

**APPENDIX J. – ADOPTED HAMILTON COUNTY ZONING REGULATIONS FOR  
SPECIFIC SITES**

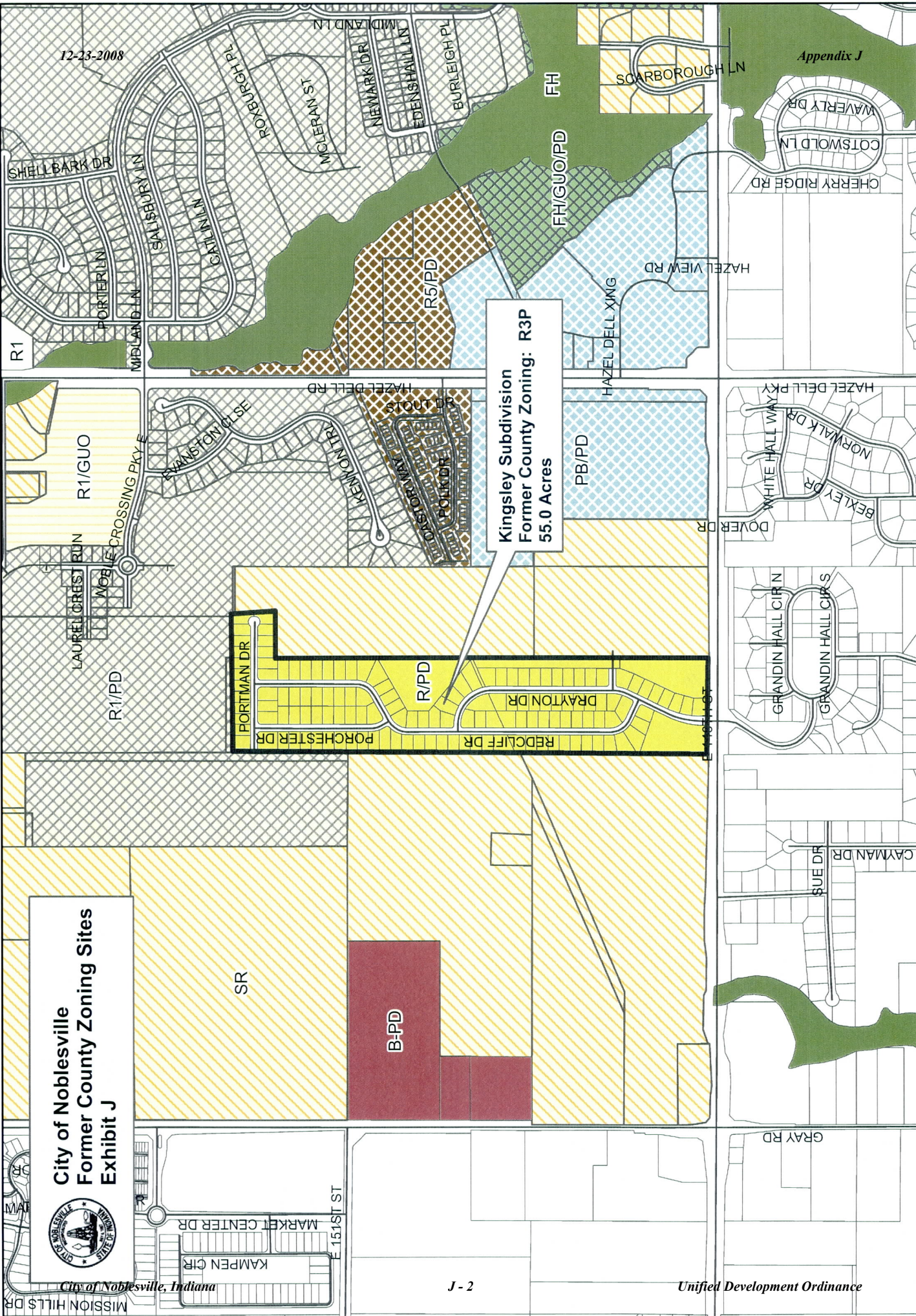
**SITES**

Kingsley Subdivision (p. J - 2)  
11831 Greenfield Avenue – DEPCO, Inc. (p. J – 14)  
11827 Greenfield Avenue  
11741 Greenfield Avenue  
11644 State Road 238 (Greenfield Avenue)  
14978 N. Gray Road (p. J – 42)  
15055 N. Gray Road  
5325 E. 161<sup>st</sup> Street (p. J – 64)  
Hamilton County Zoning Districts and Regulations (p. J – 65)

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12-23-2008

Appendix J



**Kingsley Subdivision**  
 Former County Zoning: R3P  
 55.0 Acres

**City of Noblesville**  
**Former County Zoning Sites**  
**Exhibit J**



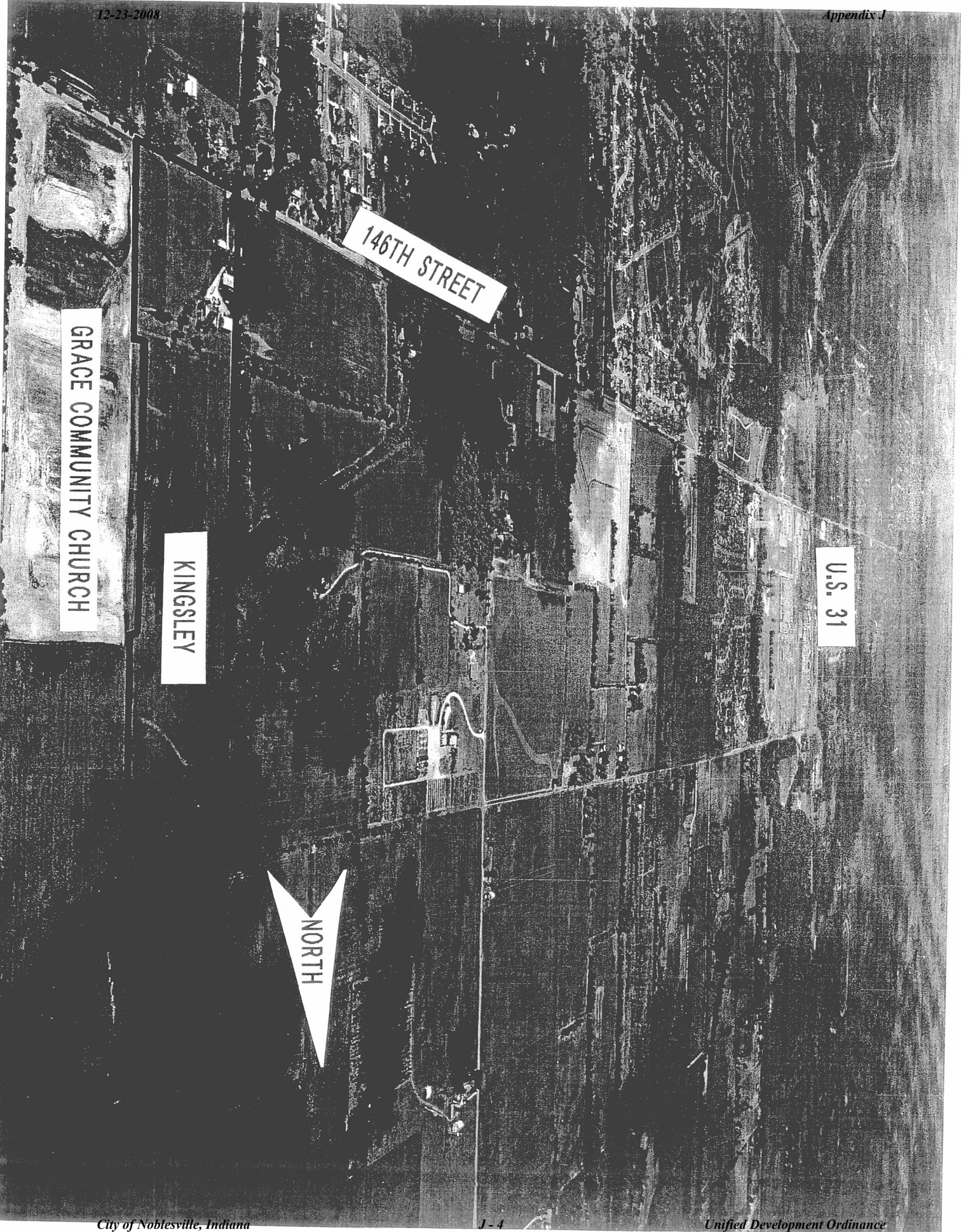
City of Noblesville, Indiana

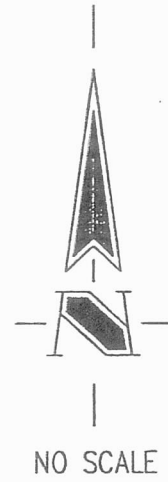
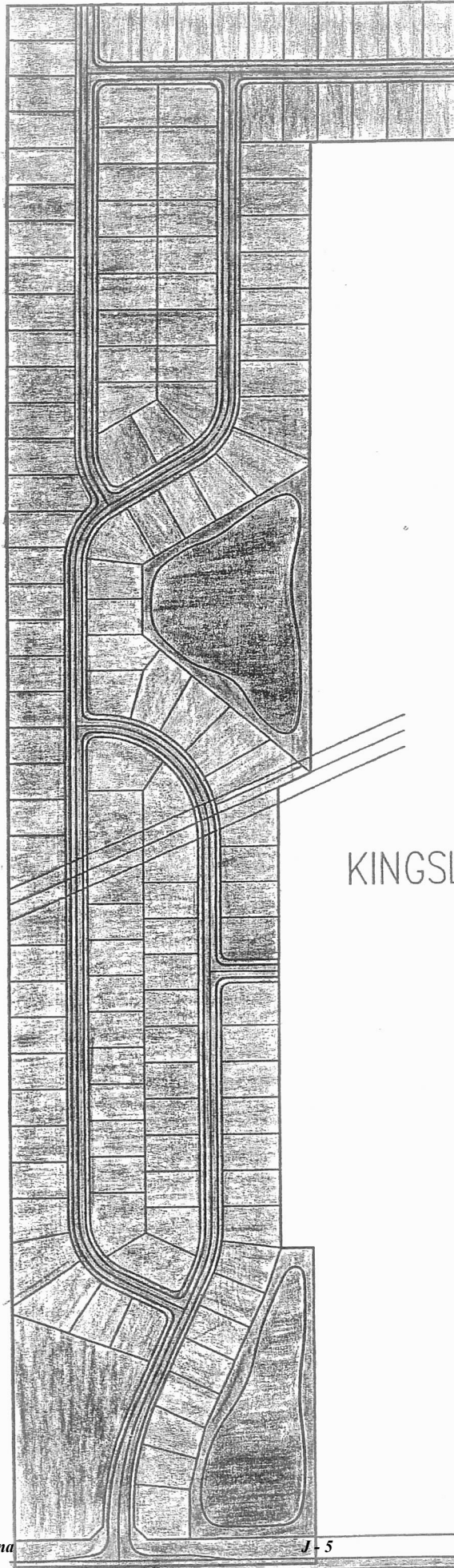
**REZONE REPORT**

**KINGSLEY SUBDIVISION  
146<sup>TH</sup> STREET AND HAZELDALE ROAD**

*Submitted by:*

**C.P. MORGAN COMMUNITIES, L.P.  
301 East Carmel Drive, Suite E-300  
Carmel, Indiana 46032  
(317) 848-4040**





KINGSLEY SUBDIVISION



## REZONE APPLICATION ADDENDUM

In connection with the petition to rezone 55.0± acres located 1/4 mile west of Hazel Dell Road on 146th Street to the R-3(P) classification, Petitioner has also filed an Application for Planned Unit Development pursuant to Article 12 of the Hamilton County Zoning Ordinance. In that Application, Petitioner requests a reduction in Minimum Lot Area from the required 13,500 square feet to a Minimum Lot Area of 10,000 square feet and the development of an internal, local bikeway / walking trail which will connect to the Hamilton County Bikeway along 146th Street.

## PETITIONER FINDINGS

### PETITION FOR REZONE

1. The Hamilton County Comprehensive Plan recommends residential development for the subject real estate. The proposed R-3(P) classification is consistent with that recommendation.
2. The real estate is or will be served by public or semi-public water and sanitary sewer systems. The Noblesville Southwest Interceptor Sewer, which will provide sanitary sewer service to this portion of Hamilton County, has a design capacity of 3.0 dwelling units per acre. The real estate is proposed for development at a density of under 2.6 dwelling units per acre.
3. The real estate is located approximately 1/4 mile west of the intersection of Hazel Dell Road and 146th Street. Hazel Dell Road and 146th Street are both classified as a Primary Arterial on the Hamilton County Thoroughfare Plan. The proximity to these thoroughfares provides excellent access to the real estate.
4. The Land Plan submitted to the Hamilton County Plan Commission includes:
  - a. Provisions for the Hamilton County Bikeway along 146th Street.
  - b. An internal, local bikeway / walking trail within the subdivision, which will connect to the Hamilton County Bikeway along 146th Street.
  - c. Common areas and landscape easements for the visual and passive recreational use and enjoyment of property owners within the subdivision.
  - d. Preservation of a historic house located at the southwest corner of the real estate and the incorporation of the house into the development on a 2.5 acre lot located the entry to the real estate. In connection with this preservation effort, the existing access to the historic house from 146th Street will be relocated to an internal street.
  - e. The creation of an overlook area and a wetland habitat in connection with the development of the storm water detention/retention areas within the real estate.
  - f. The creation of nine (9) landscape easement "focal points" located at various roadway intersections within the development.



AMENDED  
APPLICATION FOR  
PLANNED UNIT DEVELOPMENT

TOWNSHIP

ADAMS PRELIMINARY X DOCKET NO. \_\_\_\_\_  
X NOBLESVILLE FINAL \_\_\_\_\_ REVIEWED BY \_\_\_\_\_  
WAYNE ZONE DISTRICT R-3 (P) DATE \_\_\_\_\_  
WHITE RIVER ACRES 55.0+ HEARING DATE \_\_\_\_\_  
SECTION RESIDENTIAL DENSITY 2.6 du/a DECISION DATE \_\_\_\_\_

FLOOR AREA  
RATIO NA

PROPERTY OWNER NAME Donald G. King & Marilyn S. King / Faith Evangelical Church of North America, Inc.  
c/o Baker & Daniels, 300 N. Meridian Street, Ste. 2700, Indianapolis, IN 46204  
ADDRESS \_\_\_\_\_

DEVELOPERS NAME C. P. Morgan Communities, L.P.  
c/o Baker & Daniels, 300 N. Meridian Street, Ste. 2700, Indianapolis, IN 46204  
ADDRESS \_\_\_\_\_

ENGINEERS NAME Schneider Engineering Corporation  
ADDRESS 3020 N. Post Rd., Indpls., IN 46226

% RESIDENTIAL 100 % OFFICE \_\_\_\_\_ % RETAIL \_\_\_\_\_  
% INDUSTRIAL \_\_\_\_\_

LEGAL DRAIN AFFECTED None

COUNTY ROAD(S) OUTLET 146th Street

WATER SOURCE Hamilton Western Utility Water Company

SANITARY SEWER SYSTEM Noblesville Southwest Interceptor

SITE LOCATION MAP \_\_\_\_\_ PROPERTY OWNERS SIGNATURE  
See Attached

LEGAL DESCRIPTION SURVEY \_\_\_\_\_ DATE August 2, 1996

SITE DEVELOPMENT PLAN \_\_\_\_\_ DEVELOPERS SIGNATURE

LIST OF ADJACENT PROPERTY OWNERS, APPROVED BY TITLE COMPANY/DATED (TWO PROPERTIES DEEP) \_\_\_\_\_

## DETAILED DESCRIPTION OF REQUEST

### APPLICATION FOR PLANNED UNIT DEVELOPMENT

Petitioner, C. P. Morgan Communities, L.P., requests approval of a development plan submitted pursuant to Article 12 of the Hamilton County Zoning Ordinance. The proposed development will consist of 148 single family lots on a 55.0± acre parcel for an overall density of 2.6 dwelling units per acre.

Unique and creative features of the proposed development include:

- a. Provisions for the Hamilton County Bikeway along 146th Street.
- b. An internal, local bikeway / walking trail within the subdivision, which will connect to the Hamilton County Bikeway along 146th Street.
- c. Common areas and landscape easements for the visual and passive recreational use and enjoyment of property owners within the subdivision.
- d. Preservation of a historic house located at the southwest corner of the real estate and the incorporation of the house into the development on a 2.5 acre lot located the entry to the real estate. In connection with this preservation effort, the existing access to the historic house from 146th Street will be relocated to an internal street.
- e. The creation of an overlook area and a wetland habitat in connection with the development of the storm water detention/retention areas within the real estate.
- f. The creation of nine (9) landscape easement "focal points" located at various roadway intersections within the development.

Petitioner has worked to develop innovative solutions to problems faced by Petitioner and/or the adjoining church property to:

- a. address church needs for parking;
- b. cooperatively address the needs for staging of storm water detention/retention systems; and

- c. cooperatively address needs for extension of sanitary sewers.

In connection with the approval of the development plan, Petitioner requests a Bulk Regulation Exception pursuant to Article 12, Section 4., b., to allow for a reduction in the Minimum Lot Area per dwelling from 13,500 square feet to a Minimum Lot Area of 10,000 square feet per dwelling. Findings in support of this request have been filed with this petition.

**PETITIONER FINDINGS**

**BULK REGULATION EXCEPTIONS**

1. In connection with the proposed R-3(P) rezone request and pursuant to Article 12, Section 4., b. of the Hamilton County Zoning Ordinance, Petitioner has requested a reduction in Minimum Lot Area.
2. The request to reduce the Minimum Lot Area from the required 13,500 square feet to a Minimum Lot Area of 10,000 square feet:
  - a. Promotes the integrated development of the site in a manner which is no less beneficial to the residents or occupants of the development and the neighboring properties than would be obtained under the 13,500 square foot Minimum Lot Area required by Article IV.
  - b. Creates permanent open space as an off-set to lot area reductions.
  - c. Represents a creative utilization of space and the resultant lot area reductions and open space should be promoted.
  - d. Will result in a gross density which is not higher than that permitted pursuant to the 13,500 square foot minimum lot area required by Article IV.
  - e. Perimeter yard requirments along the periphery of the development shall be maintained in compliance with the provisions of Article IV.
3. Petitioner has worked to develop innovative sollutions to problems faced by Petitioner and/or the adjoining church property to:
  - a. address church needs for parking;
  - b. cooperatively address the needs for staging of storm water detention/retension systems; and
  - c. cooperatively address needs for extension of sanitary sewers.

**DECISION**

IT IS THEREFORE the decision of the Hamilton County Plan Commission that this Bulk Regulation Exception is APPROVED.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.


## OPEN SPACE CALCULATION

The following calculations are a comparison of the open space area required and the open space provided within the Kingsley Subdivision land plan.

### OPEN SPACE AREA REQUIRED

Land area multiplied by 15% (55.0 Acres)	8.25 Acres
Lot Reduction	6.72 Acres
TOTAL	14.97 Acres

### OPEN SPACE PROVIDED

Perimeter Landscape Buffer	2.80 Acres
Open Space Around Lakes	2.20 Acres
Wetlands Shelf in Lakes	1.60 Acres
Deep Water in Lakes	2.80 Acres
Outlot - Historic Home	2.50 Acres
Landscape Area along Interior Streets	4.10 Acres
Landscape Area along 146 <sup>th</sup> Street	0.60 Acres
TOTAL	16.60 Acres

C.P. Morgan Communities, L.P.

12-23-2008

**City of Noblesville  
Former County Zoning Sites  
Exhibit J**



City of Noblesville, Indiana

R1

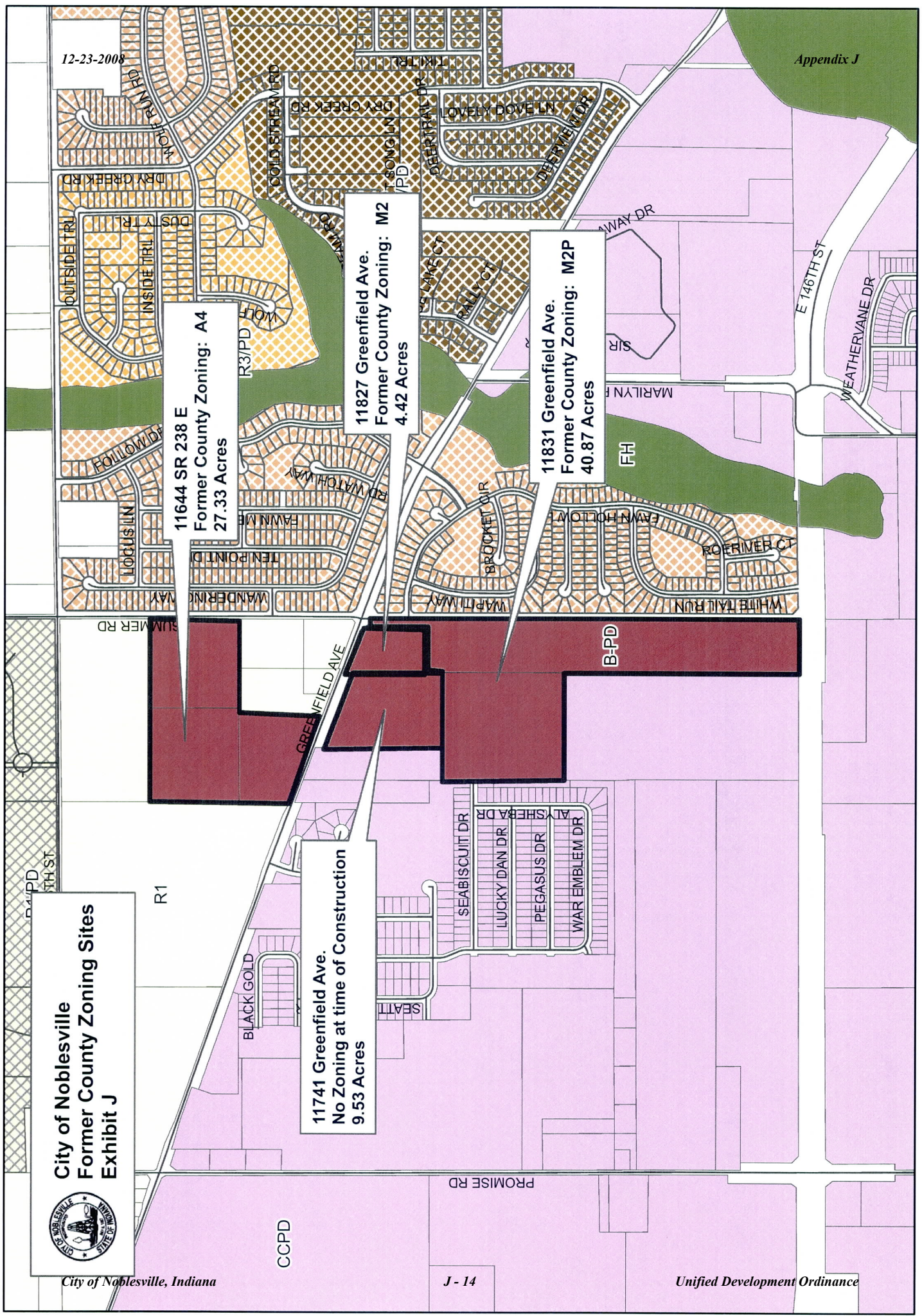
CCPD

**11644 SR 238 E**  
Former County Zoning: **A4**  
27.33 Acres

**11827 Greenfield Ave.**  
Former County Zoning: **M2**  
4.42 Acres

**11831 Greenfield Ave.**  
Former County Zoning: **M2P**  
40.87 Acres

**11741 Greenfield Ave.**  
No Zoning at time of Construction  
9.53 Acres



12-23-2008

# APPLICATION FOR PLANNED UNIT DEVELOPMENT

Appendix J 5/12/93  
Rept. # 7864  
JB

TOWNSHIP PARCEL NO. 10-11-16-00-00-017

ADAMS PRELIMINARY X

DOCKET NO. P.C.-D.P.-0006-06-

X NOBLESVILLE FINAL X  
*amendment.*

REVIEWED BY RLC

WAYNE ZONE DISTRICT M-2(P)

DATE May 12, 1993

WHITE RIVER ACRES 40.496

HEARING DATE June 1, 1993

SECTION RESIDENTIAL  
DENSITY N/A

DECISION DATE June 1, 1993

*Sec. 16  
T18 N1  
R05E*

FLOOR AREA  
RATIO N/A

*Approved 54% - 0.16%  
Two conditions: Check @ state  
highway on ocell-clause lanes  
and M. Waterman adj. drainage*

PROPERTY OWNERS NAME Mr. Irvin Larsen

ADDRESS 11831 SR 238 E, Noblesville, IN 46060 PHONE 773-3452

DEVELOPERS NAME DEPCO, INC., Attention: Mr. Robert Drummond, Jr.

ADDRESS 8456 Brookville Road, Indianapolis, IN 46239 PHONE 356-9919

ENGINEERS NAME Miller Surveying, Attention Mr. Lee Miller

ADDRESS 948 Conner Street, Noblesville, IN 46060 PHONE 773-2644

% RESIDENTIAL 2 or 3 structures OFFICE \_\_\_\_\_

% RETAIL \_\_\_\_\_

% INDUSTRIAL 100%

LEGAL DRAIN AFFECTED NONE

COUNTY ROAD(S) OUTLET NONE, Property fronts on SR 238

WATER SOURCE Private Well

SANITARY SEWER SYSTEM Private Septic

X SITE LOCATION MAP

PROPERTY OWNERS SIGNATURE

X LEGAL DESCRIPTION SURVEY

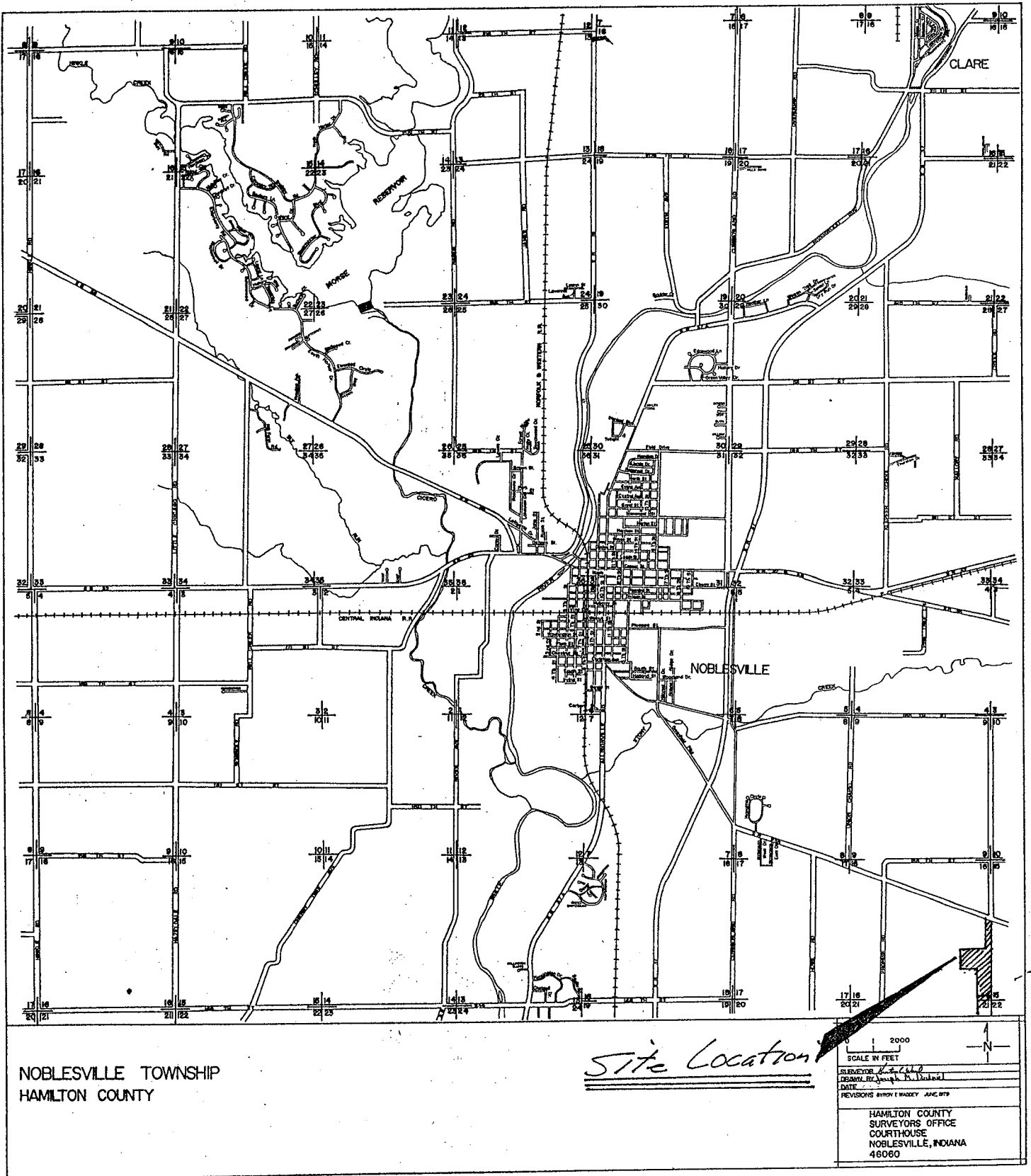
ATTORNEY FOR DEPCO, INC. WITH AUTHORITY FROM OW  
DATE \_\_\_\_\_

X SITE DEVELOPMENT PLAN

DEVELOPERS SIGNATURE

X LIST OF ADJACENT PROPERTY OWNERS, APPROVED BY TITLE COMPANY/DATED (TWO PROPERTIES DEEP)

DATE May 7, 1993





# LAND RUSH

Development Services Inc.  
E s t . 1 9 9 3

May 12, 1993

Mr. Charles Kiphart  
Executive Director  
Hamilton County Plan Commission  
Hamilton County Government  
and Judicial Center  
Noblesville, IN 46060

RE: Development Plan Approval for Depco, Inc.

Dear Chuck,

As a follow-up to our conversation, I am writing to clarify the points of information requested by the Ordinance for a planned development.

**a. Existing Conditions**

**(1) Accurate boundaries of the Planned Development area;**

Depco has provided a boundary survey depicting the site boundaries.

**(2) Existing zoning;**

The existing zoning is M-2(P).

**(3) Rights-of-way of existing streets, roads and easements;**

The only right-of-way on the premises is for S.R. 238, which is shown on the boundary survey/site plan, and where the property derives access.

**(4) Existing, water, sewer, electrical, and other utility lines, facilities and easements;**

Depicted on the boundary survey/site plan.

**(5) Existing buildings and structures and land and building use; and**

The two metal-sided pole buildings identified on the boundary survey/site plan are used for parts storage for the salvage businesses. The home and garage

May 12, 1993  
Letter to Charles Kiphart

Page 2

are used residentially. Two of the three mobile homes on the site are also occupied as rental residences. The third, which is located near the pole building on the west side of the property, is vacant.

**(6) Topography at a contour interval of two (2) feet or less and other physical features such as streams, drainageways, and other water areas, as well as wooded areas.**

Selected topography and drainage plan is forthcoming.

**b. Proposed Future Conditions**

**(1) Proposed zoning;**

Proposed zoning will remain the same, M-2(P).

**(2) Final grade and topography at a contour interval of two (2) feet or less and all proposals for surface drainage including addition, alteration or relocation of streams, other drainageways, lakes, and other water areas;**

There will be no immediate site improvements. The long-term plan calls for only one additional building on the site, so there will be very little change in the grading and drainage in the overall development of the site. Selected topography and drainage plan is forthcoming.

**(3) Abandonment or relocation of existing utility lines and provision for new water, sewer, electrical, and other utility lines and easements;**

Easements will be provided for all necessary utility access. No change is expected from the existing conditions.

**(4) Location and height of proposed buildings and building groups and the proposed use of each;**

Will be depicted on the final site plan. Building use is not expected to change from the existing conditions. The proposed future building will be used for parts storage.

**(5) Proposed street and lot layout including right-of-way and pavement showing the abandonment or relocation of existing streets and alleys, and the provision for new streets, alleys, and easements for pedestrians and vehicular access; also the**

May 12, 1993  
Letter to Charles Kiphart

Page 3

**location, capacity, and proposed access and circulation of off-street parking areas;**

Driveway, circulation, parking and salvaged equipment storage areas to be depicted in the final site plan.

**(6) The location of proposed parks, playfields, schools, and other common or public open space;**

None proposed.

**(7) Proposed points of ingress to and egress from the Planned Development;**

Access to and from the property will be exclusively from S.R. 238.

**(8) A landscape plan for the planned Development area;**

None proposed.

**(9) Environmental, historic, and archeological impact studies and plans;**

There will be virtually no environmental, historic, and archeological impact as a result of the change in the Planned Development since the proposed changes to the site are minimal.

**(10) Traffic impact study and plan.**

Traffic is expected to decrease as a result of the change in the land use from automobile salvage to heavy equipment salvage. Depco will be using less of the site for the storage of salvaged equipment than was used for vehicle storage, and there is a smaller market for heavy equipment parts than for used auto parts.

**c. Additional Information:**

**(1) Evidence of financial ability to carry out such development;**

The applicant is already operating on-premise and proposes to change virtually nothing, so there is no significant financial burden associated with the execution of the plan.

LEGAL NOTICE  
HAMILTON COUNTY PLAN COMMISSION

The Hamilton County Plan Commission will meet on Tuesday, June 1, 1993 at 7:30 p.m. at the Hamilton County Government and Judicial Center, in Meeting Room 1A, First Floor, One Hamilton County Square, Noblesville, in order to hear the following petition.

DOCKET NO. PC.-D.P.-0006-06-93

Petitioner is requesting approval of an application for Planned Unit Development in accordance with the zoning ordinance requirements concerning Article 12, Planned Development, of the Hamilton County Zoning Ordinance No. 3-19-90, as amended, in order to establish an auto salvage facility on the premises located on the south side of State Road 238 at the intersection of State Road 238 and Summer Road in Noblesville Township of Hamilton County, Indiana.

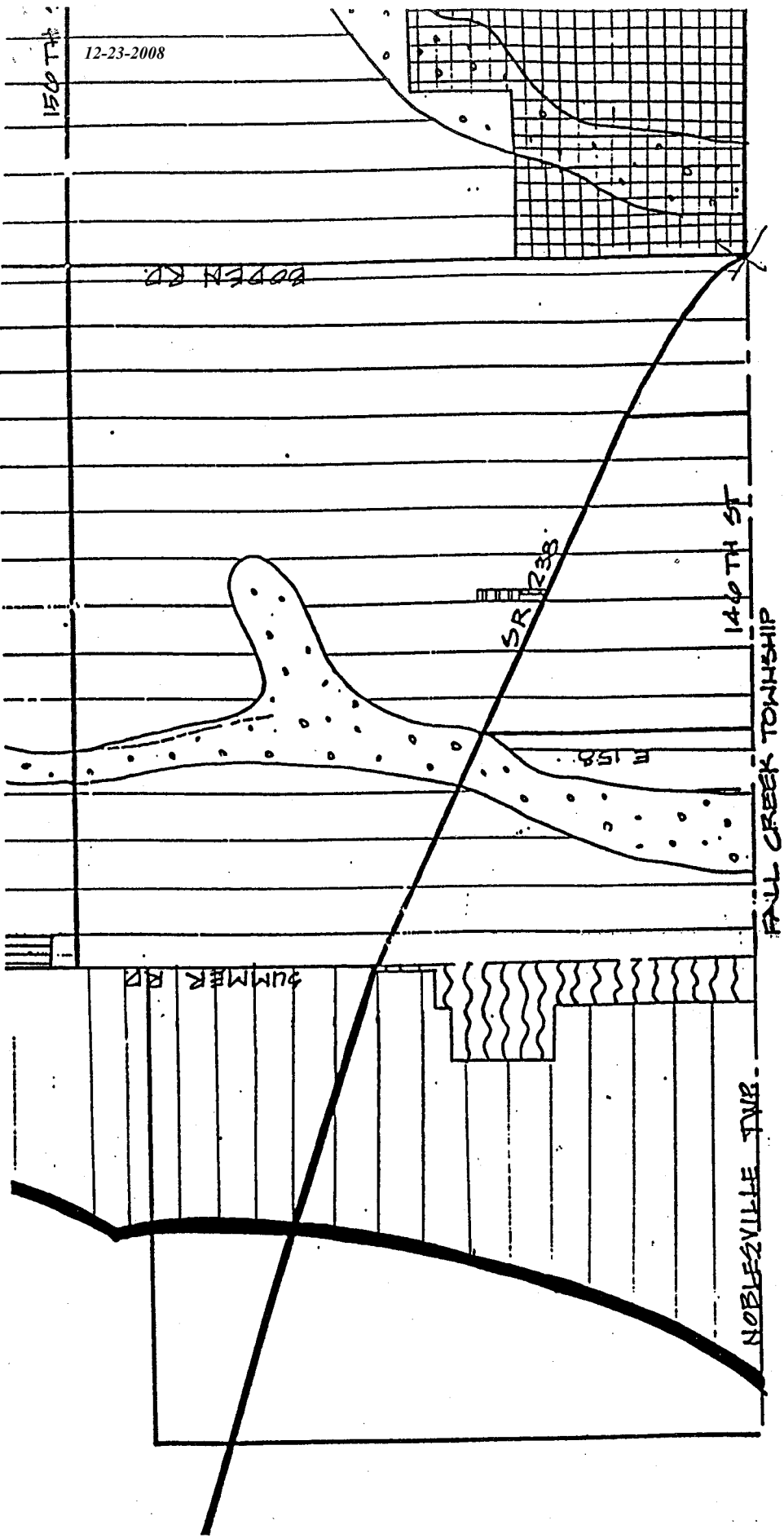
The petition may be examined at the office of the Hamilton County Plan Commission, Suite 138, Hamilton County Government and Judicial Center, One Hamilton County Square, Noblesville, Indiana, 46060.






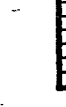
Interested parties may offer an oral opinion at the hearing or may file written comments concerning the matter to be heard prior to or at the hearing.

The hearing may be continued from time to time as may be found necessary.

Petitioner's Name: Depco, Inc.

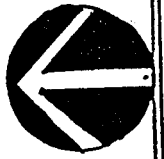
By Douglas B. Floyd, Attorney  
President of Land Rush Development  
Services, Inc.



-  G-3 (P) PLANNED DEVELOPMENT
-  M-2 (P) PLANNED DEVELOPMENT
-  A-2 (P) PLANNED DEVELOPMENT
-  A-3 (P) PLANNED DEVELOPMENT
-  FLP FLOODPLAIN  
(GENERAL LOCATION SHOWN. REFER TO FEMA MAPS FOR ACCURATE LOCATIONS)
-  R-1 RESIDENTIAL - LOW DENSITY

Appendix J

**Location - Zoning Map**



## MINUTES OF THE HAMILTON COUNTY PLAN COMMISSION

JUNE 1, 1993

The official meeting of the Hamilton County Plan Commission was called to order at 7:40 p.m.

Present were Members of the Commission: Mr. Jim Galloway, Mr. Rolla Parsons, Ms. Brenda Garrod, Ms. Sharon Clark, Mr. Tim Johnson, Mr. Charles Kiphart, Director; Mr. Randy Leerkamp, Legal Counsel; Ms. Lorrie Banks, Secretary; and Mr. Tom Charkut, summer intern.

Guests: Mr. Doug Floyd, Mr. Bob Drummond, Sr.; Mr. Bob Drummond, Jr.; Mr. Don E. Roberts, Ms. Karen Gordon, Ms. Ellen Waterman, Ms. Mona Reynolds, Mr. Robert G. Hiday, Mr. Michael Coletta, Mr. Joe Reynolds; Mr. Don Waterman; Mr. Steven L. Hood, Mr. Kevin Renfro, Ms. Joanne Renfro, Ms. Maxine Renfro, Mr. Peter Watson, Mr. Duane Bergman, Mr. Richard L. Wilson, Ms. Twyla Brown, Mr. Ralph Brown, and one person whose name was illegible.

Declaration of Quorum: There were five (5) members present which is enough to declare a quorum.

Approval of Minutes: Ms. Brenda Garrod made a motion to approve the minutes of May 4, 1993 as mailed, seconded by Mr. Rolla Parsons and passed, 5 yes - 0 no.

Correspondence: None

President's Report: None

Mr. Jim Galloway opened the Public Hearing at 7:42 p.m. on:

Docket Number: P.C.-D.P.-0006-06-93

Concerning: Development Plan for 40.496 acre salvage yard. Ownership is changing and new owner wants Plan Commission approval of a Development Plan for large construction equipment salvage and storage business and for the construction of one new 80' x 100' pole barn type building.

Location: 11831 S.R. 238E, Noblesville Township, Hamilton County, Indiana

Zone District: M-2(P), Planned Manufacturing Development - Major Community Impact

Size of Property: 40.496 Acres

Property Owner: Present - Mr. Irvin Larsen  
New - Mr. Robert Drummond, Jr.  
DEPCO, INC.

Mr. Doug Floyd stated that he is representing Depco, Inc. Mr. Floyd passed around an aerial map highlighting the property referred to in the Petition.

Mr. Floyd stated that Mr. Larsen has operated an automobile salvage yard on this property since 1985, which is prior to the adoption of the Hamilton County Zoning Ordinance. He stated that in 1989 Mr. Drummond began to lease the property from Mr. Larsen to also conduct a salvage business. Mr. Floyd stated that the difference between the two salvage operations is that Mr. Larsen salvages automobiles and Mr. Drummond salvages heavy equipment. Mr. Floyd passed around and reviewed a copy of the site plan of the development for the members to view. Mr. Floyd reviewed the zoning of the surrounding properties with the members. He stated that Hamilton County Waste Management owns the surrounding property to the north. Mr. Floyd stated that the Petitioner has a driveway access to S.R. 238.

Mr. Floyd stated that Depco, Inc. has begun removing the automobiles at the salvage yard since they began leasing the property from Mr. Larsen. He stated that there were over 1,800 automobiles on the property originally. Mr. Floyd stated that most of the automobiles have been crushed and removed from the property.

Mr. Floyd stated that because the property is zoned M-2(P) further expansion of the use (the addition of any new buildings) is allowed, approval of the site plan by the Plan Commission is necessary. He stated that the Petitioner is requesting this approval to allow for the addition of two new buildings, one being 80' x 100' and the other an addition of 66' x 18' to an existing building. Mr. Floyd stated that Depco warehouses parts from machines that are salvaged. He stated that if the site plan is approved, Depco, Inc. will need to have their construction plans approved by the State Department of Fire and Building Safety. After the State approves the plans, they will then need to be submitted to the Hamilton County Plan Commission for a building permit. Mr. Floyd stated that the Petitioner plans to locate those additional buildings on the site within the next five years.

Mr. Floyd stated that Depco, Inc. currently has a facility in Indianapolis that they are moving out of and relocating all of their business to this site with the approval of the site plan. He stated that Depco has an agreement with Mr.

Larsen to purchase this property, thus the reason for Mr. Larsen removing the automobiles from the property. Mr. Floyd stated that there currently are approximately 70 pieces of machinery on the property that are being salvaged for parts. Mr. Floyd stated that Depco will locate salvaged equipment in the north ten acres of the property.

Mr. Floyd stated that they average one truck load of equipment per day either in or out of the property, two UPS deliveries per day, and five trips by customers on a daily basis. He stated that there are six employees currently working at the site and in the next five years they expect their maximum employment to be ten employees.

Mr. Jim Galloway asked for clarification as to where the equipment would be stored.

Mr. Floyd stated that it would be located west of the existing buildings. Mr. Floyd stated that there is a black broken line on one of his exhibits. He stated that the vehicles will be stored north of that black line.

Ms. Sharon Clark asked for clarification regarding the detention pond shown on the site plan.

Mr. Floyd stated that the County Surveyor and Mr. John South from the Soil & Water Conservation office has been out to the site to look at the drainage. Mr. Floyd stated that those gentlemen felt that no improvements were needed to accommodate the existing operation. Mr. Floyd said that the County Surveyor and Mr. South would like to review the drainage again when they apply for building permits for the new buildings. Mr. Floyd stated that they also asked to have the area indicated where surface water could be stored so they indicated that area on the site plan. He stated that they are receiving water from off site now and they can store that water on site now. He stated that they will do that if it is necessary to meet the drainage requirements and they have shown that area on the site plan for that purpose.

Mr. Mike Coletta stated that he recently moved to his home on Summer Road approximately September, 1992. He stated that he purchased the house with the knowledge that the Waste Management Transfer Station was in operation, with some understanding that the salvage operation would cease or would be cleaned up, and that Summer Road would be paved during this summer. Mr. Coletta stated that the approval of this plan will set a precedent for future development and use of the property. He stated that he did not see any improvements being made to the property. Mr. Coletta stated that he feels the salvage operation is a messy business and



that a construction salvage operation is no cleaner than an auto salvage operation. He stated that Mr. Floyd claims that Depco is only going to use 10 acres to store construction equipment whereas the existing salvage operation uses 20 acres to store cars. Mr. Coletta stated that he feels that cranes and large pieces of construction equipment that he saw tonight on the property is more unsightly. Mr. Coletta stated that he would like to see the entry into the salvage yard paved, the trees trimmed back, and get rid of the "alligator pit" in front of Waste Management.

Mr. Don Roberts stated that he is the co-owner of the Noblesville Airport which is adjacent to the Petitioner's property on the west. He stated that he is very concerned with the amount of accidents and fatalities on S.R. 238. Mr. Roberts stated that the road is not wide enough to accommodate two semi trucks passing by each other. He feels that the County needs to petition the state to do something about S.R. 238 to make it safer. Mr. Roberts stated that he feels that the EPA should be called in to check for contamination.

Mr. Floyd stated that an environmental study has been done on the entire property by a private contractor.

Mr. Kiphart stated that he has received no information on the environmental study.

Mr. Roberts stated that he feels that the report should be sent to the County. Mr. Roberts stated that the property has been cleaned up but he would like to know what is going to be done with the tires on the property.

Mr. Doug Floyd stated that the tires are being removed.

Mr. Roberts stated that there was an accident four years ago at the airport. He stated that the plane hit a car in the salvage yard and burst into flames. Mr. Roberts stated that he would like to see a clear area at the end of the runway to the east where no equipment would be parked.

Mr. Steven L. Hood stated that he owns Hoods Gardens which is located on the north side of S.R. 238 near the Depco, Inc. site. He stated that he would like to be assured that there are no plans to recycle or grind metal at this facility. He is concerned about noise and traffic.

Mr. Bob Drummond, Sr. stated that they do cut up the machines for easier handling but they do not recycle metal.

Mr. Hood asked how the fluids from the equipment were disposed of?

Mr. Bob Drummond, Jr. stated that they are very aware of the environmental laws. He stated that the hydraulic fluids and antifreeze are removed, stored, and hauled off site. He stated that the diesel fuel and waste engine oil is stored in a fuel tank and burned in their waste oil burning furnace to heat the shop in the winter. He stated that they occasionally spill some oil on the ground. They are capable of handling small quantities of contaminated soil on the premises. Mr. Drummond stated that they have an engineer come once a year to see how they operate the business. Mr. Drummond stated that they go to a lot of effort to see that they do not create a mess. He stated that over half of the machines that they receive are on steel tracks. Mr. Drummond stated that there are currently approximately 20 tires on the premises.

Mr. Bob Drummond, Jr. stated that if they are not able to sell a piece of equipment they cut it up with a cutting torch, put the scrap into a container, and load it onto a truck and sell it to one of several companies in Indianapolis. He stated that they are not a scrap yard and will not be grinding up materials. Mr. Drummond stated that their intention is to utilize only 10 acres of the property. He stated that if they haven't sold a piece of equipment that they have after one year, their plan is to cut it up and haul it off site to be sold as scrap. They do not want to keep them long term.

Mr. Bob Drummond, Jr. explained the process by which they salvage the equipment they receive. He stated that they rebuild components on site and they are shipped out. He stated that 20% of their business comes from the state of Indiana - the rest is generated from the rest of the United States, Canada, and Mexico for the overseas markets. Mr. Drummond stated that they do not have any piece of equipment currently on their property that sticks up over the tree line.

Mr. Pete Watson stated that he lives just east of the Petitioner's property. He stated that he is concerned with over-sized loads that will be on S.R. 238. Mr. Watson feels that there will be more traffic generated than what was stated. He stated that he would like to see the remaining 30 acres of this property that will not be used in the salvage operation turned back into agricultural use. Mr. Watson stated that he feels that a traffic impact study needs to be done before large projects are approved.

Mr. Don Waterman stated that his mother owns the property adjoining the Petitioner's property. He asked for clarification as to where the outside equipment will be stored. Mr. Waterman stated that cement trucks have poured their extra cement on the ground around where the equipment is sitting. Mr. Waterman stated that he is concerned about the drainage. He says what oil does fall on the ground will be on top of the cement and run off onto this mother's property. Mr. Waterman is concerned about protecting the value of his mother's property if this property is not fenced.

Mr. Richard Wilson stated that he lives on Promise Road. He feels that the traffic on S.R. 238 is great now. He spoke about how unsafe he feels that road is. He stated that he feels that the road is not regulation width. He stated that he is also concerned with property values.

Ms. Maxine Renfro stated that she and her son own property to the south and east of the Petitioner's property. She stated that she opposes the new operation at the site. Ms. Renfro stated that she would like to see a privacy fence around the Petitioner's operation as she feels that it is unsightly.

Mr. Jim Galloway closed the Public Hearing at 8:25 p.m.

Mr. Charles Kiphart explained to the Public that this Petition is not for a rezone of the property or a variance request. He explained the current zoning of the property and that this type of business was at this location prior to zoning being implemented and it is allowed per the zoning ordinance.

Mr. Richard Wilson stated that most of the people in attendance do understand what is being said, but they feel that they do not have any other recourse than to appeal to the Plan Commission to deny approval of the petition as the state will not do anything with the road.

Mr. Kiphart stated that the County is currently updating the County Thoroughfare Plan based on developments that have arisen since 1990. He stated that he hopes that the State will look at this plan. Mr. Kiphart stated that they could contact their local state representatives and state senators regarding the roads.

Ms. Brenda Garrod asked if there was a septic system on the property?

Mr. Doug Floyd stated that the six current employees have been using the existing system or systems on the property.

He stated that he was not sure how many systems were currently on the property. He stated that if an increase to the system is required by the County Health Dept. it will be done when they apply for their building permit.

Mr. Rolla Parsons asked what the plans were for the south part of the property?

Mr. Doug Floyd stated that it currently is their plan to return the use to crops. He stated that once the cars are removed they would like to rent the property to a farmer.

Mr. Jim Galloway asked if there would be cars at the end of the airport runway?

Mr. Floyd stated that their plan is not to have anything at the end of the runway. He stated that the tallest item that they have would not be more than 10 ft. tall. He stated that there are no cranes currently located on the property.

Ms. Sharon Clark asked about the left over cement placed on the property.

Mr. Bob Drummond, Sr. stated that that cement was placed on the property before they started their business at the site. He said that it is washed out concrete that was placed there by a ready mix company. Mr. Drummond stated that it is located in the top ten acres of the property.

Mr. Waterman stated that the cement is located right next to the ditch and the surface water comes across the cement over onto their property.

Mr. Doug Floyd stated that they do not plan to have any concrete drives and that if there are some that are causing a drainage problem then they will be glad to remove it.

Mr. Floyd stated that all of the fluids are removed from the equipment before they are taken to the salvage area on the property. He stated that their business is inspected to make sure that no equipment is leaking fluid onto the ground.

Mr. Parsons asked if the ground was packed hard enough so that water would run off of the property?

Mr. Bob Drummond, Sr. stated that he wasn't sure what area they were talking about.

Mr. Parsons asked Mr. Waterman if the water ran off onto their property now?

Mr. Waterman stated, yes.

Mr. Parsons suggested that possibly a sod infiltration strip could be put in to eliminate some of the problems.

Mr. Floyd stated that they would be glad to work with Mr. Waterman to deal with what drainage is going onto his property. He stated that they did not want to discharge anything to cause harm to anyone in the neighborhood. He stated that they would change anything that is causing a problem.

Mr. Parsons asked at what location on the property the fluids are removed from the equipment?

Mr. Bob Drummond, Jr. stated that it is done in an area behind the main building. He stated that it is not done along the edge of the property.

Mr. Parsons asked how much fluid is removed from each piece of equipment.

Mr. Bob Drummond, Jr. stated that a typical bulldozer would have 5 - 15 gallons of fuel in it, 4 - 10 gallons of hydraulic oil, a couple gallons of engine oil, and 3 - 5 gallons of radiator fluid. He stated that the engines and transmissions are not dismantled outside, they are brought into the building.

Mr. Parsons asked how they remove the fluid?

Mr. Bob Drummond, Jr. stated that it is hand pumped out. He stated that they have a fuel tank located south and west of the building along the fence line.

Ms. Sharon Clark asked what organization monitors the hazardous waste products?

Mr. Bob Drummond, Jr. stated that these products are not hazardous waste. He stated that the only thing that was hazardous is when fuel and oil hit the ground making the soil contaminated. Waste oil, waste diesel fuel, waste antifreeze, waste hydraulic oil, and waste grease are not classified as hazardous waste. He stated that in order to be classified as a large volume producer of waste you have to produce 500 gallons a month, so they are not regulated at this time. He stated that they do not generate that much oil, diesel fuel or antifreeze.

Mr. Bob Drummond, Sr. stated that since last fall engine oil is no longer considered a hazardous waste unless it hits the ground. He stated that the EPA declassified it.

State to make this work. He stated that they would be willing to talk to the State Highway Dept. in Greenfield regarding what kind of accel and decel lanes could be added at their driveway and he stated that they will commit to the Plan Commission that they will do that. He stated that if the State Highway Department will allow accel and decel lanes to be installed in the ROW, they will do that. He stated that they will have to check with the State Highway Dept. to see if there is enough ROW to put those in, if not maybe they could work something out with the adjoining neighbors on either side.

Mr. Tim Johnson made a motion to amend the original motion to include working the drainage out with the adjoining property owner with the assistance of the Hamilton County Surveyor and that the Petitioner consult with the State Highway Department in Greenfield, Indiana to see whether they will allow the Petitioner to install accel and decel lanes in the State's ROW and obtain a permit if allowed, seconded by Ms. Brenda Garrod. Vote on the motion as amended was 5 yes - 0 no.

Old Business: Mr. Randy Leerkamp explained the content of the proposed amendment to the enforcement section of the Hamilton County Zoning Ordinance and how the citation and notice process will work.

Mr. Charles Kiphart stated that the public has complained that it takes forever for us to enforce or solve violations to the zoning ordinance. He stated that this process will get those matters before a judge faster.

Mr. Leerkamp stated that this process does not change the amount of the fines as set out in the zoning ordinance or the remedy available to the County, it merely speeds up the process.

Mr. Rolla Parsons made a motion to hold a Public Hearing at the next Plan Commission meeting on the amendment to the Hamilton County Zoning Ordinance, seconded by Mr. Tim Johnson. It was the consensus of the Plan Commission members present to hold a Public Hearing at their next meeting.

New Business: Mr. Kiphart passed out copies of the proposed 1994 budget of the Plan Commission for the members' review. He explained how he arrived at the proposed amounts. Mr. Kiphart explained how the amounts were arrived at for the salaries and he explained the need for the items proposed in the 4000 accounts.

The Plan Commission members that were present expressed no opposition to the proposed 1994 budget as it was presented by Mr. Kiphart.

Mr. Kiphart outlined proposed changes to the 1993 budget with the Plan Commission members.

It was the consensus of the Plan Commission members present to approve the amendments to the 1993 budget.

Mr. Kiphart reviewed the changes that the Plan Commission members need to consider making to the Rules of Procedure. He stated that the changes cannot be voted on at the same meeting that they are introduced. Mr. Kiphart stated that they will be on the agenda at the next meeting.

Mr. Kiphart gave a presentation to the members present of the American Planning Association Conference that he attended in Chicago.

Legal Counsel Report: Mr. Randy Leerkamp gave a report on the situation involving Mr. Crawford's mobile home.

Miscellaneous/Next Meeting Date: July 6, 1993

Ms. Sharon Clark expressed concern that public comments are held at the end of the meeting.

Mr. Tom Charkut, summer intern for the Plan Commission, made a presentation of the new zoning maps of the Hamilton County Plan Commission's jurisdiction that he has done on the GIS computer system.

Mr. Tim Johnson made a motion to adjourn at 10:09 p.m., seconded by Ms. Sharon Clark and passed, 5 yes - 0 no.

*Jim Galloway*  
Mr. Jim Galloway, Vice President  
Date: 8-24-93

Attest:

*Lorrie A. Banks*  
Ms. Lorrie A. Banks, Secretary

Date: 8-24-93

# APPLICATION FOR PLANNED UNIT DEVELOPMENT

RECEIVED MAY 03 1996

### AMENDED

TOWNSHIP

40 Ac.

10-11-16-00-00-018.001

ADAMS

PRELIMINARY

DOCKET NO. P.C. PUD-0007-06-96

X NOBLESVILLE

FINAL X

REVIEWED BY CJK

WAYNE

ZONE DISTRICT M-2P

DATE May 13, 96

WHITE RIVER

ACRES 40.496

HEARING DATE June 4, 96

SECTION

RESIDENTIAL DENSITY N/A

DECISION DATE

Zone M-2P

FLOOR AREA RATIO

PROPERTY OWNERS NAME Mr. Irvin Larsen on contract to: Mr. Robert Drummond, Sr., Depco, Inc.

ADDRESS 11831 SR 238 East, Noblesville, IN 46060 PHONE 776-3000 or 773-3452

DEVELOPERS NAME Same

ADDRESS Same PHONE

ENGINEERS NAME Miller Surveying, Attn: Mr. Arvin Carpenter

ADDRESS 948 Conner Street, Noblesville, IN 46060 PHONE 773-2644

% RESIDENTIAL % OFFICE % RETAIL

% INDUSTRIAL 100%

LEGAL DRAIN AFFECTED None

COUNTY ROAD(S) OUTLET None, property fronts on State Road 238

WATER SOURCE Private well

SANITARY SEWER SYSTEM Private septic

✓ SITE LOCATION MAP

PROPERTY OWNERS SIGNATURE

✓ LEGAL DESCRIPTION SURVEY

Robert Drummond  
DATE May 3, 1996

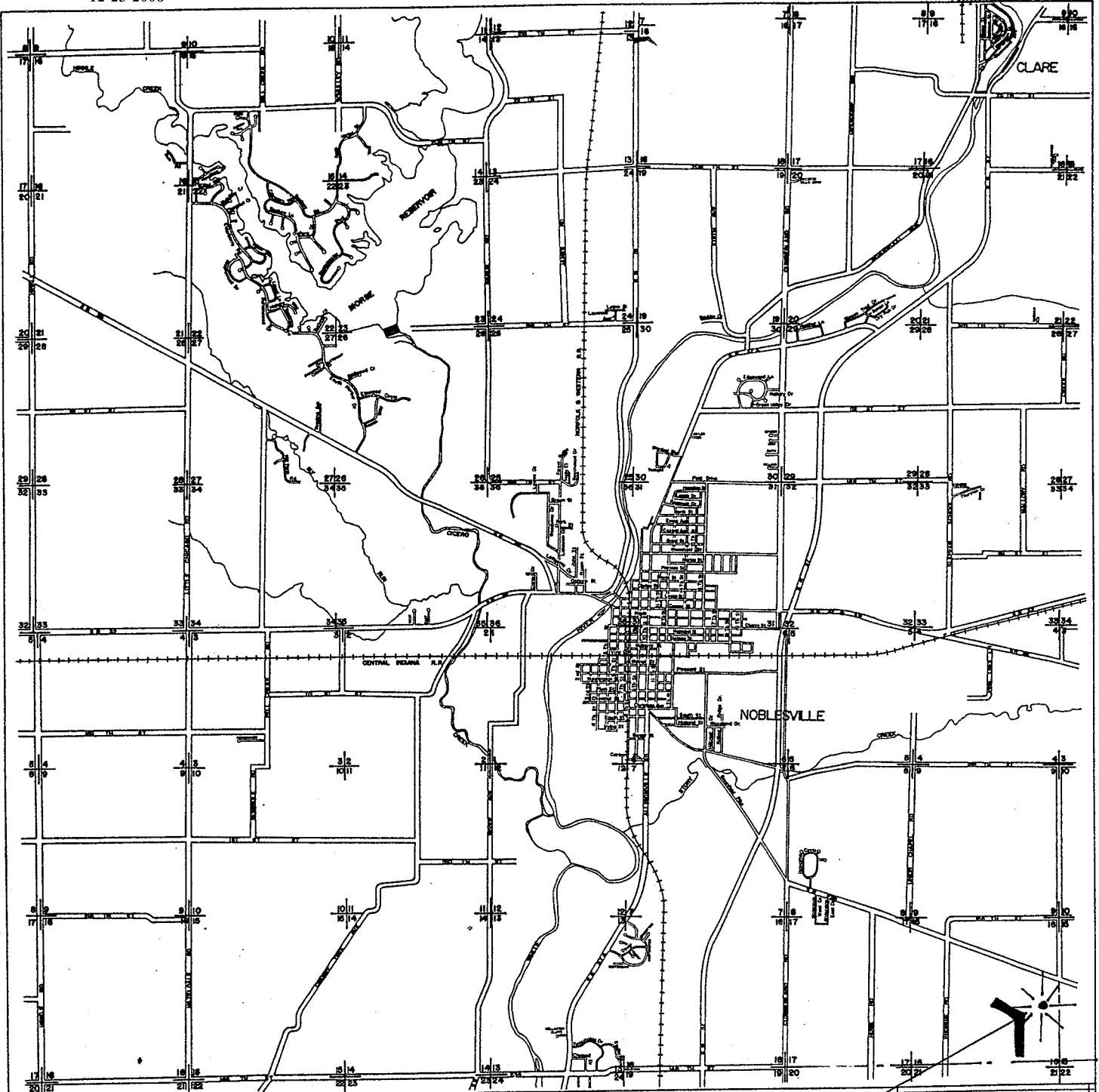
✓ SITE DEVELOPMENT PLAN

DEVELOPERS SIGNATURE

✓ LIST OF ADJACENT PROPERTY OWNERS, APPROVED BY TITLE COMPANY/DATED (TWO PROPERTIES DEEP)

Tim R. Stevens, Vice-President, Land Rush Dev.  
DATE May 3, 1996





NOBLESVILLE TOWNSHIP  
HAMILTON COUNTY

Project Location

0	2000	N
SCALE IN FEET		
SURVEYOR <i>[Signature]</i>		
DRAWN BY <i>[Signature]</i>		
DATE		
REVISIONS BY <i>[Signature]</i> <i>[Date]</i>		
HAMILTON COUNTY SURVEYORS OFFICE COURTHOUSE NOBLESVILLE, INDIANA 46060		

**LEGAL NOTICE**

**HAMILTON COUNTY PLAN COMMISSION**

The Hamilton County Plan Commission will meet on Tues, June 4, 1996 at 7:45 P.M. in the Hamilton County Government and

Judicial Center, Hamilton County Council/Commissioners' Courtroom, One Hamilton County Square, Noblesville, Indiana in order to hear the following petition:

**Docket No.** P.C.-P.U.D-0007-06-96

An Amendment to an existing Development Plan concerning Article 12 pp 100 Hc20 of the Hamilton County Zoning Ordinance No. 3-19-90 in order to Construct an 80' X 200' office storage Building

**Project Address:** 11831 S.R. 238 East N. 11 IN. 46060

**legal Description Attached?** (Yes or No)

The petition may be examined at the office of the Hamilton County Plan Commission, One Hamilton County Square, Suite 138, Noblesville, Indiana.

Interested parties may offer an oral opinion at the Hearing or may file written comments concerning the matter to be heard prior to or at the Hearing.

The Hearing may be continued from time to time as may be found necessary.

**Petitioner's Name:** TIM R STEVENS, VICE-PRESIDENT  
LAND RUSH DEVELOPMENT SERVICES, INC. **Date:** MAY

A part of the Southeast Quarter and a part of the Northeast Quarter of Section 16, Township 18 North, Range 5 East located in Noblesville Township, Hamilton County, Indiana, being bounded as follows:

BEGINNING at the northeast corner of the Southeast Quarter of Section 16, Township 18 North, Range 5 East (stone with + found); thence South 00 degrees 18 minutes 57 seconds West (assumed bearing) 2669.27 feet to the southeast corner of said Southeast Quarter (1" iron pipe found); thence North 89 degrees 51 minutes 05 seconds West 397.44 feet on and along the south line of said Southeast Quarter to a 5/8" iron rod with yellow cap, said point also being the southeast corner of a 29.83 acre tract of land described in Deed Record 362, page 621; thence North 00 degrees 14 minutes 06 seconds East 1696.67 feet to a 5/8" iron rod with yellow cap, said point being South 99 degrees 30 minutes 43 seconds East 765.00 feet from an existing 1/2" iron rod; thence North 89 degrees 30 minutes 43 seconds West 767.77 feet to a 5/8" iron rod with yellow cap, said point being 165.00 feet east of the west line of the east half of said Southeast Quarter; thence North 00 degrees 11 minutes 23 seconds East 873.19 feet parallel with the west line of the east half of said Southeast Quarter to a 5/8" iron rod with yellow cap on the westerly extension of the south line of a 5.00 acre tract of land described in Instrument #8703333 thence South 89 degrees 42 minutes 22 seconds East 772.13 feet on and along said westerly extension on and along the south line of said 5.00 acre tract and on and along the south line of a tract of land described in Instrument #8703332 to the southeast corner of said tract described in Instrument #8703332 (1/2" iron rod found); thence North 00 degrees 28 minutes 32 seconds East 103.74 feet to a 5/8" iron rod with yellow cap marking the southwest corner of 4.442 acre tract of ground described in Deed Record 347, page 905; thence South 89 degrees 57 minutes 18 seconds East 347.09 feet on and along the south line of said 4.442 acre tract to a 5/8" iron rod with yellow cap, said point being 50.00 feet west of the east line of the Northeast Quarter of Section 16, Township 18 North, Range 5 East; thence North 00 degrees 11 minutes 48 seconds East 486.98 feet parallel with the east line of said Northeast Quarter to a P.K. nail in the centerline of State Road #238; thence South 69 degrees 11 minutes 46 seconds East 53.42 feet to a P.K. nail marking the point of intersection of the centerline of State Road #238 and the east line of said Northeast Quarter; thence South 00 degrees 11 minutes 48 seconds West 475.70 feet to the POINT OF BEGINNING. Containing 40.496 acres, more or less and being subject to all applicable easements and rights-of-way of record.

11: 11 31:5 5 | W 4, 3:5 3 | 7

HAMILTON COUNTY PLAN COMMISSION  
FINDINGS FOR PLANNED DEVELOPMENT

DOCKET NO. P.C.-P.U.D.0007-06-96

PLANNED DEVELOPMENT NAME: DEPCO, Inc.

PETITIONER: Mr. Robert Drummond

PROPERTY OWNER: Mr. Irvin Larren Land contract to Robert Drummond

DEVELOPER: Mr. Robert Drummond

YES            NO            The petitioner has presented information to the Plan Commission which confirms compliance with all requirements of the Hamilton County Zoning Ordinances and all other applicable County Codes and Ordinances.

APPROVED \_\_\_\_\_ DISAPPROVED \_\_\_\_\_

If disapproved, list reasons for disapproval:

- 1. \_\_\_\_\_  
\_\_\_\_\_
- 2. \_\_\_\_\_  
\_\_\_\_\_
- 3. \_\_\_\_\_  
\_\_\_\_\_
- 4. \_\_\_\_\_  
\_\_\_\_\_
- 5. \_\_\_\_\_  
\_\_\_\_\_

MEMBER SIGNATURE

\_\_\_\_\_

DATE: \_\_\_\_\_

MINUTES OF THE HAMILTON COUNTY PLAN COMMISSION  
JUNE 4, 1996

The Hamilton County Plan Commission meeting started at 7:32 p.m.

Present were Members of the Commission: Ron Hall, Bill Rice, Brad Beaver, Marion House, Brenda Garrod, Kenton Ward, Charles Kiphart, Director, Randy Leerkamp, Legal Counsel and Dianna Lynch, Secretary.

Guests: Dennis Triace, Jay Kirkpatrick, Sam Hiser, Bob Drummond, John Dobosiewicz and M/M Robert Cruzan.

Declaration of Quorum: Quorum established.

Communications Reports: None

Approval of Minutes: Mr. Kenton Ward made a motion to approve the May 14, 1996 minutes as mailed, seconded by Mr. Brad Beaver and passed, 6 yes - 0 no.

Public Comment: None

Correspondence: None

President's Report: Mr. Hall welcomed Mr. Bill Rice to the Plan Commission.

Mr. Kiphart stated that the Personnel Committee approved the new position with the Plan Commission and it will go before the full Council the first week in July.

New Business: A. The public hearing on P.C.-P.U.D.0007-06-96 opened at 7:45 p.m. concerning an amendment to an existing development plan in order to construct an 80' x 200' office storage building located at 11831 S.R. 238 E. in Noblesville, zoned M-2P on 40.496 acres owned by Mr. Irvin Larsen on contract to Mr. Robert Drummond, Sr., Depco, Inc.

Mr. John Dobosiewicz, (LandRush) representing Depco, stated that Depco is asking for a change in the previously approved development plan (approved in June, 1993) to allow a 16,000 square foot office and storage facility. He stated that since the approval in 1993, Depco has made several improvements such as paving the access drive and removing junk cars, etc. He stated that Depco needs additional space to include a larger facility for office space. He stated that the office space will be 3,000 square feet and 130,000 square feet for storage. He stated that this building will replace the two (2) buildings that were previously approved.

Mr. Dobosiewicz stated that they are proposing a 15 space parking area that will be paved and curbed for the employees. He stated that they will remove the trailers that are on the property. He also stated that there will be no additional employees hired due to the expansion.

Mr. Brad Beaver asked if the plan has been approved by the Surveyor's Office. Mr. Dobosiewicz stated that the plan needs to be addressed further with the Surveyor's Office.

Mr. Kenton Ward stated that he wanted to investigate the drainage as it runs off to the east.

Mr. Brad Beaver asked if there will only be one building and not two, and Mr. Dobosiewicz stated that was correct.

Mr. Beaver asked what equipment would be stored in the facility, and Mr. Drummond stated J.I. Case and John Deer.

Mr. Hall asked if there would be addition employees, and Mr. Dobosiewicz stated not under the new improvements.

Mr. Hall asked if the additional would impact on traffic, and Mr. Drummond stated that it would not.

Mr. Hall asked for public comment:

Mr. Kevin Renfro stated that he would like to look at the plans.

The public hearing was closed at 8:02 p.m.

Mr. Brad Beaver made a motion to approve P.C.-P.U.D.0007-06-96 as presented subject to the County Surveyor's approval, seconded by Ms. Brenda Garrod and passed, 6 yes - 0 no.

B. The public hearing on P.C.-Z-0008-06-96 opened at 8:07 p.m. concerning a rezone from an A-4 to a R-3P in order to construct a one, two-family residence located at 26410 S.R. 213, Arcadia on .636 acres, and owned by Mr. Robert Cruzan.

Mr. Robert Cruzan stated that he wanted a change in his present zoning to build a duplex for his daughter who has M.S. and is in a wheelchair most of the time. He stated that she will get worse as time goes by.

Mr. Kenton Ward asked if he was going to be draining into the open ditch or tile, and Mr. Cruzan stated into the tile.

Mr. Beaver asked why he was before the Plan Commission and not the BZA. Mr. Kiphart explained that there was no hardship in order to get approval for a variance.

Mr. Hall asked if there was access directly onto the highway. Mr. Kiphart stated that Mr. Cruzan has received a permit from the State Highway Department.

Mr. Hall asked for public comment and seeing none, closed the public hearing at 8:12 p.m.

# DEPCO, INC.

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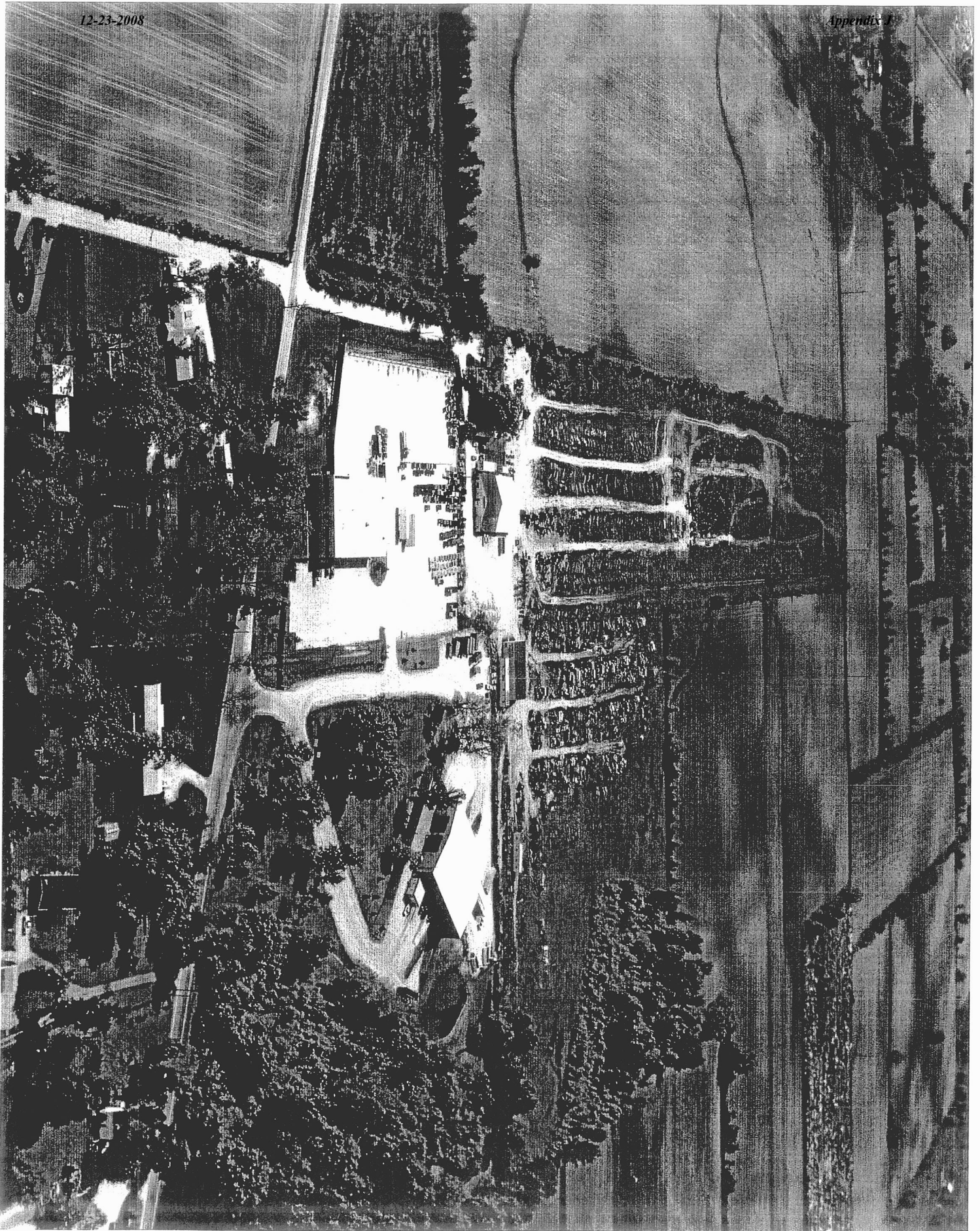
Amendment to  
an existing  
Development Plan

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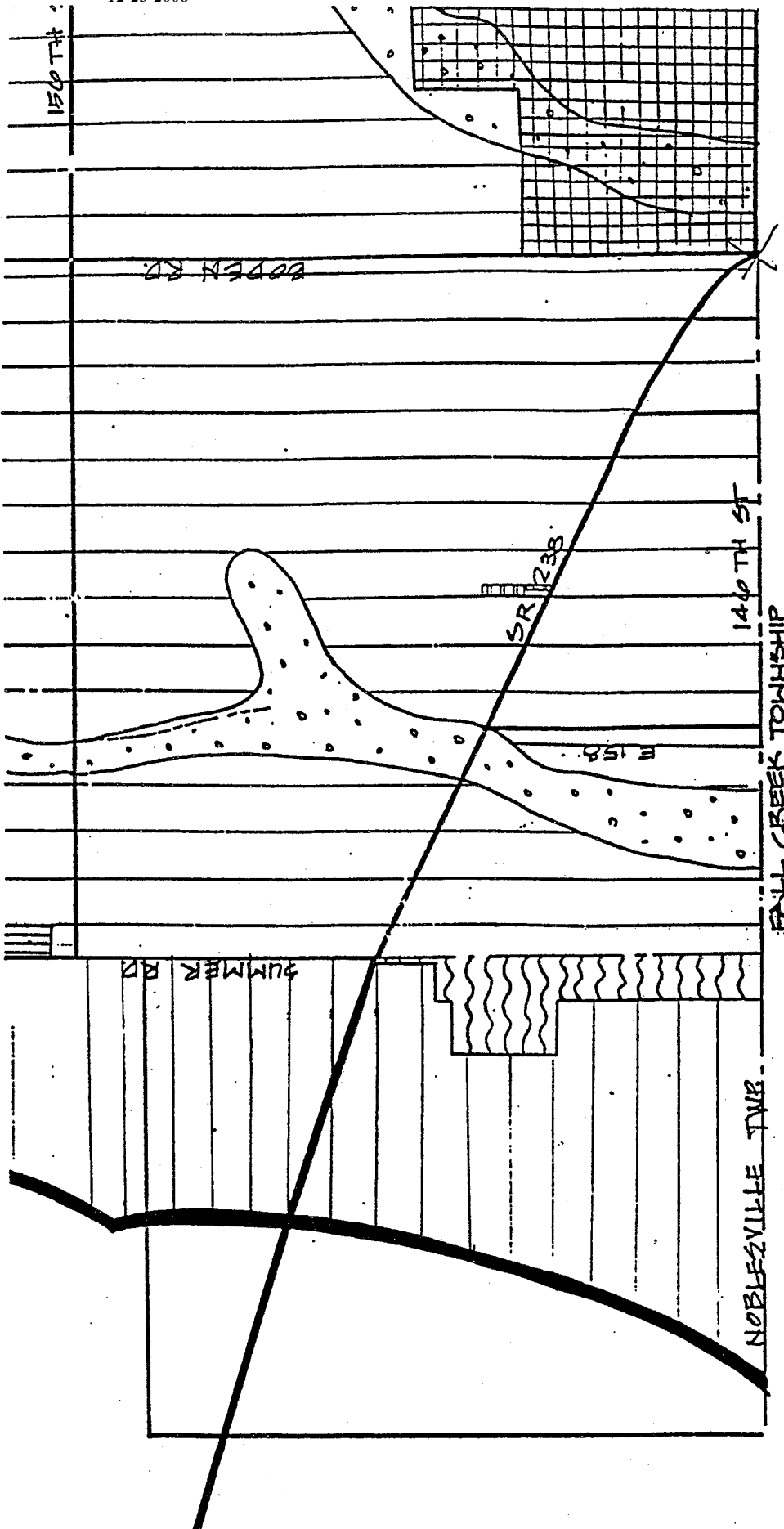
Hamilton County Plan Commission

June 4, 1996

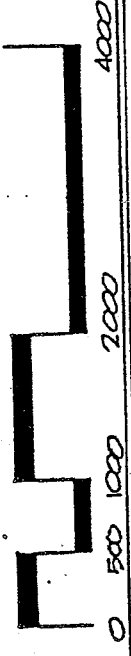
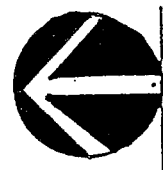
**LAND RUSH**  
Development Services Inc.  
Est. 1993


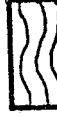



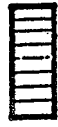






**Location - Zoning Map**



-  C-3 (P) PLANNED DEVELOPMENT
-  M-2 (P) PLANNED DEVELOPMENT
-  A-2 (P) PLANNED DEVELOPMENT
-  A-3 (P) PLANNED DEVELOPMENT
-  FLP FLOODPLAIN  
(GENERAL LOCATION SHOWN. REFER TO FEMA MAPS FOR ACCURATE LOCATIONS)
-  R-1 RESIDENTIAL - LOW DENSITY

Appendix J

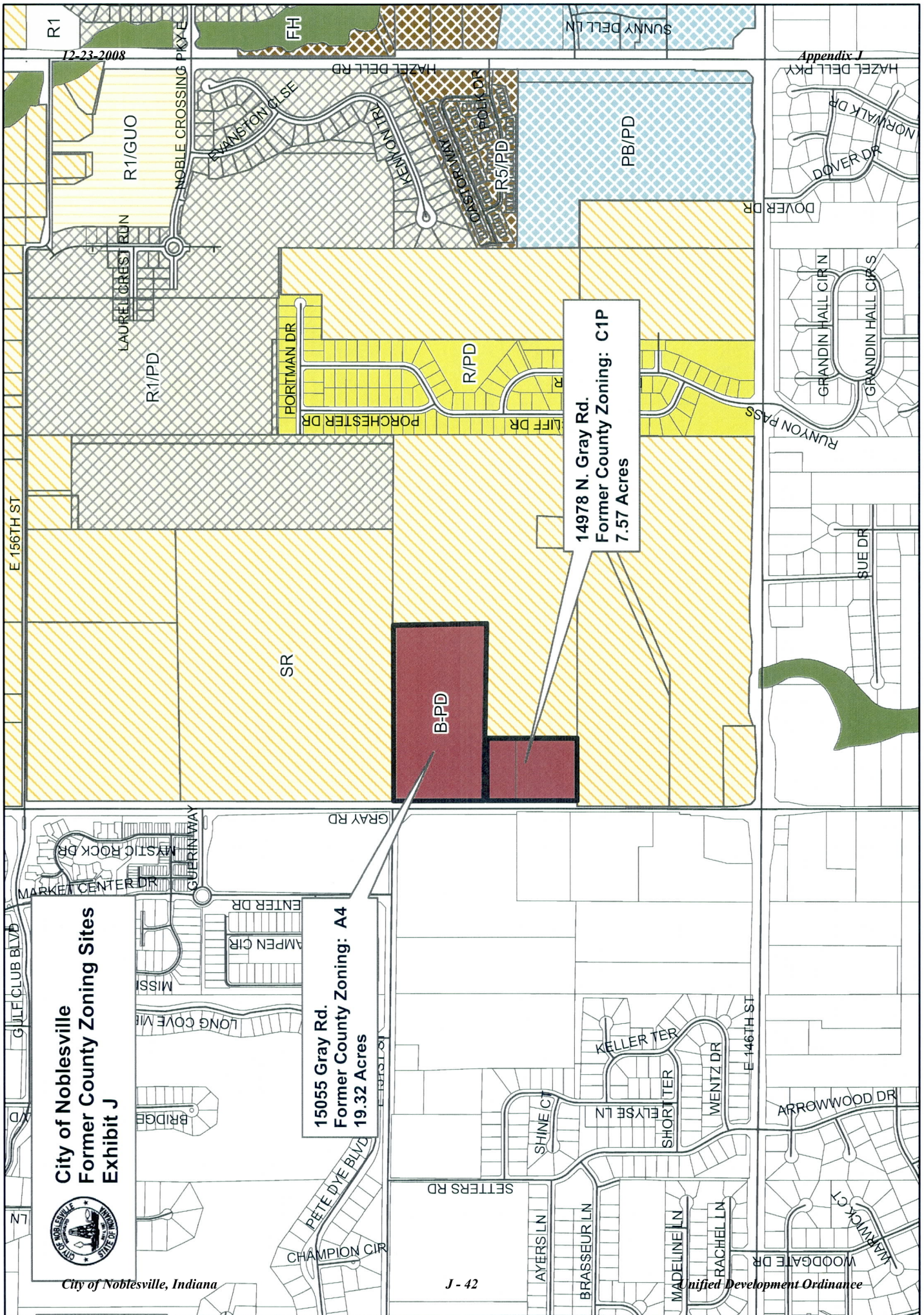
**City of Noblesville  
Former County Zoning Sites  
Exhibit J**



City of Noblesville, Indiana

**15055 Gray Rd.  
Former County Zoning: A4  
19.32 Acres**

**14978 N. Gray Rd.  
Former County Zoning: C1P  
7.57 Acres**



*Appendix J*  
HAZEL DELL PKY  
NORWALK DR  
DOVER DR

GRANDIN HALL CIR N  
GRANDIN HALL CIR S  
RUNYON PASS  
SUE DR

ARROWWOOD DR  
WOODGATE DR  
MARBROCK CT

# REZONE APPLICATION

TOWNSHIP

ADAMS

EXISTING ZONE DISTRICT A-3P

DOCKET NO. PC-210.P-0007-0

X NOBLESVILLE  
Sec. 16  
T18N-R04E

PROPOSED ZONE DISTRICT C-1P

REVIEWED BY OK

WAYNE

SIZE OF REA REZONED 2.57 Acres

DATE Jan. 14, 93

WHITE RIVER

A part of 10-10-16-00-00  
- 016

HEARING DATE July 6, 1999

DECISION DATE Aug. 24, 1999

PROJECT ADDRESS/LOCATION 14974 North Gray Road, Hamilton County

OWNER NAME James S. and Martha J. Thurston

ADDRESS P.O. Box 101, Noblesville, IN 46060 PHONE 317/844-3246

APPLICANT NAME James S. and Martha J. Thurston

ADDRESS P.O. Box 101, Noblesville, IN 46060 PHONE 317/844-3246

CONTACT PERSON James S. Thurston

ADDRESS P.O. Box 101, Noblesville, IN 46060 PHONE 317/844-3246

REASON FOR REZONE REQUEST: The present agricultural zoning is too restrictive for our project commercial activity.

PROPOSED USE OF REZONED PROPERTY Site for a proposed farm produce market.

IS REZONE REQUEST IN COMPLIANCE WITH COMPREHENSIVE PLAN  
YES  NO  Shows Residential

OFFERED CONDITIONS IF REZONE IS APPROVED: \_\_\_\_\_

MUST HAVE ATTACHED

SITE LOCATION MAP/LEGAL DESCRIPTION OR SURVEY

PROPERTY OWNER SIGNATURE James S. Thurston

LIST OF AFFECTED ADJACENT PROPERTY OWNERS/APPROVED BY TITLE COMPANY (TWO PROPERTIES DEEP)

APPLICANT SIGNATURE James S. Thurston

ATTORNEY \_\_\_\_\_

# APPLICATION FOR PLANNED UNIT DEVELOPMENT

TOWNSHIP

ADAMS PRELIMINARY  DOCKET NO. PC.Z/D.P.-0009-0  
 NOBLESVILLE FINAL  REVIEWED BY PL  
Sec 16 T 13N  
 WAYNE R04E ZONE DISTRICT C1-P DATE June 16, 1993  
 WHITE RIVER ACRES 7.57 Ac HEARING DATE July 6, 1993  
 SECTION RESIDENTIAL one Exit Home  
10-10-16-06-00-016 DENSITY One Exit apt DECISION DATE \_\_\_\_\_  
in barn 1 per 3.78 Ac  
 FLOOR AREA \_\_\_\_\_  
 RATIO 40' x 75' Bldg = 3000 sq ft.  
1:

PROPERTY OWNERS NAME James S. + Martha W. Thurston  
 ADDRESS 14974 N. Gray Rd PHONE 844-3246

DEVELOPERS NAME Same  
 ADDRESS Same PHONE Same

ENGINEERS NAME Frank S. Allig  
 ADDRESS 8080 N. Pennsylvania PHONE 251-7400

% RESIDENTIAL  existing % OFFICE \_\_\_\_\_ % RETAIL   
 % INDUSTRIAL  2 3000 sq ft.  
Farmers Market  
Grocery store

LEGAL DRAIN AFFECTED yes  
 COUNTY ROAD(S) OUTLET yes Gray Rd  
 WATER SOURCE Well  
 SANITARY SEWER SYSTEM No Septic

SITE LOCATION MAP

PROPERTY OWNERS SIGNATURE  
James S. Thurston

LEGAL DESCRIPTION SURVEY

DATE June 28, 1993

SITE DEVELOPMENT PLAN

DEVELOPERS SIGNATURE  
Same

LIST OF ADJACENT PROPERTY OWNERS, APPROVED BY TITLE COMPANY/DATED (TWO PROPERTIES DEEP)

DATE \_\_\_\_\_ Unified Development Ordinance

L E G A L D E S C R I P T I O N :

Part of the North Half of the Southwest Quarter of Section 16, Township 18 North, Range 4 East of the Second Principal Meridian in Noblesville Township, Hamilton County, Indiana, described as follows:

Beginning at the Southwest corner of the North Half of the Southwest Quarter of said Section 16, Township 18 North, Range 4 East, said point being also in the center-line of Gray Road as now located; thence East in and along the South line of said North Half of the Southwest Quarter 300.0 feet to a point; thence North and parallel to the West line of said Quarter Section 660.0 feet to a point; thence West parallel to said South line 500.0 feet to a point in the West line of said Quarter Section and also the said centerline of Gray Road; thence South in and along said West line 660.0 feet to the place of beginning, containing in all 7.57 acres, more or less.

Subject to a Right-of-Way easement for Gray Road along the entire West side thereof.

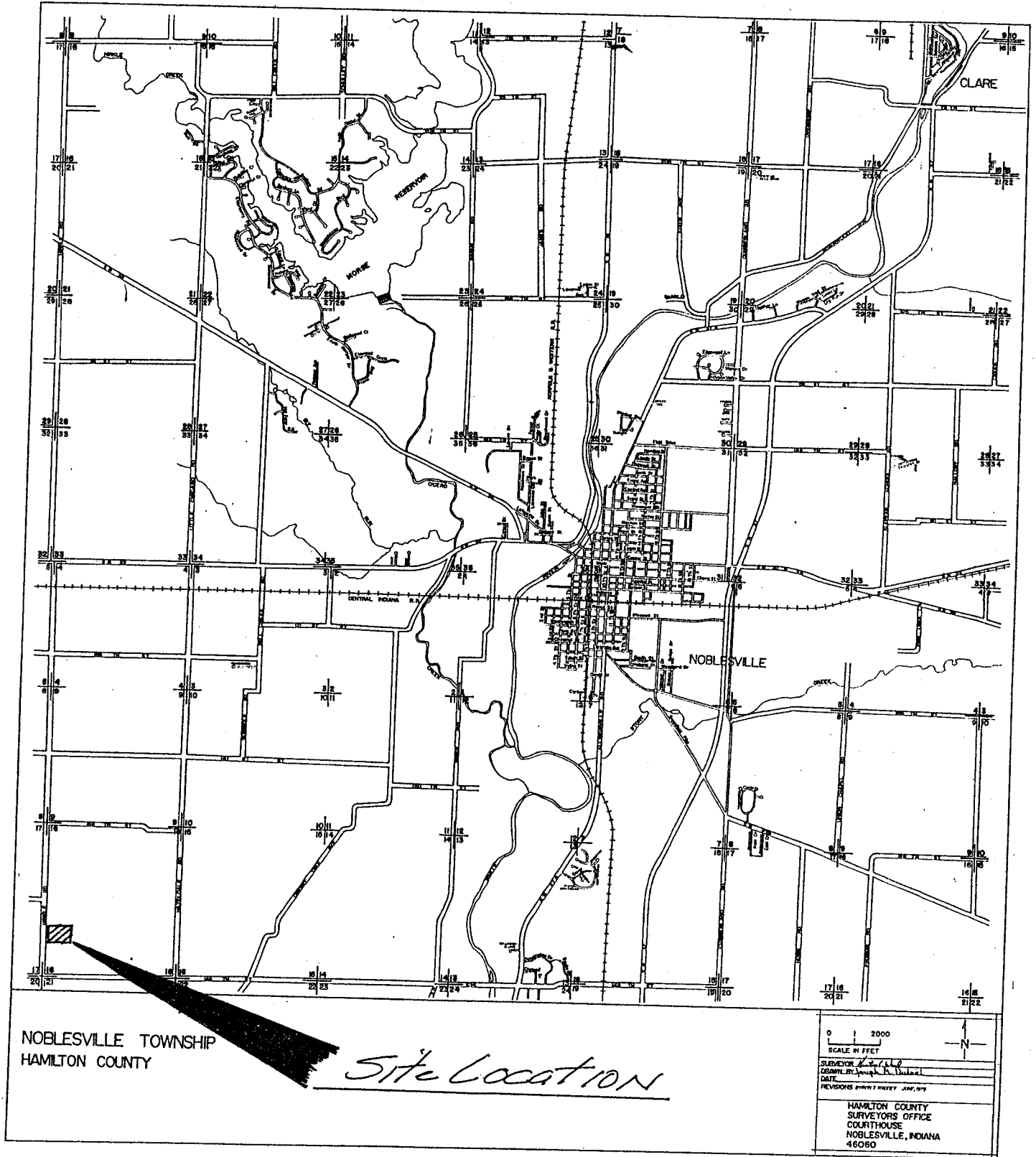
Subject to a twenty five foot wide easement along the entire South side of the subject property for purposes of ingress and egress.

Note: Subject property is not in a Zone "A" Flood Hazard Area as determined from maps at the Department of Natural Resources (HUD) Federal Insurance Administration.

THIS IS TO CERTIFY that the above is a true and correct description of the within

JUNE 10, 1993

*Frank J. Coley*  
Registered Land Surveyor Number 9795 Indiana



LEGAL NOTICE

HAMILTON COUNTY PLAN COMMISSION  
BOARD OF ZONING APPEALS

THE HAMILTON COUNTY Plan Commission

will meet on July 6 1993 at 7:45 P.M at

Hamilton County Government + Judicial Center, One  
Hamilton County Square - Council-Commissioners Court Room  
Noblesville, Ind.

in order to hear the following petition.

DOCKET NO. P.C-1/P.P. 0007-07-93

A. Rezone / Development Plan

Petitioner is requesting a property rezone <sup>+ Development Plan</sup> concerning  
Section per requirements of the Hamilton County Zoning

Ordinance No. 3-19-90 in order to (Rezone and <sup>Development Plan for a</sup> 7.57)

Acce parcel of land from an existing A3-P zone District to  
(State what you are doing in detail)  
a C-1P zone district for the use of a farmers  
market.  
(insert common address)

(Legal Description) See attached legal  
or commonly known as

14974 North Gray Road Hamilton County - Ind

The petition may be examined at the office of the Hamilton County Plan Commission, One Hamilton County Square, Suite 138, Noblesville, Indiana.

Interested parties may offer an oral opinion at the Hearing or may file written comments concerning the matter to be heard prior to or at the Hearing.

The Hearing may be continued from time to time as may be found necessary.

Petitioner's Name James S. Thurston

L E G A L D E S C R I P T I O N :

Part of the North Half of the Southwest Quarter of Section 16, Township 18 North, Range 4 East of the Second Principal Meridian in Noblesville Township, Hamilton County, Indiana, described as follows:

Beginning at the Southwest corner of the North Half of the Southwest Quarter of said Section 16, Township 18 North, Range 4 East, said point being also in the center-line of Gray Road as now located; thence East in and along the South line of said North Half of the Southwest Quarter 500.0 feet to a point; thence North and parallel to the West line of said Quarter Section 660.0 feet to a point; thence West parallel to said South line 500.0 feet to a point in the West line of said Quarter Section and also the said centerline of Gray Road; thence South in and along said West line 660.0 feet to the place of beginning, containing in all 7.57 acres, more or less.

Subject to a Right-of-Way easement for Gray Road along the entire West side thereof.

Subject to a twenty five foot wide easement along the entire South side of the subject property for purposes of ingress and egress.

Note: Subject property is not in a Zone "A" Flood Hazard Area as determined from maps at the Department of Natural Resources (HUD) Federal Insurance Administration.

THIS IS TO CERTIFY that the above is a true and correct description of the within

JUNE 10, 1993

*Frank S. O'Leary*  
Registered Land Surveyor Number 9795 Indiana



PETITIONER FINDINGS

State reasons why you feel your request should be approved by the Board.

(Provide eight (8) copies with completed application.)

James S. and Martha J. Thurston

With the accelerating growth of residences and commercial enterprises in this area we believe that an opportunity now exists to develop a profitable on-site retail market for farm produce. Some of this produce would be grown on our sixty acre Gray Road farm and the rest imported from elsewhere.

Our nearest neighbor to the north, The Bush Company, landscape architects, sells trees, shrubs, gardening tools, etc., and have told us that they would welcome our presence in attracting additional customers to this area.

We intend for this to be a first class operation, with an attractive building in a beautifully landscaped setting, an operation in which we can all take great pride.

7/90

## MINUTES OF THE HAMILTON COUNTY PLAN COMMISSION

JULY 6, 1993

The official meeting of the Hamilton County Plan Commission was called to order at 7:37 p.m.

Present were Members of the Commission: Mr. Ron Hall, Mr. Rolla Parsons, Ms. Brenda Garrod, Ms. Sharon Clark, Mr. Steve Holt, Mr. Tim Johnson, Mr. Kent Ward, Mr. Charles Kiphart, Director; Mr. Randy Leerkamp, Legal Counsel; and Ms. Lorrie Banks, Secretary.

Guests: Ms. Martha Thurston, Mr. James S. Thurston, Mr. Doug Floyd, Ms. Grace Haines, Ms. Glenda Klingensmith, Ms. Tess Christie, Ms. Dawn Fuque, Ms. Sue Garsey, Mr. Greg Thomas, and Ms. Sandra Thomas.

Declaration of Quorum: There were five (5) members present at this point of the meeting which is enough to declare a quorum.

Approval of Minutes: Ms. Sharon Clark made a motion to approve the minutes of June 1, 1993 as mailed, seconded by Mr. Rolla Parsons and passed, 5 yes - 0 no.

President's Report: Mr. Ron Hall gave a report on a wetlands seminar put on by the American Society of Landscape Architects that he attended. He stated that he has brought back some printed publications, and that he will place some of them on file in the Plan Commission library.

Ms. Sharon Clark stated that at the last meeting she had asked to have the public comments section of the meeting, as long as it had nothing to do with the public hearing, held at the beginning of the meeting rather than at the end of the meeting. She asked if other members had the same concern as to the placement of that agenda item?

Discussion was held as to the best place to hold the public comments portion of the agenda.

It was the consensus of the members present to hold the public comments portion of the agenda before any public hearings for a six month trial period.

Mr. Kiphart stated that the Rules of Procedure has an outline for the order of the agenda. He stated that possibly an amendment will need to be made at some time in the future.

Mr. Ron Hall asked the staff to put this on the agenda at the end of the year to see if they felt that they wanted this to be a permanent change to the agenda.

Mr. Ron Hall congratulated Mr. Chuck Kiphart on being reappointed to the Indiana Planning Association Board.

Correspondence: None

Mr. Ron Hall opened the Public Hearing at 7:49 p.m. on:

Docket Number: P.C.-Z-D.P.-0007-07-93

Concerning: Rezone and Planned Unit Development Application to rezone 7.57 acre parcel of ground from an existing A-3(P) zoned district to a C-1(P) zoned district. Petitioners specifically want to construct a 40' x 75' farm produce market/grocery store. Other uses allowed in C-1(P) district include apartments, office buildings, banks, government offices, public utilities, schools, hotels, motels, medical center, and a mobile home park.

Location: 14974 North Gray Road, Noblesville Township, Hamilton County, Indiana

Zone District:

Existing - A-3(P) - Planned Residential Medium Sized Lots/Agricultural

Proposed - C-1(P) - Planned Commercial Residential Character

Size of Property: 7.57 acres

Petitioner/Property Owner: James S. and Martha J. Thurston

Mr. Jim Thurston stated that approximately 22 years ago they purchased 80 acres on Gray Road and have lived on that property for about 20 years. He stated that they hope to increase their income by having a farm produce market, as he is retired. He stated that there is more traffic on Gray Road than there was 20 years ago and they feel that they can attract a lot of people to their market to obtain produce. He stated that they hope to run year round by obtaining California produce, home grown produce and organic produce. Mr. Thurston stated that hay has been grown on the farm for the last several years. He stated that he is not a farmer, however.

Mr. Ron Hall asked the Petitioners if they have done any studies on how this project will affect the traffic on Gray Road?

Ms. Thurston stated that their silent partner in this venture spent one hour several weeks ago and counted 20 cars every ten minutes. She stated that there is a great deal of traffic now.

Mr. Hall asked the Petitioners if they had any information on what kind of traffic their project would generate?

Ms. Thurston stated that she could not give any specifics.

Mr. Rolla Parsons asked if there was any information available that would outline the increase in traffic from a project of this size?

Mr. Kiphart stated that in order to determine that, an expensive traffic study would have to be done. He stated that he has spoke with Mr. Kent Ward in regard to the drainage. He stated that he has also spoke with Mr. Les Locke with the County Highway Dept. and asked if he could make a recommendation by tonight on what improvements that he felt would be appropriate for this type of business. Mr. Kiphart stated that he has not as yet received a recommendation from the County Highway Dept.

Mr. Steve Holt asked Mr. Kiphart when he requested that information from the County Highway Dept.?

Mr. Kiphart stated that he has asked for that information three times over the last month. He stated that the last time that he spoke to him was last Thursday.

Mr. Tim Johnson arrived at this point of the meeting at 7:58 p.m.

Mr. Kiphart stated that he felt that in order to keep the cost down for the Petitioner in the early planning stages they had hoped to receive an acknowledgment from the County Surveyor's office and from the County Highway Dept. and have them identify any potential problems. He stated that this would help the Petitioner with the cost analysis at the beginning of the project. Mr. Kiphart stated that a full set of plans would have to be done after the rezone.

Mr. Thurston asked Mr. Kiphart if he had received a fax from Mr. Jose Kreutz of the County Highway Dept. today? Mr. Thurston stated that he was told by Mr. Kreutz that he was going to be faxing a letter today to Mr. Kiphart.

Mr. Kiphart stated that he did not receive a fax.

Mr. Thurston stated that he was told by Mr. Kreutz that the County Highway Dept. would not require a deceleration lane

in front of the property, at this time, but that certain changes to the entrance to the driveway would need to be made. Mr. Thurston stated that Mr. Kreutz indicated however that a deceleration lane might be required at a later time. He also stated that Mr. Kreutz had made several other comments in the letter, but he was not aware what they were.

Mr. Kent Ward arrived at this point of the meeting at 8:03 p.m.

Mr. Steve Holt asked if there had been any discussion about obtaining a variance for this project instead of a rezone of the property?

Mr. Kiphart explained the requirements of a land use variance and why he felt that this should be a rezone of the property instead. He stated that the Petitioner is asking for a planned development classification. Mr. Kiphart stated that any change to the building or property would have to come back before the Plan Commission for a public hearing and approvals.

Discussion was held as to situations that could arise if the rezone were approved.

Ms. Thurston stated that they will have a quality product and do not intend to destroy the use of the land.

Mr. Hall asked if the Petitioners live on the 80 acres where the project will be located?

Ms. Thurston stated, yes.

Mr. Hall asked the Petitioners if they will be growing some of the products and the remainder of the products will be purchased and resold?

Ms. Thurston stated, yes. She said that it would be a mixed situation.

Ms. Tess Christie stated that she has lived on this land and she feels that the Petitioners start projects that they do not finish. She stated that she feels that it is dangerous to open up all the uses that would be allowed under the rezone.

Mr. Thurston asked Ms. Christie for additional information in regard to the comments that she made.

Ms. Christie stated that the Petitioners started an apartment in the barn. She stated that they were told by her that they should have a permit and but they did not get

a permit. Ms. Christie stated that she repeatedly asked them to see Mr. Kiphart and that they waited until they were interested in the produce rezoning. She stated that they have a craft store that has been allowed to run down. She stated that no one takes care of the store. She stated that it is a progression of ventures started and not finished.

Ms. Thurston stated that this is a personal vendetta by Ms. Christie and she stated that she objects very much to this. She stated that Ms. Christie sublet a place from their son.

Ms. Christie stated that what she is saying is true.

Mr. Thurston stated that Ms. Christie blackmailed them and they have it on tape by stating that she would come and make trouble for them.

Ms. Christie stated that she has been trying to get her things from them. She stated that it may be personal but that she is still telling the truth and that this is her only opportunity to express her comments.

Ms. Christie stated that when she moved off the property she left some of her things in the garage. She stated that she sublet a carriage house that the Thurstons have rented to their son which has never been finished. She stated that it was in poor condition and she was told that many things were going to be fixed when she moved in and they were never fixed. She stated that that is the primary reason that she moved out. She stated that Ms. Thurston told her that her son was very angry and volatile and that she was afraid for Ms. Christie to come back as her son might be violent. Ms. Thurston told her that she should not go and pick up her things, but that she should wait. Ms. Thurston told her that she would guarantee their safety and she would arrange for her to come back later to pick them up. Ms. Christie stated that she tried to arrange that meeting several times. She stated that she was ignored and she decided that the only leverage that she had was to appear at this meeting. Ms. Christie stated that she tried to get her things again today and was told that they had all been given to Goodwill. She stated that she did call and told them that she believed that her things were still in the house and that she wanted them to either let her in the house to see if they were there or she would be at the meeting and tell them the things that they had been doing.

Mr. Thurston stated that his character is sacred to him. He stated that Ms. Christie did threaten/blackmail them by her comments. He stated that they had been out all day and were unable to respond. Mr. Thurston stated that his son tonight put out what few things are left. He stated that he had

spoken with Ms. Christie's daughter and indicated to her that they could come out tonight and pick up what was there. He stated that he did not feel that this was the place to attack them. He stated that over the last four years he has started over 18 corporations including Meals On Wheels and he feels that he has made a contribution to the community.

Ms. Thurston stated that her reputation means a great deal to her and that she feels that this is inappropriate.

Ms. Glenda Klingensmith stated that she has lived near the Petitioners' property for 30 years and that the property has not been kept up. She stated that weeds have been allowed to grow tall and they are not being cut. She stated that she is concerned that this will happen with this store.

Mr. Ron Hall closed the public hearing at 8:13 p.m.

Mr. Rolla Parsons made a motion to approve P.C.-Z-D.P.-0007-07-93 as presented, seconded by Ms. Brenda Garrod.

Ms. Brenda Garrod expressed concern about opening up the zoning to all the uses allowed in a C-1(P) zone. She felt that a farmers market would be wonderful but not the other uses that would be allowed.

Mr. Kiphart stated that a summer produce stand would be allowed in agricultural districts. He stated that he discussed this with the Petitioners but they wanted to go beyond a temporary summer roadside stand. Mr. Kiphart stated that this building would be a Class I structure and a state building permit would need to be obtained also. He stated that it would have to be handicapped accessible.

Mr. Ron Hall asked if the asphalt parking area on the site plan was a requirement by the county or state?

Mr. Kiphart stated that it was required by the county. He stated that it is shown per our requirements.

Mr. Holt asked if the Petitioner was going to have a seasonal stand whether the parking and drive could be gravel.

Mr. Kiphart stated, yes. He stated that they would have to make a provision for parking.

Discussion was held on other operations within the county that have operations similar to this project.

Mr. Kiphart stated that one provision to having a roadside sales stand is that the produce must be grown on the site. He explained other provisions to roadside sales stands.

Mr. Steve Holt stated that he felt that a farm market would be fine but that he does not find a rezone acceptable.

Mr. Kiphart read all the uses allowed under the A-4 zone classification.

Ms. Sharon Clark stated that she is concerned about traffic in the area. She stated that she is concerned that the county highway dept. had not reviewed the plans.

Mr. Randy Leerkamp and Mr. Kiphart explained the options available to the plan commission members.

Ms. Thurston stated that their specific request is for the project that they have applied for, not for a medical building or any of the other uses that would be allowed in the C-1(P). She stated that they will try to keep up with the weeds.

Ms. Clark stated that she has a definite concern with the lack of accel and decel lanes for the project.

Discussion was held on the traffic problems that exist on Gray Road.

Mr. Holt stated that he felt that they should have received a report from the county highway dept. prior to tonight and that he did not understand why they did not have one. He stated that he would make an inquiry and follow-up on that.

Mr. Kiphart stated that he had expressed the need to the Petitioners for the recommendation and that he had pressed Mr. Locke about receiving it in time for the meeting.

Mr. Kiphart stated that he had talked to Mr. Ward about the drainage at this project. He stated that there is an outlet for the drainage.

Mr. Ward stated that there is an open drain on the property.

Mr. Steve Holt made a motion to table P.C.-Z-D.P.-0007-07-93 until they receive a report from the county highway dept. and Mr. Kiphart has an opportunity to visit with the Petitioners to see if they would like to apply for a different use, seconded by Ms. Sharon Clark.

Discussion was held on the ROW shown on the site plan.

Motion on the motion to table P.C.-Z-D.P.-0007-07-93 was 7 yes, 0 no. Motion passed.

Old Business: Mr. Ron Hall explained the four proposed changes to the Rules of Procedure under consideration



tonight, a copy of which everyone received at the last meeting.

Discussion was held about the proposed wording change of "times" to "meetings" on page 7 of 9, Article VII, Section 5-c, line 5.

Mr. Hall expressed confusion over the word "successive".

Ms. Sharon Clark made a motion to change the wording in line 5 by striking "two successive times" and replace with "one meeting" and line 6 by striking "third successive" and replace with "second" on page 7 of 9, Article VII, Section 5-c, seconded by Ms. Brenda Garrod.

It was the consensus of the members present that this change means that there will be two votes at two separate meetings.

Discussion was held on whether a revote could be called for at a meeting.

Mr. Ron Hall stated that he would review that rule and report back to the members at a later meeting.

Mr. Steve Holt made a motion to approve the four proposed changes as amended by present call, seconded by Ms. Sharon Clark and passed, 7 yes - 0 no.

It was the consensus of the members present to amend tonight's agenda to be able to hear Item No. A under New Business at this time.

New Business: Mr. Chuck Kiphart gave a report on the permitting and development plan process involving Deer Creek Music Center. He explained that Deer Creek has a habit of putting in structures without obtaining permits first. He spoke about several problems that have arisen. He stated that there is confusion as to what permits can be approved by staff, what need to come before the plan commission, can they go to the plan commission as a site plan or do they require a public hearing? Mr. Kiphart stated that they need direction on how the members want them to proceed. Mr. Kiphart stated that most of the structures do not require to be reviewed by the state as they are not in excess of 200 sq. ft. and are not considered a Class I structure. He explained that these structures that Deer Creek have been putting up do not have the public inside of them but that they do have an employee inside. He stated that the state leaves the decision up to the local agency on structures less than 200 sq. ft. He explained some of the problems that arise when structures are built without permits.

Mr. Doug Floyd, representing Deer Creek Music Center, stated that the Ben & Jerry's stands have lights but no plumbing. He stated that they replace the ice cream carts.

Mr. Kiphart stated that he felt that some of those structures do have plumbing in addition to electrical.

Mr. Floyd insisted that the structures do not have plumbing and are not on permanent foundations.

Mr. Floyd gave a report on the type of buildings that are at the Deer Creek site. He indicated the location of two particular buildings on the site plan.

Mr. Floyd stated that he visited with Mr. Kiphart when the zoning ordinance was adopted in regard to what needed to be done at Deer Creek, as every season at Deer Creek is different in regard to the portable structures on the property. He stated that what they settled on, was that at the beginning of each season they would review the total site plan and have a walk through with plan commission staff and go over what was going to occur during the year, and come to an understanding of what needed to be issued a permit, what did not, and what needed to come before the plan commission.

Mr. Floyd reviewed this year's site plan with the members present and the different structures included on it. He stated that this site plan was reviewed with staff before the Deer Creek Fair.

Mr. Floyd reviewed the square feet of each of the eight structures with the members present.

Mr. Kiphart stated that structures will be reviewed somewhat differently if there will be an employee inside of the building. He explained the difficulties that have arisen with the way that Deer Creek has gone about getting their permits. He stated that he is concerned about the fact that these structures are not on permanent foundations.

Mr. Holt asked how the amount of advance notice that Mr. Kiphart receives from Deer Creek regarding permits relates to whether situations need to come before the plan commission?

Mr. Kiphart stated that he felt that Deer Creek would respond more to the plan commission than the staff.

Discussion was held on the penalties that are charged for not receiving a permit before the structure is built.

Mr. Kiphart explained the difficulties of getting code corrections made to structures after they are built.

Mr. Floyd stated that it is not the intent of the owners of Deer Creek to put up as many buildings as they can without permits. He explained that the Deer Creek grounds personnel thought that they could put up two particular structures once the plans were submitted.

Mr. Ron Hall stated that he has received copies of letters from Mr. Kiphart to Deer Creek regarding the fact that they were to stop construction on structures and when they visited the site later finding out that the Stop Work Order was ignored.

Mr. Kiphart explained the circumstances that arose during this particular incident.

Mr. Hall stated that he felt that the plan commission was being ignored.

Mr. Floyd assured the members that that is not the case as he has visited with the owners.

Mr. Hall asked about the plans that Deer Creek has for the type of buildings that they have on the property, are they using temporary buildings until they build permanent buildings at a later date?

Mr. Floyd stated the plans are not definite. He stated that different situations arise every year.

Mr. Hall asked if these structures are leased to outside corporations or managed and controlled by Deer Creek?

Mr. Floyd stated that there is one food service contractor at Deer Creek that sells food concessions in those facilities. He stated that some of the other buildings sell t-shirts/apparel and a different contractor would use that building.

Mr. Hall asked who the employees that worked in those structures were employed by?

Mr. Floyd stated that they were employed by the outside contractors. He stated that he felt that the use of buildings and the type of buildings on the property would continue to change.

Discussion was held on what size of building requires a permit.

Mr. Kiphart would recommend using 200 sq. ft. or less as a cut-off on a building, if it housed only employees, as not

having to come before the plan commission for approval. He stated that any building that is open to the public or in excess of 200 sq. ft., as long as it is accessory to the major use, could be done through a site plan review and would not require a public hearing but would involve the plan commission. He stated that he feels that buildings over 120 sq. ft. should have a permanent foundation or tied to the foundation with anchors.

Mr. Floyd assured the members present that they would not build any building without applying for a building permit.

Mr. Hall asked if it would be possible to have a representative from Deer Creek, the staff, the plan commission or plan commission representative meet and establish a workable procedure to bring back to the plan commission at a later meeting for review?

Mr. Kiphart stated that they will work towards a written policy.

Old Business: Citation Ordinance Amendment - Mr. Hall stated that the notice of public hearing was not placed in the newspaper and it will be on the agenda at the next meeting.

1993 Budget Amendments - Mr. Kiphart explained that he had desired to have an additional staff planner to help him next year but after visiting with the chairman of the county personnel committee he was advised that there would be no new employees for any department unless it was an emergency. Mr. Kiphart explained that he would like to transfer part of the already approved money in the receptionist position that has not been used into the part time account in order to continue using an intern from Ball State University. He stated that that request will need to be approved by the County Council.

He stated that he would also like to transfer part of the money in the receptionist position to computer hardware to upgrade the laptop computer.

Mr. Kiphart stated that he would like to transfer \$210.00 of the money in the receptionist position to the furniture/fixtures account for a five drawer file cabinet.

Mr. Kent Ward made a motion to approve the transfer of funds as outlined on Mr. Kiphart's report, seconded by Mr. Tim Johnson.

Mr. Holt asked about the need for the part time help.

Mr. Kiphart explained that the workload since February has increased significantly in regards to the building permits,

phone calls, and site inspections. He explained the types of inspections that he goes out on.

Mr. Holt stated that he was opposed to spending the money just because the position was not filled.

Discussion was held on the need for the part time help.

Vote on the motion as presented was 5 yes - 1 no (Mr. Steve Holt) and 1 abstain (Ms. Sharon Clark). Motion passed.

Unsafe Building Fund - Mr. Kiphart stated that when the zoning ordinance was adopted, a building code, unsafe housing code and a fire code were also adopted. He stated that an unsafe building fund was also established within the operating budget of the Hamilton County Plan Commission; however, the fund was not funded. Mr. Kiphart stated that none of the other county codes apply to dilapidated structures and the other county agencies cannot do anything about them. He reviewed several structures within the plan commission's jurisdiction on which this fund could be used. He stated that we have received numerous complaints on these structures. Mr. Kiphart explained that in order to do anything about these structures, the fund must be funded according to state statutes. He stated that if they cannot get the owners to bring the structure up to code, then the final resort is that the county can have the structure demolished at their expense and place a lien on the property to recover the costs. Mr. Kiphart stated that if the plan commission were to approve this request, the request would also have to be approved by the county council.

Mr. Kent Ward asked if a judgment or a sheriff's sale would recover the costs of demolition rather than a lien?

Mr. Kiphart stated that that is possible, also. He stated that the process is very detailed. Once the structure is cited the owners have a right to appeal.

Discussion was held on the ways in which to recover the expenses of demolition.

Discussion was held among the members in regard to having legal counsel review this item.

Mr. Kent Ward made a motion to table the request to transfer \$4,500.00 from the receptionist salary to the Unsafe Building Fund pending review of the statute and the ordinances by legal counsel, seconded by Ms. Brenda Garrod and passed, 7 yes - 0 no.

New Business: Temporary Camping Facilities - Mr. Hall stated that nothing in the zoning ordinance addresses this

Ms. Clark asked if any cost was involved?

Mr. Kiphart stated that he did not know yet.

No objections were raised by the members present to having Mr. Kiphart look into the possibility of having training sessions for BZA and Plan Commission members.

Mr. Kiphart stated that Mr. Doug Floyd has a client that wants to place a propane gas distribution facility building on S.R. 32. He stated that that is a specific use that is not mentioned in the zoning ordinance. Mr. Kiphart stated that the closest type of use would be in the manufacturing zones. He mentioned several things for the members to consider.

Mr. Floyd stated that this particular property is in a C-2(P) zone. He stated that the same land use exists down the road 1/4 mile. Mr. Floyd stated that there are both retail and wholesale sales approved in the area but not specifically gas distribution. He asked for direction in relation to whether this facility would fit into the area.

Mr. Kiphart stated that it is his recommendation to have the property zoned C-2(P) as the existing propane company is currently.

No concerns were expressed by the members. Mr. Kiphart stated that they will pursue the existing zone.

Director's Report: None

New Business: Mr. Steve Holt expressed concern over interpretation of some zoning classifications placed on small businesses when the public will be inside the structures.

Mr. Steve Holt made a motion to have Mr. Charles Kiphart research a new zone classification to address this problem and amend that classification into the ordinance, seconded by Ms. Sharon Clark.

Discussion was held as to how this request pertained to the public hearing tonight and how it would involve the state requirements on the building.

Vote on the motion as presented was 7 yes - 0 no. Motion passed.

Legal Counsel Report: Mr. Randy Leerkamp stated that the Couch case that was filed for Summary Judgment will be heard tomorrow. He stated that the Crawford case will be heard on August 6th. Mr. Leerkamp stated that he has recently filed a case against Mr. Crawley and Ms. Vess.

Next Meeting Date: Several members stated that they will be absent if the plan commission meets at their regularly scheduled time in August. Suggestion was made that a poll be taken of the members at a later date as to the dates that they would be available in August to meet.

Mr. Tim Johnson made a motion to adjourn at 10:53 p.m., seconded by Ms. Sharon Clark and passed, 7 yes - 0 no.

*C. Ron Hall*

Mr. C. Ron Hall, President

Date: 9-7-93

ATTEST:

*Lorrie A. Banks*

Mr. Lorrie A. Banks, Secretary

Date: 9-7-93





HAMILTON COUNTY ZONING DISTRICTS AND  
REGULATIONS

**ARTICLE 3. AGRICULTURAL DISTRICTS****A. AGRICULTURAL DISTRICTS ESTABLISHED**

Agricultural zoning districts established in this ordinance for Hamilton County, Indiana, are as follows:

## TABLE INSET:

1.	A-1	Conservation and preservation
2.	A-2	Agricultural
3.	A-3	Agricultural and planned residential country
4.	A-4	Agricultural business

**Section 1. A-1 conservation and preservation district.**

a. *Purpose.* It is the purpose of this district to protect floodplains, wetlands, forests, wildlife refuges and similar conservation and environmentally sensitive areas and thus protect public health, safety and welfare, while at the same time encouraging the protection of those areas with unique land characteristics.

b. *Permitted uses:*

1. Agricultural uses where the existing tillable tract of land is three acres or more.
2. Structures for wildlife, forest, and similar non-commercial preserves, and structures for any other agricultural uses allowed only by special use as provided in article 15 special uses.
3. Archaeological or historic sites, building, or properties.

c. *Subdivision.* A subdivision of land is prohibited in A-1 district.

d. *Development standards.* Inasmuch as there is no building or development permitted in A-1 district, there are no development standards necessary for this district.

e. *Use specifications:*

1. No structures or buildings are permitted in A-1 district.
2. Prohibited acts and uses in this district include the filling in with waste or foreign materials, the construction and use of commercial, industrial and residential structures, and the industrial and commercial use of open ground.

**Section 2. A-2 agricultural district.**

a. *Purpose.* It is the purpose of this district to permit the full range of agricultural activities as well as certain planned, large lot residential development with development standards which protect the full range of agricultural uses as determined by the plan commission, and other uses customarily conducted in agricultural areas.

b. *Permitted uses:*

1. Farms and farm buildings for dairy animals, poultry, livestock and crops.
2. Single family dwellings.
3. Greenhouse/wholesale only plant nursery with all uses and accessory uses located within enclosed or screened structures.
4. Public schools.
5. Public parks.
6. Accessory buildings as related to agriculture or single family residential use.
7. Fire stations.
8. Home occupation.
9. Temporary buildings for construction purposes for a period not to exceed such construction or 18 months, whichever shall first occur.
10. Signs as permitted by article 9.
11. Temporary campgrounds are allowed in all A-2 and A-2P districts only.
12. Utilities - Public utilities uses for all public utilities service and operation, except those uses listed as special uses.
13. Uses approved as special uses as provided in article 15.
14. In home day care facility.
15. Limited agricultural related retail sales. Road side sales stands, Christmas tree sales, long term storage use of existing agriculture buildings, retail sales of home grown and/or processed agricultural produce. (Off-site products limited to 30 percent of total products offered for sale.) These particular uses are restricted to A-2 and A-2P districts only.

c. *Subdivision.* A subdivision of land is prohibited in A-2 district; however, a subdivision is allowed if such district is designated for planned development [A-2(P) on the zone map]. See use specifications which follow in paragraph C of this article.

d. *Development standards.* Development standards for A-2 district are as provided under paragraph B of this article.

e. *Use specifications.* Use specifications for A-2 district are as provided under paragraph C of this article.

(Ord. No. 6-13-94-A, 6-13-1994; Ord. No. 6-13-94-B, 6-13-1994; Ord. No. 6-13-94-C, § 2, 6-13-1994)

### **Section 3. A-3 agricultural and planned residential country district.**

a. *Purpose.* It is the purpose of this district to allow planned residential uses within designated agricultural areas normally in close proximity to existing residential development and existing agricultural uses.

b. *Permitted uses:*

1. Uses permitted in the A-2 agricultural district, except the commercial raising of livestock.
2. Municipal or government office building.
3. Manufactured home type I provided they have wheels, axles and hitch mechanisms

removed and are anchored to the ground in accordance with approved installation standards.

4. Off-street parking in accordance with article 13.
  5. Signs as permitted by article 9.
  6. Accessory buildings and uses customarily incidental to any of the above uses.
  7. Uses approved as special uses as provided in article 15.
  8. Any use otherwise allowed in this district may be developed as a planned development in accordance with article 12.
- c. *Subdivision.* Subdivision of land is permitted in A-3 district. See "Subdivision" under use specifications which follow in paragraph C of this article.
- d. *Development standards.* Development standards for A-3 district are as provided under paragraph B of this article.
- e. *Use specifications.* Use specifications for A-3 district are as provided under paragraph C of this article.

#### **Section 4. A-4 agricultural business district.**

- a. *Purpose.* It is the purpose of this district to provide areas for business or commercial activities which are related to agricultural business.
- b. *Permitted uses:*
1. Permitted uses in the A-3 agricultural residential country district.
  2. Commercial processing of agricultural products, except livestock, including industrial grain elevators and mills.
  3. Raising animals for biological purposes.
  4. Commercial grain storage elevators.
  5. Raising animals for furs or pets.
  6. Uses approved as special uses as provided in article 15.
  7. Landscape nursery, provided at least 25 percent of land area used for growing landscape plant material and all equipment and storage material within enclosed structures or screened.
- c. *Subdivision.* Subdivision of land is permitted in A-4 district, except that residential subdivision of land is specifically prohibited. See "Subdivisions" under use specifications which follow in paragraph C of this article.
- d. *Development standards.* Development standards for A-4 district are as provided under paragraph B of this article.
- e. *Use specifications.* Use specifications for A-4 district are as provided under paragraph C of this article.

## **B. DEVELOPMENT STANDARDS**

**Section 1. Minimum lot area (gross density).**

1. Not less than ten acres for individual lots.
2. As an exception to the ten acre minimum area requirement specified in subsection 1. above, lots of less than ten acres may be created by the owner of a parcel of property at the time of enactment of this ordinance, without an approved and recorded subdivision under the Hamilton County Subdivision Control Ordinance, if the following requirements are met:
  - (a) Up to three new lots may be created from the entire parcel of property owned (the singular term "parcel" including all contiguous properties in common ownership); and
  - (b) The new lot(s) may be directly adjacent to another lot(s); however, in the event such new lot(s) does not share a common boundary line with another lot, such new lot(s) shall be at least 750 feet from the boundary of any other lot(s) at its closest point; and
  - (c) Neither the new lot(s) nor the remainder of the original parcel from which the new lot(s) were created shall be less than:
    - (1) Three acres in area in A-2 districts;
    - (2) One and one-half acres in area in A-3 districts; or
    - (3) Thirty thousand sq. ft. in area in A-4 districts.
3. Lots of less than ten acres may be permitted in an approved and recorded subdivision under the Hamilton County Subdivision Control Ordinance if such lots are equal to or greater than:
  - (a) Three acres in area in A-2 districts; or
  - (b) One and one-half acres in area in A-3 districts; or
  - (c) Thirty thousand sq. ft. in area in A-4 districts.
4. Not less than five acres for limited agricultural related retail sales uses.
5. Where an existing single family residential structure along with its accessory buildings have existed since before May 15, 1990, a new parcel may be created (split/subdivided) for these structures per the following standards being met before the parcel is recorded by the Hamilton County Recorders Office and the Hamilton County Auditors Office.
  - a. The minimum new parcel size shall be not less than one acre.
  - b. The minimum remaining parcel size shall be no less than 37 acres.
  - c. The new parcel shall have a septic/sewage system approved by the Hamilton County Health Department.
  - d. The new parcel shall be reviewed by the Hamilton County Surveyor's Office.
  - e. The existing primary structure shall be in habitable condition at the present time and shall have been occupied within the past 18 months.
  - f. The existing structure shall not be classified as an unsafe building per the standards listed in the Hamilton County Unsafe Building Law (Ord. No. 11-23-93).
  - g. All other requirements of the zoned district in which the structure is located shall be met.

(Ord. No. 6-13-94-C, § 3, 6-13-1994; Ord. No. 2-12-96-C, 2-12-1996)

**Section 2. Minimum lot frontage on road.**

1. Ten or greater acre lots - 330 feet.

2. Lots in subdivisions or other lots in A-2 districts:
  - (a) Eighty feet on cul-de-sac.
  - (b) One hundred fifty feet on other lots.
3. Lots in subdivisions or other lots in A-3 districts:
  - (a) Seventy feet on cul-de-sac.
  - (b) One hundred twenty-five feet on other lots.
4. Lots in subdivisions or other lots in A-4 districts:
  - (a) Sixty feet on cul-de-sac.
  - (b) One hundred feet on other lots.

### Section 3. Minimum set back lines.

1. *Front yard:*
  - (a) Ten acres (or greater) lots not less than 120 feet on designated primary and secondary arterials; not less than 80 feet on major or minor collectors and not less than 60 feet on other public roads.
  - (b) Lots in subdivisions or other lots in A-2 district - 60 feet.
  - (c) Lots in subdivisions or other lots in A-3 district - 60 feet.
  - (d) Lots in subdivisions or other lots in A-4 districts - 60 feet.
  - (e) Temporary campground - 50 feet.
  - (f) Limited agricultural related retail sales uses (new buildings) - Ten feet from the existing road right-of-way.
2. *Side yard:*
  - (a) Ten acres (or greater) lots - 50 feet;
  - (b) Lots in subdivisions or other lots in A-2 district - 25 feet; 50 feet for side yard on corner lot.
  - (c) Lots in subdivisions or other lots in A-3 district - 20 feet; 40 feet for side yard on corner lot.
  - (d) Lots in subdivisions or other lots in A-4 districts - 12 feet; 30 feet for side yard on corner lot.
  - (e) Temporary campground - 50 feet.
  - (f) Limited agricultural related retail sales uses (new buildings and product storage or displays) - 100 feet.
3. *Rear yard:*
  - (a) Ten acres (or greater) lots - 80 feet.
  - (b) Lots in subdivisions or other lots in A-2 district - 60 feet.
  - (c) Lots in subdivisions or other lots in A-3 district - 45 feet.
  - (d) Lots in subdivisions or other lots in A-4 districts - 30 feet.
  - (e) Temporary campground - 50 feet.

(f) Limited agricultural related retail sales uses (new buildings and product storage or displays) - 100 feet.

4. *Minimum lot width at building line:*

(a) Ten acres (or greater) lots - 330 feet.

(b) Lots in subdivisions or other lots in A-2 district - 150 feet.

(c) Lots in subdivisions or other lots in A-3 district - 150 feet.

(d) Lots in subdivisions or other lots in A-4 districts - 150 feet.

(Ord. No. 6-13-94-A, 6-13-1994; Ord. No. 6-13-94-C, §§ 4--6, 6-13-1994)

#### **Section 4. Maximum building height.**

Not to exceed two and one-half stories or 35 feet whichever is lower.

#### **Section 5. Minimum ground level square footage exclusive of porches, terraces and garages.**

1. Single family: (All A districts)

Single story - 1,350 square feet. This area represents the minimum square footage required for all manufactured or mobile homes otherwise allowed in any agricultural district.

Two-story - 900 square feet (ground floor).

Tri-level - 900 square feet (basement and 1st level).

Story and one-half - 900 square feet (ground floor).

#### **Section 6. Parking.**

Off-street parking shall be provided in accordance with the provisions set forth in article 13.

#### **Section 7. Time of operation.**

Time that business is open to the public shall be displayed on allowed sign (refer to article 9 signs) limited agricultural related retail sales operations only.

(Ord. No. 6-13-94-C, § 10, 6-13-1994)

#### **Section 8. Display of products.**

Outside display of products for sale shall be approved by director of plan commission as shown on site development plan.

(Ord. No. 6-13-94-C, § 11, 6-13-1994)

### **C. USE SPECIFICATIONS**

**Section 1. Location permitted.**

Agricultural uses shall be permitted in A-1, A-2, A-3 and A-4 agricultural districts on a tract of land containing more than three acres; by special uses on a tract of land containing three acres or less in these districts and by special uses in all other districts regardless of tract size.

**Section 2. Subdivision.**

Subdivision is not permitted in conservation and preservation (A-1) or in agricultural (A-2); however, it is permitted in agricultural planned development (A-2(P)), agricultural residential country (A-3) and agricultural business (A-4). A particular area may be restricted by being designated for development only through the planned development procedure established under article 12 (as indicated by the designation "(P)" after the zoning district on the zone map). In such event, subdivision within this area shall be done in conjunction with development plan or P.U.D. approval under article 12.

**Section 3. Planned development.**

Any agricultural district (except conservation and preservation A-1) and A-4 shall be restricted by being designated for development only through the planned development procedure established under article 12 (as indicated by the designation "(P)" after the zoning district on the zone map). If such designation exists, all development in this area shall include a development plan or P.U.D. filed and approved in accordance with article 12.

Nothing in this ordinance should be construed to preclude any developer from requesting development plan or P.U.D. status with respect to a particular project, irrespective of whether the land in question actually lies in a designated planned development district, notwithstanding the mandatory requirement that all development in an area designated for planned development as hereinabove specified be done through development plan or P.U.D. approval.

**Section 4. Approval of site plan.**

No building or structure shall be erected; or land site or lot altered; or land used; unless and until a site plan for such building, structure, or use has been presented to, and approved by, the plan director pursuant to article 11, if required.

**Section 5. Accessory building and uses.**

- a. Accessory buildings are permitted in all districts, but not prior to the erection of the principal building.
- b. Accessory uses such as public utility installation, walks, driveways, curbs, retaining walls, mail boxes, name plates, lamp posts, bird baths and structures of a like nature are permitted in any required front, side or rear yard, and without the issuance of any permit.
- c. Accessories such as ground microwave antenna dishes are not permitted in front or side yards through the full depth of the lot. A ground microwave antenna dish, or other such accessory use, must be located at least ten feet from the rear property line or easement interior boundary plus three feet.
- d. Windmills for generating electric power and antennas in excess of 50 feet in height are not



permitted in any residential district without receiving approval as a special use.

e. Detached accessory buildings shall not be located within any required front yard nor within any required front yard or within five feet of a side lot line or easement interior boundary plus three feet in any district. Detached accessory buildings shall not be located within five feet of the rear lot line or easement interior boundary plus three feet in any district.

f. The maximum height permitted shall be 18 feet.

g. Factory built structures initially constructed for use as a home and dwelling shall not be established or used as an accessory building in any zoned districts or for any purpose unless by variance approved by the appropriate advisory board of zoning appeals.

(Ord. No. 2-12-96-D, 2-12-1996)

### **Section 6. Special use requirements.**

a. Temporary campgrounds:

1. Time limit. Maximum of seven consecutive days, five times a year.

2. Temporary campgrounds. Permit required: None.

3. Temporary campground. Adequate water and sanitary facilities shall be provided per local and/or state health laws and requirements. All other campground activities shall be in compliance with existing local and state nuisance, noise, etc., laws.

(Ord. No. 6-13-94-A, 6-13-1994)

### **Section 7. Maximum number of children full or part-time six to 20.**

a. Shall have approved septic permit.

b. Shall have adequate facilities for parking and traffic control.

c. Signage shall comply with sign requirements of home occupation section of zoning ordinance.

No portion of structure shall be located within 300 feet of gasoline pumps, underground fuel storage tanks, or other flammable or explosive materials.

Note: Certain in-home day care facilities specifically covered under Indiana State Law shall be exempt from all local zoning requirements.

(Ord. No. 6-13-94-B, § 3, 6-13-1994)

subsection (a) above, lots of less than ten acres may be created by the owner of a parcel of property at the time of enactment of this ordinance, without an approved and recorded subdivision under the Hamilton County Subdivision Control Ordinance, if the following requirements are met:

- (i) Up to three new lots may be created from the entire parcel of property owned (the singular term "parcel" including all contiguous properties in common ownership); and
  - (ii) The new lot(s) may be directly adjacent to another lot(s); however, in the event such new lot(s) does not share a common boundary line with another lot, such new lot(s) shall be at least 750 feet from the boundary of any other lot(s) at its closest point; and
  - (iii) Neither the new lot(s) nor the remainder of the original parcel from which the new lot(s) were created shall be less than 30,000 sq. ft. in area.
- (c) Lots of less than ten acres may be permitted in an approved and recorded subdivision under the Hamilton County Subdivision Control Ordinance, if such lots are equal to or greater than 30,000 sq. ft. in area.
- (2) Minimum lot frontage on road:
    - (a) Lots in subdivisions or other lots - 60 feet on cul-de-sac, 100 feet on other lots.
    - (b) Ten acres (or greater) lots - 330 feet.
  - (3) Minimum setback lines (all construction):
    - (a) *Front yard:*
      - (1) Lots in subdivisions or other lots - 60 feet.
      - (2) Ten acres (or greater) lots - 80 feet on designated arterial and collector roads and not less than 60 feet on other public roads.
    - (b) *Side yard:*
      - (1) Lots in subdivisions or other lots - 12 feet, except corner lots when 30 feet front yard setback will also apply to side yard.
      - (2) Ten acres (or greater) lots - 50 feet.
    - (c) *Rear yard:*
      - (1) Lots in subdivisions or other lots - 30 feet.
      - (2) Ten acres (or greater) lots - 50 feet.
  - (4) Minimum lot width at building line:
    - (a) Lots in subdivisions or other lots - 100 feet.
    - (b) Ten acres (or greater) lots - 330 feet.
  - (5) Maximum building height shall not exceed 2 1/2 stories or 35 feet, whichever is lower.
  - (6) Minimum ground level square footage (single family dwelling exclusive of porches, terraces and garages):
    - (a) Single story - 1,350 sq. ft. This area represents the minimum square footage required for all manufactured or mobile homes otherwise allowed in R-1 district.
    - (b) Two story - 900 sq. ft.

- (c) Tri-level - 900 sq. ft.
- (d) Story and one-half - 900 sq. ft.
- (7) Off-street parking shall be provided in accordance with the requirements of article 13 of this ordinance.
- e. *Use specifications.* Use specifications for R-1 district are as provided under paragraph B of this article.

## Section 2. R-2 residential medium density suburban district.

- a. *Purpose.* It is the purpose of this district to provide areas of moderate density, suburban residential development with particular emphasis upon promoting residential subdivision development.
- b. *Permitted uses:*
  - (1) Uses permitted in the R-1 residential low density suburban district.
  - (2) Single family detached dwellings.
  - (3) Home occupations.
  - (4) Manufactured home type I provided they have wheels, axles and hitch mechanisms removed and are anchored to the ground in accordance with approved installation standards.
  - (5) Public utilities uses for all public utilities service and operation, except those uses listed as special uses.
  - (6) Off-street parking facilities in accordance with article 13.
  - (7) Signs as permitted by article 9.
  - (8) Accessory buildings and uses customarily incidental to any of the above uses.
  - (9) Uses approved as special uses as provided in article 15.
  - (10) Any use otherwise allowed in this district may be developed as a planned development in accordance with article 12.
- c. *Subdivision.* Subdivision of land is permitted in R-2 district subject to the requirements of this ordinance and further subject to the terms and conditions of the Hamilton County Subdivision Control Ordinance. See "Subdivision" under use specifications which follow in paragraph B of this article.
- d. *Development standards:*
  - (1) Minimum lot area:
    - (a) Not less than ten acres for individual lots.
    - (b) As an exception to the ten acre minimum area requirement specified in subsection (a) above, lots of less than ten acres may be created by the owner of a parcel of property at the time of enactment of this ordinance, without an approved and recorded subdivision under the Hamilton County Subdivision Control Ordinance, if the following requirements are met:
      - (i) Up to three new lots may be created from the entire parcel of property owned (the singular term "parcel" including all contiguous properties in common ownership); and

- (ii) The new lot(s) may be directly adjacent to another lot(s); however, in the event such new lot(s) does not share a common boundary line with another lot, such new lot(s) shall be at least 750 feet from the boundary of any other lot(s) at its closest point; and
  - (iii) Neither the new lot(s) nor the remainder of the original parcel from which the new lot(s) were created shall be less than:
    - 20,000 sq. ft. in area for single family
    - 30,000 sq. ft. in area for duplex
  - (c) Lots of less than ten acres may be permitted in an approved and recorded subdivision under the Hamilton County Subdivision Control Ordinance, if such lots are equal to or greater than:
    - 20,000 sq. ft. in area for a single family.
    - 30,000 sq. ft. in area for a duplex.
- (2) Minimum lot frontage on public road:
  - (a) Lots in subdivisions and other lots:
    - (1) Fifty feet for single family dwelling.
    - (2) One hundred feet for duplexes.
  - (b) Ten acres (or greater) lots - 330 feet.
- (3) Minimum setback lines:
  - (a) Front yard:
    - (1) Lots in subdivisions and other lots:
      - 25 feet for single family;
      - 25 feet for duplexes.
    - (2) Ten acres (or greater) lots - Not less than 120 feet on designated primary and secondary arterials; not less than 80 feet on major and minor collectors and not less than 60 feet on other roads.
  - (b) Side yards:
    - (1) Lots in subdivisions and other lots
      - (a) Ten feet for single family dwellings, except corner lots when 20 feet front yard setback will apply also to side yard on road.
      - (b) Twenty feet for duplexes.
    - (2) Ten acres (or greater) lots - 50 feet.
  - (c) Rear yard:
    - (1) Lots in subdivisions and other lots:
      - (a) Thirty feet for single family;
      - (b) Forty feet for duplexes.
    - (2) Ten acres (or greater) lots - 30 feet.
- (4) Minimum lot width at building line:
  - (a) Lots in subdivisions and other lots.

- (1) Fifty feet for single family dwelling.
- (2) One hundred feet for duplexes.
- (b) Ten acres (or greater) lots - 330 feet.
- (5) Maximum building height shall be 35 feet.
- (6) Minimum ground level square footage (exclusive of open porches, terraces and garages):
  - (a) Single family:
    - (1) Single story - 1,200 sq. ft. This area represents the minimum square footage required for all manufactured or mobile homes otherwise allowed in R-2 district.
    - (2) Two story - 800 sq. ft.
    - (3) Tri-level - 800 sq. ft.
    - (4) Story and one-half - 800 sq. ft.
  - (b) Two-family (duplexes):
    - (1) Single story - 650 sq. ft. per unit.
    - (2) Two story - 650 sq. ft. per unit.
    - (3) Tri-level - 650 sq. ft. per unit (basement and first level).
    - (4) Story and one-half - 650 sq. ft. per unit.
- (7) Off-street parking shall be provided in accordance with the requirements of article 13 of this ordinance.
- e. *Use specifications.* Use specifications for R-2 district are as provided under paragraph B of this article.

### **Section 3. R-3(P) residential medium-high density village/urban district.**

- a. *Purpose.* It is the purpose of this district to provide areas of planned medium-high density, village/urban residential development with particular emphasis upon promoting the use of open space in conjunction with residential subdivision.
- b. *Permitted uses:*
  1. Uses permitted in the R-2 residential medium density suburban district.
  2. Single family detached dwellings.
  3. Two family dwellings (duplexes).
  4. Home occupation.
  5. Municipal or governmental office buildings.
  6. Manufactured home type I provided they have wheels, axles and hitch mechanisms removed and are anchored to the ground in accordance with approved installation standards.
  7. Manufactured home type II and mobile home when located in a mobile home park in accordance with the requirements of article 10.
  8. Public utilities uses for all public utilities service and operation except those listed as

special uses.

9. Off-street parking facilities in accordance with article 13.

10. Signs as permitted by article 9.

11. Accessory buildings and uses customarily incidental to any to the above uses.

12. Uses approved as special uses as provided in article 15.

13. Any use otherwise allowed in this district may be developed as a planned development in accordance with article 12.

c. *Subdivision.* Subdivision of land is permitted in R-3(P) district subject to the requirements of this ordinance and further subject to the terms and conditions of the Hamilton County Subdivision Control Ordinance. See "Subdivision" under use specifications which follow in paragraph B of this article.

d. *Development standards:*

(1) Minimum lot area:

(a) Not less than ten acres for individual lots.

(b) As an exception to the ten acre minimum area requirements specified in subsection (a) above, lots of less than ten acres may be created by the owner of a parcel of property at the time of enactment of this ordinance, without an approved and recorded subdivision under the Hamilton County Subdivision Control Ordinance, if the following requirements are met:

(i) Up to three new lots may be created from the entire parcel of property owned (the singular term "parcel" including all contiguous properties in common ownership); and

(ii) The new lot(s) may be directly adjacent to another lot(s); however, in the event such new lot(s) does not share a common boundary line with another lot, such new lot(s) shall be at least 750 feet from the boundary of any other lot(s) at its closest point; and

(iii) Neither the new lot(s) nor the remainder of the original parcel from which the new lot(s) were created shall be less than:

--13,500 sq. ft. in area for single family dwelling.

--18,000 sq. ft. for duplex.

--9,000 sq. ft. per unit for multi-family units (three bedrooms and over).

--7,500 sq. ft. per unit for multi-family units (under three bedrooms).

(c) Lots of less than ten acres may be permitted in an approved and recorded subdivision under the Hamilton County Subdivision Control Ordinance if such lots are equal to or greater than:

--13,500 sq. ft. in area for single family dwelling.

--18,000 sq. ft. for duplex.

--9,000 sq. ft. per unit for multi-family units (three bedrooms and over).

--7,500 sq. ft. per unit for multi-family units (under three bedrooms).

(2) Minimum lot frontage on public road:

(a) Lots in subdivisions and other lots:

- (1) Forty feet for single family dwelling.
  - (2) Fifty feet for duplexes.
  - (3) Seventy feet for multi-family units located on arterial or collector roads.
- (b) Ten acres (or greater) lots - 330 feet.
- (3) Minimum setback lines:
  - (a) Front yard:
    - (1) Lots in subdivisions and other lots:
      - (a) Twenty-five feet for single family.
      - (b) Twenty-five feet for duplexes  
Or average of the setback of other homes in the block
      - (c) For multi-family units, 30 feet plus two feet for each foot over 30 feet in height.
    - (2) Ten acres (or greater) lots - 80 feet on arterials and collectors and 60 feet on other local roads.
  - (b) Side yards:
    - (1) Lots in subdivisions and other lots;
      - (a) Ten feet for single family dwelling.
      - (b) Twenty feet for duplexes.
      - (c) For multi-family units, 20 feet plus two feet for each foot over 30 feet in height.
    - (2) Ten acres (or greater) lots - 50 feet.
  - (c) Rear yards:
    - (1) Lots in subdivisions and other lots:
      - (a) Twenty feet for single family dwelling.
      - (b) Thirty feet for duplexes.
      - (c) For multi-family units, 40 feet plus two feet for each foot over 30 feet in height.
    - (2) Ten acres (or greater) lots - 30 feet
- (4) Minimum lot width at building line:
  - (a) Lots in subdivisions and other lots:
    - (1) Forty feet for single family dwelling.
    - (2) Fifty feet for duplexes.
    - (3) Seventy feet for multi-family units located on arterials or collector roads.
  - (b) Ten acres (or greater) lots - 330 feet.
- (5) Maximum building height shall be 35 feet.
- (6) Minimum square footage per unit (exclusive of open porches, terraces, carports or

garages):

- (a) Single family and two family - same as requirements for R-2.
  - (b) Apartments or townhouses - 650 sq. ft. per unit.
- (7) Off-street parking shall be provided in accordance with the provisions of article 13.
- (8) Minimum distance between buildings:
- (a) Single family detached - Ten feet.
  - (b) Two-family - 20 feet.
  - (c) Multi-family - 20 feet.
- e. *Use specifications.* Use specifications for R-3(P) district are as provided under paragraph B of this article.

#### **Section 4. R-4(P) residential high density village/urban district.**

- a. *Purpose.* It is the purpose of this district to provide areas of planned high density, village/urban residential development with particular emphasis upon promoting the use of open space in conjunction with residential subdivision.
- b. *Permitted uses:*
- 1. Uses permitted in the R-3(P) residential medium high density village district.
  - 2. Multiple-family dwellings.
  - 3. Boarding or lodging house.
  - 4. Tourist home.
  - 5. Lodge or private club of a noncommercial character.
  - 6. Nursing home or home for the aged.
  - 7. Public utilities uses for all public utilities service and operation except those listed as special uses.
  - 8. Off-street parking facilities in accordance with article 13.
  - 9. Signs as permitted by article 9.
  - 10. Accessory buildings and uses customarily incidental to any of the above uses.
  - 11. Uses approved as special uses as provided in article 15.
  - 12. Any use otherwise allowed in this district may be developed as a planned development in accordance with article 12.
- c. *Subdivision.* Subdivision of land is permitted in R-4(P) district subject to the requirements of this ordinance and further subject to the terms and conditions of the Hamilton County Subdivision Control Ordinance. See "Subdivision" under use specifications which follow in paragraph B of this article.
- d. *Development standards:*
- (1) Minimum lot area:
    - (a) Not less than ten acres for individual lots.
    - (b) As an exception to the ten-acre minimum area requirement specified in subsection (a) above, lots of less than ten acres may be created by the owner of



a parcel of property at the time of enactment of this ordinance, without an approved and recorded subdivision under the Hamilton County Subdivision Control Ordinance, if the following requirements are met:

- (i) Up to three new lots may be created from the entire parcel of property owned (the singular term "parcel" including all contiguous properties in common ownership); and
- (ii) The new lot(s) may be directly adjacent to another lot(s); however, in the event such new lot(s) does not share a common boundary line with another lot, such new lot(s) shall be at least 750 feet from the boundary of any other lot(s) at its closest point; and
- (iii) Neither the new lot(s) nor the remainder of the original parcel from which the new lot(s) were created shall be less than:
  - 8,000 sq. ft. in area for single family dwelling.
  - 12,000 sq. ft. for duplex.
  - 6,000 sq. ft. per unit for multi-family units (three bedrooms and over).
  - 5,000 sq. ft. per unit for multi-family units (under three bedrooms).
- (c) Lots of less than ten acres may be permitted in an approved and recorded subdivision under the Hamilton County Subdivision Control Ordinance if such lots are equal to or greater than:
  - 8,000 sq. ft. in area for single family dwelling.
  - 12,000 sq. ft. for duplex.
  - 6,000 sq. ft. per unit for multi-family units (three bedrooms and over).
  - 5,000 sq. ft. per unit for multi-family units (under three bedrooms).
- (2) Minimum lot frontage on public road:
  - (a) Lots in subdivisions and other lots:
    - (1) Forty feet for single family dwelling.
    - (2) Fifty feet for duplexes.
    - (3) Seventy feet for multi-family units located on arterial or collector roads.
  - (b) Ten acres (or greater) lots - 330 feet.
- (3) Minimum setback lines:
  - (a) Front yard:
    - (1) Lots in subdivisions and other lots:
      - (a) Twenty-five feet for single family.
      - (b) Twenty-five feet for duplexes

Or average of the setback of other homes in the block

    - (c) For multi-family units, 30 feet plus two feet for each foot over 30 feet in height.
  - (2) Ten acres (or greater) lots - 80 feet on arterials and collectors and 60 feet on other local roads.

- (b) Side yards:
    - (1) Lots in subdivisions and other lots:
      - (a) Ten feet for single family dwelling.
      - (b) Twenty feet for duplexes.
      - (c) For multi-family units, 20 feet plus two feet for each foot over 30 feet in height.
    - (2) Ten acres (or greater) lots - 50 feet.
  - (c) Rear yards:
    - (1) Lots in subdivisions and other lots:
      - (a) Twenty feet for single family dwelling.
      - (b) Thirty feet for duplexes.
      - (c) For multi-family units, 40 feet plus two feet for each foot over 30 feet in height.
    - (2) Ten acres (or greater) lots - 30 feet.
  - (4) Minimum lot width at building line:
    - (a) Lots in subdivisions and other lots:
      - (1) Forty feet for single family dwelling.
      - (2) Fifty feet for duplexes.
      - (3) Seventy feet for multi-family units located on arterials or collector roads.
    - (b) Ten acres (or greater) lots - 330 feet.
  - (5) Maximum building height shall be 35 feet.
  - (6) Minimum square footage per unit (exclusive of open porches, terraces, carports or garages):
    - (a) Single family and two family, same as requirements for R-2.
    - (b) Apartments or townhouses, 650 sq. ft per unit.
  - (7) Off-street parking shall be provided in accordance with the provisions of article 13.
  - (8) Minimum distance between buildings:
    - (a) Single family detached - ten feet.
    - (b) Two-family - 20 feet.
    - (c) Multi-family - 20 feet.
- e. *Use specifications.* Use specifications for R-4(P) district are as provided under paragraph B of this article.

## B. USE SPECIFICATIONS

**Section 1. Subdivision.**

Subdivision of land is permitted in all residential districts. A particular area may be restricted by being designated for development only through the planned development procedure established under article 12 [as indicated by the designation "(P)" after the zoning district on the zone map]. In such event, subdivision within this area shall be done in conjunction with development plan or P.U.D. approval under article 12.

**Section 2. Planned development.**

R-3(P) and R-4(P) districts shall in all instances be restricted by being designated for development only through the planned development procedure established under article 12 [as indicated by the designation "(P)" after the zoning district on the zone map]. All development in these districts shall include a development plan or P.U.D. filed and approved in accordance with article 12.

Any other residential district may be restricted by being designated for development only through the planned development procedure established under article 12 (as indicated by the designation "(P)" after the zoning district on the zone map). If such designation exists, all development in this area shall include a development plan or P.U.D. filed and approved in accordance with article 12.

Nothing in this ordinance should be construed to preclude any developer from requesting development plan or P.U.D. status with respect to a particular project, irrespective of whether the land in question actually lies in a designated planned development district, notwithstanding the mandatory requirement that all development in an area designated for planned development as hereinabove specified be done through development plan or P.U.D. approval.

**Section 3. Site plan review.**

No building or structure shall be erected, land or lot site altered, work commenced thereon, or land used, unless and until a site plan for such building, structure, or use has been presented to, and approved by, the plan director pursuant to article 11, if required.

**Section 4. Accessory buildings and uses.**

- a. Accessory buildings are permitted in all districts, but not prior to the erection of the principal building.
- b. Accessory uses such as public utility installations, walks, driveways, curbs, retaining walls, mail boxes, name plates, lamp posts, bird baths and structures of a like nature are permitted in any required front, side or rear yard, and without the issuance of any permit.
- c. Accessories such as ground microwave antenna dishes are not permitted in front or side yards through the full depth of the lot. A ground microwave antenna dish, or other such accessory use, must be located at least ten feet from the rear property line or easement interior boundary plus three feet.
- d. Windmills for the generating of electric power are not permitted in any residential district without receiving approval as a special use.
- e. Detached accessory buildings shall not be located within any required front yard nor within five feet of a side lot line or easement interior boundary plus three feet in any district. Detached accessory buildings shall not be located within five feet of the rear lot line or easement interior boundary plus three feet in any district.
- f. The maximum height permitted shall be 18 feet.

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g. Factory built structures initially constructed for use as a home and dwelling shall not be established or used as an accessory building in any zoned districts or for any purpose unless by variance approved by the appropriate advisory board of zoning appeals.

(Ord. No. 2/12/96-D, 2-12-1996)

**ARTICLE 6. COMMERCIAL DISTRICTS AND USES\***

\*Cross references: Telecommunications facilities, art. 20.

**A. COMMERCIAL DISTRICTS ESTABLISHED**

Commercial zoning districts established in this ordinance for Hamilton County, Indiana, are as follows:

TABLE INSET:

1.	C-1	Commercial development - residential character
2.	C-2	Commercial development - moderate community impact
3.	C-3	Commercial development - major community impact

**Section 1. C-1 commercial development - residential character.**

a. *Purpose.* This district is established to provide for commercial development in which the site development, building architecture and overall aesthetics of the project are generally of a residential character and thus present minimal community impact. Typically, this district would be proximate to residential districts and uses, and serve as a buffer between such residential uses and more conventional office or commercial development.

b. *Permitted uses:*

1. Uses permitted in the O-2 district.
2. Bakery shop for the baking, processing and retail sale of food products where all such activity is restricted to the premises.
3. Banks and financial institutions, including savings and loans.
4. Lodges and fraternal organizations.
5. Dry cleaning and pressing establishments, limited to the use of not more than two clothes cleaning units neither of which shall have a rated capacity of more than 40 pounds and using cleaning fluids approved by the state fire marshal and the applicable servicing fire department.
6. Appliance repair work.
7. Pet shops, not including animal hospitals.
8. Launderette, laundromat or other similar type of self-service laundry.
9. Offices, business and professional, including medical clinics.
10. Public utilities uses for all public utilities service and operation except those uses listed as special uses.
11. Convenience store/mini-mart with gas pumps.

12. Restaurant, tearoom or cafe.
13. Municipal or government office buildings.
14. Other residentially compatible service and low impact retail uses not listed specifically herein.
15. A dwelling unit or lodging room as an accessory use in a principal building.
16. Off-street parking facilities and loading and unloading berths in accordance with article 13.
17. Signs as permitted by article 9.
18. Accessory buildings and uses customarily incidental to any of the above uses.
19. Uses approved as special uses as provided in article 15.
20. Self-service storage facility.
21. Any use otherwise allowed in this district may be developed as a planned development in accordance with article 12.

c. *Subdivision.* Subdivision of land is permitted in C-1 district subject to the requirements of this ordinance and further subject to the terms and conditions of the Hamilton County Subdivision Control Ordinance. See "Subdivision" under use specifications which follow in paragraph B of this article.

d. *Development standards:*

1. Minimum lot area - 30,000 feet.
2. Minimum lot frontage on road or street - 50 feet.
3. Minimum setback lines:
  - (a) Front yard - 60 feet.
  - (b) Side yard:
    - (1) For side yards adjoining a road or street - not less than 60 feet.
    - (2) For side yards abutting a residential area - 60 feet.
    - (3) For all other side yards - 40 feet.
  - (c) Rear yard - 20 feet, unless the rear yard abuts a residential area, in which case the rear yard setback shall be 60 feet.
4. Minimum lot width at building line - 50 feet.
5. Maximum building height - 20 feet.
6. Minimum ground level square footage required - None; however, not more than 80 percent of the total area of any lot or any development on multiple lots shall be occupied by buildings, roads, parking areas, storage, drainage facilities and other accessory uses.
7. Off-street and/or private parking and loading and unloading berths shall be provided in accordance with the provisions of article 13.

e. *Use specifications.* Use specifications for C-1 district are as provided under paragraph B of this article.

(Ord. No. 01-09-95-A, 1-23-1995)

**Section 2. C-2 commercial development moderate community impact.**

a. *Purpose.* This district is to provide areas of general commercial development which create moderate impact on the community in which such areas are located.

b. *Permitted uses:*

1. Uses permitted in the C-1 district.
2. Appliance store including repair work.
3. Art galleries and studios.
4. Antique and gift shops.
5. Bicycle sales and repair.
6. Employment agency.
7. Hand laundries employing not more than four persons.
8. Locksmith.
9. Mirror, glass and glazing shop.
10. Mortuaries and funeral homes.
11. Orthopedic and medical appliance store.
12. Picture framing, if conducted for retail trade on the premises.
13. Plumbing showroom and shop.
14. Public auction rooms.
15. Physical culture and health services.
16. Schools: music, dance, business, commercial or trade.
17. Second hand stores and rummage shops.
18. Taverns.
19. Taxidermists.
20. Restaurants.
21. Recreational uses, including gymnasium, skating rink, archery range, golf driving range, miniature golf course and other similar places of amusement or entertainment.
22. Off-street parking facilities and loading and unloading berths in accordance with article 13.
23. Signs as permitted by article 9.
24. Accessory building and uses customarily incidental to any of the above uses.
25. Uses approved as special uses as provided in article 15.
26. Any use otherwise allowed in this district may be developed as a planned development in accordance with article 12.

c. *Subdivision.* Subdivision of land is permitted in C-2 district subject to the requirements of this ordinance and further subject to the terms and conditions of the Hamilton County Subdivision Control Ordinance. See "Subdivision" under use specifications which follow in paragraph B of this article.

d. *Development standards:*

1. Minimum lot area - One acre.
2. Minimum lot frontage on road or street - 100 feet.
3. Minimum setback lines:
  - (a) Front yard - 60 feet.
  - (b) Side yard:
    - (1) For side yards adjoining a road or street - not less than 60 feet.
    - (2) For side yards abutting a residential area - 80 feet.
    - (3) For all other side yards - 40 feet.
  - (c) Rear yard - 20 feet, unless the rear yard abuts a residential area, in which case the rear yard setback shall be 60 feet.
4. Minimum lot width at building line - 100 feet.
5. Maximum building height - 40 feet.
6. Minimum ground level square footage required - none; however, not more than 80 percent of the total area of any lot or any development on multiple lots shall be occupied by buildings, roads, parking areas, storage, drainage facilities and other accessory uses.
7. Off-street and/or private parking and loading and unloading berths shall be provided in accordance with the provisions of article 13.

e. *Use specifications.* Use specifications for C-2 district are as provided under paragraph B of this article.

(Ord. No. 1-25-99-B, 1-25-1999)

### **Section 3. C-3 commercial development - major community impact.**

a. *Purpose.* This district is to provide areas of general commercial development which create major impact on the community in which such areas are located.

b. *Permitted uses:*

1. Uses permitted in the C-2 district.
2. Agricultural implement sales and service.
3. Automobile and truck sales and service, including body repair and rebuilding or painting wholly located within a building.
4. Automobile washing, including the use of mechanical conveyors, blowers and steam cleaning.
5. Beverage (non-alcoholic) bottling and distributing.
6. Blueprinting and photostating establishments.
7. Motorcycle sales and service.
8. Boat showroom.
9. Bookbinding.
10. Catering establishments.
11. Contractors offices and shops, if no fabricating is done on the premises and if all



storage of materials is within a building.

12. Creameries and dairies.
13. Exterminating shops.
14. Feed and seed store, retail or wholesale.
15. Garage, public, for storage of private passenger automobiles and commercial vehicles.
16. Glass cutting and glazing establishments.
17. Greenhouse, wholesale growers.
18. Motels or hotels.
19. Plumbing, electrical, heating, sheet metal and roofing showrooms and shops.
20. Laboratories, medical, dental, research, experimental and testing, if no production or manufacturing of products occurs.
21. Landscape centers, garden shops or retail nurseries.
22. Office/warehouse where warehousing is 40 percent or less of total building space.
23. Parcel delivery station.
24. Printing, publishing and issuing of newspapers, periodicals, books, stationery and other reading matter.
25. Pet shop, kennel or animal hospital.
26. Photograph developing and processing.
27. Radio and television broadcasting stations.
28. Restaurants with drive up windows.
29. Riding academies.
30. Mortuaries and funeral homes.
31. Municipal or government office buildings.
32. Public utility uses for all public utilities service and operations except those uses listed as special uses.
33. Off-street parking facilities and loading and unloading berths in accordance with article 13.
34. Signs as permitted by article 9.
35. Accessory buildings and uses customarily incidental to any of the above uses.
36. Uses approved as special uses as provided in article 15.
37. Any use otherwise allowed in this district may be developed as a planned development in accordance with article 12.

c. *Subdivision.* Subdivision of land is permitted in C-3 district subject to the requirements of this ordinance and further subject to the terms and conditions of the Hamilton County Subdivision Control Ordinance. See "Subdivision" under use specifications which follow in paragraph B of this article.

d. *Development standards:*

1. Minimum lot area - two acres.

2. Minimum lot frontage on road or street - 120 feet.
3. Minimum setback lines:
  - (a) Front yard - 60 feet.
  - (b) Side yard:
    - (1) For side yards adjoining a road or street - not less than 60 feet.
    - (2) For side yards abutting a residential area - 80 feet.
    - (3) For all other side yards - 40 feet.
  - (c) Rear yard - 20 feet, unless the rear yard abuts a residential area, in which case the rear yard setback shall be 60 feet.
4. Minimum lot width at building line - 70 feet.
5. Maximum building height - 40 feet.
6. Minimum ground level square footage required - none; however, not more than 80 percent of the total area of any lot or any development on multiple lots shall be occupied by buildings, roads, drives, parking areas, storage, drainage facilities and other accessory uses.
7. Off-street and/or private parking and loading and unloading berths shall be provided in accordance with the provisions of article 13.

e. *Use specifications.* Use specifications for C-3 district are as provided under paragraph B of this article.

(Ord. No. 1-25-99-B, 1-25-1999)

## B. USE SPECIFICATIONS

### Section 1. Subdivision.

Subdivision of land is permitted in all commercial districts. A particular area may be restricted by being designated for development only through the planned development procedure established under article 12 (as indicated by the designation "(P)" after the zoning district on the zone map). In such event, subdivision within this area shall be done in conjunction with development plan or P.U.D. approval under article 12.

### Section 2. Planned development.

Any commercial district may be restricted by being designated for development only through the planned development procedure established under article 12 (as indicated by the designation "(P)" after the zoning district on the zone map). If such designation exists, all development in this area shall include a development plan or P.U.D. filed and approved in accordance with article 12.

Nothing in this ordinance should be construed to preclude any developer from requesting development plan or P.U.D. status with respect to a particular project, irrespective of whether the land in question actually lies in a designated planned development district, notwithstanding the mandatory requirement that all development in an area designated for planned development as hereinabove specified be done through development plan or P.U.D. approval.

**Section 3. Site plan review.**

No building or structure shall be erected; or land, site or lot altered; or work commenced thereon; or land used in a district established under this article; unless and until a site plan for such building, structure, or use has been presented to, and approved by, the plan director pursuant to article 11, if required.

**Section 4. Accessory buildings.**

Factory built structures initially constructed for use as a home and dwelling shall not be established or used as an accessory building in any zoned districts or for any purpose unless by variance approved by the appropriate advisory board of zoning appeals.

(Ord. No. 2-12-96-D, 2-12-1996)

**ARTICLE 7. MANUFACTURING DISTRICTS\***

\*Cross references: Planned development, art. 12; nonconforming use specifications, art. 14.

**A. MANUFACTURING DISTRICTS ESTABLISHED**

Manufacturing zoning districts established in this ordinance for Hamilton County, Indiana, are as follows:

## TABLE INSET:

1.	M-1	Manufacturing development - moderate community impact
2.	M-2	Manufacturing development - major community impact
3.	M-3	Manufacturing development - mineral extraction and processing

**Section 1. M-1 manufacturing development moderate community impact.**

a. *Purpose.* This district is to provide areas for manufacturing development which is of moderate impact on the community in which such areas are located.

b. *Permitted uses:*

1. The following uses provided the principal use is conducted within a completely enclosed building and conforms to the performance standards and use specifications for manufacturing districts which follow:

(a) Light manufacturing, including processing, refining, fabricating, assembling, cleaning, testing, or repairing of goods, materials or products.

(b) Engineering or research laboratories; vocational or industrial training facilities; data processing or analysis.

(c) Wholesaling, warehousing, packaging, storage or distribution facilities.

(d) General offices associated with a manufacturing or industrial use, including service facilities for employees or guests.

(e) Printing, lithography, publishing or photography establishments.

2. Any use permitted in either A-4 or C-3 district, except that no residential uses are permitted.

3. Electric and telephone substations and distribution centers; filtration plant, pumping station and water reservoir; sewage treatment plants; fire stations; radio or television transmitting or relay stations; antenna towers; and other similar governmental or public utility service uses.

4. Feed and fertilizer establishments and grain elevators.

5. Off-street parking facilities and loading and unloading berths in accordance with article 13.

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6. Signs as permitted by article 9.
  7. Accessory buildings and uses customarily incidental to any of the above uses including recreational areas for employees and lodging facilities for owners, guards or caretakers.
  8. Uses approved as special uses as provided in article 15.
  9. Any use otherwise allowed in this district may be developed as a planned development in accordance with article 12.
- c. *Subdivision.* Subdivision of land is permitted in M-1 district subject to the requirements of this ordinance and further subject to the terms and conditions of the Hamilton County Subdivision Control Ordinance. See "Subdivision" under use specifications which follow in paragraph B of this article.
- d. *Development standards:*
1. Minimum tract requirement - Three acres.
  2. Lot frontage on road or street - Not less than 70 feet.
  3. Minimum setback lines:
    - (a) Front yard - Not less than 100 feet on arterial collector roads and streets, as contained in the thoroughfare plan.
    - (b) Side yard - Not less than 20 feet in width except a side yard abutting a street or road shall be not less than 40 feet in width and a side yard abutting a residential area shall not be less than 80 feet.
    - (c) Rear yard - Not less than 20 feet in depth except a rear yard abutting a residential area shall not be less than 80 feet.
  4. Minimum lot width at building line - 70 feet.
  - [5. Reserved.]
  6. Maximum building height - 60 feet.
  7. Building minimum gross ground level space required - 2,000 sq. ft.
  8. Parking - Off-street parking shall be provided in accordance with the provisions of article 13.
  9. Loading and unloading berths - Loading and unloading berths shall be provided in accordance with article 13.
- e. *Use specifications.* Use specifications for M-1 district are as provided under paragraph B of this article.

## **Section 2. M-2 manufacturing development - major community impact.**

- a. *Purpose.* This district is to provide areas for manufacturing development which is of major impact on the community in which such areas are located.
- b. *Permitted uses:*
  1. Uses permitted in the M-1 district.
  2. Bakery; secondary food processing; milk processing; manufacture and bottling of dairy products and beverages.

3. Manufacture and assembly of glass, plastic, paper, cloth, jewelry and leather products.
  4. Manufacture of colors, dye, paint and other coatings (excluding tar products).
  5. Machine, welding, tool and die shops; electroplating operations.
  6. Manufacture of pharmaceutical, biological, medical, cosmetic and candy products.
  7. Manufacture and assembly of optical goods, musical and recording instruments, office machinery, electrical and mechanical goods, and farm machinery.
  8. Manufacture and assembly of marine, office and household furniture and appliances; communication and automobile equipment; air conditioning, heating and refrigeration equipment.
  9. Can and container manufacture and processing and milling of forest products.
  10. Canning, bottling, processing and packaging of food and beverage products; grain elevators; grain processing and starch manufacture.
  11. Dyeing and cleaning works.
  12. Services such as freight movers, communications and canteen operations.
  13. Upholstering.
  14. Trucking terminals.
  15. Vehicle and implement repair and painting shops.
  16. Lumber yards, building materials, millwork, storage and sale; contractor's storage yard.
  17. Off-street parking facilities and loading and unloading berths in accordance with article 13.
  18. Signs as permitted by article 9.
  19. Accessory buildings and uses customarily incidental to any of the above uses including recreational areas for employees and lodging facilities for owners, guards or caretakers.
  20. Uses approved as special uses as provided in article 15.
  21. Any use otherwise allowed in this district may be developed as a planned development in accordance with article 12.
- c. *Subdivision.* Subdivision of land is permitted in M-2 district subject to the requirements of this ordinance and further subject to the terms and conditions of the Hamilton County Subdivision Control Ordinance. See "Subdivision" under use specifications which follow in paragraph B of this article.
- d. *Development standards:*
1. Minimum tract requirement - Three acres.
  2. Lot frontage on road or street - Not less than 70 feet.
  3. Minimum setback lines:
    - (a) Front yard - Not less than 100 feet on arterial collector roads and streets, as contained in the thoroughfare plan.
    - (b) Side yard - Not less than 20 feet in width except a side yard abutting a street or road shall be not less than 40 feet in width and a side yard abutting a

residential area shall not be less than 80 feet.

(c) Rear yard - Not less than 20 feet in depth except a rear yard abutting a residential area shall not be less than 80 feet.

4. Minimum lot width at building line - 70 feet.
5. Maximum building height - 60 feet.
6. Building minimum gross ground level space required - 4,000 sq. ft.
7. Parking - Off-street parking shall be provided in accordance with the provisions in article 13.
- [8. Reserved.]
9. Loading and unloading berths - Loading and unloading berths shall be provided in accordance with the provisions of article 13.

e. *Use specifications.* Use specifications for M-2 district are as provided under paragraph B of this article.

### Section 3. M-3 manufacturing development mineral extraction and processing.

a. *Purpose.* This district is to provide areas which allow the extraction and processing of naturally occurring mineral resources.

b. *Permitted uses:*

1. The extraction, hauling, and storage of mineral resources and associated accessory uses.
2. The processing of on-site extracted mineral resources including separation, storage, loading, and washing.
3. The operation of concrete plants.
4. The operation of asphalt plants.
5. The operation of associated business and office uses.

c. *Subdivision.* Subdivision of land is not permitted in M-3 district.

d. *Development standards:*

1. Minimum setback lines:

(a) From adjacent road right-of-way line (as established as part of the comprehensive thoroughfare plan) - 50 feet.

(b) From boundary of adjacent zone district - 100 feet.

2. Area or size requirement - None.

3. Maximum building height - None.

e. *Use specifications:*

1. Active mineral extraction and/or processing activities shall be buffered and/or screened at the property line in the form of a berm, spoil, mound, or evergreen landscaping, or combination of any or all of the above, at a minimum height of six feet.

2. A development plan as required by the State of Indiana shall be filed with the plan commission on or before July 1 of each year. Any such mineral extraction and/or processing use shall be operated in full and complete compliance with applicable

statutes, rules, and regulations of the State of Indiana.

**State law references:** Regulation of mining, drilling and excavation, IC 36-7-2-6.

## **B. USE SPECIFICATIONS AND PERFORMANCE STANDARDS**

### **Section 1. Subdivision.**

Subdivision of land is permitted in all manufacturing districts. A particular area may be restricted by being designated for development only through the planned development procedure established under article 12 (as indicated by the designation "(P)" after the zoning district on the zone map). In such case, subdivision within this area shall be done in conjunction with development plan or P.U.D. approval under article 12.

### **Section 2. Planned development.**

Any manufacturing district may be restricted by being designated for development only through the planned development procedure established under article 12 (as indicated by the designation "(P)" after the zoning district on the zone map). If such designation exists, all development in this area shall include a development plan or P.U.D. filed and approved in accordance with article 12.

Nothing in this ordinance should be construed to preclude any developer from requesting development plan or P.U.D. status with respect to a particular project, irrespective of whether the land in question actually lies in a designated planned development district, notwithstanding the mandatory requirement that all development in an area designated for planned development as hereinabove specified be done through development plan or P.U.D. approval.

### **Section 3. Site plan review.**

No building or structure shall be erected; or land, site, or lot altered; or work commenced thereon; or land used in a district established under this article; unless and until a site plan for such building, structure, or use has been presented to, and approved by, the plan director pursuant to article 11, if required.

### **Section 4. Standards for manufacturing uses (all districts).**

1. *Smoke.* For M-1 moderate impact manufacturing district the emission of more than 70 smoke units per hour per stack and emissions in excess of Ringelmann No. 2 are prohibited, except that for one hour during any 24-hour period, this rate may be increased to 80 smoke units per stack up to and including Ringelmann No. 3 for the purging, soot blowing and fire cleaning.

For M-2 major impact manufacturing district the emission of more than 90 smoke units per hour per stack and emission in excess of Ringelmann No. 3 are prohibited, except that for a one-hour period during the 24-hour period this rate may be increased to 120 smoke units per hour per stack, still at Ringelmann No. 3 for purposes of process purging, soot blowing and fire cleaning.

2. *Particulate matter.* The rate of emission of particulate matter from an individual process within the boundaries of any lot shall not exceed a figure of 0.06 pounds per 1,000 pounds of effluent gas. Not more than 50 percent by weight particles larger than 44 microns (325 mesh) shall be allowed.



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3. *Odor.* Any manufacturing use activity or operation which releases odors to the atmosphere shall be so controlled as to insure that it will produce no public nuisance or hazard at or beyond the nearest residential district boundary line.

4. *Poisonous and injurious fumes and gases.* The emission of toxic or injurious fumes and gases shall be controlled so as to comply with the following:

The emission from any source shall not cause at or beyond any lot line, concentrations of toxic and/or injurious fumes and gases in excess of ten percent of the threshold limit as set for the fume or gas in question in the "2001 TVLs and BEIs," issued by the state department of health, from the American Conference of Governmental Industrial Hygienists (ACGIH), latest issue, two copies of which are on file in the office of the county auditor.

The emission of any gas or fumes across lot lines in such concentrations as to be detrimental to or endanger public health, safety, comfort and welfare or shall cause injury or damage to property or business is prohibited.

**Editor's note:** BEIs are biological exposure indices; TVLs are threshold limit values.

5. *Glare and heat.* No manufacturing use, operation, activity or structure shall cause heat or glare in such a manner as to be a public nuisance at or beyond any residential or business district boundary.

6. *Vibration.* Any manufacturing use creating intense earthshaking vibrations such as are created by a heavy drop forge shall be set back from a residential district boundary at least 250 feet, or at least 150 feet from a business district boundary. Earthshaking vibrations at the manufacturing property line shall not be in violation of this ordinance as long as the vibration is not perceptible without the aid of instruments.

7. *Noise.*

(a) M-1 moderate impact manufacturing district. At no point on the property line of any manufacturing use located in this district shall the sound pressure level of any operation or plant (other than background noises produced by sources not under the control of this ordinance) exceed the decibel limits in the octave bands designated below:

TABLE INSET:

M-1 Manufacturing Use		
Octave Band Frequency	Maximum Permitted Sound Level (in decibels) 125 Feet From District Adjoining Residential District Boundaries	Maximum Permitted Sound Level (in decibels) 125 Feet From District Adjoining Business District Boundaries
0 to 75	75	80
76 to 150	70	75
151 to 300	65	70
301 to 600	59	64
601 to 1200	53	58
1201 to 2400	48	53
2401 to 4800	48	49
Above 4800	41	46

(b) M-2 major impact manufacturing district. At no point on the property line of any manufacturing use located in this district shall the sound pressure of any operation or

plant (other than background noises produced by sources not under control of this ordinance) exceed the decibel limits in the octave bands designated as follows:

TABLE INSET:

M-2 Manufacturing Use		
Octave Band Frequency	Maximum Permitted Sound Level (in decibels) 125 Feet From District Adjoining Residential District Boundaries	Maximum Permitted Sound Level (in decibels) 125 Feet From District Adjoining Business District Boundaries
0 to 75	75	80
76 to 150	70	75
151 to 300	65	70
301 to 600	59	64
601 to 1200	53	58
1201 to 2400	48	53
2401 to 4800	48	49
Above 4800	41	46

Sound levels shall be measured with a sound level meter and associated octave band analyzer or filter, manufactured in compliance with standards prescribed by the American Standards Association.

8. *Fire hazards.* The storage, utilization or manufacture of solid materials, or products ranging from incombustible to moderate burning is permitted. The storage, utilization or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted provided the following conditions are met:

(a) Said materials shall be stored, utilized or manufactured in such a manner and protected by such means as approved by the Indiana State Fire Marshal.

(b) The storage, utilization or manufacture of flammable liquids or gases which produce flammable or explosive vapors shall be permitted in accordance with the rules and regulations of the Indiana State Fire Marshal regulating the use, handling, storage and sale of flammable liquids - official regulation number 5, effective July 23, 1973.

(c) No activity involving the storage, utilization or manufacture of materials or products which decompose by detonation shall be permitted unless conducted in an M-2 district in accordance with the rules promulgated by the Indiana State Fire Marshal. Such materials shall include, but are not limited to, all primary explosives such as lead azide, lead styphnate, fulminates, and tetracene; all high explosives such as TNT, HMX, PET, and picric acid, propellants and components thereof, such as nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetylides, tetrazoles, and ozonides, strong oxidizing agents such as liquid oxygen, perchloric acid, perchlorates, chlorates, hydrogen peroxide in concentrations greater than 35 percent; nuclear fuels, fissionable materials and products and reactor elements such as uranium 235 and plutonium 239.

9. *Other provisions and requirements for manufacturing districts are as follows:*

(a) The disposal of wastes discharged into public streams and sewage systems shall meet the requirements of the stream pollution control law of the State of Indiana (IC 13-

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1-3).

(b) In all manufacturing districts, it is permissible to erect more than one principal building devoted to a particular manufacturing use on a lot.

(c) Chimneys, cooling towers, elevator bulkheads, fore towers, scenery lofts, power transmission lines or towers and distribution poles and lines, and essential mechanical appurtenances may be erected to any height not prohibited by other laws or ordinances.

(d) The plan commission shall review and approve plans to assure adherence to developmental standards and overall conformity to the comprehensive plan and zoning ordinance.

(e) The handling, removal, and/or disposition of all solid wastes shall comply in all respects with those requirements and performance standards specified in appropriate federal and state statutes and regulations.

### **Section 5. Accessory buildings.**

Factory built structures initially constructed for use as a home and dwelling shall not be established or used as an accessory building in any zoned districts or for any purpose unless by variance approved by the appropriate advisory board of zoning appeals.

(Ord. No. 2-12-96-D, 2-12-1996)

**ARTICLE 4. RESIDENTIAL DISTRICTS****A. RESIDENTIAL DISTRICTS ESTABLISHED**

Residential zoning districts established in this ordinance for Hamilton County, Indiana, are as follows:

## TABLE INSET:

1.	R-1	Residential low density suburban
2.	R-2	Residential medium density suburban
3.	R-3(P)	Residential medium-high density village/urban
4.	R-4(P)	Residential high density village/urban

**Section 1. R-1 residential low density suburban district.**

a. *Purpose.* It is the purpose of this district to provide areas of low density, suburban residential development with particular emphasis upon promoting residential subdivision development.

b. *Permitted uses:*

- (1) Single family detached dwellings.
- (2) Home occupations.
- (3) Manufactured home type I, provided they have wheels, axles and hitch mechanisms removed and are anchored to the ground in accordance with approved installation standards.
- (4) Public utilities uses for all public utilities service and operation except those uses listed as special uses.
- (5) Off-street parking in accordance with article 13.
- (6) Signs as permitted by article 9.
- (7) Accessory buildings and uses customarily incidental to any of the above uses.
- (8) Uses approved as special uses as provided in article 15.
- (9) Any use otherwise allowed in this district may be developed as a planned development in accordance with article 12.

c. *Subdivision.* Subdivision of land is permitted in R-1 district subject to the requirements of this ordinance and further subject to the terms and conditions of the Hamilton County Subdivision Control Ordinance. See "Subdivision" under use specifications which follow in paragraph B of this article.

d. *Development standards:*

- (1) Minimum lot area:
  - (a) Not less than ten acres for individual lots.
  - (b) As an exception to the ten acre minimum area requirement specified in

**ARTICLE 12. PLANNED DEVELOPMENT\***

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**\*Cross references:** Manufacturing districts, art. 7; FLP floodplain district, art. 8; signs, art. 9; advisory plan commission, art. 16.

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**A. SCOPE AND PURPOSE****Section 1. Purpose.**

The purpose of the planned development procedure is:

- a. To encourage innovations and allow greater flexibility in the design of residential development so that the growing demand for housing may be met by a wider variety in the type, design and layout of dwellings;
- b. To provide for and encourage a more efficient use of open space through provisions allowing for a cluster concept of development;
- c. To encourage a more efficient mixture of residential, commercial and industrial uses and open space intimately related to one another in one design scheme;
- d. To encourage the development of planned commercial areas in appropriate zone districts where each individual use functionally and physically relates to the total project;
- e. To provide a procedure which can relate the type, design, and layout of residential and commercial development to the particular site and thus encourage a pattern of development which preserves vegetation cover, natural topography, and prevents soil erosion.

**Section 2. Applicability.**

- a. Any zone district (except for A-1 conservation and preservation and FLP floodplain) may be restricted by being designated for development only through the planned development procedure established under this article (as indicated by the designation "(P)" after the zoning district on the zone map). If such designation exists, all development in this area shall include a development plan or P.U.D. filed and approved in accordance with this article.
- b. Nothing in this ordinance should be construed to preclude any developer from requesting development plan or P.U.D. status with respect to a particular project, irrespective of whether the land in question actually lies in a designated planned development district, notwithstanding the mandatory requirement that all development in an area designated for planned development as hereinabove specified be done through development plan or P.U.D. approval.
- c. Upon request by a developer for unified development under this article (irrespective of whether the district in which the tract is located is designated for planned development), the commission may authorize such unified development when such tracts: (a) are to be developed by a single owner or a group of owners acting jointly; (b) meet the minimum acreage requirements set forth for planned developments in this article; and (c) are not located in either

an A-1 conservation and preservation or FLP floodplainedistrict.

### Section 3. Use exceptions.

The commission may permit in the planned development, and for the duration of such development, specified uses not permitted by the use regulations of the district in which said development is located, provided that the commission shall find:

- a. That the uses permitted by such exception are necessary or desirable and are appropriate with respect to the primary purpose of the development;
- b. That any office, commercial or manufacturing uses permitted by such exception are not of such a nature or so located as to create a detrimental influence on surrounding residential areas, both within and outside of the planned development;
- c. That not more than 20 percent of the ground area or of the gross floor area of such development shall be devoted to the uses permitted by such exception; and
- d. That in a manufacturing planned development, such additional uses allowed by exception shall conform with the performance standards set forth herein applicable to the manufacturing district where the development is located.

### Section 4. Bulk regulation exceptions.

The commission may permit exceptions to the applicable bulk regulations of this article within the boundaries of planned development at the initial development plan review and approval phase and at the secondary individual site plan review and approval phase at a public hearing, provided that the commission shall find:

- a. That such exception shall be solely for the purpose of promoting an integrated site plan no less beneficial to the residents or occupants of such development as well as the neighboring properties than would be obtained under the bulk regulations of this article for buildings developed on separate lots;
- b. That the minimum lot area per dwelling unit and the minimum lot width requirements of this article may be reduced by the commission in any development containing residential, office, commercial, and manufacturing uses, and that permanent open space or land, in an amount equivalent to that by which each residential lot or building site has been diminished under this provision, shall be provided in addition to the amount of public open space otherwise required by this ordinance;
- c. That the net density of dwelling units in the land area devoted to residential uses may be significantly greater than that maximum density provided in the district through the establishment of minimum lot area requirements; that such creative utilization of compact, high density siting (such as "cluster," "zero lot line" or "open space subdivision") and the resultant down-sized lots and preserved open space should be promoted consistent with the requirements of this article.
- d. That the gross density of dwelling units in the total unit plan shall not be higher than that permitted in the district in which the plan is located; and
- e. That along the periphery of such planned developments, screened landscape buffers equivalent to the yard requirements shall be provided as required by the regulations of the district in which said development is located.

(Ord. No. 8-11-97C, 8-11-1997)

**State law references:** Authority to waive development requirements, IC 36-7-4-1402.

**Section 5. Area and bulk requirements.**a. *Total area requirements:*

- (1) A planned residential development must comprise an area of not less than ten acres.
- (2) A planned office development must comprise an area of not less than two acres.
- (3) A planned commercial development (including, but not limited to, a planned development) must comprise an area of not less than four acres.
- (4) A planned manufacturing development must comprise an area of not less than four acres.

b. *Ground floor area requirements:* Same as provided in district regulations.c. *Minimum lot area requirements:* Same as provided in district regulations.d. *Front yard requirements:* Same as provided in district regulations.e. *Height of building requirements:* Same as provided in district regulations.**B. PROCEDURE AND ADMINISTRATION****Section 1. Procedure.**

At the time of rezoning (should rezoning of the development area be necessary), or initially (should such rezoning be unnecessary), the proponent of a planned development shall submit an application and development plan to the plan commission together with a plat (site plan) of the area involved in the application which shall show at least the following within the planned development area and within 300 feet thereof:

a. *Existing conditions:*

- (1) Accurate boundaries of the planned development area;
- (2) Existing zoning;
- (3) Rights-of-way of existing street, roads and easements;
- (4) Existing water, sewer, electrical and other utility lines, facilities and easements;
- (5) Existing buildings and structures and land and building use; and
- (6) Topography at a contour interval of two feet or less and other physical features such as streams, drainageways and other water areas, as well as wooded areas.

b. *Proposed future conditions:* The proponent of a planned development shall also submit as part of the application, a plat or plan of development (site plan) showing within the planned development area and within 300 feet thereof the following:

- (1) Proposed zoning;
- (2) Final grade and topography at a contour interval of two feet or less and all proposals for surface drainage including addition, alteration or relocation of

streams, other drainage ways, lakes and other water areas;

(3) Abandonment or relocation of existing utility lines and provisions for new water, sewer, electrical and other utility lines and easements;

(4) Location and height of proposed buildings and building groups and the proposed use of each;

(5) Proposed street and lot layout including right-of-way and pavement showing the abandonment or relocation of existing streets and alleys and the provision for new streets, alleys and easements for pedestrian and vehicular access; also the location, capacity and proposed access and circulation of off-street parking areas;

(6) The location of proposed parks, playfields, schools and other common or public open space; and

(7) Proposed points of ingress to and egress from the planned development.

(8) A landscape plan for the planned development area.

(9) Environmental, historic, and archaeological impact studies and plans.

(10) Traffic impact study and plan.

c. *Additional information:* The proponent of a planned development shall also submit:

(1) Evidence of financial ability to carry out such development;

(2) Copies of proposed agreements for permanent unified control such as deed restrictions, covenants or other instruments by which development, improvements or uses are regulated or limited; and

(3) A realistic time-table within which the improvements contained in the planned development proposal can reasonably be expected to be completed.

d. *Conformance with subdivision control:* The proposed planned development shall conform to the procedures and standards for subdivision approval as set forth in the Hamilton County Subdivision Control Ordinance.

## Section 2. Decision regarding planned development.

The commission shall review the proposed planned development at public hearings. Following review, the commission may approve or reject the proposal. In rejecting, the commission may recommend modifications or changes in the planned development which shall be a condition of subsequent approval. The effect of approval is as follows:

a. If no rezoning is necessary to carry out the planned development, commission approval shall constitute approval of a primary and secondary plat of development, development plan and site plan.

b. If a change of zoning is necessary to carry out the planned development, commission approval shall constitute approval of a primary plat and development plan and a favorable recommendation to the board of county commissioners for the rezoning of the planned development area or areas proposed for rezoning.

## Section 3. Recording.

Upon secondary approval of the planned development and site plan, it shall be recorded in the Office of the Hamilton County Recorder and shall be binding upon the applicants and owners of all



areas contained within the planned development, their successors, heirs and assigns and shall limit and control the issuance and validity of all certificates of occupancy, improvement location permits, construction or reconstruction, location or relocation, use and activity in all land, buildings and structures located within the planned development area.

#### **Section 4. Modification.**

Any proposed modifications or amendments to the approved and recorded planned development shall be referred to the commission and may be approved in the same manner as the original approval of the planned development and through the same procedures.

#### **Section 5. Site plan required.**

Individual detailed building plans and related site plans shall be developed and submitted for plan commission approval as they become available after the approval of the planned development.

#### **Section 6. Delay.**

Failure of the applicant to develop a planned development reasonably within the time schedule submitted and approved as a part of the planned development proposal, or failure to develop in accordance with the approved and recorded plan shall void the permit for a planned development.

#### **Section 7. Commitments.**

The commission may permit or require the owner of a parcel of property to make a written commitment concerning the use or development of that parcel in order to receive approval of a site plan and planned development. Those commitments shall be recorded in the office of the county recorder and shall take effect upon the secondary approval of such planned development and site plan. A recorded commitment shall be binding on the owner of the parcel, each subsequent owner, and each other person acquiring an interest in the parcel.

A commitment may be modified or terminated only by a decision of the commission made at a public hearing after notice as provided by rule.

## ARTICLE 11. SITE PLAN REVIEW

### A. SCOPE AND PURPOSE

#### Section 1. Purpose.

The purpose of the site plan review procedure set forth in this article is to regulate the development of structures and sites in a manner which considers the following concerns and, where necessary, requires modification of development proposals to eliminate or minimize potential problems and nuisances. The principal areas of concern are:

- a. The balancing of landowners' rights to use their land, with the corresponding rights of abutting and neighboring landowners to live without undue disturbances (i.e., noise, smoke, fumes, dust, odor, glare, storm water run off, etc.);
- b. The convenience and safety of vehicular and pedestrian movement within the site, and in relation to adjacent areas or roads;
- c. The adequacy of water supply, waste disposal methods and protection from pollution of surface or ground water; and
- d. The protection of natural environmental historic or archaeological features on the site under review and in adjacent areas.

#### Section 2. Projects requiring site plan review.

No permit for the construction, exterior alteration, relocation, occupancy, or change in use of any building or land shall be given and no use shall be established or expanded except in conformity with a site plan approved by the plan director, zoning administrator, or an authorized designee. Site plan review shall also be required for the resumption of any use discontinued for more than one year or for the expansion of any existing use. Required approval includes proposals for commercial, manufacturing, office, multiple dwelling residential developments, municipal, institutional, utility, fraternal or recreational purposes, and agricultural structures in excess of 1,000 sq. ft. in area, in all zoning districts established under this ordinance.

### B. PROCEDURE AND STANDARDS FOR REVIEW

#### Section 1. Procedure.

- a. An applicant for site plan review under this section shall file with the plan director an application for site plan approval upon forms approved by the commission for such purpose and an original and two copies of the site plan. The site plan shall consist of that information deemed necessary by the plan director, in his sole discretion, taking into consideration, the nature of the project, its magnitude, uses and overall community impact.
- b. A site plan shall include such of the following elements as in the plan director's or his designee's sole discretion are deemed advisable in order to properly evaluate a particular project in accordance with the general standards established in article 10 and the design

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guidelines and performance standards specifically adopted by the commission:

- a. The name and address of the owner and developer, engineer, architect;
  - b. The location of the project by public way, township and section;
  - c. The legal description;
  - d. A map including date; scale and point north; location, size, capacity, and use of all buildings and structures existing or to be placed in the project;
  - e. The nature and intensity of the operations involved in, or conducted in connection with, the project;
  - f. The site layout of the project including the location, size, arrangement and capacity of the area to be used for yards, setbacks, and buildings, vehicular access, parking, loading and unloading;
  - g. The names of public ways giving access to the project; and the location, width and names of existing platted public ways, railroads, parks, utility easements and other public open spaces associated with the project;
  - h. The layout of proposed public ways, their names and widths, and the widths of alleys, walkways, paths, lanes and easements;
  - i. A description of the use of adjacent property and an identification of that property;
  - j. The location, size and arrangement of areas to be devoted to planting lawns, trees, and other site-screening activities;
  - k. The location, dimensions and design of all signage for the project;
  - l. The proposals for providing sewer, water, gas, electricity and storm drainage facilities to the project;
  - m. The location, height, intensity, direction of illumination and bulb type (i.e., florescent, sodium incandescent) of all external lighting fixtures;
  - n. A landscape plan showing all existing natural land features, trees, forest cover and water sources, and all proposed changes to these features including size and type of plant material;
  - o. The contours with spot elevations of the finished grade and the directions of storm runoff;
  - p. The layouts of proposed lots with their numbers and dimensions;
  - q. The land use density factors;
  - r. Outside storage/and product display area if allowed.
- c. The plan director, zoning administrator, or an authorized designee, shall consider and evaluate such application and associated site plan, and thereupon render his decision in writing, which decision shall consist of either:
- (1) Approval of the site plan based upon the determination that the proposed plan will constitute a suitable development and is in compliance with the general standards and design standards hereinafter set forth;
  - (2) Disapproval of the site plan based upon the determination that the proposed project does not meet either the general standards or design standards hereinafter set forth; or
  - (3) Approval of the site plan subject to any conditions, modifications and restrictions as required by the plan director which will ensure that the project meets the general standards and design standards hereinafter set forth.

d. The commission is hereby empowered to specify procedures relating to application, payment of fees, review, notice, hearing, approval and amendment of site plans consistent with relevant state law and the substantive provisions of this ordinance. Such procedures may be adopted by rule of the commission.

## **Section 2. General standards for review.**

The plan director shall review the site plan and supporting documents, taking into consideration the following general standards for site plan approval:

- a. Compatibility with surrounding land uses;
- b. Availability and coordination of sanitary sewer, water, storm water drainage, and other utilities as deemed appropriate;
- c. Management of traffic in a manner which creates conditions favorable to the health, safety, convenience and harmonious development of the community, particularly considering each of the following factors:
  - (1) The design and location of proposed street and highway access points and sidewalks to minimize safety hazards and congestion;
  - (2) The capacity of adjacent existing streets and highways and sidewalks to safely and efficiently handle traffic projected to be generated by the proposed development; and
  - (3) The coordination of entrances, streets, sidewalks and internal traffic circulation facilities in the site plan with existing and planned streets and adjacent developments.
- d. Other general standards provided in this ordinance.

## **Section 3. Design guidelines and performance standards.**

Detailed design guidelines and performance standards shall be adopted by the commission to guide decisions with respect to the general standards provided herein and to help ensure consistency in the review of all applications. These design guidelines and performance standards may include, but not by way of limitation, the following:

- a. Setbacks and building separation;
- b. Vehicular and pedestrian circulation;
- c. Parking;
- d. Landscaping and accessory site improvements;
- e. Height, scale, materials and style of improvements;
- f. Signage;
- g. Outdoor lighting;
- h. Recreation; and
- i. Such other design guidelines as may be stated in this ordinance or adopted by the commission.

**ARTICLE 13. OFF-STREET PARKING AND LOADING****A. OFF-STREET PARKING****Section 1. General regulations.**

In connection with any building or structure which is to be erected or substantially altered, and which requires off-street parking spaces, there shall be provided such off-street parking space in accordance with regulations hereinafter set forth:

- a. *Use.* Except as may otherwise be provided for the parking of trucks or for special uses, required accessory off-street parking facilities required as accessory to uses listed herein, shall be solely for the parking of passenger vehicles of patrons, occupants or employees of the use served.
- b. *Location.* Parking spaces shall be located on the same lot as the use served; except parking facilities located on land other than the lot on which the building or use served is located must be within 300 feet walking distance from the main entrance of the use served. Under such circumstances, an agreement providing for such off-premises parking, duly executed by the owner of the off-premises parking facilities, must be submitted.

Except for residential uses, parking spaces shall not be permitted in the yards of any use unless the particular characteristics of the land or use make it a necessity for parking spaces to be so located in the yard.

In every instance where a parking area is adjacent to a public way, a landscape buffer shall be provided between the parking spaces (area) and adjacent roadways, whose width along the roadway shall be based upon the length of the parking area exposed to the street (but which shall in no case be less than six feet in width). If the public way is an arterial or collector, the appropriate landscape buffer shall be no less than 30 feet wide.

Parking spaces (area) must also be screened along lot lines bordering other uses, particularly, residential uses. Screening shall consist of a landscaped area at least six feet wide, densely planted with a mixture of deciduous and evergreen trees and shrubs, and shall create an effective visual barrier.

Parking lots containing ten or more spaces shall be planted with at least one tree per eight spaces within the parking area, no smaller than two-inch caliper (trunk diameter at chest height), each tree being surrounded by no less than 40 square feet of permeable, unpaved area.

- c. *Computation.* When determination of the number of off-street parking spaces required by this ordinance results in a requirement of a fractional space, any fraction of one-half or less may be disregarded; while a fraction in excess of one-half shall be counted as one parking space.
- d. *Collective provisions for nonresidential use.* Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements of each such use, and if all regulations governing the location of accessory parking spaces in relation to the use served are observed. But no parking space or portion thereof shall serve as the required space for more than one use unless otherwise authorized in accordance with this ordinance.

**Section 2. Development standards.**

- a. *Size.* A required off-street parking space shall be at least nine feet in width and at least 20 feet in length, exclusive of access drives, aisles, ramps, columns and office or work area. Such space shall have vertical clearance of at least seven feet. Parallel parking shall require 24 feet in length.
- b. *Access.* Each required off-street parking space shall open directly upon an aisle or a driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space.

## TABLE INSET:

Parking Type	Aisle Width
45° parking	14 feet
60° parking	18 feet
90° parking	24 feet

All off-street parking facilities shall be provided with appropriate means of vehicular access to a street, alley or driveway in a manner which will least interfere with traffic movements.

- c. *Surface of parking area.* Off-street parking spaces, for all uses other than residential uses, shall be subject to the following provisions:
- (1) The parking area must be paved with bituminous, concrete, or other all weather, dustproof surfacing;
  - (2) Poured in place concrete curbs shall be required when parking areas are located in the front or to the side of buildings.
  - (3) Bumper guards or barrier curbs must be provided where needed in parking areas to the rear of buildings;
  - (4) All maintenance and snow removal must be done by the owner;
  - (5) Access to said parking spaces must be obtained through ramps or aisles and not over the curbing or provided parking area;
  - (6) The owner is to be responsible for any replacement of pavement in said parking area necessitated by a governmental unit's repair of underground facilities where the governmental unit is not required to do so.
- d. *Screening and landscaping.* See "Location."
- e. *Lighting.* Any lighting used to illuminate a required off-street parking area shall be shielded with appropriate light fixtures directing the light away from adjacent properties in order that the illumination at any property line shall not exceed .01 footcandle.
- f. *Required spaces.* Off-street parking spaces accessory to designated uses shall be provided as follows:
- (1) Single family dwellings - Two parking spaces for each dwelling in all residential zones;
  - (2) Two family dwellings - Two parking spaces for each dwelling unit;
  - (3) Multi-family dwellings - Two parking spaces for each dwelling unit;
  - (4) Motels - One parking space for each room plus one parking space for each two

employees on day shift;

(5) Churches - One parking space for each three seats in A-2, A-3, R-1, and R-2 districts; One parking space for each five seats in R-3(P), R-4(P), C-1, C-2 and C-3 districts;

(6) Theaters - One parking space for each five seats;

(7) Medical and dental clinics - Three parking spaces for each examining or treatment room, plus one parking space for each doctor and employee in the building;

(8) Drive-in restaurants - One parking space for each two seats in service area plus one parking space for each employee on primary shift;

(9) Establishments handling the sale and consumption of food and refreshment on the premises - One parking space for each three seats of serving area plus one parking space for each employee on primary shift;

(10) Banks, savings associations, and other financial institutions as defined in IC 28-2-3 - One parking space for each 300 square feet of floor area;

(11) Business and professional offices or public administration buildings - One parking space per each 200 square feet of assignable office area;

(12) Service stations - One parking space for each 200 square feet of gross business area, plus one for each employee, plus two for each set of gas pumps;

(13) Manufacturing, fabricating and processing plants not engaged in retail trade - One parking space for each two employees, as related to the working period when the largest number of employees are employed on the premises;

(14) Retail sales - One parking space for each 250 square feet of gross floor area, plus one for each employee on primary shift.

Parking space areas hereinabove specified may be reduced if reserved open space areas are shown on the site plan and the reduction and corresponding additional open space is approved by the director. However, in no event shall such reduction exceed 25 percent of the required parking area;

Parking space requirements for other uses will be determined by the plan director based upon data supplied by the applicant in response to requests for traffic and parking data to be furnished with the application for site plan review and/or an improvement location permit;

(15) Limited agricultural retail sales - Minimum of three parking spaces, paved or gravel required. Shall use existing paved or gravel driveway if convenient for entrance and exit purposes to the sales area, if none, a new access road shall be installed (no roadside parking allowed).

(Ord. No. 6-13-94-C, § 9, 6-13-1994)

## B. LOADING BERTHS

### [Section 1. Guidelines, exceptions.]

Off-street loading berths shall be subject to the requirements as set out by the plan director in accordance with the following guidelines. Exceptions can be granted by the plan director upon presentation of justification for a lesser number of loading berths. Additional berths may also be required to serve the needs of the proposed office, commercial or manufacturing use.

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a. Business and professional offices, medical facilities, schools, hotels, clubs and similar business uses - One loading berth for each 100,000 square feet of space or additional fraction thereof;

b. Industrial manufacturing and warehousing - One loading berth for each 40,000 square feet of space or additional fraction thereof; and

c. Other local and general business - One loading berth for businesses with 5,000 to 10,000 square feet of space;

Two loading berths for businesses with 10,001 to 25,000 square feet of space;

Over 25,000 square feet of space, one additional berth for each 25,000 square feet or additional fraction thereof.



writing, the plan director shall issue the improvement location permit/building permit.

c. Site plans so furnished shall become a permanent public record.

d. An applicant for an improvement location and/or building permit must also file for site plan review and approval in accordance with article 11, and the plan director, zoning administrator, or an authorized designee, shall consider and evaluate such application and associated site plan, and thereupon render his decision in writing, which decision shall consist of either:

(1) Approval of the site plan based upon the determination that the proposed plan will constitute a suitable development and is in compliance with the general standards and design standards as specified in article 11;

(2) Disapproval of the site plan based upon the determination that the proposed project does not meet either the general standards or design standards set forth in article 11; or

(3) Approval of the site plan subject to any conditions, modifications and restrictions as required by the plan director which will ensure that the project meets the general standards and design standards set forth in article 11.

No improvement location permit, building permit or certificate of occupancy can be issued by the plan director until the site plan submitted by the applicant shall have first been approved as being consistent with those standards specified in article 11.

e. The plan director shall issue an improvement location permit and/or building permit for a special use only following receipt of notice from the board that the application therefor has been approved by the board.

## **Section 2. Certificate of occupancy.**

a. No land shall be occupied or used and no building hereafter erected, reconstructed or structurally altered shall be occupied or used, in whole or in part, for any purpose whatsoever, until a certificate of occupancy shall have been issued stating that the building and use comply with all the provisions of this ordinance applicable to the building or premises of the use in the district in which it is to be located.

b. When the improvement covered by the improvement location permit and/or building permit has been completed in conformity with the site plan or development plan submitted in the application pursuant to paragraph a of this section [art. 18, B, section 1, paragraph a], a certificate of occupancy shall then be issued.

c. No change shall be made in the use of land (except to an agricultural use) or in the use of any building or part thereof, now or hereafter erected, reconstructed or structurally altered, without a certificate of occupancy having been issued and no such certificate shall be issued to make such change unless it is in conformity with the provisions of this ordinance.

d. A certificate of occupancy shall be applied for coincidentally with the application for a building permit and shall be issued within ten days after the lawful erection, reconstruction or structural alteration of such building or other improvement of the land shall have been completed.

e. A record of all certificates of occupancy shall be kept on file in the office of the plan director and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building or land affected.

f. No building permit shall be issued for excavation for or the erection, reconstruction or structural alteration of any building, before application has been made for a certificate of occupancy.

### Section 3. Improvement location permit.

- a. An application for an improvement location permit and/or building permit for any use shall not be approved until it has been ascertained by the plan director that the proposed use will meet the minimum standards for sewage disposal and water as required by the health officer, who is any officer of authority, Hamilton County Health Department and state department of health, and as may be required by ordinances of Hamilton County, Indiana. No certificate of occupancy shall be issued for a commercial or industrial structure or for any other applicable use until the plans for such structure shall have been approved by the administrative building council of the State of Indiana and any other appropriate state agency including the state fire marshal.
- b. No improvement location permit shall be issued unless the lot for which the improvement location permit is sought is located on a public way.
- c. No improvement location permit, building permit or certificate of occupancy shall be issued until the appropriate fees have been paid to the plan director in accordance with those established in this ordinance.
- d. Improvement location permits and building permits shall expire six months after date of issuance if construction has not commenced. One extension for 12 months may be granted by the plan director upon presentation of reasonable justification for such an extension. This provision does not apply to special uses as otherwise provided for in article 15.
- e. When a developer of any commercial land or facility for any reason will be constructing or developing the site or facility with major changes from the final plans approved by the plan commission, then such developer shall notify and send to the plan director information outlining and supporting such changes. It shall be the discretion of the plan director to approve or disapprove such changes and to determine whether further action or concurrence should be received by the plan commission or advisory board of zoning appeals and to determine whether any additional building improvement fees are due the county or to be refunded to developer. Any such changes so approved by the plan director, or by the plan commission, or advisory board of zoning appeals, shall be deemed approved amendments of such final plans originally approved by the plan commission.

### Section 4. Filing of fees.

Applications and petitions filed pursuant to the provisions of this ordinance shall be accompanied by the filing fees specified in article 18.

## C. MISCELLANEOUS SPECIFICATIONS

### Section 1. Specifications.

- a. *Use.* No building or land shall be used and no building shall be erected, reconstructed or structurally altered, which is arranged, intended or designed to be used for any purpose other than a use which is permitted and specified in a district in which such a building or land is located.
- b. *Yard, lot area and size of building.* No building shall be erected, reconstructed or structurally altered in any manner which will encroach upon, or reduce in any manner, the yards,

lot area per family, ground floor area of dwellings, or lot coverage provisions established and specified for the use and the district in which such building is located.

c. *Lots.* Every building hereafter erected shall be located on a lot. In no case shall there be more than one principal building used for residential purposes, and its accessory buildings, located on one lot, except as provided for multi-family, commercial, or manufacturing type buildings.

d. *Parking space, loading and unloading berths.* For each building hereafter erected or expanded and for certain other uses of land, paved parking spaces for motor vehicles and loading and unloading berths as specified for the use to which such building or land is to be devoted shall be provided, except that parking spaces may not be required for business or industrial uses to be established in blocks which 50 percent or more of the area was occupied by such uses at the time of passage of this ordinance, but it is the intent of this ordinance to encourage the establishment of adequate parking spaces wherever normally required by this ordinance.

e. *Farms exempt.* Accessory farm structures constructed in the normal course of agricultural business for the support of individual farms are not subject to requirements for site plans, development plans or improvement location permits; however, a special agricultural accessory building permit is required with no fees to be assessed thereon. If any structure requires major plumbing, heating, sewage or electrical installations such structure will be subject to the permit fees contained in the ordinance.

f. *[Ancillary enterprises.]* If any farm structure is used as an ancillary commercial enterprise and agricultural commercial enterprise, such as greenhouses, wholesale or retail, or a feed mixing or grinding operation for a handling or service fee, then the requirements of the district in which the use is located with respect to permitted uses or special uses must be followed, or rezoning of the subject property or a use variance must be secured before construction on, or operation of, the use (ancillary commercial enterprise and agricultural commercial enterprise) may be commenced.

g. *Public utility installations.*

(1) Structures and land used for public utility installations, while so used, shall be affected by the provisions of this ordinance.

(2) All utility structures shall be effectively landscaped and shall have plans for such landscaping, lighting, traffic control, building heights and setbacks approved by the plan commission.

h. *Minimum width for housing.* All single family or duplex homes shall be required to be constructed with the main body of the residence being 23 feet or more wide.

i. *Exceptions to height limitations.* The various height limitations specified throughout this ordinance shall not include roof structures for the housing of elevators, ventilators, fire or parapet walls, skylights, flag poles, chimneys and other essential mechanical appurtenances.

j. *Fences.*

1. On residentially used or zoned lots, fences located within any required front yard shall not exceed 42 inches in height, as measured from the top-most point thereof to the ground adjacent to the fence. At least 25 percent of its area shall be open as viewed on any line perpendicular to the vertical plan of the fence. Such open spaces must be reasonably dispersed throughout the entire area of the fence, except where solid stone or brick walls are permitted.

2. Residential fences located within any required side or rear yard shall not exceed six feet in height, as measured from the top-most point thereof to the ground adjacent to the fence.

- e. Utility and mechanical equipment features
- f. Loading docks/areas
- g. Trash storage areas and structures
- h. Foundations or support structures for signs

n. *Lighting.*

1. A lighting plan shall be prepared which shows all light fixtures and light spread.
2. All exterior light fixtures shall be of shielded down lighting type.
3. Light intensity shall not exceed 0.01 footcandle at any property line or road right-of-way line unless otherwise approved by the plan commission or advisory board of zoning appeals.

o. *Outside storage and display.* The outside storage or display of merchandise or goods is not allowed in any zone district unless specifically approved by the plan commission or the advisory board of zoning appeals.

p. *Open space, vegetation, wildlife, recreation environmental, historic and archaeological features.* For all projects, including subdivisions and planned developments, in excess of three acres in area, except single family residence and agricultural uses, a minimum of 15 percent of the gross land area shall be devoted to open space; vegetation; wildlife; recreation; or environmental, historical or archaeological preservation; or any combination of the same, as in the discretion of the plan commission is deemed appropriate.

In the interest of the health, safety and general welfare of the public, the plan commission may direct a developer to prepare such studies as are deemed necessary and proper, based upon presented, credible information that a site contains any one, or combination, of the above-stated features.

The plan commission, with assistance from interested individuals, professionals, or organizations, shall study the reports and plans to determine if the site under consideration contains any of the identified features and how these features are to be preserved and maintained consistent with proposed reasonable development of the land.

q. *Swimming pools and spa requirements.*

1. Swimming pools, spas and their appurtenants (pumps, pool heaters) are considered accessory structures.
2. Swimming pools, spas and their appurtenants (pool heaters, pumps) shall not be constructed in front yards or side yards of a principal structure.
- [3. Reserved.]
4. Permanently installed swimming pools (inground/above ground) shall be completely enclosed with a fence, wall or impenetrable barrier as required by the Indiana State Building Code relating to swimming pools. Two copies of such code are on file in the office of the county auditor for public inspection.
5. A site plan and detailed drainage plan shall be submitted with an application for a pool permit for review and approval by the plan director.
6. Swimming pools, spas, and their appurtenants (pool heaters, pumps) shall not be located within any easement or within five feet of any easement.
7. Swimming pools and spas shall be constructed according to all state requirements. A certificate of compliance shall be furnished to the Hamilton County Plan Director after construction of the pool structure and required enclosure that states that all construction

has been done in accordance with all local and state requirements.

8. Swimming pool or spa contractors shall be bonded with the Hamilton County Plan Commission in an amount equal to \$25,000.00.

r. *Setback from thoroughfare plan right-of-way.* All new structures and additions to existing structures shall be placed no closer than the right-of-way as shown on the approved thoroughfare plan plus the setback distance required in the appropriate zone district.

(Ord. No. 01-09-95-A, 1-23-1995)