



UNIFIED DEVELOPMENT ORDINANCE

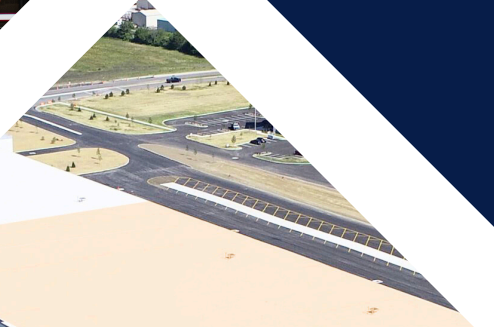




TABLE OF CONTENTS

Use the following links to navigate to Chapters of this Unified Development Ordinance. Each Chapter has a separate table of contents to quickly link to individual sections.

Chapter 1 – Ordinance Foundation.....	3
<i>This chapter details the establishment and purpose of the Unified Development Ordinance, Boards and Commission duties, non-conformities, and the like.</i>	
Chapter 2 – Zoning Districts.....	14
<i>This chapter covers the different zoning districts and overlays that apply to properties within the Town of Brownsburg and the development standards in each district.</i>	
Chapter 3 – Uses.....	51
<i>This chapter covers the uses allowed in each district, parking minimums, and has additional standards for specific uses, accessory uses, home based businesses, and temporary uses.</i>	
Chapter 4 – Design & Maintenance.....	93
<i>This chapter covers site specific performance standards, property maintenance, and keeping of animals.</i>	
Chapter 5 – Site Development.....	101
<i>This chapter covers site design aspects such as architecture, landscape, lighting, parking, and the like. Fences and walls are also covered in this chapter.</i>	
Chapter 6 – Signage.....	143
<i>This chapter covers permanent and temporary sign regulations.</i>	
Chapter 7 – Subdivision Regulations.....	168
<i>This chapter covers subdivision control topics, easements, amenities, street details, sureties (bonds), and the like.</i>	
Chapter 8 – Process.....	206
<i>This chapter covers the requirements for various zoning and permitting filings to the Town.</i>	
Chapter 9 – Enforcement.....	248
<i>This chapter covers enforcement procedures for violations of this UDO.</i>	
Chapter 10 – Definitions.....	258



ORDINANCE FOUNDATION

CHAPTER 1

CONTENTS

1.1	Title	4
1.2	Ordinance Format and Navigation	4
1.3	Authority and Purpose	4
1.4	Interpretation and Application	5
1.5	Exclusion	6
1.6	Saving Provision	6
1.7	Incorporation of Other Documents.....	6
1.8	Repeal of Prior Ordinance and Effective Date	7
1.9	General Administration	7
1.10	Public Utility Installations	10
1.11	Zoning Map	10
1.12	Nonconforming Regulations	11

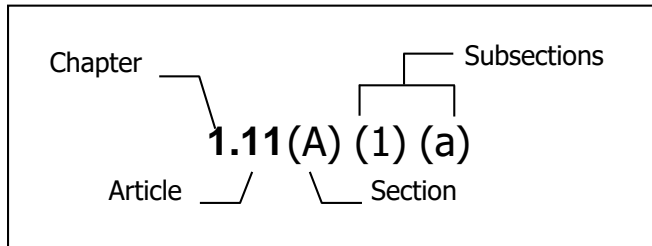
[Click Here to Return to the Main Table of Contents](#)

1.1 Title

This Ordinance is known as the "Unified Development Ordinance of Brownsburg, Indiana," and may be cited and referred to as the "Zoning Ordinance," "Subdivision Control Ordinance," or "Unified Development Ordinance" (referred to here as this "Ordinance").

1.2 Ordinance Format and Navigation

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



B. **How to Use Hyper-Linked Cross-References.**

1. Certain aspects of the electronic format of this document allow the user to quickly navigate the document by clicking on hyperlinks.
2. Article headings in the chapter’s table of contents will direct the user to that article within the chapter.
3. In-line text cross-references to other articles within this document which are colored and emphasized will direct the user to the cross-referenced article.
4. When using a digital version of the document, navigation buttons are available at the bottom of chapter pages to quickly return to the Main Table of Contents or Definitions chapter. Hyperlinks at the top of in-chapter pages will return to the Chapter Table of Contents.
5. Cross-references to documents and websites outside of this document are provided for convenience only. The accuracy of these links is not guaranteed.

(Am. Ord. 2025-09)

1.3 Authority and Purpose

- A. **Authority.** This Ordinance is adopted according to the authority of [IC 36-7-4](#) et seq. If sections of Indiana Code or Indiana Administrative Code referenced in this Ordinance are amended or replaced, this Ordinance is amended to refer to the updated section of code.
- B. **Scope.** This Ordinance applies to all real property located within the zoning jurisdiction of Brownsburg, Indiana. The use of land and structures must comply with all provisions of this Ordinance, including obtaining all required permits and certificates.

1. An Improvement Location Permit issued prior to the effective date of this Ordinance may be completed and occupied according to the approved plans, provided construction begins within one year of the effective date and is diligently pursued to completion. After completion the structure is subject to the provisions of [1.12 Nonconforming Regulations](#) if it does not meet the requirements of this Ordinance.
- D. **Purpose.** This Ordinance is intended to guide the growth and development of the community according to the Comprehensive Plan (consistent with [IC 36-7-4-601\(c\)](#) et seq.) to:
1. Promote the public health, safety, and general welfare;
 2. Secure adequate light, air, convenience of access, and safety from fire, flood, and other danger;
 3. Protect the historic and architectural heritage of the community;
 4. Conserve property values and minimize the conflicts between land uses;
 5. Assure adequate and efficient transportation, water, sewerage, schools, parks, drainage, and other public requirements and facilities; and
 6. Promote the efficient and economical use of public funds while being sensitive to the surrounding environment and neighboring development.

1.4 Interpretation and Application

- A. **Severability.** It is the declared intention of the Town Council that the provisions of this Ordinance are severable. If any provision or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, that decision does not affect the validity of any portion of the Ordinance except the portion declared invalid.
- B. **Minimum Requirements.** The provisions of this Ordinance are the minimum requirements for the promotion of public health, safety, and general welfare.
1. If two or more provisions within this Ordinance conflict or are inconsistent with one another, then the most restrictive provision controls. Where graphics or illustrations within this Ordinance conflict with the text of the Ordinance, the text provision controls.
 2. Where the provisions of this Ordinance conflict or are inconsistent with applicable State or Federal regulations, the more restrictive provision controls.
 3. This Ordinance is not intended to invalidate any easement, covenant, or any other private agreement. Where the regulations of this Ordinance are more restrictive (or impose higher standards or requirements), the provisions of this Ordinance control.
- C. **Defined Words.** Words used in a special sense in this Ordinance are defined in [CHAPTER 10 - DEFINITIONS](#). All other words have the meaning inferred from their context in this Ordinance or their generally accepted definitions.

1.5 Exclusion

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

1.6 Saving Provision

- A. Except stated otherwise in this Ordinance, the adoption of this Ordinance does not:
1. Nullify or reduce a complete application or permit filed prior to the effective date of this Ordinance;
 2. Modify any penalty accruing or about to accrue under any prior zoning ordinance;
 3. Affect the liability of any person, firm, or corporation under any prior zoning ordinance;
 4. Waive any right of the Town of Brownsburg, Indiana under any prior zoning ordinance; or
 5. Annul any rights obtained by lawful action of the Town of Brownsburg, Indiana under any prior zoning ordinance.

1.7 Incorporation of Other Documents

- A. Improvement Location Permits, development plans, and subdivision plats must conform to the principles and standards established by this Ordinance.
- B. The following Town documents are incorporated, as amended, by cross-reference into this Ordinance:
1. The Comprehensive Plan
 2. The Transportation Plan
 3. The Construction Standards Specifications and Details
 4. The Parks and Recreation Strategic Master Plan
 5. The Illicit Discharges and Connections Ordinance (Municipal Code Chapter 57)
 6. The Stormwater Management Ordinance (Municipal Code Chapter 151)
 7. The Flood Damage Prevention Ordinance (Municipal Code Chapter 152)

1.8 Repeal of Prior Ordinance and Effective Date

- A. This Ordinance comprises a replacement ordinance for the jurisdiction of Brownsburg, Indiana, as described in [IC 36-7-4-602\(a\)](#). Accordingly, the prior Unified Development Ordinance is repealed on the Effective Date of this Ordinance.
- B. The Effective Date of this Ordinance is the latest of:
1. The final day notice of the adoption of the penalty provisions of this Ordinance is published under [IC 36-7-4-610\(a\)](#).
 2. The day this Ordinance is filed with the Clerk-Treasurer's office under [IC 36-7-4-610\(f\)](#).
 3. January 1, 2025.
- C. This subsection applies to any complete application filed before the Effective Date of this Ordinance. A complete application is one that is filed with all required documentation, with application fees paid, and is in the review process.
1. The Applicant may request the Administrator treat the application as an application filed according to this Ordinance instead of the prior Unified Development Ordinance.
 2. If the Administrator grants the request, the application shall then follow all relevant standards and processes as governed by this Unified Development Ordinance and may not use any provisions from the previous UDO.

1.9 General Administration

- A. **Administrator.** The Development Services Director and/or designated staff of the Development Services Department, is designated as the Administrator.
1. **Authority:** The Administrator is authorized and directed to enforce and implement the provisions of this Ordinance, receive applications required by this Ordinance, issue permits, and furnish the prescribed certificates.
 2. **Duties:** The Administrator will:
 - a. Maintain a Town Council-approved Comprehensive Plan and the Unified Development Ordinance, as authorized under Indiana law, including annual reporting on and/or updates to the UDO.
 - b. Maintain rules of procedure for holding meetings and holding public hearings of the Plan Commission and BZA.
 - c. Maintain complete records of all meetings, hearings, correspondences, and affairs of the Plan Commission and BZA.
 - d. Make available to the public all plans, ordinances, and other related material that are the responsibility of the Plan Commission and BZA.

- e. Maintain a permitting process and seal used to certify official or approved documents. Keep careful and comprehensive records of applications, permits issued, certificates issued, inspections made, reports rendered, and of notices or orders issued. Retain copies of all documents connected to building work if any part of the related structure remains.
 - f. Examine premises and enforce laws relating to the construction, alteration, use, occupancy, location, and maintenance of structures and land.
 - g. Render interpretations of the provisions of this Ordinance.
 - h. Review and approve or deny applications for permits required by this Ordinance.
 - i. Other duties set forth here or that may be delegated by the Plan Commission, Board of Zoning Appeals, or Town Council.
3. **Meeting Schedule:** The Administrator shall maintain an annual schedule of meetings and filing dates for the Technical Review Committee, Plan Commission, and the BZA. Modifications of filing dates are considered if determined reasonable by the Administrator. The existence of this calendar does not prohibit special meetings or changes of meeting dates by the Technical Review Committee, Plan Commission, or BZA. The schedule of meeting and filing dates is available on the Development Services Department [website](#).
- B. **Fee Schedule.** Filing fees for applications are set in a fee schedule established by resolution of the Town Council. Copies of the Fee Schedule are available in the Development Services Department Office.
- C. **Board of Zoning Appeals.** The Board of Zoning Appeals (the "BZA"), per [IC 36-7-4-900](#) et seq. has the powers and duties to:
1. Approve, approve with conditions, or deny any application for a use variance, development standards variance, or special exception.
 2. Hear and decide an appeal from any order, requirement, decision, or determination made by the Administrator, Administrator's designee, or any administrative board, other than the Plan Commission, in the administration or enforcement of this Ordinance.
 3. Enforce the provisions of this Ordinance.
 4. Adopt rules of procedure for the administration of the BZA's duties.
- D. **Advisory Plan Commission.** The Advisory Plan Commission (the "Plan Commission" or "APC"), established per [IC 36-7-4-200](#) et seq. has the powers and duties to:
1. Initiate amendments to the text of this Ordinance and to the Zoning Map according to the procedures and standards for amendments.
 2. Review all proposed amendments to this Ordinance and make recommendations to the Town Council according to the procedures and standards for amendments.
 3. Review all Planned Unit Development applications and make recommendations to the Town Council for the adoption of the applications according to the procedures and standards for Planned Unit Developments.

4. Review, approve, approve with conditions, or deny subdivision applications according to the procedures and standards for subdivision approval.
 5. Approve, approve with conditions, or deny all waiver applications for the subdivision regulations according to the procedures and standards for plat waivers.
 6. Approve, approve with conditions, or deny development plans according to the procedures and standards for development plans.
 7. Adopt rules of procedure for the administration of the affairs of the Plan Commission's duties.
 8. Record and file all bonds and contracts and assume responsibility for the custody and preservation of all papers and documents of the Plan Commission.
 9. Prepare, publish, and distribute reports, ordinances, and other material related to the Plan Commission's activities as authorized by law or this Ordinance.
 10. Exercise all powers conferred on it by law, local ordinance, or rule, including to invoke any legal, equitable, or special remedy for the enforcement of state planning and zoning laws or this Ordinance.
- E. **Technical Review Committee.** The Technical Review Committee is comprised of Town departments and outside agencies as deemed necessary and has the review authority set forth below in connection with the implementation of this Ordinance:
1. Review and approve waivers from the Construction Standards as applicable to the respective department.
 2. Review and evaluate all development plans, plats, and other projects as may be brought before the committee and notify the applicant of any required changes, capacity or timing restrictions, or anticipated infrastructure improvements that may be required as applicable to the project.
 3. Take other actions as delegated by the Plan Commission that may be desirable and necessary to implement the provisions of this Ordinance.
- F. **Town Council.** The Town Council has the powers and duties to:
1. Approve, reject, or amend all or part of the comprehensive plan as certified by the Plan Commission.
 2. Initiate amendments to this Ordinance and to adopt, reject, or amend proposals to amend or partially repeal the text of this Ordinance.
 3. Adopt, reject, or amend proposals to amend the zoning map according to the procedures and standards for rezones.
 4. Adopt, reject, or amend a Planned Unit Development Ordinance according to the procedures and standards for Planned Unit Developments.
 5. Take actions necessary to implement this Ordinance that are not delegated to other bodies.

1.10 Public Utility Installations

Structures and land used for public utility installations are subject to the provisions of this Ordinance to the extent permitted under Indiana law.

1.11 Zoning Map

- A. **Official Zoning Map.** The zoning map for the jurisdiction is included as part of this Ordinance. The map may be known and referred to as the "Official Zoning Map" and as the "Zoning Map". The Official Zoning Map is in the Development Services Department and may be maintained as an [electronic zoning map](#). Copies of the Official Zoning Map must be labeled as copies and contain the last date of modification. The Official Zoning Map should be revised annually or as the Plan Commission determines necessary.
- B. **Determination and Interpretation of District Boundaries.** The following rules apply where uncertainty exists about the exact boundaries of any zoning district as shown on the Zoning Map:
1. Zoning District boundaries shown within or parallel to the lines of streets, easements, railroad lines and rights-of-way follow the centerline of the affected street, easement, or right-of-way. At the boundaries of the jurisdiction of the Plan Commission, district boundaries include the full width of such streets, easements, and rights-of-way.
 2. Zoning District boundaries indicated as following, or being parallel to section or fractional sectional lines, lot lines, or corporate boundaries are interpreted as following or paralleling such lines.
 3. Zoning District boundaries indicated as approximately following the centerline of streams, rivers, or other bodies of water are interpreted to follow such centerlines.
 4. Zoning District boundaries indicated as approximately following the boundaries of a parcel are interpreted to follow such parcel lines.
 5. If the boundary line of a district divides a lot in a manner essentially perpendicular to a street, the district which applies to the larger part of the lot applies to the entire lot.
 6. In the case of uncertainty, the Administrator interprets the intent of the Zoning Map and determines the location of the boundary in question. If the Administrator cannot definitively determine the location of a Zoning District boundary, the BZA may determine the location of the Zoning District boundary.
- C. **Procedure Relating to Annexed or Vacated Areas.** Land annexed into the Town of Brownsburg, Indiana is assigned the zoning district closest to its current use unless the Town Council assigns a different district it deems more appropriate. Whenever any right-of-way or other similar area is vacated, the zoning districts adjoining each side of the right-of-way or the area automatically extend to the center of such vacation. All areas included in the vacation are subject to all appropriate provisions of the extended zoning district. In the event of a partial vacation, the adjoining zoning district, or zoning district nearest the portion vacated, extends automatically to include all the vacated area.

1.12 Nonconforming Regulations

- A. **Applicability.** Upon the adoption of this Ordinance, the Zoning Map, and potentially upon other government action (e.g., acquisition of right-of-way), some buildings, structures, lots and uses may no longer conform to the regulations of their zoning district. The nonconforming regulations in this chapter provide the rules, policies, and regulations that apply to these buildings, structures, lots and uses.
- B. **Unsafe Structures.** These regulations do not prevent restoring to a safe condition all or part of a structure declared unsafe by an official charged with protecting the public safety. This restoration cannot be used to enlarge the nonconforming structure nor be used as grounds for adding other structures or uses prohibited by this Ordinance.
- C. **Impact of Variances.** Lots, structures, or uses with previously granted variances are not rendered nonconforming by the adoption of this ordinance:
- a. Where a Development Standards Variance has been previously granted, the standard approved and any conditions or commitments made shall remain in effect for the property. Example: a property with an approved 5' setback variance would not need to receive a new variance after the adoption of this code nor would said setback be considered nonconforming.
 - b. Where a Variance of Use or Special Exception Approval has been previously granted, the use permission and any condition(s) or commitment(s) made remains in effect and is not considered nonconforming based on the adoption of this ordinance.
- D. **Signs.** Nonconforming sign regulations can be found in [6.13 Nonconforming Signs](#).
- E. **Exemption for Nonconformity Created by Public Acquisition.** Any lot or structure rendered nonconforming solely by the action of a governmental agency involving the acquisition of part of property, is exempt from these nonconformance provisions.
- a. *Example:* where the acquisition of part of a parcel would reduce the remaining lot area below the required size in the district, the remaining parcel would not be considered nonconforming in lot size after the acquisition nor required to apply for a variance prior to development.
- F. **Legal Nonconforming and Illegal Nonconforming.** The determination of nonconforming status shall be as follows:
1. **Legal Nonconforming:** Lots, structures, or uses that were in compliance with the ordinance in place at the time of establishment that no longer conform to the standards set forth by the adoption of this ordinance shall be considered legal nonconforming.
 - a. The Administrator may require additional information to be provided by any property owner who believes their property or use thereof would be considered legal non-conforming. Such information to assist in determining the non-conforming nature of the property may include, but is not limited to, previous business licenses or information that identifies what business was conducted on the site, utility bills, permits, or other such information that helps build a history of the site and use of the property.
 2. **Illegal Nonconforming:** A building, structure, sign, or lot constructed or used without an approved building permit, Improvement Location Permit, or approval from the BZA or Plan Commission is

considered illegal nonconforming when it does not conform to this Ordinance. An illegal nonconforming property is subject to enforcement and penalties as set forth in ***CHAPTER 9 - ENFORCEMENT***, and all other applicable state or federal law. The illegal nonconforming property, use, and/or structure must be altered or discontinued to conform with all applicable standards and regulations of this Ordinance.

G. Legal Nonconforming Lots of Record.

1. **Single Legal Nonconforming Lots of Record:** Any singular lot established by plat prior to the enactment of this Ordinance that is rendered legal non-conforming by the provisions herein may be used for uses allowed by this ordinance, even though the lot may fail to meet the requirements for area or similar standards generally applicable to the district. Use of the lots must be in compliance with other standards, such as setbacks, that are required within the district.
2. **Lots in Combination:** Two or more adjacent lots under single ownership may be combined to create a conforming lot, at which point the resulting lot no longer shall have a nonconforming status. Two or more lots adjacent lots under single ownership may also be combined if the resulting singular lot would still be nonconforming but closer to meeting the requirements of this ordinance. When the resulting lot is still nonconforming, the nonconforming status shall not be lost.
 - a. Where permission has been granted (i.e. a side yard setback variance) to establish a structure across the property line of two adjacent lots in singular ownership, the two lots shall be considered one lot for the purpose of determining if the legal nonconforming nature of the property is lost at the time the structure is built.

H. Legal Nonconforming Uses and Structures. The lawful use of a building or premise, existing at the time of the adoption or amendment of this Ordinance, may be continued even if the use does not conform to all the provisions of this Ordinance, subject to the following:

1. **Legal Nonconforming Uses:** Whenever a legal nonconforming use has been changed to a conforming use, it cannot be changed back to a nonconforming use.
 - a. A legal nonconforming use may be extended throughout a building provided the size of the structure is not increased and the use is not extended to occupy land outside the building.
 - b. If a legal nonconforming use is discontinued for 12 months, the use cannot be reestablished or resumed. Subsequent use or occupancy of the land or structure must comply with the regulations of the zoning district where the land or structure is located. This provision does not apply to agricultural uses. When a period of discontinuance is caused by government action, litigating strikes, material shortages, or acts of God, and without any contributing fault of the owner or occupant, the period will not be considered in calculating the length of the discontinuance.
 - c. Normal maintenance and repair, including replacement, installation, or relocation of nonbearing walls, nonbearing partitions, fixtures, wiring or plumbing, may be performed on any structure devoted fully or partially to a legal nonconforming use.
2. **Legal Nonconforming Structures:** A legal nonconforming structure may be expanded in area and height if the nonconformity is not increased, and the expansion conforms to all applicable standards of this Ordinance.

- a. *Example:* a building with a legal nonconforming side yard setback of 5' where 10' is required could expand along that legal nonconforming side yard as long as it does not further encroach into the setback. The expansion could not be done in such a way where another standard would be out of compliance with the code that was previously in compliance (example, lot coverage).
- b. Buildings cannot be erected upon any premises devoted to a nonconforming use, unless conforming to the provisions of this Ordinance.
- c. Any nonresidential legal nonconforming structure damaged or destroyed by more than 50% of the replacement cost cannot be restored unless the replacement structure conforms to the regulations of the zoning district where it is located. This regulation does not authorize the creation of a new nonconformity or any increase to the degree of any nonconformity existing prior to such damage or destruction. Restoration or repair of the building or other structure must be started within 6 months from the date of damage or destruction, and diligently prosecuted to completion.
- d. Residential one- and two-family dwelling or associated accessory structures may be rebuilt on the existing foundation if it is structurally sound and capable of being reused after any structure destroying event (examples: wind, fire, flood, or other events).



ZONING DISTRICTS

CHAPTER 2

CONTENTS

2.1	Establishment of Zoning Districts	15
2.2	General Provisions For All Districts	16
2.3	Agriculture & Residential Estate District Standards	26
2.4	Residential District Standards.....	27
2.5	Commercial District Standards.....	30
2.6	Industrial District Standards.....	32
2.7	Motor Sport District.....	34
2.8	Parks and Recreation District.....	36
2.9	Institutional District.....	37
2.10	Right-of-Way Overlay	38
2.11	Groundwater Protection Overlay District.....	43
2.12	Pedestrian-Oriented Mixed-Use Overlay District.....	46

[Click Here to Return to the Main Table of Contents](#)

2.1 Establishment of Zoning Districts

The Town of Brownsburg is divided into the following zoning districts:

Rural Districts

- AG Agriculture
- RE Residential Estate

Residential Districts

- R1 R1 Residential
- R2 R2 Residential
- R3 R3 Residential
- TR Traditional Residential
- M1 M1 Residential
- M2 M2 Residential

Commercial Districts

- C1 Neighborhood Commercial
- C2 General Commercial
- C3 Heavy Commercial
- UC Urban Commercial

Industrial Districts

- I1 Light Industrial
- I2 General Industrial

Special Districts

- MS Motor Sports
- PR Parks and Recreation
- IS Institutional

Overlay Districts

- ROW Right-of-Way Overlay
- GP Groundwater Protection Overlay
- PMO Pedestrian Oriented Mixed-Use Overlay

2.2 General Provisions for All Districts

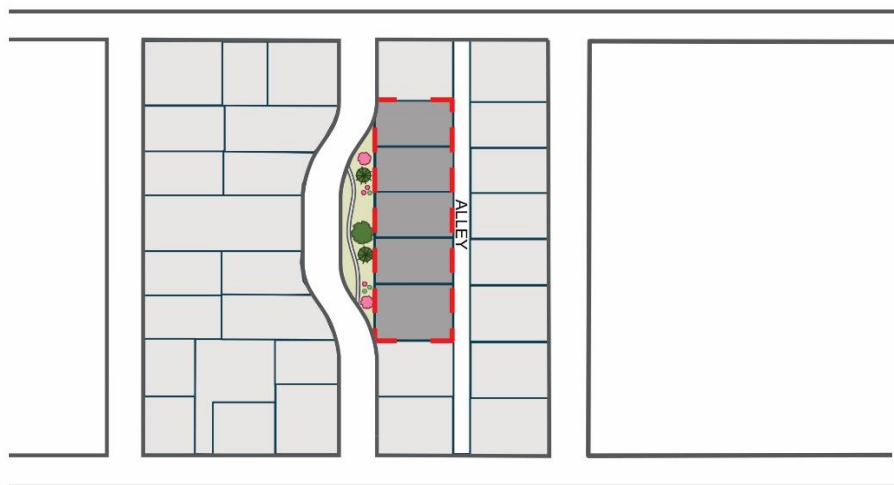
The provisions in this article apply to all development regardless of the zoning district. The exception is a Planned Unit Development, which is intended to create its own lot, use, and dimensional design standards.

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

1. Maximum principal buildings: The allowed number of primary structures on any one lot varies by district and permitted uses.
 - a. A lot in the AG, RE, R1, R2, R3, and TR Districts must have only one principal building devoted to residential use, unless otherwise permitted in this Ordinance.
 - b. A lot in the M1 and M2 District may have more than one principal building devoted to residential use.
 - c. A lot in a district other than those in the subsections above may have more than one principal building.
2. Buildings must not be erected, reconstructed, or structurally altered to encroach upon or reduce the provisions of this Chapter except as authorized under the legal nonconforming regulations of **1.12 Nonconforming Regulations.**

B. Frontage

1. All lots must abut on a street, private street, or alley and must meet any minimum lot frontage required by the zoning district.
2. Mew lots, or those without direct lot frontage on a public or private street, are discouraged but may be considered when appropriate public safety access can be shown to be achievable. When developed, mew lots are exempt from the frontage requirement but must meet the equivalent frontage amount with some form of access (i.e. the same width of required frontage is achieved by connection along an alley).



Chapter 2 Image 1 Lots in dark gray would be mew lots, as they only front on alleys and a center greenspace.

3. Flag lots are prohibited. A flag lot has its widest point set back from the road at the rear of another lot and has a thin strip of land connecting to the road providing legal access and frontage.
 - a. Lots with narrow strips of connectivity that are platted access easements and part of a larger development are not considered flag lots for the purpose of this section.



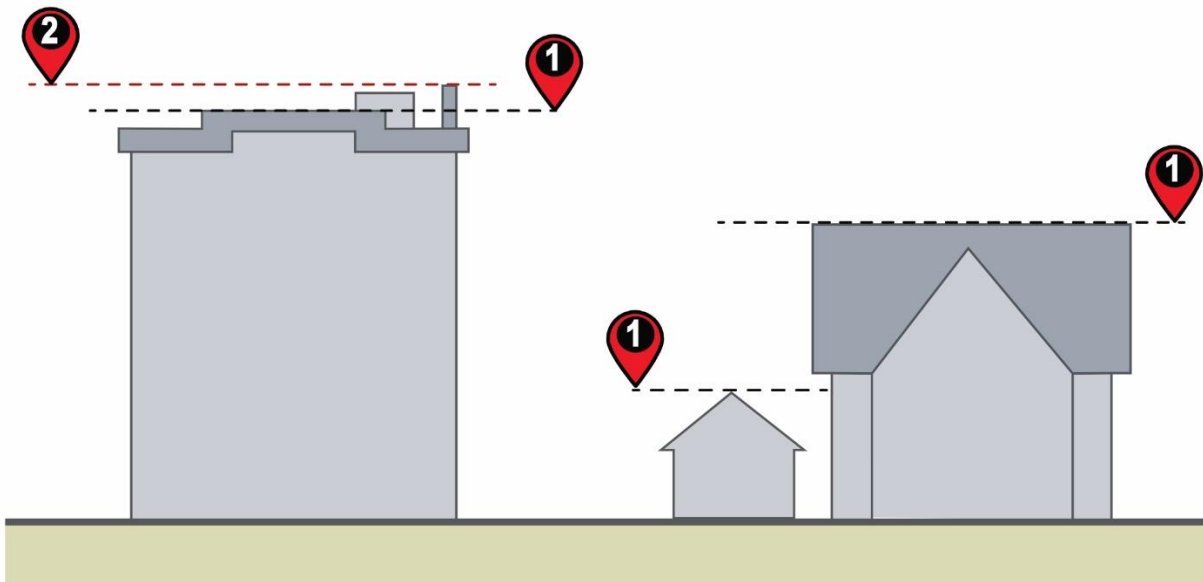
Chapter 2 Image 2 The dark blue lot in this image is a flag lot. It has a narrow strip of connectivity to the main road and is not part of a larger development with shared access drives.

4. Any nonresidential lot without street frontage must have an unobstructed access easement at least 25' wide (**7.12(A) Cross-access Easements**).

C. Height Standards

1. Height is measured from grade to the highest point of the roofline.
2. A structure cannot exceed the height limits specified in the zoning district where the structure is located except as otherwise provided in this article.
3. Where such uses are permitted, the following types of structures or features may exceed the maximum height requirements of the district:
 - a. Agriculturally-used grain elevators or silos, utility structures, water towers, and similar features may exceed the height maximum but not exceed 150 feet unless otherwise exempt by Indiana Law.
 - b. Antennas and Radio Towers:
 - I. Roof-mounted antennas that are not located on the front roof plane may exceed the height requirements but shall not be more than 10 feet above the primary structure's height.

- II. Pole-mounted antennas located in a rear yard only may exceed the maximum structure height but shall not be more than 30 feet above the primary structure height.
- III. Ham radio towers shall be exempt from the maximum structure height when located on a lot owned by a ham radio operator that has a valid and active license from the Federal Communication Commission (FCC).
- c. Chimneys may exceed the height requirements but shall not be more than 10 feet above the roof's highest point.
- d. Church steeples, bell towers, and religious symbols may exceed the maximum structure height but shall not exceed 200% of the height of the primary structure or 150% of the maximum allowed height for primary structures, whichever is greater.
- e. Flagpoles may be 25' in height in all circumstances. Taller flagpoles may be permitted when setback from the property lines by 1' of setback for every additional foot of height.
- f. Grandstands, bleachers, press boxes, and associated features may exceed the accessory structure height of the district where they are located but shall not exceed 200% of the maximum primary structure height allowed.
- g. Roof-mounted mechanical equipment may exceed the maximum structure height but shall not be more than 15' above the roof's highest point. Roof-mounted mechanical must be screened in accordance with [5.15 Screening of Trash, Storage, Loading and Mechanical Areas](#).

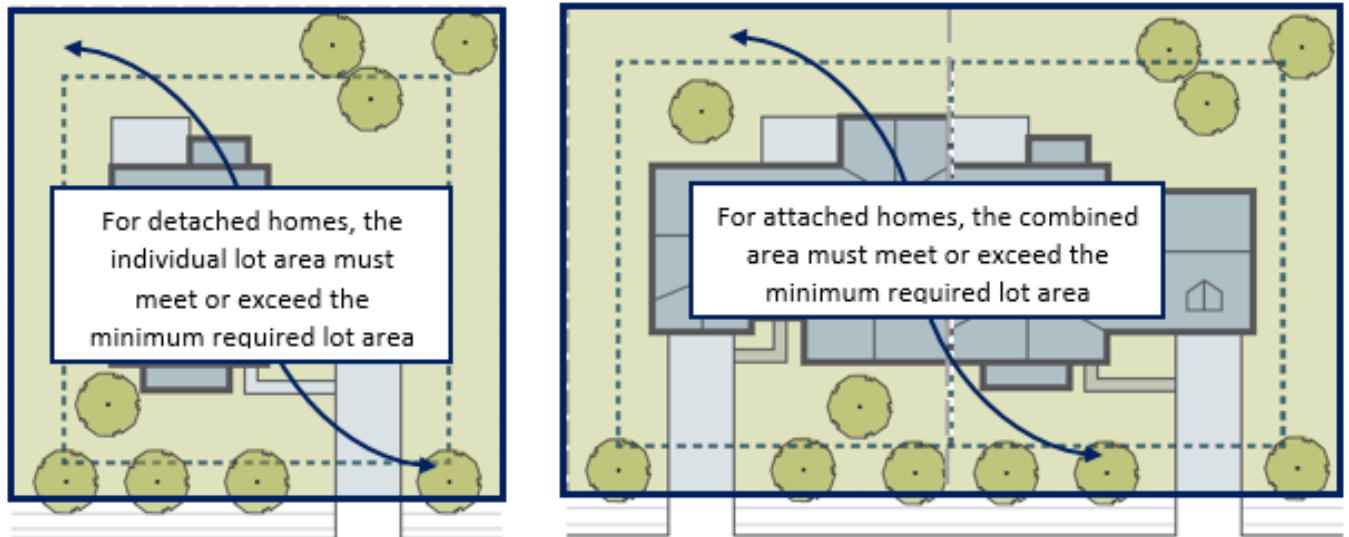


Chapter 2 Image 3. Lines marked 1 show where height is measured based on various roof styles. The line marked 2 shows an example of a height exception.

D. **Lot Standards.** Lots must meet the area and width requirements for the lot's zoning district, as applicable.

1. Lot Area is the total area provided within an individual lot or parcel.

- a. *Residential Lot Area:* The minimum lot area must be met by either an individual lot where a single-family detached development is proposed or met by a grouping of attached single-family homes.



Chapter 2 Image 4. Comparison of lot area calculations for detached versus attached residential homes.

2. Matching Lot Sizes with Adjacent Neighborhoods: Perimeter lots around an incoming subdivision may be subject to additional lot size and width considerations when located within a specific distance of an adjacent neighborhood.
- a. Where a new single-family development is adjacent to one of the same development type (e.g. single-family detached to single-family detached) lots along the perimeter of the development must meet or exceed the lot size and width of the adjacent development where less than 30 feet of landscaped common area is provided as separation.
- I. The Plan Commission may adjust these requirements where established tree lines are maintained and reserved in a tree preservation easement.
- b. Where 30-50 feet of common area is provided, but includes landscape restrictions (drainage areas, certain utilities) lot width must match between the neighborhoods and lot size may vary.

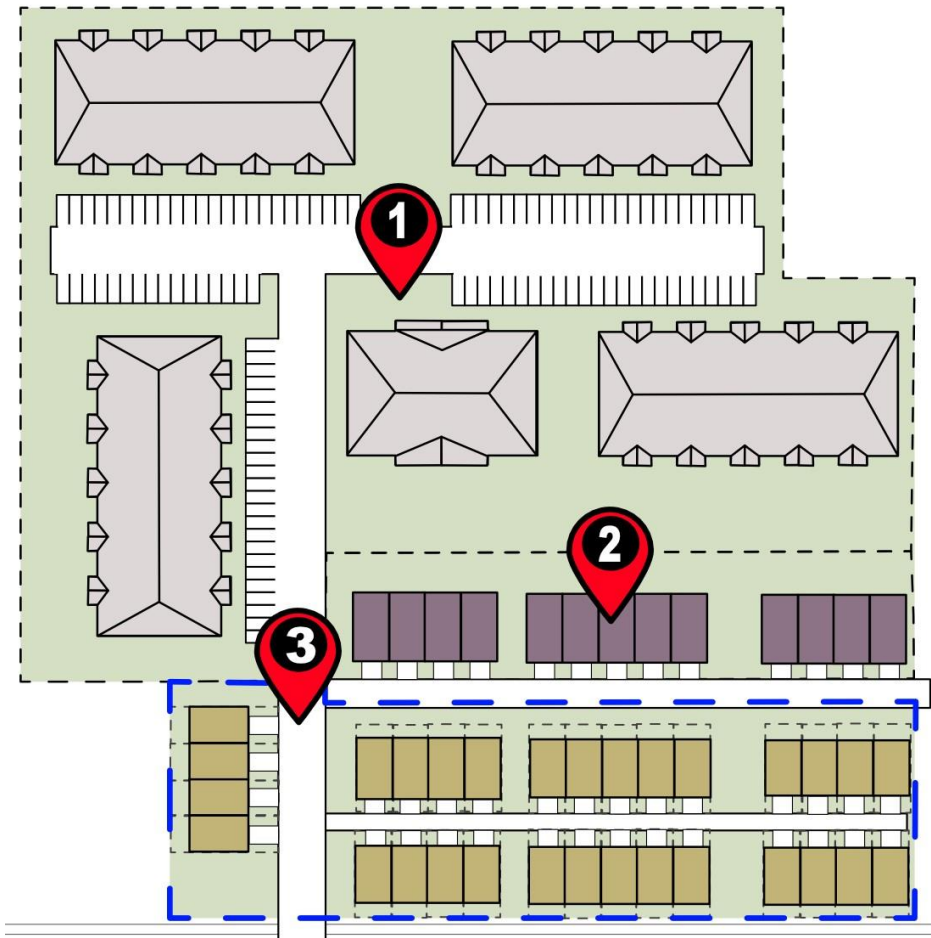
- c. Where developments of a different style meet (e.g. townhomes to single-family detached) the lot area shall meet or exceed the minimum of the district and a buffer shall be provided in accordance with [5.10 Landscaping – Required Buffers and Perimeter Plantings](#).



Chapter 2 Image 5. Perimeter lots must meet the width and/or size of adjacent neighborhood lots, depending on the amount of common area separating the neighborhoods. Other buffering may also apply in the landscape section.

3. Lot Coverage is determined by the total amount of impervious surfaces as defined in this Unified Development Ordinance compared to the total lot area.
- a. Maximum lot coverage for the “parent” or “overall parcel” as noted in the development standards table is applicable to tract of land where a multiple-family or attached residential property is proposed.
 - I. Regardless of whether an attached single-family development is proposed as individual lots or not, the development when reviewed in its entirety must meet the overall parcel lot coverage standards standard.
 - II. Where residential products have multiple dwelling units on one platted lot, each such lot must meet this lot coverage maximum.

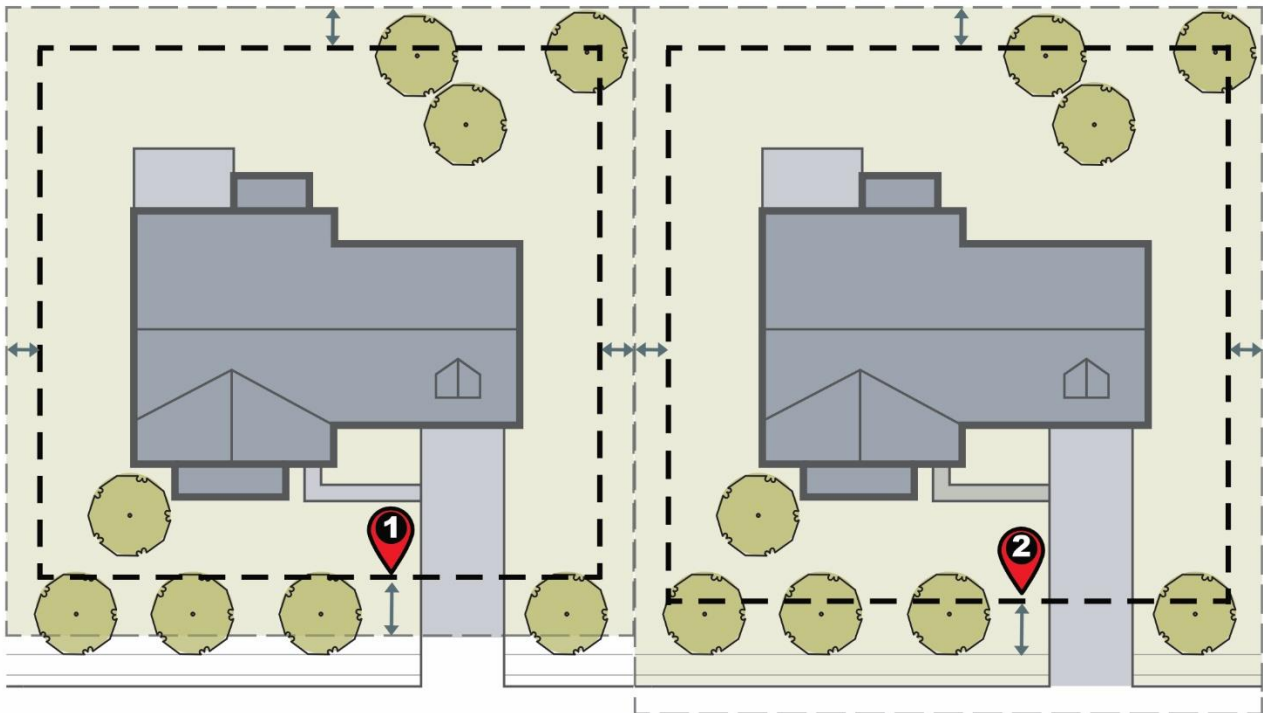
- a) In the image below, Note #1 shows apartments on all one lot. As shown, the entire lot has to meet the lot coverage standards. If the development was broken into additional lots, each would need to meet the standard.
 - b) Note #2 illustrates a parcel with multiple single-family attached units on it with no dividing parcel lines. This development pattern has to meet the overall parcel lot coverage.
- b. Maximum lot coverage for individual residential lots applies to all development types where individual parcels are established for each dwelling unit (single-family detached and single-family attached developments with individually platted lots). Each lot must have a lot coverage ratio that does not exceed the maximum noted.
- I. Note #3 illustrates single-family attached units on individually platted lots. In this scenario, the overall parcel that will be subdivided must meet the overall lot coverage standards. In addition to this, each individual dwelling unit lot must meet the individual lot coverage standards.



Chapter 2 Image 6 A visual example of lot coverage scenarios based on 2.2(F)(3) above.

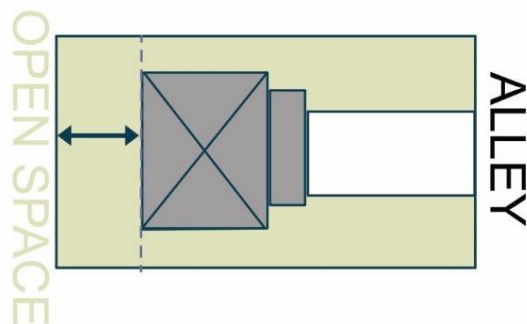
E. Setback Standards

1. The minimum building setback lines and minimum building separation requirements shall be measured as follows:
 - a. The measurement of any setback line shall be perpendicular to the property line.
 - I. Where a property line extends to the center of the road, the measurement of a building setback line shall start five feet from the edge of pavement of any public or private street and measure from there the minimum setback required.

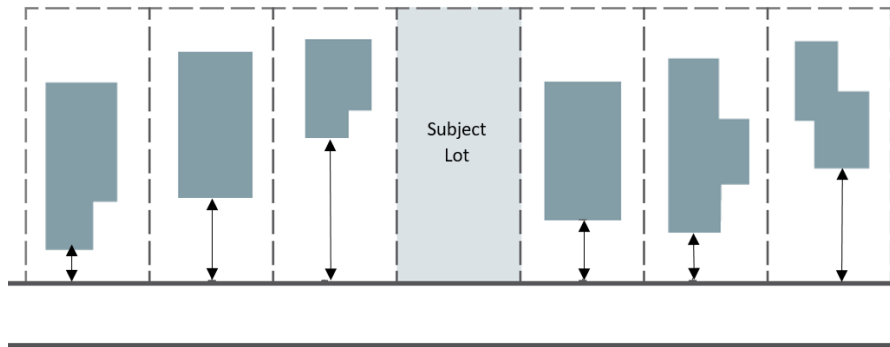


Chapter 2 Image 7 In the setback image above, the setback measurement lines are shown perpendicular to the property lines. The image on the left shows a property with platted right of way and standard setback measurement. The image on the right shows a property with a lot line going into the roadway and adjusted setback measurement per 2.2(E)(1)(a)(I) above.

- b. The front setback for new lots is measured from the lot line abutting the open space to the building façade. For new lots abutting open space on more than one lot line, the lot line requiring the front setback is determined by the Administrator.



- c. Building separation minimums shall apply to buildings on the same lot. The minimum required separation must be provided between any two buildings in the form of open space, common area, internal street, parking area, or similar.
 - I. Building separation shall be measured as the distance between two adjacent building’s façade walls at the closest point. The measurement shall not be taken from overhangs or other roof features.
 - II. If a minimum building separation requirement is not provided, the minimum building separation required shall be governed by the setbacks of individual lots.
- 2. Setback Standards for Infill Lots: Infill development and redevelopment is encouraged in key areas throughout the community. In such areas where infill lots exist and some or all of the surrounding lots are developed, alternate setback standards may be used as follows:



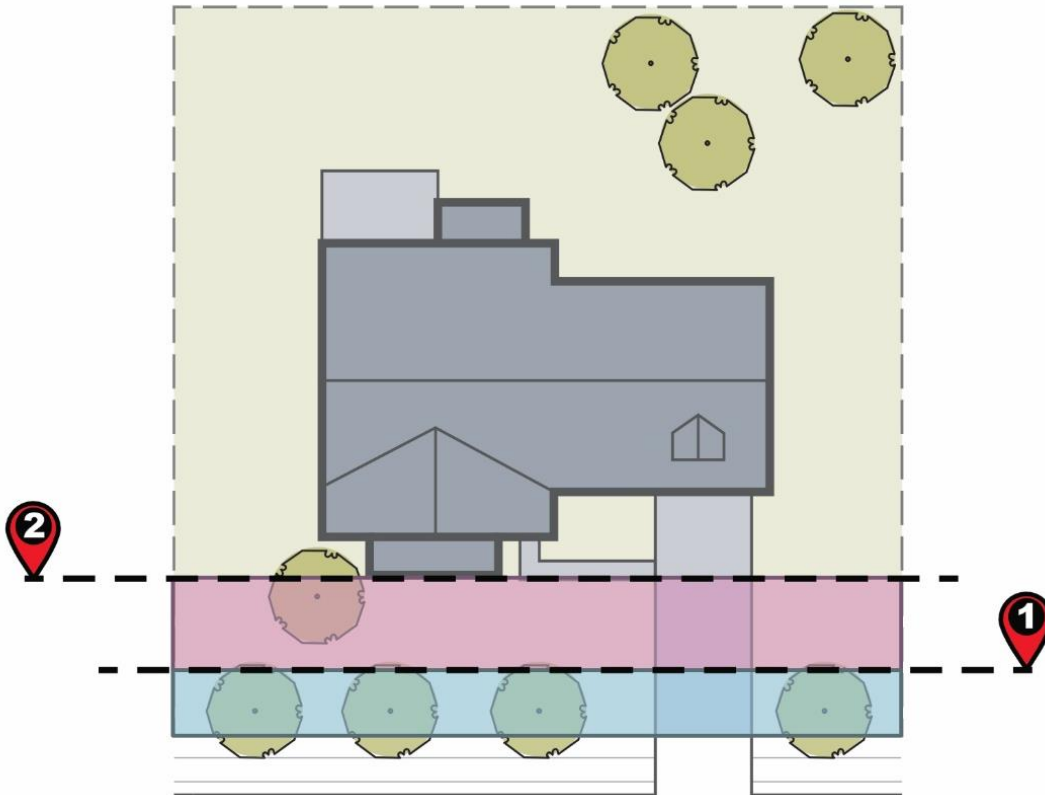
Chapter 2 Image 8. The image above shows an infill lot with homes at various setbacks on the block. An average front setback may be calculated and used for this lot.

- a. Where 25% or more of the lots in a block frontage are occupied by buildings, then the average building front and side setback lines of buildings on that block may be used instead of the front and side setbacks regulations of this Ordinance. This allows new development on the block to be cohesive with the existing development patterns of the neighborhood.
- b. No side setbacks developed using the average of those existing on the block may be reduced to less than 5 feet.
- 3. Where an existing building is deficient in side setbacks, any addition to the building may maintain the existing setbacks when in accordance with legal non-conforming provisions in [1.12 Nonconforming Regulations](#).
- 4. Setback lines established on a recorded plat establish the setbacks for the subdivisions when they are more restrictive than provided in this Ordinance.
- 5. Setback Exceptions: The following types of structures or features are exempt or partially exempt from the setback standard as stated:
 - a. *Architectural Features*: Cornices, eaves, sills, canopies, awnings, chimneys and similar features shall be allowed to encroach into a setback. The encroachment shall be no more than 3 feet and shall only be allowed if the remaining distance to the property line is not less than 3 feet.
 - b. *Fences and walls*: Fences and walls may be allowed in setbacks in accordance with [5.7 Fences and Walls](#).

- c. *Driveways:* Driveways are exempt from the front setback and may encroach half of the width of any side setback. Share driveways may utilize a 0' side setback along the property line where the driveway is located.
- d. *Connecting sidewalk:* sidewalks connecting a structure to perimeter sidewalks or trails are exempt from setbacks where the connection is made.
- e. *Utility Poles, Lines, and Junction Boxes:* these features shall be exempt from the setback standards.
- f. *Stairs, Landings, and Accessibility Features:* Features required as part of safe and accessible building ingress/egress may encroach into a setback up to 4 feet. Additional encroachment may be approved by the Administrator in circumstances where there are no other reasonable options due to the building design.

F. Yard Standards

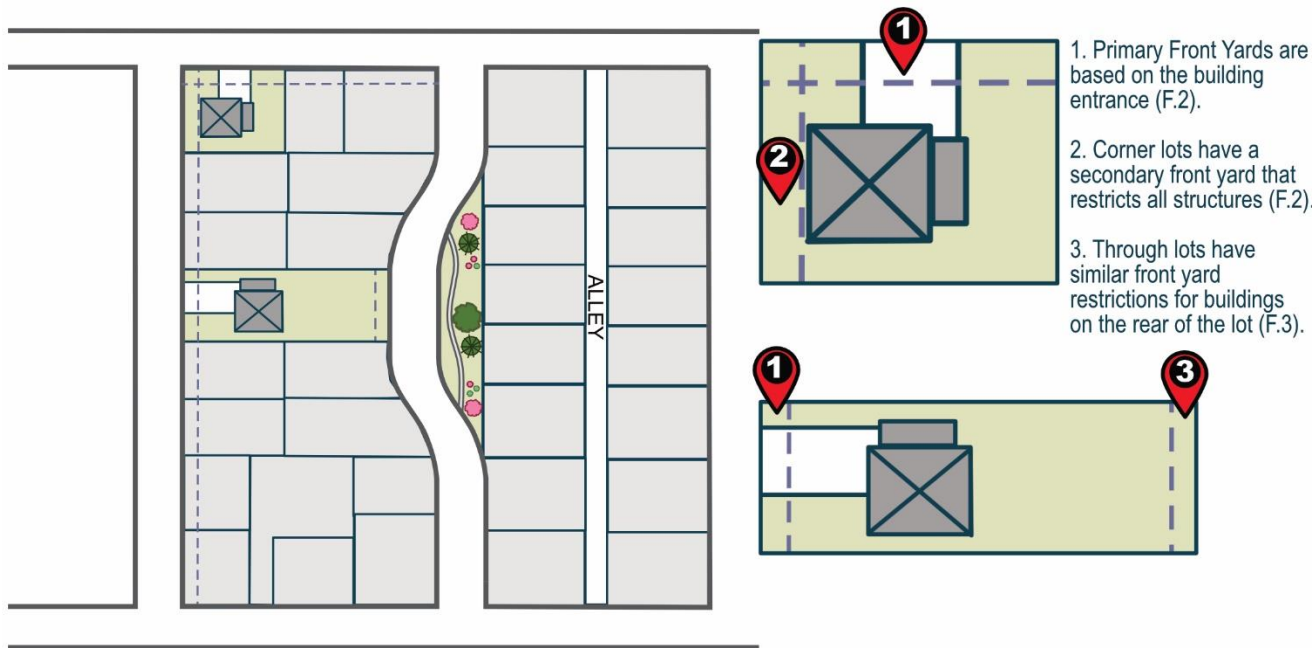
1. An established yard is measured as the shortest horizontal distance from a lot line to the nearest outside wall of a building or structure.



Chapter 2 Image 9 The line labeled 1 shows a front setback line. The line labeled 2 shows the additional area to the façade included in the front yard.

2. Corner lots have two front yards (those abutting the street or right-of-way) and two side yards (those opposing the front yard). The front yard where the building entrance is established is considered the primary front yard and yard abutting the other street is considered a secondary front yard (See image below).

- 3. On through lots, the front yard is established by the entrance location of existing principal buildings in the block for consistency of building facades.
 - a. The yard along the primary frontage street (established by the location of entrances noted above) is considered a primary front yard and subject to building, fence, and other restrictions as applicable to front yards.
 - b. The yard along the rear frontage street shall not be considered a front yard for architectural, fence, or similar provisions but must include a building setback line consistent with the front yard setbacks of the district that is applicable to primary and accessory structures other than fences (See image below).



Chapter 2 Image 10 The image above depicts the different front yard areas explained in subsections F.2 and F.3 above.

2.3 Agriculture & Residential Estate District Standards

A. Purpose

AG – The **AG Agriculture District** is intended to preserve and maintain the established rural character and agricultural traditions of Brownsburg and the surrounding area. It allows agricultural development by reason of location and the availability of resources and infrastructure, while allowing scattered single-family homes at a very low density.

RE – The **RE Residential Estate** is intended for large lot residential estates, small hobby farms, and the like. It is intended for low-impact development nestled within natural settings and often adjacent to agricultural areas.

	AG	RE
B. Lot Requirements		
1. Minimum Lot Area		
Minimum Lot Area	5 acres	65,000 sq. ft.
2. Minimum Living Area per Dwelling (sf)		
Single Family Residence Detached	1,100 sq. ft.	2000 sq. ft.
3. Setbacks		
Minimum Front Setback for primary and accessory structures	60'	60'
Minimum Side Setback for primary structure (1)	25'	35'
Minimum Side Setback for accessory structure	20'	20'
Minimum Rear Setback for primary structure	30'	30'
Minimum Rear Setback for accessory structure	15'	30'
4. Building Requirements		
Maximum Height – Primary Structures	40'	35'
Maximum Height – Accessory Structures	25'	25'
Permitted Uses and Parking References		
<i>3.2 Permitted Use Table</i>		
<i>3.8 Accessory Uses</i>		
<i>3.9 Home Businesses</i>		
<i>3.10 Temporary Uses</i>		
Architectural and Development Standards Highlighted References		
<i>5.7 Fences and Walls</i>		
<i>5.12 Lighting</i>		
<i>5.14 Parking and Loading</i>		
<i>5.16 Vision Clearance Triangle</i>		

2.4 Residential District Standards

A. Purpose

R1 – The **R1 Residential District** is intended for very low density residential uses. This district will predominantly include larger individual platted lots with single detached homes.

R2 – The **R2 Residential District** is intended to accommodate new residential subdivision development utilizing individual platted lots with single detached homes.

R3 – The **R3 Residential District** is intended predominantly for residential subdivision development utilizing individual platted lots with single detached homes. Attached single-family homes may be included in a development as a mix of attached and detached housing options in subdivisions platted after the adoption of this UDO.

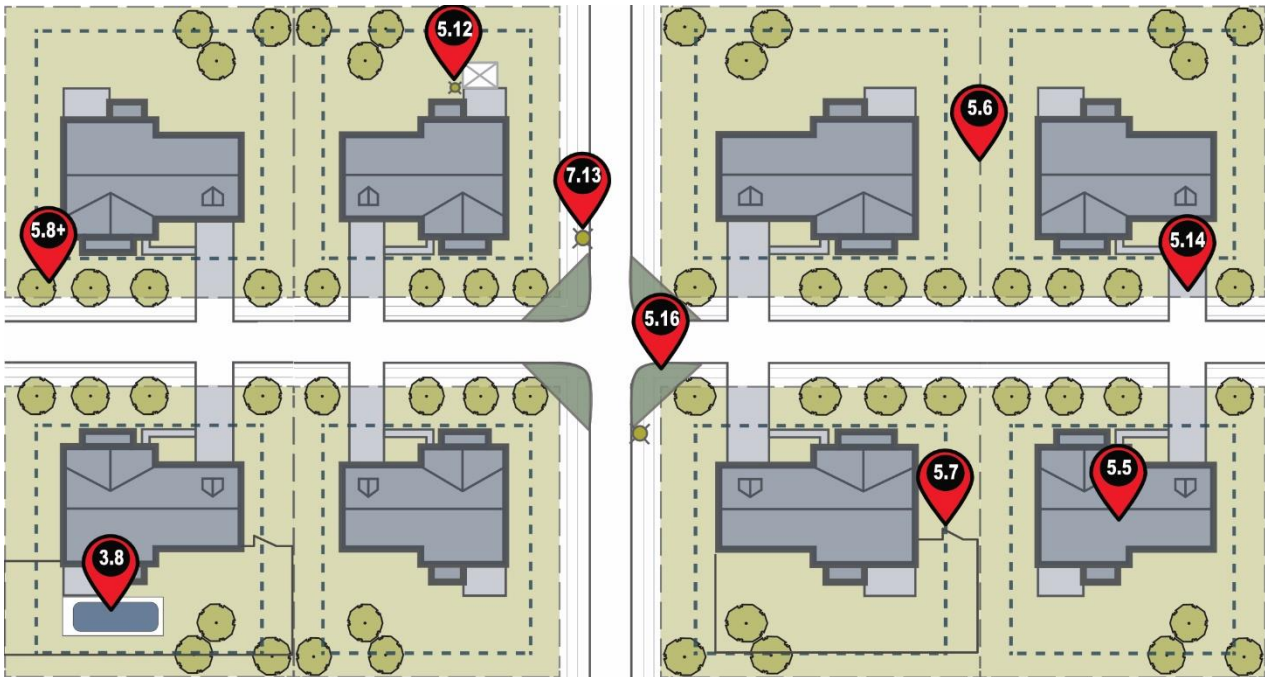
TR – The **TR Traditional Residential District** encompasses housing in the downtown and surrounding core of Brownsburg. It is a mix of traditional “Main Street” style single-family detached homes on smaller lots intermixed with small duplexes and single-family attached homes.

M1 – The **M1 Residential District** is intended to provide areas of single-family attached and multiple-family housing options on individual lots or as multiple structures on the same lot.

M2 – The **M2 Residential District** is intended to provide a range of attached single-family and larger multiple-family housing options with multiple structures paired on a platted lot(s).

B. Lot and Development Standards	R1	R2	R3	TR	M1	M2
1. Minimum Lot Area						
Minimum Lot Area* <i>(corner lots shall be 25% larger)</i>	15,000 sq. ft.	12,000 sq. ft.	9000 sq. ft.	4500 sq. ft.	21,800^ sq. ft.	32,600 sq. ft.
Minimum Street Frontage	45'	45'	40'	40'	60'	60'
*Subdivisions Platted Prior to January 1, 2025 may have alternate standards in 2.4C ^Minimum area applies to parent parcel for projects utilizing individually platted lots Perimeter lots must meet or exceed the lot width and size of adjacent single-family residential lots 2.2(D)(2)						
2. Minimum Living Area per Dwelling (Square Feet per Dwelling Unit)						
Single Family Residence Detached	2,000	1,600	1,400	1000	-	-
Duplex	-	-	900	800	800	700
Triplex	-	-	900	800	800	700
Quadplex	-	-	900	800	800	700
Townhome	-	-	1,200	1000	1,000	900
Multifamily Dwelling	-	-	(1) (SE)	-	(1) (SE)	(1)
SE = Only permitted through the special exception process. See 3.2 Permitted Use Table and 8.9 Special Exception						
(1) The multifamily dwelling minimum living area requirement is based upon the type of dwelling:						
<ul style="list-style-type: none"> • Efficiency unit – 550sf • One-bedroom unit – 650sf • Two-bedroom unit – 900sf • Three-bedroom unit – 1,300sf • For each additional bedroom over three add an additional 120sf 						

	R1	R2	R3	TR	M1	M2
B. Lot and Development Standards						
3. Setbacks						
Minimum Front Setback						
Primary and Accessory structures	30'	20'	20'	20'	30'	35'
Primary Structures on internal streets where rear-loaded or detached garages are used	-	-	10'	-	10'	15'
Primary Structures With Garage Door Facing a Street (Public or Private)	35'	25'	25'	25'	25'	25'
Minimum Side Setback						
Primary Structure	15'	10'	10'	5'	15'	20'
Accessory Structure	10'	5'	5'	5'	5'	5'
Minimum Rear Setback						
Primary Structure	30'	20'	20'	15'	15'	10'
Accessory Structure	10'	10'	5'	5'	5'	5'
Minimum Separation between primary buildings on the same lot	-	-	20'	-	20'	20'
4. Building Requirements						
Maximum Height						
Primary Structure	35'	35'	40'	35'	45'	55'
Accessory Structure	20'	20'	20'	20'	20'	20'
Maximum Lot Coverage						
Parent/Overall Parcel for attached and multifamily developments	-	-	45%	-	55%	65%
Any Individual Residential Lot	40%	45%	50%	60%	85%	-
Permitted Uses and Parking References						
<i>3.2 Permitted Use Table</i>						
<i>3.8 Accessory Uses</i>						
<i>3.9 Home Businesses</i>						
<i>3.10 Temporary Uses</i>						
Architectural and Development Standards Highlighted References						
<i>5.4 Architecture – Multifamily Dwellings</i>						
<i>5.5 Architecture – Residential Dwellings</i>						
<i>5.6 Anti-Monotony Standards</i>						
<i>5.7 Fences and Walls</i>						
<i>5.8 – 5.11 Landscaping Articles</i>						
<i>5.12 Lighting (For Subdivision Street Lights, See 7.13 Street Lights)</i>						
<i>5.14 Parking and Loading</i>						
<i>5.16 Vision Clearance Triangle</i>						
<i>Chapter 6 - Signs</i>						



Chapter 2 Image 11 The image illustrates some of the additional sections of the UDO that may apply to residential lots. This is for informational purposes only and other sections of the UDO may apply. Additional images related to subdivision plats are in Chapter 7.

C. Alternate Development Standards for Subdivisions Platted Prior to UDO Revisions. **The following standards may only be utilized by the existing subdivision or area to which the standards relate.** Previously established subdivisions that wish to be added to this table after the adoption of this UDO (example, a Planned Unit Development requesting to be moved to a standard zone) must complete the Zone Map Amendment Process in [Chapter 8 - Processes](#).

1. The filing fee may be waived only in the event that all of the PUD standards will be retained (thereby limiting the required amount of review), but in doing so staff may determine the meeting agenda on which the case will appear to manage docket length.
2. The zone map amendment request must be submitted by the HOA or their legal representation.
3. All filings and notification procedures must be completed by the applicant or their legal representation. Generally, notification must be sent to all properties within the subdivision and to adjacent properties within the notification requirements of the Plan Commission.

	Alternate Development Standards Table						
	Lot Size	Front Setback	Side Setback	Rear Setback	Max. Lot Coverage	Height	Lot Width
Auburn Ridge	9000 sq. ft.	25'	10' primary 5' accessory	20' primary 5' accessory	45%	35'	80 ft.
Phillips Manor	9000 sq. ft.	25'	10' primary 5' accessory	20' primary 5' accessory	45%	35'	80 ft.

2.5 Commercial District Standards

A. Purpose

C1 – The **C1 Neighborhood Commercial District** is established for the development of convenience business uses geared to meeting the daily needs of residents living in adjacent residential neighborhoods. This district should be strategically located with access to a minor arterial or major collector.

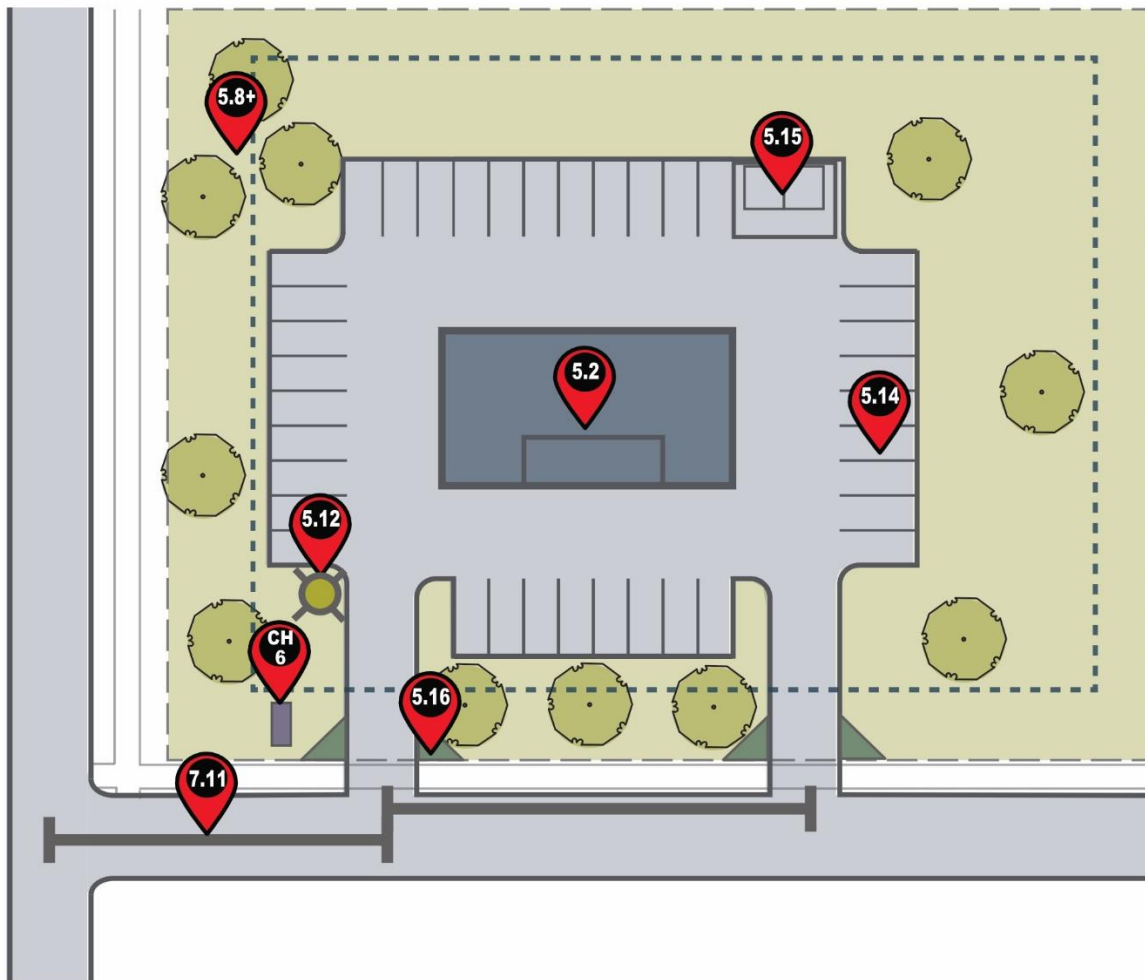
C2 – The **C2 General Commercial District** accommodates commercial office activities, professional services, and retail sales. Uses within the district typically require high visibility, arterial frontage, good access, and ample parking. This district is intended to be confined to nodes to prevent the creation of commercial strip development.

C3 – The **C3 Heavy Commercial District** is established to accommodate retail and commercial uses that are auto-dependent or medium- to high-intensity commercial uses.

UC – The **UC Urban Commercial District** accommodates the unique mix of retail, commercial, entertainment, governmental, and professional uses with appropriate upper floor uses that occur in a village center setting.

	C1	C2	C3	UC
B. Lot Development Standards				
1. Lot Requirements				
Minimum Lot Size	15,000 sf	20,000 sf	20,000 sf	1,500 sf
Minimum Lot Width	80'	100'	100'	15'
Minimum Parent Tract Street Frontage	50'	50'	50'	50'
2. Setbacks				
Minimum Front Setback				
Primary Structure - Where abutting a Residential District	10'	40'	50'	0'
Primary Structure - All others	10'	30'	40'	0'
Accessory Structure	10'	20'	30'	0'
Maximum Front Setback	-	-	-	20'
Minimum Side Setback				
Primary Structure - Where abutting a Residential District	5'	25'	30'	0'
Primary Structure - All others (1)	5'	15'	20'	0'
Accessory Structure (1)	5'	10'	10'	0'
Minimum Rear Setback				
Primary Structure - Where abutting a Residential District	15'	25'	30'	0'
Primary Structure - All others	15'	20'	20'	0'
Accessory Structure	5'	10'	10'	0'
(1) The side yard setback may be reduced to 0' where commercial buildings abut. Shared parking areas may also utilize a 0' side setback along shared boundaries.				
3. Building Requirements				
Maximum Height – Primary Structure	35'	40'	60'	130'
Maximum Height – Accessory Structure	20'	26'	26'	20'
Maximum Lot Coverage	65%	75%	75%	95%
Permitted Uses and Parking Requirements Reference				
<u>3.2 Permitted Use Table</u>				
<u>3.8 Accessory Uses</u>				
<u>3.10 Temporary Uses</u>				

Architectural And Development Standards Highlighted References

[4.3 Performance Standards](#)[5.2 Architecture – Commercial Buildings](#)[5.7 Fences and Walls](#)[5.8 – 5.11 Landscaping Articles](#)[5.12 Lighting](#)[5.13 Loading Standards](#)[5.14 Parking and Loading](#)[5.15 Screening of Trash, Storage, Loading, and Mechanical Areas](#)[5.16 Vision Clearance Triangle](#)[Chapter 6 – Signs](#)[7.11 Street Access and Entrance Standards](#)

Chapter 2 Image 12 The image illustrates some of the additional sections of the UDO that may apply to commercial development. This is for informational purposes only and other sections of the UDO may apply.

2.6 Industrial District Standards

A. Purpose

I1 – The **I1 Light Industrial District** is established to accommodate light industrial uses in which all operations, including storage of materials, would be confined within a building, and would include warehousing operations.

I2 – The **I2 General Industrial District** is established for all types of industrial uses requiring both enclosed and unenclosed spaces for storage, manufacturing, and fabricating.

B. Lot Development Standards	I1	I2
1. Lot Requirements		
Minimum Lot Size	1 acre	3 acres
Minimum Lot Width	100'	250'
Minimum Parent Tract Street Frontage	45'	60'
2. Setbacks		
Minimum Front Setback		
Primary Structure - Where abutting a Residential District	40'	50'
Primary Structure - All others	35'	45'
Accessory Structure	45'	45'
Minimum Side Setback		
Primary Structure - Where abutting a Residential District	40'	40'
Primary Structure - All others	20'	20'
Accessory Structure	20'	20'
Minimum Rear Setback		
Primary Structure - Where abutting a Residential District	50'	50'
Primary Structure - All others	20'	20'
Accessory Structure	20'	20'
3. Building Requirements		
Maximum Height – Primary Structure	65'	65'
Maximum Height – Accessory Structure	35'	35'
Maximum Lot Coverage	70%	70%
Permitted Uses and Parking Requirements		

[3.2 Permitted Use Table](#)

[3.8 Accessory Uses](#)

[3.10 Temporary Uses](#)

Architectural And Development Standards Highlighted References

[Chapter 4 – Performance Standards](#)

[5.3 Architecture – Industrial Buildings](#)

[5.7 Fences and Walls](#)

[5.8 – 5.11 Landscaping Articles](#)

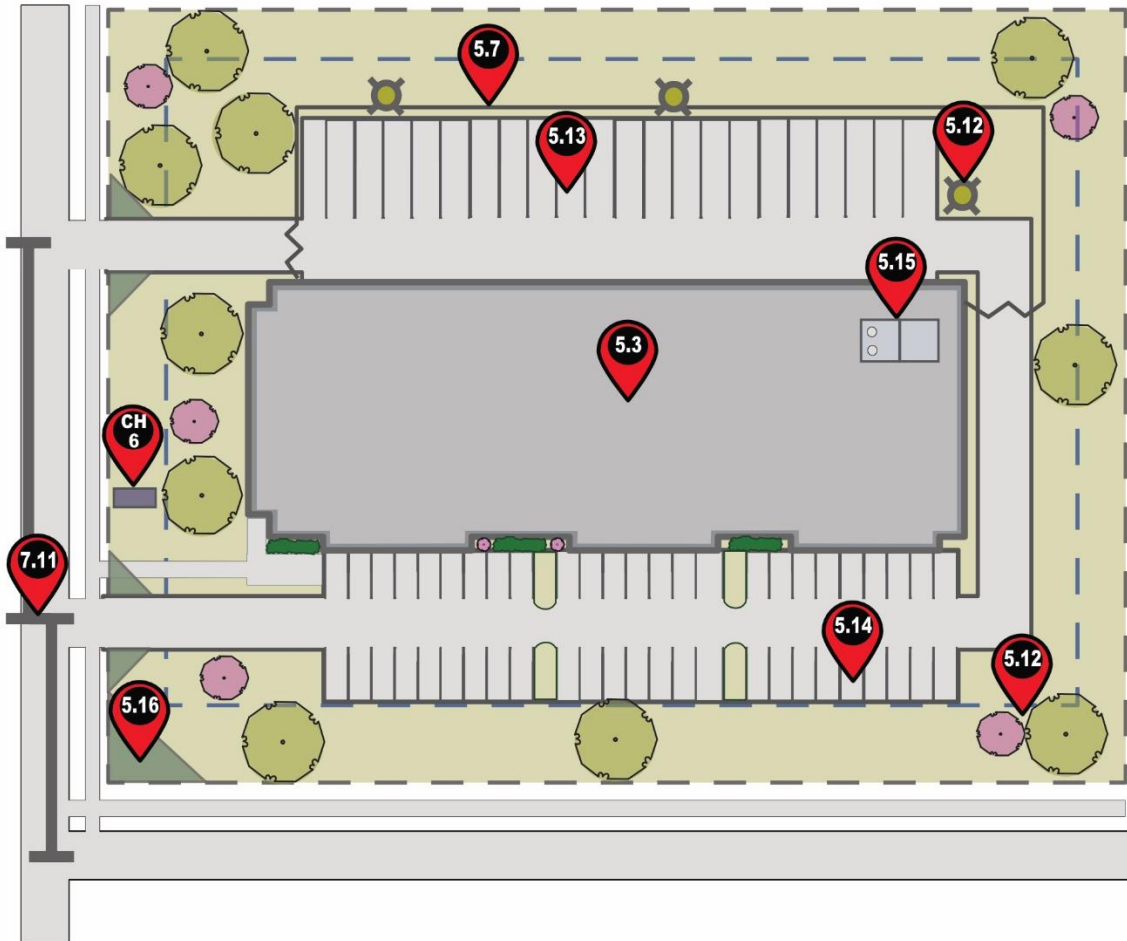
[5.12 Lighting](#)

[5.13 Loading Standards](#)

[5.14 Parking and Loading](#)

[5.15 Screening of Trash, Storage, Loading, and Mechanical Areas](#)

5.16 Vision Clearance Triangle
Chapter 6 – Signs
7.11 Street Access and Entrance Standards



Chapter 2 Image 13 The image illustrates some of the additional sections of the UDO that may apply to industrial development. This is for informational purposes only and other sections of the UDO may apply.

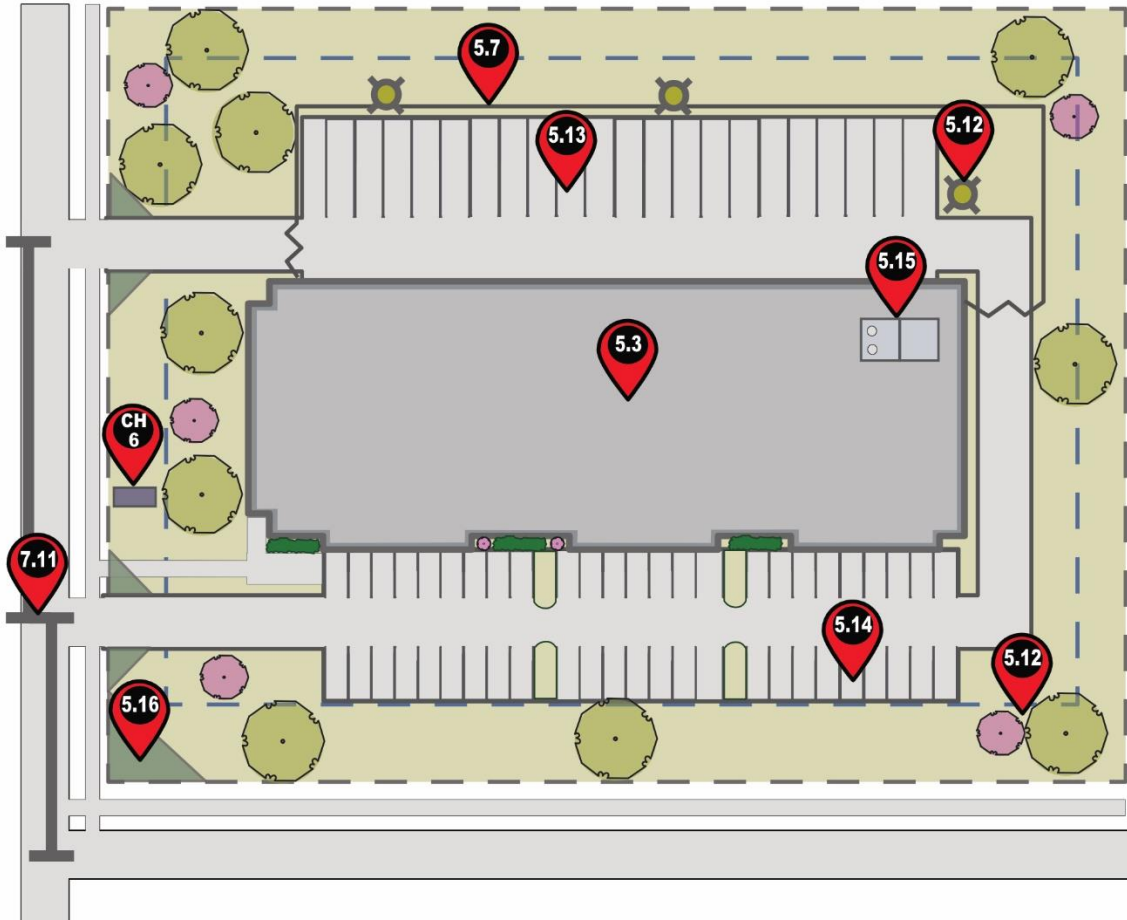
2.7 Motor Sports District

A. Purpose

MS – The **MS Motor Sports District** accommodates racing teams and other motor sport related activities including research and development, manufacturing, retail sales, outdoor storage, and racetracks.

B. Lot Development Standards

	MS
1. Lot Requirements	
Minimum Lot Size	1 acre
Minimum Lot Width	100'
Minimum Parent Tract Street Frontage	45'
2. Setbacks	
Minimum Front Setback	
Primary Structure - Where abutting a Residential District	40'
Primary Structure - All others	35'
Accessory Structure	10'
Minimum Side Setback	
Primary Structure - Where abutting a Residential District	40'
Primary Structure - All others	20'
Accessory Structure	10'
Minimum Rear Setback	
Primary Structure - Where abutting a Residential District	50'
Primary Structure - All others	20'
Accessory Structure	10'
3. Building Requirements	
Maximum Height – Primary Structure	65'
Maximum Height – Accessory Structure	50'
Maximum Lot Coverage	80%
Permitted Uses and Parking Requirements	
<u>3.2 Permitted Use Table</u>	
<u>3.8 Accessory Uses</u>	
<u>3.10 Temporary Uses</u>	
Architectural And Development Standards Highlighted References	
<u>Chapter 4 – Performance Standards</u>	
<u>5.3 Architecture – Industrial Buildings</u>	
<u>5.7 Fences and Walls</u>	
<u>5.8 – 5.11 Landscaping Articles</u>	
<u>5.12 Lighting</u>	
<u>5.13 Loading Standards</u>	
<u>5.14 Parking and Loading</u>	
<u>5.16 Vision Clearance Triangle</u>	
<u>Chapter 6 – Signs</u>	
<u>7.11 Street Access and Entrance Standards</u>	



Chapter 2 Image 14 This image illustrates various sections that apply to development in the Motor Sports District. This is for informational purposes only and other sections of the UDO may apply.

2.8 Parks and Recreation District

A. Purpose

PR – The **PR Parks and Recreation District** is established for active and passive recreational areas, parks, linear trails, nature preserves, and other land in conservation. Small-scale commercial uses supporting recreation uses are permitted as allowed in the Use Table.

B. Lot Development Standards	PR
1. Lot Requirements	
Minimum Lot Size	-
Minimum Lot Width	-
Minimum Parent Tract Street Frontage	-
2. Setbacks	
Minimum Front Setback (primary and accessory structures)	30'
Minimum Side Setback (primary and accessory structures)	25'
Minimum Rear Setback (primary and accessory structures)	25'
3. Building Requirements	
Maximum Height – Primary Structure	40'
Maximum Height – Accessory Structure	24'
Maximum Lot Coverage	20%
Permitted Uses and Parking Requirements	
<u>3.2 Permitted Use Table</u>	
<u>3.8 Accessory Uses</u>	
<u>3.10 Temporary Uses</u>	
Architectural And Development Standards Highlighted References	
<u>5.7 Fences and Walls</u>	
<u>5.12 Lighting</u>	
<u>5.16 Vision Clearance Triangle</u>	
<u>Chapter 6 - Signs</u>	

2.9 Institutional District

A. Purpose

IS – The **IS Institutional District** is established for community-oriented institutional uses including government offices, hospitals, schools, community centers, and religious institutions. Sites may contain a single use or a mix of commercial, office, and residential uses as allowed in the Use Table.

B. Lot Development Standards	IS
1. Lot Requirements	
Minimum Lot Size	NONE
Minimum Lot Width	NONE
Minimum Parent Tract Street Frontage	50'
2. Setbacks	
Minimum Front for primary and accessory structures	35'
Minimum Side for primary and accessory structures	15'
Minimum Rear for primary and accessory structures	20'
3. Building Requirements	
Maximum Height – Primary Structure	50'
Maximum Height – Accessory Structure	24'
Maximum Lot Coverage	65%
Permitted Uses and Parking Requirements	
<u>3.2 Permitted Use Table</u>	
<u>3.8 Accessory Uses</u>	
<u>3.10 Temporary Uses</u>	
Architectural And Development Standards Highlighted References	
<u>5.7 Fences and Walls</u>	
<u>5.12 Lighting</u>	
<u>5.14 Parking and Loading</u>	
<u>5.16 Vision Clearance Triangle</u>	
<u>Chapter 6 - Signs</u>	

2.10 Right-of-Way Overlay

- A. **Applicability.** The **ROW Right-of-Way Overlay** applies to all rights-of-way (ROW) under the control of the Town of Brownsburg subject to the provisions of [IC 8-1-32.3](#).
- B. **Overlay Intent.** The Right-of-Way (ROW) Overlay is intended to be used as follows:
 - 1. Use, Type, and Intensity: Varying intensity of institutionally-owned infrastructure, devices, and appurtenances, including Federal, State, and local government and utilities regulated by the Indiana Utility Regulatory Commission.
 - 2. Application of Overlay: The standards of this overlay apply to:
 - a. Existing and new transportation infrastructure.
 - b. Existing and new utility devices and appurtenances.
 - c. All standards are uniformly applied to the following utilities:
 - I. Communication service providers per [IC 8-1-32.3](#)
 - II. Electric light per [IC 8-1-2.5-2](#)
 - III. Gas
 - IV. Interurban company
 - V. Railroad
 - VI. Sanitary (wastewater)
 - VII. Steam
 - VIII. Stormwater
 - IX. Telegraph
 - X. Telephone
 - XI. Water
 - XII. Any other eligible user of right-of-way pursuant to [IC 8-1-32.3-19](#)
- C. **Right-of-Way Overlay Uses**
 - 1. Permitted Uses
 - a. Transportation Infrastructure
 - b. Eligible Users of the Right-of-Way pursuant to [IC 8-1-32.3-19](#)
 - 2. Special Exception Uses
 - a. Communications or data entities that are not eligible users of the Right-of-Way pursuant to [IC 8-1-32.3-19](#)
 - 3. Prohibited Uses
 - a. Motor scooter rentals or drop off scooters
- D. **Underground Installation.** Consistent with [IC 8-1-32.3-15\(c\)](#) and Town Council Resolution 2017-25 all ROW under the control of, or to be dedicated to, the Town of Brownsburg are designated strictly for underground or buried utilities. Street trees, mailboxes, and devices and appurtenances inherent to the function of a roadway, sidewalk, or trail are exempt from these standards.

E. Right-of-Way Permits

1. **Permits required.** All work to be performed within ROW in connection with the location, relocation, or maintenance of utilities, and where the roadway, shoulders or ROW will be affected by the work, must only be done under the terms of a permit to be issued by the Department of Development Services. An application for a permit may be made on established forms specifically stating the nature of the work to be performed. A bond may be required, pursuant to **2.10(E)(3) Bonding Requirements**, to ensure completion of the work in accordance with the permit issued.
 - a. **Exceptions.** Work to be performed within ROW on overhead infrastructure not owned by the Town (example: overhead powerlines) does not require a Right-of-Way Permit, however traffic must be maintained pursuant to **2.10(P) Maintenance of Traffic**.
 - b. **I.C. 8-1-32.3-15(c)(2)(C)** requires the Town to provide a process that addresses requests to install new utility poles or new wireless support structures within areas designated strictly for underground or buried utilities. A new utility pole or new wireless support structure appeal may be filed according to **8.12 New Utility Pole or Wireless Support Structure Approvals Development Standards Variance**.

2. The following standards apply to all ROW:
 - a. **Allocation of Cost and Relocation Timing.** When utility facilities are within ROW and their relocation is necessary to allow for the construction of a roadway, sidewalk or trail improvement, their relocation must be effected at the expense of the utility, to the extent allowed by law, within 180 days of written notification from the Town.
 - b. **Appearance.** Any new utility pole or wireless support structure being placed within ROW must be consistent with the pole style within the Town of Brownsburg Construction Standards, Specification and Details: Construction Detail No. TR-23.

3. **Bonding Requirements.** At the time of filing the application under the provisions of **2.10(E) Right-of-Way Permits**, the person desiring to make any opening or excavation must also file a performance bond payable to the Town.
 - a. The bond is at least \$100.00 and not more than \$5,000.00, as the Administrator may designate. For projects where the projected cost exceeds \$5,000.00, the Administrator may require a bond in an amount not to exceed the total projected cost of the project plus 25%, if deemed necessary to ensure performance of the contractor.
 - b. Bonds are filed with the Building Commissioner.
 - c. Bonds are conditioned to hold the Town harmless from any loss, cost, or damage by reason of such proposed work, and that the same must be done in all respects in conformity with the requirements of all laws regulating the same.
 - d. A single or continuing bond may be required to embrace all work of an applicant for a period between the date of the execution of the bond and 3 years after the date of completion of the project.
 - e. The Town Utility Departments are not required to file a bond for work within ROW.

- F. **Devices and Appurtenances.** All devices and appurtenances owned by any of the entities described in **2.10(B)(2)(c)** that require a location in a ROW are subject to the terms and conditions of this article. The devices and appurtenances subject to regulation include, but are not limited to, the following:
1. Above-ground meters;
 2. Any equipment necessary for a utility described in Article 2, Section 2.47 to operate and provide service;
 3. Guy wires;
 4. Hydrants;
 5. Lights;
 6. Marker posts;
 7. Poles;
 8. Pedestals;
 9. Regulator stations;
 10. Telecommunication towers and devices;
 11. Test posts;
 12. Transformers;
 13. Utility Poles as defined by [I.C. 8-1-32.3-12](#), and
 14. Wireless Support Structures as defined by [I.C. 8-1-32.3-14](#).
- G. **Emergencies.** A utility may perform work in ROW without having a permit in the event an emergency necessitates the work. An emergency is defined as a sudden and unexpected event that, if left uncorrected, will cause serious damage to property or jeopardize the safety and health of persons.
1. In the event an emergency occurs, the affected utility must contact staff from the Street Department and Department of Development Services to inform them of the work being performed.
 2. When work due to an emergency occurs, the utility conducting such emergency work must file an application for a permit no later than 72 hours from the commencement of the said emergency work.
- H. **Height Standards**
1. Minimum Clearance for Overhead Utilities. The vertical clearance of new overhead installations cannot be less than the current minimum requirements of the National Electric Safety Code. However, in no case may the clearance be less than 18’.
- I. **Interference**
1. To ensure the safety of the Town’s citizens and other users of the ROW, no Eligible User or Non-Eligible User of the ROW, or any device or appurtenance for an Eligible User or a Non-Eligible User of the ROW, can be installed in the ROW that interferes with:
 - a. Street or alley travel lanes;
 - b. Street trees;
 - c. On-Street parking spaces or parking meters;
 - d. Regulatory signs or signals;
 - e. Sidewalks, bike lanes, or multiuse paths;
 - f. Accessible curb ramps;
 - g. Drainage patterns and facilities;

- h. Existing underground utilities; or
 - i. Existing above-ground utilities.
 - 2. Interference does not include the temporary removal or relocation of any of the above listed items when the removal or relocation is needed in order to ensure the installation of a utility device or appurtenance. The applicability of this exception is determined by the Administrator.
- J. **Installation Standards.** All utility devices and appurtenances installed under this article are subject to the following:
 - 1. In accordance with generally accepted industry standards;
 - 2. Located near the intersection of property lines;
 - 3. Outside of the Clear Intersection and Clear Zone and;
 - 4. Separated from all pre-existing utility devices or appurtenances, either above ground or below ground, in accordance with the separation requirements of each pre-existing utility device or appurtenance, unless an encroachment is permitted by the existing utility or is located in a designated joint-use area.
- K. **Identification.** Each utility listed in **2.10(B) Overlay Intent** must provide the Department of Development Services, in an ArcGIS “.shp” or “.gdb” file, a detailed inventory identifying the location of each device or appurtenance it has presently located in a Town ROW; and the utility’s emergency contact information no later than July 1, 2018. Additionally, each utility must provide the Department of Development Services an updated inventory upon any changes to its infrastructure; this updated inventory is due within 30 days of the infrastructure being updated.
- L. **Insurance and Indemnity**
 - 1. Each applicant for a permit under this article provides a certificate of liability insurance to the Department of Development Services, upon a form an approved form, insuring the applicant, and naming the Town of Brownsburg as co-insured, against the following liabilities and in the following amounts relative to such activity:
 - 2. Personal injury: \$100,000.00 per occurrence and \$300,000.00 in the aggregate; and
 - 3. Property damage: \$50,000.00 per occurrence and \$100,000.00 in the aggregate.
 - 4. Each applicant for a permit under this article agrees, upon the approved form, to indemnify and hold harmless the Town of Brownsburg for losses and/or expenses arising from the work performed pursuant to a permit issued under this article.
- M. **Maintenance of Traffic.** During the construction, the contractor must maintain appropriate use of barricades, lights, flagmen and other protective devices, whether specified for the project or required by the local governing authority. Traffic control devices used for maintenance of traffic shall comply with the latest version of the Indiana Manual on Uniform Traffic Control Devices.
- N. **Parking.** Parking regulations within right-of-way controlled by the Town of Brownsburg are within Chapter 72 Parking Regulations of the Brownsburg Town Code.
- O. **Repairs.** After any work requiring a bond is properly completed, the person holding the permit under the provisions of this article must repair that portion of the street, sidewalk, trail, alley, ROW, or public place

impacted during the work in accordance with specifications and standards as set forth by Town Construction Standards Specifications and Details.

1. In the event the permittee fails to follow the above requirements, the Town may repair that portion of the street, sidewalk, trail, alley, right-of-way, or public place impacted during the work, or employ another contractor to do so, at the expense of the permittee. Such expense will be invoiced to the permittee, should the permittee fail to pay the invoice within 60 days from the receipt of the invoice the expense will be deducted from the performance bond.
 2. If it becomes necessary for the Town to utilize the performance bond, any portion of the bond remaining after covering the Town's expenses may be returned or released to the permittee. However, at any time within 3 years after the work has been repaired, it becomes necessary for the Town to repair the work; the person to whom the permit was issued for the original work must reimburse the Town for any additional expenses incurred in making the repair.
 3. In the event a second inspection of the work is necessary as a result of noncompliance with the requirements of this article, a reinspection fee may be charged by the Department of Development Services for each reinspection that occurs.
- P. **Replacement.** The replacement of any utility device or appurtenance already located in a ROW at the time of adoption of this article is permitted to be replaced in the exact location with a like utility device or appurtenance. Replacement of any utility device or appurtenance that attempts to bring the utility device or appurtenance closer to compliance with the standards of this article may be approved by the Administrator. The replacement of any utility device or appurtenance not conforming to this standard is treated as if the replacement is a newly requested installation.
- Q. **Removal.** The owner or person having control of any utility device or appurtenance located in a ROW must remove the device or appurtenance within 6 months after the device or appurtenance ceases to be used for the purpose for which it was erected.
- R. **Signs.** Street Regulator Signs compliant with the current version of the Indiana Department of Transportation Manual on Uniform Traffic Control Devices (IN-MUTCD) are permitted.
- S. **Utility Crossings.** Any and all underground utilities that cross a Town right-of-way must cross at an angle between 80° and 100° degrees.

[\(Am. Ord. 2025-XX09\)](#)

2.11 Groundwater Protection Overlay District

A. **Intent.** The Groundwater Protection Overlay (GPO) District is intended to prevent contamination of groundwater which may be used for potable water supply based on guidelines from the EPA, IDEM, Indiana State Chemist Office, and Purdue University Cooperative Extension Service.

Uses that utilize or contain volatile, poisonous, toxic, or other material hazardous to the potability of water are restricted or prohibited.

B. **GPO Prohibited Uses.** The following land uses and site features are not permitted in the GPO District:

- agricultural products, processing
- animal feed lot
- airport
- auto salvage
- bio-fuels production (e.g., ethanol plant)
- body shop (automobile oriented)
- car wash (automobile oriented)
- cesspools
- chemical storage or distribution
- coal mining
- confined feeding operation
- construction material landfill
- dry wells
- fertilizer storage or distribution
- gas station
- golf course
- gravel or sand mining
- heliport, private
- incinerator
- industry using heavy metals or toxic chemicals
- infiltration basins
- injection type wells
- junk yard
- mineral mining
- oil change facility (automobile oriented)
- recycling processing
- rendering plant
- repair shop, equipment
- sanitary landfill or refuse dump
- scrap metal yard
- septic systems
- sewage disposal
- sewage holding tanks
- sewage lagoons
- spreading of animal waste on land
- spreading of sewage treatment plant sludge on land
- storage tanks (hazardous)
- sewage treatment plant
- truck stop
- waste disposal wells

C. **GPO District Applicability.** The following requirements apply to all land within the GPO District. Under no circumstances can a rezoning or a planned unit development change the applicability of the GPO District’s land use restrictions and development standards.

D. **GPO District Boundary.** The boundaries for the GPO District are the 5-year recharge area shown on the Groundwater Protection Area Map and may be shown on the Official Zoning Map as the GPO District.

E. **GPO District Development Standards**

1. Exemptions: Single-family and two-family dwelling units connected to a municipal sewer system are exempt from the GPO District requirements
2. Best Management Practices: Uses within the GPO District must implement best management practices known to its industry including:

- a. Avoid Excess Potential Contaminant Usage: Use the minimal amount of potential contaminant necessary to achieve the desired result. Employ waste reduction and management strategies, and mandate responsible purchasing to reduce the threat of hazardous materials.
- b. Proper Use and Handling: Train employees to follow instructions on labels to ensure proper use, handling, and application of potential contaminants.
- c. Proper Storage and Disposal: Create and implement a chemical management plan that includes a list of chemicals and potential contaminants used, the method of disposal, and procedures for assuring that chemicals and potential contaminants are not discharged into waterways or, to wellfield.
- a. Abandoned Wells: All known abandoned wells shall be identified and sealed at the surface or plugged with impervious materials in accordance with Rule 10 in IAC 312 and IAC 13.

F. Above Ground Storage Tank Standards

1. All tanks must have corrosion protection for the tank and piping. Corrosion protection measures must include elevating tanks, resting tanks on continuous concrete slabs, installing double-walled tanks, cathodically protecting the tanks, internally lining tanks, or a combination of these options. All piping to the tank must be double-walled or cathodically protected.
2. Above ground storage of liquid and/or petroleum products must be limited to 1,000 cumulative gallons in all on-site storage tanks.
3. Storage of more than 40 gallons of liquid chemical or petroleum products for more than 24 hours must meet the following secondary containment requirements:
 - a. Secondary containment must contain: (a) 110% of the volume of the tank; or (b) 100% of the volume of the tank plus sufficient freeboard to contain precipitation from a 25-year storm.
 - b. Secondary containment must: (a) prevent and control the escape of the contaminant into ground water for a minimum of 72 hours; or (b) be built with an outer shell and a space between the tank wall and the outer shell with monitoring between the tank wall and outer shell.
 - c. The secondary containment structure must be properly maintained and free of vegetation, cracks, open seams, open drains, siphons, or other openings that jeopardize the integrity of the structure.
 - d. The secondary containment structure must prevent the infiltration of precipitation.

G. Underground Storage Tanks

1. New underground storage tanks (USTs) are not permitted.
2. Existing underground storage tanks can only be replaced or upgraded with above ground storage tanks.

H. Access Supplement

1. Additional Reviews: If an application for a subdivision, planned unit development, special exception, variance, rezoning, or Improvement Location Permit is for a site within the GPO District, the proposed development and process is subject to an additional review and requirements by the water utility who maintains the wellhead.

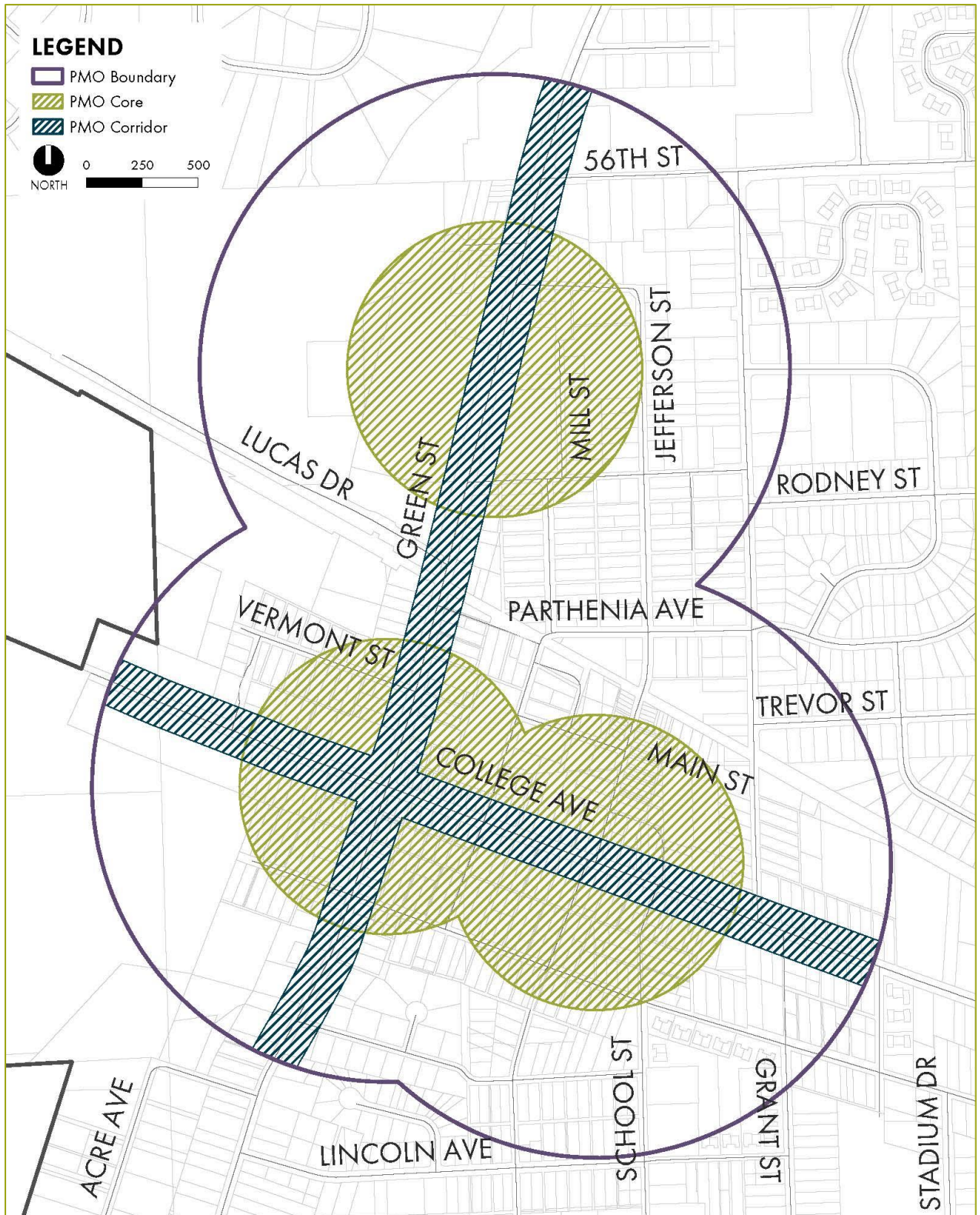
2. Additional Notice: In addition to any required notice, an applicant must give notice to the water utility who maintains the wellhead when a site is within a GPO District.

I. GPO Monitoring

1. Inspection: Land uses involving the storage or use of potential contaminants are subject to periodic inspection by the Fire Marshall or the water utility who maintains the wellhead. The scope of inspections is limited to issues related to the storage and use of potential contaminants.
2. Testing: The water utility who maintains the wellhead, may request periodic testing for spillage or soil contamination. Testing cannot exceed one test site per year for each 500 gallons of chemicals, fertilizer, or petroleum product for sites that have never had a violation, significant leak, or spill.
3. Reporting: If a leak or spill onto the ground of one gallon occurs, the water utility maintaining the wellhead must notified within 24 hours from the time a leak or spill is discovered.

2.12 Pedestrian-Oriented Mixed-Use Overlay District

- A. **District Intent.** The Pedestrian Oriented Mixed-Use Overlay (PMO) District is intended to encourage development and redevelopment that increase the desirability of walkable streets through proven development standards and use restrictions.
- B. **Effect On Uses.** The PMO District Uses follow that of the base zoning, except as prohibited in the following section.
1. Where residential uses are allowed in the base zoning district for a property within the PMO Core, a special exception use is required for any proposed development with a first floor used solely for residential uses. This includes developments where the first floor is a mix of residential units and ancillary uses such as leasing offices and/or amenities that are only usable by the tenants.
 2. The following land uses are not permitted in the Pedestrian Oriented Mixed-Use Corridor:
 - a. Surface parking (does not include on-street parking)
- C. **Effect On Standards.** The development standards from the base zoning district shall apply to the PMO District in addition to the development standards described in [2.12\(G\) PMO District Development Standards](#), [2.12\(H\) Pedestrian Oriented Mixed-Use Core Development Standards](#), and [2.12\(I\) Pedestrian Oriented Mixed-Use Corridor Development Standards](#).
- D. **PMO Applicability.** The following requirements apply to all land within the PMO District as defined in Section 3.09: PMO District Boundary. Under no circumstances shall a planned development or rezoning of property change the applicability of the PMO District's land use restrictions and additional development standards.
- E. **PMO District Boundary.** The PMO District Boundary is created based on ¼ mile (1,320 feet) radii from three downtown nodes. Those nodes include the intersections of Green Street and Main Street, North Green Street and Enderly Avenue, and East Main Street and Jefferson Street.
1. The Pedestrian Oriented Mixed-Use *Core* Boundaries are created based on 1/8th mile (660 feet) radii from the intersections of Green Street and Main Street, North Green Street and Enderly Avenue, and East Main Street and Jefferson Street.
 2. The Pedestrian Oriented Mixed-Use *Corridor* Boundaries are created along the Primary Arterial classification for Green Street and Main Street (proposed 57 ½ feet half R/W) and a line 50 feet beyond and paralleling both sides of the proposed R/W for Green Street and Main Street (i.e. 107 ½ feet from the centerline of Green Street and Main Street).
- F. A map follows this section, with the standards for each of the areas in the subsequent text.



- G. **PMO District Development Standards.** The following development standards are applicable to any property within the PMO District. For properties also located in the PMO Core and/or the PMO Corridor, the more restrictive requirements will apply.
1. Building Height
 - a. Each building must be a minimum of two stories.
 2. Street Façade
 - a. Up to 50% of the building may exceed the maximum front yard setback to accommodate architectural design elements such as seating areas, plazas, accessibility/universal design elements, and art installations.
 - b. Where a structure has frontage on two public streets, a corner feature shall be required which may include an angled entry presenting to both streets, a vertical sign on a 45-degree angle at the intersection, an outdoor seating area or plaza, or enhanced building architecture where masonry and/or roof styling highlights the corner uniquely.
 3. Corner Lots
 - a. Corner lots shall be treated as fronting on both streets therefore they will have two street facing facades.
 4. Side Yard Setback
 - a. There are no additional side yard setbacks within the Pedestrian Oriented Mixed-Use Core unless shared with an existing single-family house, in these cases the minimum side yard setback is equal to the side yard setback of the adjacent zoning district.
 5. Entrance Standards
 - a. Each street facing first floor residential unit must have a private external entrance into the unit with a door that is parallel to the street.
 - b. Each first floor residential entrance must have a defined private entry space (excluding the stairs and landing) that is a minimum of 20 square feet. The private entry space may be covered but not fully enclosed.
 6. Driveway Standards
 - a. *Residential Uses*
 - I. All lots containing less than 50 feet of frontage shall be served by rear alleys or driveways that extend to garages located behind the residence.
 7. Fenestration
 - a. Fenestration shall be between 30 to 70 percent of all street facades (when measured as a percentage of the area of each façade and story between 3 and 8 feet above the finished floor). Blank lengths of wall along any street façade of more than 15 linear feet are prohibited.
 8. Balconies
 - a. When provided, balconies shall have a minimum depth of 4 feet 6 inches and be a minimum of 30 square feet.
 9. Mezzanines
 - a. Mezzanines greater than ½ of the floor area footprint shall be counted as a full story.
- H. **Pedestrian Oriented Mixed-Use Core Development Standards.** The following standards apply to areas within the boundaries of the PMO Core and are in addition to the PMO District Standards of 2.12G. If requirements conflict, the more restrictive will apply.
1. Building Height
 - a. Each building must be a minimum of 2 stories.
 2. First Story Height
 - a. *Non-Residential*

- I. The first story must have at least 12 foot clear (floor to ceiling) for the entire first story.
 - b. *Residential*
 - I. The first story must have at least 10 foot clear (floor to ceiling).
 - 3. Entrance Standards
 - a. *Non-residential*
 - I. The first floor entrances shall not exceed a spacing of 50 feet. However, the Zoning Administrator may approve a greater distance between entrances when a defined active pedestrian scaled space (e.g. outdoor dining area) is provided between the sidewalk and the primary structure.
- I. **Pedestrian Oriented Mixed-Use Corridor Development Standards.** The following standards apply to structures or portions thereof located within the boundaries of the Pedestrian Oriented Mixed-Use Corridor and are in addition to the PMO District Standards of 2.12G. If requirements conflict, the more restrictive will apply.
 - 1. Building Height
 - a. Each building must be a minimum of 2 ½ stories.
 - 2. Street Façade
 - a. Up to 25% of the building may exceed the maximum front yard setback to accommodate architectural design elements such as seating areas, plazas, accessibility/universal design elements, and art installations.
 - b. Where a structure has frontage on two public streets, a corner feature shall be required which may include an angled entry presenting to both streets, a vertical sign on a 45-degree angle at the intersection, an outdoor seating area or plaza, or enhanced building architecture where masonry and/or roof styling highlights the corner uniquely.
 - 3. First Story Height
 - a. *Non-residential*
 - I. The first story must have at least 12 foot clear (floor to ceiling) for the entire first story.
 - b. *Residential*
 - I. The first story must have at least ten foot clear (floor to ceiling).
 - 4. First Story Fenestration
 - a. The first story street facing façade shall have between 40 percent and 90 percent fenestration (measured as a percentage of the façade that is between 2 feet and 10 feet above the fronting sidewalk). Awnings and overhangs are encouraged.
 - 5. Upper Story Fenestration
 - a. Upper story facades shall have between 30 percent and 70 percent fenestration (measured for each story as a percentage of the façade that is between 3 feet and 9 feet above the finished floor).
 - 6. Entrance Standards
 - a. Each residential and non-residential unit must have its primary entrance from the side of the Pedestrian Oriented Mixed-Use Corridor.
 - b. *Non-residential*
 - I. Entries must be recessed or projected between 18 inches and 36 inches from the street facing façade or include awnings or similar overhangs between 60 and 100 percent of the length of the street facing façade.
 - II. Street facing facades shall include entrances at intervals of not more than 100 feet.
 - c. *Residential*

- I. Each first floor residential entrance must have a defined exterior space of at least 5 feet in depth and a width equal to $\frac{1}{4}$ of the residential unit's width. Examples include porches or sitting areas, covered entries or alcoves, or similar. Enclosed spaces shall not be considered as meeting this requirement.
7. Residential Dwelling Unit Width
 - a. All first floor residential units must be between 18 feet and 40 feet in width. First floor residential units that are at an intersection must front to a Pedestrian Oriented Mixed-Use Corridor.
8. Residential Rooms Facing A Pedestrian Oriented Mixed-Use Corridor
 - a. Only active residential rooms, such as living, dining, and family rooms are permitted to face a Pedestrian Mixed-Use Corridor on the first floor. Any bathroom, laundry room, or similar service room is not permitted to face the Pedestrian Oriented Mixed-Use Corridor.
9. Architectural
 - a. *Primary Materials*
 - I. Rectangular clay brick or equivalent architectural brick/block or other decorative masonry products.
 - II. Native stone (or synthetic equivalent)
 - III. Glass
 - b. *Trim/Ornamental Materials*
 - I. Metal
 - II. Pre-cast masonry
 - III. Concrete
 - IV. Split-faced block
 - V. Fiber cement products
10. Balconies
 - a. When provided, balconies shall have a minimum depth of 4 feet 6 inches and be a minimum of 30 square feet.
11. Mezzanines
 - a. Mezzanines greater than $\frac{1}{2}$ of the floor area footprint shall be counted as a full story.



PERMITTED USES

CHAPTER 3

CONTENTS

3.1 Permitted Uses	52
3.2 Permitted Use Table	53
Agricultural Uses	53
Residential Uses	54
Commercial Sales, Service, and Repair Uses	55
Industrial, Manufacturing, and Wholesale Uses	58
Civic, Public, and Institutional Uses	62
3.3 Agricultural Uses – Additional Standards	64
3.4 Residential Uses – Additional Standards	65
3.5 Commercial Sales, Service, and Repair Uses – Additional Standards	66
3.6 Industrial, Manufacturing, and Wholesale Uses – Additional Standards	73
3.7 Civic, Public, and Institutional Uses – Additional Standards	79
3.8 Accessory Uses and Structures	80
3.9 Home Business Uses	89
3.10 Temporary Uses, Events, and Structures	90

[Click Here to Return to the Main Table of Contents](#)

3.1 Permitted Uses

- A. **Applicability.** Land can only be used, and structures can only be used, erected, or structurally altered, for allowable uses in the zoning district where they are located.
- B. **Land Use Specified.** A land use is either permitted, not permitted, or a special exception use in each zoning district as set forth in this chapter.
1. Explanation of Table Cell Entries: The cells on the Permitted Use Table indicate if a use is permitted or requires special exception approval.
 - a. *Permitted Use (P).* A "P" in a table cell indicates the use is permitted in the respective zoning district and subject to compliance with the use standards referenced in the second column of the use table ("Use Standards"). A Permitted notation speaks only conceptually to the use. The applicant or intended site user is responsible to identifying potential site constraints such as easements, utility capacity restriction, road or access restrictions, and the like.
 - b. *Uses Subject to Special Exception Review (S).* An "S" in a table cell indicates the use is generally appropriate in the zoning district, but the use has the potential for impacts on adjacent properties or on the established character of the neighborhood or district. These uses are subject to BZA approval. The BZA may impose conditions on the use to mitigate any potential impacts. These uses must comply with any applicable use standards as well as the review criteria stated in [8.9 Special Exceptions](#).
 - c. *Use Not Permitted (blank cell).* A blank cell on the Permitted Use Table indicates the use is **not** permitted in the zoning district.
 - d. If a use name is *emphasized*, there are additional standards that apply. Those standards are listed in the sections following the use table and are arranged by the same categories.
- C. **Unlisted or Questionable Land Uses.** Any use type not listed in the Permitted Use Table of the zoning district or otherwise permitted by this Ordinance is prohibited. If a use is not specifically listed on the table, but has predominantly similar characteristics to another use allowed in the District, an Administrative Determination may be requested in accordance with [8.13 Administrative Determinations](#).
- D. **Land Use Classifications.** Principal land uses for each district are organized into the following general land use classifications:
1. Agriculture Uses
 2. Residential Uses
 3. Commercial Sales, Service, and Repair Uses
 4. Industrial, Manufacturing, and Wholesale Uses
 5. Civic, Public, and Institutional Uses
- E. **Parking.** Parking minimums are provided typically as a number of spaces per amount of gross floor area. Parking requirements that are based on employees are calculated based on the largest shift.

3 Use Regulations

3.2 Permitted Use Table

[Click to Return To
Ch. 3 Table of Contents](#)

3.2 Permitted Use Table

P = Permitted Use S = Special Exception	spc = parking spaces GFA = Gross Floor Area	AG	RE	R1	R2	R3	TR	M1	M2	C1	C2	C3	UC	I1	I2	MS	PR	IS	Parking Minimums	
Agricultural Uses																				
Agricultural Crop Production		P	P																	No requirement
Agricultural Products, Processing		S												S	P					0.3 spc/1000sf GFA
Agricultural Products, Storage		P												S	P					no requirement
<i>Agritourism</i>		P	P																	see 3.3A
Farm		P												P	P					no requirement
Forestry/Silviculture		P															P	P		no requirement
Grain and Feed Mills														S	P					no requirement
Grain Elevator		S												S	P					no requirement
Hobby Farming		P	P																	no requirement
Indoor Agriculture/Agri-tech														P	P					no requirement
Liquid Fertilizer Distribution															S					0.3 spc/1000sf GFA
Orchard or Tree Farms		P	P																	0.3 spc/1000sf GFA
Plant Nursery		P	S								P			S	P					0.5 spc/1000sf GFA
<i>Riding Stables & Academies</i>		P	S																	no requirement
Winery		P	S								P	P	S							0.3 spc/1000sf GFA

3 Use Regulations

3.2 Permitted Use Table

[Click to Return To Ch. 3 Table of Contents](#)

P = Permitted Use S = Special Exception	spc = parking spaces GFA = Gross Floor Area	AG	RE	R1	R2	R3	TR	M1	M2	C1	C2	C3	UC	I1	I2	MS	PR	IS	Parking Minimums
Residential Uses																			
Dwelling - Single-Family Detached		P	P	P	P	P	P												2 spc/unit
Dwelling - Duplex						P*	S	P	P										1.25 spc/unit
Dwelling - Triplex						P*	S	P	P										1.25 spc/unit
Dwelling - Quadplex						P*	S	P	P										1.25 spc/unit
Dwelling - Townhouse						P*	S	P	P										1.25 spc/unit
Dwelling - Apartment: Small (6 DU/ bldg. max, 1 building)							S	P	P										1.25 spc/unit
Dwelling - Apartment: Medium (12 DU/ bldg. max, 1-3 buildings)								S	P										1.25 spc/unit
Dwelling – Apartment Complex (20 units/acre maximum)								S	P										1.25 spc/unit
Accessory Dwelling Unit																P			1 spc/unit
Assisted Living Facilities							S	P	P									S	0.75 spc/unit
Fair Housing Facility, Small		P	P	P	P	P	P	S	S									P	1.25 spc/unit
Fair Housing Facility, Large								S	S									P	0.25 spc/unit
Manufactured Home Parks (PUD required)																			2 spc/unit
Nursing Home, Hospice								S	S									P	0.75 spc/unit
Upper Story Residential (Mixed-Use)										S	S		P						1 spc/unit
<p>*See Chapter 2 2.4 Residential District Standards, attached single-family products are permitted in conjunction with single-family detached in new developments only in subdivisions platted after the adoption of this UDO. Home-based daycare – see 3.9 Home Business Uses</p>																			

3 Use Regulations

3.2 Permitted Use Table

[Click to Return To
Ch. 3 Table of Contents](#)

P = Permitted Use S = Special Exception	spc = parking spaces GFA = Gross Floor Area	AG	RE	R1	R2	R3	TR	M1	M2	C1	C2	C3	UC	I1	I2	MS	PR	IS	Parking Minimums
Commercial Sales, Service, and Repair Uses																			
<i>Adult Business – All Types</i>												S							2.5 spc/1000sf GFA
<i>Animal Sales and Services, Other</i>	S										P	P							2.5 spc/1000sf GFA
<i>Animal Sales and Services, Household Pets Only</i>	S									S	P	P							2.5 spc/1000sf GFA
Appliance Sales & Repair												P							2.5 spc/1000sf GFA
Bakery, Retail										P	P	P	P	S	P				1.5 spc/500sf GFA
Banks and Financial Institutions										P	P	P	P						2.5 spc/1000sf GFA
Bar										S	P	P	P						1 spc/4 seats
Barber/Beauty Shop and Personal Services										P	P	P	P						1.5 spc/station
<i>Bed and Breakfast Establishments</i>	S	S	S				S						S				S	S	2 spc + 1 spc/room
Boat Sales, Rentals, and Repair												S		P	P				2.5 spc/1000sf GFA
Brewpub										S	P	P	P				P		1 spc/4 seats
Childcare Facilities/Daycare										P	P	S	S					S	2.5 spc/1000 sf GFA
Coffee Shop										P	P	P	P				P		1 spc/4 seats
Food Catering Service												P		P	P	P			1 spc/employee
<i>Fueling Stations with Convenience Stores</i>											S	S		S			S		2.5 spc/300sf GFA
Funeral Home											S	P	S						2.5 spc/1000sf GFA
<i>Grocery or Market, Large</i>										S	P	P	S						2.5 spc/1000sf GFA

3 Use Regulations

3.2 Permitted Use Table

[Click to Return To
Ch. 3 Table of Contents](#)

P = Permitted Use S = Special Exception	spc = parking spaces GFA = Gross Floor Area	AG	RE	R1	R2	R3	TR	M1	M2	C1	C2	C3	UC	I1	I2	MS	PR	IS	Parking Minimums
Grocery or Market, Small		P								P	P	P	P						1.5 spc/1000sf GFA
Gym, Fitness, or Health Studios										P	P	P	P	S		P			1 spc/500sf GFA
Hotel or Motel											S	P	P			S			1 spc/employee on largest shift, 1 spc/room
<i>Kennels</i>		S										S		P	P				2 spc/1000sf GFA
Lawn Equipment & Small Engine Sales & Service											S	P		P	P				2.5 spc/1000sf GFA
Microbrewery or Craft Distillery (with tasting /retail components)												P	P	S		P			1 spc/4 seats
Microbrewery or Craft Distillery (without tasting/retail components)												S		P	P				1 spc/employee
Office - All Others										P	P	P	P	P	P	P		P	2 spc/1000sf GFA
Office – Construction Trade														P	P				2 spc/1000sf GFA
Office - Dental/Medical										P	P	P	P			S		S	1.5 spc/treatment space
<i>Office - Medical Clinic, Special Handling</i>																		S	2 spc/1000sf GFA
<i>Parking Garage as a Primary Use</i>												S	P					P	no requirement
<i>Parking Lot as a Primary Use</i>											S	S	S			S		P	no requirement
<i>Pawn Shop</i>											S	S							2.5 spc/1000sf GFA
Pharmacy										S	P	P	P					P	2.5 spc/1000sf GFA
Restaurants - Counter Service w/ <i>Drive-through</i>											S	P		S		S			1.25 spc/4 seats
Restaurants - Counter Service, No Drive-through										P	P	P	S	S		S	S	P	1.25 spc/4 seats

3 Use Regulations

3.2 Permitted Use Table

[Click to Return To
Ch. 3 Table of Contents](#)

P = Permitted Use S = Special Exception spc = parking spaces GFA = Gross Floor Area	AG	RE	R1	R2	R3	TR	M1	M2	C1	C2	C3	UC	I1	I2	MS	PR	IS	Parking Minimums
Restaurants – <i>Drive-through</i> , Carside Service, or Walk-up Window Only									P	P	P	S			S			1 spc/employee
Restaurants - Table Service	S								P	P	P	P	S		S	S	P	1 spc/4 seats
<i>Retail, Low Intensity</i>									P	P	P	P			P			1.5 spc/1000sf GFA
<i>Retail, Medium Intensity</i>										S	P	P			P			2 spc/1000sf GFA
<i>Retail, High Intensity</i>											S							2.5 spc/1000sf GFA
Shooting Range	S																	0.5 spc/1000sf GFA
<i>Smoke/Vape Shop</i>										S	S							2.5 spc/1000sf GFA
<i>Tattoo Shop</i>										S	S	S						1.5 spc/station
<i>Vehicle/Equipment Sales and Rentals - Heavy</i>													S	S				2.5 spc/1000sf GFA
<i>Vehicle/Equipment Services - Heavy</i>													S	S	P			2.5 spc/1000sf GFA
<i>Vehicle/Motorcycle Sales and Rentals - Light</i>											S		S					2.5 spc/1000sf GFA
<i>Vehicle/Motorcycle Services - Light</i>											S		S		P			2.5 spc/1000sf GFA
Veterinary Clinic	P								P	P	P							1.5 spc/treatment room
Veterinary Hospital	P									S	S		P	P				1.5 spc/treatment room
Wellness Facility										P	P		S	S	S			2.5 spc/1000sf GFA
<i>This space left intentionally blank.</i>																		

3 Use Regulations

3.2 Permitted Use Table

[Click to Return To
Ch. 3 Table of Contents](#)

P = Permitted Use S = Special Exception	spc = parking spaces GFA = Gross Floor Area	AG	RE	R1	R2	R3	TR	M1	M2	C1	C2	C3	UC	I1	I2	MS	PR	IS	Parking Minimums
Industrial, Manufacturing, and Wholesale Uses																			
Airport		S													S	S		S	2.5 spc/500sf GFA
Assembly														P	P	P			1 spc/employee
<i>Bio-diesel Production</i>															S				1 spc/employee
Biotech/Life Sciences														P	P	P			1 spc/employee
<i>Bottled Gas Storage & Distribution</i>														S	S				1 spc/employee
Bottling/Canning														P	P				1 spc/employee
Brewery														P	P				1 spc/employee
Broadcast Facility															P				1 spc/employee
<i>Chemical Manufacturing</i>															S				1 spc/employee
Coatings and Finishes														P	P	P			1 spc/employee
<i>Contractors – General</i>														P	P				1 spc/employee
<i>Contractors – Heavy/Contractor Yard</i>															P				1 spc/employee
Crematory															S				1 spc/employee
Data Center														P	P				1 spc/employee
Distribution/Logistics Facility														P	P				1 spc/employee
Exterminator														P	P				1 spc/employee
<i>Fleet Vehicle Storage</i>														S	P	P			1 spc/employee

3 Use Regulations

3.2 Permitted Use Table

[Click to Return To
Ch. 3 Table of Contents](#)

P = Permitted Use S = Special Exception	spc = parking spaces GFA = Gross Floor Area	AG	RE	R1	R2	R3	TR	M1	M2	C1	C2	C3	UC	I1	I2	MS	PR	IS	Parking Minimums
Flex Space														P	P	P			1 spc/employee
Food Processing														S	P				1 spc/employee
Freight Terminal															S				1 spc/employee
<i>Fuel Dealer</i>															S	S			1 spc/employee
<i>Fuel Production or Processing</i>															S				1 spc/employee
Government Operations Facility														P	P				1 spc/employee
Heavy Equipment/Vehicle Repair (Enclosed)															P				1 spc/employee
<i>Heliport and Helipads</i>		S													S				no requirement
<i>Incinerator</i>															S				1 spc/employee
Laboratory, Research, and Development											S	P		P	P	P		S	1 spc/employee
Lumberyard (Enclosed)														P	P				1 spc/employee
Manufacturing, Heavy															S				1 spc/employee
Manufacturing, Light														P	P	P			1 spc/employee
<i>Materials Recycling</i>															S				1 spc/employee
Meat Processing															S				1 spc/employee
Metal Casting														S	P				1 spc/employee
<i>Mining - Rock or Sand</i>															S				1 spc/employee
Motor Sports Team														P	P	P			1 spc/employee

3 Use Regulations

3.2 Permitted Use Table

[Click to Return To
Ch. 3 Table of Contents](#)

P = Permitted Use S = Special Exception	spc = parking spaces GFA = Gross Floor Area	AG	RE	R1	R2	R3	TR	M1	M2	C1	C2	C3	UC	I1	I2	MS	PR	IS	Parking Minimums
<i>Outdoor Storage as a Principal Use</i>														S	P				1 spc/employee
Printer, Commercial or Industrial														P	P				1 spc/employee
Produce Terminal															P				1 spc/employee
Research Center														P	P	P			1 spc/employee
<i>Salvage Yards</i>															S				1 spc/employee
<i>Self-Storage Warehouse</i>												S		P	P				1 spc/employee
Sign Fabrication														P	P				1 spc/employee
Stone Cutting															P				1 spc/employee
<i>Telecommunication Facilities – All Others</i>		S								S	S	S	S	S	P	S		S	No requirement
Telecommunication Towers		S										S		S	S	S		S	No requirement
Testing Lab														S	P				1 spc/employee
Tool and Die Shop														P	P				1 spc/employee
Tool/Equipment Rental (Indoor)														P	P				1 spc/employee
<i>Tool/Equipment Rental (Outdoor)</i>															P				1.5 spc/1000sf GFA
<i>Transfer Station (Enclosed)</i>														S	P				1 spc/employee
Utility Facility, Private (Above Ground)														P	P				no requirement
Warehouse														P	P				1 spc/employee
<i>Water Tower, Private</i>														P	P				no requirement

3 Use Regulations

3.2 Permitted Use Table

*Click to Return To
[Ch. 3 Table of Contents](#)*

P = Permitted Use S = Special Exception spc = parking spaces GFA = Gross Floor Area	AG	RE	R1	R2	R3	TR	M1	M2	C1	C2	C3	UC	I1	I2	MS	PR	IS	Parking Minimums
Welding Services													P	P				1 spc/employee
Wholesale Business													P	P				1 spc/employee

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3 Use Regulations

3.2 Permitted Use Table

[Click to Return To
Ch. 3 Table of Contents](#)

P = Permitted Use S = Special Exception	spc = parking spaces GFA = Gross Floor Area	AG	RE	R1	R2	R3	TR	M1	M2	C1	C2	C3	UC	I1	I2	MS	PR	IS	Parking Minimums
Civic, Public, and Institutional Uses																			
Arts and Entertainment, Indoor		S								P	P	P	P	S		P	P	S	1 spc/4 seats or 400sf GFA
<i>Arts and Entertainment, Outdoor</i>		S										S	S	S	S	S	P	P	1 spc/4 seats or 400 sf lawn seating
Banquet/Party Facilities and Reception Halls		S	S							S	P	P	S			S		S	1 spc/4 seats
Campground		S																	no requirement
<i>Cemetery</i>		P																P	1 spc/25 plots 1 spc/1000sf GFA
Club or Lodge											P	P	P						1 spc/4 seats
<i>Community Center</i>		S	S	S	S	S	S	P	P	P	P	P	P				P	P	2 spc/1000sf GFA
Fairgrounds		S												S			S	S	no requirement
Golf Courses and Country Clubs		P	S	S													P	P	1 spc/1000sf GFA
Hospital, Major												S						P	1 spc/1000sf GFA
Hospital, Minor										S	P	P						P	2 spc/1000sf GFA
Libraries, Museums, & Cultural Facilities						S	S	P	P	S	P	P	P			P		P	1 spc/1000sf GFA
Mass Transit Facility														P	P			P	1 spc/6 seats
Municipal & Government Buildings & Facilities		P	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	1 spc/1000sf GFA
<i>Parks</i>		P	P	S	S	S	S	P	P								P	P	1 spc/half acre, 10 spc/sport court

3 Use Regulations

3.2 Permitted Use Table

[Click to Return To
Ch. 3 Table of Contents](#)

P = Permitted Use S = Special Exception	spc = parking spaces GFA = Gross Floor Area	AG	RE	R1	R2	R3	TR	M1	M2	C1	C2	C3	UC	I1	I2	MS	PR	IS	Parking Minimums
Place of Worship		S	S	S	S	S	S	S	S	S	S	S	S					P	1 spc/4 seats
Public & Religious Assembly, All Others		S	S	S						S	S	S	S				P	P	1 spc/4 seats
Recreation/Sports Facility, Indoor (Public or Private)		S									P	P	S	S		P	P		2.5 spc/1000sf GFA
Recreation/Sports Facility, Outdoor (Public or Private)		S									S	S				P	P		10 spc/sport court or field
Schools - Colleges and Universities												S		S				S	1 spc/4 students
Schools - Commercial Studios												P	P	P				P	1 spc/4 students
Schools - Elementary, Middle, & High		S	S	S	S	S	S	S	S				S					P	1.5 spc/employee
Schools – Trade or Vocational												P	S	P		P		P	1 spc/4 students
Sports Arena, Racetrack, or Stadium												P	S			P	S	P	1 spc/4 seats
Utility, Major Impact		P									P	P		P	P	P	P	P	1 spc/employee
Utility, Minor Impact		P								P	P	P	P	P	P	P	P	P	1 spc/employee

(Am. Ord. 2025-09)

3.3 Agricultural Uses – Additional Standards

A. **Agritourism**

1. Parking

- a. Parking areas may be pervious surfaces such as grass with gravel drive aisles for uses that are seasonal. In such cases, parking areas must be located internal to the site such that dust from vehicle traffic will not impact neighboring properties.
- b. Parking for uses that are in other sections of the use table shall follow those same requirements (example, restaurants).

2. Use Permissions

- a. Certain components of a proposed agritourism site, such as an event or party facility, may require additional approvals based on their classification in the Permitted Use Table. The classification as an agritourism use does not override other permission levels in the table.

B. **Riding Stables & Academies**

1. The minimum lot area required is 2 acres plus 5,000 square feet per horse over 4 horses. The stable must be located at least 100 feet from a residential use or district.

3.4 Residential Uses – Additional Standards

A. **Manufactured Home Parks**

1. Manufactured home parks must:
 - a. Be a minimum of 5 acres;
 - b. Be approved as a Planned Unit Development (PUD);
 - c. Be installed per the current Indiana Residential Code and section 675 IAC 14; and
 - d. Be approved through development plan approval;
2. The PUD ordinance must incorporate the following provisions unless otherwise approved by the Town Council:
 - a. An Improvement Location Permit is required for the placement of any manufactured home.
 - b. A manufactured home must not be located under overhead electric lines.
 - c. Manufactured homes must be skirted before occupancy.
 - d. Driveways must be located for convenient access to entrances.
 - e. Parking for residents and visitors must be provided on the manufactured home site or in common parking facilities. Parking areas must not interfere with pedestrian walkways.
 - f. Sidewalks at least 5 feet wide must be provided along at least one side of the street to provide for continuous, safe pedestrian circulation. Sidewalks on both sides of the street are encouraged. Walkways are encouraged in common areas to connect frequently used public facilities and improve circulation throughout the site.
3. Covenants applying to the entire site must be submitted with the PUD and must be recorded prior to issuing an Improvement Location Permit for the site. The covenants must contain the following:
 - a. Each occupant of a manufactured home site must be provided a copy of the recorded covenants.
 - b. The placement or replacement of a manufactured home must comply with the requirements of the PUD and this Ordinance.
 - c. Accessory structures must meet the required setbacks and require an Improvement Location Permit.
 - d. The manufactured home park owner is responsible for ensuring on-going maintenance of all sites and common areas to ensure neat and orderly condition.
 - e. On-street parking of boats, trailers, semi-trucks, etc. is prohibited.

3.5 Commercial Sales, Service, and Repair Uses – Additional Standards

A. **Adult Businesses**

1. All adult businesses must comply with these regulations that are intended to preserve the integrity and character of residential neighborhoods, deter the spread of urban blight, and protect minors from the objectionable operational characteristics of adult business uses by restricting their proximity to the following protected uses:
 - a. A church, synagogue, mosque, or other place of worship.
 - b. A public or private nursery school or any other public or private school serving one or more grades K through 12.
 - c. A childcare center licensed by the Indiana Family and Social Services Administration.
 - d. A public or private park, playground, playing field, sports facility, or fairground.
 - e. A public or private cemetery.
 - f. A government subsidized housing facility.
 - g. Gymnasiums, dance studios, theater companies, and other facilities used by children.
 - h. An Agricultural District.
 - i. A Residential District.
2. An adult business must be separated at least 1,000 feet from any existing protected use listed above. This distance is measured in a straight line from the closest point of the building to the nearest adjacent property line of any protected use.
3. An adult business must be separated at least 1,500 feet from another adult business. This distance is measured from the closest point of the building to the nearest adjacent property line of the other business.
4. Any material depicting, describing, or relating to specified sexual activities or specified anatomical areas must not be visible from any public right-of-way.
5. An adult business lawfully operating under these regulations will not be deemed to be in violation of the location restrictions solely because (i) a protected use subsequently locates within the minimum required distance of the adult business, (ii) a business that sells alcoholic beverage subsequently locates within the same building as the adult business, or (iii) property within the minimum required distance of an adult business subsequently becomes residential property.

B. **Animal Sales and Services, Household Pets Only**

1. All sales and services must be for household pets only. Wild or dangerous animal services and sales are prohibited.
2. Overnight boarding is permitted within a completely enclosed building. No more than 15% of the GFA can be devoted to overnight boarding.
3. The use must be completely enclosed except outdoor animal runs or other areas in which dogs are allowed outside of an enclosed structure off leash (an "outdoor run"). An outdoor run must comply with the following conditions:
 - a. Outdoor runs are not permitted within 20 feet of a residential structure in a residential district.
 - b. The outdoor run may operate only between 6:30 a.m. and 9:00 p.m.
 - c. No more than 25 non-neutered or non-spayed dogs older than 6 months may be kept on the premises at any time.

- d. Facilities must be constructed, maintained, and operated so animal sounds and smells cannot be discerned on adjacent lots when the outdoor run is not in use.

C. Animal Sales and Services, Other

1. Wild or dangerous animal boarding and breeding services are prohibited.
2. Overnight accommodations are allowed within completely enclosed buildings.
3. Where abutting a residential district, a minimum 50-foot-wide landscape buffer must be provided. The buffer is intended to substantially mitigate potential adverse effects from the animal service use.

D. Bed and Breakfast

1. A bed and breakfast must be operated according to applicable County Health Department requirements.
2. A bed and breakfast cannot contain more than 5 guest rooms plus a common area for use by all guests.
3. The bed and breakfast must be the principal residence of the owner, who resides there when the bed and breakfast is in operation.
4. Meals for guests must not be available to members of the public other than the owner's family.
5. Cooking facilities are prohibited in bed and breakfast guest rooms.
6. Exterior refuse storage facilities must be screened from view on all sides by a six-foot solid decorative fence or wall, or by other screening approved by the Administrator ([5.15 Screening of Trash, Storage, Loading and Mechanical Areas](#)).
7. As part of the Special Exception application to the Board of Zoning Appeals, a floor plan noting the use of each room must be submitted with the application.

E. Fueling Stations with Convenience Stores

1. This use shall not be permitted:
 - a. Within ¼ mile (1,320 feet) of any existing fueling station, measured in any direction, from the closest point of any structure (including canopy) to the nearest adjacent property line of the other business.
 - b. Within 300 feet of a residential district, measured from the closest point of any structure (including canopy) to the nearest adjacent property line of a residential district.
 - c. To include parking for semi-tractors and trailers.
2. Fueling Stations are permitted as an accessory use only as part of a development with a primary use having a minimum of eighty-five thousand (85,000) square feet in size and be designed with architecture consistent with the primary use.
3. Other than as an accessory use, as described in E, 2 above, no fueling stations shall be permitted with properties having frontage on Green Street/SR 267, Main Street/SR136, Northfield Drive or Ronald Reagan Parkway.
4. Canopy clearance height, as measured from the finished grade to the lowest point on the canopy fascia, shall not exceed 16 feet. The overall height for a canopy shall not exceed 20 feet.
5. Support elements of the canopy must include a masonry wrap finish to at least the top of the fueling pump.
6. The canopy fascia shall match the colors used in the branding package or those incorporated on the building.
7. Lighting on a canopy fascia, other than illuminated signage, is generally discouraged in all circumstances and prohibited where a canopy faces a residential district or use. This shall apply

only to lights on the sides of the canopy fascia and not be interpreted to impact lights under the canopy that shine directly down onto the fueling area.

8. Ceilings should be textured or have a flat finish. Glossy or reflective finishes are not permitted.
9. Any tank vents associated with the use shall be an integral part of the design in terms of form, color, and texture.
10. Outdoor merchandise may not exceed 10% of the gross floor area of the associated primary structure and must be located outside of any required setbacks.
11. It is recommended that sign board and areas on the building be located such that they are not blocked by the canopy.
12. Canopy signs may not exceed the 80% of the canopy height or be placed on top of the structure.

F. Grocery or Market, Large

1. Accessory outdoor sales and displays must occupy no greater than 25% of the gross floor area of the structure containing the food sales or market principal use.
2. Outdoor storage is prohibited unless enclosed by a fence or wall adequate to conceal such storage from adjacent residential property or public right-of-way ([5.15 Screening of Trash, Storage, Loading and Mechanical Areas](#)).

G. Kennels

1. Kennels and boarding areas must be in enclosed structures and meet the architectural standards (accessory or primary depending on the structure's relation to the site) for commercial buildings.
2. Outdoor exercise runs must be located at least 20 feet from any property line.
3. Outdoor exercise runs must be located in the rear yard of the lot.
4. Any outdoor exercise runs must be visually screened from adjacent residential property by a solid fence, wall, or continuous planting of evergreen trees or shrubs at a planted height not less than 6'.

H. Office - Medical Clinic, Special Handling

1. The use must be located at least 500 feet away from a residential zone, school, public playground, public park, childcare facility, or place of worship as measured from the closest point of the building to the nearest adjacent property line.
2. Up to 20 patients or clients may stay overnight at any one time.
3. Where the use abuts a residential use, a high intensity buffer is required meeting the requirements of [5.10 Landscaping – Required Buffers and Perimeter Plantings](#) regardless of what level of buffer might be generally required based on the zoning.

I. Parking Garage as a Primary Use

1. Development Plan Review is required in accordance with [8.7 Development Plan Approval Procedure](#).
 - a. Any change to the development plan must be in accordance with the modification procedures in Chapter 8.
2. At a minimum, the first-floor or street-level floor of the parking garage must be enclosed and designed to complement or enhance the streetscape when facing a public street. Enhancements may include articulations or architectural designs that draw on surrounding commercial development, include prominent pedestrian entrances to the garage, and/or create and program places for art installations.
3. Any unenclosed parking deck must have screening walls at least 4 feet in height.
4. All lighting on the unenclosed parking deck must use fully shielded fixtures, not exceeding 6,500 lumens per fixture, and installed to not project glare off the lot.

J. Parking Lot as a Primary Use

1. Development Plan Review is required ([8.7 Development Plan Approval Procedure](#)). In addition, the development plan must indicate all individual uses to be served by the parking, including the location, use, and number of parking spaces each use requires.
 - a. Any change to the development plan must be in accordance with the modification procedures in Chapter 8.
2. Parking lots proposed as a primary use and serving passenger vehicles shall follow the standards below. Parking lots that are proposed for semi-trailer and heavy duty vehicles shall follow the standards in Fleet Vehicle Storage.
3. Parking facilities must meet the setback requirements for principal uses. Points of ingress and egress must meet the spacing standards in [7.11 Street Access and Entrance Standards](#).
4. Parking as a principal use must be encumbered by an instrument approved by the Town that links the parking facilities to the uses served. The instrument specifies and binds the time period to the anticipated life of the building or use the parking facility serves. The instrument is filed with the Improvement Location Permit application and recorded in the office of the County Recorder. A copy of the recorded instrument must be provided to the Development Services Department prior to the use of the parking facilities.

K. Pawn Shop

1. A Pawn Shop cannot be established, operated, or maintained within 1,000 feet of another pawn shop, measured from the closest point of the building to the nearest adjacent property line of the other business.

L. Retail – Low Intensity

1. Uses of 10,000 square feet or less in size may fall under this category and are limited to the following:
 - a. Not more than 5% of retail floor area or 200 square feet, whichever is less, of outdoor display and merchandise.
 - b. No outdoor storage of materials or products.

M. Retail – Medium Intensity

1. Uses of 50,000 square feet or less in size may fall under this category and are limited to the following:
 - a. Not more than 10% of retail floor area or 400 square feet, whichever is less, of outdoor display and merchandise.
 - b. No outdoor storage of materials or products.

N. Retail – High Intensity

1. Uses of greater than 50,000 square feet in size do not have restrictions on the amount of outdoor merchandise or storage, unless restricted as part of a special exception approval.
2. Any outdoor storage areas of materials must be located at least 75 feet from the nearest boundary of any residential district existing at the time of application. This shall be measured from the edge of any storage area to the nearest adjacent property line of the residential district.

O. Smoke/Vape Shop

1. This use shall not be permitted:
 - a. On any properties having frontage on Green Street/SR 267, Main Street/SR 136, Northfield

Drive or Ronald Reagan Parkway.

- b. Within 1,000 feet of another smoke/vape shop, measured from the closest point of the tenant space to the nearest adjacent property line of the other business.
- c. Within 300 feet of a residential district, measured from the closest point of the tenant space to the nearest boundary of any residential district to property.

P. Tattoo Shop

1. This use shall not be permitted
 - a. Within 1,000 feet of another tattoo shop, measured from the closest point of the tenant space to the nearest adjacent property line of the other business.
 - b. Within 300 feet of a residential district, measured from the closest point of the or tenant space to the nearest boundary of any residential district to property.

Q. Vehicle/Equipment Sales and Rentals - Heavy

1. Shall not be permitted on any properties having frontage on Green Street/SR 267, Main Street/ SR 136, Northfield Drive or Ronald Reagan Parkway.
2. Any outdoor storage area of equipment or vehicles must be located at least 75 feet from the nearest boundary of any residential district existing at the time of application. This shall be measured from the edge of any storage area to the nearest adjacent property line of the residential district.
3. No dead storage, repair work, or dismantling is permitted on the premises unless permitted under other allowed uses in the district.
4. Outdoor public address or loudspeaker systems are prohibited.
5. Accessory uses and activities may include the retail sale of vehicle accessories, oil, grease, antifreeze, tires and batteries, and other similar products. Providing installation services of the above items, making minor mechanical adjustments, washing, and polishing vehicles is also permitted.
6. Vehicles being displayed, serviced, or stored cannot be parked on streets, alleys, public sidewalks, or public landscaped parkways.
7. As permitted, vehicles displayed outside a completely enclosed structure may have individual signs and, when provided, the signs must be located inside the vehicles.
8. Loading and unloading is prohibited within required parking spaces.
9. If the use abuts a residential district, the hours of operation are limited to 7:00 a.m. to 8:00 p.m.

R. Vehicle/Equipment Services – Heavy

1. Shall not be permitted shall be permitted on any properties having frontage on Green Street/SR 267, Main Street/SR 136, Northfield Drive or Ronald Reagan Parkway.
2. All services and storage of materials and parts must be within completely enclosed buildings.
3. Up to 10 inoperable vehicles may be stored on the lot at any one time.
4. Up to 20 operable vehicles may be stored on the lot at any one time, including those waiting for service as well as vehicles with completed service.
5. The lot area used for storage of vehicles (operable or inoperable) must be located behind the primary structure and enclosed with a solid fence or wall.
 - a. Vehicle parking and storage areas must be paved in accordance with [5.14 Parking and Loading](#).
 - b. Any outdoor storage area must be located 75 feet from the nearest boundary of any residential district. This shall be measured from the edge of any storage area to the nearest adjacent property line of the residential district.

- c. The fence or wall must be constructed high enough to conceal vehicles, equipment, or parts located on the lot; provided the wall or fence does not interfere with vision clearance at the intersections ([5.16 Vision Clearance Standards](#)).
 - d. Permitted fence or wall materials consist of wood, brick, masonry, or other similar durable materials as approved by the Administrator. Salvaged doors, corrugated or sheet metal, and chain link are prohibited fence or wall materials.
6. If the use abuts a residential district, the hours of operation are limited to 7:00 a.m. to 8:00 p.m.

S. Vehicle/Motorcycle Sales and Rentals - Light

- 1. This use shall not be permitted:
 - a. On any properties having frontage on Green Street/SR 267, Main Street/SR136, Northfield Drive or Ronald Reagan Parkway.
 - b. Within ¼ mile (1,320 feet) of any existing vehicle/motorcycle sales and rentals – light facility, measured in any direction, property line to property line.
 - c. Within 300 feet of a residential district, measured from property line to the nearest boundary of any residential district.
- 2. If the use abuts a residential district, the hours of operation are limited to 7:00 a.m. to 8:00 p.m.
- 3. Outdoor public address or loudspeaker systems are prohibited.
- 4. Accessory uses and activities may include the retail sale of vehicle accessories, oil, grease, antifreeze, tires and batteries, and other similar products. Providing installation services of the above items, making minor mechanical adjustments, washing, and polishing vehicles is also permitted. All activities and storage of products must be within completely enclosed buildings.
- 5. Adjoining residential districts must be protected by landscape buffers or an opaque fence or wall at least 6 feet high, by landscaped employee or public parking areas, or by other means to achieve the same protection purpose.
- 6. Vehicles being displayed, serviced, or stored cannot be parked on streets, alleys, public sidewalks, or public landscaped parkways.
- 7. As permitted, vehicles displayed outside a completely enclosed structure may have individual signs and, when provided, the signs must be located inside the vehicles.
- 8. Loading and unloading is prohibited within required parking spaces.

T. Vehicle/Motorcycle Services - Light

- 1. This use shall not be permitted:
 - a. On any properties having frontage on Green Street/SR 267, Main Street/SR 136, Northfield Drive or Ronald Reagan Parkway.
 - b. Within ¼ mile (1,320 feet) of any existing vehicle/equipment sales and rentals – light facility, measured in any direction, property line to property line.
 - c. Within 300 feet of a residential district, measured from property line to the nearest boundary of any residential district to property.
- 2. If the use abuts a residential district, the hours of operation are limited to 7:00a.m. to 8:00p.m.
- 3. Automobile Wash, Laundry, Detail, or Polishing Shops
 - a. In addition to any other required off-street parking, the use must provide for each washing stall, enough paved surface on the lot to accommodate at least 3 vehicles waiting to be washed.
- 4. Service and Repair
 - a. Outdoor public address or loudspeaker systems are prohibited.
 - b. Accessory uses and activities may include the retail sale of vehicle accessories, oil, grease, antifreeze, tires and batteries, and other similar products. Providing installation services of

the above items, making minor mechanical adjustments, washing, and polishing vehicles is also permitted.

- c. Adjoining residential districts must be protected by landscape buffers or an opaque fence or wall at least 6 feet high, by landscaped employee or public parking areas, or by other means to achieve the same protection purpose.
- d. Vehicles being displayed, serviced, or stored cannot be parked on streets, alleys, public sidewalks, or public landscaped parkways.
- e. Loading and unloading is prohibited within required parking spaces.

3.6 Industrial, Manufacturing, and Wholesale Uses – Additional Standards

A. Bio-diesel Production

- Where permitted, the use must be located at least 500 feet from any residential district as measured from the closest point of the primary structure to the property line of a residential district. Parking areas may be located within this area.

B. Bottled Gas Storage & Distribution

- A completely opaque fence at least 6 feet tall is required around any outdoor storage area ([5.7 Fences and Walls](#)).

C. Chemical Manufacturing

- Where permitted, the use must be located at least 500 feet from any residential district as measured from the closest point of the primary structure to the property line of a residential district. Parking areas may be located within this area.

D. Contractors – General

- Building materials must be screened and located so they are not visible from a perimeter street or adjacent residential use.

E. Contractors – Heavy/Contractor Yard

- Building materials must be screened and located so they are not visible from a perimeter street or adjacent residential use.

F. Fleet Vehicle Storage

- Fleet storage may be indoor or outdoor.
- Areas used for the outdoor storage of fleet vehicles must be screened with a completely opaque fence at least 6' in height.

G. Fuel Dealer

- A completely opaque fence at least 6 feet tall is required around any outdoor storage area ([5.7 Fences and Walls](#)).
- Storage tanks must be screened or located so that they are not visible from a perimeter street or adjacent residential use.

H. Fuel Production or Processing

- A completely opaque fence at least 6 feet tall is required around any outdoor storage area ([5.7 Fences and Walls](#)).

I. Heliports and Helipads

- The proposed heliport, all accessory facilities, and equipment must be constructed, operated, and maintained according to the published rules, regulations, and guidelines of the Federal Aviation Administration and the Indiana Department of Transportation, Aviation Programs Division.
- The proposed heliport, all accessory facilities, and equipment must conform to NFPA Standard 418, Standards for Heliports, 2006 Edition, except for Sec. 9.1.2, exempting certain heliports from the

requirement to be equipped with portable fire extinguishers. Portable fire extinguishers are required at all heliports, located and stored in a manner approved by the Fire Marshal.

3. The use must be located on a lot with a minimum area of 10 acres.
4. The touchdown and lift-off area (TLOF), as defined in Federal Aviation Administration Advisory Circular 150/5390-2B, or any successor advisory circular, must comply with the following minimum separation distances from:

The boundary of any property zoned Low Intensity Industrial (I1) or Motor Sports (MS)	150 feet
The boundary of property in any other zoning district	300 feet
A building on property, other than property owned by the applicant, zoned Low Intensity Industrial (I1) or Motor Sports (MS)	200 feet
A building on property in any other zoning district	500 feet

5. A helicopter must not remain in operation on the ground for longer than necessary for startup/shutdown, loading, and otherwise essential ground operations (generally no longer than 5 minutes).
6. As a condition of special exception approval, the BZA may impose limits on:
 - a. The size and type of rotorcraft permitted to use the facility;
 - b. The allowable hours of use of the facility;
 - c. The frequency of helicopter operations permitted at the facility; and
 - d. The location, design, type, size, and use of any exterior lighting, buildings, fuel storage, or other equipment or facilities associated with the heliport.
7. The provisions of this section do not apply to emergency operations conducted by law enforcement, public safety agencies, or emergency medical service providers.

J. Incinerator

1. Where permitted, the use must be located at least 500 feet from any residential district as measured from the closest point of the primary structure to the property line of a residential district. Parking areas may be located within this area.

K. Materials Recycling

1. The sorting of materials must take place within a completely enclosed building.
2. Outdoor storage of bound or otherwise contained materials in preparation for shipping must be enclosed by a completely opaque fence of at least 6' in height.

L. Mining - Rock or Sand

1. Mining – Rock or Sand is prohibited within urban areas as defined in [I.C. 36-7-4-1103](#). A fence at least 6 feet tall is required where the use is accessible to the public.
2. The use must be located at least 500 feet from a residential use or district as measured from the nearest edge of the quarry or mining area to the edge of any residential property line.
3. Buffer landscaping must include a continuous, undulating landscape berm around any mining area. The height of the berm shall be not less than 4.5 feet with a 6-foot average height. This requirement is in addition to any other plantings required by [5.10 Landscaping – Required Buffer and Perimeter Plantings](#).

M. Outdoor Storage as a Principal Use

1. Required street frontage landscaping shall be doubled where outdoor storage is planned or meet the High Intensity Buffer Option 1 in [5.10 Landscaping – Required Buffer and Perimeter Plantings](#).
2. A minimum of a 6' high completely opaque fence shall be installed along the storage area perimeter where storage areas are visible from a perimeter street or adjacent residential, park, recreation, or institutional use. The height must be sufficient to conceal the stored materials.
3. Any outdoor storage area must be located at least 75 feet from the nearest boundary of any residential district existing at the time of application. This shall be measured from the edge of any storage area to the nearest adjacent property line of the residential district.

N. Salvage Yards

1. A completely opaque fence at least 8' in height is required around any outdoor storage or operations areas and must meet all requirements of [5.7 Fences and Walls](#).
2. Where permitted, the use must be located at least 500 feet from any residential district as measured from the closest point of any storage yard or primary structure (whichever is less) to the nearest property line of a residential district.

O. Self-Storage Warehouse

1. The use shall not be permitted on any property having frontage on Green Street/SR267, Main Street/ SR 136, Northfield Drive or Ronald Reagan Parkway.
2. Any self-storage warehouse within a commercial district shall be limited to lots of 0.5 acres or less, and all facilities, operations and access to individual storage units shall be inside a building, meeting all applicable exterior design standards.
3. Self-Storage Warehouses cannot have individual entrances to storage units from the exterior facade of the structure. All storage unit doors must be located on interior drives not visible from public streets.
4. The number of external entrances on perimeter roads must be minimized. External entrances must provide sufficient stacking space to accommodate multiple cars and oversized vehicles between the perimeter streets and any security gate.
5. Along state highways and arterial streets, the setback for self-storage units is 150 feet.
6. The building façade must meet the standards of [5.2 Architecture – Commercial Buildings and Districts](#) regardless of the district where it is located.
7. With the exception of facilities complying with O,2 above, buildings are limited to one story, except where the facility is designed similar to a multi-story commercial building. In such a building, the individual storage units can only be accessed through interior hallways.
8. Outdoor storage of vehicles, boats, RV's or the like must be internal to the site with the surrounding storage buildings creating a screen. Anywhere such storage is visible from an adjacent site, it must be fully screened with an opaque fence that meets the standards of [5.7 Fences and Walls](#). The fence or wall must be constructed high enough to conceal vehicles, RV's, and the like.

P. Telecommunication Towers

1. The intent of this Telecommunication Towers section is to protect the health, safety, and welfare of the residents of the zoning jurisdiction of the Town of Brownsburg by allowing for the provision of adequate and reliable public and private telecommunication service while minimizing adverse, undesirable visual effects of such. All wireless facilities as defined in [IC-8-1-32.3-13](#) within the Town of Brownsburg must comply with the provisions of this Article. Approvals granted are not effective until the applicant and the Town have a written agreement setting the terms and conditions to occupy and use any public rights-of-way or facilities. Approvals do not confer any

- exclusive right, privilege, license, or franchise to public rights-of-way or facilities unless specifically established in the written agreement.
2. The following facilities are exempt from the provisions of this article:
 - a. A single ground- or building-mounted receive-only radio or television antenna including any mast, for the sole use of the tenant occupying a residential parcel where the radio or television antenna is located with an antenna height not exceeding 25 feet;
 - b. A ground- or building-mounted citizens band radio antenna including any mast, if the height (post and antenna) does not exceed 35 feet;
 - c. A ground-, building-, or tower-mounted antenna operated by a federally licensed amateur radio operator as part of the amateur radio service, if the height (post and antenna) does not exceed 35 feet;
 - d. A ground- or building-mounted receive-only radio or television satellite dish antenna, which does not exceed 24 inches in diameter, for the sole use of the resident occupying a residential parcel on which the satellite dish is located; provided the height of the dish does not exceed the height of the ridgeline of the principal building on the parcel;
 - e. All citizens band radio antenna or antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service which existed at the time of the adoption of this title;
 - f. Mobile services providing public information coverage of news events of a temporary nature; and
 - g. Government owned and operated receive and/or transmit telemetry station antennas for supervisory control and data acquisition (SCADA) systems for water, flood alert, traffic control devices and signals, storm water, pump stations and/or irrigation systems, with heights not exceeding 35 feet.
 3. For purposes of [IC 8-1-32.3](#) and Section 332(c)(7)(B) of the Federal Telecommunications Act of 1996 as in effect on July 1, 2015, the BZA will exercise the authority to conduct hearings, to make decisions, and to approve the issuance or denial of Improvement Location Permits (except for co-location) under this chapter. The Administrator will exercise the authority to review applications for completeness, within the meaning of [IC 36-7-4-1109](#), and to issue Improvement Location Permit's under this chapter.
 4. The Administrator reviews the completeness of applications to construct or modify wireless facilities. Within 10 business days of filing, the Administrator will notify the applicant if the application is complete and if a public hearing will be required. If no public hearing is required, the Administrator acts on the request. When a public hearing is required, the BZA conducts the hearing and acts on the request.
 5. To be considered complete, the application must contain the information listed below. Applications requesting co-location only are required to provide the following information:
 - a. A statement that the applicant either provides wireless communications service or owns/provides infrastructure required for such service.
 - b. The name, business address, and point of contact of the applicant.
 - c. The location of the proposed or affected wireless support structure or wireless facility as defined in [IC 8-1-32.3-14](#).
 - d. A construction plan conforming with all applicable Building Code requirements.
 - e. Evidence showing the application complies with the criteria for a special exception.
 6. For applications requesting approval for the construction of a new wireless support structure: (i) a construction plan describing the proposed wireless support structure and all equipment and network components, (ii) evidence supporting the proposed location, and (iii) a sworn statement

- from the individual responsible for the proposed location demonstrating co-location of wireless facilities on an existing wireless support structure is not a viable option because co-location:
- a. Would not result in the same wireless service functionality, coverage, and capacity;
 - b. Is technically infeasible; or
 - c. Is an economic burden to the applicant.
7. For applications requesting modification of a wireless support structure, a construction plan describing the proposed modifications to the affected wireless support structure and all equipment and network components.
 8. Failure by the Administrator to timely notify an applicant of an application's completeness is a non-final zoning decision, and the applicant is entitled to expedited judicial review of the non-final zoning decision.
 9. Deadlines for Final Action
 - a. For applications for co-location only, final action must occur within 45 days of the date the applicant is notified that the application is complete. This type of application does not require a public hearing, but the Administrator reviews the application for compliance with applicable code requirements before issuing the Improvement Location Permit.
 - b. For applications to construct a new wireless support structure or substantially modify a wireless support structure, final action must occur within 90 days of the date the applicant is notified the application is complete, or within 120 days if special exception or variance approval is necessary.
 - c. If an applicant requesting additional time to amend its application agrees to a continuance, the time periods prescribed above are extended for a corresponding amount of time. Failure by the Administrator or BZA to take final action within the required period is a non-final zoning decision, and the applicant is entitled to expedited judicial review of the non-final zoning decision.
 10. The following provisions apply to all applications submitted under this chapter:
 - a. The Administrator and BZA must comply with all applicable provisions of Section 332(c)(7)(B) of the Federal Telecommunications Act of 1996 as in effect on July 1, 2015, and Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 as in effect on July 1, 2015.
 - b. Neither the Administrator nor BZA may require an applicant to submit information about or evaluate an applicant's business decisions regarding the applicant's designed service, customer demand, service quality, or desired signal strength to a particular location.
 - c. Neither the Administrator nor BZA may release to the public any records required to be kept confidential under federal or state law, including the trade secrets of applicants, as provided in the Access to Public Records Act (IC 5-14-3) and other applicable laws.
 - d. The BZA must not impose a fall zone requirement larger than the area where the wireless support structure is designed to collapse per the applicant's engineering certification for the structure, unless evidence submitted by a professional engineer demonstrates the applicant's engineering certification is flawed.
 - e. The Administrator or BZA must not require or impose conditions regarding the installation, location, or use of wireless service facilities on utility poles or electrical transmission towers.
 11. Application fees must be the same or similar to fees for applications for similar types of commercial or industrial development. Fees imposed by a third-party providing review assistance to the Administrator or BZA must be based on actual, direct, and reasonable costs incurred for the review, processing, and hearing of the application, and may not include:
 - a. Travel expenses incurred by the third-party in its review of an application; or
 12. Direct payment or reimbursement of third-party fees charged on a contingency basis.

13. All wireless facilities must meet the following requirements:
 - a. The height of the wireless support structure cannot exceed 200 feet.
 - b. The antenna support structure must be set back a minimum of 40 feet from the property line unless the adjoining parcel is zoned or used for a residential use, in which case the minimum setback equals the height of the wireless support structure.
 - c. Except as required by the Federal Aviation Administration or Federal Communications Commission, the wireless support structure cannot be artificially illuminated and cannot display strobe lights.
 - d. Signs or advertising are prohibited upon a wireless support structure and associated equipment structures.
 - e. The wireless support structure and any antenna located on the wireless support structure must be designed to blend into the surrounding environment using color and camouflaging architectural treatment, except in an instance where the color is dictated by State or federal authorities such as the Federal Aviation Administration (FAA).
 - f. To the extent permitted by law, all utility buildings and structures accessory to the wireless support structure must be architecturally designed to blend into the surrounding area.
 - g. A landscape plan for the wireless facility must be submitted with the application and must be substantially similar to landscaping required for other uses in business or industrial zoning districts.
 - h. All wireless facilities must be designed to accommodate the user's equipment and the equipment of at least 2 additional service providers.
 - i. A qualified and licensed engineer must approve the design of the wireless support structure and certify its construction complies with the requirements of this Article.
 - j. All wireless facilities shall be set back from any right-of-way a minimum distance equal to the tower height, including all antennas and wireless support structures.
 - k. All wireless facilities shall be set back from the side and rear property lines a minimum distance equal to the tower height, including all antennas and wireless support structures.
 - l. All wireless facilities shall not be located between a primary structure and public street.
14. Transmissions from a communication facility cannot interfere with any existing public safety communications.
15. Wireless facilities or their related wireless support structures cannot be sited:
 - a. To create a significant threat to the health or survival of rare, threatened, or endangered plant or animal species:
 - b. In a manner that would damage an archaeological site or have an adverse effect on the historic character of a historic or cultural resource; or
 - c. So that its presence threatens the health or safety of migratory birds.
16. Potential adverse impacts to nearby public use areas such as parks or trails must be minimized.
17. The following shall apply to the inspection of wireless facilities:
 - a. Wireless facilities may be inspected at least once every five (5) years, or more often as needed to respond to complaints received, by the Zoning Administrator, Building Inspector, and/or a registered, professional engineer to determine compliance with the original construction standards.
 - b. The Zoning Administrator and the Building Inspector may enter onto the property to investigate the matter and may order the appropriate action to bring the facility into compliance.
 - c. Notices of Violation shall be sent in accordance with [Chapter 9 - Enforcement](#) for any known violation on the wireless facility.

18. If a wireless facility structure or wireless support is abandoned or remains unused for a period of 6 months, the owner must remove the facility or support structure and all associated equipment from the site. Such removal must be completed within 12 months of the cessation of site operations. If a facility or support structure is not removed within the required time, the Zoning Administrator may remove the structure and associated facilities. The cost of the removal shall be the responsibility of the owner of the parcel.

Q. Tool/Equipment Rental (Outdoor)

1. Where permitted, any outdoor storage of equipment for rent must be located at least 50 feet from any residential district and screened by a completely opaque fence of at least 6 feet in height. The distance shall be measured as the closest point of any storage area or primary structure, whichever is less, to a residential property line.
2. Stored equipment or materials must be screened and located such that they are not visible from a perimeter street or adjacent residential use.

R. Transfer Station

1. Transfer stations are only permitted when the use can be contained in an entirely enclosed building.
2. Where permitted, the use must be at least 500 feet from any adjacent residential use or district as measured from the closest point of the building(s) where the use is contained to the nearest adjacent residential property line.

S. Water Tower, Private

1. A minimum of a 6' fence shall be placed around a private water tower for security.

3.7 Civic, Public, and Institutional Uses – Additional Standards

A. Arts and Entertainment, Outdoor

1. All outdoor lighting must be extinguished when the outdoor facilities are not in use by 10:00 p.m. Sunday through Thursday and by 11:00 p.m. Friday and Saturday.

B. Cemetery

1. A cemetery may include a crematorium. A crematorium must be at least 500 feet from a residential district as measured from the closest point of the building to the nearest residential property line.
2. Where the cemetery abuts a residential use, a 6' tall fence or wall shall be located along the perimeter of the property.

C. Community Center

1. A community center cannot have an outdoor public address system or any type of amplified music/sound device when located within or abutting a residential district.
2. Overnight accommodations are prohibited.
3. Where a community center includes accessory outdoor recreation or entertainment services facilities within or abutting a residential district, all outdoor lighting must be extinguished when the outdoor facilities are not in use by 10:00 p.m. Sunday through Thursday and by 11:00 p.m. Friday and Saturday.

D. Public and Religious Assembly Uses

1. In residential districts, a public or religious assembly use must comply with the following:
 - a. Uses on the premises, other than the primary public or religious assembly uses, must be terminated by 11:00 p.m. (such as child care centers, elementary schools, or outdoor recreation). A principal household living use located on the same zone lot is excluded from this time restriction.
2. Conference center or lodge use is prohibited unless it is specifically allowed by the use table in the district where the subject property is located.

E. Sports/Entertainment Arena, Racetrack, or Stadium

1. Parking
 - a. Parking to be used consistently (example, on-site and daily employees) must be paved in accordance with [5.14 Parking and Loading](#).
 - b. Parking that is only used for intermittent events (example, weekend-only events or similarly infrequent entertainment) may be gravel or similar pervious materials if sufficient means are taken to reduce dust and interference with adjacent properties.
2. Entryway features may exceed the accessory structure height of the district to accommodate artistic and architectural details complementary to the site (example: entry gates with decorative pillars or artistic arch designs to enhance the site).
 - a. Additional information may be required as part of any submittal to show that the design or anchoring is appropriate to the height proposed.
 - b. The height should not exceed 1.5x the maximum height of accessory structures allowed in the district.
3. Alternate architectural proposals than what would be allowed under the commercial or industrial architectural standards may be approved by the Plan Commission in order to maintain a consistent and cohesive site.
4. For race event regulations, see Temporary Uses – [Race Events](#).

3.8 Accessory Uses and Structures

A. General Provisions

1. Accessory uses and structures are permitted in each zoning district when:
 - a. The use or structure is incidental to the permitted principal use, and
 - b. The use or structure is consistent with the intent of the zoning district where it is located.
2. Recreation-based Accessory Structures: Includes decks, gazebos, docks, hot tubs, sport courts, swimming pools, and the like.
 - a. *Location*. Side or rear yards only except as provided below.
 - I. *Basketball Goals*. A basketball goal may be placed in the front yard along a driveway or mounted on a garage. The required setback shall be half the front yard setback. Basketball goals may not be located in a right-of-way.
 - II. In the AG or PR District, accessory structures under this provision may be placed in any yard provided they meet any accessory structure setbacks.
 - III. In the C1, C2, C3, UC, or MS District, outdoor dining areas may be located in a front yard.
 - b. *Quantity*. There is no limit to the number of recreation-based accessory structures that can be installed on any one lot, however the square footage does apply to lot coverage calculations.
3. Storage-Based Accessory Structures: Includes carports, storage sheds, barns, detached garages, greenhouses, pool houses, and the like.
 - a. *Maximum Size*. the cumulative square footage of all structures under this provision cannot exceed 50% of the footprint of the primary structure.
 - b. *Location*. Side or rear yards only except as provided below:
 - I. In the AG or PR District, accessory structures under this provision may be placed in any yard provided they meet all accessory structure setbacks.
 - II. In the RE District, a detached garage may be located in front of the primary structure provided it meets all accessory structure setbacks.
 - c. *Quantity*
 - I. AG, PR, I1, I2, MS: No maximum
 - II. RE: 3 maximum
 - III. R1, R2, R3, and TR: 2 maximum
 - IV. M1, M2: 4 maximum, except that standalone garage structures and covered parking areas shall not count toward this maximum.
 - V. C1, C2, C3: 4 maximum
 - VI. UC: 1 maximum
4. Property owners should refer to any applicable Declaration of Covenants, Conditions, and Restrictions that may impose greater restrictions than are found in this Ordinance. This Ordinance does not abrogate any private covenants that may apply to property. Likewise, approval of any addition or improvement pursuant to private covenants does not act as a waiver of any requirements contained in this Ordinance.

B. Accessory Buildings & Storage Sheds

1. Accessory buildings may not be used or designed for human occupancy unless specifically allowed in the permitted use table.
2. An accessory building *under* 200 square feet do not have additional architectural requirements.

3. An accessory building *over* 200 square feet must be architecturally with the design of the primary building. For example, when a primary building is predominantly brick, the accessory structure must use brick, such as a brick wainscot.
4. Accessory buildings cannot be constructed prior to the construction of a principal building, except on properties zoned AG, I1, I2, or MS Districts. Accessory buildings cannot be utilized unless the principal building is first legally occupied for a permitted use within the applicable zoning district.
5. The construction of an accessory building must be completed:
 - a. Within one year of the issuance of a building permit, if the permit is obtained individually, or
 - b. Within one year of the completion of construction of the principal building if the building permit for the accessory building is obtained as part of the building permit for the principal building.

C. Amateur Radio Standards

1. Individual amateur transmitting and receiving antennae and associated support structures owned or operated by licensed amateur radio operators are permitted as accessory structures according to these provisions.
2. Amateur Radio Club and repeater station antennae and support structures are permitted to the height necessary to maintain reliable communications.
3. Antenna structures of amateur radio operators licensed by the FCC cannot exceed 75 feet above grade. The height is measured vertically and includes the height of the building where the antenna support structure is mounted.
4. Antennae may be located above the antenna support structure as necessary for effective radio communications.
5. Upon the FCC licensed operator's cessation of ownership or leasehold rights in the antenna support structure, or on loss of the operator's federal amateur radio license (whichever occurs first), the operator must safely remove all antenna support structures within 30 days at no expense to the Town. If the operator fails or refuses to remove the antenna support structure, the owner of the subject lot is responsible for the removal of all such structures. Failure to remove antenna support structures is a violation of this Ordinance and subject to enforcement ([Chapter 9 - Enforcement](#)).
6. On residential lots, antenna support structures must be located between the principal building and the required rear yard setback line. For a corner lot, the antenna cannot be located within either front yard.

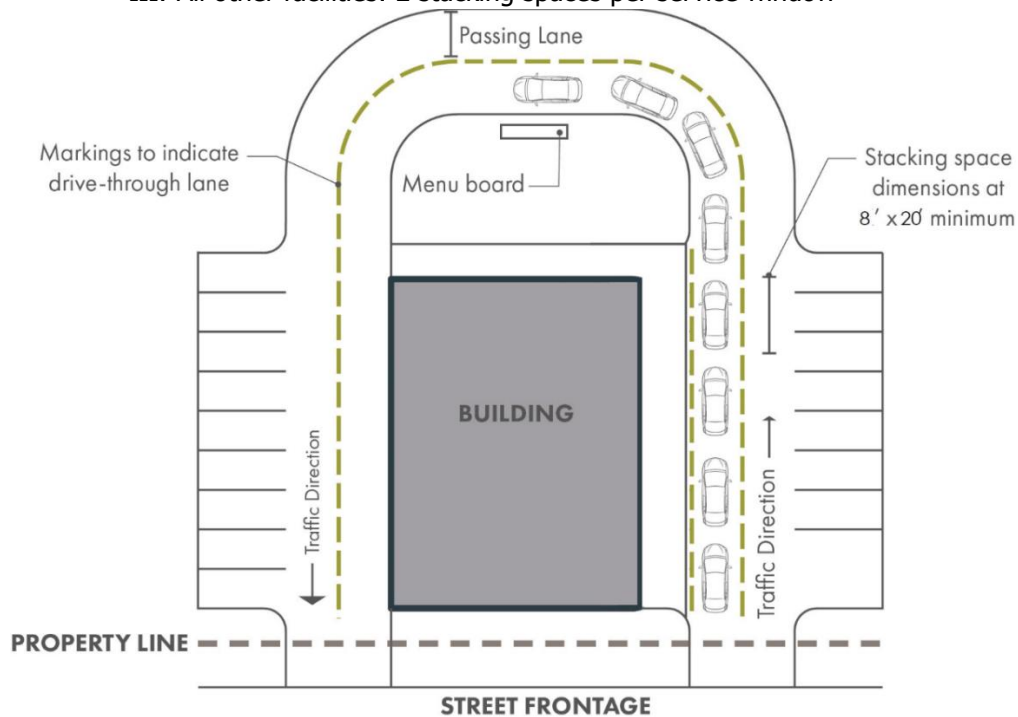
D. Carports

1. Carports must be consistent in design, appearance, and materials with the principal building. Consistency is considered having the same roof materials/colors and the same or very similar architectural materials and colors as the main structure.

E. Drive-through

1. Drive-through/stacking lanes and parking lot access must be clearly identified and delineated.
2. A drive-through must have an escape lane to allow a vehicle to pass those waiting to be served. This requirement may be waived by the Plan Commission during a Development Plan Review if the applicant can demonstrate that such a waiver will not adversely impact public safety or inconvenience patrons.
 - a. Any lane that is used at any point for additional drive-through customers and capacity shall not be counted as an escape lane.

3. All drive-through service windows must be located on the side or rear of the building to minimize visibility from a public street.
 - a. On a corner lot, a drive-through service window may be placed on the secondary front yard.
 - b. The window placement restriction shall not be applied to frontages facing the interstate and/or interstate ramps.
4. Amplified speakers and sound equipment may not be located on facades facing residential districts.
5. Lighting must meet the standards of [5.12 Lighting](#).
6. Stacking Requirements. The following requirements apply to uses with drive-through facilities.
 - a. Required stacking spaces must not interfere with parking space maneuvering aisles, parking drive aisles, internal site circulation, designated fire lanes, or site access points.
 - b. Drive-through lanes and stacking spaces must be designed to prevent vehicles from stacking in the right-of-way (Figure 3-1).
 - c. A stacking space cannot block a parking space or occupy any portion of a right-of-way.
 - d. A stacking space does not constitute a parking space nor count toward any required parking minimums.
 - e. A stacking space must be at least 8 feet wide and 20 feet long with direct forward access to a service window or station.
 - f. The minimum number of required stacking spaces, excluding the position at the service window or ordering station are:
 - I. Restaurants, Coffee Shops, and food establishments using a drive-through with menu board(s): 7 stacking spaces per drive-through lane.
 - II. Financial institutions, pharmacies, and food establishments using a pick-up window only without menu boards for in-line ordering: 3 stacking spaces per service window
 - III. All other facilities: 2 stacking spaces per service window



Chapter 3 Image 1 Drive-through lane and stacking requirements are illustrated above.

F. Electric Vehicle (EV) Charging Stations (Commercial Districts)

1. EV Charging Stations must meet all applicable accessory structure setbacks.
2. *Signage*
 - a. Instructional messages on stations will not count toward sign area maximums for the primary site.
 - b. Signs or branding areas less than 2 square feet in area do not require a separate sign permit. Signs in excess of 2 square feet shall follow sign provisions applicable to the district and site in [Chapter 6 - Signs](#).
3. The installation of EV Charging Stations in an existing parking lot shall not require a new or amended Development Plan Review unless changes are proposed that reduce landscaping, alter the site circulation, or propose new impervious areas.
4. The installation of EV Charging Stations shall require a permit (Accessory Structure Permit, Electrical Permit, or other as applicable to the scope of work).

G. Outdoor Eating Areas

1. Outdoor eating areas in the C1, C2, C3, and UC Districts are subject to these standards.
2. All outdoor eating areas must conform to State and County Health Department regulations and code.
3. Music and other audio devices must be inaudible at 40 feet or under 90 decibels when measured 6 feet from source.
4. Outdoor eating areas must not impede pedestrian traffic or force pedestrians into vehicle travel lanes.
 - a. This area shall be free from obstacles including but not limited to tree wells, fire hydrants, street lights, and the like.
 - b. Outdoor dining areas may not interfere with ADA accessibility, curbs, ramps, or driveways.
5. Outdoor dining partially or fully within the right-of-way must receive approval from the Town of Brownsburg or Indiana Department of Transportation, whomever controls the right-of-way in question.
6. Outdoor dining areas may have a decorative fence of no more than 4' in height when located in a front yard. Dining areas located in a rear or side yard may have a fence height in accordance with [5.7 Fences and Walls](#).
7. Trash receptacles shall be made available near the outdoor dining area and no storage of food trays, utensils, dishes, or the like shall be located in the outdoor dining area.

H. Outdoor Sales & Merchandise Display

1. Retail Types (*low*, *medium*, or *high* intensity) shall follow the maximum outdoor sales and display as noted in the additional standards. For all other uses, the maximum shall be 5% of the gross floor area of the primary building.
 - a. Uses wishing to have more than 5 % of the GFA in storage but less than 30% may have the Board of Zoning Appeals consider their request under a Special Exception.
2. Any proposed outdoor sales display must be delineated on an approved development plan.
3. The development plan must indicate the types of merchandise and products, location, landscaping, and other improvements of the outdoor display area.
4. Outdoor display areas must be compatible with the design of the building and the context of the site.
5. Enhanced screening or landscaping ensuring the compatibility of the proposed use with adjoining areas may be required.
6. Pedestrian circulation areas must not be obstructed.

7. Prior to altering an outdoor display area, approval of a revised development plan is required.
8. The following uses are exempt from the outdoor sales display requirements:
 - a. Automobile dealerships, and other similar uses as determined by the Administrator or Plan Commission.
 - b. Merchandise associated with a temporary use or event.

I. Outdoor Storage

1. Outdoor Storage within the PR, AG, RE, R1, R2, R3, TR, M1, M2, C1, C2, and UC districts is allowed with the following standards:
 - a. *Recreational Vehicles*
 - I. Recreational vehicles, campers, boats, trailers and the like may be parked or stored within accessory buildings.
 - a) If parked or stored in the open, no more than 2 such vehicles are permitted on the lot.
 - b) All vehicles or trailers must be stored on a paved surface in the side yard or rear yard without encroaching into any required side yard setback or rear yard setback.
 - II. Parked or stored recreational vehicles and trailers cannot be occupied or used for living, sleeping, or housekeeping purposes. Connections to gas, electric, water, or sanitary sewer service are prohibited.
 - III. Recreational vehicles, boats, and trailers cannot be stored on a right-of-way or driveway at any time except for the temporary loading and unloading of the vehicle.
 - a) A loading and unloading period shall be considered temporary only if it does not exceed 3 days. After this time period it must be parked in accordance with (1)(a)(I)(b) above.
 - IV. Nothing in this ordinance conveys a right to violate a covenant, restriction, or agreement. Property owners should consult their homeowner's association and their real estate title documents to avoid potential violations.
 - b. *Ad Hoc Storage.* At no time shall a mobile home, manufactured home, recreational vehicle, semi-tractor trailer, boat, shipping container, box truck, trailer, or similar vehicle be used in part or in whole for the ad hoc storage of equipment, products, supplies, materials, scrap, collections, or the like.
 - c. The outdoor storage of waste, scrap, pallets, construction materials, debris, or the like shall not be permitted except those materials related to a construction site where an active permit is approved.
 - d. Vehicles shall not be stored or parked such that they encroach into a right-of-way or impede an access easement, sidewalk, or drive aisle.
2. Outdoor storage for uses in the C3 District is only permitted if delineated on an approved development plan and in compliance with the following:
 - a. The outdoor storage area cannot exceed 25% of the gross floor area of the principal building.
 - b. Outdoor storage areas must be in a side or rear yard immediately adjacent to the principal building and must not encroach into any required building setback.
 - c. Outdoor storage areas must be incorporated into the design of the principal building as follows:

- I. Outdoor storage areas must be screened per [5.15 Screening of Trash, Storage, Loading, and Mechanical Areas](#). A wall or fence must use materials consistent or complementary to the principal building.
- II. Access into outdoor storage areas must occur from a side or rear yard. Access gates must be opaque and architecturally compatible with the materials used on the principal building.
- d. All materials, products, or merchandise stored in an outdoor storage area must be stacked no higher than the top of the wall, fence, or screen.
- e. Additional, temporary storage for the sale of seasonal and holiday items is allowed in accordance with Temporary Uses – [Sale of Seasonal Items](#).
3. Outdoor storage in the I1, I2 and MS Districts is only permitted if delineated on an approved development plan and in compliance with the following:
 - a. Outdoor storage is not permitted in the established front yard or in a yard adjoining a residential district.
 - b. Outdoor storage areas must be screened [5.15 Screening of Trash, Storage, Loading, and Mechanical Areas](#).
 - c. Stored materials must not be stacked higher than the top of the wall, fence, or screen. Equipment and vehicles must be stored at their lowest state.
 - d. High-volume travel lanes must be paved with asphalt or concrete to mitigate dust. The remainder of the outdoor storage may be finished with stone, except vehicle storage areas which must comply with [5.14 Parking and Loading](#).
 - e. Curbing is not required around outdoor storage areas.

J. Satellite Dish Antenna

1. These regulations apply to satellite dish antenna and other satellite reception devices greater than 2 feet in diameter. A satellite receiver antenna 2 feet in diameter or less may be installed in any location in accordance with the provisions of [IC 36-7-4-201.1](#).
2. Satellite dish antenna greater than 2 feet in diameter may be erected in a residential district after a permit is obtained, provided the following criteria are met:
 - a. The satellite dish antenna is ground mounted.
 - b. The diameter does not exceed 10 feet.
 - c. The height does not exceed 12 feet.
 - d. It is located between the principal building and the required rear yard setback line. In case of a corner lot, the antenna must not be located within either front yard.
 - e. On large multifamily buildings, a satellite dish antenna may be roof mounted provided the antenna's diameter is no more than 10 feet, and its height is no more than 12 feet. A roof mounted satellite dish antenna must be located at least 10 feet behind the front roofline of the structure. A roof-mounted antenna cannot exceed the maximum height requirement of the Zoning District.
3. Satellite dish antenna may be erected in any non-residential zoning district after a permit is obtained provided:
 - a. The antenna diameter must not exceed 12 feet.
 - b. The height of a ground-mounted antenna cannot exceed 25 feet.
 - c. The height of a roof-mounted antenna cannot exceed 15 feet.
 - d. A roof-mounted antenna must not exceed the maximum height requirement of the zoning district. A roof mounted satellite dish antenna must be located at least 10 feet behind the front roofline of the structure.

- e. A ground-mounted antenna must comply with the zoning district's principal building setback requirements. Antenna must be located at least 10 feet behind the front façade of the principal building.
4. Satellite dish antennas must be installed and maintained in compliance with all applicable building and electrical codes and are subject to the following standards:
5. Satellite dish antennae must be solid in color.
6. Only one antenna greater than two feet in diameter is allowed on any lot unless shown on an approved development plan.
7. Advertising, logos, or corporate symbols are prohibited on any satellite dish antenna greater than 2 feet in diameter.

K. Solar Energy Conversion Systems as Accessory Uses

1. Solar energy systems are a permitted accessory use in all zoning districts, subject to the requirements of this section. Solar carports and associated electric vehicle charging equipment are a permitted accessory use on surface parking lots in all districts regardless of the existence of another building. Ground-mounted systems do not count toward the maximum number of accessory structures permitted.
2. Solar energy systems must meet the following height requirements:
 - a. Building or roof-mounted solar energy systems cannot exceed the maximum height allowed in the zoning district where the solar energy system is located. For purposes of height measurement, solar energy systems other than building-integrated systems are permitted the same height exceptions as building-mounted mechanical equipment.
 - b. Ground- or pole-mounted solar energy systems cannot exceed 15 feet in height when oriented at maximum tilt.
 - c. Solar carports in non-residential districts cannot exceed 20 feet in height.
3. A solar energy system must meet the accessory structure setback for the zoning district where it is located and the requirements below.
4. *Roof- or Building-mounted Solar Energy Systems.* The collector surface and mounting devices for roof-mounted solar energy systems cannot extend beyond the exterior perimeter of the building on which the system is mounted or built, unless the collector and mounting system has been explicitly engineered to safely extend beyond the edge, and setback standards are not violated. Exterior piping for solar hot water systems is allowed to extend beyond the perimeter of the building on a side yard. Solar collectors mounted on the sides of buildings and serving as awnings are considered building-integrated systems and are regulated as awnings.
5. *Ground-mounted Solar Energy Systems.* Ground-mounted solar energy systems cannot extend into a side or rear yard setback when oriented at minimum design tilt.
6. Solar energy systems in residential districts must minimize visual impacts from the public right-of-way to the extent that doing so does not adversely affect the cost or efficacy of the system, consistent with IC 36-7-2-8.
7. *Building-integrated Photovoltaic Systems.* Building-integrated photovoltaic solar energy systems are allowed even if the system is visible from the public right-of-way. The building component where the system is integrated must meet all required setback, land use, or performance standards for the district where the building is located.
8. *Aesthetic Restrictions.* Roof-mounted or ground-mounted solar energy systems cannot be restricted for aesthetic reasons if:
 - a. The system is not visible from the closest edge of any public right-of-way other than an alley.

- b. Roof-mounted systems on pitched roofs visible from a right-of-way are flush-mounted systems that do not exceed the highest part of the roofline by more than 10 inches.
- c. Roof-mounted systems on flat roofs visible from a right-of-way are not more than 5 feet above the finished roof. Such systems are exempt from any rooftop equipment or mechanical system screening requirements.
9. *Reflectors.* Solar energy systems using a reflector to enhance solar production must minimize the glare from the reflector onto adjacent or nearby properties.
10. A ground-mounted system must meet the lot coverage requirements for the zoning district where it is located except:
 - a. Ground-mounted systems are exempt from lot coverage or impervious surface standards if the soil under the collector is maintained in vegetation and not compacted.
11. Solar energy systems requiring a building permit or Improvement Location Permit must provide sufficient site, electrical, and construction information with the permit application.
12. Electric solar energy system components must have an Underwriters Laboratory (UL) or equivalent listing and solar hot water systems must have a Solar Rating and Certification Corporation (SRCC) or equivalent rating.
13. Solar energy systems require approval of local building code officials, consistent with the State of Indiana Building Code. Solar thermal systems must comply with HVAC-related requirements of the Energy Code and applicable Indiana State Plumbing Code requirements. Photovoltaic systems must comply with the Indiana State Electric Code.
14. For grid-tied solar energy systems, the interconnection application must be submitted to the utility prior to applying for required Town permits. Off-grid systems are exempt from this interconnection application requirement.

L. Swimming Pools and Hot Tubs

1. Swimming pools cannot be installed without first being issued a permit according to [8.17 Permits Required](#).
2. Swimming pools or hot tubs cannot be in any front, side, or rear setback or in front of the primary structure, nor can they encroach into or alter the slope of a drainage easement.
3. Swimming pools or hot tubs cannot be constructed unless adequate distance from overhead electrical wires is provided according to the current National Safety Code and National Electrical Code.
4. All swimming pool construction, including associated decking, fencing, and means of access must conform with the regulations set forth in 675 IAC 20-4.
5. See also, [General Provisions](#) for recreation-based accessory structures.

M. Wind Energy Conversion Systems as Accessory Uses

1. Wind energy conversion systems (WECS) are a permitted accessory use in all zoning districts, subject to the requirements of this section. Wind energy conversion systems do not count toward the maximum number of accessory structures permitted. Most of the energy produced by an accessory WECS should be consumed only on the property where it is located.
2. As accessory uses WECS must be:
 - a. Installed on a certified tubular free-standing tower, a lattice tower, or a monopole tower. Towers may be guyed or self-supporting.
 - b. Filtered, shielded, or otherwise designed and constructed to not cause electro-magnetic interference.
 - c. Grounded to protect against lightning strikes.

- d. Designed with automatic over speed control to render the system inoperable when winds are blowing at higher speeds than the machine's capability.
 - e. Equipped with a redundant braking system, including both aerodynamic over speed controls and mechanical brakes. Mechanical brakes must be operated in a fail-safe mode. Stall regulation is not a sufficient braking system for over speed protection.
3. The WECS owner and operator must make reasonable efforts to minimize shadow flicker to any occupied building on a non-participating landowner's property.
4. A WECS must be setback from property lines at least 120% of the total height of the WECS and must not be located in any accessory structure setback relative to the district.
5. A WECS must comply with the maximum height limitation for the zoning district where it is located.
6. WECS must be white, light gray, or another non-obtrusive color. Blades may be black to facilitate deicing. Finishes must be matte or non-reflective and meet Federal Aviation Administration color requirements. No advertising or signage is allowed on a WECS.
7. A WECS requires an Improvement Location Permit. The permit application must include sufficient site, construction, and relevant electrical information including but not limited to the following:
 - a. The number and type of turbines including generating capacity, tower design and height, blade arc diameter, and total height,
 - b. Means of connection with the electrical grid, and
 - c. Location of all related accessory structures.
 - d. The manufacturer's engineer or another qualified professional engineer must certify that the turbine, foundation, and tower design are within accepted professional standards given local soil and climate conditions.
8. Electric WECS components must have an Underwriters Laboratory (UL) or equivalent listing.
9. Wind energy conversion systems require approval of local building code officials, consistent with the State of Indiana Building Code.
10. For grid-tied WECS, the interconnection application must be submitted to the utility prior to applying for required Town permits. The WECS must be designed to meet the utility's requirements for interconnection and operation. Automatic and manual controls that render the system inoperable in case of loss of utility power are required. Off-grid systems are exempt from these requirements.

3.9 Home Business Uses

- A. **Applicability.** A home occupation is permitted when incidental to the principal use of the premises as a residence. Home occupations must not adversely affect the residential character of the district(s) or interfere with the reasonable enjoyment of adjoining properties.
- B. **Operations**
1. Home occupations must be of a personal service nature limited to domestic crafts and professional services.
 2. Home daycare/childcare uses are permitted when in compliance with state ordinances and requirements. No additional regulations from this section shall apply beyond what is required by the State of Indiana.
 3. Home-based businesses shall not include walk-in retail sales.
 4. Home occupations cannot include uses with significant visitors to the home nor uses associated with vehicle sales or repair.
 5. Hours of operation shall be no earlier than 6 AM and no later than 9 PM for businesses that employ anyone not residing in the home.
- C. The operator of the home occupation must be a resident of the dwelling unit. No more than 1 additional employee may be on-site at a home business.
- D. A home occupation may be located within the principal building or an accessory building.
1. Exterior alterations changing the residential appearance to a business appearance are prohibited. An additional or separate entrance for the home occupation inconsistent with the residential character of the dwelling is prohibited.
 2. No more than 25% of the floor area of the principal building may be devoted to the home occupation.
- E. **Parking and Loading.**
1. Off-street parking and loading facilities beyond what is standard in a residential district is prohibited.
 2. The home business shall not receive more deliveries per week than a typical residential dwelling and shall only receive deliveries by a vehicle not larger than a typical mail and parcel delivery vehicle (USPS, UPS, FedEx utility vehicles).
- F. **Storage and Display.**
1. Outside storage of machinery, equipment, or materials is prohibited.
 2. Display of goods or external evidence of the home occupation is prohibited, except for signs according to [Chapter 6 - Signage](#).
 3. Only stock in trade or commodities prepared, produced, or created on the premises by the operator of the home occupation may be kept or sold on the premises.
- G. **Disturbances Prohibited.**
1. Electrical or mechanical equipment must not interfere with local radio communications and television reception nor cause fluctuation in line voltage off the premises.
 2. The home business shall not generate offensive noise, vibration, smoke, odors, dust, heat, glare, or the like that is beyond a typical residential use.

3.10 Temporary Uses, Events, and Structures

- A. **Applicability.** All Temporary Uses, Events, and Structures must comply with this Article.
- B. **Exemptions.** The following events are exempt from getting a temporary use permit:
1. Events hosted on an individual homeowner's property (e.g., estate sales, private parties);
 2. Garage sales, provided that the frequency of said sales is not more than 2 times per calendar year, there is at least 14 days between any two sales events, and each event does not last longer than 3 days;
 3. Fundraising events, provided the frequency is less than 3 times per year and the duration is less than 14 days. Two events on the same site must have at least 14 days in between the end of the first and start of the second. All temporary signs used must follow the standards in Chapter 6.
 4. Government-sponsored events as approved by the Town Council;
 5. Events held on public park property (see the Town of Brownsburg website for the [Events on Town Property Application](#));
 6. Non-incorporated children's stands, such as a lemonade stand; and
 7. Food trucks located on private property with approval from the property owner, provided the location of the food truck does not interfere with vehicle or pedestrian circulation around the site. Food trucks must complete any required approvals through the County Health Department and any other applicable agencies.
 8. Portable Storage Units provided they are not located in a right-of-way, on site for more than 14 consecutive days, and not placed more than 3 times per calendar year.
 9. Construction offices and construction storage trailers provided that not more than one of each is located on any site and the placement meets all accessory structure setbacks. For large developments, the Administrator may approve up to 2 construction offices and up to 4 storage trailers.
- C. **General Standards**
1. The Administrator may limit the location for traffic flow or public safety reasons.
 2. All temporary structures must meet the setbacks for the zoning district where they are being installed.
 3. Goods and display materials must be stored inside a structure during non-event hours.
 4. The required parking for the principal use must not be negatively impacted by the temporary use or event. Additional parking may be required if the temporary use or event increases the need for parking.
 5. Temporary uses and events must not impede pedestrian traffic nor force pedestrians into vehicle traffic lanes.
 6. All equipment, materials, goods, poles, wires, and other items associated with the use or event must be removed within 2 days of the conclusion of the temporary use or event.
 7. All temporary events must conform to all State and County Health Department regulations and codes.
 8. The Administrator will issue a temporary improvement location permit, according to applicable provisions of this Article, for a temporary construction trailer or office structure only when used in conjunction with construction work taking place on the site. A trailer or structure used for this purpose must be removed within 30 days of the completion of construction work or the issuance of a certificate of occupancy, whichever is earlier.

D. Temporary Use Permit

1. Temporary Use Permits are required for any:
 - a. Temporary Use or Event Listed in E;
 - b. Other Uses or Events, except those listed in B, where a tent of 400 square feet or more will be used.
2. Application: Applications for a Temporary use and/or event permit shall be submitted through the permit portal at least 30 days prior to the scheduled event. Within 5 business days of the permit application, the Administrator will inform the applicant if the submittal is complete or if additional information is needed to process the request. Within 10 business days of the permit application, the Administrator will issue a permit for applications meeting the permit requirements or notify the applicant of the areas where the permit application does not comply with the permit requirements.
3. Supporting Documentation: Applications must include (i) a written statement describing the requested use, operations plan, traffic control, and the proposed period and (ii) a sketch plan showing the locations of proposed activity areas in relation to property lines and existing buildings and structures, pedestrian and vehicular circulation on the site, and parking facilities.
4. If a permit for encroaching into any right-of-way is required, a copy of the encroachment request must be submitted with the temporary use/event permit application.
5. If alcohol is sold or consumed, then proof of appropriate permits from the State of Indiana, Alcohol and Tobacco Commission is required. If cooking or eating is involved in a temporary event, outdoor café, or some other eating area, then proof of review and approval from the County Health Department must be required with the application.

E. Additional Standards for Certain Temporary Uses

1. Model Homes & Leasing Offices
 - a. Districts Allowed: RE, R1, R2, R3, M1, M2
 - b. *Duration*. A temporary use permit for a model home or leasing office expires 3 years after issuance unless renewed annually after the 3-year period.
 - c. *Location*. Model homes must be located within the development for which the sales are taking place.
 - d. *Parking*. a minimum of 2 off-street guest parking spaces are required for any model home plus 1 for each employee.
 - e. *Signage*. Model Homes may utilize the following signage in addition to any allowed signs in [Chapter 6 - Signage](#). Any sign not listed in the table must follow the standard sign regulations of this UDO. Nothing in this section shall be interpreted to allow the use of any prohibited types of signs.

	Quantity	Max Area	Max Height
Ground Sign (Primary)	1 per Model Home	8 sq. ft.	6 ft
Ground Sign (Secondary)	1 per Model Home	3 sq. ft.	3 ft.
Brochure Box or Information Holder	1 per Model Home	3 sq. ft.	3 ft.
Awning Sign	1 per Model Home	6 sq. ft.	N/A

2. Roadside Sales of Produce
 - a. Districts Allowed: AG, RE, PR, IS, C1, C2, C3, I1
 - b. *Duration*. Up to 120 calendar days per year.

- c. *Location.* A temporary produce stand must be located outside the right-of-way and must not interfere with any Vision Clearance Triangle at an entrance or driveway.
- d. *Temporary Signage.* Temporary sign sizes and allowed types shall follow that of the zoning district in which the temporary sales stand is placed. Temporary signs on such stand shall not be counted toward the allowed signs for the primary structure.

3. Race Events

- a. Districts Allows: MS
- b. *Notification.* The Development Services Department must be notified of the event no less than sixty (60) days prior to the scheduled event.
- c. *Duration.*
 - I. Sunday through Thursday, excluding the Sunday of holiday weekends, between the hours of 8:00 am to 9:00 pm.
 - II. Friday, Saturday, and holidays including the Sunday of holiday weekends, between the hours of 7:00 am to 10:00 pm.
 - III. Up to two twenty-four-hour endurance events per calendar year per location.
- d. *Noise and Vibration.* Noise and vibration emitted from amphitheaters, stadiums, and racetracks are permitted for the duration of the scheduled event.
- e. *Exemption.* Events shall be exempt from 155.310 (I) and (J) of the Municipal Code as the commencement of events may be subject to adverse conditions (example: weather delays).
- f. *Temporary Camping.* Temporary camping is permitted in conjunction with an event beginning two days before and ending not more than two days after any such event.

4. Sale of Seasonal Items

- a. Districts Allowed: C1, C2, C3, I1, IS
- b. *Duration.* No more than 45 days per calendar year, cumulatively.
- c. All unsold merchandise must be removed from the site within five business days of the expiration of the temporary use permit.
- d. *Location.* Any sale of seasonal items must be located no less than 100 feet from any residential zoning district.

G. Temporary Special Events

- 1. Businesses and organizations may use the following special provisions one time in any calendar year in conjunction with a special event (example: grand opening).
- 2. *Duration.* a temporary special business event may not exceed 7 business days.
- 3. Special sign provisions may be granted in conjunction with a one-time temporary event. All signs must be placed and removed within the allowed duration of the event and must not interfere with health or safety of the general public.
 - a. Any special signage allowed must follow the location requirements of Chapter 6 SIGNS and be located outside of any rights-of-way or vision clearance triangles.



PROPERTY STANDARDS & MAINTENANCE

CHAPTER 4

CONTENTS

4.1	APPLICABILITY OF PROVISIONS	94
4.2	KEEPING OF ANIMALS.....	94
4.3	PERFORMANCE STANDARDS.....	96
4.4	PROPERTY MAINTENANCE	98
4.5	ABANDONED BUILDINGS	99

[Click Here to Return to the Main Table of Contents](#)

4.1 Applicability of Provisions

The provisions in this chapter apply to all zoning districts unless otherwise stated or modified by a variance or a planned unit development. Noncompliance with the following provisions may result in applicable enforcement actions per [Chapter 9 – Enforcement](#).

4.2 Keeping of Animals

- A. **Exotic Animals.** Exotic animals are prohibited in all zoning districts.
- B. **Permitted Farm Animals.** Pastured and other farm animals are permitted in compliance with the standards below:
1. Lots smaller than one-half acre shall not be permitted to keep animals under this provision regardless of zoning district.
 2. Animals are assigned an “animal unit” as noted in the [table below](#) which is used to calculate the maximum number of animals of combined types that any property can have. This is based on zoning district, with maximums as follows:
 - a. AG District: No more than 20 animal units per acre are allowed (example: 1 cow, 1 goat, 2 chickens for a total of 20 animal units)
 - b. R1 District: No more than 5 animal units per acre are allowed. The total animal units on an individual property within this district shall not exceed 25 animal units nor more than 10 chickens.
 - c. R2-R3 District: Only chickens are allowed in this district at the maximum animals per acre noted in the table below.
 3. Where the available lot, pasture, or containment area results in a fraction of an animal, the number shall be rounded down to the nearest whole number to determine the total allowed.
 4. For chickens, only hens are permitted. Roosters are prohibited. Best practices for containment must be used.
 5. Nothing in this section shall be interpreted to prohibiting the keeping of bees when done in accordance with State Law.

4

Property Standards and Maintenance

4.2 Keeping of Animals

[Click to Return To
Ch. 4 Table of Contents](#)

	Animal Type												
	Cow		Horse		Llama or Alpaca		Goat or Sheep		Pig		Chicken (hens only)		
	AG	RE	AG	RE	AG	RE	AG	RE	AG	RE	AG	RE	R1-R3
Minimum Lot area (acres)	5	1.5	5	1.5	5	1.5	5	1.5	5	N/A	5	.5	.5
Maximum Number of Animals	2 per acre	.5 per acre	2 per acre	.5 per acre	3 per acre	1 per acre	4 per acre	1 per acre	4 per acre	N/A	8 per acre	3 total for lots under 1 acre 4/acre for lots over 1 acre	
Minimum area of fenced pasture (acres)	.5 acres/animal with 1 acre minimum		.5 acres/animal with 1 acre minimum		.4 acres/animal with 1 acre minimum		.1 acres/animal with .5 acre minimum		.1 acres/animal of a fenced containment area		N/A	N/A	
Animal Units Per Animal	10		10		6		5		5		N/A	1.25	

4.3 Performance Standards

The intent of these standards is to ensure the protection of the health, safety, and welfare of the residents of the Town of Brownsburg. The following performance standards apply to uses in all Zoning Districts except as exempted in [4.3L](#).

- A. **Obnoxious Characteristics.** No use can exhibit obnoxious characteristics that interfere with the comfortable enjoyment of life or property to the extent it constitutes a public nuisance. A public nuisance includes whatever is [\(IC-32-30-6-6\)](#):
1. Injurious to the public health;
 2. Indecent;
 3. Offensive to the senses; and/or
 4. An obstruction to the free use of property.
- B. **Fire Protection.** Firefighting equipment and prevention measures acceptable to the Fire Department and any federal, state, county, and/or local authorities with jurisdiction must be readily available and apparent when conducting an activity involving the handling or storage of flammable or explosive materials.
- C. **Electrical Disturbance.** No use can cause electrical disturbance adversely affecting radio, television, or other equipment in the vicinity.
- D. **Noise.** No use can produce noise in such a manner as to be objectionable because of volume, frequency, intermittence, beat, or shrillness. Building orientation, landscaping, and/or other noise reducing efforts should be utilized to avoid noise being detectable beyond the lot line.
- E. **Vibration.** No use can cause vibrations or concussions detectable without the aid of instruments beyond the lot lines.
- F. **Odor.** No use can emit obnoxious gas or odor that is detectable across the lot lines.
- G. **Air Pollution.** No use can discharge across a lot line materials or vapors in such a concentration as to be detrimental to health, animals, vegetation, property, or conflict with public air quality standards. Examples include, but are not limited to: fly ash, dust, toxic or corrosive materials, noxious vapors, smoke, or other air pollutants.
- H. **Heat and Glare.** No use can produce heat or glare in a manner to be a nuisance or create a hazard perceptible from any point beyond a lot line.
- I. **Water and Solid Waste Pollution.** No use can produce erosion or pollutants in such quantity as to be detrimental to adjacent properties or conflict with public water quality standards. No use can accumulate within the lot or discharge beyond the lot lines any waste matter (whether liquid or solid) in conflict with applicable public health, safety, and welfare standards and regulations.
- J. **Public Water Protections.** No approval of a use under this Ordinance includes the authority to discharge liquid or solid wastes into public waters except as permitted under Indiana State statute and the Stream Pollution Control Law (Acts 1943, Chapter 214, as amended) and 330.1 IAC 1-1 *et seq.* Plans and specifications for proposed sewage and other waste treatment and disposal facilities must be approved by the federal, State, County, City, and/or local authorities with rightful jurisdiction.

- K. **Trash Disposal and Burning Restrictions.** On-site burning of any type of waste is prohibited in the Town of Brownsburg.
1. Occupied buildings must have an adequate number of garbage receptacles maintained in clean condition and good repair.
 2. The owner or occupant must arrange for the regular removal of garbage from the premises. Overflowing trash receptacles and compactors are subject to enforcement under [Chapter 9 – Enforcement](#).
- L. **Exemptions.** The performance standards above do not apply to:
1. Site construction, maintenance, repair, or alterations of buildings where a permit has been issued;
 2. The standard operation of motor vehicles including but not limited to noise related to loading/unloading, agricultural machinery use, parades, and the like;
 3. Trash service operators performing trash removal services; and
 4. Public safety or emergency warning signals, alarms, sirens, and related apparatus.
- M. **Industrial Uses.** Any industrial use must conform to any applicable state and federal government regulations. All relevant federal and state permits or approvals are required prior to issuing an Improvement Location Permit.

4.4 Property Maintenance

- A. **General Site Upkeep.** All land and exterior areas under roof, but not enclosed, must be maintained free from:
1. Accumulation of garbage, debris, or blight, including tires, broken glass, appliances, household items, trash, or anything posing a hazard to public health;
 2. Tarps, plastic sheeting, or similar materials used as screening, fencing, or wall covering;
 3. Abandoned vehicles or inoperable vehicle parts, visible from a right-of-way, except a single inoperable vehicle undergoing minor repair work, not to exceed 72 hours; or lawful commercial activities involving vehicles as allowed by this Ordinance;
 4. Graffiti visible from a public area or right-of-way;
 5. Any object or landscaping that interferes with the use of any sidewalk, street, alley, highway, or visibility of a traffic light or sign;
 6. Construction materials on a site without an active permit from the Town;
 7. Landscaping visible from public property that is substantially dead, damaged, or characterized by uncontrolled growth;
 8. Anything posing an imminent hazard to public health and safety;
- B. **Landscape and Yard Materials.** These standards do not apply to the orderly storage of landscape materials in side and rear yards of residential uses provided:
1. The storage does not exceed 10% of the area of the yard, and
 2. The storage does not exceed the height of any fence or wall enclosing the storage area.
- C. **Pests.** All premises must be kept free from rodent infestation and other noxious pests.
- D. **Stagnant Water.** All premises must prevent the accumulation of stagnant water.
- E. **Fences and Walls.** All fences and walls must be safe, structurally sound, and uniform in color, structure, and design. They must not constitute a hazard or be in disrepair, including missing blocks, boards, or other structural deterioration. Repair of an existing fence or wall must be made with the same or similar materials with a finish such that the new and old materials closely match.
- F. **Securing of Vacant Sites.** Vacant lots or land subject to enforcement action for dumping, illegal storage, or other nuisance activities must be secured with a fence and/or security monitoring system.
- G. **Unprotected Wells and/or Excavation Areas.** Properties must be kept free from unprotected wells or excavated areas more than two feet in depth. Unenclosed or unsecured excavations, septic tanks, cesspools, and similar conditions must be fully restored to a safe, serviceable condition, or filled with clean fill. Excavations must be maintained in a secure manner to prevent a hazard to public health and safety.
- H. **Unsafe Structures.** Buildings or structures determined to be unsafe or dangerous as defined in the Building Code must be abated in accordance with the provisions of that code.

4.5 Abandoned Buildings

A. **Purpose.** The purpose of this section is to establish the responsibilities of owners of vacant buildings; and provide administration and enforcement of standards related to vacant buildings.

1. Upon finding a building vacant or abandoned, the Administrator may issue the owner an order for continuing maintenance pursuant to the Unsafe Building Act, [IC 36-7-9](#), as amended, or similar authority granted by state statute, this Ordinance or other statutes, ordinances, and regulations.

B. **Standards of Maintenance**

1. The owner of an abandoned building must conduct regular inspections (at least once every 2 weeks) to ensure the property is secured against unlawful entry, cleaned, landscaping is maintained, and the property walkways and driveways have been adequately cleared of snow and ice or other obstacles.
2. The window and door openings of all buildings on the property must be secured against unlawful entry using appropriate locks.
3. To protect a building against unlawful entry or vandalism while it is vacant, an owner may secure the windows and doors of the building using boarding that meets the following standards:
 - a. Doorways and windows must be boarded up using 5/8" or thicker exterior grade plywood, fastened by tamper-proof screws or one-way bolts;
 - b. All boarding must be painted to match the dominant exterior color of the elevation of the structure; and
 - c. For commercial buildings, opaque window coverings may be allowed by the Administrator in lieu of boarding provided all windows are maintained and if broken or cracked, are replaced within 48 hours. The Administrator may revoke this option when the owner or responsible party fails to maintain the building within the specified period.
4. Boarding a vacant structure is considered a temporary method of securing the building. Any boards applied to secure doors and windows for more than 30 days must be surface coated with exterior grade paint to reduce the blighting effect on the immediate neighborhood.
5. After 6 months, all plywood must be removed and replaced with secure doors or glazed windows.

C. **Violations**

1. An owner of an abandoned or vacant building structure not complying with the requirements of this article is subject to enforcement, unless:
 - a. Documentation has been filed and approved by the Administrator indicating the owner's intent to eliminate the vacant or abandoned status of the property;
 - b. The owner is current on all property taxes and special assessments; and
 - c. At least one of the following applies:

- I. A valid building permit for repair or rehabilitation is issued for the structure and the owner is proceeding diligently and in good faith to complete the repair or rehabilitation as defined in the enforcement order;
 - II. The structure is maintained in compliance with this chapter and actively being offered for sale, lease, or rent; and/or
 - III. The owner demonstrates a diligent and good-faith effort to implement actions approved by the Administrator.
- D. If the structure continues to remain vacant beyond the initial 90-day period, and the owner does not meet any of the exceptions in this article, the Administrator may bring enforcement actions per [Chapter 9 – Enforcement](#).



SITE DEVELOPMENT

CHAPTER 5

CONTENTS

- 5.1 Design Principles and Standards 102**
- 5.2 Architecture – Commercial Buildings and Districts..... 103**
- 5.3 Architecture – Industrial Buildings and Districts..... 106**
- 5.4 Architecture -Multifamily Dwellings and Districts 108**
- 5.5 Architecture -Residential Dwellings and Districts 110**
- 5.6 Architectural Diversity – Anti-monotony Standards 113**
- 5.7 Fences and Walls..... 116**
- 5.8 Landscaping – General standards..... 119**
- 5.9 Landscape Standards – Tree Preservation 123**
- 5.10 Landscaping – Required Buffers and Perimeter Plantings 125**
- 5.11 Landscaping – Required Site and Parking Lot Plantings 129**
- 5.12 Lighting..... 132**
- 5.13 Loading Standards 135**
- 5.14 Parking and Loading 136**
- 5.15 Screening of Trash, Storage, Loading and Mechanical Areas 140**
- 5.16 Vision Clearance Standards 142**

5.1 Design Principles and Standards

- A. **Conformance.** Improvement Location Permits (ILP), development plans, and subdivisions must conform to the principles and standards established by this Ordinance. When reviewing plat, development plan, and ILP applications, the Plan Commission or Administrator, as applicable, determines if the plat or development plan conforms to the principles and standards required in this chapter.
- B. **Environmental Protection.** Consideration must be given to preventing air and water pollution, proper treatment and disposal of refuse and other waste, and the elimination of blighting characteristics.
- C. **Layout.** Sites shall be designed such that ingress, egress, internal site maneuverability, and connectivity to adjacent sites is safe and cohesive. Care should be taken to reduce difficult site lines and site conflicts. Site design must account for the Thoroughfare Plan and Construction Standards of the Town.
- D. **Pedestrian Connectivity.** Developments shall provide appropriate pedestrian connections to and within the development site including crosswalks, sidewalks or pathways raised or protected from driving areas, appropriate signage, and associated site features such as bicycle parking in accordance with this Chapter and Chapter 7.

5.2 Architecture – Commercial Buildings and Districts

- A. **Architectural Standards: Commercial Buildings.** All new nonresidential buildings or additions located within any commercial zoning district (C1, C2, C3, UC) must comply with the following:

1. General Standards

- a. Buildings and structures within a single development shall have complementary architectural themes.
- b. All roof or ground mounted mechanical equipment must be completely enclosed or screened. Ground-mounted enclosures must be landscaped on all sides not facing the building being served according to [5.15 Screening of Trash, Storage, Loading, and Mechanical Areas](#).
- c. Gutters and downspouts must be visually integrated with the architectural style of the structure. The color of gutters and downspouts should complement or be consistent with the building materials.
- d. Building entrances must be clearly defined and articulated by multiple architectural elements such as lintels, pediments, pilasters, columns, awnings, porticos, and other design elements appropriate to the architectural style and details of the building. The location, orientation, proportion, and style of doors must complement the style of the building.
- e. Fixed or retractable awnings are permitted if they complement the building's architectural style, material, colors, and details. Awnings must be made of a non-reflective material kept in good repair. Awnings used to comply with the architectural design requirements of this Ordinance cannot be removed unless the building façade complies with the architectural design requirements without the awnings.

2. Building Façade

- a. Each building façade abutting a public street, public trail, or residential district must use one of the following architectural materials options:
 - I. Utilize 65% masonry materials, excluding window, door, roofing, fascia, and soffit materials; or
 - II. Incorporate 2 or more building materials (excluding window, display window, door, and roofing materials) provided 45% of the building façade is masonry materials.
- b. For all other building facades, one of the following materials options must be utilized:
 - I. 50% masonry materials, excluding window, door, roofing, fascia, and soffit materials; or
 - II. Incorporation of 2 or more façade materials, one of which must be masonry wainscot or equivalent amount used in another architectural feature.
- c. Textured panels, masonry veneers, or other façade material application that provides a similar dimension and appearance to individual masonry units may be substituted for the

masonry required above. Developments wishing to use substitute materials must note the product used during a Development Plan Review application for approval by the Plan Commission.

- d. Approved façade materials shall include brick, stone, tile, wood or engineered wood, decorative precast concrete panels, fiber cement board, EIFS, or alternate masonry materials as described in c.
 - I. Decorative metal may be used as an accent material such that it does not make up more than 20% of any façade.
- e. The exterior building material selection for all building façades must be further enhanced with:
 - I. The use of multiple colors or textures (e.g., rough, smooth, striated, etc.); or
 - II. The addition of architectural elements (e.g., quoins, pilasters, soldier courses, lintels, friezes, cornices, dentils, architraves, etc.).
- f. Loading docks shall be located so that they are not visible from public streets. If such a location is not possible, the dock shall be screened with a wall or landscape buffer meeting [**5.15 Screening of Trash, Storage, Loading and Mechanical Areas**](#).
- g. All building façades must be constructed with the same building material quality and similar level of architectural detail (e.g., 360-degree architecture).

3. Building Offsets

- a. Front and side building façades 100 feet or greater in length must have at least 1 offset meeting the requirements of this section.
 - I. Offsets can project or recess.
 - II. They must extend the entire vertical plane of the building façade.
 - III. The offset(s) must be at least 2 feet in depth and at least 20% of the overall building façade length. The 20% requirement can be met with one offset or the combined length of multiple offsets.
 - IV. Architectural elements (e.g., arcades, columns, piers, etc.) meeting the offset requirements may be used to fulfill this requirement.
- b. Any facade 30 feet or greater in length must include visual relief in the form of a change in materials, color, texture, faux window, window, column, or change in the façade plane.
 - I. Visual relief shall repeat or be placed such that there are no large areas (420 square feet or larger) without some architectural variety.
 - II. Gutters or similar features will not be considered as meeting the visual relief requirement.
 - III. Areas covered by a porch or canopy, screened seating or similar area, or otherwise obscured from view are exempt from the visual relief requirement.

4. Roof Design

- a. Pitched roof designs must have a main roof with a minimum 5:12 pitch, contain 3 or more roof slope planes, and be covered with high quality roofing materials such as natural clay tiles, slate, concrete tiles (with natural texture and color), high quality standing seam metal roofing, wood shakes or shingles (with adequate fire protection), three-dimensional asphalt or fiberglass shingles.
- b. Metal roofs must have a low-gloss finish to reduce glare.
- c. Flat roof designs must be edged by a parapet wall with an articulated, three-dimensional cornice or molding. Parapet walls must be fully integrated into the building's architectural design to create seamless transitions between the main building mass and roof-mounted architectural elements. Modulation or variation of the roofs and/or roof lines is required to eliminate the appearance of box-shaped buildings.
- d. All visible vents, attic ventilators, turbines, flues, and other visible roof penetrations must be painted to match the color of the roof or flat black; and oriented to minimize their visibility from adjacent lots and streets.

5. Window Design

- a. Window designs must be compatible with the style, materials, color, details, and proportion of the building. The number of windowpanes, the number of window openings, window trim and other design elements to accent the windows must be consistent and complementary to the architectural style of the building.
 - b. Window trim and other design elements to accent the windows are required for all windows. Acceptable design elements include shutters, keystones, masonry arches, awnings, decorative stone frames, masonry rowlock frames, or other trim or design elements as approved by the Plan Commission.
- B. The Plan Commission may adjust or waive the above requirements to allow a cohesive design consistent with the architectural style of the building and the intent of these regulations.

5.3 Architecture – Industrial Buildings and Districts

- A. **Architectural Standards: Industrial Buildings.** All new nonresidential buildings located within an Industrial District (I1, I2, MS Districts) must comply with the following:
1. General Standards
 - a. Buildings and structures within a single development should have complementary architectural themes.
 - b. Building additions shall strive to meet the intent of these standards to the extent practical, and must maintain a cohesive design to the original building. Additions shall not be done such that any existing building is less compliant with the standards in this section.
 - c. All roof or ground mounted mechanical equipment must be completely enclosed. Ground-mounted enclosures must be landscaped on all sides not facing the building served according to **5.15 Screening of Trash, Storage, Loading and Mechanical Areas**.
 2. Building Façades
 - a. Each building façade abutting a public street, public trail, or residential district, must have at least 30% masonry materials on the building façade (exclusive of window and doors).
 - I. Textured panels, masonry veneers, or other façade material application that provides a similar dimension and appearance to individual masonry units may be substituted for the masonry required above. Developments wishing to use substitute materials must note the product used during a Development Plan Review application for approval by the Plan Commission.
 - II. The remainder of any façade(s) falling under this subsection shall use a mix of colors, textures, or other architectural elements to add variation.
 - b. Façade materials shall be decorative masonry (or alternate as described above), decorative precast concrete panels, EIFS, or the like.
 - c. Loading docks shall be located so that they are not visible from public streets. If such a location is not possible, the dock shall be screened with a wall or landscape buffer meeting **5.15 Screening of Trash, Storage, Loading and Mechanical Areas**.
 3. Building Offsets
 - a. Building façades 150 feet or greater in length abutting a public street and/or residential district must have offsets that are at least 2 feet in depth and account for not less than 20% of the building façade.
 - I. Offsets may be broken up into smaller segments at consistent repeating intervals or provided in larger configuration around entrances or to denote different suites within a building.
 - II. Offsets can project or recess.
 - III. They must extend the entire vertical plane of the building façade.

4. Roof Design
 - a. Cornice or parapet details shall be included to add height variation along flat roof designs. Parapets may also be used to screen roof-mounted mechanical systems.
- B. The Plan Commission may adjust or waive the above requirements to allow a cohesive design consistent with the architectural style of the building and the intent of these regulations.

5.4 Architecture – Multifamily Dwellings and Districts

- A. **Architectural Standards: Multifamily Dwellings.** All new multifamily structures must comply with the following standards. Attached single-family structures must follow the standards in [5.5 Architecture – Residential Dwellings and Districts](#).
1. **Design Continuity.** Design detailing must continue completely around the building consistent with the intended architectural style. Detailing elements include, but are not limited to, number and style of windows, window placement, trim detailing, roof design, and exterior materials.
 2. **Building Facades**
 - a. Permitted exterior materials include Exterior Insulation and Finish System (E.I.F.S.), synthetic stucco, masonry materials, engineered wood siding, fiber cement siding, and polymeric cladding. Aluminum and vinyl siding are prohibited. Front and side facades shall meet one of the options below:
 - I. Facades shall utilize 50% brick or masonry material; or
 - II. Facades shall include a brick wainscot up to the bottom of the windows and at least two other materials, textures/patterns, or colors from any approved material type.
 - a) Enhanced architecture is required when less than 50% brick or masonry material is used. At least 3 of the following features must be utilized on front facades and any façade facing a public street or trail:
 - i. Cornice, corbels, or other decorative features along or within roof and gable areas;
 - ii. Window upgrades such as trim featuring arched or otherwise upgraded crosshead(s), bay windows consistently placed across the façade;
 - iii. Shutters, shed roof, or other decorative window covering;
 - iv. Enhanced outdoor living space features including balconies and/or patios of at least 32 square feet in size.
 - b. All building façades must have a defined base or foundation, a middle or modulated wall, and a top formed by a pitched roof or articulated, cornice or molding.
 3. **Building Offsets**
 - a. Building façades 90 feet or greater in length must have offsets at intervals no greater than 60 feet apart.
 - I. Offsets can project or recess. They must extend the entire vertical plane of the building façade. The offset must be at least 4 feet in depth and at least 20% of the overall building façade length.
 - II. Architectural elements (e.g., arcades, columns, piers, etc.) meeting the offset requirements may be used to fulfill this requirement.

4. Building Length: Units should be arranged in buildings such that long buildings that impede pedestrian connectivity and walkability are avoided. In general, buildings with a length greater than 350' are discouraged and must show how pedestrians are accommodated when proposed.
 - a. Areas such as parking garages, breezeways, and courtyards are examples of accommodations that can be considered as a break in the building length.
 - b. Additional fire safety measures, including but not limited to access drives or fire department connection locations, may be required based on the building and site design.
 5. Window Design: A building façade must incorporate a minimum of one window (a minimum of 15 square feet) per dwelling unit located along the building façade. Required windows may be located anywhere on the building façade, as architecturally appropriate.
 - a. Windows in a building façade of masonry material must have a casing or sill of natural or masonry material.
 - b. Windows in a building façade of a non-masonry material must be trimmed to match the architectural style of the building.
 6. Roof Design
 - a. *Slope Roof Designs*. The roof pitch of the main portion roof must be at least 5:12. Elements such as porches, bays, walkways, may have a lower roof pitch. Lower roof pitches may occur on rear elevations if concealed by side roof elements.
 - I. The roof overhangs must be at least 11 inches, as measured prior to the installation of masonry materials.
 - II. The roof form and pitch design of a building must include, where appropriate, varied pitches and ridge levels according to the intended architectural style of the building and the building façade projections.
 - b. *Flat Roof Designs*. Flat roof designs must be edged by a parapet wall with an articulated, three-dimensional cornice or molding.
 - I. Parapet walls must be fully integrated into the building's architectural design to create seamless transitions between the main building mass and roof-mounted architectural elements.
 7. Streetscape Diversity: Variation along internal and perimeter streets is required.
 - a. Building elevations must have variety in style, massing, use of materials, and detailing of elements.
 - b. If more than 1 building is proposed, then the building(s) must be arranged so no more than 3 buildings are in a straight, unbroken line. Curved designs, changes in building orientation or setback, and amenity spaces that provide a break between buildings may all be considered as ways to meet this requirement.
- B. The Plan Commission may adjust or waive the above requirements to allow a cohesive design consistent with the architectural style of the building and the intent of these regulations.

(Am. Ord. 2025-09)

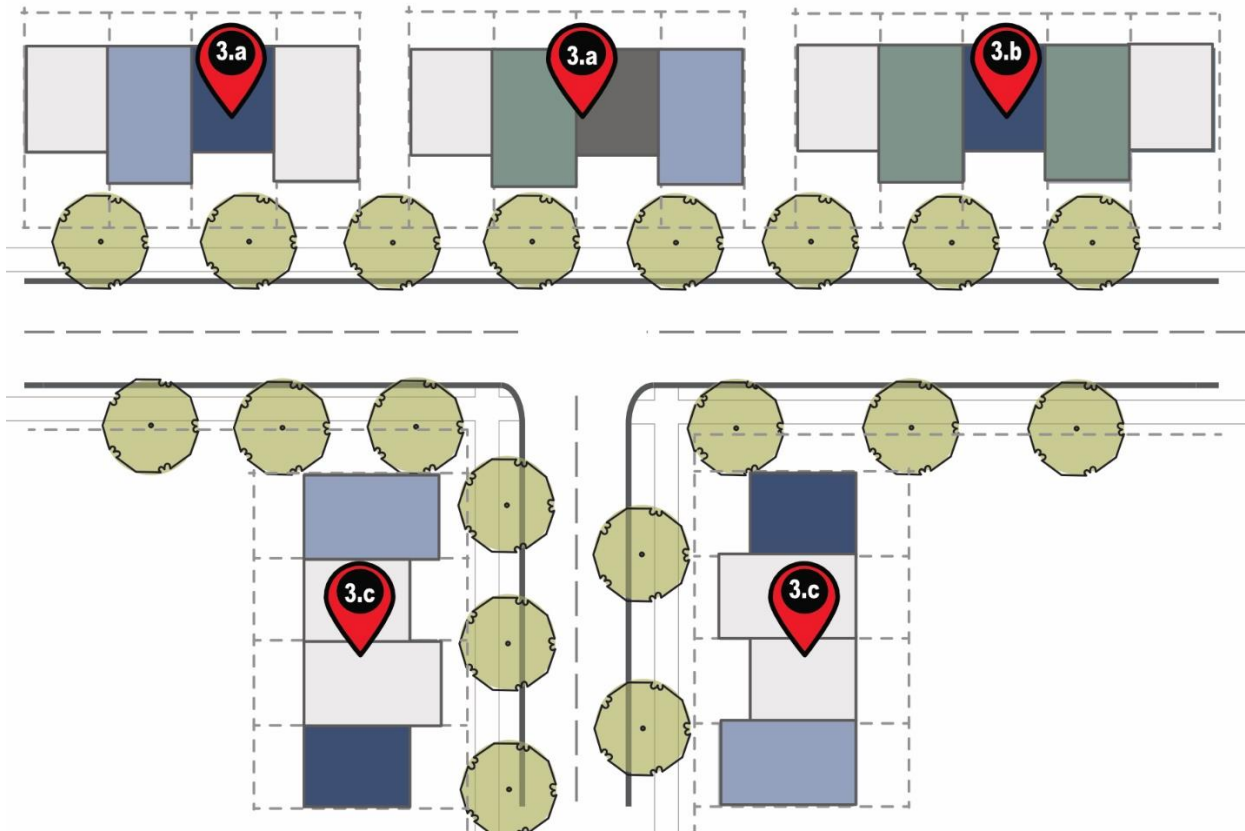
5.5 Architecture -Residential Dwellings and Districts

- A. **Architectural Standards: Residential Dwellings.** Single-family (attached and detached) structures in any district must comply with the following standards:
1. **Building Articulation:** Front and rear facades of residential buildings must be articulated to avoid flat building facades. These variations in the façade plane may be achieved through:
 - a. Projections or recessions created by (1) one offset at least 4' deep and a minimum height equivalent of one story or (2) two offsets at least 2' deep and a minimum height equivalent of one story.
 - b. Front-load garage doors recessed at least 2' behind the front façade of the building or 4' behind the posts of the front porch.
 - c. A covered porch with at least 40 SF in area on the front facade or street side facade.
 - d. A sunroom or screened porch at least 64 SF in area on the street side facade or rear facade.
 - e. An exterior fireplace chase extending at least 18" from the building facade, finished in masonry material, and extending above the roofline.
 - f. A bay window projecting at least 12" from the wall.
 - g. A second-floor cantilever projecting at least 12" over the first floor for at least 30% of the length of the building facade.
 - h. A covered patio or covered porch, as a projection or recession, at least 120 SF in area.
 2. **Building Width:** The minimum building width for detached single-family structures is 32 feet.
 3. **Facade Materials:** A variety of styles, materials, and colors are desirable in any residential development. The following material requirements are applicable to projects based on the amount of brick, stone, or similar masonry material used:
 - a. In designs where the front façade of the home is 50% brick, stone, or other decorative masonry unit material, the remaining façade areas may use any of the following materials:
 - i. Fiber cement siding
 - ii. Vinyl of .52 gauge or higher
 - iii. Insulated vinyl siding (any gauge)
 - b. For designs using less than 50% brick, stone, or similar on the front, at least 3 exterior colors, materials, or patterns must be used on the front building façade. The following additional standards apply:
 - a. Upgraded siding products such as fiber cement or engineered wood siding, stucco, or comparable products are required.
 - b. A brick wainscot up to at least the bottom of the façade windows is required.
 - c. At least two enhanced decorative features must be included on the front façade under this materials selection. Approved decorative features include:

- I. Cornice, corbels, or other decorative features along or within roof and gable areas;
 - II. Decorative window trim featuring arched or otherwise upgraded crosshead(s);
 - III. Shutters, shed roof, or other decorative window covering;
 - IV. Enhanced entryway features such as full length sidelights on each side of the entry door, double entry doors, or transom window.
- c. High visibility lots, such as corner lots or those that abut a public perimeter street or public trail, must have at least a brick wainscot on the sides and rear façade of the home.
 - d. Masonry Calculations: The required percentage of brick must be met by the area of the façade after any areas for windows/doors are subtracted.
 - i. Porch gables or similar accessory feature areas shall not be counted in the façade area.
 - ii. For two-story homes, first-floor brick shall be considered to meet the 50% requirement.
 - iii. For single-family attached units, the minimum percentage must be met by the cumulative façade across the group of attached units.

B. Additional Architectural Standards for Attached Single-Family Dwellings

1. Maximum Number of Attached Units: No more than 8 dwelling units may be attached together in a single structure.
2. Roof Pitch and Variation: Variation along the roofline shall be included in any design where more than four attached dwellings are connected to further accentuate the appearance of separate units. This may be achieved through changes in height along the roofline, gables, dormers, or similar feature.
3. Streetscape Diversity: Variation along internal and perimeter streets is required.
 - a. Adjacent buildings should have varied numbers of units to reduce similarities and monotony. Where two adjacent buildings have the same number of attached units, a different combination of floor plans and colors must be used.
 - I. To be considered a different floor plan, there must be substantial differences in the dwelling unit configuration that result in variations in depth, width, and/or result in architectural changes such as projections or recessions along the façade.
 - II. Mirror image flips of floor plans will not be considered a new floor plan.
 - b. Where two adjacent buildings have different numbers of units, they will be considered to meet the streetscape diversity requirement.
 - c. Where two adjacent buildings or buildings on opposing sides of the road have the same number of units, they must use a different combination of elevations and colors. Mirror flips of the building will not be considered to meet the intent of this section.
 - d. No individual floorplan may exceed 40% of the units in any development.



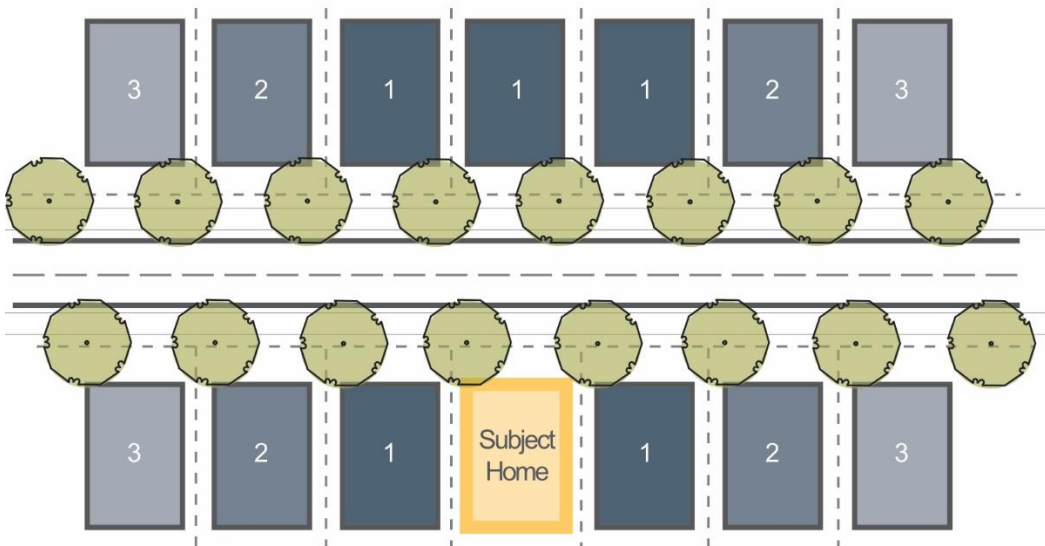
Chapter 5 Image 1. An illustration of a, b, and c in Streetscape Diversity.

- C. **Garages.** A two-car garage is the minimum required for all single-family detached homes. A one-car garage is the minimum required of all attached single-family homes.
1. In single-family detached designs, the proportion of the garage to the overall façade width should be balanced and not overly skewed toward the garage. Front-loaded garages (excluding a third garage bay projected or recessed in accordance with C.3) may not account for more than 60% of the width of the front façade.
 2. Front-loading garages may not project forward of the front façade more than 8’.
 3. Where third-car or larger garages are built, they must project or recess at least 2’ behind the main garage façade or designed to meet the main garage at an angle.

(Am. Ord. 2025-09)

5.6 Architectural Diversity – Anti-monotony Standards

- A. **Applicability.** The following standards apply to single-family detached developments.
- B. **Architectural Diversity.** To improve the architectural diversity along a streetscape, homes of the same elevation and color scheme are not permitted next to or directly across the street from each other. Additionally, the home color scheme may not be repeated for two homes on either side of the subject home and the five homes directly across the street from the subject home. Images follow this section to illustrate the application of this requirement for various lots within a subdivision. In the illustrations:
1. Lots indicated with the number 1 must use a different model/floor plan, brick, and siding colors than the subject property.
 - a. Mirror images or flips of elevations will not be considered a new model or floorplan.
 - b. The Administrator may approve an elevation within the same floor plan to be regulated as a different model for the purpose of anti-monotony only if the elevation has significant architectural differences such as a different roofline (example: gabled versus mansard).
 2. Lots indicated with the number 2 may be the same model as the subject home but must use a different color scheme than the subject property. The color scheme difference may be brick, siding, or both.
 3. Lots indicated with the number 3 may use the same elevation and color scheme as the subject property.
 4. Trim color may be the same on adjacent homes and is not regulated by this section.



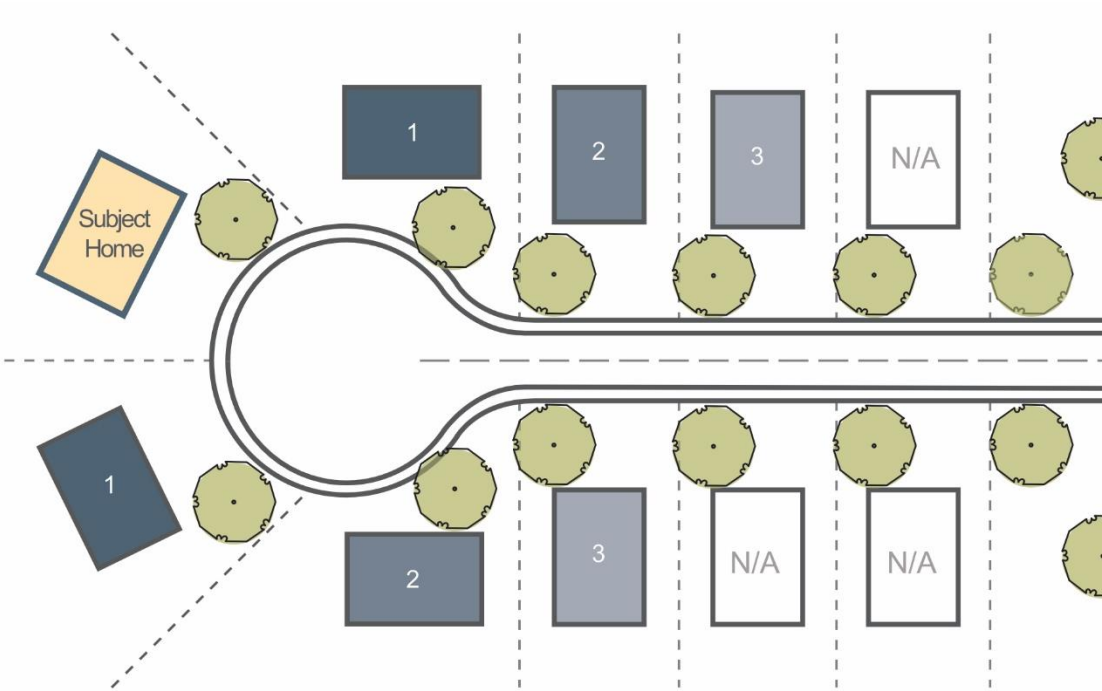
Chapter 6 Image 1 Visual depiction of anti-monotony requirements on a standard street configuration.



Chapter 6 Image 2 This example shows how the anti-monotony standards are applied at an intersection with common area shown in green between the subject lot and another.



Chapter 6 Image 3 This example shows how the anti-monotony standards are applied at an intersection with no common area separating units.



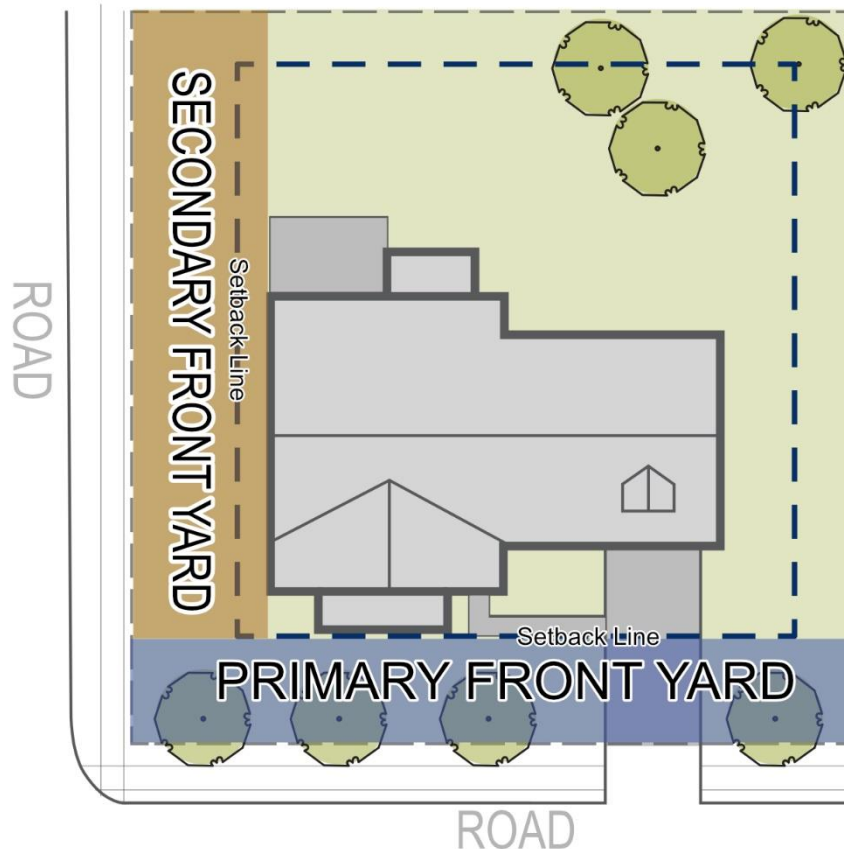
Chapter 6 Image 4 This image shows how the anti-monotony standards apply to a lot on a cul-de-sac.

5.7 Fences and Walls

- A. **Applicability.** These standards apply to fences and walls in all zoning districts.
- B. **Outdoor Storage.** Fences or walls for screening of permitted outdoor storage areas must also comply with [5.15 Screening of Trash, Storage, Loading and Mechanical Areas](#).
- C. **Vision Clearance.** Fences and walls cannot be erected or altered in a manner that obstructs the vision of a vehicle driver ([5.16 Vision Clearance Standards](#)).
- D. **Design Standards For All Districts**
1. Opaque fences must be installed so the finished side of the fence is facing outward (e.g., toward the lot line). Fences on a lot line in which two or more property owners share the expense of the fence are exempt from this provision.
 2. **Permitted Materials:** Wood, composite wood, stone, masonry, wrought iron, decorative metal, PVC, vinyl, zinc or powder coated chain link, and galvanized chain link are permitted materials for fences and walls.
 3. **Prohibited Materials:** Barbed wire, above ground electrified wires, razor wire, chicken wire, metal or plastic slats within chain links, glass, sharpened top spikes, or similarly hazardous materials are prohibited for use in fences and walls. The Administrator may permit the use of barbed wire or razor wire in special circumstances when such use is deemed safe for the general public and extraordinary need can be demonstrated.
 4. **Easements:** Fences are generally discouraged in easements and are only permitted to the extent the entity to which the easement use is dedicated allows it per [7.3 Drainage](#) and [7.4 Easements](#).
 5. Height is measured from the ground level to the top of the fence, consistent with the height definition of this UDO.
- E. **Agricultural Fences and Walls**
1. Chicken wire, wire mesh, and agricultural wire are permitted materials only for fences used to contain livestock or surround fields.
 2. Fences and walls are permitted in side and rear yards. Fences and walls may be located in a front yard if one of the following conditions are met:
 - a. The fence or wall is decorative in nature and does not serve as an enclosure.
 - b. The fence is for the containment of livestock.
 - c. The fence is around a field.
 3. **Height**
 - a. *Front Yard.* Fences used for containment cannot exceed 6 feet in height. Otherwise front yard fences and walls in this district shall be limited to 3 feet.
 - b. *Rear and Side Yards.* Fences and walls shall not exceed 8 feet in height.

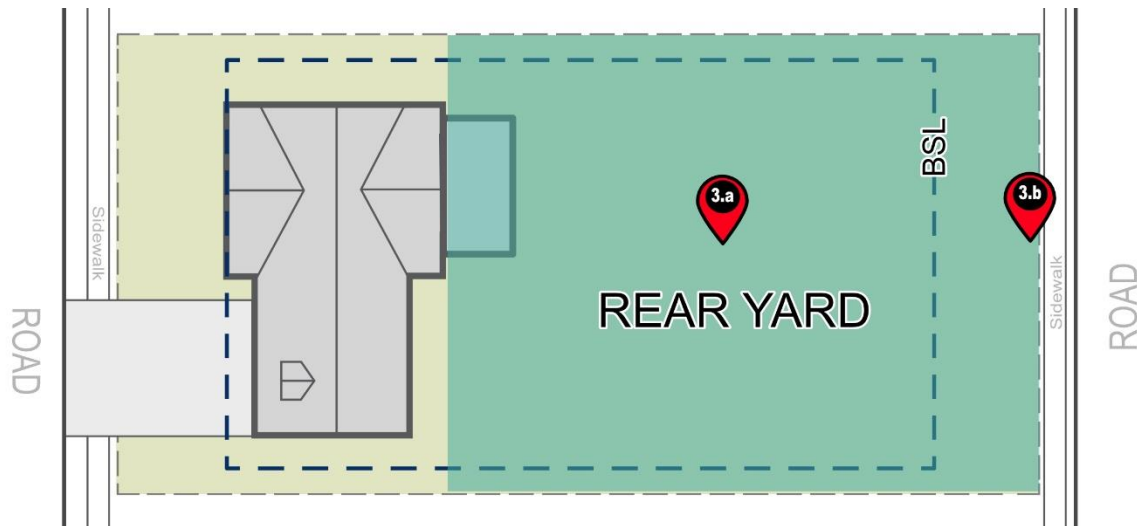
F. Residential Fences and Walls

1. Fences or walls located within a side or rear yard of a residential lot cannot exceed 6 feet in height.
2. Front Yard Restrictions
 - a. Only fences that are decorative in nature and do not serve as an enclosure are permitted in the primary front yard.
 - b. Fences or walls located within the front yard of a residential lot (or primary front yard of a corner lot) cannot exceed 3 feet in height.
 - c. On corner lots, a fence located in a secondary front yard may extend up to 50% into the front yard setback unless an easement prevents the placement of a fence.
 - I. A fence in the secondary front yard under this provision may be up to 4 feet in height.
 - II. The secondary front yard is the yard abutting the street along the side façade of the structure.



Chapter 5 Image 2. Corner lots have two front yards. The primary front yard is the one the building entrance faces.

3. Through-Lots: On through lots, or lots that are bordered by a street or right-of-way on the front and rear side, fences in the rear yard abutting a street or right-of-way must be wrought iron or decorative metal and cannot exceed 5 feet in height.
 - a. Rear yard fences on through lots may be located within the building setback line (BSL) but must be outside of any easements, such as drainage easements, that restrict the placement of fences.
 - b. Where easements are not present, fences under this provision may be placed on the property line as long as the placement is at least 5 feet from any adjacent trail or sidewalk.



Chapter 6 Image 5 This image illustrates the rear yard area as applicable to fences on a through lot.

G. Non-Residential Fences and Walls

1. Non-residential fences and walls shall be permitted in side and rear yards. Fences and walls shall not be permitted in front yards.
2. Fences and walls may not exceed 8 feet in height.
 - a. Administrative Discretion. The Zoning Administrator may permit the height of a fence to exceed 8 feet when such increase would more fully screen a use or associated outdoor area or provide additional security. Discretion shall be limited to 10 feet in height.

(Am. Ord. 2025-09)

5.8 Landscaping – General Standards

- A. **Applicability.** These regulations apply to development in all zoning districts except for those in the AG, RE, and TR Districts. Plantings and landscaping features required by this Ordinance are subject to inspection to verify continued compliance with these regulations.
1. When improvements such as additions to an existing structure occurs, the amount of landscaping required is directly proportional to the percentage of improvements.
- B. **Landscape Plan Review**
1. A landscape plan must be submitted as a part of all development plan and residential subdivision plat applications. A landscape plan may be combined with other required application materials if compliance with these regulations can be demonstrated in the combined materials. The plans must include:
 - a. All proposed landscaping with circles indicating the anticipated plant size at maturity.
 - b. A table listing all proposed plants including the scientific name, common name, quantities, size at planting and plant type (e.g. shade tree, evergreen tree, large shrub, medium shrub, etc.)
 - c. Calculations illustrating how the plan complies with the requirements of this chapter.
 - d. Existing natural and man-made landscape features and proposed buildings and structures.
 - e. Existing trees (8-inch caliper or greater) that will be preserved as part of the project. If existing trees are being used in substitute for any landscape requirement, information and/or a tree inventory on the trees to be saved shall be submitted as part of the landscape package.
 - f. Measures to protect existing trees to be saved must be noted on the plans.
 2. Review: Landscaping plans are subject to Plan Commission review and approval.
 3. Modifications: The Administrator may approve a modification to the landscape requirements in this article when the proposed modification meets the intent and desired effect of the requirements and when strict application is not possible due to particular constraints of the site.
 - a. Considerations may include alternative plantings that accomplish similar screening and beautification goals, plantings placed on an alternate site including public spaces or other areas where the trees will be reasonably preserved and protected, adjustment in planting locations to accommodate utility requirements, or other similar circumstances.
 - b. Development in the UC District may seek modification approval to prioritize the creation of courtyards, greenspaces, and cohesive streetscapes.
 4. Additional Conditions: The Plan Commission may impose conditions on landscaping as part of development plan review approval.
 5. Performance Guarantee: To ensure all landscaping is installed as shown on the plan and in conformance with the requirements of this chapter, the Plan Commission may require the applicant to provide a financial guarantee, as provided in [7.15 Sureties](#).

C. Landscaping General Requirements

1. **Required Plant Materials:** All plant material must be hardy to central Indiana, suitable for the site, free of disease and insects, and conform to the American Standard for Nursery Stock ([ANSI Z60.1-2004](#)). The use of native plants is strongly encouraged ([indiananativeplants.org](#)). Plants listed on the Indiana Invasive Species Council [Invasive Plant List](#) cannot be used to fulfill any requirement of this Ordinance.
2. **Minimum Living Materials:** Within required landscaping areas, a minimum of 60% of the surface area must be covered by living materials or mulch and not gravel, stone, or other non-living materials. Parking islands shall be 100% living materials or mulch except as exempted in 3.b.
3. **Soil Condition and Planting Beds**
 - a. Landscaping required by this Ordinance must be planted in uncompacted soil at least 2 feet in depth.
 - b. Stone may be used in place of mulch in required landscape areas as part of a stormwater best management practice in accordance with [Ch. 151: Stormwater Management](#).
 - c. Mulch volcanoes around trees are prohibited.
4. **Minimum Plant Sizes at Installation:** At the time of installation, the minimum plant sizes must comply with **Table 5-1: Minimum Plant Sizes**. A range of plant sizes is encouraged, so up to 25% of the required plant material may follow the plant sizes shown on the table.

Table 5-1: Minimum Plant Sizes

PLANT MATERIAL TYPE (ASNS TYPES)	MINIMUM SIZE	UP TO 25% MAY BE
Deciduous/ Overstory Shade Tree (Type 1 or Type 2) Single Trunk	2 in. caliper	1.5 in. caliper
Multi-Trunk	10 ft. in height	8 ft. in height
Evergreen/Coniferous Tree	6 ft. in height	4 ft. in height
Ornamental/ Understory Tree Single Trunk	1.5 in. caliper	1.25 in. caliper
Ornamental/ Understory Tree Multi-trunk	6 ft. in height	5 ft. in height
Large Shrub – Deciduous (Type 2 or 3)	24 in. in height	18 in. in height
Large Shrub – Evergreens (Types 4, 5 or 6)	30 in. in height	24 in. in height
Small Shrub – Deciduous (Type 1)	18 in. in height	12 in. in height
Small Shrub – Evergreens (Type 1, 2 or 3)	24 in. in spread	18 in. in spread
Ground cover	3 in. in height	n/a

5 | Site Development Standards

Landscaping – General Standards

5. Plant Material Clearance:
 - a. Except for buffer yard plantings, trees and shrubs cannot be placed closer than 3 feet to any lot line.
 - b. A minimum 5-foot clear area is required around valve vaults, manholes, fire hydrants, and fire department connections.
 - c. Any landscaping placed within an easement is done at the owner's risk. Should the plant material need to be removed to access the easement, the owner is responsible for the costs of removing and replacing the plants.
 - d. All landscaping must comply with **5.16 Vision Clearance Standards**.
6. Plant Material Placement: Plant materials may be grouped but must be located within the landscape area to which it will be credited. The Administrator may authorize adjustments to these placement requirements when necessary due to topography, drainage, utilities, or obstructions, provided the total amount of required landscaping is not reduced.
7. Species Variation: No one species of tree may make up more than 35% of the total number of trees. No one species of shrub may make up more than 35% of the total number of shrubs.
8. Berms: While site conditions will influence the specific design of a berm, if used, berms should meet the following standards:
 - a. Berms should undulate and have curved shapes to be natural in character. Flat, monolithic berms are prohibited.
 - b. There should be at least 3 feet of height undulation within any 100 linear foot measurement along the berm.
 - c. Berm slopes should be no steeper than 3:1 (horizontal to vertical).
 - d. Berm slopes should be stabilized with vegetation to prevent erosion. Where needed, geotextiles to prevent erosion may be approved by the Administrator.
 - e. Swales or drainage structures should be incorporated into the design of the berm to prevent areas of standing water. Underdrains may be required as part of the design.
 - f. Berms cannot be placed on top of utilities without prior approval of the utility company affected.
11. Native Vegetation and Natural Landscaping Areas
 - a. Growing native vegetation including ferns, grasses, sedges, rushes, forbs, shrubs, and trees is permitted in lieu of turfgrass, typically in open space or common areas.
 - I. Natural landscape areas are permitted if planned and designed to control, direct, and maintain the growth of natural native vegetation and may include the detention and infiltration of stormwater runoff in the natural landscape area.
 - b. Natural landscaping areas must not be located within 2 feet of a front lot line, or within 4 feet of any other lot line, except where the natural landscaping is separated from adjacent lots by fencing or continuous shrub growth 3 feet or more in height, or where the natural landscaping area abuts another permitted natural landscaping area on an abutting lot.

- c. Where a natural landscaping area is installed or preserved, a sign not exceeding one square foot should be installed indicating that the area is a natural landscape area and generally not mowed.
12. Rain Gardens, Bioswales and Stormwater Management Features: Areas included in rain gardens or vegetated site features created to meet requirements of the Stormwater Management Ordinance may be counted as a substitute for required parking lot landscaping when located within a parking area. The areas may count towards landscape buffer requirements if located within a required buffer. Where rain gardens or vegetated site features serving a stormwater management purpose are installed, a sign not exceeding one square foot should be installed indicating the area should not be mowed.
13. Retention and Detention Facilities: Landscaping must be provided for stormwater facilities in accordance with Chapter 151 Stormwater Management of the Municipal Code.
14. Installation and Delay of Installation Due to Season
 - a. Landscaping material used to meet the requirements of this Ordinance must be installed in accordance with the planting procedures established by the ANSI A300 Tree Care Operations: Standard Practices for Tree, Shrub and Other Woody Plant Maintenance.
 - b. Landscaping material must be installed prior to issuing a Certificate of Occupancy. The Administrator may authorize a delay in installation due to periods of adverse weather, availability of plant material, or conflicts between construction scheduling and proper planting conditions.
 - I. As a condition of authorizing a delay in installation, a surety or other guarantee may be required, in a form acceptable to the Town, in the estimated amount of the installation per [7.15 Sureties \(Bonds\)](#).
 - II. During any delay in installation, site management must comply with all applicable provisions for sediment and erosion control.
15. Maintenance
 - a. All landscaping required by this Ordinance must always be maintained. Dead, missing, or damaged landscaping, or landscaping that supports less than 50% healthy leaf growth or shows dead branches over a minimum of 50% of the normal branching pattern must be replaced with healthy, live plants by the end of the growing season to maintain compliance with this Ordinance.
 - I. The owner is responsible for the maintenance, repair, and replacement of all required landscaping, screening, and curbing. Failure to maintain required landscaping may be considered a zoning violation and enforced in accordance with [Chapter 9 Enforcement](#).
 - b. If any vegetation fulfilling a requirement of this Ordinance dies or is removed, replacement plant materials must be installed according to these standards. Failure to maintain required landscaping will be subject to enforcement procedures in [Chapter 9 Enforcement](#).

5.9 Landscape Standards – Tree Preservation

A. Existing Vegetation Credit and Bonus

1. Preserved existing vegetation may be credited for landscape materials required by this Ordinance. Credit will not be given for existing vegetation listed on the [Invasive Plant List](#).
2. Preservation of trees and surrounding vegetation will be given credit toward fulfilling landscaping requirements as follows:
 - a. Existing trees and surrounding vegetation may be credited only one time towards any one buffer, screen, or other landscape area requirement.
 - b. Existing trees and surrounding vegetation must be located within the required landscape area to which it will be credited.
 - c. Existing trees that conform to these standards and are proposed to be used for credit must generally have location, species, caliper, and drip line indicated on the required landscape plan.
 - d. Existing trees will be credited as fulfilling a requirement based upon the tree size and provided that the minimum width of the surrounding landscape area is according to the criteria and the quantities of [Table 5-2: Existing Tree Credits](#).

Table 5-2: Existing Tree Credits

EXISTING TREE SIZE (INCHES)	MINIMUM WIDTH OF SURROUNDING LANDSCAPE AREA (FEET)	NUMBER OF TREES CREDITED	NUMBER OF TREES TO BE PLANTED TO REPLACE AN EXISTING TREE
Over 36 DBH	15	10	10
24 to 36 DBH	15	8	8
12 to 24 DBH	10	6	6
8 to 12 DBH	8	4	4
4 to 8	5	2	4
2.5 to 4	5	1	2

DBH = Diameter at Breast Height (4½ feet above the finish grade)

- e. In the event an existing tree that was given credit is removed or dies within 3 years of the Improvement Location Permit issuance date, replacement trees must be planted per [Table 5-2: Existing Tree Credits](#). If the site cannot accommodate the number of replacement trees required, the Administrator may authorize an alternate location for the planting of the replacement trees within the Town as close to the site as feasible.
- f. If the applicant determines that there is insufficient space on the lot to allow for the planting of all replacement trees, or replacement at the required rate would otherwise be inconsistent with the current standards generally observed by landscaping industry professionals, the Administrator may authorize a payment to be collected in lieu of some or all the replacement trees required. The payment amount is the market rate price to purchase the replacement trees, including the costs for installation and mulch. The proceeds of any fees collected under

this section must be used for the planting of trees on public parkways or other public properties in the town.

- B. Existing vegetation used to meet landscaping requirements must be protected during construction by a fence. The fence must encompass an area 1 foot beyond the drip line of the vegetation. The enclosed area must be protected from any land disturbing activity, including placing materials within this protected area.

5.10 Landscaping – Required Buffers and Perimeter Plantings

A. **Landscape Buffers Between Land Uses.** A buffer zone is required along shared property lines between abutting land uses to reduce any incompatibility between uses as required by [Table 5-3: Required Buffer Level Matrix](#). Where a use is not listed, the Administrator shall determine the required buffer. Properties in the UC – Urban Commercial District are exempt from the requirements of this section.

B. **Buffer Standards.**

1. **Location and Placement:** Required buffers are in addition to any required setbacks of the district. They may be established as common area or within a landscape easement within a platted lot.

a. Fences and/or plantings may be in the setback and/or landscape easement for required buffer materials.

b. Trees and shrubs required as part of a buffer along a street may be included in the calculations for required Street Frontage landscaping.

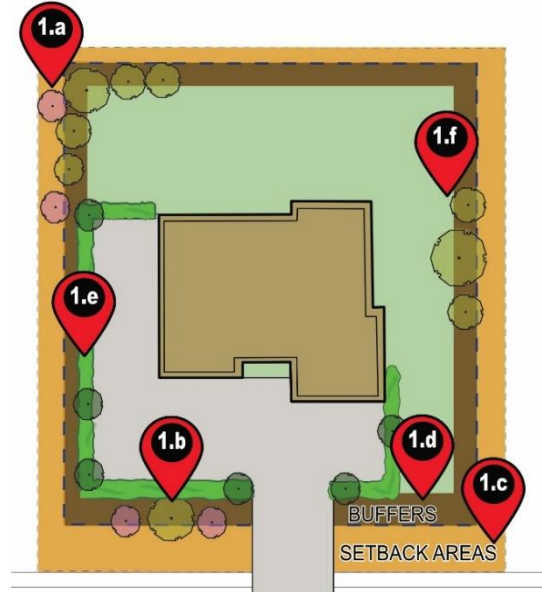
c. Areas directly adjacent to the property line on all sides of the lot are reserved for setbacks (see image).

d. Required buffer yards must be located outside of a setback.

e. Perimeter parking lot plantings may overlap with a required buffer yard to the extent that the required plantings for both can be accommodated. The parking lot itself may not encroach into the buffer yard.

f. Preserved trees along a setback may be counted toward the buffer plantings only for that side of the property.

g. Where preserved trees are located in two separate buffers, the trees should be generally distributed to their respective buffer yards.



Chapter 5 Image 3 A visual example of 5.10(B)(1) components.

2. On properties with multiple owners, the owner's association must have the right to maintain or replace the required landscaping within the landscape easement if the property owner fails to do so.

3. The buffer area must contain natural landscape materials such as grasses, ground cover, shrubs, and trees. Plant spacing should be designed to minimize sound, light, and noise impacts.

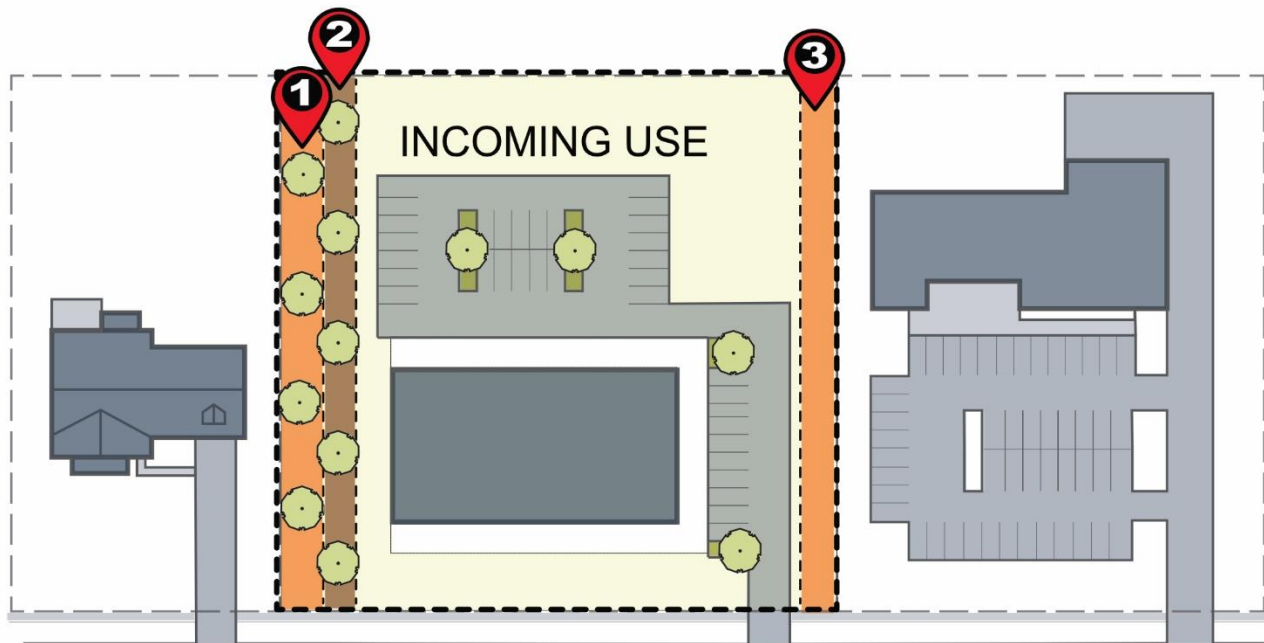
4. Parking or impervious surfaces are prohibited within the buffer area except for access drives or private streets, determined by the Plan Commission to be necessary to provide safe access to a property.

- 5. If the adjacent property is undeveloped, required buffers will be based on the Zoning District of the adjacent property.

C. Required Buffer Matrix and Levels

Table 5-3: Required Buffer Level Matrix

Existing Use	INCOMING USE							
	Single Detached Home	Duplex	Triplex or Quadplex	Townhomes	Apartments	Commercial	Industrial/ Motorsports	Institutional
Agriculture	Low	Low	Low	Low	Low	Moderate	Moderate	Moderate
SF Detached Home	Low	Low	Low	Moderate	High	High	High	Moderate
Duplex	Low	Low	Low	Moderate	High	High	High	Moderate
Triplex or Quadplex	Low	Low	Low	Low	Moderate	High	High	Moderate
Townhomes	Low	Low	Low	Low	Moderate	High	High	Moderate
Apartments	Moderate	Moderate	Moderate	Low	Low	Moderate	High	Low
Commercial	High	Moderate	Moderate	Moderate	Moderate	None	None	Low
Industrial	High	High	High	High	High	None	None	Low
Institutional	Low	Low	Low	Low	Low	Moderate	Moderate	None



Chapter 6 Image 6 The image above depicts buffer considerations for an incoming commercial use. If a residential property is adjacent to it, an additional buffer area will apply (Note #2) along with the setback (Note #1). If it is adjacent to another commercial area, the setback would apply (Note #3).

1. There are 3 levels of buffers: Low, Moderate, and High. Each are presented as follows and one or more options within the tables may be used to satisfy the requirement:

Table 5-4: Low Intensity Buffer

	OPTION 1 BASE STANDARD	OPTION 2 FENCE/WALL	OPTION 3 VEGETATIVE SCREEN
Buffer Width (min.)	10'	5'	8'
Tree Planting (min.)	1 shade, or evergreen tree per 50 linear feet	n/a	n/a
Shrub Planting (min.)	3 large shrubs per 50 linear feet	n/a	Continuous planting at least 6' high and 50% opacity
Fence/Wall (min.)	n/a	6' high 50% opacity	n/a

Table 5-5: Moderate Intensity Buffer

	OPTION 1 BASE STANDARD	OPTION 2 FENCE/WALL	OPTION 3 VEGETATIVE SCREEN
Buffer Width (min.)	15'	8'	10'
Tree Planting (min.)	1 shade or evergreen tree per 25 linear feet	1 shade tree per 50 linear feet	n/a
Shrub Planting (min.)	4 large shrubs per 25 linear feet	4 medium shrubs per 25 linear feet	Continuous planting at least 6' high and 75% opacity
Fence/Wall (min.)	n/a	6' high 75% opacity	n/a

Table 5-6: High Intensity Buffer

	OPTION 1 BASE STANDARD	OPTION 2 FENCE/WALL	OPTION 3 VEGETATIVE SCREEN
Buffer Width (min.)	20'	15'	25'
Tree Planting (min.)*	1 shade or evergreen tree per 20 linear feet	1 evergreen tree per 30 linear feet, plus 1 shade tree per 60 linear feet	1 shade tree and 1 evergreen tree per 35 linear feet
Shrub Planting (min.)*	3 large shrubs per 20 linear feet	3 medium shrubs per 20 linear feet	Continuous planting at least 6' high and 100% opacity
Fence/Wall (min.)	n/a	6' high 100% opacity	n/a
Berm	Undulating berm with 4' 6" minimum height and 6' average height	n/a	n/a

*All plantings shall be on the outside of fence/wall.

D. Street Frontage Landscaping

1. Street Frontage Landscaping: Landscaping is required along perimeter roads of a subdivision and along all street frontages (public or private streets, not including shared access drives or driveways). The amount of landscaping required is based on the length of frontage.

Table 5-7: Street Frontage Landscaping

	MINIMUM # OF PLANTS PER 100 LINEAR FEET			ADDITIONAL REQUIREMENTS
	SHADE OR EVERGREEN TREES	ORNAMENTAL TREES	SHRUBS	
Residential Uses	1	1	5	30% of all plantings must be evergreen
Commercial Uses	1.5	1.5	5	40% of all plantings must be evergreen
Industrial Uses	1.5	2	10	60% of all plantings must be evergreen
All Other Uses	1	1	10	30% of all plantings must be evergreen

- a. The size of these plantings must meet the minimum requirements on [Table 5-1: Minimum Plant Sizes](#).
 - b. Up to 20% of the required shrubs may be substituted with ornamental grasses at least 3 feet in height. The amount of required evergreen shrubs may not be reduced or substituted.
 - c. Properties in the UC – Urban Commercial District are exempt from the Street Frontage Landscaping requirement.
2. Street Trees: Street trees may be planted where sufficient landscape area is provided between the curb and sidewalk or in a street median. Street tree placement should not interfere with utility locations. Where street trees are proposed near or over utility lines, approval must be obtained in writing from impacted utilities prior to approval of the landscape plan.
 - a. Street trees should be spaced at approximately 35 feet on center. The type of tree selected must have an appropriate mature height and root system to minimize future damage and obstruction to the sidewalk.
 - b. Street trees may be counted toward any street frontage or lot landscaping requirement.
 - c. If overhead electric distribution lines are present in the right-of-way, the shade trees are substituted with ornamental trees. The ornamental trees cannot exceed a maximum mature height of 15 feet.
 - d. Where the sidewalk extends from the back of curb to the lot line, tree wells may be installed in the right-of-way to accommodate the required street trees. For tree wells adjacent to sidewalks measuring 5 feet wide or less, the tree well opening must be covered with a tree grate or surrounded by a fence or wall at least 18 inches in height. The opening in a tree grate for the trunk must be expandable or otherwise accommodate the mature diameter of the tree.

5.11 Landscaping – Required Site and Parking Lot Plantings

- A. **On-site Landscaping.** On-site landscaping is meant to promote a beautiful community appearance and enhance the tree canopy within the Town. These planting requirements are in addition to the other landscape requirements of this Ordinance.
1. Calculation of Open Space and Common Areas: On-site plantings are calculated for the overall development or phase of development. The plantings may be distributed throughout the open spaces and common areas of the project.
 - a. Open space shall be considered any area without buildings, structures, parking etc. as defined in [7.6 Open Space Requirements](#) and any platted common area. When calculating the size of open spaces and common areas, the following areas may be subtracted from the gross acreage:
 - I. Athletic fields and sport courts
 - II. Coaching and spectator viewing areas (associated with fields, courts, tracks)
 - III. Play areas with playground equipment
 - IV. Parking areas
 - V. Racetracks
 - VI. Floodway Designated Areas
 2. Planting Requirements: Shade trees must be preserved or planted on site at the rates set below by development type:
 - a. Residential development: 4 shade trees per half acre of open space.
 - b. Commercial development: 4 shade trees and 8 large shrubs per half acre of open space.
 - c. Industrial development: 8 shade trees and 10 large shrubs per half acre of open space.
 - d. All other types: 5 shade trees and 3 large shrubs per acre of open space.
 - e. Agricultural districts: Exempt.
 3. Tree Substitutions: To provide design flexibility and diversity in the landscape, up to 50% of the required open space shade trees may be substituted with an ornamental or evergreen tree at a 2:1 ratio (e.g., 2 evergreen trees substituted for 1 shade tree).
- B. **Residential Lot Landscaping Requirements.** At the completion of home construction, landscaping is required on the individual lot that meets or exceeds the following minimums:

Table 5-8: Individual Residential Lot Landscaping

Housing Type	Minimum Plants Required by Type			
	Shade Trees	Evergreen Trees	Ornamental Trees	Shrubs
Single-Family Attached	1 of any type per unit			4
Single-Family Detached	2	1	1	4

Substitutions: 12 shrubs at least 5 gallon size may be substituted for any one tree.

- C. **Parking Lot Landscaping.** Parking lot landscaping is generally a combination of interior and perimeter planting. Parking lots must provide at least the following landscaping unless otherwise required by this ordinance.
1. Landscaped areas must be protected from vehicular encroachment by curbs. Curbs must be provided with openings to accommodate surface collection of stormwater runoff in vegetated swales and detention facilities.
 2. Perimeter Parking Lot Landscaping
 - a. *Front Yard Parking Areas*
 - I. Where any side of a parking lot lies between a building and street or right-of-way, a landscape area at least 8 feet wide must be provided around the perimeter of the parking lot. This landscape area shall have shade trees planted at 35 feet on center and 4 evergreen shrubs per 35 linear feet.
 - b. *Side or Rear Yard Side and Rear Yard Parking Areas*
 - I. Where any side of a parking lot lies between a building and a side or rear property line, a landscape area at least 6 feet wide must be provided around the perimeter of the parking lot. This landscape area shall be planted with one tree per 35 linear feet of perimeter. Shrubs shall be planted at a rate of 4 medium shrubs per 35 linear feet. Up to 20% of the shrubs may be substituted for ornamental grasses with a height of at least 3 feet.
 - c. *Parking Lots Facing Residential Uses*
 - I. Parking lots that have spaces oriented such that headlights may be directed toward a residential district or use shall provide a continuous landscape screen around that portion of the parking area.
 - a. Screening may include a continuous planting of evergreen shrubs not less than 5 feet in height at the time of planting or double staggered row of evergreens at least 6 feet in height.
 - b. A 6' tall completely opaque fence may be used to meet the screening requirement as long as the location is not in a front yard or otherwise in conflict with [5.7 Fences and Walls](#).
 - i. A fence used to screen a parking area must be placed within 4 feet of the edge of the parking area to ensure that headlights are fully shielded from adjacent properties.
 - c. An undulating, planted berm meeting the standards of Table 5-6 High Intensity Buffer may also be used to meet this requirement.
 3. Interior Landscaping
 - a. Any parking lot with 20 or more parking spaces must provide interior landscaping.
 - b. Landscape islands are required: (1) at the ends of all rows of parking, and (2) intermittently to break up long rows of parking. There can be no more than 200 feet of parking spaces

without a landscape island or similar break. Landscape islands should be distributed evenly throughout the parking lot.

- c. Landscape islands must be at least 8' wide with a minimum area of 160 SF.
 - d. Landscape islands must be planted with one shade tree per individual island or per 160 square feet. Where two islands are placed together to form one combined landscape island, two trees shall be required (example: parking lot islands spanning two rows of parking shall have two trees). Shrubs are broadly discouraged for islands to avoid future growth that blocks visibility. Short grasses or flowers may be included in islands as desired.
 - e. The Plan Commission may consider landscape plans with alternative proposals for landscape islands in the following situations:
 - I. Where a better parking lot arrangement in terms of maintenance, snow removal, or site visibility may be achieved without significant reduction in the number of islands that would be required.
 - II. Where alternative plantings or island considerations are required for stormwater management or other environmental functions.
- D. **Foundation Plantings.** Foundation plantings shall be provided to help soften long expanses of walls and create attractive building facades.
1. **Amount:** The amount of plantings required shall be based on the façade length as described below:
 - a. *Facades under 100' in length.* Any front or side façade shall include foundation plantings at a rate of 1 shrub or ornamental tree per 10 feet of façade length.
 - b. *Facades 100' in length or more.* Any front or side façade shall include foundation plantings at a rate of 2 shrubs or ornamental trees per 10 feet of façade length.
 - c. Ornamental grasses and perennial flowers may be placed in lieu of required shrubs or trees at the rates listed in subsection 2 below.
 2. **Required Plantings:** a mix of shrubs, ornamental grasses, and perennial flower beds.
 - a. No more than 20% of the required plant material may be ornamental grass.
 - b. No more than 10% of the required material may be perennial flower beds.
 3. **Loading Dock or Façade Feature Substitutions:** Where foundation plantings cannot be accomplished in the full amount required due to an access or other design feature, the remaining plant material may be located elsewhere on site at the approval of the Administrator. The substituted amounts and locations must be explained and clearly indicated on the landscape plans.

5.12 Lighting

- A. **Applicability.** These regulations apply to all newly installed or relocated outdoor lighting. When an outdoor light fixture becomes inoperable that was deemed legal nonconforming based on its compliance with a previous code, the replacement light fixture must comply with the standards of this chapter.
- B. **Lighting Plans.** A lighting plan is required as part of a development plan and must include:
1. The location of all existing and proposed lighting structures, supports and light fixtures with graphic and textual description of the fixtures. The description may include cut sheets and illustrations by the manufacturer, lamp types, wattages, and lumen outputs.
 2. A photometric plan showing light measurement readings throughout the property and extending to the property line.
 3. Any other information the Administrator determines necessary to ensure compliance with the provisions of this chapter.
- C. **Exceptions.** The following are exempt from the regulations of this article:
1. All hazard warning lighting required by Federal and State regulatory agencies.
 2. All temporary emergency lighting required by local law enforcement, emergency service, and utility departments.
 3. All traffic control and directional lighting.
 4. All underwater lighting used for the illumination of swimming pools and water features are exempt from the lamp type and shielding standards of this article.
 5. Temporary lighting during the months of November, December, and January provided the lighting does not create unsafe glare on street rights-of-way.
 6. All lighting for temporary festivals and carnivals provided that such lighting does not create unsafe glare on street rights-of-way.
 7. All low wattage residential accent and landscape lighting fixtures having a maximum output of 1600 lumens (equal to one 100-watt incandescent light) per fixture.
- D. **Prohibited Lighting Types.**
1. Mercury vapor lamp or low-pressure sodium lamp.
 2. Laser source light or other similar high-intensity light for outdoor advertising.
 3. Strobe or flashing lights.
 4. Searchlights and/or floodlights for advertising purposes.
 5. Permanent installations of LED strip lights or any unfiltered lighting to outline site elements such as buildings, walls, fences, or windows in non-residential districts. Installations will be considered permanent if they are up for more than 90 days.
 6. Non-cutoff fixtures and/or semi-cutoff fixtures.

E. General Lighting Standards

1. All light fixtures must be full-cutoff and direct light downward, except as provided below.
 - a. Internally illuminated signs or electronic signage is exempt from this standard.
 - b. Architectural lighting, such as façade or landscape up-lighting, is permitted in modest intensities and exempt from the full cut-off requirement. Architectural or landscape lighting must be directed toward the building and not outward toward another property.
2. Lighting sources (except internally illuminated signs) must be positioned in such a manner as to direct light away from adjacent lots and rights-of-way.
3. Lighting sources must be directed away from reflective surfaces to minimize glare upon adjacent lots and rights-of-way.
4. Parking lot light pole height must not exceed 25 feet and must be designed and located to confine emitted light to the parking facility.
5. Street lights must be full cutoff and meet any applicable provisions of the Construction Standards.
6. All lighting fixtures and poles within a single development shall be consistent in style, color, size, height, and design.

F. Special Provisions for Sport Field and Court Lighting

1. Lighting used for sport facilities shall be semi- or full-cutoff.
2. Light pole height must not exceed 100 feet.
3. Lighting for such facilities shall be shut off by 10:00 PM Sunday through Thursday and 11:00 PM on Friday and Saturday

G. Light Trespass. Lighting should be designed such that light spillage across property lines is minimized across all districts. Where zero trespass cannot be achieved, the following maximums shall apply:

1. Agriculture, Park, and Residential Districts: 5 lux
2. Commercial and Institutional Districts: 20 lux
3. Industrial and Motorsports Districts: 30 lux
4. Where a district abuts one of a different type, such as a commercial district abutting a residential district, the trespass maximum of the more restrictive district shall prevail along that lot line.

H. Multifamily Residential, Commercial, and Industrial Additional Lighting Standards

1. All light fixtures must be positioned so the source of the light is not visible from a residential lot or right-of-way when viewed at ground level. Internally illuminated signs or electronic signage is exempt from this standard.
2. Lights on poles, stands, or mounted on a building must have a shield, adjustable reflector, and non-protruding diffuser.
3. Canopy structures must have lights with diffusers which are recessed, and which do not extend below the surface of the canopy.

4. Lighting under awnings and canopies must only illuminate a front building façade, a sign under an awning or canopy, or the sidewalk.
5. Dumpster and trash areas shall be located adjacent to lighting fixtures or have individual lighting within the enclosure to provide safe conditions for employees at night accessing and using the receptacle.

5.13 Loading Standards

A. Off-Street Loading Requirements

1. The following standards apply when a project includes one or more loading dock(s):
 - a. Loading docks must be located so they are not visible from public streets or an adjacent residential district. If such a location is not possible, a loading dock should face the street with the lowest traffic count and be screened per [5.15 Screening of Trash, Storage, Loading and Mechanical Areas](#).
 - b. Loading docks must have adequate area for semi-tractor trailers to maneuver in and out of the facility without blocking rights-of-way, streets, alleys, aisles, or other internal circulation ways.
 - c. Loading docks must be paved with asphalt or concrete.
 - d. Loading docks must be constructed to allow proper drainage away from the structure. Filtration strips are required so loading area drainage systems cannot directly convey water into a storm sewer or waterway.

5.14 Parking and Loading

- A. **Applicability.** The parking standards shall apply to any new primary structures, building additions that increase the footprint of a structure by more than 10%, and any expansion of an existing parking area.
- B. **General Requirements**
1. **Permits Required:** A permit is required prior to establishing a new or expanded parking area. This may be as part of an overall permit for a building or as a standalone Accessory Structure Permit.
 2. **Surface Material:** Driveways, parking, and loading areas must be surfaced with asphalt, concrete, or similar material to provide a durable and dustless surface.
 - a. Gravel driveways and parking areas are prohibited, unless approved by the Administrator for temporary uses or agricultural operations, including seasonal roadside stands.
 - b. Race Event Parking Areas in the MS District may use alternate surfacing material such as gravel, sand, grass, or the like for parking areas that are not used outside of race events. Parking used for daily purposes like staff parking must be paved.
 - c. The Administrator may approve the use of permeable surfaces such as pervious concrete, porous asphalt, permeable interlocking concrete pavers, and concrete or plastic grid pavers.
 3. **Limitations on Parking Areas**
 - a. Required off-street parking facilities can only be used for the parking of passenger vehicles or light trucks for patrons, occupants, or employees of specified uses. Parking facilities cannot be used for storage, display, sale, repair, dismantling, or wrecking of any vehicle, equipment, or material. Inoperable vehicles cannot be stored in an off-street parking area for more than 24 hours, except for areas approved for outdoor storage of vehicles.
 - b. Parking on residential properties is restricted to passenger vehicles and no more than one commercial truck or van with a maximum capacity of three tons (manufacturer's rating).
- C. **Residential Driveways and Parking Areas.** A residential dwelling unit is limited to one driveway with a maximum width of 32 feet measured at the right-of-way line.
1. Residential driveways may encroach up to half the width of any side yard setback.
 2. Residential driveways must comply with [7.12 Street Easements](#) and more specifically 7.12(B) No Access Easements.
 3. Shared driveways shall be exempt from the maximum width provision and setback requirements.
 4. Parking of motor vehicles is not permitted on lawns or any pervious area of a residential lot.
 5. Residential properties shall have only 1 driveway. The Administrator may approve a second driveway or access point when the second driveway will be located 40 feet or more from any driveway on a neighboring property.

D. Required Off-Street Parking

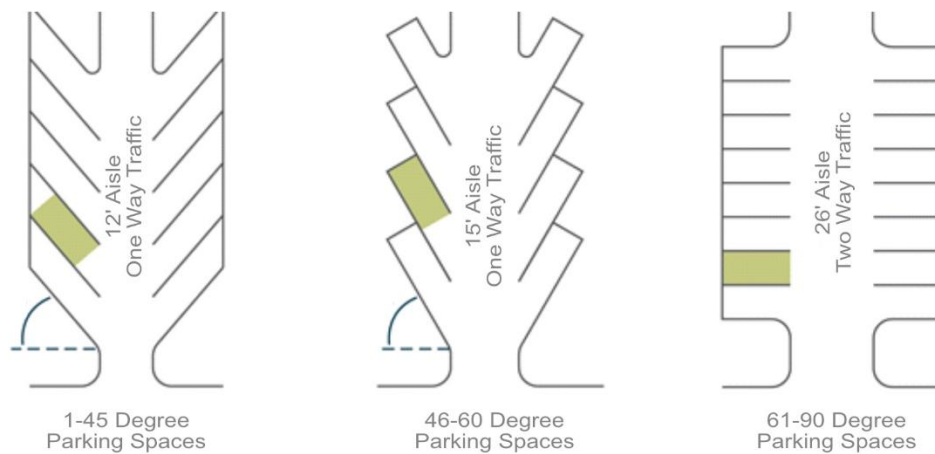
1. Buildings or structures to be erected or substantially altered require off-street parking spaces in accordance with these regulations.
 - a. The minimum number of parking spaces to be provided is identified on the [Permitted Use Table](#). The number of spaces is calculated based on gross floor area of the use to which the parking is accessory, or as otherwise provided on the [Permitted Use Table](#).
 - b. If the calculation of required parking spaces results in a fraction, the fraction is rounded up to the next unit and counted as one additional space.
 - c. For uses not specified on the [Permitted Use Table](#), the minimum number of parking spaces required is determined by the Administrator, based on requirements for similar uses, the gross floor area of the use, and the relationship between the size of the use and the number of persons served or employed.
 - d. For residential uses, parking spaces located within a garage may count toward the requirements.
2. In the UC Urban Commercial District the minimum parking required in Chapter 3 shall not be applicable. Proposals in this district shall provide parking spaces based upon the expected level of demand created by the mix of uses on the site and available public or shared parking in the area.
 - a. An explanation of parking being considered and provided for the site must be included with any Development Plan. Where shared parking is anticipated between separate privately owned parking areas, documentation supporting that an agreement is in place shall be provided.
 - b. One off-street parking space per dwelling unit shall be required where residential uses are proposed.
3. **Bicycle Parking:** At least one bicycle rack shall be included near the entrance of any nonresidential development.
 - a. Bike racks must accommodate at least 5 bicycles.
 - b. Shopping centers may provide shared bike racks between multiple tenant spaces and should reasonably space the bike racks throughout the shopping center (recommended maximum spacing: 300 feet).

E. Design Standards for Off-street Parking Areas. Off-street parking areas must be developed according to the standards of this section.

1. **Accessibility:** Off-street parking or loading facilities must be designed with vehicular access to a street or alley in a manner that least interferes with traffic movement on that street or alley. Vehicle maneuvering space for parking and loading must be located on the subject property. Driveways must be spaced in accordance with [7.11 Street Access and Entrance Standards](#).
2. **Location of Parking and Loading:** Off-street parking and loading spaces must be provided on the same lot as the use served, except as otherwise provided in this Ordinance.

3. **Layout:** Each off-street parking space must open directly upon an aisle or driveway to provide safe and efficient vehicular access to the parking spaces. Aisles or driveways must remain unobstructed and always allow for the passage of emergency vehicles.
4. **Aisle Width:** The minimum aisle width for angled parking shall follow the table below.

ANGLE OF PARKING SPACE	MINIMUM AISLE WIDTH
1-45 degree	12 feet (one-way traffic)
46-60 degree	15 feet (one-way traffic)
61-90 degree	20 feet (one-way traffic) 26 feet (two-way traffic)



Chapter 6 Image 7 An illustration of parking aisle minimums.

5. **Size of Spaces:** Off-street parking spaces must be at least 9.5 feet wide and 18 feet long with a vertical clearance of 7 feet. Parallel parking spaces must be at least 8 feet wide and 22 feet long. Parking spaces are exclusive of access drives, aisles, ramps, columns, and work areas. Stacking spaces, when required, must be a minimum of 8 feet wide by 20 feet long.
6. **Curbing:** Curbs and gutters built per the Town's Construction Standards are required around the perimeter of all required parking areas and landscape islands within the parking areas to prevent a parked vehicle from extending beyond the parking area onto a street right-of-way or adjacent property and to protect landscaped areas. Wheel stops or similar installations are not considered acceptable substitutions for curbing.
7. **Drainage or Runoff:** Parking areas must be graded and drained, so water does not flow onto adjacent property or public sidewalks. Runoff generated by parking areas must be collected in appropriate drainage facilities per [Ch. 151: Stormwater Management](#).
8. **Striping of Parking:** Parking areas must be striped and maintained to identify each parking space.
9. **Lighting:** Parking lot lighting must comply with the standards of [5.12 Lighting](#).
10. **Landscaping:** Off-street parking areas must be landscaped in accordance with [5.11 Landscaping – Required Site and Parking Lot Plantings](#).

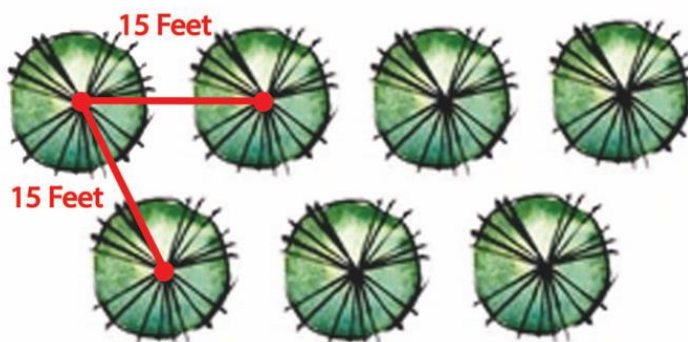
11. Accessible Parking: Accessible parking must be provided pursuant to the *Americans with Disabilities Act (ADA) of 1990*, as amended.

F. Reduced Parking Requirement Options

1. Credit for On-Street Parking: Wherever on-street parking is provided in the improvement of a street, credit toward off-street parking requirements may be granted for every parking space provided. On-street parking is subject to approval by the Administrator and specifically not permitted in the following areas:
 - a. On an arterial street.
 - b. Within 20 feet of a corner.
 - c. Within 5 feet of each side of a driveway or alley.
 - d. Within a fire hydrant zone or other emergency access zone.
2. Shared Parking: Groups of users requiring parking spaces may create a shared parking facility if all the criteria below are met. Approval by the Plan Commission is required.
 - a. Off-site, off-street parking facilities are within 600 feet of the subject property(ies).
 - b. Safe and convenient pedestrian access must be provided between the parking facilities and uses.
 - c. Interior vehicle access must connect the properties sharing the parking facilities. This requirement may be waived in the UC.
 - d. Shared parking facilities may cross interior lot lines of abutting parcels.
 - e. A written reciprocal parking agreement or similar document with a minimum duration of 20 years, signed by all property owners involved is required. It must include provisions for: easements (if applicable), maintenance, snow removal, ownership, and liability. The agreement must be recorded in the County Recorder's office with a copy provided to the Department. When the reciprocal parking agreement expires or terminates, the uses for which the parking was provided are considered non-conforming. Continuation or expansion of the uses is prohibited unless the use is brought into compliance with the parking regulations of this chapter.
3. Deferred Parking: When development of a site will occur in phases, the Plan Commission may defer some of the required parking until it is needed if:
 - a. A development plan shows all required parking but identifies those spaces that will not be constructed until needed.
 - b. Any area designated for deferred parking must be maintained as grass or a landscaped area. Parking lot landscaping required for the deferred spaces can be installed when the deferred parking area is constructed.
4. Construction of all or a portion of the deferred parking spaces may be initiated by the owner or required by the Town based on actual parking needs.

5.15 Screening of Trash, Storage, Loading and Mechanical Areas

- A. **Screening of Trash Receptacles.** Screening is required around all garbage containers, trash receptacles, pallet storage areas, trash compactors, recycling areas, and other similar facilities in all zoning districts unless exempted below:
1. Garbage containers, trash receptacles, pallet storage areas, trash compactors, recycling areas, and other similar facilities must be completely and permanently screened from view of rights-of-way and where possible, adjoining properties.
 - a. Receptacles less than 150 gallons used for a single-family residence in any zoning district shall be exempt from screening standards.
 2. Trash enclosures cannot be in an established front yard or in any required side or rear setback.
 3. The enclosure must be solid on all sides, excluding gate areas, and not less than 6 feet in height. Taller enclosures are permitted to screen taller receptacles to the maximum height allowed in [5.7 Fences and Walls](#).
 4. Enclosures must have opaque gates. The gates cannot be oriented towards residential properties or rights-of-way, where possible.
 - a. Gates and doors on enclosures must be kept closed when not in use.
 5. Enclosures must be constructed of materials that match or complement the primary building.
- B. **Screening of Loading Areas.** In all zoning districts, screening is required around loading areas and other similar facilities where the loading area is visible from a public right-of-way or a residential district. Screening can be accomplished using one or a combination of the following measures:
1. A double row of evergreen trees, triangular spaced, with a maximum spacing of 15 feet on center.



5.15 Image 1 Triangular plantings create a double row of trees to provide screening.

2. An opaque fence or wall of approved material positioned to block views of the loading area from an adjacent public right-of-way or residential district. The fence or wall must be at least six feet in height or up to the maximum height allowed in [5.7 Fences and Walls](#). Fences and walls may not be located in front yards.

3. A planted landscape berm with a minimum height of 4.5 feet and an average height of 6 feet. There must be at least 4 feet of height undulation within any 100 linear foot measurement along the berm. Landscaping shall be strategically selected and placed along the berm to block views of the loading area in all seasons.
- C. **Screening of Outdoor Storage Areas.** Screening is required around outdoor storage areas and other similar facilities in all zoning districts. Screening is required where the outdoor storage area is visible from a public right-of-way or a residential district.
1. Requirements: Unless otherwise permitted in accordance with this section, a screen consists of a solid, sight-obscuring fence or wall meeting the following specifications:
 - a. At least 6 feet but no more than 8 feet high.
 - b. The wall or fence must use materials consistent or complementary to the principle building. Chain link fencing is prohibited. Materials must be durable, weather resistant, rust proof, and easily maintained.
 2. If approved by the Plan Commission, a screen may consist of berms and/or landscaping as a substitute for a fence or wall. The alternate design must provide the same degree, or enhanced screening as required by this section.
- D. **Screening of Building Mechanical Equipment**
1. Screening is required around building mechanical equipment and other similar facilities in all non-residential zoning districts.
 - a. Screening is required even if the surrounding area or adjacent properties are not developed.
 2. Mechanical equipment must be completely and permanently screened from the view of rights-of-way and adjoining properties.
 - a. Roof-mounted equipment screening options include parapet walls, enclosures, or other similar architectural elements that match or complement the primary building.
 - b. Ground-mounted equipment screening options include a mound or berm, an opaque wall or fence, or a combination of these methods.
 3. The screening must be at least as tall as the equipment being screened.

5.16 Vision Clearance Standards

A. **Vision Clearance Triangle.** A vision clearance or sight triangle shall be maintained at every intersection of two (2) or more streets, intersection of a street and alley, and intersection of a street and driveway.

1. Horizontal Area:

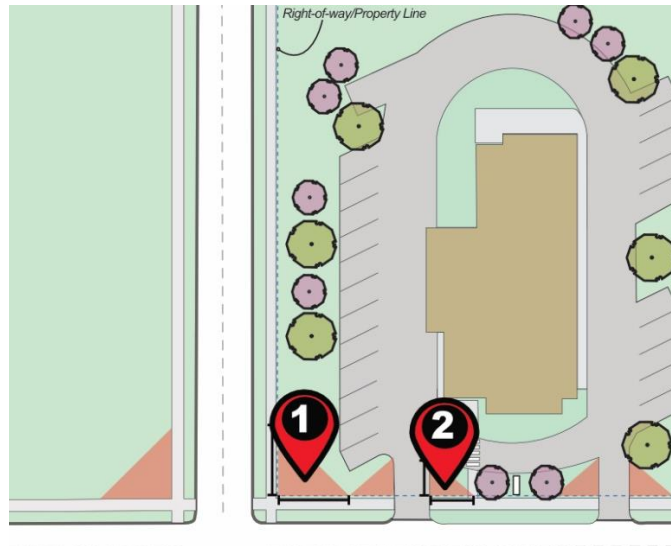
a. *Streets.* The vision clearance triangle leg lengths shall be measured from the intersection of right-of-way lines (see "1" in the illustration below). If the right-of-way line curves, then each right-of-way line shall be extended to form a corner point to measure from. The distances for each leg of the vision clearance triangle shall be as follows:

I. Speed Limit 30 MPH or Less: A triangle leg that parallels a street with a speed limit of 30 MPH or less shall be twenty-five (25) feet.

II. Speed Limit 35 MPH to 40 MPH: A triangle leg that parallels a street with a speed limit of 35 MPH to 40 MPH shall be thirty-five (35) feet.

III. Speed Limit 45 MPH or Greater: A triangle leg that parallels a street with a speed limit of 45 MPH or greater shall be forty-five (45) feet.

2. Alleys and Driveways: The vision clearance triangle leg lengths shall be ten (10) feet as measured from the right-of-way line and the intersection of a driveway or alley (see "2" in the illustration below). The edge of pavement shall be used for driveways and alleys.



Chapter 6 Image 8 The image above shows various locations where Vision Clearance Triangles are required.

B. **Vertical Area.** No primary or accessory structures, landscaping, fences, walls, or signs shall be permitted to be placed or to project into the vision clearance triangle between the heights of two (2) feet and nine (9) feet above the crown of the adjacent roadway.

C. **Exemptions.** Public street signs and utility poles shall be exempt from the vision clearance standards.



SIGNAGE

CHAPTER 6

CONTENTS

6.1	Permits Required	144
6.2	Prohibited Signs	146
6.3	General Sign Provisions	147
6.4	Measurement Standards.....	148
6.5	Freestanding Signs.....	150
6.6	Street Classification Corridors.....	152
6.7	Wall Signs	153
6.8	Projecting & Awning Signs	156
6.9	Other Site and Building Signs.....	159
6.10	Subdivision or Entry Feature Signs	161
6.11	Temporary Signs	162
6.12	Parks District Signs	164
6.13	Nonconforming Signs	166
6.14	Violations	167

[Click Here to Return to the Main Table of Content](#)

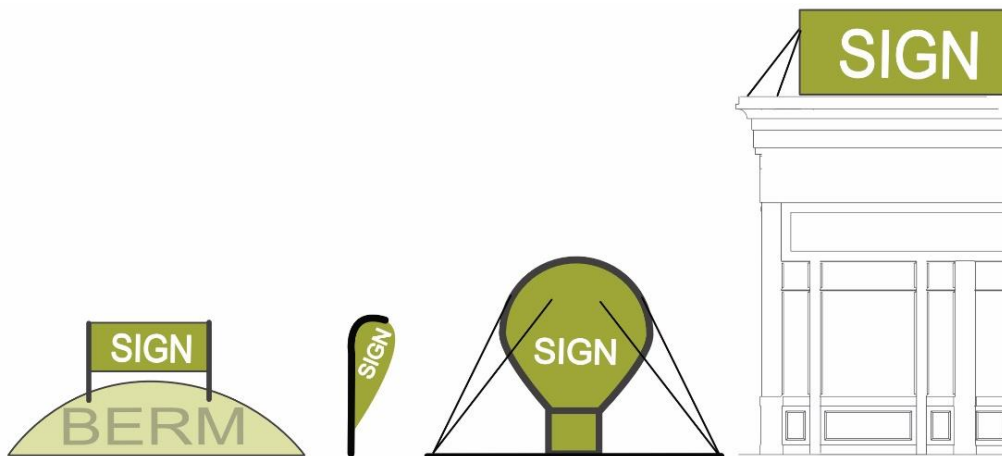
6.1 Permits and Applicability

- A. **Purpose.** The standards and requirements of this chapter are intended to be content-neutral, uniform regulations that permit reasonable use of signs and ensure they are:
1. Provided in an appropriate place and manner for their respective uses;
 2. Are consistent with neighborhood characteristics desired by the Town;
 3. Prevent traffic and pedestrian hazards through the avoidance of visual clutter, distraction, and obstruction; and
 4. Protect public health, safety, and general welfare of zoning districts and neighborhoods throughout the Town.
- B. **Applicability.** Standards apply regardless of sign content and are to be applied in accordance with U.S. and Indiana constitutional provisions. This Chapter is based on the premise that signs are as much subject to control as other characteristics of land use that, if not regulated, can become a nuisance to adjacent properties or the community in general, diminish the value of other properties, or otherwise pose a hazard to public health, safety, and welfare.
- B. **Permits Required.** Except as otherwise provided in this chapter, it is unlawful for any person to erect, construct, enlarge, move, or convert any sign without first obtaining a sign permit from the Administrator.
1. Application for a permit is made to the Administrator via electronic filing through the permit portal with required information to assure compliance with this Ordinance.
 2. Payment of permit fees is required prior to issuance of the permit.
- C. **Exemptions.** The following signs may be installed or erected without a permit:
1. **Devices:** The following devices, as described, are not considered commercial messages and shall be exempt from permitting requirements. However, all items below must meet all **Vision Clearance Triangle** standards and not impair site visibility.
 - a. Historic and/or memorial markers placed under the authority of the local, state, or federal government.
 - b. Address numbers.
 - c. Hours of operation and other similar business information.
 - d. **Flags.** Flags projecting over a sidewalk in the right-of-way must maintain a clear space of 8 feet from the bottom of the flag to the ground.
 - e. Regulatory devices and required posting mandated by a State or Federal law or agency shall be exempt when the size of the device is consistent with the minimum requirement. Example: Parking area signage with the international symbol of accessibility or van accessible recognized logo for Americans with Disability Act (ADA) compliance and accessibility.
 - f. Murals and art not containing logos, business names, or other established branding.

2. Exempt Commercial and Regulatory Signs: The following signs are considered commercial messages but shall be exempt from permit requirements due to their incidental size and/or required and regulatory posting.
 - a. Window signs applied to the exterior of the window/door glass where the sign does not exceed 50% of the glass area. Windows that are immediately adjacent, on the same wall face of the same building, may include window signs covering up to 50% of the *cumulative* area. Window signs are permitted on ground floor windows only.
 - b. Commercial messages displayed inside a building or on an exterior site feature such that the message cannot be viewed legibly by motorists. This would include, but is not limited to, product signs on an interior shelf in a grocery store, printed logos and signage on fabric umbrellas in seating areas, branded clocks or similar artwork in a store, and the like.
 - c. Exterior wall-mounted display boards (such as those for small postings or menus) or tenant directory boards located on the exterior of the building when the area of the display board is less than 6 square feet. The board must be located within 6 feet of the building entrance.
 - d. *Outdoor Sports Field Signs*. Sponsorship signs on an outdoor scoreboard, dugout, press box, fence, bleachers, concession stand, or similar structures used in conjunction with a legally established sport field when meeting the following standards:
 - I. The signs must be designed and placed to be primarily seen by the players and audience.
 - II. If an advertising sign is visible and legible from a public street it must comply with the sign standards of the applicable district.
 - e. Incidental site signs located within any setback, such as traffic direction signs, less than 4 square feet in area and less than 6 feet in height located on non-residential properties.
 - I. Logos, if used, cannot exceed 50% of the sign area.
 - II. A maximum of 2 incidental signs per entrance may be placed when in compliance with this section.
 - f. Interior site signs outside of any setback and interior to the site, including those located at a site feature like a fueling pump or ice cooler, provided the area of each sign does not exceed 3 square feet.
 - g. Temporary signs in all districts of 4 square feet or less when meeting the following standards:
 - I. Two temporary signs per street frontage are allowed on all properties. Additional signs may be allowed on properties with more than 100 feet of street frontage at a rate of 1 sign per 100 feet of additional frontage length.
 - II. Must be located outside of any right-of-way in accordance with [General Sign Provisions](#).
 - III. Nothing in this subsection shall be interpreted to limit political signs in accordance with Indiana Code or other applicable laws and regulations.

6.2 Prohibited Signs

- A. The following sign types are prohibited in all districts:
1. Pennants, streamers, balloons, or feather signs.
 2. Signs that employ any flashing, moving, oscillating, blinking, or variable intensity light, such as rolling, fading, moving, or animated parts that are designed to give the appearance of movement are prohibited.
 3. People spinning or twirling signs along a street.
 4. Roof signs.
 5. Any sign within a vision clearance triangle or a right-of-way; on any traffic control device, street sign, construction sign, or utility pole; on any fence; attached to any tree, shrub, or other natural object; on or integrated into any bench; or on any telecommunication antennae or tower.
 6. Billboards and offsite advertising signs: The following types of signs are not considered billboards or offsite signs:
 - a. Multi-tenant signs located on a shared access drive.
 - b. Conforming signs that have subsequently been separated from their original parcel.
 - c. *Joint Signage*. Adjacent property owners may enter into a written agreement to have joint signage in lieu of individual signs. No additional sign area for any individual property is granted due to a joint signage agreement beyond what is allowed as a gateway sign.
 7. Abandoned signs: A business that has been closed for 60 consecutive days must ensure all signs are removed from the property.
 8. Any vehicle or trailer with the primary function of acting as a sign.
 9. Signs placed on landscape berms.



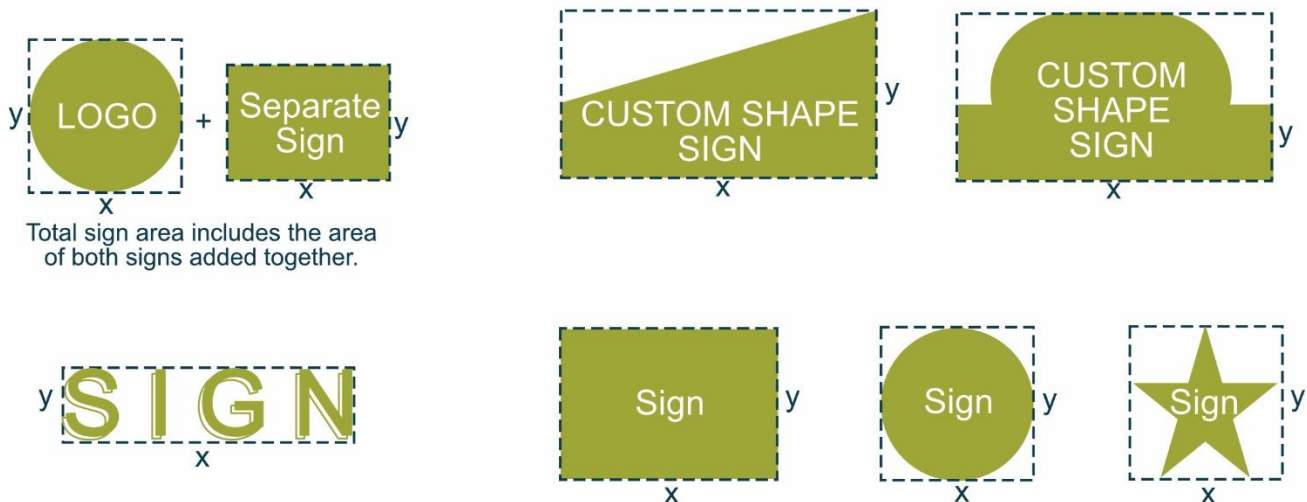
Chapter 6 Image 1 Illustrations of some of the prohibited sign types.

6.3 General Sign Provisions

- A. **Right-of-Way Placement Prohibited.** Signs cannot be placed in, upon, or over any public right-of-way, alley, or other public place unless authorized by the Town Council.
1. Projecting signs, awnings, canopies, and the like that extend into rights-of-way must have the minimum clearance required in this Ordinance.
 2. Sidewalk/sandwich board signs, where allowed, do not require approval to be located in the right-of-way. Such signs must meet the standards of 6.9(D).
- B. **Clearance.** A sign cannot be erected in any place where it may, due to its position, shape, color, or other characteristic, interfere with, obstruct the view of, or be confused with any authorized traffic signs, signal, or device, or constitute a nuisance. Signs must be outside any [Vision Clearance Triangle](#).
- C. **Sign Lighting**
1. Light fixtures used to illuminate a sign, other than an internally illuminated sign, should be mounted on top of or above the sign structure and must comply with the shielding requirements of this chapter.
 2. Ground-mounted or bottom-mounted light fixtures must be fully shielded, and all light output directed onto the sign surface.
 3. The light source of externally illuminated signs must be enclosed and directed to prevent light from shining directly onto traffic or residential properties.
 4. Signs cannot scroll, flash, blink, oscillate, or have any other appearance of movement.
- D. **Electronic Reader Board and Changeable Copy**
1. Electronic reader board signs, otherwise known as Electronic Message Centers (EMCs), must have an instantaneous change between static messages, with a minimum 7 second delay between displays.
 2. A sign permit is required for EMCs.
 3. EMCs are not permitted within the Urban Commercial and Residential Districts.
 4. EMCs are permitted as part of a wall or freestanding sign, but only one such sign at the property. EMC's cannot exceed the changeable copy area allocations noted in this chapter.
 5. Glare must be reduced or minimized to maintain an appropriate level of contrast at all times.
- E. **Maintenance of Signs**
1. All signs must be maintained free of peeling paint or paper, sun fading, staining, rust, or other conditions that impairs legibility. Landscaping around signs should be strategically placed and maintained to ensure legibility. Routine maintenance does not require a permit. Exact replacement of faded or worn letters, and similar repairs, is considered routine maintenance.
 2. Any signs permitted by the provisions of this chapter, including all supports, braces, guys, and anchors, must be maintained in conformance with this chapter and in such a manner so as not to cause a hazard to the public.

6.4 Measurement Standards

- A. Wall sign measurements based on framed sign styles or individual letter sign styles are as follows:
1. For a wall sign which is framed, outlined, or painted to provide a background for a sign display, the area and dimensions must include the entire portion within the background or frame.
 2. For a wall sign comprised of individual letters, figures, or elements on the surface of a building one or more rectangles or squares may be used to determine the area of the elements in the sign.
 3. Awning signs placed on a retractable awning shall count toward the cumulative sign area whether retracted or extended.



Chapter 6 Image 2 The image above shows various sign shapes and the bounding boxes for sign area measurement.

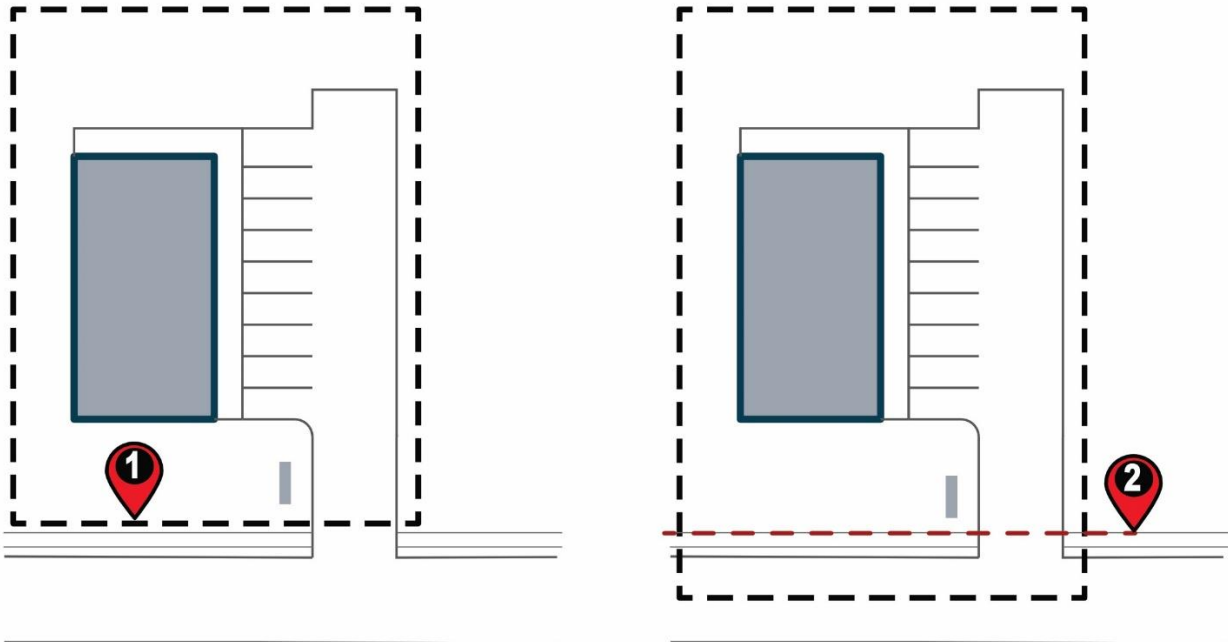
- B. For a freestanding sign, the sign area shall include the entire portion of the sign and any background within the frame, but does not include:
1. A pole or structural support unless the support is internally illuminated or part of the display.
 2. Architectural features that are part of the freestanding structure which are an integral part of the sign.
- C. A multi-faced sign is calculated by measuring each sign face and adding them together.
1. If 2 sign faces are placed back-to-back, it is counted as one sign. If one of the sign faces is larger, the sign area is calculated using the larger of the 2 faces.
 2. If 2 sign faces are placed back-to-back and separated by a 45-degree or larger angle, each face is calculated independently, and they are counted as a multi-faced sign.

D. The height of a freestanding sign is measured as the vertical distance from the highest point of the sign to the grade of the ground immediately beneath the sign.

1. Signs may not be placed on berms to create a taller sign. Placement on berms is considered a prohibited location per [Prohibited Signs](#).

E. Setback Measurements

1. Setback measurements for a wall sign must be measured from the right-of-way/property line to determine the maximum sign area allowed.
 - a. Where the property line extends to the centerline of the road, the measurement shall be taken from the edge of the road pavement plus 5 feet in accordance with Setback Measurement Standards in [2.2\(E\)\(1\)\(a\)\(I\)](#).

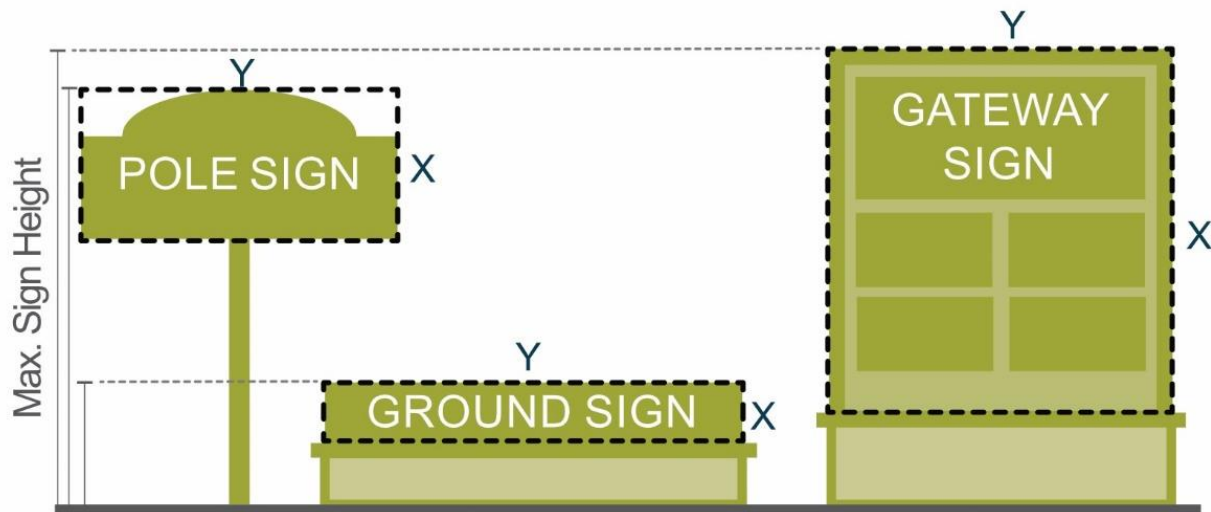


Chapter 6 Image 3. Note #1 is a platted lot- the sign measurement begins from the property line. Note #2 illustrated 6.4(E)(1)(a) with a property line to the center of the road and an adjusted setback line measurement.

2. Setback measurements for a freestanding sign must be measured based on the leading edge of the sign. The leading edge is the closest point of the sign to the property line.

6.5 Freestanding Signs

- A. **Description.** A sign permanently anchored to the ground and not attached to a building shall follow the standards for freestanding signs. A freestanding sign is typically placed along the road serving the property to identify to motorists, pedestrians, and cyclists the location of the property. Examples of freestanding signs include:
1. **Ground Sign:** A sign with a masonry or other substantial base that is permanently affixed to the ground, or a sign that is supported by 1 or more poles, posts, or braces with a clear space of 4 feet or less. A monument sign is another name for a ground sign.
 2. **Pole Sign:** A sign that is supported by 1 pole, post, or brace mounted to the ground with a clear space of at least 4 feet from the finished grade to the bottom of the sign face.
 3. **Gateway Sign:** A sign typically located near a major entrance indicating the presence of multiple tenants on a property being owned or managed as a single development, such as a shopping center, office park, or industrial park. Gateway signs may only be used for multiple-tenant developments.



Chapter 6 Image 4 Various Freestanding Signs are illustrated above with area and height notations.

- B. **Permitted in Zoning Districts.** A sign permit is required for a freestanding sign.
1. Freestanding signs are permitted in all districts **except** the R1, R2, R3, and UC Districts.
 2. For subdivision entry feature signs, see [6.10 Subdivision Entry Features](#).
 3. For Parks District signs, see [6.12 Parks District](#).
- C. **Design Standards.** Freestanding signs must meet the standards of [Table 6.6\(C.1\)](#) below.

Table 6.6(C.1) Freestanding Signs Standards

1. Freestanding Sign Standards						
Sign Type	Standard	CORRIDOR (See Table 6-7 For Corridor Listing)				
		1	2	3	4	5*
Ground Sign	Max. Height (FT)	14	12	12	12	6
	Max. Area (SF)	100	75	65	50	60
Pole Sign	Max. Height (FT)	30	25	20		
	Max. Area (SF)	100	75	65		
Gateway Signs (2-6 Tenant Spaces)	Max. Height (FT)	35	25	20		
	Max. Area (SF)	150	125	90		
Gateway Signs (7+ Tenant Spaces)	Max. Height (FT)	35	25	20		
	Max. Area (SF)	250	200	120		
Maximum Quantity	1 per lot Corner lots with 500 feet or more of total frontage may place a second freestanding sign. The second sign may only be a ground sign. There must be at least 200 feet between the two signs as measured from the closest points of each.					
Changeable Copy	The area dedicated to changeable copy cannot exceed 40% of the total sign area					
Minimum Setback (based on leading edge of sign)	5' from the property line for platted lots 10' from edge of pavement where property line falls in the center of the road					
Freestanding sign standards are based upon their location within certain corridors of the Town. For roads not listed in Table 6.7 Corridor Classifications are designated Corridor 4.						
See 6.4 Measurement Standards for additional details on sign measurement.						
<i>*Some areas of Corridor 5 are zoned UC. Freestanding signs are not allowed in the UC District.</i>						

6.6 Street Classification Corridors

Some signs in these regulations are based upon their location within certain corridors of the Town. These corridors are designated as follows:

TABLE 6-7: CORRIDOR CLASSIFICATIONS

	From	To	Designation
GREEN STREET			
	E 800 N	Whittington Drive	Corridor 3
	Whittington Drive	Loraine Drive	Corridor 1
	Loraine Drive	56 th Street	Corridor 3
	56 th Street	Lincoln Avenue	Corridor 5
	Lincoln Avenue	Town Limits	Corridor 3
MAIN STREET (US Hwy 136)			
	W. Northfield Drive	White Lick Creek	Corridor 3
	White Lick Creek	Odell Street	Corridor 5
	Odell Street	Raceway Road	Corridor 3
W. NORTHFIELD DRIVE			
	W. Main Street	McNeese Way	Corridor 3
	McNeese Way	Green Street	Corridor 2
E. NORTHFIELD DRIVE			
	Green Street	E. 56 th Street	Corridor 2
	E. 56 th Street	E. Main Street	Corridor 3
E. 56TH STREET (E 600 N)			
	Green Street	Pit Road	Corridor 3
	Pit Road	Ronald Reagan Pkwy.	Corridor 2
GARNER ROAD (E 700 N)			
	Winding Creek Trail	Wild Ridge Blvd.	Corridor 3
HORNADAY ROAD (N 800 E)			
	E. Main Street	E 300 N	Corridor 2
	E 300 N	S. Northfield Drive	Corridor 3
RONALD REAGAN PARKWAY			
	Town Limits	E. 56 th Street	Corridor 2
	E. 56 th Street	Highway 136	Corridor 1
	Highway 136	Town Limits	Corridor 2

6.7 Wall Signs

- A. **Description.** A sign attached parallel to or painted on the wall of a building shall follow the regulations for wall signs.
- B. **Permitted in Zoning Districts.** A sign permit is required for a wall sign.
1. Wall signs are permitted in all districts **except** the R1, R2, and R3 District.
 2. For Parks District signs, see [6.12 Parks District Signs](#).
- C. **Sign Standards.** Wall signs must meet the required standards based on the type of building (single-tenant or multi-tenant) in the following tables. Maximum Sign Area is determined by the sign's distance from the right-of-way.

1. Wall signs cannot extend beyond the edge of any wall perpendicular to the one on which the sign is placed.
2. The distance between the face of the wall and the face of the sign should be 12 inches or less.
 - a. If the distance exceeds 12 inches, the sign is considered a projecting sign.
3. Signs may be placed on accessory structures, but no additional sign area shall be granted based on the size or setback of the accessory structure.
4. See [Table 6.8\(C.1\)](#) for single-tenant wall sign standards.
5. See [Table 6.8\(C.2\)](#) for multi-tenant wall sign standards.
6. See [6.4 Measurement Standards](#) for additional details on sign measurement.



WALL SIGN AREA = "X" x "Y"

Chapter 6 Image 5 This illustration shows the sign area and bounding box for measurements.

Table 6.8(C.1) Single-Tenant Wall Sign Standards

Single-Tenant Building Wall Sign Standards							
Standard	AG, IS	C1	C2	C3	UC	I1, I2, MS	
Max. Quantity	2 per façade 4 total	2 per façade 4 total	2 per façade 5 total	3/front façade, 2/ side & rear facades 6 total	1/side of bldg, 4 total	2 per façade 4 total	
	Setback	Maximum Square Footage Per Façade					
Max. Sign Area (SF) (Based on Setback Distance From ROW)	Up to 50'	25	Front: 25 Side/Rear: 7	Front: 30 Side/Rear: 10	Front: 35 Side/Rear: 20	3 SF/LF of façade for 80% of façade	Front: 50 Side/Rear: 20
	51-100'	30	Front: 35 Side/Rear: 15	Front: 55 Side/Rear: 20	Front: 70 Side/Rear: 30		Front: 90 Side/Rear: 35
	101'-150'	45	Front: 70 Side/Rear: 20	Front: 105 Side/Rear: 35	Front: 125 Side/Rear: 70		Front: 150 Side/Rear: 70
	151'-200'	76	Front: 85 Side/Rear: 35	Front: 170 Side/Rear: 55	Front: 200 Side/Rear: 100		Front: 250 Side/Rear: 115
	201'-250'	90	Front: 100 Side/Rear: 50	Front: 255 Side/Rear: 84	Front: 375 Side/Rear: 120		Front: 400 Side/Rear: 170
	251'+	110	Front: 125 Side/Rear: 75	Front: 300 Side/Rear: 100	Front: 400 Side/Rear: 150		Front: 425 Side/Rear: 200
	All Signs	The maximum sign area is the smaller of the square footage above or 3 square feet per linear foot of façade					
Max. Sign Height	80% of the spandrel area or sign board or 10', whichever is less	80% of the spandrel area or sign board or 10', whichever is less	80% of the spandrel area or sign board or 20', whichever is less	80% of the spandrel area or sign board or 20', whichever is less	80% of the spandrel area or sign board or 10', whichever is less	80% of the spandrel area or sign board or 30', whichever is less	
Max. Changeable Copy Area	40% of sign area						
Illumination	internal or external						

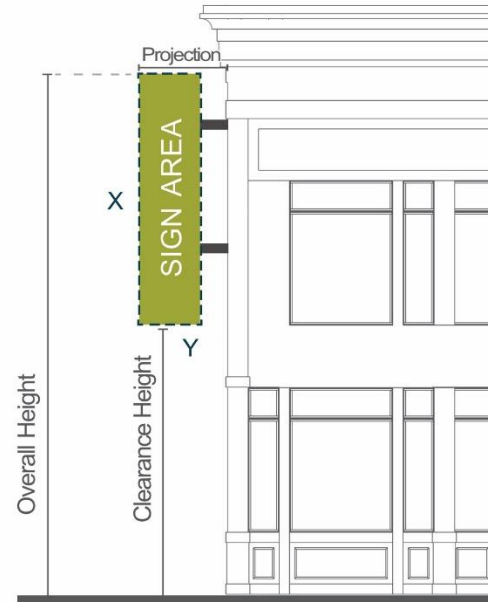
Table 6.8(C.2) Multiple-Tenant Wall Sign Standards

Multiple-Tenant Building Wall Sign Standards							
Standard	AG, IS	C1	C2	C3	UC	I1, I2, MS	
Max. Quantity	1 per tenant +1 for corner	1 per tenant +1 for corner	1 per tenant +1 for corner	1 per tenant +1 for corner	1 per tenant +1 for corner	1 per tenant +1 for corner	
	Setback	Maximum Square Footage Per Façade					
Max. Sign Area (SF) (Based on Setback Distance From ROW)	Up to 50'	25	25	Front: 25 Side/Rear: 10	Front: 28 Side/Rear: 10	3 SF/LF of façade for 80% of façade	50
	51-100'	30	30	Front: 36 Side/Rear: 14	Front: 73 Side/Rear: 27		50
	101'-150'	30	45	Front: 70 Side/Rear: 26	Front: 139 Side/Rear: 52		70
	151'-200'	52	55	Front: 114 Side/Rear: 43	Front: 228 Side/Rear: 85		114
	201'-250'	59	65	Front: 169 Side/Rear: 63	Front: 337 Side/Rear: 126		169
	251'+	73	75	Front: 200 Side/Rear: 75	Front: 400 Side/Rear: 150		200
	All Signs	The maximum sign area is the smaller of the square footage above or 3 square feet per linear foot of façade					
Max. Sign Height	80% of the spandrel area or sign board or 10', whichever is less	80% of the spandrel area or sign board or 6', whichever is less	80% of the spandrel area or sign board or 8', whichever is less	80% of the spandrel area or sign board or 10', whichever is less	80% of the spandrel area or sign board or 8', whichever is less	80% of the spandrel area or sign board or 20', whichever is less	
Max. Changeable Copy Area	40% of sign area						
Illumination	internal or external						

6.8 Projecting and Awning Signs

A. Projecting Signs

1. **Description:** Projecting signs extend at least 12 inches from the façade of a building, with the sign face perpendicular to the building wall. There are three types of projecting signs that may be considered:
 - a. An *upper-floor projecting sign* is a limited use double-faced sign attached to the end or corner of a multiple-story, multiple-tenant building and typically located on the highest floor of the building.
 - b. A *primary projecting sign* is a double-faced sign attached to a building and associated with a tenant space.
 - c. A *secondary projecting sign* is a double-faced sign attached to a building or suspended from a canopy, awning, or roof structure.
2. **Permitted in Zoning Districts:** A sign permit is required. Primary and upper-floor projecting signs are permitted in the UC Urban Commercial District only. Secondary projecting signs are permitted in all non-residential districts for multi-tenant buildings.
3. **Design Standards:** Projecting signs must be placed to minimize impedances, hazards, or obstructions to pedestrian and vehicle traffic.
 - a. The top of a primary projecting sign cannot extend above the plane of the bottom of the second-floor windowsill.
 - b. If the sign encroaches into the right-of-way, prior to installation the encroachment must be approved by the Town Council or the Indiana Department of Transportation depending upon who has jurisdiction.
 - c. Changeable copy text is not permitted on projecting signs.
 - d. Additional standards are in [Table 6.9 Projecting Sign Design Standards](#).



Chapter 6 Image 6 This image shows an upper story projecting sign and illustrates various standards.



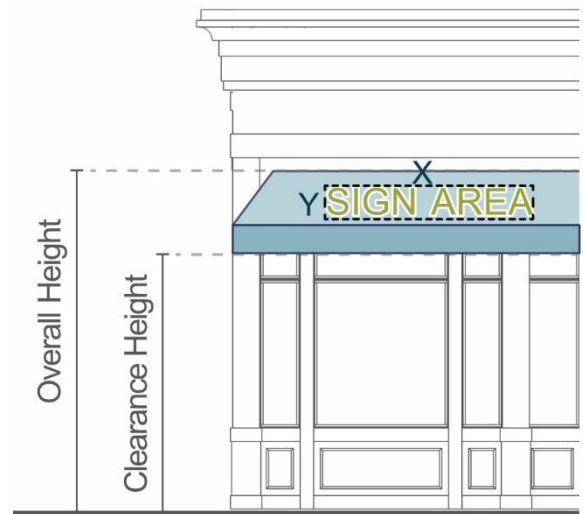
Chapter 6 Image 7 This image shows a projecting sign and illustrates various standards.

Table 6.9 Projecting Sign Design Standards

	Projecting Sign Type		
	Upper-Floor	Primary	Secondary
Minimum Clearance	8 feet		
Maximum Overall Height	Shall be based on the building height. Upper-Floor Projecting Signs must not disrupt any architectural details such as cornices or be above the roofline.	16 feet	N/A
Minimum Projection	12 inches from building		
Maximum Projection	6 feet from the building or 1 foot less than the projection of the sidewalk, whichever is less		
Minimum Separation Between Signs	20 feet as measured from the closest point of any two signs		
Maximum Number of Signs	1 per corner of building	1 per tenant	1 per tenant
Illumination	Internal	Internal or External	Internal or External
Building-Use Type	Multi-Tenant Only	Single- or Multi-Tenant	Multi-Tenant Only
Permitted Locations	Highest building floor and placed at or within 10' of the corner of the building	On the tenant space within 15 feet of the entrance	Within 10 feet of the entrance

B. Awning/Canopy Signs

1. **Description:** A sign mounted or printed on a building feature that provides shelter or cover from the elements.
2. **Permitted in Zoning Districts:** Awning/Canopy signs are permitted in all non-residential zoning districts. A sign permit is required.
3. **Maximum Height:** Canopies and awnings must not extend above the bottom of the 2nd floor windowsill.
 - a. Signs may have a maximum height of 80% of the awning or canopy height.
 - b. Signs may not be partially or fully above the top plane of the canopy or any roof structure.



Chapter 6 Image 8 This image illustrates an awning with sign content and various other standards.

4. Maximum Area: The maximum sign area is as follows:

<u>Zoning District</u>	<u>Maximum Area/Awning Face</u>
C3, UC	20 SF
C2, I1, I2, MS	15 SF
All other districts	10 SF

5. Maximum Number: One per face of the awning or canopy.
6. Illumination: Awning signs may be externally illuminated only.
7. Design Standards: Signs extending over the public right-of-way must have at least 8 feet of clearance between the bottom of the sign and pedestrian areas and 14 feet of clearance in vehicular areas. If the sign encroaches into the right-of-way, prior to installation the encroachment must be approved by the Town Council or the Indiana Department of Transportation depending upon who has jurisdiction.

6.9 Other Site and Building Signs

A. Drive-Thru Signs

1. Description: Menu or information board as an accessory structure for commercial use with a drive through window. This includes drive-up menu boards mounted in the ground or on the building.
2. Permitted in Zoning Districts: Drive-Thru signs are permitted in all non-residential districts. A sign permit is required.
3. Maximum Height: 8 feet.
4. Maximum Area: 40 square feet per drive-thru lane.
5. Maximum Number: 2 per drive-through lane.
6. Illumination: A drive-thru sign may be illuminated with internally or externally mounted lights.
7. Design Standards: A drive-thru sign must be located in the drive-thru lane and face vehicles in that lane. Drive-thru signs cannot be readable from the public right-of-way.

B. Directional Signs

1. Description: Directional signs larger than the internal site traffic signs allowed under 6.1(C) may be placed to help guide incoming traffic and site users to various areas of the property.
2. Permitted in Zoning Districts: Directional signs are permitted in all nonresidential zoning districts. Directional signs placed under this portion of the ordinance require a permit.
3. Maximum Height: 4 feet in the AG, IS, C1, C2, C3 and UC Districts and 8 feet in the I1, I2, and MS Districts.
4. Maximum Area: 12 square feet in the AG, IS, C1, C2, C3, and UC Districts and 24 square feet in the I1, I2, and MS Districts.
5. Maximum Number: 1 sign is permitted per entrance.

C. Display Board Signs

1. Description: A sign used for displaying information and advertisements. Examples include permanently affixed bulletin boards or encased display boards containing maps, menus, specials, events, performances, and other postings.
2. Permitted in Zoning Districts: Display board signs are permitted in all non-residential districts. A sign permit is required for display boards larger than those allowed under 6.1(C). Additional permits are not required for subsequent postings within the display board.
3. Maximum Height: 6 feet.
4. Maximum Sign Area: 40 square feet.
5. Maximum Number: One per building tenant.
6. Illumination: A display board sign may be illuminated internally or externally.

7. Design Standards: A display board sign must be framed with wood, metal, or other durable material and be permanently attached to the building or be a designated space on the building. Postings on the display board sign cannot exceed the size of the display board sign.

D. Sidewalk Signs

1. Description: A freestanding, moveable, temporary sign such as a sandwich board sign displaying information and advertisements that is out for only a portion of the day and removed each evening during non-business hours. Examples include a menu or specials board, additional drive-thru signage during specific hours, and the like.
2. Permitted in Zoning Districts: Sidewalk signs are allowed in all non-residential districts. A sign permit is required upon first placement of the sign.
3. Maximum height: 4 feet.
4. Maximum sign area: 6 square feet.
5. Maximum Number: One per tenant.
6. Illumination: Not permitted.
7. Design Standards: Postings or panels within sidewalk signs must be securely fastened and kept in good condition. Sidewalk signs may not be stored or left outside overnight or outside of business hours. Sign placement must be in accordance with [6.3\(A-B\)](#).

6.10 Subdivision or Entry Feature Signs

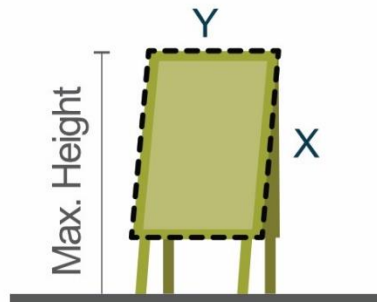
- A. **Description.** An identification sign located or displayed at the entrance of a development, such as a residential neighborhood or commercial center.
- B. **Permitted in Zoning Districts.** Entry feature signs are permitted in all districts.
- C. **Maximum Height.** 8 feet.
- D. **Maximum Sign Area.** The sign area (e.g. the text and logo) of the entry feature cannot exceed 32 square feet for the primary entrance and 16 square feet for each additional vehicular entrance.
- E. **Maximum Number.** Up to 2 single-sided entry feature signs flanking the entrance or 1 double-sided sign is permitted per vehicular entrance.
- F. **Illumination.** An entry feature sign may be illuminated by external ground lighting.
- G. **Design Standards.** An entry feature sign must be a ground sign and located near a vehicular entrance. The sign cannot be located within the right-of-way. An entry feature sign must be located outside the vision clearance triangle and at least 10 feet from the right-of-way for platted properties and at least 10 feet from the edge of pavement for unplatted parcels. The area around the entry feature sign must be landscaped to create a positive aesthetic for the overall entrance into the development. Entry feature signs must be maintained by the property owner, an owner's association, or similar legal entity.

6.11 Temporary Signs

A. Temporary Sign

1. **Description:** A banner, ground sign, or self-standing sign (such as a sandwich board placed on a sidewalk).
 - a. All temporary freestanding signs must be self-standing or affixed to a temporary frame and posts. Sign structures that are placed in the ground and not removed when a temporary sign is removed shall be considered a permanent sign and counted toward the maximum sign area allowed for the site.
 - b. Banners may only be used as on-building signs.
 - c. A temporary sign shall not include items such as flag/feather banner signs or any other sign listed in [Prohibited Signs](#).
 - d. Temporary signs not exceeding 4 square feet in sign area do not require a permit when placed in accordance with [Signs Exempt from Permits](#).
2. **Permitted in Zoning Districts:** Temporary signs are permitted in all zoning districts. A permit is required for a temporary sign placed under this section.
3. **Temporary Sign Area and Height:** Temporary sign standards by zoning district are as follows:

Zoning District	Maximum Sign Area	Maximum Height
AG, R1, R2, R3, M1, M2, UC	24 SF	6 feet
PR, C1, IS	32 SF	8 feet
C2, C3	40 SF	10 feet
I1, I2, MS	60 SF	10 feet



4. **Maximum Number**
 - a. **Temporary Freestanding Signs.** 1 sign per lot frontage plus 1 additional sign on lots with more than 300 feet of street frontage. On corner lots, the signs on separate street frontages must have at least 150 feet of separation.
 - b. **Temporary On-Building Signs.** 1 sign per street frontage for single-tenant buildings. For multiple-tenant buildings: 1 temporary on-building sign per tenant.

5. Duration: A temporary sign can be displayed not more than 30 days starting from the date of permit issuance. Permits may be issued for temporary signs at the same location up to four times per calendar year. A temporary sign displayed for more than 30 days is considered a permanent sign and must meet all design standards and permitting requirements of permanent signs. Sidewalk signs (self-standing signs such as an A-frame sign) that are in place only during business hours are exempt from these duration limitations.
6. Design Standards: The following standards apply to temporary signs:
 - a. Temporary freestanding signs cannot be illuminated.
 - b. A moveable business sign can only be displayed during hours the business is open to the public. The entire sign structure, including the sign panel and supporting structure, must be removed, and placed indoors when not on display.
 - c. Signs advertising a temporary event may be installed up to 7 days prior to the event and must be removed within 5 days of the conclusion of the event.
 - d. Banner signs must be securely attached to the building and maintained in good condition. Banners must be positioned so they do not cover any window or interfere with other building openings.
 - e. A freestanding temporary sign in the UC Urban Commercial District must be located on a sidewalk such that they do not block or impede accessibility. Banners can only be located on the first floor façade.

B. Temporary Sales Office Signs

1. Description: A temporary sign(s) that convey information for a temporary commercial office, such as a leasing office or model home. A sign permit is required.
2. Permitted Zoning Districts: Temporary sales office signs are permitted in all zoning districts.
3. Maximum Height: 4 feet
4. Maximum Area: 24 square feet
5. Maximum Number: 4 signs per lot. The aggregate area of the signs cannot exceed the maximum sign area permitted.
6. Design Standards:
 - a. Temporary sales office signs must be removed within 7 days of the permanent closure of the sales office.
 - b. Signs cannot be located within any public right-of-way, vision clearance triangle, or easement (other than a sign easement).

6.12 Parks District Signs

- A. **Applicability.** The following standards apply to properties zoned PR – Parks and Recreation District.
- B. **Permanent Signs.** Permanent signs shall meet the specifications below:

Permanent Park Sign Standards					
Standard	Park Acreage				
	1-9 ac	10-19 ac	20-29 ac	30-39 ac	40 ac +
Cumulative Maximum Area (includes all wall, ground, and awning signs)	132 sf	142 sf	159 sf	193 sf	226 sf
Ground Signs					
Maximum Sign Area (Primary Entrance)	48 sf				70 sf
Maximum Sign Area (Secondary Entrance)					48 sf
Maximum Height	16 feet				
Maximum Quantity	1 per primary vehicle entrance; 1 per additional vehicle entrance for parks 40 acres or larger				
Minimum Setback	5' from the property line for platted lots 10' from edge of pavement where property line falls in the center of the road				
Wall Signs					
	<i>Single-Tenant Buildings</i>		<i>Multiple-Tenant Buildings</i>		
Maximum Sign Area	3 square feet of sign area per linear foot of façade for 80% of facade		3 square feet of sign area per linear foot of façade for 80% of facade		
Maximum Quantity	1 per side of building, not to exceed 4 cumulatively		1 per tenant space, plus 1 additional per corner space if located on the side facade		
Maximum Projection from Building	12 inches		12 inches		
Awning Signs					
	<i>Single-Tenant Buildings</i>		<i>Multiple-Tenant Buildings</i>		
Maximum Sign Area	18 sf per awning face		10 sf per awning face		
Maximum Quantity	1 per awning over a door or window		1 per awning over a door or window		
Maximum Projection from Building	6 feet		6 feet		
Clearance from Ground	8 feet above pedestrian walkways 14 feet above vehicular drive areas		8 feet above pedestrian walkways 14 feet above vehicular drive areas		
Display Board Signs					
	<i>Single-Tenant Buildings</i>		<i>Multiple-Tenant Buildings</i>		
Maximum Sign Area	40 sf		20 sf per tenant		
Maximum Quantity	1		1 per tenant		
Maximum Height	14 feet		14 feet		

C. Additional Standards for Permanent Signs

1. Changeable Copy: If changeable copy is used in any ground or wall sign, it shall be no more than 40% of the sign area. Messages must be static and not animated.
2. Illumination: Illumination may be used for ground, wall, or awning signs when in accordance with 6.3 C. Awning signs may not be internally illuminated.
3. Display Board Sign postings shall not exceed the size of the display board. Postings shall not need separate permits.

D. Sponsorship Signs. Sponsorship signs may be placed internally in Parks Districts provided the following conditions are met:

1. Maximum quantity: no limit.
2. Maximum sign area: 10 square feet per single-sponsor sign; 48 square feet per sign listing four or more sponsors.
3. Maximum height: 10 feet.
4. Changeable copy: not permitted.
5. Illumination: not permitted.
6. Location: Sponsorship signs must be no less than 35 feet from any existing or proposed right-of-way and setback at least 10 feet from any other property line.
7. Permit: not required.

E. Temporary Signs shall follow the standards of [Temporary Signs](#).

6.13 Legal Nonconforming Signs

- A. **Maintenance Permitted.** Legally established nonconforming signs may not be expanded, enlarged, or extended; however, they may be maintained and repaired to continue the useful life of the sign.
1. Exempt activities such as switching out the sign panels may be completed.
 2. The removal of any part of the nonconforming sign shall lose any legal nonconforming status that applies to that portion.
 - a. Example: If a sign is legal nonconforming in setback and height, removing any portion of the top of the sign would require any replacement to be done in a manner that conforms to the height provisions of this code. However, removing the top portion of the sign has no impact on the setback, and would not require the complete relocation of the sign.
 - b. The Administrator may allow the replacement of a removed portion of a legal nonconforming sign when the overall nonconformity will be reduced by 20% or more.
 - I. Example: if the top portion of a sign that is legal nonconforming in height is removed, but could be replaced at a reduced total height, this may be considered by the administrator when the height is at least 20% closer to meeting the standards of this ordinance.
 - II. This option shall only be used for extenuating circumstances such as, but not limited to, the relocation of a sign due to site development, emergency utility or infrastructure repairs, or similar.
 - III. Signs required to be relocated as part of a public infrastructure improvement project such as road widening shall not be considered to have lost their legal nonconforming status and may be moved to another location on the site that meets the provision of this ordinance.
- B. Any nonconforming sign, sign structure, or frame substantially destroyed by neglect, deterioration, fire, accident, or other casualty loss (50% or more) cannot be restored or rebuilt unless it conforms to this chapter.

6.14 Violations

- A. **Unsafe Signs.** If the Administrator determines any sign is unsafe or constitutes a hazard to the public, such as obstructing vision of vehicle drivers or pedestrians, they may have the sign removed or require its immediate removal.
- B. **Signs in Violation of UDO.** If the Administrator determines any sign has been constructed, erected, or maintained in violation of the provisions of this chapter, the Administrator may have the sign removed or require its immediate removal.
- C. **Unauthorized Signs on Public Property.** Any sign placed or erected in a public right-of-way or other public land, without being specifically approved, is deemed an unlawful sign. The Town may remove such sign or require its immediate removal and is not required to notify any party of the removal of the sign in advance.
- D. **Enforcement.** A person who violates or fails to comply with the requirements of this chapter is subject to enforcement action per [CHAPTER 9 - ENFORCEMENT](#).



SUBDIVISION REGULATIONS

CHAPTER 7

CONTENTS

7.1	Subdivision Design Principles and Standards	169
7.2	Blocks	172
7.3	Drainage	173
7.4	Easements	174
7.5	Monuments and Markers	179
7.6	Open Space - General Requirements	181
7.7	Open Space – Amenity Requirements.....	183
7.8	Owner’s Association	187
7.9	Pedestrian Networks	189
7.10	Streets and Rights-of-Way	190
7.11	Street Access and Entrance Standards	193
7.12	Street Easements	195
7.13	Street Lights.....	200
7.14	Street Signs	201
7.15	Sureties (Bonds).....	202
7.16	Utilities	205

[Click Here to Return to the Main Table of Contents](#)

7.1 Subdivision Design Principles and Standards

- A. In addition to the standards outlined in [Chapter 5 – Site Development](#), all subdivisions must comply with the standards in this chapter.
- B. **Natural Design.** When subdividing land or developing a site, regard must be shown for natural features such as wooded areas, watercourses, historic sites, or similar conditions which, if preserved, add attractiveness and value to the proposed development.
- C. **Sanitary Sewers and Public Water Supply.** Subdivisions and new developments are required to have public sanitary sewers and public water supply in all zoning districts except the Agriculture District.
- D. **Construction Standards.** The Town Construction Standards and Specifications ("Construction Standards), as published and maintained, must be referenced for applicable road, utility, storm, and other specifications of the Town.
- E. **Installation.** The applicant is responsible for installing all required public improvements at the applicant's expense without reimbursement, unless otherwise agreed upon in writing by the Town Council. Any field changes to infrastructure plans must be approved by the project engineer and the Town of Brownsburg. The applicant is required to maintain all public improvements and provide for snow removal on streets and sidewalks until the public improvements are complete and accepted by the Town.
- F. **Property Boundaries.** Any property line disputes between the applicant and adjoining property owners must be resolved prior to any plat or plan approval.
- G. **Waivers.** Requirements in this section are generally relevant to plats and any modification thereof shall primarily be through the Waiver process noted in [Chapter 8 – Process](#).
- H. **Supplementary Visual Guides.** The following pages have visual guides for residential and non-residential subdivisions. These are for reference only and not intended to provide an exhaustive list and representation of applicable sections.



Chapter 7 Image 1 The above image provides a visual representation of some of the various chapters and sections to be referenced in residential subdivision design.



Chapter 2

- 1. Lot Standards

Chapter 5

- 2. Tree Preservation
- 3. Landscape Buffers
- 4. Landscaping
- 5. Vision Clearance

Chapter 6

- 6. Signs

Chapter 7

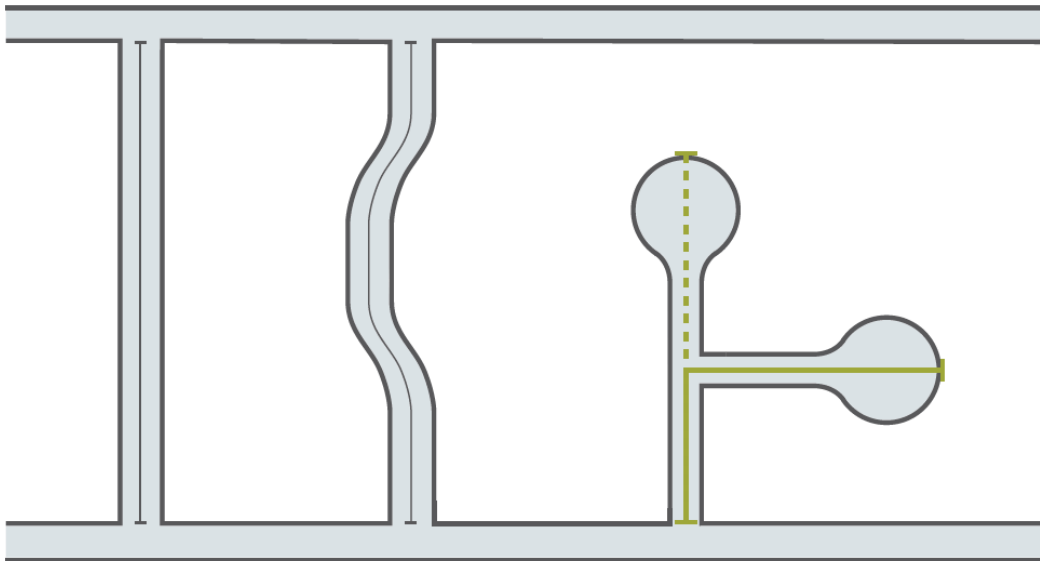
- 7. Block Length
- 8. Drainage
- 9. Easements
- 10. Pedestrian Networks
- 11. Streets and ROW
- 12. Access & Entrances
- 13. Street Easements

Other sections may be applicable. This image is for supplementary purposes.

Chapter 7 Image 2 The above image provides a visual representation of some of the various chapters and sections to be referenced in commercial subdivision design.

7.2 Blocks

- A. **Dimensions.** Block length and width within bounding streets must be sufficient to accommodate the lot sizes required by the zoning district and to provide convenient access, circulation, and safety of vehicular and pedestrian traffic.
- B. **Length.** Blocks should be scaled appropriately to eliminate unnecessarily large blocks. The Plan Commission may approve an alternative maximum block length during the plat review if the applicant demonstrates necessity due to a site constraint or to preserve natural areas. The following standards apply:
 - 1. Residential Development: The maximum block length in a residential development is 1,320 feet.
 - 2. Non-Residential Development: The maximum block length for non-residential development is 2,640 feet.



Chapter 7 Image 3. Visual example of block length measurement.

- C. **Depth.** Residential blocks must have sufficient depth to accommodate two tiers of lots, except where lots back up to high volume streets, open space, or floodplain.
- D. **Compatibility with Existing Development.** When a proposed residential subdivision abuts an existing neighborhood with wider lots, the proposed subdivision should match the lot widths of the existing residential neighborhood where they share a rear property line per the requirements in **Chapter 2 – Zoning Districts**.

7.3 Drainage

- A. A drainage system is required for proper drainage of new developments. The system must be designed and constructed per [Ch. 151: Stormwater Management](#) and any applicable requirements in the Brownsburg Construction Standards. Drainage ponds must have easements in favor of the owner's association permitting the association to access the pond and make repairs and improvements.
- B. **Drainage and Utility Easements.** All developments submitted for approval must allocate areas for drainage and utility easements.
 - 1. All easements and corresponding utility location plans must be complete and approved prior to the final approval of any plan.
 - 2. When located between lots, easements should be centered on the lot line so each lot is encumbered by half the easement width, unless otherwise approved by the Administrator or the appropriate utility provider. Before determining the location of easements, the plan must be discussed with the local public utility companies to ensure proper placement and installation of such services.
 - 3. No improvements (e.g., accessory buildings, buildings, driveways, fences, retaining walls, structures) or alterations are permitted within a drainage and utility easement, unless otherwise approved by the Town or the appropriate utility provider.
- C. **Surface Drainage.** If a stream or surface drainage course is within the development area, an easement shall be established along all sides of the drainage course.
 - 1. If the drainage course is a regulated drain, the easement shall be established according to the County Surveyor or Indiana law. If not a regulated drain, the easement shall be established 20 feet from the top of the bank on each side of the drainage course.
 - 2. The easement is for widening, deepening, sloping, improving, or protecting the stream or surface drainage course.

7.4 Easements

- A. **Easement Instrument Specifications.** Where an easement is required by this Ordinance but the standards for the easement type are not specified, or an easement is required per a commitment or condition of approval, then the property owner (“grantor”) must execute the easement instrument in favor of the appropriate party or Town (“grantee”). The instrument must:
1. Specify the activities the grantee is authorized to perform in the easement.
 2. Specify the activities the grantor is prohibited from performing in the easement.
 3. Be binding on all heirs, successors, and assigns to the property where the easement is located.
 4. Be enforceable by the grantee and the Town.
 5. Specify other specially affected persons and classes of specially affected persons entitled to enforce the easement.
 6. Provide for modification in the manner stipulated in this Ordinance.
 7. Be cross-referenced to the most recently recorded deed to the property where the easement is to be established.
 8. Include a metes and bounds description of the easement or an exhibit of the easement area.
 9. Be signed by an authorized representative of the property owner of record granting the easement and by an authorized representative of the grantee accepting the easement.
- B. **Easement Certificate**
1. When a secondary plat is being recorded, the applicant may print an easement certificate on the secondary plat, the content of which has been approved by the Administrator.
 2. If a Declaration of Covenants, Conditions, and Restrictions is included or cross-referenced on the secondary plat, an easement certificate must be clearly separate from, and not incorporated into, the Declaration of Covenants, Conditions, and Restrictions.
- C. **Landscape Easements**
1. Easement Standards: Improvements within a landscape easement must comply with [5.16 Vision Clearance Standards](#) and cannot alter the grade within drainage easements without prior approval of the Town.
 2. Easement Instrument Specification: When required by this Ordinance, the property owner (“grantor”) must execute a landscape easement instrument in favor of the subdivision’s owners’ association (“grantee”). The instrument must:
 - a. Specify the docket numbers of the complete applications and/or the project numbers of the permits associated with the easement.
 - b. Grant the grantee the right to maintain, repair, alter, or remove landscaping and associated improvements.
 - c. Prohibit any person from altering, removing, or otherwise impairing the landscaping and associated improvements within the easement shown on the approved landscape plan.

- d. Be binding on all heirs, successors, and assigns to the property where the easement is located.
 - e. Be enforceable by the grantee and the Town.
 - f. Specify other specially affected persons and classes of specially affected persons entitled to enforce the easement.
 - g. Provide for modification or termination of the easement in the manner stipulated in this Ordinance.
 - h. Be cross-referenced to the most recently recorded deed to the property where the easement is to be established.
 - i. Include a metes and bounds description of the easement or an exhibit of the easement.
 - j. Be signed by an authorized representative of the property owner granting the easement and by an authorized representative of the grantee accepting the easement.
3. Landscape Easement Certificate: When a secondary plat is being recorded, the applicant shall print the following landscape easement certificate on the plat: "There are areas shown on this instrument designated as 'Landscape Easement' or abbreviated as 'L.E.' Such easements are hereby established in favor of the [_____] Owners' Association ('grantee') and grant the grantee the right to enter the easement for purposes of maintaining, repairing, altering, or removing landscaping and associated improvements. These easements prohibit the property owner or any other person from altering, removing, or otherwise impairing the landscaping and associated improvements within the easement shown on the approved landscape plan. These easements are binding on all heirs, successors, and assigns to the property where they are located. The grantee or the Town may enforce the provisions of the easement. [_____] is also entitled to enforce the provisions of the easement. The easement may only be modified or vacated in the manner stipulated in the Brownsburg Unified Development Ordinance, or its successor ordinance."
4. The dedication and acceptance of easements shown on a recordable instrument must be accomplished via a Certificate of Dedication signed by the property owner, and a Certificate of Acceptance signed by the grantee or its agent.
5. If a Declaration of Covenants, Conditions, and Restrictions is included on the secondary plat, then the subdivision sign easement certificate must be clearly separate from, and not incorporated into the Declaration of Covenants, Conditions, and Restrictions.

D. Sign Easements

1. Easement Standards. Sign easements must be exclusive of drainage and utility easements. Improvements within such an easement must comply with **[5.16 Vision Clearance Standards](#)**.
2. Easement Instrument Specification. When required by this Ordinance, the property owner ("grantor") must execute a sign easement instrument in favor of the subdivision's owners' association ("grantee"). The instrument must:
 - a. Specify the docket numbers of the complete applications and/or the project numbers of the permits associated with the easement.
 - b. Grant the grantee the right to alter, repair, maintain, or remove the improvements.

- c. Prohibit any person from placing any obstruction in front of, altering, removing, or otherwise impairing the improvements within the easement.
 - d. Be binding on all heirs, successors, and assigns to the property where the easement is located.
 - e. Be enforceable by the grantee and the Town.
 - f. Specify other specially affected persons and classes of specially affected persons entitled to enforce the easement.
 - g. Provide for modification or termination of the easement in the manner stipulated in this Ordinance.
 - h. Be cross-referenced to the most recently recorded deed to the property where the easement is to be established.
 - i. Include a metes and bounds description of the easement or an exhibit of the easement.
 - j. Be signed by an authorized representative of the property owner granting the easement and by an authorized representative of the grantee accepting the easement.
3. Sign Easement Certificate. When a secondary plat is being recorded, the applicant may print the following sign easement certificate on the plat: "There are areas shown on this instrument designated as 'Sign Easement' or abbreviated as [____]. Such easements are hereby established in favor of the [____] Owners' Association ('grantee') and grant the grantee the right to enter the easement for purposes of altering, repairing, maintaining, or removing the improvements. These easements prohibit the property owner or any other person from placing any obstruction in front of, altering, removing, or otherwise impairing the improvements within the easement. These easements are binding on all heirs, successors, and assigns to the property where they are located. The grantee or the Town may enforce the provisions of the easement. [____] is also entitled to enforce the provisions of the easement. The easement may only be modified or vacated in the manner stipulated in the Unified Development Ordinance, or its successor ordinance."
4. The dedication and acceptance of easements shown on a recordable instrument must be accomplished via a Certificate of Dedication signed by the property owner, and a Certificate of Acceptance signed by the grantee or its agent.
5. If a Declaration of Covenants, Conditions, and Restrictions is included on the secondary plat, then the sign easement certificate must be clearly separate from, and not incorporated into the Declaration of Covenants, Conditions, and Restrictions.
- E. **Street Related Easements**. See [7.12 Street Easements](#).
- F. **Tree Preservation Easement**.
1. Easement Instrument Specification. When required by this Ordinance, the property owner ("grantor") must execute a tree preservation easement instrument in favor of the subdivision's owners' association ("grantee"). The instrument must:
 - a. Specify the docket numbers of the complete applications and/or the project numbers of the permits associated with the easement.

- b. Grant the grantee the right to complete permitted activities as listed in E.2.
 - c. Prohibit certain activities as listed in E.2
 - d. Require the grantee to complete maintenance activities in accordance with those listed in E.2.
 - e. Be binding on all heirs, successors, and assigns to the property where the easement is located.
 - f. Be enforceable by the grantee and the Town.
 - g. Specify other specially affected persons and classes of specially affected persons entitled to enforce the easement.
 - h. Provide for modification or termination of the easement in the manner stipulated in this Ordinance.
 - i. Be cross-referenced to the most recently recorded deed to the property where the easement is to be established.
 - j. Include a metes and bounds description of the easement or exhibit of the easement.
 - k. Be signed by an authorized representative of the property owner granting the easement and by an authorized representative of the grantee accepting the easement.
2. Tree Preservation Easement Certificate: When a secondary plat is being recorded and an easement is required or proposed for tree preservation, then an applicant must record an easement, or an applicant may print the following tree preservation easement certificate on the plat: "There are shown on this instrument an area(s) designated as 'Tree Preservation Easements' or abbreviated as 'T.P.E.'. These easement(s) must be regulated and maintained according to the following:
- a. *Permitted Activities*. The following activities are permitted: (a) Removal of invasive species (e.g., bush honeysuckle), where appropriate, including the use of professionals to apply herbicides or identify and remove such invasive species; (b) Removal of an overabundance of combustible material (e.g., dead, fallen trees, and leaves); (c) Removal of vines growing on and up a tree; (d) Removal of hazardous, exotic and invasive species and/or dead, hazardous and at risk trees; (e) Planting of native trees; (f) Removal of trees directed to be removed by local, county, state or federal agencies or departments or by a public utility; (g) Installation of minor improvements such as identification signs; provided such are designed and installed in a manner that does not removed or damage any trees to the greatest extent possible; and (h) Installation, mowing, and maintenance of access easements, paved or unpaved trails, or utility and drainage improvements; provided, however, that any such improvements and easements must be as narrow or small as reasonably possible with no blanket easements.
 - b. *Prohibited Activities*. The following activities are prohibited: (a) Mowing any portion of existing, naturally vegetated areas; (b) Dumping of leaves or other debris; (c) Seeding, including grass seed, prairie mix seed, sod, or the planting of any type of vegetable garden; (d) The construction of permanent structural improvements including, but not limited to: pools, sheds, garages, fences, playground equipment, tree houses, fire pits, and other permanent or semi-permanent structures; and (e) Active recreational activities that

adversely impact the natural characteristics of the preservation area, including the placement of playground equipment, paving for basketball or tennis courts or swimming pools.

- c. *Required Activities.* The following are required: (a) All maintenance activity must be completed according to industry standards using the latest ANSI Z133.1 and A-300 approved practices and methods; (b) Signs identifying a "Tree Preservation Area" must be posted every 1,000 feet near the perimeter of all Tree Preservation Easements. Such signs must state "Natural Preservation Area. No mowing or spraying. Restricted Area."; and (c) Any person or entity causing damage or destruction or that violates the provisions of this easement is responsible for replacing removed or damaged trees with trees (a minimum of 3 inches in caliper) of an equivalent caliper to the removed or damaged vegetation, and to return the damages areas of the easement to its original natural state.
3. The dedication and acceptance of easements shown on a recordable instrument must be accomplished via a Certificate of Dedication signed by the property owner, and a Certificate of Acceptance signed by the grantee or its agent.
4. If a Declaration of Covenants, Conditions, and Restrictions is included on the secondary plat, then the tree preservation easement certificate must be clearly separate from, and not incorporated into the Declaration of Covenants, Conditions, and Restrictions.

7.5 Monuments and Markers

A. General Standards

1. Monument and markers must be installed per Indiana Administrative Code, 865 IAC 1-12-18, and the standards in this article.
2. Permanent reference monuments must be placed so the center of the pipe or marked point coincides exactly with the intersection of lines to be marked and the top of the monument or marker is level with the finished grade.
3. Required monuments and markers must include a surveyor's cap as required by Indiana law, and at a minimum, must include a substantial plastic or metal cap permanently affixed showing the registered professional surveyor's surname and professional license number or firm/agency identification number.
4. Upon completion of the development, Record Drawings must be submitted showing where monuments and markers were placed. This must be accompanied by an affidavit by the surveyor, registered in the State of Indiana, attesting to the accuracy of installed monuments and markers and certifying that the monuments and markers are still accurately in place and were not removed, moved, or buried such that they do not accurately denote surveyed lines or cannot be easily located. Markers for lots must be in place and set to the designed elevation prior to occupancy of the lot.
5. Where the lines of lots extend into a lake, stream, or other water body, the monuments or markers are placed on a meander line at least 20 feet from the bank of a river or stream. If a point falls within a street (existing or proposed), the marker is placed in the side line of the street.
6. Monuments that are damaged or altered must be reset by the party responsible for damages/alteration. If a responsible party cannot be readily determined, then the developer shall bear the costs of resetting the monument(s) within the maintenance period of the subdivision.

B. **Monument Standard.** Monuments must be of stone, pre-cast concrete, or concrete poured in place with minimum dimensions of 4 inches by 4 inches by 30 inches, set vertically in place. They must be marked on top with an iron or copper dowel set flush with the top of the monument or deeply scored on top with a cross.

C. **Monument Locations.** Monuments must be set at:

1. The major corners of the external boundaries of a subdivision.
2. The centerline at the intersection of streets.

D. **Marker Standard.** Markers must consist of iron pipes or steel bars at least 30 inches long and at least 5/8 inch in diameter.

E. **Marker Locations.** Markers must be set on boundaries not covered by required monument locations, including:

1. At all lot corners and along straight segments between lot corners at a maximum separation of 400-feet between markers.
2. At all angles in lot lines and where lot lines intersect curves.
3. At each end of all curves in lot lines and at any point where a curve changes its radius.

4. At each end of all curves along a right-of-way and where a curve changes its radius along a right-of-way.
 5. At all angle points along any lot or right-of-way.
 6. At all angle points along a meander line adjacent to a water body.
- F. **Assurance of Drainage Swale Grade.** To assure that drainage swales and emergency flood routes are installed correctly within a drainage easement and that they are not changed after construction, markers must be installed along the centerline of drainage swales and set to permanently remain at that elevation post construction. Monuments shall be placed at every intersection of a lot line with the centerline of the drainage swale or every 200 feet, whichever is less.

7.6 Open Space - General Requirements

A. **Applicability.** This article applies to all residential major subdivisions containing five or more dwelling units. Developments must set aside open space according to this article.

B. **Minimum Open Space**

1. Minimum: The minimum open space required for each development, as a percentage of its gross acreage, is as follows:

Zoning District	Minimum Open Space Required
R-1	5%
R-2	10%
R-3	12%
M1	15%
M2	15%
PUD, TR	20%

2. Exemption: Residential Estate (RE) developments are exempted from providing open space under this article.

3. Plantings: Open space must be supplemented with tree plantings according to the minimum open space landscaping requirements of [**5.11 Landscaping – Required Site and Parking Lot Plantings**](#).

C. **Access.** A public way, crosswalk, or easement not less than 15 feet in width must be provided for access to required open space.

D. **Connectivity.** Connectivity between different areas of open space should include sidewalks or trails internal to the neighborhood and connecting to stubbed sidewalks and trails when available.

1. Open space should be located within reasonable walking distance to those uses it serves, except when the open space is used to preserve existing features.

E. **Open Space Ownership.** The ownership and maintenance of open space, common areas, and amenities must be documented and recorded to protect them from future development and to make sure they are properly maintained.

F. **Open Space and Development Amenity Improvements**

1. Approval: Open space and amenity improvements (e.g., fencing, walls, mounds, pathways, playgrounds, amenities) must be installed according to the approved construction plans.

2. Modifications: The Administrator may approve modifications to common area design elements that are consistent with and maintain the intent of the original approval. Other modifications are subject to Plan Commission approval.

3. Timing of Installation: Open space and amenity improvements must be installed within 12 months of the issuance date of the first building permit in the secondary plat containing the open space and amenity improvements.

G. Qualifying Site Features

1. Open space calculations may include areas used for amenities and common areas (excluding drainage ponds) and should be comprised of usable and/or programmed space.
 - a. A maximum of 50% of required open space may come from: wetlands, third party regulated utility easements existing prior to the development of the property (e.g., gas or oil pipelines), and equivalent restricted land, as determined by the Administrator.
2. Detention and retention areas may not be counted toward open space requirements. Areas devoted to trail/sidewalk paths around the pond may be counted toward open space.
3. Required buffer yards, external street frontage landscaping areas, and tree preservation areas, as set forth in [5.8-5.11 Landscaping \(Multiple Articles\)](#), may qualify towards required open space if placed within common areas or a recorded protective easement such as a landscape easement, tree preservation easement, or conservation easement.

7.7 Open Space – Amenity Requirements

A. Amenity Requirements.

1. Trails and sidewalks should be designed to connect to perimeter streets, trails, and adjacent properties. Dog waste stations should be installed at various points along the trail and in nearby common areas.
 - a. Where trails within a subdivision or development connect to trails maintained by the Town of Brownsburg, the connection must be coordinated with and approved by the Parks Department to ensure that proper widths, signage, and other design features are considered.
2. Multiple amenities must be included and distributed throughout any residential development so all lots are within a reasonable walk to a recreation space.
 - a. Where multiple amenities are required or proposed, the amenities should not be duplicated and should provide a variety of recreation opportunities for residents.
 - b. A conceptual plan or description of anticipated amenities must be identified during a rezone petition (preferred) or at the plat stage.
 - c. Additional lighting considerations should be considered as applicable to any proposed amenities to ensure safety and security of the feature.
3. The number of amenities required is based on the total dwelling unit count of a development as follows:

Total Number of Dwelling Units in Development	Number of Amenities Required
5 Units or Fewer	0
6-20	1
21-50	2
51-100	4
101-150	4, at least one of which must be a medium or large amenity
151-200	5, at least one of which must be a large amenity
201+	5, at least one of which must be a large amenity and at least one must be a medium
Developments that exceed 300 units must add amenities for each 50 additional units or fraction thereof at the following rates: 2 small or 1 medium/large	

4. Amenities are categorized into small, medium, and large based on the anticipated impact to the development and future residents. Requirements for specific amenities are listed after the following table:

	Minimum Size Requirements for Amenity Qualification		
	Small	Medium	Large
Fitness Center	500 sq. ft.	700 sq. ft.	900 sq. ft.
Playground	10,000 sq. ft. 75' average width	15,000 sq. ft. 80' average width	20,000 sq. ft. 100' average width
Pool	-	-	700 sq. ft.
Splashpad or spray fountains			3+ spray or water features
Shelter/Pavillion/Courtyard	200 sq. ft.	300 sq. ft.	400 sq. ft.
Dog park	10,000 sq. ft.	-	-
Clubhouse/Gathering Space (Indoor)	400 sq. ft.	550 sq. ft.	700 sq. ft.
Walking Loop/Trail	¼ mile	½ mile	1 mile or more
Sport Court	850 sq. ft.	2350 sq. ft.	4200 sq. ft.
Passive Green Space/Common Area	.25 acre		

5. Amenity Standards:

a. Fitness Center

- i. Fitness centers of any size may be provided as a separate room within a clubhouse/gathering space or as a standalone structure.
- ii. If designed as a standalone structure, the fitness center must be of a cohesive design to the architectural styles and materials of the neighborhood.
- iii. Equipment shall include a mix of cardiovascular and strength training equipment.

b. Playground

- i. Playgrounds must include a mix of climbing, swinging, and other commercial grade play apparatus and should generally be geared toward children aged 2-12.
- ii. Inclusive play features should be included in equipment selected.
- iii. Surfacing may include pour-in-place play or wood fiber play surfaces, aligning with Consumer Product Safety Commission (CPSC) Public Playground Safety standards for fall zones and depth.

c. Pool

- i. Seating must be provided for at least 15 people.

- ii. A concrete apron/pool deck must be provided of at least 6 feet in all directions with enough room to accommodate the required seating and maintain 3' walkways.
 - iii. Restrooms/changing rooms must be provided if there is not an adjacent clubhouse or fitness center with those features.
 - iv. A non-opaque fence must be included around the entire area with landscaping around 50% of the perimeter.
- d. Shelter/Pavilion/Courtyard
 - i. A concrete or similar hard-surfaced area must be provided under amenities in this category.
- e. Dog Park
 - i. A minimum of a 5' vinyl coated chain-link, wood, or vinyl fence shall be included around any dog park.
 - ii. Double-gated entrances are strongly encouraged.
 - iii. Waste stations, clearly defined rules, and seating areas shall be included with any proposed dog park.
 - iv. Landscaping within and around the dog park should be predominantly deciduous shrubs and grasses tolerant of dog urine.
- f. Clubhouse/Gathering Space (Indoor)
 - i. Clubhouses/gathering spaces must include at least 2 restrooms.
 - ii. An outdoor gathering space of at least 200 square feet is required.
 - iii. When designed as a separate structure, the clubhouse/gathering space must be cohesive with the architectural features of the development.
- g. Walking Loop/Trail
 - i. The minimum width for amenities in this category shall be six feet.
 - ii. Trails must be paved to count toward this requirement, except as provided below.
 - 1. Non-paved trails through preserved natural areas may be counted in this category at the discretion of the Administrator.
 - iii. Additional credit toward amenities may be given where a development creates a connection to an existing public trail. To count as an additional amenity, the connection point must include, at a minimum, a seating area and lighting and shall be counted as a medium size amenity.
- h. Sport Court
 - i. Sport courts must be shown to be of adequate size and functional surfacing to the type of court proposed.
- i. Passive Green Space/Common area

- i. Passive green space/common area generally includes areas that can be used for recreation without having a formal structure (e.g. Frisbee, fetch, etc).
 - ii. Singular tracts of land that meet the minimum size required may be counted as an amenity provided that the common area is relatively flat and accessible by residents within the development.
6. Timing of Construction: Medium and large amenities must be installed prior to the completion of 50% of the total proposed units. Small amenities must be installed prior to the completion of 50% of the units within the section of the development containing said features.

7.8 Owner's Association

- A. Any development that has common area or commonly maintained features (private streets, amenities, etc.) shall have an Owner's Association.
- B. Declarations of Covenants shall include descriptions of all responsibilities falling on the Owner's Association and all applicable fees structured to cover the cost of such responsibilities. Declarations shall be recorded in the Office of the Recorder.
- C. **Required Language:** The following shall be covered by the Declaration of Covenants or any supplementary legal mechanism establishing the Owner's Association:
 - a. *Street Lighting.* The Town of Brownsburg shall not, now or in the future, be obligated to accept any street lighting as public property and shall bear no financial responsibility for the operation or maintenance costs associated with street lighting. In the event the owner's association fails to maintain street lighting, the Town may make the improvements necessary and assess each property for the project cost plus any administration costs.
 - b. *Retention Pond and Drainage Systems.* The Town of Brownsburg shall not, now or in the future, be obligated to accept any retention pond and/or drainage system as public infrastructure nor maintain those facilities. In the event the owner's association fails to maintain the retention pond or other drainage facilities, the Town may make the improvements necessary and assess each property for the project cost plus any administration costs.
 - c. *Private Streets.* The Town of Brownsburg shall not, now or in the future, be obligated to accept any private streets as public infrastructure nor maintain those facilities (including snow removal). In the event the owner's association fails to maintain the retention pond or other drainage facilities, the Town may make the improvements necessary and assess each property for the project cost plus any administration costs.
 - d. *Off-Street Sidewalk and Trails.* The Town of Brownsburg shall not, now or in the future, be obligated to accept sidewalks or trails outside of right-of-way as public infrastructure nor maintain those facilities. In the event the owner's association fails to maintain the retention pond or other drainage facilities, the Town may make the improvements necessary and assess each property for the project cost plus any administration costs.
 - e. *On-Street Sidewalk and Trails.* Maintenance for sidewalks within the right-of-way shall be subject to the applicable town-wide policy and schedule. Seasonal maintenance (e.g. snow removal) shall be the adjacent homeowner's responsibility or the association's responsibility if the adjacent homeowner fails to maintain said sidewalk. In the event that neither the adjacent property owner nor association maintains the sidewalk, the Town may make the improvements necessary and assess the appropriate property owners for the project costs plus any administration costs.
 - f. *Landscaping.* When landscaping is installed in common areas or easements, the owner's association shall be responsible for maintaining the plant material in healthy condition and replacing landscaping as necessary to maintain compliance with any prior approved plans.
 - g. *Right-of-way.* The Town of Brownsburg obtains ownership of any right-of-way once platted and retains the right to reasonably trim or remove any tree or shrub impeding the street or sidewalk.

Any trees removed that were required as part of approved plans shall be replaced to unless extenuating circumstances arise.

- D. **Enforcement.** Failure of the owner's association to maintain an effective legal mechanism or to fulfill its responsibilities within said mechanism shall be deemed a violation and subject to **Chapter 9 - Enforcement.**

7.9 Pedestrian Networks

- A. **Applicability.** All developments must have a pedestrian network of sidewalks and/or asphalt pathways for pedestrian transportation and recreation.
- B. **General Standards**
1. All concrete sidewalks, asphalt pathways, and crosswalk improvements must be constructed per the Town's Construction Standards and comply with requirements of the Americans with Disabilities Act (ADA), as amended.
 2. Curb ramps for handicapped accessibility must be provided at all intersections of streets, alleys, and drives (excluding individual residential driveways) and comply with ADA requirements. Curb ramps are not permitted in driveways.
- C. **Internal Pedestrian Network Standards**
1. Sidewalks must be at least 5 feet wide. When abutting a curb, sidewalks must be at least 6 feet wide.
 2. Sidewalks are required on both sides of internal streets in all developments.
 3. When a proposed development abuts an existing development or pathway, connection to the sidewalks or pathways is required.
 4. Connector sidewalks must be provided from the sidewalk or path adjacent to the street to the front entrance of all non-residential structures. Where the sidewalk intersects driving lanes or parking aisles within the parking facility, then crosswalks and ramps must be installed according to ADA requirements.
- D. **Perimeter Pedestrian Network Standards.** Developments must participate in the establishment or improvement of the pedestrian network along streets adjacent to their perimeter according to the following:
1. Where a proposed development plan or subdivision abuts an existing right-of-way, a multi-use pathway or sidewalk must be provided along the perimeter streets according to the Transportation Plan and constructed per the Town's Construction Standards.
 2. Required multi-use pathways or sidewalks should be located within the right-of-way. Pathways or sidewalks located outside the right-of-way must be located within an access easement approved by the Administrator.
 3. Where a proposed development has frontage on each side of a parcel not participating in the development, the developer should seek an access easement from the non-participating property owner in order to install the multi-use pathway or sidewalk along the perimeter street. If the non-participating property owner is not willing to provide such an easement, the developer is required to provide the connection within their proposed development for continuity of the perimeter street pathway or sidewalk.

7.10 Streets and Rights-of-Way

- A. **Applicability.** Proposed developments must allocate adequate areas for new streets in conformity with the Brownsburg Construction Standards and the Transportation Plan.
- B. **Transportation Plan.** The Transportation Plan, as amended, is declared to be a part of this Ordinance. The Transportation Plan shall determine the required right-of-way dedication based on the street classification of any adjacent roads, required sidewalk or trail installations, and other provisions as applicable to the plan.
- C. **Street Design Principles.** In designing a street system, the applicant is guided by the following principles:
1. Adequate vehicular, bicycle, and pedestrian access must be provided to all parcels in a manner that creates conditions favorable to health, safety, convenience, and the harmonious development of the community.
 2. Internal circulation systems and land development patterns must provide reasonable direct access to the abutting primary circulation system.
 3. Planning and design of streets must clearly relate to their local function.
 4. Local street design that discourages excessive speeds.
 5. Pedestrian-vehicular conflict points should be minimized.
 6. Streets should adjust to the contour of the land to produce useable lots and streets of reasonable gradient. Consideration must be given to natural features, such as existing wooded areas, streams and creeks, historic locations, or similar conditions that, if preserved, will add attractiveness and value to the community.
 7. Rights-of-way and paving for proposed streets must be extended to the boundary lines of the proposed subdivision so a connection can be made to all adjacent properties unless such extension is not feasible because of topography or other physical conditions, or unless, in the Plan Commission's opinion, such extension is not necessary or desirable for the coordination with existing streets or the most advantageous development of adjacent tracts.
 8. Subdivisions cannot be designed to alienate or perpetuate the land-locking of adjacent undeveloped land. Connectivity must be considered and appropriate stub streets created for future connectivity. Where a stub street exists from a previous development, any new development shall connect to the stub street and use the existing road name.
- D. **Dedication of Right-of-way and Street Improvements**
1. Right-of-way is considered dedicated upon the recording of the final plat and posting of any required surety bonds. The improvements within the right-of-way are not considered dedicated until fully completed, inspected, and formally accepted by the Town.
 2. After dedication and acceptance by the Town, internal sidewalk maintenance (including snow removal) is the responsibility of the property owner adjacent to the sidewalk. Replacement desired prior to the Town's capital projects schedule shall be the responsibility of the property owner adjacent to the sidewalk.

- E. **Improvement Standards.** Streets must conform to the following:
1. **Street and Right-of-Way Widths:** Widths of streets and minimum rights-of-way widths must conform to the Town's Construction Standards and Transportation Plan.
 2. **Construction:** Street improvements must be designed, constructed, and installed according to the Town's Construction Standards.
 - a. Streets and alleys must be completed as shown on approved plans, profiles, and cross-sections.
 - b. Streets must be graded, surfaced, and improved to the dimensions required by the cross-sections and the work must be performed in the manner prescribed in the Indiana Department of Transportation's Standard Specifications.
 - c. Where parkways or special types of streets are involved, the Plan Commission may apply special standards to be followed in their design.
 3. **Cul-de-sac Design:** Cul-de-sacs must conform to the following standards:
 - a. Cul-de-sacs are discouraged and are only recommended where street continuation is prevented due to topography or other physical condition.
 - b. The maximum length of a cul-de-sac is 600 feet, measured along the centerline from the center of the circle to the intersection of the nearest through street.
 - c. The cul-de-sac terminus must be designed according to the Town's Construction Standards.
 - d. A clear area 20 feet wide and 10 feet deep adjacent to the paved street and located opposite the cul-de-sac entrance must be provided to accommodate snow removal. This clear area must be free of above ground improvements (e.g., driveways, mailboxes, fire hydrants, landscaping, and public utility installations), unless otherwise approved by the Administrator.
 - e. The Plan Commission may require a pathway or sidewalk to connect a cul-de-sac to an adjacent cul-de-sac or street to provide reasonably direct connection between likely pedestrian destinations. Such connection must be constructed according to [7.9 Pedestrian Networks](#) and located within an easement or common area.
 - f. A temporarily dead-ended street is permitted if a street is proposed to be extended but is not yet constructed. An adequate easement or right-of-way for a temporary cul-de-sac with a minimum street radius of 50 feet or hammerhead turnaround, unless otherwise waived by the Plan Commission, must be provided if the dead-end street extends 150 feet or more in length. If an easement is used, it must automatically vacate to the abutting property owners when the street is extended.
 4. **Alleys:** Alleys must be constructed according to the Town's Construction Standards, unless otherwise approved by the Street Department.
 - a. Easements for alleys shall be at least 20 feet.
 - b. Applicants shall provide information showing that the design and radii are appropriate for various fire truck apparatus.

5. **Intersections:** Street intersections must be designed and improved with lot line corners rounded by arcs with minimum radii according to the Town's Construction Standards.
 - a. All intersections of streets and/or alleys shall be as close to right angles as possible. Deviations from right-angle approaches shall in no circumstance be greater than 20 degree angles.
 - b. New streets shall line up with existing opposing streets whenever possible. Street jogs of less than 125 feet centerline to centerline shall not be permitted.
 6. **Traffic Control Devices:** Traffic control devices must comply with the current edition of the Indiana Manual on Uniform Traffic Control Devices.
 7. **Subsurface Drainage:** Subsurface drainage for streets must be designed according to the Town's Construction Standards.
- F. **Acceptance of Improvements.** Before any financial surety ([7.15 Sureties](#)) covering a street installation is released, the Administrator may request core borings for thickness determination. The developer must engage the services of an independent testing laboratory to take cores at locations selected by the Town. The results of the testing must be provided to the Administrator for review and approval.
- G. **Delay of Surface Layer.** Installation of the surface layer of asphalt may be delayed with permission of the Town up to one year until the binder layer of asphalt has had enough time to prove its durability under the stress of heavy construction traffic. A separate performance bond covering the cost of installing the surface layer of asphalt is required prior to approving the delayed installation.
- H. **Private Streets**
1. Private streets must conform to the street and right-of-way standards of this Ordinance and be constructed according to the Town's Construction Standards.
 2. Private streets must be established within access easements complying with [7.12 Street Easements](#).
 3. When a private street easement appears on a secondary plat, a private streets certificate ([7.12 Street Easements](#)) must be printed on the plat. Unplatted easements for private streets must have the same language included on a recorded easement instrument.
 4. Financial sureties are required according to [7.15 Sureties](#) and the Town's Construction Standards.
 5. When the term right-of-way is used in this chapter, it also applies to private street easements in the context of this chapter only.
- I. **Street Naming and Addressing**
1. The applicant shall propose street names for the development that are unique and not duplicated within the Town or Townships.
 2. A minor change in suffix (Court, Avenue, etc.) shall not constitute a unique name.
 3. Where a street lines up with another, the name of the existing street shall be continued.
 4. Street names shall be approved initially by the Plan Commission. Any future change to the road name shall be approved by the Plan Commission.
 5. Development Services shall be delegated the responsibility of assigning addresses to properties. Street addresses must be clearly indicated on every lot and conform to the Town and 911 coordinator's addressing standards.

7.11 Street Access and Entrance Standards

A. Entrance Improvements

1. Adequate Right-of-Way Required: Where a passing blister, acceleration lane, or deceleration lane is required and inadequate right-of-way exists to install the passing blister, then the developer must make a good faith effort to acquire property sufficient for the installation of the improvement prior to submitting the primary plat application. If the property owner(s) where the passing blister, acceleration lane, or deceleration lane is to be installed refuse to sell the property, the developer must provide the Administrator copies of all surveys, appraisals, and written offers made by the developer to the property owners, and correspondence from the property owners as supplementary information to the plat application. Under such conditions, the developer may request a waiver or modification to the entrance improvements.
2. Eminent Domain: The installation of passing blisters, acceleration lanes, and deceleration lanes is vital to the health, safety, and welfare of the motoring public. The Town may, but is not obligated to, begin eminent domain proceedings according to [IC 32-24](#) upon receipt of documentation illustrating the developer's failure to acquire the needed property. Upon completion of the eminent domain proceedings, the developer shall reimburse the Town for the price paid for the right-of-way acquisition. This includes professional and legal expenses, any condemnation, and relocation of structures within the acquired right-of-way. The developer then installs the improvement according to the Brownsburg Construction Standards.

B. Entrance and Access Points for Residential Developments.

The following standards apply to access points for a residential development. The Plan Commission, Town Council, or Administrator may approve additional access points due to the size of the development or to improve traffic circulation.

1. 20 Lots or Fewer: Only one street, driveway or point of vehicle access is permitted from a residential development onto an arterial or collector.
2. 21-99 Lots: Two or more streets, driveways, or points of vehicle access may be required by the Plan Commission to improve the safety and traffic circulation in the area.
 - a. A stub street may be considered as a second entrance when it is likely to be connected within the next five years.
 - b. Developments with over 20 dwelling units must include streets with a median if a second entrance is not feasible due to the character of the land, provided the internal street geometrics provides two access points at its termination inside the development.
3. 100 Lots or More: Two entrances, preferably on to separate streets must be provided in developments of this size.
 - a. Internal circulation routes must provide redundant or alternative access to multiple entrances.
 - b. A stub street may be considered as a second entrance when it is likely to be connected within the next five years.
4. Direct access from a residential driveway to any arterial or collector is discouraged unless it is the lot's only means of access.

- C. **Entrance and Access Points for Non-Residential Developments.** The following standards apply to access points for a non-residential development. The Plan Commission, Town Council, or Administrator may approve additional access points due to the size of the development or appropriate to improve traffic circulation.
1. Non-residential developments should prioritize the use of frontage roads or rear access roads to reduce the number of curb cuts on arterial and collector streets.
 2. Driveways must have at least 150 feet of separation (measured driveway centerline to driveway centerline) on the same or opposite side of the street. Access points that align across the street from each other are exempt from this separation requirement.
 3. Non-residential developments with more than 10 lots or more than 15 tenants must establish an access road to convey traffic from the perimeter street to the development. An access street generally runs perpendicular to an arterial street or collector street and must accommodate two-way traffic.
 4. The Administrator may require a rear access road to ensure a safe and efficient transportation network. A rear access road is generally located behind the first tier of commercial lots, but in front of the second tier of commercial lots (often the anchor lots). An access road must accommodate two-way traffic. At least 150 feet of separation (measured from the edge of pavement to the edge of pavement) is required between the perimeter street and the access road.
 5. The right-of-way or private street easement for an access road must be at least 40 feet in width. The pavement width of the access road or frontage road must be at least 24 feet. Sidewalks must be provided on at least one side of the access road or frontage road to create a continuous pedestrian network throughout the development.
 6. Parking is not permitted on a access roads.
- D. **Access Point Surfacing.** An access point must use the same surface pavement type within the right-of-way of the perimeter street. New access points and their accompanying passing blisters, acceleration lanes, and deceleration lanes must resurface the full length and width of the perimeter street per the Town's Construction Standards.

7.12 Street Easements

- A. **Cross-Access Easements.** Cross Access Easements are required where internal drives and access streets are shared between developments. These shall be included on the plat in accordance with the standards below.
1. Easement Instrument Specifications. When required by this Ordinance, each property owner ("grantor") must execute a cross-access easement instrument in favor of the adjoining property owner ("grantee"). The instrument must:
 - a. Grant the public the right to utilize the easement to access adjoining parking facilities.
 - b. Prohibit the parking of vehicles within the easement.
 - c. Prohibit any person from placing any obstruction within the easement.
 - d. Be binding on all heirs, successors, and assigns to the properties where the easement is located.
 - e. Be enforceable by each party to the easement and by the Town.
 - f. Specify any other specially affected persons and classes of specially affected persons that are entitled to enforce the easement.
 - g. Provide for modification or termination in the manner stipulated in this Ordinance.
 2. Cross-access Easement Certificate. When a secondary plat is being recorded, the applicant may print the following cross-access easement certificate on the plat: "There are areas shown on this instrument designated as 'Cross-Access Easement' or abbreviated as 'C-A.E.' Such easements are established in favor of the adjoining property owner ('grantee') and grant the public the right to enter the easement for purposes of accessing adjoining parking facilities. These easements prohibit any person from parking vehicles within the easement and prohibit the property owners or any other person from placing any obstruction within the easement. These easements are binding on all heirs, successors, and assigns to the property where they are located. The grantee or the Town may enforce the provisions of the easement. [_____] is also entitled to enforce the provisions of the easement. The easement may only be modified or vacated in the manner stipulated in the Brownsburg Unified Development Ordinance, or its successor ordinance."
 3. The dedication and acceptance of easements shown on a recordable instrument must be accomplished via a Certificate of Dedication signed by the property owner, and a Certificate of Acceptance signed by the grantee or its agent.
 4. If a Declaration of Covenants, Conditions, and Restrictions is included on the secondary plat, then the cross-access easement certificate be clearly separate from, and not incorporated into, the Declaration of Covenants, Conditions, and Restrictions.
- B. **No Access Easements (NAE).** A no access easement applies to street segments that extend out from a street intersection to prohibit driveway access in proximity to the intersection for vehicular and pedestrian safety purposes.
1. **Plat Requirement.** Required No Access Easements must be visually depicted on the primary and secondary plat.

2. Easement Standards: A no access easement must meet the following standards:
 - a. A no access easement must be 1 foot in width and located on a lot as described below.
 - I. For a residential subdivision, no access easements are placed on lots as follows:
 - a) At an intersection with a perimeter street, the entrance street must have a no access easement extending 150 feet from the edge of the right-of-way of the perimeter street along both sides of the street.
 - b) At an internal four-way intersection, each leg of the intersection must have a no access easement extending 40 feet from the edge of right-of-way of the intersecting street along both sides of the street.
 - c) At an internal three-way intersection, each leg of the intersection must have a no access easement extending 40 feet from the edge of right-of-way of the intersecting street along both sides of the street. On the side of the intersection without a leg, the no access easement is the length of the intersection.
 - II. For a non-residential subdivision, no access easements are placed on lots as follows:
 - a) At an intersection with a perimeter street, the entrance street must have a no access easement extending 100 feet from the edge of the right-of-way of the perimeter street along both sides of the street.
 - b) At an internal four-way intersection, each leg of the intersection must have a no access easement extending 60 feet from the edge of right-of-way of the intersecting street along both sides of the street.
 - c) At an internal three-way intersection, each leg of the intersection must have a no access easement extending 60 feet from the edge of right-of-way of the intersecting street along both sides of the street. On the side of the intersection without a leg, the no access easement is the length of the intersection.
3. Easement Instrument Specifications: When required by this Ordinance, each no access easement instrument must:
 - a. Prohibit any driveway from being located within the easement.
 - b. Be located fully outside the right-of-way.
 - c. Prohibit any person from parking vehicles within the easement.
 - d. Be binding on all heirs, successors, and assigns to the properties where the easement is located.
 - e. Be enforceable by the parties to the easement and the Town.
 - f. Specify any other specially affected persons and classes of specially affected persons entitled to enforce the easement.
4. No Access Easement Certificate: When a secondary plat is being recorded that contains NAE's, the applicant shall print the following shared driveway easement certification on the plat: "Areas on

this plat designated as 'No Access Easement' or abbreviated as 'N.A.E.' are established to assure a driveway is not installed partially or fully in areas deemed to be unsafe due to their proximity to a street intersection, or at the terminus of a 'T' intersection. The easement prohibits the property owners or any other person from constructing a driveway across the easement or establishing parking in said easement. These easements are binding on all heirs, successors, and assigns to the property where they are located. The grantee or the Town may enforce the provisions of the easement. [_____] is also entitled to enforce the provisions of the easement. The easement may only be modified or vacated in the manner stipulated in the Brownsburg Unified Development Ordinance, or its successor ordinance."

5. The dedication and acceptance of easements shown on a recordable instrument must be accomplished via a Certificate of Dedication signed by the property owner, and a Certificate of Acceptance signed by the grantee or its agent.

C. Private Street Easements

1. Easement Instrument Specification: When required by this Ordinance, the property owner ("grantor") must execute a private street easement instrument in favor of the owner of the lot ("grantee") to which the private street provides access. The instrument must:
 - a. Specify the docket numbers of the complete applications and/or the project numbers of the permits associated with the easement.
 - b. Provide the grantee the right to use the easement to access their lot.
 - c. Specify the grantee's financial responsibilities with respect to the alteration, repair, maintenance, and removal of the improvements.
 - d. Prohibit any person from placing any obstruction within the easement.
 - e. Require the private street be built to the standards of the Town.
 - f. Be binding on all heirs, successors, and assigns to the property where the easement is located.
 - g. Be enforceable by the grantee and the Town.
 - h. Specify other specially affected persons and classes of specially affected persons entitled to enforce the easement.
 - i. Provide for modification or termination in the manner stipulated in this Ordinance.
 - j. Be cross-referenced to the most recently recorded deeds to the properties where the easement is to be established.
 - k. Include a metes and bounds description of the easement.
 - l. Be signed by an authorized representative of each property owner granting the easement and by an authorized representative of each property owner accepting the easement.
 - m. Include the following language: "The property owner expressly covenants and warrants on behalf of itself and all future owners of lots within this subdivision, because the streets are private, that all maintenance, repairs and replacement now and forever must be undertaken at the expense of the lot owners according to the terms and conditions

set forth in the owners association bylaws and articles. No governmental Town has any duty or responsibility to maintain, repair or replace any private street.”

2. Private Street Easement Certificate: When a secondary plat is being recorded, the applicant may print the following easement certificate on the plat: “There are shown on this instrument areas designated as ‘Private Street Easement’ or abbreviated as ‘P.S.E.’ Such easements are hereby established in favor of the adjoining property owners (‘grantee’) and grant the grantee the right to enter the easement for purposes of accessing their lot. These easements prohibit the property owners or any other person from placing any obstruction within the easement. These easements are binding on all heirs, successors, and assigns to the property where they are located. The grantee or the Town may enforce the provisions of the easement. [_____] is also entitled to enforce the provisions of the easement. The easement may only be modified or vacated in the manner stipulated in the Brownsburg Unified Development Ordinance, or its successor ordinance.”
3. In addition, the secondary plat must include the following language: “The subdivider expressly covenants and warrants on behalf of itself and all future owners of lots within this subdivision that because the streets are private all maintenance, repairs and replacement now and forever must be undertaken at the expense of the lot owners according to the terms and conditions set forth in the owners association bylaws and articles. The subdivider, and their successors and assignees, waive all rights to petition a governmental Town to be responsible for the maintenance and ownership of such private streets. No governmental Town has any duty or responsibility to maintain, repair or replace any private street.”
4. The dedication and acceptance of easements shown on a recordable instrument must be accomplished via a Certificate of Dedication signed by the property owner, and a Certificate of Acceptance signed by the grantee or its agent.
5. If a Declaration of Covenants, Conditions, and Restrictions is included on the secondary plat, then the Private Street easement certificate must be clearly separate from, and not incorporated into, the Declaration of Covenants, Conditions, and Restrictions.

D. Shared Driveway Easements

1. Easement Instrument Specifications: When required by this Ordinance, each property owner (“grantor”) must execute a shared driveway easement instrument in favor of the adjoining property owner (“grantee”). The instrument must:
 - a. Specify the docket numbers of the complete applications and/or the project numbers of the permits associated with the easement.
 - b. Grant the adjoining property owners the right to access the easement to maneuver vehicles.
 - c. Specify the adjoining property owners’ financial responsibilities with respect to the alteration, repair, maintenance, and removal of the improvements.
 - d. Prohibit any person from placing any obstruction within the easement.
 - e. Be binding on all heirs, successors, and assigns to the properties where the easement is located.
 - f. Be enforceable by the parties to the easement and the Town.

- g. Specify other specially affected persons and classes of specially affected persons entitled to enforce the easement.
 - h. Provide for modification or termination in the manner stipulated in this Ordinance.
 - i. Be cross-referenced to the most recently recorded deeds to the properties where the easement is to be established.
 - j. Include a metes and bounds description of the easement.
 - k. Be signed by an authorized representative of each property owner of record granting the easement and by an authorized representative of each property owner accepting the easement.
2. Shared Driveway Easement Certificate: When a secondary plat is being recorded, the applicant may print the following shared driveway easement certification the plat: "There are shown on this instrument areas designated as 'Shared Driveway Easement' or abbreviated as 'S.D.E.' Such easements are hereby established in favor of the adjoining property owners ('grantee') and grant the grantee the right to enter the easement for purposes of maneuvering vehicles. The easement prohibits the property owners or any other person from placing any obstruction within the easement. These easements are binding on all heirs, successors, and assigns to the property where they are located. The grantee or the Town may enforce the provisions of the easement. [_____] is also entitled to enforce the provisions of the easement. The easement may only be modified or vacated in the manner stipulated in the Brownsburg Unified Development Ordinance, or its successor ordinance."
3. The dedication and acceptance of easements shown on a recordable instrument must be accomplished via a Certificate of Dedication signed by the property owner, and a Certificate of Acceptance signed by the grantee or its agent.

If a Declaration of Covenants, Conditions, and Restrictions is included on the secondary plat, then the shared driveway easement certificate must be clearly separate from, and not incorporated into, the Declaration of Covenants, Conditions, and Restrictions.

7.13 Street Lights

- A. Street lights must be installed at all intersections, development entrances, and along internal streets as required by the provisions of this article. The Plan Commission may direct street lights at other locations if it determines they are necessary to provide vehicular or pedestrian safety.
 - 1. Street lights shall be full cut-off and shielded to prevent glare on neighboring properties.
 - 2. Lights throughout the development must be a consistent style and not more than 18' in height.
- B. Street lights providing the illumination necessary for vehicular and pedestrian safety at all intersections within the development must be installed per the Town's Construction Standards and the public utility providing the lighting.
 - 1. Two street lights, at a minimum, shall be installed at any 4 way intersection.
 - 2. One street light shall be installed at any T intersection.
 - 3. The Street Department may reduce the number of intersections required to have street lighting as part of a waiver request. The provision of street lights at major intersections involving collectors or arterials within the development cannot be waived.
- C. Street lights must be installed between intersections at the midpoint of the block or every 400 feet, whichever provides the shorter spacing between street lights.
- D. If the Town has established a street light standard along the street where the entrance is located, the development must install the same lighting standard. Luminaires must be shielded to prevent glare on residential properties.
- E. Decorative street lights may differ from the Town's Construction Standards if approved by the Street Department. Decorative street lights must be installed at the expense of the developer and maintained by the property owners' association. An agreement between the Town and the property owner's association is required establishing that the property owner's association is responsible for replacing the decorative street lights and poles when the original street lights installed are lost or damaged. If the Town or public utility providing the lighting must replace a street light, it is not obligated to use a decorative street light.

7.14 Street Signs

- A. Street names shall be assigned in accordance with [7.10 Streets and Rights of Way](#).
- B. Streets must have the minimum number of street signs necessary to create a safe environment for drivers and pedestrians and convey information to efficiently find a certain street or address.
- C. A street name sign is required at each intersection within and at the perimeter of the development.
- D. Street signs must comply with the current edition of the Indiana Manual on Uniform Traffic Control Devices and the Town's Construction Standards.
- E. Street name and regulatory signs must be installed prior to any street being opened to the public or the issuance of building permits within the development section.
- F. Decorative street signs may differ from the Town's Construction Standards if approved by the Street Department. Decorative street signs must be installed at the expense of the developer and maintained by the property owners' association. An agreement between the Town and the property owner's association is required to establish that the property owner's association is responsible for replacing the decorative street signs and poles when the original signs installed are lost or damaged. If the Town must replace a street sign, it is not obligated to install a decorative sign.

7.15 Sureties (Bonds)

- A. A financial guarantee may be required to assure:
1. The installation the improvements such as streets, curbing, landscaping, fencing, walls, screening, lighting, drainage facilities, sidewalks, driveways, utilities, and similar item as part of an approval for a subdivision;
 2. The appropriate return of site conditions when work is performed in the right-of-way; or
 3. The completion of required site development features during an approval period of a Conditional Certificate of Occupancy.
- B. Financial guarantees may be in the form of a bond, irrevocable letter of credit, or other guarantee acceptable to the Town ("financial surety").
- C. **Construction/Performance Surety**
1. A performance surety to the Town must include any street, sidewalk, pathway, storm sewer, erosion control, drainage facility, or any other facility to be dedicated to the Town as well as any required common area landscaping. On-site and off-site improvements shown on the approved plans must be covered by the performance surety.
 2. The performance surety must:
 - a. Be 115% of the estimated costs determined by the Town to be sufficient to complete the improvements in compliance with this Ordinance and the Town's Construction Standards;
 - b. Provide surety satisfactory to the Town;
 - c. Run to and be in favor of the Town;
 - d. Specify the time for the completion of all improvements; and
 - e. Be on a form approved by the Town.
 3. Performance sureties must be effective from the date of approval to begin construction of the project and must not terminate until released by the Development Services Department. The performance surety cannot be released until the Development Services Department certifies the improvements have been installed according to the intent of the approved development plans.
 4. The Town may consider alternative forms of ensuring the proper completion of improvements to be dedicated to the Town or for the benefit of the public.
 5. Upon completion of all improvements and installations as required by this Ordinance, the developer shall furnish appropriate documentation indicating required improvements and installations have been constructed, installed, and completed in compliance with the provisions of this Ordinance, the requirements of the Plan Commission, and the provisions of other applicable ordinances of the Town.
 - a. A Letter of Compliance shall be submitted certifying that the improvements are complete.
 - b. Record Drawings shall be submitted in accordance with [Chapter 8 - Process](#).
 - c. The Town shall inspect the improvements and provide a report of any outstanding corrections required. The developer shall correct any remaining issues and request additional inspection as applicable. Fees may be assessed for failed inspections in accordance with the fee schedule.

6. Upon acceptance of required improvements or installation, the accepting agency or department shall provide a completion letter to the developer that officially accepts maintenance responsibility, subject to the terms of the required maintenance guarantees.
7. Failure to Complete Public Improvements: In cases where a performance guarantee has been posted and the required public improvements have not been installed within its terms, or if the Development Services Department finds upon inspection that any of the improvements have not been constructed according to the approved construction plans, then the Development Services Department may declare the performance guarantee to be in default and cause all public improvements to be installed according to the approved plans regardless of the extent to which development has occurred at that point in time.
8. Release or Reduction of Performance Guarantee: A performance guarantee may be reduced upon actual acceptance of public improvements and any conditions imposed on the plat and then only by the amount originally estimated for the completion of said public improvements.
9. Temporary Public Improvements: The developer must build and pay all costs for temporary public improvements required by the Town and must maintain the same for the period specified. Prior to construction of any temporary public facility or improvement, the developer shall file with the Development Services Department a separate suitable performance guarantee for temporary facilities, which insures that the temporary facilities will be properly constructed, maintained, and removed (except for turnaround at ends of the peripheral stub streets intended for connection into adjacent future subdivisions).

D. Maintenance Surety

1. A Maintenance Surety shall be submitted for any Performance Surety released. The developer must provide a maintenance surety to the Town for any street, sidewalk, pathway, storm sewer, erosion control, drainage facility, or any other facility dedicated to the Town. On-site and off-site improvements shown on the approved plans must be covered by the maintenance surety.
2. For 3 years after the date improvements were accepted by the Town or applicable agency, the developer must make all repairs to the improvements which may become necessary due to improper workmanship or materials. Such maintenance does not include any damage to improvements resulting from forces or circumstances beyond the control of the developer.
3. The maintenance surety must:
 - a. Run to and be in favor of the Town;
 - b. Be in a sum of not less than 20% of the total improvements' construction cost of the development;
 - c. Provide surety satisfactory to the Town;
 - d. Warrant the workmanship and materials used in the installation of the improvements;
 - e. Include a certification from the developer that all improvements have been made according to the approved plans.
4. Maintenance sureties are effective from the date of acceptance and must not terminate until the Development Services Department certifies inspection and approval of the improvements.

7

Subdivision Regulations

7.15 Sureties (Bonds)

[Click to Return to
Ch. 7 Table of Contents](#)

- E. **Use of Funds.** Any funds received from the performance and maintenance guarantees can only be used for making improvements, installations, or repairs that were guaranteed by a bond or irrevocable letter of credit.

7.16 Utilities

- A. This article applies to all development including major subdivisions, improvement location permits and development plans.
- B. Public sanitary sewer and water service are required for development in all zoning districts except the Agriculture District. Waivers of the requirement to connect may only be granted by the Town Council.
- C. Utilities must be installed underground in designated utility easements or rights-of-way.
- D. Development must provide for the collection of all sanitary sewage discharges by the installation of sanitary sewers. These sewers must be tied into a public sanitary sewer system and constructed within right-of-way and/or dedicated sewer and utility easements. When a public sanitary sewer is not available, then a septic sewer system on an individual lot may be provided if permitted by this Ordinance and if constructed according to the minimum requirements of the County Health Department.
- E. Development must provide a complete water main supply system connected to a municipal or a community water supply system approved by the County Health Department. When a municipal or community water supply is not available, then an individual water supply on each lot must be provided according to minimum requirements of the County Health Department.
- F. Fire hydrants must be provided throughout the development as determined by the local fire department having jurisdiction over the site.



PROCESS

CHAPTER 8

CONTENTS

Approvals Granted by the Town Council		207
8.1	Zoning Map Amendments (Rezoning).....	207
8.2	Planned Unit Developments (PUD).....	211
8.3	Zoning Text Amendments.....	215
Approvals Granted by the Advisory Plan Commission		217
8.4	Platting Processes.....	217
8.5	Primary Plat Approval Procedure.....	219
8.6	Secondary Plat Approval Procedure.....	223
8.7	Development Plan Approval Procedure.....	226
8.8	Waiver from Design Standards.....	229
Approvals Granted by the Board of Zoning Appeals		231
8.9	Special Exception.....	231
8.10	Development Standards Variance.....	233
8.11	Use Variance.....	235
8.12	New Utility Pole or Wireless Support Structure Approvals.....	237
8.13	Appeals of Administrative Determinations.....	238
Other Approvals and Required Processes		239
8.14	Administrative Determinations.....	239
8.15	Record Drawings Submittal Requirements.....	241
8.16	Modifying Utility Poles or Collocating Wireless Support Structures.....	243
8.17	Permits Required.....	244
8.18	Written Commitments.....	246
8.19	Approval Process Flowchart.....	247

[*Click Here to Return to the Main Table of Content*](#)

APPROVALS GRANTED BY THE TOWN COUNCIL

8.1 Zoning Map Amendments (Rezoning)

- A. **Initiation.** Proposals to amend the Zoning Map may be initiated by the Plan Commission, the Town Council, or through an application signed by property owners of at least 50% of the land involved.
1. Town of Brownsburg Initiation: The Administrator shall prepare the application for Zoning Map amendment if the Plan Commission or Town Council initiates the application.
 2. Property Owner Initiation: Property owners requesting a Zoning Map amendment or a representative may be the applicants and are responsible for preparing the application.
 - a. If an application is filed by a property owner's authorized agent, a consent form signed by the property owner must accompany the application.
- B. **Conditional Zone Map Amendments.** Conditional zone map amendment requests made in conjunction with an annexation petition will follow the same procedure as standard zone map amendments and the zoning only takes effect if the annexation is approved.
- C. **Submittal Deadline.** Applications must be filed according to the Official Deadline Schedule for the Advisory Plan Commission. This schedule shall be maintained by the Administrator and available on the Town of Brownsburg [website](#).
- D. **Submittal Requirements.** The applicant shall submit a completed application to the Administrator electronically through the Town's website with supporting information and the application fee as noted in D below. The Administrator may waive or relax submittal requirements determined unnecessary for a thorough review of the application.
- E. **Application Requirements for Property Owner Initiated Applications.**
1. A copy of the legal description for the property.
 2. Supporting Information
 - a. For requests with a specific project intent, a conceptual development plan showing all features relevant to the application.
 - b. A letter of intent stating the reasons for the zoning change, how the proposal meets 8.1(J) Review Criteria, and a detailed description of any proposed development. The narrative should include any written commitments made by the applicant.
 - c. If the rezone is for a future residential subdivision, an amenities plan showing the location and type of amenities to be provided throughout the subdivision. The amenities plan may use a combination of text and representative images to convey the amenities that will be provided.
- F. **Action by the Administrator.** Within 5 business days of the application deadline, the Administrator will inform the applicant if the initial submittal is complete or if additional information is needed to process the

request. Applications determined complete are docketed for a hearing by the Plan Commission and a fee step will be activated through the portal for payment.

- G. **Notice.** Notification for the public hearing must be completed in accordance with the requirements of the Plan Commission's [Rules of Procedure](#).
- H. **Neighbor Meeting.** Applicants requesting approval of a zone map amendment, are encouraged to host a neighbors' meeting.
1. Applicants should invite at least the interested parties required to receive mailed notice of the Plan Commission public hearing.
 2. Applicants shall submit a written report to the Administrator summarizing the meeting prior to the Plan Commission public hearing and/or provide a copy of the mailed packet sent in regards to the meeting.
- I. **Town Council Introduction**
1. The proposed rezone may appear before the Town Council for an informational presentation of the proposal at the request of the applicant or determination by staff that an introduction may provide additional information for the project.
 2. If an introduction meeting is utilized, the informational appearance shall be conducted at a regularly scheduled Town Council meeting.
 3. No action may be taken on any proposed rezone at an informational meeting, and comments, proposed changes, or requested changes are not considered binding. The introduction shall not be considered a public hearing nor take the place of such hearing at the Advisory Plan Commission.
- J. **Technical Review.** The Technical Review Committee may review any rezone prior to the Plan Commission's consideration. The report from members of the Technical Review Committee and any response from the applicant may be included as applicable in any reports made to the Plan Commission as part of the meeting packet.
1. Applicants are responsible for reviewing the construction standards within the early project stages to ensure that entrances, roads, and other project design components can be built appropriately.
 2. Applicants should get preliminary confirmation from all applicable utilities that the capacity and infrastructure is readily available to serve the project.
 3. Where projects are proposed along roads within INDOT or Hendricks County's jurisdiction, applicants should begin discussions with those entities at the early project stages to determine any additional road or entrance impacts.
- K. **Plan Commission Public Hearing.** At a public hearing, the Plan Commission shall review the application and supporting information.
1. Representation: The applicant and/or any representative of the applicant must be present at the public hearing to present the application and address any questions by the Plan Commission or public. The applicant or their representative should be prepared to provide information about their proposal and answer questions as applicable. Presentation time limits are as set forth in the [Rules of Procedure](#).

2. Procedures: The conduct of the public hearing shall follow the requirements of the Plan Commission's [Rules and Procedure](#).
- L. **Review Criteria.** In reviewing the change of zoning application, the Plan Commission and Town Council shall pay reasonable regard to:
1. The Comprehensive Plan;
 2. Current conditions and the character of current structures and uses in each district;
 3. The most desirable use for which the land in each district is adapted;
 4. The conservation of property values throughout the jurisdiction; and
 5. Responsible development and growth.
- M. **Plan Commission Recommendation.** After the public hearing and after consideration of the review criteria, the Plan Commission may forward the application to the Town Council with a favorable recommendation, an unfavorable recommendation, no recommendation or continue the application.
1. Continuances at the Plan Commission: The application may be continued based upon a request by the Administrator or applicant, an indecisive vote, or a decision by the Plan Commission that additional information is required before action is taken on the request. The continuation of applications shall follow the Plan Commission's [Rules of Procedure](#).
 2. Certification: The Plan Commission shall certify its recommendation to the Town Council according to Indiana Code. The Administrator shall forward the Plan Commission certification, supporting information, and an ordinance to the Town Council for consideration.
- N. **Decision.** Within 90 days of receiving the Plan Commission's certified recommendation and after consideration of the review criteria, the Town Council may adopt, reject, or continue the application.
1. Adopt: If the Town Council finds the application is consistent with the provisions of this Ordinance and the policies of the Town, the Town Council shall adopt the request in writing and the rezoning ordinance takes effect. Rezoning has no expiration date.
 2. Reject: If the Town Council finds the application is inconsistent with the provisions of this Ordinance and the policies of the Town, the Town Council rejects the request in writing and the application is defeated.
- O. **Continuances at the Town Council.** The application may be continued based upon a request by the Administrator or applicant, an indecisive vote, or a decision by the Town Council that additional information is required before action is taken on the request. The continuation of applications follows the Town Council's Rules of Procedure.
- P. **Failure to Act.** If the applicant has not withdrawn the application and the Town Council fails to act on the application, on the 90th day after certification:
1. If the application received a favorable recommendation from the Plan Commission, the ordinance takes effect as if it had been adopted by the Town Council.
 2. If the application received an unfavorable recommendation or no recommendation from the Plan Commission, the ordinance is defeated as if it had been rejected by the Town Council.

- Q. **Conditions of Approval.** Reasonable conditions may be imposed on the approval of a rezone to protect the public health, safety, and general welfare, ensure adequate public services can be provided, enhance compatibility with adjacent conforming land uses or activities, and protect natural resources.
- R. **Commitments.** The Town Council may require the property owner to make written commitments concerning the use or development of the property per [8.18 Written Commitments](#).
1. Any commitment modified after the Plan Commission recommendation is forwarded to the Town Council that is less stringent than those included in the recommendation must go back to the Plan Commission. The Plan Commission has 45 days to ratify the modified commitment or certify to the Town Council that the commitment be further modified.
 - a. If the Plan Commission ratifies the commitment as sent back from the Town Council, it is considered approved by the Council without the need to reappear on an agenda.
 - b. After considering the recommendation of the Plan Commission for any modified commitment, the Town Council makes a final decision within 30 days of the Plan Commission recommendation.
- S. **Limitations of Approval.** Approval only authorizes the rezoning of the premises where the approval was granted. It is not conditioned upon the property owner or operator of the premises. A successful zone map amendment request does not authorize the development, construction, alteration, or moving of any building or structure. The approval authorizes the filing and processing of applications for permits or additional approvals required, such as approval of a development plan, improvement location permit, building permit, and certificate of occupancy.
- T. **Re-filing of Denied Applications.** No request for a rezone that has been rejected by the Town Council may be re-filed for a period of one year from the denial date unless substantial changes are made addressing the reasons for denial. The Administrator may waive the waiting period based on adjacent land use changes or other contributing factors.
- U. **Appeals.** Appeals of the decision of the Town Council must be made in accordance with [IC 36-7-4-1016](#).
- V. **Modification.** Modifications to an approved Zone Map Amendment shall not be permitted or considered unless sought through a new application for Zoning Map Amendment.

(Am. Ord. 2025-09)

8.2 Planned Unit Developments (PUD)

- A. **Description.** This article applies to Planned Unit Development (PUD) proposals and to any proposed amendment to an existing Planned Unit Development that would affect either the text of the PUD Ordinance or the Ordinance's referenced exhibits. The PUD district provides for the development of mixed zoning classifications, densities, and uses under a common classification.
- B. **Applicability.** This district may be requested for proposed development that accomplishes local priorities and has functional and practical hurdles to being completed through a standard zoning district. Requests to utilize the Planned Unit Development District zoning in lieu of a standard zone should include an explanation of how the project meets one or more of the following objectives:
1. Establish identity-building developments that provide substantially different building types or arrangements than what is in the community now;
 2. Respond to economic development priorities within the community;
 3. Provide greater preservation of natural areas and resources; and/or
 4. Provide a mix of commercial and residential or mix of multiple other use types within one cohesive development.
- C. **Required Approvals.** A Planned Unit Development District requires the following approvals:
1. Zone Map Amendment with Approval of the Planned Unit Development Ordinance and Concept Plan (collectively, "PUD Ordinance"). This process shall follow [8.1 Zone Map Amendments](#) except as modified below.
 2. Approval of Primary Plat and Secondary Plat. The plat process approval for PUD's shall follow the same requirements of [8.5 Primary Plat Approval Procedure](#) and [8.6 Secondary Plat Approval Procedure](#).
 3. Development Plan, if applicable (see also [8.7 Development Plan Approval Procedure](#)).
- D. **Submittal Deadline.** Applications must be filed according to the Official Deadline Schedule for the Advisory Plan Commission. This schedule shall be maintained by the Administrator and available on the Town of Brownsburg [website](#).
- E. **Application Requirements.** PUD Ordinances and supporting data must include the following documentation. The Administrator may waive or relax any of the requirements listed which are irrelevant or unnecessary for a thorough review of the development.
1. If an application is filed by a property owner's authorized agent, a consent form signed by the property owner must accompany the application.
 2. A copy of the legal description(s).
 3. Written Statement of Character: A written statement must provide an explanation of the character of the PUD and must include:
 - a. A specific explanation of how the proposed development is compatible with the surrounding properties and buildings.

- b. A specific explanation of how the proposed PUD meets the objectives of adopted land use policies affecting the land in question.
 - I. At a minimum this explanation must reference the Comprehensive Plan and Transportation Plan. Other plans such as neighborhood or sub-area plans, Parks Master Plans, and such documents incorporated by reference in Chapter 1 should be considered as applicable to the project.
 - II. *General details of the proposed uses:*
 - a) Residential areas must indicate gross area, architectural concepts (narrative, sketch, or representative photo), and number of dwelling units for each residential component;
 - b) Nonresidential areas must indicate specific nonresidential uses, including gross areas, architectural concepts (narrative, sketch, or representative photo), and building heights.
- 4. PUD Ordinance: The PUD Ordinance must follow a standard format adopted by the Town for PUD Ordinances.
 - a. The submitted ordinance shall include all provisions and standards that are unique to the district and a statement that anything not specified in the PUD Ordinance shall follow the comparable section of the Unified Development Ordinance at the time of adoption.
 - b. If uses are proposed in the district that are not in the Town of Brownsburg's Use Table and/or included in the Definitions of this Unified Development Ordinance, the PUD Ordinance shall provide additional definitions for any such use.
 - c. Architectural standards in the proposed PUD must be clearly described.
 - I. Permitted materials and required architectural components must exceed the minimum standards of the UDO.
 - II. All images provided must be consistent with what is planned for the development, and any conflicts between the images and text will result in the text prevailing.
 - d. Open spaces, landscaping, and amenities must exceed the minimum requirements of the UDO.
 - I. Landscaping in buffer areas and open spaces should be enhanced above the requirements of this Ordinance. This can be in the form of additional plantings, the creation of nature walks or natural education areas, larger plantings, or other options that create desirable open space.
 - II. A greater number of amenities is generally anticipated for proposed PUDs. The Plan Commission may consider proposals with fewer amenities when those that are proposed are larger than the UDO requires and are intended to be used by a greater number of residents throughout the town.

- III. Open space and recreation areas should form at least one centralized gathering and amenity space for the development and be connected to the internal network of sidewalks and trails.
 - e. Pedestrian and cyclist infrastructure must be carefully considered including the following:
 - I. Block lengths should be 1400 feet or less across all development types.
 - II. Upgraded pedestrian and/or cyclist infrastructure should be included (examples: wider sidewalks, protected on-street bike lanes, etc.)
 - III. Connectivity across internal uses and external connectivity to sidewalk and trail systems.
 - IV. Enhanced safety signals and signage.
 - f. Any proposed deviations from construction standards must be clearly stated in a separate waiver letter and are subject to the approval of the appropriate members of the Technical Review Committee.
 - g. Ordinances shall not reduce "smaller concept" development standards such as drive-through stacking spaces, parking drive aisle widths, or other such features that would not present a distinct impact to the development.
5. Concept Plan: A scaled drawing of the PUD ("Concept Plan") showing in general terms the following:
- a. Basic map information such as the name of the development with the words "Concept Plan", map data such as north point, graphic scale, and date of preparation, boundary lines and acreage of each land use component, etc.
 - b. Proposed lots with anticipated sizes (areas and width) and any notation of specific sub-area regulations of the PUD Ordinance. For example, PUDs with multiple regulation areas (Area A, Area B, Area C) shall provide the general boundaries of each area clearly marked and labeled on the concept map.
 - c. A general layout of roads and shared access points throughout the site. Concept plans and PUD Ordinances should be cognizant of enhanced pedestrian connectivity and appropriate access control throughout the site to avoid an excessive amount of internal or external curb cuts.
 - d. Locations of amenities, trails, paths, and the like and connections to adjacent trails or sidewalks on nearby properties. Amenities provided for developments that include residential uses shall provide amenities exceeding the requirements of [Chapter 7 – Subdivision Regulations](#).
 - e. Development phasing including the area, density, use, public facilities, and open space to be developed with each phase, and projected dates for beginning and completion of each phase.
6. Traffic Impact Study: A Traffic Impact Study or preliminary statement of anticipated road improvements shall be provided with the PUD application.

- a. A Traffic Impact Study must be prepared by a registered professional engineer and must evaluate the impact of present and future traffic generated by the proposed development on the adjacent roadway system. Prior to beginning the study, the applicant and/or their representative with the Administrator to determine the appropriate scope for the study.
 - b. A preliminary statement of anticipated road improvements may be provided with a condition that a full traffic study will be completed for individual phases at the time of the primary plat. This may be utilized when the anticipated access points for the development meet the Transportation Plan guidance for spacing, alignment, and the like.
 - c. The Administrator may waive this requirement for small site Planned Unit Developments that are anticipated to have minimal impact on the surrounding street network.
7. Additional Materials: The Administrator shall inform the applicant in writing of any additional information, documents, or data necessary to support a thorough review of the proposed development.
- F. **Permits**. No permit of any kind will be issued within a PUD prior to the completion of all required plats, development plans, all drainage or utility approvals, and after acceptance by the Town of all required guarantees for improvements according to this Ordinance.
- G. **PUD Ordinance Amendments**. An amendment to a PUD Ordinance follows the same process as an [8.1 Rezones \(Zoning Map Amendments\)](#) or [8.3 Zoning Text Amendments](#).
1. Where changes in uses allowed, adjustments to sub-district boundaries, or the addition of new sub-district areas are proposed, amendments shall follow the Zone Map Amendment Process.
 2. Where changes in sub-district standards or other changes to the PUD Ordinance text are proposed, the amendments shall follow the Zoning Text Amendment process.

8.3 Zoning Text Amendments

- A. **Description.** This article applies to applications requesting to amend the text of this Ordinance. The Town Council approves zoning text amendments.
- B. **Initiation.** Proposals to amend the text of this Ordinance may be initiated by the Plan Commission or submitted to the Plan Commission by the Town Council. Proposals to amend PUD Ordinance text must be filed by the owner(s) of the property to which the amendment applies.
1. For amendments to Planned Unit Development Text where multiple property owners are present, signatures of at least 50% of the owners in the sub-district or applicable area impacted by the text change must be included in the application as owners authorizing the request.
- C. **Submittal Deadline.** Applications must be filed according to the schedule of meeting and filing deadlines.
- D. **Submittal Requirements.** The application shall include the proposed text changes to the Ordinance. Where current language is modified, a redline version of the text indicating the text that has been added or deleted is recommended.
- E. **Notice.** Notice of the public hearing is required per [IC 36-7-4-604](#).
- F. **Public Hearing.** At a regularly scheduled meeting, the Plan Commission shall conduct a public hearing to review the proposed text amendment and supporting information. The conduct of the hearing follows the Plan Commission's [Rules of Procedure](#).
- G. **Plan Commission Recommendation.** After the public hearing and after consideration of the review criteria, the Plan Commission may forward the application to the Town Council with a favorable recommendation, an unfavorable recommendation, no recommendation or continue the application.
- H. **Decision.** After the public hearing and after consideration of the review criteria, the Town Council may approve, deny, or send the text amendment back to the Plan Commission with changes.
1. Approve: If the Town Council finds the application is consistent with the provisions of this Ordinance and the policies of the town, the Town Council approves the request in writing.
 2. Deny: If the Town Council rejects the text amendment, it may be returned back to the Plan Commission with a written statement in accordance with IC 36-7-4-606.
 3. Amend and Send Back to the APC: If the Town Council determines that the Zone Text Amendment requires an amendment, they shall return the proposal to the Plan Commission with a statement of reasons for the amendment. This shall be considered by the APC within 45 days of it being sent back and does not require an additional public hearing.
- I. **Effect of Approval.** The approval of a text amendment does not authorize the development, construction, alteration, or moving of any building or structure. The approval authorizes the filing and processing of applications for permits or approvals required, such as approval of a development plan, improvement location permit, building permit, and certificate of occupancy.
- J. **Appeals.** Appeals of the decision of the Town Council in accordance with [IC 36-7-4-1016](#).

- K. **Modification.** Modifications to any approved text shall be considered only through a new Text Amendment application.

APPROVALS GRANTED BY THE ADVISORY PLAN COMMISSION

8.4 Platting Processes

- A. **Establishment of Subdivision Controls.** Subdivision plats, replats, amendments or corrections to a recorded plat cannot be recorded until approved according to this chapter. Approval must be in writing on the plat.
- B. **Subdivision Types.** There are four types of subdivisions: exempt subdivisions, administrative subdivisions, minor subdivisions, and major subdivisions. Subdivisions of all types are permitted in all zoning districts except in the AG Agriculture District where minor subdivisions are permitted but major subdivisions are prohibited.
1. Exempt Subdivisions: The following types of land division are exempt from these regulations:
 - a. A division of land for the sale or exchange of tracts to correct errors in an existing legal description, provided that no additional lots are created by the division.
 - b. A division of land pursuant to an allocation of land in the settlement of a decedent's estate or a court decree for the distribution of property.
 - c. A division of land for the acquisition of street right-of-way or easement.
 - d. A division of land for the sale or exchange of tracts between adjoining landowners, provided no additional lots are created by the division and the lots meet the minimum standards of the zoning district of the land's location.
 - e. A division of land into cemetery plots for the purpose of burial of corpses.
 2. Administrative Subdivisions: This process applies to proposed adjustments to property lines when no new lots are created or when parcels are merged. The following situations qualify:
 - a. Adjusting lot lines where the resulting lots conform to the standards of this Ordinance. When the existing lots currently do not conform, the adjustment should not increase nonconformance.
 - b. Combining common ownership lots to lessen the total number of buildable lots.
 - c. Adjusting lot lines to address issues of property line encroachment or buildings across property boundaries.
 3. Minor Subdivisions: A minor subdivision results in four or fewer lots (including the parent parcel), includes 10 or fewer acres of land, and does not involve the creation of new interior streets, adjustments to design standards, or the creation of common areas.
 4. Major Subdivisions: A major subdivision is any subdivision other than an exempt subdivision, administrative subdivision, or a minor subdivision.
- C. **Approval Process.** The approval process varies based upon the type of subdivision:

1. Administrative Subdivision: Approval of an administrative subdivision is a one-step process involving the approval of a secondary plat. The approval or disapproval of an administrative subdivision is delegated to the Administrator.
 - a. Appeal of Administrative Decisions: If the applicant does not agree with the approval conditions or disapproval of a subdivision by the Administrator, the applicant may file a petition of appeal to the Plan Commission. Appeals must be filed in writing at least 10 days before the next Plan Commission meeting.
 2. Minor Subdivision: Approval of a minor subdivision is a one-step process involving the approval of a secondary plat. The approval or disapproval of a minor subdivision shall be determined by the Plan Commission.
 3. Major Subdivision: Approval of a major subdivision is a two-step process including the approval of a primary plat and a secondary plat. The approval or disapproval of a primary plat shall be determined by the Plan Commission. After a primary plat approval, a property is eligible for secondary plat approval. The approval or disapproval of a secondary plat is delegated to the Administrator.
- D. **Vacation of Plats.** The procedure to vacate a recorded secondary plat shall follow the requirements of Indiana Code (see [IC 36-7-4-711](#)). The vacation of a secondary plat cannot be used to vacate rights-of-way or easements. Rights-of-way are vacated following the requirements of [IC 36-7-3-12](#). Easements are vacated following the requirements of [IC 36-7-3-16](#).

8.5 Primary Plat Approval Procedure

- A. **Submission Dates.** Applications must be filed according to the schedule of meetings and filing deadlines and in the format specified by the Department.
- B. **Pre-filing Meeting.** Primary plats for major subdivisions must complete a pre-filing meeting with the Administrator or designated staff in accordance with the filing schedule. A meeting is recommended for other subdivision types.
- C. **Submittal Deadline.** Applications must be filed according to the Official Deadline Schedule for the Advisory Plan Commission. This schedule shall be maintained by the Administrator and available on the Town of Brownsburg website.
- D. **Submittal Requirements.** The applicant shall submit a completed application to the Administrator electronically through the Town's website with supporting information and any applicable fees. The Administrator may waive or relax submittal requirements determined unnecessary for a thorough review of the application.
- E. **Primary Plat Requirements.**
1. **Preparation:** The primary plat shall be prepared by a land surveyor licensed by the State of Indiana at a scale of no more than 1" = 100' and the sheets must be numbered in sequence if more than one sheet.
 2. **Area:** The Plat must include the entire parent tract being subdivided. Future phases may be designated as blocks with or without an anticipated maximum number of future lot divisions.
 3. **General:** The primary plat must include the following on either the primary plat page or cover page:
 - a. A vicinity map showing the location of the site and surrounding property and streets, the names of adjoining streets, and the names of all adjoining property owners and adjoining developments.
 - b. Legal description of the subject property.
 - c. The names and addresses of: (a) the owners of the land being subdivided, (b) the applicant, if other than the owner, and (c) the consultants involved in the preparation of the plat. If the application is made by someone other than the owner, a consent form signed by the owner and notarized must accompany the application.
 - d. Signature, seal, and certification of a land surveyor registered in the State of Indiana.
 - e. The date of the plat, approximate true north point, and scale.
 4. **Existing Conditions:** The primary plat submittal must include an existing conditions page detailing the following:
 - a. Topography in two-foot contour intervals unless otherwise approved by the Administrator.
 - b. The location, bearings, and dimensions of all boundary lines of the property to be expressed in feet and tenths of a foot with references to section, township, and range lines or corners.

- c. The location of existing streets, walkways, easements, pipelines, transmission lines, water bodies, streams, and other pertinent features such as swamps, jurisdictional wetlands, flood plains, floodways, railroads, buildings, parks, cemeteries, drainage ditches, bridges, boundaries of wooded areas, and individual trees 8" or more in diameter within areas to be impacted by site disturbing activities.
 - d. Location and size of existing water, storm water, and sanitary sewer systems.
 - e. The location and width of all existing rights-of-ways.
 - f. The locations, dimensions, and areas of all existing lots.
 - g. Designated wetland areas.
 - h. A soil survey map showing the soil limitations based upon the intended usage of the development land.
5. Primary Plat: The primary plat page(s) must include the following features:
- a. The Plat Title above the location which includes at least the Town name, Township, County, and State.
 - b. Names of the subdivision and all new streets noting if the streets are public or private.
 - c. Legends and notes.
 - d. The location and width of proposed streets, alleys, other public ways, rights-of-ways, easements, and building setback lines.
 - e. Flood hazards areas, as applicable.
 - f. Proposed easements to provide for utilities, shared access, or other required features of the site. The width of each easement must be noted.
 - g. Proposed tree preservation areas.
 - h. A statement concerning the location and size or capacity of utilities to be installed.
 - i. The locations, dimensions, and areas of all proposed lots.
 - j. Building setback line with dimensions.
 - k. Consecutively lettered blocks in alphabetical order. In subdivisions with multiple sections, the lettering of blocks within a section must begin with the next consecutive letter from the previous section.
 - l. Consecutively numbered lots. Note the area of each lot in square feet and acres. In subdivisions with multiple sections, the numbering of lots within a section must begin with the next consecutive number from the previous section.
 - m. The location and dimensions of all property to be set aside for common areas, park, or playground use, or other public or private reservation including conditions of the dedication.

- n. Sufficient data acceptable to determine the location, bearing, and length of all lines and the location of all proposed monuments.
6. Additional Information for Residential Subdivision Plats: The following information shall be included with any primary plat for a residential subdivision:
 - a. An amenities exhibit showing the location and type of amenities to be provided throughout the subdivision. The Amenities Plan may use a combination of text and representative images to convey the amenities that will be provided.
 - b. Landscape plan and calculations showing the required landscaping and what is being proposed.
 7. Supplemental Information: The Plan Commission or Administrator may require the following information:
 - a. Traffic Impact Analysis, required if not provided in a previous step.
 - b. Existing covenants or zoning commitments recorded on the property.
 - c. Proposed covenants and restrictions if they are cross-referenced or incorporated on the plat or if they establish or grant rights related to the plat (e.g., easements).
 - d. Recorded deed, instrument number, and date recorded.
 - e. Additional information necessary to evaluate the proposal.
- F. **Action by the Administrator.** Within 5 business days of the application deadline, the Administrator will inform the applicant if the initial submittal is complete or if additional information is needed to process the request. Applications determined complete are docketed for a hearing by the Plan Commission and a fee step will be activated through the portal for payment.
- G. **Technical Review of the Plat.** The Technical Review Committee may review any primary plat prior to the Plan Commission’s consideration. The report from members of the Technical Review Committee and any response from the applicant may be included as applicable in any reports made to the Plan Commission as part of the meeting packet.
- H. **Public Hearing Notice.** A public hearing by the Plan Commission is required for all primary plats. Notification of the public hearing must comply with the Plan Commission’s [Rules of Procedure](#).
- I. **Review Criteria.** In reviewing the Primary Plat, the Plan Commission will consider whether the plat technically conforms to the provisions of this UDO and specifically:
1. Meets the lot width, size, and area as provided in Chapter 2 or as modified by any waiver.
 2. Provides appropriate areas and easements for necessary public utilities and drainage in accordance with Chapter 7.
 3. Provides appropriate right-of-way for the extension of public roads and infrastructure and access to internal or adjacent lots, as applicable.
 4. Complies with any other applicable provision of Chapter 7.
 5. Complies with any other applicable provision of this UDO.
 6. Complies with applicable sections of the Construction Standards.

- J. **Public Hearing and Plan Commission Action.** The Plan Commission will hold the public hearing and review the application and supporting information and act on the application according to this Ordinance, Indiana law, and the Plan Commission's [Rules of Procedure](#).
- K. **Written Commitments.** The Plan Commission or Administrator may require the applicant to prepare written commitments concerning the primary plat prior to formal action on the application. If written commitments are part of the primary plat approval, they must be recorded in the office of the County Recorder within 90 days of primary plat approval. A copy of the recorded commitments must be provided to the Department within 30 days of being recorded.
- L. **Effect of Approval.** Approval of a primary plat does not authorize the development, construction, alteration or moving of any structure. The approval allows the filing and processing of applications for approvals, such as a secondary plat, detailed development plan, improvement location permit, building permit, or certificate of occupancy.
- M. **Modifications.**
1. **Minor Amendments:** The Administrator may authorize a minor amendment to an approved Primary Plat without a public hearing if the amendments do not involve:
 - a. an increase in the number of lots or intensity of land uses;
 - b. the addition of new land used; or
 - c. the addition of driveways.
 - d. An example of a minor amendment is the minor adjustment of an entrance location to accommodate an easement or based on the requirements of another approving entity such as INDOT. A minor amendment authorized by the Administrator is reported in writing to the Plan Commission at its next regular meeting and recorded in the project file.
 2. **Major Amendments:** If the Administrator determines the proposed modification adversely impacts or significantly changes the overall subdivision, or requires a variance or waiver, the applicant is required to file a new application for Primary Plat.
- N. **Expiration.** Unless extended, the approval of a primary plat is valid for a period of 3 years from the Advisory Plan Commission meeting date at which it was approved.
1. At the end of this time, primary approval is null and void, and the applicant is required to resubmit a new application beginning with pre-filing conference and subject to all the zoning restrictions and subdivision regulations in effect at the time of resubmission.
 2. Prior to the expiration of the approval period, the applicant may submit a written request to extend the approval period. The Administrator may approve one extension of up to 12 months to the expiration date. Any further extensions must be requested at the Plan Commission and shall not require additional notice or public hearing. Denials of an extension by either the Administrator or Plan Commission shall be done in writing and may include any circumstances of the site or surrounding area that have changed or other reasons for the denial.

8.6 Secondary Plat Approval Procedure

- A. **Submission Dates.** Secondary plat approval occurs after approval of the primary plat and development plans. Applications must be filed according to the schedule of meetings and filing deadlines in the format specified by the Department.
1. Applications for secondary plat approval and development plan approval may be filed concurrently.
 2. Secondary plat applications may be submitted within the time provided for appeal under [IC 36-7-4-708](#). However, approval of a secondary plat will not be granted until 30 days after the approval of a primary plat.
- B. **Submittal Requirements.** The applicant shall submit a completed application to the Administrator electronically through the Town's website with supporting information and any applicable fees. The Administrator may waive or relax submittal requirements determined unnecessary for a thorough review of the application.
- C. **Compliance.** The secondary plat must be substantially similar to the approved primary plat.
- D. **Secondary Plat Submittal Requirements**
1. Preparation: The secondary plat is prepared by a land surveyor licensed by the State of Indiana at a scale of no more than 1"=50'. A scale of 1"=100' may be used to make the drawing sized per County Recorder requirements.
 2. General Required Plat Features:
 - a. Proposed name of the subdivision.
 - b. Names and addresses of the owners and consultants involved in the preparation of the plat.
 - c. Title, scale, north arrow, and date.
 - d. Accurate boundary lines, with dimensions and angles, to provide a survey of the tract.
 - e. Accurate distances and directions to the nearest established street corners or official monuments. Reference corners must be accurately described on the plan.
 - f. Accurate locations and names of all existing and recorded streets intersecting the boundaries of the tract.
 - g. Accurate metes and bounds description of the boundary.
 - h. Source of title to the land to be subdivided as shown by the books of the Office of the County Recorder.
 - i. Complete curve notes for all curves included in the plan.
 - j. Street lines and street names with accurate dimensions in feet and hundredths of feet, with angles to street and lot lines.
 - k. Lot and block numbers and dimensions.
 - l. Accurate locations and limitations of easements.

- m. Accurate dimensions for any property to be dedicated or reserved for public, semi-public, or community use.
- n. Building setback lines and dimensions.
- o. Building pad elevations. For building pads near flood hazard areas, the Flood Protection Grade elevations for buildings.
- p. Location, type, material, and size of all monuments and lot markers.
- q. Plat certificates and deeds of dedication as provided by the Administrator.
- r. Notation of any self-imposed restrictions and locations proposed building lines if required by the Plan Commission, according to this Ordinance.
- s. Monuments erected or to be erected, corner, and other points are noted by representation or by legend; metal monuments must indicate type of metal, and diameter, length, and weight per linear foot of the monuments.
- t. Contain a statement to the effect that the Town Council, Plan Commission, or Board of Zoning Appeals may enforce subdivision covenants concerning public easements (e.g., drainage and utility easements).

3. Additional Requirements for Residential Subdivisions:

- a. Residential subdivisions shall include full construction plans with the submittal of a Secondary Plat.
 - I. Drainage, utility, infrastructure, and site development details shall be included in the construction plans.
 - II. Final landscaping details substantially compliant with those presented in the primary plat stage shall be included with the construction plan submittal.
 - III. Construction plans shall reference the Construction Standards and include images related to the applicable standards as part of the plan set. Merely referencing the construction standards by footnotes is not considered sufficient.
- b. Residential projects, such as but not limited to townhomes, that require a Development Plan Review shall submit construction plans with the Development Plan.

4. Supplemental Information: The Administrator may require the following information:

- a. A copy of the covenants and restrictions if they are cross-referenced or incorporated on the plat or if they establish or grant rights related to the plat (e.g., easements).

- E. **Technical Review of the Plat.** The Administrator reviews the application for completeness. The Technical Review Committee may review any secondary plat prior to approval. The applicant shall be notified in writing of revisions or changes needed for approval.
- F. **Approval.** The applicant shall revise the secondary plat as needed and resubmit it to the Administrator through the filing website. The Administrator shall determine if the revised plat needs additional review by any of the Technical Review Committee members and notify applicable members. When the Administrator

determines the plat complies with the requirements of this Ordinance, the Administrator shall notify the applicant that the plat is approved and can be printed for signatures.

- G. **Effect of Approval.** Approval of a secondary plat does not authorize the development, construction, alteration or moving of any structure. The approval allows the filing and processing of applications for permits including an improvement location permit, building permit, and a certificate of occupancy.
- H. **Signing of Plat.** Unless otherwise approved by the Administrator, a secondary plat will not be signed until:
1. Streets, curbs, gutters, sanitary sewers, fire hydrants, storm sewers and like infrastructure are constructed per the Town's Construction Standards, and maintenance sureties for public improvements are secured according to this Ordinance; or
 2. Performance sureties are secured assuring the installation of public improvements ([7.15 Sureties](#)).
- I. **Recording of Secondary Plat.** No secondary plat or amendment of a subdivision will be recorded until the plat is approved and signed according to this Ordinance.
1. Upon approval, the applicant must record the signed secondary plat and any associated documents within 90 days of plat signature.
 2. The applicant must provide electronic copies of the recorded plat and associated documents to the Department within 30 days of being recorded.

8.7 Development Plan Approval Procedure

- A. **Applicability.** The development plan review process is established to ensure adherence to standards contained in this Ordinance. A development plan approval is required prior to the start of any:
1. New construction, including non-residential accessory structures over 500 square feet in area.
 2. Building additions in excess of 10% of the floor area either by a single addition or multiple additions over time.
 3. Redevelopment of existing sites.
 4. New surface parking and/or loading areas or expanded areas that exceed 15% of the original lot size or 3,000 square feet of impervious area, whichever is less.
 - a. Projects that are smaller and do not trigger a Development Plan Review will still be subject to a separate stormwater review process.
 5. Exterior building renovations requiring a building permit.
 6. Any other improvements that require an improvement location permit and is not exempt below.
- B. **Submittal Deadline.** Applications must be filed according to the Official Deadline Schedule for the Advisory Plan Commission. This schedule shall be maintained by the Administrator and available on the Town of Brownsburg [website](#).
- C. **Exemptions.** The following are exempt from the development plan approval requirement:
1. New single-family detached residential subdivisions, two-family attached residential subdivisions, or individual residential buildings on single-lot infill sites containing up to 6 total dwelling units (townhome developments and apartments not meeting this exemption must submit a Development Plan Review).
 2. Residential accessory structures.
 3. Agricultural sites or buildings used solely for agricultural purposes.
 4. Temporary land uses or structures.
 5. Establish a new land use or changing an existing land use when no changes to the exterior of the structure or site is involved that would require Development Plan Approval (example: interior-only remodels of commercial structures would not need a Development Plan approval).
- D. **Filing Requirements and Review Procedure.** An application for development plan review is filed electronically through the Town's website. The application, along with relevant documents and fees, must be submitted by the deadline noted on the approved Schedule of Meetings. The Administrator may waive or relax submittal requirements determined unnecessary for a thorough review of the application.
- E. **Technical Review.** The Technical Review Committee may review any development plan prior to the Plan Commission's consideration. The report from members of the Technical Review Committee and any response from the applicant may be included as applicable in any reports made to the Plan Commission as part of the meeting packet.

1. Applicants are responsible for submitting any construction standard waiver request at the time of application.
 2. Applicants should get confirmation from all applicable utilities that the capacity and infrastructure is readily available to serve the project.
 3. Where projects are proposed along roads within INDOT or Hendricks County's jurisdiction, applicants must coordinate with those entities separately to determine any additional road or entrance impacts.
- F. **Review Criteria.** Development plans are approved by the Plan Commission upon making written findings that the development plan:
1. Is consistent with the [Town of Brownsburg Comprehensive Plan](#);
 2. Complies with applicable development requirements and standards of [CHAPTER 2 - ZONING DISTRICTS](#), [CHAPTER 3 – PERMITTED USES](#), and/or the PUD Ordinance;
 3. Complies with applicable standards found in [CHAPTER 5 – SITE DEVELOPMENT](#) and/or the PUD Ordinance;
 4. Complies with any other applicable provisions of this Ordinance or Overlay Standards;
 5. Satisfies any provision related to a development's design as found in [CHAPTER 7 – SUBDIVISION REGULATIONS](#) and/or the PUD Ordinance;
 6. Satisfies the construction requirements of the [Brownsburg Construction Standards and Specifications](#).
- G. **Plan Commission Action.** The Plan Commission shall review the application and supporting information and act on the application according to this Ordinance, Indiana law, and the Plan Commission's Rules of Procedure.
- H. **Certification.** Findings are signed by the Plan Commission President and the Department furnishes the applicant with a copy of the decision.
- I. **Conditions and Commitments.** Approval of a development plan may include certain conditions by the Plan Commission or written commitments by the applicant.
1. Proposed conditions may be provided by the applicant prior to approval of the Development Plan or added as determined during the meeting. All final agreed upon conditions shall be included in the approval documents of the Plan Commission.
 2. Any proposed commitments must be provided to the Department for review and approval prior to approval of the development plan. Written commitments must be recorded in the Office of the County Recorder. A copy of the recorded commitments must be provided to the Department within 10 days of recordation.
- J. **Expiration.** An approved development plan is valid for 3 years from the date of approval. The Administrator may grant one 6-month extension for cause. The applicant shall submit the request in writing and the Administrator makes a written determination regarding the decision. The request and decision become part of the official project record. If substantial progress in developing the project has not occurred by the end of the 3-year period (or extension), the approval expires and a new application is required.

- K. **Modifications.** The Administrator may approve a minor amendment to an approved development plan if the Administrator determines the proposed amendment is not a substantial change and provides for a better overall project for the town. The Administrator shall refer major plan amendments to the Plan Commission for approval.
1. Minor Amendments shall be those that do not involve:
 - a. An increase in the height, area, bulk or intensity of land uses;
 - b. The designation of additional land uses; or
 - c. The addition of new driveways, access points, or major changes in site circulation.
 2. Major Amendments shall be any proposed modification that the Administrator determines may have an adverse impact on the purpose or intent of the overall development or otherwise does not qualify as a minor amendment.
- L. **Appeals of Administrative Approvals.** A minor amendment or other Development Plan Review administrative approval may be appealed to the Plan Commission, in writing, by any interested party. The request is made by the filing deadline on the official Schedule of Meetings. The applicant is responsible for providing legal notice per the Plan Commission's [Rules of Procedures](#). The applicant must attend the meeting.
- M. **Judicial Review.** Decisions by the Plan Commission are subject to judicial review per [IC 36-7-4-1600](#).

(Am. Ord. 2025-09)

8.8 Waiver from Design Standards

- A. **General.** The Plan Commission may review and consider waiver requests to subdivision control matters and deviations from Chapter 7 of this ordinance. This shall include regulations in Chapter 7 and the following regulations for other chapters as they apply to a primary plat of a subdivision:
1. Lot width
 2. Lot depth
 3. Lot area
- B. **Submittal Deadline.** Applications must be filed according to the Official Deadline Schedule for the Advisory Plan Commission. This schedule shall be maintained by the Administrator and available on the Town of Brownsburg [website](#).
- C. **Submittal Requirements.** A Design Standard Waiver should generally be filed in conjunction with a primary plat or replat application. Waivers requested separately shall be subject to public notice requirements and may be subject to additional filing fees in accordance with the fee schedule.
1. **Supportive Information:** The application must identify the design standards provision requested to be waived or reduced, the justification for the request, and a statement why the waiver will not subvert or diminish the intent and purpose of the subdivision regulations. Additional information may be required by the Administrator when necessary to conduct a full evaluation of the requested Design Standards Waiver.
- D. **Action by the Administrator.** Within 5 business days of the application deadline, the Administrator will inform the applicant if the initial submittal is complete or if additional information is needed to process the request. Applications determined complete shall be docketed for a hearing by the Plan Commission and a fee step will be activated through the portal for payment, as applicable.
- E. **Notice.** Public notice is required per the Plan Commission's [Rules of Procedure](#).
- F. **Public Hearing.** At a public hearing, the Plan Commission shall review the facts and circumstances of the waiver request and supporting information. The applicant or applicant's representative must appear at the public hearing to present the request and address the decision criteria.
- G. **Review Criteria.** The Plan Commission cannot approve a Design Standard Waiver unless it makes favorable findings that:
1. Granting the waiver will not be detrimental to the public safety, health, or welfare, or otherwise be injurious to other property;
 2. The conditions upon which the waiver request is based are unique to the property or proposed development for which the waiver is sought and are not applicable generally to other property or proposed developments;
 3. Due to the particular physical surroundings, shape, or topographical conditions of the specific property involved, a practical difficulty to the property owner would result if the strict application of these regulations is carried out; and

4. The waiver request is consistent with the purpose and intent of the Comprehensive Plan, Transportation Plan, and do not adverse impact local priorities or objectives.
- H. **Decision.** The Plan Commission may approve, approve with conditions, deny, or continue the application.
 - I. **Findings of Fact.** Written findings of fact of the Plan Commission's decision of how the request aligns with the decision criteria are signed by the President of the Plan Commission and filed with the primary plat. The Plan Commission provides the applicant with a copy of its decision.
 - J. **Conditional Approval.** In approving a Design Standards Waiver, the Plan Commission may impose conditions of approval concerning the use or development of the parcel that will, in its judgment, substantially secure the objectives of these regulations.
 - K. **Commitments.** The Plan Commission may require the property owner to make written commitments concerning the waiver request per [8.18 Written Commitments](#).
 - L. **Revisions to the Primary Plat.** Following Plan Commission approval of a waiver submitted outside of a plat approval, the applicant shall submit revised copies of the primary plat that address the comments and concerns of the Plan Commission, when applicable. The Administrator determines if the submitted changes are consistent with the Plan Commission's decisions prior to the approval of the primary plat.

APPROVALS GRANTED BY THE BOARD OF ZONING APPEALS

8.9 Special Exception

- A. **Description.** A special exception use is considered generally consistent with the purpose of the zoning district in which they are permitted but, due to unique operational characteristics, may not be desirable or compatible in all locations within the district.
1. Factors such as traffic, hours of operation, noise, odor, or similar potential impacts require that the special exception be evaluated relative to its appropriateness on a case-by-case basis.
 2. Any expansion of the special exception involving the enlargement of buildings, structures, and land area is subject to the requirements and procedures described in this Ordinance.
- B. **Initiation.** A property owner or applicant with written consent of the owner may file a special exception application.
- C. **Submittal Deadline.** Applications must be filed according to the Official Deadline Schedule for the Board of Zoning Appeals. This schedule shall be maintained by the Administrator and available on the Town of Brownsburg [website](#).
- D. **Submittal Requirements.** An applicant shall submit a completed application to the Administrator electronically through the Town's website with the filing fee and the required supporting information. The Administrator may waive or relax submittal requirements determined unnecessary for a thorough review of the application.
- E. **Notice.** Public notice is required per the BZA's [Rules of Procedure](#).
- F. **Public Hearing.** At a public hearing, the BZA shall review the facts and circumstances of each application and supporting information. The applicant or applicant's representative must appear at the public hearing to present the request and address the decision criteria.
- G. **Review Criteria.** The listing of a special exception on the Permitted Use Table does not constitute a presumption of approval. Each special exception is evaluated on an individual basis regarding compliance with the standards and whether the use is appropriate at the location and in the manner proposed. The BZA may approve a special exception upon a determination in writing that the proposed use:
1. Is consistent with the purpose of the zoning district and the Brownsburg Comprehensive Plan.
 2. Will not be injurious to the public health, safety, morals, and general welfare of the community.
 3. Is in harmony with all adjacent land uses.
 4. Will not alter the character of the district; and
 5. Will not substantially impact property value adversely.
- H. **Decision.** The BZA may approve, approve with conditions, deny, or continue the application.
1. **Approve:** If the BZA finds the application is consistent with the provisions of this Ordinance, the BZA approves the request in writing.

2. **Approve with Conditions:** If the BZA finds the application is consistent with the provisions of this Ordinance if certain conditions are placed on the use, the BZA approves with conditions the request in writing.
 3. **Deny:** If the BZA finds the application is inconsistent with the provisions of this Ordinance, the BZA denies the request in writing.
- I. **Continuances.** The application may be continued based upon a request by the Administrator or applicant, an indecisive vote, or a decision by the BZA that additional information is required before action is taken on the request. The continuation of applications follows the BZA's [Rules of Procedure](#).
 - J. **Conditions of Approval.** Reasonable conditions may be imposed on the approval of a special exception to protect the public health, safety, and general welfare, ensure adequate public services can be provided, enhance compatibility with adjacent conforming land uses or activities, and protect natural resources.
 - K. **Commitments.** The BZA may require the property owner to make written commitments concerning the use or development of the property per [8.18 Written Commitments](#).
 - L. **Limitations of Approval.** Approval only authorizes the special exception at the premises where the approval was granted. It is not conditioned upon the property owner or operator of the approved use.
 - M. **Effect of Approval.** The approval of a special exception does not authorize the development, construction, alteration, or moving of any building or structure. The approval authorizes the filing and processing of applications for permits or approvals required, such as approval of a development plan, improvement location permit, building permit, and certificate of occupancy.
 - N. **Re-filing of Denied Applications.** No request for a special exception that has been denied may be re-filed for a period of one year from the denial date, unless substantial changes are made addressing the reasons for denial. The Administrator may waive the waiting period based on adjacent land use changes or other contributing factors.
 - O. **Appeals.** Appeals of the decision of the BZA are made to a court of competent jurisdiction.
 - P. **Expiration.** Approval of a special exception expires 36 months after it is granted unless construction is complete or commencement of the use has occurred. Prior to the expiration of the initial approval, the applicant may request in writing to the Administrator an extension of the approval period. The BZA may extend the approval 12 months or more upon finding there are no new conditions requiring reconsideration of the special exception.
 - Q. **Violations.** Violations of any conditions or commitments imposed on a special exception approval are subject to enforcement procedures.

8.10 Development Standards Variance

- A. **Description.** A development standards variance provides a property owner relief from the dimensional and improvement requirements of this Ordinance when a strict interpretation of requirements creates practical difficulties on the improvement of the property. The BZA reviews development standards variances.
- B. **Initiation.** A property owner or applicant with written consent of the owner may file a development standards variance application.
- C. **Submittal Deadline.** Applications must be filed according to the Official Deadline Schedule for the Board of Zoning Appeals. This schedule shall be maintained by the Administrator and available on the Town of Brownsburg [website](#).
- D. **Submittal Requirements.** An applicant shall submit a completed application to the Administrator electronically through the Town's website with the filing fee and the required supporting information. The Administrator may waive or relax submittal requirements determined unnecessary for a thorough review of the application.
- E. **Notice.** Public notice is required per the BZA's [Rules of Procedure](#).
- F. **Public Hearing.** At a public hearing, the BZA shall review the facts and circumstances of each application and supporting information. The applicant or applicant's representative must appear at the public hearing to present the request and address the decision criteria.
- G. **Review Criteria.** A development standards variance may be approved only upon determining:
1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
 2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
 3. The strict application of the terms of the Ordinance will result in practical difficulties in the use of the property.
 - a. As noted in the definitions, the applicant's response to this criterion should include how the practical difficulty is not self-imposed and clearly explain how few to no feasible alternatives exist.
- H. **Decision.** The BZA may approve, approve with conditions, deny, or continue the application.
1. Approve: If the BZA finds the application meets the review criteria, the BZA approves the request in writing.
 2. Approve with Conditions: If the BZA finds the application meets the review criteria if certain conditions are placed on the request, the BZA approves with conditions the request in writing.
 3. Deny: If the BZA finds the application does not meet the review criteria, the BZA denies the request in writing.

- I. **Continuances.** The application may be continued based upon a request by the Administrator or applicant, an indecisive vote, or a decision by the BZA that additional information is required before action is taken on the request. The continuation of applications follows the BZA's [Rules of Procedure](#).
- J. **Conditions of Approval.** Reasonable conditions may be imposed on the approval of a development standards variance to protect the public health, safety, and general welfare, ensure adequate public services can be provided, enhance compatibility with adjacent conforming land uses or activities, and protect natural resources.
- K. **Commitments.** The BZA may require the property owner to make written commitments concerning the use or development of the property per [8.18 Written Commitments](#).
- L. **Effect of Approval.** The approval of a development standards variance does not authorize the development, construction, alteration, or moving of any building or structure. The approval authorizes the filing and processing of applications for permits or approvals required, such as approval of a development plan, improvement location permit, building permit, and certificate of occupancy.
- M. **Re-filing of Denied Applications.** No request for a development standards variance that has been denied may be re-filed for a period of one year from the denial date, unless substantial changes are made addressing the reasons for denial. The Administrator may waive the waiting period based on adjacent land use changes or other contributing factors.
- N. **Appeals.** Appeals of the decision of the BZA are made to a court of competent jurisdiction.
- O. **Violations.** Violations of an approved variance, conditions of approval, and commitments are subject to enforcement procedures.

8.11 Use Variance

- A. **Description.** A use variance provides a property owner relief from the use requirements of this Ordinance when a strict interpretation of requirements creates an *unnecessary hardship* on the use of the property. The BZA approves use variances.
- B. **Initiation.** A property owner or applicant with written consent of the owner may file a use variance application.
- C. **Submittal Deadline.** Applications must be filed according to the Official Deadline Schedule for the Advisory Plan Commission. This schedule shall be maintained by the Administrator and available on the Town of Brownsburg [website](#).
- D. **Submittal Requirements.** An applicant shall submit a completed application to the Administrator electronically through the Town's website with the filing fee and the required supporting information. The Administrator may waive or relax submittal requirements determined unnecessary for a thorough review of the application.
- E. **Notice.** Public notice is required per the BZA's [Rules of Procedure](#).
- F. **Public Hearing.** At a public hearing, the BZA reviews the facts and circumstances of each application and supporting information. The applicant or applicant's representative must appear at the public hearing to present the request and address the decision criteria.
- G. **Review Criteria.** A use variance may be approved only upon determining:
1. The use will not be injurious to the public health, safety, morals, and general welfare of the community;
 2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
 3. The need for the variance arises from some condition particular to the property involved;
 4. The strict application of the terms of the Ordinance will constitute an *unnecessary hardship* if applied to the property; and
 5. The use does not interfere substantially with the Comprehensive Plan.
- H. **Decision.** The BZA may approve, approve with conditions, deny, or continue the application.
1. Approve: If the BZA finds the application meets the review criteria, the BZA approves the request in writing.
 2. Approve with Conditions: If the BZA finds the application meets the review criteria if certain conditions are placed on the request, the BZA approves with conditions the request in writing.
 3. Deny: If the BZA finds the application does not meet the review criteria, the BZA denies the request in writing.

- I. **Continuances.** The application may be continued based upon a request by the Administrator or applicant, an indecisive vote, or a decision by the BZA that additional information is required before action is taken on the request. The continuation of applications follows the BZA's [Rules of Procedure](#).
- J. **Conditions of Approval.** Reasonable conditions may be imposed on the approval of a use variance to protect the public health, safety, and general welfare, ensure adequate public services can be provided, enhance compatibility with adjacent conforming land uses or activities, and protect natural resources.
- K. **Commitments.** The BZA may require the property owner to make written commitments concerning the use or development of the property per [8.18 Written Commitments](#).
- L. **Effect of Approval.** The approval of a use variance does not authorize the development, construction, alteration, or moving of any building or structure. The approval authorizes the filing and processing of applications for permits or approvals required, such as approval of a development plan, improvement location permit, building permit, and certificate of occupancy.
- M. **Re-filing of Denied Applications.** No request for a use variance that has been denied may be re-filed for a period of one year from the denial date, unless substantial changes are made addressing the reasons for denial. The Administrator may waive the waiting period based on adjacent land use changes or other contributing factors.
- N. **Appeals.** Appeals of the decision of the decision of the BZA are made to a court of competent jurisdiction.
- O. **Violations.** Violations of an approved variance, conditions of approval, and commitments are subject to enforcement procedures.

8.12 New Utility Pole or Wireless Support Structure Approvals

- A. Pursuant to Town Council Resolution 2017-14 all right-of-way under the control of the Town of Brownsburg are designated strictly for underground or buried utilities. A New Utility Pole or New Wireless Support Structure Appeal is the procedure by which a utility or wireless provider may request relief from the Town's policy on areas designated strictly for underground or buried utilities. A New Utility Pole or New Wireless Support Structure Appeal shall only be permitted by the Board of Zoning Appeals.
- B. A New Utility Pole or New Wireless Support Structure Appeal is only applicable within the ROW District.
- C. A New Utility Pole or New Wireless Support Structure Appeal may only be sought by an Eligible User of the right-of-way listed in [IC-8-1-32.3-19](#).
- D. An application for a New Utility Pole or New Wireless Support Structure Appeal shall be made on forms provided by the Zoning Administrator.
- E. An application for a New Utility Pole or New Wireless Support Structure Appeal shall be filed according to the Board of Zoning Appeal's Rules of Procedures.
- F. Applicable fees shall be paid at the time the application for a New Utility Pole or New Wireless Support Structure Appeal is filed.
- G. The process for a New Utility Pole or New Wireless Support Structure Appeal, including filing, public notice, public hearing, and review, shall be per the Board of Zoning Appeal's Rules of Procedure.
 1. All application for the replacement of an existing Utility Pole or placement of a collocated Wireless Support Structure must be posted to the Town's website to provide the public notice of the request pursuant to IC 8-1-32.3-15.
 2. The Board of Zoning Appeals shall make findings of fact on the following criteria. Approval of findings may be in the form of a general statement. Disapproval of findings shall specify the reason for non-compliance.
 - a. The proposed New Utility Pole or New Wireless Support Structure Appeal will not be injurious to the public health, safety, and general welfare of the community.
 - b. The proposed New Utility Pole or New Wireless Support Structure Appeal will not unreasonably change the character of the district.
 - c. The proposed New Utility Pole or New Wireless Support Structure Appeal will comply with [2.10 Right-of-Way Overlay](#) and [3.6 Industrial, Manufacturing, and Wholesale Uses – Additional Standards](#).
 3. Based on the findings of fact, the Board of Zoning Appeals shall approve, approve with conditions, or deny the application for a New Utility Pole or New Wireless Support Structure Appeal.
 4. The findings of fact and final action shall be signed by the President of the Board of Zoning Appeals.
 5. The Zoning Administrator shall provide the applicant a copy of the decision.

8.13 Appeals of Administrative Determinations

- A. **Description.** There may be situations where a property owner or another party believes the Administrator made an error in the application of this Ordinance. The BZA reviews alleged administrative errors unless otherwise required by this Ordinance or Indiana law.
- B. **Initiation.** Anyone disagreeing with a final decision of the Administrator may file an appeal. If the appeal is filed according to this article, the Administrator takes no further enforcement action on the matter pending the BZA's decision, except for unsafe circumstances presenting an immediate danger to the public.
- C. **Submittal Deadline.** Appeals must be filed within 30 days of the decision being appealed. Applications must be filed according to the Official Deadline Schedule for the Advisory Plan Commission. This schedule shall be maintained by the Administrator and available on the Town of Brownsburg [website](#).
- D. **Submittal Requirements.** The applicant submits the following information:
1. Original Submittals: Copies of all materials on which the decision being appealed was based.
 2. Written Decisions: Copies of any written decisions that are the subject of the appeal.
 3. Appeal Basis: A letter describing the reasons for the appeal noting specific sections of this Ordinance or other applicable standards upon which the appeal is based.
 4. Filing Fee: The applicable filing fee as noted on the Town's Fee Schedule.
- E. **Notice.** Public notice is required per the BZA's [Rules of Procedure](#).
- F. **Public Hearing.** At a public hearing, the BZA reviews the facts and circumstances of each application and supporting information. The applicant or applicant's representative must appear at the public hearing to present the request and address the decision criteria.
- G. **Decision.** The BZA may affirm, modify, reverse, or continue the appeal.
1. Affirm: If the BZA finds the administrative decision was consistent with the provisions of this Ordinance, the BZA affirms the decision in writing.
 2. Modify: If the BZA finds the proper interpretation is not consistent with the administrative decision or the interpretation requested by the applicant, the BZA will affirm the decision with modification in writing.
 3. Reverse: If the BZA finds the administrative decision was inconsistent with the provisions of this Ordinance, the BZA reverses the decision in writing.
- H. **Continuances.** The appeal may be continued based upon a request by the Administrator, applicant, an indecisive vote, or a decision by the BZA that additional information is required before action is taken on the request. The continuation of applications follows the BZA's [Rules of Procedure](#).
- I. **Re-filing of Denied Applications.** No denied application may be re-filed for a period of one year from the denial date unless substantial changes are made addressing the reasons for denial. The Administrator may waive the waiting period based upon adjacent land use changes or other contributing factors.
- J. **Appeals.** Appeals of the decision of the BZA are made to a court of competent jurisdiction.

OTHER APPROVALS AND REQUIRED PROCESSES

8.14 Administrative Determinations

- A. **Description.** The interpretation authority established by this Ordinance recognizes that the provisions of this Ordinance, though detailed, cannot address every specific situation to which they may have to be applied. Many such situations can be addressed by an interpretation of the specific provisions of this Ordinance considering the general and specific purposes for which those provisions have been enacted. The determination authority established is an administrative, not legislative, authority. It is not intended to add to or change the essential content of this Ordinance. It is intended only to allow authoritative application of content to specific cases. The Administrator provides administrative determinations.
- B. **Initiation.** Applications for an Administrative Determination may be filed by any person having a legal or equitable interest in property that gives rise to the need for an interpretation. Determinations based on hypothetical circumstances or where the interpretation would have no effect other than as an advisory opinion will not be entertained.
- C. **Submittal Deadline.** Applications for administrative interpretations may be submitted at any time.
- D. **Submittal Requirements.** Applications for interpretations of this Ordinance are filed according to the requirements of this article.
1. Administrative Determination requests may be submitted via the Town's website.
 2. Applicants should provide a detailed description of their request including the section of the code they are requesting a determination for, any relevant information about their proposed project or request, and any relevant information or facts about their proposal.
 - a. An example of this would be a request for an administrative determination on a use that is not listed in the table, but the applicant believes it should be considered under another use in the table. Relevant information to this may include parking requirements, hours of operation, traffic generation, or other similar data that shows any similarities between the uses.
- E. **Review.** Within 10 business days of a complete submission the Administrator provides a response. Failure of the Administrator to act within 10 business days is deemed a decision denying the application.
1. Standards for Use Interpretations: A use will not be permitted in a zoning district unless evidence is presented that demonstrates:
 - a. The use is consistent with the purpose and intent of the zoning district;
 - b. The use will comply with the general regulations established for the zoning district; and
 - c. The use is like other uses permitted in the zoning district and is anticipated to have similar or less impact on the surrounding area (traffic, lighting, hours of operation, outdoor storage or merchandising, and similar considerations may be factored in to this criteria).

- d. If a proposed use is most like a use allowed only as a special exception in the zoning district where it is proposed to be located, the use shall require special exception approval according to [8.9 Special Exceptions](#).
- F. **Decision.** The Administrator provides the applicant a decision in writing, stating the specific precedent, reasons, and analysis upon which the decision is based.
- G. **Limitations of Approval.** A determination is limited to the circumstance for which it was issued. It does not authorize any allegedly similar circumstance for which a separate determination is needed, unless otherwise provided for in the determination.
- H. **Effect of Approval.** A determination permitting a proposed use only authorizes the preparation, filing, and processing of applications for approvals that may be required by this Ordinance and other Town ordinances and is not a guarantee of said approval. All relevant planning approvals and permitting requirements must be completed prior to the construction or commencement of any such use.
- I. **Appeals.** Appeals of interpretations rendered by the Administrator are made according to [8.13 Appeals of Administrative Determinations](#).

8.15 Record Drawings Submittal Requirements

- A. **Preparation.** After improvements installed on a site are approved by the Town, Record Drawings must be prepared and certified by a surveyor or engineer licensed by the State of Indiana. The applicant provides one PDF digital copy, one digital copy (ArcGIS .shp) or other file type compatible with the Town's GIS software, and one hard copy set of Record Drawings in accordance with these standards. The names for the files should allow someone unfamiliar with the consulting firms naming conventions to determine the content of the file. The .dwg files must use the NAD83, Indiana State Plane Coordinate System, East Zone projection using U.S. Survey feet. The vertical datum for the files must be NAVD 88. All pertinent drawing elements must reside in the primary drawing file. There cannot be any cells, nodes, blocks, or reference files (x-refs) attached to the drawing.
- B. **Record Plan Contents.** Record Drawings must contain:
1. Grades for the following locations:
 - a. Major drainage swales and percent of slope.
 - b. Lot corner and grade brakes.
 - c. Pad grades.
 - d. Street grades along the centerline and curb (Maximum 50 ft. spacing).
 - e. Street sag and crest points.
 - f. Paved swales, if any, at 50 ft. intervals.
 - g. Lakes or ponds at the top of bank, normal pool, safety ledge, bottom, and spillway.
 - h. Locations of sidewalk ramps.
 2. Sanitary sewer system plans and profiles, including:
 - a. Invert elevations and percent of slope.
 - b. Top of casting elevations.
 - c. Lateral locations based on distances along main from manholes.
 - d. Locations of each manhole or structure.
 - e. Designate any material changes from approved development plans. Where plans show alternates, indicate the alternate constructed.
 3. Storm sewer plans and profiles, including:
 - a. Invert elevations and percent of slope.
 - b. Top of casting elevations.
 - c. Location of pipe and structures.
 - d. Designate any material change from design plans. Where plans show alternates, indicate the alternate constructed.

4. Street plans and profiles, including:
 - a. Grades.
 - b. All low and high points.
 - c. All percent of slope.
 - d. Any deviation of alignment.
 - e. Grades and dimensions on accel and decel lanes, if applicable.

8.16 Modifying Utility Poles or Collocating Wireless Support Structures

- A. Pursuant to Town Council Resolution 2017-14 all right-of-way under the control of the Town of Brownsburg are designated strictly for underground or buried utilities. This section is intended to provide the procedure by which an Eligible User of the right-of-way may modify an existing Utility Pole or place a collocated Wireless Support Structure within right-of-way under the control of the Town of Brownsburg. Modifying an existing Utility Pole or placing a collocated wireless support structure may be approved by the Zoning Administrator.
- B. The modification of an existing Utility Pole or placement of a collocated wireless support structure within the ROW District.
- C. The modification of an existing Utility Pole or placement of a collocated wireless support structure may only be sought by an Eligible User of the right-of-way listed in [IC 8-1-32.3-19](#).
- D. An application for the modification of an existing Utility Pole or placement of a collocated wireless support structure shall be made on forms provided by the Zoning Administrator.
- E. Applicable fees shall be paid at the time the permit for the modification of an existing Utility Pole or placement of a collocated wireless support structure is issued.
- F. The process for the modification of an existing Utility Pole or placement of a collocated wireless support structure including filing an application for an Improvement Location Permit, and an Administrative review.
 1. All applications for the modification of an existing Utility Pole or placement of a collocated wireless support structure must be posted to the Town's website to provide the public notice of the request pursuant to IC 8-1-32.3-15.
 2. The Zoning Administrator must review the application pursuant to IC 8-1-32.3 *et seq.*, orders issued by the Federal Communications Commission, the Indiana Utility Regulatory Commission, and [2.10 Right-of-Way Overlay](#).
 3. The Zoning Administrator must issue the permit provided the applicant is in compliance with IC 8-1-32.3 *et seq.* and all relevant sections of this UDO.

8.17 Permits Required

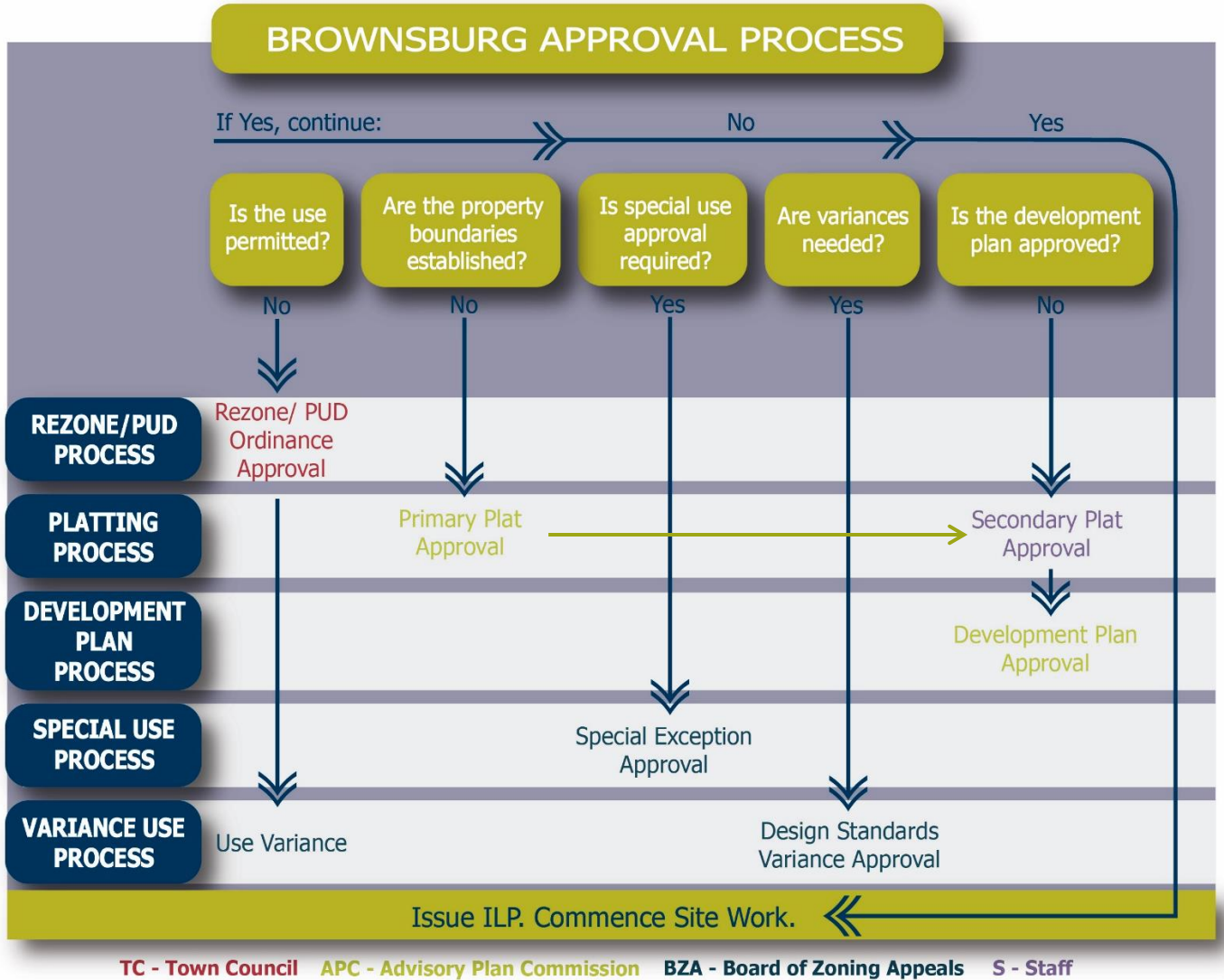
- A. **Applicability.** Prior to the placement of a structure or establishment of a new use, a permit may be required through the Town of Brownsburg. Additional reviews and approvals may be required from the State of Indiana or outside utility agencies where applicable.
- B. **Exempt Structures and Activities.** The following structures may be placed or activities may commence without obtaining a building permit:
1. **Small Structures Under 90 Square Feet:** A small structure, such as a storage shed or small patio is exempt from obtaining a permit. Any addition to a small structure or paving area that increases the total size of the resulting structure to more than 90 square feet shall be required to obtain a permit.
 2. **Softscaping and hardscaping:** installing trees, shrubs, plants, and flowers; applying mulch or soil enhancers, and accent landscaping (stone steps, stone edging, and the like) is exempt from obtaining a permit.
 3. **Sign Panel Content Change:** changing an existing panel on a sign or changing the content on a variable message sign is exempt from obtaining a permit.
 4. Flag Pole
 5. Play Sets
 6. **Home Business** as Allowed in Chapter 3
 7. **Property Maintenance:** maintenance and repairs to an existing structure or site features is allowed without a permit.
 8. **Replacing Light Fixtures:** Existing light fixtures and bulbs may be replaced without obtaining a permit insofar as the replacement is compliance with **5.12 Lighting** and any conditions of lighting approval for the site.
- C. **Change of Use.** Where a new use would be of a different occupancy than the previous use in a structure, additional approvals through the State of Indiana may be required.
- D. **Infrastructure and Erosion Control Requests.** Site work that involves land disturbance, dirt stockpiling, and/or the installation of infrastructure prior to a development may be required to submit an Infrastructure permit and/or complete Erosion Control & Stormwater Review as determined by the Administrator or designee.
1. Infrastructure Permits may be utilized for site work and installation of infrastructure once drainage reviews have been completed for the proposed work.
 2. Erosion Control and Stormwater Review may be required for proposed work that disturbs land or creates new impervious surfaces when the project is not otherwise already required to complete the Development Plan Review process or where a previous drainage review has not been completed.

- E. **Certificates of Occupancy.** No building or structure erected or altered after the date of adoption of this Ordinance can be occupied, used, or store materials other than what is required for construction unless a certificate of occupancy has been issued for that building or structure upon completion of construction. A certificate of occupancy constitutes certification that the building, structure, use, parking, landscaping, and all other required improvements fully comply with the provisions of the Ordinance and any conditions imposed on the approval. Violations of this article are subject to enforcement procedures.

8.18 Written Commitments

- A. **Applicability.** An applicant may be required to make a commitment to the Plan Commission, BZA, or Town Council as a condition of approval of a rezoning proposal, a primary plat, a development plan, a plat vacation, special exception, or variance.
- B. **Form.** Commitments must be in writing, in a recordable form approved by the Town, and signed by the owners of the real estate.
- C. **Expiration.** A commitment may contain terms stating the commitment automatically terminates: (i) if the property's zoning classification is changed; (ii) if the commitment's use is changed; or (iii) otherwise according to the rules of procedure of the Plan Commission or BZA. If not otherwise provided, commitments remain in effect until otherwise modified or terminated per [8.8 Waiver from Design Standards](#).
- D. **Recording.** The applicant must return a copy of the recorded commitments to the Development Services Department within 14 days of recording. New applications for approvals or permits for the property will not be processed until a copy of the recorded commitments is provided to the Development Services Department.
- E. **Enforcement.** The Plan Commission, BZA, Town, owners of real estate adjoining the subject real estate, all owners of real estate within the area included in the application who were not applicants for approval, and others specifically designated in the commitments are entitled to enforce the commitments according to [IC 36-7-4-1015](#), or as otherwise provided by applicable law.
- F. **Modification of Commitments.** A commitment may be modified or terminated only by a decision of the Plan Commission, BZA, or Town Council to which the commitment was made. The decision is made at a public hearing by the Plan Commission, BZA, or Town Council after notice has been provided according to the Rules of Procedure. The modification or termination of the commitments is not effective until: (i) written in a form approved by the Town Attorney; (ii) approved by the Plan Commission, BZA, or Town Council; (iii) executed by the current property owner of the real estate; and, (iv) recorded in Office of the County Recorder. The applicant is responsible for recording the commitments and returning a recorded copy to the Administrator within 30 days of recordation.

8.19 Approval Process Flowchart



Chapter 8 Image 1 An example approval process flowchart is shown above.



ENFORCEMENT

CHAPTER 9

CONTENTS

9.1	Enforcement Authority	249
9.2	Persons Liable	249
9.3	Common Nuisance.....	249
9.4	Violations Defined	249
9.5	Violation	249
9.6	Inspection of Property or Structure	250
9.7	Enforcement Options.....	251
9.8	Request to Remedy	251
9.9	Stop Work Orders.....	252
9.10	Notice of Violation and Citations.....	253
9.11	Enforcement of a Common Nuisance	254
9.12	Enforcement through Judicial Proceedings	254
9.13	Administrative Enforcement	255
9.14	Penalty Schedule.....	256
9.15	Revocation of Approvals.....	256
9.16	New Permits Where a Violation Exists	257
9.17	Private Remedies Reserved.....	257

[Click Here to Return to the Main Table of Contents](#)

9.1 Enforcement Authority

The Town of Brownsburg, including the Administrator, Town Council, Plan Commission, BZA, Building Commissioner, and their delegates are designated to enforce the provisions, regulations, and intent of this Ordinance, according to [IC 36-7-4-1000](#), et. seq., as amended. The Administrator or designee is designated as the Enforcement Official and shall investigate complaints or suspicions of ordinance violations and take action as warranted under this Ordinance, the Municipal Code, and applicable state codes.

9.2 Persons Liable

The owner and/or occupant of any building, structure, land, or other person creating or maintaining a situation contrary to the requirements of this Ordinance is subject to enforcement and responsible for the violation and any penalties.

9.3 Common Nuisance

According to [IC 36-7-4-1000](#) et seq. any structure, land, or premises found to be in violation of this Ordinance is declared to be common nuisance. Any owner and/or possessor of the structure, land, or premises is, in addition to any other fine or civil penalty, liable for maintaining a common nuisance.

9.4 Violations Defined

The failure to comply with the terms and provisions of this Ordinance or any decision or ruling of the Plan Commission, Board of Zoning Appeals, or Town Council on any zoning matter is a violation under this chapter.

9.5 Violation

- A. Violation of any of the provisions of this Ordinance is considered a common nuisance and may be abated in accordance with this chapter and/or the Municipal Code. Violations may include:
1. The erection, demolition, or conversion of any structure, building, or sign without the required approvals or permits;
 2. The erection of a structure exempt from permitting in a manner that is not expressly allowed by this Ordinance;
 3. The use of any land or premises used in violation of any provisions of this Ordinance or without appropriate approvals or permits; and/or

4. Failure to comply with any condition, requirement, or commitment established with the approval of a development approval under ***Chapter 8 – Processes*** of this Ordinance.
- B. Any person who violates or resists the enforcement of any provision(s) of this Ordinance is subject to judgment for each offense. Each day a violation exists constitutes a separate offense. A violation exists until corrected. Correction may include:
1. Stopping an unlawful practice, use, or site condition;
 2. Removal of a building, structure, or improvement;
 3. Faithful or otherwise-approved restoration or replacement of a building, structure, site, or natural feature;
 4. Any other remedy that brings the site into compliance with this Ordinance and/or the Municipal Code.

9.6 Inspection of Property or Structure

- A. **Standard Inspections.** An inspection of an alleged violation of a property or structure may be conducted by the Enforcement Official or their designee under the following conditions:
1. With permission from the owner or tenant at the time of inspection;
 2. From a public right-of-way;
 3. From aerial photographs or video;
 4. From aerial observation; and/or
 5. From adjacent property with permission from the owner of that property.
- B. If requested, the Enforcement Official must present identification and describe the purpose of the inspection.
- C. **Denial of Access to Property.** If the Enforcement Official is denied entry to a property or structure where there is an alleged violation, the Enforcement Official may apply to a court of competent jurisdiction (referred to as the “Court” throughout this chapter) to secure a warrant authorizing inspection of the property or structure.
- D. **Surrender of Right to Deny Access.** A property owner surrenders the right to deny an Enforcement Official access to the property or structure when filing for any permit or application identified in ***Chapter 8 – Process***. The surrender to deny access begins with the filing of a complete application and ceases with the issue of a compliance certificate, certificate of occupancy, or other required final inspection. The inspector is strictly limited to areas of the property related to the application or permit.

9.7 Enforcement Options

- A. **Options for Enforcement.** The Town has the following options to enforce the provisions of this Ordinance:
1. Make a request to remedy under [9.8 Request to Remedy](#).
 2. Issue a citation to a person alleged to have committed a violation of this Ordinance. The citation may be processed through the Court, according to [IC 33-36](#) and [9.11 Citations for Zoning Violations](#).
 3. Issue a stop work order under [9.9 Stop Work Orders](#).
 4. Take action to bring a property into compliance with this Ordinance, as allowed by [IC 36-1-6-2](#).
 5. Forward the violation to legal counsel as a Common Nuisance under [9.11 Enforcement of a Common Nuisance](#).
 6. Initiate enforcement through an administrative proceeding before the BZA, according to [IC 36-1-6-9](#).
 7. To bring a civil action in the Court, according to [IC 34-28-5-1](#), [IC 36-1-6](#), and [9.13 Administrative Enforcement](#).
 8. Any remedy or actions set forth in Indiana Code, common law, or other applicable State regulations.
- B. **Exercise of Options.** The Town's exercise of the options specified in this article, including the imposition of any penalties for an Ordinance violation, are not prerequisites for taking any other action against an alleged violator of this Ordinance, nor do they prohibit the Town from taking any further action.
- C. **Warnings.** Before exercising any of the Town's options under this section, the Administrator may issue a warning to a person alleged to be in violation of this Ordinance and give the person at least 10 days but not more than 60 days to remedy the alleged violation.

9.8 Request to Remedy

- A. **Occurrence of Violation.** If the Administrator finds that a violation is occurring or has occurred on a construction site, the Administrator or designee may send a request to remedy the violation to the property owner.
- B. A request to remedy may include
1. A door hanger placed on the premise in a visible location;
 2. A notification in-person of the violation; and/or
 3. A letter mailed to at least the property owner notifying them of the violation.
- C. A request to remedy shall include a time frame of at least 1 day but not more than 21 days to bring the site into compliance.

1. The time granted shall be reasonably tied to the time necessary to remedy the violation. For example, moving a temporary sign may be given 1 to 2 days while a grass violation may be multiple days or include a weekend.
- D. **Time Frame Extension.** A time frame extension may be granted if the violator is making substantial progress on remedying the violation. Extensions shall be given in not more than 30 day increments and substantial progress must be shown to continue granting extensions.
- E. **Timely Correction.** Where a violation remains after 30 days, regardless of extensions or progress, the Enforcement Official or their designee may choose to pursue compliance through another enforcement option under this Ordinance.
- F. **Fines.** The Enforcement Official shall not impose a fine if a request to remedy is the first enforcement action and the violation is remedied within the granted timeframe.

9.9 Stop Work Orders

- A. **Occurrence of Violation.** If the Administrator finds that a violation is occurring or has occurred on a construction site, the Administrator or designee may place a stop work order on any land/property improvement process.
- B. **Reasons.** Reasons for a stop work order may include:
1. Not complying with any element of the development standards or any regulation of the Ordinance.
 2. Not obtaining a permit or approval prior to the construction or installation of any improvement requiring a permit or approval by this Ordinance.
 3. Not completing structures or other site improvements consistent with any approved improvement location permit, variance, special exception, development plan, or other approval.
 4. Not meeting the commitments imposed upon the approval of a special exception, variance, rezoning, development plan, subdivision plat, or other approval, whether recorded or not.
 5. Not meeting the conditions of a PUD Ordinance or other rezoning, or any written commitment imposed upon an approval, whether recorded or not.
 6. Illegal use or expansion of use of structures, or structures and land in combination.
- C. **Procedure.**
1. The Enforcement Official may verbally or in writing describe the violation to the property owner, tenant, or person conducting the activity and request immediate cessation until the matter is resolved. If this occurs verbally or to anyone other than the property owner, the notice shall also be put in writing and mailed to the property owner.
 2. Notice shall also be posted in a conspicuous place on the property.
 3. The Stop Work Order shall be in effect immediately upon verbal, written, or posted notice and remain in effect until the site is brought into compliance.
 4. The Enforcement Official or their designee may seek a temporary or preliminary injunction through the Court if the property owner fails to abide by the stop work order.

- D. **Appeals.** Any stop work order may be appealed to the BZA filed according to the Rules and Procedures or other established processes ([8.13 Appeals of Administrative Decisions](#)). Upon the resolution of the violations to the satisfaction of the Administrator or the BZA, the stop work order is lifted and construction activity may resume.

9.10 Notice of Violation and Citations

- A. **Notice to Alleged Violator.** An Enforcement Official may issue a Notice of Violation of this Ordinance. The notice must advise the alleged violator that the violation is subject to payment of the fixed civil penalty listed in [9.14 Penalty Schedule](#).
1. A Notice of Violation must include a timeframe to bring the site into compliance of at least 10 days but not more than 60 days and detail the possible fines that may be assessed on the property if it remains in noncompliance.
- B. **Form of Citation.** A citation may after the time frame to bring the site into compliance expires. Citations must be numbered and contain the following information:
1. The date and time issued;
 2. The specific Ordinance violation for which the citation is issued;
 3. The amount of the civil penalty fixed for that violation in [9.14 Penalty Schedule](#);
 4. The date and location of the violation;
 5. The name and address of the person alleged to have committed the violation, if known or readily obtainable;
 6. The signature of the enforcement official issuing the citation or the enforcement official's name (and badge number, if any); and
 7. Statement to the violation of the option to appear before the Court or file a land use petition, if applicable.
- C. **Service of Citation.** A citation is served by the enforcement official or their designee upon the alleged violator. If the alleged violator is present, the citation may be delivered personally to the alleged violator. If the alleged violator is not present and the violation involves specific premises, it must be served on the owner or other person in possession of the premises either in person or by first class mail.
- D. **Daily Citations.** Each day a violation remains uncorrected is a distinct and separate violation subject to additional citations and fines provided that a notice has been issued prior.
- E. **Trial for Civil Zoning Violations.** Any person receiving a citation may elect to stand trial by indicating their intent to stand trial and returning a copy of the citation to the Development Services Department. Fines shall be stayed upon this point until applicable lawsuits are filed and resolved.
- F. **Failure to Pay Fines and Remedy Violations.** If a violation persists on a property and at least two citations have been issued without payment or correction of the violation during the time frame described in the notice, the Enforcement Official or their designee may forward all relevant information to legal counsel and proceed with Court filings.

- G. **Limitations.** If administrative or judicial proceedings are initiated for an alleged violation, the maximum penalty specified for the violation in [9.14 Penalty Schedule](#) is applicable to the violation.

9.11 Enforcement of a Common Nuisance

- A. **Cause.** Any circumstance determined to be a common nuisance under 9.3 Common Nuisance may be conveyed to the Town's legal counsel for prosecution.
- B. **Notice Requirement.** Before the Town formally forwards common nuisance issues to legal counsel, the property owner at a minimum must be given at least 10 days but not more than 60 days to bring the property into compliance. Notice may also be provided to the tenant or mailed to the property address.
1. Notice must be served in person or by first class mail.
 2. A request to remedy provided via mail shall be considered as meeting this requirement.
- C. **Investigation.** Once formally conveyed, legal counsel may make an investigation of the alleged violation and prosecute accordingly.

9.12 Enforcement through Judicial Proceedings

- A. **Initiation.** According to [IC 36-7-4-1014](#), the Administrator or the BZA may bring a civil action to enforce a provision of this Ordinance, or any conditions imposed by the Plan Commission or BZA under the Advisory Planning Law. The action is brought in the name of the Administrator or the BZA as plaintiff. According to [IC 34-28-5-1](#), the plaintiff need not prove this Ordinance is valid, unless its validity is controverted by affidavit. The plaintiff may invoke any legal, equitable, or special remedy in an action brought under this section. Actions may be filed in the Court.
- B. **Procedure in General.** An action to enforce a provision of this Ordinance must be brought within 2 years after the alleged violation occurred. Proceedings initiated under this section are conducted according to the Indiana Rules of Trial Procedure. The plaintiff must prove the commission of a violation by a preponderance of the evidence. The complaint and summons described in [IC 9-30-3-6](#) (without the provisions relating to the operation of a vehicle) may be used in any Ordinance enforcement case.
- C. **Right to Trial.** A person charged with an Ordinance violation is entitled to a Court trial as provided by law unless the person waives the right to trial and enters an admission of the violation.
- D. **Judgment.** A judgment may be entered against the defendant upon a finding by the Court that the defendant violated this Ordinance. A judgment up to the amount requested in the complaint may be entered for the violation. A defendant against whom a judgment for a violation is entered may be liable for costs (including but not limited to IC 33-37-4-2) and attorney's fees. Costs are part of the judgment and may not be suspended; however, whenever a judgment is entered against a person for the commission of two or more ordinance violations, the Court may waive the person's liability for costs for all but one of the violations, as specified by the Court. The Court may also enforce a condition, covenant, or covenant; enforce injunctive relief; and/or impose an equitable special remedy.

9.13 Administrative Enforcement

- A. **Provisions that Restrict or Prohibit Actions Harmful to the Land, Air, or Water.** According to [IC 36-1-6-9](#), the Town may opt to enforce any provision of this Ordinance that restricts or prohibits actions harmful to the land, air, or water, through an administrative proceeding before the BZA. The BZA must find that the violation has been proved by a preponderance of the evidence. Upon finding a violation, the BZA may assess a civil penalty within the limits set forth in [9.14 Penalty Schedule](#).
- B. **Appeal to Court.** According to [IC 36-1-6-9\(e\)](#), a person who is assessed a civil penalty under this section may appeal the BZA's order imposing the penalty to the Court. An appeal under this section must be filed not more than 60 days after the date on which the BZA enters the order.
- C. **Payment of Civil Penalty.** Unless a person who is assessed a civil penalty under this section files an appeal, the person must pay the penalty to the Town in a manner authorized by the Clerk-Treasurer. Whenever a person liable for a civil penalty under this section fails to deliver payment to the Town within 75 days after the date on which the administrative body enters the order imposing the penalty, the Clerk-Treasurer reports the circumstances to the Administrator for the initiation of appropriate judicial proceedings against the person.
- D. **Effect of Administrative Process.** An Ordinance violation processed under this section does not constitute a judgment for the purposes of [IC 33-37](#). An ordinance violation costs fee may not be collected from the defendant under [IC 33-37-4](#).

9.14 Penalty Schedule

- A. **Maximum Penalties.** According to [IC 36-1-3-8](#) and [IC 36-7-4-1018](#), the maximum civil penalty for the first violation of a provision of this Ordinance is a fine of \$2,500. The maximum civil penalty for the second or subsequent violation of a provision of this Ordinance (other than a provision that regulates parking) is a fine of \$7,500.
- B. **Penalty Schedule.** The following schedule of penalties are established for violations of this Ordinance. The first and second (or subsequent) admission of the same violation within a 12-month period is subject to the fixed civil penalty described in this section.

Ordinance Violation Type	First Violation Fine	Subsequent Violation Fine
Permanent signage without permit	\$250	\$500
Parking on an unimproved surface	\$50	\$100
Temporary use without permit	\$500	\$1,000
Illegal land use	\$1,000	\$2,000
Alteration or use of property without a permit/approvals	\$200	\$400
Failure to comply with written commitments	\$500	\$1,000
Blocking the right-of-way	\$50	\$100
Failure to comply with development standards	\$100	\$200
Blocking the right-of-way or sidewalk	\$50	\$100
Any other violation of this Ordinance	\$100	\$200

- C. **Subsequent Violations.** The penalties listed above for subsequent violations apply whenever the responsible party commits an additional violation of the same provision within 12 months of the first violation, regardless of whether the additional violation is on the same property as the first violation.
- D. **Reservation to Adjust.** Subject to IC 36-1-3-8, the Town reserves the right to adjust the above penalty schedule should the violation be considered egregious, continuous, or for any other reason the Town deems appropriate.

9.15 Revocation of Approvals

A. Authority

1. The Administrator may, according to this section, revoke any approval granted by an appointed body at a previous public hearing; including, but not limited to any development review approval, variance, special exception, plan review or any other approval, under the following circumstances:
 - a. It is determined that the approval was obtained without adhering to the applicable procedures within the appropriate section of this Ordinance, including but not limited to:
 - Failure to properly notify adjoining property owners as required by statute;
 - Failure to demonstrate consent of owners of included properties as required by statute;

- Any other failure to satisfy a statutory provision of the applicable approval procedure as specified within this Ordinance.
 - b. It is determined that the approval was obtained based on factual errors in the submittal.
 - c. It is determined that the approval was obtained based on falsified information.
2. The Administrator may revoke any approval granted administratively, including but not limited to any improvement location permit, sign permit, or certificate of occupancy.
- B. **Notice.** The Administrator shall notify the applicant in writing of the revocation of the approval and detail the circumstances outlined above that have resulted in the revocation.
- C. **Appeal.** Any party aggrieved by the revocation of any approval by the Administrator may appeal the decision.
1. The board or body responsible for the applicable approval and the original hearing conducts any public hearing related to any proposed revocation according to the Rules and Procedures applicable to that board or body.
 2. Any revocation of an approval granted administratively may be appealed to the Board of Zoning Appeals according to [8.13 Appeals of Administrative Decisions](#).
- D. **Result of Revocation.** No person may continue to make use of land or buildings in the manner authorized by any approval after the approval has been revoked.
- E. **Records.** A record of any decision to revoke any review is added to the original petition file.

9.16 New Permits Where a Violation Exists

When a violation or alleged violation of this Ordinance has been identified and notice conveyed in writing to the violator, any new permit or other application identified in [Chapter 8 – Process](#) shall be held by the Administrator until the violation is resolved. This provision may be waived by the Administrator if the proposed work or project would clearly not complicate, escalate, or impact the violation.

9.17 Private Remedies Reserved

Nothing in this chapter should be interpreted to prevent any person entitled to relief in law or equity by reason of a violation of the provisions of this Ordinance from bringing an appropriate action to secure relief.



DEFINITIONS

CHAPTER 10

10.1 General.....	259
10.2 Defined Words	259
Aa	259
Bb	261
Cc.....	263
Dd	265
Ee.....	268
Ff	268
Gg	271
Hh	272
Ii	273
Jj.....	273
Kk.....	274
Ll.....	274
Mm.....	277
Nn	278
Oo	279
Pp.....	280
Qq.....	282
Rr	282
Ss.....	284
Tt.....	289
Uu	290
Vv.....	292
Ww.....	292
Xx.....	293
Yy.....	293
Zz.....	294

[Click Here to Return to the Main Table of Contents](#)

10.1 General

The definitions contained in this Article are observed and applied in the interpretation of all Articles in the Unified Development Ordinance, except where context clearly indicates otherwise. Words used in the present tense include the future; words used in the singular number include the plural and the plural the singular; words used in the masculine gender include the feminine.

10.2 Defined Words

The terms listed below have the meanings as written and illustrated:

Aa

Abandoned Building: A structure on a parcel that is:

- a. Vacant for more than 90 days;
- b. Subject to an order issued according to the Unsafe Building Law; and
- c. The condition generating the order has existed for at least 30 days and has not been remedied.

Accessory Dwelling Unit: A complete housekeeping unit with a kitchen, sleeping area, and full bathroom facilities that is incidental and subordinate to the primary use of the property.

Accessory Structure: A structure that:

1. Is subordinate to a primary structure in area, intent, and/or purpose,
2. Does not alter or change the character of the area or property,
3. Is located on the same zoning lot as the primary structure or use,
4. Is not designed for human occupancy except for accessory dwelling units, and
5. In the case of a telecommunications tower, antenna, or other communications equipment, the tower is considered a primary structure and any incidental features such as generators or utility cabinets would be considered an accessory structure.

ADA: The Americans with Disabilities Act.

Administrator: The officer appointed by and/or delegated the responsibility for the administration of the Unified Development Ordinance's regulations by the Plan Commission. The term "Administrator" includes the Administrator's authorized representatives.

Adult Business: Adult Business are characterized by commercial establishments where the primary use is the sale, rental, display, or other offering of live entertainment, dancing, and/or material characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas. Uses in this category include an establishment which advertises or holds itself in any forum as "XXX", "adult", or "sex" related in nature. Retail uses, or businesses with a retail component, with more than 10% of its stock in trade or gross floor area devoted to the sale of sexual stimulation devices and/or materials (including still or motion pictures, books, magazines, periodicals, or other depiction on similar media) distinguished or characterized by their emphasis on matter depicting, describing, or related to "Specified Sexual Activities" or "Specified Anatomical Areas" are considered adult businesses.

Advisory Plan Commission: The Brownsburg Advisory Plan Commission established under *IC 36-7-4 et seq.* as amended.

Agricultural District: Refers to the AG District.

Agricultural Products, Processing: An establishment engaged in the manufacture or refinement of farm supplies of all kinds, including fertilizer, agricultural minerals and chemicals, feed, or fencing materials.

Agricultural Products, Sales: An establishment engaged in the retail or wholesale sale of feed, grain, fertilizers, pesticides, farm equipment sale and services, and similar goods.

Agricultural Products, Storage: Storage of farm supplies of all kinds including fertilizer, agricultural minerals and chemicals, feed, or fencing materials.

Agritourism: Activities which bring the public to the farm for agricultural-based activities. Examples of agritourism include Christmas tree farms, corn mazes, pumpkin patches, farm markets located on the farm, and U-pick operations, workshops, and classes.

Airport: Any area which is primarily used or intended to be used for the taking off and landing of aircraft, which may or may not include helicopters, and any appurtenant areas which are used or intended to be used for airport structures or facilities, including open spaces, taxiways, and tie-down areas. Where helipads are accessory to another use, see Helipad definition.

Alley: A public right-of-way or platted access easement, other than a street that provides secondary access typically along the rear or side of a property. Lots adjacent to an alley are not to be deemed to have a second front yard, or to be determined to be a corner lot or through lot. Also, the facade that faces an alley is not to be determined to be a front facade.

Animal, domestic or household: Any animal commonly held as a pet in Indiana including cats, dogs, ferrets, gerbils, guinea pigs, hamsters, rabbits, mice or rats, chinchillas, fish, or the like.

Animal, farm: Any animal commonly raised as a farm animal in Indiana including donkeys, cattle, pigs, horses, sheep, chickens, ducks or the like.

Animal, wild or dangerous: Any non-domestic animal that poses a potential a potential risk to public safety including but not limited to large carnivores (bears, wolves, lions, tigers, jaguars, leopards, similar large cats) large reptiles (alligators, crocodiles), venomous snakes, non-human primates (apes, baboons, macaques, similar), and any hybrid species.

Animal Sales and Services – Household Pets: An establishment engaged in the retail sale, grooming, and/or care of domestic or household animals.

Animal Sales and Services – All Others: An establishment engaged in the retail sale, grooming, and/or care of animals not restricted to domestic or household pets.

Antenna: Any communications equipment that transmits or receives electromagnetic radio signals used in the provisions of wireless communications service.

Appliance Sales and Repair: An establishment primarily engaged in the sale, maintenance, or restoration of household or domestic appliances.

Applicant: The owner or legal representative of real estate who makes application to the Plan Commission and/or Board of Zoning Appeals for action by the same.

Aquaculture: An agricultural use in which food fish, shellfish or other marine foods, aquatic plants, or aquatic animals are cultured or grown. Includes fish hatcheries, growing tanks, or raceways; the processing, storage, packaging and distribution of shellfish and fish; and accessory uses such as feed storage and water treatment facilities.

Arts and Entertainment, Indoor: A public or private facility that provides indoor entertainment including art studios, music studios/classes, theaters (movie or performance), video arcades, virtual reality games, and/or mechanical rides.

Arts and Entertainment, Outdoor: A public or private facility that provides outdoor entertainment including outdoor performance areas, waterslides, water parks, go-cart tracks, miniature golf, batting cages and mechanical rides and games.

Assembly (Use): An establishment primarily engaged in the construction, assembly, or synthesis of products from component parts.

Assisted Living Facilities: Facilities for adults in need of some protective oversight or assistance due to functional limitation that provides a living arrangement integrating shelter, food, and other supportive services to maintain a functional residential status. This use type includes a range of service levels from independent living through memory care facilities.

Bb

Bakery: An establishment primarily engaged in the retail sale of baked products for consumption off site. The products may be prepared either on or off site. This use may include incidental food service.

- Uses that primarily engage in on-site food service while having baked goods as a minor component, see ***restaurant***.
- Uses that have no retail component and involve industrial-scale production of baked goods, see ***food processing***.

Banks and Financial Institutions: An establishment including a chartered bank, saving association, credit union, or industrial loan company, primarily engaged in the business of providing banking and related financial services to customers, but excluding any establishment whose primary purpose is to provide cash advances, pay day loans, pay day advances, and similar services.

Banquet/Party Facilities and Reception Halls: A building or a portion of a building rented or reserved by individuals, businesses, or groups to accommodate private functions including banquets, weddings, anniversaries, and other similar celebrations. The facilities may also include:

1. Kitchen facilities for the preparation or catering of food;
2. The sale of alcoholic beverages for on-premises consumption, only during scheduled events and not open to the public; and
3. Outdoor gardens or reception facilities.

Bar: An establishment whose principal business is the sale and service of alcoholic beverages at retail for consumption on the premises.

Base Zoning District: The existing zoning district of the subject lot prior to the effects of an overlay district or prior to the approval of a planned unit development.

Basement: That portion of a structure below the first or ground floor level and having less than 4 feet of clearance from its ceiling to the average finished grade of the structure perimeter. A basement is not considered a story for the purposes of determining structure height, except when it is used, or suitable, for habitation.

Bed and Breakfast Establishment: An owner (or employee of the owner) occupied residence containing no more than fourteen guest rooms rented for overnight or temporary lodging accommodations for a fee. Sleeping accommodations under this use may not be provided for longer than 30 consecutive days. This use includes the provision of occasional meals (typically breakfast) as part of the lodging offering.

Berm: See Landscape Berm.

Bio-diesel Production: An establishment primarily engaged in the extraction, processing, and storage of bio-diesel fuel from plant oil or animal fat.

Biotech/Life Sciences: An establishment primarily engaged in research, development, or controlled production of high-technology electronic or scientific products or commodities for sale or laboratories conducting educational or medical research or testing of the natural world.

Block: An area made up of one or more properties surrounded by streets.

Block Length: The length of one continuous side of a block, measured along the street frontage of properties until a break occurs due to an intersection of a road or terminus of a cul-de-sac.

Board of Zoning Appeals (BZA): The Brownsburg Board of Zoning Appeals or any division thereof.

Boat Sales, Rentals, and Repair: Establishments primarily engaged in the sales, leasing, rental, and related servicing of new and used boats and similar items; excluding dismantling or junk yard.

Bond: See Surety.

Bottled Gas Storage and Distribution: A facility where the sole or main use is the storage of compressed gas in pressurized portable tanks and is the origin or destination point of tanks being transported.

Bottling/Canning: An establishment primarily engaged in the washing and sterilizing of bottles or cans, filling them with beverages or food products, and capping or sealing them. The bottles and cans may be packaged into cartons or containers and stored before shipment.

Brewery: An establishment primarily engaged in brewing ales, beers, meads, and/or similar beverages on site at a volume of more than 15,000 barrels of beverage (all beverages combined) annually.

Brewpub: an establishment engaged in brewing ales, beers, meads, and/or similar beverages on site that includes a restaurant or similar dining component.

Broadcast Facility: Commercial and public communications including radio and television broadcasting and receiving stations and studios, with facilities entirely within buildings.

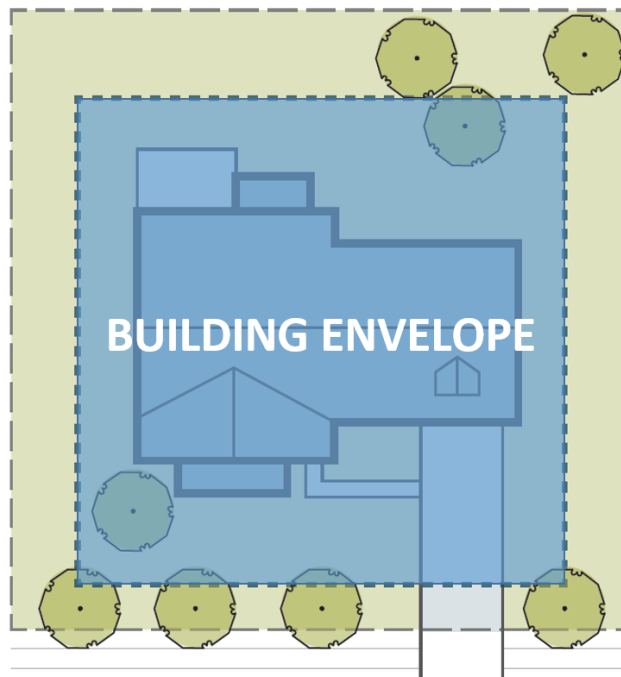
Buffer Yard: Horizontal space in any front, side, or rear yard set aside for landscaping, berms, or fences to provide visual and physical separation between adjacent properties. Buffer yards are measured perpendicularly starting from an adjacent setback line unless otherwise noted within the Unified Development Ordinance.

Building: A built structure (may be accessory or primary) with columns or walls, a roof, and interior spaces, designed to provide shelter for people, animals, or belongings.

Building Code: The Indiana Building Code which establishes and controls the standards for constructing all forms of permanent structures and related matters.

Building Commissioner: The code official authorized to enforce the Indiana Building Code and Unified Development Ordinance.

Building Envelope: The setback lines that, once combined, establish an internal area on a lot where building can occur.



Building Permit: An authorization to begin construction of or modification to a structure after submitting mandatory information and complying with construction standards contained within the Indiana Building Code and any applicable local amendments to the Indiana Building Code.

BZA: See "Board of Zoning Appeals."

Cc

Campground: An area to be used for transient occupancy by camping in tents, camp trailers, travel trailers, motor homes, or similar movable/temporary sleeping quarters of any kind.

Carport: A roofed structure not enclosed by walls designed and intended to shelter a motor vehicle. This definition does not include parking garage structures.

Car Wash: A structure, or portion of a structure, containing facilities for washing one or more automobiles at any one time, using production line methods such as a chain conveyor, blower, steam cleaning device or other

mechanical devices; or providing space, water, equipment, or soap for the complete or partial cleaning of such automobiles, whether by operator or by custom. Car washes are regulated as ***Vehicle/Motorcycle Services - Light***.

Cemetery: Property used for interring of the dead, including a memory garden and/or mausoleum.

Certificate of Occupancy: A certificate stating that the location, occupancy, and use of a building or structure complies with all applicable Unified Development Ordinance provisions and applicable building codes.

Changeable Copy: Any portion of a sign that is used for variable messaging, including manual and electronic message changes.

Chemical Manufacturing: An establishment used for manufacturing of any chemical or chemically reactive products.

Childcare Center: As defined by IC 12-7-2-28.4 and for the purposes of this Zoning Ordinance, a nonresidential building where at least one (1) child receives child care from a provider: (1) while unattended by a parent, legal guardian, or custodian; (2) for regular compensation; and (3) for more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.

Childcare Home: An establishment providing non-overnight care, supervision, and protection of children in private residences which is ancillary to the primary use as a residence. A residential structure in which six (6) or more children (not including the children for whom the provider is parent, step-parent, guardian, custodian, or other relative) at any time receive child care from a provider: (a) while unattended by a parent, legal guardian or custodian; (b) for regular compensation; and (c) for more than 4 hours but less than 24 hours in each of 10 consecutive days per year, excluding intervening Saturdays, Sundays, and holidays. The term includes class I child care home and class II child care home as defined in [IC 12-7-2-33.7](#) and [IC 12-7-2-33.8](#). Childcare homes serving less than six (6) children are permitted without state licensing, but would be required to meet the Home Business Uses requirements in Section 3.9.

Club or Lodge: An association of persons organized for a common purpose to pursue common goals, interests or activities characterized by certain membership qualifications, payment of fees or dues, regular meetings, and a constitution or bylaws.

Coatings and Finishes: An establishment primarily engaged in applying coatings, such as paints, varnishes, and sealants, to products or surfaces.

Code Official: The division of fire and building safety, the local building official as authorized under IC-36-7-2-9, the local ordinance, or the local fire department as authorized under IC-36-8-17-8.

Commercial District: Refers to the C1, C2, C3, and UC Districts.

Community Center: A structure available to the public for community activities, meetings, banquets, projects, gatherings, and the like. A community center may be able to be reserved by the public for private parties and events.

Comprehensive Plan: Refers to the Brownsburg Comprehensive Plan.

Condition of Approval: Stipulations or provisions set forth by the Board of Zoning Appeals or Plan Commission required as a prerequisite for approval of an application.

Condominium: Real estate lawfully subject to [IC 32-25, et seq.](#) (the Condominium Law), by the recording of condominium instruments, in which undivided interests in the common areas and facilities are vested in the condominium unit owners.

Confined Feeding: A facility engaged in the confined feeding of animals as defined in [IC 13-11-2-40](#).

Construction Plans: Maps or drawings showing the specific location and design of improvements to be constructed and/or installed in accordance with the requirements of the Unified Development Ordinance, other governmental entities, and/or the Indiana Building Code.

Construction Standards: Any Town of Brownsburg construction or engineering standard, whether an ordinance, policy document, or adhered to engineering manual or organization literature (e.g. ASHTO standards or ITE standards) that the Town of Brownsburg utilizes as a basis for material selection, construction, design, and/or inspection of infrastructure and facilities for which the town has public interest.

Contractors, General: An establishment providing general contracting and/or building construction services for residential, farm, industrial, or commercial uses, and which typically does not involve outdoor storage of machinery or equipment. This definition includes: general building contractors; plumbing, heating, air-conditioning; painting and paper hanging; electrical work; masonry, stonework, and plastering; carpentry and floor works; roofing, siding, and sheet metal work; glass and glazing work; installing building equipment; and special trade contractors.

Contractors, Heavy/Contractor Yard: Establishments providing general contracting and/or construction services other than for buildings, such as for highways, streets, bridges, sewers, and/or flood control projects. This use type may involve outdoor storage of machinery, equipment, vehicles, materials and/or supplies.

Correctional Institution: Publicly or privately operated facility housing people awaiting trial or people serving a sentence after being found guilty of a criminal offense.

County: Hendricks County, Indiana.

Country Clubs: A Country Club includes a location with facilities for outdoor sports and social activities for which members pay a membership fee other than a daily fee.

Covenants: Private and legal restrictions of various kinds on the usage of lots, typically within a subdivision and applied by the subdivider. Unless specifically agreed to, covenants are not enforceable by the Plan Commission or its designees. However, they are enforceable in civil court by interested or affected parties.

Crematory: An establishment containing properly installed, certified apparatus intended for use in the act of cremation.

Cul-de-sac: A street having one end connected to other public streets and the other end permanently terminated by a vehicular turnaround, typically a bulb or circle, with or without an island.

Cyclical Message: The changing of any pixel, light element, sign copy, character, graphic, color, or light intensity between once every 7 seconds and once every one hour. Specifically, no changes to the sign can take place for at least 7 seconds.

Dd

Data Center: A facility composed of networked computers, storage systems, and computing infrastructure that organizations use to assemble, process, store, and disseminate large amounts of data.

Deciduous Tree: Any tree which sheds its leaves annually followed by regeneration of its foliage in the spring.

Dedication: The setting apart of land or interests in land for use by the municipality or public by ordinance, resolution, or entry in the official minutes as by the recording of a plat.

Demolition: The complete or partial removal or destruction of any structure excluding its foundation.

Density: The numerical value obtained by dividing the total number of dwelling units in a development by the gross area of the tract of land (in acres) containing the development, less any land excluded via the [Open Space Standards](#).

Detached Structure: A structure that has no structural connection with the primary structure or any other building or structure.

Developer: A person improving or seeking to improve a property within the jurisdiction and who may or may not be the owner of said property.

Development: Any human-caused change to improved or unimproved real estate that requires a permit including but not limited to buildings, structures, parking areas, fences, pools, signs, excavation, dirt stockpiling, and other applicable land disturbances.

Development Standards: The regulations contained within each zoning district or other sections of this Ordinance setting forth the minimum and/or maximum requirements or specifications for development and site features which must be met for zoning approval.

Distribution/Logistics Facility: An establishment primarily engaged in receiving shipments of tangible personal property that are processed for delivery to customers. The term does not include an establishment where retail sales of tangible personal property are made to customers on more than 12 days and such sales comprise 25% or more of the dollar amount of goods sold through the facility.

DNR: The Indiana Department of Natural Resources.

Drive-through Establishment: A place of business which is laid out and equipped to allow its patrons to be served or accommodated while remaining in their automobiles.

Driveway: An unobstructed paved area providing access to a vehicle parking, loading, or maneuvering facility, except as follows:

1. **Access to Undeveloped Land**: Access to accessory buildings used exclusively for agricultural purposes, land used exclusively for agricultural purposes, natural areas, and undeveloped forested areas is not considered a driveway.
2. **Construction Access**: An access used temporarily for construction vehicles during a permitted and compliant construction project is not considered a driveway.

Dry Cleaning Processing: An establishment primarily engaged in the cleaning of articles of fabric in an essentially non-aqueous cleaning solvent by means of one or more washes in solvent, extraction of excess solvent by spinning, and drying by tumbling in an air stream.

Dwelling: A building or structure or portion thereof intended for habitation used exclusively for residential occupancy, including single-family attached dwelling units, single-family detached dwelling unit, and multiple-family dwelling units, but excluding hotels/motels.

Dwelling, Apartment: A structure containing multiple side-by-side or stacked dwelling units that are not separated by property or ownership lines. Additional specifications by use type are as follows:

1. Apartment (Small): A group of no more than six dwelling units falling in a building with no more than one building proposed in a development.
2. Apartment (Medium): A group of no more than twelve dwelling units in a building with no more than 3 buildings proposed in a development.
3. Apartment Complex: A group of units not exceeding a density of 12 units per acre.

Dwelling, Duplex: A structure that consists of exactly 2 side-by-side or stacked dwelling units with direct access to the outside. Both units may be on one lot, or the lot can be split so each unit is on its own lot.

Dwelling, Manufactured Home: A single-family dwelling unit designed and built in a factory, installed as a permanent residence, bears a seal certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law, and which also complies with the following specifications:

1. Constructed after January 1, 1981, and exceeds 950 square feet of occupied space per [IC 36-7-1106](#);
2. Attached to a permanent foundation of masonry construction and has a permanent concrete or concrete block perimeter enclosure constructed in accordance with the One- and Two-Family Dwelling Code;
3. Wheels, axles, and towing chassis removed;
4. Pitched roof with a minimum rise of 2:12; and
5. Consists of 2 or more sections which, when joined, have a minimum dimension of 23-feet in width for at least 60% of its length.

Dwelling, Mobile Home: A transportable dwelling unit which is a minimum of 8-feet in width, is built on a permanent foundation or tied down with perimeter skirting when connected to the required utilities, includes the plumbing, heating, air conditioning, and electrical system contained therein, and which was manufactured either:

1. Prior to June 15, 1976 and bears a seal attached under Indiana Public Law 135, 1971, certifying that it was built in compliance with the standards established by the Indiana Administrative Building Council; or
2. Subsequent to or on June 15, 1976 and bears a seal, certifying that it was built in compliance with the Federal Mobile Home Construction and Safety Standards.

Dwelling, Multi-family: A residential structure with more than four dwelling units contained in a single structure under the same ownership, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, Quadplex: A residential structure, containing exactly 4 separate dwelling units side-by-side or stacked, each of which is designed with access directly to the outside. Units may be under the same ownership or be separated by property lines and separate ownership.

Dwelling, Single-Family Attached: Residential structures that are physically attached, located on separate parcels or otherwise separated by property lines, and may or may not be under separate ownership. Where this term is used in Chapter 5 or other areas, the standards apply to all single-family attached dwelling types (duplex, triplex, quadplex, townhouse).

Dwelling, Single-Family Detached: A residential structure designed and constructed on-site in compliance with the Indiana Building Code for single-family dwellings to be occupied by one family and not physically connected to another dwelling unit.

Dwelling, Townhome: A residential structure constructed in a group of three or more attached dwelling units in which each unit:

1. Extends from foundation to roof;
2. Is not more than 3 stories in height;

3. Is separated from each adjoining unit by
 - a. Two 1-hour fire-resistance rated walls with exposure from both sides, or
 - b. A common 2-hour fire resistance rated wall;

AND

4. Has open space on at least 2 sides of the building.

Dwelling, Triplex: A residential structure containing exactly 3 separate dwelling units, each of which is designed with access directly outside.

Dwelling Site: A site within a manufactured home park with required improvements and utilities that is leased for the long-term placement of a manufactured home.

Dwelling Unit (DU): One or more rooms connected together providing complete and independent living facilities for one person or multiple cohabitating persons, including permanent provisions for living, sleeping, cooking, and sanitation. Abbreviated as DU in some areas of this Ordinance.

Ee

Easement: A grant by a property owner ("grantor") to specific persons, the public, corporations, utilities, and/or others ("grantee" or "easement holder") for the purpose of providing services, facilities, infrastructure, landscaping, full access, or limited access on the subject property.

Enforcement Official: The Zoning Administrator and their authorized representative, the Plan Commission, the Board of Zoning Appeals, code officers, legal counsel for the Plan Commission, legal counsel for the Board of Zoning Appeals or any other person charged with a full or partial role in the enforcement of the Brownsburg Unified Development Ordinance by Indiana Code, Board of Zoning Appeals Rules and Procedures or official vote, Plan Commission Rules and Procedures or official vote, or by the Brownsburg Unified Development Ordinance.

EPA: United States Environmental Protection Agency.

Exterminator: An establishment primarily engaged in the destruction or control of insects, fungi, vermin, rodents, or other pests. The use may involve the storage of chemicals.

Ff

FAA: Federal Aviation Administration.

Fairgrounds: An area where buildings, structures, and land are used for the exhibition of livestock, farm products, etc. and/or for carnival-like entertainment.

Fair Housing Facility: A facility authorized by the State of Indiana to provide a homelike setting to protected persons under the Fair Housing Act and Amendments, the Americans with Disabilities Act, and the Rehabilitation Act, including but not limited to a Group Home.

Family: To the extent permitted by applicable laws, a single housekeeping unit residing in a dwelling. The housekeeping unit may consist of:

1. An individual;
2. Two or more persons related by blood, marriage, or adoption; or
3. Up to 3 persons not related by blood, marriage, or adoption.

Up to two unrelated persons providing caregiving services may live in a dwelling unit without being counted toward the standards above (example: nurses, nannies, and the like).

Farm: A parcel or collection of parcels with an area of at least 5 acres used for the primary purpose of agriculture, horticulture, floriculture, viticulture, or the raising of farm animals including accessory facilities for the sale of produce, wine, and dairy products for sale, if most of the products for sale have been produced or grown by the owner of the land on which the facility is located.

FCC: United States Federal Communications Commission.

Fence: A type of structural barrier usually made of posts supporting such items, by way of example, such as chain link, wood pickets, lattice-work, and similar items.

Fence, Decorative: Primarily an aesthetic structure designed to enhance the visual appeal and character of a property rather than providing significant security or privacy. These fences shall include ornamental designs like wrought iron or lattice work to complement the surrounding landscape and architecture, boost curb appeal, and define areas without creating a solid barrier.

Fill Material: A combination of topsoil, soil, small aggregate, sand, organic material, and/or any similar resource which is not intended to sustain landscape material, or when used under structures will not conflict with proper installation of foundations. Fill material does not include metal, glass, industrial waste, household waste, asphalt, ash, or similar material.

Flag Lot: See Lot, Flag.

Fleet Vehicle Storage: An establishment primarily engaged in the storage or parking of vehicles used regularly in business operations. Typical fleet storage uses include taxi fleets, mobile catering trucks, storage, or delivery truck fleets. Private parking lots serving individual or multiple different fleets of vehicles, such as those for semi-trucks, are also considered Fleet Vehicle Storage.

Flex Space: A structure designed for compound usage, such as personal services, retail, office, or showroom space in combination with warehouse, research, distribution facilities, and other light industrial uses. Flex spaces are designed to be easily reconfigured as uses change over time.

Flood Protection Grade (FPG): The elevation of the regulatory flood plain plus 2 feet at any given location in the Special Flood Hazard Area (SFHA).

Flood, Regulatory: A flood having a peak discharge which can be equaled or exceeded on the average of once in a 100-year period, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission. Further, this flood is equivalent to a flood having a 1% probability of occurrence in any given year.

Floodplain: The relatively flat area or low land adjoining the channel of a river or stream which has been or may be covered by flood water. The floodplain includes the channel, floodway, and floodway fringe. Floodplain boundaries are to be determined by using the Floodway-Flood Boundary Maps of the Federal Insurance Administration/Federal Emergency Management Administration.

Floodway, Regulatory: The channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge peak flow of the regulatory flood of any river or stream and, is that area covered by floodwaters in significant downstream motion or covered by significant volumes of stored water during the occurrence of the regulatory flood.

Food Catering Service: An establishment where food and/or beverages are prepared in bulk or individual portions for service in buffet format or individual portions at another location for an event. This use type also includes flight kitchens.

Food Preparation and Sales, Commercial: Establishments primarily engaged in the preparation and production of prepared food items in individual servings for off-premises consumption and/or sale by others. Typical uses include wholesale bakeries, commissary kitchens, specialty food packaging/sales, and ghost kitchens (when established as a standalone use).

Food Processing: An establishment primarily engaged in producing or processing foods for human consumption that are distributed off-site. This includes: (1) bakery, sugar and confectionery products; (2) dairy products processing; (3) fats and oil products (excluding rendering plants); (4) fruit and vegetable canning, preserving, and related processing; (5) grain mill products and by-products; (6) meat, poultry, and seafood canning, preserving, and related processing; and (7) miscellaneous food preparation from raw products.

Forestry or Silviculture: Activities conducted on or directly pertaining to forest land relating to the growing, managing, harvesting, and interim storage of merchantable timber for commercial value.

Foundation: A structural system for transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.

Fraternity, Sorority, or Student Housing: A building containing living quarters for students, staff, or members of an accredited college, university, boarding school, theological school, hospital, religious order, or comparable organization; provided that the building is owned or managed by the organization and contains no more than one cooking and eating area.

Freight Terminal: A rail facility for freight pick-up or distribution which may include intermodal distribution facilities for motor freight transport.

Fuel Dealer: An establishment primarily engaged in the bulk sale and distribution of fuel, such as gasoline, diesel fuel, and propane and may also provide services such as fuel delivery, tank maintenance, and fuel testing.

Fuel Production or Processing: An establishment primarily engaged in producing, refining, or blending fuels such as gasoline, diesel fuel, ethanol, and natural gas and may also include storage and distribution facilities for the fuels produced.

Fueling Stations with Convenience Stores: A building and premises where the primary use is the supply and dispensation of retail gasoline, diesel fuel, and convenience items. This use may include electric vehicle charging stations.

Funeral Home: An establishment primarily engaged in the preparation of the dead for burial or cremation, for the viewing of the body, and for funeral services.

Gg

Garage: An attached or detached building designed to house one or more motor vehicles and/or personal property with:

1. At least one 8-foot-wide or larger garage door;
2. A driveway or other improved surface allowing a motor vehicle to gain access to the garage from a public street, private street, or alley; and
3. Interior space at least 9 feet wide and 19 feet deep allowing a vehicle to be parked inside.

Geographic Information System (GIS): A computer system that stores and links non-graphic attributes or geographically referenced data with graphic map features to allow a wide range of information processing and display operations, as well as map production, analysis, and modeling.

Golf Courses: Golf courses are any area within the ground set aside for the purposes of playing golf and includes any golf driving range, golf practice area, or putting green.

Government Operations Facility: A building or complex of buildings used by government agencies to carry out their operations. Facility uses may offices for government employees, meeting rooms and conference centers, data centers, storage facilities, laboratories, garages and workshops, warehouses, and public safety facilities.

GPO District: Refers to the Groundwater Protection Overlay District.

Grade, Finished: The average elevation of the finished surface of the ground within 10 feet of the structure after final grading.

Grain and Feed Mills: An establishment that produces food, including premixes, supplements, and concentrates, for animal (non-human) consumption from grain, grain byproducts, or alfalfa and other ingredients, without cooking.

Grain Elevator: An establishment primarily engaged in the unloading, loading, and storage of grain. The use may include cleaning and processing of grain and the distribution of grain.

Grantee: A person to whom an interest in property is granted.

Grocery or Market, Large: Establishments over 25,000 square feet primarily engaged in the direct retail sale of food items such as meats, cereals, grains, produce, baked goods, dairy products, canned and frozen prepared food products, beverages, cleaning supplies, pet food and supplies, pharmaceuticals, over-the-counter medicines, personal products, household goods, books and magazines, plants, and other sundry and similar items. Grocery Retail includes grocery stores, supermarkets, meat or fish markets, fruit and vegetable markets, and other uses similar in nature and impact.

Grocery or Market, Small: Establishments 25,000 square feet or less primarily engaged in the direct retail sale of food items such as meats, pantry staples, baked goods, dairy products, canned and frozen prepared food products, beverages, cleaning supplies, pet food and supplies, over-the-counter medicines, personal products, household goods, books and magazines, and similar items. "Small Grocery or Market" may also include specialty shops such as butcher shops, fish markets, indoor farmers markets, and similar providers of fresh goods.

Gross Floor Area (GFA): The sum of all horizontal floor area of all floors within a structure.

Ground Floor Area: See Main Floor Area.

Group Home: A home authorized by the State of Indiana to provide a residential setting to persons identified by statute.

Gym, Fitness, and/or Health Studios: An establishment primarily providing workout facilities including but not limited to strength training, cardiovascular training, yoga, cycling, and other forms of physical activity commonly associated with fitness centers.

Hh

Half Story: an uppermost living space located above the eave line and within a sloping roof where natural light is provided by dormer windows or windows within gable ends of the main roof.

Hardship: See unnecessary hardship.

Heavy Equipment/Vehicle Repair (enclosed): An establishment primarily engaged in the repair and servicing of high-capacity mechanical devices for moving earth or other materials, and mobile power units including: graders, loading and unloading devices, cranes, excavators, tractors, bulldozers, concrete mixers, harvester combines, and other major agricultural or construction equipment or vehicles within an enclosed building. This use excludes commercial wrecking, dismantling, or junk yards.

Height: The vertical distance measured from the ground level (i.e. average elevation surrounding the structure, not including any artificial mounds or berms) to the highest point of the roof, or top most portion of the structure.

Helipad or Helipad: A facility or area for rotor craft landing or take-off that may include a passenger terminal and/or routine servicing of rotor craft.

Homeowner Association (HOA): See "Owners' Association."

Hospice: A facility that provides inpatient care and attends to the emotional, spiritual, social, and financial needs of terminally ill patients and their families.

Hospital, Major: An institution licensed by state law providing short-term health services and medical or surgical care to patients and injured persons. Open 24 hours a day, a Major Hospital contains more than 100 beds and may offer a wide range of services, including emergency care, scheduled surgeries, labor and delivery services, diagnostic testing, lab work, and patient education. Patients may receive inpatient or outpatient care.

Hospital, Minor: An institution licensed by state law providing short-term health services and medical or surgical care to patients and injured persons. A Minor Hospital contains less than 100 beds, may be open 24 hours a day, and may offer services similar to a Major Hospital, but at a much smaller scale.

Hotel or Motel: A building in which lodging is offered with or without meals principally to transient guests and that provides services such as maid service and laundering of linen, telephone, and secretarial or desk service, and the use and upkeep of furniture. Uses are further differentiated as follows:

- A hotel consists of a group of attached living or sleeping accommodations with a common entrance, lobby, halls, and stairwells.
- A motel consists of a group of attached or detached living or sleeping accommodations where access to the sleeping accommodations is directly from the outside

Ii

IAC: Indiana Administrative Code.

IC: Indiana Code.

IDEM: Indiana Department of Environmental Management.

Impervious Surface Area: The horizontal surface area of property covered with materials that include, but are not limited to, concrete, asphalt, rooftop, blacktop, and gravel, such that the infiltration of stormwater is prevented or impeded. The total amount of impervious surface area located on a property without regard to topographic features of the property is included. Driveways, roadways, parking lots and other areas used for vehicular traffic are considered impervious surface areas. Undisturbed land, tilled agricultural land, ponds, lawns, landscape areas, and the like are not considered impervious surface area.

Improvement: Any permanent structure that becomes part of, placed upon, or is affixed to real estate, or any alteration to the land.

Improvement, Off-Site: Any related site feature or infrastructure not located within the area of the subject property. Examples of off-site improvements include infrastructure work due to anticipated development impacts, shared off-site parking, and similar features.

Improvement Location Permit (ILP): A permit issued under the Unified Development Ordinance prior to receiving a Building Permit permitting a person to change the condition of the land. Improvement Location Permits may be limited to specific action, for example site grading or construction of infrastructure.

Incidental: A minor occurrence or condition, or when used in conjunction with use terminology a smaller component of a permitted use that ensues from normal operations.

Incinerator: An establishment primarily engaged in the burning of waste material, especially industrial waste, at high temperatures until it is reduced to ash.

Indoor Agriculture or Agritech: An establishment primarily engaged in the research and indoor production of plants and fungi for wholesale or retail sale including mushrooms, sprouts, vegetables, and herbs.

INDOT: Indiana Department of Transportation.

Industrial District: Refers to the I1, I2, and MS Districts.

Institutional District: Refers to the IS District.

Interested Party: Any owner of land within a prescribed area set forth by the Rules of Procedures for the APC and/or BZA that must be notified as part of a public hearing process.

Jj

Junk: Motor vehicles, watercraft, large appliances, furniture, or similar items that are inoperable or unusable in their current condition due to extensive damage. These items cannot function under their own power or be utilized

without undergoing major repairs. This also includes any vehicle that does not meet state or county requirements for licensing and registration, or violates other applicable laws or ordinances.

Junk or Salvage Yard: A place, usually outdoors, where waste or discarded used property, including but not limited to automobiles, farm implements, and trucks, is accumulated and is or may be salvaged for reuse or resale. This does not include industrial scrap metal or accumulation of organic matter.

Juvenile Detention Facility: A facility that holds children or minors (typically under 18 years of age) for punishment and/or counseling because of sentencing by a court of jurisdiction for criminal or antisocial behavior.

Kk

Kenel: Any premises used to board, breed, sell, train, or treat more than 3 dogs, cats or other domestic pets who are more than 6 months old.

Ll

Laboratory, Research, and Development: A building or group of buildings containing one or more of the following types of facilities:

- a. A facility devoted to the testing and analysis of any product. No manufacturing is conducted on the premises except for experimental or testing purposes.
- b. A business primarily engaged in the development or engineering of computer software or computer hardware, but excluding retail sales, computer hardware manufacturers, and computer repair services.
- c. A facility for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.
- d. A facility devoted to the testing and analysis of any product, including medical laboratories, biological product manufacturing, and blood and organ banks.
- e. A laboratory that provides bacteriological, biological, medical, x-ray, pathological and similar analytical or diagnostic services to doctors or dentists. No fabricating is conducted on the premises, except the custom fabrication of dentures or similar dental appliances. This definition excludes in-patient or overnight care, animal hospitals, veterinarians, or other similar services.

Landscape Areas: Places on a lot or abutting right-of-way that are identified for application of landscaping regulations. Landscape areas include: street tree planting areas, parking lot planting areas, foundation planting areas, buffer yard areas, and perimeter planting areas.

Landscape Berm: A man-made, earthen mound with variable crest elevations and irregular form to emulate a more natural landscape feature and provide a physical and visual buffer between uses/adjacent properties.

Landscape Buffer: A continuous landscaped area designed, maintained, and used for screening and separation of uses, lots, or structures. Mandatory buffers are required to be installed and maintained in perpetuity.

Landscape Lighting: Low voltage or low light emitting fixtures used to accent a facade, architectural element, water feature, landscape material, and/or landscape structures. Landscape lighting does not include building facade mounted, roof mounted, tree mounted, pole mounted lights, or lighting without proper shielding to prevent glare.

Landscape Material: Trees, shrubs, plants, flowers, ground cover, and the like. Artificial trees, artificial shrubs, turf grass, artificial turf grass, and the like are not considered landscape material.

Landscape Mound: See Landscape Berm.

Landscape Structure: Any fence, wall, retaining wall, boulders, small decorative pond, waterfalls, fountain, soft surface paths, benches, and the like. A sidewalk or other improved path may be considered a landscape structure when it is clearly subordinate to the pedestrian network and complementary of all other surrounding landscape material and landscape structures. Irrigation systems, edging, mulch, stakes, guy wires, landscape berms, landscape lighting, mulch and the like are not considered a landscape structure.

Landscaping: The aesthetic improvement of a lot with landscape-related berms, lighting, plantings, and structures. Landscaping also includes nurturing environmental quality and utilization of landscape material to achieve energy conservation.

Lawn Equipment and Small Engine Sales and Service: An establishment engaged in the retail sale, rental, or mechanical repair of lawn mowers and small engines.

Legal Nonconforming Lot of Record: Any legally established and recorded lot in existence prior to the effective date of the Unified Development Ordinance, or its subsequent amendments, that no longer meet the lot-specific development standards.

Legal Nonconforming Sign: Any sign lawfully existing on the effective date of the Unified Development Ordinance, or its subsequent amendments, that does not conform to the standards and regulations of the Unified Development Ordinance.

Legal Nonconforming Structure: Any continuously occupied, lawfully established structure in existence prior to the effective date of the Unified Development Ordinance, or its subsequent amendments, that no longer meets the development standards.

Legal Nonconforming Use: Any continuous, lawful use of structures, land, or structures and land in combination established prior to the effective date of the Unified Development Ordinance, or its subsequent amendments, that is no longer a permitted use in the district where it is located.

Libraries, Museums, and Cultural Facilities: Public institutions that provide access to literary, artistic, historical, or reference materials and exhibits for education, study, and viewing purposes. This includes facilities focused on preserving and showcasing cultural resources such as book/media collections, art galleries, and exhibit spaces displaying objects of lasting interest or value.

Liquid Fertilizer Distribution: An establishment primarily engaged in the storage and shipment of fertilizer solutions, fertilizer suspensions, fertilizer slurries, and dilute fertilizers.

Living Area: The total horizontal area of all floors within the exterior walls or roofs of a building, or to the centerline of shared walls separating buildings. The floor area of a building excludes exterior open balconies and open porches.

Loading Dock: An off-street space for temporary parking of delivery and pickup vehicles.

Lot: A Lot of Record (platted lot) or a tax parcel described by metes and bounds or separately in a survey recorded in the Office of the Recorder of Hendricks County.

Lot, Buildable: A lot upon which a structure may be constructed and occupied due to its access to an improved street and ability to meet the minimum requirements of its zoning district and this Ordinance.

Lot, Corner: A lot having at least two adjacent sides that abut for their full length upon streets. Corner lots have two front yards (a primary and secondary) and two side yards.

Lot, Flag: A lot with its widest point set back from the road at the rear of another lot and having a thin strip of land connecting to the road to provide legal access and frontage. This definition does not include lots within the same subdivision that share common access drives.

Lot, Infill: A vacant, buildable lot surrounded on at least 2 sides by previously built structures.

Lot, Interior: A lot bordered on three sides by another lot or adjacent property.

Lot, Subject: The lot to which an action has been applied for or otherwise being considered for action.

Lot, Through: A lot fronting on 2 parallel or approximately parallel streets or abutting 2 streets which do not intersect at the boundaries of the lot. Also includes lots fronting on both a street and a watercourse or lake. Accessory structures are allowed in front yards facing watercourses or lakes. Frontage on an alley does not constitute a through lot.

Lot Area: The area of a horizontal plane bounded by the front, side, and rear lot lines, excepting any right-of-way for public streets.

Lot Coverage: The area of a lot occupied by the primary structure, any accessory structures, and impervious surfaces.

Lot Depth: The horizontal distance between the front and rear lot lines.

Lot Frontage: The length of the front lot line bordering upon a public right-of-way. The lot frontage is determined by measuring the total distance in which the front lot line touches a public right-of-way.

Lot Line, Front: The line marking the boundary between the lot and each of the abutting streets.

Lot Line, Rear: The lot line that is opposite the front lot line and farthest from it, except that for a triangular or other irregularly shaped lot, the line 10-feet long, parallel to the front lot line, and wholly within the lot, that is farthest from the lot line.

Lot Line, Side: A lot boundary line other than a front or rear lot line.

Lot of Record: A lot which is a part of a subdivision recorded in the office of the Hendricks County Recorder, or a parcel or lot described by metes and bounds, a description of which has been so recorded.

Lot Width: The distance between the side lot lines as measured along the front lot line. Cul-de-sac and irregularly shaped lots measure their front lot widths along the front yard setback line from one side lot line to the other.

Lumberyard (Enclosed): An enclosed location where lumber and wood-related products used in construction and/or home improvement projects are processed or stored.

Mm

Main Floor Area: That portion of floor area constructed, completed, and usable for living purposes with normal living facilities which includes sleeping, dining, cooking, working, entertainment, common space linking rooms, areas for personal hygiene, or combination of those areas located on the first (or nearest ground level) floor of the structure. The Main Floor Area of a primary structure does not include a garage, carport, deck, unfinished storage, patio, or open porch.

Maintenance Surety: See Surety, Maintenance.

Maneuvering Space: An open space in a parking area which:

1. Is immediately adjacent to a parking space;
2. Is used for and/or is necessary for turning, backing, or driving forward a motor vehicle into such parking space; but
3. Is not used for the parking of or storage of motor vehicles.

Manufactured Home Park: A parcel of land containing 2 or more dwelling sites, with required improvements and utilities, that are leased for the long-term placement of Manufactured Home Dwellings and include any street used or intended for use as part of the facilities of such Manufactured Home Park. A Manufactured Home Park does not involve the sales of Manufactured Home Dwellings in which unoccupied units are parked for inspection or sale.

Manufacturing, Heavy: A manufacturing establishment whose operations include storage of materials; processing or fabrication of products; and loading and unloading of new materials and finished products. Toxic, hazardous, or explosive materials may be produced or used in large quantities as an integral part(s) of the manufacturing process. Noise, odor, dust, vibration, or visual impacts, as well as potential public health problems in the event of an accident, could impact adjacent properties.

Manufacturing, Light: A manufacturing establishment primarily engaged in the fabrication of products from pre-structured materials or components; or a manufacturing establishment whose operations include storage of materials; processing, fabrication, or assembly of products; and loading and unloading of new materials and finished products, and does not produce or utilize in large quantities as an integral part of the manufacturing process, toxic, hazardous, or explosive materials. Because of the nature of its operations and products, little or no noise, odor, vibration, glare, and/or air and water pollution is produced, and, therefore, there is minimal impact on surrounding properties.

Mass Transit Facility: A facility for bus or other types of transportation service available to the public that move large numbers of people at one time.

Materials Recycling: An establishment primarily engaged in collecting, sorting, and processing recyclable materials for reuse or remanufacturing.

Maximum Lot Coverage: The highest percentage of impervious surface area permitted by the Unified Development Ordinance.

Meat Processing: An establishment primarily engaged in processing livestock into meat products and/or processing meat products for sale commercially.

Metal Casting: An establishment primarily engaged in the production of metal parts via pouring molten metal into molds.

Mew Lot: A lot fronting an open space or common area served by an alley or street at the rear of the lot. The front yard of a mew lot is lot line (parallel to the front entrance of the structure) abutting the open space or common area.

Microbrewery: An establishment primarily engaged in brewing ales, beers, meads, and/or similar beverages on site at a volume of less than 15,000 barrels of beverage (all beverages combined) annually.

Mining, Rock or Sand: An establishment primarily engaged in the removal of natural sand, non-fuel metals, minerals, and sand resources (mineral sands and aggregates) from the natural environment (terrestrial, riverine, coastal, or marine) for extracting valuable minerals, metals, crushed stone, sand and gravel for subsequent processing.

Mobile Home: A movable or portable unit, 8 feet or more wide and is 32 feet or more in length and constructed to be towed on its own chassis (comprised of frame and wheels) from the place of construction to the location or subsequent locations, designed to be used without a permanent foundation, and connected to utilities for year round occupancy with or without a permanent foundation. The term includes:

1. Units containing parts that can be folded, collapsed, or telescoped when being towed and that may be expanded to provide additional cubic capacity;
2. Units composed of 2 or more separately towable components designed to be joined into one integral unit capable of being separated again into the components for repeated towing; and
3. Units designed to be used for residential, commercial, educational, or industrial purposes, excluding recreational vehicles.

Motel: see hotel.

Motor Sports Team: An establishment primarily engaged in the design, development, manufacture, storage, use, and maintenance of racing motor vehicles.

Municipal and Government Buildings: A building or facility utilized in the operation of local government. Municipal buildings and facilities include office space for the operation of administrative functions, police, fire, public works, emergency services, garages, storage facilities, and the like.

Nn

Nonconforming, Illegal: Any condition where a use, structure, building, or the like does not meet (conform) to the standards of the current Ordinance nor met the standards of the Ordinance in place at the time said feature was established.

Nonconforming, Legal: Any condition where a use, structure, building, or the like does not meet (conform) to the standards of the current Ordinance but did meet the standards of the Ordinance in place at the time said feature was established.

Nonconforming Lot of Record: A lot which was created such that it does not conform to the regulations of the district in which it is located.

Nonconforming Sign: A sign or portion thereof, which was designed, erected, or structurally altered such that it does not conform to the regulations of the district in which it is located.

Nonconforming Structure: A building, structure, or portion thereof, which was designed, erected, or structurally altered such that it does not conform to the regulations of the district in which it is located.

Nonconforming Use: A use which does not conform with the use regulations of the district in which it is located.

Nursing Home: A facility for the care of the aged or infirm, or any other person in need of nursing care, and which does not contain equipment for surgical care or for treatment of disease or injury and is not primarily designed for patients being treated for mental illness or alcohol or drug addiction.

Oo

Office: A place in which business, professional and/or clerical activities are conducted.

Office, All Others: A use or structure where business or professional activities are conducted and/or business or professional services are made available to the public, including tax preparation, accounting, architecture, legal services, psychological counseling, real estate, securities brokering, and professional consulting services, but not including drive-through service windows, the cutting and styling of hair, or recreational facilities or amusements.

Office, Construction Trade: The offices associated with any trade or occupation involving construction, alteration, remodeling, repairing, wrecking or demolition, addition to, or improvement of any building, landscaping, amenities, and similar improvements. This use may include a showroom or design center.

Office, Dental/Medical or Clinic: An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, other health care professionals, or similar professions.

Office, Medical Clinic, Special Handling: An establishment where prescription medications are dispensed but not provided for retail sale and human patients are admitted for examination and treatment, including substance abuse facilities, where no more than 20 patients are provided with overnight care, meals, and lodging.

Official Zoning Map: A map of the Town of Brownsburg, Indiana, that legally denotes the boundaries of zoning districts as they apply to the properties within the zoning jurisdiction. There is only one Official Zoning Map, and it is kept up to date by the Plan Commission and the Zoning Administrator.

Open Space: An area of land not covered by buildings, structures, parking structures, or accessory buildings. Open space does not include street rights-of-way, residential platted lots, or land scheduled for future development.

Ornamental Tree: See Tree, Ornamental.

Outdoor Storage as a Principal Use: An establishment primarily engaged in the outdoor holding of goods, motor vehicles, equipment, products, or materials.

Owner: Any person, group of persons, company, corporation, or any other entity having legal title to the subject property (e.g. a lot), or their legal representative.

Owners' Association: A legal means for managing common areas or common property amongst a multiple-lot or multiple-owner development, established in perpetuity. A common type of owner association is a homeowner's association for a subdivision, which is incorporated as a legal entity and is managed by an elected board of directors. A simpler type of owner association can be a contract between all the owners committing one another to the maintenance cost of shared assets (e.g. a private street or retention pond).

Pp

Parcel: See "Lot."

Parent Tract: A lot of record or other property prior to its subdivision into multiple smaller parcels.

Parks and Playground: An area of land designed or reserved for recreational use, including all open space, landscaping, facilities, playing fields, and buildings that are consistent with the general purposes of recreation, whether such recreational facilities are public operated or operated by other organizations pursuant to arrangements with the public authority owning the public park.

Parking Garage: A structure of 2 or more stories used for the temporary parking or storage of more than 4 motor vehicles.

Parking Lot: An off-street, surfaced, ground level open area used for the temporary parking or storage of more than 4 passenger vehicles. For semi-trailer parking, see Fleet Vehicle Storage.

Parking Space: A horizontal surface within a public or private parking lot primarily for the temporary storage of one motor vehicle. A parking space may vary in size based on the most common size and type of vehicle intended to use the facility.

Party Facility: An establishment primarily engaged in hosting public or private events that amass a large number of people, such as social gatherings, meetings, or competitions.

Path: A pedestrian facility other than a sidewalk.

Path, Improved: A path that is used by pedestrians and/or bicyclists for transportation, leisure, or recreation purposes, and that meets the following criteria to meet accessibility requirements:

1. Is at least 6 feet in width over its entire length;
2. Has a paved surface;
3. Has a maximum longitudinal slope of 5%; and
4. Has a maximum cross slope of 2%.

Path, Multi-use: A pedestrian facility typically within a street right-of-way designed to accommodate walkers, joggers, cyclists, and strollers; commonly constructed with an asphalt surface.

Paved: A durable surface for parking, driving, riding or similar activities that utilizes asphalt, concrete, brick, paving blocks, or similar material. Crushed gravel, stone, rock, dirt, sand, or grass are not permitted as a paved surface.

Pawn Shop: An establishment primarily engaged in the loaning of money on the security of property pledged in the keeping of the pawnbroker, and the sale of the property.

Pedestrian Facility: A sidewalk, multi-use path, or trail.

Performance Surety: See Surety.

Permitted Use: See "Use, Permitted."

Person: A corporation, firm, partnership, association, organization, unit of government, or any other group that acts as a unit, as well as a natural person.

Personal Service: An establishment, other than an office, in which services other than health care are rendered to consumers on an individual basis, such as esthetician services, laser hair removal, massage, nail salons, tanning, tattoos, and the like.

Pervious Pavement: A highly durable paving material that has high porosity which allows water to pass through, thus reducing runoff.

Pervious Surface: Any surface that allows the absorption of stormwater into the ground such as a lawn, woodlot, rain garden, pervious pavement, and the like.

Place of Worship: A building, outdoor structure, and/or outdoor space used for public worship (e.g. church, temple, or mosque).

Plan Commission: See Advisory Plan Commission.

Planned Development or Planned Unit Development: A large-scale unified development meeting the requirements for zoning approval under the provisions of [8.3 Planned Unit Developments](#). Generally, a planned development consists of a parcel or parcels of land, controlled by a single landowner, to be developed as a single entity which does not correspond in size of lots, bulk or type of buildings, density, lot coverage, and required open space to the regulations established in any district of the Unified Development Ordinance.

Planning Jurisdiction: The area legally assigned to the Town of Brownsburg, Indiana over which the Town exercises planning and zoning authority. Planning and zoning jurisdiction may be different from one another.

Plant Nursery: An agricultural use in which plants are grown, cultivated, produced, or managed for the on-site or off-site sale of such plants or their products, or for their use in any other business, research, or commerce. Other customarily incidental products may be sold with the plants. Examples of plant nursery uses include: wholesale nurseries with greenhouses or garden stores; tree farms; flower farms; field nurseries; and sod farms. Plant nursery uses do not include forestry or logging uses, or the keeping of animals or livestock except where expressly permitted as an accessory use.

Plat, Primary: A document prepared by a registered surveyor or engineer upon which the approval of a proposed subdivision is based showing anticipated property line, lots, blocks, rights-of-way, easements, and the like. Primary plats also have a page showing existing site conditions with features and contours marked.

Plat, Secondary: A highly accurate document prepared by a registered surveyor or engineer that shows one or more division of land, the layout for streets, common area, utilities, easements, and the like, as applicable, that is filed for record after its formal and official approval. The final plat instrument also contains text that describes commitments, conditions, and covenants applicable to the division of land. The final plat must substantially conform with the preceding primary plat.

Plat Vacation: In accordance with IC 36-7-3, the process of vacating all or part of a plat, public way, or public easement that destroys the force and effect of the plat, or the subject portions thereof.

Potable Water: Water that is satisfactory for drinking, culinary, and domestic purposes, meeting current state and federal drinking water standards.

Practical Difficulty: A difficulty regarding one's ability to improve land stemming from regulations of the Unified Development Ordinance. A practical difficulty presents a significant economic injury or development restriction that is clearly more significant than the cost of compliance, but does not need to be so significant that it deprives the parcel owner of all reasonable economic use of the property. A practical difficulty shall not be self-imposed (example, failure to get a permit prior to completing work is not in and of itself a sufficient practical difficulty) and

should only be granted where few to no feasible alternatives to the variance exist. For instance, a person may request a variance from a side yard setback due to a large tree which would require a driveway to be located closer to the side property line than allowed to avoid removal and loss of the tree.

Primary Structure: The structure in which the primary use of the lot is located or conducted. With respect to residential uses, the primary structure is the main dwelling.

Printer, Commercial or Industrial: An establishment equipped for printing by one or more common processes such as letterpress, lithography, gravure, screen, or digital imaging, and includes related activities such as binding, platemaking, prepress operation, cartographic composition, and typesetting.

Produce Terminal: A commercial facility where fresh produce is received, inspected, sorted, stored, traded, and distributed.

Prohibited Use: A use that is not a permitted use or special exception within a given district in this Unified Development Ordinance.

Public and Religious Assembly, All Others: Public and religious assembly uses are permanent places where persons regularly assemble for religious worship or secular activities, and which are maintained and controlled by a body organized to sustain the religious or public assembly. Public assembly uses include civic and social organizations such as private lodges, clubs, fraternities, and similar private membership organizations.

Public Way: Highways, streets, avenues, boulevards, lanes, or alleys in dedicated right-of-way or public access easements.

Qq

Rr

Racetrack: A venue for the sport of racing or competing where a participant drives, rides, or controls a motorized vehicle. A racetrack includes activities related to major cultural and sports activities; uses customarily incidental and subordinate to a racetrack including but not limited to: live performances, temporary hospitality facilities, vehicle/ product entertainment/trade shows; and temporary camping facilities for staff, participants, and/or patrons of events.

Rail Yard: A facility for the operation of a line-haul or short-line freight railroad.

Record Drawing: A final set of drawings prepared and certified by the design engineer showing how a project was actually built, including the true locations, dimensions, and materials of all improvements. Record Drawings are based on verified field information and contractor as-built data and serve as the official record for maintenance and future reference.

Recreation/Sports Facility (Indoor): A facility that provides amusement, entertainment, or physical fitness services occurring indoors. This use may include bowling alleys, fitness centers, health clubs, ice skating and roller skating rinks, indoor play centers, martial arts studios, soccer or hockey facilities, swimming pools, tennis courts, yoga/wellness studios, and similar sporting/exercise facilities.

Recreation/Sports Facility (Outdoor): A facility that provides amusement, entertainment, or physical fitness services in an outdoor setting. This use may include driving ranges, golf courses, pools, sports fields (baseball, lacrosse, soccer, etc.), and similar outdoor sporting/exercise facilities.

Recreational Vehicle: A portable, durable living or sleeping space that can be towed, hauled, or driven, and is primarily designed for recreational, camping, and travel use. Recreational vehicles include travel trailers, truck campers, camping trailers, boats, and self-propelled motor homes.

Registered and Licensed Land Surveyor: A land surveyor properly licensed and registered, or through reciprocity permitted to practice in the State of Indiana.

Registered Professional Engineer: An engineer properly licensed and registered, or through reciprocity permitted to practice in the State of Indiana.

Replat: The legal process of modifying a previously recorded plat, which may involve changes to street layouts, common areas, drainage systems, number of lots, lot boundaries, conditions, covenants, easements, or other significant revisions.

Research Center: A facility where scientists and engineers conduct research and development in a variety of fields, including science, technology, engineering, and mathematics (STEM). Research centers can be public or private, and they can be operated by universities, government agencies, or corporations.

Residential District: Refers to the R1, R2, R3, TR, M1, and M2 Districts.

Responsible Party: For purposes of issuing notice of violation, the following people are considered responsible parties, with liability for fines, and responsibility for remedy of the violation: the property owners; persons with any possessory interest in the property, and/or any persons and/or their agents who have caused the violation. Any owner, tenant, builder, developer, possessor of interest, architect, designer, property manager, equipment operator known or suspected to be responsible in part or in whole for a violation of the Unified Development Ordinance.

Restaurant – Counter Service (No Drive-Thru or With Drive-Thru): An establishment whose principal business is offering food service over a counter, having a limited menu of items already prepared and held for service, or prepared, fried, or grilled quickly, or heated in a microwave oven. The permissibility of a drive-thru component depends on the notation in the use table, where “Restaurant – Counter Service with Drive-thru” is the use listed, a drive-thru is allowed.

Restaurant – Drive-Thru, Car Service, or Walk-Up Window Only: An establishment whose principal business is offering food service only by way of a drive-thru, car service, or walk-up window with no interior seating.

Restaurant – Table Service: An establishment whose principal business is the sale of edible, prepared food stuffs and/or beverages for consumption on or off the premises and whose principal method of operation includes any 2 of the following characteristics:

- Customers are provided with an individual menu, are served their food or beverages by wait staff, at the same table items are consumed.
- Cafeteria-type operations where foods or beverages are generally consumed within the restaurant building.
- Carryout service is not the predominant type of service available.

Retail, Low Intensity: Uses less than 10,000 square feet in size providing products and related services to all or portions of the general public and excluding wholesale uses.

Retail, Medium Intensity: Uses 10,000-50,000 square feet in size providing products and related services to all or portions of the general public and excluding wholesale uses.

Retail, High Intensity: Uses greater than 50,000 square feet in size providing products and related services to all or portions of the general public and excluding wholesale uses.

Riding Stables and Academies: A commercial establishment where horses are boarded and cared for, and where instruction in riding, jumping, and showing is offered, and where horses may be hired for riding.

Right-of-Way (ROW): A strip of land occupied or intended to be occupied by transportation facilities, public utilities, or other special public uses.

Road: See Street and subtypes thereafter.

Roadside Produce Stand: A structure for the display and sale of agricultural products grown on the site, with no space for customers within the structure itself.

Ss

Salvage or Junk Yards: See junk yard.

Satellite Dish or Antenna: An antenna capable of receiving signals from and to a communications satellite.

Schools – Colleges and Universities: An institution of higher education which offers courses leading to undergraduate or graduate degrees or which conducts resident or online instruction beyond the secondary education level. This includes community colleges, public or private colleges, universities, and professional schools. These institutions may provide on-site housing for students as well as recreational facilities, dining halls, theaters, museums, and supporting offices and service operations.

Schools – Commercial Studios: A commercial operation providing instruction in, arts, crafts, dance, music, instruments, commercial photography, and other similar operations. Sales of items related to the materials taught may be included with this use.

Schools – Elementary, Middle, and High: An institution for the teaching of children and its associated accessory features including maintenance areas, parking, athletic fields and stadiums, outdoor study areas, and the like.

School, Trade or Vocational: An educational institution that offers training for a specific trade or skill with a focus on preparing students for immediate employment in a particular field. Trade schools may be focused on fields such as plumbing, electrical, HVAC, automotive repair, and the like. Vocational schools may be focused on fields such as healthcare, cosmetology, culinary arts, and the like.

Self-Created/Imposed Conditions: Self-created/imposed conditions result from the actions of the property owner itself as opposed to the strict application of a zoning ordinance to the property. Self-created/imposed conditions can include, for example, beginning construction or improvements that violate the standards found in this Ordinance or failing to consider reasonable alternatives that would conform to the Ordinance. Simply purchasing a property with knowledge of applicable zoning ordinances does not necessarily constitute a self-created/imposed condition, but knowledge of the zoning ordinances combined with a failed attempt to rezone or obtain a variance that occurred prior to purchase can create a self-imposed condition.

Self-Storage Warehouse: Generally, a structure or group of structures containing 2 or more individual storage units for rent to the public with separate access to each unit for the storage and warehousing of personal property.

Self-storage facilities do not include commercial activities run from inside the unit (e.g. wholesaling, retailing, or providing services).

Setback: The minimum horizontal distance between the building line and a lot line or as otherwise measured in [Chapter 2 – Zoning Districts](#).

Setback, Established: An average of the front yard setbacks of all primary structures on either side of the subject property. If the subject property is a corner lot, the average of the front yard setback of structures adjacent to the subject property and directly across the street of the subject property are used. Established setbacks may apply to side yard setbacks and rear yard setbacks through averaging those respective setbacks.

Shade Tree: See Tree, Shade.

Shrub: A plant distinguished from a tree by having several or many woody stems projecting from the ground or a single stem with very low branches which keeps the head of the plant close to the ground (e.g., yew). Other characteristics include heights typically pruned to stay under 8 feet, but never exceeding 12 feet at maturity (e.g., lilac, burning bush, hydrangea and spirea varieties). Shrubs may be deciduous or evergreens.

Sign: Any device or means used to convey a name, logo, slogan, brand, identification, description, display, or illustration, or used to attract attention toward an object, product, place, activity, person, institution, organization, or business.

Sign, Abandoned: A sign that no longer correctly identifies or advertises an existing business, product, or activity conducted.

Sign, A-Frame: A type of temporary sign or device that is self-supporting with 2 faces connected at or near the top with each face angled outward making a triangular shape. This type of sign is generally designed to be set up on a sidewalk or other flat surface to attract pedestrians.

Sign, Animated: A sign with an animated message, video, motion picture, audible sound, odor, visible matter, flashing light, scrolling message, blinking light, fluttering light or color, or that projects laser light or light beams.

Sign, Awning: A sign attached to, or integrated into the material of, an awning mounted on a building.

Sign, Banner: A sign composed of lightweight fabric, plastic, vinyl, or similar material that is mounted to a building. Banner signs are typically related to a special event or promotion.

Sign, Changeable Copy: A type of sign or device that allows a message to be changed by mechanical, electronic, or manual means. Changeable copy signs may be capable of animated messages, cyclical messages, or static messages. However, the zoning regulations limit the frequency of messages changing even if a changeable copy sign is capable of features not permitted.

Sign, Commercial: Any sign that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

Sign, Directional: A sign used to direct the safe flow of vehicular and pedestrian traffic which typically includes words like "enter," and "exit," or uses arrows to communicate information. Also called a directional device.

Sign, Drive-up Menu: Any sign containing a menu or special offerings for a restaurant, coffee shop, or other food establishment designed to be visible from and intended for persons in vehicles in drive-through lanes to read and order.

Sign, Freestanding: A sign permanently anchored to the ground and not attached to a building.

Sign, Gateway: A common sign, typically located near a major entrance, indicating the presence of multiple tenants on a property being owned or managed as a single development. Such developments include, but are not limited to: shopping centers, office parks, and industrial parks.

Sign, Ground: A sign in which the bottom edge of the sign is permanently affixed to the ground, or a sign that is supported by one or more poles, posts or braces with a clear space of 4 feet or less. A monument sign is another name for a Ground Sign.

Sign, Illuminated: A sign which has characters, letters, figures, designs, or outline illuminated by electric lights or luminous tubes as a part of the sign proper, or which is illuminated by reflectors.

Sign, Mural: A sign painted onto the side of a building, wall, ground, or structure. A mural sign is regulated as a wall sign in the Unified Development Ordinance.

Sign, Non-Commercial: A sign that does not direct attention to a business, service, commodity for sale, or other commercial activity (examples include but are not limited to political signs, birthday/graduation signs, holiday/religious/ideological signs, and the like).

Sign, Permanent: A sign that is designed or intended to be indefinitely without change in the same state or place. Permanent signs primarily include: wall signs, ground signs, pole signs, gateway signs, entry feature signs, projecting signs, awning signs, display board signs, and drive-up menu signs. Temporary sign structures left in place past the expiration of a temporary sign permit are deemed a permanent sign.

Sign, Pole: A sign that is supported by one or more poles, posts, or braces mounted to the ground with a clear space more than 4 feet from the finished grade to the bottom of the sign face.

Sign, Projecting: A sign which is mounted perpendicular to and extending away from a structure (e.g. facade).

Sign, Self-Standing: A type of temporary sign or device that is self-supporting without being affixed to the ground or without legs that project into the ground. This type of sign is generally designed to be setup on a sidewalk or other flat surface to attract pedestrians.

Sign, Sidewalk: A portable, self-standing sign, often in an a-frame shape, used during business hours and typically placed on a sidewalk. Moveable menu boards used in drive-throughs are also considered sidewalk signs.

Sign, Structure: Any structure which supports, has supported, or can support a sign, including decorative cover, poles, piers, masonry, stone, foundation, metal frames or cabinets, and/or other structural components.

Sign, Temporary: A sign not fixed to a permanent foundation or substantially affixed to a wall or vehicle, generally meant to convey a message for a short period of time. Typical temporary signs include yard signs, self-standing signs, banner signs, or A-frame signs. Temporary signs do not include changeable copy. Not all types of temporary signs are permitted in each zoning district.

Sign, Vehicle: A vehicle displaying a sign, applied to or attached to the vehicle, which is purposefully parked or placed to be visible from a public street.

Sign, Wall: A sign attached to and/or integral with the exterior wall of a building or canopy, the face of which is generally parallel to the wall surface.

Sign, Window: A sign installed on or inside a window for purposes of being viewed from outside of the building. This term does not include merchandise in the window.

Sign, Yard: A type of temporary sign or device with one or 2 faces affixed to one or 2 legs that are pressed into the ground.

Sign Area: The entire area within a single continuous perimeter enclosing the extreme limits of a sign, including all words, logos, illustrations, and characters. For signs comprised of individual letters, the continuous perimeter is the overall width and height of characters and branding elements in combination.

Sign Copy: The wording or graphic illustration used on a sign surface either in permanent or removable form.

Sign Fabrication: Establishments primarily engaged in the process of designing, manufacturing, and installing signs.

Sign Face: The surface intended for the display of information on the sign.

Site Plan: A map of a site, drawn accurately to scale, showing existing and proposed features of the site including but not limited to buildings, and other structures, circulation, grading, trees, and landscaping, sufficient for review. A site plan serves as the development plan regulated by *IC 36-7-4-1400*.

Spandrel Panel: The space on a facade between either:

1. The top of a floor's windows and the bottom of the windows on the next floor higher; or
2. The top of the highest floor's windows and the top of the parapet or eave line (i.e. roof line).

Special Exception Use: See Use, Special Exception.

Sports Arena, Racetrack, or Stadium: A large structure or course with tiers of spectator seating used primarily for the competition of professional sporting teams, including but not limited to racing (all types), football, basketball, soccer, and the like. This use type may include secondary functions of performance spaces or other recreational events as well as accessory uses such as banquet halls/meeting spaces, offices, and the like in conjunction with the primary use.

Sports Field or Facility, Indoor: See Recreation Center, Indoor.

Sports Field or Facility, Outdoor: See Recreation Center, Outdoor.

Stacking Space: A space specifically designed and designated as a waiting area for motorists to queue or line up while waiting to be served at a drive-through facility or enter a site. Stacking spaces measure 8 feet wide by 20 feet long and must be located entirely outside of any driveway or right-of-way. The number of required stacking spaces is determined based on the anticipated demand of the specific drive-through use or as otherwise noted in the Ordinance.

State: The State of Indiana.

Stone Cutting: An establishment primarily engaged in the hewing or cutting of stone.

Storage Tank: An structure primarily used for the storage and containment of a non-hazardous liquid, gas, or solid commodity.

Stormwater: The portion of precipitation that does not naturally infiltrate into the ground or evaporate, but flows via overland flow, interflow, channels, or pipes into a defined surface water channel.

Story: The portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling above it. Any portion of a story exceeding 14 feet in height is considered as an additional story for each 14 feet or fraction thereof, except for the

first and second floors where the space between the floor and the ceiling above it may not exceed 20 feet in height. Use of the roof of the top floor for incidental purposes is not considered as a "story" provided it is not enclosed as habitable space.

Street: Any vehicular facility that is:

1. Established in a right-of-way or that predates use of rights-of-way and established over property lines,
2. Shown upon a plat approved pursuant to law as a private street within an easement, or
3. An access facility intended to provide access to 3 or more lots, 3 or more dwelling sites within a manufactured home park, 3 or more condominium units, or 5 or more dwelling units in a multiple-family residential building is not considered a driveway.

Street, Arterial: A street designed to provide a high level of mobility by way of limiting access points and which may have one or more lanes of travel in either direction without on-street parking. Requirements for this street type are set forth by the Transportation Plan and Construction Standards.

Street, Collector: A street designed to facilitate the collection of traffic from smaller roads nearby and adjacent land uses, typically with one travel lane in each direction and no on-street parking. Requirements for this street type are set forth by the Transportation Plan and Construction Standards.

Street, Interior: A street within a development that provides access to lots that do not have access from a perimeter street. The hierarchical classification is not relevant.

Street, Interstate: A divided highway with significant access control that facilitates the movement of traffic from one region to another.

Street, Local: A street designed with a high level of accessibility, conveying traffic from individual lots to roads of higher classification (Collector, Arterial).

Street, Perimeter: A pre-existing street that a new subdivision or development abuts.

Street, Private: A street on private property, an easement, or common area owned and maintained by the property owner, easement holder, or an owner's association.

Street, Public: A street within a public right-of-way and maintained by a municipal, county, state or federal government.

Street, Rear Access: A road that is typically privately maintained and placed along the back lot line of the first tier of properties within a nonresidential development. Also called a Rear Access Road.

Structural Alteration: Any change in the supporting members of a building or structure such as bearing walls, partitions, columns, beams or girders, or any change in the footprint or increase in the size of living space. Also, substantial roofing and siding work when repairs are made to the structure beneath.

Structure: Anything constructed or erected which requires location on the ground or attachment to something having a location on the ground, including but not limited to buildings, sheds, detached garages, manufactured homes, aboveground storage tanks, towers, wind turbines, and signs.

Structure Height: The vertical distance measured from the ground level (i.e. average elevation surrounding the structure, not including any artificial mounds or berms) to the highest point of the roof, or top most portion of the structure. Maximum structure height generally allows a structure to have the maximum number of stories plus enough to allow a pitched roof and other architectural features.

Studio Arts: Photography, art, sewing, and similar creative professional studios.

Subdivision: Either the division of a lot into 2 or more smaller lots so that all resulting lots have development rights; or the combination of 2 or more lots into a larger lot so that the resulting lot allows development across what was a property line.

Subdivision, Major: The subdivision of a parcel of land into 4 or more lots, or any subdivision that has common area, easements, or public infrastructure.

Subdivision, Minor: The subdivision of a parcel of land into 3 or less lots, and that does not include any subdivision that has common area, easements, or public infrastructure.

Sunroom: A one-story structure attached to a building with windows/glazing areas in excess of 40 percent of the gross area of the structure's exterior walls and roof.

Surety: Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Plan Commission.

1. **Performance Bond/Surety:** A financial guarantee equal to 115% of the cost of improvements that the Town of Brownsburg would be provided the money or resource necessary to finish or repair any public, or otherwise applicable, improvements associated.
2. **Maintenance Bond/Surety:** A financial guarantee equal to 20% of the cost of improvements that the Town of Brownsburg would be provided the money or resource necessary to repair or rebuild any public or otherwise applicable improvements associated with a project in the event the installed improvement fails or is found to be defective over the duration of the maintenance period.

Swimming Pool: A self-contained body of water at least 18 inches deep and 8 feet in diameter or width and used for recreational purposes. It may be above or below ground level and is considered an accessory structure.

Tt

Technical Review Committee (Tech Committee): Representation of technical staff or volunteers assembled to review applications, development plans, planned developments, subdivisions, rezonings, and the like. The technical review committee may vary from meeting to meeting due to the expertise necessary to review the projects that the Town is considering. Membership of the technical review committee could include, but is not limited to: Director of Development Services, Building Commissioner, Street Superintendent, Wastewater & Water Superintendents, Police Chief or designee, Fire Marshal or designee, Director of Parks and Recreation, Town consulting review engineers, and any other persons deemed appropriated by the Plan Commission or Administrator.

Technical Review: The review of a proposed project for compliance with the Unified Development Ordinance, other regulations in the Town of Brownsburg's Code of Ordinances, construction standards, best environmental practices, best urban design practices, best site design practices, best practices to reduce incompatibility, and the like; when required by the Brownsburg Unified Development Ordinance or otherwise authorized.

Telecommunications Tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas. The term includes: radio and television transmission towers, microwave towers, cellular telephone and wireless communication towers, alternative tower structures, and the like.

Testing Lab: An establishment primarily engaged in applied and developmental research, where product testing is an integral part of the operation and goods or products may be manufactured as necessary for testing, evaluation, and test marketing.

Thoroughfare: A public way or public place that is included in the Transportation Plan. The term includes the entire right-of-way for public use of the thoroughfare and all surface and subsurface improvements on it such as sidewalks, curbs, shoulders, and utility lines and mains.

Tool and Die Shop: An establishment primarily engaged in the industrial art of manufacturing stamping dies, plastics molds, and jigs and fixtures to be used in the mass production of solid objects.

Tool/Equipment Rental (indoor): An enclosed facility providing machinery, equipment, and tools of all kinds and sizes for a limited period of time to users.

Tool/Equipment Rental (outdoor): An outdoor facility providing machinery, equipment, and tools of all kinds and sizes for a limited period of time to users.

Town Engineer: Any person, group of persons, or company, employed by or contracted by the Town of Brownsburg to advise on engineering issues, including the review of development proposals that require the technical expertise of an engineer. If a town engineer is not formally established, the Director of Planning and/or his/her designee acts as the Town Engineer.

Town Official: A Town Council, Advisory Plan Commission, Board of Zoning Appeals member, or an employee of the Town of Brownsburg.

Town: The Town of Brownsburg.

Transfer Station (Enclosed): A facility for the drop-off and temporary holding of materials such as paper, cardboard, glass, metal, plastic, batteries, and motor oil. Processing of materials is limited to glass breaking and separation.

Transportation Plan: The official plan, now and hereafter adopted, which includes a street plan, sets forth the location, alignment, dimensions, identification, and classification of existing and proposed streets, and other thoroughfares. May also be called the Thoroughfare Plan.

Trash Receptacles: Any container used to store trash and that is less than 120 gallons in volume.

Tree, Ornamental: A deciduous tree that does not grow to over 30 feet in height at maturity. Ornamental trees typically are flowering trees.

Tree, Shade: A deciduous tree that grows to more than 30 feet in height and has a large or spreading canopy at maturity that can block or reduce sunlight to the area beneath it.

Tree Lawn: That portion of a public right-of-way lying between the back face of the curb and the leading edge of the sidewalk or path, not covered by paving, often used to plant street trees.

Uu

UDO: Unified Development Ordinance.

Unnecessary Hardship: An unnecessary hardship occurs when a property cannot reasonably conform to the use regulations of the district in which the property is located because of limitations imposed by the ordinance itself. To qualify as an unnecessary hardship, the applicant must show: (1) the land involved cannot yield a reasonable economic return if required to strictly conform to the use regulations of the district; (2) the hardship is due to unique circumstances of the property that are not common to the district in general; (3) the use requested by the variance will not alter the essential character of the district; and (4) the hardship is not due to self-created/imposed conditions. All four criteria must be met to qualify as an unnecessary hardship justifying the grant of a variance; hardship cannot rest upon the mere showing of diminished financial opportunities without a variance.

Upper Story Residential: Dwelling units on upper floors of buildings with non-residential uses at street level.

Use: The activity occurring on a lot or parcel for which land or a building is arranged, designed, or intended, or for which land or a building is or may be occupied, including all accessory uses. **Use, Accessory:** A use that is incidental and subordinate in area, extent, and purpose to the principal use. Accessory uses must be located on the same lot as the primary use.

Use, Permitted: A use which may be lawfully established in a particular district or districts provided it conforms with all applicable requirements, regulations, and standards.

Use, Primary: The main use of land or buildings as distinguished from an accessory use. A primary use may be either a Permitted Use or a Special Exception Use.

Use, Special Exception: A use which may be lawfully established in a particular district only after obtaining approval through the Board of Zoning Appeals. Special Exception Uses are those that are considered to likely fit within a district but, due to some nature of the use or district, must undergo additional review prior to proceeding.

Use, Temporary: A land use or structure established for a limited and fixed period of no more than 4 months with the intent to discontinue such use or structure upon the expiration of the time period.

Utility Facility (Above Ground): A structure or improvement built or installed above ground for the purpose of providing utility services or communications services to more than one lot.

Utility, Major Impact: A utility use that due to its nature or large scale could have an adverse impact on surrounding properties. Examples include sanitary sewer treatment plants and solid waste facilities.

Utility, Minor Impact: A utility use that due to its nature or small scale is unlikely to have an adverse impact on surrounding properties. Examples include telephone switching stations and completely enclosed utilities.

Utility, Private: Any non-Town of Brownsburg entity legally authorized to furnish electricity, gas, steam, communication, cable, fiber optics, internet connection, water distribution, water purification, sewage collection system, sewage treatment system, and the like to the properties within the Town of Brownsburg. The term includes any utility that is not owned and operated by the Town of Brownsburg.

Utility, Public: Any utility owned and operated by the Town of Brownsburg or other municipal utility which is legally authorized to furnish electricity, gas, steam, communication, cable, fiber optics, internet connection, water distribution, water purification, sewage collection system, sewage treatment system and the like. The term does not include a conservation district, or utility owned and operate by private or not-for-profit company.

Utility Provider: Any entity which is legally authorized to furnish electricity, gas, steam, communication, cable, fiber optics, internet connection, water distribution, water purification, or sewage collection systems, sewage treatment system and the like.

Vv

Vacant Building: A structure lacking the consistent presence of a human being with a legal right to be on the premises, or where lawful business operations or residential occupancy has substantially ceased.

Variance, Development Standards: A specific approval granted by the Board of Zoning Appeals in the manner prescribed by the Unified Development Ordinance, to deviate from the development standards (such as height, bulk, area) that the Unified Development Ordinance otherwise prescribes.

Variance, Use: The approval of a use which is neither permitted uses or special exception uses for the subject zoning district in the Unified Development Ordinance. A variance of use approval runs with the land and is not specific to one applicant or owner.

Vehicle/Equipment Sales and Rentals – Heavy: Establishments primarily engaged in the sales, leasing, or rental, of high capacity mechanical devices including construction equipment (graders, cranes, bulldozers, etc.), agricultural machinery, trucks in excess of one-and-one-half tons, or equipment used in heavy industry such as mining, concrete production, and the like.

Vehicle/Equipment Services – Heavy: Establishments providing major repairs and servicing of high capacity mechanical devices listed in ***Vehicle/Equipment Sales and Rentals – Heavy***, but not including commercial wrecking, dismantling, junkyard, or salvage uses.

Vehicle/Motorcycle Sales and Rentals – Light: Establishments primarily engaged in the sales, leasing, or rental of new and used automobiles, light trucks, vans and sport utility vehicles limited to a capacity of not more than one-and-one-half tons, motorcycles, motor scooters, mopeds, all-terrain vehicles, snowmobiles, go-carts, trailers, recreational vehicles, and similar items.

Vehicle/Motorcycle Services – Light: Establishments providing routine maintenance and repair of automobiles or motorcycles. All service and repairs must occur completely indoors. This use may include the outdoor storage or queuing of vehicles waiting for service provided they are parking in an organized manner on a paved surface before and after servicing. This use does not include the outdoor storage of parts or materials.

Vehicle Storage, Commercial: Establishments primarily engaged in the holding of operable vehicles for periods of more than one day. Such use does not include the storage of damaged, dismantled, or impounded vehicles. This land use need not be enclosed.

Veterinary Clinic: Any clinic, hospital, or other establishment for the treatment of sick, injured, or diseased animals.

Veterinary Hospital: An establishment for the care and treatment of the diseases and injuries of animals and where animals may be boarded during their convalescence.

Ww

Warehouse: A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, excluding bulk storage of materials that are inflammable or explosive or that present hazards or conditions commonly recognized as offensive.

Water Tower: A tower supporting an elevated water tank, whose height creates the pressure required to distribute the water through a piped system.

Welding Services: An establishment where the principal business is the joining of metals or thermoplastics through the application of heat, pressure, or both, to produce a structural bond.

Wellness Facility: An establishment primarily engaged in offering skin care services; body services such as fitness, personal training, and nutrition consulting; or services such as chiropractic, acupuncture, or holistic medicine.

Wholesale Business: An establishment primarily engaged in storing large quantities of goods before selling shipping them to retailers or end users with less than 25% of sales or activities being onsite shopping for consumers (example, a wholesale business that does a limited or seasonal sale with walk-in shopping for consumers would meet this definition).

Winery: A business or operation that makes wine for human consumption. A winery may include ancillary uses such as a small café, restaurant, retail sales of products produced on site, and/or retail sales of complementary items such as but not limited to corkscrews, wine glasses, art, and boutique cheese.

Wireless Facilities: The set of equipment and network components that are: (1) owned and operated by a communications service provider and (2) necessary to provide wireless communications service. The term does not include a wireless support structure as defined in IC 8-1-32.3-14.

Xx

Yy

Yard: Space on a lot between a façade of a primary structure and the property line parallel to it.

Yard, Established: A yard extending across the full width of the lot between a lot line and the principal building, as built. The depth of the established yard is the shortest distance between the lot line and the principal building.

Yard, Front: On a lot without a primary structure, the front yard is the area between the front property line and front yard setback line, between side lot lines. On a lot with a primary structure, the front yard is the space extending across the full width of the property between the front lot line and the closest point of the primary structure.

Yard, Front (Primary): The front yard for a building where the primary entrance to said building is located. This is applicable to all lots.

Yard, Front (Secondary): The front yard for a building on a corner lot where a primary entrance is not located (e.g. this yard is between the side façade and street frontage).

Yard, Rear: On a lot without a primary structure, the rear yard is the area between the rear lot line and rear yard setback line, between side lot lines. On a lot with a primary structure, the rear yard is the space extending across the full width of the property between the rear lot line and the closest point of the primary structure.

Yard, Side: Area on a lot which is not defined as a front yard or a rear yard, roughly described as the area between the side foundation and the side lot line between the front yard and rear yard.

Zz

Zoning District: A purposefully created and uniquely named classification used to prescribe set regulations to geographic areas within the zoning jurisdiction of the Town of Brownsburg. Districts are drawn on the Official Zoning Map.

Zoning Jurisdiction: The area within the corporate limits of the Town of Brownsburg, Indiana over which the town exercises planning and zoning authority.

Zoning Map: See "Official Zoning Map."