

CHAPTER 154: ZONING CODE

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GENERAL PROVISIONS

154.01 TITLE

This Chapter shall be known and may be cited, and referred to as the Lawrenceburg Zoning Code.

154.02 PURPOSE

This chapter is enacted for the purpose of securing light, air, convenience of access and safety from fire, flood and other danger; for the lessening or avoiding of congestion in the public streets; and for the promoting of the public health, safety, comfort, morals, convenience and general public welfare; and for promoting the orderly development of the city and its environs by classifying, regulating and limiting the height, area, bulk and use of buildings hereinafter erected; by regulating and determining the area of front, rear and side yards, courts and other open spaces about such buildings; by regulating and determining the use and intensity of use of land and lot areas; by classifying, regulating and restricting the location of trades, callings, industries, commercial enterprises, and the location of buildings designed for specific uses, by classifying and designating the rural lands amongst agricultural, industrial, commercial, residential and other uses or purposes, all in accordance with the comprehensive plan for the desirable future development of the City of Lawrenceburg, and for providing a method of administering and amending the provisions hereinafter prescribed and providing penalties for the violation thereof.

154.03 INTERPRETATION

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements necessary to assure the promotion of public health, safety, comfort, morals, convenience and general public welfare. Wherever this ordinance imposes a greater restriction than is imposed or required by other provisions of law or by other rules, regulations or resolutions, the provisions of this ordinance shall govern.

154.04.1 DEFINITIONS

A) Interpretation of Language.

Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of the ordinance, and words used in the present tense include the future; the singular number shall include the plural, and the plural the singular; the word USED shall include arranged, designed, constructed, altered, converted, rented or leased; the word BUILDING includes the word STRUCTURE; and the word SHALL is mandatory and not directory.

1. **ACCESSORY USE OR STRUCTURE:** One which:
 - a) Is subordinate to and serves a principal building or principal use;
 - b) Is subordinate in area, extent, or purpose to the principal building or principal use served;
 - c) Contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served; and
 - d) Is located on the same lot as the principal building or principal use served, with the single exception of such accessory off-street parking facilities as are permitted hereinafter to be located elsewhere than on the same lot with the building or use served.

2. **AGRICULTURE:** The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of such accessory uses shall be secondary to that of normal agriculture activities, and further provided, that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals or the kenneling of dogs, cats, or other animals customarily used or maintained as pets.
3. **ALLEY:** A minor right-of-way dedicated to public use which gives a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes although not intended for general traffic circulation.
4. **ALTERATIONS:** As applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing height, or the moving from one location or position to another; and will include any alteration which, by statute, ordinance or regulation of any government authority having jurisdiction, requires the obtaining of a permit and/or approval by inspection.
5. **APARTMENT (OR LIVING UNIT):** A room or suite of rooms intended for use as a residence by a single family, and including a kitchen and the minimum sanitary facilities as required by the applicable building code.
6. **APARTMENT HOUSE:** See Dwelling, Multifamily.
7. **AWNING:** An awning shall include any structure made of cloth, metal, plastic or any other similar material with a frame attached to a building or other structure and projecting outward therefrom. An awning may be retractable so as to permit it to be raised to a position flat against the building when not in use but its general purpose will be to provide shelter or shade.
8. **AS-BUILT SURVEY:** An as-built survey is a plan, drawn to scale, based on an actual post construction certified survey. The as-built plan shows the shape and dimensions of the lot or parcel, the exact size, shape, elevation and location of buildings and other structures, exact location of utilities including heights and depths, labels identifying the intended use of each structure, utility and access easements, and any other information regarding the lot or parcel and neighboring which may be necessary for the enforcement of this zoning code. A certified as-built survey plan must be prepared and filed with the Lawrenceburg Planning and Zoning Department before an occupancy certificate may be issued.
9. **BASEMENT:** A story having part, but not more than ½ of its height below grade. A basement is counted as a half-story for purposes of height regulation.
10. **BED AND BREAKFAST INN:** A building in which one but not more than five guest rooms are used to provide or offer overnight accommodations for transient guests. Eating accommodations are provided on-site.
11. **BOARD:** The Board of Zoning Appeals of the City of Lawrenceburg, Indiana.

12. **BOARDING HOUSE:** A building, other than a hotel or motel, where, for compensation, meals and/or lodging are provided for 3 but not more than 6 non-transient persons.
13. **BUILDABLE AREA:** The area of that part of the lot not required to be allocated to yards or open spaces as required by the chapter.
14. **BUILDING:** Any structure having a roof supported by columns and/or walls and intended for the shelter, housing or enclosure of persons, animals or property.
15. **BUILDING, HEIGHT OF:** The vertical distance measured from the average elevation of the proposed finished grade at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs.
16. **BUILDING, MAIN:** A building in which is conducted the principal use of the lot on which the building is situated.
17. **BUILDING SETBACK LINE:** A line representing the minimum distance required by this chapter to be maintained between a given lot line, easement or right-of-way line and any structure, on the front, rear or side, as specified.
18. **CANOPY:** Includes any structure, made of cloth, metal, plastic, concrete or any other similar material which is supported by poles, stanchions or a frame projecting from the ground and which has as its general purpose to provide shelter or shade.
19. **CELLAR:** A space between the floor and the ceiling next above it having more than ½ of its height below grade. A cellar is counted as a story for the purposes of height regulation only if used for dwelling purposes.
20. **CHANNEL:** The geographical area within either the natural or the artificial banks of a watercourse.
21. **CITY:** City of Lawrenceburg, Indiana.
22. **CLINIC:** A building or portion thereof housing the offices of two (2) or more members of the medical or dental profession in group practice.
23. **CLUB:** A nonprofit association of persons who are bona fide members organized for some common purposes and paying regular dues; not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.
24. **COMMISSION:** The Plan Commission of the City of Lawrenceburg, Indiana.
25. **CONDITIONALLY PERMITTED USE:** A use, not permitted by right that has a particular impact on the surrounding area or neighborhood that cannot be predetermined and controlled by general regulations. Uses that may be permitted after review and approval as hereinafter provided.

26. **CONDOMINIUM:** Real estate used as a condominium as defined in the Indiana Horizontal Property Law (IC-32-1-6-2a), as the same may be amended from time to time. A Condominium unit means an enclosed space consisting of one or more rooms occupying all or part of a floor or floors in a structure or one or more floors or stories regardless of whether it is designed for residential, office, for the operation of any industry or business, or for any type of independent use.
27. **COUNCIL:** The Common Council of the City of Lawrenceburg, Indiana.
28. **COUNTY:** Dearborn County, Indiana.
29. **CURB CUT:** The opening along the curb line at which point vehicles may enter or leave the roadway.
30. **DISTRICT:** A section of the municipality for which the regulation governing the use of buildings and lots, the size of yards, and the area of lots are uniform.
31. **DRIVEWAY:** A privately owned and well defined improved access for ingress and egress of vehicles.
32. **DWELLING:** A building or portion thereof designed or used exclusively for residential occupancy.
33. **DWELLING, MOBILE HOME:** A vehicle or moveable dwelling structure which is designed to be used as a dwelling unit for one family and which stands on wheels, on rigid supports, or on a foundation but excluding prefabricated homes or section thereof and travel trailers.
34. **DWELLING, MULTIPLE OR MULTIFAMILY:** A residential building designed for or occupied by three or more families, with the number of families not exceeding the number of dwelling units.
35. **DWELLING, SINGLE FAMILY:** A detached residential building, other than a mobile home, designed for or occupied exclusively by one family.
36. **DWELLING, TWO FAMILY:** A detached residential building designed for or occupied by two families living independently of each other within individual dwelling units.
37. **ESSENTIAL SERVICES:** The erection, construction, alteration, or maintenance, by public utilities or governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.
38. **FAMILY:** An individual, two or more persons related by blood, marriage or law, or a group of not more than any four persons living together in a dwelling unit.

39. **FRONTAGE:** All the property on one side of a street between two (2) intersecting streets (crossing or terminating) measured along the line of the street, or, if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.
40. **GAMING ESTABLISHMENT:** Any establishment including, but not limited to, any boat, barge, cruise vessel, building or structure used in whole or in part for the conduct of gaming, gambling, or gaming related activities.
41. **GARAGE, PRIVATE:** An accessory building or portion of the main building which is intended for and used for storing the private passenger vehicles of the family or families' resident upon the premises.
42. **GARAGE, PUBLIC:** Any garage other than a private garage, available to the public, operated for gain, and which is used for storage, repair, rental, greasing, washing, servicing, adjusting or equipping of automobiles or other motor vehicles.
43. **GRADE, FINISHED:** The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.
44. **GROSS FLOOR AREA:** The total floor area of all stories of a building or buildings, measured at the outside foundation.
45. **HOME OCCUPATION:** A gainful occupation or profession conducted entirely within a dwelling in which use is clearly incidental and secondary to the residential use of the dwelling, and which complies with the specific regulations contained in this chapter.
46. **HOSPITAL:** A building or portion thereof designed or used for the diagnosis and treatment of patients who are physically or mentally ill.
47. **HOTEL:** A building or a portion thereof containing individual sleeping rooms or suites, each having a private bathroom attached thereto, for the purpose of providing overnight lodging to the general public for compensation with or without meals, excluding accommodations for employees, 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. Where use as a hotel is permitted as a principal use, all uses customarily and historically accessory thereto for the comfort, accommodation and entertainment of the patrons shall be permitted. As such it is open to the public, in contradistinction to a boardinghouse as separately defined herein.
48. **IMPROVEMENT LOCATION PERMIT:** A permit issued by the City stating that the proposed erection, construction, enlargement, moving, and/or use of a building, structure, or land referred to therein complies with the provisions of this chapter.
49. **JUNKYARD:** Any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including motor vehicle wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including establishments where such uses are conducted entirely within a completely enclosed building, not including establishments for the sale, purchase or storage of used cars in operable condition, or storage of materials incidental to manufacturing operations.

50. **KENNEL:** Any premises, or portion thereof, on which two (2) or more household domestic animals over four (4) months of age are kept, maintained, boarded, bred, or cared for.
51. **LOT:** A parcel of land, including the open spaces required by this chapter, occupied or intended for occupancy by a use permitted for the zoning district in which the lot is located, such parcel having a minimum of twenty (20) feet frontage, on a single dedicated street.
52. **LOT, CORNER:** A lot abutting upon two (2) or more public streets at their intersection or upon two (2) or more parts of the same street, which in either case, form an interior angle of less than one hundred thirty five (135) degrees.
53. **LOT COVERAGE:** The maximum percentage of the lot area covered by buildings either primary and/or accessory, as required by this chapter.
54. **LOT, DEPTH OF:** The mean horizontal distance between the front and rear lot lines.
55. **LOT, DOUBLE FRONTAGE:** A lot, other than a corner lot, which has frontage on more than one street.
56. **LOT, FRONTAGE:** The dimension of a lot or portion of a lot abutting on a street.
57. **LOT, INTERIOR:** A lot with frontage on only one street.
58. **LOT LINES:** The lines bounding a lot, except that where a lot line lies within a public right-of-way, the edge of the right-of-way shall be considered the lot line for purposes of determining lot area, coverage and setback requirements.
59. **LOT OF RECORD:** A lot which is part of a subdivision, the plat of which has been recorded in the office of the Recorder of Dearborn County, or a parcel of land, the deed to which was recorded in the office of said Recorder prior to the effective date of this chapter.
60. **MANUFACTURED HOME:** A dwelling unit, designed and built in a factory, 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.) with a minimum of pitch 5/12.
61. **MOBILE HOME:** A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site and which is designed to be used as a year-round residential dwelling.
62. **MOBILE HOME PARK:** Any tract of ground upon which two or more mobile homes, occupied for dwelling or sleeping purposes on a non-transient basis, are located; and comply with the regulations for such facilities as specified in this chapter.
63. **MOTEL OR MOTOR HOTEL:** A series of attached, semi-attached or detached sleeping or living units, for the accommodation of transient guests and not customarily including individual cooking or kitchen facilities, said units having convenient access to off-street parking spaces for the exclusive use of the guests or occupants.

64. **NONCONFORMING BUILDING:** A building, which does not conform to the height, area, or yard regulations for the district in which it is located.
65. **NONCONFORMING LOT:** A lot that does not conform to the minimum regulations for the district in which it is located.
66. **NONCONFORMING USE:** A use that does not conform to the regulations for the district in which it is located.
67. **PARKING LOT:** A parcel of land devoted to unenclosed parking spaces.
68. **PARKING SPACE:** An area, either within a structure or in the open, exclusive of driveways or access drives, for the parking of a single motor vehicle.
69. **PLACE:** An open, unoccupied space other than a street or alley permanently reserved as the principal means of access to abutting property.
70. **PUBLIC UTILITY:** Any person, firm, corporation, municipal, or board fully authorized to furnish and furnishing under state or municipal regulations to the public, electricity, gas, steam, telephone, telegraph, transportation or water.
71. **SIGN:** Any writing, pictorial representation, emblem flag, or any other figures of similar character which is a structure or part thereof or is attached or in any manner represented on a building or structure; and is used to announce, direct attention to, or advertise and is visible from outside a building. The word sign includes the word "billboard" but does not include the flag, pennant or insignia of any nation, state, city or other political unit, or of any political, educational, charitable, philanthropic, civic, professional, and religious or like campaign, drive, movement or event. Further, this definition shall not be held to include any board, sign or surface used to display any official notices issued by any court or public office or posted by a public officer in the performance of a public duty.
72. **STORY:** That portion of a building, other than a cellar as defined herein, included between the surface of a floor and the surface of the floor next above it or, if there is no floor above it, then the space between the floor and the ceiling next above it.
73. **STORY, HALF:** A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than two-thirds of the floor area is finished off for use.
74. **STREET:** A right-of-way dedicated to the public use, which forms the principal means of access to abutting property. A street may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, lane, drive, place, cul-de-sac, or other appropriate name. A street may also be identified according to type of use, as follows:
- a) Primary arterial streets: Are those designated in the thoroughfare plan for large volumes of traffic movement. They may be limited access, in which case entrance and exit is provided only at certain designated, controlled points.
 - b) Secondary arterial streets: Are designated in the thoroughfare plan as important streets to facilitate the collection of traffic from minor residential streets, to permit circulation within neighborhood areas and to provide convenient ways for traffic to reach arterial streets.

- c) Minor streets: Are streets not designated as primary or secondary arterial streets on the thoroughfare plan and whose main purpose is to serve as access to abutting property.
 - d) Cul-de-sac: A minor street with only one outlet.
 - e) Half street: A street bordering one or more property lines of a tract of land in which the developer has allocated at least one-half of the ultimate right-of-way width.
 - f) Marginal access street: A minor street which is parallel and adjacent to a thoroughfare, and which provides access to abutting properties and protection from traffic.
75. **STRUCTURAL ALTERATION:** Any change or rearrangement in the bearing walls, partitions, columns, beams, girders, exit facilities, exterior walls or roof of a building, excepting such repair as may be required for the safety of the building, or an enlargement, whether by extending on a side or by increasing in height, or movement of the building from one location or position to another.
76. **STRUCTURE:** Anything constructed or erected, the use of which requires location on the ground or attached to something having a location on the ground, including, but without limiting the generality of the foregoing, advertising signs, billboards, backstops for tennis courts, and pergolas. Includes BUILDING.
77. **THOROUGHFARE PLAN:** The part of the master plan, now or hereafter adopted, which sets forth the location, alignment, dimensions, identification and classification of existing and proposed public streets, highways, and other thoroughfares.
78. **TRAILER:** Any vehicle or structure constructed in such manner as to permit occupancy thereof for use as sleeping and eating quarters, or for the conduct of any business, trade or occupation; use as a selling or advertising device, or for storage or conveyance of tools, equipment or machinery; and so designed that it is, or may be, propelled by motor power other than its own. The term "trailer" shall include automobile trailer, trailer coach, and recreational vehicles.
79. **TRAILER PARK:** An area providing spaces where one or more auto trailers can be or are intended to be parked, with restroom and bathing facilities provided on site.
80. **VARIANCE:** A relaxation of the terms of this chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship. A use variance may not be granted because of the existence of legally existing nonconforming uses neither in the same district nor because of uses in an adjoining district.
81. **YARD:** An open space at existing ground level between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward except as otherwise provided in this chapter. For the purpose of determining yard measurements, the least horizontal distance between the lot line and the maximum permissible main building shall be used.

- 82. **YARD, FRONT:** A yard extending across the front of a lot between the side lot lines, and being the required minimum horizontal distance between the street or place line and the maximum permissible main building. On corner lots the front yard shall be provided on both streets.
- 83. **YARD, REAR:** A yard extending across the rear of a lot between the side lot lines, and being the required minimum horizontal distance between the rear lot line and the rear of the maximum permissible main building. On interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard. On corner lots, the rear yard shall be opposite the front (street) yard with the least dimension.
- 84. **YARD, SIDE:** A yard between the main building and the side lot lines and extending from the required front yard to the required rear yard, and being the required minimum horizontal distance between a side lot line and the side of the maximum permissible main building.

154.05

DISTRICTS ESTABLISHED

In order to classify, regulate, and restrict the location of trades, industries, residences, recreation, and other land uses and the location of buildings designed for specific uses, to regulate and limit the height, number of stories, and size of buildings and other structures hereafter erected or altered, to regulate and limit the portion of lot and acreage areas which may be occupied, the setback building lines, sizes of yards and other open spaces within and surrounding such buildings, and the density of land occupancy, the municipality and the territory within the extraterritorial jurisdiction of the Plan Commission is divided into zoning districts. All such regulations are uniform for each class or kind of building or structure or use throughout each class of district, and these districts shall be known as:

- A. Agricultural
- R-1 Single, Two, and Multi Family Residential
- LR-1 Single and Two Family Residential (Inside Levee)
- LR-2 Multi Family Residential (Inside Levee)
- B Business (Outside Levee)
- LB Business (Inside Levee)
- MS Medical Services
- E Education
- GM General Manufacturing and Industry
- B/GM Business and Manufacturing-Planned Development
- PR Parks and Recreation
- ROD Redevelopment Overlay District
- LO Levee Overlay District

154.06

ZONING MAP ADOPTED

- A) The boundaries of the zoning districts are shown upon the zoning map of the city which map and all notations thereon are incorporated herein and are made a part of this zoning code. The zoning map and all notations, references and other matters shown thereon constitute a part of this zoning code and have the same force and effect as if fully described or illustrated herein.
- B) The zoning map shall be recorded in the Dearborn County Recorder's Office and be maintained in the office of the Plan Commission and copies thereof shall be supplied to interested persons for a charge corresponding to the cost of its duplication.

154.07

DISTRICT BOUNDARY INTERPRETATION

Where uncertainty exists with respect to the boundaries of the various districts shown on the zoning map, the following rules apply:

- A) Where the districts designated on the zoning map are bounded approximately by street or alley centerlines, such centerlines shall be construed to be the boundary of the districts;
- B) Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines. Where the districts designated on the zoning map are bounded approximately by lot lines, such lot lines shall be construed to be the boundary of districts unless the boundaries are otherwise indicated on the zoning map
- C) In un-subdivided property the district boundary lines on the zoning map shall be determined by the dimensions or the use of the scale appearing on the zoning map.

154.08

LOT DIVIDED; EXTENSION OF DISTRICT

Where a district boundary line established in this chapter, or as shown on the zoning map, divides a lot which was in single ownership at the time of enactment of this chapter, the use authorized thereon and the other district requirements applying to the least restricted portion of such lot under this chapter shall be considered as extending to the entire lot, provided the more restricted portion of such lot is entirely within twenty-five (25) feet of said dividing district boundary line. The use so extended shall be deemed to be conforming.

154.09

VACATION OF STREET

Whenever any street, alley, or other public way is vacated by official action of council, the zoning districts adjoining each side of such street, alley, or other public way shall be automatically extended to the center of such vacation, and all area included in the vacation shall then and henceforth be subject to all regulations of the extended districts. A certified survey of the area being vacated, showing all new property lines shall be prepared and filed in the office of the Plan Commission. If the vacation is at the request of a property owner(s), such survey costs shall be borne by the property owner. If the City initiates the vacation, then it shall have prepared a survey showing all new property lines.

154.10

ZONING ANNEXED TERRITORY; PROPERTY NOT INCLUDED; SUBDIVIDING

- A) Upon annexation of territory, included within the extraterritorial jurisdiction of the Plan Commission, to the municipality, it shall automatically be zoned "A" Agricultural District. Such zoning shall be temporary, and the Plan Commission shall recommend to the Common Council, within a period not to exceed six months from the effective date of said annexation, a final zoning of such property. All rezoning requirements and procedures, as set forth in this chapter shall be followed.

- B) In every case where property has not been specifically included within a district, the same is hereby declared to be in the "A" Agricultural District. Such zoning shall be temporary, and the Plan Commission shall recommend to the Common Council within a period not to exceed six months from the date the Common Council was informed, at a regularly scheduled meeting, of property not being specifically zoned, a final zoning of such property. All rezoning requirements and procedures, as set forth in this chapter shall be followed.
- C) Where a tract of land may hereafter be divided into lots, the division of the tract shall be such that no lot lies in 2 or more districts.

154.11

GENERAL REGULATIONS

- A) Except as hereinafter provided in this chapter;
 - 1. No buildings shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or land be used which does not comply with all of the district regulations established by this chapter for the district in which the building or land is located.
 - 2. The minimum yards and other open spaces, including the intensity of use provisions contained in this chapter, for each and every building existing on the effective date of this chapter, for each and every building existing on the effective date of this chapter, or for any building hereafter erected or structurally altered, shall not be encroached upon or considered as yard or open space requirements or intensity of use requirements for any other building, nor shall any area occupied by a street right-of-way be included as part of minimum yard and space requirements or intensity of use requirements.
 - 3. There shall not be more than one principal building on a lot or single parcel of acreage unless otherwise specifically provided for in this chapter.
 - 4. Thirty-three (33) feet minimum street frontage is required in all levee districts and fifty feet (50) feet minimum street frontage in all other districts unless otherwise mentioned in this code.
- B) Every building hereafter erected or structurally altered shall be located on a lot or acreage, as herein defined.
- C) Lot area (Intensity of use) and yard requirements for a use permitted in a specific district shall include only areas within that same zoning district or a less restrictive district.
- D) Effective Dates
 - 1. Nothing contained in this chapter shall require any change in the plans, construction, size, or designated use of a building for which a valid permit has been issued or lawful approval given before the effective date of this chapter; provided, however, that construction under such permit or approval shall have been started within 6 months and the ground story framework including structural parts of the second floor shall have been completed within one year and the entire building completed within 2 years after the effective date of this chapter.

2. For any land annexed to the municipality of Lawrenceburg, Indiana, after the effective date of this chapter, the date on which such annexation is approved by the Common Council shall be the effective date of this chapter with respect to such land.
- E) Nothing contained in this chapter shall permit any use of land or structures when such use may be obnoxious or offensive by reason of the emission of odor, dust, smoke, gas, noise, vibration or light.
 1. Light limitation. Exterior lighting shall be so arranged as to reflect the light away from adjoining premises and streets.
 - F) Essential services as herein defined, shall be permitted as authorized and regulated by law and other ordinances of the city, it being the intention hereof to exempt such essential services from the application of this ordinance.
 - G) Nothing in this chapter shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority, provided that all necessary permits are obtained prior to work commencing.
 - H) All new construction, enlargement of existing buildings or structures, and any corresponding site work shall be subject to the provisions of Chapter 152 Flood Damage Prevention.
 - I) A certified "As-built" survey is required before an Occupancy Certificate can be issued. This requirement may be waived during the pre-application conference for certain improvements.
 - J) Per Lawrenceburg City Ordinance # 10-2003, any person desiring to place any item within the City's right-of-way, including but not limited to personal property, equipment, awning or overhang from a building, or any other item which would temporarily or permanently encroach upon the City's right-of-way shall obtain a license from the City of Lawrenceburg. Said license for any encroachment shall be obtained first by presenting an application to the zoning enforcement officer who shall then cause said application to be presented at the next convened Plan Commission meeting. Said license fee shall be \$50.00. The granting of said license shall be at the discretion of the Plan Commission.
 - K) The City of Lawrenceburg shall not be bound by the ZONING CODE concerning real estate owned / controlled by the City of Lawrenceburg.
 1. The City of Lawrenceburg shall make an informative presentation to the Lawrenceburg Advisory Plan Commission at a regularly scheduled meeting. The City will answer questions and hear suggestions that are relative to the project.
 2. Notice must be given in accordance with I.C. 5-3-1.

154.12 (Reserved)

154.13 (Reserved)

ADMINISTRATION AND ENFORCEMENT

154.14 ADMINISTRATION

The Plan Commission's designated staff shall be responsible for the administration of the provisions of this chapter.

154.15 PLAN COMMISSION

A) Membership

1. All members of the Commission shall be residents of the City. The Commission shall be made up of seven (7) members as follows, per IC 36-7-4-207(b), as the same may be amended.
 - a) Three (3) members, appointed by the Common Council who must be elected or appointed municipal officials or employees in the municipal government.
 - b) Four (4) citizen members, appointed by the Mayor, of whom no more than two (2) may be of the same political party.
 - c) If; and when, the City exercises its jurisdiction outside the incorporated area of the municipality, as provided for in IC 36-7-4-205, two (2) additional members shall be appointed by Dearborn County pursuant to IC 36-7-4-214.

B) Reciprocal Representation

1. A designated representative of the Commission shall serve as an advisory member of the Dearborn County Plan Commission.
2. The representative of the Dearborn County Plan Commission appointed to serve as an advisory member of the Lawrenceburg Plan Commission shall have all the privileges of membership, except the right to vote.

C) Term of Office

1. The term of office for those members appointed pursuant to Section 154.15 (A) (1) (a), above, shall be governed by IC 36-7-4-217, as the same may be amended from time to time.
2. The term of office for those members appointed pursuant to Section 154.15 (A) (1) (b), above, shall be governed by IC 36-7-4-218, as the same may be amended from time to time.

D) Commission Organization

1. At its first regular meeting in each year, the Commission shall elect from its members a president and vice president. The vice president may act as president of the Commission during the absence or disability of the president.

2. The Commission may appoint and fix the duties of a secretary, who is not required to be a member of the Commission.
3. A quorum consists of a majority of the entire membership of the Commission who are qualified to vote.
4. Action of the Commission is not official, unless it is authorized at a regular or special meeting, by a majority of the entire Commission membership.

E) Powers and Duties

1. Per IC 36-7-4-401, the Plan Commission shall:
 - a) Supervise, and make rules for the administration of the affairs of the Commission;
 - b) Prescribe uniform rules pertaining to investigations and hearings;
 - c) Keep a complete record of all the Commission proceedings, including meeting minutes, which shall be public records, on file in the office of the Commission;
 - d) Record and file all bonds and contracts and assume responsibility for the custody and preservation of all papers and documents of the Commission;
 - e) Prepare, publish, and distribute reports, ordinances, and other material relating to the activities authorized by state law;
 - f) Adopt a seal; and
 - g) Certify to all official acts.
2. In addition, the Commission shall:
 - a) Review and make recommendations to the common council on those matters required by state laws, including but not limited to, amendments to this chapter and the city's comprehensive plan;
 - b) Review and determine those applications that, by this chapter, require final review by the Plan Commission;
 - c) Be authorized and empowered to do and perform any act which is required or allowed under state law;
 - d) Review and make recommendations to the Board of Zoning Appeals on Conditionally Permitted Use applications.
 - e) Hold annual meetings with the Lawrenceburg Board of Architectural Review to consider matters of mutual interest or matters referred to the two bodies by the Common Council; and
 - f) Hold annual meetings with the Board of Zoning Appeals to consider matters of mutual interest or matters referred to the two bodies by the Common Council.

F) Meetings

1. The Commission shall hold regularly scheduled monthly meetings.
2. Special Meetings may be called by the president or by two (2) members upon written request to the secretary, who shall send a written notice to all members at least three (3) days before the special meeting indicating its time and place. Written notice is not required if the date, time, and place are fixed during a regular meeting attended by all Commission members.

154.16

BOARD OF ZONING APPEALS

A) Membership

1. All members of the Board shall be residents of the City. The Board shall be made up of five (5) members as follows, per IC 36-7-4-902 (a), as the same may be amended from time to time.
 - a) Three (3) citizen members, appointed by the Mayor, of whom one (1) must be a member of the Plan Commission and two (2) must not be members of the Plan Commission.
 - b) One (1) citizen member, appointed by the Common Council, who must not be a member of the Plan Commission.
 - c) One (1) citizen member, appointed by the Plan Commission, who must be a member of the Plan Commission other than the member appointed in Section 154.16 (A) (1) (a) above.
 - d) If; and when, the City exercises its jurisdiction outside the incorporated area of the municipality, as provided for in IC 36-7-4-205, the Plan Commission shall designate, as its appointment to the Board, per Section 154.16 (A) (1) (c), one (1) of the two (2) citizen members who were appointed to the Commission, per Section 154.15 (A) (1) (c), to represent the unincorporated area. That member must reside in the unincorporated area. That member shall be appointed for a term of four (4) years and is entitled to participate and vote in all matters that come before the Board.

B) Term of Office

The term of office for the Board shall be governed by IC 36-7-4-906, except as indicated in Section 154.16 (A) (1) (d), above.

C) Board Organization

1. At its first meeting of each year, the Board shall elect a chairman and vice-chairman from its members. The vice-chairman may act as chairman during the absence or disability of the chairman.
2. The Board may appoint and fix the duties of a secretary.
3. A quorum consists of a majority of the entire Board membership.

4. Action of the Board is not official, unless it is authorized at a regular or special meeting, by a majority of the entire Board membership.

D) Powers and Duties

Per IC 36-7-4-900 et seq., the Board shall:

1. Adopt, print and have available to applicants and the public, rules which may not conflict with this chapter, concerning:
 - a) The filing of appeals;
 - b) The application for variances, special exceptions, special uses, contingent uses, and conditional uses, as this chapter may authorize, define, and regulate the same;
 - c) The giving of notice;
 - d) The conduct of hearings.
2. Keep minutes of all its proceedings and record the vote on all actions taken. All minutes and records shall be on file in the office of the Board and all such records are public. The Board shall, in all cases heard by it, make written findings of fact.
3. Hear and determine appeals from and review, pursuant to the following:
 - a) Types of Appeals
 1. Any order, requirement, decisions, or determination made by an administrative official, hearing officer, or staff member under this chapter;
 2. Any order, requirement, decision, or determination made by an administrative board or other body except the Plan Commission in relation to the enforcement of this chapter; or
 3. Any order, requirement, decision, or determination made by an administrative board or other body except the Plan Commission in relation to the enforcement of an ordinance adopted pursuant to state law requiring the procurement of an improvement location or occupancy permit.
 - b) Written appeals must be filed, at the designated staff's office, within twenty (20) calendar days of the date the action, requirement, decision, or determination took place. Such appeal must specify the grounds on which the appeal is being filed.
 - c) The person or body, from whom the appeal is taken shall cause to have transmitted, copies of all documents, plan, and papers which constitute the record of the action from which the appeal is taken, to the Board member to allow sufficient review prior to the date of the meeting at which the appeal will be heard.

- d) Upon an appeal, the Board may reverse, affirm, or modify the original action. For this purpose, the Board shall have all the powers of the official, officer, board, or body from which the appeal was taken.
- e) The Board shall decide the appeal either at the meeting at which the matter is first presented, or at the conclusion of the hearing on the matter, if it is continued. Within five (5) days after making any decision, the Board shall file in the office of the Board a copy of its decision.
- f) Notification procedures for all appeals shall be established by the Board
- g) Any person or persons, firm or corporation, jointly or severely aggrieved by any decision by the Board, may present to the Circuit or Superior Court of Dearborn County, a petition, duly verified, setting forth that such decision is illegal in whole or in part and specifying the grounds of the illegality. The petition shall be presented to the court within thirty (30) days after the date of the decision and the order of the board complained of.
- h) Stay of proceedings: An appeal to the board shall stay all proceedings in furtherance of the action appealed from, unless the zoning inspector certifies to the board after notice of appeal shall have been filed with him, that by reason of fact stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by restraining order, which may be granted by the Board or by the Circuit or Superior Court of Dearborn County.

4. Approve or deny all:

Conditionally Permitted Uses as authorized, defined, and regulated by this chapter. The Board may impose reasonable conditions as a part of its approval. The Board may also permit or require the owner of land, which is the subject of the above application type, to make a written commitment concerning the use or development of that land. Any such commitment shall be recorded at the Dearborn County Recorder's Office, pursuant to IC 36-7-4-921, as the same may be amended from time to time.

5. Approve or deny all variances, pursuant to the following:

- a) The Board shall review and approve or deny all variance applications. In all cases, the Board shall, as a part of its deliberations, consider the purpose and definition of the term variance. The Board may impose reasonable conditions as a part of any approval it grants. The Board may also permit or require the owner of the land, which is the subject of the variance, to make a written commitment concerning the use or development of that land. Any such commitment shall be recorded at the Dearborn County Recorder's Office, pursuant to IC 36-7-4-921, as the same may be amended from time to time.

Additionally, an approval can be granted only after the Board has determined, in writing that:

- 1. For use variances:

- a) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
 - b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
 - c) The need for the variance arises from some condition peculiar to the property involved;
 - d) The strict application of the terms of this chapter will constitute an unnecessary hardship if applied to the property for which the variance is sought;
 - e) The approval does not interfere substantially with the City's comprehensive plan; and
 - f) The approval is not based upon legally existing nonconforming uses in the same zoning district nor permitted uses in other districts.
2. For variances from development standards, such as height, bulk, or area:
- a) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
 - b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
 - c) The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property;
 - d) The variance represents the smallest deviation possible; and
 - e) The approval is not based upon legally existing non-conformities, of a similar nature, in the same zoning district nor regulations from other zoning districts.
- b) Applications for variances shall include sufficient information in order to clearly state the facts surrounding the variance request, and shall comply with the provisions of Section 154.29 C) and D), as amended below, regarding the parties who receive notices, and substituting the Board for the referenced Plan Commission and Common Council.
- c) Notification Requirements

The following notification requirements and procedures shall apply.

1. For use variances:

- a) Written notice, by certified mail, shall be sent to all property owners within two hundred (200) feet of the subject parcel(s), no less than ten (10) days prior to the hearing date of the Board wherein the application will be reviewed. If the matter is continued to additional meetings, written notice may be sent to the same property owners at the discretion of the Board.
 - b) Such notice shall state the date, time, place, and purpose of the meeting.
 - c) Legal notice for the hearing shall be given by one (1) publication in a newspaper of general circulation in the city at least ten (10) days before the date of such hearing, and state the same information as that required in the written notice, and shall otherwise comply with IC. 5-3-1.
2. For variances from development standards:
- a) All of the provisions for use variances apply, except that only the property owners directly adjacent to and across the street from the subject parcel(s) shall receive written notices.

154.17 (Reserved)

154.18 ZONING AMENDMENTS

A) Common Council may amend this chapter whenever the public health, safety, comfort, morals, convenience or general welfare or good zoning practice require, the Common Council may by ordinance, after recommendation thereon by the Plan Commission and subject to the procedure provided in this section and I.C. 36-7-1 et. Seq., amend, supplement or change the regulations, district boundaries or classifications of property, now or hereafter established by this ordinance or amendments thereof. It shall be the duty of the Plan Commission to submit its recommendations regarding all applications or proposals for amendments or supplements. An amendment, supplement, reclassification or change may be initiated by the Plan Commission or by a petition of the owners of fifty (50) percent or more of the area proposed to be changed or affected by this ordinance.

B) Considerations for Amendments

In preparing and/or considering amendments to this chapter, the Plan Commission and Common Council shall consider the following during deliberations:

- 1. The Comprehensive Plan;
- 2. Current conditions and the character of current structures and uses in each district;
- 3. The most desirable use for which the land in each district is adapted;
- 4. The conservation of property value throughout the jurisdiction; and
- 5. Responsible development and growth.

C) Amendment Procedures

Petitions for any change of the regulations or of district boundaries or classifications of property as shown on the zoning map shall be submitted to the designated staff upon such forms, and accompanied by such data and information as may be prescribed for that purpose, so as to assure the fullest practicable presentation of facts for the permanent record. Each application for a change in zoning shall, when made in conjunction with a proposed development, adhere to the provisions of Section 154.29, Site Plan Review. Each such petition for a change of district boundaries or a reclassification of property submitted by property owners shall be verified by at least one such owner attesting to the truth and correctness of all facts and information presented with the petition. Petitions for amendments submitted by the Plan Commission shall be accompanied by its own resolution pertaining to such proposed amendment.

1. Notification and hearing: Before submitting its recommendations on a proposed change of the regulations or reclassification of property to the Common Council, the Plan Commission shall hold a public hearing thereon, notice of which shall be given as required in I.C. 36-7-4-604.
2. Recommendation to Common Council: Following such hearing, the Commission may recommend that the application be granted as requested, or it may recommend a modification of the zoning change requested in the application, or it may recommend that the application not be granted. These recommendations shall then be certified to the Common Council.
3. Common Council; final action: Following review of the recommendations of the Commission thereon, the Common Council shall consider such recommendations and vote on passage of the proposed amendment to the text of the ordinance or to the zoning map. In the event the report of the Plan Commission is adverse to a proposed change referred to it, the amendment shall not be passed except by an affirmative vote of at least a majority of the members of the Common Council.

Failure of the Common Council to pass the proposed amendment with said affirmative vote within ninety (90) days after its rejection by the Plan Commission shall constitute rejection of the proposed amendment and it shall not be reconsidered by the Plan Commission or the Common Council until the expiration of one (1) year after the date of its original rejection by the Plan Commission.

154.19 ENFORCEMENT; VIOLATIONS; PENALTIES; REMEDIES;

A) Enforcement

The designated staff pursuant to Section 154.14, shall be responsible for the enforcement of this chapter. Additionally, all departments, officials and public employees of the city vested with the duty or authority to issue permits or licenses shall conform to the provisions of this ordinance and shall issue no permit or license for any use building or purpose in conflict with the provisions of this ordinance. Any permit, or license, issued in conflict with the provisions of this ordinance, shall be null and void.

B) Violation and Penalties

Any building erected, raised or converted, or land or premises used in violation of any provisions of this ordinance is hereby declared to be a common nuisance and the owner of such building, land or premises shall be liable for maintaining a common nuisance. Persons violating any provisions of this ordinance or amendment or supplement thereto shall be subject to the following penalties and actions:

1. Any person or corporation who violates or fails to comply with any provisions of the chapter shall be subject to penalties prescribed hereunder. Each day such a violation exists shall constitute a separate offense. Each separate offense shall be subject to court costs and the following fines as determined by the severity of the offense:
 - a. Not less than \$10.00 no more than \$10,000.00 for demolition.
 - b. Not less than \$10.00 no more than \$50,000.00 for all other offenses.
2. The erection, construction, enlargement, alteration, repair, demolition, color change, moving, maintenance of any building, structure or appurtenance which is begun, continued or maintained contrary to the provisions of this section is hereby declared to be a nuisance and in violation of this section and unlawful. The City of Lawrenceburg may institute a suit for injunction in a court of appropriate jurisdiction to restrain any person or corporation or governmental unit from violating any provision of this ordinance and to cause such violation to be prevented, abated or removed. Such action may also be instituted by any property owner who is adversely affected by a violation of any provision of this ordinance pursuant to I.C. 36-7-11-21.
3. That this ordinance shall be immediately effective following its adoption and any publication required by law. **(Adopted October 19, 1998)**

D) Remedies

The Plan Commission, the Board of Zoning Appeals, the specified individual in A) above, or City Attorney may institute a suit for injunction to restrain an individual or a governmental unit from violating the provisions of this chapter. The Plan Commission or the Board of Zoning Appeals may also institute a suit for mandatory injunction directing an individual or a governmental unit to remove a structure erected in violation of the provisions of this chapter and if the Plan Commission or the Board of Zoning Appeals is successful in its suit, the respondent shall bear the cost of the action.

154.20 (Reserved)

DISTRICT USE REGULATIONS

154.21 LEVEE OVERLAY DISTRICT REGULATIONS

A) Purpose

The purpose of the Levee Overlay District is to establish alternative regulations sensitive to the

limitations on development and constraints imposed by the existing conditions located in all properties within the Agriculture & Open Space, Business, Educational, General Manufacturing and Industry, Levee Business, Levee Residential 1 & 2 Family and Levee Residential Multi-Family Districts and located in downtown Lawrenceburg and as shown on the City of Lawrenceburg, Indiana Zoning Map, Sheet 2 of 2, excepting all property located in the floodplain and bounded by U.S. 50 to the north, proposed Argosy Boulevard right-of-way to the northwest, existing flood levee to the west, Ohio River to the south and the corporate boundary to the east.

- B) The regulations set forth in this section, or elsewhere in this chapter when referred to in this section, are the district regulations for the “LO” District
- C) Principal Permitted Uses.
 - 1. Permitted uses in the A, R-1, LR-1, LR-2, B, LB, MS, E, GM, B/GM and PR Districts shall be permitted in the LO District upon a complete Site Plan Review as required under Section 154.29 C), D), E), and G) and approval by the Plan Commission based upon Section 154.30 C) paragraphs 1 through 4.
- D) Accessory Buildings and Uses
 - 1. Accessory uses customarily incidental to the permitted use and as provided under Site Plan Review by the Plan Commission.
- B) Lot, Area and Height Regulations
 - 1. Lot, area and height regulations are to be in character with surrounding properties and subject to approval by the Plan Commission.
- F) Landscaping, Buffering, Screening
 - 1. Landscaping, buffering and screening is subject to Plan Commission review and should be employed to mitigate any adverse impact upon adjacent properties. Section 154.39 should be used as a guideline.
- G) Change in Use
 - 1. No change in use may be permitted within the LO District without the prior approval of the Plan Commission through Site Plan Review.

154.22 AGRICULTURAL AND RESIDENTIAL DISTRICT REGULATIONS

- A) The regulations set forth in this section, or set forth elsewhere in this chapter when referred to in this section, are the district regulations in the "A", "R-1", "LR-1", and "LR-2" districts.
- B) Schedule of District Use Regulations

Schedule Of District Use Regulations		
District	Principal Permitted Uses*	Accessory Buildings and Uses* *
"A"	1. Agriculture 2. Single family dwellings	1. Private garage 2. Swimming pool

		3. Utility / storage shed 4. Temporary produce stands on premises used for agricultural purposes. 5. Other accessory uses customarily incidental to a permitted use.
"R- 1"	1. Single family dwelling 2. Two family dwellings 3. Multi-family dwellings	1. Private garage 2. Swimming pool 3. Utility / storage shed 4. Other accessory uses customarily incidental to a permitted use.
"LR- 1"	1. Single family dwellings 2. Two family dwellings	1. Private garage 2. Swimming pool 3. Utility / storage shed 4. Other accessory uses customarily incidental to a permitted use.
"LR-2"	1. Multi-family dwellings 2. All LR-1 uses	1. Private garage 2. Swimming pool 3. Utility / storage shed 4. Other accessory uses customarily incidental to a permitted use.

* Refer to Section 154.29 Site Plan Review to determine the required process for approval of development applications, and Section 154.38 Additional Use, Height and Area Regulations.

** Must conform to the provisions of Section 154.33 for Accessory Buildings And Uses.

*** New multi-family dwellings shall pay a Parks and Recreation Fee to the City of Lawrenceburg Parks and Recreation Department. Developments of twenty-five (25) units and larger shall install an appropriately sized play area, in addition to the fee.

C) Schedule Lot, Yard and Bulk Regulations
The following are minimum requirements.

SCHEDULE OF LOT, YARD, AND BULK REGULATIONS							
DISTRICT	LOT		YARD (a)			BULK	
	Minimum Area (Square Feet)	Width (Feet)	Front (Feet)	Side (Feet)	Rear (Feet)	Minimum Floor Area (Square Feet)	Maximum Height (Stories / Feet)
"A"	43,560 (1 Acre)	150	50	50	50	1,300 (for single family dwellings)	2.5 / 30
"R-1" Single Family	10,000	75	30	10	35	1,300	2.5 / 30
"R-1" Two Family	11,000	80	30	15	35	1,300 (per unit)	2.5 / 30
"R-1" Multi-Family	5,500 (per unit)	120	40	50	50	1,000	3 / 40
"LR-1"	-	30	5 (or match existing on block)	5 (total for both sides)	10	1,300 (per unit)	2.5 / 30
"LR-2"	-	50	Same as "LR-1"	10(b)	15(b)	(c)	3 / 40

(a) Accessory buildings and uses shall maintain a side yard setback equal to the above referenced side yard requirements and shall be no closer to a rear lot line than five (5) feet.

- (b) Side and rear yard setbacks shall be increased by 50% for developments of more than four (4) units.
- (c) 900 sq. ft. per unit for 2-3 bedroom units (60% of development minimum). 700 sq. ft. per unit for 1-bedroom units (20% of development minimum). 500 sq. ft. per unit for studio units (20% of development maximum).

D) Refer to Section 154.39 Landscaping; Buffering; Screening for applicable requirements.

154.23 BUSINESS DISTRICT REGULATIONS

A) The regulations set forth in this section, or set forth elsewhere in this chapter when referred to in this section, are the district regulations in the "B" (outside the Levee) and "LB" (inside the Levee) districts.

- 1. More than one principle structure is permitted in the "B" District.

B) Schedule of District Use Regulations

SCHEDULE OF DISTRICT USE REGULATIONS		
DISTRICT	PRINCIPAL PERMITTED USES *	ACCESSORY BUILDINGS AND USES **
"B"	1. Groceries and other food stores 2. Drug stores 3. Barber shops / beauty parlors 4. Art and antique stores 5. Furniture and appliance stores 6. Dry cleaning, self-service laundries, etc... 7. Department, dry goods, apparel store, etc... 8. Any retail business, service establishment or office serving primarily the highway traveler including hotels, motels, service stations, gift shops and restaurants with drive thru service. 9. Sales and service establishments for automobiles, trucks, trailers, and farm equipment 10. Business and professional buildings including banks, lawyers, accountants, and doctors offices. 11. Restaurants, bars, cocktail lounges, liquor sales, soda fountains and drive thru eating-places. 12. Night clubs, theaters, billiard parlors, bowling alleys and similar establishments. 13. Funeral home. 14. Single family residences existing as of July 1, 1997.	1. Any use customarily incidental to a permitted use.
"LB"	1. Groceries and other food stores 2. Drug stores 3. Barber shops / beauty parlors 4. Art and antique stores 5. Furniture and appliance stores 6. Dry cleaning, self-service laundries, etc... 7. Department, dry goods, apparel store, etc... 8. Restaurants 9. Residential (upper floor only) 10. Business and professional offices including banks, lawyers, accountants, doctors offices. 11. Business and professional.	1. Any use customarily incidental to a permitted use

* Refer to Section 154.29 Site Plan Review to determine the required process for approval of development or building permit application and Section 154.38 Additional Use, Height And Area Regulations.

** Must conform to the provisions of Section 154.33 for Accessory Buildings And Uses.

C) Lot, Area and Height Regulations

1. Lot

- a) There is no minimum lot size or width requirement for the "B" and "LB" districts. Building coverage, in the "B" district, shall not exceed 30% of the lot area, excluding any portion of the lot within public rights-of-way, and provided further that all yard and parking requirements are met.
- b) In the "LB" district, there is no maximum lot coverage. However, all applicable yard and parking requirements must be met, and the size and scale of new buildings must be compatible with existing buildings in the same block.

2. Area

a) Front Yard

- 1) In the "B" district, there shall be a front yard of no less than 30 feet from the street right-of-way line, and applying to both streets for lots with double frontage and corner lots. This minimum requirement applies to buildings only and does not apply to parking.
- 2) In the "LB" district, the front yard shall be consistent with the existing setbacks in the same block, but shall not be less than the average of the setbacks on either side of the subject parcel.

b) Side Yard

- 1) In the "B" district, no side yard is required except on a side adjoining a residence district, in which case the side yard shall be no less than fifty (50) feet, and applying to both buildings and parking.
- 2) In the "LB" district, there is no side yard setback, except when adjoining a residential district, in which case, the provision of section 154.38 D) shall apply.

c) Rear Yard

- 1) In the "B" district, the rear yard requirement is the same as that required for the side yard.
- 2) In the "LB" district, the rear yard requirement is the same as the side yard requirement.

3. Height

- a) In the "B" district, no building shall exceed three (3) stories or forty-five (45) feet, except as provided in Section 154.38 Additional Use, Height and Area Regulations.
- b) In the "LB" district, no building shall exceed three (3) stories or forty-five (45) feet, and the height of a new building must be compatible with that of existing buildings in the same block and across the street.

154.24

MEDICAL SERVICES DISTRICT REGULATIONS

- A) The regulations set forth in this section, or set forth elsewhere in this chapter when referred to in this section, are the district regulations for the "MS" district. For additional supplemental use, height, and area regulations refer to Section 154.38.
- B) Principal Permitted Uses
 - 1. Hospital, including multiple principal structures.
 - 2. Medical and dental offices
 - 3. Residential dwellings as permitted in the R- 1 district.
- C) Accessory Buildings and Uses
 - 1. When the primary use is a hospital, any use or uses that are customarily incidental to a hospital.
 - 2. When the primary use is a medical or dental office, any use that is customarily incidental to such a principal use.
 - 3. When the primary use is residential, those accessory uses as provided in the R- 1 district.
- D) Lot, Area and Height Regulations
 - 1. Lot
 - a) For hospitals, the minimum lot size is three (3) acres.
 - b) For medical and dental offices, there is no minimum lot size.
 - c) For residential uses, the requirements are the same as in the "R- 1" district.
 - 2. Area
 - a) For hospitals, all structures, parking areas and accessory buildings shall be no less than fifty (50) feet from any adjoining residential property line and thirty (30) feet from a public street right-of-way. If facilities are to be illuminated for night use, those facilities are to be no less than seventy-five (75) feet from any adjoining residential property line and the lighting fixture designed, located and

installed to avoid glare onto the adjoining residential property.

- b) For medical and dental offices, the yard requirements are the same as in the "B" district.
- c) For residential areas the yard requirements are the same as in the "R- 1" district.

3. Height

- a) For hospitals, the maximum height of any building or structure shall be three (3) stories or forty-five (45) feet except as provided in Section 154.38 Additional Use, Height and Area Regulation.
- b) For medical and dental offices, the maximum height is the same as in the "B" district.
- c) For residential uses, the maximum height is the same as in the "R- 1" district.

E) Refer to Section 154.39 Landscaping; Buffering; Screening for applicable requirements.

154.25

EDUCATION DISTRICT REGULATIONS

A) The regulations set forth in this section, or set forth elsewhere in this chapter when referred to in this section, are the district regulations for the "E" district. For additional supplemental use, height, and area regulations refer to Section 154.38.

B) Principal Permitted Uses

- 1. Public elementary, junior and high schools.
- 2. More than one principal structure is permitted in this district.

C) Accessory Buildings and Uses

- 1. Playgrounds
- 2. Running tracks and athletic fields
- 3. Buildings housing mechanical equipment
- 4. Other accessory uses customarily incidental to the operation of a school.

D) Lot, Area and Height Requirements

- 1. The minimum lot size for any school is three (3) acres
- 2. Yard Requirements
 - a) All structures, parking areas and active recreational/athletic uses shall be no less than thirty (30) feet from any adjoining residential property line or public street

- right-of-way.
 - b) If facilities are to be illuminated for night use, those facilities are to be no less than seventy-five (75) feet from the adjoining residential property line and the lighting fixture designed, located and installed to avoid glare onto the adjoining residential property.
- 3. The maximum height of any building or structure shall be three (3) stories or forty-five (45) feet, except as provided in Section 154.38, Additional Use, Height and Area Regulations.
- E) Refer to Section 154.39 Landscaping; Buffering; Screening for applicable requirements.
- F) Signage requirements are the same as specified in Section 154.40 E)

154.26

**GENERAL MANUFACTURING AND INDUSTRY
DISTRICT REGULATIONS**

- A) The regulations set forth in this section, or set forth elsewhere in this chapter when referred to in this section, are the district regulations for the "GM" district. For additional supplemental use, height, and area regulations refer to Section 154.38.
- B) Principal Permitted Uses
 - 1. Manufacturing
 - 2. Animal hospital veterinary clinic
 - 3. Wholesale businesses
 - 4. Warehousing
 - 5. Truck terminals
 - 6. Laboratories
 - 7. Building material lumber goods
 - 8. Bars, night clubs, bookstores, and the like, that have or include any activity, reading or visual material that can be considered adult material or entertainment in nature, and providing further they adhere to specific regulations as stated elsewhere in this section.
 - 9. More than one principal structure is permitted in this district.
- C) Accessory Buildings and Uses
 - 1. Accessory Uses customarily incidental to a permitted use.
- D) Lot, Area and Height Regulations
 - 1. Lot

There is no minimum lot size or width requirement

2. Area

The following are minimum setback requirements and are supplemented by additional regulations that require separation of permitted uses in this district from other certain specified uses.

a) Front Yard

There shall be a front yard of no less than thirty (30) feet from the street right-of-way line, and applying to both streets for lots with double frontage and corner lots. This minimum requirement applies to buildings only.

b) Side Yard

There shall be a side yard of no less than thirty (30) feet and applying to both buildings and parking.

c) Rear Yard

The rear yard requirement is the same as the side yard requirement.

3. Height

No building shall exceed four (4) stories or sixty (60) feet, except as provided in Section 154.38 Additional Use, Height and Area Regulation.

E) Separation Requirements

Because of the nature of the permitted uses in this district, it is hereby determined that such uses shall be located only upon compliance with the following separation requirements, which apply to separation lines of the uses and not buildings.

1. Animal hospital, veterinary clinic and wholesale businesses shall be separated from any residential district by no less than one hundred (100) feet.
2. Warehousing, truck terminals, building material, lumber yards, and laboratories shall be separated from any residential district by no less than two hundred (200) feet.
3. Manufacturing, when involving nonflammable or nonvolatile materials, shall be separated from any residential district by no less than two hundred (200) feet. If involving flammable or volatile materials, it shall be separated by no less than five hundred (500) feet or as determined by the Fire Department.

F) Regulations for Adult Entertainment Facilities

1. Definitions

- a) **ADULT BOOKSTORE:** An establishment, from which minors are excluded, having as a substantial or significant portion of material on display and/or for sale (25% or more in value in merchandise, books, magazines, or other

periodicals) are distinguished or characterized by emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

- b) **ADULT CABARET:** A cabaret, which features go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers performing adult entertainments.
 - c) **ADULT DRIVE-IN THEATER:** An outdoor theater for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons.
 - d) **ADULT ENTERTAINMENT:** Performances by topless and or bottomless dancers, strippers or similar entertainers, where such performances are characterized by the display or exposure of specified anatomical areas.
 - e) **ADULT ENTERTAINMENT FACILITIES:** Adult bookstores, adult drive in theaters, adult cabarets, adult mini-motion picture theaters, adult motion picture theaters, or any other similar service or entertainment facilities which emphasize nudity and/or sexual activities as an entertainment medium.
 - f) **ADULT MINI-MOTION PICTURE THEATER:** An enclosed building with a capacity of less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons.
 - g) **ADULT MOTION PICTURE THEATER:** An enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons.
 - h) **SPECIFIED ANATOMICAL AREAS:** Less than completely an opaquely covered human genitals, pubic region, buttock, and female breasts below a point immediately above the top of the areola; human male genitals in discernibly turgid state even if completely and opaquely covered.
 - i) **SPECIFIED SEXUAL ACTIVITIES:** Human genitals in a state of sexual stimulation or arousal; acts, real or simulated, of human fondling or other erotic touching of human genitals, pubic region, buttock, or female breasts.
2. All lot, area and height regulations as provided in subsection D) above are required for these uses.
3. The following requirements shall apply to all adult entertainment facilities.
- a) No adult entertainment facility shall be established within one thousand (1000) feet of any area zoned for residential use.
 - b) No adult entertainment facility shall be established within one thousand (1000) feet of any school, library or teaching facility, whether public or private,

governmental or commercial, if attended by persons under eighteen (18) years old.

- c) No adult entertainment facility shall be established within a radius of one thousand (1000) feet from any church, synagogue, or permanently established place of religious services attended by persons under eighteen (18) years of age.
- d) All building openings, entries, window, etc. for adult entertainment facilities shall be located or covered in such a manner as to prevent a view into the interior from any public area, sidewalk or street.
- e) No screens, loudspeakers or sound equipment shall be used for any adult drive-in theater or adult motion picture theater that can be seen or discerned by the public from any public area, street or sidewalk.

G) Refer to Section 154.39 Landscaping, Buffering and Screening for applicable requirements.

154.27 BUSINESS AND MANUFACTURING - PLANNED DEVELOPMENT DISTRICT REGULATIONS

A) Purpose

The purpose of this planned development district is to establish general regulations recognizing the limitations on development and its scale imposed by the location of the established street(s), topography of the area, and proximity to tanners creek.

B) The regulations set forth in this section, or elsewhere in this chapter when referred to in this section, are the district regulations for the "B/GM" Planned Development District. For additional supplemental use, height and area regulations refer to Section 154.38.

C) Principal Permitted Uses

- 1. Permitted uses in the "B" and "GM" districts, except number 8 in Section 154.26 B).
- 2. More than one principal structure is permitted in this district.

D) Accessory Buildings and Uses

- 1. Accessory uses customarily incidental to a permitted use.

E) Lot, Area and Height Regulations

- 1. There is no minimum lot size or width requirement.
- 2. Area
 - a) Front yard. There shall be a front yard of no less than the average established by the existing buildings. The front yard requirement, as applied to parking, shall be determined in the same manner. Building additions can be no closer than the existing structure

2. Refer to Section 154.39 Landscaping; Buffering; Screening for applicable requirements.

154.29 SITE PLAN REVIEW

A) Purpose

Site Plan Review is a process that provides for the review of development proposals to assure special examination, review and findings by the City. It is a grant of authority under the terms of this chapter from and by the Plan Commission to an applicant for the use or uses of property in the manner set out in an approved development proposal.

B) Review Procedures:

1. Site Plan Review requires the review and determination by the Plan Commission of certain development proposals.
2. The following table sets forth the types of development that are to be reviewed by the designated staff and those types requiring review by the Plan Commission.

SITE PLAN REVIEW	
STAFF REVIEW	PLAN COMMISSION REVIEW
1. Construction of or additions to single and two family dwellings. 2. Renovations enlarging, by not more than 25%, the bulk or capacity of existing multi family or non-residential buildings. 3. Accessory or temporary uses and structures. 4. Reconstruction of conforming non-residential structures due to a natural disaster or emergency situations.	1. All new non-residential buildings. 2. Renovations enlarging, by more than 25%, the bulk or capacity of existing multi-family or non-residential 3. All Planned Development Projects. 4. Redevelopment Overlay District proposals. 5. All new multifamily projects. 6. Development proposals made as a part of a rezoning

3. Pre-application Conference

In order to expedite the review of all applications and to inform the City of a development proposal in preparation, one or more pre-application conferences between the applicant and designated staff is required (unless specifically waived by staff) to informally discuss the application requirements, procedures and details of the proposed development. Formal application or filing of a site plan is not required for a conference. A preliminary site plan is recommended for discussion purposes.

C) Required Information:

The following information shall be required as part of any applications for Site Plan Review, unless waived by the designated staff upon review by the Plan Commission, any information waived by staff may be required.

LAWRENCEBURG
ADVISORY PLAN COMMISSION
SITE PLAN REVIEW

PROJECT NAME:

PROJECT LOCATION:

ILP / VARIANCE / GE&F #:

DATE OF PLANS:

1. Any area map showing the relationship of the site to existing development in the area. Adjoining zoning districts, streets, residential and commercial development, and physical features of the land within two hundred (200) feet of the site shall be shown. This includes the F.E.M.A. Flood Insurance Rate Map and Flood Boundary and Floodway Map information.
2. Names and mailing address of all property owners within two hundred (200) feet of the site. This information must be listed on the Area Map or the Site Plan.
3. Names and mailing addresses of the owner or owners of the site and the nature of the developer's interest if the developer is not the owner.
4. The size of the site including its legal description (metes and bounds), and a current certified survey showing existing contours (to be determined at pre-application conference).
5. A site plan, drawn to scale, showing building locations, drives, parking areas, utility line locations, proposed contours (to be determined at pre-application conference) and dimensioned setbacks.
6. The intensity of land use(s) indicated by acreage or square footage and percentages thereof for the following:
 - a) Building coverage;
 - b) Drives, walkways, and parking areas (all non-building impervious surfaces); and
 - c) Open space
7. The use and height of all buildings and other proposed structures.
8. The form of ownership of the proposed development.
9. The provisions for open space, landscaping and buffering requirements.
10. Storm water management plan, including water quality control and soil erosion control is required. This includes both, construction and post construction details. This plan shall also include a detailed, sequential restoration plan.
11. If applicable, the provisions for compliance with all subdivision code requirements.
12. A traffic impact analysis that includes average daily and peak hour estimates, and proposed public right-of-way improvements.

- 13; Drawings of proposed buildings, scale cross sectional drawings showing proposed buildings and those on adjacent parcels and distances between them, representative floor plans indicating uses thereof, and exterior materials and colors that are being contemplated.
14. In the case of plans which call for development over a period of years, a schedule showing the proposed timing of development phases and when building permit applications will be filed.
15. Any additional information or drawings that the City or applicant believes is pertinent and will assist in clarifying the application, such as lighting plans, dumpster locations and preliminary sign program.
16. Engineer's statement that storm water velocities leaving the project property (after improvements) do not exceed existing velocities during a twenty-five (25) year storm event. This must be stamped and signed off by a licensed engineer.
17. Signage permit to be handled separate from this review.
18. Cross-section plans showing cuts and fills. (Contour intervals to be determined at the pre-application conference)
19. Excavating quantities showing volumes of cuts and fills in cubic yard units. (Grading, Excavating and Fills Permit)
20. Geotechnical engineering report and recommendations. (To be determined at pre-application conference)
21. (RULE 5) erosion and sediment control plan and permit. (To be determined at pre-application conference)
22. I.N.D.O.T. Permit
23. D.N.R. Permit for Construction in a Floodway.
24. Certified "As-built" Survey required before Occupancy Certificate can be issued.
25. All parking, hard surface and / or areas of concern shall have an appropriately designed oil separator incorporated into the onsite storm system.

D) Amendments and Modifications

1. Insignificant changes from an approved site plan review are permissible and the designated staff may grant such changes provided such change has no discernible impact on neighboring properties, the general public or those intended to occupy or use the proposed development. Such changes will not require reapplying nor additional fees. The staff may elect to submit the requested changes to the Plan Commission.
2. All other requests for changes will be processed as a new application.
3. A developer and / or property owner requesting changes shall submit to the designated staff a written request itemizing the proposed changes.

E) Approvals

Approvals are valid for one year from the date the approval was granted. If at the end of one year no building permit has been issued, the approval shall be void.

F) General Regulations Regarding Site Plan Review

1. Site Plan Review and any approvals granted there under are not variances. Deviation from the provisions of this chapter cannot be granted by conducting a site plan review.
2. Where applications for site plan review indicate that actions proposed therein, or the manner in which they are proposed to be conducted, do not meet the standards and requirements of this chapter and could not practically and reasonably be made to do so by the attachment of reasonable conditions and safeguards, such applications shall be denied.

G) Notification Requirements

1. The following notification requirements and procedures shall apply.
 - a) Written notice, by certified mail, shall be sent to all property owners within two hundred (200) feet of the subject parcel(s), no less than ten (10) days prior to the meeting date of the Plan Commission wherein the application will be reviewed. If the matter is continued to additional meetings, written notice may be sent to the same property owners at the discretion of the Plan Commission. Such notice shall state the date, time, place, and purpose of the meeting.
 - b) Legal notice for the Plan Commission meeting shall be given by one (1) publication in a newspaper of general circulation in the city at least ten (10) days before the date of such hearing, and state the same information as that required in the written notice, and shall otherwise comply with I.C. 5-3-1.

154.30

PLANNED UNIT DEVELOPMENT DISTRICTS

(Amended August 19, 2002)

A) Creation and Purpose

1. A Planned Unit Development District is hereby established as an overlay zoning classification. Such District shall not stand by itself, but shall be combined with an existing District. Land hereafter zoned "Planned Unit Development District" shall bear the map designation of "PUD" along with the applicable symbol of the existing zoning classification.
2. It is the intent of the PUD District to provide land use and design regulations through the use of individual performance criteria, wherein review and approval of a development plan is required by the Plan Commission to ensure that all proposed development will be compatible with surrounding property and that there will be adequate infrastructure to serve the development, so that small-to-large scale neighborhoods, or portions thereof, may be developed with a combination or variety of residential and non-residential uses, which are planned and developed as a unit.

3. This section specifically encourages innovations so that the growing demand for housing may be met by a greater variety of type, design and placement of dwellings through the conservation and more efficient use of land. This section also encourages the conservation and more efficient use of the land for non-residential development.
4. This section recognizes that a rigid set of space requirements, along with building and use specifications, would frustrate the application of this concept. Therefore, where PUD techniques are deemed appropriate, land may be designated as a PUD Zoning District. When an area is so designated, the use and dimensional specifications elsewhere in the Zoning Code are replaced by an approval process in which an approved development plan as allowed in IC 36-7-4-1500 series, Seq., becomes the basis for continuing land use control. It should be noted that it is not the intent to solely utilize PUD zoning as a way to circumvent and/or avoid current rezoning processes and/or requirements and standards found elsewhere in this code.

B) Objectives

To carry out the intent of this Section, a PUD should provide:

1. A choice in the types of environment, occupancy tenure, types of housing, types of ownership and community facilities available to existing and potential residents.
2. Useable open space and recreation areas.
3. Sidewalks and/or shared use trails along public streets and within the development.
4. Convenience in the location of accessory commercial and service areas.
5. Preservation of natural topographical and geological features with emphasis on:
 - a. Prevention of soil erosion;
 - b. Conservation of existing surface and subsurface water; and
 - c. Preservation of tree cover and other environmentally enhancing features
6. An efficient network of streets and utilities.
7. The development of a land use pattern in harmony with the objectives of the City's Master Plan.
8. A more efficient utilization of the land than might be obtained through other development procedures.

C) Definitions

As used in this section, the following words shall mean:

1. **"COMMON OPEN SPACE"** - An area within a PUD designated and intended for the use or enjoyment of all residents of the development or for use and enjoyment of the general public.
2. **"LIMITED COMMON OPEN SPACE"** - An area within a PUD designed and intended for the use and enjoyment of only the residents of the development.

3. **"CONCEPT PLAN"** - A plan for the development of an entire parcel of land, drawn to scale, that generally indicates densities, uses and infrastructure locations including common and limited common open space, and which expresses in general the development requirements which apply.
4. **"DEVELOPMENT PLAN"** - A specific plan for the development of real property which includes a site plan; contains the plan documentation and supporting information required by the section; and satisfies the development requirements specified in the section.
5. **"OPEN SPACE"** - Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment. Such areas may be improved with only those buildings, structures, streets and off-street parking and other improvements that are designed to be ancillary to the natural openness of the land.
6. **"PLANNED UNIT DEVELOPMENT (PUD)"** - The development of a parcel or area of land as a single entity for a number of dwelling units or a mixture of uses conforming to an approved Development Plan, which may or may not correspond in lot size, bulk or density, lot acreage or other developmental standards to the extent otherwise required in the existing zoning district.
7. **"PRIMARY PLAT APPROVAL"** - The conferral of certain rights pursuant to IC 36-7-4-701 through 708 prior to Secondary Plat approval after specific elements of the Development Plan have been agreed upon by the Plan Commission and the City Council.
8. **"SECONDARY PLAT APPROVAL"** - The official action of the Plan Commission taken after all conditions, design and engineering plans and other requirements have been completed or fulfilled and the required improvements have been installed or guarantees properly posted for their completion or approval conditioned on the posting of such guarantees within 60 days of Secondary Plat approval. See IC 36-7-4-709 through 711.
9. **"SITE PLAN"** - A site development plan of the entire PUD which delineates:
 - a. Property boundary and zoning lines of the subject parcel and all abutting parcels within two hundred (200) feet (including existing buildings and topography),
 - b. The existing and proposed topography and vegetation of the subject parcel,
 - c. The location of all existing and proposed buildings, structures, parking spaces, means in ingress and egress, drainage plans and structures, utility easements, landscaping, signs, lighting, screening devices, and
 - d. Any other information that may be reasonably required in order to make an informed determination.

D) Reference Documents

The following City documents shall be reviewed for reference or compliance as noted below:

1. Chapter 151 - Grading, Excavating and Fill - COMPLIANCE

2. Chapter 152 - Flood Damage Prevention - COMPLIANCE
3. Chapter 153 - Subdivision Code - REFERENCE
4. Chapter 154 - Zoning Code - COMPLIANCE with Section 154.30
5. Design, Construction and Materials Handbook (infrastructure) - COMPLIANCE

E) General Process for Development of a PUD

A property owner or developer who wishes to establish a PUD district upon its property (hereinafter referred to as "Applicant") shall comply with the following procedures:

1. The Applicant shall meet with the Planning Department Staff to discuss the Concept Plan, review the PUD approval process, and obtain the PUD application form.
2. Applicant shall file an application for rezoning of its property to a PUD District, along with a concept plan and draft of a development plan for a PUD with the Planning Department in accordance with forms provided by the Planning Department.
3. A Planning Staff Review of the concept plan shall be completed and suggestions or changes may be recommended by the staff. A meeting with the applicant shall be scheduled to review staff comments.
4. The application for rezoning and the revised concept plan shall be presented to the Plan Commission for recommendation in a properly advertised public hearing pursuant to IC 5-3-1.
5. The Plan Commission may approve or disapprove the plan after review; request possible modification; make a recommendation to City Council regarding the concept plan and the request that the land parcel be rezoned PUD. If the Plan Commission recommends approval of the PUD, A PUD District ordinance shall be proposed at this time.
6. City Council shall consider the recommendation of the Plan Commission and staff and vote on the PUD District, which will include the concept plan and any other general requirements adopted by Council, which will also be attached as an exhibit. The draft development plan with any written commitments or changes will also be attached as an exhibit.
7. If the PUD District is approved by Council, an ordinance is prepared. The Applicant shall then file a Primary Plat and Final Development Plan with the Planning Department, which document shall be scheduled and properly advertised for public hearing before the Plan Commission. In conjunction herewith, pursuant to IC 36-7-4-1511, City Council hereby delegates to the Plan Commission:
 - a. Authority to conduct secondary review of a PUD District ordinance under IC 36-7-4-1509(c).
 - b. Authority to modify permitted uses or development requirements that are specified in a PUD District ordinance.
8. The Plan Commission shall hold a public hearing on the Primary Plat and secondary review of the Final Development Plan and PUD District ordinance.

9. The Primary Plat and Final Development Plan shall be considered and either approved or denied by the Plan Commission, as submitted or with required changes.
10. Upon approval of the Development Plan, the Secondary Plat shall be prepared by the applicant and filed with the Planning Department including all final engineering calculations.
11. The Secondary Plat shall be considered for approval by the Plan Commission, and upon approval the Secondary Plat and Final Development Plan shall be recorded by the Applicant. The Applicant shall return a copy of the recorded Plat to the Planning Department.
12. If implementation of a PUD is not started within a period of twelve (12) months, meaning "no activity is taking place on a site including marketing of parcels", the Applicant must submit a request to the Plan Commission for a twelve (12) month extension with an explanation for the reason for the delay. If, after an additional twelve (12) months with no activity, the Development Plan may be revoked by Plan Commission action. Notwithstanding such revocation, the PUD shall remain in place, unless the Commission initiates a rezoning petition to the prior zoning category.

F) Uses

All land uses for buildings and property shall be specified in the Development Plan.

G) General Requirements

1. For all Planned Unit Developments, there shall be no minimum acreage required. A public road shall not be deemed necessary to divide acreage.
2. No building shall be closer than twenty-five (25) feet to any lot line dividing land inside the PUD from land zoned or used as residential outside the PUD.
3. Site and structure regulations for PUD's shall adhere to the following regulations:
 - a. Lot sizes, dimensions, structure heights and locations may be arranged in conformity to the overall density standards recommended by the Plan Commission or stated in this Section. Minimum lot size and frontage, and maximum lot coverage are not specified. The Plan Commission shall be guided by good planning practice and the purposes of this type of development.
 - b. A minimum fifty (50) foot front yard setback shall be provided on any highway or thoroughfare designated as arterial or collector and provisions of Section 154.39 of the Lawrenceburg Zoning Code shall be adhered to in providing a landscaping plan and are considered a minimum standard.
 - c. Every residential dwelling unit, commercial or industrial complex or building shall have access to a public street, court, cul-de-sac, walkway or other area dedicated to public use. The boundaries and extent of the lot or plot upon which any structure is located shall be clearly defined and monuments placed on the property before the property is sold.
 - d. All open spaces between structures shall be protected, where necessary, by fully recorded covenants running with the land.

- e. Dedicated streets or highways shall be subject to all applicable municipal, county or state standards.
- f. Right-of-way and pavement widths for internal streets and alleys serving single unit attached or detached dwelling, multiple-family dwellings, townhouse clusters and commercial or industrial developments shall be determined from sound planning and engineering standards in conformity with the following:
 - 1. Estimated needs of the full development proposed and the traffic to be generated and shall be adequate and sufficient in size, location and design to accommodate the maximum traffic, parking and loading needs and the access of fire fighting equipment and other emergency vehicles. In such instance, other provisions of this ordinance shall not apply but may serve as general guides to the Plan Commission in approving the development plans. In any event, internal roads shall be a minimum of twenty-eight (28) feet in width back to back of curb with no on-street parking or a minimum of thirty-four (34) feet in width with one lane of on-street parking. Pavement widths for internal ways and walks shall be a minimum of five (5) feet. Service drives for public service facilities (vehicular), shall be a minimum of twelve (12) feet in width with no vehicle parking allowed on either side.
- 4. Utilities. An Applicant of a PUD shall furnish water and sanitary sewage facilities based on agreement with the appropriate municipal officials and private utilities. The Applicant shall provide all necessary storm drainage, highway access, paved service streets, parking facilities, fire hydrants, street lighting and other public improvements deemed necessary by the Plan Commission and Council, and shall make reasonable provision for service to the connections with adjoining properties in other ownership by extending easements to their property boundary. In the event that street lighting is not required by the Plan Commission or City Council as a condition of PUD approval, the Applicant shall install conduit to the specifications set forth by the local utility for the potential future installation of lighting.
- 5. The Applicant shall provide open space/recreation areas, in every instance, in a manner consistent with good planning practices based on the individual characteristics present in each Planned Unit Development. The open space/recreational areas shall be maintained by the owner, developer, property owners association, or other designated party approved by the Plan Commission.
- 6. All PUD's designated by a Development Plan as a Mixed Use PUD shall be in compliance with the following:
 - a. The minimum area, dimensions and setbacks of individual buildings on interior lots as specified in the Lawrenceburg Zoning Code may be modified in the PUD.
 - b. All PUD's shall provide a twenty (20)-foot minimum landscaped greenbelt around the perimeter of the entire development. Streets, sidewalks and driveways within the PUD may be extended through the greenbelt in order to connect with streets and sidewalks outside the PUD. This greenbelt shall not be considered part of the required open space. This greenbelt may be reduced to a minimum of ten (10) feet by the Plan Commission, provided that the applicant include additional landscaping and screen fencing to the satisfaction of the Plan

Commission.

H) Residential PUD's

All PUD's designated by its Development Plan as a residential PUD shall be in compliance with the following regulations:

1. If a residential PUD is greater than twenty-five (25) acres, the site plan may include a parcel of land designated for commercial use that is not more than 10% of the total gross square footage of the entire development. The types and design of commercial uses shall be determined and specified as part of the Development Plan and approved by the Plan Commission. Any change of use after the Development Plan approval shall be reviewed and approved by the City Council.
2. No commercial building shall be built until 50% of the residential buildings are completed.
3. Minimum area of lots and dimensions and setbacks of individual buildings on lots within the PUD shall be determined as part of the PUD process.

I) Commercial PUD's

All Commercial and Mixed Use PUD's shall be in compliance with the following regulations:

1. All Commercial PUD's abutting a permitted residential or recreation use shall provide a minimum twenty-five (25) foot greenbelt along the entire shared boundary and include landscaping, earth berms, and screen walls or fencing as approved by the Plan Commission. Streets, sidewalks and driveways within the PUD may be extended through the greenbelt in order to connect with streets and sidewalks outside the PUD.
2. All Commercial PUD's shall provide a minimum ten (10) foot greenbelt around the perimeter of the development abutting non-residential or non-recreation uses. This greenbelt shall not be considered part of the required open space.
3. A maximum of 40% of the total Commercial PUD may be used for residential uses. Compatibility shall be determined by the Plan Commission and Council as part of the PUD Development Plan review and approval.

J) Industrial PUD's

All Industrial PUD's shall be in compliance with the following regulations:

1. A minimum of thirty (30) foot planted greenbelt shall be provided around the entire perimeter. Streets, sidewalks and driveways within the PUD may be extended through the greenbelt in order to connect with streets and sidewalks outside the PUD. This greenbelt shall not be considered part of the required open space and may include landscaping, earth berms, and screen walls or fencing as approved by the Plan Commission.
2. A maximum of 30% of the total area can be used for commercial uses.
3. Residential uses are not permitted in Industrial PUD's.

K) Variances

1. A requested variance to any specific regulation within this section shall be submitted as part of the Development Plan. Variances shall be determined acceptable if the Plan Commission finds:
 - a. The general requirements of this section would cause unnecessary hardship or practical difficulties because of exceptional and unique topography, access, location, shape, size, drainage or other physical features of the site; or
 - b. That due to the size, shape, location, permitted use or uniqueness of the development, a variance would constitute good planning and would not unreasonably affect the public health, safety, morals or welfare, or the rights of adjacent property owners.
2. All variances adopted by the Plan Commission based on the above findings, shall be part of the approved Development Plan and may include conditions imposed by the Plan Commission to substantially secure objectives of this ordinance.
3. For variances requested after the Secondary Plat and/or Final Development Plan has been approved, Section 154.16-D-5 of the Lawrenceburg Zoning Code shall apply. All approved variances shall be recorded on the plat.

L) Concept plan and development plan procedures

1. PUD Applicants shall present a concept plan and preliminary development plan to the planning department staff for review. Following a meeting with staff, the Applicant shall submit revised plans and related documents in the PUD submittal requirements checklist provided by the City at least thirty (30) days before the respective public hearing of the Plan Commission. The petition shall include a list of all property owners within two hundred (200) feet of the PUD and a legal description of the PUD. The planning staff shall review both and advertise the hearing date before the Plan Commission meets. The Plan Commission shall, if all issues are resolved, make a recommendation on the concept plan to the Council for their action.
2. A proposed Primary Plat for a PUD shall be filed with the Planning Department as part of the Preliminary Development Plan.
3. At least thirty (30) days before the Plan Commission public hearing for the Final Development Plan, the PUD Applicant shall submit the required multiple copies to the planning staff of a Primary Plat and Final Development Plan. The Planning Department will set a public hearing for the Plan Commission. The Plan Commission shall within thirty (30) days of the completed public hearing approve or deny the Primary Plat with "Findings of Fact". If the Plan Commission approves the Primary Plat, Final Development Plan and PUD Findings of Fact, the Applicant can then present a Secondary Plat.
4. If the Plan Commission denies the Primary Plat or the Final Development Plan, it must specify reasons in a "Findings of Fact" statement. The Plan Commission may recommend further study of the site and/or Development Plan and resubmission at a later date. Approval of a Primary Plat does not obligate the Plan Commission to approve a Secondary Plat.

5. An approved Final Development Plan and Primary Plat is valid for twelve (12) months. If no Secondary Plat is submitted for approval within twelve (12) months, the PUD Applicant must appear before the Plan Commission and request an extension of up to twelve (12) months. If not approved, the zoning reverts to its prior classification. The Plan Commission may approve or deny the extension.

M) Development plan content

All PUD Development Plan submittals shall contain the following information:

1. General description of the proposed plan, its land use suitability, compatibility with abutting uses and general benefit to the community.
2. Name and address of applicant, developer, owner, architect/engineer/planner/designer.
3. Parcel location map.
4. Adjacent land uses, topography and all existing streets and driveways within two hundred (200) feet of the perimeter of the PUD.
5. Property boundary map, zoning boundaries, and names and addresses of property owners within two hundred (200) feet of the subject property.
6. Existing topographic features of the site at two (2) foot intervals and existing vegetation.
7. Location and proposed ownership of all planned open spaces.
8. Delineation of all uses and area in acres of each use.
9. Total number of residential units and percent of each type of residential uses.
10. Delineation of each commercial and/or industrial use, and total number of such units and percent allocated to these uses.
11. Density percentages of every residential use based on gross acres.
12. Delineation of all areas within two hundred (200) feet of the site used for storm water management areas subject to flooding including the 20, 50 and 100 year flood plain elevations and data on frequency and extent.
13. Delineation of all areas that lie in an aircraft flight pattern.
14. Delineation of all easements, right-of-ways, covenants or any other restrictions imposed upon the land or buildings.
15. Proposed permanent easements for utilities, storm water management system, pavements, sidewalks, alleys and parking including widths as well as provisions for multi-use pedestrian trails when warranted.
16. General description of community services available to the development's residents including schools, fire protection, parks and all public/private utilities.

17. General statement on proposed tenure of ownership and maintenance of common open space.
18. Proposed construction schedule.

N) Secondary plat content and procedures

1. A PUD Secondary Plat of all or part of a PUD Primary Plat shall be filed with the Planning Department within twelve (12) months after the Plan Commission approves a Primary Plat. The Secondary Plat will be placed on a Plan Commission agenda. It does not require a public hearing. The Plan Commission shall have a maximum of thirty (30) days to approve or deny a Secondary Plat following the Plan Commission meeting. Approval of a Secondary Plat does not authorize construction unless construction plans, building permits and any necessary surety have also been approved. The recording of the approved Secondary Plat shall inform all whom deal with the PUD of the restrictions placed on the land and act as a zoning control device.
2. Content of a PUD Secondary Plat. All PUD Secondary Plats shall contain:
 - a. Final uses delineated and suitable for recording.
 - b. All subdivided lands delineated as required for all subdivisions.
 - c. Number for each lot and common open space.
 - d. Street names that have been approved by the planning department staff after consultation with other emergency and 911 personnel.
 - e. Location and dimensions of all building lots, permanent common open space, easements and rights-of-way.
 - f. Reference to protective covenants and final total of: acres, building sites by use and density of each use.
 - g. Other information as required in the Subdivision Ordinance.
 - h. Complete storm water management plans.
3. At the same time a Secondary Plat is presented, a PUD Applicant also shall provide:
 - a. Three (3) copies of design and engineering plans that are drawn to scale and include all easements and construction documents for all infrastructure, prepared and signed by an Indiana licensed engineer, architect or land surveyor.
 - b. An affidavit guaranteeing the completion of all public infrastructures. The guarantee may be in the form of:
 - i. A developer's bond of one and one-half times the amount of the estimated cost of all public improvements yet to be completed; or
 - ii. Cash in the amount of one and one-half (1.5) times the estimated cost of

all public improvements yet to be completed; or

iii. A lien to be recorded on all the land proposed to be a part of the PUD, with partial releases possible after the lending institution and the City agree on the estimated cost of all public improvements yet to be completed and the lending institution agrees to hold in escrow one and one-half times the estimated cost; or

iv. Deposits with the City of other agreed upon collateral equivalent to one and one-half times the estimated uncompleted public improvement cost.

v. Letter of Credit from a financial institution, which can be forfeited if the Applicant defaults on installation of infrastructure.

4. The construction plans for any public improvement and any necessary surety must be approved prior to recording the Secondary Plat.

5. An approved Secondary Plat is valid for twelve (12) months. If no construction, marketing or related activity has commenced within twelve (12) months, the PUD Applicant must appear before the Plan Commission and request an extension of up to twelve (12) months. If not approved, the zoning reverts to its prior classification. The Plan Commission may approve or deny the extension.

0) Findings of fact

1. The following form will be used for all PUD Development Plan approval or denial by the Plan Commission.

The Lawrenceburg Plan Commission now makes the following findings of fact in support of its approval/denial of the following application for a Development Plan of a Planned Unit Development:

Name of Applicant _____

Date _____

Name of Project _____

This Development Plan of a Planned Unit Development:

_____ Is consistent with the stated purpose of the PUD Regulations

_____ Meets the requirements and standards of the PUD Regulations

_____ Deems the proposed departures from the zoning regulations including but not limited to density, dimensions, area, bulk, and use, to be in the public interest

_____ Contains adequate provisions in the physical design for the public services, control over vehicle traffic, roadways, parking, and protection of designated open spaces that farther the amenities of

light, air, recreational and visual enjoyment

_____ Includes adequate structures and storm water management systems built in areas susceptible to flooding, ponding or erosion

_____ Is compatible with adjacent properties and neighborhood

_____ Adds to the physical development, tax base and economic well being of the entire community

_____ Conforms with recommendations of the Lawrenceburg Master Plan

_____ Conforms to all local regulations

The Plan Commission approved/denied by a vote of _____ to _____, (date)

President of the Plan Commission _____

P) Amending a PUD and/or a development plan

All PUD's shall be constructed and developed as delineated on the approved Secondary Plat and Final Development Plan as recorded. All recorded documents and amendments shall be binding on applicants, their successors, grantees and assigns, and shall limit and control the use of the PUD land and location of structures. After all plats and documents have been recorded, any amendments to the PUD shall be reviewed as follows:

1. Major Amendment - Any change which alters the concept, uses or intent of the PUD including increase in density, increase in height of buildings, reduction of open space, changes in sequence of development, changes in road/street standards and/or changes in covenants and/or the approved Development Plan. A major amendment shall require a public hearing and recommendation by the Plan Commission for approval by Council following a second public hearing.
2. Minor Amendment - Any change that does not alter the concept or intent of the PUD or the Development Plan and is not defined as a major amendment. A minor amendment may be reviewed and approved by the Plan Commission upon recommendation of the planning department staff and without a public hearing.

All changes to the Secondary Plat and Final Development Plan shall be recorded with the County Recorder and Auditor as amendments to the Secondary Plat and Final Development Plan or reflected in the recording of a new corrected Secondary Plat.

Q) Fees

Any person, firm, corporation or agent who shall file an application for amendment, or appeal, variance, special use, Planned Unit Development (PUD) or for other certificate of license required under the terms of this ordinance, shall be charged a fee in accordance with the City of Lawrenceburg's established schedule of fees as listed in section 154.42 of the Zoning Code of the City of Lawrenceburg.

A) Purpose

To insure that these uses, as designated by this chapter, in their proposed locations will be compatible with surrounding development.

B) Required Review

Conditionally Permitted Uses shall be reviewed and determined by the Board of Zoning Appeals subsequent to the Plan Commission reviewing and forwarding its findings and recommendations to the Board. In order to promote and effectuate the purpose of this chapter, additional restrictions and/or conditions may be deemed necessary and be imposed by the Board as part of any approval it grants.

1. In considering an application for any Conditionally Permitted Use, the Plan Commission and Board of Zoning Appeals shall give due regard to the following factors as they apply to a particular situation:
 - a) The nature, location, size and site layout of the use so that it shall be harmonious with the area and district in which it is proposed;
 - b) The nature and integrity of the operations involved in, or connected with, the use;
 - c) The site layout of the use, including parking location, design, screening, and number of off-street spaces; and
 - d) The relationship of the use to the streets providing access to it, so that vehicular traffic to and from the use will not create undue hazards to the normal traffic of the vicinity. The following traffic issues, at a minimum, shall be considered:
 - Vehicular turning movements in relation to routes of traffic flow;
 - Relation to street intersections;
 - Sight distances; and
 - Pedestrian traffic.
2. No Conditionally Permitted Uses shall exceed the maximum allowable height for the district in which it is proposed, unless
 - An existing structure, already exceeding the height limit is being utilized, or
 - Sufficient cause is shown and determined to be necessary by the Board of Zoning Appeals. In such instances, the height can be increased by only one (1) story.
3. All Conditionally Permitted Uses shall, at the least, meet the minimum setback (yard) requirements for the district in which it is proposed. Wherever possible, increased setbacks shall be provided with appropriate landscaping (refer to section 154.38 Landscaping, Buffering, Screening).

- C) All Conditionally Permitted uses which existed upon the effective date of this chapter and which are located in a district which permits such use in accordance with this section shall be regarded as conforming uses. Expansion or extension to such uses shall be subject to all provisions of this section.
- D) All Conditionally Permitted Uses hereafter authorized by the Board of Zoning Appeals to be in accordance with this section shall be regarded as conforming uses, and may be continued, except that major changes in layout, expansion or extension to such use shall be subject to review and approval procedures as set forth elsewhere in this section.
- E) Uses Not Permitted

Any uses not permitted by right in accordance with the regulations of the various districts established by this chapter and any uses other than those designated as Conditionally Permitted Uses by this section shall not be permitted. Any request for uses other than those permitted in this section shall first be considered by the Plan Commission for a determination as to whether or not they should be designated as Conditionally Permitted Uses, pursuant to the definition and purpose of Conditionally Permitted Uses.

F) Applications

Applications for Conditionally Permitted Uses shall include all items as required by Section 154.29, Site Plan Review.

G) Notification Requirements

1. Written notice, by certified mail, shall be sent to all property owners within two hundred (200) feet of the subject parcel(s), no less than ten (10) days prior to the meeting date of the Plan Commission wherein the application will be reviewed. If the matter is continued to additional meetings, written notice may be sent to the same, property owners at the discretion of the Plan Commission. Such notice shall state the date, time, place, and purpose of the meeting.
2. No legal notice is required for the Plan Commission meeting.
3. Written notice for the Board's public hearing shall follow the same procedures as in 1. above.
4. Legal notice for the hearing shall be given by one (1) publication in a newspaper of general circulation in the city at least ten (10) days before the date of such hearing, and state the same information as that required in the written notice, and shall otherwise comply with I.C. 5-3-1.

SCHEDULE OF CONDITIONALLY PERMITTED USES												
	CONDITIONAL	A	R-1	LR-1	LR-2	B	LB	MS	E	GM	B/GM	PR
1.	Churches and other places of worship, etc...	CP	CP	CP	CP	CP	CP	CP	CP	NP	NP	CP
2.	Schools, public / private, etc...	CP	CP	CP	CP	CP	CP	CP	-	NP	NP	NP
3.	Day care within churches / schools	NP	CP	CP	CP	CP	CP	CP	CP	NP	NP	NP

4.	Day care not within churches / schools	CP	NP	NP	CP	CP	CP	CP	CP	NP	NP	NP
5.	Libraries, museums, etc...	CP	CP	CP	CP	CP	CP	CP	CP	NP	NP	NP
6.	Hospitals, clinics, etc...	CP	NP	NP	NP	CP	CP	-	CP	NP	NP	NP
7.	Golf courses	CP	CP	NP	NP	NP	NP	NP	NP	NP	NP	CP
8.	Private clubs, lodges, etc...	CP	CP	CP	CP	CP	CP	NP	NP	NP	NP	NP
9.	Cemeteries	CP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
10.	Public utility buildings	CP	CP	CP	CP	CP	CP	CP	CP	CP	CP	NP
11.	Bed and breakfast inns	NP	NP	NP	CP	CP	CP	CP	NP	NP	NP	NP
12.	Public offices, buildings, etc...	CP	CP	CP	CP	CP	CP	CP	NP	NP	NP	NP
13.	Mobile home parks (a)	CP	CP	NP	NP	NP	NP	NP	NP	NP	NP	NP
14.	Wireless communication towers and facilities	CP	NP	NP	NP	CP	CP	CP	NP	CP	CP	CP

(a) Refer to Section 154.34 for specific regulations

Key: CP = Conditionally Permitted

NP = Not Permitted

154.33

ACCESSORY BUILDING AND USES

A) The purpose of this section is to establish supplemental regulations for the review of accessory buildings and uses. Accessory buildings and uses may be permitted within specified zoning districts as customary, incidental, related, or subordinate uses to a principal use of a site as long as such uses do not change, alter, or impose an unacceptable impact on the character of the principal use.

An accessory building and/or use shall not be established unless a principal use has first been established on a site in conformance with all applicable provisions of this chapter, and shall in all cases be located behind or to the side of the principal structure.

B) If, and when, accessory buildings and uses are proposed that are not specifically provided for in this chapter, the Plan Commission shall first determine whether or not such proposed accessory buildings and/or uses shall be designated as such, with due regard being given to A) above.

C) Each accessory building and use permitted within specified zoning districts and listed below is required to conform to the provisions of Section 154.38 for Additional Use, Height and Area Regulations.

1. Home Occupations.

Certain home occupations are permitted as accessory uses in dwelling units, so long as they are clearly incidental and secondary to the use of the dwelling for residential purposes. Home occupations shall not change the character of the residential use and shall not adversely affect the principal permitted uses in the district of which they are a part. The nature of home occupations as an accessory use relative to its location and conduct of activity, as such that the average neighbor, under normal circumstances, would not be aware of its existence.

a) All persons wishing to conduct a home occupation shall apply for an Improvement Location Permit from the staff; as designated pursuant to Section 154.14, showing that the provisions of this section will be met during the entire time the home occupation exists. The designated staff may issue such a permit for a period of not more than two (2) years. Upon expiration of the permit, the staff may issue a new permit, provided that all applicable provisions continue to be complied with. Any permit issued pursuant to these regulations may be revoked at any time should the designated staff determine that the provisions of this section are not being met.

b) Permitted Home Occupations.

The following list is only illustrative as to the type and scale of home occupations, which can normally be conducted within the provisions of this section. Other similar uses which meet the intent and regulations of this section may be permitted at the discretion of the designated staff if there is any question regarding the appropriateness of a proposed home occupation, the matter shall be directed to the Plan Commission for its determination. Any home occupation that does not comply with these standards shall not be permitted.

1. Artists, sculptors, photographers, home crafts;
2. Authors, composers, musicians;
3. Clerical and other similar business services;
4. Dressmaking, tailoring;
5. Child day care, as regulated by state law, and limited to no more than six (6) nonresident children at any time;
6. Instruction in music, dance or the like, provided there are no more than two (2) students at a time;
7. The office of a professional accountant, attorney, consultant, insurance agent, architect, engineer, or the like, provided that they are restricted to number and traffic flows of client vehicles as hereinafter outlined; and
8. Machine shops provided the facility is in an accessory building, meeting all pertinent regulations, and such facility is no closer than one hundred (100) feet to any other residential dwellings.

c) Number of employees. Not more than one person other than a member of the resident family shall be employed in home occupations.

- d) The home occupation shall be clearly incidental and subordinate to the home's use for residential purposes and therefore can occupy no more than 25% of the total floor area of the principal structure.
- e) Use of accessory buildings. Except, as provided in number 8. above, no accessory buildings shall be used for the conduct of a home occupation.
- f) Exterior evidence of business. Nothing shall be done to the exterior of the building to indicate the existence of a home occupation. Except for outdoor play space for childcare and a non-illuminated sign showing only the address and name of the home occupation. Said sign can be no larger than 1.5 square feet and must be wall mounted at the entrance door. Plan Commission Staff must approve color scheme. The following activities are expressly prohibited:
 - 1. Structural modifications such as separate entrances, color, materials, or the construction of accessory structures not customarily residential in nature;
 - 2. Exterior storage of goods, equipment, materials;
 - 3. The emission of glare, noises, sounds, odors, or vibrations;
 - 4. There shall be no interference with radio or television receivers caused by the operating of electrical or mechanical equipment.
- g) Traffic.
 - 1. Employee parking shall be located off street. All front, side and rear yard requirements shall be maintained;
 - 2. The home occupation shall not reduce or render unusable areas provided for required off-street parking for the dwelling unit;
 - 3. Traffic generated by a home occupation shall not exceed the average daily volume normally expected for a residence in a residential neighborhood, which for the purposes of this section means up to ten (10) round trips per day.

154.34 MOBILE HOME PARKS

A) Purpose

The purpose of this section is to establish specific regulations for the design and development of mobile home parks. Mobile home parks, per Section 154.32 Conditionally Permitted Uses, are designated as such, shall be reviewed in accordance with the provisions of that section and the following regulations. They shall also comply with any applicable federal and state laws.

B) Design and Construction Standards

All mobile home parks shall adhere to the provisions of Chapter 153 Subdivision Regulations, regarding public streets, sidewalks and underground utilities.

1. Development size
Each park shall have a total land area of no less than ten (10) acres.
2. Individual mobile home lots shall be no less than three thousand (3000) square feet in area and have minimum dimensions of thirty (30) feet wide by one hundred (100) feet deep.
- 3). Each mobile home lot shall have two (2) parking spaces, one of which may be located off the lot but within two hundred (200) feet of the lot it serves.
4. Each mobile home shall be no closer than thirty (30) feet to the street right-of-way.
5. Each mobile home lot shall be equipped with a concrete slab of adequate thickness and size to support the mobile home during all seasons.
6. Permitted accessory buildings and uses shall be limited to management offices, laundry facilities, recreational areas, and individual storage sheds.
7. Each mobile home park shall be adequately lighted for safety at night.
8. No mobile home lot, parking area, recreational area or accessory building or use shall be closer than fifty (50) feet to any adjoining residential property or external public street.
9. A single ground mounted sign shall be permitted provided that it adheres to the provisions of Section 154.40 D) 3. Permanent Subdivision Sign.
10. Landscaping, buffering, and screening provisions shall comply with Section 154.39.

154.35 (RESERVED)

154.36 (RESERVED)

SUPPLEMENTAL REGULATIONS

154.37 OFF-STREET PARKING, LOADING AND ACCESS REQUIREMENTS

A) In all districts, in connection with all uses permitted by this chapter, there shall be provided, at any time any building or structure is constructed, enlarged, or increased in capacity, off-street parking spaces for automobiles in accordance with the following requirements.

B) General Provisions

1. Each off-street parking space shall have an area of not less than one hundred seventy one

(171) square feet (9 ft. x 19 ft.), exclusive of access drives or aisles, and shall be paved with asphalt or concrete.

2. Except in the case of dwelling units, no parking area shall be smaller than five (5) spaces with the necessary and corresponding aisle or drive.
3. Drives or aisles; in support of parking spaces shall have the following widths based upon the angle of the spaces.

Degree	Aisle Width (feet)
45	13
60	18
90	24

4. There shall be adequate provision for ingress and egress to all parking spaces. Where a lot does abut on a public or private alley or easement of access, there shall be provided an access drive not less than eight (8) feet in width for a dwelling, and not less than twenty-two (22) feet in width in all other cases, leading to the parking, storage or loading spaces required by this section.
5. Signs, at or within parking areas, shall be limited to those necessary for the direction of traffic or designation of handicapped parking. Directional signs shall be limited to four (4) square feet and one (1) sign per access point of the lot or area.
6. No repair work or any other service shall be offered or conducted in any parking area.
7. Every point of ingress or egress shall be no less than twenty (20) feet from any adjacent lot in a residential district.
8. Requisite landscaping and screening of all parking lots shall conform to the provisions of Section 154.39.
9. The provision of handicapped parking shall be in accordance with the requirements of Chapter 150, Building Code.
10. Any lighting shall, at a minimum, be located, designed, and directed so that light will not flow onto adjoining premises or public streets.
11. Two or more non-residential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap. Such joint use shall be reported to the designated staff to verify compliance with all pertinent regulations.
12. Any building or use, existing at the effective date of this chapter, may continue with the spaces provided. However, when such building or use is changed, remodeled, enlarged, or altered, such building or use shall come into compliance with all provisions of this section.
13. Parking requirements for Levee District existing non-conforming uses and structures that do not have adequate space to provide off-street parking and off-street loading may be altered or waived by designated staff during the Site Plan Review process.

14. All drive and access isles, parking spaces, parking lots, loading areas, storage lots and display areas shall be paved with asphalt or concrete.

C) Required Spaces

The number of off-street parking spaces to be provided shall not be less than the following:

Use	Number of Spaces
Dwelling, single family	1 enclosed, 1 unenclosed
Dwelling, two family	1 enclosed per unit, 1 unenclosed per unit
Dwelling, multi family	2 unenclosed per unit and landscaped
Rooming/boarding house	1 per sleeping unit or suite
Hotel, motel	5 spaces, plus 1 per each sleeping room or suite
Dormitory	2 per each 3 students
Private Club or Lodge	1 per each 50 square feet of assembly room
Golf; swim, or tennis club	1 per each five members
Church or other place of worship	1 per each 4 seats in main auditorium
School, other than high school or university	1 per each 4 seats in main auditorium or 2 for each classroom, whichever is greater
High School, or University	1 per employee plus 1 per 5 students
Technical, Trade or Business Schools	1 space per 2 students
Library, museum, art gallery, community center	10 for the first 2000 square feet plus 1 for each 300 square feet over 2000
Convalescent home, nursing home, and the like	1 per each 4 beds
Hospital	1 per each 4 beds plus 1 per each 300 Sq. Ft. plus 1 per each 3 employees on the largest shift
Theater or auditorium (other than one associated with a school)	1 per each 4 seats
Assembly or exhibition hall (without fixed seats)	1 per each 100 square feet of floor area
Bowling alley	5 per each lane, plus 1 per each 100 square feet for eating, drinking, and other recreational area
Mortuary or funeral home	1 per each 50 square feet in each parlor
Medical/dental offices	1 per each 300 square feet
Bed and breakfast inn	3 spaces plus 1 per each sleeping room or suite
Retail/services	1 per each 200 square feet up to 25,000 square feet, and 1 per each 250 square feet for any amount over 25,000 square feet.
Restaurant, cafe, nightclub	1 per each 100 square feet
Automobile dealer, service garage	1 per each 100 square feet
Wholesale commercial, warehousing, manufacturing, and industrial uses	1 per each 3 employees on largest shift, or per 3000 square feet, whichever is greater

D) Interpretation of units of measurements

The following interpretations shall govern all parking requirement determinations.

1. In the case of offices, merchandising or service types of uses, "floor area" shall mean the gross floor area used or intended to be used by tenants or for service to the public as customers, patrons, clients or patients, including areas occupied by fixtures and equipment used for the display or sale of merchandise. It shall not include areas used principally for non-public purposes such as storage, incidental repair, processing or packing of merchandise; for show window; for office(s) incidental to the management or maintenance of stores or buildings; for toilet or rest rooms; for utilities; or for dressing rooms, fitting or alteration rooms.
2. In places of public assembly in which patrons or spectators occupy benches, pews, or other such seating facilities, each twenty (20) inches of such seating facilities shall be counted as one (1) seat.
3. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.
4. In the cases of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

E) Off-Street loading requirements

1. In any district in connection with any building or part thereof hereafter erected or altered, which is to be occupied by industrial, warehousing, wholesale commercial, retail commercial, service or other uses requiring the receipt or distribution by truck of materials or merchandise, there shall be provided and maintained off-street loading spaces in accordance with the following schedule:

Floor Area of Building (square feet)	Required Number of Off-Street Loading Spaces
Less than 10,000	0
10,000 to 19,999	1
20,000 to 39,999	2
40,000 to 59,999	3
60,000 to 79,999	4
80,000 to 99,999	5

Where the floor area of the building is one hundred thousand (100,000) square feet or more, the number of off-street loading spaces shall be determined by the body having responsibility for final determination of the application.

2. Each loading space shall not be less than twelve (12) feet in width, forty (40) feet in length, and fourteen (14) feet in height.
3. No loading space shall be located closer than fifty (50) feet to any other lot in any residence district, unless wholly within a completely enclosed building or unless enclosed on all sides by a wall or solid board fence not less than six (6) feet in height.

F) Curb Cuts

1. Only one curb cut shall be permitted per lot or development. The City Engineer may allow additional curb cuts and/or establish curb cut restrictions for a specific lot or development, when in his opinion; it will improve public safety and/or the safe, efficient movement of traffic.

2. Curb Cuts for non-residential and multifamily lots and developments shall be no greater than thirty-five (35) feet in width, measured at the throat of the curb cut.
3. Curb cuts for residential lots shall be no greater than twenty-four (24) feet in width, measured at the throat of the curb cut.

154.38 ADDITIONAL USE, HEIGHT AND AREA REGULATIONS

- A) The regulations set forth in this section qualify or supplement, as the case may be, the district regulations appearing elsewhere in this chapter.
- B) Structure heights: Public, semi-public, or public-service buildings, hospitals, churches, institutions, and schools, may, when permitted in a district be erected to a height not exceeding three (3) stories or forty-five (45) feet including all mechanical equipment. Church and temple spires and steeples may be erected to a height not exceeding seventy five (75) feet; provided, however, in both instances, that the building is set back one (1) foot for each two (2) feet of additional building height above the height limit otherwise provided in the district where the buildings built.
- C) Domes, flagpoles, aerials, chimneys, cooling towers, belfries, monuments, ornamental towers, stacks, derricks, conveyors, stage towers, tanks, water towers, silos, farm buildings, or necessary mechanical appurtenances may be erected to a height not exceeding forty-five (45) feet.
- D) Except as otherwise required, where two (2) districts abut, the side and rear requirements for the adjacent lots in the separate districts shall be the same for both lots on their common line or lines and shall be those of the more restrictive district.
- E) Fencing. In any district on any corner lot no fence, structure, or decorative planting shall be erected or planted within thirty (30) feet of the intersection of the street right-of-way lines if, in the opinion of the designated staff; the fence, structure, or decorative planting, creates a hazard by obstructing visibility of traffic.
 1. Except as provided in paragraph E), fences not more than four (4) feet in height may be located in any yard, provided it is not within any street right-of-way.
 2. Except as provided in paragraph E), fences not more than six (6) feet in height may be located in any side or rear yard.
 3. Protective fencing for recreational facilities and structures shall be provided in the location, types and sizes as required by Chapter 150, Building Code, and must be in place prior to such facilities being used.
- F) Structural extensions into yards. Every part of a required yard shall be open to the sky, unobstructed except for permitted accessory buildings, and except for the ordinary projections of skylights, sills, belt courses, cornices, and ornamental features projecting not more than one and one-half (1.5) feet. This requirement shall not prevent the construction of fences within the limits of paragraph E) and its subsections.
 1. An accessory building, buildings, or use on a single lot shall not occupy more than 25%

of the required rear yard.

154.39 LANDSCAPING; BUFFERING; SCREENING

A) Purpose

The purpose of this section is to establish minimum standards for the landscaping, buffering and/or screening of uses from those uses of a less intensive nature. This section shall apply to all parking lots, ground mounted signs when the terrain permits, multi family developments and non-residential uses, be they principally permitted uses or conditionally permitted uses.

B) General Provisions

1. Where the purpose of this section can be effectively accomplished, native vegetation shall be used;
2. The applicable governmental body having jurisdiction there over may require any applicant to retain a consultant, such as landscape architects, to insure that proposed vegetation, landscaping, buffering, or screening materials shall provide the degree and quality that is determined to be necessary, given the circumstances of the particular application;
3. Vegetation, in combination with berms, is preferred to walls or fences. This does not preclude the use of walls or fences, which shall comply with the provisions of Section 154.38 Additional. Use, Height and Area Regulations;
4. Trees used to comply with the provisions of this section shall be a minimum of two inches in diameter at the time of planting;
5. At no time shall landscaping, buffering or screening utilized to satisfy the provisions of this section cause or create difficulties or limitations in visibility of vehicular or pedestrian traffic; and
6. Lack of proper and regular maintenance or replacement, when necessary, of required vegetation, walls and fences shall be considered a violation of this chapter.

C) Parking Lots

All parking lots shall be designed to incorporate the following:

1. One tree for every four (4) parking spaces shall be installed. Trees to be placed around the perimeter of the lot preferred.
2. Low shrubbery, annuals and / or perennials are to be planted between the trees required in 1. above;
3. Landscaping and / or decorative islands within the parking lot.
4. On sides adjoining residential property any combination of vegetation, walls, fences and / or berms that effectively screens the parking area from the residence(s), to a height of six (6) feet.

D) Ground Mounted Signs

All ground mounted signs, when the terrain permits, shall be landscaped with low shrubbery and flowers. Placement and vegetation type shall be selected so as not to interfere with visibility of any part of the sign face or message.

E) Multi Family Developments

On any side of a multi family development that adjoins single or two family dwellings, landscaping shall be provided that acts as a visual and noise buffer. Parking and active recreational areas shall be effectively screened by any combination of vegetation, berms, walls or fences, to a height of six (6) feet.

F) Non Residential Uses

Any non residential use when adjoining residential dwellings shall provide landscaping that effectively buffers and screens such use from the dwelling(s).

G) All proposed landscaping, buffering and screening plans are subject to review and modification.

154.40

SIGNS

A) Purpose

The purpose of this section is to promote and protect the public health, welfare, convenience, and safety by regulating existing and proposed advertising signs. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, and provide a more enjoyable and pleasing community.

B) Definitions

For the purposes of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

1. **ABANDONED SIGN:** A sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, or for which no legal owner can be found.
2. **AWNING / CANOPY SIGN:** A sign that is painted on or attached to the vertical face of an awning or canopy.
3. **AREA:** Total area of the face that is used to display a sign and not including its supporting poles or structures. If a sign has two identical faces that are parallel and supported by the same poles or structures, only one face is counted. If a sign has two or more faces that are supported by the same poles or structures but are not parallel, the area of the sign is the total area of all faces.
4. **BANNER:** A sign made of fabric or other non-rigid material with no enclosing framework. A banner is not considered a permanent sign.

5. **BILLBOARD:** A sign which directs attention to a business, use, service, activity, commodity, or profession which is not conducted, sold, or offered as the same lot where such sign is located.
6. **DIRECTIONAL OR INFORMATIONAL SIGN:** A sign, which provides special information such as entrance, exit, parking or the like.
7. **DOUBLE FACED SIGN:** A sign with two faces back to back.
8. **FREE STANDING SIGN:** A sign, which is supported by one or more columns, or other type of base, in or upon the ground.
9. **GROUND MOUNTED SIGN:** A freestanding sign, no more than five (5) feet in height, that is attached to or part of a structure that is directly attached to or supported by the ground. Does not include pole-mounted signs.
10. **IDENTIFICATION SIGN:** A sign identifying the name or address of a building, institution, or person, or the activity or occupation being identified.
11. **ILLEGAL SIGN:** A sign which does not comply with the provisions of this chapter and which has not received legal nonconforming status.
12. **ILLUMINATED SIGN:** A sign with an artificial light source, which is either internal or external to the sign structure.
13. **INCIDENTAL SIGN:** A sign that provides credit card information or hours of operation.
14. **LOCAL AND COUNTY ELECTION:**
 - a) **Local Election;** In a public primary election, general election or special election, the electorate located within the voting districts of the City of Lawrenceburg Municipality, choosing by ballot, public officials seeking elected positions within the City of Lawrenceburg, or a public question lawfully submitted to the electorate of the City of Lawrenceburg.
 - b) **County Election;** In a public primary election, general election or special election, the electorate located within the voting districts of the County of Dearborn, State of Indiana, choosing by ballot, public officials seeking elected positions within the County of Dearborn, or a public question lawfully submitted to the electorate of the County of Dearborn.
15. **MAINTENANCE:** For the purposes of this section, the cleaning, repainting cracked or faded areas, or replacement of electric parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.
16. **NONCONFORMING SIGN:** A sign which was erected legally but which does not comply with subsequent erected sign regulations.
17. **POLE MOUNTED SIGN:** A sign mounted on a freestanding pole or other support so that the height of the sign is more than five (5) feet in height.

18. **POLITICAL SIGN:** A sign, which announces the candidacy of a person or slate of persons running for elective offices, or a political party or issue.
19. **PROJECTING SIGN:** A sign, which is suspended from, attached to, or supported by a building or structure and extending away from said building or structure.
20. **REAL ESTATE SIGN:** Any sign, which advertises or announces the sale, rental, or lease of the premises upon which the sign is located.
21. **SIGN:** Any writing, pictorial representation, emblem, flag, or any other figures of similar character which is a structure or part thereof or is attached or in any manner represented on a building, structure, vehicle or vehicle trailer and is used to announce, direct attention to, or advertise and is visible from outside a building. The word sign includes the word "billboard" but does not include the flag, pennant or insignia of any nation, state, city or other political unit, or of any, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement or event. Further, this definition shall not be held to include any board, sign or surface used to display any official notices issued by any court or public office or posted by a public officer in the performance of a public duty.
22. **SIGN STRUCTURE:** Any structure, which supports, holds, has supported, or is capable of supporting a sign.
23. **WINDOW SIGN:** A sign affixed to, displayed from, or installed inside a window for purposes of viewing from outside the premises. This does not include merchandise and other displays located in a window.

C) General Provisions

1. No sign shall be permitted in any district except as hereinafter provided.
2. No building wall or roof shall be used for painted advertising, identification, or display purposes. Any existing painted wall or roof advertising or identification shall be discontinued and shall be painted over or otherwise completely removed when the message or display contained thereon becomes unreadable, obsolete, or no longer functional as advertising, identification, or display.
3. No building window shall be used for advertising or identification unless specifically permitted in this section.
4. Existing signs which do not conform to the provisions of this section shall not be enlarged, extended, reconstructed, structurally altered, redesigned, or modified unless such activity brings the sign into conformance with these regulations, and said activity is subsequent to the issuance of any required permit. Maintenance is permitted without bringing sign into conformance.
5. The use of nonconforming signs and structures shall cease when the message or display contained thereon is changed or becomes unreadable, obsolete, or no longer functional as advertising or identification except that existing signs may be refaced in the existing sign area upon change of business tenant or owner in the B district / U.S.# 50 corridor.

6. No sign shall be placed in any public right-of-way except publicly owned signs, such as traffic control signs and directional signs. Signs located in the “LB” district shall maintain a five (5) feet setback and signs located in all other districts shall maintain a ten (10) feet setback unless otherwise stated in this code.
7. Ground mounted signs shall, where the terrain allows, be landscaped as required by Section 154.39 Landscaping, Buffering, and Screening.
8. No sign in any district shall flash, rotate, fluctuate in lighting, or allow any motion to any of its parts except any municipally owned community message board or such a sign which is located and approved for use in the Redevelopment Overlay District. No sign in any district shall be permitted which has been modified from once having wheels or a changeable reader board unless provided for in this chapter. Vehicle signs may not be parked in the City of Lawrenceburg for longer than two hours in any twenty-four (24) hour period in a location, which is visible from a street or highway except if routinely used in commerce to transport products, materials or people.

D) Residential Signs

Residential signs, other than for multifamily developments, may be erected provided they adhere to the following:

1. A sign showing only the name and address of the occupant of a residential structure which shall be no larger than one and a half (1.5) square feet. Color of sign must be approved by Plan Commission Staff. No illumination is permitted.
2. A sign advertising a garage sale, yard sale, moving sale; or the like, provided it is no larger than six (6) square feet in total area and is located on the premises of where the sale will take place. Such signs may be erected for no more than three (3) days and not within any public right-of-way.
3. Directional signs for a garage sale, yard sale, moving sale, or the like no larger than six (6) square feet may be used for direction. A directional sign shall be erected no more than seventy-two (72) hours prior to the scheduled event and shall be removed by 9:00 P.M. the day of the event. Signs shall be erected on private property and only with the consent of the owner.

4. Permanent Subdivision Signs

Permanent signs identifying a subdivision may be erected per the following:

- a) Each subdivision shall have no more than two (2) such signs, which must be located at the primary entrance(s) to the subdivision. Such signs shall only include the name of the subdivision.
- b) Such signs shall be free standing and ground mounted and be a part of a decorative structure made of wood, brick, stone or masonry with an overall design compatible with the character of the neighborhood.

- c) Each sign shall be no larger than twenty-five (25) square feet per side nor higher than five (5) feet. If in an island at the entrance, the island's specific location shall be such that when the sign and requisite landscaping are installed visibility will not be compromised relative to both pedestrian and vehicular traffic.
- d) Such signs may be externally illuminated provided the light source is designed, located and installed in such a way that there is no glare on public streets or neighboring premises.
- e) Provisions shall be made in the subdivision covenants for permanent maintenance of the sign and of the surrounding land area, even if such area has been dedicated to public use. If not properly maintained, the city may remove it and its relocation made only with the approval of the Plan Commission.

5. Temporary Subdivision Signs

Temporary subdivision signs shall be permitted provided they adhere to the following:

- a) No illumination.
- b) The sign identifies the sale or development of lots within a recorded subdivision. Proof of recording of the subdivision plat is required at time of sign permit application.
- c) The sign shall be located only on the property for sale or being developed.
- d) The sign shall not exceed five (5) feet in height; have no more than two (2) sides and a maximum of thirty-two (32) square feet per side.
- e) There shall be no more than two (2) such signs permitted and only one (1) sign if there is only one entrance to the subdivision.
- f) Such signs shall not be in any public right-of-way.
- g) Permits for such signs shall be valid for only one year. Reapplication for one (1) additional year may occur.

6. Multi Family Development Signs

Permanent signs identifying a multi family development shall be permitted provided they adhere to the following:

- a) There shall be only one (1) such sign per development.
- b) Such sign shall be free standing and ground mounted and be a part of a decorative structure with an overall design compatible with the colors and materials used in the resident buildings.
- c) Such signs shall be no larger than twenty-five (25) square feet per side, nor higher than five (5) feet, and located no closer than ten (10) feet to any street right-of-way and provide landscaping in accordance with Section 154.39 Landscaping, Buffering, and Screening.

- d) Such signs may be externally lit provided the light source is designed, located and installed in such a way that there is no glare on public streets or neighboring premises.

7. Temporary Residential Construction signs

- a) No illumination.
- b) There shall be only one sign on a project site and only on the property of that project.
- c) Such sign shall not be in any public right-of-way.
- d) Permit for such sign shall be valid for one hundred twenty (120) days or completion of project, whichever comes first.
- e) The sign shall not exceed twelve (12) square feet per side.

E) Business Signs

Signs for the "B" and "LB" districts permitted only when in compliance with the following:

1. General regulations

- a) The primary purpose of permanent signs is the identification of a business, office, or establishment and not to identify services provided by the business. Signage in excess of identifying the place of business should not be permitted except in a temporary manner.
- b) The primary purpose of temporary signs is to advertise a sale, service, occurrence, or event that is limited in duration. Such sign shall be permitted for a period of ten (10) calendar days per event and not to exceed fifty (50) calendar days per year. A grand opening sign shall be permitted for a period of thirty (30) calendar days. The use of flag type banners during business hours/hours of operation is permitted and exempt from the foregoing requirements. The use of flag type banners does not require a permit
- c) Incidental signs shall not require a sign permit, provided the total area of such sign(s), for a single business does not exceed three (3) square feet. Such sign may not be illuminated.
- d) Temporary signs, banners and portable signs announcing or promoting community events and programs, sponsored by nonprofit, public, educational religious and charitable organizations shall not require a permit and can be displayed by businesses in addition to the business's permitted temporary signs. Other such signs or banners must be approved by the designated staff relative to placement within or over public streets or rights-of-way. Such signs shall be permitted for a period not to exceed twenty (20) days per calendar year.
- e) Balloons used for advertising and / or attention getters are also considered signage. This type of signage shall comply with all provisions of this section.

- f) Colors, materials and general sign design should be compatible with the buildings(s) and surroundings.
- g) Temporary Construction sign
 - 1. No illumination.
 - 2. There shall only be one (1) sign on project site and only on the property of that project.
 - 3. Such sign shall not be in any public right-of-way.
 - 4. Permit for such sign shall be valid for one (1) year or completion of project, whichever comes first. Reapplication for one additional year may occur.
 - 5. The sign shall not exceed thirty-two (32) square feet per side.
 - 6. Construction signs shall be professionally created.

2. "B" District signs

a) Single Occupancy Buildings

Where a single business or office is the sole occupant of the building, said business or office shall be permitted the following signs with a total sign area of all such signs not to exceed one hundred fifty (150) square feet for single street frontage and two hundred fifty (250) square feet for multiple street frontages:

- 1. Single or double faced ground mounted or pole signs no higher than twenty (20) feet in total height, no closer than ten (10) feet to any street right-of-way and such sign is not to exceed forty-eight (48) square feet of sign area per side on one street frontage only, and/or;
- 2. Single faced wall mounted sign no higher than the gutter line of the building not to exceed thirty-eight (38) square feet of sign area or one (1) square foot of sign per lineal feet of store frontage, whichever is greater;
- 3. Awning or canopy sign and only on the front vertical face of the awning not exceeding twenty (20) square feet of sign area and/or;
- 4. Window signs that are proportionate to the window and that is placed not to exceed twenty (20) square feet per sign, provided that there is a two feet border of clear window space provided around the sign.
- 5. Illuminated light strip not to exceed twenty (20) square feet or one square foot of sign area per lineal feet of frontage, whichever is less, located only on the face of the building.

b) Multiple Occupancy Buildings

Where there are multiple businesses or offices in a building, said businesses or

offices shall be permitted the following signs with a total sign area of all such signs not to exceed sixty-six (66) square feet.

1. Each business shall be permitted a wall sign not exceeding one (1) square foot of sign area per linear feet of store frontage or forty (40) square feet of sign, whichever is greater and/or;
2. Awning or canopy sign not to exceed twenty-six (26) square feet and placed only on the vertical face of the awning and/or;
3. Windows signs that are proportional to the window on which it is placed not to exceed twenty (20) square feet per sign provided there is a two feet border of clear window space provided around the sign.
4. In addition to the above permitted signs, a single ground mounted or pole sign shall be permitted for multiple occupancy developments with the following allowances:
 - a) Project / development identification not to exceed forty-eight (48) square feet.
 - b) Tenant identification not to exceed sixteen (16) square feet.
 - c) Total sign area not to exceed one hundred forty (140) square feet.
 - d) Total height of sign not to exceed twenty (20) feet.
 - e) Sign can be located no closer than ten (10) feet to any street right-of-way.

3. "LB" District Signs

Permitted signs in the "LB" District shall in their design take into account the smaller building and lot sizes as well as the historic character of the area.

a) Single Occupancy Buildings

The regulations are the same as in the "B" district sign regulations, except that ground mounted signs shall be permitted to within five (5) feet of a street right-of-way or one (1) foot from the sidewalk, whichever is less.

b) Multiple Occupancy Buildings

Individual businesses or offices when located in a multi-tenant building shall be permitted the following:

1. Wall mounted sign not exceeding one and a half (1.5) square feet of sign area per linear feet of store frontage, to a maximum of thirty (30) square feet.

2. Awning or canopy sign, not exceeding twenty (20) square feet and only on the vertical face of the awning.
3. Window signs that are proportional to the window in which it is placed, not exceeding twenty (20) square feet per sign, provided that a two (2) foot border of clear window space is provided around the sign.
4. In addition to the above permitted signs, a single ground mounted or pole sign shall be permitted for multiple occupancy developments with the following allowances:
 - a) Project / development identification not to exceed fifteen (15) square feet.
 - b) Tenant identification not to exceed four (4) square feet.
 - c) Total sign area not to exceed thirty-five (35) square feet.
 - d) Total height of sign not to exceed twenty (20) feet.
 - e) Sign can be located no closer than five (5) feet to any street right-of-way or one (1) foot behind the sidewalk, whichever is less.
5. Portable, stand up signs shall be permitted to be placed in front of businesses during business hours only. Only one sign is permitted per store front. Maximum size is two (2) feet wide by three (3) feet high. Sixty (60) inches of clear space shall be maintained on the sidewalk at all times. No permit necessary.

4. Illumination

Business signs may be illuminated either internally or externally. In either case, the manner of illumination shall be designed so that glare does not travel onto adjoining premises or streets.

5. Temporary Business Signs

- a) Temporary signs may be utilized, only after a permit has been issued, in the following instances:
 1. Sale
 2. Announcing the opening of a new business
 3. Business promotion
- b) Temporary signs may be attached to a building or window, or be a portable sandwich sign, located immediately in front of a store, provided it is no higher than four (4) feet and three (3) feet wide and does not impede pedestrian movement, and is secured to the ground to prevent movement of the sign. If attached to a building or window such signs shall not be larger than thirty-two

(32) square feet or 30% of the window area. Within the "B" District, a portable four (4) feet by eight (8) feet sign shall be permitted. Applicant shall have no more than three (3) signs per event. Each sign will constitute a separate permit.

F) Billboards / Off Premise Signs

Billboards / off premise signs shall be permitted subject to any applicable federal or state law and the following provisions.

1. Such signs are permitted in only the "A" and "B" zoning districts.
2. Such signs may be no closer than one thousand (1000) feet to another such sign.
3. Such signs may be no closer to the "R- 1", "LR- 1 ", "LR-2", or "E" Districts or a location / site listed on the National Register of Historic Places and / or Register of Indiana Historic Site and Historic Structures than four hundred (400) feet.
4. Such signs shall be constructed utilizing only one steel support post, and have no more than 2 sides, back to back.
5. Such signs shall be setback from any street right-of-way a distance equal to the greatest front yard setback for principally permitted uses in the zoning district in which the sign is proposed or one hundred (100) feet, whichever is greater.
6. Such signs may be illuminated only from below the sign and the degree of illumination shall not exceed one hundred twenty-five (125) foot candles.
7. Such signs may be no larger than two hundred (200) square feet in total sign area, have a sign face height of no more than ten (10) feet, and a total sign height not exceeding fifteen (15) feet or fifteen (15) feet above road grade.

Notwithstanding anything else provided in this ordinance, no billboard, off-premise sign permit may be issued and no off-premise sign may be erected prior to the applicant for such permit is submitted to the Plan Commission of the City of Lawrenceburg, a permit for an existing billboard / off-premise sign located in the City of Lawrenceburg of an equal or greater face size and removing the off-premise sign for which such permit is surrendered prior to commencing the erection of the billboard off-premise sign for which the replacement permit is issued.

G) Real Estate Signs

1) Residential

a) For Sale / For Rent / For Lease

A sign not exceeding twelve (12) square feet in area, advertising the sale, rental, or lease of the premises on which the sign is located, shall be permitted on any property. Such sign shall not be located within any street right-of-way, and shall be located only on the property for sale, rental, or lease.

b) Open house, directional signs.

Signs not exceeding twelve (12) square feet in area may be used for direction to open houses only. An open house directional sign shall be erected no more than seventy-two (72) hours prior to the scheduled event and shall be removed by 9:00 p.m. the day of the event. Signs shall be erected on private property and only with the consent of the owner.

c) Sold Signs.

A "sold" sign may be erected in place of the "for sale" sign as permitted herein. The sold sign shall be removed by the listing Realtor within ten (10) days after the date of closing.

2) Commercial

For property other than residential, one commercial real estate sign not to exceed thirty-two (32) square feet in area and located not closer than ten (10) feet to any street right-of-way may be erected for a period of six (6) months on the property to be sold, rented, or leased. Continuous rental or lease signs shall not be erected.

H) Political Signs (Local and County Elections)

Political signs, not to exceed sixteen (16) square feet in area, shall be permitted in all zoning districts as follows:

1. Political signs pertaining to the election of one or more persons to public office or to one or more public issues, shall be erected not sooner than forty-five (45) days prior to the election.
2. All signs shall be removed within five (5) days following the election.
3. Signs shall be placed only on private property and only with the permission of the property owner.
4. Signs shall not be located in any public right-of-way nor on any utility poles. "On street parking is public right-of-way; therefore, vehicles advertising candidates are not permitted for more than two hours during any twenty-four (24) hour period." Bumper stickers and / or magnetic signs placed on vehicles, less than two and one half (2 1/2) square feet in size, are exempt.
5. Each sign erected or placed, can be no closer than six (6) inches to any other sign.
6. Content on approved billboard signs is not regulated by this commission. All local elections or political issues shall conform to the timeline presented in items number 1. and 2. of this section.

I. Historic Signs

Historic signs, not to exceed five (5) square feet in area, shall be permitted in all zoning districts as follows:

1. Historic signs shall be uniform in color, shape and material. Sign color, shape and material shall be approved by the Lawrenceburg Common Council.
2. Historic signs may be free standing or wall mounted, not to exceed five (5) feet in height.
3. Historic signs shall require an Improvement Location Permit to be obtained but all fees shall be waived.
4. Historic signs shall site historic information only. Advertising is strictly prohibited.

154.41 NONCONFORMING USES AND STRUCTURES

A) Intent

It is the intent of this chapter to permit the continuation of those nonconforming structures, uses of structures, uses of land, or structures and land in combination that may exist at the time of adoption or amendment to this chapter until they are removed, but not to encourage their survival.

- B) If no structural alterations are made, a nonconforming use of a structure or land may be changed to another nonconforming use of the same or more restrictive classification. Whenever a nonconforming use has been changed to a more restrictive classification of use or to a conforming use, such use shall not be changed thereafter to a less restrictive use.
- C) If the nonconforming use of any dwelling, building, structure, or of any land, as provided in paragraphs A and B, above, is discontinued for twelve (12) months or more, any future use thereof shall be in conformity with the provisions of this chapter.
- D) Except as provided in paragraph E, below, no existing structure, building, or premises devoted to a use not permitted in this chapter, in the district in which the structure, building, or premises is located, except when required to do so by law or order, shall be enlarged, extended, or structurally altered, unless the use thereof is changed to a use permitted in the district in which the structure, building, or premises is located.
- E) When a structure or building, the use of which does not conform to the provisions of this chapter, is damaged by fire, explosion, or other act of God, to the extent of more than 60% of its reproduction value, it shall not be restored unless the relocation of such use shall have been authorized by the Board of Zoning Appeals.
- F) The adoption or amendment of this chapter in no way legalizes any illegal use existing at the time of its adoption.

154.41A WIRELESS TELECOMMUNICATIONS TOWERS AND FACILITIES

A) Purpose and Legislative Intent

The Telecommunications Act of 1996 affirmed the City of Lawrenceburg authority concerning the placement, construction and modification of Wireless Telecommunications Facilities. The Advisory Plan Commission of the City of Lawrenceburg finds that Wireless Telecommunications Facilities may pose a unique hazard to the health, safety, public welfare and environment of the

City of Lawrenceburg and its inhabitants. The City also recognizes that facilitating the development of wireless service technology can be an economic development asset to the City and of significant benefit to the City and its residents. In order to insure that the placement, construction or modification of Wireless Telecommunications Facilities is consistent with the City's land use policies, the City is adopting a single, comprehensive, Wireless Telecommunications Facilities application and permit process. The intent of this Ordinance is to minimize the negative impact of Wireless Telecommunications Facilities, establish a fair and efficient process for review and approval of applications, assure an integrated, comprehensive review of environmental impacts of such facilities, and protect the health, safety and welfare of the City of Lawrenceburg.

B) Title.

This Ordinance may be known and cited as the Wireless Telecommunications Facilities Sighting Ordinance for the City of Lawrenceburg, including its extraterritorial jurisdiction.

C) Severability.

If any word, phrase, sentence, part, section, subsection, or other portion of this ordinance or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof; shall be severable, and the remaining provisions of this ordinance, and all applications thereof; not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

1. Any Conditionally Permitted Use issued under this ordinance shall be comprehensive and not severable. If part of a permit is deemed or ruled to be invalid or unenforceable in any material respect, by a competent authority, or is overturned by a competent authority, the permit shall be void in total, upon determination by the commission.

D) Definitions.

For purposes of this Ordinance, and where not inconsistent with the context of a particular section, the defined terms, phrases, words, abbreviations, and their derivations shall have the meaning given in this section. When not inconsistent with the context, words in the present tense include the future tense, words used in the plural number include words in the singular number and words in the singular number include the plural number. The word "shall" is always mandatory, and not merely directory.

1. **"Accessory Facility or Structure"** means an accessory facility or structure serving or being used in conjunction with Wireless Telecommunications Facilities, and located on the same property or lot as the Wireless Telecommunications Facilities, including but not limited to, utility or transmission equipment storage sheds or cabinets.
2. **"Applicant"** means any Person submitting an Application to the City of Lawrenceburg for a Conditionally Permitted Use for Wireless Telecommunications Facilities.
3. **"Application"** means the form approved by the Commission, together with all necessary and appropriate documentation that an Applicant submits in order to receive a Conditionally Permitted Use for Wireless Telecommunications Facilities.

4. **"Antenna"** means a system of electrical conductors that transmit or receive electromagnetic waves or radio frequency signals. Such waves shall include, but not be limited to radio, television, cellular, paging, personal telecommunications services (PCS), and microwave telecommunications.
5. **"City"** means the City of Lawrenceburg, Indiana.
6. **"Co-location"** means the use of the same Telecommunications Tower or structure to carry two or more Antennae for the provision of wireless services by two or more persons or entities.
7. **"Commercial Impracticability"** or **"Commercially Impracticable"** shall have the meaning in this Ordinance and any Conditionally Permitted Use granted hereunder as is defined and applied under the United States Uniform Commercial Code (UCC).
8. **"Completed Application"** means an Application that contains all information and/or data necessary to enable the Commission to evaluate the merits of the Application, and to make an informed decision with respect to the effect and impact of Wireless Telecommunications Facilities on the City in the context of the permitted land use for the particular location requested.
9. **"Commission"** means the Advisory Plan Commission of the City of Lawrenceburg.
10. **"Direct to home satellite services"** or **"Direct Broadcast Service"** or **"DBS"** means only programming transmitted or broadcast by satellite directly to subscribers' premises without the use of ground receiving equipment, except at the subscribers' premises or in the uplink process to the satellite.
11. **"EPA"** means State and/or Federal Environmental Protection Agency or its duly assigned successor agency.
12. **"FAA"** means the Federal Aviation Administration, or its duly designated and authorized successor agency.
13. **"FCC"** means the Federal Communications Commission, or its duly designated and authorized successor agency.
14. **"Free standing Tower"** means a Tower that is not supported by guy wires and ground anchors or other means of attached or external support.
15. **"Height"** means, when referring to a Tower or structure, the distance measured from the pre-existing grade level to the highest point on the Tower or structure, even if said highest point is an Antenna.
16. **"NIER"** means Non Ionizing Electromagnetic Radiation
17. **"Person"** means any individual, corporation, estate, trust, partnership, joint stock company, association of two (2) or more persons having a joint common interest, or any other entity.
18. **"Personal Wireless Facility"** See definition for 'Wireless Telecommunications Facilities'

19. **"Personal Wireless Services" or "PWS" or "Personal Telecommunications Service" or "PCS"** shall have the same meaning as defined and used in the 1996 Telecommunications Act.
20. **"Telecommunication Site"** See definition for Wireless Telecommunications Facilities
21. **"Conditionally Permitted Use"** means the official document or permit by which an Applicant is allowed to construct and use Wireless Telecommunications Facilities as granted or issued by the City.
22. **"State"** means the State of Indiana.
23. **"Telecommunications"** means the transmission and reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.
24. **"Telecommunications Structure"** means a structure used in the provision of services described in the definition of 'Wireless Telecommunications Facilities'.
25. **"Temporary"** means in relation to all aspects and components of this Ordinance, something intended to, or that does, exist for fewer than ninety (90) days. "Wireless Telecommunications Facilities" or "Telecommunications Tower" or "Telecommunications Site" or "Personal Wireless Facility" means a structure, facility or location designed, or intended to be used as, or used to support, Antennas, as well as antennas or any functional equivalent equipment used to transmit or receive signals. It includes without limit, free standing Towers, guyed Towers, monopoles, and similar structures that employ camouflage technology, including, but not limited to structures such as a multi-story building, church steeple, silo, water tower, sign or other similar structures intended to mitigate the visual impact of an antenna or the functional equivalent of such. It is a structure intended for transmitting and/or receiving radio, television, cellular, paging, personal telecommunications services, or microwave telecommunications, but excluding those used exclusively for fire, police and other dispatch telecommunications, or exclusively for private radio and television reception and private citizen's bands, amateur radio and other similar telecommunications.

E) Overall Policy and Desired Goals for Conditionally Permitted Uses for Wireless Telecommunications Facilities.

In order to ensure that the placement, construction, and modification of Wireless Telecommunications Facilities protects the City's health, safety, public welfare, environmental features and other aspects of the quality of life specifically listed elsewhere in this Ordinance, the Commission hereby adopts an overall policy with respect to a Conditionally Permitted Use for Wireless Telecommunications Facilities for the express purpose of achieving the following goals:

1. Implementing an application process for person(s) seeking a Conditionally Permitted Use for Wireless Telecommunications Facilities; establishing a policy for examining an application for and issuing a Conditionally Permitted Use for Wireless Telecommunications Facilities that is both fair and consistent.
2. Establishing reasonable time frames for granting or not granting a Conditionally Permitted Use for Wireless Telecommunications Facilities, or re-certifying or not re-

- certifying, or revoking the Conditionally Permitted Use granted under this Ordinance.
3. Promoting and encouraging, wherever possible, the sharing and/or co-location of Wireless Telecommunications Facilities among service providers;
4. Promoting and encouraging, wherever possible, the placement, height and quantity of Wireless Telecommunications Facilities in such a manner as to minimize adverse aesthetic impacts to the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such Wireless Telecommunications Facilities.

F) Conditionally Permitted Use Application and Other Requirements.

1. All Applicants for a Conditionally Permitted Use for Wireless Telecommunications Facilities or any modification of such facility shall comply with the requirements set forth in this section. The Commission is the officially designated agency or body of the community to whom applications for a Conditionally Permitted Use for Wireless Telecommunications Facilities must be made, and that is authorized to review, analyze, evaluate and make decisions with respect to granting or not granting, re-certifying or not re-certifying, or revoking Conditionally Permitted Uses for Wireless Telecommunications Facilities. The Commission may at its discretion delegate or designate other official agencies of the City to accept, review, analyze, evaluate and make recommendations to the Commission with respect to the granting or not granting, re-certifying or not re-certifying or revoking Conditionally Permitted Uses for Wireless Telecommunications Facilities.
2. An Application for a Conditionally Permitted Use for Wireless Telecommunications Facilities shall be signed on behalf of the Applicant by the person preparing the same and with knowledge of the contents and representations made therein and attesting to the truth and completeness of the information. The landowner, if different than the Applicant, shall also sign the Application. At the discretion of the Commission, any false or misleading statement in the Application may subject the Applicant to denial of the Application without farther consideration or opportunity for correction.
3. Applications not meeting the requirements stated herein or the Commission may reject, which are otherwise incomplete.
4. The Applicant shall include a statement in writing:
 - a) That the applicant's proposed Wireless Telecommunications Facilities shall be maintained in a safe manner, and in compliance with all conditions of the Conditionally Permitted Use, without exception, unless specifically granted relief by the Commission in writing, as well as all applicable and permissible local codes, ordinances, and regulations, including any and all applicable County, State and Federal Ordinances, rules, and regulations;
 - b) That the construction of the Wireless Telecommunications Facilities is legally permissible, including, but not limited to the fact that the Applicant is authorized to do business in the State of Indiana.
5. No Wireless Telecommunications Facilities shall be installed or constructed until the site plan is reviewed and approved by the Commission, and the Conditionally Permitted Use has been issued.

6. All applications for the construction or installation of new Wireless Telecommunications Facilities shall be accompanied by a report containing the information hereinafter set forth. Where this section calls for certification, such certification shall be by a qualified Indiana State licensed Professional Engineer acceptable to the City, unless otherwise noted. The Application shall include, in addition to the other requirements for the Conditionally Permitted Use, the following information:
- a) Documentation that demonstrates the need for the Wireless Telecommunications Facility to provide service primarily within the City;
 - b) Name, address and phone number of the person preparing the report;
 - c) Name, address, and phone number of the property owner, operator, and Applicant, to include the legal form of the Applicant;
 - d) Postal address and tax map parcel number of the property;
 - e) Zoning District or designation in which the property is situated;
 - f) Size of the property stated both in square feet and lot line dimensions, and a diagram showing the location of all lot lines;
 - g) Location of nearest residential structure;
 - h) Location of nearest habitable structure;
 - i) Location, size and height of all structures on the property, which is the subject of the Application;
 - j) Location, size and height of all proposed and existing antennae and all appurtenant structures;
 - k) Type, locations and dimensions of all proposed and existing landscaping, and fencing;
 - l) The number, type and design of the Telecommunications Tower(s) Antenna(s) proposed and the basis for the calculations of the Telecommunications Tower's capacity to accommodate multiple users;
 - m) The make, model and manufacturer of the Tower and Antenna(s);
 - n) A description of the proposed Tower and Antenna(s) and all related fixtures, structures, appurtenances and apparatus, including height above pre-existing grade, materials, color and lighting;
 - o) The frequency, modulation and class of service of radio or other transmitting equipment;
 - p) Transmission and maximum effective radiated power of the Antenna(s);

- q) Direction of maximum lobes and associated radiation of the Antenna(s);
 - r) Certification that NIER levels at the proposed site are within the threshold levels adopted by the FCC;
 - s) Certification that the proposed Antenna(s) will not cause interference with existing telecommunications devices, which certification shall be reviewed by a licensed engineer designated by City;
 - t) A copy of the FCC license applicable for the use of Wireless Telecommunications Facilities;
 - u) Certification that a topographic and geomorphologic study and analysis has been conducted, and that taking into account the subsurface and substrata, and the proposed drainage plan, that the site is adequate to assure the stability of the proposed Wireless Telecommunications Facilities on the proposed site, which certification shall be reviewed by a licensed engineer designated by the City;
 - v) Propagation studies of the proposed site and all adjoining proposed, in-service or existing sites;
 - w) Applicant shall disclose in writing any agreement in existence prior to submission of the Application that would limit or preclude the ability of the Applicant to share any new Telecommunication Tower that it constructs.
7. In the case of a new Telecommunication Tower, the Applicant shall be required to submit a written report demonstrating its efforts to secure shared use of existing Telecommunications Tower(s) or use of existing buildings or other structures within the City. Copies of written requests and responses for shared use shall be provided to the Commission.
 8. The Applicant shall furnish written certification that the Telecommunication Facility, foundation and attachments are designed and will be constructed to meet all local, County, State and Federal structural requirements for loads, including wind and ice loads.
 9. After construction and prior to receiving a Certificate of Compliance, the Applicant shall furnish written certification that the Wireless Telecommunications Facilities are grounded and bonded so as to protect persons and property and installed with appropriate surge protectors.
 10. If requested by the Commission, the Applicant shall furnish a Visual Impact Assessment, which shall include:
 - a) A " Zone of Visibility Map" which shall be provided in order to determine locations where the Tower may be seen.
 - b) Pictorial representations of "before and after" views from key viewpoints both inside and outside of the City, including but not limited to state highways and other major roads; state and local parks; other public lands; historic districts; preserves and historic sites normally open to the public; and from any other location where the site is visible to a large number of visitors, travelers or residents. The Commission, acting in consultation with its consultants or experts, will provide guidance concerning the appropriate key sites at a pre-application meeting.

- c) An assessment of the visual impact of the Tower base, guy wires and accessory buildings from abutting and adjacent properties and streets.
- 11. Any and all representations made by the Applicant to the Commission, on the record, during the Application process, whether written or verbal, shall be deemed a part of the Application and may be relied upon in good faith by the Commission.
- 12. The Applicant shall, in a manner approved by the Commission, demonstrate and provide in writing and/or by drawing how it shall effectively screen from view its proposed Wireless Telecommunications Facilities base and all related facilities and structures.
- 13. All utilities from Wireless Telecommunications Facilities sites shall be installed underground and in compliance with all Ordinances, rules and regulations of the City, including specifically, but not limited to, the National Electrical Safety Code and the National Electrical Code where appropriate. The Commission may waive or vary the requirements of underground installation of utilities whenever, in the opinion of the Commission, such variance or waiver shall not be detrimental to the health, safety, general welfare and environment, including the visual and scenic characteristics of the area.
- 14. All Wireless Telecommunications Facilities shall contain and demonstration that the Facility be sited so as to have the least adverse visual effect on the environment and its character, and the residences in the area of the Wireless Telecommunications Facilities sites.
- 15. Both the Wireless Telecommunications Facility and any and all accessory or associated facilities shall maximize use of building materials, colors and textures designed to blend with the structure to which it may be affixed and/or to harmonize with the natural surroundings, this shall include the utilization of stealth or concealment technology as required by the City.
- 16. At a Telecommunications Site, an access road and parking shall be provided to assure adequate emergency and service access. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and vegetation cutting. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion.
- 17. A Person who holds a Conditionally Permitted Use for Wireless Telecommunications Facilities shall construct, operate, maintain, repair, provide for removal of; modify or restore the permitted Wireless Telecommunications Facilities in strict compliance with all current technical, safety and safety-related codes adopted by the City, County, State, or United States, including but not limited to the most recent editions of the National Electrical Safety Code and the National Electrical Code, as well as accepted and responsibly workmanlike industry practices and recommended practices of the National Association of Tower Erectors. The codes referred to are codes that include, but are not limited to, construction, building, electrical, fire, safety, health, and land use codes. In the event of a conflict between or among any of the preceding, the more stringent shall apply.
- 18. A holder of a Conditionally Permitted Use granted under this Ordinance shall obtain, at its own expense, all permits and licenses required by applicable rule, regulation or Ordinance, and must maintain the same, in full force and effect, for as long as required by

- the City or other governmental entity or agency having jurisdiction over the applicant.
19. The Commission may conduct an environmental review of the proposed project in combination with its review of the Application under this Ordinance. Applicant shall provide written documentation that it is in compliance with all Federal, State and Local Environmental regulations, such as NTIPA and NEPA.
 20. An Applicant shall submit to the City Commission the number of completed Applications determined to be needed at the pre-application meeting. A copy of the Application shall be provided to the legislative body of all adjacent municipalities.
 21. The Applicant shall examine the feasibility of designing a proposed Telecommunications Tower to accommodate future demand for at least five (5) additional commercial applications, for example, future co-locations. The Telecommunications Tower shall be structurally designed to accommodate at least five (5) additional Antenna Arrays equal to those of the Applicant, and located as close to the Applicant's Antenna as possible without causing interference. This requirement may be waived, provided that the Applicant, in writing, demonstrates that the provisions of future shared usage of the Telecommunications Tower is not technologically feasible, or is Commercially Impracticable and creates an unnecessary and unreasonable burden, based upon:
 - a) The foreseeable number of FCC licenses available for the area;
 - b) The kind of Wireless Telecommunications Facilities site and structure proposed;
 - c) The number of existing and potential licenses without Wireless Telecommunications Facilities spaces/sites;
 - d) Available space on existing and approved Telecommunications Towers.
 22. The applicant shall submit to the Commission a letter of intent committing the owner of the proposed new Tower, and his/her successors in interest, to negotiate in good faith for shared use of the proposed Tower by other Telecommunications providers in the future. This letter shall be filed with the Commission. Failure to abide by the conditions outlined in the letter may be grounds for revocation of the Conditionally Permitted Use. The letter shall commit the new Tower owner and their successors in interest to:
 - a) Respond within 60 days to a request for information from a potential shared-use applicant;
 - b) Negotiate in good faith concerning future requests for shared use of the new Tower by other Telecommunications providers;
 - c) Allow shared use of the new Tower if another Telecommunications provider agrees in writing to pay reasonable charges. The charges may include, but are not limited to, a pro rata share of the cost of site selection, planning, project administration, land costs, site design, construction and maintenance financing, return on equity, less depreciation, and all of the costs of adapting the Tower or equipment to accommodate a shared user without causing electromagnetic interference.
 23. Unless waived by the Board, there shall be a pre-application meeting. The purpose of the pre-application meeting will be to address issues, which will help to expedite their review

and permitting process. A pre-application meeting may also include a site visit. Costs of the City's consultants to prepare for and attend the pre-application meeting will be borne by the applicant.

24. The holder of a Conditionally Permitted Use shall notify the City of Lawrenceburg any intended modification of a Wireless Telecommunication Facility and shall apply to the City to modify, relocate or rebuild a Wireless Telecommunications Facility.
25. In order to better inform the public, in the case of a new Telecommunication Tower, the applicant shall, prior to the public hearing on the application, hold a "balloon test" as follows: Applicant shall arrange to fly, or raise upon a temporary mast, a minimum of a three (3) foot diameter brightly colored balloon at the maximum height of the proposed new Tower. The dates, (including a second date, in case of poor visibility on the initial date) times and location of this balloon test shall be advertised, by the Applicant, at seven (7) and fourteen (14) days in advance of the first test date in a newspaper with a general circulation in the City and agreed to by the Commission. The Applicant shall inform the Commission, in writing, of the dates and times of the test, at least fourteen (14) days in advance. The balloon shall be flown for at least eight consecutive hours sometime between 7:00 am and 4:00 pm of the dates chosen. The primary date shall be on a weekend, but the second date, in case of poor visibility on the initial date, may be on a weekday.
26. The applicant will provide a written copy of an analysis, completed by a qualified individual or organization, to determine if the Telecommunications Tower or existing structure intended to support wireless facilities requires lighting under Federal Aviation Regulation Part 77. This requirement shall be for any new tower or for an existing structure or building where the application increases the height of the structure or building. If this analysis determines that the FAA must be contacted, then all filings with the FAA, all responses from the FAA and any related correspondence shall be provided in a timely manner.

G) Location of Wireless Telecommunications Facilities.

1. Applicants for Wireless Telecommunications Facilities shall locate, site and erect said Wireless Telecommunications Facilities in accordance with the following priorities, one (1) being the highest priority and four (4) being the lowest priority.
 - a) On existing Telecommunications Towers or other tall structures;
 - b) Co-location on a site with existing Wireless Telecommunications Facilities or structures;
 - c) On municipally-owned properties;
 - d) On other property in the City excluding the R-1 Zoning District. Wireless Telecommunications Facilities are **not** permitted in the R-1 Zoning District.
2. If the proposed property site is not the highest priority listed above, then a detailed explanation must be provided as to why a site of a higher priority was not selected. The person seeking such an exception must satisfactorily demonstrate the reason or reasons why such a permit should be granted for the proposed site, and the hardship that would be incurred by the Applicant if the permit were not granted for the proposed site.

3. An Applicant may not by-pass sites of higher priority by stating the site presented is the only site leased or selected. An Application shall address co-location as an option and if such option is not proposed, the applicant must explain why co-location is commercially or otherwise impracticable. Agreements between providers limiting or prohibiting co-location, shall not be a valid basis for any claim of commercial impracticability or hardship.
4. Notwithstanding the above, the Commission may approve any site located within an area in the above list of priorities, provided that the Commission finds that the proposed site is in the best interest of the health, safety and welfare of the City and its inhabitants.
5. The Applicant shall submit a written report demonstrating the Applicant's review of the above locations in order of priority, demonstrating the technological reason for the site selection. If the site selected is not the highest priority, then a detailed written explanation as to why sites of a higher priority were not selected shall be included with the Application.
6. The Applicant shall, in writing, identify and disclose the number and locations of any additional sites that the Applicant has been, is, or will be considering, reviewing or planning for Wireless Telecommunications Facilities in the City, and all municipalities adjoining the City, for a two year period following the date of the Application.

H) Shared use of Wireless Telecommunications Facilities and other structures.

1. Shared use of existing Wireless Telecommunications Facilities shall be preferred by the City, as opposed to the proposed construction of a new Telecommunications Tower. Where such shared use is unavailable, location of Antennas on other pre-existing structures shall be considered and preferred. The Applicant shall submit a comprehensive report inventorying existing Towers and other appropriate structures within four (4) miles of any proposed new Tower Site, unless the Applicant can show that some other distance is more reasonable, and outlining opportunities for shared use of existing facilities and the use of other pre-existing structures as a preferred alternative to new construction.
2. An Applicant intending to share use of an existing Telecommunications Tower or other structure shall be required to document the intent of the existing owner to share use. In the event of an Application to share the use of an existing Telecommunications Tower does not increase the height of the Telecommunications Tower, the Commission shall waive such requirements of the Application required by this Local Ordinance as may be for good cause shown.
3. Such shared use shall consist only of the minimum Antenna array technologically required to provide service within the City, to the extent practicable, unless good cause is shown.

I) Height of Telecommunications Tower(s)

1. The Applicant must submit documentation justifying to the Commission the total height of any Telecommunications Tower, Facility and/or Antenna and the basis therefore. Such justification shall be to provide service within the City, to the extent practicable, unless good cause is shown.
2. Telecommunications Towers shall be no higher than the minimum height necessary.

Unless waived by the Commission upon good cause shown, the maximum height shall be one hundred forty (140) feet, based on six (6) co-located antenna arrays and ambient tree height of eighty (80) feet.

3. The maximum height of any Telecommunications Tower and attached Antennas constructed after the effective date of this Ordinance shall not exceed that which shall permit operation without artificial lighting of any kind, in accordance with municipal, county, state, and/or any federal statute, code, rule or regulation.

J) Visibility of Wireless Telecommunications Facilities.

1. Wireless Telecommunications Facilities shall not be artificially lighted or marked, except as required by this Ordinance or other regulatory authority.
2. Telecommunications Towers shall be of a galvanized finish, or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings as approved by the Commission, and shall be maintained in accordance with the requirements of this Ordinance.
3. If lighting is required, Applicant shall provide a detailed plan for sufficient lighting of as unobtrusive and inoffensive an effect as is permissible under State and Federal regulations, and an artist's rendering or other visual representation showing the effect of light emanating from the site on neighboring habitable structures within fifteen-hundred (1,500) feet of all property lines of the parcel on which the Wireless Telecommunications Facilities are located.

K) Security of Wireless Telecommunications Facilities.

All Wireless Telecommunications Facilities and Antennas shall be located, fenced or otherwise secured in a manner, which prevents unauthorized access. Specifically as follows:

1. All Antennas, Towers and other supporting structures, including guy wires, shall be made inaccessible to individuals and constructed or shielded in such a manner that they cannot be climbed or run into; and
2. Transmitters and Telecommunications control points must be installed such that they are readily accessible only to persons authorized to operate or service them.

L) Signage.

Wireless Telecommunications Facilities shall contain a sign no larger than four (4) square feet to provide adequate notification to persons in the immediate area of the presence of an Antenna that has transmission capabilities. The sign shall contain the name(s) of the owner(s) and operator(s) of the Antenna(s) as well as emergency phone number(s). The sign shall be located so as to be visible from the access point of the site and must identify the equipment shelter of the applicant. The sign shall not be lighted unless the Commission shall have allowed such lighting or unless such lighting is required by applicable provisions of Ordinance. No other signage, including advertising, shall be permitted on any facilities, Antennas, Antenna supporting structures or Antenna Towers, unless otherwise required by law.

M) Lot Size and Setbacks.

1. All proposed Wireless Telecommunications Facilities shall be set back from abutting parcels, recorded rights-of-way and road and street lines a distance sufficient to substantially contain on-site ice-fall or debris from a Tower or Tower failure, and to preserve the privacy and sanctity of any adjoining properties.
2. Wireless Telecommunications Facilities shall be located with a minimum setback from any property line a distance equal to the height of the Wireless Telecommunications Facility or the existing setback requirement of the underlying zoning district, whichever is greater. Further, any Accessory structure shall be located so as to comply with the applicable minimum setback requirements for the property on which it is situated.
3. Wireless Telecommunications Facilities will be setback a minimum of one thousand (1000) feet from any existing residential structure.

N) Retention of Expert Assistance and Reimbursement by Applicant.

1. The Commission may hire any consultant and/or expert necessary to assist the Commission in reviewing and evaluating the Application, including the construction and modification of the site, once permitted, and any requests for rectification.
2. An Applicant shall deposit with the City funds sufficient to reimburse the City for all reasonable costs of consultant and expert evaluation and consultation to the Commission in connection with the review of any Application. The initial deposit shall be \$8,500.00. These funds shall accompany the filing of an Application and the City will maintain a separate escrow account for all such funds. The City's consultants/experts shall bill or invoice the City no less frequently than monthly for its services in reviewing the Application and performing its' duties. If at any time during the review process this escrow account has a balance less than \$2,500.00, Applicant shall immediately, upon notification by the City, replenish said escrow account so that it has a balance of at least \$2,500.00. Such additional escrow funds must be deposited with the City before any further action or consideration is taken on the Application. In the event that the amount held in escrow by the City is more than the amount of the actual billing or invoicing at the conclusion of the review process, the difference shall be promptly refunded to the Applicant.
3. The total amount of the funds set forth in subsection (B) of this section may vary with the scope and complexity of the project, the completeness of the Application and other information as may be needed by the Commission or its consultant/expert to complete the necessary review and analysis. Additional escrow funds, as required and requested by the City, shall be paid by the Applicant.

O) Exceptions from a Conditionally Permitted Use for Wireless Telecommunications Facilities.

1. No Person shall be permitted to site, place, build, construct or modify, or prepare any site for the placement or use of; Wireless Telecommunications Facilities as of the effective date of this Ordinance without having first obtained a Conditionally Permitted Use for Wireless Telecommunications Facilities. Notwithstanding anything to the contrary in this section, no Conditionally Permitted Use shall be required for those exceptions noted in the definition of Wireless Telecommunications Facilities, such as those used exclusively for fire, police and other dispatch Telecommunications, or exclusively for private radio and television reception and private citizen's bands, amateur radio and other similar

Telecommunications.

2. New construction, including routine maintenance on existing Wireless Telecommunications Facilities, shall comply with the requirements of this Ordinance.
3. All Wireless Telecommunications Facilities existing on or before the effective date of this Ordinance shall be allowed to continue as they presently exist, provided however, that any modification to existing Wireless Telecommunications Facilities must comply with this Ordinance.

P) Public Hearing Required.

1. Prior to the approval of any Application for a Conditionally Permitted Use for Wireless Telecommunications Facilities, a public hearing shall be held by the Commission, notice of which shall be published in a newspaper of general circulation within the City no less than ten (10) calendar days prior to the scheduled date of the public hearing. In order to insure that nearby landowners are informed, the Applicant, at least three (3) weeks prior to the date of said public hearing, shall be required to provide names and address of all landowners whose property is located within fifteen hundred (1500) feet of any property line of the lot on which the new Wireless Telecommunications Facilities are proposed to be located and certify that the Applicant has provided notice to said landowners of the public hearing.
2. The Commission shall schedule the public hearing referred to in Subsection (A) of this section once it finds the Application is complete. The Commission, at any stage prior to issuing a Conditionally Permitted Use, may require such additional information, as it deems necessary.
3. The above provisions notwithstanding, if the application is for a Conditionally Permitted Use for co-locating on an existing Telecommunications Tower or high structure, where no increase in height of the Tower or structure is required, no public hearing will be required prior to the approval of the application.

Q) Action on an Application for a Conditionally Permitted Use for Wireless Telecommunications Facilities.

1. The Commission will undertake a review of an Application pursuant to this Ordinance in a timely fashion, and shall act within a reasonable period of time given the relative complexity of the Application and the circumstances, with due regard for the public's interest and need to be involved, and the Applicant's desire for a timely resolution.
2. The Commission may refer any Application or part thereof to any advisory or other committee for a non-binding recommendation.
3. After the public hearing and after formally considering the Application, the Commission may approve, approve with conditions, or deny a Conditionally Permitted Use. Its decision shall be in writing and shall be supported by substantial evidence contained in a written record. The burden of proof for the grant of the permit shall always be upon the Applicant.
4. If the Commission approves the Conditionally Permitted Use for Wireless Telecommunications Facilities, then the Applicant shall be notified of such approval in

writing within ten (10) calendar days of the Commission's action, and the Conditionally Permitted Use shall be issued within thirty (30) days after such approval. Except for necessary building permits, and subsequent Certificates of Compliance, once a Conditionally Permitted Use has been granted hereunder, no additional permits or approvals from the Commission, such as site plan or zoning approvals, shall be required for the Wireless Telecommunications Facilities covered by the Conditionally Permitted Use.

5. If the Commission denies the Conditionally Permitted Use for Wireless Telecommunications Facilities, then the Applicant shall be notified of such denial in writing within ten (10) calendar days of the Commission's action.

R) Recertification of a Conditionally Permitted Use for Wireless Telecommunications Facilities.

1. At any time between twelve (12) months and six (6) months prior to the five (5) year anniversary date after the effect date of the Conditionally Permitted Use and all subsequent fifth anniversaries of the effective date of the original Conditionally Permitted Use for Wireless Telecommunications Facilities, the holder of a Conditionally Permitted Use for such Wireless Telecommunication Facilities shall submit a signed written request to the Commission for re-certification. In the written request for re-certification, the holder of such Conditionally Permitted Use shall note the following:
 - a) The name of the holder of the Conditionally Permitted Use for the Wireless Telecommunications Facilities;
 - b) If applicable, the number or title of the Conditionally Permitted Use;
 - c) The date of the original granting of the Conditionally Permitted Use;
 - d) Whether the Wireless Telecommunications Facilities have been moved, re-located, rebuilt, or otherwise modified since the issuance of the Conditionally Permitted Use and if so, in what manner;
 - e) If the Wireless Telecommunications Facilities have been moved, re-located, rebuilt, or otherwise modified, then whether the Commission approved such action, and under what terms and conditions, and whether those terms and conditions were complied with;
 - f) Any requests for waivers or relief of any kind whatsoever from the requirements of this Ordinance and any requirements for a Conditionally Permitted Use;
 - g) That the Wireless Telecommunications Facilities are in compliance with the Conditionally Permitted Use and compliance with all applicable codes, Ordinances, rules and regulations;
 - h) Recertification that the Telecommunication Tower and attachments both are designed and constructed ("As Built") and continue to meet all local, County, State and Federal structural requirements for loads, including wind and ice loads. Such re-certification shall be by a qualified Indiana State licensed Professional Engineer acceptable to the City, the cost of which shall be borne by the Applicant.

2. If; after such review, the Commission determines that the permitted Wireless Telecommunications Facilities are in compliance with the Conditionally Permitted Use and all applicable statutes, local laws, codes, rules and regulations, then the Commission shall issue a re-certification Conditionally Permitted Use for the Wireless Telecommunications Facilities, which may include any new provisions or conditions that are mutually agreed upon, or required by applicable statutes, local Ordinances, codes, rules and regulations. If; after such review, the Commission determines that the permitted Wireless Telecommunications Facilities are not in compliance with the Conditionally Permitted Use and all applicable statutes, local laws, codes, rules and regulations, then the Commission may refuse to issue a re-certification Conditionally Permitted Use for the Wireless Telecommunications Facilities, and in such event, such Wireless Telecommunications Facilities shall not be used after the date that the Applicant receives written notice of such decision by the Commission. Any such decision shall be in writing and supported by substantial evidence contained in a written record.
3. If the Applicant has submitted all of the information requested by the Commission and required by this Ordinance, and if the Commission does not complete its review, as noted in subsection (B) of this section, prior to the five (5) year anniversary date of the Conditionally Permitted Use, or subsequent fifth anniversaries, then the Applicant for the permitted Wireless Telecommunications Facilities shall receive an extension of the Conditionally Permitted Use for up to six (6) months, in order for the Commission to complete its review.
4. If the holder of a Conditionally Permitted Use for Wireless Telecommunications Facilities does not submit a request for re-certification of such Conditionally Permitted Use within the timeframe noted in subsection (A) of this section, then such Conditionally Permitted Use and any authorizations granted there under shall cease to exist on the date of the fifth anniversary of the original granting of the Conditionally Permitted Use, or subsequent fifth anniversaries, unless the holder of the Conditionally Permitted Use adequately demonstrates to the Commission that extenuating circumstances prevented a timely re-certification request. If the Commission agrees that there were legitimately extenuating circumstances, then the holder of the Conditionally Permitted Use may submit a late re-certification request or Application for a new Conditionally Permitted Use.

S) Extent and Parameters of Conditionally Permitted Use for Wireless Telecommunications Facilities.

The extent and parameters of a Conditionally Permitted Use for Wireless Telecommunications Facilities shall be as follows:

1. Such Conditionally Permitted Use shall be non-exclusive;
2. Such Conditionally Permitted Use shall not be assigned, transferred or conveyed without the express prior written notification of the Commission.
3. Such Conditionally Permitted Use may, following a hearing upon due prior notice to the Applicant, be revoked, canceled, or terminated for a violation of the conditions and provisions of the Conditionally Permitted Use for Wireless Telecommunications Facilities, or for a material violation of this Ordinance after prior written notice to the Applicant and the holder of the Conditionally Permitted Use.

T) Application Fee.

1. At the time that a person submits an Application for a Conditionally Permitted Use for a new Telecommunications Tower, such person shall pay a non-refundable application fee of \$5,000.00 to the City. If the Application is for a Conditionally Permitted Use for co-locating on an existing Telecommunications Tower or high structure, where no increase in height of the Tower or structure is required, the non-refundable fee shall be \$2,000.00.
2. No Application fee is required in order re-certify a Conditionally Permitted Use for Wireless Telecommunications Facilities, unless there has been a modification of the Wireless Telecommunications Facilities since the date of the issuance of the existing Conditionally Permitted Use for which the conditions of the Conditionally Permitted Use have not previously been modified. In the case of any modification, the fees provided in Subsection (A) shall apply.

U) Performance Security.

The Applicant and the owner of record of any proposed Wireless Telecommunications Facilities property site shall at its cost and expense, be jointly required to execute and file with the City a bond, or other form of security acceptable to the City as to type of security and the form and manner of execution, in an amount of at least \$75,000.00 and with such sureties as are deemed sufficient by the Commission to assure the faithful performance of the terms and conditions of this Ordinance and conditions of any Conditionally Permitted Use issued pursuant to this Ordinance. The full amount of the bond or security shall remain in full force and effect throughout the term of the Conditionally Permitted Use and/or until the removal of the Wireless Telecommunications Facilities, and any necessary site restoration is completed. The failure to pay any annual premium for the renewal of any such security shall be a violation of the provisions of the Conditionally Permitted Use and shall entitle the Commission to revoke the Conditionally Permitted Use after prior written notice to the Applicant and holder of the permit and after a hearing upon due prior notice to the Applicant and holder of the Conditionally Permitted Use.

V) Reservation of Authority to Inspect Wireless Telecommunications Facilities.

In order to verify that the holder of a Conditionally Permitted Use for Wireless Telecommunications Facilities and any and all lessees, renters, and/or licensees of Wireless Telecommunications Facilities, place and construct such facilities, including Towers and Antennas, in accordance with all applicable technical, safety, fire, building, and zoning codes, ordinances and regulations and other applicable requirements, the City may inspect all facets of said permit holder's, renter's, lessee's or licensee's placement, construction, modification and maintenance of such facilities, including, but not limited to, Towers, Antennas and buildings or other structures constructed or located on the permitted site.

W) Annual NIER Certification.

The holder of the Conditionally Permitted Use shall, annually, certify in writing to the City that NIER levels at the site are within the threshold levels adopted by the FCC. The certifying engineer need not be approved by the City.

X) Liability Insurance.

1. A holder of a Conditionally Permitted Use for Wireless Telecommunications Facilities shall secure and at all times maintain public liability insurance for personal injuries, death and property damage, and umbrella insurance coverage, for the duration of the Conditionally Permitted Use in amounts as set forth below
 - a) Commercial General Liability covering personal injuries, death and property damage: \$1,000,000 per occurrence/\$2,000,000 aggregate;
 - b) Automobile Coverage: \$1,000,000.00 per occurrence/ \$2,000,000 aggregate;
 - c) Workers Compensation and Disability: Statutory amounts.
2. The Commercial General liability insurance policy shall specifically include the City and its officers, employees, committee members, attorneys, agents and consultants as additional named insured's.
3. The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the State and with a Best's rating of at least A.
4. The insurance policies shall contain an endorsement obligating the insurance company to furnish the City with at least thirty (30) days prior written notice in advance of the cancellation of the insurance.
5. Renewal or replacement policies or certificates shall be delivered to the City at least fifteen (15) days before the expiration of the insurance which such policies are to renew or replace.
6. Before construction of a permitted Wireless Telecommunications Facilities is initiated, but in no case later than fifteen (15) days after the grant of the Conditionally Permitted Use, the holder of the Conditionally Permitted Use shall deliver to the City a copy of each of the policies or certificates representing the insurance in the required amounts.

Y) Indemnification.

1. Any application for Wireless Telecommunication Facilities that is proposed for City property, pursuant to this Ordinance, shall contain a provision with respect to indemnification. Such provision shall require the applicant, to the extent permitted by the Ordinance, to at all times defend, indemnify, protect, save, hold harmless, and exempt the City, and its officers, employees, committee members, attorneys, agents, and consultants from any and all penalties, damages, costs, or charges arising out of any and all claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising there from, either at Ordinance or in equity, which might arise out of; or are caused by, the placement, construction, erection, modification, location, products performance, use, operation, maintenance, repair, installation, replacement, removal, or restoration of said Facility, excepting, however, any portion of such claims, suits, demands, causes of action or award of damages as may be attributable to the negligent or intentional acts or omissions of the City, or its servants or agents. With respect to the penalties, damages or charges referenced herein, reasonable attorneys' fees, consultants' fees, and expert witness fees are included in those costs that are recoverable by the City.
2. Notwithstanding the requirements noted in subsection a) of this section, an indemnification

provision will not be required in those instances where the City itself applies for and secures a Conditionally Permitted Use for Wireless Telecommunications Facilities.

Z) Fines.

1. In the event of a violation of this ordinance or any Conditionally Permitted Use issued pursuant to this ordinance, the commission may impose and collect, and the holder of the Conditionally Permitted Use for Wireless Telecommunications Facilities shall pay to the City, fines or penalties as set forth below.
2. A violation of this ordinance is hereby declared to be an offense, punishable by a fine not exceeding one thousand dollars (\$1000.) or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than one thousand dollars (\$1000.) dollars nor more than five thousand dollars (\$5000) or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five (5) years, punishable by a fine not less than five thousand dollars (\$5000) nor more than ten thousand dollars (\$10,000.) or imprisonment for a period not to exceed six (6) months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this article or of such ordinance or regulation shall be deemed misdemeanors and for such purpose only, all provisions of ordinance relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional offense.
3. Notwithstanding anything in this ordinance, the holder of the Conditionally Permitted Use for Wireless Telecommunications Facilities may not use the payment of fines, liquidated damages or other penalties, to evade or avoid compliance with this ordinance or any section of this ordinance. An attempt to do so shall subject the holder of the Conditionally Permitted Use to termination and revocation of the Conditionally Permitted Use. The City may also seek injunctive relief to prevent the continued violation of this ordinance, without limiting other remedies available to the City.
4. If any court of competent jurisdiction rules in favor of the City in any action related to Wireless Facilities Sighting, then the Applicant, in addition to any other damages, agrees to pay the City all costs and expenses including reasonable attorney fees.

AA) Default and/or Revocation.

1. If Wireless Telecommunications Facilities are repaired, rebuilt, placed, moved, re-located, modified or maintained in a way that is inconsistent or not in compliance with the provisions of this Ordinance or of the Conditionally Permitted Use, then the Commission shall notify the holder of the Conditionally Permitted Use in writing of such violation. Such notice shall specify the nature of the violation or non-compliance and that the violations must be corrected within seven (7) days of the date of the postmark of the Notice, or of the date of personal service of the Notice, whichever is earlier. Notwithstanding anything to the contrary in this subsection or any other section of this Ordinance, if the violation causes, creates or presents an imminent danger or threat to the health or safety of lives or property, the Commission may, at its sole discretion, order the violation remedied within twenty-four (24) hours.
2. If within the period set forth in (A) above the Wireless Telecommunications Facilities are

not brought into compliance with the provisions of this Ordinance, or of the Conditionally Permitted Use, or substantial steps are not taken in order to bring the affected Wireless Telecommunications Facilities into compliance, then the Commission may revoke such Conditionally Permitted Use for Wireless Telecommunications Facilities, and shall notify the holder of the Conditionally Permitted Use within forty-eight (48) hours of such action.

BB) Removal of Wireless Telecommunications Facilities

1. Under the following circumstances, the Commission may determine that the health, safety, and welfare interests of the City warrant and require the removal of Wireless Telecommunications Facilities.
 - a) Wireless Telecommunications Facilities with a permit have been abandoned (i.e. not used as Wireless Telecommunications Facilities) for a period exceeding ninety consecutive (90) days or a total of one hundred-eighty (180) days in any three hundred-sixty five (365) day period, except for periods caused by force majeure or Acts of God, in which case, repair or removal shall commence within 90 days;
 - b) Permitted Wireless Telecommunications Facilities fall into such a state of disrepair that it creates a health or safety hazard;
 - c) Wireless Telecommunications Facilities have been located, constructed, or modified without first obtaining, or in a manner not authorized by, the required Conditionally Permitted Use, or any other necessary authorization.
2. If the Commission makes such a determination as noted in subsection (A) of this section, then the Commission shall notify the holder of the Conditionally Permitted Use for the Wireless Telecommunications Facilities within forty-eight (48) hours that said Wireless Telecommunications Facilities are to be removed, The Commission may approve an interim temporary use agreement/permit, such as to enable the sale of the Wireless Telecommunications Facilities.
3. The holder of the Conditionally Permitted Use, or its successors or assigns, shall dismantle and remove such Wireless Telecommunications Facilities, and all associated structures and facilities, from the site and restore the site to as close to its original condition as is possible, such restoration being limited only by physical or commercial impracticability, within ninety (90) days of receipt of written notice from the Commission. However, if the owner of the property upon which the Wireless Telecommunications Facilities are located wishes to retain any access roadway to the Wireless Telecommunications Facilities, the owner may do so with the approval of the Commission.
4. If Wireless Telecommunications Facilities are not removed or substantial progress has not been made to remove the Wireless Telecommunications Facilities within ninety (90) days after the permit holder has received notice, then the Commission may order officials or representatives of the City to remove the Wireless Telecommunications Facilities at the sole expense of the owner or Conditionally Permitted Use holder.
5. If the City removes or causes to be removed, Wireless Telecommunications Facilities, and the owner of the Wireless Telecommunications Facilities does not claim and remove

it from the site to a lawful location within ten (10) days, then the City may take steps to declare the Wireless Telecommunications Facilities abandoned, and sell them and their components.

6. Notwithstanding anything in this Section to the contrary, the Commission may approve a temporary use permit/agreement for the Wireless Telecommunications Facilities, for no more than ninety (90) days, during which time a suitable plan for removal, conversion, or re-location of the affected Wireless Telecommunications Facilities shall be developed by the holder of the Conditionally Permitted Use, subject to the approval of the Commission, and an agreement to such plan shall be executed by the holder of the Conditionally Permitted Use and the City. If such a plan is not developed, approved and executed within the ninety (90) day time period, then the City may take possession of and dispose of the affected Wireless Telecommunications Facilities in the manner provided in this Section.

CC) Relief.

Any Applicant desiring relief or exemption from any aspect or requirement of this Ordinance may request such from the Commission at a pre-Application meeting, provided that the relief or exemption is contained in the original Application for either a Conditionally Permitted Use, or in the case of an existing or previously granted Conditionally Permitted Use a request for modification of its Tower and/or facilities. Such relief may be temporary or permanent, partial or complete, at the sole discretion of the Commission. However, the burden of proving the need for the requested relief or exemption is solely on the Applicant to prove to the satisfaction of the Commission. The Applicant shall bear all costs of the Commission or the City in considering the request and the relief shall not be transferable to a new or different holder of the permit or owner of the Tower or facilities without the specific written permission of the Commission. Such permission shall not be unreasonably withheld or delayed. No such relief or exemption shall be approved unless the Applicant demonstrates by clear and convincing evidence that, if granted the relief or exemption will have no significant affect on the health, safety and welfare of the City, its residents and other service providers.

DD) Periodic Regulatory Review by the Commission

1. The Commission may at any time conduct a review and examination of this entire Ordinance.
2. If after such a periodic review and examination of this Ordinance, the Commission determines that one or more provisions of this Ordinance should be amended, repealed, revised, clarified, or deleted, then the Commission may take whatever measures are necessary in accordance with applicable law in order to accomplish the same. It is noted that where warranted, and in the best interests of the City, the Commission may repeal this entire Ordinance at any time.
3. Notwithstanding the provisions of subsections (A) and (B) of this Section, the Commission may at any time, and in any manner (to the extent permitted by Federal, State, or local Ordinance), amend, add, repeal, and/or delete one or more provisions of this Ordinance.

EE) Adherence to State and/or Federal Rules and Regulations

1. To the extent that the holder of a Conditionally Permitted Use for Wireless

Telecommunications Facilities has not received relief; or is otherwise exempt, from appropriate State and/or Federal agency rules or regulations, then the holder of such a Conditionally Permitted Use shall adhere to, and comply with, all applicable rules, regulations, standards, and provisions of any State or Federal agency, including, but not limited to, the FAA and the FCC. Specifically included in this requirement are any rules and regulations regarding height, lighting, security, electrical and RF emission standards.

- 2. To the extent that applicable rules, regulations, standards, and provisions of any State or Federal agency, including but not limited to, the FAA and the FCC, and specifically including any rules and regulations regarding height, lighting, and security are changed and/or are modified during the duration of a Conditionally Permitted Use for Wireless Telecommunications Facilities, then the holder of such a Conditionally Permitted Use shall conform the permitted Wireless Telecommunications Facilities to the applicable changed and/or modified rule, regulation, standard, or provision within a maximum of twenty-four (24) months of the effective date of the applicable changed and/or modified rule, regulation, standard, or provision, or sooner as may be required by the issuing entity.

FF) Conflict with Other Laws or Ordinances

Where this Ordinance differs or conflicts with other laws, rules and regulations, unless the right to do so is preempted or prohibited by the County, State or Federal government, the more restrictive or protective of the City and the public shall apply

GG) Effective Date

This Ordinance shall be effective immediately upon passage, pursuant to applicable legal and procedural requirements.

HH)

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154.42 SCHEDULE OF FEES

A)	Zoning Fees	
1.	Zone Change (Map Amendment)	
a)	Without a corresponding development proposal:	\$250.00 plus the cost of generating a new map.
b)	With a corresponding development proposal:	\$250.00 plus \$50.00 per acre of proposed development, plus the cost of generating a new map.
2.	Text Amendment	\$250.00
3.	Site Plan Review	\$30.00 per half hour of review, Not to exceed \$500.00 plus \$50.00 per acre of proposed development.
4.	Conditionally Permitted Uses	\$250.00 plus 50.00 per acre of proposed development
5.	Variances	\$250.00
6.	Certificate of Appropriateness	\$15.00
7.	Home Occupation	\$15.00
8.	Residential Zoning Certificates	

a)	Single Family Residence	\$40.00
b)	Multiple Family Residence (per unit)	\$40.00
c)	Additions (per unit)	\$40.00
d)	Accessory Structures With Foundations	\$25.00
	1. Without Foundations	\$15.00
e)	Swimming Pools	\$15.00
f)	Walls, Fences, Walks and Drives	\$15.00
g)	Decks	\$15.00
h)	Antennas & Satellite Dishes	\$15.00
i)	Signs	\$25.00 plus \$0.50/SF of sign face over 32 SF
j)	Parks and Recreation Fee	\$150.00/ Unit
k)	Signs - Face Change (one fee per property)	\$15.00
l)	Signs - Temporary	\$15.00
m)	Parking Lots (new; re-striping)	\$20.00

9. Non-Residential Zoning Certificates

a)	Buildings and Additions (per unit)	
	0- 1000SF	\$60.00
	1001 - 2000 SF	\$80.00
	2001 - 10,000 SF	\$0.04/ SF
	10,001 SF or more	\$400.00 plus \$0.02/SF over 10,000 SF
b)	Tents, Awnings & Marquees	\$40.00
c)	Pools / Storage Tanks	\$60.00
d)	Antennas & Satellite Dishes	\$40.00
e)	Walls and Fences	\$40.00
f)	Signs & Billboards	\$50.00 plus \$0.50/SF of sign face over 32 SF
g)	Signs - Face Change	\$35.00
h)	Signs-Temporary	\$30.00

i)	Parking Lots (new; re-striping)	\$50.00
j)	Landfill & Excavation (land use only)	\$500.00
k)	Gravel Mining	\$250.00
l)	Commercial Alterations (change in Parking requirements)	\$75.00
m)	Commercial Alterations (same tenant, no additional parking required)	no fee
n)	Tenant Change / New Tenant (verify no change in parking required)	\$25.00
o)	New Telecommunications Towers and Facilities	\$5,000.00
p)	Co-locate on Existing Telecommunications Towers and Facilities	\$2,000.00
10)	Miscellaneous Zoning Certificates	
a)	Non-Conforming Use Certificate	\$25.00
b)	Refusal (letter, application processing, etc.)	\$25.00
c)	Letter of Certification	\$15.00
d)	Enforcement Violation	Double the fee
e)	Right-of-way Encroachment License	\$50.00
11)	Any item not addressed above shall be charged a minimum fee of \$25.00 plus an additional fee of \$30.00 for each additional half hour of staff time.	

(Revised Schedule of Fees as of 07-07-03)

154.43 SEPARABILITY

The provisions of this chapter are to be considered separable. If any provisions of this chapter shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decisions shall not affect any other section, clause, provision, or portion of this chapter.

154.44 REPEAL

All Ordinances or parts of ordinances in conflict with this chapter, or inconsistent with the provisions of this chapter, are hereby repealed to the extent necessary to give this chapter full force and effect.