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# Article 11: Definitions

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Basic Provisions

1.01 Title
This ordinance shall be formally known as the “Town of Fishers Unified Development Ordinance,” and may be cited and referred to as the “Zoning Ordinance,” “Subdivision Control Ordinance,” or “Unified Development Ordinance.”

1.02 Defined Words
Words used in a special sense in this Unified Development Ordinance are defined in Article 11: Definitions.

1.03 Authority
This Unified Development Ordinance is adopted by the Town pursuant to its authority under the laws of the State of Indiana, IC 36-7-4 et seq. Whenever codes cited in this Unified Development Ordinance refer to Indiana Code which has been amended or superseded, this Unified Development Ordinance shall be deemed amended in reference to the new or revised code.

1.04 Purpose
The purpose of this Unified Development Ordinance is to secure adequate light, air, convenience of access, and safety from fire, flood, and other danger; lessen or avoid congestion on public streets; promote the public health, safety, comfort, morals, convenience and general public welfare; accomplish the purpose of the advisory planning law as set out in IC 36-7-4-100 et seq. Further, the Unified Development Ordinance allows the Plan Commission to establish and recommend to the Town Council classifications and regulations to:
A. Limit the height, area, bulk and use of structures erected;
B. Determine the area of front, rear and side yards, courts and other open spaces about those buildings;
C. Determine the use and intensity of use of land and lot areas;
D. Restrict the location of trades, callings, industries, commercial enterprises, and buildings for specified uses;
E. Classify and designate the land among agriculture, industrial, commercial, residential and other uses and purposes; and
F. Divide its jurisdictional area into districts of such kind, character, number, shape, and area as may be considered necessary to carry out the purpose of this Chapter.

1.05 Compliance
No structure shall be located, erected, constructed, reconstructed, moved, altered, converted, enlarged or used, nor shall any piece of land be used, nor shall any existing use be expanded except when in full compliance with all provisions of this Unified Development Ordinance and the permits and certificates required by this Unified Development Ordinance have lawfully been issued. For information regarding nonconforming structures, see Article 08: Nonconforming Lots, Structures, and Uses.

1.06 Severability
If any provision or the application of any provision of this Unified Development Ordinance is held unconstitutional or invalid by the courts, the remainder of the Unified Development Ordinance or the application of such provision to other circumstances shall not be affected.
Basic Provisions

1.07 Interpretation

A. **Minimum Requirements:** The provisions of this Unified Development Ordinance are the minimum requirements necessary for the protection of the health, safety, comfort, morals, convenience and general welfare of the people at large (see §1.04: Purpose).

B. **Conflict or Inconsistency:**
   1. **Internal:** Unless otherwise specifically stated within this Unified Development Ordinance, if two or more provisions of this ordinance are in conflict or are inconsistent with one another, then the most restrictive provision shall apply.
   2. **Federal, State, and Local:**
      a. Whenever a provision of the Unified Development Ordinance imposes a greater restriction or a higher standard than is required by any State or federal code or regulation, or other County or Town ordinance or regulation, the provision of the Unified Development Ordinance shall apply.
      b. Whenever a provision of any State or federal code or regulation, or other County or Town ordinance or regulation imposes a greater restriction or a higher standard than is required by the Unified Development Ordinance, the provision of the State or federal code or regulation, or other County or Town ordinance or regulation shall apply.
   3. **Other:** Whenever a private covenant, contract, commitment, agreement, or other similar private land use regulation imposes a greater restriction or a higher standard than is required by a provision of the Unified Development Ordinance, the Town is not obligated to enforce the provisions of such private covenants, contracts, commitments, agreements, or other similar regulations to which the Town is not a party; rather, the Town shall make an effort to respect such agreements when the Town is aware of such agreements and they are more restrictive than the provisions of the Unified Development Ordinance.

C. **Text:** If there are found to be differences between the meaning or implication of any drawing, table, figure, title or section heading, the text of this Unified Development Ordinance shall apply.

D. **Time Frames:** Unless specifically noted otherwise, time frames stated within this Unified Development Ordinance shall be calculated to include weekdays, weekends, and holidays. If a time frame ends on a Saturday, Sunday, or holiday that the Town offices are closed, the time frame will be extended to the end of the next business day.

E. **Delegation of Authority:** If a provision in this Unified Development Ordinance requires the Director of Development or other Town officer to perform an act or duty, that provision shall also include any person working under their authority and supervision unless specified otherwise.

F. **Mandatory and Permissive Terms:** The words “shall,” or “must” are always mandatory and “may” or “should” are always permissive.

G. **Words Used:** If words used in this Unified Development Ordinance are not defined in Article II: Definitions they shall be construed to be the common usage of the language. Any legal or technical words not defined in this Unified Development Ordinance shall be construed to be as defined by appropriate lexicon or current and common dictionary.

H. **Tense:** If words are used in a specific tense (past, future, or present) it shall be construed to include all tenses, unless in context, it clearly indicates a single tense.

I. **Singular/Plural Form:** If words are used in singular form the plural form shall apply and vice versa, unless in context it clearly indicates the contrary.

J. **Gender:** If a feminine term is used, the masculine shall also apply and vice versa.

K. **Conjunctions:** “And” shall be construed to include all connected items in a series, conditions, and provisions, and “or” shall be construed to include one or more of the items in a series, conditions, and provisions, unless in context it clearly suggests the contrary.

L. **Cross References:** As required per IC 36-1-5-4, two (2) copies of any material incorporated by reference into the Unified Development Ordinance are on file in the Clerk-Treasurer’s office for public inspection.

1.08 Ordinance Jurisdictional Area

This Unified Development Ordinance applies to all land and land development within the corporate limits of the Town of Fishers, Indiana, and any land within Townships that have entered into joinder agreements with the Town for the purposes of planning and zoning.
1.09 Repealer

The following Town ordinances are hereby repealed and are replaced by this Unified Development Ordinance and Official Zoning Map:


1.10 Transition Rules

A. Plan Commission: Any application that has been filed with the Plan Commission or its designees and is full and complete, prior to the effective date of this Unified Development Ordinance, shall be regulated by the terms and conditions of the Zoning Ordinance that was in place at the time of filing. However, all administrative procedures and fees shall follow those set forth by this Unified Development Ordinance.

B. Rezone: Any application for a Zone Map Amendment (Rezone) that was filed with the Plan Commission or its designees, and is full and complete prior to the effective date of this Unified Development Ordinance, shall continue through the process to completion pursuant to the terms and conditions of the Zoning Ordinance that was in place at the time of filing. However, if there is a specific use for which the rezone was proposed, and that use would no longer be permitted in the proposed zoning district, or if the proposed zoning district no longer exists under the Unified Development Ordinance, the Director of Development shall amend the application such that the request for rezoning would accomplish the same end goal for the petitioner.

C. Board of Zoning Appeals: Any application before the Board of Zoning Appeals (i.e. Use Variance, Development Standards Variance, Floodplain Standards Variance, Floodplain Standards Appeal, Administrative Appeal, etc.) that has been filed with the Board of Zoning Appeals, and is full and complete prior to the effective date of this Unified Development Ordinance, shall continue the process pursuant to the terms and conditions of the Zoning Ordinance that was in place at the time of filing, provided that:

1. The application is still required by the terms of this Unified Development Ordinance; or
2. If the proposed use or development requires additional approvals from the Board of Zoning Appeals pursuant to the terms of this Unified Development Ordinance that were not required under the previous ordinances, the application will be amended to include only those additional approvals that are now required and within the jurisdiction of the Board of Zoning Appeals.

D. Planned Unit Development:

1. Detailed Development Plan: A Detailed Development Plan for which a full and complete application was filed prior to the adoption of an amendment to the PUD District Ordinance and/or Concept Plan for the applicable Planned Unit Development zoning district shall continue through the process to completion pursuant to the terms and conditions of the PUD District Ordinance and/or Concept Plan in place prior to the amendment.

2. Final Development Plan: A Final Development Plan for which a full and complete application was filed prior to the adoption of an amendment to the PUD District Ordinance and/or Concept Plan for the applicable Planned Unit Development zoning district shall continue through the process to completion pursuant to the terms and conditions of the PUD District Ordinance and/or Concept Plan in place prior to the amendment. If the Final Development Plan is compliant with a Detailed Development Plan that was approved prior to the adoption of such amendment to the PUD District Ordinance and/or Concept Plan, then the Final Development Plan may be considered for approval utilizing the same standards that applied to the Detailed Development Plan.
E. All new building sites shall meet the requirements of the Unified Development Ordinance unless:
1. A complete Building Permit application was filed and is still valid; or
2. A complete Improvement Location Permit application was filed and is still valid; or
3. A parcel was approved as a buildable lot by the Plan Commission (valid Primary or Secondary Plat) or the Board of Zoning Appeals (valid Development Standards Variance) prior to the effective date of this Unified Development Ordinance; or
4. A complete and valid Primary Plat application has been filed with the Department of Community Development prior to the effective date of this Unified Development Ordinance.

1.11 Administrative Officer
The Director of Development shall have the primary responsibility for administration and enforcement (or coordination of enforcement) of the Unified Development Ordinance within the Town’s planning jurisdiction.

1.12 Impact Fees
The Impact Fees applicable to the planning and zoning jurisdiction of the Town found in the Fishers Code of Ordinances; Title XV: Land Usage; Chapter 156: Administration, Permits, and Fees are hereby incorporated by reference into the Unified Development Ordinance.

1.13 Saving Provision
This Unified Development Ordinance shall not be construed as eliminating or reducing any action now pending under, or by virtue of, an existing law or previous Zoning, Subdivision Control, or related ordinance. This Unified Development Ordinance shall not be construed as discontinuing, reducing, modifying, or altering any penalty accruing or about to accrue.

1.14 Effect of Annexation or Vacation on Zoning
The Plan Commission shall be guided by the principles and directives of the Comprehensive Plan and this Unified Development Ordinance in making recommendations to the Town Council regarding zoning district classifications for newly annexed areas.
Powers and Duties

B. Plan Commission Powers:
   1. Hire, remove, and determine job descriptions for support staff with the Department of Community Development.
   2. Establish advisory committees as necessary made up of Town officials and the general public.
   3. Seek funding assistance through grant programs as necessary.
   4. Distribute copies or summaries of the Comprehensive Plan or Unified Development Ordinance to the general public and development community.
   5. Determine the compensation for support staff and members as provided within the budget submission to Town Council.
   6. Other powers as permitted by Indiana State Code.

1.31 Summary of Duties; Board of Zoning Appeals
The duties of the Board of Zoning Appeals are described below. Duties should be interpreted as activities that are obligations.

A. Board of Zoning Appeals Duties:
   1. Hear and determine appeals from, and review any order, requirement, decision, or determination made by an administrative official or commission (except the Plan Commission) charged with the enforcement of the Unified Development Ordinance.
   2. Authorize exceptions to the zoning district and overlay district regulations only in the classes of uses or in particular situations as specified in this Unified Development Ordinance.
   3. Authorize, on appeal in specific cases, variances from the terms of the zoning code.
   4. Interpret the Official Zoning Map.
   5. Other duties as permitted by Indiana State Code.

1.32 Summary of Duties; Floodplain Standards Variance and Appeals Board
The duties of the Floodplain Standards Variance and Appeals Board are described below. Duties should be interpreted as activities that are obligations.

A. Floodplain Standards Variance and Appeals Board Duties:
   1. Floodplain Standards Appeals: The Board of Zoning Appeals shall hear and decide Floodplain Standards Appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of Article 05; §FP: Floodplain Standards.
   2. Floodplain Standards Variances: The Board of Zoning Appeals shall hear and decide Floodplain Standards Variance petitions of the requirements of Article 05; §FP: Floodplain Standards.

1.33 Summary of Duties; Department of Community Development
The duties delegated by the Plan Commission to the Department of Community Development are described below. Duties should be interpreted as activities that are obligations.

A. Department of Community Development Duties:
   1. Maintain a Town Council approved Comprehensive Plan and Unified Development Ordinance as authorized under Indiana State Law.
   2. Maintain rules and procedures for holding meetings, holding public hearings, and administrating and enforcing the Comprehensive Plan, and Unified Development Ordinance.
   3. Maintain complete records of all meetings, hearings, correspondences, and affairs of the Plan Commission.
   4. Publish and make available to the public all plans, ordinances, and other related material that are the responsibility of the Plan Commission.
   5. Maintain a permitting process and seal used to certify official or approved documents.
   6. Maintain monetary and fiscal records of the Plan Commission.
   7. Prepare and submit an annual budget to the Town Council.
   8. Other duties that may be delegated from time to time.
1.34 Summary of Duties; Floodplain Administrator

The duties delegated to the Floodplain Administrator are described below. Duties should be interpreted as activities that are obligations.

A. Enforcement: The Floodplain Administrator and/or designated staff is hereby authorized and directed to enforce the provisions of Article 05; §FP: Floodplain Standards and Article 07; §FL: Floodplain Standards.

B. Interpretations: The Floodplain Administrator is further authorized to render interpretations of Article 05; §FP: Floodplain Standards and Article 07; §FL: Floodplain Standards that are consistent with its spirit and purpose.

C. Duties of the Floodplain Administrator: The duties of the Floodplain Administrator shall include, but not be limited to:

1. Review all Floodplain Development Permits to assure that the permit requirements of the Unified Development Ordinance have been satisfied;
2. Inspect and inventory damaged structures in Special Flood Hazard Areas (SFHA) and complete substantial damage determinations;
3. Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to Article 05; §FP-01(D)(4): Standards for Identified Floodways and §(D)(6) (a): Standards for SFHAs Without Established Base Flood Elevation and/or Floodway/Frings, and maintain a record of such authorization (either copy of the actual Permit or floodplain analysis/regulatory assessment);
4. Ensure that all necessary federal or State permits have been received prior to issuance of the local Floodplain Development Permit. Copies of such federal or State permits are to be maintained on file with the Floodplain Development Permit;
5. Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
6. Maintain for public inspection and furnish upon request local Floodplain Development Permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, Letters of Map Amendment (LOMA), Letters of Map Revision (LOMR), copies of Indiana Department of Natural Resources (DNR) permits and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and “as-built” elevation and floodproofing data for all buildings constructed subject to Article 05; §FP: Floodplain Standards;
7. Utilize and enforce all Letters of Map Revision (LOMR) or Physical Map Revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community;
8. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;
9. Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Article 05; §FP-01(C)(2): Floodplain Development Permit Procedures;
10. Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed, in accordance with §FP-01(C)(2): Floodplain Development Permit Procedures;
11. Review certified plans and specifications for compliance;
12. Stop Work Orders:
   a. Upon notice from the Floodplain Administrator, work on any building, structure or premises that is being done contrary to the provisions of Article 05; §FP: Floodplain Standards or Article 07; §FL: Floodplain Standards shall immediately cease;
   b. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed.
13. *Revocation of Permits:*

a. The floodplain administrator may revoke a permit or approval, issued under the provisions of the ordinance, in cases where there has been any false statement of misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

b. The floodplain administrator may revoke a permit upon determination by the floodplain administrator that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this ordinance.

14. Inspect sites for compliance. For all new and/or substantially improved buildings constructed in the SFHA, inspect before, during and after construction. Authorized Town officials shall have the right to enter and inspect properties located in the SFHA.
Development Standards

Town of Fishers
Unified Development Ordinance
5.35 FP-01: Floodplain Standards

This Floodplain Standards (FP) section applies to the following zoning districts:

AG OS ER R1 R2 R3 R4 R5 M1 M2 MP
OM C1 C2 C3 MA I1 TCCR TCGC TCMM TCMS TCR TCS TCTR

A. Statutory Authorization, Findings of Fact, Purpose, and Objectives:

1. Statutory Authorization: The Indiana Legislature has in IC 36-7-4 and IC 14-28-4 granted the power to local government units to control land use within their jurisdictions. Therefore, the Town of Fishers does hereby adopt the following floodplain management regulations.

2. Findings of Fact:

a. The flood hazard areas of the planning and zoning jurisdiction of the Town are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

b. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

3. Statement of Purpose: It is the purpose of §FP: Floodplain Standards to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

a. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities;

b. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;

c. Control the alteration of natural floodplains, stream channels, and natural protective barriers that are involved in the accommodation of floodwaters;

d. Control filling, grading, dredging, and other development that may increase erosion or flood damage;

e. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands; and

f. Make federally subsidized flood insurance available for structures and their contents in the planning and zoning jurisdiction of the Town by fulfilling the requirements of the National Flood Insurance Program.

4. Objectives: The objectives of §FP: Floodplain Standards are to:

a. Protect human life and health;

b. Minimize expenditure of public money for costly flood control projects;

c. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

d. Minimize prolonged business interruptions;

e. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains;

f. Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and

5. Cross Reference: See also Ordinance No. 081505: Stormwater Management Ordinance, as amended, for storm water and additional floodplain regulations.
Floodplain Standards (FP)

B. General Provisions:

1. Lands to Which this Ordinance Applies: Section FP: Floodplain Standards shall apply to all Special Flood Hazard Areas (SFHA) and known flood prone areas within the planning and zoning jurisdiction of the Town.

2. Basis for Establishing Regulatory Flood Data: The protection standard of §FP: Floodplain Standards is the regulatory flood. The best available regulatory flood data is listed below. Whenever a party disagrees with the best available data, the party submitting the detailed engineering study needs to replace existing data with better data and submit it to the Indiana Department of Natural Resources (DNR) for review and approval.
   a. The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs of the planning and zoning jurisdiction of the Town shall be as delineated on the one percent annual chance flood profiles in the Flood Insurance Study of Hamilton County, Indiana and Incorporated Areas, dated February 19, 2003, and the corresponding Flood Insurance Rate Map (FIRM) prepared by the Federal Emergency Management Agency (FEMA) dated February 19, 2003, as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency (FEMA) with the most recent date.
   b. The regulatory flood elevation, floodway, and fringe limits for each of the unstudied SFHAs of the planning and zoning jurisdiction of the Town delineated as an “A Zone” on the FIRM of Hamilton County, Indiana and Incorporated Areas prepared by the Federal Emergency Management Agency and dated February 19, 2003 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date.
   c. In the absence of a published FEMA map, or absence of identification on a FEMA map, the regulatory flood elevation, floodway, and fringe limits of any watercourse in the community's known flood prone areas shall be according to the best available as provided by the Indiana Department of Natural Resources; provided the upstream drainage area from the subject site is greater than one square mile.

3. Establishment of Floodplain Development Permit: A Floodplain Development Permit shall be required in conformance with the provisions of §FP: Floodplain Standards prior to the commencement of any development activities in Special Flood Hazard Areas.

4. Compliance: No structure shall hereafter be located, extended, converted or structurally altered within the SFHA without full compliance with the terms of §FP: Floodplain Standards and other applicable regulations. No land or stream within the SFHA shall hereafter be altered without full compliance with the terms of §FP: Floodplain Standards and other applicable regulations.

5. Abrogation and Greater Restrictions: Section FP: Floodplain Standards is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where §FP: Floodplain Standards and another ordinance conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

6. Discrepancy between Mapped Floodplain and Actual Ground Elevations:
   a. In cases where there is a discrepancy between the mapped floodplain (SFHA) on the FIRM and the actual ground elevations, the elevation provided on the profiles shall govern.
   b. If the elevation of the site in question is below the base flood elevation, that site shall be included in the SFHA and regulated accordingly.
   c. If the elevation (natural grade) of the site in question is above the base flood elevation, that site shall be considered outside the SFHA and the floodplain regulations shall not be applied. The property owner should be advised to apply for a LOMA.

7. Interpretation: In the interpretation and application of §FP: Floodplain Standards all provisions shall be:
   a. Considered as minimum requirements;
   b. Liberally construed in favor of the Town; and
   c. Deemed neither to limit nor repeal any other powers granted under State statutes.

8. Warning and Disclaimer of Liability: The degree of flood protection required by the §FP: Floodplain Standards and the Unified Development Ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, the §FP: Floodplain Standards and the Unified Development Ordinance does not create any liability on the part of the Town, the Indiana Department of Natural Resources (DNR), or the State of Indiana, for any flood damage that results from reliance on the Unified Development Ordinance or any administrative decision made lawfully thereunder.
9. **Penalties for Floodplain Standards Violation:** Failure to obtain a Floodplain Development Permit in the SFHA or failure to comply with the requirements of a Floodplain Development Permit or conditions of a Floodplain Standards Variance shall be deemed to be a violation of the Unified Development Ordinance. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of Article 10: Enforcement and Penalties of the Unified Development Ordinance. All violations shall be punishable by a fine not exceeding $500.00.
   a. A separate offense shall be deemed to occur for each day the violation continues to exist.
   b. The Town shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.
   c. Nothing herein shall prevent the Town from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person responsible.

10. **Increased Cost of Compliance (ICC):** In order for buildings to qualify for a claim payment under ICC coverage as a "repetitive loss structure", the National Reform Act of 1994 requires that the building be covered by a contract for flood insurance and incur flood-related damages on two occasions during a 10-year period ending on the date of the event for which the second claim is made, in which the cost of repairing the flood damage, on average, equaled or exceeded 25 percent of the market value of the building at the time of each such flood event.

C. **Administration:**

1. **Designation of Administrator:** The Town Council hereby appoints the Director of Public Works or designated representative to administer and implement the provisions of §FP: Floodplain Standards and is herein referred to as the “Floodplain Administrator.”

2. **Floodplain Development Permit Procedures:** Application for a Floodplain Development Permit shall be made to the Floodplain Administrator on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically the following information is required:
   a. **Application Stage:**
      i. A description of the proposed development;
      ii. Location of the proposed development sufficient to accurately locate property and structure in relation to existing roads and streams;
      iii. A legal description of the property site;
      iv. A site development plan showing existing and proposed development locations and existing and proposed land grades;
      v. Elevation of the top of the lowest floor (including basement) of all proposed buildings. Elevation should be in National Geodetic Vertical Datum of 1929 (NGVD) or North American Vertical Datum 1988 (NAVD 88);
      vi. Elevation (in NAVD 88 or NGVD) to which any nonresidential structure will be floodproofed; and
      vii. Description of the extent to which any watercourse will be altered or related as a result of proposed development.

   b. **Construction Stage:** Upon placement of the lowest floor; or floodproofing, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the NAVD 88 or NGVD elevation of the lowest floor or floodproofed elevation, as built. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by the same. When floodproofing is utilized for a particular structure said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holders’ risk. (The Floodplain Administrator shall review the lowest floor and floodproofing elevation survey data submitted.) The permit holder shall correct deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a Stop Work Order for the project.
D. **Provisions for Flood Hazard Reduction:**

1. **General Standards:** In all SFHAs and known flood prone areas the following provisions are required:
   a. New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
   b. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable State requirements for resisting wind forces;
   c. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage below the flood protection grade (FPG);
   d. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
   e. Electrical, heating, ventilation, plumbing, air conditioning equipment, utility meters, and other service facilities shall be located at or above the flood protection grade (FPG) or designed so as to prevent water from entering or accumulating within the components below the flood protection grade (FPG) during conditions of flooding. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the flood protection grade (FPG);
   f. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
   g. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
   h. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
   i. Any alteration, repair, reconstruction or improvements to a structure that is in compliance with the provisions of §FP: Floodplain Standards shall meet the requirements of “new construction” as contained in §FP: Floodplain Standards; and
   j. Any alteration, repair, reconstruction or improvement to a structure that is not in compliance with the provisions of §FP: Floodplain Standards shall be undertaken only if said nonconformity is not further extended or replaced.
   k. Whenever any portion of the SFHA is authorized for use, the volume of space that will be occupied by the authorized fill or structure below the base flood elevation (BFE) shall be compensated for and balanced by an equivalent volume of excavation taken below the BFE. The excavation volume shall be at least equal to the volume of storage lost (replacement ratio of one to one (1:1) due to the fill or structure.
      i. The excavation shall take place in the floodplain and in the same immediate property in which the authorized fill or structure is located;
      ii. Under certain circumstances, the excavation may be allowed to take place outside, but adjacent to, the floodplain provided that the excavated volume:
         [a] Shall be below the regulatory flood elevation;
         [b] Shall be in the same immediate property in which the authorized fill or structure is located;
         [c] Shall be graded such that the excavation shall be accessible to the regulatory floodwater;
         [d] Shall provide for true storage of floodwater and shall not be subject to ponding when not inundated by flood water; and
         [e] Shall not be refilled.
   iii. The fill or structure shall not obstruct a drainage way leading to the floodplain;
   iv. The fill or structure shall be of a material deemed stable enough to remain firm and in place during periods of flooding and shall include provisions to protect adjacent property owners against any increased runoff or drainage resulting from its placement; and
   v. Plans depicting the areas to be excavated and filled shall be submitted prior to the actual start of construction or any site work; once site work is complete, but before the actual start of construction, the applicant shall provide to the Floodplain Administrator a certified survey of the excavation and fill sites demonstrating the fill and excavation comply with §(D): Provisions for Flood Hazard Reduction.
2. **Specific Standards:** In all SFHAs, the following provisions are required:
   a. **All Construction:** In addition to the requirements of §(D)(1): General Standards, all structures to be located in the SFHA shall be protected from flood damage below the FPG. This building protection requirement applies to the following situations:
      i. Construction or placement of any new structure having a floor area greater than four hundred (400) square feet;
      ii. Addition or improvement made to any existing structure:
         [a] Where the cost of which equals or exceeds fifty percent (50%) of the value of the pre-altered structure (excluding the value of the land);
         [b] With a previous addition or improvement constructed since the community's first floodplain ordinance.
      iii. Reconstruction or repairs made to a damaged structure where the cost of restoring the structure to its before-damaged condition equals or exceeds fifty percent (50%) of the market value of the structure (excluding the value of the land) before damaged occurred;
      iv. Installing a travel trailer or recreational vehicle on a site for more than one hundred eighty (180) days;
      v. Installing a manufactured home on a new site or a new manufactured home on an existing site. *Section FP: Floodplain Standards* does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage; and
      vi. Reconstruction on repairs made to a repetitive loss structure.
   b. **Residential Construction:** New construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor; including basement, at or above the FPG (two (2) feet above the base flood elevation). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of §(D)(2)(d): Elevated Structures.
   c. **Nonresidential Construction:** New construction or substantial improvement of any commercial, industrial, or nonresidential structure (or manufactured home) shall have the lowest floor, including basement, elevated to or above the FPG (two (2) feet above the base flood elevation) or be floodproofed to or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of D(2)(d): Elevated Structures. Structures located in all “A Zones” may be floodproofed in lieu of being elevated if done in accordance with the following:
      i. A Registered Professional Engineer or Architect shall certify that the structure has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The structure design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the Floodplain Administrator as set forth in Article 01: §1.34: *Summary of Duties: Floodplain Administrator; §(C)(10)*.
      ii. Floodproofing measures shall be operable without human intervention and without an outside source of electricity.
   d. **Elevated Structures:** New construction or substantial improvements of elevated structures shall have the lowest floor at or above the FPG. Elevated structures with fully enclosed areas formed by foundation and other exterior walls below the flood protection grade shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.
      i. Designs for complying with this requirement must meet the follow minimum criteria:
         [a] Provide a minimum of two (2) openings, located in a minimum of two (2) exterior walls, having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
         [b] The bottom of all openings shall be no higher than one (1) foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher; and
         [c] Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
[d] Openings are to be not less than 3 inches in any direction in the plane of the wall. This requirement applies to the hole in the wall, excluding any device that may be inserted such as typical foundation air vent device.

[e] Access to the enclosed area shall be the minimum necessary to allow for parking for vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and

[f] The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

[g] The interior grade of such enclosed area shall be at an elevation at or higher than the exterior grade.

[h] Where elevation requirements exceed six (6) feet above the highest adjacent grade, a copy of the legally recorded deed restriction prohibiting the conversion of the area below the lowest floor to a use or dimension contrary to the structure’s originally approved design, shall be presented as a condition of issuance of the final Certificate of Occupancy.

e. Structures Constructed on Fill: A residential or nonresidential structure may be constructed on a permanent land fill in accordance with the following:

i. The fill shall be placed in layers no greater than one (1) foot deep before compacting to ninety-five percent (95%) of the maximum density obtainable with either the Standard or Modified Proctor Test method.

ii. The fill should extend at least ten (10) feet beyond the foundation of the structure before sloping below the FPG.

iii. The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than three (3) horizontal to one (1) vertical.

iv. The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.

v. The top of the lowest floor, including basements, shall be at or above the FPG.

f. Standards for Manufactured Homes and Recreational Vehicles: Manufactured homes and recreational vehicles to be installed or substantially improved on a site for more than one hundred eighty (180) days must meet one (1) of the following requirements:

i. The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site:

[a] Outside a manufactured home park or subdivision;

[b] In a new manufactured home park or subdivision;

[c] In an expansion to an existing manufactured home park or subdivision; or

[d] In an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as a result of a flood.

ii. The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elevations that are no less than thirty-six (36) inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood.

iii. Manufactured homes with fully enclosed areas formed by foundation and other exterior walls below the flood protection grade shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Section 5.35 (D)(2)(d): Elevated Structures.

iv. Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.
v. Recreational vehicles placed on a site shall either:
   [a] Be on site for less than one hundred eighty (180) days; and
   [b] Be fully licensed and ready for highway use (defined as being on its wheels or jacking system,
       is attached to the site only by quick disconnect type utilities and security devices, and has no
       permanently attached additions); or
   [c] Meet the requirements for “manufactured homes” as stated earlier in §(f): Standards for
       Manufactured Homes and Recreational Vehicles.

3. **Critical Facility:** Construction of new critical facilities shall be, to the extent possible, located outside the
   limits of the SFHA. Construction of new critical facilities shall be permissible within the SFHA if no feasible
   alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor
   elevated to or above the FPG at the site. Floodproofing and sealing measures must be taken to ensure that
   toxic substances shall not be displaced by or released into floodwaters. Access routes elevated to or above the
   FPG shall be provided to all critical facilities to the extent possible.

4. **Standards for Identified Floodways:** Located within SFHAs, established in §(B)(2): Basis for Establishing
   Regulatory Flood Data, are areas designated as floodways. The floodway is an extremely hazardous area due
   to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential.
   a. If the site is in an identified floodway, the Floodplain Administrator shall require the applicant to forward
      the application, along with all pertinent plans and specifications, to the Indiana Department of Natural
      Resources and apply for a Permit for Construction in a Floodway. Under the provisions of IC 14-28-1
      a Permit for Construction in a Floodway from the Indiana Department of Natural Resources is required
      prior to the issuance of a local Building Permit for any excavation, deposit, construction or obstruction
      activity located in the floodway. This includes land preparation activities such as filling, grading, clearing
      and paving, etc. undertaken before the actual start of construction of the structure. However, it does
      exclude non-substantial additions/improvements to existing (lawful) residences in a non-boundary river
      floodway. (IC 14-28-1-26 allows construction of non-substantial additions/improvements to residences
      in a non-boundary river floodway without obtaining a Permit for Construction in a Floodway from the
      Indiana Department of Natural Resources. Please note that if fill is needed to elevate an addition above the
      existing grade, prior approval for the fill is required from the Indiana Department of Natural Resources).
   b. The Floodplain Administrator shall take no action until a Permit for Construction in a Floodway (when
      applicable) has been issued by the Indiana Department of Natural Resources granting approval for
      construction in the floodway. Once a Permit for Construction in a Floodway has been issued by the
      Indiana Department of Natural Resources, the Floodplain Administrator may issue the local Floodplain
      Development Permit, provided the provisions contained in §(D): Provisions for Flood Hazard Reduction
      have been met. The Floodplain Development Permit cannot be less restrictive than the Permit for
      Construction in a Floodway issued by the Indiana Department of Natural Resources. However, the
      Town’s more restrictive regulations (if any) shall take precedence.
   c. No development shall be allowed which, acting alone or in combination with existing or future
      development, will increase the regulatory flood more than fourteen-hundredths (0.14) of one (1) foot; and
   d. For all projects involving channel modifications or fill (including levees) the Town shall submit the data
      and request that the Federal Emergency Management Agency revise the regulatory flood data.

5. **Standards for Identified Fringe:** If the site is located in an identified fringe, then the Floodplain Administrator
   may issue the local Floodplain Development Permit provided the provisions contained in §(D): Provisions for
   Flood Hazard Reduction have been met. The key provision is that the top of the lowest floor of any new or
   substantially improved structure shall be at or above the FPG.
6. **Standards for SFHAs Without Established Base Flood Elevation and/or Floodways/Fringes:**
   a. Drainage area upstream of the site is greater than one (1) square mile:
      i. If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined, and the drainage area upstream of the site is greater than one (1) square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.
      ii. The Floodplain Administrator shall take no action until either a Permit for Construction in a Floodway or a floodplain analysis/regulatory assessment citing the one percent annual chance flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.
      iii. Once the Floodplain Administrator has received the Permit for Construction in a Floodway or floodplain analysis/regulatory assessment from the Indiana Department of Natural Resources approving the proposed development, a Floodplain Development Permit may be issued provided the conditions of the Floodplain Development Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in §(D): Provisions for Flood Hazard Reduction have been met.
   b. Drainage area upstream of the site is less than one (1) square mile:
      i. If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined and the drainage area upstream of the site is less than one (1) square mile, the Floodplain Administrator shall require the applicant to provide an engineering analysis showing the limits of the floodway, fringe and one percent annual chance flood elevation for the site.
      ii. Upon receipt, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in §(D): Provisions for Flood Hazard Reduction have been met.
   c. The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, shall not increase the regulatory flood more than fourteen-hundredths (0.14) of one (1) foot and shall not increase flood damages or potential flood damages.
Article 07
Design Standards

Town of Fishers
Unified Development Ordinance
7.17 FL-01: Floodplain Standards; Provisions for Flood Hazard Reduction

This Floodplain Standards (FL) section applies to the following types of development:

A. Standards for All Development Proposals:
1. All subdivision and development proposals shall be consistent with the need to minimize flood damage;
2. All subdivision and development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
3. All subdivision and development proposals shall have adequate drainage provided to reduce exposure to flood hazards; and
4. Base flood elevation data shall be provided for subdivision and development proposals and other proposed development (including manufactured home parks and subdivisions), which are greater than the lesser of fifty (50) lots or five (5) acres.
5. All subdivision proposals shall minimize development in the SFHA and/or limit density of development permitted in the SFHA.
6. All subdivision proposals shall ensure safe access into/out of SFHA for pedestrians and vehicles (especially emergency responders).

B. Platting: The petitioner shall delineate the 100-year flood elevation on all Secondary Plats containing lands identified to be within a Special Flood Hazard Area (SFHA) prior to submitting the Secondary Plat for approval.

C. Evacuation Plan: All owners of manufactured home parks or subdivisions located within the Special Flood Hazard Area (SFHA) identified as Zone “A” on the FIRM maps shall develop an evacuation plan for those lots located in the SFHA and have the evacuation plan filed with and approved by the appropriate community emergency management authorities.
9.12 Floodplain Standards Variance

A. **Purpose and Intent:** The purpose of this section is to outline the process by which the Board of Zoning Appeals considers petitions for variances from the floodplain standards of the Unified Development Ordinance, and approve those that will not be contrary to the public interest, where, owing to special conditions, literal enforcement of the Unified Development Ordinance will result in unnecessary hardship, and so that the spirit of the Unified Development Ordinance shall be observed and substantial justice done. Further, it is the purpose of this Section to make federally subsidized flood insurance available for structures and their contents in the planning and zoning jurisdiction of the Town by fulfilling the requirements of the National Flood Insurance Program.

B. **Prerequisites:**
   1. **Ownership:** The petitioner must:
      a. Own a controlling interest in the parcel that is the subject of the Floodplain Standards Variance; or
      b. Provide documentation authorizing the petitioner to act as the agent of the owner of the parcel that is the subject of the Floodplain Standards Variance.
   2. **Pre-submittal Meeting:** Prior to submitting a Floodplain Standards Variance application, the petitioner shall meet with the Floodplain Administrator to review the zoning classification of the site, review the regulatory ordinances and materials, review the procedures and examine the proposed use and development of the property. The Department of Community Development shall aid and advise the petitioner in preparing the application and supportive documents as necessary.

C. **Applicability:**
   1. **Residential Use:** No Floodplain Standards Variance for a residential use within a floodway subject to Article 05: §FP-01(D): Provisions for Flood Hazard Reduction; §(3): Critical Facility or §FP-01(D); §(5): Standards for Identified Fringe shall be granted.
   2. **Permit Requirement:** In addition to the local Floodplain Development Permit, any Floodplain Standards Variance granted in a floodway subject to Article 05: §FP-01(D): Provisions for Flood Hazard Reduction; §(3): Critical Facility or §FP-01(D); §(5): Standards for Identified Fringe shall require a Permit for Construction in a Floodway from the Indiana Department of Natural Resources.
   3. **Floodplain Standards Variances to Article 05:** §FP-01(D): Provisions for Flood Hazard Reduction; §(2): Specific Standards, may be granted only when a new structure is to be located on a lot of one-half acre (½ Acre) or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.
   4. **Historic Structures:** A Floodplain Standards Variance may be granted for the reconstruction or restoration of any structure individually listed on the Register of Historic Places or the Indiana State Survey of Historic Architectural, Archaeological and Cultural Sites, Structures, Districts, and Objects.

D. **Exceptions:** Not applicable.

E. **Application:**
   1. **Filing Deadline:** The petitioner shall refer to the Schedule of Meeting Dates to determine the filing deadline for any given meeting of the Board of Zoning Appeals.
   2. **Application Packet:** The petitioner shall submit the completed application to the Department of Community Development.
   3. **Supportive Information:** The application shall include, but not be limited to, the following documents:
      a. Pre-submittal Meeting: The application shall include all documentation specified by the Department of Community Development during the pre-submittal meeting.
      b. Application Packet: The application shall include all documentation specified in the application packet unless certain documentation is deemed superfluous by the Floodplain Administrator due to the specific circumstances of the particular project.
      c. Additional Information: Such other additional information as may be required by the Department of Community Development or other members of the Technical Advisory Committee to evaluate the application.
      d. Time Limitation: The Department of Community Development shall refuse to accept a petition for a Floodplain Standards Variance within six (6) months of the date of denial when said petition involves the same subject matter. However, the Floodplain Administrator shall have the authority and discretion to determine that a petition containing major changes may justify re-filing within said six-month period.
F. Fees:
   1. Fee: The Department of Community Development shall calculate the total of the application fee and any other applicable fees, and shall then apprise the petitioner of the total fee.
   2. Due Date: The petitioner shall submit the filing fee when the Department of Community Development issues the docket number.

G. Department of Community Development:
   1. Review: The Department of Community Development shall review a Floodplain Standards Variance petition upon receipt of a complete application and supportive documents.
   2. Technical Advisory Committee:
      a. Determination: The Floodplain Administrator shall determine whether the petition merits Technical Advisory Committee review.
      b. Agenda: Once the Department of Community Development has determined that it has received a submittal that is sufficiently complete for Technical Advisory Committee review, the Department of Community Development shall place the item on an agenda of the Technical Advisory Committee and inform the petitioner of the time, date, and place of the meeting.
   3. Complete Submittal: Once the Department of Community Development has determined that the petitioner has made a complete submittal, the Department of Community Development shall:
      a. Docket Number: Assign the item a docket number;
      b. Agenda: Place the item on an agenda of the Board of Zoning Appeals;
      c. Notification: Inform the petitioner of the time, date, and place of the meeting.
   4. Inspection: The Department of Community Development may inspect at any reasonable time any structure, other improvement, or site that is the subject of a Floodplain Standards Variance petition.
   5. Department Report: The Department of Community Development shall prepare a written report outlining its findings with respect to the Floodplain Standards Variance. The Department of Community Development report may incorporate, or incorporate by reference, any items that remain outstanding with the other members of the Technical Advisory Committee.
   6. Record: The Floodplain Administrator shall maintain records of all applications, plans, and permits filed for a Floodplain Standards Variance. The Floodplain Administrator shall maintain the records of Floodplain Standards Variance actions and report any Floodplain Standards Variance to the Federal Emergency Management Agency or the Indiana Department of Natural Resources upon request. The Floodplain Administrator shall maintain a record of all Floodplain Standards Variance actions, including justification for their issuance, and report such Floodplain Standards Variance issued in the Town’s biennial report submission to the Federal Emergency Management Agency.

H. Technical Advisory Committee (TAC):
   1. Determination: The Technical Advisory Committee shall review Floodplain Standards Variance petitions that have been forwarded by the Department of Community Development.
   2. Copies: The petitioner shall refer to the application packet to determine the format and number of copies of the plans to be delivered to the Department of Community Development for distribution to the members of the Technical Advisory Committee.
   3. Meeting Date: The petitioner shall refer to the Schedule of Meeting Dates to determine the filing deadline for any given meeting of the Technical Advisory Committee. Incomplete submittals may result in the petition’s being held off the Technical Advisory Committee agenda to allow the petitioner time to complete the submittal.
   4. Attendance: The petitioner should be present at the Technical Advisory Committee meeting to address and discuss comments and concerns posed by the committee members. Failure to appear may result in the petition’s being continued to the Technical Advisory Committee agenda for the following month.
   5. Revisions: Following Technical Advisory Committee review, the petitioner shall submit revised copies of the plans that address the comments and concerns of the Technical Advisory Committee. The petitioner shall refer to the application packet to determine the format and number of copies of the revised plans to be delivered to the Department of Community Development.
I. Board of Zoning Appeals:
   1. Designation of Floodplain Standards Variance and Appeals Board: The Board of Zoning Appeals shall hear and decide requests for Floodplain Standards Variances from the requirements of Article 05; §FP: Floodplain Standards and Article 07; §FL: Floodplain Standards.
   2. Public Notice:
      a. Responsibility: The petitioner shall be responsible for publishing and mailing public notice pursuant to the Board of Zoning Appeals Rules of Procedure. The Department of Community Development shall be responsible for posting public notice pursuant to the Board of Zoning Appeals Rules of Procedure.
      b. Proof: The petitioner shall be responsible for returning the affidavit of public notice and proof of published and mailed notice to the Department of Community Development. The petitioner shall refer to the application packet to determine the deadline for submittal of the affidavit of public notice and proof of published and mailed notice. Failure to submit the affidavit of public notice and proof of published and mailed notice by the deadline may result in the petition’s being continued to the Board of Zoning Appeals agenda for the following month.
   3. Submittal: The petitioner shall refer to the application packet to determine the format and number of copies of the informational packet to be delivered to the Department of Community Development for distribution to the members of the Board of Zoning Appeals. Incomplete submittals shall result in the petition’s being held off the Board of Zoning Appeals agenda to allow the petitioner time to complete the submittal. Materials submitted by the petitioner after the informational packets have been distributed shall be subject to action pursuant to the Board of Zoning Appeals Rules of Procedure.
   4. Attendance: The petitioner is required to be present at the Board of Zoning Appeals meeting to address and discuss comments and concerns posed by the Board of Zoning Appeals members. Failure to appear shall result in the petition’s being dealt with as outlined in the Board of Zoning Appeals Rules of Procedure.
   5. Public Hearing: A public hearing shall be held in accordance with the Board of Zoning Appeals Rules of Procedure.
   6. Review: The Board of Zoning Appeals shall review:
      a. The application;
      b. The required supportive information;
      c. The testimony of the petitioner;
      d. Relevant evidence presented by other persons;
      e. The Floodplain Administrator’s report;
      f. All technical evaluations;
      g. All relevant factors;
      h. All standards specified in other sections of the floodplain related sections of the Unified Development Ordinance;
      i. The danger of life and property due to flooding or erosion damage;
      j. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
      k. The importance of the services provided by the proposed facility to the community;
      l. The necessity to the facility of a waterfront location, where applicable;
      m. The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage;
      n. The compatibility of the proposed use with existing and anticipated development;
      o. The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area;
      p. The safety of access to the property in times of flood for ordinary and emergency vehicles;
      q. The expected height, velocity, duration, rate of rise, and sediment of transport of the floodwaters at the site;
      r. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges;
      s. The Department of Community Development report; and
      t. Any additional information provided at or prior to the public hearing.
7. **Decision:** The Board of Zoning Appeals shall:
   a. Approve the petition;
   b. Approve the petition with conditions and/or commitments;
   c. Deny the petition; or
   d. Continue the petition to a definite future meeting date.

8. **Findings of Fact:**
   a. Approval: The Board of Zoning Appeals may grant a variance from the floodplain standards of the Unified Development Ordinance if, after a public hearing, it makes written findings of fact that:
      i. The approval will not be injurious to the public health, safety, morals, and general welfare of the community; and
      ii. The use and value of the area adjacent to the property included in the Floodplain Standards Variance will not be affected in a substantially adverse manner; and
      iii. The strict application of the terms of the Unified Development Ordinance will result in a practical difficulty. This situation shall not be self-imposed, nor be based on a perceived reduction of or restriction of economic gain; and
      iv. The Floodplain Standards Variance is the minimum necessary, considering the flood hazard, to afford relief; and
      v. The petitioner has shown good and sufficient cause; and
      vi. A determination that failure to grant the Floodplain Standards Variance would result in exceptional hardship; and
      vii. A determination that the granting of a Floodplain Standards Variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.
   b. Denial: The Board of Zoning Appeals shall deny a variance from the floodplain standards of the Unified Development Ordinance if, after a public hearing, the Board of Zoning Appeals makes written findings of fact that:
      i. The approval will be injurious to the public health, safety, morals, and/or general welfare of the community; or
      ii. The use and/or value of the area adjacent to the property included in the Floodplain Standards Variance will be affected in a substantially adverse manner; or
      iii. The strict application of the terms of the Unified Development Ordinance will not result in a practical difficulty; or
Floodplain Standards Variance

iv. The Floodplain Standards Variance is greater than the minimum necessary, considering the flood hazard, to afford relief; or
v. The petitioner has failed to show good and sufficient cause; or
vi. Failure to grant the Floodplain Standards Variance would not result in exceptional hardship; or
vii. The granting of a Floodplain Standards Variance will result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.
c. Findings of Fact for a Historic Structure: The Board of Zoning Appeals may grant a variance from the floodplain standards of the Unified Development Ordinance for the repair or rehabilitation of “historic structures” if, after a public hearing, the Board of Zoning Appeals makes written findings of fact that:
i. The proposed repair or rehabilitation shall not preclude the structure’s continued designation as an “historic structure”; and
ii. The Floodplain Standards Variance is the minimum to preserve the historic character and design of the structure.
d. Certification: The findings shall be signed by the Chair of the Board of Zoning Appeals.
e. Notification:
i. Approval: The Board of Zoning Appeals shall give the petitioner written notice specifying the difference between the base flood elevation and the elevation to which the lowest floor is to be built and stating that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. The Board of Zoning Appeals shall give the petitioner written notice over the signature of the Chair of the Board of Zoning Appeals that:
[a] The issuance of a Floodplain Standards Variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars ($25.00) for one hundred dollars ($100.00) of insurance coverage; and
[b] Such construction below the base flood level increases risks to life and property. A copy of the notice shall by recorded by the Floodplain Administrator in the County Recorder’s office and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land. The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in the community's biennial report submission to the Federal Emergency Management Agency.
ii. Denial: In the case of a denied petition, the Board of Zoning Appeals shall furnish the petitioner with a copy of its decision.
f. Severability: If any section, clause, sentence, or phrase of the Floodplain related standards of the UDO is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of the Floodplain related standards of this UDO.

9. Surety Requirement: In conjunction with the approval of a Floodplain Standards Variance, the petitioner shall provide financial surety for all public improvements pursuant to Article 09: §Surety Standards.

10. Commitments:
a. Acceptance: In conjunction with the approval of a Floodplain Standards Variance, the Board of Zoning Appeals may permit or require the petitioner to make written commitments concerning the use or development of the parcel.
b. Form: The petitioner shall prepare the commitment instrument in a form approved by the Town Attorney. The petitioner and the Chair of the Board of Zoning Appeals shall sign the commitment instrument.
c. Recording: The petitioner shall record the commitment instrument in the County Recorder’s office within thirty (30) days of the approval of the Floodplain Standards Variance. The petitioner shall deliver a copy of the recorded commitment instrument to the Department of Community Development before applying for a Floodplain Development Permit.
d. Modification or Termination: A commitment made under this section may be modified or terminated only by a decision of the Board of Zoning Appeals made at a public hearing. Public notice of the public hearing shall be provided per the Board of Zoning Appeals Rules of Procedure. The petitioner shall prepare and record a commitment modification instrument or commitment termination instrument in the same manner required for a commitment instrument. A modified commitment shall be enforced in the same manner as any other commitment.

e. Enforcement: The Town may enforce any commitment the Board of Zoning Appeals has accepted as if the commitment were a standard of the Unified Development Ordinance.

11. Conditions of Approval:

a. Requirement: Upon the consideration of the factors listed in §(I)(6): Review, and the purposes of Article 05; §FP: Floodplain Standards or Article 07; §FL: Floodplain Standards, the Board of Zoning Appeals may attach such conditions to the granting of Floodplain Standards Variances as it deems necessary to further the purposes of Article 05; §FP: Floodplain Standards or Article 07; §FL: Floodplain Standards.

b. Form: The Department of Community Development shall prepare the conditions of approval instrument in a form approved by the Town Attorney. The Chair of the Board of Zoning Appeals shall sign the conditions of approval instrument.

c. Recording: The Department of Community Development shall record the conditions of approval instrument in the County Recorder’s office within thirty (30) days of the approval of the Floodplain Standards Variance. The Department of Community Development shall deliver a copy of the recorded conditions of approval instrument to the petitioner within thirty (30) days of recording.

d. Modification or Termination: A condition of approval imposed under this section may be modified or terminated only by a decision of the Board of Zoning Appeals made at a public hearing. Public notice of the public hearing shall be provided per the Board of Zoning Appeals Rules of Procedure. The Department of Community Development shall prepare and record a condition of approval modification instrument or conditions of approval termination instrument in the same manner required for a condition of approval instrument. A modified condition of approval shall be enforced in the same manner as any other condition of approval.

e. Enforcement: The Town may enforce any condition of approval the Board of Zoning Appeals has imposed as if the condition were a standard of the Unified Development Ordinance.

12. Revisions: Within thirty (30) calendar days of approval, the petitioner shall submit revised copies of the plans that address the comments and concerns of the Board of Zoning Appeals to the Department of Community Development. The petitioner shall refer to the application packet to determine the format and number of copies of the revised plans to deliver to the Department of Community Development.

J. Duration: Unless a more stringent standard is applied pursuant to a commitment or condition of approval, a Floodplain Standards Variance granted by the Board of Zoning Appeals shall run with the parcel until such time as the property conforms to the Unified Development Ordinance as written.

K. Changes or Amendments:

1. Any change to an approved Floodplain Standards Variance shall be the subject of a new Floodplain Standards Variance petition.

2. Current Standards: Changes, amendments or resubmittals shall be subject to the Standard Construction Specifications and Details for the Town of Fishers in effect at the time the application for such changes, amendment or resubmittal is made.
9.13 Floodplain Standards Appeal

A. **Purpose and Intent:** The purpose of this section is to outline the procedure employed by the Town in order to afford the public an avenue of appeal when there is some doubt that the Floodplain Administrator has rendered a correct interpretation of the applicable ordinances and regulations while administering or enforcing the requirements of Article 05; §FP: Floodplain Standards or Article 07; §FL: Floodplain Standards.

B. **Prerequisites:**
   1. **Pre-submittal Meeting:** Prior to submitting a Floodplain Standards Appeal application, the appellant shall meet with the Department of Community Development to review the zoning classification of the site, review the regulatory ordinances and materials, and review the procedures. The Department of Community Development shall aid and advise the appellant in preparing the application and supportive documents as necessary.

C. **Applicability:**
   1. The Board of Zoning Appeals shall hear and decide Floodplain Standards Appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of Article 05; §FP: Floodplain Standards or Article 07; §FL: Floodplain Standards.
   2. **Stay of Work:**
      a. **Authority:** When an appeal from the decision of the Floodplain Administrator has been filed, the Board of Zoning Appeals may stay the proceedings and work on the premises affected.
      b. **Restraining Order:** If the Floodplain Administrator certifies to the Board of Zoning Appeals that, by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property, a Stay of Work shall not be issued. In that case, proceedings or work may not be stayed except by a Restraining Order. After application, after notice to the Floodplain Administrator and to the owner of the premises affected, and after due cause is shown, the Board of Zoning Appeals or the Fishers Town Court may grant the Restraining Order.

D. **Exceptions:** Not applicable.

E. **Application:**
   1. **Filing Deadline:** The appellant shall refer to the Schedule of Meeting Dates to determine the filing deadline for any given meeting of the.
   2. **Application Packet:** The appellant shall submit the completed application to the Department of Community Development.
   3. **Supportive Information:** The application shall include, but not be limited to, the following documents:
      a. Pre-submittal Meeting: The application shall include all documentation specified by the Department of Community Development during the pre-submittal meeting.
      b. Application Packet: The application shall include all documentation specified in the application packet unless certain documentation is deemed superfluous by the Floodplain Administrator due to the specific circumstances of the particular project.
      c. Additional Information: Such other additional information as may be required by the Department of Community Development or other members of the Technical Advisory Committee to evaluate the petition.

F. **Fees:** Not applicable.
G. Department of Community Development:
   1. Review: The Department of Community Development shall review a Floodplain Standards Appeal petition upon receipt of a complete application and supportive documents.
   2. Complete Submittal: Once the Department of Community Development has determined that the petitioner has made a complete submittal, the Department of Community Development shall:
      a. Docket Number: Assign the item a docket number;
      b. Agenda: Place the item on an agenda of the Board of Zoning Appeals;
      c. Notification: Inform the appellant of the time, date, and place of the meeting.
   3. Inspection: The Department of Community Development may inspect at any reasonable time any structure, other improvement, or site that is the subject of a Floodplain Standards Appeal petition.
   4. Department Report: The Department of Community Development shall prepare a written report outlining its findings with respect to the Floodplain Standards Appeal. The Department of Community Development report may incorporate, or incorporate by reference, any items that remain outstanding with the other members of the Technical Advisory Committee.
   5. Record: The Floodplain Administrator shall maintain records of all applications, plans, and permits filed for a Floodplain Standards Appeal.

H. Technical Advisory Committee (TAC): Not applicable.

1. Board of Zoning Appeals:
   1. Designation of Floodplain Standards Variance and Appeals Board: The Board of Zoning Appeals shall hear and decide Floodplain Standards Appeals.
   2. Public Notice:
      a. Responsibility: The appellant shall be responsible for publishing and mailing public notice pursuant to the Board of Zoning Appeals Rules of Procedure. The Department of Community Development shall be responsible for posting public notice pursuant to the Board of Zoning Appeals Rules of Procedure.
      b. Proof: The appellant shall be responsible for returning the affidavit of public notice and proof of published and mailed notice to the Department of Community Development. The appellant shall refer to the application packet to determine the deadline for submittal of the affidavit of public notice and proof of published and mailed notice. Failure to submit the affidavit of public notice and proof of published and mailed notice by the deadline may result in the petition’s being continued to the Board of Zoning Appeals agenda for the following month.
   3. Submittal: The appellant shall refer to the application packet to determine the format and number of copies of the informational packet to be delivered to the Department of Community Development for distribution to the members of the Board of Zoning Appeals. Incomplete submittals may result in the petition’s being held off the Board of Zoning Appeals agenda to allow the appellant time to complete the submittal. Materials submitted by the petitioner after the informational packets have been distributed shall be subject to action pursuant to the Board of Zoning Appeals Rules of Procedure.
   4. Attendance: The appellant is required to be present at the Board of Zoning Appeals meeting to address and discuss comments and concerns posed by the Board of Zoning Appeals members. Failure to appear shall result in the petition’s being dealt with as outlined in the Board of Zoning Appeals Rules of Procedure.
   5. Public Hearing: A public hearing shall be held in accordance with the Board of Zoning Appeals Rules of Procedure.
6. **Review:** The Board of Zoning Appeals shall review:
   a. The written statement and supportive material submitted by the appellant;
   b. The record of action supplied by the Floodplain Administrator;
   c. The testimony of the appellant;
   d. The testimony of the Floodplain Administrator;
   e. Relevant evidence presented by other persons;
   f. All technical evaluations;
   g. All relevant factors;
   h. All standards specified in other sections of the Unified Development Ordinance;
   i. The danger of life and property due to flooding or erosion damage;
   j. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
   k. The importance of the services provided by the proposed facility to the community;
   l. The necessity to the facility of a waterfront location, where applicable;
   m. The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage;
   n. The compatibility of the proposed use with existing and anticipated development;
   o. The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area;
   p. The safety of access to the property in times of flood for ordinary and emergency vehicles;
   q. The expected height, velocity, duration, rate of rise, and sediment of transport of the floodwaters at the site;
   r. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges;
   s. The Department of Community Development report; and
   t. Any additional information provided at or prior to the public hearing.

7. **Decision:** The Board of Zoning Appeals may reverse, affirm or modify the order, requirements, decision or determination of the Floodplain Administrator.

8. **Appeal:** Any person aggrieved by the decision of the Board of Zoning Appeals may appeal such decision to the Fishers Town Court, as provided in IC 36-7-4-1000 et seq.

J. **Duration:** Not applicable.

K. **Changes or Amendments:** Not applicable.
10.01 Authority

A. The Plan Commission, Board of Zoning Appeals, Town Council, the Director of Community Development, the Building Commissioner, the Fire Marshal, the Ordinance Violations Bureau, and their delegates (hereafter referred to as the "Town" within this Article) are designated to enforce the provisions, regulations, and intent of the Unified Development Ordinance.

B. The Town may also utilize the provisions of Title III: Administration; Chapter 36: Ordinance Violations Bureau of the Fishers, Indiana Code of Ordinances to enforce the Unified Development Ordinance.

10.02 Authority to Investigate Potential Violations

A. Complaints made pertaining to the Unified Development Ordinance may be investigated by the Town. Also, any violations suspected by the Plan Commission, Town Council or Director of Community Development shall be investigated by the Director of Community Development or a designee. Action may or may not be taken depending on the circumstances. The degree of action required after the investigation, if any, shall be at the discretion of the investigating person.

10.03 Inspection of Property

A. Investigations of property may be conducted by the Town either from a right-of-way without permission of the property owner, or adjacent property (with permission of the adjacent property owner), or from the property suspected of a violation once the inspector has presented sufficient evidence of their authorization and described the purpose of the inspection to the owner, tenant, or occupant at the time of the inspection.

B. In the event that the investigator is denied entry, and provided there is sufficient evidence of a violation of this Unified Development Ordinance, the Town may apply to the Fishers Town Court or any other court of competent jurisdiction (hereafter referred to collectively as the "Court" within this Article) to invoke legal, equitable, or other available remedy, including application for a warrant, for the enforcement of this Unified Development Ordinance or any applicable ordinances.

C. The Court may, in its discretion, issue an order requiring the owner, tenant, and/or other occupant to permit entry by the Town for the purposes documented in any warrant application.

10.04 Legal Responsibility for Violations

A. The owner, tenant, and/or occupant of any property or building, or part thereof, shall be responsible for any violation of this Unified Development Ordinance.

10.05 Liability

A. A structure that is erected or converted, or land used in violation of this Unified Development Ordinance or its subsequent amendments may be deemed a common nuisance and the owner, possessor, and/or tenant of such structure or land shall be liable for said nuisance.

10.06 Violations During the Construction/Building Process

A. The Director of Community Development or a designee may place a Stop Work Order or Notice of Violation on any lot improvement process. A Stop Work Order or Notice of Violation shall be issued by written notice, shall describe the violation, and shall state that the unauthorized work or conduct must stop immediately until such work or conduct is corrected. This notice shall be posted in a conspicuous place on the property or be delivered mailed to the owner, developer, property manager, tenant, and/or occupant. The Director of Community Development or a designee shall meet with the person served the Stop Work Order or Notice of Violation within seven (7) days of receiving a request by such person. A Memorandum of Agreement shall be drafted stating the conditions in which construction or action may be resumed. This Memorandum of Agreement must be signed by the owner, developer, property manager, tenant, and/or occupant that has caused or is responsible for the violation and by the Director of Community Development or a designee.

B. Reasons for a Stop Work Order include:

1. Not complying with development standards and/or any regulations of the Unified Development Ordinance;
2. Not obtaining an Improvement Location Permit and/or a Building Permit;
3. Not meeting the conditions of approval or commitments attendant to a Plan Commission, Board of Zoning Appeals, or Town Council decision, or of an Improvement Location Permit or Building Permit;
4. Not meeting the conditions of development commitments, site plans, development plan, construction plans, or covenants that are enforceable by the Plan Commission;
5. Not obtaining any other permit necessary for site/property improvement as called out in local code or Unified Development Ordinance;
6. Illegal use or expansion of a use in a building/structures or illegal use of land or any combination.
Enforcement and Penalties

10.07 Types of Violations

The following items shall be deemed civil zoning violations, enforceable by the Plan Commission, Town Council, or Director of Community Development or a designee. Penalties may be imposed based on the provisions set forth in this Article.

A. The placement of a primary structure, accessory structure, sign, sign structure, or any other element, whether temporary or permanent, that does not conform with the provisions or explicit intent of this Unified Development Ordinance.

B. The erection of a primary structure, accessory structure, sign, sign structure, or any other element, whether temporary or permanent, that does not conform with the provisions or explicit intent of this Unified Development Ordinance.

C. The failure to maintain a primary structure, accessory structure, sign, or any other element, whether temporary or permanent, in a manner that does not conform with the provisions or explicit intent of this Unified Development Ordinance.

D. The failure to obtain an Improvement Location Permit, Building Permit, Sign Permit, Temporary Use Permit or any other required permit under this Unified Development Ordinance when required prior to initiation of improvements, change of land use, or other modifications regulated under this Ordinance.

E. The failure to obtain a Certificate of Occupancy.

F. Maintaining a use or uses that do not comply with the provisions or explicit intent of this Unified Development Ordinance.

G. Any failure to comply with any regulations of this Unified Development Ordinance, including, without limitation: development standards, design standards, Improvement Location Permit, Building Permit, Sign Permit, Temporary Use Permit, site plan, planned unit development, commitments made, or conditions of approval imposed.

H. Disregarding a Stop Work Order or violating the terms of a Memorandum of Agreement.

I. Any failure to comply with commitments made in connection with a rezoning, approval of a detailed plan, special exception, variance, or other similar commitment.

J. Failure to place and maintain premises identification numerals in a conspicuous location on the property.
Enforcement and Penalties

10.08 Procedure for Violation

There shall be a two-step procedure for violations of this Unified Development Ordinance:

A. **Step 1 - Notice of Violation:** The Director of Community Development, a designated representative of the Plan Commission, the Board of Zoning Appeals, the Violations Bureau, or a designee shall issue a Notice of Violation letter to the person who is responsible for the violation. The Notice of Violation letter shall state that a violation has been determined and that the person responsible for the violation must connect the violation within a given timeframe:
   1. In the case of a Temporary Use or Temporary Sign, the connective action can be required within two (2) hours but in no case longer than ten (10) days.
   2. All other violations (not temporary in nature) shall receive a period of time, typically including a weekend, for corrective action; however, in no case shall the period of time exceed thirty (30) days, unless a written and approved explanation is entered in the file by the Department of Community Development Director or a designee.

If the violation has been corrected within the timeframe provided on the Notice of Violation, no further action will be taken and no fines will be imposed. If the violation is not corrected within the timeframe outlined in the Notice of Violation, then the fines shall be assessed as outlined in Section 10.10 below. Each day the violation remains uncorrected thereafter shall constitute a separate violation.

A Notice of Violation issued shall contain the following:
   1. The date and time of personal contact or the postmark date of the letter issued;
   2. The name and address of the person or company charged;
   3. The section number of the pertinent ordinance that has been violated (separate section may be considered separate offenses and subject to separate fine and penalties;
   4. The nature of the civil violation(s);
   5. The place and time at which the violation(s) occurred;
   6. The range of fines that could be assessed upon continued noncompliance activity;
   7. The specific time allowed to bring the violation into compliance; and
   8. The name, business address and telephone number of the official issuing the notice of violation.

Failure to comply with the terms of the Notice of Violation will result in Step 2, Legal Action.

B. **Step 2 - Legal Action:** If a violation identified in the Notice of Violation letter is not corrected within the terms of the Notice, then the matter will be turned over to Town Attorney for legal enforcement with the Court. The Town Attorney may pursue all remedies available under this Unified Development Ordinance and, IC 36-7-4-1000 et seq., and all other applicable State law.
Enforcement and Penalties

10.09 Enforcement, Remedies, and Injunctive Relief

A. The Town or any enforcement official designated by the Unified Development Ordinance may bring an action in Court to invoke any legal, equitable, or special remedy, for the enforcement of any ordinance or regulation created under IC 36-7-4 et seq., including, without limitation, this Unified Development Ordinance.

B. The Town or any enforcement official designated by this Unified Development Ordinance may also bring an action in Court for the following:
   1. Agreements between the Town or its designees that have been recorded as covenants in connection with a subdivision plat, a development plan, or a planned unit development.
   2. Commitments made in accordance with IC 36-7-4 et seq.
   3. Conditions imposed in accordance with IC 36-7-4 et seq.

C. The Board of Zoning Appeals, or any enforcement official designated by this Unified Development Ordinance may bring an action in Court to restrain a person from violating IC 36-7-4 et seq. or any ordinance adopted under IC 36-7-4 et seq., including, without limitation, this Unified Development Ordinance.

D. The Board of Zoning Appeals or any enforcement official designated by this Unified Development Ordinance may bring an action in the Court for a mandatory injunction directing the removal of any structure erected in violation of this Unified Development Ordinance or applicable statute. If the Board of Zoning Appeals or enforcement official designated by this Unified Development Ordinance is successful in any such action, it shall be entitled to recover its reasonable attorney fees and costs from the defendant.

E. An action to enforce a commitment made in accordance with IC 36-7-4 et seq. may be brought in the Court by:
   1. Any person who is entitled to enforce a commitment made in accordance with IC 36-7-4 et seq. under the rules of the Plan Commission or the Board of Zoning Appeals in force at the time the commitment was made; or
   2. Any other specially affected person who was designated in the commitment.

F. When a person has been found to have committed a civil violation, the Court may impose additional civil penalties and grant appropriate relief to abate or halt the violation, and the Court may direct that payment of the civil monetary fine or additional civil penalties be suspended or deferred under conditions established by the Court.

10.10 Fines and Penalties

A. Monetary fines will be imposed based on the nature of violation:
   1. Temporary Signage/Banners
   2. Temporary Uses
   3. Permanent Signage or Sign Structures
   4. All Other Violations of the Unified Development Ordinance

B. Unless corrected pursuant to Section 10.08(A) above, monetary fines will be imposed as follows:
   1. $200.00 per temporary sign or banner violation determined per day
   2. $500.00 per temporary use violation determined per day
   3. $300.00 per any other violations of the Unified Development Ordinance determined per day
   Consistent with Section 10.08(B), each day the violation remains unconnected shall constitute a separate violation.

C. Payment of any violation shall be delivered to the Director of Community Development who shall deposit the funds in an account as determined by the Town Council. A receipt of payment must be recorded and a receipt issued to the person making payment.
10.11 Appeals or Trials

A. Any person receiving a Notice of Violation may dispute the violation by submitting a written statement with the Fishers Town Court via certified mail at least three (3) business days prior to the date the fine is due. The Fishers Town Court shall forward such written statement to the Town Attorney, who may, in its discretion, pursue any and all remedies specified in this Article 10.

B. Any fines claimed as due and owing shall be postponed pending resolution of any legal action initiated by the Town Attorney.
Article

11

Definitions

Town of Fishers
Unified Development
Ordinance

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GroundRules

www.groundrulesinc.com
11.01 General

A. **Applicability:** The definitions contained in Article 11: Definitions shall be observed and applied in the interpretation of all Articles in the Unified Development Ordinance, except where the context clearly indicates otherwise. For floodplain related definitions, unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give the floodplain related portions of this ordinance the most reasonable application.

B. **Tense:** Words used in the present tense shall include the future, and the future the present.

C. **Number:** Words used in the singular number shall include the plural, and the plural the singular.

D. **Gender:** Words used in the masculine gender shall include the feminine, and the feminine the masculine.

11.02 Defined Words

The following terms shall have the following meanings:
Addition to an Existing Structure

**‘A’ Zone:** Portions of the SFHA in which the principal source of flooding is runoff from rainfall, snowmelt, or a combination of both. In A zones, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to buildings. These areas are labeled as Zone A, Zone AE, Zones A1-A30, Zone AO, Zone AH, Zone AR and Zone A99 on a FIRM or FHBM. The definitions are presented below:

1. **Zone A:** Areas subject to inundation by the one-percent annual chance flood event. Because detailed hydraulic analyses have not been performed, no base flood elevation or depths are shown. Mandatory flood insurance purchase requirements apply.
2. **Zone AE and A1-A30:** Areas subject to inundation by the one-percent annual chance flood event determined by detailed methods. Base flood elevations are shown within these zones. Mandatory flood insurance purchase requirements apply. (Zone AE is on new and revised maps in place of Zones A1-A30.)
3. **Zone AO:** Areas subject to inundation by one-percent annual chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one (1) and three (3) feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone. Mandatory flood insurance purchase requirements apply.
4. **Zone AH:** Areas subject to inundation by one-percent annual chance shallow flooding (usually areas of ponding) where average depths are between one (1) to three (3) feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone. Mandatory flood insurance purchase requirements apply.
5. **Zone AR:** Areas that result from the decertification of a previously accredited flood protection system that is determined to be in the process of being restored to provide base flood protection. Mandatory flood insurance purchase requirements apply.
6. **Zone A99:** Areas subject to inundation by the one-percent annual chance flood event, but which will ultimately be protected upon completion of an under-construction federal flood protection system. These are areas of special flood hazard where enough progress has been made on the construction of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. Zone A99 may only be used when the flood protection system has reached specified statutory progress toward completion. No base flood elevations or depths are shown. Mandatory flood insurance purchase requirements apply.

**Abandonment:** The relinquishment of property or a cessation of the use of the property for a continuous period of one (1) year by the owner with the intention neither of transferring rights to the property to another owner nor of resuming the use of the property.

**ABS (Acrylonitrile Butadiene Styrene):** A thermoplastic material made with virgin ABS compounds meeting the ASTM requirements of Cell Classification 4-2-2-2-2 (pipe) and 3-2-2-2-2 (fittings).

**Accent Colors:** Accent colors include red, yellow, emerald green, bright blue and other colors with intense hue. These colors shall only be used in Accent Areas and as building trim.

**Accessory Building:** See “Structure, Accessory.”

**Accessory Structure:** See “Structure, Accessory.”

**Accessory Use:** See “Use, Accessory.”

**ADA:** The Americans with Disabilities Act.

**Addition to an Existing Structure:** (as related to Article 05; §FP: Floodplain Standards and Article 07; §FL: Floodplain Standards) Any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition which is connected by a firewall or is separated by independent perimeter load-bearing walls is new construction.
Adjacent Property: Any property adjacent to or directly diagonal to the subject property. Properties across a public right-of-way are also considered adjacent. The illustration below notes the properties that would be considered adjacent to two (2) different subject properties.

Administrator: The Director of the Department of Community Development or his/her designee who administers and enforces the provisions of the Unified Development Ordinance.

ADT: See “Average Daily Traffic.”

Adult Bookstore: An establishment having more than ten percent (10%) of its stock in trade and/or sales area in books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records or other forms of visual or audio representations which are distinguished or characterized by their emphasis on matter depicting, describing or relating to sexual activities or sexual anatomical areas.

Adult Business: Any commercial activity whether conducted intermittently or full time, which primarily involves the sale, display, exhibition, or viewing of books, magazines, films, photographs, or other materials, distinguished or characterized by an emphasis on matter depicting, describing, or relating to human sex acts, or by an emphasis on male or female genitals, buttocks, or female breasts. Such businesses shall include but not be limited to:
1. Adult bookstore;
2. Adult mini-motion picture theater;
3. Adult motel;
4. Adult motion picture arcade;
5. Adult motion picture theater;
6. Cabaret;
7. Massage parlor; and
8. Model studio.

Adult Entertainment: An adult bookstore, adult retail store, adult motion picture theater, or adult strip club or like uses.

Advertise: To inform, to notify, to announce, to attract public attention in order to arouse a desire to purchase or invest.

Aggregate Side Setback: See “Setback, Aggregate Side.”

Agricultural Building: A structure utilized for the conduct of farming operations, not including a dwelling.

Agriculture: The art or science of cultivating the ground, or raising and harvesting of crops, also often including feeding, breeding, and management of livestock; tillage; husbandry; farming; in a broader sense, the science and art of the production of plants or animals useful to man.

Aircraft: Any contrivance, now known or hereinafter invented, for use or designed for navigation of or flight in the air or outer space, including missiles.
**Airport:** Any area which is used or intended to be used for the taking off and landing of aircraft, including helicopters, and any appurtenant areas which are used or intended to be used for airport buildings or facilities, including open spaces, taxiways and tie-down areas.

**Alley:** A public right-of-way and thoroughfare, other than a street, road, crosswalk or easement, providing a secondary means of access to the abutting properties.

**Amenity Area:** An outdoor facility, which may include an accessory clubhouse, provided as part of a residential development that is owned and maintained by the owners’ association or property owner primarily for the use of the residents of the development. The term includes community swimming pools, tennis courts, basketball courts, and the like.

**ANSI:** American National Standards Institute.

**Antenna:** Any system of wires, poles, rods, reflecting discs, or devices used for the transmission or reception of electromagnetic or radio waves.

**Appeal, Floodplain Standards:** A request for a review of the Floodplain Administrator’s interpretation of any provision of Article 05; §FP: Floodplain Standards or Article 07; §FL: Floodplain Standards.

**Appellant:** A person filing any type of appeal.

**Applicant:** The owner, owners, or legal representative of lot who makes application to the Town for action affecting the lot owned thereby.

**Area of Shallow Flooding:** A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM) with base flood depths from one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Assisted Living Facility:** A residential facility where assistance with daily activities, such as taking medicine, dressing, grooming, and bathing are provide for the aged or infirm, or any other reasonably independent 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. Assisted living facilities have private rooms that are not shared by non-related persons.

**ASTM:** Formerly the American Society for Testing and Materials, now ASTM International.

**Auto-oriented Facility:** A facility where a service is rendered or a sale transaction is made while the patron is typically not required to exit his/her vehicle, or a facility that includes services rendered directly on, to, or for vehicles. Auto-oriented business facilities include, but are not limited to, drive-through restaurants, drive-in restaurants, drive-through automated teller machines (ATMs), drive-through banks, drive-in movie theaters, car washes (all types), gas stations, facilities specializing in oil changes, car repair, establishments installing car accessories, other similar auto service facilities, and stand-alone parking lots. The sale of vehicles (new or used) is not included within this definition.

**Automated Teller Machine (ATM):** An electronically operated device used to conduct financial transactions on site, by means of direct computerized access.

**Average Daily Traffic (ADT):** The estimated daily average number of vehicular travelers on a street in a 24-hour period.

**B' Zone:** See “Zone B, C, and X.”

**Banner:** Any hanging sign possessing characters, letters, illustrations or ornamentations applied to paper, plastic or fabric of any kind. This classification shall not include plastic or fabric signs which are permanently attached within a rigid frame which are intended to be used as a permanent sign. National flags, flags of political subdivisions, and symbolic flags of any institution or business shall not be considered banners for the purpose of the Unified Development Ordinance.

**Base Colors:** Base colors shall be colors that represent the range of colors associated with natural stone and unglazed brick colors.
**Base Flood**: See “Flood, Regulatory.”

**Base Flood Elevation (BFE)**: See “Elevation, Base Flood.”

**Base Zoning District**: See “Zoning District, Base.”

**Basement**: That portion of a building or structure which is partially or wholly underground (below grade). Basement (as related to Article 05; §FP: Floodplain Standards): means that portion of a structure having its floor sub-grade (below ground level) on all sides.

**Bed and Breakfast Facility**: An owner occupied or owner employee occupied residence containing no more than six (6) guest rooms for hire, for lodging for periods not to exceed three (3) consecutive weeks and providing for occasional meals daily (usually breakfast) and not a hotel, boarding house or motel.

**Bed and Breakfast Inn**: An operator-occupied historic residence or expanded historic residence that:

1. Provides sleeping accommodations to the public for a fee;
2. Has no more than fourteen (14) guest rooms;
3. Provides breakfast to its guests as part of the fees; and,
4. Provides sleeping accommodations for no more than thirty (30) consecutive days to a particular guest.

The term does not include hotels, motels, health or limited care facilities, boarding houses, group quarters, hospice, rescue missions or food service establishments.

**Bed and Breakfast Operator**: An owner, or the owner’s agent, of a bed and breakfast residence or bed and breakfast inn who resides within the establishment.

**Bed and Breakfast Residence**: An operator-occupied historic residence that:

1. Provides sleeping accommodations to the public for a fee;
2. Has no more than five (5) guest rooms;
3. Provides breakfast to its guests as part of the fee; and
4. Provides sleeping accommodations for no more than thirty (30) consecutive days to a particular guest.

The term does not include bed and breakfast inns, expanded historic residences, hotels, motels, health or limited care facilities, boarding houses, group quarters, hospices, rescue missions or food service establishments.

**Berm**: See “Mound.”

**BFE**: See “Elevation, Base Flood (BFE).”

**Big-box Structure**: A big-box structure is any retail building or tenant space of at least seventy thousand (70,000) square feet, which purpose is to provide space for a single user.
**Block**: A land area bounded by streets, places, railroads, waterways or other barriers, which set the area apart from adjacent areas.

**Block Frontage**: Property having frontage on one (1) side of a street and lying between the two (2) nearest intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad right-of-way, waterway, or other barrier.

**Board of Zoning Appeals (BZA)**: The Town of Fishers Advisory Board of Zoning Appeals or any division thereof and its designees.

**Bond**: Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Town of Fishers.

**Buffer Landscaping**: Any trees, shrubs, walls, fences, berms, space, or related landscaping features required under the Unified Development Ordinance for buffering lots from adjacent properties or public rights-of-way for the purpose of increasing visual shielding or other aspects of privacy and/or aesthetics.

**Buffer Yard**: An area adjacent to front, side and rear property lines, measured perpendicularly from and parallel to adjacent property lines and/or right-of-way lines, intended to provide attractive spaces to reduce the impacts of proposed uses on adjacent property or natural features and to screen incompatible uses from each other and from the right-of-way. Buffers also help to maintain existing trees or natural vegetation, to block or reduce noise, glare or other emissions and to maintain privacy. Buffer yards are in addition to (separate from) front, rear, or side yard setbacks.
**Building**: See “Structure.”

**Building Area**: The horizontal area of the buildings on a lot, measured from the outside exterior walls, excluding open areas or terraces, unenclosed porches or decks, and architectural features that project no more than two (2) feet.

**Building Code**: The Indiana Building Code which establishes and controls the standards for constructing all forms of permanent structures and related matters. Also referred to herein as the Fishers Building Code.

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

**Building Envelope**: The setback lines that establishes an area on a lot in which building can occur.

**Building Frontage**: The length of an outside building wall on a dedicated public or private street.

**Building Height**: The vertical distance measured from the lot ground level to the highest point of the roof for a flat roof, to the deck line of a mansard roof, and to the mean height between eaves and ridges for gable, hip and gambrel roofs.
**Building Line/Building Setback Line:** The line that establishes the minimum permitted distance on a lot between the front line of a building and the street right-of-way line, limits of public or private street or easement.

**Building, Nonconforming:** A building, structure, or portion thereof that does not conform to the regulations of the zoning district in which it is located.

**Building Permit:** A document signed by the Director of Development or his/her designee stating that the permitted improvements or proposed construction complies with all applicable provisions of *Title XV: Land Usage* of the Town of Fishers Code of Ordinances.

**Building, Primary:** See “Structure, Primary.”

**Building Separation:** The least distance between the walls of two (2) structures, regardless of whether they are located on the same lot or parcel.

**Business:** The engaging in the purchase, sale, barter, or exchange of goods, wares, merchandise, or services, or the maintenance or operation of offices, recreational, or amusement enterprises.

**BZA:** See “Board of Zoning Appeals.”

**‘C’ Zone:** See “Zone B, C, and X.”

**Canopy Fascia:** The horizontal surface between the roofline (flat roofs) or top of roof cave (pitched roofs) and the underside of the canopy.

**Campground:** Any site, lot, field, or tract of land designed with facilities for short term occupancy by recreational vehicles and other camping equipment but not including mobile homes.

**Candela:** Unit of luminous intensity in the International System of Units (SI). Used to measure the amount of light emitted by lamps.

**Car Wash:** A structure, or portion thereof, containing commercial facilities for washing automobiles, using automated or manually operated methods.

**Cart Corral:** A structure within a parking lot which is designed and designated for patrons to deliver shopping carts.

**Cellular Communication Equipment:** See “Antenna.”

**Cemetery:** Land used for the burial of the dead and dedicated for cemetery purposes, including columbaria, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

**Central Sewer System:** A community sewer system including collection and treatment facilities owned and maintained by either a municipal or public utility company.

**Central Water System:** A community water supply system including existing and new wells and/or surface water sources and intakes, treatment facilities, and distribution lines and includes such of the above facilities established by the developer to serve a new subdivision or commercial/industrial development.

**Certificate of Compliance:** A certificate that is issued prior to the certificate of occupancy stating that the building, structure or use has been constructed and complies with the provisions of the Unified Development Ordinance, developer commitments, and all conditions of the Plan Commission or Board of Zoning Appeals.

**Certificate of Occupancy:** A certificate issued by the Director of Development or his designee stating that, at the time of issuance, the occupancy and use of a building or structure complies with the provisions of all applicable Fishers Codes and Ordinances.

**Certificate of Occupancy, Temporary:** A certificate with a specific expiration date issued by the Director of Development or his designee stating that, at the time of issuance, the occupancy and use of a building or structure does not fully comply with the provisions of all applicable Fishers Codes and Ordinances, but may be occupied for the specified period subject to conditions stipulated on the certificate.

**Child Care Center:** Any institution operated for the care of children, licensed pursuant to *IC 12-3-2-3.1, et seq.*, and as defined by *IC 12-3-2-3.*
Child Care Home: An establishment providing non-overnight care, supervision, and protection of children in private residences which is ancillary to the primary use as residential. 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.

Child Care Institution:
1. A residential facility that provides child care on a twenty-four (24) hour basis for more than ten (10) children; or
2. A residential facility with a capacity of not more than ten (10) children that does not meet the residential structure requirements of a group home; or
3. All of the following:
   a. Operates under a license issued under IC 12-17.4;
   b. Provides for delivery of mental health services that are appropriate to the needs of the individual; and
   c. Complies with the rules adopted under IC 4-22-2 by the Division of Family and Children.

A child care institution does not include a juvenile detention facility.

Church: A building set apart and/or consecrated for religious purposes and public worship.

Clinic: An establishment in which patients are admitted for medical or dental study or treatment and in which the services of at least two (2) physicians, dentists or chiropractors and other medical practitioners are provided.

Club House: A building used in association with an amenity, in which may be locker rooms, administration offices, golf cart storage and maintenance, restrooms, lounges, meeting space, snack bar, banquet facilities and retail sales of products related to the use of the amenity.

Coffee House: A restaurant primarily offering coffee, tea, and other beverages, and where light refreshments and limited menu items may also be sold at a counter or at a drive-up window for motor vehicles.

Collector, Major: A street planned to facilitate the collection and movement of vehicular traffic between minor collectors and thoroughfares, usually located on the perimeter or boundaries of neighborhoods. These streets are to be generally located on a one-half (½) mile grid pattern.

Collector, Minor: A street planned to facilitate the collection of traffic from local streets, and to provide circulation within neighborhood areas and convenient ways for traffic to reach major collectors or thoroughfares.

Collocation: A space on an existing or proposed telecommunication tower that can be used for the installation and/or mounting of antennas or radio or cellular communication equipment that operates on a different frequency from the initial user.

Commercial Enterprises, Restricted: An operation that may cause stream pollution by the disposal of wastes discharged into streams, thus endangering water supply and health; release odors to the atmosphere, beyond the boundary of the property, which may be strong and beyond the normal expectancy of a farm operation; create any unusual or loud noises audible beyond the boundaries of the property; emit poisonous and injurious fumes and gases beyond the boundaries of the property; cause the emission of smoke, particulate matter or cause any undue vibration or excessive glare or heat beyond the boundaries of the property; or because of the location of its facilities influence adversely the use of adjacent properties, either existing or proposed.

Commission or Plan Commission: The Town of Fishers Advisory Plan Commission.

Community: (as related to Article 05; §FP: Floodplain Standards and Article 07; §FL: Floodplain Standards) A political entity that has the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

Community Center: A building available to the public for community activities, meetings, banquets, projects, gatherings, and the like.

Community, Participating: (as related to Article 05; §FP: Floodplain Standards and Article 07; §FL: Floodplain Standards) Any community that voluntarily elects to participate in the NFIP by adopting and enforcing floodplain management regulations that are consistent with the standards of the NFIP.

Community Rating System (CRS): A program developed by the Federal Insurance Administration to provide incentives for those communities in the Regular Program that have gone beyond the minimum floodplain management regulations to develop extra measures to provide protection from flooding.
Component Assembly, Light: Operations primarily involving the assembly of previously prepared materials of finished products or parts, including processing, fabrication, treatment or storage, packaging, sales and distribution of such products, requiring only hand power tools for assembly and no intensive use of power.

Comprehensive Plan: The complete plan, or any of its parts, for the development of the Town, prepared by the Plan Commission and adopted in accordance with IC 36-7-4-500 et seq. as it now or may hereafter be in effect.

Concept Plan: A plan for a subdivision or development of land, brought by the petitioner to the pre-submittal meeting, that shows in general terms the proposed land use, density, circulation, natural characteristics, and typical development of the area to be developed, as well as adjacent affected properties, and traffic.

Condition of Approval: Stipulations or provisions attached to the approval of a project by the Board of Zoning Appeals or Plan Commission that must be met as a prerequisite for a Certificate of Occupancy.

Conditional Use: A use permitted within a district other than a primarily permitted use requiring approval of the Board of Zoning Appeals because of its nature.

Condominium: Real estate lawfully subject to IC 32-25, 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 Area: (Ord. #081709, Effective 2/1/2010) Any area, structure, kennel, stall, coop, pin, or other element in which farm animals are housed in, and including the immediate area which controls the movement of those animals.

Conservation Easement: (Ord. #081808, Effective 12/1/2008) Those places on a lot or development that are identified for the purpose of protecting certain elements or the land and/or natural vegetation. Plant life may be removed from a conservation easement if a plant or tree is dead, dying, diseased, or poses a threat to health, safety, and/or welfare. Small vegetation and underbrush may be removed at any time to aid in the creation of usable spaces for trails, paths, picnic shelters, and the like. Evergreen trees eight (8) feet or less, in height, and deciduous trees with a caliper measurement of less than four (4) inches may also be removed to aid in the creation of the usable spaces for trails, paths, picnic shelters, and the like, but must be done in a matter cause as little removal and/or damage as possible. Any individual or entity seeking to remove such trees shall have the approval of the Department of Community Development staff prior to the removal of said trees. The Town of Fishers may be permitted to do limited work in Conservation Easements only at the direction of the Town Council.

Construction, Existing: (as related to Article 05; §FP: Floodplain Standards and Article 07; §FL: Floodplain Standards) Any structure for which the “start of construction” commenced before effective date of the Town’s first floodplain ordinance.

Construction, New: (as related to Article 05; §FP: Floodplain Standards and Article 07; §FL: Floodplain Standards) Any structure for which the “start of construction” commenced after the effective date of the Town’s first floodplain ordinance.

Construction Plan: The maps or drawings showing the specific location and design of improvements to be installed.

Construction, Post-FIRM: Construction or substantial improvement that started on or after the effective date of the initial FIRM of the Town or after December 31, 1974, whichever is later.

Construction, Pre-FIRM: Construction or substantial improvement, which started on or before December 31, 1974, or before the effective date of the initial FIRM of the Town, whichever is later.
Construction, Start of: (as related to Article 05 §FP: Floodplain Standards and Article 07; §FL: Floodplain Standards) Includes substantial improvement, and means the date the Building Permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within one hundred eighty (180) days of the Building Permit issuance date. The actual start means the first placement or permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footing, installation of piles, construction of columns, or any work beyond the stage of excavation for placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Continuous Mound: See “Mound, Continuous.”

Convenience Store: An establishment where food stuffs, patent medicines, periodicals, and other similar items of household convenience are kept for retail sale to the public.

Cooperative: A type of ownership characterized by collective ownership of an object by an organization whose members share in the profits or other benefits of said collective ownership.

Copy: The wording of a sign in either permanent or removable letter form.

Corner Vision Clearance: See “Vision Clearance on Corner Lots.”

Cornice: A molded ornamental projection which crowns or finishes the top of a building or wall to which it is affixed.


County: Hamilton County, Indiana.

Covenants: Private and legal restrictions of various kinds on the usage of lots, typically within a subdivision and applied by the subdivider. In the case of public health, safety and welfare, covenants may be applied by the Plan Commission, that are recorded with the plat and deed. Covenants can also be placed on commercial and industrial developments. 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.

Critical Facility: See “Facility, Critical.”

CRS: See “Community Rating System (CRS).”

Cul-de-sac: A street having one end open to traffic and being permanently terminated by a vehicular turnaround at the other end.

Cutoff Fixture or Luminaire: See “Fixture, Cutoff.”

Damage, Substantial: (as related to Article 05; §FP: Floodplain Standards) Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

Day Care Center: See “Child Care Center.”

DBH: See “Diameter at Breast Height (DBH).”

Decibel: A unit of measurement of the intensity of loudness of sound. Sound level meters are used to measure such intensities and are calibrated in decibels.

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.

Default Zoning District: See “Zoning District, Default.”

Department of Community Development: The Town of Fishers Department of Community Development. This term shall also mean the Department of Community Development.
**Designed Fail Area**: The area surrounding a tower in which the tower could fall should it fail as structurally designed. The designed fail area is quantified in terms of linear distance from the tower to the perimeter of the designed fail area. The designed fail area shall be certified by a structural engineer.

**Develop**: To make a development; also to grade, fill, install, construct, or otherwise cause to be changed, the parcel of ground, or structure for the purpose of changing or modifying its occupancy or use.

**Developer**: The owner or legal representative of land proposed to be subdivided or residentially/commercially/industrially utilized.

**Development**: Any man-made change to improved or unimproved real estate including but not limited to:
1. Construction, reconstruction, or placement of a structure or any addition to a structure;
2. Installing a manufactured home on a site, preparing a site for a manufactured home or installing recreational vehicle on a site for more than one hundred eighty (180) days;
3. Installing utilities, erection of walls and fences, construction of roads, or similar projects;
4. Construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;
5. Mining, dredging, filling, grading, excavation, or drilling operations;
6. Construction and/or reconstruction of bridges or culverts;
7. Storage of materials; or
8. Any other activity that might change the direction, height, or velocity of flood or surface waters. "Development" does not include activities such as the maintenance of existing structures and facilities such as painting, reroofing; resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent structures.

**Development Director**: See “Director of Development.”

**Development Plan**: A petition conforming to the requirements of IC 36-7-4-1400, et seq. and Article 09; §Development Plan.

**Development Plan, Detailed**: The initial Development Plan petition for a Planned Unit Development following approval by the Town Council of the Concept Plan and PUD District Ordinance petition. The Detailed Development Plan incorporates the Primary Plat petition in Planned Unit Developments that are being subdivided.

**Development Plan, Final**: The secondary Development Plan petition for a Planned Unit Development following approval by the Plan Commission of the Detailed Development Plan petition. The Final Development Plan incorporates the Secondary Plat petition in Planned Unit Developments that are being subdivided.

**Development Standards Variance**: See “Variance, Development Standards.”

**Diameter at Breast Height (DBH)**: The diameter of a tree four and one-half (4’6”) feet above the average ground level. If the tree’s trunk splits or the tree is not over four and one-half (4’6”) feet tall, the diameter measurement of the trunk taken twelve (12) inches above the ground level or the root ball shall constitute DBH.

**Director of Development**: The person delegated the responsibility for the administration of this Unified Development Ordinance’s regulations, including the Director of Development’s designees. This term shall also mean the Director of Community Development.

**Director of Engineering**: The person delegated the responsibility for the administration of the Department of Engineering. The term includes the Director of Engineering’s subordinates and designees.

**District**: See “Zoning District.”

**DNR**: The Indiana Department of Natural Resources.

**Domestic Farm Animal**: (Ord. #081709, Effective 2/1/2010) Any animal commonly used, raised, and maintained for, or in support of, the production of food or other products. Domestic farm animals shall not include domestic pets as defined elsewhere in this Ordinance. Examples of domestic farm animals shall include, but are not limited to cows, sheep, goats, pigs, chickens, llamas, etc. Domestic farm animals are also referred to "farm animals" in this ordinance.
Domestic Pets: Animals commonly used as household pets, protection, companions, and for assistance to disabled persons. Domestic pets shall include animals that are cared for and treated in a manner acceptable for pet dogs, cats, and birds. Domestic pets shall include, but not be limited to, dogs, cats, parakeets, parrots, finches, lizards, spiders, guinea pigs, hamsters, gerbils, rats, mice, rabbits, aquarium fish, ferrets, and snakes if cared for in the manner described above.

Drip Line: A vertical line running around or encompassing the outermost portions of the tree canopy extending to the ground.

Dry Floodproofing: See “Floodproofing.”

d.u.: See “Dwelling Unit (d.u.).”

Duplex: See “Dwelling, Two-family.”

Dwelling: A building or structure or portion thereof that is used exclusively for residential occupancy, including single-family dwelling units, two-family dwelling units, and multi-family dwelling units, but excluding hotels, motels, and boarding houses.

Dwelling, Manufactured Home: A single-family dwelling unit designed and built in a factory, installed as a permanent residence, which bears a seal certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law (1974 U.S.C. 5401 et seq.), and which also complies with the following specifications:

1. Was constructed after January 1, 1981, and exceeds nine hundred fifty (950) square feet of occupiable space per IC 36-7-4-1106(d),
2. Is 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. Has wheels, axles, and towing chassis removed,
4. Has a pitched roof with a minimum rise of 2:12, and
5. Consists of two (2) or more sections which, when joined, have a minimum dimension of twenty-three (23) feet in width for at least sixty percent (60%) of its length.

Dwelling, Manufactured Home (as related to Article 05 and Article 07; FP Floodplain Standards): a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

Dwelling, Mobile Home: A transportable dwelling unit which is a minimum of eight (8) feet in width and which is built on a permanent foundation or tied down with perimeter skirting when connected to the required utilities, and 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 building designed for or occupied by three (3) or more families, with the number of families in residence not exceeding the number of individual or separate dwelling units provided.

Dwelling, Single-family: A detached residential dwelling unit designed for and occupied by one (1) family.

Dwelling, Single-family Attached: A residential structure incorporating three (3) or more dwelling units, each of which occupies a separate platted lot, and in which the number of families in residence does not exceed the number of dwelling units provided.

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

Dwelling, Two-family: A detached residential building containing two (2) dwelling units designed for occupancy by not more than two (2) families.

Dwelling Unit (d.u.): Any structure or portion thereof designed for or used for residential purposes as a self-sufficient or individual unit by one (1) family or other social association of persons and having permanently installed sleeping, cooking, and sanitary facilities.
**Easement, No Access:** Public easement along a public right-of-way across which the access to the property is not permitted.

**Educational Institution:** Public or parochial pre-primary, primary, grade, junior-high, high preparatory school or academy; junior college, college or university, if public or founded or conducted by or under the sponsorship of a religious or charitable organization.

**EIFS:** External Insulation Finish System.

**Elevated Structure:** See “Structure, Elevated.”

**Elevation, Base Flood (BFE):** The elevation of the one-percent annual chance flood.

**Elevation Certificate:** A certified statement that verifies a structure’s elevation information.

**Elevation, Water Surface:** The height, in relation to the North American Vertical Datum of 1988 (NAVD 88) or National Geodetic Vertical Datum (NGVD) of 1929, (or other datum where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.

**Emergency Program:** See “Program, Emergency.”

**Encroachment:** (as related to Article 05 §FP: Floodplain Standards and Article 07; §FL: Floodplain Standards) The advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

**EPA:** The United States Environmental Protection Agency.

**Establishment Plan:** A conceptual site plan accompanying a Planned Unit Development District Ordinance showing land uses, basic vehicular and pedestrian traffic plans, drainage, buffer yards, etc.

**Existing Construction:** See “Construction, Existing.”

**Existing Manufactured Home Park or Subdivision:** See “Manufactured Home Park or Subdivision, Existing.”

**Expanded Historic Residence:** See “Residence, Expanded Historic.”

**Expansion to an Existing Manufactured Home Park or Subdivision:** See “Manufactured Home Park or Subdivision, Expansion to an Existing.”

**Expressway:** Any thoroughfare so designated on the Transportation Plan.

**Extended Stay Hotel/Motel/Inn:** A building in which temporary lodging and/or boarding is provided to the public for compensation. The provider typically provides telephone service, laundry facilities, upkeep of furniture, and other services. Compensation is based upon stays of more than one day and reduced rates are typically featured for weekly/monthly stays.

**FAA:** The Federal Aviation Administration.

**Façade:** The face of an elevation of a building.

**Facility, Critical:** A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire, and emergency response installations, installations that produce, use or store hazardous materials or hazardous waste.

**Facility, Functionally Dependent:** A facility that cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

**Family:** An individual, or two (2) or more persons related by blood, marriage, or adoption, or a group of not more than two (2) persons, not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit.

**FAR:** See "Floor Area Ratio.”

**Farm:** A tract of land comprising an area which is devoted to agricultural operations, such as forestry, the growing of crops, pasturage, the production of livestock or poultry, the growing of trees, shrubs or plants, and other recognized agricultural pursuits and including accessory buildings essential to the operation of the farm.

**Farm Animal:** (Ord. #081709, Effective 2/1/2010) See "Domestic Farm Animal."
Farm Animal, Baby: (Ord. #081709, Effective 2/1/2010) Any farm animal which has not reached mature adulthood.

Farm Animal Unit (FAU): (Ord. #081709, Effective 2/1/2010) A farm animal unit is a value factor assigned in order to balance the difference in physical size, health needs, nuisance issues and other differences of various farm animals.

FBFM: See “Flood Boundary and Floodway Map (FBFM).”


Fence: A freestanding device made of metal, masonry, composition or wood or any combination thereof, resting on, or partially buried in the ground and rising above ground level, and used for confinement, screening protection or partition purposes.

FHBM: See “Flood Hazard Boundary Map (FHBM).”

FIA: The Federal Insurance Administration. The FIA administers the National Flood Insurance Program (NFIP).

Filling Station, Service Station: Buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail. Uses permissible at a service station do not include major mechanical and body work, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service stations. The term shall not be construed to include a truck stop.

Finished Floor Area: See “Floor Area, Finished.”

FIRM: See “Flood Insurance Rate Map (FIRM).”

FIS: See “Flood Insurance Study (FIS).”

Five Hundred-year Flood: See “Flood, Five hundred-year.”

Fixture, Cutoff: A luminaire that:

1. Projects at least ninety percent (90%) of the total lamp lumens below eighty degrees (80°) from vertical;
2. Does not allow more than ten percent (10%) of the total lamp lumens above eighty degrees (80°) from vertical; and
3. Does not allow more than two and one-half percent (2.5%) of the total lamp lumens above ninety degrees (90°) from vertical.
**Fixture, Full-cutoff:** A luminaire that:
1. Projects at least ninety percent (90%) of the total lamp lumens below eighty degrees (80°) from vertical;
2. Does not allow more than ten percent (10%) of the total lamp lumens above eighty degrees (80°) from vertical; and
3. Does not allow any lamp lumens above ninety degrees (90°) from vertical.

**Fixture, Non-cutoff:** A luminaire with no control of the horizontal distribution of luminance.

**Fixture, Semi-cutoff:** A luminaire that:
1. Projects at least eighty percent (80%) of the total lamp lumens below eighty degrees (80°) from vertical;
2. Does not allow more than twenty percent (20%) of the total lamp lumens above eighty degrees (80°) from vertical; and
3. Does not allow more than five percent (5%) of the total lamp lumens above ninety degrees (90°) from vertical.

**Flashpoint:** The lowest temperature at which a combustible liquid under prescribed conditions will give off a flammable vapor which will burn momentarily using the closed cup method.

**Flood:** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.
Flood Boundary and Floodway Map (FBFM): An official map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated the areas of flood hazards and regulatory floodway.

Flood, Five Hundred-year: The flood that has a two-tenths of one percent (0.2%) chance of being equaled or exceeded in any year.

Flood Hazard Area: The floodplain areas that have not been adequately protected from flooding by means of dikes, levees, reservoirs and other works approved by the Indiana Natural Resources Commission, as identified on the appropriate maps.

Flood Hazard Area, Special (SFHA): Those lands within the jurisdictions (including extraterritorial jurisdictions) of the Town subject to inundation by the regulatory flood. The SFHAs of the Town are generally defined as such on the Hamilton County, Indiana and Incorporated Areas Flood Insurance Rate Map prepared by the Federal Emergency Management Agency, dated February 19, 2003, as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. The SFHAs of those parts of unincorporated Hamilton County, Indiana that are within the extraterritorial jurisdiction of the Town or that may be annexed into the Town are generally identified as such on the Hamilton County, Indiana and Incorporated Areas Flood Insurance Rate Map prepared by the Federal Emergency Management Agency and dated February 19, 2003 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. (These areas are shown on a FHBDM or FIRM as Zone A, AE, A1-A30, AH, AR, A99, or AO).

Flood Hazard Boundary Map (FHBDM): An official map of a community, issued by FEMA, where the boundaries of the areas of special flood hazard have been identified as Zone A.

Flood Insurance Rate Map (FIRM): An official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study (FIS): The official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM, FBFM (where applicable), and the water surface elevation of the base flood.

Flood, One Hundred-year: The flood that has a one percent (1%) chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the one-percent annual chance flood. See also “Flood, Regulatory.”

Flood, One-percent Annual Chance: The flood that has a one percent (1%) chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter ‘A’ is subject to the one-percent annual chance flood. See also “Flood, Regulatory.”

Flood Protection Grade: See “Grade, Flood Protection (FPG).”

Flood Prone Area: Any land area acknowledged by a community as being susceptible to inundation by water from any source. (See "Flood")

Flood, Regulatory: The flood having a one percent (1%) chance of being equalled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in Article 05: §FP-01(B): General Provisions; §2: Basis for Establishing Regulatory Flood Data. The “Regulatory Flood” is also known by the term “Base Flood,” “One-percent Annual Chance Flood”, and “100-year Flood.”

Flood Water: The water of any lake or watercourse which is above the banks and/or outside the channel and banks of such lake or watercourse.
**Floodway**: The channel proper and the areas adjoining any wetland, lake or watercourse that have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the fringe districts.

**Floodplain Administrator**: See “Director of Development.”

**Floodplain Development Permit**: A permit signed and issued by the Director of Development stating that the proposed improvements for a site have been reviewed and found to be in compliance with the applicable provisions of Article 05 §FP: Floodplain Standards and Article 07; §FL: Floodplain Standards.

**Floodplain Management**: The operation of an overall program of corrective and preventative measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

**Floodplain Management Regulations**: Article 05 §FP: Floodplain Standards and Article 07; §FL: Floodplain Standards and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power that control development in flood-prone areas. This term describes federal, State, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

**Floodplain Standards Appeal**: See “Appeal, Floodplain Standards.”

**Floodplain Standards Variance**: See “Variance, Floodplain Standards.”

**Floodplain Standards Variance and Appeals Board**: See “Board of Zoning Appeals (BZA).”

**Floodplain Standards Violation**: See “Violation, Floodplain Standards.”

**Floodproofing (dry floodproofing)**: A method of protecting a structure that ensures that the structure, together with attendant utilities and sanitary facilities, is watertight to the floodproofed design elevation with walls that are substantially impermeable to the passage of water. All structural components of these walls are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy, and anticipated debris impact forces.

**Floodproofing Certificate**: A form used to certify compliance for nonresidential structures as an alternative to elevating structures to or above the FPG. This certification must be by a Registered Professional Engineer or Architect.

**Floodproofing, Dry**: See “Floodproofing.”

**Floodway**: The channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.
**Floodway Fringe:** See “Fringe.”

**Floor Area:** The sum of all horizontal surface areas of all floors of all roofed portions of a building enclosed by and within the surrounding exterior walls or roofs, or to the center line of any party wall separating such buildings or portions thereof. Floor area of a building shall exclude exterior open balconies and open porches.

**Floor Area, Finished:** 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 thereof. Floor area or portion thereof used only for storage purposes and not equipped for the facilities mentioned above shall not be considered finished floor area.

**Floor Area, Main:** That portion of Finished Floor Area located on the first (or nearest ground level) floor of the dwelling unit. The Main Floor Area of a primary structure does not include a garage, carport, deck, unfinished storage, patio, or open porch.

**Floor Area, Mean:** An average of the floor areas of like structures adjacent to the subject property.

**Floor Area Ratio (FAR):** Floor Area Ratio includes the total covered area of all floors of a building(s) measured in square feet divided by the size of the site, measured in square feet.

**Floor, Lowest:** The lowest of the following:
1. The top of the lowest floor of the structure;
2. The top of the basement floor;
3. The top of the garage floor, if the garage is the lowest level of the structure;
4. The top of the first floor of a structure elevated on pilings or pillars;
5. The top of the first floor of a structure constructed with a crawl space, provided that the lowest point of the interior grade is at or above the BFE and construction meets requirements of §6(a); or
6. The top of the floor level of any enclosure, other than a basement, below an elevated structure where the walls of the enclosure provide any resistance to the flow of floodwaters unless:
   a. The walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of floodwaters, by providing a minimum of two (2) openings (in addition to doorways and windows) in a minimum of two exterior walls having a total net area of one (1) square inch for every square foot of enclosed area. The bottom of all such openings shall be no higher than one (1) foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher; and
   b. Such enclosed space shall be usable solely for the parking of vehicles and building access.

**Fluorescent/Neon Colors:** An extremely bright color.

**Forestry Operation:** (Ord. #081709, Effective 2/1/2010) Forestry Operation includes facilities, activities, or equipment used to plant, raise, manage, harvest, and remove trees on private land. The term includes site preparation, fertilization, pest control, and wildlife management.

**Foundation:** The supporting member of a wall or structure.

**Foundation, Permanent:** 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.

**FPG:** See “Grade, Flood Protection (FPG).”

**Free Burning:** A rate of combustion described by a material which burns actively and easily supports combustion.

**Freeboard:** A factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood.

**Freeway:** See “Expressway.”

**Fringe:** Those portions of the floodplain lying outside the floodway.
**Front Line of Building:** The foundation line that is nearest the front lot line.

**Frontage:** See “Lot Frontage.”

**Fuel/Energy Station:** Structure or lot where fuel and other vehicular propulsion needs are provided to customers but are not performed by an employee (other than to pump gas).

**Fuel/Service Station:** Facility where fuel is dispensed and/or other light maintenance activities take place within the building on customer vehicles such as battery replacement, tire installation/repair, and other minor mechanical repairs. Vehicles shall not be stored overnight.

**Full-cutoff Fixture or Luminaire:** See “Fixture, Full-cutoff.”

**Functionally Dependent Facility:** See “Facility, Functionally Dependent.”

**Gable:** A triangular wall segment at the end of a pitched roof.

**Garage:** An attached or detached structure whose primary use is to house motor vehicles or personal property for the accommodation of related dwelling units or related business establishments.

**Garage, Automobile Repair:** A building other than a private garage used for the care, repair, or equipment of automobiles, or where such vehicles are parked or stored for remuneration, hire, or sale.

**Garage, Private:** A detached accessory building or an attached portion of a primary building on the same lot as a dwelling for the housing of vehicles of the occupants of the dwelling, including carports.

**Garage, Public:** Any garage other than a private garage.

**Garage, Truck Repairs:** A building other than a private garage used for the care, repair, or equipment of trucks, over one ton, or where such vehicles are parked or stored for remuneration, hire, or sale.

**Glare:** A light ray emanating directly from a lamp, reflector or lens such that it falls directly on the eye of the observer.

**Golf Course:** An area of terrain on which the game of golf is played. A golf course includes greens, fairways, natural areas. A golf course may also include a driving range when integrated with the golf course operations and hours.

**Grace Period:** Extension of time granted for correction, termination or cessation of a violation of this Unified Development Ordinance.

**Grade, Flood Protection (FPG):** The elevation of the regulatory flood plus two (2) feet at any given location in the Special Flood Hazard Area (SFHA). See also “Freeboard”

**Grade, Highest Adjacent:** The highest elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

**Grade, Lowest Adjacent:** The lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

**Greenhouse:** (Ord. #081709, Effective 2/1/2010) A building, room, or area, usually chiefly of glass, in which the temperature is maintained within a desired range, used for cultivating tender plants or growing plats out of season.

**Green Space:** Areas designated for public gathering or recreation (passive or active), held in private or public ownership.

**Ground Floor Area:** See “Floor Area, Main.”

**Group Home:** A facility that houses not more than ten (10) children that are either:

1. In need of service under IC 31-34-1; or
2. Children who have committed a delinquent act under IC 31-37-2-2; IC 31-37-2-3; or IC 31-37-2-5.

Group homes are not subject to covenants, deeds or other instruments pertaining to the transfer, sale, lease, or use of property that would permit the residential use of property but prohibit the use of that property as a group home as a matter of State public policy reasons. Group homes cannot be prohibited on the grounds that they are a business, the persons living in a group home are not related, or any other reason. All group homes must abide by IC 12-17-4.5 and must be a licensed facility with the State, meeting fire codes, building codes, and specific group home regulations.

**Growing of Crops:** (Ord. #081709, Effective 2/1/2010) Growing of crops includes any facility or activities used for the production of crops.

**Guest:** An individual who rents a guest room in a bed and breakfast residence or bed and breakfast inn.

**Guest Room:** A sleeping room intended to accommodate not more than four guests each night, and which contains no cooking facilities in the room. For purposes of this definition, a guest room may be a suite of rooms, including a sitting room, one or more bedrooms and bath facilities, accessible to the exterior by not more than one doorway.

**Habitats, Critical:** Land with plant and animal species which are listed as threatened or endangered by the DNR publication Indiana’s Rare Plants and Animals.
**Hardship:** (as related to Article 09; §Floodplain Standards Variance) The exceptional hardship that would result from a failure to grant the requested variance. The Town of Fishers Town Council requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one’s neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

**Health Officer:** Any officer of authority, Hamilton County Health Department, and/or the Indiana State Board of Health.

**Height:** See “Building Height.”

**Highest Adjacent Grade:** See “Grade, Highest Adjacent.”

**Historic Residence:** See “Residence, Historic.”

**Historic Residence, Expanded:** See “Residence, Expanded Historic.”

**Historic Structure:** See “Structure, Historic.”

**Holiday Decorations:** Posters which represent a holiday but do not advertise a particular company or product.

**Home Occupation:** Specified activities or business practices that may be carried on in a residence that have little to no impact to structure or surroundings within residential Zoning Districts. These activities or business practices do not allow the loss of the residential district's character or function as a residential area or neighborhood. To regulate minimal business practices within residential districts, development standards for home occupations have been established and can be found in Article 05; §HO: Home Occupation Standards.

**Horizontal Property Regime (HPR):** See “Condominium.”

**Hospital:** An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, training facilities, medical offices, and staff residences.

**Hotel:** A building in which temporary lodging or board and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public. Compensation is assessed on a day-to-day basis.

**HPR:** Horizontal Property Regime. See “Condominium.”

**HSE:** Hamilton Southeastern Utilities, Inc. A public utility that provides sanitary sewer service to parts of the Plan Commission's jurisdiction. HSE is regulated by the Indiana Utility Regulatory Commission.

**HUD:** The U.S. Department of Housing and Urban Development.

**ICC:** See “Increased Cost of Compliance (ICC).”

**IDEM:** The Indiana Department of Environmental Management.

**IDNR:** The Indiana Department of Natural Resources.

**Illuminance:** The total amount of visible light illuminating (incident upon) a point on a surface from all directions above the surface (i.e. how brightly a surface is illuminated). Illuminance is measured in lux.

**ILP:** See “Improvement Location Permit (ILP).”

**Impervious Surface:** Any material that prevents absorption of storm water into the ground such as concrete or asphalt. This does not include gravel, rock, or stone.

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

**Improvement Location Permit (ILP):** A permit issued by the Director of Development stating that the proposed improvements comply with the applicable provisions of the Unified Development Ordinance.

**Improvement Location Permit, Temporary:** A permit with a specific expiration date issued by the Director of Development stating that a proposed temporary use or structure complies with the applicable provisions of the Unified Development Ordinance.
Improvement, Off-site: Any premises not located within the area of the property to be subdivided, used, or built upon whether or not in the same ownership of the applicant for subdivision approval.

Improvement, Public: Any storm drainage facility, street, highway, parkway, sidewalk, pedestrian-way, tree, lawn, off-street parking area, lot improvement, utility, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

Improvement, Substantial: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred "repetitive loss" or “substantial damage” regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of State or local health, sanitary, or safety code requirements or any alteration of a “historic structure,” provided that the alteration shall not preclude the structures continued designation as a “historic structure.”

Incidental: A minor occurrence or condition which is customarily associated with a permitted use and is likely to ensue from normal operations.

Increased Cost of Compliance (ICC): The cost to repair a substantially damaged structure that exceeds the minimal repair cost and that is required to bring a substantially damaged structure into compliance with the local flood damage prevention ordinance. Acceptable mitigation measures are elevation, relocation, demolition, or any combination thereof. All renewal and new business flood insurance policies with effective dates on or after June 1, 1997, will include ICC coverage.

INDOT: Indiana Department of Transportation.

Industrial District: Refers to the 11 zoning district.

Industrial Uses: Includes industrial manufacturing, processing, refining, fabricating, assembling, wholesaling, cleaning, testing, or repairing of goods, materials, products, and services including warehousing and distribution activities completely enclosed within a building. The term does not include: storage or manufacture of materials intended for detonation, or truck terminals.

Industry, Heavy: See “Manufacturing, Heavy.”

Industry, Light: See “Manufacturing, Light.”

Initial User: The applicant, person, organization or corporation that originally applies to the Town of Fishers for approval for the installation of an antenna or other radio or cellular communication equipment or for approval for the construction of a telecommunication tower or facility.

Inoperable Vehicle: A motor vehicle, recreational vehicle, or any similar vehicle exhibiting one or more of the following:
1. Not having valid vehicle license plate or registration.
2. Any vehicle, whether on public or private property and in view of the general public from which, for a period of at least fourteen (14) days, the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power;
3. Any vehicle that is damaged or dismantled to such extent as to render it illegal for operation on any public street or highway, including but not limited to any of the following: broken head or taillights, broken or missing mirrors, cracked or missing window or windshield, deflated tires, missing seats or steering wheel, or other general conditions that would render a vehicle incapable of being driven on a public highway.

By way of illustration only, the term "Inoperable Vehicle" can include, without limitation, any of the following: passenger vehicle, motorized bicycles, motorcycle, truck, tractor, tractor-trailer, truck trailer, trailer, bus, boat, watercrafts, recreational vehicle, ATV, golf cart camper, camping trailer, truck camper, motor home, travel trailer, semitrailer, or any other vehicle propelled or drawn by mechanical power or the like.

Institutional Uses: Schools, churches, government offices, parks, and the like.

Interior Lot: See “Lot, Interior.”

Intersection: An area within a one hundred-foot (100’) radius of the intersecting centerlines of two (2) cross streets.

Interstate: See “Expressway.”

ITF: Institute of Transportation Engineers.
**Junk**: An automobile, truck, other motor vehicle, watercraft, large appliances, furniture or like materials which have been damaged to such an extent that they cannot be operated under their own power or used and/or will require major repairs before being made usable. This also includes such a vehicle which does not comply with State, County, or Town vehicle licensing or other laws or ordinances.

**Junk Vehicle**: A vehicle, recreational vehicle, or any similar vehicle exhibiting one or more of the following:
1. Is dismantled or extensively damaged, including any of the following: a broken window or windshield, or a missing wheel, tire, motor, or transmission;
2. Is apparently inoperable; or
3. Has an approximate fair market value equal only to the approximate value of the scrap in it.

By way of illustration only, the term "Junk Vehicle" can include, without limitation, any of the following: passenger vehicle, motorized bicycles, motorcycle, truck, tractor, tractor-trailer, truck trailer, trailer, bus, boat, watercrafts, recreational vehicle, ATV, golf cart, camper, camping trailer, truck camper, motor home, travel trailer, semitrailer, or any other vehicle propelled or drawn by mechanical power or the like.

**Junk Yard**: A place, usually outdoors, where waste or discarded 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.

**Jurisdiction of the Commission**: See “Planning Jurisdiction.”

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

**Kennel**: Any lot on which dogs or small animals at least six (6) months of age are kept for commercial purposes.

**Kennel, Commercial**: A place primarily for keeping more than four (4) adult dogs, or other small animals that are ordinarily bred for sale as pets, including temporary care facilities for animals for compensation.

**Kennel, Private**: A place for keeping up to four (4) adult dogs, or other small animals for personal use and enjoyment which is subordinate to the primary use. Private kennels are not regulated in the Unified Development Ordinance and are permitted in all zoning districts.

**Lake, Artificial**: A man-made body of water fed by a watercourse.

**Large Farm Animals**: (Ord. #081709, Effective 2/1/2010) Large farm animals are large domestic farm animals such as, but not limited to, cows, buffalo, llamas, goats sheep, and pigs.

**Large Grazing Type Farm Animals**: (Ord. #081709, Effective 2/1/2010) Large domestic farm animals such as, but not limited to, cows, buffalo, llamas, goats, and sheep, which are typically allowed to roam within a large grazing area. Pigs shall not be interpreted as a large grazing type farm animal.

**Landscape Area**: Those 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, retention pond planting areas, and perimeter planting areas. The image below (Landscape Areas Diagram) conceptually demonstrates the general location of each landscape area.
**Landscape Material**: Trees, shrubs, plants, decorative fences, retaining walls, walls, earthen mounds, irrigation systems, flower beds, decorative rocks, edging, mulch, stakes and the like. Artificial trees, shrubs, ground cover, and flowers are not considered landscape material.

**Landscape Structure**: Decorative fences, walls, retaining walls, edging, decorative rocks and the like.

**Landscaping**: The improvements of a lot with grass, shrubs, trees, and other vegetation and/or ornamental objects. Landscaping may include pedestrian walks, flower beds, berms, fountains and other similar natural and man-made objects designed and arranged to produce an aesthetically pleasing effect.

**Large Integrated Center**: An integrated center is any multi-tenant building primarily featuring commercial retail and service uses equal to or greater than thirty thousand (30,000) square feet.

**Lease**: To rent, to permit the possession or use of right of possession, or use for consideration of a lot, parcel, tract, land or group of lots, parcels, tracts, or lands.

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

**Legal Nonconforming Lot of Record**: See “Lot of Record, Legal Nonconforming.”

**Legal Nonconforming Use**: See “Use, Legal Nonconforming.”

**Letter of Credit**: An irrevocable letter of credit, issued by a bank on behalf of a subdivider and providing cash surety to a governmental body, guaranteeing the completion of physical improvements according to plans and specifications, within the prescribed time of the subdivider’s agreement.

**Letter of Map Amendment (LOMA)**: An amendment to the currently effective FEMA map that establishes that a property is not located in a SFHA. A LOMA is only issued by FEMA.

**Letter of Map Revision (LOMR)**: An official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

**Letter of Map Revision Based on Fill (LOMR-F)**: An official revision by letter to an effective NFIP map. A LOMR-F provides FEMA’s determination concerning whether a structure or parcel has been elevated on fill above the BFE and excluded from the SFHA.

**Light Component Assembly**: See “Component Assembly, Light.”

**Light Source**: Source from which light emanates either directly from the bulb, or indirectly from a reflective enclosure, lens, or diffuser.

**Limited Agriculture Related Sales**: (Ord. #081709, Effective 2/1/2010) On-site sales of commodities, which are produced, grown, or raised on the subject property.

**Loading Spaces, Loading, and Unloading Berths**: The off-street area required for the receipt or distribution by vehicles of material or merchandise.

**Local Street**: See “Street, Local.”

**LOMA**: See “Letter of Map Amendment (LOMA).”

**LOMR**: See “Letter of Map Revision (LOMR).”

**LOMR-F**: See “Letter of Map Revision Based on Fill (LOMR-F).”
Lot: A parcel, tract or area of land accessible by means of a street or road. It may be a single parcel separately described in a deed which is recorded in the Office of the Hamilton County Recorder; or it may be a single parcel separately described in a survey which is recorded in the Office of the Hamilton County Recorder; or it may include a parcel contained in a plat or subdivision of land which is recorded in the Office of the Hamilton County Recorder; or it may include parts of, or a combination of such parcels, when adjacent to one another and used as one. In determining lot area and boundary lines, no part thereof within the limits of a street, either existing or proposed, shall be included. Further, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage and access on an improved public street, or on an approved private street, and may consist of a single lot of record; a portion of a lot of record; a combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record; or a parcel of land described by metes and bounds, provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of the Unified Development Ordinance.

Lot Area: That net area remaining within the site after the deduction of all dedicated rights-of-way, easements for utilities, drainage, sanitary sewers and storm water retention/detention ponds.

Lot Area, Average: The sum of the lot areas of all lots within the Primary Plat area of a residential subdivision divided by the total number of lots within the Primary Plat area.

Lot, Buildable: See “Lot, Improved.”

Lot, Corner: A lot at the junction of and abutting two (2) or more intersecting streets.

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

Lot Depth: The horizontal distance between the front and rear lot lines.
Lot, Through: A lot with buildings or structures situated thereon.

Lot, Developed: A lot with buildings or structures situated thereon.

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

Lot, Improved: A lot upon which a structure or building can be constructed and occupied as a result of the fact that it has frontage on and access to an improved street, meets minimum setback requirements, and has all necessary utilities available to the lot such as sewer, water, electricity, etc.

Lot, Infill: A lot bordered on at least two (2) sides by established development.

Lot, Interior: A lot other than a corner lot or a through lot.

Lot Line, Front:
1. For an interior or through lot, the line marking the boundary between the lot and the abutting street, right-of-way or a lake or watercourse; and
2. For a corner lot, the line marking the boundary between the lot and each of the abutting streets.

(See graphic under “Yard, Established.”)

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 ten (10) feet long, parallel to the front lot line, and wholly within the lot, that is farthest from the lot line (see graphic under “Yard, Established”).

Lot Line, Side: A lot boundary line other than a front or rear lot line (see graphic under “Yard, Established”).

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

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

Lot of Record, Nonconforming: A lot which was created such that it does not conform to the regulations of the district in which it is located.

Lot, Perimeter: A subdivision lot that either:
1. Has a lot line that abuts the right-of-way of a street with a functional classification higher than “local” that either runs through or is located on the perimeter of the subdivision, or a frontage road located adjacent to such a street; or
2. Is separated from the right-of-way of a street with a functional classification higher than “local” that either runs through or is located on the perimeter of the subdivision by a common area that is sufficiently deep to qualify as open space for the purposes of Article 07; §OP: Open Space Standards.

Lot, Reversed Interior: An interior lot, the front lot line of which is formed by a street, which street also forms the side lot line of an abutting corner lot. The corner lot is considered abutting even though separated from the interior lot line by an alley.

Lot, Through: A lot having frontage on two (2) parallel or approximately parallel streets.
**Lot Width:** The dimension of a lot measured between side lot lines on the building line.

**Lowest Adjacent Grade:** See “Grade, Lowest Adjacent.”

**Lowest Floor:** See “Floor, Lowest.”

**Lumes:** Plural of “Lux.”

**Lumen:** Unit of luminous flux in the International System of Units (SI) equal to one (1) candela per steradian. Used to measure the amount of light emitted by lamps.

**Luminaire:** See “Fixture.”

**Lux:** Unit of illuminance in the International System of Units (SI) equal to one (1) lumen per square meter.

**Main Floor Area:** see “Floor Area, Main.”

**Maneuvering Space:** An open space in a parking area that is:
1. Immediately adjacent to a parking space;
2. Used for and/or is necessary for turning, backing or driving forward a motor vehicle into such parking space; but
3. Not used for the parking of or storage of motor vehicles.

**Manufactured Home:** See “Dwelling, Manufactured Home.”

**Manufactured Home Park:** A parcel of land with required improvements and utilities containing two (2) or more dwelling sites that are leased for the long-term placement of Mobile Home Dwellings and/or Manufactured Home Dwellings. A Manufactured Home Park does not involve the sales of Mobile Home Dwellings or Manufactured Home Dwellings in which unoccupied units are parked for inspection or sale.

**Manufactured Home Park or Subdivision, Existing:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the Town’s first floodplain ordinance.

**Manufactured Home Park or Subdivision, Expansion to an Existing:** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**Manufactured Home Park or Subdivision, New:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the Town’s first floodplain ordinance.

**Manufactured Home Park or Subdivision (as related to Article 05 and 07; FP Floodplain Standards):** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
Manufactured Housing Construction and Safety Standards Code: Title IV of the 1974 Housing and Community Development Act (42 U.S.C. 5401 et seq., as amended, previously known as the federal Mobile Home Construction and Safety Act), rules and regulations adopted thereunder, which include HUD-approved information supplied by the home manufacturer, and regulations and interpretations of said code by the Administrative Building Council of Indiana.

Manufacturing, Heavy: The assembly, fabrication or processing of goods and materials using processes that ordinarily have greater than minimal impacts on the environment, or that otherwise do not constitute light manufacturing, and which may include open uses and outdoor storage. Heavy manufacturing generally includes processing and fabrication of products made from extracted or raw materials. Heavy manufacturing shall not include any use that is otherwise listed specifically in any zoning district as a permitted use or special exception.

Manufacturing, Light: The assembly, fabrication or processing of goods and materials using processes that ordinarily do not create noise, smoke, fume, odors, glare or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing of goods are housed entirely within an enclosed building. Light manufacturing generally includes processing and fabrication of finished products predominantly from previously prepared materials. Light manufacturing shall not include any use that is otherwise listed specifically in any zoning district as a permitted use or special exception.

Map Amendment: A change to an effective NFIP map that results in the exclusion from the SFHA of an individual structure or a legally described parcel of land that has been inadvertently included in the SFHA (i.e., no alterations of topography have occurred since the date of the first NFIP map that showed the structure or parcel to be within the SFHA).

Map Panel Number: The four-digit number followed by a letter suffix assigned by FEMA on a flood map. The first four digits represent the map panel, and the letter suffix represents the number of times the map panel has been revised. (The letter “A” is not used by FEMA, the letter “B” is the first revision.)

Marker (survey): A stake, pipe, rod, nail, or any other object which is not intended to be a permanent point for record purposes.

Market Value: The building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value), or adjusted assessed values.

Marquee: A fixed or temporary canopy or structure projecting from and attached to a building.

Masonry: Brick, fiber cement siding, stone, cultured stone, or stucco materials.

Massage Parlor: Any place where for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations; electric or magnetic treatments, or any other treatment or manipulation of the human body occurs as part of or in connection with sexual conduct, or where any person providing such treatment, manipulation or service related thereto exposes specified anatomical areas.

Master Plan: See “Comprehensive Plan.”

Mineral Extraction, Mining: The extraction of, or mining of, sand, gravel, rock and other earth materials, and/or minerals, and the processing, storage, stockpiling, distribution and sale thereof.

Mitigation: Sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is twofold: to protect people and structures, and to minimize the cost of disaster response and recovery.

Mixed-use Development: A mixed-use development is any development or project which features more than one primary land use type. Examples of mixed-use developments would be office and retail, office and residential, single-family and multi-family, etc.

Mobile Home: See “Dwelling, Mobile Home.”

Mobile Home Park: See “Manufactured Home Park.”
**Model Home:** A residence constructed for the initial purpose of showing the home to potential buyers.

**Model Studio:** Any place where, for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity.

**Monument (survey):** A permanent physical structure which marks the location of a corner or other survey point.

**Motel:** An establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot, and designed for use by transient automobile travelers. A motel furnishes customary services such as maid service and laundering of linen, telephone, secretarial, or desk service, and the use and upkeep of furniture. Compensation is assessed on a day-to-day basis.

**Motor Home:** See “Recreational Vehicle.”

**Motor Vehicle:** Any passenger vehicle, truck, tractor, tractor-trailer, truck-trailer, trailer, boat, recreational vehicle, semitrailer, or any other vehicle propelled or drawn by mechanical power.

**Mound:** A landscape feature used for screening in which earth is piled up in irregular, round or oblong shapes. Particularly, mounds do not have consistent crest elevations, but are irregular in form and overlapping such to emulate a more natural landscape feature. Mounds in combination with other landscape material are used to block or partially block visibility from one side to the other.

**Mound, Continuous:** A landscape feature used for screening in which a continuous raised section of earth is used to block or partially block visibility from one side to the other. In particular, continuous mounds are linear with a top elevation (crest) relatively consistent from one end to the other.

**Multi-family District:** Refers to the M1 and M2 zoning districts.

**Nameplate:** A nonelectric, on-premises identification sign giving only the name, address and/or occupation of an occupant or group of occupants.

**National Flood Insurance Program (NFIP):** The federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the federal government and the private insurance industry.

**National Geodetic Vertical Datum (NGVD):** As corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

**NAVD:** North American Vertical Datum of 1988 (as adopted in 1993 is a vertical control datum used as a reference for establishing varying elevations within a floodplain).

**New Construction:** See “Construction, New.”

**New Manufactured Home Park or Subdivision:** See “Manufactured Home Park or Subdivision, New.”

**New Urbanism:** New urbanism is a design movement aimed at producing walkable neighborhoods. New urbanist developments typically feature a mix of uses, and promote social interaction and community cohesiveness.

**NFIP:** See “National Flood Insurance Program (NFIP).”

**NGVD:** See “National Geodetic Vertical Datum (NGVD).”

**Nonconforming Use:** See “Use, Nonconforming.”

**Not-for-Profit Corporation:** An organization or activity which provides a public service not intending or intended to earn a profit, such as tax exempt 501(c)3 charitable and/or public benefit organization.

**Notice of Violation:** Notice issued by the Department of Community Development.

**Nursing Home:** A facility licensed by the State Board of Health, which provides nursing services on a continuing basis; admits the majority of the occupants upon the advice of physicians as ill or infirm persons requiring nursing services; provides for licensed physicians services or supervision; and maintains medical records. Such facilities may also provide other and similar medical or health services. Examples of nursing home facilities that provide health services may include, if they comply with all the above criteria, nursing homes, convalescent homes, maternity homes, rest homes, homes for the aged, continuum of care facility, and the like.
**Parcel**

- **Nursery** (Ord. #081709, Effective 2/1/2010) A place where plants are grown for sale, transplanting, or experimentation.

- **Obstruction** (as related to Article 05: §FP: Floodplain Standards) Includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, canalization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water; or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

- **Occupancy** The portion of a building or premises owned, leased, rented or otherwise occupied for a given use.

- **Octave Band** A narrow range of sound frequencies which classify sound according to pitch. In the octave band analyzer the audible sound spectrum is divided into eight (8) octave bands.

- **Octave Band Analyzer** An electrical device used with the sound level meter that sorts a complex noise or sound into the various octave bands.

- **Office, Business/Financial Services** Accounting office, bank or credit union, and investment firm, and the like.

- **Office, Construction Trade** Electrical contractors, general contractors, heating and cooling contractors, landscaping contractors, and plumbing contractor offices, and the like.

- **Office, General Services** Employment services, temporary employment agency, insurance office, law office, membership associations, secretarial service, publishing corporate offices, reading clinic, real estate office, service organization, title company, trade office, and travel agency, and the like.

- **Office, Medical** Dental clinic, medical clinic, optical clinic, and veterinarian clinic, and the like.

- **Office, Professional** An office used by members of a recognized profession such as architects, artists, dentists, engineers, lawyers, musicians, planners, physicians, surgeons, pharmacists, and Realtors or insurance agents and brokers.

- **Office, Sales** A trailer, model home, or the like used as a showroom or office for the sales of homes.

- **Official Zoning Map** A map of the Town of Fishers, Indiana, that legally denotes the boundaries of zoning districts as they apply to the properties within the planning jurisdiction. There is only one Official Zoning Map, and it is kept up to date by the Plan Commission and the Director of Development and is located in the Town Hall.


- **One-hundred-year Flood** See “Flood, One Hundred-year.”

- **One-percent Annual Chance Flood** See “Flood, One-percent Annual Chance.”

- **Open Space** An area of land not covered by buildings, parking structures, or accessory uses except for recreational structures. Open space may include nature areas; streams and flood plains; meadows or open fields containing baseball, football, and soccer fields, golf courses, swimming pools, bicycle paths, etc. Open space does not include street rights-of-way, platted lot area, private yard, patio areas, or land scheduled for future development.

- **OSHA** The United States Occupational Safety and Health Administration.

- **Outdoor Sales** See “Sales, Seasonal Outdoor.”

- **Outdoor Storage** See “Storage, Outdoor.”

- **Owner** Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations, or their legal representative.

- **Parapet** A low solid protective wall along the edge of a roof or balcony.

- **Parcel** An ownership, lot or plat, or part of an ownership, lot or plat.
Parent Tract: A lot of record as recorded on the effective date of this ordinance. Multiple pieces (lots) owned by one (1) person, persons in partnership, or a company and that are contiguous shall together be considered one (1) parent tract. Roads, rivers, easements, and other built or natural features shall not constitute a separation of two (2) or more pieces of land owned by one (1) person, persons in partnership, or a business.

Park, Public: A parcel of land available to the public for passive and active recreation and is maintained and governed by the Town of Fishers.

Parking Area, Public: An open area, other than a street or alley designed for use or used for the temporary parking of more than four motor vehicles when available for public use, whether free or for compensation, or as an accommodation for clients or customers.

Parking Area, Public/Private: A group of parking spaces in an open area not including any part of a street or alley, designed or used for temporary parking of motor vehicles.

Parking Lot: An impervious structure designed and designated specifically for temporary storage of motor vehicles in parking spaces, and for the movement into and out of those parking spaces not from a street.

Parking Lot Peninsula: A planting area within a parking lot that is bounded on two opposite sides by parking spaces, on one side by a parking aisle, and on one side by a parking lot perimeter planting area.

Parking Space: A space other than on a street or alley designed for use or used for the temporary parking of a motor vehicle, and being not less than nine (9) feet wide and twenty (20) feet long exclusive of passageways.

Parking Space, Automobile: Space within a public or private parking area for the storage of one passenger automobile or commercial vehicle under a one and one-half (1½) ton capacity.

Participating Community: See “Community, Participating.”

Particulate Matter: Finely divided liquid or solid material which is discharged and carried along in the air. This shall not include water droplets, commonly called steam.

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, or dirt, sand or grass are not permitted as a paved surface.

Pavement Width: The actual width of a street surface that includes only the area that is drivable by vehicles, excluding curbs.

Pediment: A crowning element used over doors, windows or niches.

Performance Bond: An amount of money or other negotiable security paid by the subdivider, developer, or property owner or his/her surety to the Town which guarantees that the subdivider will perform all actions required by the Town regarding an approved plat or in other situations as stated forth in the Unified Development Ordinance and/or as deemed by the planning director that provides that if the subdivider, developer, or property owner defaults and fails to comply with the provisions of his/her approval, the subdivider, developer, or property owner or his/her surety will pay damages up to the limit of the bond, or the surety will itself complete the requirements of the approval.

Performance Guarantee: Any guarantee which may be accepted in lieu of a requirement that certain improvements be made before the Commission approves the Record Plat, including by way of illustration, but not limited to, subdivision bonds, irrevocable letter of credit, escrow agreements, deposit agreements, and other similar collateral or surety arrangements approved as valid and enforceable by the Commission.

Permanent Perimeter Enclosure: A permanent perimeter structural system completely enclosing the space between the floor joists of the home and the ground, except for the necessary openings, constructed in accordance with the One- and Two-family Dwelling Code.

Personal Body Services: An establishment primarily engaged in providing services involving the care of a person. Personal body services usually include the following: beauty salons, barbershops, health salons, massage therapy, nail salons, reducing salons, steam baths, and the like.
**Personal Care Services**: An establishment primarily engaged in providing services involving the care of personal goods or apparel. Personal care services usually include the following: clothing rental, diaper service, laundry (including cleaning and pressing service), shoe repair, tailor, and the like.

**Petitioner**: The property owner or a person legally empowered in writing by the property owner to act on the property owner's behalf and who thereby has the property owner's authority to make representations and decisions before Town officials regarding the use and/or development of the subject real property. The term includes the petitioner's representative.

**Petitioner's Representative**: A person legally empowered in writing by the petitioner to act on the petitioner's behalf and who thereby has the petitioner's authority to make representations and decisions before Town officials regarding the use and/or development of the subject real property.

**Physical Map Revision (PMR)**: Is an official republication of a community's FEMA map to effect changes to base (1-percent annual chance) flood elevations, floodplain boundary delineations, regulatory floodways, and planimetric features. These changes typically occur as a result of structural works or improvements, annexations resulting in additional flood hazard areas, or correction to base flood elevations or SFHAs.

**Place**: An open, unoccupied, officially designated space, other than a street or alley, permanently reserved for use as the principal means of access to abutting property.

**Plan Commission**: The Town of Fishers Advisory Plan Commission or any division thereof, and its designees. See also “Plan Commission, Advisory.”

**Plan Commission, Advisory**: A plan commission serving a single local government jurisdiction established as defined under the IC 36-7-1-2 (1983) as amended. The Fishers Plan Commission is an Advisory Plan Commission.

**Planned Unit Development**: A large-scale unified development meeting the requirements for zoning approval under the provisions of Article 04: Planned Unit Developments of the Unified Development Ordinance. Generally a planned unit 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 zoning district of the Unified Development Ordinance. This may result in more attractive and affordable development than conventional developments would allow. Clustered housing (dwellings built in innovative lot arrangements around common open space) and zero lot line housing (dwellings built immediately adjacent to lot lines) are possible as part of planned unit developments. A planned unit development requires approval through a zoning map amendment.

**Planning Commission**: See “Plan Commission.”

**Planning Director**: See “Director of Development.”

**Planning Jurisdiction**: The territory or area in which the Advisory Plan Commission has statutory authority to adopt a Comprehensive Plan, consisting of the present Town limits and those contiguous areas which will from time to time be annexed to the Town.

**Plant Material**: Trees, shrubs, perennials, vegetative ground cover, and the like.

**Plant Material, Existing Significant**: Evergreens over six (6) feet in height, deciduous trees over two and one-half (2.5) inches DBH, and shrubs over four (4) feet in height.

**Plat**: A map or chart that shows a division of land and/or the layout for subdivisions that is intended to be filed for record.

**Plat, Primary**: The primary plat, pursuant to IC 36-7-4-700 series, is the plat and plans upon which the approval of a proposed subdivision are based. The primary plat and plans shall be subject to public notice and public hearing according to law and according to Plan Commission rules.

**Plat, Secondary**: The secondary plat, pursuant to IC 36-7-4-700 series, is the final plat document in recordable form. A secondary plat shall substantially conform with the preceding primary plat, or section thereof. The secondary plat and plans are not subject to public notices and public hearings.

**PMR**: See “Physical Map Revision (PMR).”

**Porch**: A roofed-over structure projecting out from the wall or walls of a main structure and commonly open to the weather in part.
Portico: A major porch usually with a pedimented roof and supported by columns.

Post-FIRM Construction: See “Construction, Post-FIRM.”

Practical Difficulty: A difficulty with regard to one’s ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a “hardship,” rather it is a situation where the owner could comply with the regulations within this Ordinance, but would like a variance from the Development Standards to improve his site in a practical manner. For instance, a person may request a variance from a side yard setback due to a large tree which is blocking the only location that would meet the Development Standards for a new garage location.

Pre-FIRM Construction: See “Construction, Pre-FIRM.”

Premises: A lot or plat including buildings thereon, if any.

Preservation Easement: (Ord. #081808, Effective 12/1/2008) Those places on a lot or development that are identified for the purposes of maintaining an area of vegetation in its pre-development state. Plant life may not be removed from a preservation easement, with the following exceptions: if a plant or tree is dead, dying, diseased, or poses a threat to health, safety, and/or welfare. Under no circumstance shall utilities or other site work be done in preservation easements. The Town of Fishers may be permitted to do limited work in Preservation Easements only at the direction of the Town Council.

Primary Arterial: See “Street, Primary Arterial.”

Primary Plat: See “Plat, Primary.”

Primary Structure: See “Structure, Primary.”

Primary Use: See “Use, Primary.”

Private Street: See “Street, Private.”

Probation: A means of formally notifying participating communities of violations and deficiencies in the administration and enforcement of the local floodplain management regulations.

Professional Office Center: An architecturally organized and functional grouping of professional offices and appropriate associated and accessory uses which is the central feature of a site plan composed of building area, parking area, landscaped reservation and plantation, and other land features appropriate for its use as a professional office enterprise, designed to serve residential neighborhoods, and shall conform to the standards and requirements of this chapter.

Program, Emergency: The first phase under which a community participates in the NFIP. It is intended to provide a first layer amount of insurance at subsidized rates on all insurable structures in that community before the effective date of the initial FIRM.

Program, Regular: The phase of the community’s participation in the NFIP where more comprehensive floodplain management regulations are imposed and higher amounts of insurance are available based upon risk zones and elevations determined in a FIS.

Project Site: A term describing the area of the entire site for a development that might include smaller, individually platted lots.

Public Facilities Plan: That part of the Comprehensive Plan, which shows the locations of proposed fire station sites, existing and proposed school, park, or recreational sites, Town buildings and other public structures or site locations for the use of the people of the Town.

Public Law 360, Acts of 1971: Enabling legislation requiring the Indiana Administrative Building Council to adopt rules and regulations for the construction, repair or maintenance of one- or two-family residential dwellings.

Public Safety and Nuisance: (as related to Article 05: §FP: Floodplain Standards) Anything that is injurious to the safety or health of an entire community, neighborhood or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Public Street: See “Street, Public.”

Quoins: Units of stone or brick used to accentuate the corners of a building.
**Residential Facility for the Developmentally Disabled (small)**

**Recreational Area or Facility:** An outdoor facility, which may include an accessory clubhouse, provided as part of a residential development that is owned and maintained by the owners’ association or property owner primarily for the use of the residents of the development, and which is also accessible for use by the general public through associate membership subscription or user fees. The term includes community golf courses, swimming pools, tennis courts, basketball courts, and the like.

**Recreational Vehicle:** A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and primarily designed as a temporary living accommodation for recreational, camping, and travel use and including but not limited to, travel trailers, truck campers, camping trailers, boats, and self-propelled motor homes. A recreational vehicle shall not be used as living quarters. Also, a vehicle that is:

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projections;
3. Designed to be self-propelled or permanently to be towed by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use.

**Recreational Vehicle Park:** Any commercially zoned site, lot, field, or tract of land under single ownership, or ownership of two (2) or more people, designed with facilities for short term occupancy for recreational vehicles only.

**Registered 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.

**Regular Program:** See “Program, Regular.”

**Regulatory Flood:** See “Flood, Regulatory.”

**Repetitive Loss:** Flood-related damages sustained by a structure on two (2) separate occasions during a 10-year period ending on the date of the event for which the second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded twenty-five percent (25%) of the market value of the structure at the time of each such flood event.

**Replat:** A subdivision or plat, the site of which has heretofore been platted or subdivided with lots or parcels of land. It may include all or any part of a previous subdivision or plat.

**Residence, Expanded Historic:** A single historic residence whose existing square footage has been enlarged by way of architectural addition, provided, however, that the architectural addition:

1. May exceed the existing square footage of the Historic Residence only to a maximum of two (2) times the total enclosed floor space of the existing structure and only so long as the addition is subordinate to the existing structure;
2. Cannot change the residential appearance of the Historic Residence or the lot;
3. Shall be designed and constructed in the established style of the existing Historic Residence; and,
4. The architectural design and historic construction materials shall maintain the style and integrity of the existing Historic Residence.

The Director of Development shall make an initial determination, in writing, that the proposed architectural additions are architecturally consistent with the Historic Residence.

**Residence, Historic:** A structure designed for a single-family residence, which has historic, architectural or engineering significance. Provided, however, that structures less than fifty (50) years old shall not be considered an historic residence, and are not allowed as either a bed and breakfast residence or a bed and breakfast inn.

**Residential Facility for the Developmentally Disabled (large):** A residential facility which provides residential services for more than eight (8) developmentally disabled individuals as described in IC 12-28-4.

**Residential Facility for the Developmentally Disabled (small):** A residential facility which provides residential services for eight (8) developmentally disabled individuals or less as described in IC 12-28-4.
Residential Facility for the Mentally Ill: A residential facility which provides residential services for mentally ill individuals as described in IC 12-28-4. No two Residential Facilities for the Mentally Ill shall be within 3,000 feet of each another within the Town's planning jurisdiction as stated in Indiana Code.

Residential Townhouse: See “Townhouse, Residential.”

Responsible Party: Any person, firm or corporation that uses property in violation of this Unified Development Ordinance or knowingly permits another person, firm or corporation to do so.

Restaurant, Deli-style and Ice Cream Shop/Parlor: Restaurant where food is prepared after ordering, the meal is paid for prior to consumption, customers order from a menu board or inside, are served their food at a counter, or in a motor vehicle, the food is packaged and prepared to leave the premises or may be taken to a table or counter to be consumed. (e.g. Subway, Quizno’s, Penn Station, etc.)

Restaurant, Family: A restaurant that offers full-service eating establishment with typical turnover rates of one (1) hour or less. Family restaurants generally they serve lunch and dinner, some serve breakfast, and some may be open twenty-four (24) hours. Family restaurants do not usually require reservations; patrons are served by a waiter/waitress, order from menus, and pay for their meal after they eat. Some may offer call-ahead order and pick-up convenience.

Restaurant, Fast Food/Quick Service: Restaurant where food is prepared and available before an order is placed, the meal is paid for prior to consumption, customers often order from a menu board, are served their food at a counter or in a motor vehicle in packages prepared to leave the premises or may be taken to a table or counter to be consumed.

Restaurant, Fine Dining: A full-service eating establishment with typical turnover rates of at least one (1) hour or longer. Fine dining restaurants generally do not serve breakfast, some may serve lunch, all serve dinner. Fine dining restaurants usually require reservations; patrons commonly wait to be seated, are served by a waiter/waitress, order from menus and pay for their meal after they eat.

Restaurant, Takeout: A restaurant where food and/or beverages are sold in a form ready for consumption off the premises and that may have drive-through facilities so that patrons may be served while remaining in their automobiles (e.g. Domino's Pizza, Papa Murphy's Pizza, Papa John's Pizza, etc.). Takeout restaurants are considered a form of general retail establishment.

Retail, High Intensity: Retail businesses that have a high impact on neighboring properties, traffic generation, and public safety. Example businesses include: boat sales, building finishes store (large), building supply store (large), department store (large), furniture store (large), grocery/supermarket (large), home electronics/appliance store (large), office supplies (large), sporting goods (large), superstore, variety store (large), and vehicle sales.

Retail, Low Intensity: Retail businesses that have a low impact on neighboring properties, traffic generation, and public safety. Example businesses include: bakery, book store (small), convenience store (small), craft gallery (small), drug store (small), gift shop (medium), and meat market.

Retail, Medium Intensity: Retail businesses that have a moderate impact on neighboring properties, traffic generation, and public safety. Example businesses include: antique shop, apparel shop, art and craft supplies, auto part sales (new), auto part sales (used), book store (large), boutique, building finishes store (small), building supply store (small), computer sales, convenience store (large), craft gallery (large), department store (small), drug store (large), fabric shop, furniture store (small), garden shop, gift shop (large), golf/tennis pro shop, grocery/supermarket (small), home electronics/appliance store (small), liquor sales, music/media shop, musical instruments store, office supplies (small), pawn shop, pet store (small), plant/tree shop, shoe sales, sporting goods (small), and variety store (small).

Retail, Special Handling: Retail businesses that sell products that require special handling due to risks to public safety. Example businesses include: fireworks sales, gun sales, and hunting stores.

Retail, Very High Intensity: Retail businesses that have a very high impact on neighboring properties, traffic generation, and public safety. Example businesses include: construction vehicle sales, farm equipment sales, heavy equipment sales, manufactured home sales, and semi tractor-trailer sales.
Retail, Very Low Intensity: Retail businesses that have very little impact on neighboring properties, traffic generation, and public safety. Example businesses include: art gallery, flower shop, gift shop (small), jewelry store, and news dealer.

Retirement Community: An age-restricted development, which may include detached and attached dwelling units, apartments, and may also have a nursing home component.

Reverse Channel Letters: Individually mounted opaque, internally backlit letters which illuminate the wall or surface to which they are attached.

Right-of-way: A strip of land occupied or intended to be occupied by transportation facilities, public utilities, or other special public uses. Rights-of-way intended for any use involving maintenance by a public agency shall be dedicated to the public use by the maker of the plat on which such right-of-way is established.

Riparian Area: Wooded or vegetated areas along creeks, streams, rivers or designated regulated drains. The area on each bank designated as a riparian area shall be no wider than the average width of the creek, stream or river at normal flow elevation, but be no less than ten (10) feet in width from the top of banks.

Road: See “Street.”

Road, Frontage: An access road which parallels a street of higher classification, providing access from abutting property and separated from the street by a common dividing strip.

Roadway Width: The paved area of a street measured from back of curb to back of curb.

Roof Line: In the case of a flat roof, the uppermost line of the roof of a building; in the case of a pitched roof, the midpoint of between the roof cave and the ridge of the roof exclusive of cupola, pylon, chimney or other minor projections.

Roof plane: A roof plane is defined as having at least three separate edges.

Roof Ridge: The roof ridge is the top horizontal edge of a pitched roof.

Root Protection Zone: Generally, eighteen (18) to twenty-four (24) inches deep and a distance from the trunk of a tree equal to one-half (½) its height or its drip line, whichever is greater.

ROW: See “Right-of-way.”

Sales, Seasonal Outdoor: The temporary use of an area in close proximity to a business for storage and sales of merchandise related to a holiday, season of the year, or otherwise not offered annually.

Satellite Dish/Antenna: An apparatus capable of receiving communications from and/or sending to a relay located in a planetary orbit, or broadcasted signals from transmitting towers.

School, Public: A public institution which offers instruction in any of the branches of learning and study comparable to that taught in the public schools under the Indiana School Laws, including pre-kindergarten, kindergarten, elementary school, and junior and senior high schools, but excluding trade, business, or commercial schools.

School, Private: Private primary, grade, junior-high, high or preparatory school or academy.

School, Trade, Business, or Commercial: An educational facility which offers instruction specific to a trade, business, or commercial.

Scrap Metal Yard: A general industrial use established independent or ancillary to and connected with another general industrial use, which is concerned exclusively in new and salvaged metal pipes, wire, beams, angles, rods, machinery, parts, filings, clippings, and/or all other metal items of every type, and which acquires such items incidental to its connection with the other general industrial use or by purchase, consignment or bailment which stores, grades, processes, melts, cuts, dismantles, compresses, cleans, or in any way prepares said items for reuse by the connected other general industrial use or for storage, sale or shipment and/or use in other industries or businesses including open hearth, electric furnaces and foundry operations. Such an establishment shall not include junk yards, dumps, or automobile or other vehicle graveyards.

The storage, dealing in or the permitting of the accumulation of significant quantities of combustible, organic or nonmetal scrap materials such as wood, paper, rags, garbage, bones and shattered glass on the premises of such an establishment will disqualify it from being classified as a scrap metal yard, and the same will be classified as a junk yard.

Secondary Plat: See “Plat, Secondary.”

Section 1316: That section of the National Flood Insurance Act of 1968, as amended, which states that no new flood insurance coverage shall be provided for any property that the Floodplain Administrator finds has been declared by a duly constituted State or local zoning authority or other authorized public body to be in violation of State or local laws, regulations, or ordinances that intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.
Semi-cutoff Fixture or Luminaire: See “Fixture, Semi-cutoff.”

Separation, Building: See “Building Separation.”

Setback: The minimum horizontal distance between the building line and a lot line or right-of-way line.

Setback, Aggregate Side: The sum of the least two (2) side setbacks of a structure, one (1) on either side.

Setback, Average: An average of a given (i.e. front, side, or rear) setback of structures on either side of the subject property. If the average setback encroaches into the right-of-way, permission is not required from the Board of Zoning Appeals. If the subject property is a corner lot, the average of the front setback of structures adjacent to the subject property, along with the front setback of structures directly across the street from the subject property shall be used.

Setback, Established: A dimension extending across the full width or depth of the lot between the primary structure and any lot line, the depth of which is the least distance between the given lot line and the primary structure.

Setback, Internal: The distance between a structure and either:
1. An access or ingress/egress easement line; or
2. The edge of pavement of the sidewalk running alongside an access drive or private street; or
3. The back of curb of an access drive or private street; or
4. The edge of pavement of an access drive or private street;
whichever is closest to the structure.

SFHA: See “Flood Hazard Area, Special (SFHA).”

Shopping Center, Business Park, Office Park, Industrial Park, or Other Grouping: A project of one (1) or more buildings that has been planned as an integrated unit or cluster on property under unified control of ownership at the time that zoning was approved by the Town.

Shopping Center Plan: An architectural and functional grouping of retail stores, generally oriented around a super market or department store, and appropriate associated and accessory uses, which is the central feature of a site plan or development plan composed of building area, parking areas, access streets and circulatory ways for vehicles and pedestrians, landscape development and planting areas and other land features appropriate for its operation as a business enterprise, designed to serve residential neighborhoods or communities and which conforms to the requirements of this code.

Sign: Any name, identification, description, display, or illustration which is affixed to, painted on, or is represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization, or business. Religious symbols on places of worship or structures owned and operated by religious organizations are not considered a sign unless accompanied with text. Address numbers are not considered a sign.

Sign, Abandoned: A sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product or activity, and/or for which no legal owner can be found.

Sign, Accessory: A sign which is related to the primary use of the premises.

Sign, Advertising: Any notice or advertisement, pictorial or otherwise, and all such structures used as an outdoor display, regardless of size and shape, for the purposes of making anything known, the origin or place of sale of which may or may not be on the property with such advertising structures.
**Sign Area:** The entire area within a regular geometric form or combination of such forms comprising all of the display area of the sign or any object which attracts attention to be drawn towards the sign. Signs which are made of individual letters shall be calculated by measuring the total vertical distance by total horizontal distance of such letters. Structural supports shall not be included in the sign area calculation provided that the structural support is not an integral portion of the sign.

**Sign, Awning or Canopy:** A sign that is painted, stamped, perforated, stitched or otherwise applied on the surface of an awning. The awning sign area shall be calculated the same as other signs except internally or backlit awning signs shall be calculated as the entire awning surface which is allowing light to pass through that portion of the awning or canopy.

**Sign, Changeable Copy:** Any poster board, bulletin board, neon sign, screen, surface or wall, with characters, letters of illustrations affixed thereto or thereon, by any method or means whatsoever, that can be changed, rearranged, or altered without changing the face of the poster board, bulletin board, neon sign, screen, surface or wall.

**Sign Clearance:** The smallest vertical distance between the grade, grade of the adjacent street or street curb, and the lowest point of any sign, including framework and embellishments, extending over that grade.

**Sign, Commercial:** A sign identifying only the name and location of a particular business enterprise and located on the premises where the sign is displayed.
Sign, Construction: A sign directing attention to construction upon the property where the sign is displayed, and bearing the name, address, sublot number, or other identifier of the contractor, subcontractor, and/or architect.

Sign, Development: A sign which, by symbol or name, identifies a development. It may also provide an index of uses (tenants) included in the development.

Sign, Directional: A sign intending to direct the safe flow of vehicular and pedestrian traffic and includes “enter,” “exit,” and “arrow” signs.

Sign, Double-Faced: A sign having two (2) display surfaces, not necessarily displaying the same copy, which are usually parallel and back to back and not more than twenty-four (24) inches apart. When the display surfaces of a double-faced sign are not parallel, the interior angle created by said surfaces shall not exceed ninety degrees (90°) and the two (2) surfaces shall not be more than twenty-four (24) inches apart at the apex of said angle.

Sign Face: The area of a sign on which the copy is placed or that draws attention to the sign.

Sign, Flashing: Any illuminated sign which exhibits changing light or color effects.

Sign, Government: Any temporary or permanent sign erected and maintained by the Town, County, State or federal government for traffic direction or for designation of or direction to any school, hospital, historical site or public service, property or facility.

Sign, Ground: A sign which is supported by one (1) or more uprights or braces in the ground.

Sign Height: The vertical distance measured from the highest point of the sign face to the grade of the adjacent street or the surface beneath the sign.

Sign, Identification: A sign whose copy is limited to the name of a building, institution or person and/or to the activity or occupation being identified.

Sign, Illegal: A sign which does not meet the requirements of this Chapter and which has not received legal nonconforming status.

Sign, Illuminated: A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

Sign, Indirectly Illuminated: A sign illuminated with a light directed primarily toward such sign, including back lighted signs, and so shielded that no direct rays from the light are visible.

Sign, Internally Illuminated: A light source which is enclosed within the sign and viewed through a translucent panel. This type of illumination is often referred to as direct.

Sign, Legal Nonconforming: Any sign lawfully existing on the effective date of this ordinance, or amendment thereto, that does not conform to all the standards and regulations of the Unified Development Ordinance and has been registered within the allotted time period as described in Article 08: Nonconforming Structures, Lots and Uses of the Unified Development Ordinance.
**Sign, Subdivision Directional**

**Sign Location:** A lot, premises, building, wall or any place whatsoever upon which a sign is located.

**Sign, Mansard:** A mansard sign shall mean any sign attached to or erected against a mansard of a building, with the face horizontally parallel to the building wall. Since said sign is to be mounted parallel to and within the limitations of the building wall on which same is to be mounted, the same is deemed to be a wall sign and not a roof sign.

**Sign, Monument:** See “Sign, Ground.”

**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. Murals without a commercial message are not regulated by the Unified Development Ordinance.

**Sign, Non-accessory:** A sign that is not related to the primary use of the premises.

**Sign, Nonconforming:** A sign or portion thereof that was designed, erected, or structurally altered such that it does not conform to the regulations of the district in which it is located.

**Sign, Noncommercial:** Any sign wording, logo or other representation that, directly or indirectly, does not name, advertise, or call attention to a business, product, service, or other commercial activity.

**Sign, Open House:** A real estate sign which relates the date and time a structure is open for tours.

**Sign Ordinance:** Sign ordinance of the Town codified in Chapter 158: Sign Code of the Town of Fishers Code of Ordinances.

**Sign, Painted Wall:** Any sign which is applied with paint or similar substance on the face of a wall. See also “Sign, Mural.”

**Sign, Permanent:** A sign permanently affixed to a building or the ground.

**Sign, Political:** A sign identifying and urging voter support for or opposition to a particular issue, political party or candidate for public office.

**Sign, Portable:** Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu or sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in normal day-to-day operations of the business.

**Sign, Projecting:** Any sign other than a wall sign affixed to any building or wall whose leading edge extends beyond such building or wall.

**Sign, Public Information:** A sign displaying public information as the principal message in addition to information designed to assist, alert, or inform the public.

**Sign, Real Estate:** A temporary sign which advertises the sale, rental or development of the premises upon which it is located.

**Sign, Special Event:** A sign upon which information about events or activities conducted by religious, civic, educational, community, governmental, or similar organizations is displayed.

**Sign, Structure:** The structure to which a sign is affixed including the structural base or supports.

**Sign, Subdivision:** A sign containing the name of a residential complex or subdivision, with or without its accompanying address.

**Sign, Subdivision Directional:** A sign defining any writing, pictorial representation, decoration, form, emblem, trademark, or any other figure of similar character that has the purpose of directing persons to a subdivision or other land or building development.
Sign, Temporary: A sign or advertising display intended to be displayed for a designated period of time. Included in this category are banner signs, construction signs, real estate signs, temporary subdivision signs, political campaign signs, and other signs as determined by the Director of Development or his/her designee.

Signs, Types of: The graphic below depicts the primary types of signs. Regulations for the type of signs permitted will vary by zoning district.

Sign, Vehicle: A sign on a vehicle of any kind, provided the sign is painted or attached directly to the body of the vehicle and does not project or extend beyond fifteen (15) inches from the original body proper of the vehicle.

Sign, Wall: A sign affixed directly to or painted on or otherwise inscribed on an exterior wall and confined within the limits thereof of any building and which projects from that surface less than twelve (12) inches at all points.

Single-family District: Refers to the AG, ER, R1, R2, R3, and R4 zoning districts.

Slow Burning or Incombustible: Materials which do not in themselves constitute an active fuel for the spread of combustion. A material which will not ignite, nor actively support combustion during an exposure for five (5) minutes to a temperature of 1,200°F.

Small Farm Animals: (Ord. #081709, Effective 2/1/2010) Small farm animals are small domestic farm animals such as, but not limited to, chickens, ducks, and rabbits.

Small Integrated Center: Small integrated center is any multi-tenant building primarily featuring commercial retail and service uses with less than thirty thousand (30,000) square feet.

Soil Map: A National Cooperative Soil Survey prepared by USDA Soil Conservation Service in cooperation with Purdue Experiment Station and the Hamilton County Soil and Water Conservation District.

Special Exception: A use which may be permitted in a district only if it meets special conditions, and upon application, is specifically authorized by the Board of Zoning Appeals.

Special Exception Permit: A document issued verifying the permitting of a use within a district other than a primarily permitted use.

Special Flood Hazard Area (SFHA): See “Flood Hazard Area, Special.”

Start of Construction: See “Construction, Start of.”

Storage, Outdoor: The outdoor accumulation of goods, junk, motor vehicles, equipment, products, or materials for permanent or temporary holding.

Story: That portion of a building, included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between such floor and the ceiling next above it shall be the story.

Story, Half: That portion of a building under a sloping, gable, hip, or gambrel roof, the wall plates on at least two (2) opposite exterior walls of which are not more than three (3) feet above the floor level of such half-story.

Street: Any vehicular right-of-way that:
1. Is an existing State, County, or municipal roadway;
2. Is shown upon a plat approved pursuant to law;
3. Is approved by other official action; or
4. Is shown on a plat duly filed and recorded in the Office of the Hamilton County Recorder; includes the land between the street lines, whether improved or unimproved.
**Street, Local:** A street designed primarily to provide access to abutting properties and discourage through traffic, as depicted by the Thoroughfare Plan within the Comprehensive Plan.

**Street, Primary Arterial:** Any thoroughfare so designated on the Transportation Plan.

**Street, Private:** A right-of-way which has the characteristics of a street, as defined herein, except that it is not dedicated to the public use. A driveway which is located on a lot and which serves only the use on that lot is not considered as a private street.

**Street, Private Through:** A paved surface consisting of a roadway, driveway, parking lot or the like which carries vehicular traffic from a dedicated public street to a dedicated public street.

**Street, Public:** All property dedicated or intended for public highway, freeway, or roadway purpose or subject to public easements therefore.

**Street Width:** The shortest distance between the lines which delineate the right-of-way of a street.

**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:** (as related to Article 05; §FP: Floodplain Standards) A structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, or a prefabricated building. The term also includes recreational vehicles to be installed on a site for more than one hundred eighty (180) days.

**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, mobile homes, manufactured homes, above-ground storage tanks, freestanding signs and other similar items.
**Structure, Accessory:** A building or structure that:
1. Is subordinate to a primary building or structure in area, intent, and/or purpose;
2. Contributes to the comfort, convenience, or necessity of occupants of the primary building, structure, or primary use;
3. Does not alter or change the character of the premises;
4. Is located on the same zoning lot as the primary building, structure, or use;
5. Conforms to the setback, height, bulk, lot coverage, and other requirements of the Unified Development Ordinance unless otherwise provided for;
6. May not be constructed prior to the time of construction of the primary building or structure;
7. Is not designed for human occupancy as a dwelling or commercial use; and,
8. Is, in the case of a telecommunications tower, antenna, or other radio or cellular communications or equipment, a subordinate structure detached from but located on the same site, the use of which is incidental and accessory to that of the primary telecommunications tower, antenna, or other radio or cellular communications equipment.

**Structure, Accessory (appurtenant structure):** (as related to Article 05; §FP: Floodplain Standards) A structure that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

**Structure, Attached:** A structure that is structurally connected to another structure by a foundation, wall, bridge, or roof line, or appears to be connected. Carports, garages, porch awnings and the like are considered attached structures and must abide by all regulations pertaining to primary structures.

**Structure, Elevated:** A non-basement structure built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, filled stem wall foundations (also called chain walls), pilings, or columns (posts and piers).

**Structure, Historic:** Any structure individually listed on the National Register of Historic Places or the Indiana State Survey of Historic Architectural, Archaeological and Cultural Sites, Structures, Districts, and Objects. Structure, Historic (as related to Article 05; §FP: Floodplain Standards and Article 07: FL: Floodplain Standards): Any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

**Structure, Primary:** The building or structure in which the primary use of the lot or premises is located or conducted. With respect to residential uses, the primary structure shall be the main dwelling. Where a substantial part of an accessory structure is attached to the primary structure in a substantial manner, as by a roof, such accessory structure shall be counted as a part of the primary structure.

**Structure, Temporary:** A tent, awning, or the like used as a temporary shelter, cover, or device.

**Subdivider:** Any person or persons, firm or corporation engaged in developing or improving a tract of land which complies with the definition of a subdivision as defined in the Unified Development Ordinance.

**Subdivision:** The division of a parent tract or other piece of land into at least two (2) smaller lots or the combination of two (2) or more smaller lots into one (1) lot so that, either now or in the future, the subdivider can transfer ownership, construct buildings or establish a use other than vacant, or create new building sites for leasehold, and as further defined in the Unified Development Ordinance.
**Subdivision Control Ordinance:** An ordinance relating to subdivision control regulations codified in the Unified Development Ordinance.

**Substantial Damage:** See “Damage, Substantial.”

**Substantial Improvement:** See “Improvement, Substantial.”

**Suspension:** (as related to Article 05: §FP: Floodplain Standards) The removal of a participating community from the NFIP because the community has not enacted and/or enforced the proper floodplain management regulations required for participation in the NFIP.

**Swimming Pool:** A self-contained body of water at least twenty-four (24) inches deep and eight (8) feet in diameter or width and used for recreational purposes. It may be above or below ground level, and shall be considered an accessory structure/use.

**TCRC:** See “Town Center Review Committee (TCRC).”

**Telecommunication Facility:** A land based facility, consisting of towers, antennas, accessory buildings and structures or other structures intended for use in connection with the commercial transmission or receipt of radio or television signals, or any other spectrum-based transmissions/receptions.

**Telecommunication Tower:** Any structure that is designed and constructed primarily for the purpose of supporting one (1) 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.

**Temporary Use/Structure:** A land use or structure established for a limited and fixed period of time.

**Temporary Use Permit:** See “Improvement Location Permit, Temporary.”

**Tenant Space:** An area of a building intended for the use of a single business with a completely separate external entrance.

**Theater:** A facility for audio and visual productions and performing arts, excluding adult motion picture theaters and adult entertainment businesses.

**Thoroughfare, Major:** Any thoroughfare so designated on the Transportation Plan.

**Thoroughfare Plan:** The part of the Comprehensive Plan, now or hereafter adopted, which includes a plan for major streets and highways and sets forth the location, alignment, dimensions, streets, highways, and other thoroughfares.

**Tower:** See “Telecommunication Tower.”

**Tower Setback:** The horizontal distance from the base of the tower to an abutting property line and/or proposed right-of-way.

**Town:** The Town of Fishers, Indiana; the Town Council.

**Town Arborist:** A person certified in tree and plant care employed by the Town.

**Town Center Review Committee (TCRC):** Refer to Article 09: §Town Center Review of the Unified Development Ordinance.

**Town Council:** The legislative-executive body of the Town of Fishers.

**Town Engineer:** See “Director of Engineering.”

**Townhouse:** One of a number of individual housing units constructed with a common roof, front wall and rear wall.

**Townhouse, Residential:** A single-family dwelling unit constructed in a row of a minimum of three (3) attached units where no unit is located over any other unit and is separated by one (1) or more vertical common fire resistant walls.

**Township:** Fall Creek Township and Delaware Township in Hamilton County, Indiana.

**Tree, Canopy:** Deciduous trees that grow to at least forty (40) feet in height and that has a canopy that is round or oval in shape. Conical or tubular shaped trees are not canopy trees.

**Tree, Ornamental:** A deciduous tree that does not grow to over thirty (30) feet in height at maturity. Ornamental trees typically are flowering trees.

**Tree, Specimen:** Trees with a caliper of twenty-four (24) inches or greater and that are not found in Exhibit LA-B: Invasive and Poor Characteristic Species of the Town of Fishers Approved List of Recommended Species.
**Truck Stop:** A multiple-use facility that may be comprised of overnight parking for trucks and two (2) or more of the following:
1. Restaurant;
2. Gas station;
3. Scales;
4. Shower facilities; or
5. Convenience store.

**Turf:** Lawn-type grasses that are intended to be manicured and maintained at no more than eight (8) inches of height.

**Two-page Layout:** Two-page Layout refers to the two-page layout accompanying each zoning district in **Article 02: Zoning Districts and Regulations** of the Unified Development Ordinance. The two-page layout includes permitted uses, Special Exception uses, and basic zone district information.

**Underlying Zoning District:** See “Zoning District, Base.”

**Unified Development Ordinance:** Chapter 151: Unified Development Ordinance of Title XV: Land Usage of the Code of Ordinances of the Town of Fishers, Indiana, comprising the Zoning Ordinance and Subdivision Control Ordinance of the Town and its jurisdictional area.

**USDA:** United States Department of Agriculture.

**Use:** The purposes for which land, building, or structure thereon is designed, arranged, or intended, or for which it is occupied, maintained, let, or leased.

**Use, Accessory:** A use subordinate to another use located on the same property and which does not change or alter the character of the premises and which is not used for human occupancy.

**Use, Conflicting:** For purposes of determining applicable buffer yard standards, uses that are considered 'conflicting' are detailed in the buffer yard standards of Article 05; §LA: Landscaping Standards.

**Use, Legal Nonconforming:** 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.

**Use, Nonconforming:** A use which does not conform with the use regulations of the zoning district in which it is located.

**Use, Open:** The use of a lot without a building.

**Use, Primary:** The main use of land or buildings as distinguished from an accessory use. A primary use may be a permitted use, conditional use, or a special exception.

**Use, Temporary:** See “Temporary Use/Structure.”

**Use Variance:** See “Variance, Use.”

**Utility Facility, Aboveground:** Permanently located and installed electrical generators, pipeline pumping stations, public wells, water towers, telephone exchanges, utility substations, and the like.

**Utility Installation, Public:** The erection, construction, alteration, or maintenance by public utilities, municipal department commissions or common carriers of underground, surface or overhead gas, oil, electrical, steam, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers and other similar equipment and accessories in connection therewith, by public utility or municipal departments, commissions, or common carriers, for the public health or safety or general welfare.

**Utility, Public:** Any person, firm, or corporation duly authorized to furnish under public regulation to the public, electricity, gas, steam, telephone, fiber optics, transportation, water, or sewage systems.

**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 Ordinance otherwise prescribes.

**Variance, Floodplain Standards:** A grant of relief from the requirements of Article 05; §FP: Floodplain Standards or Article 07; §FL: Floodplain Standards, which permits construction in a manner otherwise prohibited by Article 05; §FP: Floodplain Standards or Article 07; §FL: Floodplain Standards where specific enforcement would result in unnecessary hardship.

**Variance, Use:** The approval of a use other than that prescribed by the Unified Development Ordinance, an act granted by IC 36-7-4-918.3.

**Variety Store:** A retail establishment that sells a multitude of consumer goods.

**Vehicle:** See “Motor Vehicle.”
Vehicle, Inoperable: A vehicle:
1. From which the engine, transmission, or differential has been removed; or
2. That is otherwise partially dismantled or inoperable; or
3. That is at least three (3) model years old, is mechanically inoperable, does not have current license plates, and is left on private property continuously in a location visible from public property for more than twenty (20) days.

Vehicle Maintenance/Retail/Service Facility: A facility in which the primary use is the retailing of a vehicle part, which is typically installed onto a vehicle free of charge following the on-site purchase. Vehicles shall not be stored overnight at these facilities.

Vehicle, Recreational: See “Recreational Vehicle.”

Vehicle Service/Repair Facility: Facility where providing vehicular service is the primary use of the structure/business. May require storage of vehicle outside for limited periods of time, any such areas shall be screened in accordance with Article 05; OS: Outdoor Storage.

Vibration: Oscillatory motion transmitted through the ground.

Violation: The erection, alteration, enlargement, maintenance or use of any building, structure or land in violation of any provision of the Unified Development Ordinance, the sign ordinance, the weed ordinance, or the building codes of the Town applicable to such building, structure or land in the zoning district in which it is located.

Violation, Floodplain Standards: The failure of a structure or other development to be fully compliant with Article 05; §FP: Floodplain Standards or Article 07; FL: Floodplain Standards. A structure or other development without the elevation, other certification, or other evidence of compliance required in Article 05; §FP: Floodplain Standards and Article 07; FL: Floodplain Standards is presumed to be in violation until such time as that documentation is provided.

Violation, Repeated: A recurring violation at the same location or a similar violation at a different location by the same responsible party.

Vision Clearance on Corner Lots: A triangular space at the street corner of a corner lot, free from any kind of obstruction to vision, the standards for which are set forth in Article 05; §VC: Vision Clearance Standards.

Water Surface Elevation: See “Elevation, Water Surface.”

Watercourse: A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Weed Ordinance: An ordinance relating to the cutting of weeds and other vegetation in the Town codified as §95.15 through §95.19 (Fishers Ordinance 12-3-73 and as amended by Fishers Ordinance No. 081689G).

Width, Pavement: See “Pavement Width.”

Width, Roadway: See “Roadway Width.”

Width, Street: See “Street Width.”

Wooded Lot: An area which contains trees at a rate above two hundred fifty (250) cumulative inches DBH per acre. Trees under two and one-half (2.5) inches DBH are not included in the cumulative DBH calculation per acre.

‘X’ Zone: The area where the flood hazard is less than that in the SFHA. Shaded X Zones shown on recent FIRMs (B zones on older FIRMs) designate areas subject to inundation by the flood with a two-tenths of one percent (0.2%) chance of being equaled or exceeded (the 500-year flood). Unshaded X Zones (C zones on older FIRMs) designate areas where the annual exceedance probability of flooding is less than two-tenths of one percent (0.2%). See also “Zone B, C, and X.”
Yard: A space on the same lot with a primary building that is open and unobstructed except as otherwise authorized by this ordinance. All required yards shall be kept free of all material including but not limited to, buildings, structures, material for sale, storage, advertising or display to attract attention and parking lots.

Yard, Established:
1. Front: A yard extending across the full width of the lot between the primary building and the front lot line, the depth of which is the least distance between the front lot line and the building.
2. Side: A yard extending the full depth of the lot between the side of the primary building and the side lot line unoccupied other than by accessory buildings, steps, walks, terraces, driveways, lamp posts, and similar structures, the width of which is the least distance between the side lot line and the side of such primary building.
3. Rear: A yard extending across the full width of the lot between the rear of the primary building and the rear lot line unoccupied other than by accessory buildings, steps, walks, terraces, driveways, lamp posts, and similar structures, the depth of which is the least distance between the rear lot line and the rear of such primary building.

Yard, Required:
1. Front: A yard extending across the full width of the lot unoccupied other than by steps, walks, terraces, driveways, lamp posts, and similar structures, the depth of which is the least distance between the front lot line and the building setback line.
2. Side: A yard extending the full depth of the lot unoccupied other than by steps, walks, terraces, driveways, lamp posts, and similar structures, the width of which is the least distance between the side lot line and the minimum side setback line.
3. Rear: A yard extending across the full width of the lot unoccupied other than by steps, walks, terraces, driveways, lamp posts, and similar structures, the depth of which is the least distance between the rear lot line and the minimum rear setback line.

Zone: A geographical area shown on a FHBM or FIRM that reflects the severity or type of flooding in the area.
Zoning Ordinance

Zone A: See “‘A’ Zone.”

Zone B, C, and X: Areas identified in the community as areas of moderate or minimal hazard from the principal source of flood in the area. However, buildings in these zones could be flooded by severe, concentrated rainfall coupled with inadequate local drainage systems. Flood insurance is available in participating communities but is not required by regulation in these zones. (Zone X is used on new and revised maps in place of Zones B and C.) See also “‘X’ Zone.”

Zone X: See “‘X’ Zone” and “Zone B, C, and X.”

Zoning District: Areas within the Town of Fishers for which uniform zoning regulations governing use, height, area, size, intensity of use of buildings and land, and open spaces about buildings, are established by this Unified Development Ordinance. Zoning districts are drawn on the Official Zoning Map.

Zoning District, Base: In the case of an overlay district, the standard zoning district in which the parcel or tract is located, and the standards of which apply when the overlay district regulations are silent on any given point.

Zoning District, Default: In the case of a Planned Unit Development, the standard zoning district the standards of which apply when the PUD District Ordinance regulations are silent on any given point.

Zoning Map: See “Official Zoning Map.”

Zoning Official: The Director of Development or his/her designee.

Zoning Ordinance: Those sections of the Unified Development Ordinance, now or hereafter adopted, that include the Official Zoning Map, regulations, requirements and procedures for the establishment of land use controls.