in connection with such non-conforming use of land.

E. Non-conforming Districts.

At the time of adoption of this ordinance, some zoning districts may no longer be listed in this ordinance. Unless otherwise noted, property zoned under these districts will continue to be zoned as such until such time as the property is rezoned to a conforming district.

Nonconforming districts, their restrictions, and permitted uses include:

1. **R4 High-density, Single-family and Two-family Residential.** Permitted uses include all uses currently permitted in the MF district by right, Special Exception, and with Development Plan approval as listed.
2. **R5 High-density, Multi-family Residential.** Permitted uses include all uses currently permitted in the MF district by right, Special Exception, and with Development Plan approval as listed.
3. **CR - Commercial Reserve.** Uses in the underlying zoning districts of the CR district areas shall be permitted in accordance with the current use table by right, Special Exception, and with Development Plan approval as listed.
4. **SC - Shopping Center.** Uses in the underlying zoning districts of the SC district areas shall be permitted in accordance with the current use table by right, Special Exception, and with Development Plan approval as listed.
5. **IR - Industrial Reserve.** Uses in the underlying zoning districts of the IR district areas shall be permitted in accordance with the current use table by right, Special Exception, and with Development Plan approval as listed. Industrial development currently permitted in the I1 district would be permitted in this district only by Special Exception and with a minimum tract of twenty (20) acres.

Chapter 9

Zoning Administration & Procedures

9.1 Administration and Procedures

A. Ordinance Administration.

The provisions of this ordinance shall be administered and enforced by the Administrator of the WPC. The Administrator may be assisted by the staff of the WPC. The Administrator shall have final authority on all matters of administration and enforcement subject to the guidance of the WPC and WBZA. Appeal from the decisions of the Administrator may be made to the WBZA. Recourse from the decision of the WBZA shall be to the courts through procedures provided by law.

9.2 The WPC

A . Establishment .

The WPC is established, with membership as provided by IC 36-7-4-200 Series.

B . Organization .

At the first meeting of the calendar year, the WPC shall elect from among its members a President and a Vice-president as per established Rules and Procedures. Consistent with State law, it may appoint and fix the compensation of a secretary and such employees, as it considers necessary to discharge its duties.

C . Rules and Procedures .

The WPC shall supervise and make rules for the administration of the affairs of the WPC and prescribe uniform rules pertaining to investigations and hearings.

D . Meetings and Records .

The WPC, or Plat Committee as appropriate, shall hold a public hearing after the receipt of an application for a Change of Zoning, Minor Plat, Primary Plat, or a Secondary Plat from the applicant or their agent in accordance with the adopted Rules and Procedures. The WPC shall hold a public meeting after the receipt of an application for a Development Plan from the applicant or their agent in accordance with the established Rules and Procedures. Meetings of the WPC shall be open to the public. Before holding the required public hearing or meeting, the application must be in compliance with the established Rules and Procedures.

E . Powers and Duties .

1. **Subdivisions.** The WPC and Plat Committee as appropriate shall render decisions regarding subdivisions in accordance with the Subdivision Control Ordinance and Rules and Procedures.
2. **Development Plans.** The WPC shall render decisions regarding Development Plans in accordance with Section 9.4.
3. **Proposals to Change the Zone Maps Incorporated into the Ordinance.** The following procedure applies to a proposal to change the zone maps (whether by incorporating an additional map or by amending or deleting a map) incorporated by reference into this Zoning Ordinance consistent with applicable state law.
 - a. In considering the proposal, both the WPC and the Town Council shall pay reasonable regard to: i) the Comprehensive Plan; ii) current conditions and the character of current structures and uses in each district; iii) the most desirable use for which the land in each district is adapted; iv) the conservation of property values throughout the Jurisdictional Area; and v) responsible development and growth.

- b. The WPC shall give notice and hold a public hearing on the proposal in accordance with its Rules and Procedures.
- c. Whenever the WPC deems it advisable they may permit or require the owner of a parcel of real property to make a commitment subject to the rules prescribed for commitments in this section. By permitting or requiring a commitment, the WPC does not become obligated to recommend or not recommend the adoption of the proposal.
- d. Within ten (10) business days after the WPC determines its recommendation, the WPC shall certify the proposal to the appropriate legislative body with a favorable recommendation, an unfavorable recommendation, or no recommendation from the WPC.
- e. The appropriate legislative body shall vote on the proposal within ninety (90) days after the WPC certifies the proposal. The appropriate legislative body's consideration of the proposal is governed by IC 36-7-4-608.
- f. During the time when the proposal is being considered by the appropriate legislative body, the owner of a parcel of land may make a new commitment or modify the terms of a commitment made when the proposal was before the WPC. No further action of the WPC is required for a new commitment to be effective. If a commitment made when the proposal was before the WPC is modified and the effect of the modification is to make the Commitment more stringent, no further action of the WPC is required for the modified commitment to be effective. However, if the effect of such a modification is to make the commitment less stringent, then the modified commitment must be ratified by the WPC to be effective. A commitment made or modified under this provision is subject to the rules prescribed for commitment in this section.
- g. If the proposal is adopted, the WPC shall update the zone maps that it keeps available with the Zoning Ordinance and the town's Code of Ordinances.
- h. Unless the proposal provides for a later effective date, the updated zone maps contained in the proposal take effect when the proposal is duly adopted.

4. Planned Unit Developments. Any PUD District Ordinance that was adopted before January 1, 2011, by the Boone County Commissioners (as part of the Boone County Zoning Ordinance), for property that is now located within the Jurisdictional Area of the Town, is hereby ratified and shall hereafter be deemed to have originally been adopted by the Town Council as part of the Whitestown Zoning Ordinance. The following procedure applies to any proposal to amend an existing PUD District Ordinance, whether or not the ordinance was originally adopted before January 1, 2011:

- a. Terminology and Jurisdiction. PUD District Ordinances adopted before January 1, 2011, as described above, contain language referencing entities that may not have jurisdiction within Whitestown. For this reason, the following terms shall be replaced within those ordinances, and the indicated terms shall also be used in all ordinances that may be adopted after that date:

- i) Whitestown Town Council shall replace references to the “Boone County Commissioners”, “County Commissioners”, and “legislative body.”
 - ii) WPC shall replace references to the “Boone County Area Plan Commission”, “Area Plan Commission of Boone County”, and “APC.”
 - iii) WBZA shall replace references to the “Boone County Area Board of Zoning Appeals” and “BZA.”
 - iv) Whitestown Comprehensive Plan shall replace references to the “Comprehensive Plan” and “Boone County Comprehensive Plan.”
 - v) Whitestown Unified Development Ordinance shall replace references to the “Boone County Zoning Ordinance”, “Zoning Ordinance of Boone County”, “Zoning Ordinance”, and “Boone County Ordinance” where appropriate.
 - vi) Whitestown Zoning Map shall replace references to the “Boone County Zoning Map”, “Zoning Map for Boone County”, “Zone Map of the Zoning Ordinance”, “Zone Map”, “Official Zoning Map of Boone County”, and “Official Zoning Map.”
 - vii) Whitestown Unified Development Ordinance shall replace references to the “Subdivision Regulations”, “Subdivision Control Ordinance of Boone County”, “Boone County Subdivision Control Ordinance”, and “Boone County Ordinance” where appropriate.
 - viii) Administrator shall replace references to “Executive Director” and “Director.”
 - ix) Whitestown Public Works Department shall be added to references to the “Boone County Highway Department” where applicable.
 - x) Main Street shall replace references to “650 E”, and “County Road 650 E.”
 - xi) Development Plan shall replace references to the “Preliminary Development Plan”, “Primary Development Plan”, “Preliminary (Primary) Development Plan”, “Detailed (Secondary) Development Plan”, “Secondary Development Plan”, and “Final Development Plan.”
 - xii) Fee Schedule shall replace references to the “filing fee provisions” and “Boone County Area Plan Commission Fee Schedule.”
- b. The amendment proposal may be initiated either by the WPC, or by a petition signed by property owners who own at least fifty percent (50%) of the land affected by the proposal. The Town Council also may initiate the amendment proposal and require the WPC to prepare it.
 - c. The WPC or petitioners shall prepare the amendment proposal so that it is consistent with the definition of a PUD District Ordinance.
 - d. The amendment proposal may provide that any development requirements (other than permitted uses) that are specified in the PUD District Ordinance may be modified by a committee designated by the WPC, after a public hearing held in accordance with the WPC’s Rules and Procedures. However, any decision of a committee which approves or denies any requested modification may be appealed by the Administrator or any interested party to the WPC, also in accordance with the WPC’s Rules and Procedures.

- e. In considering the amendment proposal, both the WPC and the Town Council shall pay reasonable regard to: a) the Whitestown Comprehensive Plan; b) current conditions and the character of current structures and uses in each district; c) the most desirable use for which the land in each district is adapted; d) the conservation of property values throughout the Town; and e) responsible development and growth.
 - f. The WPC shall give notice and hold a public hearing on the amendment proposal in accordance with its Rules and Procedures.
 - g. Whenever the WPC deems it advisable, the WPC may permit or require the owner of a parcel of real property to make a Commitment subject to the rules prescribed for Commitments by IC 36-7-4-1015 and paragraph 7 below. By permitting or requiring a Commitment, the WPC does not become obligated to recommend or not recommend the adoption of the amendment proposal.
 - h. Within ten (10) business days after the WPC determines its recommendation (if any), the WPC shall certify the amendment proposal to the Town Council with a favorable recommendation, an unfavorable recommendation, or no recommendation from the WPC.
 - i. The Town Council shall vote on the amendment proposal within ninety (90) days after the WPC certifies the proposal. The Town Council's consideration of the proposal is governed by IC 36-7-4-608 and IC 36-7-4-1512.
 - j. During the time when the amendment proposal is being considered by the Town Council, the owner of a parcel of land may make a new Commitment or modify the terms of a Commitment made when the proposal was before the WPC. No further action of the WPC is required for a new Commitment to be effective. If a Commitment made when the proposal was before the WPC is modified and the effect of the modification is to make the Commitment more stringent, no further action of the WPC is required for the modified Commitment to be effective. However, if the effect of such a modification is to make the Commitment less stringent, then the modified Commitment must be ratified by the WPC to be effective. A Commitment made or modified under this provision is subject to the rules prescribed for Commitments by IC 36-7-4-1015.
 - k. If the amendment proposal is adopted, the WPC shall update the PUD District Ordinance and zone maps to reflect the changes made by the amendment.
 - l. Unless the amendment proposal provides for a later effective date, the amendment takes effect on the date that it is duly adopted pursuant to IC 36-7-4-608.
- 5. Proposals to Amend or Partially Repeal the Text of the Ordinance.** The following procedure applies to a proposal to amend or partially repeal the text (not zone maps) of this Zoning Ordinance.
- a. In considering the proposal, both the WPC and the Town Council shall pay reasonable regard to: i) the Comprehensive Plan; ii) current conditions and the character of current structures and uses in each district; iii) the most desirable use for which the land in each district is adapted; iv) the conservation of property values throughout the Jurisdictional area; and v) responsible development and growth.

- b. The WPC shall give notice and hold a public hearing on the proposal in accordance with its Rules and Procedures. The WPC, in its discretion, may also give notice and hold hearings at other places within the town's jurisdiction where the distribution of the population or diversity of interests of the people indicate that such hearings would be desirable.
- c. Within ten (10) business days after the WPC determines its recommendation, the WPC shall certify the proposal to the Town Council with a favorable recommendation, an unfavorable recommendation, or no recommendation from the WPC.
- d. The Town Council shall vote on the proposal within ninety (90) days after the WPC certifies the proposal. The Town Council's consideration of the proposal is governed by IC 36-7-607.
- e. If the proposal is adopted, the WPC shall publish the amendments to the Zoning Ordinance in book or pamphlet form.
- f. Unless the proposal provides for a later effective date, the amendments contained in the proposal take effect when the proposal is duly adopted, except for any provision prescribing a penalty or forfeiture for a violation, which may not take effect until the WPC complies with the applicable notice and filing requirements described in IC 36-7-4610.
- g. Verification of Petition. The Administrator shall verify the completeness of the application and the date of verification shall be noted on the application.

6. Adoption or Amendment of the Comprehensive Plan.

- a. Adoption or amendment of the Comprehensive Plan shall be in accordance with Indiana Planning Law and established Rules and Procedures.
- b. The WPC shall give notice and hold public hearings in accordance with State Law. At least ten (10) days prior to the date set for the first hearing, the WPC shall publish a schedule of all such meetings in accordance with its Rules and Procedures.

7. Rules Governing Commitments.

- a. Form. A Commitment must be substantiated by the form set forth in the WPC's Rules and Procedures, and must identify any specially affected persons or class of specially affected persons who may enforce the Commitment. A commitment must authorize its recording by the Administrator in the Office of the Boone County Recorder.
- b. Recording: Copies. A commitment shall be recorded in the Office of the Boone County Recorder and takes effect upon the adoption of the proposal to which it relates. Following the recording of a commitment, the Applicant shall return a copy of the original recorded commitment to the Administrator for WPC's file.
- c. Persons Bound. Unless it is modified or terminated by the WPC in accordance with this section, a recorded commitment is binding on the owner of the parcel, a subsequent owner of the parcel, and any other person who acquires interest in the parcel. An unrecorded commitment is binding on the owner of the parcel who makes the commitment. An unrecorded commitment is binding on a subsequent owner of the parcel or a person acquiring an interest in the parcel only if the subsequent owner or the person acquiring the interest has actual notice of the commitment.
- d. Modification or Termination by WPC. Except for a commitment modified or automatically terminated in accordance with this section, a commitment may be modified or terminated

only by a decision of the WPC made at a public hearing after notice of the hearing has been given under the WPC's Rules and Procedures.

- 8. Reconsideration of Proposals.** The WPC may adopt a rule to limit further consideration, for up to one (1) year after its defeat, of any proposal that is defeated under IC 36-7-4-608 or IC 36-7-4-1512. The WPC may also adopt a rule to limit consideration, for up to six (6) months after the withdrawal or defeat of any proposal, of any other proposal involving the same property that was the subject of the withdrawn or defeated proposal.

9.3 The WBZA

A . Establishment .

The WBZA is established, with membership as provided by IC 36-7-4-902(d).

B . Organization .

At the first meeting of the calendar year, the WBZA shall elect from among its members a Chairman and a Vice-chairman as per established Rules and Procedures. Consistent with Indiana Planning Law, it may appoint and fix the compensation of a secretary and such employees, as it considers necessary to discharge its duties.

C . Rules and Procedures .

The WBZA shall supervise and make rules for the administration of the affairs of the WBZA and prescribe uniform rules pertaining to investigations and hearings.

D . Meetings and Records .

The WBZA shall hold a public hearing after the receipt of an application for a Variance, Special Exception, or appeal from an applicant or their agent in accordance with the established Rules and Procedures. Before holding the required public hearing, applicant must act in accordance with the established Rules and Procedures. Meetings of the WBZA shall be open to the public. The WBZA shall keep minutes of its meetings, keep records of all examinations and other official actions, make any findings in writing and record the vote of each member on each question. Minutes and records shall be filed in the office of the WBZA and made available to the public. A majority of the members of the WBZA shall constitute a quorum. No action of the WBZA is official unless concurred by a majority of the membership of the WBZA.

E . Powers and Duties .

- 1. Variance.** The WBZA shall authorize in specific cases such variances from the terms of this ordinance as will not be contrary to the public interest, where owing to special conditions fully demonstrated on the facts presented, a literal enforcement of this ordinance will result in an unnecessary hardship, and so that the spirit of this ordinance shall be observed and substantial justice done. The WBZA may grant a Variance with respect to specific property if, after a hearing, the WBZA finds that such variance is warranted per Indiana Planning Law.
 - a. The WBZA shall not grant a Variance from a use district or classification.
 - b. When in the public interest, the Administrator may consider and render decisions on applications involving minor deviations from the provisions of the ordinance, limited to the following:
 - i) Lot area requirements may be reduced by not more than ten percent (10%) of that required in the district.

- ii) Yard requirements may be reduced by permitting portions of a building or structure to extend into and occupy not more than ten percent (10%) of the area of a required yard.
- iii) Maximum building heights may be increased by not more than ten percent (10%).
- c. The following standards shall apply for evaluating Variances as established by IC 36-7-4918.5:
 - i) The variance will not be injurious to the public health, safety, morals, and general welfare of the community.
 - ii) The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
 - iii) The strict application of the terms of the Ordinance will continue the unusual and unnecessary hardship as applied to the property for which the variance is sought because.

- 2. Special Exception.** The WBZA shall hear and determine Special Exceptions to the terms of this ordinance upon which the WBZA is required to act. The WBZA may require that impact studies be performed at the expense of the applicant prior to deciding upon said Special Exception.
- a. The Special Exceptions listed in the districts, and their accessory buildings and uses may be permitted by the WBZA in the districts indicated therein, in accordance with the procedures set forth in this section. Uses listed as Special Exceptions in the Conservation district must be approved by the Indiana Department of Natural Resources (IDNR) prior to application for Special Exception by the WBZA.
 - b. Upon receipt of an application for a Special Exception, the Administrator may refer the application to the WPC for investigation as to the manner in which the proposed location and character of the Special Exception will affect the Comprehensive Plan. The WPC shall report the results of its study to the WBZA within ninety (90) days following receipt of the application. If no such report is filed with the WBZA within the time period, or, if no report is requested by the Administrator, then the WBZA shall proceed to process the application. The WBZA shall then proceed with a hearing on the application in the manner prescribed in this ordinance. Following the hearing, and upon an affirmative finding by the WBZA that the applicant meets the requirements and criteria established by Indiana Planning Law and this ordinance, the applicant may apply for an ILP.
 - c. An existing use which is listed herein as a Special Exception, and which is located in a district in which such Special Exception may be permitted, is a conforming use. Any expansion of the Special Exception involving the enlargement of the buildings, structures, or land area devoted to such use shall be subject to the procedures described in this section.
 - d. The following standards shall apply for evaluating Special Exceptions as established by IC 36-7-4-918.2:
 - i) The establishment, maintenance, or operation of the Special Exception will not be detrimental to or endanger the public health, safety, morals, or general welfare.
 - ii) The Special Exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.

- iii) The establishment of the Special Exception will not impede or substantially alter the normal and orderly development and improvement of surrounding property for uses permitted in the district.
- iv) Adequate utilities, access road, drainage, and other necessary facilities have been or are being provided.
- v) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion on the public roadways.
- vi) The Special Exception will be located in a district where such use is permitted and all other requirements set forth in the Ordinance that are applicable to such use will be met.

3. Variances of Use. The BZA shall hear and determine Variances of Use to the terms of this ordinance upon which the WBZA is required to act.

- a. The following standards shall apply for evaluating Variances of Use as established by IC 36-7-4-918.4:
 - i) the approval will not be injurious to the public health, safety, morals, and general welfare of the community;
 - ii) the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
 - iii) the need for the variance arises from some condition peculiar to the property involved;
 - iv) the strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
 - v) the approval does not interfere substantially with the comprehensive plan adopted under the 500 series of this chapter.

4. Uses Not Listed. It is recognized that in the development of a Zoning Ordinance, not all uses of land can be listed, nor can all future uses be anticipated. A use may have been omitted from the list of those specified as permissible in the various districts established by this ordinance, or questions may arise concerning words that are synonymous. The applicant shall file a request for a decision by the WBZA. The WBZA may also initiate an application. The WBZA shall render a decision after such application is made, and shall notify the applicant and any person requesting such notice of such decision. In such instances the following procedures shall apply:

- a. Existing Conditions. In classifying a use, the WBZA shall first make a finding that all of the following conditions exist:
 - i) That investigations have disclosed that the subject use and its operations are compatible with the uses permitted in the district wherein it is proposed to be located;
 - ii) That the subject use is similar to one (1) or more uses permitted in the district within which it is proposed to be located;
 - iii) That the subject use will not cause substantial injury to the values of property in the neighborhood or district within which it is proposed to be located; and
 - iv) That the subject use will be so designed, located, and operated that the public health, safety, and general welfare will be protected.
- b. Classification. The WBZA shall classify such use as to permitting such use by right, or permitting such use subject to Special Exception.

- i) When classification of use is appealed or referred to the WBZA, it shall be the duty of the WBZA to ascertain all pertinent facts concerning said use and set forth in writing its findings and the reasons for designating a specific classification for such use.
 - ii) Limitations in Power to Classify. In no instance shall the WBZA determine that a use be permitted in a district when such use is specifically listed as first permissible in a less restricted district.
 - iii) Effect of Determination. Uses classified pursuant to this section shall be regarded as listed uses. The Administrator shall maintain in the office of the WPC an up-to-date list of all such classifications that have been made.
 - iv) Should the WBZA determine that a use cannot be classified, then the use shall be considered appropriate only within a PUD district.
- 5. **Appeals.** The WBZA shall hear and determine appeals from and review any order, requirement, decision or determination made by the Administrator in the enforcement of this ordinance. In exercising its powers the WBZA may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed and to that end shall have all of the powers of the Administrator from whom the appeal is taken. The WBZA shall fix a reasonable time for the hearing of an appeal. Public notice shall be given of the hearing and due notice shall be given additionally to the affected parties as determined by the WBZA. The WBZA must require the party taking the appeal to assume the cost of public notice and due notice to interested parties.
 - a. When an appeal from the decision of any official or board has been filed with the WBZA, all proceedings, operation, and work on the premises concerned shall be stayed, unless the official or board from whom the appeal was taken shall certify to the WBZA that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings or work shall not be stayed except by a restraining order, which may be granted by a circuit or superior court of the county in which the premises affected are situated, on notice to the office or board from whom the appeal is taken and the owner of the premises affected, and on due cause shown.
 - b. Every decision of the WBZA shall be subject to judicial review pursuant to IC 36-7-4-1600 *et seq.* Any person aggrieved by a decision of the WBZA, may present to the circuit or superior court of the county in which the premises affected are located, a petition duly verified, setting forth that such decision is illegal in whole or in part, and specifying the grounds of the illegality. The petition shall be presented to the court within thirty (30) days after the entry of the decision or order of the WBZA complained of. No change of venue from the county in which the premises affected are located shall be had in any cause arising under the provisions of this section.

9.4 Development Plans

A . Development Plan Review Required .

With the exception of single-family residential development, any new development or an addition to an existing structure requires Development Plan review.

- 1. Development Plan Review by the WPC.** At a public meeting, the WPC shall review Development Plans for:
 - a. new development; and
 - b. additions to existing primary structures that increase the total square footage by 30% or more.
- 2. Administrative Development Plan Review by Staff.** Staff shall administratively review Development Plans for:
 - a. additions to existing primary structures that increase the total square footage by less than 30%; and
 - b. accessory structures.

B . Approval Process .

- 1. Development Plan Application.** The applicant shall complete and submit a Development Plan application for review and consideration by the WPC in accordance with the appropriate application form adopted by the WPC as part of its Rules and Procedures.
 - a. The WPC, acting as a committee of the whole, shall hold a public meeting relating to the application in accordance with its Rules and Procedures.
 - b. At the public meeting, the WPC shall review the particular circumstances and facts applicable to the proposed project in terms of the standards and requirements as detailed of the Zoning Ordinance and shall make a determination as to whether the proposed project meets the standards set forth below:
 - i) Compatibility of the development with surrounding land uses.
 - ii) If the application is consistent with the comprehensive plan.
 - iii) Availability and coordination of water, sanitary sewers, storm water drainage, and other utilities.
 - iv) Management of traffic in a manner that promotes conditions favorable to health, safety, convenience, and the harmonious development of the community. This development requirement shall ensure that the:
 - a) Design and location of the proposed street and highway access points minimize safety hazards and congestion.
 - b) Capacity of adjacent streets and highways is sufficient to safely and efficiently accept traffic that will be generated by the new development.

- c) Entrances, streets, and internal traffic circulation facilities in the Development Plan are compatible with existing and planned streets and adjacent developments.
 - d) The safety and convenience of both vehicular and pedestrian circulation on-site, with appropriate tie-ins to adjacent public circulation systems.
 - e) Adequate accessibility for emergency vehicles.
 - v) Specific development requirements set forth in the Zoning Ordinance and the development requirements and technical design standards set forth in the Subdivision Control Ordinance.
 - vi) The location and design of driveways providing vehicular ingress to and egress from the site, in relation to streets giving access to the site, and in relation to pedestrian traffic.
 - vii) The arrangement of uses on the site in relation to functional, efficient, and compatible arrangements with the site and also to adjacent uses.
 - viii) The WPC may further require landscaping, fences, and walls in pursuance of these objectives and they shall be provided and maintained as a condition of the establishment and continued maintenance of any use to which they are appurtenant.
 - ix) The cost estimates as required in this section may be reviewed by the appropriate County officials, Town officials and/or consultants. These reviews and recommendations shall be forwarded to the WPC for the inclusion in any approved Development Plan.
 - x) The WPC may waive Development Plan information for topography, vegetation, problem soils, landscaping, employment data, environmental considerations, etc., when such concerns are obviously not pertinent to the proposed development.
 - xi) The WPC may seek and consider the input from any public officials, public bodies, and/or outside consultants as part of the Development Plan review process, prior to approving, disapproving, or approving with conditions, the Development Plan.
- c. Consideration. If after the public meeting and subsequent review of this project, the WPC, acting as a committee of the whole, finds that the proposed development meets the standards set forth in this ordinance necessary for approval, the WPC shall grant the applicant Development Plan approval. The Development Plan(s), all supplementary data, together with minutes of any meetings and/or hearings related to the applications shall become part of the official Development Plan file.
- d. Direct Appeal to the Full Commission. If the applicant or any other interested person is aggrieved or adversely affected by a non-final zoning decision made by the Committee of the Whole as described above, then the applicant or interested person may appeal the non-final decision directly to the WPC. An applicant or interested person who wishes to appeal a non-final zoning decision must file the appeal not later than five (5) days after the date the decision is made, and the WPC shall then hold a public hearing and render a final decision on

the application in accordance with its Rules and Procedures. If no appeal of a non-final decision is filed within five (5) days after the date the decision is made, then that decision shall be considered as duly approved by the full WPC and treated as a final zoning decision, upon the later of either:

- i) ten (10) days after the date the non-final decision was made; or
- ii) compliance by the applicant with any requirements imposed pursuant to Subsection C below.

C. Performance Guarantees.

To ensure compliance with all Development Plan standards and any conditions imposed thereunder, the WPC may require that a cash certified check, irrevocable bank letter of credit, or surety bond acceptable to the town, equaling one hundred ten percent (110%) of the WPC's estimated cost of improvements associated with a project for which Development Plan approval is sought, be deposited with the Town to ensure faithful completion of the improvements and also be subject to the following:

1. The performance guarantee shall be deposited prior to the onset of any construction, clearing of land or earth moving related to the Development Plan. The Town may establish procedures whereby a rebate of any cash deposits in reasonable proportion to the ration of work completed on the required improvements will be make as work progresses. Any partial release of funds shall be less than ten percent (10%), which shall be retained by the Town until all work has been completed and subsequently inspected and approved by the Town or its agents. This does not relieve the applicant from satisfying all applicable maintenance warranties and/or guarantees necessary to ensure proper functioning of said public improvements.
2. As used in this section, "improvements" mean those features and actions associated with a project, which are considered necessary by the WPC, to protect natural resources, or the health, safety, and welfare of the residents of the Town and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, landscaping, and surface drainage, Improvements do not include the entire project, which is the subject of Development Plan approval.

9.5 Improvement Location Permits

A . Applicability .

1. The Administrator, or their agent, shall be responsible for the issuance of all ILP's for any alteration to the condition of land, or structures thereon, with the jurisdictional area of the WPC. Any persons making said alterations must obtain an ILP for said alterations from the Administrator prior to the start of any construction
2. The filing fee for an ILP is shown on the Fee Schedule, which is hereby established as a part of this section.
3. Fences under six (6) feet high shall not require an ILP.

B . Permit Application .

The necessary information for an ILP shall be submitted on the appropriate application form adopted by the WPC.

1. As a condition of issuing an ILP, the Administrator or their agent, may require the relocation of any structure or any entrance or exit, or the inclusion of an entrance or exit not shown on the plan, if the requirement is necessary in the interest of public welfare.
2. An ILP for a Special Exception may not be issued until the Special Exception has been approved by the WBZA.
3. Any application that requires physical encroachment upon another's property to meet drainage requirements shall provide a notarized letter of agreement to allow encroachment from those owners upon whose property encroachment must occur.
4. If an application for an ILP relates to a light or general industrial use, it must be accompanied by a Certificate of Compliance, subscribed by a Registered Professional Engineer of the State of Indiana, stating that the use will meet the performance standards established by this ordinance.

C . Certificate of Occupancy .

1. No land shall be occupied or used and no building hereafter erected, altered, or reconstructed shall be occupied or used, in whole or in part, for any purpose whatsoever, until a Certificate of Occupancy has been issued by the Administrator, or their agent, stating that the use complies with all of the provisions of this ordinance.

2. The Certificate of Occupancy shall be issued within five (5) days of the completion of the improvements authorized by the ILP, provided said improvements are in compliance with all provisions of this ordinance and all re-inspection fees and fines have been paid.

D. Expiration and Extension of an Improvement Location Permit.

- a. If a person to whom an ILP has been issued fails to complete construction within twenty-four (24) months after the ILP is issued (or less as described elsewhere), or fails to comply with the approved plan upon which the ILP was issued, said ILP shall be null and void.
- b. Extension. The Administrator may grant one twelve (12) month extension for any ILP at the written request of the applicant stating the need for such extension.

9.6 Complaints, Violations, and Remedies

A . Complaints .

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the causes and basis thereof and shall be filed with the Administrator. The Administrator, or their agent, shall investigate the complaint, take immediate action and may refer the matter to the WPC, WBZA, or their attorney for review. The Administrator or other member of the WPC staff shall have authority to enter upon property at any time to investigate a written complaint.

B . Violations .

1. Improvement Location Permit Violations.

- a. Any persons or corporation who shall initiate construction prior to obtaining an ILP, or Certificate of Occupancy or any other permit or authorization required herein, shall pay the fine as set forth in the Fee Schedule.
- b. The owner or tenant of any building, structure or premises and any other person who participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties prescribed by this section.

2. Zoning Ordinance Violations.

Any person or corporation who shall violate any of the provisions of these ordinances or fail to fully comply therewith or with any of the requirements thereof (including violations of conditions established in connection with grants of Variance or Special Exceptions) or who shall build, reconstruct or structurally alter any building in violation of the approved plot plan or building plans shall be subject to civil penalties of not more than three hundred dollars (\$300) per day of violation.

3. Subdivision Control Ordinance Violations.

- a. It shall be the duty of the Administrator to periodically research the County Auditors records and perform the other necessary investigation to detect any violations of these regulations.
- b. No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell any such parcel before a plat of such subdivision has been approved by the WPC in accordance with the provisions of these regulations and filed with the Boone County Recorder.
- c. No public board, agency, commission, official or other authority shall proceed with the construction of or authorize the construction of any of the public improvements required by these regulations until the proposed subdivision has been approved by the WPC in accordance with these regulations and filed with the Boone County Recorder.

- d. No ILP shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these regulations.
- e. The Administrator shall enforce these regulations and bring to the attention of the WPC attorney any violations or lack of compliance herewith. The WPC attorney shall take steps necessary under the Indiana Code to civilly enjoin any violation of these regulations.

C . Remedies .

The WPC, WBZA or any designated enforcement official, may institute a suit for injunctive relief in the circuit court, or any court in the county having jurisdiction to entertain said matters, to restrain an individual person or a governmental unit from violating the provisions of this ordinance. The WPC or the WBZA may also institute a suit for mandatory injunction, directing an individual person or a governmental unit to remove a structure erected in violation of the provisions of this ordinance. In the event that the WPC or WBZA deems it necessary to invoke one (1) or more remedies under this section, then, and in that event, they shall be entitled, if found to be the prevailing party, to an award of attorneys fees and costs of this action.

9.7 Fee Schedule

A. Collection of Fees.

Applications and petitions filed pursuant to the provisions of this Ordinance shall be accompanied by the fees specified in the Fee Schedule, and shall be paid to the Town of Whitestown and collected by the Plan Commission. Permit Fees for Non-Profit Organizations may be waived per the Town Manager approval on an individual basis.

B. Annual Review of Fees Assessed.

On or before December 31st of each year, the Administrator shall determine if there has been an increase in the Consumer Price Index (United States city average) prepared by the United States Department of Labor, by comparing the arithmetic mean of the Index for July, August, and September of the current year with the same three-month period of the preceding year. If there has been an increase, the increase shall be stated as a percentage of the arithmetic mean for the three-month period of the year preceding the current year (the Adjustment Percentage). The Adjustment Percentage shall be rounded to the nearest one-tenth of one percent (0.1%) and may not exceed four percent (4%), unless otherwise provided by ordinance. Whenever the Administrator determines that there has been an increase, the Administrator may make a corresponding adjustment to the Fee Schedule (including late fees) that are assessed under this section, in order to recoup increases in personnel and administrative costs for the Plan Commission. However the adjustment may not be greater than the Adjustment Percentage determined under this paragraph. The adjusted fees as determined by the Administrator under this paragraph take effect on January 1st of the succeeding year.

C. Calculation of Fees.

Fees will be calculated when the permit is being reviewed. Required inspections and estimated inspection time will be itemized and incorporated into the fees.

D. Fines and Re-inspection Fees.

Fines shall be paid before a permit is issued. Re-inspection fees shall be paid before the final inspection and/or the Certificate of Occupancy is issued (where applicable).

Chapter

Subdivision Control Administration & Procedures

10.1 Subdivision

A. Residential Subdivisions - Minor.

- 1. In Residential Areas.** The division of a tract of land into four (4) residential parcels or less may be approved as a minor subdivision one (1) time only. The minor subdivision shall be subject to the same basic procedures as set forth in the Rules and Procedures. The intent of this section is to eliminate unnecessary requirements and reduce the time and effort required by major subdivision plats. Use of this procedure shall be limited to the creation of four (4) new parcels after November 1, 1998.
 - a. Pre-application.** From the standpoint of economy of time and money, the subdivider must consult informally with the Administrator for advice and assistance prior to filing. This will enable the subdivider to become familiar with these and other regulations as they affect the area and will prevent unnecessary and costly revisions.
 - b. Concept Plan.** The Concept Plan is an optional part of any application for Primary Plat approval of a minor residential subdivision. Its purpose is to bring the conceptual proposal before the WPC or the Plat Committee and general public for discussion. The Concept Plan shall be prepared in accordance with standards set forth for Major Subdivisions.
 - c. Primary Plat and Secondary Plat.** Application for Primary Plat for minor subdivisions shall be in accordance with standards set forth for Major Subdivisions with the exception that the Primary Plat and the Secondary Plat may be heard simultaneously by the WPC or the Plat Committee.
 - i) Public Notice.** Once an application has been determined to be complete and meets all of the requirements of this ordinance, the Administrator shall set a date for a public hearing before the WPC or the Plat Committee. Notice of public hearing shall be in accordance with IC 36-7-4-706 and with adopted Rules and Procedures. The cost of notification shall be borne by the applicant.
 - d. Secondary Plat.** Application for Secondary Plat for minor subdivisions shall be in accordance with standards set forth for Major Subdivisions with the exception that the Primary Plat and the Secondary Plat may be heard simultaneously by the WPC or the Plat Committee.
 - e. Decision by the WPC or Plat Committee.** Within thirty (30) days after application for approval of the Minor Subdivision, the WPC, or the Plat Committee as appropriate, shall approve or disapprove it.
 - i) Approval.** If the WPC or the Plat Committee determines that the plat complies with the standards of this ordinance, they shall grant primary and secondary approval to the plat. The approval shall be certified on behalf of the WPC by the WPC President or by the Chairman of the Plat Committee and the Administrator who shall affix their signatures to the plat original and all other relevant documents which also may require such signatures. Approval by the Plat Committee shall be reported to the WPC at the next public meeting.

- ii) **Disapproval.** If the WPC or the Plat Committee disapproves the Secondary Plat, it shall make written findings of fact and notify the applicant in writing within ten (10) days of the hearing, stating the specific reasons for disapproval. This written notice shall be ratified by the WPC and signed by the WPC President and the Administrator.

f. Appeals. Appeals of decisions made by the WPC or the Plat Committee shall come before the WPC for final decision and may be made by either the applicant or remonstrator in accordance with IC 36-7-4-708.

g. Amendments.

h. Procedure Restrictions. An applicant shall receive approval one (1) time on a parent tract allowing a minor residential subdivision containing no more than (4) residential lots. Any further subdividing requires an application for a zoning map amendment for the entire tract to an appropriate zoning district for a major subdivision as well as major subdivision approval.

2. Minor Subdivisions and Single-family Homes in the AG - General Agricultural District.

Application for Minor Residential Subdivisions and Single-family Homes are brought before the WBZA and considered a Restricted Use for the purpose of thorough review on a site-bysite basis. A Variance may be requested from the zoning standards and any other sections of this ordinance at the written request of the applicant at the time of filing for Special Exception or Variance before the WBZA. The following procedures and restrictions shall be considered:

- a. Approval.** Minor subdivision approval shall be in accordance with paragraph 1 above. Single-family Homes in the AG zoning district shall be in accordance with the procedure set forth for Special Exception.
- b. Driveways.** In order to prevent strip-lot development and preserve rural character, it is necessary to encourage the sharing of driveways.
 - i) New driveways for minor subdivisions in the AG zoning district shall be in accordance with the zoning standards for the district. Lots shall share a common driveway cut when possible.
 - ii) When applicable, new driveways in the AG zoning district shall be along the property line to make it possible to share the driveway with an adjoining lot in the future. In addition, the commitment may be required that the owner share the driveway when necessary.
- c. Cluster Design.** In order to preserve agricultural ground, minor subdivisions in the AG zoning district shall be laid out in a cluster design. This is best accomplished by contiguously grouping the lots in such a manner so as to consume the least amount of land possible given the constraints of the landscape.
- d. Buffering.** In order to protect residential uses from agricultural activities and vice-versa, the perimeter of the minor subdivision and lots for Single-family Homes in the AG zoning district shall have Bufferyard Ag.
- e. Commitments.** In order to protect residential uses from agricultural activities and viceversa, commitments may be required by the WBZA at the time of Special Exception approval in accordance with IC 36-7-4-1015. Such commitments must be recorded with the Office of the

Boone County Recorder prior to the issuance of an ILP. Commitments mandated by the WBZA may include, but are not limited to, the following:

- i) Right-to-Farm Law of Indiana. The applicant for the Special Exception acknowledges and/or agrees that agricultural uses are permitted in the surrounding area, no agricultural or agri-business operation in the area shall be or become a nuisance, and to not object to the continuation of any such agricultural or agri-business operation in the surrounding area as long as such operation does not constitute a nuisance.
- ii) Future Residential Subdivision. After the granting of the initial Special Exception and prior to further subdivision of the subject property beyond such approval, an application for an additional Special Exception in order that the WBZA may review the request and ensure that such further subdivision is in accordance with this ordinance and meets the standards for such Special Exception.

B. Residential Subdivisions - Major

1. **Pre-application.** From the standpoint of economy of time and money, the subdivider consults informally with the Administrator for advice and assistance prior to filing. This will enable the subdivider to become familiar with these and other regulations as they affect the area and will prevent unnecessary and costly revisions.
2. **Concept Plan.** The Concept Plan is required as part of any application for Primary Plat approval for major subdivisions. The applicant shall submit the Concept Plan to a public meeting of the WPC prior to the Primary Plat hearing for the purpose of discussion and recommendations. The Concept Plan shall be drawn at a scale of fifty (50) feet to one (1) inch, except that when the drawing at that scale requires more than one (1) sheet, the plan may be drawn at a scale of one hundred (100) feet to one (1) inch. Sheets shall not exceed twenty-four (24) inches by thirty-six (36) inches in size. The Concept Plan shall consist of a site analysis map and a site development map.
 - a. **Site Analysis Map.** A location map which may be prepared by indicating the required information by notation on available maps of an appropriate scale. The purpose of the site analysis map is to indicate consideration and respect for the unique features of a site. A site analysis map shall include the following:
 - i) Location of the proposed subdivision, including adjacent parcels of land;
 - ii) Existing schools, parks, fire, police, and emergency medical (EMS) facilities that will serve the subdivision;
 - iii) Public thoroughfares that will serve the subdivision;
 - iv) Water and sewer services to serve the subdivision, if applicable.
 - v) Primary Conservation Areas;
 - vi) Secondary Conservation Areas;
 - vii) Location of streets and thoroughfares including those in contiguous subdivisions or undeveloped property;
 - viii) Other unique features or characteristics of the site such as views (to and from the site), impacts (by the subdivision or by surrounding elements) and geographical features;

- ix) Indication of the resulting prime location for houses after site analysis.
- b. Site Development Map. The site development map shall indicate the proposed layout of the subdivision, including streets, lots, houses and common areas. In coordination with a Primary Plat application, the Primary Plat may act as the site development map.
- c. Public Notice. A placard displaying the public meeting date and relevant information for the Concept Plan will be posted on the subject site in a prominent, visible location as the notice of public hearing. The non-refundable cost of the placard shall be borne by the applicant at the time of filing as noted in the Fee Schedule.
- d. Public Meeting. The Concept Plan shall go before the WPC for presentation to and suggestions by the WPC. While no official action shall be taken, the WPC shall mandate impact assessments to be performed prior to application for Primary Plat.
- e. Impact Assessment. As a result of Concept Plan review, the WPC may require that impact assessments be done for discussion at the time of the Primary Plat hearing. Impact assessment shall be performed by a qualified professional with training, experience, and expertise in the field relevant to the specific section of the study in which work shall be performed. The WPC shall mandate such studies at the expense of the applicant and of the professional of choice of the WPC. Such assessment may include any of the following: traffic and transportation; tax base; water and sewer service; fire, police, and emergency services; schools; parks. Any additional expense necessary to ensure adequate information, reports, or plans shall be met by the applicant.

3. Primary Plat.

- a. Application. A subdivider desiring approval of a Primary Plat of a subdivision of any land lying within Whitestown shall submit their application in accordance with the application packet adopted by the WPC as part of their Rules and Procedures. The application shall be in accordance with filing deadlines outlined in the application packet. The application shall be accompanied by an application fee as indicated in the Fee Schedule. The application fee shall be non-refundable. Of the application copies submitted, the Administrator shall forward one (1) copy to each of the following:
 - i) Boone County Surveyor
 - ii) Boone County Health Department
 - iii) Natural Resource Conservation Service Soil Conservationist
 - iv) Whitestown Engineer
 - v) Applicable public utility which may be affected
 - vi) Applicable road or highway superintendent
 - vii) Applicable School Superintendent
 - viii) Applicable Safety Services

****The above listed agencies, persons, or Town Officials shall forward any comments or recommendations concerning said plat to the Administrator prior to the date of the scheduled TAC meeting.**

- b. Plans. The Primary Plat shall be required as part of any application for Primary Plat approval. If applicable, the applicant shall submit proof of secured public sewer and/or public water

connection. The plat shall be drawn at a scale of fifty (50) feet to one (1) inch, except that when the drawing at that scale requires more than one (1) sheet, the plat may be drawn at a scale of one hundred (100) feet to one (1) inch. Sheets shall not exceed twenty-four (24) inches by thirty-six (36) inches in size. The Primary Plat shall be prepared and certified by a land surveyor and/or a professional engineer registered by the State of Indiana. A primary subdivision plat shall be submitted showing the following, but not limited to:

- i) The proposed name of the subdivision
- ii) Names and addresses of the owner, subdivider, and consulting engineer, land surveyor, or planning firm that prepared the plan
- iii) Legend and notes including the scale, north point, and date
- iv) Tract boundary lines showing dimensions, bearings, angles, and references to section, township, and range lines or corners
- v) Existing zoning of the tract and all contiguous tracts surrounding the proposed subdivision
- vi) All section and municipal corporate boundaries lying within or contiguous to the tract
- vii) Topographic contours at typical intervals of one(1) foot if the general slope of the tract is less than five percent (5%), or intervals of two (2) feet if the slope is in excess of five percent(5%). Said contours shall be referenced to mean sea level elevations
- viii) Layout of lots, showing dimensions and numbers and square footage of each lot
- ix) Building lines showing setback dimensions throughout the subdivision
- x) Parcels of land proposed to be dedicated or reserved for schools, open space (indicating its use as park, playground, natural area, or other) or other public, semipublic or community purposes
- xi) Streets, rights-of-way, and driveways within five hundred (500) feet on adjoining the site of the proposed subdivision showing the names, roadway widths, approximate gradients, types and widths of pavements, curbs, sidewalks, and horizontal curve radii.
- xii) Existing and proposed easements including the location, width, and purpose of such easements
- xiii) Location, size, and capacity of any public sewer and/or water utilities, if such facilities are available
- xiv) Location of natural streams, regulated drains, floodplain, pipelines, power lines, etc.
- xv) A description of the surface drainage system to an approved outlet, including data showing that said outlet is adequate to accommodate the drainage requirements of the finished subdivision. Arrows designating the general drainage of all streets and lots shall be included.
- xvi) Location of any subsurface drainage required under the Storm Drainage, Erosion, and Sediment Control Ordinance and any amendments thereto, showing the location of all easements and all data pertaining to the size and capacity of such drainage
- xvii) The boundaries and numbers of sections shall be shown if the Primary Plat is to be divided into sections or phases of development.
- xviii) Protective covenants and restrictions which are properly prepared and legally sound shall, subject to the approval of the WPC.
- xix) The required anti-monotony identification standards.

- xx) Bufferyard, lighting and parking plans.
- c. Public Notice. Once an application has been determined to be complete and meets all the requirements of this ordinance, the Administrator shall set a date for a public hearing before the WPC. Notice of public hearing shall be in accordance with the Rules and Procedures adopted by the WPC. The cost of notification shall be borne by the applicant.
- d. Decision by the WPC. Within thirty (30) days of the public hearing concerning an application for approval of a subdivision plat, the WPC shall notify the applicant in writing stating whether the Primary Plat is approved or disapproved.
 - i) Approval. If the WPC determines that the Primary Plat complies with the standards set forth in this ordinance, it shall grant primary approval to the plat.
 - a) The WPC may introduce such changes or revisions as are deemed necessary to the best interest and general welfare of the community.
 - b) Approval of a Primary Plat by the WPC signifies the general acceptability of the layout submitted.
 - c) Approval of a Primary Plat shall be effective for a maximum period of two (2) years unless, upon application of the applicant the WPC grants an extension. The WPC may extend approval of a Primary Plat to a maximum of four (4) years without further notice, public hearing, or fees.
 - ii) Disapproval. If the WPC disapproves a Primary Plat application, the WPC shall make written findings of fact and notify the applicant in writing within ten (10) days of the hearing, stating the specific reasons for disapproval. This written notice shall be signed by the WPC President and the Administrator.

4. Secondary Plat.

- a. Application. After approval of the Primary Plat by the WPC and fulfillment of the requirements of this ordinance, the applicant shall submit to the Administrator a written application for Secondary Plat approval in accordance with the application packet adopted by the WPC as part of their Rules and Procedures. Such application shall be filed in accordance with filing deadlines outlined in the application packet. At the time of filing, the application shall be accompanied by a non-refundable application fee as indicated in the Fee Schedule. The Administrator shall forward one (1) copy to each of the individuals and agencies indicated in paragraph 3 above. Those agencies or persons shall forward any comments or recommendations concerning said plat to the Administrator prior to the date of the scheduled TAC meeting.
- b. Plans.
 - i) Plat. The plat shall be drawn at a scale of fifty (50) feet to one (1) inch, except that when the drawing at that scale requires more than one (1) sheet, the plat may be drawn at a scale of one hundred (100) feet to one (1) inch. Sheets shall not exceed twenty-four (24) inches by thirty-six (36) inches in size. The Secondary Plat shall be prepared and certified by a land surveyor and/or a professional engineer registered by the State of Indiana. The

Secondary Plat may include all or only a part of the Primary Plat which has received approval. The following information shall be shown on the Secondary Plat, but not limited to:

- a) Name of subdivision and section number followed by the words "Secondary Plat".
 - b) Accurate boundary lines, with dimension and angles, which provide a legal survey of the tract, closing with an error of not more than one (1) foot in five thousand (5,000) feet. Accurate distances and directions to the nearest official monument. Reference corners shall be accurately described on the plan.
 - c) Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.
 - d) Accurate metes and bounds description of the tract boundary.
 - e) Source of title of the applicant to the land as shown by the last entry in the books of the Boone County Recorder.
 - f) Street names.
 - g) Complete curve data for all curves included in the plan.
 - h) Street lines with accurate dimensions in feet and hundredths of feet with angles to street, alley, and lot lines.
 - i) Lot numbers and dimensions including the square footage of each lot.
 - j) Accurate locations of easements for utilities and any limitations on such semipublic or community use.
 - k) Accurate dimensions and plans for any property to be dedicated or reserved for open space or other public, semi-public, or common use.
 - l) Building lines and setback dimensions throughout the subdivision.
 - m) Location, type, material, and size of all monuments and markers.
 - n) Plans and specifications for the improvements required in this ordinance.
 - o) Final protective covenants and restrictions which are properly prepared and legally sound which shall be incorporated into the plat and restrictions of all types which will run with the land and become covenants in the deed for lots.
 - p) The required anti-monotony identification standards.
 - q) Name and address of the owner and subdivider.
 - r) North point, scale, and date.
 - s) Certification of dedication of streets and other public property.
 - t) Final landscaping, lighting or parking plans shall be incorporated in the Secondary Plat design plans when requested by the Administrator or the WPC.
 - u) Certificate of approval by the WPC.
- ii) Construction Plans. It shall be the responsibility of the subdivider of every proposed subdivision to have prepared and certified by a land surveyor and/or professional engineer registered in the State of Indiana, a complete set of construction plans, including profiles, cross-sections, specifications, and other supporting data for all required public streets, utilities, and other facilities. The final construction plans shall be based on preliminary plans which have been approved with the Primary Plat, and shall be

prepared, submitted, and distributed in conjunction with the Secondary Plat. The plans shall show the following:

- a) Construction plans shall be prepared for all required improvements. Plans shall be drawn on standard twenty-four (24) inch by thirty-six (36) inch sheets at a scale of no more than one (1) inch equals fifty (50) feet, and map sheets shall be of the same size as the Primary Plat.
 - b) Topographic contours at intervals of one (1) foot if the general slope of the tract is less than five percent (5%) or intervals of two (2) feet if the slope exceeds five percent (5%). Contours shall be referenced to mean sea level elevations.
 - c) Profiles showing existing and proposed elevations along center lines of all streets. Where a proposed street intersects an existing street or streets, the elevation along the center line of the existing street or streets within one hundred (100) feet of the intersection. Approximate radii of all curves, lengths of tangents, and central angles on all streets. Complete curve data for all curves included in the plan.
 - d) Where steep slopes exist, the WPC may require that cross-sections of all proposed streets at one hundred (100) foot stations shall be shown as follows: on a line at right angles to the center line of the street, and said elevation points shall be at the center line of the street, each property line, points twenty-five (25) feet inside each property line, edges of pavement, curbs, break points, and ditch lines.
 - e) Plans and profiles showing the location and typical cross-section of streets including curbs and gutters, sidewalks, mailboxes, rights-of-way, drainage facilities, manholes, and catch basins: the location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants, showing connection to any existing or proposed utility systems: the location of street trees, street lighting standards, and street signs: and exact location and size of all water, gas, or other underground utilities or structures.
 - f) Location, size, elevation, and other appropriate description of any other existing physical and natural features or facilities including features noted on the official maps of the Town, trees with a diameter of eight inches or more (measured four (4) feet above ground level), the points of connection to proposed facilities and utilities, and the approximate high- and low-water elevations of all ponds, lakes and streams. All elevations shall be referred to the USGS datum plane.
- c. Public Notice. Public notice for Secondary Plats shall be in accordance with the Rules and Procedures established by the WPC.
 - d. Decision by the WPC. Within sixty (60) days after application for approval of the Secondary Plat, the WPC shall approve or disapprove it.
 - i) Approval. If the WPC determines that the plat complies with the standards of this ordinance, it shall grant secondary approval to the plat. After necessary performance surety has been posted, the secondary approval of a plat by the WPC shall be certified on behalf of the WPC by the WPC President and the Administrator who shall affix their signatures to the plat original and all other relevant documents which also may require such signatures.

- a) **Recording.** A plat of a subdivision may not be filed with the Boone County Auditor and the Boone County Recorder may not record it, unless it has been granted secondary approval by the WPC and has been properly signed by the WPC President and the Administrator. The filing and recording of the plat is without legal effect unless approved by the WPC. One copy of the recorded plat shall be forwarded to the Administrator and the Boone County Surveyor.

Improvement Location Permits. No Improvement Location Permit shall be issued by the Administrator, or his agent, for any structure on any subdivision lots prior to the following:

- i. The recording of said subdivision by the Boone County Recorder, except for the purposes of public facilities, and
 - ii. Installation and completion of all improvements, including grading, as shown on the development plans and approved by the WPC, except that in the case of an asphalt road surface, the installation of the final surface coat may be postponed until the end of the maintenance period. The final coat of asphalt shall be installed prior to acceptance of the road for public maintenance.
 - iii. Written certification from the appropriate Highway Department and the Boone County Surveyor that improvements are complete.
 - iv. The release of necessary performance surety and the posting of necessary maintenance surety.
- ii) **Disapproval.** If the WPC disapproves the Secondary Plat, it shall make written findings of fact and notify the applicant in writing, stating the specific reasons for disapproval. This written notice shall be signed by the WPC President and the Administrator.

- 5. Plats and Amendments.** For any change in a map of an approved or recorded subdivision plat, if such change affects any street layout shown on such map, or area reserved thereon for public use, or any lot line, or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions, such change shall be approved by the WPC by the same procedure, rules, and regulations as for a new subdivision.

6. Appeals.

7. Amendments.

8. Restrictions.

- a. **Refiling a Primary Plat.** Any applicant shall be required to observe a six (6) month waiting period before refiling a Primary Plat for all or a portion of the same property which has been disapproved by the WPC.

C. Commercial Subdivisions.

In creating commercial subdivisions, it is recognized that the subdivider often faces unique problems of lot design not normally encountered in residential subdivisions. For this reason, the initial emphasis of the WPC shall be upon street layout and lot arrangement.

1. **Pre-application.** From the standpoint of economy of time and money, the subdivider must consult informally with the Administrator for advice and assistance prior to filing. This will enable the subdivider to become familiar with these and other regulations as they affect the area and will prevent unnecessary and costly revisions.
2. **Concept Plan.** The Concept Plan is required as part of any application for Primary Plat approval for major subdivisions. The applicant shall submit the Concept Plan to a public meeting of the WPC prior to the Primary Plat hearing for the purpose of discussion and recommendations. The Concept Plan shall be drawn at a scale of fifty (50) feet to one (1)

inch, except that when the drawing at that scale requires more than one (1) sheet, the plan may be drawn at a scale of one hundred (100) feet to one (1) inch. Sheets shall not exceed twenty-four (24) inches by thirty-six (36) inches in size. The Concept Plan shall consist of a site analysis map and a site development map.

- a. Site Analysis Map. A location map which may be prepared by indicating the required information by notation on available maps of an appropriate scale. The purpose of the site analysis map is to indicate consideration and respect for the unique features of a site. A site analysis map shall include the following:
 - iii) Location of the proposed subdivision, including adjacent parcels of land;
 - iv) Existing schools, parks, fire, police, and emergency medical (EMS) facilities that will serve the subdivision;
 - v) Public thoroughfares that will serve the subdivision;
 - vi) Water and sewer services to serve the subdivision, if applicable.
 - vii) Primary Conservation Areas;
 - viii) Secondary Conservation Areas;
 - vii) Location of streets and thoroughfares including those in contiguous subdivisions or undeveloped property;
 - viii) Other unique features or characteristics of the site such as views (to and from the site), impacts (by the subdivision or by surrounding elements) and geographical features;
 - ix) Indication of the resulting prime location for primary structures after site analysis.
- b. Site Development Map. The site development map shall indicate the proposed layout of the subdivision, including streets, lots, primary structures, and common areas. In coordination with a Primary Plat application, the Primary Plat may act as the site development map.
- c. Public Notice. A placard displaying the public meeting date and relevant information for the Concept Plan will be posted on the subject site in a prominent, visible location as the notice of public hearing. The non-refundable cost of the placard shall be borne by the applicant at the time of filing as noted in the Fee Schedule.
- d. Public Meeting. The Concept Plan shall go before the WPC for presentation to and suggestions by the WPC. While no official action shall be taken, the WPC shall mandate impact assessments to be performed prior to application for Primary Plat.
- e. Impact Assessment. As a result of Concept Plan review, the WPC may require that impact assessments be done for discussion at the time of the Primary Plat hearing. Impact assessment shall be performed by a qualified professional with training, experience, and expertise in the field relevant to the specific section of the study in which work shall be performed. The WPC shall mandate such studies at the expense of the applicant and of the professional of choice of the WPC. Such assessment may include any of the following: traffic and transportation; tax base; water and sewer service; fire, police, and emergency services; schools; parks. Any additional expense necessary to ensure adequate information, reports, or plans shall be met by the applicant.

3. Primary Plat.

- a. Format. For Primary Plats for commercial subdivisions, the subdivider need show a minimum of two (2) lots along with the street and block layout.
- b. Application. A subdivider desiring approval of a Primary Plat of a subdivision of any land lying within Whitestown shall submit their application in accordance with the application packet adopted by the WPC as part of their Rules and Procedures. The application shall be in accordance with filing deadlines outlined in the application packet. The application shall be accompanied by an application fee as indicated in the Fee Schedule. The application fee shall be non-refundable. Of the application copies submitted, the Administrator shall forward one (1) copy to each of the persons listed below. These agencies, persons, or Town Officials shall forward any comments or recommendations concerning said plat to the Administrator prior to the date of the scheduled TAC meeting.
 - i) Boone County Surveyor
 - ii) Boone County Health Department
 - iii) Natural Resource Conservation Service Soil Conservationist
 - iv) Whitestown Engineer
 - v) Applicable public utility which may be affected
 - vi) Applicable road or highway superintendent
 - vii) Applicable School Superintendent
 - viii) Applicable Safety Services
- c. Plans. The Primary Plat shall be required as part of any application for Primary Plat approval. If applicable, the applicant shall submit proof of secured public sewer and/or public water connection. The plat shall be drawn at a scale of fifty (50) feet to one (1) inch, except that when the drawing at that scale requires more than one (1) sheet, the plat may be drawn at a scale of one hundred (100) feet to one (1) inch. Sheets shall not exceed twenty-four (24) inches by thirty-six (36) inches in size. The Primary Plat shall be prepared and certified by a land surveyor and/or a professional engineer registered by the State of Indiana. A primary subdivision plat shall be submitted showing the following, but not limited to:
 - i) The proposed name of the subdivision
 - ii) Names and addresses of the owner, subdivider, and consulting engineer, land surveyor, or planning firm that prepared the plan
 - iii) Legend and notes including the scale, north point, and date
 - iv) Tract boundary lines showing dimensions, bearings, angles, and references to section, township, and range lines or corners
 - v) Existing zoning of the tract and all contiguous tracts surrounding the proposed subdivision
 - vi) All section and municipal corporate boundaries lying within or contiguous to the tract
 - vii) Topographic contours at typical intervals of one(1) foot if the general slope of the tract is less than five percent (5%), or intervals of two (2) feet if the slope is in excess of five percent(5%). Said contours shall be referenced to mean sea level elevations
 - viii) Layout of lots, showing dimensions and numbers and square footage of each lot

- ix) Building lines showing setback dimensions throughout the subdivision
 - x) Parcels of land proposed to be dedicated or reserved for schools, open space (indicating its use as park, playground, natural area, or other) or other public, semipublic or community purposes
 - xi) Streets, rights-of-way, and driveways within five hundred (500) feet on adjoining the site of the proposed subdivision showing the names, roadway widths, approximate gradients, types and widths of pavements, curbs, sidewalks, and horizontal curve radii.
 - xii) Existing and proposed easements including the location, width, and purpose of such easements
 - xiii) Location, size, and capacity of any public sewer and/or water utilities, if such facilities are available
 - xiv) Location of natural streams, regulated drains, floodplain, pipelines, power lines, etc.
 - xv) A description of the surface drainage system to an approved outlet, including data showing that said outlet is adequate to accommodate the drainage requirements of the finished subdivision. Arrows designating the general drainage of all streets and lots shall be included.
 - xvi) Location of any subsurface drainage required under the Storm Drainage, Erosion, and Sediment Control Ordinance and any amendments thereto, showing the location of all easements and all data pertaining to the size and capacity of such drainage
 - xvii) The boundaries and numbers of sections shall be shown if the Primary Plat is to be divided into sections or phases of development.
 - xviii) Protective covenants and restrictions which are properly prepared and legally sound shall, subject to the approval of the WPC.
 - xix) The required anti-monotony identification standards.
 - xx) Bufferyard, lighting and parking plans.
- d. Public Notice. Once an application has been determined to be complete and meets all the requirements of this ordinance, the Administrator shall set a date for a public hearing before the WPC. Notice of public hearing shall be in accordance with the Rules and Procedures adopted by the WPC. The cost of notification shall be borne by the applicant.
- e. Decision by the WPC. Within thirty (30) days of the public hearing concerning an application for approval of a subdivision plat, the WPC shall notify the applicant in writing stating whether the Primary Plat is approved or disapproved.
- i) Approval. If the WPC determines that the Primary Plat complies with the standards set forth in this ordinance, it shall grant primary approval to the plat.
 - a) The WPC may introduce such changes or revisions as are deemed necessary to the best interest and general welfare of the community.
 - b) Approval of a Primary Plat by the WPC signifies the general acceptability of the layout submitted.
 - c) Approval of a Primary Plat shall be effective for a maximum period of two (2) years unless, upon application of the applicant the WPC grants an extension. The WPC may extend approval of a Primary Plat to a maximum of four (4) years without further notice, public hearing, or fees.

- ii) Disapproval. If the WPC disapproves a Primary Plat application, the WPC shall make written findings of fact and notify the applicant in writing within ten (10) days of the hearing, stating the specific reasons for disapproval. This written notice shall be signed by the WPC President and the Administrator.

4. Secondary Plat.

- a. Format. The Secondary Plat for Commercial subdivisions may be done in one of three (3) ways:
 - i) Full Plat. The subdivider may submit the Secondary Plat for the entire subdivision and then amend the Secondary Plat as may be necessary.
 - ii) Individual Lot. The subdivider may submit the Secondary Plat for each lot which will include all necessary infrastructure serving such lot.
 - iii) Individual Lot with Development Plan.
 - iv) The subdivider may submit the Secondary Plat or an individual lot along with the application for Development Plan.
- b. Application. After approval of the Primary Plat by the WPC and fulfillment of the requirements of this ordinance, the applicant shall submit to the Administrator a written application for Secondary Plat approval in accordance with the application packet adopted by the WPC as part of their Rules and Procedures. Such application shall be filed in accordance with filing deadlines outlined in the application packet. At the time of filing, the application shall be accompanied by a non-refundable application fee as indicated in the Fee Schedule. The Administrator shall forward one (1) copy to each of the individuals and agencies indicated in the previous section regarding Primary Plat Application. Those agencies or persons shall forward any comments or recommendations concerning said plat to the Administrator prior to the date of the scheduled TAC meeting.
- c. Plans.
 - i) Plat. The plat shall be drawn at a scale of fifty (50) feet to one (1) inch, except that when the drawing at that scale requires more than one (1) sheet, the plat may be drawn at a scale of one hundred (100) feet to one (1) inch. Sheets shall not exceed twenty-four (24) inches by thirty-six (36) inches in size. The Secondary Plat shall be prepared and certified by a land surveyor and/or a professional engineer registered by the State of Indiana. The Secondary Plat may include all or only a part of the Primary Plat which has received approval. The following information shall be shown on the Secondary Plat, but not limited to:
 - a) Name of subdivision and section number followed by the words "Secondary Plat".
 - b) Accurate boundary lines, with dimension and angles, which provide a legal survey of the tract, closing with an error of not more than one (1) foot in five thousand (5,000) feet.
 - c) Accurate distances and directions to the nearest official monument. Reference corners shall be accurately described on the plan.
 - d) Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.
 - e) Accurate metes and bounds description of the tract boundary.

- f) Source of title of the applicant to the land as shown by the last entry in the books of the Boone County Recorder.
 - g) Street names.
 - h) Complete curve data for all curves included in the plan.
 - i) Street lines with accurate dimensions in feet and hundredths of feet with angles to street, alley, and lot lines.
 - j) Lot numbers and dimensions including the square footage of each lot.
 - k) Accurate locations of easements for utilities and any limitations on such semipublic or community use.
 - l) Accurate dimensions and plans for any property to be dedicated or reserved for open space or other public, semi-public, or common use.
 - m) Building lines and setback dimensions throughout the subdivision.
 - n) Location, type, material, and size of all monuments and markers.
 - o) Plans and specifications for the improvements required in this ordinance.
 - p) Final protective covenants and restrictions which are properly prepared and legally sound which shall be incorporated into the plat and restrictions of all types which will run with the land and become covenants in the deed for lots.
 - q) The required anti-monotony identification standards.
 - r) Name and address of the owner and subdivider.
 - s) North point, scale, and date.
 - t) Certification of dedication of streets and other public property.
 - u) Final landscaping, lighting or parking plans shall be incorporated in the Secondary Plat design plans when requested by the Administrator or the WPC.
 - v) Certificate of approval by the WPC.
- ii) Construction Plans. It shall be the responsibility of the subdivider of every proposed subdivision to have prepared and certified by a land surveyor and/or professional engineer registered in the State of Indiana, a complete set of construction plans, including profiles, cross-sections, specifications, and other supporting data for all required public streets, utilities, and other facilities. The final construction plans shall be based on preliminary plans which have been approved with the Primary Plat, and shall be prepared, submitted, and distributed in conjunction with the Secondary Plat. The plans shall show the following:
- a) Construction plans shall be prepared for all required improvements. Plans shall be drawn on standard twenty-four (24) inch by thirty-six (36) inch sheets at a scale of no more than one (1) inch equals fifty (50) feet, and map sheets shall be of the same size as the Primary Plat.
 - b) Topographic contours at intervals of one (1) foot if the general slope of the tract is less than five percent (5%) or intervals of two (2) feet if the slope exceeds five percent (5%). Contours shall be referenced to mean sea level elevations.
 - c) Profiles showing existing and proposed elevations along center lines of all streets. Where a proposed street intersects an existing street or streets, the elevation along the center line of the existing street or streets within one hundred (100) feet of the intersection.
- Approximate radii of all curves, lengths

of tangents, and central angles on all streets. Complete curve data for all curves included in the plan.

- d) Where steep slopes exist, the WPC may require that cross-sections of all proposed streets at one hundred (100) foot stations shall be shown as follows: on a line at right angles to the center line of the street, and said elevation points shall be at the center line of the street, each property line, points twenty-five (25) feet inside each property line, edges of pavement, curbs, break points, and ditch lines.
 - e) Plans and profiles showing the location and typical cross-section of streets including curbs and gutters, sidewalks, mailboxes, rights-of-way, drainage facilities, manholes, and catch basins: the location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants, showing connection to any existing or proposed utility systems: the location of street trees, street lighting standards, and street signs: and exact location and size of all water, gas, or other underground utilities or structures.
 - f) Location, size, elevation, and other appropriate description of any other existing physical and natural features or facilities including features noted on the official maps of the Town, trees with a diameter of eight inches or more (measured four (4) feet above ground level), the points of connection to proposed facilities and utilities, and the approximate high- and low-water elevations of all ponds, lakes and streams. All elevations shall be referred to the USGS datum plane.
- d. Public Notice. Public notice for Secondary Plats shall be in accordance with the Rules and Procedures established by the WPC.
- e. Decision by the WPC. Within sixty (60) days after application for approval of the Secondary Plat, the WPC shall approve or disapprove it.
- i) Approval. If the WPC determines that the plat complies with the standards of this ordinance, it shall grant secondary approval to the plat. After necessary performance surety has been posted, the secondary approval of a plat by the WPC shall be certified on behalf of the WPC by the WPC President and the Administrator who shall affix their signatures to the plat original and all other relevant documents which also may require such signatures.
 - a) Recording. A plat of a subdivision may not be filed with the Boone County Auditor and the Boone County Recorder may not record it, unless it has been granted secondary approval by the WPC and has been properly signed by the WPC President and the Administrator. The filing and recording of the plat is without legal effect unless approved by the WPC. One copy of the recorded plat shall be forwarded to the Administrator and the Boone County Surveyor.
 - b) Improvement Location Permits. No Improvement Location Permit shall be issued by the Administrator, or his agent, for any structure on any subdivision lots prior to the following:
 - i. The recording of said subdivision by the Boone County Recorder, except for the purposes of public facilities, and
 - ii. Installation and completion of all improvements, including grading, as shown on the development plans and approved by the WPC, except that in the case

- of an asphalt road surface, the installation of the final surface coat may be postponed until the end of the maintenance period. The final coat of asphalt shall be installed prior to acceptance of the road for public maintenance.
 - iii. Written certification from the appropriate Highway Department and the Boone County Surveyor that improvements are complete.
 - iv. The release of necessary performance surety and the posting of necessary maintenance surety.
 - ii) Disapproval. If the WPC disapproves the Secondary Plat, it shall make written findings of fact and notify the applicant in writing, stating the specific reasons for disapproval. This written notice shall be signed by the WPC President and the Administrator.
- 5. Plats and Amendments.** As prospective buyers or users express interest in lots sized to their required specifications, the owner shall submit an amendment to the approved recorded subdivision plat for consideration. Streets that have been built by following an approved set of plans on the previously approved Secondary Plat shall not have to be rebuilt because of the adoption of new criteria by the WPC. This shall also apply to storm drainage facilities within said subdivision unless runoff characteristics have been changed by the newly proposed improvements or by unauthorized existing improvements.
- 6. Appeals.**
- 7. Amendments.**
- 8. Restrictions.**

D. Industrial Subdivisions.

In creating industrial subdivisions, it is recognized that the subdivider often faces unique problems of lot design not normally encountered in residential subdivisions. For this reason, the initial emphasis of the WPC shall be upon street layout and lot arrangement.

- 1. Pre-application.** From the standpoint of economy of time and money, the subdivider must consult informally with the Administrator for advice and assistance prior to filing. This will enable the subdivider to become familiar with these and other regulations as they affect the area and will prevent unnecessary and costly revisions.
- 2. Concept Plan.** The Concept Plan is required as part of any application for Primary Plat approval for major subdivisions. The applicant shall submit the Concept Plan to a public meeting of the WPC prior to the Primary Plat hearing for the purpose of discussion and recommendations. The Concept Plan shall be drawn at a scale of fifty (50) feet to one (1) inch, except that when the drawing at that scale requires more than one (1) sheet, the plan may be drawn at a scale of one hundred (100) feet to one (1) inch. Sheets shall not exceed twenty-four (24) inches by thirty-six (36) inches in size. The Concept Plan shall consist of a site analysis map and a site development map.
 - a. Site Analysis Map. A location map which may be prepared by indicating the required information by notation on available maps of an appropriate scale. The purpose of the

site analysis map is to indicate consideration and respect for the unique features of a site. A site analysis map shall include the following:

- i) Location of the proposed subdivision, including adjacent parcels of land;
 - ii) Existing schools, parks, fire, police, and emergency medical (EMS) facilities that will serve the subdivision;
 - iii) Public thoroughfares that will serve the subdivision;
 - iv) Water and sewer services to serve the subdivision, if applicable.
 - v) Primary Conservation Areas;
 - vi) Secondary Conservation Areas;
 - vii) Location of streets and thoroughfares including those in contiguous subdivisions or undeveloped property;
 - viii) Other unique features or characteristics of the site such as views (to and from the site), impacts (by the subdivision or by surrounding elements) and geographical features;
 - ix) Indication of the resulting prime location for primary structures after site analysis.
- b. Site Development Map. The site development map shall indicate the proposed layout of the subdivision, including streets, lots, primary structures, and common areas. In coordination with a Primary Plat application, the Primary Plat may act as the site development map.
 - c. Public Notice. A placard displaying the public meeting date and relevant information for the Concept Plan will be posted on the subject site in a prominent, visible location as the notice of public hearing. The non-refundable cost of the placard shall be borne by the applicant at the time of filing as noted in the Fee Schedule.
 - d. Public Meeting. The Concept Plan shall go before the WPC for presentation to and suggestions by the WPC. While no official action shall be taken, the WPC shall mandate impact assessments to be performed prior to application for Primary Plat.
 - e. Impact Assessment. As a result of Concept Plan review, the WPC may require that impact assessments be done for discussion at the time of the Primary Plat hearing. Impact assessment shall be performed by a qualified professional with training, experience, and expertise in the field relevant to the specific section of the study in which work shall be performed. The WPC shall mandate such studies at the expense of the applicant and of the professional of choice of the WPC. Such assessment may include any of the following: traffic and transportation; tax base; water and sewer service; fire, police, and emergency services; schools; parks. Any additional expense necessary to ensure adequate information, reports, or plans shall be met by the applicant.

3. Primary Plat.

- a. Format. For Primary Plats for Industrial subdivisions, the subdivider need show a minimum of two (2) lots along with the street and block layout.
- b. Application. A subdivider desiring approval of a Primary Plat of a subdivision of any land lying within Whitestown shall submit their application in accordance with the application

packet adopted by the WPC as part of their Rules and Procedures. The application shall be in accordance with filing deadlines outlined in the application packet. The application shall be accompanied by an application fee as indicated in the Fee Schedule. The application fee shall be non-refundable. Of the application copies submitted, the Administrator shall forward one (1) copy to each of the following:

- i) Boone County Surveyor
- ii) Boone County Health Department
- iii) Natural Resource Conservation Service Soil Conservationist
- iv) Whitestown Engineer
- v) Applicable public utility which may be affected
- vi) Applicable road or highway superintendent
- vii) Applicable School Superintendent
- viii) Applicable Safety Services

****The above listed agencies, persons, or Town Officials shall forward any comments or recommendations concerning said plat to the Administrator prior to the date of the scheduled TAC meeting.**

- c. Plans. The Primary Plat shall be required as part of any application for Primary Plat approval. If applicable, the applicant shall submit proof of secured public sewer and/or public water connection. The plat shall be drawn at a scale of fifty (50) feet to one (1) inch, except that when the drawing at that scale requires more than one (1) sheet, the plat may be drawn at a scale of one hundred (100) feet to one (1) inch. Sheets shall not exceed twenty-four (24) inches by thirty-six (36) inches in size. The Primary Plat shall be prepared and certified by a land surveyor and/or a professional engineer registered by the State of Indiana. A primary subdivision plat shall be submitted showing the following, but not limited to:

- i) The proposed name of the subdivision
- ii) Names and addresses of the owner, subdivider, and consulting engineer, land surveyor, or planning firm that prepared the plan
- iii) Legend and notes including the scale, north point, and date
- iv) Tract boundary lines showing dimensions, bearings, angles, and references to section, township, and range lines or corners
- v) Existing zoning of the tract and all contiguous tracts surrounding the proposed subdivision
- vi) All section and municipal corporate boundaries lying within or contiguous to the tract
- vii) Topographic contours at typical intervals of one(1) foot if the general slope of the tract is less than five percent (5%), or intervals of two (2) feet if the slope is in excess of five percent(5%). Said contours shall be referenced to mean sea level elevations
- viii) Layout of lots, showing dimensions and numbers and square footage of each lot
- ix) Building lines showing setback dimensions throughout the subdivision
- x) Parcels of land proposed to be dedicated or reserved for schools, open space (indicating its use as park, playground, natural area, or other) or other public, semipublic or community purposes

- xi) Streets, rights-of-way, and driveways within five hundred (500) feet on adjoining the site of the proposed subdivision showing the names, roadway widths, approximate gradients, types and widths of pavements, curbs, sidewalks, and horizontal curve radii.
- xii) Existing and proposed easements including the location, width, and purpose of such easements
- xiii) Location, size, and capacity of any public sewer and/or water utilities, if such facilities are available
- xiv) Location of natural streams, regulated drains, floodplain, pipelines, power lines, etc.
- xv) A description of the surface drainage system to an approved outlet, including data showing that said outlet is adequate to accommodate the drainage requirements of the finished subdivision. Arrows designating the general drainage of all streets and lots shall be included.
- xvi) Location of any subsurface drainage required under the Storm Drainage, Erosion, and Sediment Control Ordinance and any amendments thereto, showing the location of all easements and all data pertaining to the size and capacity of such drainage
- xvii) The boundaries and numbers of sections shall be shown if the Primary Plat is to be divided into sections or phases of development.
- xviii) Protective covenants and restrictions which are properly prepared and legally sound shall, subject to the approval of the WPC.
- xix) The required anti-monotony identification standards.
- xx) Bufferyard, lighting and parking plans.
- d. Public Notice. Once an application has been determined to be complete and meets all the requirements of this ordinance, the Administrator shall set a date for a public hearing before the WPC. Notice of public hearing shall be in accordance with the Rules and Procedures adopted by the WPC. The cost of notification shall be borne by the applicant.
- e. Decision by the WPC. Within thirty (30) days of the public hearing concerning an application for approval of a subdivision plat, the WPC shall notify the applicant in writing stating whether the Primary Plat is approved or disapproved.
 - i) Approval. If the WPC determines that the Primary Plat complies with the standards set forth in this ordinance, it shall grant primary approval to the plat.
 - a) The WPC may introduce such changes or revisions as are deemed necessary to the best interest and general welfare of the community.
 - b) Approval of a Primary Plat by the WPC signifies the general acceptability of the layout submitted.
 - c) Approval of a Primary Plat shall be effective for a maximum period of two (2) years unless, upon application of the applicant the WPC grants an extension. The WPC may extend approval of a Primary Plat to a maximum of four (4) years without further notice, public hearing, or fees.
 - ii) Disapproval. If the WPC disapproves a Primary Plat application, the WPC shall make written findings of fact and notify the applicant in writing within ten (10) days of the

hearing, stating the specific reasons for disapproval. This written notice shall be signed by the WPC President and the Administrator.

4. Secondary Plat.

- a. Format. The Secondary Plat for Industrial subdivisions may be done in one of three (3) ways:
 - i) Full Plat. The subdivider may submit the Secondary Plat for the entire subdivision and then amend the Secondary Plat as may be necessary.
 - ii) Individual Lot. The subdivider may submit the Secondary Plat for each lot which will include all necessary infrastructure serving such lot.
 - iii) Individual Lot with Development Plan.
 - iv) The subdivider may submit the Secondary Plat or an individual lot along with the application for Development Plan.
- b. Application. After approval of the Primary Plat by the WPC and fulfillment of the requirements of this ordinance, the applicant shall submit to the Administrator a written application for Secondary Plat approval in accordance with the application packet adopted by the WPC as part of their Rules and Procedures. Such application shall be filed in accordance with filing deadlines outlined in the application packet. At the time of filing, the application shall be accompanied by a non-refundable application fee as indicated in the Fee Schedule. The Administrator shall forward one (1) copy to each of the individuals and agencies indicated in the previous section regarding Primary Plat Application. Those agencies or persons shall forward any comments or recommendations concerning said plat to the Administrator prior to the date of the scheduled TAC meeting.
- c. Plans.
 - i) Plat. The plat shall be drawn at a scale of fifty (50) feet to one (1) inch, except that when the drawing at that scale requires more than one (1) sheet, the plat may be drawn at a scale of one hundred (100) feet to one (1) inch. Sheets shall not exceed twenty-four (24) inches by thirty-six (36) inches in size. The Secondary Plat shall be prepared and certified by a land surveyor and/or a professional engineer registered by the State of Indiana. The Secondary Plat may include all or only a part of the Primary Plat which has received approval. The following information shall be shown on the Secondary Plat, but not limited to:
 - a) Name of subdivision and section number followed by the words "Secondary Plat".
 - b) Accurate boundary lines, with dimension and angles, which provide a legal survey of the tract, closing with an error of not more than one (1) foot in five thousand (5,000) feet.
 - c) Accurate distances and directions to the nearest official monument. Reference corners shall be accurately described on the plan.
 - d) Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.
 - e) Accurate metes and bounds description of the tract boundary.
 - f) Source of title of the applicant to the land as shown by the last entry in the books of the Boone County Recorder.
 - g) Street names.
 - h) Complete curve data for all curves included in the plan.

- i) Street lines with accurate dimensions in feet and hundredths of feet with angles to street, alley, and lot lines.
 - j) Lot numbers and dimensions including the square footage of each lot.
 - k) Accurate locations of easements for utilities and any limitations on such semipublic or community use.
 - l) Accurate dimensions and plans for any property to be dedicated or reserved for open space or other public, semi-public, or common use.
 - m) Building lines and setback dimensions throughout the subdivision.
 - n) Location, type, material, and size of all monuments and markers.
 - o) Plans and specifications for the improvements required in this ordinance.
 - p) Final protective covenants and restrictions which are properly prepared and legally sound which shall be incorporated into the plat and restrictions of all types which will run with the land and become covenants in the deed for lots.
 - q) The required anti-monotony identification standards.
 - r) Name and address of the owner and subdivider.
 - s) North point, scale, and date.
 - t) Certification of dedication of streets and other public property.
 - u) Final landscaping, lighting or parking plans shall be incorporated in the Secondary Plat design plans when requested by the Administrator or the WPC.
 - v) Certificate of approval by the WPC.
- ii) Construction Plans. It shall be the responsibility of the subdivider of every proposed subdivision to have prepared and certified by a land surveyor and/or professional engineer registered in the State of Indiana, a complete set of construction plans, including profiles, cross-sections, specifications, and other supporting data for all required public streets, utilities, and other facilities. The final construction plans shall be based on preliminary plans which have been approved with the Primary Plat, and shall be prepared, submitted, and distributed in conjunction with the Secondary Plat. The plans shall show the following:
- a) Construction plans shall be prepared for all required improvements. Plans shall be drawn on standard twenty-four (24) inch by thirty-six (36) inch sheets at a scale of no more than one (1) inch equals fifty (50) feet, and map sheets shall be of the same size as the Primary Plat.
 - b) Topographic contours at intervals of one (1) foot if the general slope of the tract is less than five percent (5%) or intervals of two (2) feet if the slope exceeds five percent (5%). Contours shall be referenced to mean sea level elevations.
 - c) Profiles showing existing and proposed elevations along center lines of all streets. Where a proposed street intersects an existing street or streets, the elevation along the center line of the existing street or streets within one hundred (100) feet of the intersection. Approximate radii of all curves, lengths of tangents, and central angles on all streets. Complete curve data for all curves included in the plan.
 - d) Where steep slopes exist, the WPC may require that cross-sections of all proposed streets at one hundred (100) foot stations shall be shown as follows: on a line at right angles to the center line of the street, and said elevation points shall be at the center line of the street,

- each property line, points twenty-five (25) feet inside each property line, edges of pavement, curbs, break points, and ditch lines.
- e) Plans and profiles showing the location and typical cross-section of streets including curbs and gutters, sidewalks, mailboxes, rights-of-way, drainage facilities, manholes, and catch basins: the location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants, showing connection to any existing or proposed utility systems: the location of street trees, street lighting standards, and street signs: and exact location and size of all water, gas, or other underground utilities or structures.
 - f) Location, size, elevation, and other appropriate description of any other existing physical and natural features or facilities including features noted on the official maps of the Town, trees with a diameter of eight inches or more (measured four (4) feet above ground level), the points of connection to proposed facilities and utilities, and the approximate high- and low-water elevations of all ponds, lakes and streams. All elevations shall be referred to the USGS datum plane.
- d. Public Notice. Public notice for Secondary Plats shall be in accordance with the Rules and Procedures established by the WPC.
 - e. Decision by the WPC. Within sixty (60) days after application for approval of the Secondary Plat, the WPC shall approve or disapprove it.
 - i) Approval. If the WPC determines that the plat complies with the standards of this ordinance, it shall grant secondary approval to the plat. After necessary performance surety has been posted, the secondary approval of a plat by the WPC shall be certified on behalf of the WPC by the WPC President and the Administrator who shall affix their signatures to the plat original and all other relevant documents which also may require such signatures.
 - a) Recording. A plat of a subdivision may not be filed with the Boone County Auditor and the Boone County Recorder may not record it, unless it has been granted secondary approval by the WPC and has been properly signed by the WPC President and the Administrator. The filing and recording of the plat is without legal effect unless approved by the WPC. One copy of the recorded plat shall be forwarded to the Administrator and the Boone County Surveyor.
 - b) Improvement Location Permits. No Improvement Location Permit shall be issued by the Administrator, or his agent, for any structure on any subdivision lots prior to the following:
 - i. The recording of said subdivision by the Boone County Recorder, except for the purposes of public facilities, and
 - ii. Installation and completion of all improvements, including grading, as shown on the development plans and approved by the WPC, except that in the case of an asphalt road surface, the installation of the final surface coat may be postponed until the end of the maintenance period. The final coat of asphalt shall be installed prior to acceptance of the road for public maintenance.
 - iii. Written certification from the appropriate Highway Department and the Boone County Surveyor that improvements are complete.
 - iv. The release of necessary performance surety and the posting of necessary maintenance surety.

- ii) Disapproval. If the WPC disapproves the Secondary Plat, it shall make written findings of fact and notify the applicant in writing, stating the specific reasons for disapproval. This written notice shall be signed by the WPC President and the Administrator.

5. Plats and Amendments. As prospective buyers or users express interest in lots sized to their required specifications, the owner shall submit an amendment to the approved recorded subdivision plat for consideration. Streets that have been built by following an approved set of plans on the previously approved Secondary Plat shall not have to be rebuilt because of the adoption of new criteria by the WPC. This shall also apply to storm drainage facilities within said subdivision unless runoff characteristics have been changed by the newly proposed improvements or by unauthorized existing improvements.

6. Appeals.

7. Amendments.

8. Restrictions.

10.2 Waivers

A. Subdivisions.

Where the subdivider can show that a provision of this ordinance would cause unnecessary hardship if strictly adhered to and where, in the opinion of the WPC, because of topographical or other conditions peculiar to the site, a departure may be made without destroying the intent of such provisions, the WPC may authorize a waiver, pursuant to IC 36-7-4-702(c). Any waiver must be requested at the time of Primary Plat or Secondary Plat application. Any waiver thus authorized is required to be entered in writing in the minutes of the WPC and the reasoning on which the departure was justified shall be set forth. Pursuant to IC 36-7-4-702(c), the standards for subdivisions may be waived at the discretion of the WPC; however, to be approved, the plat must still meet all applicable standards prescribed in the UDO (other than standards modified by variance by the WBZA). As a condition of granting a waiver, the WPC may allow or require a commitment(s) to be made under the Rules Governing Commitments.

10.3 Performance and Maintenance Sureties

A. Performance Surety.

Before the plat is signed by the officers of the WPC or is recorded, the subdivider shall file a performance bond or irrevocable letter of credit with the Administrator.

1. **Letter of Credit or Bond.** The performance bond or letter of credit shall:
 - a. Cover one hundred percent (100%) of the installation costs of the streets, surface swales, subsurface and storm drainage systems, and seeding/erosion control.
 - b. Run to the Town Council.
 - c. Be in an amount determined by the Town Council to be sufficient to complete the improvements and installations in compliance with this ordinance. The subdivider's engineer shall supply an estimate of the cost of improvements and installations on the project to aid in determination of the amount of surety. The engineer's estimate, however, shall not be binding.
 - d. Be with surety satisfactory to the Town Council. Comply with all statutory requirements and shall be satisfactory to the counsel for the Town Council as to form, sufficiency, and manner of execution as set forth in these regulations.
2. **Responsibility of the Subdivider.** All required improvements shall be made by the applicant, at his expense, without reimbursement by the Town.
 - a. In those cases where performance surety has been posted and required improvements have not been installed within the terms of such performance surety, the Town may thereupon declare the surety to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the surety is declared to be in default.
 - b. Any money received from the surety or otherwise shall be used only for making the improvements and installations for which the surety was provided.
 - c. The subdivider shall be required to maintain at his expense a certified civil engineer or engineering firm on the job site to manage the construction of the subdivision improvements. The on-site engineer shall certify that the subdivision construction is in compliance with the detailed construction plans submitted to the WPC during the review of the Secondary Plat. The on-site engineer shall submit weekly progress reports to the Administrator during construction and should notify the Administrator, Whitestown Engineer, and other appropriate officials when important work has been scheduled so that the Town may conduct an inspection. A final report shall be submitted to the WPC and the Town Council by the engineer or his firm. If the Whitestown Engineer finds upon inspection that any of the required improvements have not been constructed in accordance with the Town's construction standards and

specifications, the applicant shall be responsible for completing the improvements. Wherever the cost of improvements is covered by performance surety, the applicant and the bonding company shall be severally and jointly liable for completing the improvement according to specifications.

- d. The Town Council shall not accept any of the required improvements nor release the performance surety until the applicable officials have submitted a final inspection report. Such a report shall state that all required improvements have been satisfactorily completed and that the layout of all public improvements is in accordance with the construction plans submitted by the subdivider's engineer for the development. Only after this step should the Town Council consider acceptance of the improvements and the release of the performance surety.

- 3. Affidavit Requirement for Residential Subdivisions.** An owner of a single family lot shall be required to submit an affidavit at the time of application for an Improvement Location Permit. The affidavit must provide the following requirements on the signed document:
 - a. A narrative portion which describes the developer's responsibility to disclose to all builders the platting requirements of the anti-monotony zoning provisions which will be enforced by the WPC;
 - b. A detailed list of all pre-conditioned platting requirements that are required for the intended residential lot; and
 - c. A narrative portion which discloses the anti-monotony platting requirements will not be subject to change, unless a plat amendment is filed with the WPC.

4. Inspections.

- a. **Road Inspection.** It shall be the duty of the subdivider to notify the appropriate Highway Department before any construction commences on the curbs, gutters, public walks, or roads in the subdivision, such that the inspector may run any and all tests required during the construction period.
- b. **Sewer and Water Inspection.** It shall be the duty of the subdivider to notify the applicable sewer utility and water utility, before any construction commences such that the Sanitarian may run any and all tests required on the sewage disposal and water supply facilities in said subdivision.
- c. **Drainage Inspection.** It shall be the duty of the subdivider to notify the Boone County Surveyor before commencing construction so that any and all tests may be run on the drainage structures and the grading of the subdivision during the entire construction period.

- 5. Completion Period.** The period within which required improvements must be completed shall not in any event exceed two (2) years from date of final approval.

- 6. Extension.** The Town Council may, upon proof of difficulty, extend the completion date set forth in such surety for a maximum period of one (1) additional year. The Town Council may at any time during the period of such surety accept a substitution of principal or sureties on the surety upon recommendation of counsel for the Town Council.

B. Maintenance Surety.

Upon completion of all subdivision improvements and the release of the performance surety and prior to acceptance of these improvements into the Whitestown maintenance system, the subdivider shall provide a three (3) year maintenance bond or irrevocable letter of credit. Upon completion of all infrastructure installation, the plans for such systems as built shall be filed with the office of the WPC.

1. **Letter of Credit or Bond.** The maintenance bond or letter of credit shall:

- a. Be in an amount equal to twenty percent (20%) of the cost of said improvements and installations as indicated in establishment of the performance surety.
- b. Cover any necessary maintenance needed for the streets, surface swales, subsurface and storm drainage systems, and seeding/erosion control during the three (3) year maintenance period.
- c. Run to the Town Council.
- d. Provide surety satisfactory to the Town Council.

2. **Responsibility of the Subdivider.**

- a. The subdivider shall warrant the workmanship and all materials used in the construction, installation, and completion of said improvements and installations to be of good quality and have been constructed and completed in a workmanlike manner in accordance with the standards, specifications, and requirements of this ordinance and the satisfactory plans and specifications for the subdivision by the WPC.
- b. Any money received from the surety or otherwise shall be used only for making the improvements and installations for which the surety was provided.

3. **Affidavit Requirement for Residential Subdivisions.**

4. **Inspections.** Near the end of the three (3) year maintenance period and before the maintenance surety is scheduled to expire, the Administrator shall schedule an inspection of the subdivision. If the applicable officials find upon inspection that any of the required improvements are in need of repair, he shall notify the Administrator, the Town Council, and subdivider of those items in need of repair, and he shall prepare a report documenting such items. The subdivider shall be required to complete the repairs and upon the satisfactory completion of such repairs may request that the Town Council assume maintenance of all subdivision improvements and release the maintenance bond. Until acceptance of the subdivision improvements by the Town, it shall be the responsibility of the subdivider to maintain the subdivision to the standards of the Town.

Chapter **11**

Definitions

Definitions

A. General.

For the purpose of this ordinance, certain terms or words used herein shall be interpreted or defined as follows. Words used in the present tense include the future tense. The term “shall” is always mandatory.

ACCESS STREET, MARGINAL. See “Street, Marginal Access”.

ACCESSORY STRUCTURE. A subordinate building or structure detached from but located on the same lot as a principal building which does not alter or change the character of the premises. Agricultural buildings, public utility communications, electric, gas, water, and sewer lines, their supports and incidental equipment, and public telephone booths shall be considered accessory structures even though no principal building exists on the premises.

ACCESSORY USE (see also “HOME OCCUPATION”). A use that:

1. is clearly incidental and customarily found in connection with a principal building or use;
2. is subordinate to and serves the primary use;
3. is subordinate in area, extent, or purpose to the primary use served;
4. contributes to the comfort, convenience, or necessity of occupants, business, or industry of the primary use served;
5. is located on the same lot as the primary use served.

ACT. A bill which has passed through the various legislative steps required for it and which has become law.

ADMINISTRATOR. The Director of Planning, or a person designated by the Director of Planning to provide staff support to the WPC or WBZA, or to enforce the provisions of the Whitestown Unified Development Ordinance.

ADULT BOOK STORE. An establishment having as a preponderance of its stock in trade or its dollar volume in trade, books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records, or other forms of visual or audio representations which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

ADULT CABARET. A night club, bar, theater, restaurant, or similar establishment which features live performances by topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by their emphasis on specified sexual activities or by exposure of specified anatomical areas and/or which regularly feature films, motion pictures, video cassettes, slides, or other photographic reproductions which are distinguished or characterized by an emphasis on

specified sexual activities or by exposure of specified anatomical areas for observation by patrons.

ADULT DRIVE-IN THEATER. An open lot or part thereof, with appurtenant facilities, devoted primarily to the presentation of motion pictures, films, theatrical productions, and other forms of visual productions, for any form of consideration, to persons in motor vehicles or on outdoor seats in which a preponderance of the total presentation time is devoted to the showing of materials distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons.

ADULT LIVE ENTERTAINMENT ARCADE. Any structure which contains or is used for commercial entertainment where the patron directly or indirectly is charged a fee to view from an enclosed or screened area or booth a series of live dance routines, strip performances, or other gyrational choreography which performances are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas.

ADULT MINI-MOTION PICTURE THEATER. Any structure which contains or is used for commercial entertainment where the patron directly or indirectly is charged a fee, with a capacity of more than five (5) but less than fifty (50) persons, used for presenting films, motion pictures, video cassettes, slides, or similar photographic reproductions in which a preponderance of the total presentation time is devoted to the showing of materials which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or by exposure of specified anatomical areas for observation by patrons therein.

ADULT MOTION PICTURE ARCADE. Any place to which the public is permitted or invited where coin or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

ADULT MOTION PICTURE THEATER. Any structure which contains or is used for commercial entertainment where the patron directly or indirectly is charged a fee, with a capacity of fifty (50) or more persons used for presenting films, motion pictures, video cassettes, slides, or similar photographic reproductions in which a preponderance of the total presentation time is devoted to the showing of materials which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

ADULT SERVICE ESTABLISHMENT. Any structure, premises, or other facility, or any part thereof, under common ownership or control which provides a preponderance of services involving specified sexual activities or display of specified anatomical areas.

AGRICULTURE. Areas in which the general use of land is devoted to one (1) or more of the following;

1. Tillage of soil in the production of crops.
2. Production or maintenance of hay and pasture crops.
3. Husbandry or production of livestock or poultry, and horses, and their products, excluding dogs and other small animals commonly kept as household pets.
4. Growing of trees for the production of timber or timber products, erosion control and other purposes commonly found in agricultural areas.

AGRICULTURAL BUILDING. A structure utilized for the conduct of agricultural-related operations but not including dwellings used for human occupancy.

AIRPORT/HELIPORT. Any area which is used or intended to be used for the taking off and landing of aircraft and any appurtenance areas which are used or intended to be used for airport buildings or facilities, including open spaces, taxiways and tie-down areas.

ALLEY. A right-of-way other than a street, road, crosswalk, designed to provide a secondary means of access for the special accommodation of the property it reaches.

ANIMAL DAY CARE FACILITY. Any facility in which four (4) or more dogs or other small animals that are commonly kept as household pets, which are at least three (3) months old, and where the primary use of the facility is to care for those animals during the day-time hours. Overnight boarding of the animals at the facility is prohibited.

ANTENNA. Device designed to convert electrical signals from a cable to electro-magnetic radiation in the air.

APPLICANT. The owner(s) of real estate or their agent, who makes the application to the WPC or BZA for action that would affect the real estate.

AUTOMATIC CAR WASH. A building, or portion thereof, where automobiles, trucks, or other selfpowered vehicles are washed by mechanical devices of any type.

AUTOMOBILE REPAIR. Any building, premises, and land in which or upon which a business, service, or industry involving the maintenance, servicing, or repair of vehicles is conducted or rendered.

AUTOMOBILE SERVICE STATION. Any building, structure, or land used primarily for the dispensing or sale of any automobile fuels, oils, or accessories. This includes lubrication and replacement or installation of minor parts or accessories, but does not include major repair work such as motor replacement, transmission replacement, body and fender repair, or spray-painting.

AUTOMOTIVE, MOBILE HOME, TRAVEL TRAILER, FARM IMPLEMENT AND CONSTRUCTION MACHINERY SALES AREA. An open area other than a street or public right-of-way, used for the display, sale, or rental of new or used motor vehicles, mobile homes, travel trailers, farm implements and construction machinery.

BATTERY. An electrochemical storage device.

BED AND BREAKFAST. A residential building, or portion thereof - other than a motel, apartment hotel or hotel - containing lodging rooms for accommodation of five (5) or more persons who are not members of the keeper's family and where lodging or meals or both are provided by prearrangement and for definite periods and for compensation.

BLOCK. An area that abuts a street and lies between two (2) intersecting streets or barriers such as railroad rights-of-way or watercourses.

BOOK STORE. A business established for the retail trade of books, magazines, or similar literature, excluding adult or sexually oriented materials.

BREWERY. An establishment that is used for production of beer or malt beverages. This may also include an on-site tasting room and entertainment. Classifications under a brewery may include microbreweries and brewpubs that are defined as production and sale of produced alcohol to the general public, and may operate in conjunction with a restaurant. Permitted uses of a brewery can be determined by the WPC or by staff.

BUFFERYARD. A unit of yard together with the planting thereon required to separate land uses from each other.

BUILDING. Any enclosed structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property of any kind and includes any structure.

BUILDING INSPECTOR. The employee or officer of the Town who is empowered to inspect and approve ILP's, and to act as the agent of the Administrator in any other matter concerning the enforcement of the applicable building code ordinances.

BUILDING, DETACHED. A building having no structural connection with another building.

BUILDING HEIGHT. The vertical distance measured from the lot ground level to the highest point of the roof 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.

BUILDING PERMIT. See "ILP".

BUILDING AREA. The horizontal projected area of the buildings on a lot or premises, excluding open areas or terraces, unenclosed porches not more than one (1) story high, and architectural features that project no more than two (2) feet.

BUILDING LINE. The line that establishes the minimum permitted distance on a lot between the front line of a building and the street right-of-way line.

BUSINESS. The engaging in the purchase, sale, barter or exchange of goods, wares, merchandise or services, the maintenance or operation of offices, or recreational and amusement enterprises for profit.

CAMP GROUNDS. A parcel of land used or intended to be used for temporary occupancy by campers, recreational vehicles, travel trailers, mobile homes, tents, etc.

CANOPY TREE. A tree that has a canopy that grows to thirty-five (35) feet or higher at full maturity.

CEMETERY. Land used for the burial of the dead and dedicated for cemetery purposes, including columbarium, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

CERTIFICATE OF OCCUPANCY. A certificate stating that the occupancy and use of land or a building or structure referred to therein complies with the provisions of this ordinance.

CLEAN FILL SITE. A facility or site specifically designed and restricted to the disposal, processing and/or reclamation of off-site generated, uncontaminated and untreated stone, bricks, or concrete; road demolition waste materials; natural growth including tree limbs and grass clippings; sawdust from untreated natural wood; and other items not included in the above definition if subsequently approved by the Boone County Solid Waste Management District and the Indiana Department of Environmental Management. Clean Fill Sites shall be classified into one (1) of the following types:

1. Long term permitted clean fill disposal site.
2. Temporary permitted clean fill disposal site.
3. Long term permitted clean fill processing site.
4. Temporary permitted clean fill processing site.
5. Temporary permitted clean fill land reclamation site.

CLINIC. A building used for the care, diagnosis and treatment of sick, ailing, infirm or injured persons, and those who are in need of medical and surgical attention, but which building does not provide board, room or regular hospital care and services.

CLUB. A building or portion thereof or premises owned or operated by a person or group for a social, literary, political, educational or recreational purpose primarily for the exclusive use of members and their guests excluding adult or sexually oriented activities. This does not include any use or activity rendering a service usually and ordinarily carried out as a business including restaurants or food service.

COMMERCIAL MESSAGE. Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

COMMITMENT. A covenant concerning the use or development of a parcel of real property which is made in writing by the owner of that parcel, either voluntarily or in accordance with an order or request of the WPC, the WBZA, or the Town Council, pursuant to IC 36-7-4-1015.

COMMON AREA. An area that is held in common by an owners' association, is not located in rights-of-way, and is not located on individually owned private property.

COMPOSTING. The biological treatment process by which microorganisms decompose the organic component of vegetative matter and other types of organic material; the compost may be used as:

1. A soil conditioner.
2. A cover material for a solid waste landfill.
3. Another use approved by the Boone County Solid Waste Management District and the Indiana Department of Environmental Management.

COMPOSTING FACILITY. A solid waste processing facility specifically designed and operated for the express purpose of composting.

COMPOST/DIGESTER FACILITY. A specific type of composting facility.

COMPREHENSIVE PLAN. The Comprehensive Plan for the Town of Whitestown, Indiana, approved by the Whitestown Town Council and as amended from time to time.

CONCEPT PLAN. An informal review of a proposed subdivision by the WPC at a public hearing to alert applicants to problems and requirements prior to an official submission for the purpose of saving time and money for all parties.

CONDITIONAL USE. A use that has specific development standards associated with it that are in addition to the development standards for the zoning district in which it lies.

CONFINED FEEDING OPERATION. As defined in IC 13-11-2-40,

1. Any confined feeding of three hundred (300) or more cattle, six hundred (600) or more swine or sheep, thirty thousand (30,000) or more fowl, or five hundred (500) or more horses;
2. Any animal feeding operation where the operator elects to be subject to IC 13-18-10;
3. Any animal feeding operation that is causing a violation of the State's water pollution control laws or rules; or
4. Any animal feeding operation that is causing a violation of IC 13-18-10.

CONSERVATION AREA. Designated open space further defined as Primary and Secondary Conservation Areas.

1. Primary Conservation Areas include wetlands, lands that are generally inundated, land within areas that have been identified on the community's Flood Hazard Boundary Map (FHBM) as Zone A, and slopes exceeding twenty-five percent (25%).
2. Secondary Conservation Areas typically include parks and natural resources such as forests, meadows, farm fields, wildlife habitat, and water quality protection or other reasons.

CONSERVATION AREA, PRIMARY. This category includes wetlands, lands that are generally inundated (under ponds, lakes, or creeks), land within the 100-year floodplain, and slopes exceeding twenty-five percent (25%).

CONSERVATION AREA, SECONDARY. This category shall typically include all or part of the following kinds of resources: woodlands; aquifer recharge areas; poorly drained soils; significant wildlife habitat areas; prime farmland; historic, archaeological or cultural features listed (or eligible to be listed) on national, state, or county registers or inventories; scenic views into the property from existing public roads; or other features unique to the site. Secondary Conservation Areas therefore typically include forest, meadows, pastures, and farm fields, part of the ecologically connected matrix of natural areas significant for wildlife habitat, water quality protection or other reasons.

CONSTRUCTION/DEMOLITION SITE. A solid-waste land disposal facility, or site, designed and operated to accommodate large volumes of solid waste, having minimal potential for ground water contamination. Further, in the Boone County Solid Waste Management District, a Construction/ Demolition Site is to be specifically designed and restricted to the disposal, processing, and/ or reclamation of only construction or demolition waste to include bricks; concrete; stone; glass; wallboard; lumber; roofing materials; other items which are affixed to the structure being constructed or demolished including plumbing fixtures; wiring and non-asbestos insulation; and other items not included in the above definition if subsequently approved by the Boone County Solid Waste Management District and the Indiana Department of Environmental Management.

COUNTY. The County of Boone, Indiana.

DAY CARE CENTER. A commercial facility or single-family home licensed and/or regulated by the Indiana Department of Public Welfare for the care and/or education of human beings. A day care center shall not be considered a home occupation.

DBH. Diameter at breast height.

DEVELOPER. Any person engaged in developing a lot or group of lots or structures thereon for use or occupancy.

DEVELOPMENT PLAN. A specific plan for the development of real property that:

1. Requires approval by the WPC under the 1400 Series of IC 36-7-4:
2. Includes a site plan.

3. Satisfies the development requirements specified in the ordinance regulating the development; and
4. Contains the plan documentation and supporting information required by the ordinance regulating development.

DEVELOPMENT REQUIREMENT. Development standards plus any additional requirements which must be satisfied in connection with the approval of a Development Plan.

As relates to Section 9.4, a requirement:

1. for development of real property in a zoning district for which a Development Plan is required; and
2. that conforms to IC 36-7-4-1403.

As relates to planned unit development a requirement:

1. for development of real property in a planned unit development district that must be met; and
2. that conforms to IC 36-7-4-1508.

DIRECTOR. See “ADMINISTRATOR”.

DISTRICT. A specified zoning district within the jurisdictional area for which uniform regulations governing the use, height, area, size, and intensity of use of buildings and land, and open spaces about buildings, are herein established.

DRIVE-IN RESTAURANT. An establishment selling foods, frozen desserts, or beverages to consumers, the establishment being designed, intended, or used for the consumption of such items on the premises outside of the building in which they were prepared

DRUG STORE. A store where the primary business is the filling of medical prescriptions and the sale of drugs, medical devices and supplies, and non-prescription medicines but where nonmedical products may be sold as well.

DWELLING. A building or part of a building that is used primarily as a place of abode, but not including a hotel, motel, lodging house, boarding house, bed and breakfast, or mobile home as defined in this ordinance.

DWELLING, MULTI-FAMILY. A residential building designed for or occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

DWELLING, SINGLE-FAMILY. A detached residential dwelling unit designed for and occupied by one (1) family only.

DWELLING, TWO-FAMILY. A detached residential building containing two (2) dwelling units designed for occupancy by not more than two (2) families.

DWELLING UNIT. A room or group of rooms designed and equipped exclusively for use as living quarters for only one (1) family and its household employees, including provisions for living, eating, sleeping and cooking. The term shall include mobile and manufactured homes but shall not include recreational vehicles.

EASEMENT. An authorization or grant by a property owner to specific persons, the general public, corporations, utilities, etc. for the purpose of providing services or access to the property.

ESTABLISHED FRONT SETBACK. See “SETBACK, ESTABLISHED FRONT.”

ESTABLISHMENT OF A SEXUALLY ORIENTED BUSINESS. This phrase means and includes any of the following:

1. The opening or commencement of any such business as a new business;
2. The conversion of an existing business, whether or not a sexually oriented business, to any of the sexually oriented businesses defined herein;
3. The addition of any of the sexually oriented businesses defined herein to any other existing sexually oriented business; or
4. The relocation of any such business.

FAMILY. One (1) or more persons living as single housekeeping unit, but not including a group occupying a hotel, motel, club, nursing home, dormitory, fraternity or sorority house.

FENCE. A partition including entrance and exit gates, designed and constructed for enclosure or screening.

FILLING OR SERVICE STATION. see “AUTOMOBILE SERVICE STATION.”

FLOODPLAIN. The channel proper and the areas adjoining any wetland, lake, or watercourse which have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the fringe districts.

FLOODWAY. The channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream

FLOOR AREA, NET. The sum in square feet, at grade, computed from the outside dimensions of the structure. It does not include garage area, crawl space, attic area, porches, patios, elevator shafts, display windows, etc.

FLOOR AREA, GROSS. The sum of the gross horizontal areas of the several floors of a building or structure from the exterior face of exterior walls, or from the centerline of a wall separating two (2) buildings, but excluding any space where the floor-to-ceiling height is less than six (6) feet.

FLOOR AREA, GROUND. Same as “FLOOR AREA, NET” except computed for ground floor only.

FOOD PROCESSING. The preparation, storage, or processing of food products.

FRATERNITY, SORORITY OR STUDENT HOUSING. A building used as group living quarters for a student body or religious order as an accessory use for a college, university, boarding school, convent, monastery, or other similar institutional use.

FRONTAGE. The distance at which a property or properties is located along a dedicated street or road.

FRONTAGE ROAD. A street that is parallel to and adjacent to a thoroughfare or other main road and that is designated to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the thoroughfare is not impeded by direct driveway access from a large number of abutting properties.

GARAGE, PRIVATE RESIDENTIAL. A structure that is accessory to a residential building and that is used for the parking and storage of vehicles owned and operated by the residents thereof and that is not a separate commercial enterprise available to the general public.

GARAGE, PARKING. Any garage, other than private garage, for the parking of vehicles.

GARAGE, TRUCK REPAIR. A building, other than a parking garage or private residential garage, used for the care, repair, or equipment of trucks, over one ton (2,000 pounds), or where such vehicles are parked or stored for remuneration, hire, or sale.

GRADE. The slope of a road, street, or other public way, specified in terms of percentage.

GROUP RESIDENTIAL FACILITY. A facility licensed by the State of Indiana, which provides a homelike setting to the developmentally disabled and/or the mentally ill who need the benefits of a group living situation as an alternative to hospitalization or institutionalization.

HELIPORT. See "AIRPORT."

HAZARDOUS WASTE. A waste or combination of wastes that, because of its quantity; concentration; or physical, chemical, and/or infectious characteristics; may:

1. Cause or significantly contribute to an increase in mortality or increase in serious irreversible, or incapacitating reversible illness: or
2. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

HAZARDOUS WASTE LANDFILL. A facility approved by the EPA and sited by the State of Indiana for the disposal of hazardous wastes as defined elsewhere in this ordinance.

HOME OCCUPATION OR CUSTOMARY HOME OCCUPATION. An occupation carried on by an occupant at his or her place of residence in accordance with the requirements of this ordinance.

HOTEL. A building or group of buildings in which lodging is provided and offered to the public for compensation and which is open to transient guests, in contradiction to a boarding house or lodging house.

ILP (IMPROVEMENT LOCATION PERMIT). A permit which is written permission issued by the administrator for the construction, repair, alteration, or addition to a structure that complies with the development standards of the Zoning Ordinance and applicable building codes.

INCINERATOR. An engineered apparatus or solid waste processing facility designed for the burning of solid waste under the effect of controls of temperature, retention time, air, and other combustion factors.

INDUSTRIAL, GENERAL. Manufacturing, processing, extraction, heavy repairing, dismantling, storage, or disposal of equipment, raw materials, manufactured products or wastes, in which operations, other than transportation, may be performed in either open or closed areas.

INDUSTRIAL PARK. A tract of land that is planned and developed as a distinctive unit featuring landscaped open spaces and well designed structures to be used for research, offices, experimental, and testing laboratories, light industrial, storage and distribution facilities, and for necessary uses to the convenience of employees, and is controlled by an organization guaranteeing the continued maintenance of all commonly used areas and installations.

INDUSTRY, LIGHT. Manufacturing, processing, extraction, heavy repairing, dismantling, storage, or disposal of equipment, raw materials, manufactured products or wastes, in which all operations, other than transportation, are performed entirely within enclosed buildings and for which all loading and unloading facilities are enclosed.

INOPERATIVE MOTOR VEHICLE. Any automobile, truck, semi-trailer, school bus, recreational vehicle, etc. that lacks a motor, drive train, wheels, axles, transmission, etc; also a vehicle which does not carry a current year state registration or license tag.

INSTITUTION. Any home, orphanage, or other facility maintained or conducted by a group of persons, a firm, association, corporation, or governmental body engaged in receiving and caring for dependent, neglected, handicapped, or permanently disabled persons, or children in danger of becoming delinquent or in operating for gain a private business of boarding children who are unattended by parents or guardians, or persons in loco parentis.

INTERNAL ILLUMINATION. A means of sign illumination in which the characters, letters, fixtures, designs or outlines are illuminated from the inside or behind the sign by electric lights or tubes.

JUNK YARD. Any lot, parcel, or tract of real estate, platted or un-platted, at which personal property is or may be salvaged for reuse, resale, or reduction or similar disposition and is owned, possessed, collected, accumulated, dismantled, or assorted, including but not limited to used or salvaged base metal or metals, their compounds or combinations, used or salvaged rope, bags, paper matter; and property used for the dismantling, wrecking, storage, sale, or dumping of two (2) or more inoperative motor vehicles or their parts. This shall not include tractors, combines, pickers, discs, plows, or other similar farm machinery that is owned by a

farm operator and is used for parts replacement for machinery currently being used in the farming operation.

JURISDICTIONAL AREA. The incorporated area within the municipal boundaries of the Town of Whitestown as amended from time to time by the Town Council.

KENNEL, SMALL. Any lot or premises on which there are located four (4) to twenty-five (25) run cages, pens and/or animal housing units for dogs or other small animals that are commonly kept as household pets, at least four (4) months old and where the primary use of the facility is to breed and/or board the animals, whether on a temporary or long-term basis. All animals must be licensed in accordance with County regulations.

KENNEL, LARGE. Any lot or premises on which there are located twenty-six (26) to fifty (50) runs, cages, pens, and/or animal housing units for dogs or other small animals that are commonly kept as household pets, which are at least three (3) months old, where the primary use of the facility is to breed and/or board the animals, whether on a temporary or long-term basis. All animals must be licensed in accordance with County regulations.

KENNEL, UNLIMITED. Any lot or premises on which there are located more than fifty (50) runs, cages, pens, and/or animal housing units for dogs or other small animals that are commonly kept as household pets, which are at least three (3) months old, where the primary use of the facility is to breed and/or board the animals, whether on a temporary or long-term basis. All animals must be licensed in accordance with County regulations.

LANDSCAPE CONTRACTOR. A person, partnership, or corporation involved in the business of growing, storing, planting, installing, and otherwise caring for live-trees, shrubs, flowers, etc.

LEGISLATIVE BODY. The town council for the Town of Whitestown.

LIFE CARE FACILITY. A facility for the housing and care of elderly residents that may or may not contain on-site health care facilities.

LOADING AND UNLOADING BERTHS. The off-street area required for the receipt or the distribution, by vehicles, of material or merchandise.

LOT. A platted parcel or tract of land of at least sufficient composition to meet minimum zoning requirements and provide such yards and other open spaces as are hereby required.

LOT AREA. The area of horizontal plan bounded by the vertical planes through front, side, and rear lot lines.

LOT COVERAGE. The total ground area within the Lot or project covered by the primary structure, plus any accessory structures (including decks, patios, swimming pools, garages, carports, and storage sheds), excluding driveways, sidewalks, fences, and walls not attached in any way to a roof.

LOT, CORNER. A lot at the junction of or abutting two (2) or more intersecting streets. Corner lots have two (2) front yard setbacks and two (2) side yard setbacks.

LOT DEPTH. The average horizontal distance between the front and rear lot lines.

LOT, FLAG. A lot with access provided to the majority of the lot by means of a narrow corridor.

LOT, INTERIOR. A lot other than a “LOT, CORNER” or “LOT, THROUGH.”

LOT, PERIMETER. A subdivision lot that either:

1. Has a lot line that abuts the right-of-way of a street or frontage road located on the perimeter of the subdivision; or
2. Is separated from the right-of-way of a street located on the perimeter of the subdivision by a common area.

LOT, THROUGH. A lot having frontage on two (2) parallel or approximately parallel streets.

LOT LINE. A line dividing one (1) lot from another lot or from a street or alley.

LOT LINE, FRONT. Any property line separating the lot from a street, or on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained.

LOT LINE, REAR. Any property line which is not intersecting and most distant from and most closely parallel to the front lot line. A lot bounded by only three (3) lot lines will not have a rear lot line.

LOT LINE, SIDE. Any lot boundary-line, not a front lot line or rear lot line.

LOT OF RECORD. A lot whose existence, location, and dimensions have been legally recorded or registered in a deed or on a plat recorded in the office of the Boone County Recorder, provided that such lot meets the development standards and requirements for lots in the district in which it was located at the time of recording.

LOT WIDTH. The horizontal distance between side lot lines, measured at the required front setback line or building line, whichever is less.

MAJOR THOROUGHFARE. A “major thoroughfare” shall mean all primary traffic corridors entering or leaving the Town including, but not limited to, C.R. 650 E, C.R. 400 S, C.R. 300 S, C.R. 500 S, 575 E, SR267, and Indianapolis Road.

MAJOR THOROUGHFARE, ADJACENT TO A. “Adjacent to a major thoroughfare” shall mean any lot or lots located near a major thoroughfare which lot (or lots) is not separated from the major thoroughfare by another buildable lot.

MAJOR UTILITY EASEMENT. Easements for high-voltage electric transmission lines used for trans-county or trans-state distribution; or easements for high-volume conveyance of natural gas or petroleum in underground pipelines for trans-county or trans-state distribution.

MASSAGE. Any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external parts of the human body with the hands or with the aid of any mechanical electrical apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointment, or other such similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is

provided or some third person on his behalf will pay money or give any other consideration or any gratuity therefore. However, massage as used in this ordinance shall not apply to the activity of any person who is registered or licensed by the United States Government or any agency thereof, by the State of Indiana or any agency thereof, by Boone County or any agency thereof, or registered or licensed by any agency or association authorized to so register or license by any statute or ordinance of the United States, the State of Indiana, or Boone County, while such person so registered or licensed is performing the services for which the registration or license was issued and during the period of time said registration or license is in effect.

MASSAGE ESTABLISHMENT. Any establishment having a source of income or compensation derived from the practice of massage as herein defined and which has a fixed place of business where any person, firm, association, or corporation engages in, or carries on any of the activities as defined in a massage.

MAXIMUM DENSITY. A unit of measurement which represents the maximum number of units per acre of land on the aggregate total land to be developed, exclusive of rights-of-way of perimeter streets, floodway areas, and areas designated as Primary Conservation Areas or other non-developable areas.

MINERAL EXTRACTION. Activities including mining or quarrying, and the removal of earth materials.

MOBILE HOME. As defined in IC 16-41-27-4, a detached transportable structure designed to be used as a single-family residential dwelling with all of the following characteristics:

1. Factory assembled;
2. Transportable;
3. Intended for year-round occupancy;
4. Designed for transportation on its own chassis; and
5. Manufactured before the effective date of the Federal Manufactured Housing Construction and Safety Standards Law of 1974 (42 U.S.C. 5401 *et seq.*).

MOBILE HOME PARK. A mobile home community, as defined in IC 16-41-27-5, which includes one (1) or more parcels of land that have all of the following characteristics:

1. The parcels are subdivided and contain individual lots that are leased or otherwise contracted;
2. The parcels are owned, operated, or under the control of one (1) or more persons; and
3. Where a total of at least five (5) mobile homes or manufactured homes are located for the purpose of being occupied as principle residences.

Pursuant to IC 16-41-27-5, the term **MOBILE HOME PARK** also includes all of the following: (i) All real and personal property used in the operation of the park; (ii) A single parcel; (iii) Contiguous but separately owned parcels if they are jointly operated; (iv) Two (2) or more

parcels that are separated by other parcels, but are jointly operated and connected by a private road; (v) One (1) more parcels, if at least two (2) of the mobile homes or manufactured homes located on the land are either (A) accessible from a private road or interconnected private roads; (B) served by a common water distribution system; or (C) served by a common sewer or septic system.

MOBILE HOME, TEMPORARY. The temporary placement of a mobile home for one (1) of the following purposes:

1. Temporary residence for persons intending to build a permanent residence on the same property within two (2) years.
2. Temporary residence of a mobile home adjacent to the permanent residence of someone who is able to provide care or in need of care.
3. Temporary use of a mobile home, trailer, or van as a contractor's office, watchman's shelter, or tool and equipment storage on the project site and only during the period of construction.

MOTEL. See "Hotel."

NIGHT CLUB. An establishment dispensing liquor and/or meals and in which music, dancing, or entertainment is conducted, excluding adult or sexually oriented activities.

NON-CONFORMING USE. Lots, structures, uses of land, and/or zoning districts which were lawful before this ordinance was amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendments.

NURSING HOME. A facility licensed by the State of Indiana that provides nursing and health care services on a continuing basis to persons of all ages who may require medical treatment but not hospitalization.

OPEN DUMP. The consolidation of solid waste from one (1) or more resources or the disposal of solid waste at a single disposal site that does not fulfill the requirements of a sanitary landfill or other land disposal method as prescribed by law or regulations, and that is established and maintained without cover and without regard to the possibilities of contamination of surface or subsurface water resources.

OPEN SPACE. Common area that provides light and air and is 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, and wooded areas. Open space shall comprise Primary Conservation Areas and Secondary Conservation Areas. Open space shall not include areas devoted to public or private streets or rights-of-way.

ORPHANAGE. An institution for the care of children whose parents are incapacitated or deceased.

OVERLAY DISTRICT. A zoning district that encompasses one (1) or more underlying zones and that imposes additional requirements above that required by the underlying zone.

PARENT LOT, TRACT, OR PARCEL. The lot, tract or parcel of land for which approval is sought to subdivide it into at least two (2) lots, tracts, parcels or other divisions of land for sale, development or lease.

PARKING AREA. Any public or private area, under or outside of a building or structure, designed and used for parking and maneuvering motor vehicles including garages, private driveways, and legally designated areas of public streets.

PARKING SPACE. A space other than on a street or alley designed for use or used for the temporary parking of a motor vehicle.

PERIMETER FENCE OR WALL. Any fence or wall within zero degrees (0') to forty-five degrees (45') of being parallel to a perimeter road and within the rear yard setback for the applicable zoning district.

PERIMETER LOT. See "LOT, PERIMETER."

PERIMETER THOROUGHFARE. See "THOROUGHFARE, PERIMETER".

PERSON. Any individual, corporation, firm, partnership, association, or organization, or any other group that acts as a unit.

PLANNED UNIT DEVELOPMENT. A district established to allow development of an area of land as a single entity for a number of uses conforming to an approved Development Plan, which may not correspond with number of units, bulk, type of use, density, open space, parking, signage, landscaping, or other standards required by other ordinances; a zoning district for which a PUD ordinance is required.

PLANT NURSERY. Land, buildings, structures or a combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail or wholesale sale on the premises including products used for gardening and landscaping.

PLAT. A map or chart indicating the subdivision or re-subdivision of land intended to be filed for record.

PLAT COMMITTEE. In accordance with IC 36-7-4-701(e), a sub-committee created by the Plan Commission to hold hearings on minor residential subdivisions and re-plats on behalf of the WPC in accordance with the Rules and Procedures of the WPC.

PRIMARY STRUCTURE. A building in which the primary use of the lot or premises on which it is located is conducted, including a building that is attached to such a building in a substantial way, such as by a roof. With respect to residential uses, the primary building shall be the main dwelling.

PRIMARY USE. The predominant use of any lot or parcel or as determined by the primary structure.

PRIME FARMLAND. Land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is also available for these uses (land cannot be urban built-up land or water). It has the soil quality, growing season, and moisture supply needed to economically produce sustained high yields or crops when treated and managed, including water management, according to acceptable farming methods. In general, prime farmlands have an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, acceptable salt and sodium content, and few or no rocks. They are permeable to water and air. Prime farmlands are not excessively erodible or saturated with water for a long period of time, and they either do not flood frequently or are protected from flooding. These areas are defined and illustrated on the map Important Farmlands as defined in 1975 by Cartographic Division, Soil Conservation Service, USDA, of Boone County, Indiana as amended.

PRINCIPAL USE. See “Primary Use”.

PRIVACY FENCE. A fence with sixty percent (60%) or greater opacity.

PROFESSIONAL OFFICE CENTER. A building or group of buildings housing professional offices and appropriate associated and accessory uses.

PROJECTING SILL. A window sill that projects out at least three-fourths (3/4) of an inch from the plane of the façade to which it is incorporated.

PUBLIC SAFETY SERVICES. Those services including, but not limited to Police, Fire, EMS, and Public Works departments.

PUBLIC SEWER UTILITY. A municipal or public sewage disposal service that has been issued a final order by the Indiana Utility Regulatory Commission (IURC) granting a Certificate of Territorial Authority (CTA) to the utility and maintains said CTA in good standing with the IURC.

PUBLIC UTILITY. A municipally owned or investor owned utility that has been issued a final order by the IURC granting an applicable Certificate to the utility and maintains said Certificate in good standing with the IURC.

PUBLIC UTILITY INSTALLATIONS. The erection, construction, alteration, operation or maintenance of buildings, power plants, substations, water and sewage treatment plants, pumping stations, and other similar public service structures by a public utility, railroad or by a municipal or other governmental agency.

PUBLIC WATER UTILITY. A municipally owned or investor owned water utility that has been issued a final order by the IURC granting a Certificate of Necessity and Convenience (CNC) to the utility and maintains said CNC in good standing with the IURC.

PUD. Planned Unit Development.

PUD DISTRICT. A zoning district for which a PUD district Ordinance is adopted.

PUD DISTRICT ORDINANCE. A zoning ordinance that meets the requirements of IC 36-7-4-1500 series and does the following:

1. Designates one (1) or more parcels of real property as a PUD district.
2. Specifies uses or range of uses permitted in the PUD district.
3. Expresses in detailed terms the development requirements that apply in the PUD district.
4. Specifies the plan documentation and supporting information that must be supplied before an ILP may be issued for development of real property in the PUD district.
5. Specifies any limitation applicable to a PUD district; and
6. Meets the requirements of IC 36-7-4-1503.

RECOVERY. Obtaining materials or energy for commercial or energy for commercial or industrial use from solid waste or hazardous waste.

RECREATION AREA. An area designated, designed, and equipped for the conduct of sports and leisure-time activities.

RECREATION FACILITY, INDOOR. A place primarily designed and equipped for the conduct of sports and leisure-time activities indoors.

RECREATION FACILITY, OUTDOOR. An area primarily designed and equipped for the conduct of outdoor sports and leisure-time activities. Such facility may be either public or private.

RECREATIONAL VEHICLE (RV). A vehicle designed as a temporary living quarters for recreation, camping or travel, either with their own motor power or mounted or towed by another powered vehicle.

RECREATIONAL VEHICLE PARK. Any lot or land upon which two (2) or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

RECYCLING. Means a process by which materials that would otherwise become solid waste are collected, separated or processed, and converted into materials or products for reuse or sale.

RELIGIOUS INSTITUTION. A building, together with its accessory buildings and uses, where persons regularly assemble for religious purposes and related social events and which buildings, together with accessory buildings and uses, is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes.

RESOURCE RECOVERY FACILITY. A solid waste processing facility designed and operated for the express purpose of processing solid waste into commercially valuable materials or energy.

RESOURCE RECOVERY. The processing of solid waste into commercially valuable materials or energy.

RESOURCE RECOVERY SYSTEM. A solid waste management system that provides for collection, separation, recycling, and recovery of solid and/or non-hazardous wastes including the disposal of non-recoverable waste residues.

RESTRICTED WASTE SITE. A solid waste land disposal facility designed and operated to accommodate specific types of waste as specified in 329 IAC 2-9.

RIGHT-OF-WAY. A strip of land occupied or intended to be occupied by transportation facilities, public utilities or other special public uses.

ROADSIDE PRODUCE STAND. A temporary structure designed or used for the display or sale of agricultural and related products.

SCREENED-IN PORCH. A single-story structure architecturally incorporated into a primary structure, with a screened area in excess of sixty percent (60%) of the gross area of the structure's exterior walls.

SANITARY LANDFILL. A solid waste land disposal facility designed to accommodate general types of solid waste as elsewhere defined in this ordinance, excluding waste regulated by 329 IAC 3, and operated by spreading the waste in thin layers, compacting it to the smallest practical volume, and covering it with cover material at the end of each working day. This definition does not include an Open Dump, a Clean Fill Site, or a Construction/Demolition Site, which are defined elsewhere in the ordinance.

SERVICE STATION. See "AUTOMOBILE SERVICE STATION."

SETBACK, ESTABLISHED FRONT. The lease measured distance between the right-of-way line and the nearest point on the primary structure's foundation.

SETBACK LINE. A line established by the Zoning Ordinance defining the limits of a yard in which no building or structure may be located except as may be excluded in said ordinance.

SEXUALLY ORIENTED BUSINESS. An adult book store, adult cabaret, adult drive-in theater, adult live entertainment arcade, adult mini-motion picture theater, adult motion picture arcade, adult motion picture theater, adult service establishment, or massage establishment.

SHARED DRIVEWAY. A single driveway that serves two (2) to four (4) adjacent lots pursuant to access easements.

SIGN. Any object, device, display, or structure, or part thereof situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. For purposes of this ordinance, the following signs are defined:

1. animated sign - any sign that uses movement or change of lighting to depict action or create a special effect or scene.

2. banner - any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one (1) or more edges. National flags, state, or municipal flags, or the official flag of any institution or business shall not be considered banners.
3. building marker - any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.
4. building sign - any sign attached to any part of a building, as contrasted to a freestanding sign.
5. canopy sign - any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.
6. flag - any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.
7. freestanding sign - any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.
8. incidental sign - a sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "no parking," "entrance," "loading only," and other similar directives. No sign with a commercial message legible from a position off the lot on which this sign is located shall be considered incidental.
9. marquee - any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.
10. Off-premises sign - directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.
11. portable sign - any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible front the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.
12. projecting sign - any sign affixed to a building or wall in such a manner that its leading edge extends more than six (6) inches beyond the surface of such building or wall.
13. residential sign - any sign located in a residential district that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of the Zoning Ordinance.

14. roof sign - any sign erected and considered wholly on an over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.
15. roof sign, integral - 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 and such that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.
16. suspended sign - a sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.
17. temporary sign - any sign that is used only temporarily and is not permanently mounted.
18. wall sign - any sign attached parallel to, but within six (6) 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 (1) sign surface.
19. window sign - any sign, poster, symbol, or other type of identification or information about the use or premises directly attached to the window of a building or erected on the inside or outside of the window, which is legible from any part of a public right-of-way or adjacent property. For purposes of this definition, a "window" is defined as an opening in the wall or roof of a building or vehicle that is fitted with glass or other transparent material in a frame to admit light or air and allow people to see out.

SIGN, ABANDONED. A sign associated with an abandoned use, a sign that remains after the termination of the business, or a sign on its immediate premises not adequately maintained or repaired.

SITE PLAN. A plan prepared to scale showing accurately and with complete dimensions, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features, interior vehicular and pedestrian access proposed for a specific parcel of land.

SOLID WASTE. Garbage; refuse; sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility; or other discarded materials including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, or agricultural operations or from community activities. However, the term solid waste does not include:

1. Solid or dissolved materials in domestic sewage or solid or dissolved materials in irrigation return flows or industrial discharges, which are point sources subject to permits under Section 402 of the Water Pollution Control Act Amendments (33 U.S.C. 1342);
2. Source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2011 et. seq.); or

3. Manures or crop residues returned to the soil at the point of generation as fertilizers or soil conditioners as part of a total farm operation, pursuant to IC 13-11-2-205(a)(3).

SOLID WASTE PROCESSING FACILITY. Means a solid waste facility upon which is located a solid waste incinerator, transfer station, solid waste baler, solid waste shredder, resource recovery system, composting facility, garbage grinding facility, and other facilities, or recycling facilities, not included in the above definition if subsequently approved by the Boone County Solid Waste Management District and the Indiana Department of Environmental Management.

SOLID WASTE TRANSFER STATION. See “Transfer Station”.

SPECIAL EXCEPTION. The authorization of a use, designated as being permitted in the district concerned if it meets special conditions, and upon application, is specifically authorized by the WBZA.

SPECIFIED ANATOMICAL AREAS. This phrase means and includes any of the following:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola; or
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES. This phrase means and includes any of the following:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy;
3. Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts;
4. Flagellation or torture in the context of a sexual relationship;
5. Masochism, erotic or sexually oriented torture, beating or the infliction of pain;
6. Erotic touching, fondling or other such contact with an animal by a human being; or
7. Human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth in items 1 through 6 above.

STABLE, PRIVATE. An accessory building in which horses are kept for private use and not for remuneration, hire, or sale.

STABLE, PUBLIC. An accessory building in which horses are kept for commercial use including boarding, hire, riding, show, or sale.

STATE. The State of Indiana.

STORY. That part of a building between the surface of a floor and the ceiling immediately above; or if there is a floor above, the portion of a building between the surface of any floor and the surface of the next floor above. A basement shall not be counted as a story.

STREET OR ROAD. A right-of-way established for or dedicated to the public use, which affords the principal means of access to abutting properties.

STRUCTURAL ALTERATION. Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the exterior walls or roof.

STRUCTURE. Anything constructed or erected which requires location on the ground or attachment to something having a location on the ground.

SUBDIVIDER. Any person having an interest in land that is the subject of an application for subdivision. Also, a person submitting an application for subdivision.

SUBDIVISION. The division of a lot, tract or parcel of land into two (2) or more lots, tracts, parcels or other divisions of land for sale, development or lease.

SUBDIVISION CONTROL ORDINANCE. The provisions of Chapters 6 and 7 of this ordinance. See Chapter 1 hereof.

SUBDIVISION, MAJOR RESIDENTIAL. The division of a lot, tract, or parcel of land into five (5) or more residential lots, tracts, parcels or other divisions of land for sale, development or lease. The parent lot, tract or parcel of land counts as one (1) of the subdivided lots, tracts, parcels or other subdivisions of land for the purpose of determining whether the application for approval is to be treated as a major or minor residential subdivision.

SUBDIVISION, MINOR RESIDENTIAL. The division of a lot, tract, or parcel of land into two (2) to four (4) residential lots, tracts, parcels or other divisions of land for sale, development or lease. The parent lot, tract or parcel of land counts as one (1) of the subdivided lots, tracts, parcels or other subdivisions of land for the purpose of determining whether the application for approval is to be treated as a major or minor residential subdivision.

SUNROOM. A single-story structure architecturally incorporated into a primary structure, projecting from that structure, with a glazing area in excess of forty percent (40%) of the gross area of the sunroom structure's exterior walls.

SWIMMING POOL. A self-contained body of water at least eighteen (18) inches in depth used for recreational purposes. Such body of water may exist in a metal tank, plastic lined or masonry structure located either above or below ground level. Swimming pools may be either public or private in use. A private pool is considered as an accessory use.

TEMPLE. See "CHURCH".

THOROUGHFARE. See "STREET".

THOROUGHFARE, PERIMETER. An existing or proposed street that either lies on the edge of or passes through a proposed subdivision and is designated in the Thoroughfare Plan with a functional classification of collector or higher.

THOROUGHFARE PLAN. The portion of the Whitestown Comprehensive Plan which identifies the existing and proposed locations of interstate highways, primary arterials, secondary arterials, feeders and local roads and streets and rights-of-way within the Jurisdictional Area, as amended from time to time under IC 36-7-4-506.

TOWN. The Town of Whitestown.

TRADE OR BUSINESS SCHOOL. A secretarial or business school or college when not publicly owned or not owned or conducted by or under the sponsorship of a religious, charitable, or non-profit organization, or a school conducted as a commercial enterprise for teaching music, dancing, barbering, hair dressing, drafting, or industrial or technical arts.

TRANSFER STATION. Means a solid waste processing facility at which solid waste is transferred from a vehicle or a container to another vehicle or container for transportation, but shall not include neighborhood recycling collection centers or transfer activities at generating facilities.

TRUCK SERVICE CENTER. An occupancy, which provides especially for the servicing of trucks, with incidental operations similar to those permitted for “Automobile Service Station”.

USE. The specific purposes, for which land or a building is designated, arranged, intended or for which it is or may be occupied or maintained.

VARIANCE. A modification of the specific requirements of this ordinance for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and district.

VETERINARY ANIMAL HOSPITAL OR CLINIC. A facility where the primary use is for a licensed veterinarian and his/her supervised staff to care for, diagnosis, and treat sick, ailing, infirm or injured animals, and those in need of medical or surgical attention. Temporary boarding on the premises as an accessory use is allowed

VIDEO STORE. A business where videos and associated visual home entertainment products are sold, rented, or otherwise distributed, excluding sexually oriented material.

WIRELESS FACILITY. The set of equipment and network components necessary to provide wireless communications service. The term does not include a wireless support structure.

WBZA. The board of zoning appeals for the Town of Whitestown, Indiana.

WIRELESS SUPPORT STRUCTURE. A freestanding structure designed to support wireless facilities. The term does not include a utility pole or an electrical transmission tower.

WPC. The Advisory Plan Commission of Whitestown, Indiana.

YARD. A space on the same lot with principal building, open, unoccupied and unobstructed by structures, except as otherwise provided in this ordinance.

YARD, FRONT. A yard extending across the full width of the lot, unoccupied other than by steps, walks, terraces, 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.

YARD, REAR. A yard extending across the full width of the lot between the rear of the main building and the rear lot line the depth of which is the perpendicular distance between the rear lot line and the rear setback line.

YARD, SIDE. A yard extending across the full length of the lot, unoccupied other than by steps, walks, terraces, driveways, lampposts, and similar structures, the depth of which is the perpendicular distance between the side lot line and the side setback line.

YARD SALE. Garage sales, rummage sales, yard sales, and the like shall mean the sale of personal property from a residentially occupied site, provided that such sale shall not extend beyond three (3) consecutive days and further that they may be conducted to a maximum of four (4) times in a calendar year.

ZONE MAP. The map or maps that are a part of the Zoning Ordinance and delineate the boundaries of zone districts and any amendments thereto of the jurisdictional area of the WPC.

ZONING ORDINANCE. The provisions of this Whitestown Unified Development Ordinance, except for Chapters 6 and 7 of this ordinance. See Chapter 1 hereof.

ZONING DISTRICT. See "DISTRICT."



WHITESTOWN, INDIANA

Unified Development Ordinance