

## SPECIAL USE REQUIREMENTS

- Discuss procedure with staff and obtain application packet.
- Completed application and all supporting documentation is to be submitted no less than **30 business days** prior to the date of the hearing.

Supporting documentation includes:

- One (1) copy of the recorded deed with a full legal description of the property. Legal description needs to show the local parcel number and the size of the property.
- 18 copies of the site plan showing outline of property and all existing features and buildings along with proposed changes to property requiring the Special Use. **Please fold to 8 1/2 by 11 for mailing.**
- 18 copies of the plans, drawings, sketches, photos, elevations that will help explain the Special Use. **Please fold to 8 1/2 by 11 for mailing.**
- 18 copies of the Petitioner's Findings which is a list of reasons why the Board should approve the Special Use. **Please fold to 8 1/2 by 11 for mailing.**
- One (1) CERTIFIED list of adjacent and abutting property owners, two properties deep or 600 feet whichever is less. Certified list is to be obtained from the Hamilton County Auditor's Tax Map Office; must be no more than 30 days old; subject property shall include ALL contiguous and bi-contiguous property (including across the road, easements, bodies of water, etc.) owned by the current property owner.

In addition, if your property abuts another county, you will need to obtain a CERTIFIED list of the adjacent and abutting property owners, two properties deep or 660 feet whichever is less from that county's Auditors office. List must be no more than 30 days old. Subject property shall include ALL contiguous and bi-contiguous property (including across the road, easements, bodies of water, etc.) owned by the current property owner.

It may take five to seven days to obtain these lists so please plan accordingly.

- Sign and date the Legal Notice page. Our office will provide the verbiage.

BZA and Plan Commission projects will be processed in the date stamped order they are received. You will be contacted either by phone or email when it is time to come in and pick up and pay for your Special Use or to notify you that additional information is required.

- When you come in to pick up your paperwork you will need to bring in two checks. One for \$55.00 made out to Media Factory as a deposit for the sign you will be required to post on the property seeking the Special Use. The other check will be made out to the Hamilton County Plan Commission for the cost of the application.

You will be given a copy of the Legal Notice to be published in The Times Newspaper and in the Hamilton North Reporter. When your paperwork has been picked up I will email the legal notice to the newspaper and the reporter. You will be billed by them. *(If Linda is not here you will be required to email them to the respective papers yourself. The Times goes to: [legals@thetimes24-7.com](mailto:legals@thetimes24-7.com) and the one to the North Reporter goes to: [stu.clampitt@gmail.com](mailto:stu.clampitt@gmail.com) )*

- You are required to mail **by certified/return receipt mail** a copy of the Legal Notice to each person identified on the property adjoiner list no less than 20 days prior to the date of the hearing but not including the day of the hearing. Please be sure to address the certified receipt and the return receipt card exactly as addressed on the property adjoiner list. ((( Incorrectly addressing these items will cause a month's delay while you re-notice those the attorney deems were not properly notified.)))
- The sign you are required to post on the property seeking the Special Use is a Notice of Public Hearing sign. This sign will need to be posted no less than 20 days prior to the date of the hearing but not including the day of the hearing. The day of the BZA hearing you may remove the sign and bring it with you to the meeting.
- **The Friday before the board meeting** *(If you're not available then or the building is closed because of a holiday then you can bring them back sooner if you want to.)* you are required to submit to the plan commission office the green and white certified receipts and the green return receipt cards from the adjacent property owners. The proof-of-publication is normally provided directly to the office by the papers themselves.
- Owners of the property, their attorney, or a representative with written power of attorney SHALL be present at the board meeting public hearing concerning the Special Use petition. Please call the board office should an emergency arise.

If you have any questions, contact the Hamilton County Plan Commission/Board of Zoning Appeals Office, Charles Kiphart, Director, at One Hamilton County Square, Suite 306, Noblesville, IN 46060 or call (317) 776-8490.

**The petitioner SHALL submit information concerning the Special Use and discuss the Special Use with the following agencies prior to submitting the application to the Plan Commission Office:**

Hamilton County Surveyor's Office - Mr. Andy Conover at the Hamilton County Governmental & Judicial Center, One Hamilton County Square, Suite 188, Noblesville, IN 46060. (317) 776-8495.

Hamilton County Highway Department - Mr. David Lucas, 1700 South 10<sup>th</sup> Street, Noblesville, IN 46060. (317) 773-7770.

Hamilton County Health Department - Mr. Jason LeMaster, 18030 Foundation Drive, Suite A, Noblesville, IN 46060. (317) 776-8500.

Hamilton County Soil & Water Conservation Office - Ms. Ginger Davis, at the Soil & Water Conservation, 1717 Pleasant Street, Noblesville, IN 46060. (317) 773-2181.

These agencies are to submit a letter to the Plan Commission Office indicating that they are aware of the project, have discussed it with the petitioner, and identify any concerns the department has regarding the project.

## *Description of business operation:*

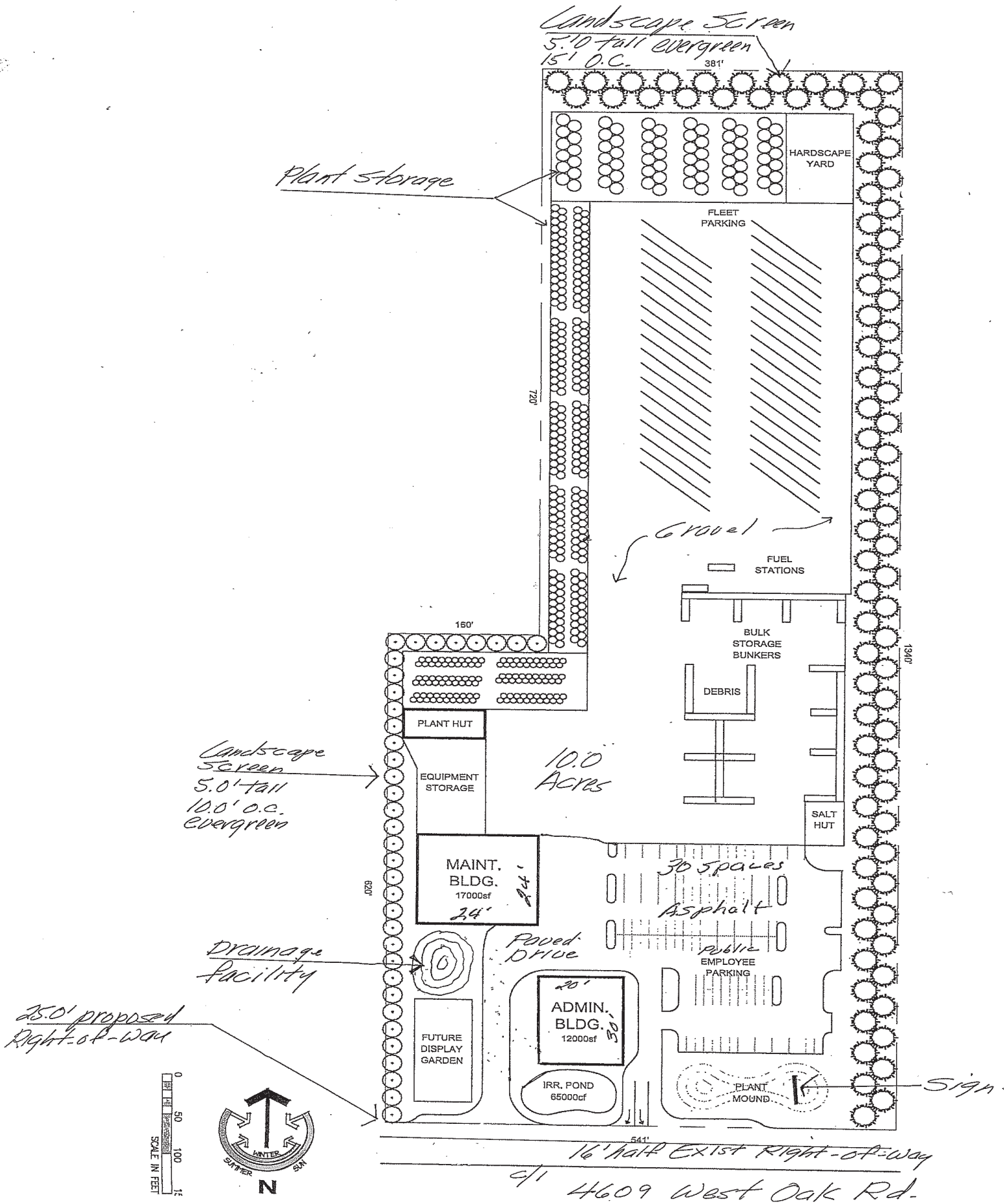
- Explanation of all business services provided.
- Is the public invited to the property for any purpose?
- Number of employees - permanent, part-time, and seasonal.
- Time of day business operates.
- Number of days per week business operates.
- Use of buildings and sizes.
- Number and types of vehicles in and out of site.
- What type of material is leaving the site.
- Types of trucks on property.
- Deliveries made to the property - time of day, number of trucks, types of trucks making the deliveries, what are they delivering.
- Letter or mails of approval/support from: The Hamilton County Highway Department, the Hamilton County Surveyor's Office, the Hamilton County Health Department.
- List other types of equipment/trailers used in the operation of this business.
- Types and quantities of material stored on the property.

### *Information to be included on the site plan*

- Scale of the site plan.
- North arrow.
- Address which includes showing the road location.
- Show any easements on the property. (drainage, utility, or gas lines.)
- Show entire parcel property dimensions in feet, area and size of business.
- Show floodplain, if any, water courses, and/or wetlands.
- Driveways - existing, proposed, type of surface.
- Location of current septic system (tank and finger system) and well.
- Location of commercial septic system if required by the health department.
- Building dimensions and size of each existing and proposed structure, and use of each building.
- Dimensions of any outdoor storage areas and proposed screening.
- Dimensions and type of surface areas for proposed employee or customer parking, number of spaces, and company vehicle/trailer storage.
- Type of curbing - if using gravel and no curbs you will need to request a requirement variance as well as the Land Use Variance for the commercial use.
- Types of and locations of landscaping and lighting.
- Location of any existing or proposed signage.
- Location of any existing or proposed fuel tank storage, size of tanks, and types of fuel.

EXAMPLE

Site Development Plan  
Proposed Landscape Business  
4609 West Oak Rd.



**SPECIAL USE APPLICATION**  
**HAMILTON COUNTY BOARDS OF ZONING APPEALS**

Board  
\_\_\_\_\_ North  
\_\_\_\_\_ South

**FOR OFFICE USE ONLY**

Township  
\_\_\_\_\_ Adams  
\_\_\_\_\_ Noblesville  
\_\_\_\_\_ Wayne  
\_\_\_\_\_ White River

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Parcel No. \_\_\_\_\_  
Docket No. \_\_\_\_\_  
Reviewed \_\_\_\_\_  
By: \_\_\_\_\_  
Hearing Date: \_\_\_\_\_

Existing Zoning: \_\_\_\_\_ Decision Date: \_\_\_\_\_  
Business Name: \_\_\_\_\_ Article \_\_\_\_\_  
Subdivision Name: \_\_\_\_\_ Zoning: \_\_\_\_\_  
Section \_\_\_\_\_ T \_\_\_\_\_ R \_\_\_\_\_  
Property Size: \_\_\_\_\_

Project Address: \_\_\_\_\_

Applicant's Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Work/cell: \_\_\_\_\_

Address: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone: \_\_\_\_\_

Work/cell: \_\_\_\_\_

Address: \_\_\_\_\_

Attorney: \_\_\_\_\_ Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

Address: \_\_\_\_\_

Architect/Engineer: \_\_\_\_\_ Phone: \_\_\_\_\_

Work: \_\_\_\_\_

Special Use Request: \_\_\_\_\_

\_\_\_\_\_

**Must Have Attached**

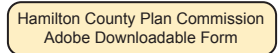
- \_\_\_\_\_ Site Location Map
- \_\_\_\_\_ Certified List of Affected
- \_\_\_\_\_ Signed Legal Notice
- \_\_\_\_\_ Site Plan, Photos, Drawings
- \_\_\_\_\_ Elevations, Statements,
- \_\_\_\_\_ Letters of Support, other
- \_\_\_\_\_ Petitioner Findings

**Signature of:**

Property owner: \_\_\_\_\_

Attorney: \_\_\_\_\_

Date: \_\_\_\_\_



## PETITIONER'S FINDINGS

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

Provide 18 copies.



# LEGAL NOTICE

## BOARD OF ZONING APPEALS

The Hamilton County Board of Zoning Appeals (North or South) District will meet on \_\_\_\_\_ at \_\_\_\_\_ in the *Hamilton County Government and Judicial Center, Hamilton County Council/Commissioners' Courtroom, One Hamilton County Square, Noblesville, Indiana* in order to hear the following petition:

DOCKET NO. \_\_\_\_\_

A \_\_\_\_\_ concerning Article(s) \_\_\_\_\_ of the Hamilton County Zoning Ordinance No. 3-19-90, as amended, \_\_\_\_\_ in \_\_\_\_\_ order \_\_\_\_\_ to

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Project Address: \_\_\_\_\_

Parcel no.: \_\_\_\_\_

Zone District: \_\_\_\_\_ Number of acres: \_\_\_\_\_

Legal Description Attached? (Yes or No)

The petition may be examined at the office of the *Hamilton County Plan Commission, One Hamilton County Square, Suite 306, Noblesville, Indiana*.

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

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

Petitioner's Name: \_\_\_\_\_ Date: \_\_\_\_\_

## Petitioner's Presentation to Board Members

1. Please go to the podium and micro phone in front of the Board members when your docket number is called.
2. Speak clearly and loudly without shouting.
3. State your name and current address for the record.
4. Explain in detail the Special Use you are requesting to the Board members.
5. Explain why you are requesting the Special Use.

The Hamilton County Plan Commission staff cannot support an application for special use unless you can present evidence that tends to prove your case. Please be advised that even if you present all of the evidence required by the ordinance, the board might not grant the special use. You will need to provide a list of evidence that you intend to offer as proof.

1. That the establishment, maintenance, or operation of the special use will not be injurious to the public health, safety, morals, or general welfare of the community. *(Safety issues often involve an increase in traffic and/or crime. You need to be prepared to address all such issues.)*
2. That the special use will not affect the use and value of other property in the immediate areas in a substantially adverse manner. *(You might consider the use of a real estate appraiser or broker if there is an issue about which you are worried.)*
3. That the establishment of the special use will be consistent with the character of the district (particularly the area immediately adjacent to the special use) and the land use permitted therein. *(The board generally looks to see if the special use is consistent with the comprehensive plan.)*

**ARTICLE 18. ADMINISTRATION\*****A. AUTHORITY OF PLAN DIRECTOR****Section 1. Duties of plan director.**

a. It shall be the duty of the plan director to enforce this ordinance and receive applications required by this ordinance, issue permits, and furnish the prescribed certificates. He shall examine premises for which permits have been issued, and shall make necessary inspections to see that the provisions of law are complied with. He shall enforce all laws relating to the construction, alteration, repair, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, except as may be otherwise provided for. He shall, when requested by the board of commissioners or when the interests of the county so require, make investigations in connection with matters referred to in this ordinance and render written reports on the same. For the purpose of enforcing compliance with law, he shall issue such notices or orders as may be necessary and submit an annual report of the activities of the office to the plan commission, advisory board of zoning appeals and county commissioner.

b. The plan director shall keep careful and comprehensive records of applications, of permits issued, of certificates issued, or inspections made, or reports rendered, and of notices or orders issued. He shall retain on file, copies of all papers in connection with building work so long as any part of the building or structure to which they relate may be in existence. All such records shall be open to public inspection at reasonable hours.

**B. ADMINISTRATION OF PERMIT PROCESS****Section 1. Application and approval of permits.**

a. Any person, who shall make application for an improvement location permit and/or building permit, shall, at the time of making such application furnish a site plan or development plan of the real estate upon which said application for improvement location and/or building permit is made at least five days prior to the issuance of said permit(s), which five-day period may be waived. Said site plan shall be drawn to scale and show items required of a site plan under article 11 of this ordinance.

b. An application for an improvement location and/or building permit for any manufacturing use subject to the provisions of article 7 of this ordinance shall be accompanied by a "certificate of compliance" subscribed by a registered professional engineer or architect, certifying that the use intended will satisfy the performance standards of manufacturing uses in the district in which it is to be located. The plan director may take five business days in which to study the application, during which time he may consult with appropriate technical

\*Cross references—Advisory plan commission, art. 16; advisory board of zoning appeals, art. 17.

consultants. If, after the ten-day period, the plan director has not required any additional information or stated any objections in writing, the plan director shall issue the improvement location permit/building permit.

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

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

- (1) Approval of the site plan based upon the determination that the proposed plan will constitute a suitable development and is in compliance with the general standards and design standards as specified in article 11;
- (2) Disapproval of the site plan based upon the determination that the proposed project does not meet either the general standards or design standards set forth in article 11;  
or
- (3) Approval of the site plan subject to any conditions, modifications and restrictions as required by the plan director which will ensure that the project meets the general standards and design standards set forth in article 11.

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

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

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

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

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

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

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

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

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

### **Section 3. Improvement location permit.**

a. An application for an improvement location permit and/or building permit for any use shall not be approved until it has been ascertained by the plan director that the proposed use will meet the minimum standards for sewage disposal and water as required by the health officer, who is any officer of authority, Hamilton County Health Department and state department of health, and as may be required by ordinances of Hamilton County, Indiana. No certificate of occupancy shall be issued for a commercial or industrial structure or for any other applicable use until the plans for such structure shall have been approved by the administrative building council of the State of Indiana and any other appropriate state agency including the state fire marshal.

b. No improvement location permit shall be issued unless the lot for which the improvement location permit is sought is located on a public way.

c. No improvement location permit, building permit or certificate of occupancy shall be issued until the appropriate fees have been paid to the plan director in accordance with those established in this ordinance.

d. Improvement location permits and building permits shall expire six months after date of issuance if construction has not commenced. One extension for 12 months may be granted by the plan director upon presentation of reasonable justification for such an extension. This provision does not apply to special uses as otherwise provided for in article 15.

e. When a developer of any commercial land or facility for any reason will be constructing or developing the site or facility with major changes from the final plans approved by the plan commission, then such developer shall notify and send to the plan director information outlining and supporting such changes. It shall be the discretion of the plan director to approve or disapprove such changes and to determine whether further action or concurrence should be received by the plan commission or advisory board of zoning appeals and to determine whether any additional building improvement fees are due the county or to be refunded to developer. Any such changes so approved by the plan director, or by the plan commission, or advisory board of zoning appeals, shall be deemed approved amendments of such final plans originally approved by the plan commission.

**Section 4. Filing of fees.**

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

**C. MISCELLANEOUS SPECIFICATIONS****Section 1. Specifications.**

a. *Use.* No building or land shall be used and no building shall be erected, reconstructed or structurally altered, which is arranged, intended or designed to be used for any purpose other than a use which is permitted and specified in a district in which such a building or land is located.

b. *Yard, lot area and size of building.* No building shall be erected, reconstructed or structurally altered in any manner which will encroach upon, or reduce in any manner, the yards, lot area per family, ground floor area of dwellings, or lot coverage provisions established and specified for the use and the district in which such building is located.

c. *Lots.* Every building hereafter erected shall be located on a lot. In no case shall there be more than one single family dwelling building/structure used for residential living purposes and permitted accessory buildings located on one lot.

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

e. *Farm buildings/structures.* Accessory farm structures constructed in the normal course of agricultural business for the support of individual farms are not subject to requirements for detailed construction plans; however, a special agricultural accessory building permit is required with two inspection fees. If any structure requires plumbing, heating, sewage, electrical installation, or office space such structure will be subject to the accessory permit fees contained in the ordinance.

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

*g. Public utility installations.*

- (1) Structures and land used for public utility installations, while so used, shall be affected by the provisions of this ordinance.
- (2) All utility structures shall be effectively landscaped and shall have plans for such landscaping, lighting, traffic control, building heights and setbacks approved by the plan commission.

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

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

*j. Fences.*

1. On residentially used or zoned lots, fences located within any required front yard shall not exceed 42 inches in height, as measured from the top-most point thereof to the ground adjacent to the fence. At least 25 percent of its area shall be open as viewed on any line perpendicular to the vertical plan of the fence. Such open spaces must be reasonably dispersed throughout the entire area of the fence, except where solid stone or brick walls are permitted.
2. Residential fences located within any required side or rear yard shall not exceed six feet in height, as measured from the top-most point thereof to the ground adjacent to the fence.
3. Residential fences not located within any required yard but within the buildable area shall not exceed nine feet in height, as measured from the top-most point thereof to the ground adjacent to the fence.
4. Any fence placed upon an erected earth berm or masonry wall must govern its height as measured to the ground adjacent to said earth berm or wall.
5. Open wire mesh fences surrounding tennis courts may be erected to a height of 16 feet, if such fences shall enclose only a regulation court and standard apron area.
6. Fences enclosing an institution, a public park, schools or commercial or industrial property may consist of an open mesh fence not to exceed a height of ten feet.
7. No sign, fence, wall, shrub, or other obstruction to vision shall exist in the area designated as the vision clearance area of corner lots.
8. Fences located within any drainage easement other than a regulated legal drain shall be constructed so as to provide for an open space of 18 inches from the ground to the bottom of the fence.
9. No fence shall be located within a regulated legal drain easement.

10. Fences located in any easement shall be the responsibility of the property owner as to removal and replacement if any governmental agency is required to work within the easement and thus disturb the fence placement.

k. *Parking areas.*

- (1) Up to 25 percent of required parking spaces may be waived if a plan for all required parking spaces is developed and a landscaped reserve area is set aside for the total amount of required parking.
- (2) Parking areas to the front and side of all primary buildings shall be paved and curbed with poured in place concrete curbs or other appropriate alternatives as may be approved by the director.
- (3) Up to 25 percent of the required parking spaces may be gravel if they are located to the rear of the primary building and screened with landscape live plant material, fencing or earth mounding and designated as employee or overflow parking.

l. *Sidewalks.* Four-foot wide concrete sidewalks or pedestrian ways shall be provided for pedestrian traffic per the discretion of the director for all developments.

m. *Landscaping/screening (live plants).*

1. Twenty percent of each developed site shall be landscaped with existing or new live plant material, per the discretion of the director. The 20 percent required landscaping may be reduced to 15 percent per the development of a detailed landscaping plan approved by the director. All required and approved landscaping shall be installed within six months after a certificate of occupancy is issued for the project. Not more than ten percent shall be grass area when 20 percent landscaped, and not more than five percent shall be grass area when 15 percent landscape is approved.
2. Site features to be screened with live evergreen plants or other suitable materials such as fencing or earth mounding shall be:
  - a. Parking areas
  - b. Any approved outside storage areas
  - c. Foundations of buildings
  - d. Blank windowless walls
  - e. Utility and mechanical equipment features
  - f. Loading docks/areas
  - g. Trash storage areas and structures
  - h. Foundations or support structures for signs

n. *Lighting.*

1. A lighting plan shall be prepared which shows all light fixtures and light spread.
2. All exterior light fixtures shall be of shielded down lighting type.



3. Light intensity shall not exceed 0.01 footcandle at any property line or road right-of-way line unless otherwise approved by the plan commission or advisory board of zoning appeals.

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

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

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

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

*q. Swimming pools and spa requirements.*

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

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

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

(Ord. No. 01-09-95-A, 1-23-1995; Ord. No. 6-27-05-A, 6-27-2005; Ord. No. 04-21-09-A, 4-27-2009)

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

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

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

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

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

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

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

- c. *Computation.* When determination of the number of off-street parking spaces required by this ordinance results in a requirement of a fractional space, any fraction of one-half or less may be disregarded; while a fraction in excess of one-half shall be counted as one parking space.
- d. *Collective provisions for nonresidential use.* Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided is not less

than the sum of the separate requirements of each such use, and if all regulations governing the location of accessory parking spaces in relation to the use served are observed. But no parking space or portion thereof shall serve as the required space for more than one use unless otherwise authorized in accordance with this ordinance.

**Section 2. Development standards.**

a. *Size.* A required off-street parking space shall be at least nine feet in width and at least 20 feet in length, exclusive of access drives, aisles, ramps, columns and office or work area. Such space shall have vertical clearance of at least seven feet. Parallel parking shall require 24 feet in length.

b. *Access.* Each required off-street parking space shall open directly upon an aisle or a driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space.

<i>Parking Type</i>	<i>Aisle Width</i>
45° parking	14 feet
60° parking	18 feet
90° parking	24 feet

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

c. *Surface of parking area.* Off-street parking spaces, for all uses other than residential uses, shall be subject to the following provisions:

- (1) The parking area must be paved with bituminous, concrete, or other all weather, dustproof surfacing;
- (2) Poured in place concrete curbs shall be required when parking areas are located in the front or to the side of buildings.
- (3) Bumper guards or barrier curbs must be provided where needed in parking areas to the rear of buildings;
- (4) All maintenance and snow removal must be done by the owner;
- (5) Access to said parking spaces must be obtained through ramps or aisles and not over the curbing or provided parking area;
- (6) The owner is to be responsible for any replacement of pavement in said parking area necessitated by a governmental unit's repair of underground facilities where the governmental unit is not required to do so.

d. *Screening and landscaping.* See "Location."

e. *Lighting.* Any lighting used to illuminate a required off-street parking area shall be shielded with appropriate light fixtures directing the light away from adjacent properties in order that the illumination at any property line shall not exceed .01 footcandle.

f. *Required spaces.* Off-street parking spaces accessory to designated uses shall be provided as follows:

- (1) Single family dwellings - Two parking spaces for each dwelling in all residential zones;
- (2) Two family dwellings - Two parking spaces for each dwelling unit;
- (3) Multi-family dwellings - Two parking spaces for each dwelling unit;
- (4) Motels - One parking space for each room plus one parking space for each two employees on day shift;
- (5) Churches - One parking space for each three seats in A-2, A-3, R-1, and R-2 districts;  
One parking space for each five seats in R-3(P), R-4(P), C-1, C-2 and C-3 districts;
- (6) Theaters - One parking space for each five seats;
- (7) Medical and dental clinics - Three parking spaces for each examining or treatment room, plus one parking space for each doctor and employee in the building;
- (8) Drive-in restaurants - One parking space for each two seats in service area plus one parking space for each employee on primary shift;
- (9) Establishments handling the sale and consumption of food and refreshment on the premises - One parking space for each three seats of serving area plus one parking space for each employee on primary shift;
- (10) Banks, savings associations, and other financial institutions as defined in IC 28-2-2-3 - One parking space for each 300 square feet of floor area;
- (11) Business and professional offices or public administration buildings - One parking space per each 200 square feet of assignable office area;
- (12) Service stations - One parking space for each 200 square feet of gross business area, plus one for each employee, plus two for each set of gas pumps;
- (13) Manufacturing, fabricating and processing plants not engaged in retail trade - One parking space for each two employees, as related to the working period when the largest number of employees are employed on the premises;
- (14) Retail sales - One parking space for each 250 square feet of gross floor area, plus one for each employee on primary shift.

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

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

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

(Ord. No. 6-13-94-C, § 9, 6-13-1994)

## B. LOADING BERTHS

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

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

- a. Business and professional offices, medical facilities, schools, hotels, clubs and similar business uses - One loading berth for each 100,000 square feet of space or additional fraction thereof;
- b. Industrial manufacturing and warehousing - One loading berth for each 40,000 square feet of space or additional fraction thereof; and
- c. Other local and general business - One loading berth for businesses with 5,000 to 10,000 square feet of space;  
Two loading berths for businesses with 10,001 to 25,000 square feet of space;  
Over 25,000 square feet of space, one additional berth for each 25,000 square feet or additional fraction thereof.