

C. General Buffer Yard Standards

The following Buffer Yard Standards will apply to all bufferyards.

- a. The Buffer Yard Standards only apply along the property lines where the two conflicting Zoning Districts meet.
- b. The developer or owner of the subject property is responsible for installing the Buffer Yard.
- c. The adjacent property owner shall not have to participate in installing the Buffer Yard.
- d. An irregular row and spacing of trees is preferred. However, no two (2) trees shall be placed within twenty (20) feet from one another.
- e. All deciduous trees must have at least a two inch (2") caliper and all needled evergreen must be six feet (6') in height when planted.
- f. All trees must be properly maintained, and be replaced if the tree dies, is diseased, or is damaged from natural causes.

D. Buffer Yard "A"

- a. An additional five (5) feet of setback shall be required in addition to the normal setback.
- b. One (1) deciduous canopy tree and one (1) needled evergreen tree must be planted for every sixty (60) feet of contiguous boundary with conflicting district.
- c. All trees must be planted within five (5) to fifteen (15) feet from the property line which is contiguous to the conflicting property.

E. Buffer Yard "B"

- a. An additional eight (8) feet of setback shall be required in addition to the normal setback.
- b. One (1) deciduous canopy tree and two (2) needled evergreen trees must be planted for every fifty (50) feet of contiguous boundary with conflicting district.
- c. All trees must be planted within five (5) feet from the property line.

F. Buffer Yard "C"

- a. An additional thirty-five (35) feet of setback shall be required in addition to the normal setback.
- b. A row of deciduous canopy trees must be planted forty (40) feet apart from one another.
- c. Additionally, a five (5) foot tall fence, or five (5) foot tall undulating berm, or a row of needled evergreen trees thirty (30) feet apart will also need to be placed parallel to the property line and at least five (5) feet from the deciduous canopy trees.
- d. All trees must be planted within ten (10) to thirty (30) feet from the property line and within the subject property.

7.9 Performance Standards (PS)

PS-01: All uses established or placed into operation after the effective date of this Ordinance shall comply with the following performance standards in the interests of protecting public health, safety, and general welfare and lessening damage to property. No use on a property shall exhibit obnoxious characteristics to the extent that it constitutes a public nuisance or interferes with reasonable enjoyment of neighboring properties. No use in existence on the effective date of this Ordinance shall be altered or modified to conflict with these standards:

- A. Air Pollution: No use on a property shall release fly ash, dust, smoke, vapors, noxious, toxic or corrosive matter or other air pollutants in such concentration as to be detrimental to health, animals, vegetation or property, or conflict with public air quality standards.
- B. Electrical Disturbance: No use on a property shall cause electrical disturbance adversely affecting radio, television or other equipment in the vicinity.
- C. Fire Protection: Fire fighting equipment and prevention measures acceptable to the local Fire Departments shall be readily available and apparent when any activity involving the handling and storage of flammable or explosive materials is conducted.

- D. Noise: No use on a property shall produce noise in such a manner as to be objectionable because of volume, frequency, intermittence, beat, shrillness, or vibration. Such noise shall be muffled or otherwise controlled so as not to become detrimental. Public safety sirens and related apparatus used solely for public purposes shall be exempt from this standard.
- E. Odor: No use on a property shall emit across lot lines any gas or matter with a bad odor in such quantity as to be readily detectable at any point along such lines.
- F. Vibration: No use on a property shall cause vibrations detectable beyond lot lines without the aid of instruments.
- G. Heat and Glare: No use on a property shall produce heat and glare in such a manner as to create a hazard to neighboring property. Nor shall any such heat or glare interfere with the reasonable enjoyment of neighboring property, or transportation function.
- H. Waste Matter: No use on a property shall accumulate within the lot or discharge waste matter beyond the lot lines.
- I. Water Pollution: No use on a property shall produce erosion or other pollutants in such a quantity as to be detrimental to adjacent properties or to conflict with public water quality standards.

5 **7.10 Environmental Standards (EN)**

EN-01: No land shall be used or structure erected where the land is unsuitable for such use or structure due to slopes greater than ten percent (10%), adverse soil or rock formation, erosion susceptibility, low percolation rate or bearing strength, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of the community. In addition the following standards must be met:

- A. Surface Water: It shall be the responsibility of the owner of any lot or parcel of land developed for any use other than for agriculture to provide for adequate surface water drainage. Existing natural surface drainage should be utilized. Whenever the evidence available indicates that the natural surface drainage is inadequate the owner shall provide the parcel with an adequate surface water drainage system which shall be integrated into the drainage pattern of surrounding properties. Swales are required to be placed in an easement to prohibit future filling or constructing. On-site detention for a 100 year storm event shall be required unless written statement by Town Engineer or County Surveyor that it is not necessary to prevent harm to adjoining properties. All drainage plans shall be reviewed and approved by the Town Engineer, Cicero Building and Public Works, or the Hamilton County Surveyor.
- B. Drainage: Drainage swales (ditches) along dedicated roadways and within the right-of-way or on dedicated drainage easements are not to be altered, except for maintenance as originally constructed and as approved by Town Engineer, Cicero Building and Public Works, Hamilton County Highway Department, the Hamilton County Drainage Board, or Indiana Department of Transportation. Driveways may be constructed over these or other approved structures as permitted by the appropriate agency.
- C. Permanent Structures: No permanent structures may be erected, and if erected in violation of this section, no such structure may be used if the location is within seventy-five feet of the center line of any regulated tile ditch, or within seventy-five feet of the existing top edge of any regulated open ditch or tile, or platted regulated subdivision easement unless approved by the Hamilton County Drainage Board and Hamilton County Surveyor.
- D. Preservation of Natural / Historic Features: Existing natural and historic features which would add value to development of natural or man-made assets of the county such as trees, streams, vistas, Lakes, historical landmarks, and similar irreplaceable assets, when possible shall be preserved through harmonious and careful design. Land to be developed shall be designed and improved as far as practical in conformity to existing topography in order to minimize storm water runoff, and conserve the natural cover and soil.