

# Jamestown Unified Development Ordinance

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*Jamestown UDO – February 6, 2024, to present*

## Chapter 1. Introductory Provisions

- A. Title. This ordinance shall be formally known as the “Unified Development Ordinance,” or the “UDO” for the jurisdiction of the Town of Jamestown.
- B. Purpose. The purpose of this UDO is to combine the Zoning Ordinance and the Subdivision Control Ordinance into a single document in order to reduce redundancy and improve efficiency in the application of land development laws for the jurisdiction.
1. Subdivision Control Ordinance Provisions. The regulations established for the administration of a Subdivision Control Ordinance under *IC 36-7-4-700 series* are covered specifically in this UDO by *Chapters 5, 6, and 7*.
  2. Zoning Ordinance Provisions. The regulations established for the administration of a Zoning Ordinance under *IC-36-7-4-600 series* are covered by all other Chapters of this UDO.
- C. Jurisdiction. This Ordinance shall apply to all incorporated land within the jurisdiction as shown on the Jurisdictional Area Map on file in the Plan Commission Office and the applicable County Recorder’s Office.
- D. Intent. The intent of this UDO is to promote the public health, safety, morals and general welfare and more specifically to:
1. Accomplish the purposes of *IC 36-7-4 series: Local Planning and Zoning*; and further such other purposes as are stated hereinafter within specific provisions of this UDO;
  2. Guide the orderly, responsible, and sustainable development and redevelopment in accordance with the *Comprehensive Plan* and all of its components;
  3. Define the powers and duties of administrative officers and bodies as provided herein, and to establish procedures for the implementation and enforcement of this UDO;
  4. Establish reasonable standards and procedures for subdivisions, in order to further the orderly layout and use of land;
  5. Reduce traffic congestion in public streets and ensure safe, convenient, and efficient traffic circulation;
  6. Prevent the pollution of air, water, and soil;
  7. Protect the character and stability of residential, institutional, business, industrial, and natural areas;

8. Encourage compatibility between different land uses and to protect the scale and character of existing development from the encroachment of incompatible uses;
  9. Facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public facilities;
  10. Establish corrective and punitive recourse for violations or noncompliance regarding the provisions of this UDO.
- E. **Defined Terms.** Specific words and terms relative to this UDO are as defined in *Chapter 10: Definitions*. Words or terms used in this UDO that are not defined shall be as defined by a current dictionary.
- F. **Administration.** The Administrator shall have the primary responsibility of administering the UDO within the jurisdiction.
- G. **Severability.** If any provision or the application of any provision of this UDO is held unconstitutional or invalid by the courts, the remainder of the UDO or the application of such provision to other circumstances shall not be affected.
- H. **Statutory Changes.** If any Indiana Code cited in this UDO has been amended, this UDO shall be deemed amended in reference to the new or revised code.
- I. **Repealer.** The following titles of the Jamestown Town Code are hereby repealed and are replaced by the adoption of this UDO and the Official Zoning Map:
1. *Title 2, Article 1: Zoning.*
  2. *Title 2, Article 2: Subdivision Regulations.*
- J. **Transition Policies.** The following policies apply for applications and approvals that are in progress at the time of adoption of this UDO:
1. **Pending Applications.** Applications that are received and complete prior to the adoption of this UDO shall continue their respective process pursuant to the rules and provisions that were in place at the time of filing. This includes applications before the Town Council, the Plan Commission (PC), and the Board of Zoning Appeals (BZA) as well as applications for Land Alteration Permits (LAP), and Improvement Location Permits (ILP).
  2. **Permits Issued.** A permit for an ILP or LAP that was issued prior to the adoption of this UDO shall remain valid for the timeframe and provisions established by the regulations that were in effect at the time of filing. If applicable, a valid permit may be renewed per the provisions established by the regulations that were in effect at the time of filing. Permits that have expired per the provisions established by the regulations that were in



effect at the time of filing and need to be resubmitted shall now be subject to the regulations established by this UDO.

3. Subdivisions. Because subdivisions are subject to two (2) phases of approval (primary plat and secondary plat), the following policies for transition apply:
  - a. Primary Plat. Any primary plat that was approved by regulations that were in place prior to the adoption of this UDO, has not expired, and is otherwise still valid under said previous regulations, shall continue its respective process pursuant to the rules and provisions that were in place at the time of filing. If the previous provisions did not identify an expiration for primary plat approval and an application for secondary plat (all or in part) has not been received and completed within two (2) years of the adoption of this UDO, then said primary plat shall automatically expire two (2) years after the date of the adoption of this UDO.
  - b. Secondary Plat. As long as the approved primary plat for a subdivision remains valid and has not expired, the lot standards, structure standards, and utility standards that were in place at the time the primary plat was approved shall apply to the secondary plat (all or in part) included in the primary plat approval.
4. Commitments or Conditions. Commitments or conditions (whether recorded or not) that were made as part of an approval before the legislative body, PC, or BZA or part of an application for an ILP or LAP prior to the adoption of this UDO shall remain in full effect regardless of any resulting changes in regulations that are established by this UDO. Commitments or conditions may be modified pursuant to the applicable process outlined in *Chapter 8: Zoning Administration and Procedures* of this UDO and/or the applicable *PC Rules and Procedures* or *BZA Rules and Procedures*.
- K. Effective Date. This ordinance shall be in full force and effect from and after its passage by the legislative body.

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*Jamestown UDO – February 6, 2024, to present*

## Chapter 2. Zoning Districts

### A. General Provisions.

1. Zoning Districts Identified. The jurisdictional area is hereby classified and divided into the districts outlined below. Only those land uses and development standards which are expressly permitted for each respective zoning district are allowed.

<b>Name of District</b>	<b>Abbreviation</b>
Agriculture	AG
Low Density Single-family Residential	R1
Medium Density Residential	R2
High Density Multi-family Residential	MF
Downtown Mixed Use Commercial and Residential	DT
Community and Institutional Facilities	CF
General Commercial	GC
Highway Commercial	HC
Light Industrial	I1
Heavy Industrial	I2

2. Overlay Districts Identified. The following overlay districts outlined below have been established for the purpose identified. Only those land uses and development standards which are expressly permitted for each respective overlay district are allowed.
  - a. Reserved
3. Zone Map. A zone map of the jurisdictional area is hereby adopted as part of this UDO. The zone map shall be kept on file and made available for examination in the office of the Administrator.
4. Land Uses.
  - a. Land Uses Listed. The respective section for each zoning district and overlay district in this chapter identifies the land uses that are “permitted” or allowed by “special exception”.

- b. Land Uses Not Listed. For land uses not listed, the Administrator shall attempt to determine if the desired land use is similar to a listed land use. If the desired land use is determined to be similar to a listed land use, the respective process shall be followed. If the Administrator determines that the desired land use is not similar to a listed land use, then the desired land use shall be prohibited. In case of uncertainty, the Administrator may refer the request for land use clarification or classification to the BZA for consideration.
5. Development Standards. The following development standards are generally interpreted as follows:
- a. Lot Width. Lot width is measured at the building line.
  - b. Minimum Front Yard Setback. The minimum front yard setback is measured from the right-of-way or the edge of pavement, whichever is greater.
  - c. Minimum Side Yard Setback. The minimum side yard setback is as shown or the width of the applicable bufferyard, whichever is greater. A side yard adjoining a street which does not face the primary structure is considered a front yard setback and the respective standards apply.
  - d. Minimum Rear Yard Setback. Minimum rear yard setback is as shown or the width of the applicable bufferyard, whichever is greater. A rear yard adjoining a street which does not face the primary structure is considered a front yard setback and the respective standards apply.

B. Zoning Districts.



**1. Agriculture (AG).**

- a. Purpose. The purpose of the AG District is to preserve land for agricultural use and operations and discourage the premature conversion of agricultural land to urban and residential uses. A wide variety of agricultural and compatible uses are permitted, such as crop production, animal keeping, and commercial agricultural-related uses. All subdivisions require Subdivision approval. All multi-family development and non-residential development requires Development Plan approval.

<b>Land Uses - Agriculture (AG)</b>	
<b>Permitted Uses</b>	<b>Special Exception Uses</b>
<p><b>ACCESSORY USES</b></p> <ul style="list-style-type: none"> <li>• farmers market</li> </ul> <p><b>AGRICULTURAL USES</b></p> <ul style="list-style-type: none"> <li>• agricultural product sales</li> <li>• agricultural product storage</li> <li>• aquaculture</li> <li>• crop production</li> <li>• forestry</li> <li>• gardening, large-scale</li> <li>• greenhouse</li> <li>• mushroom cellar</li> <li>• orchard</li> <li>• plant nursery, wholesale</li> <li>• roadside produce stand</li> <li>• tree farm</li> <li>• truck garden</li> <li>• vineyard</li> </ul> <p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>• farmers market</li> <li>• kennel, private</li> </ul> <p><b>RESIDENTIAL</b></p> <ul style="list-style-type: none"> <li>• farmstead</li> </ul>	<p><b>ACCESSORY USES</b></p> <ul style="list-style-type: none"> <li>• *dwelling, accessory</li> <li>• *home occupation</li> <li>• *wireless communication facility</li> <li>• agritourism</li> <li>• bed and breakfast</li> <li>• wind turbine</li> </ul> <p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>• *campground</li> <li>• agriculture supply store</li> <li>• animal day care facility</li> <li>• club/lodge</li> <li>• conservation club</li> <li>• farm implements sales and service</li> <li>• golf course</li> <li>• kennel, public</li> <li>• landscape contractor</li> <li>• plant nursery</li> <li>• RV park</li> <li>• winery</li> </ul> <p><b>INDUSTRIAL USES</b></p> <ul style="list-style-type: none"> <li>• mineral extraction</li> </ul> <p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>• cell facility, small</li> <li>• cemetery</li> <li>• wireless communication facility</li> </ul> <p><b>RESIDENTIAL</b></p> <ul style="list-style-type: none"> <li>• *manufactured home</li> <li>• child care home</li> <li>• dwelling, single-family</li> </ul>
<p><i>See Appendix 1: Land Use Matrix for a complete list of uses.</i></p> <p><i>* Indicates use is conditional and specific development standards apply. See Chapter 4: Use Development Standards.</i></p>	

<b>Development Standards – Agriculture (AG)</b>			
Development Standard		Land Use	
		Single-family and Two-family Residential	Non-residential
<b>Structure Standards</b>			
Maximum height of structure		35 feet	35 feet
Minimum ground floor area	One-story	1,200 sqft	NA
	Multi-story	900 sqft	NA
Minimum width of primary structure		18 feet	NA
<b>Lot Standards</b>			
Minimum lot width		100 feet	100 feet
Minimum road frontage		50 feet	50 feet
Minimum Lot area		21,780 sqft	NA
Minimum front yard setback		20 feet	20 feet
Minimum side yard setback	Primary structure	10 feet	10 feet
	Accessory structure	5 feet	10 feet
Minimum rear yard setback	Primary structure	15 feet	15 feet
	Accessory structure	5 feet	5 feet
Maximum lot coverage		35%	80%
<b>Utility Standards</b>			
Municipal water and sewer required		yes	yes

**2. Low Density Single-family Residential (R1).**

- a. Purpose. The purpose of the R1 District is to establish low density neighborhoods in which owner-occupied single-family structures are the dominant use. Residential development in this district provides for a variety of housing types as well as pedestrian and recreational amenities. All subdivisions require Subdivision approval. All multi-family development and non-residential development requires Development Plan approval.

<b>Land Uses – Low Density Single-family Residential (R1)</b>	
<b>Permitted Uses</b>	<b>Special Exception Uses</b>
<p><b>AGRICULTURAL USES</b></p> <ul style="list-style-type: none"> <li>• roadside produce stand</li> <li>• *manufactured home</li> </ul> <p><b>RESIDENTIAL</b></p> <ul style="list-style-type: none"> <li>• dwelling, single-family</li> </ul>	<p><b>ACCESSORY USES</b></p> <ul style="list-style-type: none"> <li>• *dwelling, accessory</li> <li>• *home occupation</li> <li>• apartment, accessory</li> <li>• bed and breakfast</li> </ul> <p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>• day care</li> <li>• kennel, private</li> </ul> <p><b>RESIDENTIAL</b></p> <ul style="list-style-type: none"> <li>• child care home</li> </ul>
<p><i>See Appendix 1: Land Use Matrix for a complete list of uses. * Indicates use is conditional and specific development standards apply. See Chapter 4: Use Development Standards.</i></p>	



<b>Development Standards – Low Density Single-family Residential (R1)</b>			
Development Standard		Land Use	
		Single-family and Two-family Residential	Non-residential
<b>Structure Standards</b>			
Maximum height of structures		35 feet	35 feet
Minimum ground floor area	One-story	1,200 sqft	NA
	Multi-story	900 sqft	NA
Minimum width of primary structure	Width	18 feet	NA
<b>Lot Standards</b>			
Minimum lot width		80 feet	80 feet
Minimum road frontage		50 feet	50 feet
Minimum Lot area		15,000 sqft	NA
Minimum front yard setback		30 feet	20 feet
Minimum side yard setback	Primary structure	10 feet	10 feet
	Accessory structure	5 feet	10 feet
Minimum rear yard setback	Primary structure	15 feet	15 feet
	Accessory structure	5 feet	5 feet
Maximum lot coverage		35%	80%
<b>Utility Standards</b>			
Municipal water and sewer required		yes	yes

**3. Medium Density Residential (R2).**

- a. Purpose. The purpose of the R2 District is to provide areas for single-family and two-family residential development that is contiguous to the urban centers of the community. Residential development in this district provides for a variety of housing types situated on streets that conform to the town’s existing grid layout. All subdivisions require Subdivision approval. All multi-family development and non-residential development requires Development Plan approval.

<b>Land Uses – Medium Density Residential (R2)</b>	
<b>Permitted Uses</b>	<b>Special Exception Uses</b>
<p><b>RESIDENTIAL</b></p> <ul style="list-style-type: none"> <li>• dwelling, single-family</li> <li>• dwelling, two-family</li> </ul>	<p><b>ACCESSORY USES</b></p> <ul style="list-style-type: none"> <li>• *home occupation</li> <li>• apartment, accessory</li> </ul> <p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>• day care</li> </ul> <p><b>RESIDENTIAL</b></p> <ul style="list-style-type: none"> <li>• child care home</li> <li>• comprehensive care facility</li> <li>• dwelling, multi-family</li> <li>• group home</li> <li>• life care facility</li> <li>• nursing home</li> </ul>
<p><i>See Appendix 1: Land Use Matrix for a complete list of uses.</i>  <i>* Indicates use is conditional and specific development standards apply. See Chapter 4: Use Development Standards.</i></p>	

<b>Development Standards - Medium Density Residential (R2)</b>			
Development Standard		Land Use	
		Single-family and Two-family Residential	Non-residential
<b>Structure Standards</b>			
Maximum height of structures		35 feet	35 feet
Minimum ground floor area	One-story	900 sqft	NA
	Multi-story	700 sqft	NA
Minimum width of primary structure	Width	18 feet	NA
<b>Lot Standards</b>			
Minimum lot width		50 feet	150 feet
Minimum road frontage		50 feet	50 feet
Minimum Lot area		7,500 sqft	NA
Minimum front yard setback		20 feet or the average block setback, whichever is less	20 feet
Minimum side yard setback	Primary structure	10 feet	10 feet
	Accessory structure	5 feet	10 feet
Minimum rear yard setback	Primary structure	15 feet	15 feet
	Accessory structure	5 feet	5 feet
Maximum lot coverage		60%	80%
<b>Utility Standards</b>			
Municipal water and sewer required		yes	yes

**4. High Density Residential (MF).**

- a. Purpose. The purpose of the MF district is to provide for high density housing in two-family and multiple-family structures as well as directly related complementary uses and associated amenities. All subdivisions require Subdivision approval and non-residential development requires Development Plan approval.

<b>Land Uses – High Density Residential (MF)</b>	
<b>Permitted Uses</b>	<b>Special Exception Uses</b>
<p><b>RESIDENTIAL</b></p> <ul style="list-style-type: none"> <li>• assisted living facility</li> <li>• comprehensive care facility</li> <li>• dwelling, multi-family</li> <li>• dwelling, two-family</li> <li>• group home</li> <li>• life care facility</li> <li>• nursing home</li> <li>• student housing</li> </ul>	<p><b>ACCESSORY USES</b></p> <ul style="list-style-type: none"> <li>• *home occupation</li> </ul> <p><b>RESIDENTIAL</b></p> <ul style="list-style-type: none"> <li>• *manufactured home</li> <li>• dwelling, single-family</li> </ul>
<p><i>See Appendix 1: Land Use Matrix for a complete list of uses.</i></p> <p><i>* Indicates use is conditional and specific development standards apply. See Chapter 4: Use Development Standards.</i></p>	

<b>Development Standards - High Density Residential (MF)</b>				
Development Standard		Land Use		
		Single-family and Two-family Residential	Multi-family Residential	Non-residential
<b>Structure Standards</b>				
Maximum height of structure		35 feet	35 feet	35 feet
Minimum ground floor area	One-story	900 sqft	700 sqft	NA
	Multi-story	700 sqft	400 sqft	NA
Minimum width of primary structure		18 feet	NA	NA
<b>Lot Standards</b>				
Minimum lot width		60 feet	60 feet	60 feet
Minimum road frontage		50 feet	50 feet	50 feet
Minimum Lot area		6,000 sqft (per unit)	3,000 sqft (per unit)	NA
Minimum development lot area			3 acres	NA
Minimum front yard setback		20 feet or the average block setback, whichever is less	20 feet	20 feet
Minimum side yard setback	Primary structure	10 feet	10 feet	10 feet
	Accessory structure	5 feet	5 feet	5 feet
Minimum rear yard setback	Primary structure	15 feet	20 feet	15 feet
	Accessory structure	5 feet	5 feet	15 feet
Maximum lot coverage		70%	70%	85%
<b>Utility Standards</b>				
Municipal water and sewer required		yes	yes	yes

**5. Downtown Mixed Use (DT).**

- a. Purpose. The purpose of the DT district is to encourage a broad mix of uses in the urban pattern of development that currently exists downtown. Development in this area respects the historic context downtown and strives to create a vibrant, pedestrian-friendly environment. All subdivisions require Subdivision approval. All multi-family development and non-residential development requires Development Plan approval.

Land Uses – Downtown Mixed Use (DT)		
Permitted Uses		Special Exception Uses
<p><b>ACCESSORY USES</b></p> <ul style="list-style-type: none"> <li>• apartment, accessory</li> <li>• farmers market</li> <li>• retail food establishment, temporary mobile</li> </ul> <p><b>RESIDENTIAL</b></p> <ul style="list-style-type: none"> <li>• dwelling, single-family</li> <li>• dwelling, two-family</li> </ul>	<p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>• animal grooming</li> <li>• appliance sales</li> <li>• bakery</li> <li>• bank</li> <li>• bar/tavern</li> <li>• barber or beauty shop</li> <li>• book store</li> <li>• business, general</li> <li>• clinic</li> <li>• coffee shop</li> <li>• computer service</li> <li>• counseling center</li> <li>• delicatessen</li> <li>• department store</li> <li>• drug store</li> <li>• dry cleaning</li> <li>• farmers market</li> <li>• florist</li> <li>• grocery store</li> <li>• hardware store</li> <li>• ice cream shop</li> <li>• laundromat</li> <li>• microbrewery</li> <li>• office, general</li> <li>• printer</li> <li>• restaurant</li> <li>• retail, general</li> <li>• retail, service-oriented</li> <li>• theater</li> <li>• travel agency</li> <li>• video store</li> <li>• philanthropic/charitable institution</li> </ul>	<p><b>ACCESSORY USES</b></p> <ul style="list-style-type: none"> <li>• *home occupation</li> <li>• bed and breakfast</li> </ul> <p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>• day care</li> <li>• hotel/motel</li> <li>• nightclub</li> </ul> <p><b>RESIDENTIAL</b></p> <ul style="list-style-type: none"> <li>• assisted living facility</li> <li>• bed and breakfast</li> <li>• child care center</li> <li>• dwelling, multi-family</li> <li>• group home</li> <li>• nursing home</li> </ul>
<p><i>See Appendix 1: Land Use Matrix for a complete list of uses.</i></p> <p><i>* Indicates use is conditional and specific development standards apply. See Chapter 4: Use Development Standards.</i></p>		

<b>Development Standards - Downtown Mixed Use (DT)</b>				
Development Standard		Land Use		
		Single-family and Two-family Residential	Multi-family Residential	Non-residential
<b>Structure Standards</b>				
Maximum height of structure		35 feet	35 feet	35 feet
Minimum ground floor area	One-story	900 sqft	700 sqft	NA
	Multi-story	700 sqft	400 sqft	NA
Minimum width of primary structure	Width	18 feet	NA	NA
<b>Lot Standards</b>				
Minimum lot width		60 feet	NA	NA
Minimum road frontage		50 feet	NA	NA
Lot area	Minimum	6,000 sqft (per unit)	NA	NA
Minimum front yard setback		20 feet or the average block setback, whichever is least	NA	NA
Minimum side yard setback	Primary structure	10 feet	NA	NA
	Accessory structure	5 feet	NA	NA
Minimum rear yard setback	Primary structure	15 feet	NA	NA
	Accessory structure	5 feet	NA	NA
Maximum lot coverage		70%	NA	NA
<b>Utility Standards</b>				
Municipal water and sewer required		yes	yes	yes

**6. Community and Institutional Facilities (CF).**

- a. Purpose. The purpose of the CF District is to allow for and identify publicly owned property, property owned by quasi-public or public service entities, and property used or planned to be used for certain institutional facilities. All subdivisions require Subdivision approval and non-residential development requires Development Plan approval.

<b>Land Uses – Community and Institutional Facilities (CF)</b>	
<b>Permitted Uses</b>	<b>Special Exception Uses</b>
<p><b>ACCESSORY USES</b></p> <ul style="list-style-type: none"> <li>• *wireless communication facility</li> <li>• farmers market</li> <li>• retail food establishment, temporary mobile</li> </ul> <p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>• donation collection point</li> <li>• farmers market</li> <li>• sports field (indoor)</li> <li>• sports field (outdoor)</li> <li>• water park</li> </ul>	<p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>• *airport</li> <li>• *heliport</li> <li>• animal shelter</li> <li>• cell facility, small</li> <li>• cemetery</li> <li>• church or place of worship</li> <li>• community center</li> <li>• electrical transmission tower</li> <li>• fairgrounds</li> <li>• fire/police station</li> <li>• government offices</li> <li>• hospital</li> <li>• jail/prison</li> <li>• juvenile detention facility</li> <li>• library</li> <li>• mortuary</li> <li>• museum</li> <li>• nature center</li> <li>• park</li> <li>• parking lot, public</li> <li>• philanthropic/charitable institution</li> <li>• post office</li> <li>• school (public or private)</li> <li>• sewage treatment facility (public)</li> <li>• sports stadium</li> <li>• university or college</li> <li>• water tower</li> <li>• water treatment facility (public)</li> <li>• wireless communication facility</li> </ul>
<p><i>See Appendix 1: Land Use Matrix for a complete list of uses. * Indicates use is conditional and specific development standards apply. See Chapter 4: Use Development Standards.</i></p>	



<b>Development Standards – Community and Institutional Facilities (CF)</b>		
Development Standard	Land Use	
	Non-residential	
<b>Structure Standards</b>		
Maximum height of structure	35 feet	
<b>Lot Standards</b>		
Minimum lot width	60 feet	
Minimum road frontage	50 feet	
Minimum front yard setback	20 feet	
Minimum side yard setback	10 feet	
Minimum rear yard setback	Primary structure	10 feet
	Accessory structure	5 feet
Maximum lot coverage	85%	
<b>Utility Standards</b>		
Municipal water and sewer required	yes	

**7. General Commercial (GC).**

- a. Purpose. The purpose of the GC District is to provide areas within the town that are primarily retail and service business in character and are accessible along major transportation corridors. All subdivisions require Subdivision approval and non-residential development requires Development Plan approval.

<b>Land Uses – General Commercial (GC)</b>		
<b>Permitted Uses</b>	<b>Special Exception Uses</b>	
<p><b>ACCESSORY USES</b></p> <ul style="list-style-type: none"> <li>• farmers market</li> </ul> <p><b>AGRICULTURAL USES</b></p> <ul style="list-style-type: none"> <li>• agricultural product sales</li> <li>• greenhouse</li> </ul> <p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>• philanthropic/charitable institution</li> </ul>	<p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>• agriculture supply store</li> <li>• animal day care facility</li> <li>• animal grooming</li> <li>• bakery</li> <li>• bank</li> <li>• bar/tavern</li> <li>• barber or beauty shop</li> <li>• book store</li> <li>• clinic</li> <li>• club/lodge</li> <li>• coffee shop</li> <li>• coin laundry</li> <li>• delicatessen</li> <li>• department store</li> <li>• drug store</li> <li>• dry cleaning</li> <li>• farmers market</li> <li>• florist</li> <li>• funeral home</li> <li>• gas station</li> <li>• grocery store</li> <li>• hardware store</li> <li>• health club</li> <li>• ice cream shop</li> <li>• laundromat</li> <li>• microbrewery</li> <li>• office, general</li> <li>• physical fitness facility</li> <li>• printer</li> <li>• recreation facility (indoor)</li> <li>• restaurant</li> <li>• restaurant with drive-up window</li> <li>• retail, agriculture</li> <li>• retail, general</li> <li>• retail, service-oriented</li> <li>• theater</li> <li>• trade/business school</li> <li>• veterinary clinic</li> </ul>	<p><b>ACCESSORY USES</b></p> <ul style="list-style-type: none"> <li>• *wireless communication facility</li> <li>• retail food establishment, temporary mobile</li> </ul> <p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>• automotive and vehicle repair</li> <li>• automotive and vehicle sales, new</li> <li>• automotive and vehicle sales, used</li> <li>• day care</li> <li>• hotel/motel</li> <li>• kennel, public</li> <li>• massage establishment</li> <li>• medical clinic</li> <li>• nightclub</li> <li>• office, medical</li> <li>• winery</li> </ul> <p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>• cell facility, small</li> <li>• wireless communication facility</li> </ul>
<p><i>See Appendix 1: Land Use Matrix for a complete list of uses.</i></p> <p><i>* Indicates use is conditional and specific development standards apply. See Chapter 4: Use Development Standards.</i></p>		

<b>Development Standards – General Commercial (GC)</b>		
Development Standard	<b>Land Use</b>	
	<b>Non-residential</b>	
<b>Structure Standards</b>		
Maximum height of structure	35 feet	
<b>Lot Standards</b>		
Minimum road frontage	45 feet	
Minimum front yard setback	20 feet	
Minimum side yard setback	10 feet	
Minimum rear yard setback	Primary structure	10 feet
	Accessory structure	10 feet
Maximum lot coverage	85%	
<b>Utility Standards</b>		
Municipal water and sewer required	yes	

**8. Highway Commercial (HC).**

- a. Purpose. The purpose of the HC District is to provide for a variety of business, retail uses, and other establishments offering accommodations or services to motorists. All subdivisions require Subdivision approval and non-residential development requires Development Plan approval.

<b>Land Uses – Highway Commercial (HC)</b>		
<b>Permitted Uses</b>	<b>Special Exception Uses</b>	
<p><b>AGRICULTURAL USES</b></p> <ul style="list-style-type: none"> <li>• plant nursery, wholesale</li> </ul> <p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>• cell facility, small</li> <li>• electrical transmission tower</li> <li>• hospital</li> <li>• sports stadium</li> <li>• wireless communication facility</li> </ul>	<p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>• appliance sales</li> <li>• business, general</li> <li>• coffee shop</li> <li>• country club</li> <li>• department store</li> <li>• drug store</li> <li>• equipment/tool rental</li> <li>• florist</li> <li>• gas station</li> <li>• grocery store</li> <li>• hardware store</li> <li>• health club</li> <li>• hotel/motel</li> <li>• ice cream shop</li> <li>• landscape contractor</li> <li>• medical clinic</li> <li>• microbrewery</li> <li>• office, general</li> <li>• office, medical</li> <li>• physical fitness facility</li> <li>• plant nursery</li> <li>• plant nursery, retail</li> <li>• printer</li> <li>• recreation facility (indoor)</li> <li>• recreation facility (outdoor)</li> <li>• restaurant</li> <li>• restaurant with drive-up window</li> <li>• retail, agriculture</li> <li>• retail, general</li> <li>• retail, service-oriented</li> <li>• shooting range (indoor)</li> <li>• sports field (indoor)</li> <li>• theater</li> <li>• trade/business school</li> <li>• truck stop</li> <li>• veterinary clinic</li> <li>• water park</li> </ul>	<p><b>ACCESSORY USES</b></p> <ul style="list-style-type: none"> <li>• *wireless communication facility</li> <li>• retail food establishment, temporary mobile</li> <li>• wind turbine</li> </ul> <p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>• golf course</li> <li>• kennel, public</li> <li>• paintball facility</li> <li>• RV park</li> <li>• self-storage facility</li> <li>• sports field (outdoor)</li> </ul> <p><b>INDUSTRIAL USES</b></p> <ul style="list-style-type: none"> <li>• wholesale establishment</li> </ul> <p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>• philanthropic/charitable institution</li> </ul> <p><b>RESIDENTIAL</b></p> <ul style="list-style-type: none"> <li>• bed and breakfast</li> </ul>
<p><i>See Appendix 1: Land Use Matrix for a complete list of uses.</i></p> <p><i>* Indicates use is conditional and specific development standards apply. See Chapter 4: Use Development Standards.</i></p>		

<b>Development Standards – Highway Commercial (HC)</b>		
Development Standard	<b>Land Use</b>	
	<b>Non-residential</b>	
<b>Structure Standards</b>		
Maximum height of structure	60 feet	
<b>Lot Standards</b>		
Minimum road frontage	45 feet	
Minimum front yard setback	20 feet	
Minimum side yard setback	10 feet	
Minimum rear yard setback	Primary structure	10 feet
	Accessory structure	10 feet
Maximum lot coverage	90%	
<b>Utility Standards</b>		
Municipal water and sewer required	yes	

**9. Light Industrial (I1).**

- a. Purpose. The purpose of the I1 District is intended for low-intensity, light, and medium intensity industrial activities that are fully enclosed and are compatible with surrounding districts. Businesses that require outdoor storage or outdoor operations are not consistent with the purpose of this district. All subdivisions require Subdivision approval and non-residential development requires Development Plan approval.

Land Uses – Light Industrial (I1)	
Permitted Uses	Special Exception Uses
<p><b>ACCESSORY USES</b></p> <ul style="list-style-type: none"> <li>• retail food establishment, temporary mobile</li> </ul> <p><b>AGRICULTURAL USES</b></p> <ul style="list-style-type: none"> <li>• agricultural product storage</li> </ul> <p><b>INDUSTRIAL USES</b></p> <ul style="list-style-type: none"> <li>• industrial park</li> <li>• industry, light</li> <li>• truck terminal</li> <li>• warehouse</li> <li>• wholesale establishment</li> </ul> <p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>• animal shelter</li> <li>• cell facility, small</li> <li>• electrical transmission tower</li> <li>• hospital</li> <li>• wireless communication facility</li> </ul>	<p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>• agriculture supply store</li> <li>• bus station</li> <li>• equipment/tool rental</li> <li>• farm implements sales and service</li> <li>• gas station</li> <li>• hardware store</li> <li>• landscape contractor</li> <li>• medical clinic</li> <li>• office, general</li> <li>• office, medical</li> <li>• paintball facility</li> <li>• physical fitness facility</li> <li>• plant nursery</li> <li>• plant nursery, retail</li> <li>• printer</li> <li>• recreation facility (indoor)</li> <li>• recreation facility (outdoor)</li> <li>• restaurant</li> <li>• retail, agriculture</li> <li>• self-storage facility</li> <li>• shooting range (indoor)</li> <li>• shooting range (outdoor)</li> <li>• sports field (indoor)</li> <li>• sports field (outdoor)</li> <li>• trade/business school</li> <li>• truck stop</li> <li>• veterinary clinic</li> <li>• water park</li> </ul>
<p><b>ACCESSORY USES</b></p> <ul style="list-style-type: none"> <li>• *wireless communication facility</li> <li>• wind turbine</li> </ul> <p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>• *adult business</li> <li>• kennel, public</li> </ul> <p><b>INDUSTRIAL USES</b></p> <ul style="list-style-type: none"> <li>• assembly plant</li> <li>• automotive and vehicle repair</li> <li>• automotive towing service</li> <li>• diaper service</li> <li>• distribution facility</li> <li>• freight terminal</li> <li>• heavy equipment repair</li> <li>• mineral extraction</li> <li>• outdoor storage</li> </ul> <p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>• *airport</li> <li>• *heliport</li> <li>• fairgrounds</li> </ul>	
<p><i>See Appendix 1: Land Use Matrix for a complete list of uses.</i></p> <p><i>* Indicates use is conditional and specific development standards apply. See Chapter 4: Use Development Standards.</i></p>	

<b>Development Standards – Light Industrial (I1)</b>		
Development Standard	<b>Land Use</b>	
	<b>Non-residential</b>	
<b>Structure Standards</b>		
Maximum height of structure	60 feet	
<b>Lot Standards</b>		
Minimum road frontage	45 feet	
Minimum front yard setback	20 feet	
Minimum side yard setback	10 feet	
Minimum rear yard setback	Primary structure	10 feet
	Accessory structure	10 feet
Maximum lot coverage	90%	
<b>Utility Standards</b>		
Municipal water and sewer required	yes	

**10. Heavy Industrial (I2).**

- a. Purpose. The purpose of the I2 District is to provide for employment centers for more intense industrial uses that typically generate heavy demands on the transportation system or rail system. These uses may cause odors, dust, noise, and vibrations as well as generate significant amounts of truck and freight traffic. All subdivisions require Subdivision approval and non-residential development requires Development Plan approval.

Land Uses – Heavy Industrial (I2)		
Permitted Uses		Special Exception Uses
<p><b>AGRICULTURAL USES</b></p> <ul style="list-style-type: none"> <li>• agricultural product storage</li> </ul> <p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>• agriculture supply store</li> <li>• equipment/tool rental</li> <li>• farm implements sales and service</li> <li>• gas station</li> <li>• hardware store</li> <li>• landscape contractor</li> <li>• medical clinic</li> <li>• office, general</li> <li>• office, medical</li> <li>• physical fitness facility</li> <li>• plant nursery</li> <li>• plant nursery, retail</li> <li>• printer</li> <li>• retail, agriculture</li> <li>• self-storage facility</li> <li>• shooting range (indoor)</li> <li>• sports field (indoor)</li> <li>• sports field (outdoor)</li> <li>• truck stop</li> </ul> <p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>• animal shelter</li> <li>• cell facility, small</li> <li>• electrical transmission tower</li> <li>• fairgrounds</li> <li>• hospital</li> <li>• wireless communication facility</li> </ul>	<p><b>INDUSTRIAL USES</b></p> <ul style="list-style-type: none"> <li>• animal slaughtering/processing</li> <li>• asphalt plant</li> <li>• assembly plant</li> <li>• automotive and vehicle repair</li> <li>• automotive towing service</li> <li>• bottling/canning facility</li> <li>• concrete plant</li> <li>• construction/demolition disposal site</li> <li>• diaper service</li> <li>• distribution facility</li> <li>• food processing</li> <li>• freight terminal</li> <li>• heavy equipment repair</li> <li>• industrial park</li> <li>• junk yard</li> <li>• liquid fertilizer distribution</li> <li>• industry, heavy</li> <li>• industry, light</li> <li>• materials recycling</li> <li>• outdoor storage</li> <li>• recycling facility</li> <li>• resource recovery facility</li> <li>• salvage yard</li> <li>• transfer station</li> <li>• truck terminal</li> <li>• warehouse</li> <li>• welding</li> <li>• wholesale establishment</li> </ul>	<p><b>ACCESSORY USES</b></p> <ul style="list-style-type: none"> <li>• *wireless communication facility</li> <li>• retail food establishment, temporary mobile</li> <li>• wind turbine</li> </ul> <p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>• *adult business</li> <li>• kennel, public</li> </ul> <p><b>INDUSTRIAL USES</b></p> <ul style="list-style-type: none"> <li>• chemical manufacturing</li> <li>• clean fill site</li> <li>• flammable fluids storage tanks</li> <li>• flammable/heavy material manufacture</li> <li>• landfill</li> <li>• mineral extraction</li> <li>• sanitary landfill</li> <li>• solid waste processing facility</li> <li>• solid waste transfer station</li> <li>• stone crushing/pulverizing</li> </ul> <p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>• *airport</li> <li>• *heliport</li> </ul>
<p><i>See Appendix 1: Land Use Matrix for a complete list of uses.</i></p> <p><i>* Indicates use is conditional and specific development standards apply. See Chapter 4: Use Development Standards.</i></p>		



<b>Development Standards – Heavy Industrial (I2)</b>		
Development Standard	Land Use	
	Non-residential	
<b>Structure Standards</b>		
Maximum height of structure	60 feet	
<b>Lot Standards</b>		
Minimum road frontage	45 feet	
Minimum front yard setback	20 feet	
Minimum side yard setback	10 feet	
Minimum rear yard setback	Primary structure	10 feet
	Accessory structure	10 feet
Maximum lot coverage	90%	
<b>Utility Standards</b>		
Municipal water and sewer required	yes	



## Chapter 3. Site Development Standards

### A. Bicycle Parking Standards.

1. When Required. Provisions for bicycle parking are required as part of any Development Plan submittal, ILP submittal for a new structure, or as determined by the Administrator for an ILP submittal for a structural addition or remodel.
2. Required Spaces. All uses, except single-family and two-family residential, shall provide space for bicycle parking.
  - a. Multi-family Uses: one (1) space per every three (3) dwelling units or fraction thereof.
  - b. Commercial Uses: one (1) space per every five thousand (5,000) square feet of gross floor area.
  - c. Industrial Uses: one (1) space per every five thousand (5,000) square feet of gross floor area.
3. Racks. Parking racks shall be required to support the bicycles. Rack elements shall support the bicycle frame at two (2) locations, prevent the bicycle from tipping over, and enable the frame and one or both wheels to be secured with a user-supplied locking device.
4. Location.
  - a. All required bicycle parking on the lot shall be located in an accessible location as determined by the Administrator.
  - b. All required bicycle parking spaces outside a building shall be located within a fifty (50) foot radius of the primary building entrance.

### B. Bufferyard Standards.

1. Purpose. Both the amount of land and the type and amount of planting specified for each bufferyard requirement are designed to minimize nuisances between adjacent land uses. The planting units required of bufferyards have been calculated to ensure that they do, in fact, function as “buffers”. Bufferyards shall be required to separate land uses from each other in order to eliminate or minimize potential nuisances such as dirt, litter, noise, glare of lights, signs, and unsightly building or parking areas, or to provide spacing to reduce adverse impacts of noise, odor, or danger from fires or explosions.
2. Determination of Required Bufferyard.
  - a. Bufferyard requirements are stated in terms of the width of the bufferyard and the number of plant units required per one hundred (100) linear feet of bufferyard. Each

developer or owner is required to install a bufferyard on their parcel as it develops, even if the developer on an adjacent parcel has also installed a bufferyard.

- b. To determine which bufferyard is required between the subject parcel and each adjacent parcel, refer to *Table 1: Bufferyard Requirements* as follows:
  - i. Identify the subject zoning district of the proposed land use by referring to the vertical column of the table.
  - ii. Identify the adjacent district(s) zoning district of each adjacent parcel by referring to the horizontal column of the table.
  - iii. Determine the bufferyard(s) required along the boundary between the subject parcel and each adjacent parcel per the table.

3. Location of the Bufferyard.

- a. Bufferyards shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line.
- b. The Administrator has discretion to modify the width of the bufferyard and the placement of plantings to accommodate rights-of-way, drainage easements, and utility easements. While the width of the bufferyard may include all or a portion of rights-of-way, drainage easements, and utility easements, plantings may be shifted or clustered so that they are not placed in these areas.

4. Planting Requirements.

- a. Deciduous trees are to be a minimum of two (2) inches in diameter or eight (8) feet tall at the time of planting.
- b. Evergreen trees shall be a minimum of five (5) feet tall at the time of planting.

5. Substitutions and Modifications.

- a. Any existing plant material which otherwise satisfies the requirements of this section may be counted toward satisfying all such requirements.
- b. The following plant material substitutions shall satisfy the requirements of this section.
  - i. In all bufferyards evergreen, canopy or evergreen understory trees may be substituted for deciduous canopy trees without limitation.
  - ii. In all bufferyards, evergreen or conifer shrubs may be substituted for deciduous shrubs without limitation.
- c. A landscape plan shall be submitted with each applicable application.
- d. If the development on the adjacent use is existing, planned, or deed-restricted for solar access, understory trees may be substituted for canopy trees where canopy trees would destroy solar access.

6. Wall, Fence, or Berm Requirements

- a. Whenever a wall, fence, or berm is required within a bufferyard, these are shown as “Structure Required” in *Table 2: Planting Requirements*. The respective specifications are shown in *Table 3: Fence, Wall, and Berm Requirements*.
  - i. When the subject property and the adjacent property are undeveloped, the subject property shall install the required wall, fence, or berm. Subsequent development of the adjacent property shall only install the required plantings.
  - ii. If the adjacent property was developed prior to the enactment of this UDO, the subject property shall install the required wall, fence, or berm.
  - iii. Whenever a wall is required in addition to a berm, the wall shall be located between the berm and the higher intensity use, in order to provide maximum sound absorption.
- b. Berms with masonry walls, required of bufferyard options J and K, are intended to buffer more significant nuisances from adjacent uses and, additionally, to break up and absorb noise, which is achieved by the varied heights of plant materials between the wall and the noise source.
- c. When berms with walls are required, the masonry wall shall be closer than the berm to the higher intensity use.

7. Maintenance. All plant material that dies must be replaced within six (6) months so as to maintain the approved bufferyard and landscape plan.

8. Other.

- a. If the development borders a jurisdictional boundary outside that of this ordinance, the bufferyard used shall be based on the district most comparable to that of this ordinance at the discretion and approval of the Administrator.
- b. All bufferyard areas shall be live vegetation and seeded with lawn or prairie grasses unless such ground cover is already established.
- c. Bufferyards may contain natural water amenities or areas established for drainage provided that planting requirements are still satisfied.
- d. Bufferyards may overlap with drainage and utility easements, but required plantings must not be placed within the drainage and utility easements themselves.

9. Use of Bufferyards. A bufferyard may be used for passive recreation. It may contain pedestrian, bike, or equestrian trails, provided that no plant material is eliminated, the total width of the bufferyard is not reduced, and all other regulations of the ordinance are met. In no event, however, shall permanent structures be permitted in bufferyards including ice-skating rinks, stables, swimming pools, and tennis courts.

10. Ownership of Bufferyards. Bufferyards may remain in the ownership of the original developer of a land use, or they may be subjected to deed restrictions and subsequently be freely conveyed, or they may be transferred to any consenting grantees, such as adjoining landowners, a park or forest preserve, or an open space or conservation group, provided that any such conveyance adequately guarantees the protection of the bufferyards for the purposes of this ordinance.
11. Bufferyard Between Like Uses. When a bufferyard is required in a zoning district where the proposed use is similar to existing, surrounding uses in terms of land use, size, density, and lot size, the bufferyard may be reduced or omitted at the discretion of the Administrator. The Administrator’s approval or denial to reduce or omit a bufferyard shall be made in writing, justifying the decision.

<b>Table 1: Bufferyard Requirements</b>										
<b>Subject District</b> ▼	<b>Adjacent District</b>									
	<b>AG</b>	<b>R1</b>	<b>R2</b>	<b>MF</b>	<b>DT</b>	<b>CF</b>	<b>GC</b>	<b>HC</b>	<b>I1</b>	<b>I2</b>
<b>AG</b>	-	-	-	-	-	-	-	-	-	-
<b>R1</b>	A	B	B	C	C	C	D	F	G	H
<b>R2</b>	A	B	B	C	C	C	D	F	G	H
<b>MF</b>	A	C	C	B	C	C	D	F	G	H
<b>DT</b>	-	-	-	-	-	-	-	-	-	-
<b>CF</b>	-	-	-	-	-	-	-	-	-	-
<b>GC</b>	A	D	D	D	D	C	B	C	D	D
<b>HC</b>	A	F	F	F	F	C	C	B	E	E
<b>I1</b>	A	G	G	G	C	C	D	C	B	B
<b>I2</b>	A	H	H	H	H	H	H	G	G	B

**Table 2: Planting Requirements**

Bufferyard	Minimum Width	Plant Units Required per every 100 Linear Feet				Structure Required	
		Canopy Trees	Understory Trees	Shrubs	Evergreen Trees	Fence or Wall	Berm
<b>A</b>	40 feet	0	0	0	0	-	-
<b>B</b>	5 feet	1	1	0	0	-	-
<b>C</b>	10 feet	1	2	3	1	-	-
<b>D</b>	15 feet	2	4	6	3	-	-
<b>E</b>	10 feet	3	5	9	3	wall	-
<b>F</b>	20 feet	4	8	12	5	fence	-
<b>G</b>	30 feet	5	8	18	8	fence	berm
<b>H</b>	50 feet	6	9	18	12	wall	berm

**Table 3: Fence, Wall, and Berm Requirements**

Structure	Height	Material/Design
Fence	8 feet	solid wood stockade fence
Wall	6 feet	masonry wall
Berm	5 feet at peak and slope must be contained inside the bufferyard	earth

**C. Driveway Standards.**

1. Permits. New driveways or curb cuts require an ILP before being installed.
2. Construction. Driveways serving single-family residential uses may be gravel. Driveways serving commercial uses and industrial uses shall be graded and surfaced with an all-weather paving material such as asphalt, concrete, or other material that will provide equivalent protection against potholes, erosion, and dust.
3. Separation from Intersections. Driveways shall be adequately separated from roadway intersections in order to minimize conflict with intersection traffic. No driveway shall enter the adjoining street at a point closer than the distances shown below to the intersection of the street right-of-way lines, or in the case of a rounded property corner, from the intersection of the street right-of-way lines extended. Roadway classification shall be in accordance with the Comprehensive Plan.
  - a. Local Road: 50 feet
  - b. Major Collector or Minor Collector: 75 feet
  - c. Principal Arterial or Minor Arterial: 100 feet

**D. Dumpster and Trash Receptacle Standards.**

1. General. Non-pedestrian, outdoor trash receptacles serving commercial uses shall be completely screened from view by the use of either solid fencing or evergreen vegetation. Such receptacles shall not be visible from the street front or any adjacent residential use during any time of the year.

**E. Lighting Standards, Outdoor.**

1. Context. In any district where provided, outdoor lighting shall be of a design and size that is harmonious with the design of the building, the type of land use, and the type of adjacent land uses.
2. Shielding. If external spot or flood lighting is used, the light source should be shielded and restrained in such a manner so as not to illuminate or intrude on surrounding properties.
3. Prohibited Lighting. Excessive brightness, flashing lights, and brilliant colors are not permitted.

**F. Lot and Setback Standards.**

1. Lots. Every primary structure hereafter erected, except agricultural structures not used for human habitation, shall be located on an individual lot which fronts on a street or private drive. No building or structure shall hereafter be erected or located on a lot unless such lot conforms with the lot area regulations of the district in which it is located or in accordance with *Chapter 9: Non-conforming Lots, Structures, and Uses*.
2. Setbacks.
  - a. In the case of a through lot or a corner lot, any property line abutting a street shall be considered a front property line and the setback from that line shall conform to the front yard setback regulations of that district. Corner lots shall have two (2) front yard setbacks and two (2) side yard setbacks.
  - b. The front yard setback lines within recorded subdivisions shall establish the front yard setbacks. After the adoption of this ordinance, no subdivision shall be platted with building setback lines less than the required front yard of the district in which it is located.
  - c. One-half of an alley abutting the rear or side of a lot may be included in the rear yard setback or side yard setback, respectively, but such alley space shall not be included for loading and unloading berths.
  - d. Architectural features (cornices, chimney, eave, sill, canopy, or similar feature) or open platforms, porches, or landings may extend into a required side setback or rear



setback no more than two (2) feet, and may project into a required front yard no more than three (3) feet.

## **G. Parking and Loading Standards.**

### 1. Purpose.

- a. To reduce traffic problems and hazards by eliminating unnecessary on-street parking and loading, every use of land except those located in the DT and CF zoning districts must include on-premises parking and loading sufficient for the needs normally generated by the use, as provided by this section.
- b. Off-street parking spaces shall be used only for the parking of vehicles of occupants, patrons, visitors, or employees and shall not be used for any kind of loading, sales, servicing, or continuous storage of vehicles for more than forty-eight (48) hours.
- c. Automotive vehicles or trailers of any type without plates in an inoperable condition so as to be deemed dead storage shall be prohibited in residential districts other than in completely enclosed buildings and shall not be parked or stored in any district unless specifically authorized under the terms of this ordinance.
- d. Space allotted to loading berths and loading areas shall not be used to satisfy parking space requirements.

### 2. General Design.

- a. Non-residential parking or loading areas along the street-front should be minimized. When possible, parking or loading areas should be placed to the rear of the structure. All parking or loading areas shall be designed with appropriate means of movement and shall be so arranged that movement can proceed safely without posing a danger to pedestrians or other vehicles. No parking area shall be so designed as to require backing into a public street, public or private pedestrian access way, or from a public alley.
- b. All parking spaces and loading areas shall maintain a setback of ten (10) feet from property lines and rights-of-way or the width of the required bufferyard, whichever is greater.
- c. All parking or loading spaces shall be designed, arranged and regulated as to open directly upon an aisle or driveway without obstruction.
- d. All parking areas shall be striped and channelized as appropriate. Parking spaces shall be marked and access lines clearly defined, including directional arrows to guide internal movement and directional signs as necessary.
- e. All parking or loading areas shall be maintained in good condition and free of weeds, dirt, trash, and debris.

- f. Parking areas shall be graded and surfaced with an all-weather paving material such as asphalt, concrete, or other material that will provide equivalent protection against potholes, erosion, and dust. However, a gravel surface may be used for a period not exceeding one (1) year after the date of issuing the Certificate of Occupancy where ground conditions are not immediately suitable for permanent surfacing as specified in this section.
- g. Parking spaces shall be provided with bumper guards or wheel stops along the perimeter of the parking area so located that no part of a parked vehicle will extend beyond the boundary of the parking area.
- h. Any use which fronts upon and utilizes access to a primary or secondary arterial shall provide and utilize a common frontage or access lane for the purpose of access, parking and loading.
- i. Required parking spaces may be open to the sky or enclosed in a structure. Parking structures shall be treated as any major structure and shall be subject to all applicable structural requirements of this ordinance and the issuance of an ILP.
- j. Parking structures shall be designed to be architecturally compatible with their surroundings, including appearance, size, scale, building materials, and bulk.
- k. All parking areas shall conform to state and federal requirements regarding handicap accessibility.

### 3. Design Flexibility.

- a. Due to particularities of any given development, the inflexible application of required parking spaces may result in parking and loading spaces in excess of need. Upon the written request of the applicant, the Administrator may authorize a reduction of required parking spaces not to exceed twenty percent (20%). Approval of reduction of required parking spaces by the Administrator shall be in writing and shall include justification for allowing such reduction.
- b. Upon written request by the applicant, up to fifty percent (50%) of the dedicated parking area may remain unpaved and in greenspace until such time as the need for maximum parking is determined. This decision and determination shall be at the discretion of the Administrator. Such decision shall be ratified by or appealed to the PC. Such greenspace shall not be counted toward required landscaping or bufferyards.

### 4. Required Parking Spaces.

- a. In determination of required parking spaces, any fraction of less than one-half (0.50) shall be disregarded, while a fraction one-half (0.50) or greater shall be counted as one (1) parking space.
- b. For uses not specified in this section or in the instance requirements for an adequate number of spaces is unclear, the number of spaces shall be determined by the

Administrator on the basis of similar requirements, the number of persons served or employed and the capability of adequately serving the visiting public. Disagreement with this determination may be appealed to the BZA in accordance with *Chapter 8, Section D.1: Appeals Procedures*.

- c. Unless noted in this section, the number of required automobile parking spaces shall be considered the minimum allowable number of spaces for any particular use.

<b>Table 4: Minimum Parking Requirements</b>	
<b>Accessory Uses</b>	<ul style="list-style-type: none"> <li>• As determined by the Administrator.</li> </ul>
<b>Agricultural Uses</b>	<ul style="list-style-type: none"> <li>• 1 space per 200sqft of gross floor area of structures designated for public access.</li> </ul>
<b>Commercial Uses</b>	As determined applicable by the Administrator: <ul style="list-style-type: none"> <li>• 1 space per 3 seats</li> <li>• 1 space per 2 employees on the largest shift</li> <li>• 1 space per 200sqft of gross floor area</li> </ul>
<b>Industrial Uses</b>	<ul style="list-style-type: none"> <li>• 1 space per 2 employees on the largest shift</li> </ul>
<b>Institutional Uses</b>	As determined applicable by the Administrator: <ul style="list-style-type: none"> <li>• 1 space per 3 seats</li> <li>• 1 space per 4 beds</li> <li>• 1 space per 200sqft of gross floor area</li> </ul>
<b>Residential Uses</b>	As determined applicable by the Administrator: <ul style="list-style-type: none"> <li>• 2 spaces per dwelling unit</li> <li>• 1 per 2 employees</li> <li>• 1 per 4 residents</li> </ul>

- 5. Joint Use. Non-residential uses, within the same and/or separate structures, may provide joint parking provided the total number of spaces is not less than the sum of requirements for the various uses. To the extent that developments with joint parking operate at different times, such parking spaces may be credited to both uses.
- 6. Satellite Parking. Parking shall be required on site, except as provided in this section. However, the BZA may grant satellite parking to any non-residential use by Special Exception. At least part of such parking must be within three hundred (300) feet of the proposed use. A site plan must accompany any such application for Special Exception and must include the following:
  - a. Adjacent streets, alleys and lots.
  - b. All uses to be served including the location, use and number of parking spaces provided.

- c. A layout drawn to scale indicating aisles, driveways, entrances, exits, turn-off lanes, parking spaces, setbacks, drainage facilities, landscaping, lighting, pavement, and identification signs including location, size and design.
- d. All satellite parking shall be developed, maintained and used in accordance with the approved site plan and all other requirements.
- e. Any change or other modification of uses served or number or parking spaces shall require amendment and re-approval by the BZA.

7. Dimensions of Parking Spaces, Access Aisles, and Driveways.

- a. Each parking space shall contain a rectangular area ten (10) feet wide and twenty (20) feet long, exclusive of pedestrian passageways, access drives, aisles, ramps, or landscaped areas. Handicapped parking spaces shall conform to state and federal requirements regarding handicap accessibility.
- b. Parking areas set aside for parallel parking shall contain a rectangular area nine (9) feet wide and twenty-two (22) feet long.
- c. Each loading space shall be of a size not less than that required for parking space but scaled larger to delivery vehicles expected to be used.
- d. Parking aisle widths shall conform to the following table:

<b>Table 5: Parking Aisle Width</b>					
	<b>Parking Angle</b>				
<b>Traffic Flow</b>	<b>0°</b>	<b>30°</b>	<b>45°</b>	<b>60°</b>	<b>90°</b>
<b>One-way Traffic</b>	13 feet	11 feet	13 feet	18 feet	24 feet
<b>Two-way Traffic</b>	19 feet	20 feet	21 feet	23 feet	24 feet

- e. Driveways shall be a minimum ten (10) feet wide for one-way traffic and eighteen (18) feet wide for two-way traffic, except that a ten (10) foot wide driveway is permissible for two-way traffic when the driveway is no longer than fifty (50) feet and provides access to a maximum of five (5) parking spaces.

8. Loading Areas. Loading areas shall conform to the following requirements:

- a. Surface. All parking or loading areas for five (5) or more automobiles shall be developed in accordance with the following standards:
  - i. Loading areas shall be graded and surfaced with an all-weather paving material such as asphalt, concrete, or other material that will provide equivalent protection against potholes, erosion, and dust. However, a gravel surface may be used for a period not exceeding one (1) year after the date of issuing the Certificate of

Occupancy where ground conditions are not immediately suitable for permanent surfacing as specified in this section.

- ii. All areas shall be striped and channelized as appropriate.
9. Landscaping for Parking or Loading Areas. Parking lots should be effectively landscaped with trees and shrubs to reduce the visual impact of glare, headlights, and parking lot lights from the public right-of-way and from adjoining properties. In addition, parking lots should be adequately shaded to reduce the amount of reflected heat.
    - a. Interior Landscaping. Interior landscaping shall be comprised of one (1) canopy tree and three (3) shrubs for every fifteen (15) parking spaces.
  10. Lighting. Lighting provided to illuminate off-street parking areas and loading berths shall be so arranged, shielded and directed upon the subject area in such a manner as to not reflect or cause glare into adjacent properties or interfere with street traffic.
  11. Loading and Unloading. Uses, except those that do not receive or transport goods in quantity by truck delivery, shall provide loading berths. Each loading and unloading berth must include a twelve (12) foot by forty-five (45) foot loading space with a fourteen (14) foot height clearance. Loading and unloading berths must be a minimum distance of one hundred (100) feet from the nearest residential use. Lighting shall be in accordance with item 10 above.
  12. Inspections. At the time the structure receives its final inspection, the completion of the landscaping in accordance with these requirements shall also be a part of the final inspection. However, if seasonal circumstances do not permit the planting of the required landscaping, the final inspection of the landscaping shall be performed at a reasonable, later date as determined by the Administrator.
  13. Non-Conforming Parking, Enlargement, or Alteration of Existing Structure.
    - a. No use lawfully established prior to the effective date of this section shall be required to provide and maintain the parking and loading requirements of this section, provided that parking and loading spaces required by any previous ordinance pursuant to state statutes shall be continued and maintained.
    - b. For any non-conforming use which is hereafter damaged or partially destroyed, and which is lawfully reconstructed, re-established, or repaired, parking and loading facilities equivalent to those maintained at the time of such damage or partial destruction shall be restored and continued in operation, provided, however, it is not necessary to restore or maintain parking or loading facilities in excess of those required by this ordinance for equivalent new uses.
    - c. When the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, floor area, beds, seating capacity, or other unit

of measurement, parking and loading facilities shall be provided for such increase in intensity of use.

- d. When the existing use of a building, structure or premises shall be changed or converted to a new use permitted by this ordinance, parking and loading facilities shall be provided as required for the new use.
- e. Parking and loading facilities in existence on the effective date of this section shall not be reduced below or if already less than, shall not be further reduced below, the requirements for a new use under this section.

## **H. Sign Standards.**

### **1. General.**

These sign standards apply to uses that are permitted in each respective zoning district by right, special exception, or use variance. The intent of these sign standards is to:

- i. accomplish the goals of the Comprehensive Plan;
  - ii. regulate time, place, and characteristics of signs;
  - iii. avoid the proliferation of signs;
  - iv. provide businesses with appropriate identification;
  - v. create a consistent streetscape;
  - vi. maintain and enhance the aesthetic environment of the town;
  - vii. eliminate potential hazards to motorists and pedestrians resulting from sign clutter; and
  - viii. promote the health, safety, and welfare of the residents of the jurisdiction.
- b. Sign Types. The different types of signs addressed in this ordinance are defined in *Chapter 10: Definitions*.
- i. Permitted Signs. The types of signs specifically permitted in each in each zoning district and their respective regulations are listed in this chapter.
  - ii. Prohibited Signs. Unless specifically permitted, all other types of signs are prohibited in each zoning district. In addition, the following types of signs are prohibited in all districts:
    - (a) Animated Signs: Signs that gain attention through animation, including:
      - (1) Signs that utilize any motion picture, laser, or visual projection of images or copy.
      - (2) Signs that emit audible sound, odor or visible matter.

- (3) Signs that have blinking, flashing, or fluttering lights or which has a changing light intensity, brightness or color, or give such illusion.
- (b) Misleading Signs: Signs that are misleading include:
  - (1) Signs that purport to be or are in imitation of, or resemble an official traffic sign or signal or which bear the words "Stop", "Slow", "Caution", "Danger", "Warning", or similar words.
  - (2) Signs that may be construed as or have on it a light of an emergency or road equipment vehicle.
- (c) Roof Signs: Signs to be placed on the roofs of structures and signs that extend above the roof line or parapet of a building.
- (d) Vehicle Signs: Vehicle signs are prohibited when the vehicle is parked on public or private property for the primary purpose of displaying the sign. Prohibited vehicle signs are not to be construed as vehicles with signs on them that:
  - (1) Are lawfully parked overnight or during nonbusiness hours for that operation, on public or private property;
  - (2) Are making deliveries, sales calls, or customary practices relating to doing business;
  - (3) Are making trips to transport persons or property; or
  - (4) Are in conjunction with customary construction operations on a construction site.
- (e) Other Prohibited Signs:
  - (1) Trailblazer or point of destination signs;
  - (2) Search lights;
  - (3) Pennants, streamers, and/or spinners;
  - (4) Bench signs;
  - (5) Signs with moving or movable parts; and
  - (6) Obscene signs that contain profane language, male genitalia, and/or female genitalia.
- iii. Devices Exempt from These Regulations. The following devices are not considered to be signs, do not require an ILP, are specifically exempt from these regulations, and their respective limitations include:
  - (a) Building Addresses: Every building is required to post its numerical street address, and is exempt from needing a permit if installed as follows:

- (1) Single Family Residential Structure Addresses: Street addresses for single family residential structures shall consist of Arabic numerals (i.e. 1,2,3...) no less than three (3) inches in height and no more than eight (8) inches in height on its mailbox and/or at its main entrance door, whichever is more visible.
  - (2) Apartment Complex Addresses: Street addresses for apartment complexes shall consist of Arabic numerals (e.g. 1, 2, 3 ...) no less than five (5) inches in height and no more than ten (10) inches in height. Each apartment complex is required to have each building's address displayed in an obvious location if the entrance into each apartment unit is not clearly labeled with a street address.
  - (3) Non-residential Use Addresses: The minimum and maximum height for address numbers varies according to front setback as follows:
    - a. If the address is posted one-hundred (100) feet or less from the road right-of-way, the numbers shall be between five (5) and twelve (12) inches in height.
    - b. If the address is posted between one-hundred (100) and two-hundred (200) feet from the road right-of-way, the numbers shall be between eight (8) and sixteen (16) inches in height.
    - c. If the address is posted over two-hundred (200) feet from the road right-of-way, the numbers shall be between twelve (12) and twenty (20) inches in height.
    - d. Legibility: All street addresses shall contrast to the color of the surface on which they are mounted and shall be clearly visible and identifiable from the street.
  - (b) Directional Devices: Directional devices if installed as follows:
    - (1) Use: Directional devices shall be used to indicate points of entry or exit for a business, public amenity, or off-street parking area.
    - (2) Area: Directional devices are limited to a maximum of four (4) square feet in area per entrance.
    - (3) Height: Directional devices are limited to a maximum of forty-two (42) inches in height above the ground.
    - (4) Placement:
      - a. Directional devices shall not interfere with safe vehicular or pedestrian traffic circulations.
      - b. Directional devices shall not obstruct tile view of drivers entering or exiting the lot.
      - c. Directional devices shall not be placed within a public right-of-way.
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- d. Directional devices shall be on the property to which it refers.
  - (5) Quantity: No more than two (2) directional devices shall be used per street frontage, with a maximum of four (4) per parcel.
  - (6) Message: Directional devices without a logo may contain information such as “in”, “enter”, “entrance”, “out”, “exit”, “do not enter” or directional arrows indicating desired traffic movement.
- (c) Flags: The flag, pennant, or insignia of any nation, state, city or other political unit are exempt, but shall not be mounted more than thirty-five (35) feet in height and be more than forty (40) square feet in area (e.g. a five (5) foot by eight (8) foot flag).
  - (1) Residential: maximum area of a flag shall be twenty-five (25) square feet.
  - (2) Non-residential: maximum area of a flag shall be thirty-five (35) square feet.
- (d) Holiday Decorations: Holiday decorations are exempt and may include window painting, trees, wreaths, decorative lighting, and similar seasonal displays that do not contain the name or logo of an establishment or any type of advertising.
- (e) Murals: Murals are exempt provided that the mural does not contain the name or logo of an establishment or any type of advertising. Murals with non-commercial messages require approval by the legislative body before being installed.
- (f) Scoreboards: Scoreboards are exempt from needing a permit as follows: (1) when used in conjunction with a legally established sport field, and (2) when not containing any commercial messages, and (3) when the scoreboard does not exceed twenty (20) feet in height above the ground, and (4) when the total scoreboard area does not exceed one hundred (100) square feet, and (5) when the scoreboards are single sided.
- (g) Wayfinding Structures: Wayfinding structures erected by the municipality.
- c. Sign Permits. A sign permit is required for all permanent signs located, erected, constructed, reconstructed, moved, and altered unless otherwise stated in the in this section.
- d. Installation. The ground shall not be raised or lowered to artificially change the point at which a sign height is measured.
- e. Location and Placement.
  - i. Signs may not be installed at any of the following locations:
    - (a) In any public right-of-way, unless specifically authorized by the legislative body or their designee;

- (b) In any utility easement unless authorized by the legislative body or their designee;
  - (c) In any no-build or no-disturb zone;
  - (d) In any public park or other public property, with the exception of those signs specifically permitted in this UDO;
  - (e) On any traffic control signs, highway construction signs, fences, utility poles, street signs, trees, or other natural objects;
  - (f) Obstructing any door, fire escape, stairway, or any opening intended to provide entrance or exit for any building or structure; or
  - (g) In a manner that obstructs or interferes with safe movement of vehicular or pedestrian traffic.
- f. Computations.
- i. Area.
    - (a) Individual Sign. The area of a sign face (which is also the sign area of a wall sign or other sign with only one (1) face) shall be computed by means of the smallest rectangle that will encompass the extreme limits of the sign, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets the regulations and is clearly incidental to the display itself.
    - (b) Multifaceted Sign. For purposes of calculating the permitted sign area, the average of the individual sign areas shall be used. *(For example, the average area of a two-faced sign with a cumulative total of 400sqft shall be 200sqft).* For purposes of calculating the permit fee for a multifaceted sign, the total cumulative area of the individual sign areas shall be used. *(For example, the permit fee of a two-faced sign with a cumulative total of 400sqft shall be based on 400sqft).*
  - ii. Height.
    - (a) The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign or structure supporting the sign.
    - (b) Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at

the principal entrance to the principal structure on the zone lot, whichever is lower.

- iii. Maximum Total Permitted Sign Area for a Parcel. The permitted sum of the area of all individual signs on a parcel shall be computed by applying the regulations for the road frontage, building frontage, or wall area for each respective sign and zoning district in which the lot is located.
- g. Maintenance. All signs and components thereof shall be kept in good repair and in safe, neat, clean, and working condition.
- h. Abandoned Signs and Uses. All signs, their mounting, and related components shall be removed within thirty (30) days of the day the business which it identifies is no longer conducted. When a permanent, multi-tenant sign exists that allows a "face-out/face-in" change to identify a new business, said sign may be left in place, but must be covered with a durable and attractive material. Under no circumstances shall any permanent sign be left in place for more than three (3) months. The owner of the premise upon which the sign is located is responsible for its removal or covering.
- i. Non-conforming Signs. Signs existing prior to the adoption of these sign regulations shall be classified as follows (See *Chapter 9: Non-conforming Lots, Structures, and Uses* for more information):
  - i. Conforming: the sign meets the new regulations;
  - ii. Legally non-conforming: the sign met the old regulations and is now grandfathered; or
  - iii. Illegal.
    - (a) The sign did not obtain an ILP prior to being erected, and/or
    - (b) The sign did not meet the old regulations and does not meet the new regulations.
- j. Violations and Penalties.
  - i. Failure to Comply. Failure to comply with the provisions of this section will result in notices, enforcement, and penalties as per *Chapter 8: Zoning Administration and Procedures* of this UDO.
  - ii. Repeat Violation: A repeat violation means a violation of a specific provision of this section by a person or property owner who has been previously found to have violated the same provision within a period of five (5) years prior to a subsequent violation. If a repeat violation is found, the Administrator shall document the violation, but is not required to notify the violator of the repeat violation or required to give the violator time to correct the violation before proceeding with enforcement measures and penalties.

k. Table Interpretation

- i. Total Permanent Signs: This is the cumulative total number of permanent signs that are permitted on the parcel. Furthermore, the quantity of sign by type may be limited by the respective standards for the subject district.
- ii. Total Temporary Signs: This is the cumulative total number of temporary signs that are permitted on the parcel. Furthermore, the quantity of signs by type may be limited by the respective standards for the subject district.
- iii. Maximum Cumulative Area: This is the maximum cumulative area of permanent signs that are permitted on the parcel, measured in square feet.
- iv. Permitted Signs: These are the types of permanent and temporary signs that are permitted on the parcel.
- v. Prohibited Signs: These are the types of signs that are prohibited on the parcel.

## 2. Agricultural Sign Standards for Districts: AG

Permitted and Prohibited Signs in the AG District			
	Type	Total Quantity of Signs Permitted	Maximum Cumulative Area
Permitted Permanent Signs	<ul style="list-style-type: none"> <li>wall sign</li> <li>free-standing sign</li> </ul>	2	<ul style="list-style-type: none"> <li>per regulations by sign type in tables below</li> </ul>
Permitted Temporary Signs	<ul style="list-style-type: none"> <li>free-standing sign</li> </ul>	3	<ul style="list-style-type: none"> <li>per regulations by sign type in tables below</li> </ul>
Prohibited Signs	<ul style="list-style-type: none"> <li>all other signs not permitted</li> </ul>	NA	NA
Regulations for Permanent Signs in the AG District			
	Wall Signs	Free-standing Signs	
Maximum Quantity	<ul style="list-style-type: none"> <li>Residential Use: 1 per principal farm dwelling</li> <li>Non-residential Use: 1 per primary structure or business</li> </ul>	<ul style="list-style-type: none"> <li>All Uses: 1</li> </ul>	
Maximum Area	<ul style="list-style-type: none"> <li>12 sqft</li> </ul>	<ul style="list-style-type: none"> <li>12 sqft</li> </ul>	
Maximum Height*	<ul style="list-style-type: none"> <li>25 feet above curb level</li> </ul>	<ul style="list-style-type: none"> <li>15 feet</li> </ul>	
Setback	NA	<ul style="list-style-type: none"> <li>20 feet</li> </ul>	
Other Limitations	<ul style="list-style-type: none"> <li>Located only on the same lot as the use/business</li> <li>No sign shall project beyond the property line into the public right-of-way</li> </ul>		
<p><i>*Visibility triangle: the maximum height of a free-standing sign shall be nine (9) feet if located within three (3) feet of a driveway, three (3) feet of a parking area, or within fifty (50) feet of the intersection of two (2) or more streets. Height is measured at the mean elevation of the finished grade of the adjoining ground or pavement.</i></p>			
Regulations for Temporary Signs in the AG District			
	Free-standing Signs		
Maximum Quantity	<ul style="list-style-type: none"> <li>All Uses: 3 per lot</li> </ul>		
Maximum Area	<ul style="list-style-type: none"> <li>12 sqft</li> </ul>		
Maximum Height*	<ul style="list-style-type: none"> <li>15 feet</li> </ul>		
Setback	<ul style="list-style-type: none"> <li>8 feet</li> </ul>		
Other Limitations	<ul style="list-style-type: none"> <li>Located only on the same lot as the use/business</li> <li>No sign shall project beyond the property line into the public right-of-way</li> </ul>		
<p><i>*Visibility triangle: the maximum height of a free-standing sign shall be nine (9) feet if located within three (3) feet of a driveway, three (3) feet of a parking area, or within fifty (50) feet of the intersection of two (2) or more streets. Height is measured at the mean elevation of the finished grade of the adjoining ground or pavement.</i></p>			

### 3. Residential Sign Standards for Districts: R1, R2, and MF

Permitted and Prohibited Signs in the R1, R2, and MF District			
	Type	Total Quantity of Signs Permitted	Maximum Cumulative Area
Permitted Permanent Signs	<ul style="list-style-type: none"> <li>wall sign</li> </ul>	<ul style="list-style-type: none"> <li>1</li> </ul>	<ul style="list-style-type: none"> <li>per regulations by sign type in tables below</li> </ul>
Permitted Temporary Signs	<ul style="list-style-type: none"> <li>free-standing sign</li> </ul>	<ul style="list-style-type: none"> <li>1</li> </ul>	<ul style="list-style-type: none"> <li>per regulations by sign type in tables below</li> </ul>
Prohibited Signs	<ul style="list-style-type: none"> <li>all other signs not permitted</li> </ul>	NA	NA
Regulations for Permanent Signs in the R1, R2, and MF District			
	Wall Signs		
Maximum Quantity	<ul style="list-style-type: none"> <li>Single-family or Two-family Residential Use: 1 per dwelling unit</li> <li>Multi-family Residential Use: 1 per primary structure</li> <li>Non-residential Use: 1 per primary structure</li> <li>Corner lots: 1 per street frontage, maximum 2</li> </ul>		
Maximum Area	<ul style="list-style-type: none"> <li>8 sqft</li> </ul>		
Maximum Height*	<ul style="list-style-type: none"> <li>15 feet above curb level</li> </ul>		
Setback	<ul style="list-style-type: none"> <li>5 feet</li> </ul>		
Other Limitations	<ul style="list-style-type: none"> <li>Located only on the same lot as the use/business</li> <li>No sign shall project beyond the property line into the public right-of-way</li> </ul>		
<p><i>*Visibility triangle: the maximum height of a free-standing sign shall be nine (9) feet if located within three (3) feet of a driveway, three (3) feet of a parking area, or within fifty (50) feet of the intersection of two (2) or more streets. Height is measured at the mean elevation of the finished grade of the adjoining ground or pavement.</i></p>			
Regulations for Temporary Signs in the R1, R2, and MF District			
	Free-standing Signs		
Maximum Quantity	<ul style="list-style-type: none"> <li>All Uses: 1 per lot</li> <li>Corner lots: 1 per street frontage, maximum 2</li> </ul>		
Maximum Area	<ul style="list-style-type: none"> <li>8 sqft</li> </ul>		
Maximum Height*	<ul style="list-style-type: none"> <li>10 feet</li> </ul>		
Setback	<ul style="list-style-type: none"> <li>10 feet</li> </ul>		
Other Limitations	<ul style="list-style-type: none"> <li>Located only on the same lot as the use/business</li> <li>No sign shall project beyond the property line into the public right-of-way</li> </ul>		
<p><i>*Visibility triangle: the maximum height of a free-standing sign shall be nine (9) feet if located within three (3) feet of a driveway, three (3) feet of a parking area, or within fifty (50) feet of the intersection of two (2) or more streets. Height is measured at the mean elevation of the finished grade of the adjoining ground or pavement.</i></p>			

**4. General Sign Standards for Districts: DT and CF**

<b>Permitted and Prohibited Signs in the DT and CF District</b>			
	<b>Type</b>	<b>Total Quantity of Signs Permitted</b>	<b>Maximum Cumulative Area</b>
Permitted Permanent Signs	<ul style="list-style-type: none"> <li>wall sign</li> <li>hanging sign</li> <li>window sign</li> </ul>	<ul style="list-style-type: none"> <li>no limit on wall signs</li> <li>1 hanging sign</li> <li>no limit on window signs</li> </ul>	<ul style="list-style-type: none"> <li>175 sqft</li> </ul>
Permitted Temporary Signs	<ul style="list-style-type: none"> <li>free-standing sign</li> <li>window sign</li> </ul>	<ul style="list-style-type: none"> <li>1 free-standing sign</li> <li>no limit on window signs</li> </ul>	<ul style="list-style-type: none"> <li>per regulations by sign type in tables below</li> </ul>
Prohibited Signs	<ul style="list-style-type: none"> <li>all other signs not expressly permitted</li> </ul>	NA	NA
<b>Regulations for Permanent Signs in the DT and CF District</b>			
	<b>Wall Signs</b>	<b>Window Signs</b>	<b>Hanging Signs</b>
Maximum Quantity	<ul style="list-style-type: none"> <li>No limit on the quantity of wall signs, provided the maximum cumulative area of signs is not exceeded.</li> </ul>	<ul style="list-style-type: none"> <li>No limit on the quantity of window signs, provided signs are only placed on the inside surface or outside surface of a window.</li> </ul>	<ul style="list-style-type: none"> <li>1 hanging sign per structure</li> </ul>
Maximum Area	<ul style="list-style-type: none"> <li>No limit on the area of individual wall signs, provided the maximum cumulative area of signs is not exceeded.</li> </ul>	NA	<ul style="list-style-type: none"> <li>32 sqft per side</li> </ul>
Maximum Height*	<ul style="list-style-type: none"> <li>No maximum height, however the sign may not extend above the roofline of the structure.</li> </ul>	NA	<ul style="list-style-type: none"> <li>No maximum height, but must have at least 8 feet of clearance above the sidewalk</li> </ul>
Setback	NA	NA	NA
Other Limitations	<ul style="list-style-type: none"> <li>Signs may have constant internal or external illumination. External illumination shall be shielded from residences and the street.</li> <li>A permit is not required for a window sign.</li> </ul>		
<b>Regulations for Temporary Signs in the DT and CF District</b>			
	<b>Free-standing Signs</b>		
Maximum Quantity	<ul style="list-style-type: none"> <li>1 per lot or business</li> </ul>		
Maximum Area	<ul style="list-style-type: none"> <li>15 sqft</li> </ul>		
Maximum Height*	<ul style="list-style-type: none"> <li>5 feet</li> </ul>		
Setback	<ul style="list-style-type: none"> <li>NA</li> </ul>		
Other Limitations	<ul style="list-style-type: none"> <li>Located only on the same lot as the use/business</li> <li>No sign shall project beyond the property line into the public right-of-way</li> <li>Signs may only be displayed during hours of operation</li> </ul>		
<p><i>*Visibility triangle: the maximum height of a free-standing sign shall be five (5) feet if located within three (3) feet of a driveway, three (3) feet of a parking area, or within fifty (50) feet of the intersection of two (2) or more streets. Height is measured at the mean elevation of the finished grade of the adjoining ground or pavement.</i></p>			

## 5. Commercial Sign Standards for Districts: GC and HC

Permitted and Prohibited Signs in the GC and HC District			
	Type	Total Quantity of Signs Permitted	Maximum Cumulative Area
Permitted Permanent Signs	<ul style="list-style-type: none"> <li>wall sign</li> <li>free-standing sign</li> </ul>	<ul style="list-style-type: none"> <li>1 wall sign</li> <li>1 free-standing sign</li> </ul>	<ul style="list-style-type: none"> <li>GC District: 300 sqft</li> <li>HC District: 400 sqft</li> </ul>
Permitted Temporary Signs	<ul style="list-style-type: none"> <li>free-standing sign</li> </ul>	<ul style="list-style-type: none"> <li>2</li> </ul>	<ul style="list-style-type: none"> <li>per regulations by sign type in tables below</li> </ul>
Prohibited Signs	<ul style="list-style-type: none"> <li>all other signs not permitted</li> </ul>	NA	NA
Regulations for Permanent Signs in the GC and HC District			
	Wall Signs	Free-standing Signs	
Maximum Quantity	<ul style="list-style-type: none"> <li>1</li> </ul>	<ul style="list-style-type: none"> <li>1</li> </ul>	
Maximum Area	<ul style="list-style-type: none"> <li>100 sqft</li> </ul>	<ul style="list-style-type: none"> <li>10 sqft per 10 linear feet of street frontage of the lot.</li> </ul>	
Maximum Height*	<ul style="list-style-type: none"> <li>15 feet above curb level</li> </ul>	<ul style="list-style-type: none"> <li>GC District: 15 feet</li> <li>HC District: 30 feet</li> </ul>	
Setback	NA	<ul style="list-style-type: none"> <li>5 feet</li> </ul>	
Other Limitations	<ul style="list-style-type: none"> <li>Signs may have constant internal or external illumination. External illumination shall be shielded from residences and the street.</li> <li>Located only on the same lot as the use/business</li> <li>No sign shall project beyond the property line into the public right-of-way</li> </ul>		
<p><i>*Visibility triangle: the maximum height of a free-standing sign shall be nine (9) feet if located within three (3) feet of a driveway, three (3) feet of a parking area, or within fifty (50) feet of the intersection of two (2) or more streets. Height is measured at the mean elevation of the finished grade of the adjoining ground or pavement.</i></p>			
Regulations for Temporary Signs in the GC and HC District			
	Free-standing Signs		
Maximum Quantity	<ul style="list-style-type: none"> <li>All Uses: 1 per lot or business</li> <li>Corner lots: 1 per street frontage, maximum 2</li> </ul>		
Maximum Area	<ul style="list-style-type: none"> <li>15 sqft</li> </ul>		
Maximum Height*	<ul style="list-style-type: none"> <li>10 feet</li> </ul>		
Setback	<ul style="list-style-type: none"> <li>5 feet</li> </ul>		
Other Limitations	<ul style="list-style-type: none"> <li>Located only on the same lot as the use/business</li> <li>No sign shall project beyond the property line into the public right-of-way</li> </ul>		
<p><i>*Visibility triangle: the maximum height of a free-standing sign shall be nine (9) feet if located within three (3) feet of a driveway, three (3) feet of a parking area, or within fifty (50) feet of the intersection of two (2) or more streets. Height is measured at the mean elevation of the finished grade of the adjoining ground or pavement.</i></p>			



**6. Industrial Sign Standards for Districts: I1 and I2**

<b>Permitted and Prohibited Signs in the I1 and I2 Districts</b>			
	<b>Type</b>	<b>Total Quantity of Signs Permitted</b>	<b>Maximum Cumulative Area</b>
Permitted Permanent Signs	<ul style="list-style-type: none"> <li>wall sign</li> <li>free-standing sign</li> </ul>	<ul style="list-style-type: none"> <li>1 wall sign</li> <li>1 free-standing sign</li> </ul>	<ul style="list-style-type: none"> <li>500 sqft</li> </ul>
Permitted Temporary Signs	<ul style="list-style-type: none"> <li>free-standing sign</li> </ul>	<ul style="list-style-type: none"> <li>2</li> </ul>	<ul style="list-style-type: none"> <li>per regulations by sign type in tables below</li> </ul>
Prohibited Signs	<ul style="list-style-type: none"> <li>all other signs not permitted</li> </ul>	NA	NA
<b>Regulations for Permanent Signs in the I1 and I2 Districts</b>			
	<b>Wall Signs</b>	<b>Free-standing Signs</b>	
Maximum Quantity	<ul style="list-style-type: none"> <li>1</li> </ul>	<ul style="list-style-type: none"> <li>1</li> </ul>	
Maximum Area	<ul style="list-style-type: none"> <li>100 sqft</li> </ul>	<ul style="list-style-type: none"> <li>10 sqft per 10 linear feet of street frontage of the lot.</li> </ul>	
Maximum Height*	<ul style="list-style-type: none"> <li>30 feet above curb level</li> </ul>	<ul style="list-style-type: none"> <li>30 feet</li> </ul>	
Setback	NA	<ul style="list-style-type: none"> <li>5 feet</li> </ul>	
Other Limitations	<ul style="list-style-type: none"> <li>Signs may have constant internal or external illumination. External illumination shall be shielded from residences and the street.</li> <li>Located only on the same lot as the use/business</li> <li>No sign shall project beyond the property line into the public right-of-way</li> </ul>		
<p><i>*Visibility triangle: the maximum height of a free-standing sign shall be nine (9) feet if located within three (3) feet of a driveway, three (3) feet of a parking area, or within fifty (50) feet of the intersection of two (2) or more streets. Height is measured at the mean elevation of the finished grade of the adjoining ground or pavement.</i></p>			
<b>Regulations for Temporary Signs in the I1 and I2 Districts</b>			
	<b>Free-standing Signs</b>		
Maximum Quantity	<ul style="list-style-type: none"> <li>All Uses: 1 per lot or business</li> <li>Corner lots: 1 per street frontage, maximum 2</li> </ul>		
Maximum Area	<ul style="list-style-type: none"> <li>15 sqft</li> </ul>		
Maximum Height*	<ul style="list-style-type: none"> <li>10 feet</li> </ul>		
Setback	<ul style="list-style-type: none"> <li>5 feet</li> </ul>		
Other Limitations	<ul style="list-style-type: none"> <li>Located only on the same lot as the use/business</li> <li>No sign shall project beyond the property line into the public right-of-way</li> </ul>		
<p><i>*Visibility triangle: the maximum height of a free-standing sign shall be nine (9) feet if located within three (3) feet of a driveway, three (3) feet of a parking area, or within fifty (50) feet of the intersection of two (2) or more streets. Height is measured at the mean elevation of the finished grade of the adjoining ground or pavement.</i></p>			

**I. Storage.**

1. Bulk Storage. In any district, structures, buildings, or above ground tanks used for bulk storage of flammable or explosive liquids, gases, or other materials shall not be located closer than fifty (50) feet to the property line. Additional information regarding evidence of safety measures may be required in order to determine the public safety therein.

**J. Structures.**

1. Primary Structures.

- a. Orientation.

- i. All new construction of any building or structure, or renovation of or addition to an existing building or structure, shall be rear loading if said building or structure is located on a lot or lots adjacent to a major thoroughfare and the building or structure is not separated from the major thoroughfare by another buildable lot. The front elevation of said building or structure shall face the major thoroughfare.
    - ii. Except as provided in item i above, all new construction of a building or structure, or renovation or addition to an existing building or structure, shall require the front doorway of the building or structure to be oriented to the front elevation of the building or structure which shall face the nearest improved road.

2. Accessory Structures. Accessory structures shall be permitted in all zoning districts provided the following requirements have been met.

- a. Orientation. Detached garages and secondary structures are not required to be oriented toward a major thoroughfare.

- b. Accessory structures shall secure an ILP and shall not be erected prior to the primary structure, except for structures used for agricultural purposes.

- c. Accessory structures shall be clearly subordinate in height, area, bulk extent, and purpose to the primary structure.

- d. Fence and Wall Standards. The purpose of these standards is to keep fences looking attractive as well as encouraging a positive impact on the privacy and security of residents in the community.

- i. General Standards.

- (a) All fences and walls shall be approved and permitted prior to installation.

- (b) No fence or wall shall be constructed or designed so that it creates a traffic hazard or is hazardous or dangerous to persons or animals.

- ii. Locations.

- (a) Fences and walls shall not be located within any type of easement, including drainage, access, and utility easements.

- (b) Fences and walls do not need to comply with accessory structure setbacks and may be placed up to the property line. Fences may be placed on the property line with written approval from the adjoining property owner(s). However, fences must be at least five (5) feet from any public right-of-way and comply with all other standards of this UDO.
  - (c) Temporary safety fencing for construction sites shall be exempt from these standards.
- iii. Materials.
- (a) Permitted fence materials include: brick, stone, wood, vinyl fence panels, ornamental iron, wrought iron, chain link, vinyl-coated chain link, and wood split rail.
  - (b) Permitted wall materials include: brick, stone, masonry, and stucco.
  - (c) Prohibited materials include: fabric, sheet/scrap metal, plastic/fiberglass sheeting, plywood, concrete blocks, tires, pallet material, junk or discarded items, glass, razor wire, barbed wire, sharpened spikes, electrified, or similarly hazardous or inappropriate materials determined by the Administrator.
- iv. Design. Structural supports for any fence shall face inward and may exceed permitted fence height by four inches (4").
- v. Height.
- (a) Front Yard.
    - (1) The maximum height of a fence in a front yard shall be four (4) feet. Note that corner lots have two (2) front yards.
    - (2) Fences located on a corner lot may comply with the maximum side yard fence height if ALL of the following are met:
      - a. The parcel abuts a parcel that is also a corner lot and the rears of both primary structures are facing;
      - b. The fence is located behind the front elevation of the primary structure; and
      - c. The fence complies with all other standards for fences in side yards.
  - (b) Side and Rear Yard.
    - (1) The maximum height of a residential fence in side and rear yards is six (6) feet.
    - (2) The maximum height of non-residential fences in side and rear yards is eight (8) feet.
    - (3) Fences surrounding recreational areas on private residential lots located in residential districts may be up to eight (8) feet in height. Fences used to

enclose tennis courts, used as backstops for ball fields, or similar recreation facilities may be up to twelve (12) feet in height. These standards do not apply to public recreational facilities or recreational areas outside of a residential district.

- e. Permits. See Chapter 8, Section E.2: Improvement Location Permit (ILP) Procedures for thresholds when permits are required.
  - i. Permit NOT Required. The following accessory structures are permitted in all districts and may be installed in any required yard without an ILP:
    - (a) Structures exclusively for agricultural purposes, landscape vegetation, swing sets, children’s tree houses, bird baths, bird houses, curbs, lamp posts, mail boxes, name plates, utility installations for local services, retaining walls, walks, drainage installations, housing for domestic pets provided it is not for profit and does not constitute a “kennel” as defined in *Chapter 10: Definitions*.
    - (b) Wireless communications facilities are permitted in all districts and may be installed without an ILP provided they are co-located upon an existing or pre-approved wireless communication facility, or they are no taller than fifteen (15) feet and visually integrated or camouflaged against a structure other than another antenna.
  - ii. Permit Required. The following accessory structures are permitted in all zoning districts and require an ILP certifying that all applicable requirements of the ordinance have been met.
    - (a) Buildings such as garages, carports, enclosed patios, fences, above-ground swimming pools, in-ground swimming pools, bath houses, gazebos, cabanas, greenhouses, storage sheds, stables, and other structures over fifty (50) square feet in area.
    - (b) Home occupation structures in accordance with this ordinance.
    - (c) In-ground swimming pools subject to a five (5) foot high fence placement around the pool area and/or a mechanical pool cover over the pool.
    - (d) Signs as set forth in this ordinance.

### 3. Residential Structures.

- a. Residential Structure Conversions. Structures originally designed for occupancy by two (2) families or less converted to occupancy by more than two (2) families shall secure an ILP. Such structures shall show no evidence of change to indicate the extra dwelling units. All fire escapes or stairways leading to a second or higher floor shall be completely enclosed within the converted building.
- b. Manufactured Homes.
  - i. Permanent Placement. Manufactured Homes shall be permitted provided the following requirements and limitations are met:

- (a) The manufactured home is built to the Manufactured Home Construction and Safety Standards (HUD Code) and displays a red certification label on the exterior of each transportable section.
  - (b) The development standards for the respective zoning district, including minimum square footage shall be met as established in *Chapter 2: Zoning Districts*.
  - (c) The structure shall be attached and anchored to a permanent foundation in conformance with the appropriate building code and with manufacturer's installation specifications.
  - (d) The entire area between the floor joists of the structure and the underfloor grade shall be completely enclosed with a permanent perimeter enclosure constructed in accordance with the terms of the appropriate building code; the manufacturer's installation specifications; and requirements set forth by the Indiana Administrative Building Council;
  - (e) The structure shall possess all necessary building, water, and sewage disposal permits prior to placement of the structure upon the lot;
  - (f) The wheels, axles, and hitches shall be removed;
  - (g) The structure shall be covered with an exterior material customarily used on site-built structures;
  - (h) The roof of the structure shall be shingled and pitched, rather than flat; and
  - (i) A manufactured home shall be no more than five (5) years in age.
- ii. Temporary Residential Occupancy.
- (a) Permitted for Occupancy. Temporary residential occupancy of a manufactured home is permitted for the following purposes:
    - (1) During Construction. In all zoning districts, an ILP shall be required for the temporary occupancy of a manufactured home, to a person intending to build a permanent residence on the property. The ILP for temporary placement and occupancy of the manufactured home is for issued a period of one (1) year and may be renewed for an additional one (1) year period if construction of the dwelling has started but has not been completed.
    - (2) Health Issue. An ILP may be issued to an applicant whose own health or the health of another necessitates care, and where the facts show that an unnecessary hardship would occur if not permitted to temporarily locate a manufactured home for occupancy adjacent to the residence of someone who is able to provide such care or in need of such care. The ILP would be valid for the lifetime of the person needing care and is renewable annually from the date of issuance.

- (b) Regulations. The following regulations shall apply to the temporary occupancy of a manufactured home:
- (1) The manufactured home is built to the Manufactured Home Construction and Safety Standards (HUD Code) and displays a red certification label on the exterior of each transportable section.
  - (2) The structure is to be located on the same property as an existing residence or located on property on which a permanent residence with a valid ILP is intended to be built.
  - (3) The structure should be served by the same address, water supply, and sewage facilities serving the existing residence or the residence under construction. If the existing residence utilizes a septic system, approval shall be subject to the applicable County Board of Health.
  - (4) The structure shall remain on its wheels and shall not be placed on a permanent foundation.
  - (5) Applicable front, side, and rear yard regulations of the district in which it is located are to be observed.
  - (6) Occupancy of the structure is restricted to relatives, persons employed in the care of the property owner (employed on the premises of the property owner), or the owner of the property who intends to construct a permanent residence.
  - (7) The structure used for temporary occupancy shall have a ground floor area no less than five hundred (500) square feet.
  - (8) The manufactured home shall be tied down as per the requirements of the Indiana One and Two-family Dwelling Code or the manufacturer's recommendation.
  - (9) The perimeter of the manufactured home shall be completely enclosed except for access and ventilation openings. The perimeter enclosure may consist of skirting materials installed in accordance with the manufacturer's installation specifications and secured as necessary to provide stability, minimize vibrations, and minimize susceptibility to wind damage and to provide adequate insulation to protect exposed piping. Perimeter enclosures other than skirting shall meet requirements of the *Indiana One and Two-family Dwelling Code* and the requirements set forth by the Indiana Administrative Building Council.
- iii. Permanent Residential Occupancy. Manufactured homes may be permanently occupied when located in a district where a single-family dwelling is permitted by right or approved by special exception.

4. Commercial Structures. Manufactured homes, trailers, or vans may be utilized as contractor's offices, watchman's shelters, or tool and equipment storage on the project site and only during the period of construction. The ILP would be valid for six (6) months and may be renewed for up to an additional six (6) months if necessary if construction has not concluded.
5. Industrial Structures. Manufactured homes, trailers, or vans may be utilized as contractor's offices, watchman's shelters, or tool and equipment storage on the project site and only during the period of construction. The ILP would be valid for six (6) months and may be renewed for up to an additional six (6) months if necessary if construction has not concluded.
6. Structure Height. All buildings hereafter shall comply with the height regulations of the district in which it is located, with the exception of the following:
  - a. An agricultural structure may be erected or changed to any height necessary for its operation.
  - b. Spires and church steeples may be erected or changed to any height that is not otherwise prohibited.
7. Structures Relocated. No buildings or structures shall be moved from one lot or premises to another unless such buildings conform to the regulations of the district to which such building shall be moved and an ILP has been secured.





## Chapter 4. Use Development Standards

### A. General.

1. The special uses listed in this chapter shall meet the following requirements of this chapter as well as all other chapters of this ordinance.
2. In a district in which the specified use is allowed by right, the Administrator shall ascertain that the specifications of this chapter are met. In a district in which the specified use is allowed by Special Exception, the BZA shall ascertain that the specifications of this chapter are met prior to approval of the Special Exception.

### B. Uses.

#### 1. Adult Businesses.

- a. Use/District Separation. The minimum separation between adult businesses and surrounding structures/uses are measured from the front entrance of the adult business and the nearest structure or property line as specified below:
  - i. Structures used for schools, parks, churches, and residential uses: minimum separation is one thousand feet (1,000’).
  - ii. Property lines of uses designated for hotels, motels, and transportation depots: minimum separation is one thousand feet (1,000’).
- b. Display of Materials
  - i. Materials offered for sale from adult news racks shall not be displayed or exhibited in a manner which exposes to public view any pictures or illustrations of human genitals or specified sexual activities.
  - ii. Adult bookstores and adult motion picture theaters shall not display or exhibit any material depicting human genitals or specified sexual activities in a manner which exposes said material to the view of persons outside the building in which said bookstore or motion picture theaters are located.
- c. Operator Responsibilities:
  - i. An operator engaging in adult entertainment activities may not permit a person less than eighteen (18) years of age to enter his establishment.
  - ii. An operator engaging in adult entertainment activities shall, at all times, cause the entrance of his establishment to be so attended as to insure compliance with the requirements contained in section (a) above.

d. Licensing.

i. General.

- (a) No operator shall maintain, operate or conduct an establishment engaging in adult entertainment activities unless such person has made application and obtained a license.
- (b) After the effective date of this ordinance, upon receipt of notice, no owner shall permit adult entertainment activities to operate on his property without a license.
- (c) All licenses shall be for the calendar year January 1 to December 31, or the remaining portion of such calendar year. The annual license fee shall be per the adopted Fee Schedule.

ii. Application. The operator of an establishment engaging in adult entertainment activities shall be required to make application for a license with the Council through the Clerk/Treasurers office. The Council shall have the power to revoke said license for the failure to comply with restrictions, requirements, or conditions set forth in this section. Such application shall be in writing, under oath, and shall be in the form prescribed by the Town Council and shall contain the following information together with such further information as the Town Council may require:

- (a) The name and location of the establishment;
- (b) The names and addresses of the applicants, owners of the establishment, and if a corporation, the names and addresses of the directors and the names and addresses of shareholders owning capital stock therein, and if a partnership, the names and addresses of the partners;
- (c) The names and addresses of any owners of the property on which the establishment is located;
- (d) The names and addresses of any rental agency of the property on which the establishment is located;
- (e) The nature of the activity or activities to be engaged at such location.
- (f) The name and address of any person the applicant wants mail notice to be given in case of violation or other matters affecting the license hereunder.
- (g) The application shall include a photograph or drawing of any signs displayed or proposed to be displayed on the exterior of the establishment and a statement of the dimension of such signs.
- (h) The application shall include a Certificate from the Fire Chief Authority having jurisdiction that all applicable fire regulations have been or will be met and, in the case of an adult amusement arcade, that all requirements of this ordinance have been met.

iii. Fees and Transfers.

- (a) Annual fees may be prorated for the remaining calendar year. Application for renewal of a license shall be made on or before October 1 of each year and accompanied by the annual fee. Such application shall also contain any changes in the information that have occurred since the previous application.
- (b) A license may be transferred to a new owner or operator or to a new location by a license holder by giving written notice to the Town Council fourteen (14) days before the effective day of such transfer, and upon filing therewith the complete information required in subsection b above for the new owner or operator, and upon the finding by the Town Council that such new owner or operator or location is qualified under this ordinance. The fee for a licensed transfer shall be per the adopted Fee Schedule.

iv. Inspections.

- (a) The Town Council will cause the premises to be inspected after such application has been received and may issue a license forthwith if all restrictions, requirements and conditions, and all applicable requirements of law and ordinance have been met. The Administrator shall be empowered to inspect for purposes of this section of the ordinance. However, the granting of a license does not certify compliance with all applicable laws nor does it stop the Town Council or the Administrator from enforcement of all applicable laws.
- (b) If inspection reveals failure to comply with any restrictions, requirements or conditions, the Council, through the Administrator, shall notify the applicant in writing of the fact, stating what failures have been discovered and allow a reasonable time to correct such defects and informing the applicant of the procedure if the applicant does not agree with the Town Councils' decision which shall be an appeal directly to the Circuit Court of the applicable County.
- (c) The Council may permit such variance or deviation from the regulations of this ordinance as will effectuate the purpose and intent of this ordinance.

**2. Airport.**

- a. Minimum lot area: 80 acres.
- b. Fence/wall requirement: 5 foot tall, woven-wire fence around the property perimeter.

**3. Campground.**

- a. Minimum lot area: 10 acres
- b. Seasonal Operation: Campgrounds may only operate seasonally, from April 1<sup>st</sup> through October 31<sup>st</sup> of each year.
- c. Camper Storage: Campers may not be stored on-site in the off-season (November 1<sup>st</sup> through March 31<sup>st</sup> of each year).

#### **4. Dwelling, Accessory.**

- a. Structure Area.
  - i. Minimum Structure Area: 450 square feet.
  - ii. Maximum Structure Area: 50% of the area of the primary dwelling.
- b. Additional Standards:
  - i. All other development standards of the subject zoning district shall apply.
  - ii. An accessory dwelling may be permitted only if the primary dwelling is an existing, owner-occupied, single-family dwelling.
  - iii. The exterior materials and colors of the accessory dwelling shall match or closely resemble those of the primary dwelling.
  - iv. An RV may be utilized as a temporary accessory dwelling on a lot or property for up to two (2) weeks per calendar year.
  - v. A manufactured home or other similar structure shall not be permitted as an accessory dwelling.
  - vi. No more than one (1) accessory dwelling shall be permitted on a lot or property.
  - vii. The accessory dwelling shall utilize the existing driveway that serves the primary dwelling.
  - viii. An accessory dwelling shall not be permitted to have its own accessory structures.

#### **5. Heliport.**

- a. Minimum lot area: 2 acres

#### **6. Home Occupation.**

- a. The home occupation shall be subordinate and incidental to the residential use of the property.
- b. The home occupation may be conducted within an accessory structure on the property.
- c. There shall be no external evidence of the home occupation other than permitted signage.
- d. There shall be no commodity or direct service sold upon the premises except that which is produced on-site.
- e. There shall be no traffic congestion or traffic hazard created by the home occupation.
- f. Only the occupant or members of the family who normally reside on the premises shall handle the work. No others shall be employed on the premises.

- g. No external changes, additions, enlargements, or exterior alterations relating in any way to the home occupation shall be permitted.
- h. There shall be no physical expansion of utilities or community facilities beyond that normal to the residential use of the property.
- i. The home occupation shall be terminated upon transfer of said property to any person other than a member of the immediate family residing on the property.

**7. Manufactured Home.**

- a. Residential Occupancy. Manufactured homes shall meet the standards set forth in the respective zoning district unless a variance is obtained from the BZA in accordance with *Chapter 8, Section D.6: Variances from Development Standards Procedures*. Manufactured homes shall be placed on a permanent foundation and the wheels and transport structure shall be removed.
- b. Non-residential Occupancy. Manufactured homes may be utilized as contractor offices, watchmen's shelters, or tool and equipment storage. The structure must be located on-site and only during the period of active construction of improvement projects. An ILP is required before placing the structure.

**8. Wireless Communication Facility (cell tower).**

- a. Permit Required. Wireless facilities shall not be constructed, erected, placed, modified, or altered until an ILP has been obtained.
- b. Location: Wireless facilities shall not be located within the boundaries of any recorded residential subdivision.
- c. Additional Standards: See *Chapter 8, Section E.4: Wireless Facility Procedures*.



## Chapter 5. Subdivision Types

### A. Commercial Subdivision.

1. Intent. A commercial subdivision is intended to provide development for primarily commercial uses and other uses as permitted within the subject zoning district. The design shall allow for adequate vehicular and pedestrian access as well as connection to adjacent parcels. Driveway cuts on to arterial streets shall be minimized and frontage streets shall be utilized when necessary.
2. Qualifications. Minimum development size shall be at least: 10 acres
3. Development Standards.
  - a. Open Space Requirement.
    - i. Development: Minimum open space for the overall development shall be: 15%.
    - ii. Individual Lots: Minimum open space for individual lots shall be as established for the subject zoning district.

### B. Industrial Subdivision.

1. Intent. An industrial subdivision is intended to provide development for primarily industrial uses and other uses as permitted within the subject zoning district. The design shall allow for adequate vehicular and pedestrian access as well as connection to adjacent parcels. Driveway cuts on to arterial streets shall be minimized and frontage streets shall be utilized when necessary.
2. Qualifications. Minimum development size shall be at least: 10 acres
3. Development Standards.
  - a. Open Space Requirement.
    - i. Development: Minimum open space for the overall development shall be: 15%.
    - ii. Individual Lots: Minimum open space for individual lots shall be as established for the subject zoning district.

**C. Residential Subdivision - Major.**

1. Intent. A major residential subdivision is intended to provide development exclusively for residential uses as permitted within the subject zoning district. The design shall allow for adequate vehicular and pedestrian access as well as connection to adjacent parcels. Driveway cuts on to arterial streets shall be prohibited.
2. Qualifications. Minimum development size shall be appropriate to meet the lot requirements for each lot as established for the subject zoning district, provide adequate access to the lots, and to provide for the necessary sewage and water service.
3. Development Standards.
  - a. Open Space Requirement. All residential subdivisions of fifteen (15) acres or more shall dedicate land as public open space within the subdivision in conformance with the following table. Minimum open space for individual lots shall be as established for the subject zoning district.

<b>Open Space Requirements for Single-family and Two-family Subdivisions</b>	
<b>Average Lot Size (sqft)</b>	<b>Minimum Open Space</b>
Under 12,000	15.0%
12,001-15,000	10.0%
15,001-25,000	8.0%
25,001-35,000	5.0%
35,001-43,560	3.5%
More than 43,560	3.0%



- b. **Maximum Density.** The maximum density for subdivisions shall be in conformance with the following table. For purposes of this section, maximum density is calculated using the total acreage of the development.

<b>Maximum Density for Single-family and Two-family Subdivisions</b>	
<b>Zoning District</b>	<b>Maximum Density</b>
AG	0.50 units/acre
R1	2.50 units/acre
R2, R3, MF, DT	Single-family: 5.0 units/acre Two-family: 7.5 units/acre

**D. Residential Subdivision - Minor.**

1. **Intent.** A minor residential subdivision is intended to provide an expedited development process exclusively for residential developments of four (4) or fewer lots at a time. This expedited process shall not be used to circumvent the major residential subdivision process. The design shall allow for adequate vehicular and pedestrian access as well as connection to adjacent parcels. Shared driveways may be required by the PC to provide safe access to arterial roads.
2. **Qualifications.** Minimum development size shall be appropriate to meet the lot requirements for each lot as established for the subject zoning district, provide adequate access to the lots, and to provide for the necessary sewage and water service.
3. **Development Standards.**
  - a. **Open Space Requirement.**
    - i. **Development:** Minimum open space for the overall development shall be: None required.
    - ii. **Individual Lots:** Minimum open space for individual lots shall be as established for the subject zoning district.
  - b. **Streets:** Minor residential subdivisions shall utilize shared driveways or other private means of access. The requirement for public streets and improvements are at the discretion of the Administrator and by approval of the PC.



## Chapter 6. Subdivision Design Regulations

### A. General Provisions.

1. Conformance to Adopted Plans. Proposed public improvements shall conform to and be properly related to the Comprehensive Plan, the Thoroughfare Plan and all applicable plans adopted by the Town.
2. Conformance to Applicable Rules and Regulations. In addition to the requirements established in the subdivision design regulations, all plats shall comply with the following laws, rules, and regulations:
  - a. All applicable statutory provisions;
  - b. The Zoning Map, building and fire codes, and all other applicable laws of the appropriate jurisdictions;
  - c. The special requirements of these subdivision design regulations and any rules of the Health Department and/ or appropriate state or sub state agencies;
  - d. The rules of INDOT if the subdivision or any lot contained therein abuts a state highway or connecting street;
  - e. The standards and regulations adopted by the Town Engineer and all boards, commissions, agencies, and officials of the Town;
  - f. Plat approval may be withheld if a subdivision is not in conformity with the above laws, regulations, guidelines, and policies as well as the purposes of the established subdivision design standards.
3. Public Facilities.
  - a. Adequate Facilities. No primary plat shall be approved unless the PC determines that public facilities will be adequate to support and service the area of the proposed subdivision. The subdivider shall, at the request of the PC, submit sufficient information and data on the proposed subdivision to demonstrate the expected impact on and use of public facilities by the subdivision. Public facilities and services to be examined for adequacy will include roads and public transportation facilities, sewerage, water service, schools, police and fire facilities.
  - b. Extension Policies. All public improvements and required easements shall be extended through the parcel on which new development is proposed. Streets, water lines, wastewater systems, drainage facilities, electric lines, telecommunications lines, etc. shall be constructed through new development to promote the logical extension of public infrastructure on adjacent properties. The Town may enter into negotiations to request that the subdivider extend off-site improvements or to oversize required public facilities to serve anticipated future development.

## **B. Access and Level of Service.**

1. Access.
  - a. General.
    - i. **Roadway Classification:** Roadway classification shall be in accordance with the Comprehensive Plan.
  - b. **Lots and Subdivisions Bordering Major Collectors and Minor Collectors.** Where a subdivision borders on or contains an existing or proposed major collector or minor collector, the PC may require that access to such streets be prohibited by a non-access easement. In those instances where a non-access easement is proposed along a state or federal highway, this easement shall be granted specifically to the benefit of INDOT.
  - c. **Lot Access to Major Collectors and Minor Collectors.** Lots shall not derive access exclusively from a major collector or minor collector. Where driveway access from a major collector or minor collector may be necessary for several adjoining lots, the PC may require that such lots be served by a combined access drive in order to limit possible traffic hazards on the street. Where possible, driveways should be designed and arranged so as to avoid requiring vehicles to back into traffic on major collectors or minor collectors.

## **C. Covenants.**

1. **Self-imposed Restrictions.** If an owner of property places restrictions on any land contained in a subdivision greater than those required by these subdivision design standards, such restrictions shall be indicated on the subdivision plat. The PC may also require that all restrictive covenants be recorded with the Recorder in a form approved by the Town Attorney.
2. **Drainage.** In order to ensure the maintenance of a properly designed and installed drainage system, the following paragraphs shall be required as a provision of the restrictive covenants for all secondary plats and shall be included in all deeds written relative to said plats. The proposed owner shall sign said covenant and it shall be filed with the Town and the applicable County Surveyor.
  - “Drainage swales (ditches) along dedicated roadways and within the right-of-way, or on dedicated drainage easements, are not to be altered, dug out, filled in, tiled or otherwise changed without the written approval of the applicable County Drainage Board. Property owners must maintain these swales as sodded grassways, or other non-eroding surfaces. Water from roofs, parking areas, or other impervious surfaces must be contained on the property long enough so that said drainage swales or ditches will not be damaged by such water. Driveways may be constructed over these swales or ditches only when appropriately sized

culverts are installed in accordance with the Town's adopted subdivision design regulations."

- "A property owner altering, changing, or damaging these drainage swales or ditches will be held responsible for such action and will be given ten (10) days' notice by certified mail to repair said damage, after which time, if no action is taken, the Town will cause said repairs to be accomplished, and the costs for such repairs will be billed to the affected property owner for immediate payment."

#### **D. Drainage, Storm Water, and Erosion Control.**

1. The drainage, storm water, and erosion control system shall be installed in accordance with the applicable Drainage Ordinance.
2. The subdivider shall provide the subdivision with an adequate storm water sewer system whenever the evidence available to the PC indicates that the natural surface drainage is inadequate. When the surface drainage is adequate, easements for such surface drainage shall be provided.
3. A statement certified by a Registered Engineer stating that the development will not increase the downstream hydraulic peak of the waterway in which watershed the property is located shall be provided.

#### **E. Easements.**

1. Easements for utilities shall be provided. This easement area for utilities shall not include the paved surfaces. Such easements shall have minimum widths of twenty (20) feet with up to thirty (30) feet to be granted where it is needed, and where located along lot lines, one-half of the width shall be taken from each lot. Before determining the location of easements, the plan shall be discussed with local utility companies to assure their proper placing for the installation of such services to allow necessary room for the placement of all possible utilities.
2. A subdivider shall be responsible for proper coordination of utility easements from block to block and from his particular subdivision to that of other adjoining properties.
3. When topographical or other conditions are such as to make impractical the inclusion of utilities within the rear lot lines, perpetual unobstructed easements at least twenty (20) feet in width shall be provided alongside lot lines with satisfactory access to the road or rear lot lines. One-half (1/2) the width of an easement shall be taken from each lot.
4. All easements shall be indicated on the primary and secondary plats.

**F. Emergency Warning Sirens.**

1. Emergency warning sirens shall be installed per the emergency service plan that may be in effect for the applicable County.

**G. Fire Hydrants.**

1. The subdivider shall submit a plan for providing the subdivision with fire hydrants.
2. Spacing and location of the fire hydrant shall be based upon the recommendation of the respective Fire Chief of the area being served.

**H. Lots and Setbacks.**

1. Lots Access.
    - a. All lots shall abut on a street.
    - b. Side lines of lots shall be at approximately right angles to straight streets and on radial lines on curved streets. Some variation from this rule is permissible, but pointed or irregular lots should be avoided.
    - c. Double frontage lots should not be platted.
    - d. Widths and areas of lots and building setback lines shall be not less than that provided for the zoning district in which the subdivision is located.
    - e. Corner residential lots shall be wider than normal in order to permit appropriate front yard setbacks from both streets.
  2. Lot Arrangement.
    - a. The lots in a subdivision shall be arranged so that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing ILPs to build on all lots in compliance with this UDO, Building Code or other local, state, or federal regulations.
    - b. Every lot shall have sufficient and adequate access to a street constructed, or to be constructed, in accordance with these subdivision design standards.
  3. Lot Dimensions.
    - a. Lot dimensions shall comply with the minimum standards of lots for the respective zoning district.
    - b. In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan.
    - c. Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide off-street parking and loading
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facilities required for the type of use and development contemplated, as established in this UDO.

- d. Land reserved for any proposed street, drainage pond (retention or detention), lake, river, stream or wetlands shall not be counted in satisfying the minimum lot area requirements of the ZO.

4. Lot Orientation.

- a. The lot line common to the street right-of-way shall be the front line. All lots shall face the front line and a similar line across the street. Wherever feasible, lots shall be arranged so that the rear lot line does not abut the side lot line of an adjacent lot.
- b. Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.

**I. Monuments and Markers.**

1. Placement. Monuments and markers shall be placed so that the center of the pipe or marked point shall coincide exactly with the intersection of lines to be marked, and shall be set so that the top of the monument or marker is level with the finished grade. The monument or marker shall specify the surveyor's name on the monument and will require caps with the surveyor's name and license number.
2. Monuments shall be set:
  - a. At the intersection of all lines forming angles in the boundary of the subdivision, and
  - b. At the intersection of street property lines.
3. Markers shall be set:
  - a. At the beginning and ending of all curves along street property lines;
  - b. At all points where lot lines intersect curves, either front or rear;
  - c. At all angles in property lines of lots; and
  - d. At all other lot corners not established by a monument.
4. Materials. Monuments shall be of stone, pre-cast concrete, or concrete poured in place with minimum dimensions of four inches by four inches by thirty-six inches (4"x4"x36"), set vertically in place. They shall be marked on top with an iron dowel set flush with the top of the monument. Markers shall consist of iron pipes or steel bars at least thirty-six (36) inches long, and not less than five-eighths inch (5/8") in diameter.

## J. Open Space.

### 1. Residential Open Space.

#### a. General Requirements.

- i. All open space reserved under these subdivision design standards shall be accessible to the residents of the subdivision and guests by the way of sidewalks, footpaths, trails, or combined bikeways and walkways.
- ii. No more than twenty-five percent (25%) of the open space reserved under these subdivision design standards shall be allocated to active recreational activity space (playgrounds, sport courts, play field, etc.).
- iii. Land reserved for active recreational purposes shall be of a character and location suitable for use as a playground, sport court, play field, or for other active recreational purposes, and shall be relatively level and dry.
- iv. All active recreational sites shall have a total frontage on one (1) or more streets of at least two hundred (200) feet, and no other dimension of the site shall be less than two hundred (200) feet.

b. Active Recreational Sites. An active recreational site, dedicated to the Town upon approval and acceptance pursuant to *Section M: Spaces Set Aside for Public Use*, shall be deemed to meet the requirements of this section.

c. Open Space Plan. An open space plan shall be submitted along with an application for primary plat approval. Such plan shall depict the subdivision in full compliance with these subdivision design standards and all other applicable health, flood control, and regulations of the Town. If a subdivision is to be developed in sections, the open space plan shall show each section and each section shall be in compliance with the requirements of this section.

- i. Review of the Open Space Plan. The Administrator shall review the Open Space Plan in conjunction with the application for primary plat approval. The Open Space Plan shall become part of the primary plat and shall be recorded along with the secondary plat upon the secondary plat's approval. Approval of an Open Space Plan shall be condition precedent to the approval of a secondary plat. In review of the Open Space Plan, the PC shall be guided by the following criteria:
  - (a) The protection of unique topographical features on the site, including, but not limited to, slopes, streams, and natural water features;
  - (b) The protection and preservation of wooded areas, individual trees of significant size;
  - (c) The accessibility of the open space areas;
  - (d) The adaptability of the open space to the future development of greenways within the Town;



- (e) The relationship of the open space to neighboring properties;
  - (f) The minimization of disturbance to important natural site features through the design of lots and streets; and
  - (g) The diversity and originality of the design for the open space.
2. Ponds.
- a. If a tract being subdivided contains a water body, or portion thereof, such water body shall be contained within a common area and drainage easement. The water body shall not be included in satisfying the lot area requirements of the subject zoning district. Responsibility and ownership of such water body, or portion thereof shall be distributed among all of the lot owners within the subdivision.
  - b. Ownership and Maintenance.
    - i. The PC shall require proof of the ownership and maintenance agreement for the water body.
    - ii. The Town shall not assume responsibility for the maintenance and safety of the water body.

**K. Sanitary Sewer Facilities.**

1. The subdivider shall provide the subdivision with a complete sanitary sewer system, which shall connect with an existing approved sanitary sewer outlet, except that when such approved outlet is not available, one of the following methods of sewage disposal shall be used:
  - a. A complete sanitary sewer system to convey the sewage to a treatment plant, to be provided by the subdivider in accordance with the minimum requirements of the applicable County Health Department, the Indiana State Board of Health, and/or the Indiana Stream Pollution Control Board.
  - b. A private sewage disposal system on individual lots as approved by the applicable County Health Department.
2. Plans. The plans for the installation of a sanitary sewer system shall be provided by the subdivider and approved by the Indiana State Board of Health. The design shall give consideration to service extensions into adjacent areas. Upon the completion of the sanitary sewer installation, the plans for such system as-built shall be filed with the Administrator.
3. The phrase “the subdivider shall provide” shall be interpreted to mean that the subdivider shall install the facility referred to, or, whenever a private sewage disposal system or an individual water supply is to be provided, that such facilities referred to in these sections shall be installed by the developer of the lots in accordance with these regulations.

## **L. Sidewalks and Trails.**

1. Sidewalks.
  - a. Sidewalks shall be installed on both sides of all streets in any subdivision.
  - b. When sidewalks are installed, they should be constructed of Portland cement concrete at least four (4) inches thick and five (5) feet wide and placed at least one (1) foot from the street property line.
  - c. Sidewalks shall also be required where necessary to accommodate present and future pedestrian traffic as determined by the PC.
  - d. Sidewalk Maintenance.
    - i. Sidewalks are necessary in order to provide safe passage for pedestrians, including wheelchair and other disabled users. Sidewalks also help maintain strong neighborhoods and prevent degradation of greenspace.
    - ii. Property owners (or current tenants/merchants as applicable) are obligated to maintain the public sidewalks in a safe and usable condition. If sidewalks are damaged as a result of private property construction or maintenance, property owners are required to restore them to full working order.
  - e. Sidewalk Specifications:
    - i. A five (5) foot wide sidewalk is required on residential streets with a minimum four (4) foot wide grass strip.
    - ii. A five (5) foot wide sidewalk on all arterial and feeder streets with a minimum of five (5) feet for a grassy strip between the street and sidewalk.
    - iii. Sidewalks are required in all developments whether in residential, commercial, or industrial use areas.

## **M. Spaces Set Aside for Public Use.**

1. Public Open Space.
    - a. Where sites for parks, schools, playgrounds or other public uses are located within the subdivision area as shown on the Comprehensive Plan, the PC may request their dedication for such purposes, or their reservation for a period of three (3) years following the date of the approval of the secondary plat. In the event a governmental agency concerned passes a resolution expressing its intent to acquire the land so reserved, the reservation period shall be extended for an additional six (6) months.
    - b. All public open spaces dedicated to the public shall be granted access through an easement or direct access to a public right-of-way.
  2. Proposed residential subdivisions shall allocate adequate areas for public parks, schools, or other public recreational purposes when necessary to conform to the requirements of
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the Comprehensive Plan. Each reservation shall be of suitable size, dimension, topography, and general character and shall have adequate road access for the particular purposes envisioned. The reserved area shall be shown and marked on the secondary plat as, "Reserved for Park, School, or Recreational Purposes." The PC may refer such proposed reservations to the appropriate Town officials or departments for recommendations. The PC shall approve the number of acres to be reserved and the Town shall approve any dedication before acceptance. Said areas shall be made by one (1) of the following methods:

- a. Dedication to public use; or
  - b. Reservation for acquisition for the benefit of the Town or other agency thereof.
3. The acquisition of land reserved for a public agency on the secondary plat shall be initiated by the public agency within three (3) years of approval. Failure on the part of the public agency to initiate acquisition within the prescribed time shall result in the removal of the "reserved" designation from the property involved and the freeing of the property for development in accordance with these subdivision design standards.

## **N. Streets.**

### **1. General**

- a. **Roadway Classification:** Roadway classification shall be in accordance with the Comprehensive Plan.
- b. The streets shall provide access to all lots and parcels of land within the subdivision, and where streets cross other streets, jogs shall not be created.
- c. Proposed streets shall be adjusted to the contour of the land so as to produce useable lots and streets of reasonable gradient.
- d. Certain proposed streets, where appropriate, shall be extended to the boundary line of the tract to be subdivided so as to provide for normal circulation of traffic within the vicinity. Frontage roads to be used as collector streets when it is necessary for traffic control in the area.
- e. Wherever there exists a dedicated or platted portion of a street adjacent to the proposed subdivision, the remainder of the street or alley to the prescribed width shall be platted within the proposed subdivision as a minimum to the next intersecting street.
- f. The minimum right-of-way of residential streets, marginal access streets or cul-de-sacs shall be fifty (50) feet. All cul-de-sacs shall terminate in a circular right-of-way with a minimum diameter of one hundred (100) feet, or other arrangement for the turning of all vehicles conveniently within the right-of-way.
- g. The center lines of streets should intersect as nearly at right angles as possible.

- h. At intersections of streets, property line corners shall be rounded by arcs of at least twenty (20) feet radii or by chords of such arcs.
  - i. If the smaller angle of intersection of two streets is less than seventy-five degrees (75°), the radius of the arc at the intersection of property lines shall be determined as deemed advisable by the PC.
  - j. Intersections of more than two streets at one point shall be avoided.
  - k. Where parkways of special types of streets are involved, the PC may apply special standards to be followed in their design.
  - l. Horizontal visibility of curved streets and vertical visibility on all streets must be maintained along the center lines as follows:
    - i. Principal Arterials and Minor Arterials: 500 feet
    - ii. Major Collectors and Minor Collectors: 300 feet
    - iii. Local Roads: 150 feet
  - m. Curvature measured along the center line shall have a minimum radius as follows:
    - i. Principal Arterials and Minor Arterials: 500 feet
    - ii. Major Collectors and Minor Collectors: 300 feet
    - iii. Local Roads: 200 feet
    - iv. Between reversed curves on arterial or collector streets there shall be a tangent of not less than 100 feet.
  - n. Maximum grades for streets shall be as follows:
    - i. Arterial streets, not greater than 6%.
    - ii. Feeder and residential streets, not greater than 8%.
2. Construction.
- a. Streets shall be completed to grades shown on plans, profiles, and cross-sections provided by the subdivider, and prepared by a registered professional engineer and approved by the PC.
  - b. The streets shall be graded, surfaced, and improved to the dimensions required by the cross-sections and the work shall be performed in the manner prescribed in the Standard Specifications (latest issue), of INDOT.
    - i. In a subdivision proposed to have local roads and containing an average of more than two (2) lots per gross acre, or in a subdivision proposed to have a street or streets which are extensions of existing paved streets which are surfaced to a width of at least twenty-six (26) feet, the street shall be surfaced to a minimum of at least twenty-six (26) feet, not including the raised portions of curbs.

- ii. In a subdivision proposed to have local roads and containing an average of two (2) or less lots per gross acre, the streets shall be surfaced to a minimum width of twenty-four (24) feet, not including the raised portions of curbs.
- c. The street surface shall be of Portland cement or a flexible pavement and shall be constructed in accordance with the requirements of *Figure 2: Street Construction Standards* and to the current *Construction Standards and Specifications*.
- d. The Administrator shall be notified when paving operations will begin so that a representative of the Town or applicable County, as the case may be, can make any necessary inspections. Any failure by the subdivider or his subcontractor to comply with the design standards of this ordinance and the specifications approved by the PC shall be grounds for issuance of a cease and desist order and notice of corrective actions to be taken. Failure to make necessary corrections shall be grounds for suit against the performance surety posted by the subdivider by the Town or the applicable County, as the case may be, to properly install and complete the streets in question. The responsibility for the compliance with these provisions shall be solely that of the subdivider shown on such performance bond as the principal obligor.
- e. Prior to placing the street surfaces, adequate subsurface drainage for the street shall be provided by the subdivider. Subsurface drainage pipe shall be coated corrugated steel pipe or a similar approved type not less than six (6) inches in diameter approved by the PC. Upon the completion of the street improvements, plans and profiles as built shall be filed with the PC.

**Figure 2: Street Construction Standards**

Type of Street	Pavement
Local Road	<ul style="list-style-type: none"> <li>• 7 inches reinforced Portland cement concrete on 6 inches granular (“B” borrow) sub base; or</li> <li>• 110 lbs./sq. yd. Of # 11 bituminous surface on 330 lbs./sq. yd. Of bituminous base on eight inches of compacted aggregate base; or</li> <li>• 110 lbs./sq. yd. Of #11 bituminous on 220 lbs./sq. yd. Bituminous base on 440 lbs./sq. yd. Bituminous base.</li> </ul>
Collectors	<ul style="list-style-type: none"> <li>• 8 inches reinforced Portland cement concrete or 8 inches granular (“B” borrow) sub base; or</li> <li>• 165 lbs./sq/ yd/ bituminous #11 surface on 440 lbs./sq. yd. Bituminous base on 8 inches compacted aggregate base; or</li> <li>• 110 lbs./sq. yd. # 11 surface on 440 lbs./sq.yd. of bituminous base on 440 lbs./sq. yd. Bituminous base.</li> </ul>
Arterials	<ul style="list-style-type: none"> <li>• 10 inches reinforced Portland cement concrete on 8 inches granular (“B” borrow) sub base; or</li> <li>• 110 lbs./sq. yd. Of #11 bituminous surface on 240 lbs./sq. yd. Of bituminous base on 440 lbs./sq. yd. Of bituminous base on 440 lbs./sq. yd. Of bituminous base; or</li> <li>• 110 lbs./sq. yd. #11 surface on 220 lbs./sq. yd. Bituminous base on 440 lbs./sq. yd. Bituminous base on 8 inches compacted aggregate base.</li> </ul>
Access Driveway	<ul style="list-style-type: none"> <li>• For commercial or industrial access only</li> <li>• Minimum of 8 inches aggregate.</li> </ul>

3. Curbs and Gutters

- a. The PC shall require curb and gutter to be installed on each side of the street surface in all subdivisions.
- b. The curb and gutter shall be of one of the construction types shown in *Figure 2: Street Construction Standards* and shall be constructed according to the following specifications:
  - i. The base for the curb and gutter shall be well compacted on the existing base or grade.
  - ii. The minimum specification shall be as shown for the two types of cross-sections.
  - iii. All concrete used in the curb and gutter shall meet the State Highway Specifications for Class A.

4. Street Signs. The subdivider shall provide the subdivision with standard Town street signs at the intersection of all streets.

5. Street Lights. The subdivider shall provide the subdivision with street lights, the quality and location of which shall be determined by the PC. The street lights provided shall be with the assistance of the Town when the subdivision is located on a dedicated street and the subdivider shall cover all expenses not furnished to the governmental entity.

**O. Subdivision Name.**

1. The PC shall have final authority to designate the name of the subdivision, which shall be determined at Concept Plan approval. The proposed name of a subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the Town and covered by these subdivision design standards.

**P. Utilities.**

1. Location.
  - a. All utility facilities, including but not limited to gas, electric power, telephone, and CATV cables, shall be located underground throughout the subdivision. Where existing utility facilities are located above ground in the area to be subdivided, except when existing on public roads and rights-of-way, they shall be removed and placed underground.
  - b. All utility facilities existing and proposed throughout the subdivision shall be shown on the primary plat. Underground service connections to the street property line of each platted lot shall be installed at the subdivider's expense. The PC may waive the requirement for service connections to each lot in cases of adjoining lots, retained in single ownership, where the lots are to be developed for single use.

**Q. Water Facilities.**

1. The subdivider shall provide the subdivision with a complete water supply system, which shall be connected to an existing approved municipal or community water supply.
2. The phrase “the subdivider shall provide” shall be interpreted to mean that the subdivider shall install the facility referred to, or, whenever a private sewage disposal system or an individual water supply is to be provided, that such facilities referred to in these sections shall be installed by the developer of the lots in accordance with these regulations.





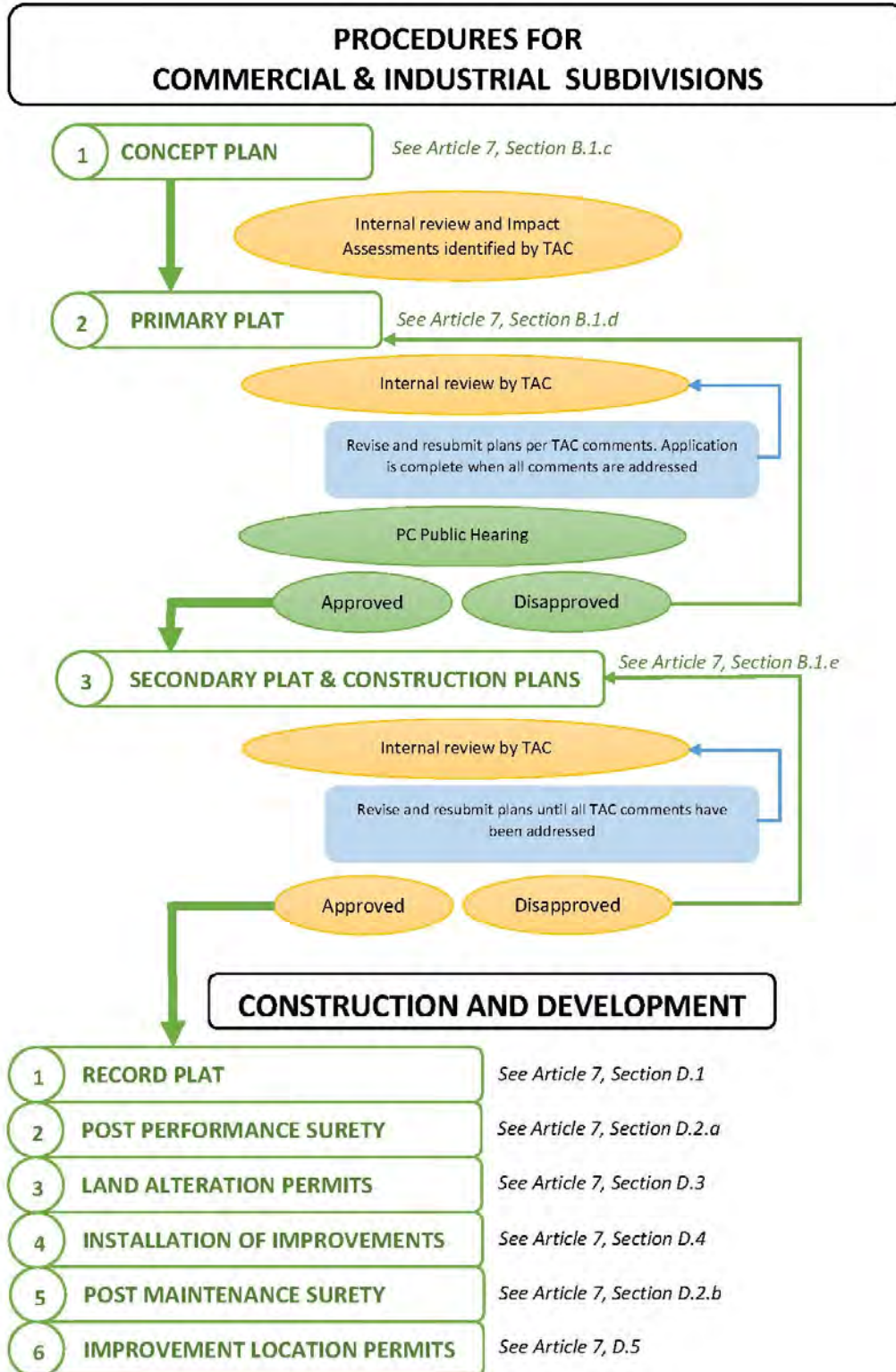
## **Chapter 7. Subdivision Administration and Procedures.**

### **A. General Provisions.**

1. Before any land is subdivided, the owner, or his authorized agent, shall apply for and secure approval of the proposed subdivision in accordance with the following procedures.
2. Compliance. Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the State of Indiana to the Town. Compliance with the terms of this UDO shall be a prerequisite for the use and development of real property within the Town.

### **B. Procedures for Subdivisions.**

1. Commercial and Industrial Subdivisions.



- a. General.
  - i. Applications for commercial and industrial subdivisions shall be in accordance with the application packets adopted by the PC as part of the adopted PC Rules and Procedures, including the adopted meeting and submittal deadline calendar.
  - ii. A commercial or industrial subdivision shall be subject to all the requirements of this UDO and the subject zoning district for the project.
  - iii. A commercial or industrial subdivision shall be subject to all the requirements of this UDO, as well as such additional standards required by the PC, and shall conform to the proposed land use and standards established in the Comprehensive Plan, Thoroughfare Plan, and Zoning Map.
- b. Pre-application Meeting. Prior to filing an application for a commercial or industrial subdivision, the subdivider must schedule a pre-application meeting with the Administrator to not only become familiar with these and other regulations as they affect the area, but also to discuss the procedures for approval and the requirements for the general layout of streets, reservations of land, street improvements, drainage and sanitary sewer improvements, fire protection, and the availability of existing services.
- c. Concept Plan.
  - i. Application. The subdivider shall submit an application for concept plan in accordance with the application packet adopted by the PC as part of the PC Rules and Procedures and be prepared in accordance with the format described in *Chapter 7, Section C.1: Concept Plan*.
  - ii. Public File. Once the Administrator determines that an application is complete and in proper form, they shall assign a file number, create a public file, and assign a date for internal review by the TAC.
  - iii. Internal Review. The Administrator shall forward the plans to the appropriate agencies for technical review. The Administrator shall compile a written report for the public file with the information from the TAC members. The TAC reserves the right to forward the concept plan to the PC to discuss any mandated changes.
    - (a) Impact Assessments. As a result of the concept plan review, the TAC may require that impact assessments be performed for review at the time of the primary plat hearing. Impact assessments shall be performed by a qualified professional with training, experience, and expertise in the field relevant to the specific section of the study in which work shall be performed. The TAC shall require such studies at the expense of the subdivider and subject to town review. Such assessments may include any of the following: traffic and transportation; tax base; water and sewer service; fire, police, and emergency services; schools; and parks. Any additional expense necessary to ensure adequate information, reports, or plans shall be met by the subdivider.

d. Primary Plat.

- i. Application. The subdivider shall submit an application for primary plat in accordance with the application packet adopted by the PC as part of the PC Rules and Procedures and be prepared in accordance with the format described in *Chapter 7, Section C.2: Primary Plat*.
- ii. Public File. Once the Administrator determines that an application is complete and in proper form, they shall assign a file number, create a public file, and assign a date for internal review by the TAC. In accordance with *IC 36-7-4-705*, within thirty (30) days of determining that the application is complete, the Administrator shall announce the date for a hearing before the PC.
- iii. Internal Review. The Administrator shall forward the plans to the appropriate agencies for technical review. The Administrator shall compile a written report for the PC and the public file with the information from the TAC members.
- iv. Public Notice. Notice of public hearing shall be in accordance with the PC Rules and Procedures.
- v. Public Hearing. The PC shall consider the primary plat at a public hearing. The subdivider shall be in attendance to present their plan and address any questions or concerns of the PC.

(a) Decision by the PC.

(1) Approval. If the PC determines that the primary plat complies with the standards set forth in this ordinance, the standards of the UDO, the Comprehensive Plan, and Thoroughfare Plan, it shall grant primary approval to the plat. Within ten (10) days of the hearing, the Administrator shall notify the subdivider of approval in writing and itemize any changes or revisions deemed necessary by the PC.

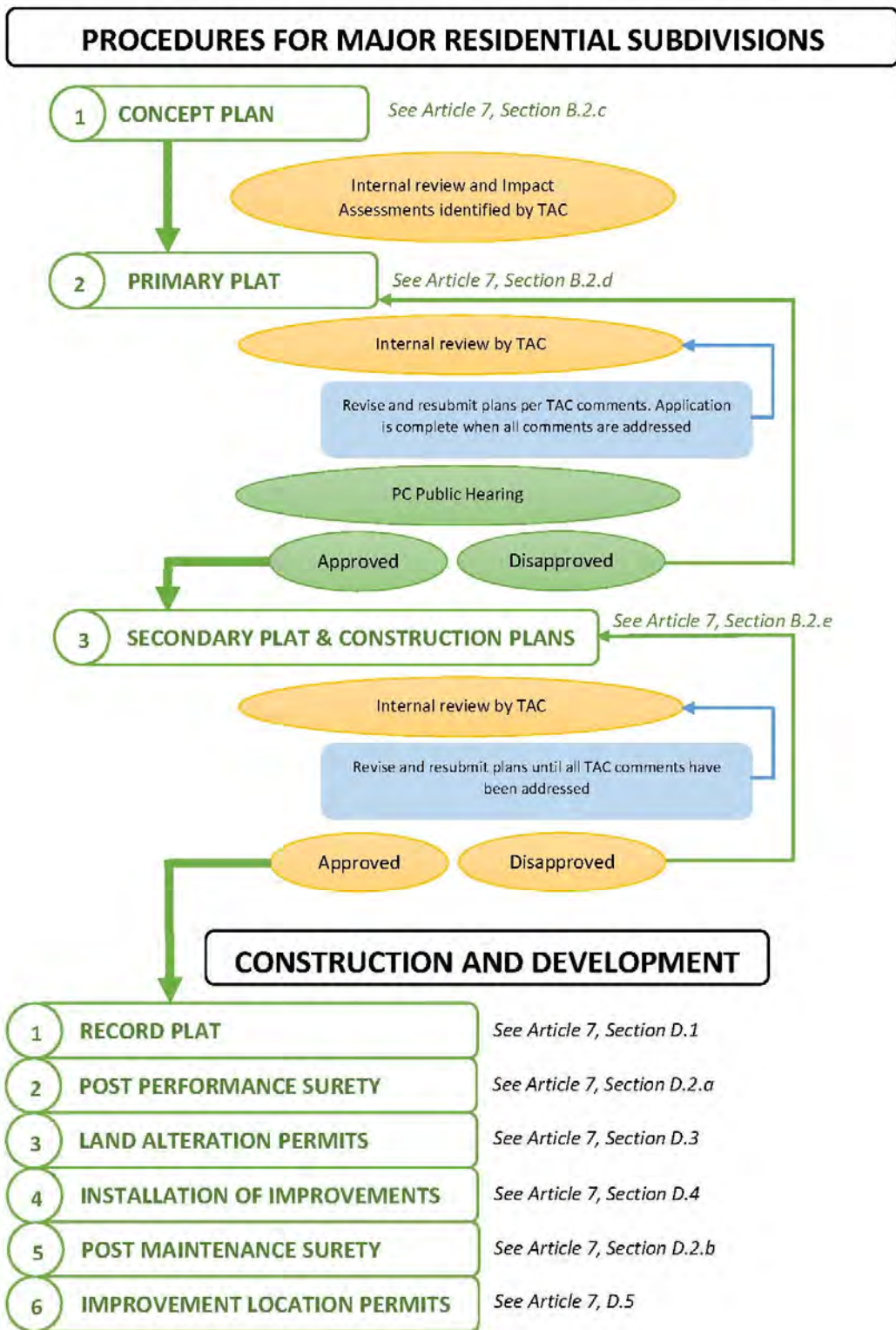
- a. Approval of a primary plat by the PC signifies the general acceptability of the layout submitted and that:
  - i. Definite provisions have been made for a water supply system that is sufficient in terms of quantity, dependability, and quality to provide an appropriate supply of water for the type of subdivision proposed;
  - ii. Adequate provisions have been made for a public sewer system and, if other methods of sewage disposal are proposed, that such systems will comply with federal, state, and local laws and regulations;
  - iii. All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the subdivider and that the proposed uses of these areas are compatible with such conditions;

- iv. The proposed subdivision will not result in the scattered subdivision of land that leaves undeveloped parcels of land lacking urban services between developed parcels; and
  - v. The subdivider has taken every effort to mitigate the impact of the proposed subdivision on public health, safety, and welfare.
- b. In accordance with *IC 36-7-4-702*, the PC may introduce such changes or revisions as are deemed necessary to the best interest and general welfare of the community, including, but not limited to:
    - i. The manner in which public ways shall be laid out, graded, and improved;
    - ii. A provision for water supply, sanitary sewer facilities, and other utility services;
    - iii. A provision for lot size, number, and location;
    - iv. A provision for drainage design; and
    - v. A provision for other services as specified in this UDO.
  - c. Expiration. Approval of a primary plat shall be effective for two (2) years from the date of the PC decision.
    - i. Failure to receive secondary approval within two (2) years of primary plat approval shall render the primary approval void. Once primary approval has expired, a new application for primary plat shall be submitted in conformance with all applicable ordinances in effect at the time the new application is submitted.
    - ii. Upon written request of the subdivider, and no less than ninety (90) days prior to the expiration date of the primary approval, the PC may grant an extension. The PC may extend approval of a primary plat to a maximum of four (4) years without further notice, public hearing, or fees.
- (2) Disapproval. If the PC disapproves a primary plat, they shall make written findings of fact and the Administrator shall notify the subdivider in writing within ten (10) days of the hearing, stating the specific reasons for disapproval.
- e. Secondary Plat.
    - i. Application.
      - (a) Approach. The secondary plat for a commercial or industrial subdivision may be done in one of three (3) ways:
        - (1) Full Plat. The subdivider may submit the secondary plat for the entire subdivision and amend the secondary plat as may be necessary as individual site users are defined.
        - (2) Individual Lot. The subdivider may submit the secondary plat for each lot which will include all necessary infrastructure serving such lot.

- (3) Individual Lot with Development Plan. The subdivider may submit the secondary plat for an individual lot simultaneously with the application for Development Plan.
- (b) Application. The subdivider shall submit an application for secondary plat in accordance with the application packet adopted by the PC as part of the PC Rules and Procedures and be prepared in accordance with the format described in *Chapter 7, Section C.3: Secondary Plat and Construction Drawings*.
- ii. Public File. Once the Administrator determines that an application is complete and in proper form, they shall assign a file number, create a public file, and assign a date for internal review by the TAC.
- iii. Internal Review. The Administrator shall forward the plans to the appropriate agencies for technical review. The Administrator shall compile a written report for the public file with the information from the TAC members.
  - (a) Standards. In addition to meeting the principles and standards set forth in this UDO, the subdivider shall be required to demonstrate to the satisfaction of the TAC that the subdivision proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:
    - (1) Proposed parcels shall be suitable in area and dimensions to the types of development anticipated.
    - (2) Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
    - (3) Special requirements may be imposed by the PC with respect to street, curb, gutter, and sidewalk design and construction.
    - (4) Special requirements may be imposed by the PC with respect to the installation of public utilities, including water, sewer, and storm water drainage.
    - (5) Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed non-residential subdivisions, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.
    - (6) Streets carrying non-residential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential areas.
  - (b) Decision by the TAC. Secondary plat approval may be granted to a plat only after expiration of the thirty (30) day appeal period of the primary plat in accordance with *IC 36-7-4-708*.

- (1) Approval. If the TAC determines that the secondary plat complies with the standards set forth in this ordinance, it shall grant secondary approval to the plat. Within ten (10) days of the TAC meeting, the Administrator shall notify the subdivider of approval in writing and itemize any changes or revisions deemed necessary by the TAC. The plat shall be certified on behalf of the TAC by the PC President and the Administrator who shall affix their signatures to the plat original and all other relevant documents which may also require such signatures.
  - (2) Disapproval. If the TAC disapproves the secondary plat, they shall make written findings of fact and the Administrator shall notify the subdivider in writing within ten (10) days of the TAC meeting, stating the specific reasons for disapproval.
- f. Recording of Plat. The plat shall be recorded in accordance with the procedures set forth in *Chapter 7, Section D.1: Recording of Plats*.
- g. Posting Performance and Maintenance Sureties. Sureties shall be posted in accordance with the procedures set forth in *Chapter 7, Section D.2: Posting Performance and Maintenance Sureties*.
- h. Land Alteration Permit (LAP). Site work may begin after securing a LAP in accordance with the procedures set forth in *Chapter 7, Section D.3: Land Alteration Permits*.
- i. Installation of Improvements. The installation of improvements shall occur in accordance with the procedures set forth in *Chapter 7, Section D.4: Installation of Public Improvements*.
- j. Improvement Location Permits (ILP). Improvement location permits for new structures may be issued in accordance with the procedures set forth in *Chapter 7, Section D.5: Improvement Location Permits*.

2. Residential Subdivision - Major.





- a. General Provisions.
  - i. Applications for major residential subdivisions shall be in accordance with the adopted PC Rules and Procedures, including the adopted meeting and submittal deadline calendar.
  - ii. A residential subdivision shall be subject to all the requirements of the UDO and the subject zoning district for the project.
  - iii. A residential subdivision shall be subject to all the requirements of this UDO, as well as such additional standards required by the PC, and shall conform to the proposed land use and standards established in the Comprehensive Plan, Thoroughfare Plan, and Zoning Map.
- b. Pre-application Meeting. Prior to filing an application for a major residential subdivision, the subdivider must schedule a pre-application meeting with the Administrator to not only become familiar with these and other regulations as they affect the area, but also to discuss the procedures for approval and the requirements for the general layout of streets, reservations of land, street improvements, drainage and sanitary sewer improvements, fire protection, and the availability of existing services.
- c. Concept Plan.
  - i. Application. The subdivider shall submit an application for concept plan in accordance with the application packet adopted by the PC as part of the PC Rules and Procedures and be prepared in accordance with the format described in *Chapter 7, Section C.1: Concept Plan*.
  - ii. Public File. Once the Administrator determines that an application is complete and in proper form, they shall assign a file number, create a public file, and assign a date for internal review by the TAC.
  - iii. Internal Review. The Administrator shall forward the plans to the appropriate agencies for technical review. The Administrator shall compile a written report for the public file with the information from the TAC members. The TAC reserves the right to forward the concept plan to the PC to discuss any mandated changes.
  - iv. Impact Assessments. As a result of the concept plan review, the TAC may require that impact assessments be performed for review at the time of the primary plat hearing. Impact assessments shall be performed by a qualified professional with training, experience, and expertise in the field relevant to the specific section of the study in which work shall be performed. The TAC shall require such studies at the expense of the subdivider and subject to review by the town. Such assessments may include any of the following: traffic and transportation; tax base; water and sewer service; fire, police, and emergency services; schools; and parks. Any additional expense necessary to ensure adequate information, reports, or plans shall be met by the subdivider.

d. Primary Plat.

- i. Application. The subdivider shall submit an application for primary plat in accordance with the application packet adopted by the PC as part of the PC Rules and Procedures and be prepared in accordance with the format described in *Chapter 7, Section C.2: Primary Plat*.
- ii. Public File. Once the Administrator determines that an application is complete and in proper form, they shall assign a file number, create a public file, and assign a date for internal review by the TAC. In accordance with *IC 36-7-4-705*, within thirty (30) days of determining that the application is complete, the Administrator shall announce the date for a hearing before the PC.
- iii. Internal Review. The Administrator shall forward the plans to the appropriate agencies for technical review. The Administrator shall compile a written report for the PC and the public file with the information from the TAC members.
- iv. Public Notice. Notice of public hearing shall be in accordance with the adopted PC Rules and Procedures.
- v. Public Hearing. The PC shall consider the primary plat at a public hearing. The subdivider shall be in attendance to present their plan and address any questions or concerns of the PC.

(a) Decision by the PC.

(1) Approval. If the PC determines that the primary plat complies with the standards set forth in this ordinance, the standards of the UDO, the Comprehensive Plan, and Thoroughfare Plan, it shall grant primary approval to the plat. Within ten (10) days of the hearing, the Administrator shall notify the subdivider of approval in writing and itemize any changes or revisions deemed necessary by the PC.

- a. Approval of a primary plat by the PC signifies the general acceptability of the layout submitted and that:
  - i. Definite provisions have been made for a water supply system that is sufficient in terms of quantity, dependability, and quality to provide an appropriate supply of water for the type of subdivision proposed;
  - ii. Adequate provisions have been made for a public sewer system and, if other methods of sewage disposal are proposed, that such systems will comply with federal, state, and local laws and regulations;
  - iii. All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the subdivider and that the proposed uses of these areas are compatible with such conditions;

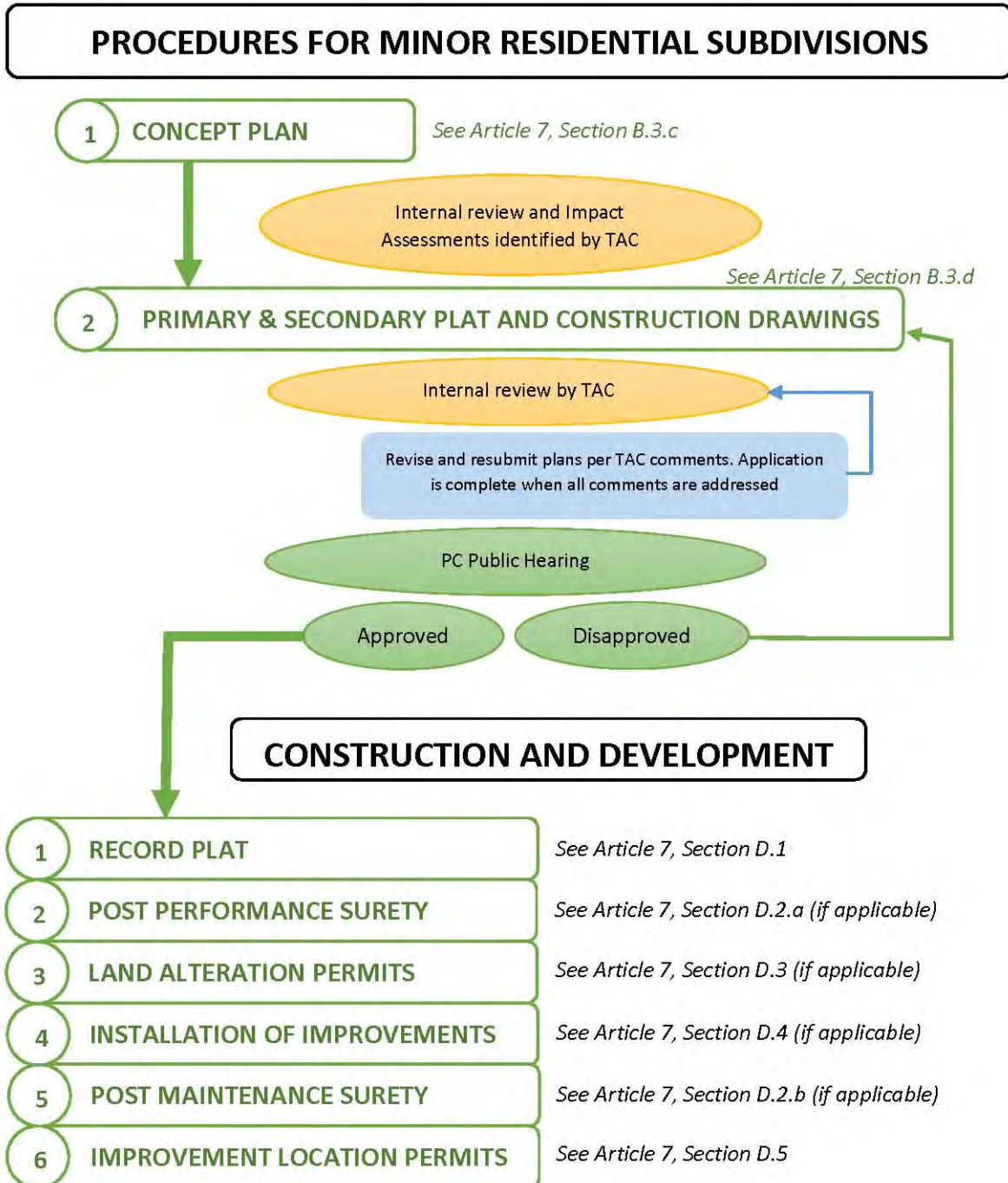
- iv. The proposed subdivision will not result in the scattered subdivision of land that leaves undeveloped parcels of land lacking urban services between developed parcels; and
  - v. The subdivider has taken every effort to mitigate the impact of the proposed subdivision on public health, safety, and welfare.
- b. In accordance with *IC 36-7-4-702*, the PC may introduce such changes or revisions as are deemed necessary to the best interest and general welfare of the community, including, but not limited to:
    - i. The manner in which public ways shall be laid out, graded, and improved;
    - ii. A provision for water supply, sanitary sewer facilities, and other utility services;
    - iii. A provision for lot size, number, and location;
    - iv. A provision for drainage design; and
    - v. A provision for other services as specified in this UDO.
  - c. Approval of a primary plat shall be effective for two (2) years from the date of the PC decision, at the end of which time secondary approval of the subdivision or any section thereof must receive approval from the PC.
    - i. Failure to receive such secondary approval in the prescribed time set forth herein shall render the primary approval void. Once primary approval has expired, no action shall be taken until a new application for primary approval is submitted in conformance with all applicable ordinances in effect at the time the new application is submitted.
    - ii. Upon written request of the subdivider (and no less than ninety (90) days prior to the expiration date of the primary approval), the PC may grant an extension. The PC may extend approval of a primary plat to a maximum of four (4) years without further notice, public hearing, or fees.
  - d. Disapproval. If the PC disapproves a primary plat, they shall make written findings of fact and the Administrator shall notify the subdivider in writing within ten (10) days of the hearing, stating the specific reasons for disapproval.
- e. Secondary Plat.
    - i. Application. The subdivider shall submit an application for secondary plat in accordance with the application packet adopted by the PC as part of the *PC Rules and Procedures* and be prepared in accordance with the format described in *Chapter 7, Section C.3: Secondary Plat and Construction Drawings*.

- ii. Public File. Once the Administrator determines that an application is complete and in proper form, they shall assign a file number, create a public file, and assign a date for internal review by the TAC.
- iii. Internal Review. The Administrator shall forward the plans to the appropriate agencies for technical review. The Administrator shall compile a written report for the public file with the information from the TAC members.
  - (a) Standards. In addition to meeting the principles and standards set forth in this UDO, the subdivider shall be required to demonstrate to the satisfaction of the TAC that the subdivision proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:
    - (1) Proposed parcels shall be suitable in area and dimensions to the types of development anticipated.
    - (2) Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
    - (3) Special requirements may be imposed by the PC with respect to street, curb, gutter, and sidewalk design and construction.
    - (4) Special requirements may be imposed by the PC with respect to the installation of public utilities, including water, sewer, and storm water drainage.
    - (5) Every effort shall be made to protect adjacent residential areas from potential nuisance from non-residential developments, including the provision of extra depth in parcels backing up on existing or potential non-residential development and provisions for a permanently landscaped buffer strip when necessary.
    - (6) Streets carrying non-residential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential areas.
  - (b) Decision by the TAC.
    - (1) Approval. If the TAC determines that the secondary plat complies with the standards set forth in this ordinance, it shall grant secondary approval to the plat. Within ten (10) days of the TAC meeting, the Administrator shall notify the subdivider of approval in writing and itemize any changes or revisions deemed necessary by the TAC. The plat shall be certified on behalf of the TAC by the PC President and the Administrator who shall affix their signatures to the plat original and all other relevant documents which may also require such signatures.
    - (2) Disapproval. If the TAC disapproves the secondary plat, they shall make written findings of fact and the Administrator shall notify the subdivider in

writing within ten (10) days of the TAC meeting, stating the specific reasons for disapproval

- f. Recording of Plat. The plat shall be recorded in accordance with the procedures set forth in *Chapter 7, Section D.1: Recording of Plats*.
- g. Posting Performance and Maintenance Sureties. Sureties shall be posted in accordance with the procedures set forth in *Chapter 7, Section D.2: Posting Performance and Maintenance Sureties*.
- h. Land Alteration Permit (LAP). Site work may begin after securing a LAP in accordance with the procedures set forth in *Chapter 7, Section D.3: Land Alteration Permits*.
- i. Installation of Improvements. The installation of improvements shall occur in accordance with the procedures set forth in *Chapter 7, Section D.4: Installation of Improvements*.
- j. Improvement Location Permits (ILP). Improvement location permits for new structures may be issued in accordance with the procedures set forth in *Chapter 7, Section D.5: Improvement Location Permits*.

3. Residential Subdivision - Minor.



- a. General Provisions.
  - i. Applications for major residential subdivisions shall be in accordance with the adopted PC Rules and Procedures, including the adopted meeting and submittal deadline calendar.
  - ii. Intent. A minor subdivision, by definition, is intended to allow the subdivision of a buildable tract of land with a reduction of approval time and filing procedure. It is not the intent of the minor subdivision procedure to circumvent uniform development plans for a total parcel of land.
  - iii. Further subdivision of an approved minor plat must proceed through the major residential subdivision procedure outlined in *Chapter 7, Section B.2: Residential Subdivision – Major*. If the staff feels this procedure is being abused the subdivider must obtain approval from the PC prior to using this procedure.
  - iv. A residential subdivision shall be subject to all the requirements of the UDO and the subject zoning district for the project.
  - v. A residential subdivision shall be subject to all the requirements of this UDO, as well as such additional standards required by the PC, and shall conform to the proposed land use and standards established in the Comprehensive Plan, Thoroughfare Plan, Zoning Map, and UDO.
- b. Pre-application Meeting. Prior to filing an application for a minor residential subdivision, the subdivider must schedule a pre-application meeting with the Administrator to not only become familiar with these and other regulations as they affect the area, but also to discuss the procedures for approval and the requirements for the general layout of streets, reservations of land, street improvements, drainage and sanitary sewer improvements, fire protection, and the availability of existing services
- c. Concept Plan. The subdivider shall prepare a concept plan in accordance with the format described in *Chapter 7, Section C.1: Concept Plan*. The concept plan shall be discussed with the Administrator at the pre-application meeting.
- d. Primary Plat and Secondary Plat. For a minor residential subdivision, the primary plat and secondary plat shall be combined into one process.
  - i. Application. The subdivider shall submit applications for both primary plat secondary plat in accordance with the application packet adopted by the PC as part of the PC Rules and Procedures and be prepared in accordance with the formats described in *Chapter 7, Section C.2: Primary Plat* and *Chapter 7, Section C.3: Secondary Plat and Construction Drawings*.
  - ii. Public File. Once the Administrator determines that an application is complete and in proper form, they shall assign a file number, create a public file, and assign a date for internal review by the TAC. In accordance with *IC 36-7-4-705*, within

thirty (30) days of determining that the application is complete, the Administrator shall announce the date for a hearing before the PC.

- iii. Internal Review. The Administrator shall forward the plans to the appropriate agencies for technical review. The Administrator shall compile a written report for the PC and the public file with the information from the TAC members.
- iv. Public Notice. Notice of public hearing shall be in accordance with the PC Rules and Procedures.
- v. Public Hearing. The PC shall simultaneously consider the primary plat and secondary plat at a public hearing. The subdivider shall be in attendance to present their plan and address any questions or concerns of the PC.
  - (a) Decision by the PC.
    - (1) Approval. If the PC determines that the plats comply with the standards set forth in this ordinance, the standards of the UDO, the Comprehensive Plan, and Thoroughfare Plan, it shall grant approval. Within ten (10) days of the hearing, the Administrator shall notify the subdivider of approval in writing and itemize any changes or revisions deemed necessary by the PC.
      - a. In accordance with *IC 36-7-4-702*, the PC may introduce such changes or revisions as are deemed necessary to the best interest and general welfare of the community, including, but not limited to:
        - i. The manner in which public ways shall be laid out, graded, and improved;
        - ii. A provision for water supply, sanitary sewer facilities, and other utility services;
        - iii. A provision for lot size, number, and location;
        - iv. A provision for drainage design; and
        - v. A provision for other services as specified in this UDO.
    - (2) Disapproval. If the PC disapproves the plats, they shall make written findings of fact and the Administrator shall notify the subdivider in writing within ten (10) days of the hearing, stating the specific reasons for disapproval.
- e. Recording of Plat. The plat shall be recorded in accordance with the procedures set forth in *Chapter 7, Section D.1: Recording of Plats*.
- f. Posting Performance and Maintenance Sureties. If applicable, sureties shall be posted in accordance with the procedures set forth in *Chapter 7, Section D.2: Posting Performance and Maintenance Sureties*.
- g. Land Alteration Permit (LAP). If applicable, site work may begin after securing a LAP in accordance with the procedures set forth in *Chapter 7, Section D.3: Land Alteration Permits*.



- h. Installation of Improvements. If applicable, the installation of improvements shall occur in accordance with the procedures set forth in *Chapter 7, Section D.4: Installation of Improvements*.
- i. Improvement Location Permits (ILP). Improvement location permits for new structures may be issued in accordance with the procedures set forth in *Chapter 7, Section D.5: Improvement Location Permits*.

## **C. Document and Drawing Specifications.**

### **1. Concept Plan.**

- a. General. The concept plan shall be prepared by a Professional Engineer or Registered Land Surveyor licensed to practice in the State of Indiana. All sheets shall be twenty-four inches (24") by thirty-six inches (36") and drawn to a convenient scale (at a minimum 1"=50' and a maximum 1"=10'). To improve review efficiency, concept plans submitted for review shall observe the following sheet-by-sheet format:
- b. Sheet 1: Site Analysis Map. The purpose of the site analysis map is to indicate consideration and respect for the unique features of a site and identify the prime areas for structures/development. A site analysis map shall indicate the proposed location of the subject site and include the following:
  - i. The location of the property by section, township, range, and county, including a graphic scale, north arrow, and date;
  - ii. Adjacent parcels of land surrounding the site with property owners identified;
  - iii. Zoning of the site as well as surrounding properties;
  - iv. Topography;
  - v. Existing wooded areas of significance;
  - vi. Primary conservation areas;
  - vii. Secondary conservation areas;
  - viii. The location of streets and thoroughfares that will serve the site, as well as those in contiguous subdivisions or undeveloped property;
  - ix. Water and sewer service to serve the site (if applicable) ;
  - x. Existing schools, school districts, parks, fire, police, and emergency medical facilities that will serve the site with distance and estimated response time identified;
  - xi. Other unique features or characteristics of the site such as views (to and from the site), impacts (by the proposed development or by surrounding elements), and geographical features; and
  - xii. Indication of the resulting prime location for structures after site analysis.

- c. Sheet 2: Site Development Map. The purpose of the site development map is to show the proposed development. The site development map shall indicate the proposed layout of the development including streets, lots, structure locations/pads, and common areas. The site development map typically resembles and serves as the primary plat.

## 2. Primary Plat.

- a. General. The primary plat shall be prepared by a Professional Engineer or Registered Land Surveyor licensed to practice in the State of Indiana. All sheets shall be twenty-four inches (24") by thirty-six inches (36") and drawn to a convenient scale (at a minimum 1"=50' and a maximum 1"=10') with the exception of the maps on Sheet 1. Each sheet shall be sealed and signed by the professional preparing the drawings and all sheets shall be tied to state plane coordinates for horizontal and vertical controls. To improve review efficiency, primary plats submitted for review shall observe the following sheet-by-sheet format:
  - b. Sheet 1: Title Sheet:
    - i. Location:
      - (a) A location map at a scale of one inch equals four hundred feet (1":400') or less showing the boundaries of the proposed project and covering the general area within which it is to be located.
      - (b) Full legal description with sufficient reference to section corners and boundary map of the subject project, including appropriate benchmark references.
      - (c) Boundary lines of adjacent tracts of land, showing owners of record and names of adjoining developments.
      - (d) Existing zoning of the subject property and all adjacent properties.
    - ii. Proposed Development:
      - (a) Name of the project.
      - (b) Name and address of the owner, developer, and person who prepared the plans.
      - (c) A statement of the proposed uses, stating the type and size of residential and non-residential buildings, and the type of business, commercial, or industrial uses so as to reveal the effect of the project on traffic, fire, and population.
      - (d) Total acreage within the project and the number of residential dwelling units or the gross square footage of non-residential structures, whichever is applicable.
      - (e) Statement of proposed starting and completion dates for the project, including any proposed phasing or sequencing.

- (f) Basic layout of the proposed project showing lot/block lines, lot/block numbers, and streets.
- iii. Title Block:
  - (a) The proposed name by which the project shall be legally and commonly known.
  - (b) Date of survey, scale, and north point.
  - (c) Revision dates.
- c. Sheet 2: Existing Site Conditions:
  - i. Topography:
    - (a) Existing contours based in U.S.G.S. datum with intervals of not more than five feet where the slope is greater than ten percent (10%) and not more than two (2) feet where the slope is less than ten percent (10%). Offsite watershed boundary maps can be submitted at an appropriate contour interval sufficient to depict drainage areas and slopes. A benchmark, which is easily accessible and re-locatable, shall be shown. The benchmark shall be determined by use of NAVD 88 datum (vertical), and elevations shall be based on sea level datum.
  - ii. Infrastructure:
    - (a) Existing water mains, fire hydrants, storm sewers, sanitary sewers, culverts, bridges, and other utility structures or facilities within, adjacent to, or serving the subject land, including pipe sizes, grades, and exact locations, as can best be obtained from public or private records.
    - (b) Location, widths, and type of construction of all existing streets, street names, alleys, or other public ways and easements, street classifications as per the Thoroughfare Plan, railroad and utility rights-of-way or easements, parks, wooded areas, trails, cemeteries, watercourses, drainage ditches, designated wetlands, low areas subject to flooding, permanent buildings, bridges, and the locations of all existing stormwater facilities. Storm drains, manholes and other structures shall be located by dimensions on the plans, in relation to surrounding physical features. Show the direction of flow, elevation of inverts, gradient, materials and size of existing storm drains. Other data may be added which is considered pertinent by the PC or the Administrator for the subject land. Existing site conditions shall include all land within three hundred (300) feet of the proposed project.
  - iii. Drainage:
    - (a) The water elevation at the date of the survey of lakes, streams, or designated wetlands within the project or affecting it, as well as the approximate high and low water elevation of such lakes, streams, or designated wetlands. The plan

shall also show the contour line of the regulatory flood (100-year flood) elevation and the contour line for the floodway fringe boundary. All elevations shall be based on sea level datum.

iv. Title Block:

- (a) The proposed name by which the project shall be legally and commonly known.
- (b) Date of survey, scale, and north point.
- (c) Revision dates.

d. Sheet 3: Proposed Site Conditions:

i. Proposed Development:

- (a) All lots or outlots intended for sale or lease shall be designated with boundary lines and numbered or labeled for identification purposes. Blocks/outlots shall be identified with letters and be in alphabetical order. Lots shall be numbered consecutively within each block.
- (b) Consecutively numbered or lettered blocks. The blocks in numbered additions to subdivisions bearing the same name shall be numbered or lettered consecutively throughout the several additions.
- (c) Private areas, common areas, or other excluded parcels shall be designated as such and clearly labeled on the plans.
- (d) Building setback lines, showing dimensions.

ii. Topography:

- (a) Proposed contours with intervals of not more than five (5) feet where the slope is greater than ten percent (10%). The plan shall also show the contour line for the floodway fringe boundary.

iii. Infrastructure:

- (a) Existing water mains, fire hydrants, storm sewers, sanitary sewers, culverts, bridges, and other utility structures or facilities within, adjacent to, or serving the subject land, including pipe sizes, grades, and exact locations, as can best be obtained from public or private records.
- (b) Location, widths, and type of construction of all existing streets, street names, alleys, or other public ways and easements, street classifications as per the Thoroughfare Plan, railroad and utility rights-of-way or easements, parks, wooded areas, trails, cemeteries, watercourses, drainage ditches, designated wetlands, low areas subject to flooding, permanent buildings, bridges, and the locations of all existing stormwater facilities. Storm drains, manholes and other structures shall be located by dimensions on the plans, in relation to surrounding physical features. Show the direction of flow, elevation of inverts,

gradient, materials and size of existing storm drains. Other data may be added which is considered pertinent by the PC or the Administrator for the subject land. Existing site conditions shall include all land within three hundred (300) feet of the proposed project.

(c) Internal and perimeter sidewalk system/pedestrian circulation plan.

iv. Drainage:

(a) The preliminary drainage plan information.

v. Other:

(a) Such other information as may be deemed necessary for proper review of the primary plat by the Administrator, Town Engineer, or PC.

vi. Title Block:

(a) The proposed name by which the project shall be legally and commonly known.

(b) Date of survey, scale, and north point.

(c) Revision dates.

e. Sheet 4: Endorsements and Explanations:

i. Other:

(a) Form for endorsements by PC President.

(b) Form for endorsement by Owner.

(c) Explanations of drainage easements, site easements, reservations, etc.

ii. Title Block:

(a) The proposed name by which the project shall be legally and commonly known.

(b) Date of survey, scale, and north point.

(c) Revision dates.

### **3. Secondary Plat and Construction Drawings**

a. Plat Sheets.

i. General. The plat sheet(s) shall be prepared by a Professional Engineer or Registered Land Surveyor licensed to practice in the State of Indiana. All sheets shall be twenty-four inches (24") by thirty-six inches (36") Mylar and drawn to a convenient scale (at a minimum 1"=50' and a maximum 1"=10'). Each sheet shall be sealed and signed by the professional preparing the drawings and all sheets shall be tied to state plane coordinates for horizontal and vertical controls.

ii. Location:

- (a) All monuments erected, comers, and other points established in the field in their proper places. The material of which the monuments, corners, or other points are made shall be noted at the representation thereof or by legend, except that lot comers need not be shown. The legend for metal monuments shall indicate the kind of metal, the diameter, length, and weight per lineal foot of the monuments.
- iii. Proposed Development:
  - (a) Name of the project.
  - (b) All lots or outlots intended for sale or lease shall be designated with boundary lines and numbered or labeled for identification purposes. Blocks/outlots shall be identified with letters and be in alphabetical order. Lots shall be numbered consecutively within each block.
  - (c) Consecutively numbered or lettered blocks. The blocks in numbered additions to subdivisions bearing the same name shall be numbered or lettered consecutively throughout the several additions.
  - (d) Private areas, common areas, or other excluded parcels shall be designated as such and clearly labeled on the plans.
  - (e) Building setback lines, showing dimensions.
  - (f) Easements.
- iv. Other:
  - (a) Notation of any self-imposed restrictions.
  - (b) Endorsement by every person having a security interest in the property that they are subordinating their liens to all covenants, servitudes, and easements imposed on the property.
- b. Construction Drawings.
  - i. General. The secondary plat shall be prepared by a Professional Engineer or Land Surveyor licensed to practice in the State of Indiana. All sheets shall be twenty-four inches (24") by thirty-six inches (36") and drawn to a convenient scale (at a minimum 1"=50' and a maximum 1"=10') with the exception of the maps on Sheet 1. Each sheet shall be sealed and signed by the professional preparing the drawings and all sheets shall be tied to state plane coordinates for horizontal and vertical controls. To improve review efficiency, primary plats submitted for review shall observe the following sheet-by-sheet format:
  - ii. Sheet 1: Title Sheet:
    - (a) Location:

- (1) A location map at a scale of one inch equals four hundred feet (1":400') or less showing the boundaries of the proposed project and covering the general area within which it is to be located.
  - (2) Full legal description with sufficient reference to section corners and boundary map of the subject project, including appropriate benchmark references.
  - (3) Boundary lines of adjacent tracts of land, showing owners of record and names of adjoining developments.
  - (4) Existing zoning of the subject property and all adjacent properties.
- (b) Proposed Development:
- (1) Name of the project.
  - (2) Name and address of the owner, developer, and person who prepared the plans.
  - (3) A statement of the proposed uses, stating the type and size of residential and non-residential buildings, and the type of business, commercial, or industrial uses so as to reveal the effect of the project on traffic, fire, and population.
  - (4) Total acreage within the project and the number of residential dwelling units or the gross square footage of non-residential structures, whichever is applicable.
  - (5) Statement of proposed starting and completion dates for the project, including any proposed phasing or sequencing.
  - (6) Basic layout of the proposed project showing lot/block lines, lot/block numbers, and streets.
- (c) Title Block:
- (1) The proposed name by which the project shall be legally and commonly known.
  - (2) Date of survey, scale, and north point.
  - (3) Revision dates.
- iii. Sheet 2: Existing Site Conditions:
- (a) Topography:
- (1) Existing contours based in U.S.G.S. datum with intervals of not more than five feet where the slope is greater than 10% and not more than two feet where the slope is less than 10%. Offsite watershed boundary maps can be submitted at an appropriate contour interval sufficient to depict drainage areas and slopes. A benchmark, which is easily accessible and

re-locatable, shall be shown. The benchmark shall be determined by use of NAVD 88 datum (vertical), and elevations shall be based on sea level datum.

(b) Infrastructure:

- (1) Existing water mains, fire hydrants, storm sewers, sanitary sewers, culverts, bridges, and other utility structures or facilities within, adjacent to, or serving the subject land, including pipe sizes, grades, and exact locations, as can best be obtained from public or private records.
- (2) Location, widths, and type of construction of all existing streets, street names, alleys, or other public ways and easements, street classifications as per the Thoroughfare Plan, railroad and utility rights-of-way or easements, parks, wooded areas, trails, cemeteries, watercourses, drainage ditches, designated wetlands, low areas subject to flooding, permanent buildings, bridges, and the locations of all existing stormwater facilities. Storm drains, manholes and other structures shall be located by dimensions on the plans, in relation to surrounding physical features. Show the direction of flow, elevation of inverts, gradient, materials and size of existing storm drains. Other data may be added which is considered pertinent by the PC or the Administrator for the subject land. Existing site conditions shall include all land within three hundred (300) feet of the proposed project.

(c) Drainage:

- (1) The water elevation at the date of the survey of lakes, streams, or designated wetlands within the project or affecting it, as well as the approximate high and low water elevation of such lakes, streams, or designated wetlands. The plan shall also show the contour line of the regulatory flood (100-year flood) elevation and the contour line for the floodway fringe boundary. All elevations shall be based on sea level datum.

(d) Title Block:

- (1) The proposed name by which the project shall be legally and commonly known.
- (2) Date of survey, scale, and north point.
- (3) Revision dates.

iv. Sheet 3: Proposed Site Conditions and Construction Drawings:

(a) Proposed Development:

- (1) All lots or outlots intended for sale or lease shall be designated with boundary lines and numbered or labeled for identification purposes.



Blocks/outlots shall be identified with letters and be in alphabetical order. Lots shall be numbered consecutively within each block.

- (2) Consecutively numbered or lettered blocks. The blocks in numbered additions to subdivisions bearing the same name shall be numbered or lettered consecutively throughout the several additions.
- (3) Private areas, common areas, or other excluded parcels shall be designated as such and clearly labeled on the plans.
- (4) Building setback lines, showing dimensions.

(b) Topography:

- (1) Proposed contours with intervals of not more than five (5) feet where the slope is greater than ten percent (10%). The plan shall also show the contour line for the floodway fringe boundary.

(c) Infrastructure:

- (1) Existing and proposed water mains, fire hydrants, storm sewers, sanitary sewers, culverts, bridges, and other utility structures or facilities within, adjacent to, or serving the subject land, including pipe sizes, grades, and exact locations, as can best be obtained from public or private records.
- (2) Location, widths, and type of construction of all existing and proposed streets, street names, alleys, or other public ways and easements, street classifications as per the Thoroughfare Plan, railroad and utility rights-of-way or easements, parks, wooded areas, trails, cemeteries, watercourses, drainage ditches, designated wetlands, low areas subject to flooding, permanent buildings, bridges, and the locations of all existing and proposed stormwater facilities. Storm drains, manholes and other structures shall be located by dimensions on the plans, in relation to surrounding physical features. Show the direction of flow, elevation of inverts, gradient, materials and size of existing storm drains. Other data may be added which is considered pertinent by the PC or the Administrator for the subject land. Existing site conditions shall include all land within three hundred (300) feet of the proposed project.
- (3) Internal and perimeter sidewalk system/pedestrian circulation plan.

(d) Drainage:

- (1) The final drainage plan information.

(e) Other:

- (1) Such other information as may be deemed necessary for proper review of the primary plat by the Administrator, Town Engineer, or PC.

- (f) Title Block:
    - (1) The proposed name by which the project shall be legally and commonly known.
    - (2) Date of survey, scale, and north point.
    - (3) Revision dates.
  - v. Sheet 4: Endorsements and Explanations:
    - (a) Other:
      - (1) Form for endorsements by PC President.
      - (2) Form for endorsement by Owner.
      - (3) Explanations of drainage easements, site easements, reservations, etc.
    - (b) Title Block:
      - (1) The proposed name by which the project shall be legally and commonly known.
      - (2) Date of survey, scale, and north point.
      - (3) Revision dates.
  - c. Erosion Control Plan.
    - i. General. The erosion control plan shall include, but is not limited to, the following:
    - ii. A map of the site in adequate detail to show the site and adjacent areas, including but not limited to the following:
      - (a) Site boundaries and adjacent lands which accurately portray the site location.
      - (b) Lakes, streams, channels, ditches, wetlands, and other water courses on and adjacent to the site.
      - (c) One hundred (100) year floodplains, floodway fringes and floodways.
      - (d) Location of the predominant soil types, which may be determined by the U.S. Department of Agriculture, the SCS, or an equivalent publication, or as determined by a certified professional soil scientist.
      - (e) Location and delineation of vegetative cover such as grass, weeds, brush and trees.
      - (f) Location and approximately dimensions of storm water drainage systems and natural drainage patterns on and immediately adjacent to the site.
      - (g) Locations and approximate dimensions of utilities, structures, roads, highways and paving.
      - (h) Site topography, both existing and planned, at a contour interval appropriate to indicate drainage patterns.
-

- (i) Potential areas where point source discharges of storm water may enter ground water, if any.
- iii. A plan of final site conditions, on the same scale as the existing site, showing the site changes.
- iv. A site construction plan shall include, but not limited to, the following:
  - (a) Locations and approximate dimensions of all proposed land disturbing activities.
  - (b) Potential locations of soil stockpiles.
  - (c) Locations and approximate dimensions of all erosion control measures necessary to meet the requirements of this section.
  - (d) A schedule of the anticipated initiation and completion dates of each land disturbing activity, including the installation of erosion control measures necessary to meet the requirements of this section.
  - (e) Provisions, including a schedule for maintenance of the erosion control measures during construction.
  - (f) Where feasible, preserve vegetation that existed on the site prior to the initiation of the land disturbing activities.

#### **4. Record Drawings.**

- a. Record drawings and as-builts shall be submitted in the format required by the Town at the time they are to be submitted.

#### **5. Covenants and Restrictions.**

- a. Covenants and restrictions shall be submitted for review prior to recording. The submittal shall be in the format required by the Town at the time they are to be submitted.

### **D. Construction and Development Processes**

#### **1. Recording of Plats.**

- a. Prerequisites. Before the plat will be signed by the Administrator for recording, the following requirements must be met:
  - i. All changes or revisions deemed necessary by the PC and the Administrator shall be incorporated into the secondary plat and reviewed by the Administrator for completeness; and
  - ii. The plat sheet shall be prepared in accordance with *Chapter 7, Section C.3.a: Plat Sheets*, signed by the subdivider, and submitted to the Administrator for their

review for completeness in preparation for the applicable endorsements from the town.

- b. Signatures Required. The filing and recording of a plat shall be without legal effect unless signed by the President of the PC, the Administrator, and the Drainage Board. Signatures shall be collected administratively and do not have to be collected at a meeting of the PC.
- c. Recording Plat.
  - i. Timeliness. It shall be the responsibility of the subdivider to file the signed secondary plat with the Recorder's Office.
- d. Copies Required. Once recorded, the subdivider shall provide the Administrator with the recorded and stamped secondary plat.
- e. Vested Rights. Except as otherwise provided herein, no vested rights shall accrue to the owner or developer of any subdivision by reason of primary or secondary plat approval until the actual signing of the secondary plat by the President of the PC and the Administrator.

## **2. Posting Performance and Maintenance Sureties.**

- a. Performance Surety.
  - i. Prerequisites. Before performance surety may be posted, the following conditions shall be met:
    - (a) The plat shall be recorded in accordance with *Chapter 7, Section D.1: Recording of Plats*.
  - ii. Posting Performance Surety. The subdivider shall be required to provide sureties for the infrastructure identified in the approval of the subdivision. Either type of surety shall be in an amount equal to one hundred twenty percent (120%) of the estimated cost of completion of the required public improvements, including lot improvements. The Town Council shall approve the issuer of the surety. Estimated cost shall be based on the current unit prices as established by the Town.
    - (a) Letter of Credit. If the subdivider posts a letter of credit it shall:
      - (1) Be irrevocable;
      - (2) Be for a term sufficient to cover the completion, maintenance and warranty periods required by this UDO; and
      - (3) Require only that the Town present the credit with a sight draft and an affidavit signed by the Town Attorney attesting to the municipality's right to draw funds under the credit.
    - (b) Bond. If the subdivider posts a bond as surety, the bond terms shall provide that:

- (1) The subdivider shall have no right to a return of any of the funds except as provided in this UDO; and
- (2) That the bond agent shall have a legal duty to deliver the funds to the Town whenever the Town Attorney presents an affidavit to the agent attesting to the Town's right to receive the funds.

iii. Use of Funds.

- (a) Upon acceptance of the last completed required public improvement, the Town shall execute a release of its right to receive all but twenty-five percent (25%) of the funds represented by the surety. The residual funds shall be surety for the subdivider's covenant to maintain the required public improvements and its warranty that the improvements are free from defect.
- (b) Limitation on Use of Surety Funds. Any funds received from sureties for improvements and installations or maintenance of such improvements or installations required by this UDO shall be used only for the purpose of making improvements, installations, or repair for which said surety was provided in accordance with the standards, specifications and requirements of this UDO.

iv. Responsibility of the Subdivider.

- (a) Temporary Improvement. The subdivider shall build, and pay for all costs of, temporary improvements required by the PC and shall maintain those temporary improvements for the period specified by the PC. Prior to the construction of such temporary facility or improvement, the subdivider shall file with the Town a separate surety in an appropriate amount for the temporary facility. The surety shall ensure that the temporary facilities will be properly constructed, maintained, and removed.
- (b) Costs of Improvements. The subdivider shall make all required improvements, at his own expense and without reimbursement by the Town or any special improvement district formed or caused to be formed by the developer to construct and finance the construction of required public improvements, excluding lot improvements on individual lots. If the subdivider does form or cause to be formed a special district for the purposes identified in this section, the Town shall not release the subdivider from its obligations nor shall the Town release any surety, in whole or in part, until the special district has sold bonds or otherwise certifies to the municipality that it has an absolute right to raise revenues sufficient to construct, maintain, and warrant the quality of the required public improvements.

v. Failure to Complete Improvements.

- (a) Where surety has been posted and the required public improvements have not been installed within the terms of the agreement, the Town may then:

- (1) Declare the agreement to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the agreement is declared to be in default;
- (2) Obtain funds under the surety and complete improvements itself or through a third party;
- (3) Assign its right to receive funds under the surety to any third party, including a subsequent owner of the subdivision for which improvements were not constructed, in whole or in part, in exchange for that subsequent owner's promise to complete improvements in the subdivision; and
- (4) Exercise any other rights available under the law.

vi. Release of Performance Surety.

(a) Certificate of Satisfactory Completion.

- (1) The Town Council will not accept dedication of required improvements, nor release or reduce the amount of any surety posted by the subdivider until the Town Engineer has submitted a certificate stating that all required improvements have been satisfactorily completed and:
  - a. The subdivider's engineer or surveyor has certified to the Town Engineer, through submission of a detailed "as-built" survey plat of the subdivision, indicating location, dimensions, materials, and other information required by the PC or Town Engineer, that the layout of the line and grade of all public improvements is in accordance with construction plans for the subdivision. The submittal shall be in electronic format as required by the town; and
  - b. A title insurance policy has been furnished to and approved by the Town Attorney indicating that the improvements have been completed, are ready for dedication to the Town, and are free and clear of any and all liens and encumbrances.
- (2) Upon such approval and recommendation by the PC, the Town Engineer, the Town Attorney, and Town Staff, the Town Council shall thereafter accept the improvements for dedication in accordance with the established procedure.

b. Maintenance Surety. Upon completion of all subdivision improvements the subdivider shall provide a separate three (3) year maintenance surety for each aspect of the work completed.

i. Prerequisites. Before maintenance surety may be posted, the following conditions shall be in place.

- (a) Improvements shall be completed in accordance with *Chapter 7, Section D.4: Installation of Public Improvements*.

- (b) Performance surety shall be released in accordance with *Chapter 7, Section D.2.a: Performance Surety*.
- ii. Posting of Maintenance Surety. The subdivider shall be required to provide a letter of credit or bond as maintenance surety. Either type of surety shall be in an amount equal to twenty percent (20%) of the estimated cost of said improvements and installations as indicated in the establishment of the performance surety. The Administrator shall approve the issuer of the letter of credit or the bond agent.
- (a) Letter of Credit. If the subdivider posts a letter of credit it shall:
- (1) Be irrevocable;
  - (2) Be for a term sufficient to cover the completion, maintenance and warranty periods required by this UDO; and
  - (3) Require only that the Town present the credit with a sight draft and an affidavit signed by the Town Attorney attesting to the municipality's right to draw funds under the credit.
- (b) Bond. If the subdivider posts a bond as surety, the bond terms shall provide that:
- (1) The subdivider shall have no right to a return of any of the funds except as provided in this UDO; and
  - (2) That the bond agent shall have a legal duty to deliver the funds to the Town whenever the Town Attorney presents an affidavit to the agent attesting to the Town's right to receive the funds.
- iii. Responsibility of the Subdivider. The subdivider shall warrant the workmanship and all materials used in the construction, installation, and completion of said improvements. Installations shall have been constructed and completed in accordance with the standards, specifications, and requirements of this ordinance.
- iv. Inspections. Near the end of the three (3) year maintenance period and before the maintenance surety is scheduled to expire, the Administrator shall schedule an inspection of the subdivision. If the applicable officials find upon inspection that any of the required improvements are in need of repair, they shall notify the Administrator, who shall prepare a report documenting the deficiencies. The subdivider shall be required to complete the repairs and upon the satisfactory completion of such repairs, may request that the Town assume maintenance of all subdivision improvements and release the maintenance bond. Until acceptance of the improvements by the Town, it shall be the responsibility of the subdivider to maintain the subdivision to the standards of the Town.

### **3. Land Alteration Permit (LAP).**

- a. Prerequisites. Before a LAP may be issued so that site work may begin, the following conditions shall be met:
  - i. The plat shall be recorded in accordance with *Chapter 7, Section D.1: Recording of Plats*.
  - ii. Performance surety has been posted in accordance with *Chapter 7, Section D.2.a: Performance Surety*.

### **4. Installation of Public Improvements.**

- a. Prerequisites.
  - i. The plat shall be recorded in accordance with *Chapter 7, Section D.1: Recording of Plats*.
  - ii. Performance surety has been posted in accordance with *Chapter 7, Section D.2.a: Performance Surety*.
- b. Completion. Improvements shall be completed to the satisfaction of the Town Engineer. If the improvements are not completed within the time period specified by the TAC in its approval of the secondary plat, failure to complete such improvements shall be a violation of this UDO and subject to the provisions of *Chapter 8, Section F: Complaints, Violations, and Remedies* and all other remedies available at law.
- c. Inspection of Improvements. The PC shall provide for inspection of required improvements during construction and ensure their satisfactory completion.
  - i. Affidavit of Installation. Prior to inspection, the Town shall receive an affidavit from the project engineer attesting to the installation of the improvements conforming to the requirements of this UDO and the approved plans. Failure to request inspection or to procure inspection of work performed may be cause for revocation of prior approvals.
  - ii. Inspection Fees. The subdivider shall pay all applicable inspection fees, which shall be based on the estimated cost of inspection. These fees shall be due and payable upon demand of the Town.
  - iii. If the Town Engineer finds, upon inspection, that any one (1) or more of the required improvements have not been constructed in accordance with the current *Construction Standards and Specifications*, the subdivider shall be responsible for properly completing the improvements.
- d. Dedication of Improvements.
  - i. All public improvements shall be dedicated to the Town, free and clear of all liens and encumbrances on the dedicated property and public improvements. In addition, the subdivider shall guarantee all said improvements to be free from



defects for a period of three (3) years following acceptance by the Town of the last completed improvement.

- ii. Acceptance of Dedication Offers. Acceptance of formal offers of dedication of streets, public areas, easements, and parks shall be by ordinance of the Town Council. The approval of a secondary plat by the PC shall not be deemed to constitute or imply the acceptance by the Town of any street, easement, or park shown on the plat. The PC may require a secondary plat to be endorsed with appropriate notes to this effect.
- e. Maintenance of Improvements. The developer shall be required to maintain all required public improvements on the individual subdivided lots and provide for snow removal on streets and sidewalks, if required by the PC, until acceptance of the improvements by the Town Council. If there are any certificates of occupancy on a street not dedicated to the Town, the Town may on twelve (12) hours' notice plow the street or effect emergency repairs and charge those costs to the developer. Following the acceptance of the dedication of any public improvement by the Town, the Town may, in its sole discretion require the subdivider to maintain the improvement for a period of one (1) year from the date of acceptance.

#### **5. Improvement Location Permits (ILP).**

- a. Prerequisites. Before any ILP (also known as building permit) may be issued within the development, the following conditions shall be met:
  - i. All public improvements shall be installed and accepted by the Town in accordance with *Chapter 7, Section D.4: Installation of Public Improvements*.
  - ii. Maintenance surety has been posted in accordance with *Chapter 7, Section D.2.b: Maintenance Surety*.
- b. Temporary ILP.
  - i. Temporary Use. A temporary ILP may be granted by the Administrator for the construction and use of a permitted temporary use within the real estate affected by a subdivision.
- c. Standard ILP.
  - i. No ILP or LAP shall be issued for the final ten percent (10%) of the lots in a subdivision, or if ten percent (10%) represents less than two (2) lots, for the final two (2) lots of a subdivision, until all public improvements required by this UDO and the PC have been fully completed and accepted by the Town.

### **E. Other Subdivision Procedures**

#### **1. Appeals of PC Decision.**

- a. Every decision by the PC shall be subject to review by certiorari. Any person aggrieved by a decision of the PC may present a petition duly verified setting forth

that such decision is illegal in whole or in part and specifying the grounds of the illegality to the applicable court of the applicable County. The petition shall be presented to the court within thirty (30) days after the entry of the decision of the PC.

- b. Pursuant to *IC 36-7-4-1016(b)*, any person aggrieved by a final decision of the PC relating to the UDO may present petition duly verified setting forth that such decision is illegal in whole or in part and specifying the grounds of the illegality to the applicable court of the applicable County. The petition shall be presented to the court within thirty (30) days after the entry of the decision of the PC.

## **2. Plat Amendments and Replats.**

- a. **Primary Plat Amendment.** At any time after primary plat approval but before submission of a secondary plat, the subdivider may request that an amendment be made to the primary plat. The PC shall hold a public hearing on the proposed amendment in accordance with the same requirements for the respective primary plat approval process. The public hearing on a proposed amendment shall be limited to the merits of the proposed amendment. The Commission shall approve or disapprove any proposed amendment in the manner set forth in *Chapter 7, Section B.1.d: Primary Plat for Commercial and Industrial Subdivisions* or *Chapter 7, Section B.2.d: Primary Plat for Residential Subdivisions - Major* as applicable. The subdivider may withdraw the proposed amendment at any time prior to the PC's decision.
- b. **Secondary Plat Amendment.** At any time after secondary plat approval and prior to recording of the plat, the subdivider may request that an amendment be made to the secondary plat. The TAC shall hold a meeting on the proposed amendment in accordance with the same requirements for the respective secondary plat approval process. The TAC meeting on a proposed amendment shall be limited to the merits of the proposed amendment. The TAC shall approve or disapprove any proposed amendment in the manner set forth in *Chapter 7, Section B.1.e: Secondary Plat for Commercial and Industrial Subdivisions* or *Chapter 7, Section B.2.e: Secondary Plat for Residential Subdivisions – Major* as applicable. The subdivider may withdraw the proposed amendment at any time prior to the TAC's decision.
- c. **Replat.**
  - i. **Prerequisites.** The secondary plat shall have been recorded and all property owners within the affected replat shall provide written consent to the application for replat.
  - ii. Whenever an owner of land desires to replat an already approved and recorded secondary plat, the owner shall obtain approval for the replat by the same procedures prescribed for the subdivision of land set forth in *Chapter 7, Section B.1.e: Secondary Plat for Commercial and Industrial Subdivisions* or *Chapter 7, Section B.2.e: Secondary Plat for Residential Subdivisions - Major* as applicable. For the purposes of this UDO, a replat shall include:
    - (a) Any change in any street layout or any other public improvement;

- (b) Any change in any lot line;
- (c) Any change in the amount of land reserved for public use or the common use of lot owners; and
- (d) Any change in any easements shown on the approved plat.

### 3. Vacations.

#### a. Plat Vacation.

- i. Authority. Pursuant to *IC 36-7-4-711*, the PC has exclusive control over the vacation of plats or parts of plats.
- ii. Petition to Vacate. Pursuant to *IC 36-7-3-10*, the owner or owners of land in any approved and recorded secondary plat may petition the PC to vacate all or part of the plat under their ownership. Prior to filing its petition with the PC, the owner or owners shall first adhere to the requirements of *IC 36-7-4-711*.

(a) Petition. A petition to vacate a plat shall be filed with the Administrator in triplicate on forms provided by the PC, and must at a minimum:

- (1) State the reasons for and circumstances prompting the request for the vacation;
- (2) Specifically describe, including legal descriptions, the property in the plat proposed to be vacated; and
- (3) Give the name and addresses of each owner of land in the plat.

(b) Public Hearing Scheduled. Within thirty (30) days of receipt of a properly completed petition for vacation, the Administrator shall set a date for a public hearing before the PC.

(c) Public Notice. After a date for the public hearing before the PC has been set, the Administrator shall:

- (1) Applicant. notify the petitioner in writing;
- (2) Newspaper. Provide, at the petitioner's expense, publication of notice in conformance with *IC 5-3-1 et. seq.*, and the *PC Rules and Procedures*; and
- (3) Surrounding Property Owners. require the petitioner to provide due notice to interested parties at least ten (10) days before the date set for the hearing. Such interested parties shall receive written notice by certified mail, at the applicant's expense. Proof of such notice by Affidavit shall be required.

- a. Interested parties are the owners of all parcels of land joining or adjacent to the subject property to a depth of two (2) ownerships or six hundred sixty (660) feet, whichever is less.

(4) PC Hearing. The PC shall hold the public hearing according to the PC Rules and Procedures. Notwithstanding the PC Rules and Procedures, each owner of land in the approved plat shall be given the opportunity to comment on the petition.

a. Action by the PC. At the close of the public hearing the PC shall approve or deny the petition.

i. Approve.

- Findings. The PC may only approve the petition upon the determination that:
- Conditions on the platted area have changed so as to defeat the original purpose of the plat;
- It is in the public interest to vacate the requested area in the plat; and
- The value of that part of the plat not owned by the petitioner will not be diminished by the vacation.
- If the PC approves the vacation it shall make written findings stating, at a minimum, that the aforementioned criteria have been met. The President of the PC shall sign the decision approving the vacation and the revised plat. The PC may impose reasonable conditions as part of its approval. The decision of the PC, along with a revised plat showing those lands vacated, shall be recorded in the Recorder's Office.

ii. Deny. If the PC denies the vacation it shall make written findings stating, at a minimum, that the aforementioned criteria have not been met. The PC shall provide a copy of its decision to the petitioner.

b. Appeal. Review by Certiorari. Every decision by the PC shall be subject to review by certiorari. Any person aggrieved by a decision of the PC may present to the applicable County Court, 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 entry of the decision of the PC.

(5) Limitations on Subsequent Proceedings Affecting Same Property. After the termination of a vacation proceeding under this Chapter, a subsequent vacation proceeding affecting the same property and asking for the same relief may not be initiated for two (2) years.

b. Vacation of Public Ways, Places, and Easements.

i. Public Ways and Places. Pursuant to *IC 36-7-3-12*, the Town Council shall have exclusive control over the vacation of public ways and places. Vacation of public ways and places shall adhere to the requirements of *IC 36-7-3-12*.

ii. Easements. Pursuant to *IC 36-7-3-16*, platted easements may be vacated in the same manner as public ways and public places as outlined above.

#### 4. Waivers.

- a. General.
    - i. Where a subdivider can show that a provision of this UDO would cause unnecessary hardship if strictly adhered to and where, in the opinion of the PC, because of topographical or other conditions particular to the site, a departure may be made without compromising the intent of such provisions, the PC may authorize a waiver, pursuant to *IC 36-7-4-702(c)*.
    - ii. Pursuant to *IC 36-7-4-702(c)*, the standards for subdivisions may be waived at the discretion of the PC. However, to be approved, the plat must still meet all applicable standards prescribed in the UDO and UDO (other than standards modified by variance by the BZA).
  - b. Application. A petition for a waiver, exception, or waiver of conditions shall be submitted in writing by the subdivider at the time when the primary plat or secondary plat is filed. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.
  - c. Basis for Consideration. The PC may approve waivers to the requirements, standards, and specifications set forth in this UDO where it finds that:
    - i. Practical difficulties or extraordinary hardships may result from the strict application of this UDO, or
    - ii. The purposes and intent of this UDO may be better served by an alternative proposal.
  - d. Written Findings. The PC shall not approve waivers unless it shall make findings based upon the evidence presented to it in each specific case that:
    - i. The granting of the waiver or waiver of conditions will not be detrimental to the public safety, health, or welfare or injurious to other property;
    - ii. The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property;
    - iii. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;
    - iv. The relief sought will not contravene the provisions of the UDO or the *Comprehensive Plan*; and
    - v. Where the waiver impacts on the design, construction, or maintenance obligations of public facilities, that the appropriate public agency has reviewed and approved the proposed development in writing to the PC.
  - e. Conditions of Waiver Approval. The PC may, in approving waivers, require such commitments as will, in its judgment, secure substantially the purposes described in
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*Chapter 8, Section E.1: Commitments.* Such commitments shall be expressly set forth in the order granting the waiver and be in accordance with the *PC Rules and Procedures* for governing commitments. Violation of any such condition shall be a violation of this UDO and subject to the provisions of *Chapter 8, Section F: Complaints, Violations, and Remedies.*

- i. The PC may defer or waive, at the time of secondary approval and subject to any appropriate conditions, the provision for any or all, public improvements that in its judgment are:
  - (a) Not required in the interests of the public health, safety, and general welfare,
  - (b) Inappropriate because of incompatible grades, future planning, inadequate or nonexistent connecting facilities, or
  - (c) Inappropriate for other reasons presented to and agreed on by the PC.
- ii. Any determination to defer or waive the provision of any public improvement must be made in accordance with *Chapter 8, Section E.4: Waivers*, and the reasons for the deferral or waiver shall be expressly made part of the record.
- iii. Where improvement or installations are deferred as herein provided, the subdivider shall post a separate surety in an amount determined by the PC guaranteeing completion of the deferred improvements upon demand of the Town.

## Chapter 8. Zoning Administration and Procedures

### A. UDO Administration.

1. Administrator. The Administrator shall be appointed by the PC. The Administrator shall have the following duties:
  - a. Administer and enforce the provisions of this UDO in accordance with its literal terms and shall not have the power to permit any construction or any use or change of use which does not conform to this UDO;
  - b. Issue ILPs and Certificates of Occupancy; and
  - c. Maintain a permanent file of all permits and applications as public records.
2. Administrative Decisions.
  - a. Whenever, in the course of administration and enforcement of this UDO, it is necessary to make an administrative decision which is not clearly governed by standards contained herein, such decision shall be made so that the result will not be contrary to the spirit and purpose of this UDO or injurious to the area affected.

### B. Plan Commission (PC).

1. Establishment. The Advisory PC shall be established in accordance with *IC 36-7-4-200 series*. The PC shall have membership in accordance with *IC 36-7-4-207(a)* and *IC 36-7-4-216*.
2. Jurisdiction. The PC shall have jurisdiction over all land covered by the jurisdiction of this UDO.
3. Organization. The PC shall be organized in accordance with *IC 36-7-4-300 series*.
  - a. Quorum. In accordance with *IC 36-7-4-301*, a quorum of the PC consists of a majority of the entire membership of the PC.
  - b. Official Action. In accordance with *IC 36-7-4-302*, action of the PC is not official unless it occurs at a regular or special meeting, by a majority of the entire membership of the PC.
  - c. Leadership. In accordance with *IC 36-7-4-303*, the PC shall elect a president and vice president from its membership at its first regular meeting each year.
  - d. Secretary. In accordance with *IC 36-7-4-304*, the PC may appoint and fix the duties of a secretary, who is not required to be a member of the PC.
  - e. Meetings and Minutes.

- i. Regular Meetings. In accordance with *IC 36-7-4-306*, the PC shall fix the time for holding regular meetings each month or as necessary, keep minutes of its proceedings, keep records of its examinations and other official acts, and shall record and vote on all actions taken. All minutes and records shall be filed in the Office of the Administrator and shall be a public record.
    - ii. Special Meetings. In accordance with *IC 36-7-4-307*, a special meeting of the PC may be called by the president or by two (2) members of the PC upon written request to the secretary.
  - f. Employees. In accordance with *IC 36-7-4-311*, the PC may appoint, prescribe the duties, and fix the compensation of employees necessary for the discharge of the duties of the commission. The PC may contract for special or temporary services and any professional counsel.
4. Duties. The Advisory PC shall have the following duties as authorized in *IC 36-7-4-400 series*, including the following:
- a. Rules and Procedures. The PC shall adopt rules for its administration.
  - b. Comprehensive Plan. The PC shall make recommendations to the legislative body concerning the adoption of and amendments to the *Comprehensive Plan* in accordance with *IC 36-7-4-500 series*.
  - c. Development Plans. The PC shall make decisions regarding development plans in accordance with *Chapter 8, Section D.2: Development Plan Procedures* and *IC 36-7-4-1400 series*.
  - d. Planned Unit Developments (PUD). The PC shall make recommendations to the legislative body concerning the adoption of and amendments to a PUD in accordance with *Chapter 8, Section D.3: Planned Unit Development Procedures* and *IC 36-7-4-1500 series*.
  - e. Streets and Addresses. The president of the legislative body shall name or rename streets and assign addresses, however this responsibility may be delegated to the PC by ordinance.
  - f. Subdivisions. The PC shall make decisions regarding plats, replats, and amendments to plats in accordance with *Chapter 7: Subdivision Administration and Procedures*, the *PC Rules and Procedures*, and *IC 36-7-4-700 series*, including:
    - i. Primary Plat as described in *IC 36-7-4-702*;
    - ii. Secondary Plat as described in *IC 36-7-4-709*;
    - iii. Plat Vacation as described in *IC 36-7-4-711*; and
    - iv. Vacation of Covenants as described in *IC 36-7-4-714*.



- g. Zone Map Changes. The PC shall make recommendations to the legislative body concerning changes to the zone map in accordance with *Chapter 8, Section D.4: Zone Map Change Procedures* and *IC 36-7-4-600 series*.
5. Powers. The PC shall have the powers as authorized in *IC 36-7-4-400 series*, including the following:
- a. Executive Committee. Per *IC 36-7-4-408*, the PC may establish an executive committee of three to nine (3-9) persons appointed by the PC from its membership. The establishment of the executive committee, the naming of its members, and the adoption of rules governing its operation requires a two-thirds (2/3) majority vote of the entire membership of the PC. A majority of the executive committee may act on behalf of the commission, but a dissenting voter may appeal the decision to the full PC.
  - b. Fees. Per *IC 36-7-4-411*, the PC may establish a fee schedule to defray the administrative costs associated with PC and BZA petitions, issuing permits, and other permitted actions.

**C. Board of Zoning Appeals (BZA).**

- 1. Establishment. The Advisory BZA shall be established in accordance with *IC 36-7-4-900 series*. The BZA shall have membership in accordance with *IC 36-7-4-902*.
- 2. Jurisdiction. The BZA shall have jurisdiction over all land covered by the jurisdiction of this UDO.
- 3. Organization.
  - a. Quorum. In accordance with *IC 36-7-4-910*, a quorum of the BZA consists of a majority of the entire membership of the BZA.
  - b. Official Action. In accordance with *IC 36-7-4-911*, action of the BZA is not official unless it is authorized by a majority of the entire membership of the BZA.
  - c. Leadership. In accordance with *IC 36-7-4-912*, the BZA shall elect a chairman and vice chairman from its membership at its first regular meeting each year.
  - d. Secretary. In accordance with *IC 36-7-4-913*, the BZA may appoint and fix the duties of a secretary.
  - e. Meetings and Minutes. In accordance with *IC 36-7-4-915*, the BZA shall keep minutes of its proceedings, keep records of its examinations and other official acts, and shall record and vote on all actions taken by making findings of fact. All minutes and records shall be filed in the Office of the Administrator and shall be a public record.
    - i. Regular Meetings. The BZA shall fix the time for holding regular meetings each month or as necessary, keep minutes of its proceedings, keep records of its examinations and other official acts, and shall record and vote on all actions

taken. All minutes and records shall be filed in the Office of the Administrator and shall be a public record.

- ii. Special Meetings. A special meeting of the BZA may be called by the chairman or by two (2) members of the BZA upon written request to the secretary.
4. Duties. The BZA shall have the following duties as authorized in *IC 36-7-4-900 series*:
- a. Rules and Procedures. The BZA shall adopt rules for its administration in accordance with *IC 36-7-4-916*.
  - b. Appeals. The BZA shall make decisions regarding appeals in accordance with *Chapter 8, Section D.1: Appeals Procedures* and *IC 36-7-4-918.1*.
  - c. Special Exception. The BZA shall make decision regarding special exceptions in accordance with *Chapter 8, Section D.5: Special Exception Procedures* and *IC 36-7-4-918.2*.
  - d. Variance from Development Standards. The BZA shall make decisions regarding variances in accordance with *Chapter 8, Section D.6: Variance from Development Standards Procedures* and *IC 36-7-4-918.5*.
  - e. Variance of Use. The BZA shall make decisions regarding variances of use in accordance with *Chapter 8, Section D.7: Variance of Use Procedures* and *IC 36-7-4-918.4*.

#### **D. Procedures for PC and BZA Duties.**

##### **1. Appeals Procedures.**

In accordance with *IC 36-7-4-918.1* and the *BZA Rules and Procedures*, the BZA shall hear and determine appeals from and review the decisions below. In addition, all appeals shall be made pursuant to *IC 36-7-4-1000 thru 1020* and all amendments thereto.

- a. Applicability. The BZA shall hear appeals to any of the following:
  - i. Any order, requirement, decision, or determination made by an administrative official, hearing officer, or staff member under the UDO;
  - ii. Any order, requirement, decision, or determination made by an administrative board or other body except the PC in relation to the enforcement of the UDO; or
  - iii. Any order, requirement, decision, or determination made by an administrative board or other body except the PC in relation to the enforcement of an ordinance adopted under this UDO requiring an ILP or Certificate of Occupancy.
- b. Application. The applicant shall submit an application for appeal in accordance with the application packet adopted by the BZA as part of the *BZA Rules and Procedures* and be prepared in accordance with the format described therein. The application shall be submitted within thirty (30) days of the decision/interpretation that is the subject of the appeal.

- i. Public File. Once the Administrator determines that an application is complete and in proper form, they shall assign a file number, create a public file, and assign a date for public hearing.
- ii. Public Notice. Notice of public hearing shall be in accordance with the adopted BZA Rules and Procedures.
- c. Public Hearing. The BZA shall consider the appeal at a public hearing. The applicant shall be in attendance to present their appeal and address any questions or concerns of the BZA.
  - i. Final Decision. The BZA may affirm, reverse, or modify the decision, interpretation, order, or action that is the subject of the appeal. The BZA may also add conditions to their decision.
    - (a) Appeal. The decision of the BZA may be appealed to the Circuit or Superior Court of the applicable County.

**2. Development Plan Procedures.**

In accordance with *IC 36-7-4-1400 series* and the PC Rules and Procedures, the PC shall hear and make decisions regarding development plans.

- a. Applicability. The development of property for uses other than single-family or two-family residential require development plan approval.
- b. Application.
  - i. Pre-application Meeting. Prior to filing an application for development plan, the applicant must schedule a pre-application meeting with the Administrator to not only become familiar with these and other regulations as they affect the area, but also to discuss the procedures for approval and the requirements for general development.
  - ii. Application. The applicant shall submit an application for development plan in accordance with the application packet adopted by the PC as part of the PC Rules and Procedures and be prepared in accordance with the format described therein.
  - iii. Public File. Once the Administrator determines that an application is complete and in proper form, they shall assign a file number, create a public file, and assign a date for internal review.
  - iv. Internal Review. The Administrator shall forward the plans to the appropriate agencies for technical review. The Administrator shall compile a written report for the PC and the public file with the information from the TAC members. After the internal review, the applicant shall make the necessary modifications to the plans to satisfy the TAC member review comments and resubmit the plans for review.

- (a) Comments Satisfied. If the revised plans have adequately addressed the TAC comments, the Administrator shall set a date for a public meeting by the PC.
- (b) Comments Not Satisfied. If the revised plans have not adequately addressed the TAC comments, the Administrator may require additional internal review and/or the resubmittal of revised plans before setting a date for a public meeting by the PC.
- (c) Comments Contested. If the revised plans have not adequately addressed the TAC comments because the applicant disagrees with the TAC comment(s), the applicant may submit a request for public meeting in writing along with an explanation of disagreement. Upon receipt of this written request, the Administrator shall set a date for a public meeting by the PC.
- v. Public Notice. Public notice is not required for development plans.
- c. Public Meeting. The PC shall consider the development plan at a public meeting. The applicant shall be in attendance to present their plan and address any questions or concerns of the PC.
  - i. Decision by the PC. When considering a development plan, the PC shall first consider any contested TAC comments (if applicable) before making a final decision on the development plan. The PC shall approve, approve with conditions, or deny the development plan.
  - ii. Final Action. A development plan is not considered final and ready for construction until revised plans have been received and approved by the Administrator per the terms of the PC's decision.
- d. Expiration. Approval of a development plan shall be valid for two (2) years from the date of PC approval. If all applicable permits and construction has not commenced within two (2) years of approval by the PC, the approval shall be void.
- e. Amendment. An amendment to a development plan may be approved administratively by the Administrator after internal review by the affected TAC members. The Administrator reserves the right to send the requested amendment to a public meeting of the PC for final approval.

### **3. Planned Unit Development Procedures.**

In accordance with *IC 36-7-4-1500 series* and the *PC Rules and Procedures*, the PC shall make recommendations and administer PUDs.

- a. Purpose. The purpose of the PUD regulations is to:
  - i. Provide greater design flexibility in the development of land when consistent with the *Comprehensive Plan* and intent of the UDO. The use of the PUD process shall be encouraged when the use of such regulations promotes a harmonious variety of uses, and/or fosters the creation of attractive, healthful, efficient and stable environments for living, shopping or working.

- ii. The PUD process may apply to the redevelopment of presently developed lands, or the development of open or vacant developments and their relationship with other surrounding uses and the overall characteristics of the area in which located.
  - iii. PUD regulations are intended to encourage innovations in land development techniques so that the growing demands of the community may be met with greater flexibility and variety in type, design and layout of sites and buildings and by the conservation and more efficient use of open spaces and other amenities generally enhancing the quality of life.
  - iv. PUD projects should encourage a more efficient use of land which reflects the changes in the technology of land development so that resulting economies may accrue to the benefit of the community at large.
  - v. To enhance the purpose and intent of the planned unit development, the provisions of the PUD standards may be modified by specific finding of the PC that the PUD Development Plan allows for a deviation in the standards consistent with the UDO intent of more development resulting in economies that accrue through the benefit of the community at large through the use of a planned unit development.
- b. Components. A PUD Plan shall have two components: a PUD District and a PUD District Ordinance.
- i. PUD District. The PUD District shall be the zoning district for the subject area of land designated for the PUD and may contain a plan or drawing delineating sub-areas of the PUD.
  - ii. PUD District Ordinance. The PUD District Ordinance shall be the supporting zoning ordinance for the subject area of land that outlines the general and detailed terms of the development requirements that apply.
- c. Preliminary PUD Plan Application Procedures.
- i. Pre-application Meeting. Prior to filing an application for a Preliminary PUD Plan, the applicant must schedule a pre-application meeting with the Administrator to not only become familiar with these and other regulations as they affect the area, but also to discuss the procedures for approval and the requirements for the general layout.
  - ii. Application. The applicant shall submit an application for Preliminary PUD Plan in accordance with the application packet adopted by the PC as part of the PC Rules and Procedures and be prepared in accordance with the format described therein.
  - iii. Public File. Once the Administrator determines that an application is complete and in proper form, they shall assign a file number, create a public file, and assign a date for internal review.

- iv. Internal Review. The Administrator shall forward the plans to the appropriate agencies for technical review. The Administrator shall compile a written report for the PC and the public file with the information from the TAC members. After the internal review, the applicant shall make the necessary modifications to the plans to satisfy the TAC member review comments and resubmit the plans for review.
  - (a) Comments Satisfied. If the revised plans have adequately addressed the TAC comments, the Administrator shall set a date for public hearing by the PC.
  - (b) Comments Not Satisfied. If the revised plans have not adequately addressed the TAC comments, the Administrator may require additional internal review and/or the resubmittal of revised plans before setting a date for public hearing by the PC.
  - (c) Comments Contested. If the revised plans have not adequately addressed the TAC comments because the applicant disagrees with the TAC comment(s), the applicant may submit a request for public hearing in writing along with an explanation of disagreement. Upon receipt of this written request, the Administrator shall set a date for public hearing by the PC.
- v. Public Notice. Notice of public hearing shall be in accordance with the PC Rules and Procedures.
- vi. Public Hearing. The PC shall consider the Preliminary PUD Plan at a public hearing. The applicant shall be in attendance to present their plan and address any questions or concerns of the PC.
  - (a) Recommendation by the PC. When considering a Preliminary PUD Plan, the PC shall make a favorable, unfavorable, or no recommendation to the legislative body. Said recommendation may include conditions and/or written commitments in accordance with *IC 36-7-4-1015* and *Chapter 8, Section E.1: Commitments*.
  - (b) Within ten (10) business days after the PC determination, the PC shall certify their recommendation Plan to the legislative body.
- vii. Final Action.
  - (a) Upon receipt of said certification, the legislative body shall vote on the proposed Preliminary PUD Plan within ninety (90) calendar days. Final action by the legislative body shall be in accordance with *IC 36-7-4-600 series*.
  - (b) If the proposal is adopted by the legislative body, the PC shall update the zone map accordingly.
- viii. Expiration. Approval of a Preliminary PUD Plan shall run with the land, unless a condition specifies otherwise.
- ix. Amendments. The procedure for amending a PUD District Plan shall follow the same procedure for PUD Preliminary Plan Application as described above.

- d. Secondary PUD Plan Application Procedures. Secondary PUD Plan consideration for all or any phase of a PUD shall be in the form of subdivision approval(s) and/or development plan approval(s).
  - i. Subdivision Procedure. The procedure for subdividing property within a PUD shall follow the same procedure for subdivisions as described in *Chapter 7: Subdivision Administration and Procedures*.
  - ii. Development Plan Procedures. The procedure for development plans within a PUD shall follow the same procedure for development plans as described in *Chapter 8, Section D.2: Development Plan Procedures*.

**4. Zone Map Change Procedures.**

In accordance with *IC 36-7-4-600 series* and the *PC Rules and Procedures*, the PC shall hear and make recommendations regarding zone map changes.

a. Application.

- i. Initiation. Zone map changes may be initiated by the PC, by the legislative body, or by owners of fifty percent (50%) or more of the area involved in the petition.
- ii. Pre-application Meeting. Prior to filing an application for a zone map change, the applicant must schedule a pre-application meeting with the Administrator to not only become familiar with these and other regulations as they affect the area, but also to discuss the procedures for approval and the requirements for the general layout.
- iii. Application. The applicant shall submit an application for zone map change in accordance with the application packet adopted by the PC as part of the *PC Rules and Procedures* and be prepared in accordance with the format described therein.
- iv. Public File. Once the Administrator determines that an application is complete and in proper form, they shall assign a file number, create a public file, and assign a date for public hearing.
- v. Public Notice. Notice of public hearing shall be in accordance with the *PC Rules and Procedures*.
- vi. Public Hearing. The PC shall consider the zone map change at a public hearing. The applicant shall be in attendance to present their petition and address any questions or concerns of the PC.

(a) Recommendation by the PC.

- (1) Consideration. When considering a zone map change, the PC shall pay reasonable regard to:

a. The *Comprehensive Plan*;

- b. Current conditions and the character of current structures and uses in each district;
  - c. The most desirable use for which the land in each district is adapted;
  - d. The conservation of property values throughout the jurisdiction; and
  - e. Responsible development and growth.
- (2) Recommendation. After consideration, the PC shall make a favorable, unfavorable, or no recommendation to the legislative body. Said recommendation may include conditions and/or written commitments in accordance with *IC 36-7-4-1015* and *Chapter 8, Section E.1: Commitments*.
- (3) Certification of Recommendation. Within ten (10) business days after the PC determination, the PC shall certify their recommendation to the legislative body.
- vii. Final Action.
- (a) Upon receipt of said certification, the legislative body shall vote on the proposed zone map change within ninety (90) calendar days. Final action by the legislative body shall be in accordance with *IC 36-7-4-600 series*.
  - (b) If the proposal is adopted by the legislative body, the PC shall update the zone map accordingly.
- viii. Expiration. Approval of a zone map change shall run with the land, unless a condition specifies otherwise.
- ix. Amendment. Amendment of a zone map change shall be done in accordance with the *IC 36-7-4-600 series*. An amendment of an applicable condition or commitment shall be done in accordance with *IC 36-7-4-1015* and *Chapter 8, Section E.1: Commitments*.

## **5. Special Exception Procedures.**

In accordance with *IC 36-7-4-918.2* and the *BZA Rules and Procedures*, the BZA shall hear and make recommendations regarding special exceptions. The BZA may require that impact studies be performed at the expense of the applicant prior to deciding upon said special exception.

- a. Applicability. Uses permitted by special exception as listed in Chapter 2 may be permitted by the BZA in the districts indicated in accordance with the procedures set forth in this section.
- b. Non-conforming Uses. Any expansion of a legal non-conforming use, including the enlargement of the structures or land area devoted to such use, shall be subject to the procedures described in this section.



- c. Application.
  - i. Pre-application Meeting. Prior to filing an application for special exception, the applicant must schedule a pre-application meeting with the Administrator to not only become familiar with these and other regulations as they affect the area, but also to discuss the procedures for approval and the requirements for general development.
  - ii. Application. The applicant shall submit an application for special exception in accordance with the application packet adopted by the BZA as part of the BZA Rules and Procedures and be prepared in accordance with the format described therein.
  - iii. Public File. Once the Administrator determines that an application is complete and in proper form, they shall assign a file number, create a public file, and assign a date for public hearing.
  - iv. Public Notice. Notice of public hearing shall be in accordance with the BZA Rules and Procedures.
- d. Public Hearing. The BZA shall consider the special exception at a public hearing. The applicant shall be in attendance to present their plan and address any questions or concerns of the BZA.
  - i. Standards for Evaluation. When considering a special exception, the BZA shall find that the following standards have all been satisfied:
    - (a) The establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health, safety, morals, or general welfare;
    - (b) The special exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted;
    - (c) The establishment of the special exception will not impede or substantially alter the normal and orderly development and improvement of surrounding property for uses permitted in the district;
    - (d) Adequate utilities, access road, drainage, and other necessary facilities have been or are being provided;
    - (e) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion on the public roadways; and
    - (f) The special exception will be located in a district where such use is permitted and all other requirements set forth in this UDO that are applicable to such use will be met.
  - ii. Final Decision.

- (a) Approval. If the BZA finds all of the standards have been satisfied, it shall approve or approve with conditions and/or commitments the request. Approval may be in the form of a general statement.
- (b) Denial. If the BZA does not find that all of the standards have been satisfied, it shall deny the special exception and findings shall specify the reason for denial.
- e. Expiration. Approval of a special exception shall run with the land, unless a condition specifies otherwise. However, if construction of structures or occupancy of existing structures relevant to the approved special exception has not commenced within two (2) years of approval by the BZA, the approval shall be void.
- f. Amendment. A special exception may only be amended by the BZA by submitting a revised application through the special exception application process.

**6. Variance from Development Standards Procedures.**

In accordance with *IC 36-7-4-918.5* and the *BZA Rules and Procedures*, the BZA shall hear and make recommendations variances from development standards.

- a. Applicability. The BZA may vary the development standards in accordance with the procedures set forth in this section.
- b. Application.
  - i. Pre-application Meeting. Prior to filing an application for a variance, the applicant must schedule a pre-application meeting with the Administrator to not only become familiar with these and other regulations as they affect the area, but also to discuss the procedures for approval and the requirements for general development.
  - ii. Application. The applicant shall submit an application for variance in accordance with the application packet adopted by the BZA as part of the *BZA Rules and Procedures* and be prepared in accordance with the format described therein.
  - iii. Public File. Once the Administrator determines that an application is complete and in proper form, they shall assign a file number, create a public file, and assign a date for public hearing.
  - iv. Public Notice. Notice of public hearing shall be in accordance with the *BZA Rules and Procedures*.
- c. Public Hearing. The BZA shall consider the variance at a public hearing. The applicant shall be in attendance to present their plan and address any questions or concerns of the BZA.
  - i. Standards for Evaluation. When considering a variance, the BZA shall find that the following standards have all been satisfied:

- (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; and
  - (c) The strict application of the terms of the ordinance will result in practical difficulties in the use of the property.
- ii. Final Decision.
- (a) Approval. If the BZA finds all of the standards have been satisfied, it shall approve or approve with conditions and/or commitments the request. Approval may be in the form of a general statement.
  - (b) Denial. If the BZA does not find that all of the standards have been satisfied, it shall deny the variance and findings shall specify the reason for denial.
- d. Expiration. Approval of a variance from development standards shall run with the land, unless a condition specifies otherwise. However, if construction of structures or occupancy of existing structures relevant to the approved variance has not commenced within two (2) years of approval by the BZA, the approval shall be void.
- e. Amendment. A variance may only be amended by the BZA by submitting a revised application through the variance application process.

## 7. Variance of Use Procedures.

In accordance with *IC 36-7-4-918.4* and the *BZA Rules and Procedures*, the BZA shall hear and make recommendations variances of use.

- a. Applicability. Uses not otherwise permitted in a district as listed in *Chapter 2* may be permitted by a variance of use by the BZA in accordance with the procedures set forth in this section.
- b. Application.
  - i. Pre-application Meeting. Prior to filing an application for a variance of use, the applicant must schedule a pre-application meeting with the Administrator to not only become familiar with these and other regulations as they affect the area, but also to discuss the procedures for approval and the requirements for general development.
  - ii. Application. The applicant shall submit an application for variance of use in accordance with the application packet adopted by the BZA as part of the *BZA Rules and Procedures* and be prepared in accordance with the format described therein.
  - iii. Public File. Once the Administrator determines that an application is complete and in proper form, they shall assign a file number, create a public file, and assign a date for public hearing.

- iv. Public Notice. Notice of public hearing shall be in accordance with the BZA Rules and Procedures.
- c. Public Hearing. The BZA shall consider the variance of use at a public hearing. The applicant shall be in attendance to present their plan and address any questions or concerns of the BZA.
  - i. Standards for Evaluation. When considering a variance of use, the BZA shall find that the following standards have all been satisfied:
    - (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 the ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
    - (e) The approval does not interfere substantially with the Comprehensive Plan.
  - ii. Final Decision.
    - (a) Approval. If the BZA finds all of the standards have been satisfied, it shall approve or approve with conditions and/or commitments the request. Approval may be in the form of a general statement.
    - (b) Denial. If the BZA does not find that all of the standards have been satisfied, it shall deny the variance of use and findings shall specify the reason for denial.
- d. Expiration. Approval of a variance of use shall run with the land, unless a condition specifies otherwise. However the approval shall be void if:
  - i. Construction of structures or occupancy of existing structures relevant to the approved variance of use has not commenced within two (2) years of approval by the BZA;
  - ii. The property ownership changes; or
  - iii. The variance of use is vacated or unused for six (6) consecutive months.
- e. Amendment. A variance of use may only be amended by the BZA by submitting a revised application through the variance of use application process.

## **E. Additional Procedures.**

### **1. Commitments.**

- a. **Form.** A commitment must be substantiated by the form set forth in the *PC Rules and Procedures*, and must identify any specially affected persons or class of specially affected persons who may enforce the commitment. A commitment must authorize its recording by the Administrator in the applicable Recorder's Offices.
- b. **Recording:** A commitment shall be recorded in the applicable County Recorder's Office and takes effect upon the adoption of the proposal to which it relates. Following the recording of a commitment, the applicant shall return a copy of the original recorded commitment to the Administrator for PC's file.
- c. **Persons Bound.** Unless it is modified or terminated by the PC in accordance with this section, a recorded commitment is binding on the owner of the parcel, a subsequent owner of the parcel, and any other person who acquires interest in the parcel. An unrecorded commitment is binding on the owner of the parcel who makes the commitment. An unrecorded commitment is binding on a subsequent owner of the parcel or a person acquiring an interest in the parcel only if the subsequent owner or the person acquiring the interest has actual notice of the commitment.
- d. **Modification or Termination by PC.** Except for a commitment modified or automatically terminated in accordance with this section, a commitment may be modified or terminated only by a decision of the PC made at a public hearing after notice of the hearing has been given under the *PC Rules and Procedures*.

### **2. Improvement Location Permit (ILP) Procedures.**

The Administrator, or their designee, shall be responsible for the issuance of ILPs in accordance with *IC 36-7-4-800 series*.

- a. **Applicability.** No structure shall be erected, moved, expanded, or added to without an ILP issued by the Administrator. No ILP shall be issued unless the project is in conformity with the provisions of this UDO and other regulations of the Town of Jamestown. When applicable, and in accordance with Chapter 8, Section D.2 Development Plan Procedures of this UDO, Development Plan review and approval shall be completed prior to the issuance of an ILP.
- b. **When a Permit is Required.** The following tables list the types of improvements that require an ILP as well as exceptions for improvements that do not require an ILP. Note that improvements that do not require an ILP must still comply with the applicable requirements of this UDO and any other standards adopted by the Town of Jamestown. At their discretion, the Administrator may require an ILP for any other structure or improvement not listed in these tables that is subject to review under the applicable building code requirements and/or this UDO.

Type of Improvement	Permit Required	Permit Not Required
<b>Primary Structures</b>	Any new primary structure on a parcel including single-family dwellings, two-family dwellings, multi-family dwellings, commercial structures, and industrial structures	
	An addition to a primary structure	
	Placement or replacement of a manufactured home or mobile home	<ul style="list-style-type: none"> <li>• Placement of a manufactured home not on a permanent foundation in a manufactured home park licensed by the Indiana State Department of Health.</li> <li>• Initial connection or reconnection of plumbing to a manufactured home not placed on a permanent foundation located in a manufactured home park licensed by the Indiana State Department of Health.</li> </ul>
<b>Accessory Structures</b>	Swimming pools (in-ground and above-ground)	<ul style="list-style-type: none"> <li>• Portable swimming pools that are 30 inches or less deep and 15 feet or less at the widest point.</li> </ul>
	Sheds	<ul style="list-style-type: none"> <li>• Detached sheds used as tool sheds, personal storage sheds, playhouses, or similar uses provided:               <ol style="list-style-type: none"> <li>1) the floor area does not exceed 120 square feet,</li> <li>2) the structure does not encroach into an easement and does not exceed maximum lot coverage,</li> <li>3) the structure is not placed on or attached to a permanent foundation or post foundation, and</li> <li>4) the structure does not contain an electrical power distribution system, heating system, space heating equipment, cooling system, or space cooling equipment.</li> </ol> </li> </ul>
	Pole Barns	
	Any structure, for any use, that exceeds 120 square feet in area and/or has a permanent foundation (including structures, towers, antennas, satellite dishes, etc.)	
	An addition to an accessory structure	

Type of Improvement	Permit Required	Permit Not Required
<b>Interior Remodeling and Repairs</b>	Interior remodeling or repairs	<ul style="list-style-type: none"> <li>• Replacement of fixtures attached to the walls or floors such as cupboards, cabinets, shelving, railings, tracks, wall and floor coverings, doors, painting, papering, and the like.</li> <li>• Ordinary maintenance and repair of building equipment where the work does not reduce performance or create additional safety or health risks.</li> </ul>
	Installation of thermal insulation	
	Plumbing, heating, and/or electrical work	<ul style="list-style-type: none"> <li>• Replacement of a water heater or furnace.</li> <li>• Installation of household appliances such as window air conditioners, refrigerators, refrigerators with automatic ice makers, ranges microwave ovens, clothes washers, clothes dryers, dishwashers, food waste disposers, and trash compactors when such installation does not include the installation of an electrical circuit.</li> <li>• Replacement of in-kind piping in a plumbing system when the replacement piping meets the same performance specifications and has the same capacity as the piping being replaced and not more than 20% of all piping in the structure is replaced.</li> <li>• Replacement of appliances, fixtures, traps, or valves in a plumbing system.</li> <li>• Extension of heating or cooling duct work.</li> </ul>
<b>Exterior Remodeling and Repairs</b>	Remodeling or repairs of roofing	<ul style="list-style-type: none"> <li>• Replacement of an existing roof that does not involve: <ol style="list-style-type: none"> <li>1) a change in roof configuration,</li> <li>2) a change in the type of roof covering (e.g., tile roofing replacing asphalt shingles) that would increase the dead load on the structure,</li> <li>3) the replacement of basic structural members that support the roof (e.g., replacement of a rafter or more than 128 square feet of decking), or</li> <li>4) the installation of heat-applied roofing material.</li> </ol> </li> </ul>
	Remodeling or repairs of doors and windows	<ul style="list-style-type: none"> <li>• Replacement of exterior prime doors or windows (limited to like-for-like in a wall opening of the same dimensions which does not reduce the egress required by code provision existing at the time the building was constructed).</li> <li>• Installation, maintenance, and repair of storm windows designed and used as protection against severe weather.</li> </ul>
	Installation or replacement of exterior siding that requires a vapor barrier and cumulatively covers more than 50% of the total exterior of the structure	<ul style="list-style-type: none"> <li>• Installation or replacement of exterior siding on less than 50% of the structure's total exterior.</li> </ul>
	Installation or repair of a masonry chimney	<ul style="list-style-type: none"> <li>• Repair of a masonry chimney above the roofline that does not reduce the size of the flue opening.</li> </ul>
	Installation of window awnings	<ul style="list-style-type: none"> <li>• Installation of window awnings where the awnings project no more than 48 inches from any wall.</li> </ul>
	Any exterior construction that adds to or alters the height of an existing structure	
		<ul style="list-style-type: none"> <li>• Gutter replacement or installation.</li> </ul>

Type of Improvement	Permit Required	Permit Not Required
<b>Fences &amp; Walls</b>	Fences	
	Retaining walls exceeding four (4) feet in height, measured from the bottom of the footing to the top of the wall (said retaining walls must be designed by a licensed professional engineer or architect and substantiated with structural calculations)	<ul style="list-style-type: none"> <li>A retaining wall that does not exceed 4 feet in height unless supporting a surcharge for impounding Class I, II, or IIIA liquids (a cut in hillside creates a surcharge).</li> </ul>
<b>Decks &amp; Patios</b>	Decks	<ul style="list-style-type: none"> <li>Residential decks not more than 30 inches above grade and not over any basement or story below.</li> </ul>
	Patios cumulatively greater than 50 square feet	<ul style="list-style-type: none"> <li>Enclosure of an existing covered patio/balcony/porch with screening only.</li> </ul>
<b>Driveways</b>	The establishment of a new driveway or curb-cut	
	The replacement of an existing driveway within the right-of-way or curb-cut within the right-of-way greater than 500 square feet in cumulative area	<ul style="list-style-type: none"> <li>The replacement of any residential driveway and/or sidewalk that is outside the right-of-way, located entirely on private property, and required to be provided by any other sections of this UDO or applicable adopted standards of the Town of Jamestown.</li> </ul>
<b>Other</b>	Signs as specified by Chapter 3, Section H: Sign Standards of this UDO	<ul style="list-style-type: none"> <li>Signs as specified by Chapter 3, Section H: Sign Standards of this UDO</li> </ul>
	Electrical service (new, re-instatement, and upgrade)	
	Telecommunication towers, buildings, and antennas	
	The demolition of any primary structure in whole or in part, or any other structure serviced by electricity, sewer, septic, water, and/or well	
	Any other structure or improvement that, at the discretion of the Administrator, is subject to review under the applicable building code requirements and/or this UDO and not listed in this section b	
		<ul style="list-style-type: none"> <li>Cosmetic (non-structural) changes to any structure not listed in this section b as requiring a permit.</li> </ul>

- c. Application Required. The applicant shall submit an application for an ILP in accordance with the application packet adopted by the PC as part of the PC Rules and Procedures and be prepared in accordance with the format described therein. A public record of each ILP shall be retained in the Office of the Administrator in accordance with the retention schedule established by the Indiana State Board of Accounts
- d. Fees.
- i. The fee for an ILP shall be paid in accordance with the adopted Fee Schedule at the time the permit is issued.
  - ii. A failed inspection will incur a “reinspection fee” that must be paid before the inspector will perform a reinspection in accordance with the Fee Schedule and/or the respective application packet.



- e. Certificate of Occupancy.
  - i. A certificate of occupancy shall be issued for new primary structures, remodeling of existing structures, as well as new accessory structures designed for human occupancy that are completed and constructed in compliance with all provisions of this UDO and other applicable codes. Prior to the issuance of an ILP, the Administrator shall determine if a certificate of occupancy is required for the new or modified structure.
  - ii. No structure that requires a certificate of occupancy shall be occupied or used, in whole or in part, for any purpose until a certificate of occupancy has been issued. In order to prevent a structure that requires a certificate of occupancy from being occupied prior to the issuance of the certificate of occupancy, the following utility service (sewer, water, and/or electric) procedures shall be followed:
    - (a) At the time an ILP is issued, a temporary utility billing service account shall be established in the name of the ILP applicant.
    - (b) When the certificate of occupancy is issued, the temporary utility billing service account shall be closed, and a permanent utility billing service account shall be established in the name of the resident or owner as applicable.
    - (c) If the structure is occupied in whole or in part prior to the issuance of a certificate of occupancy, some or all of the utilities associated with the temporary utility billing service shall be disconnected. The utilities will not be reconnected until a certificate of occupancy has been issued or at the discretion of the Administrator.
    - (d) All fees due must be paid before the certificate of occupancy will be issued.
- f. Expiration. ILPs shall expire in accordance with the following provisions:
  - i. An ILP shall be valid for a period of one (1) year from the date of issuance.
  - ii. Significant construction (at the discretion of the Administrator) must begin within six (6) months from the date of issuance or the ILP shall become void. No written notice shall be given to the persons affected.
  - iii. If the work described in any ILP has not been completed within one (1) year, the Administrator may grant a one (1) year extension only one (1) time at the written request of the applicant stating the need for such extension. Requests for extensions must be received within one (1) month of the expiration date.
  - iv. Once an ILP expires, a new application (including fees) shall be submitted for approval.
  - v. In order to prevent the continued construction on a structure for which a permit that has expired, the following utility service (sewer, water, and/or electric) procedures shall be followed at the discretion of the Administrator:

- (a) If the expired ILP is for a structure that requires a certificate of occupancy and has a temporary utility billing service account, some or all of the utilities associated with the temporary utility billing service account shall be disconnected. The utilities will not be reconnected until a new application has been submitted and approved or at the discretion of the Administrator.
- g. Amendment. An amendment to an approved ILP may be submitted at any time for review and consideration by the Administrator. Additional fees may be assessed if applicable.
- h. Construction According to Permit. ILPs are issued on the basis of the application submitted and the plans provided. Once issued, an ILP only authorizes the use, arrangement, and construction set forth in such approved plans and applications. Any other use, arrangement, or construction not authorized shall be deemed a violation of this UDO and subject to the provisions of Chapter 8, Section F: Complaints, Violations, and Remedies of this UDO.
- i. In order to prevent the continued construction on a structure which is not being constructed per the approved ILP, the following utility service (sewer, water, and/or electric) procedures shall be followed at the discretion of the Administrator:
  - (a) If the ILP is for a structure that requires a certificate of occupancy and has a temporary utility billing service account, some or all of the utilities associated with the temporary utility billing service account shall be disconnected. The utilities will not be reconnected until an amended application has been submitted and approved or at the discretion of the Administrator.

### **3. Land Alteration Permit (LAP) Procedures.**

The Administrator shall be responsible for the issuance of LAPs.

- a. Applicability. A LAP, also known as a grading permit, shall be required for earthwork and site work done in preparation for an approved development plan or approved subdivision prior to securing an ILP.
- b. Application. The applicant shall submit an application for an LAP in accordance with the application packet adopted by the PC as part of the PC Rules and Procedures and be prepared in accordance with the format described therein.
- c. Expiration. A LAP shall be valid for a specified period of time based on the nature of the work being done.
- d. Amendment. An amendment to an approved LAP may be submitted at any time for internal review and consideration by the Administrator and the applicable TAC members. Additional fees may be assessed if applicable.

#### 4. Wireless Facility Procedures.

- a. Purpose. In accordance with *IC 8-1-32.3*, the following provisions shall apply to the application and approval for construction of a new wireless support structure, substantial modification of a wireless support structure, or collocation of wireless facilities on an existing structure.
- b. Application. To be considered complete, the following information must be submitted with an application for a new wireless support structure, a substantially modified wireless support structure, or collocation of a wireless facility:
  - i. Application Information.
    - (a) A statement that the applicant is a person that either provides wireless communications service or owns or otherwise makes available infrastructure required for each service; and
    - (b) The name, business address, and point of contact for the applicant.
  - ii. Location.
    - (a) The location of the proposed or affected wireless support structure or wireless facility; and
    - (b) Evidence supporting the choice of the location for the proposed wireless support structure, including a sworn statement from the individual responsible for the choice of location demonstrating that collocation of wireless facilities on an existing wireless support structure was not a viable option because collocation:
      - (1) Would not result in the same wireless service functionality, coverage, and capacity;
      - (2) Is technically infeasible; or
      - (3) Is an economic burden to the applicant.
  - iii. Construction Plan. A construction plan that describes the proposed wireless support structure and all equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment.
  - iv. Findings of Fact. For an application that requires a Special Exception, evidence showing that the application complies with the applicable criteria shall be submitted. The criteria for a Special Exception under *IC 36-7-4-918.2* shall comply with *Chapter 8, Section D.5: Special Exception Procedures*.
- c. Review of Application. Upon receipt of an application for a new or significantly modified wireless support structure, the Administrator shall promptly review it for completeness. Within ten (10) business days of receiving the application, the

Administrator shall notify the applicant of whether the application is complete and whether a public hearing will be required.

- i. Failure to Notify. If the Administrator fails to notify the applicant within ten (10) business days whether the application is complete shall be considered a non-final zoning decision in accordance with *IC 36-7-4-1602(c)*, with the applicant consequently entitled to expedited judicial review of the non-final zoning decision.
- d. Public Hearing.
  - i. Public Hearing Required. When a public hearing is required for a Special Exception, the BZA shall conduct the hearing and take final action within a reasonable period of time.
  - ii. Public Hearing Not Required. When a public hearing is not required, the Administrator shall take final action on the request within a reasonable period of time after the application is filed.
- e. Deadline for Final Action. For purposes of subsection c: Review of Application above, “reasonable period of time” shall be determined as follows:
  - i. Collocation Only. If the request involves an application for collocation only, a reasonable period of time is not more than forty-five (45) days from the date that the applicant is notified by the Administrator that the application is complete. An application for collocation only is not subject to a public hearing before the BZA, but the Administrator may review the application for compliance with applicable building code requirements before issuing an ILP.
  - ii. New Wireless Support Structure. If the request involves an application for an ILP to construct a new wireless support structure, a reasonable period of time is not more than ninety (90) days from the date that the applicant is notified that the application is complete. The BZA shall conduct a public hearing on the request and shall make a decision on the request at the meeting at which it is first presented. Decisions made by the BZA after a public hearing conducted in accordance with this section are considered zoning decisions for purposes of *IC 36-7-4* and are subject to judicial review under the *IC 36-7-4-1600 series*.
  - iii. Substantial Modification of a Wireless Support Structure. If the request involves an application for an ILP for substantial modification of a wireless support structure, a reasonable period of time is not more than ninety (90) days from the date that the applicant is notified that the application is complete. The BZA shall conduct a public hearing on the request and shall make a decision on the request at the meeting at which it is first presented. Decisions made by the BZA after a public hearing conducted in accordance with this section are considered zoning decisions for purposes of *IC 36-7-4* and are subject to judicial review under the *IC 36-7-4-1600 series*.
  - iv. Additional Time for Applicant Amendment. If an applicant has requested additional time to amend its application or requested or agreed to a continuance

during the review or hearing process, then the period of time prescribed by parts i, ii, or iii above shall be extended for a corresponding amount of time.

- v. Failure to Take Action. Failure by the Administrator or BZA to take final action on a request within a reasonable period of time shall be considered a non-final zoning decision in accordance with *IC 36-7-4-1602(c)*, with the applicant consequently entitled to expedited judicial review of the non-final zoning decision.
- f. Additional Rules. In accordance with *IC 8-1-32.3* and notwithstanding *IC 36-7-4* or any rules adopted by the BZA, the following provisions apply to all application submitted under this section:
  - i. Limitation on Fees.
    - (a) The Administrator may not require an applicant to pay a fee associated with the submission, review, processing, or approval of an application unless the payment of the same or a similar fee for applications for permits for similar types of commercial or industrial structures within the applicable County.
    - (b) If a fee associated with the submission, review, processing, or hearing of an application, including a fee imposed by a third party that provides review, technical, or consulting assistance to the Administrator, the fee must be based on actual, direct, and reasonable costs incurred for the review, processing, and hearing of the application.
    - (c) A fee described in this section may not include:
      - (1) Travel expenses incurred by a third party in its review of an application; or
      - (2) Direct payment or reimbursement of third party fees charged on a contingency basis.
  - ii. Non-discrimination. The Administrator or BZA may not discriminate among communications service providers or public utilities with respect to the following:
    - (a) Approving applications, issuing permits, or otherwise establishing terms and conditions for construction of wireless or wireline communications facilities.
    - (b) Authorizing or approving tax incentives for wireless or wireline communications facilities.
    - (c) Providing access to rights-of-way, infrastructure, utility poles, river and bridge crossings, and other physical assets owned or controlled by the applicable County.
  - iii. Fall Zone Limitation. The Administrator or BZA may not impose a fall zone requirement for a wireless support structure that is larger than the area within which the structure is designed to collapse, as set forth in the applicant's engineering certification for the structure. However, a fall zone requirement that is larger than the area described above may be imposed if the Administrator or BZA

provide evidence that the applicant's engineering certification is flawed. This evidence must include a study performed by a professional engineer.

- iv. All Other Land Use and Development Standards Apply. These additional rules do not affect the ability of the applicable County to exercise other zoning, land use, planning, or other development standards with respect to the siting of new wireless support structures; or exempt the applicant from complying with applicable laws and ordinances concerning land use.
- v. Federal Standards Apply. In reviewing applications and conducting hearings, the Administrator and the BZA shall comply with all applicable provisions of *Section 332(c)(7)(B) of the Federal Telecommunications Act of 1996* as in effect on July 1, 2015, and *Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012* as in effect on July 1, 2015.
- vi. Information Not Required. Neither the Administrator nor the BZA may require an applicant to submit information about or evaluate an applicant's business decisions with respect to the applicant's designed service, customer demand, service quality, or desired signal strength to a particular location.
- vii. Confidential Materials. All meetings of the BZA are subject to the Open Door Law in accordance with *IC 5-14-1.5*. However, neither the Administrator nor the BZA may release to the public any records that are required to be kept confidential under Federal or State law, including the trade secrets of applicants, as provided in the Access to Public Records Act (*IC 5-14-3*) and any other applicable laws.
- viii. Consolidation of Multiple Applications. The Administrator shall allow an applicant to submit a single consolidated application to collocate multiple wireless service facilities, or for multiple small cell facilities that are located within the applicable County and that comprise a single small cell network. Whenever a consolidated application is approved, the Administrator shall issue the applicant a single ILP for the multiple facilities, or for the small cell network, in lieu of issuing multiple permits for each respective facility.
- ix. Conditions for Use of Utility Poles or Towers. Neither the Administrator nor the BZA may require or impose conditions on an applicant regarding the installation, location, or use of wireless service facilities on utility poles or electrical transmission towers.

## **F. Complaints, Violations, and Remedies.**

1. Complaints. Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint on the form approved by the PC as part of the adopted *PC Rules and Procedures*. The complaint shall state fully the causes and basis thereof and shall be filed with the Administrator. The Administrator, or their designee, shall investigate the complaint, take immediate action and may refer the matter

to the PC, BZA, or their attorney for review. The Administrator, or their designee, shall have authority to enter upon property at any time to investigate a written complaint.

2. Violations.

a. ILP Violations.

- i. Any persons or corporation who shall initiate construction prior to obtaining an ILP, Certificate of Occupancy, or any other permit or authorization required herein, shall pay the fine as set forth in the Fee Schedule.
- ii. The owner or tenant of any building, structure or premises and any other person who participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties prescribed by this section.

b. Zoning Ordinance Violations. The property owner shall be held liable for and person, occupant, tenant, or corporation who violates any of the provisions of these ordinances or fails to fully comply therewith or with any of the requirements thereof (including violations of conditions established in connection with grants of Variance or Special Exceptions) or who shall build, reconstruct or structurally alter any building in violation of the approved development plan or building plans shall be subject to civil penalties.

c. Subdivision Control Ordinance Violations.

- i. It shall be the duty of the Administrator to periodically research the applicable County records and perform the other necessary investigations to detect any violations of the subdivision regulations.
- ii. No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell any such parcel before a plat of such subdivision has been approved by the PC in accordance with the provisions of these regulations and filed with the applicable County Recorder.
- iii. No public board, agency, commission, official or other authority shall proceed with the construction of or authorize the construction of any of the public improvements required by these regulations until the proposed subdivision has been approved by the PC in accordance with these regulations and filed with the applicable County Recorder.
- iv. No ILP shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these regulations.
- v. The Administrator shall enforce these regulations and bring to the attention of the PC attorney any violations or lack of compliance herewith. The PC attorney shall take steps necessary under the Indiana Code to civilly enjoin any violation of these regulations.

3. Penalties. Any person or corporation who shall violate any of the provisions of this UDO or fail to comply therewith or with any of the requirements thereof or who shall build, reconstruct or structurally alter any building in approved there under shall for each and every violation of non-compliance be guilty of a misdemeanor and, upon conviction, shall be fined not less than the penalties outlined in the Fee Schedule, and each day that such violation of non-compliance shall be permitted to exist shall constitute a separate offense.
  4. Remedies. The PC, the BZA, the Administrator, or any designated enforcement official, or any person or persons, firm or corporation, jointly or severally, may institute a suit for injunction in the Circuit or Superior Courts of the applicable County to restrain an individual or government unit from violating the provisions of this ordinance. The PC or BZA may also institute the suit for mandatory injunction directing an individual or corporation or a governmental unit to remove a structure erected in violation of the provisions of this ordinance or the requirements thereof, or to enforce any other provision of this ordinance, and said violation being declared to be a common nuisance and as such may be abated in such a manner as nuisances are now or may hereinafter be abated under existing law.
  5. Stay of Work Pending appeal, Restraining Order, and Enforcement of Stay.
    - a. When an appeal from the decision of the Administrator has been filed with the BZA, all proceedings and work on the premises affected shall be stayed unless the Administrator certifies to the BZA, that, by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property. In that case, proceedings or work may not be stayed except by restraining order.
    - b. After notice to the Administrator or BZA and to the owner of the premises affected and after due cause is shown, the Circuit or Superior Court of the county in which the premises affected are located may grant the restraining order.
    - c. After the owner of, or a person in charge of the work on, the premises affected has received notice that an appeal has been filed or board charged with the enforcement of an ordinance may order the work stayed and call on the police power of the municipality to give effect to that order.
    - d. Attorney's Fees. Notwithstanding anything contained in this UDO to the contrary or appearing to be to contrary, and in addition and supplementary to other provisions of this UDO, if the BZA or the Town of Jamestown is required to utilize the services of the Town Attorney or any other attorney in investigating a possible violation of this UDO or enforcing the provisions of this UDO before any board or a court (including appeals), and such investigation results in a determination that a violation has occurred or if the BZA or Town is successful in its enforcement of the UDO by way of suit, appeal, or other appropriate proceeding, the respondent, defendant, or party investigated for a violation shall pay the Town's reasonable attorney fees and all costs related to the investigation of the violation and/or the enforcement of this UDO, unless such attorney fees or costs are specifically waived by the Town Council.
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## **G. Fee Schedule.**

1. **Applicability.** Applications and petitions filed pursuant to the provisions of this UDO shall be accompanied by the applicable fee(s) specified in the adopted Fee Schedule. Fees shall be collected by the Administrator and shall be made payable to the Town.
2. **Annual Review of Fees Assessed.** At the direction of the PC, on or before December 31st of each year, the Administrator shall determine if there has been an increase in the Consumer Price Index (United States city average) prepared by the United States Department of Labor, by comparing the arithmetic mean of the Index for July, August, and September of the current year with the same three-month period of the preceding year. If there has been an increase, the increase shall be stated as a percentage of the arithmetic mean for the three-month period of the year preceding the current year (the Adjustment Percentage). The Adjustment Percentage shall be rounded to the nearest one-tenth of one percent (0.1%) and may not exceed four percent (4%), unless otherwise provided by ordinance. Whenever the Administrator determines that there has been an increase, the Administrator may make a corresponding adjustment to the Fee Schedule (including late fees) that are assessed under this section, in order to recoup increases in personnel and administrative costs for the PC. However the adjustment may not be greater than the Adjustment Percentage determined under this paragraph. The adjusted fees as determined by the Administrator under this paragraph take effect on January 1st of the succeeding year.
3. **Collection of Fees.**
  - a. **ILP.** Fees will be calculated during the review process and shall be collected when the ILP is issued. Fees associated with re-inspections and additional inspections shall be collected prior to a final inspection or issuance of a certificate of occupancy as applicable. ILP fees are non-refundable.
  - b. **LAP.** Fees will be calculated during the review process and shall be collected when the LAP is issued. LAP fees are non-refundable.
  - c. **PC and BZA Applications.** Fees shall be collected at the time the application is filed. Application fees are non-refundable.



## **Chapter 9. Non-conforming Lots, Structures, and Uses**

### **A. General Provisions.**

1. Within the districts established by this UDO or by amendments that may later be adopted, there exist individually or in combination: non-conforming lots; Non-conforming structures; non-conforming uses of land; and non-conforming districts, which were lawful before this UDO was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this UDO or future amendments.
2. It is the intent of this UDO to permit these non-conforming uses to continue until they are removed, but not to encourage their survival. It is further the intent of this UDO that non-conforming uses shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses which are prohibited elsewhere in the same district.
3. Illegal uses existing at the time this UDO is enacted shall not be validated by virtue of its enactment.
4. Non-conforming uses are declared by this UDO to be incompatible with permitted uses in the districts in which such uses are located. A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of a structure and land in combination shall not be extended or enlarged after passage of this UDO by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.
5. To avoid undue hardship, nothing in this UDO shall be deemed to require a change in the plans, construction, or designated use of any building or development on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this UDO and upon which actual building construction has been carried on diligently.
6. Where demolition or removal of an existing building has been substantially begun prior to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried on diligently. Actual construction is hereby defined at a minimum as having a valid ILP upon the initial passage of this UDO.

### **B. Non-conforming Lots of Record.**

1. General Provisions for Residential Uses. In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record after the effective date of adoption or amendment of this UDO notwithstanding limitation imposed by other provisions of this UDO. Such lot

must be in separate record and not of continuous frontage with existing lots. This provision shall apply even though such lots fail to meet the requirements for area or width, or both, that are generally applicable in the district provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.

### **C. Non-conforming Structures.**

1. General Provisions. Where a lawful structure exists at the effective date of adoption or amendment of this UDO that could not now be built under the terms of this UDO by reason of restrictions on area, lot, height, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
  - a. No such non-conforming structure may be enlarged or altered in a way that increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.
  - b. Should such non-conforming structure or non-conforming portion of structure be destroyed by any means to the extent of more than fifty percent (50%) of the area of the building immediately prior to the damage, it shall not be reconstructed except in conformity with the provisions of this UDO.
  - c. Should such structure be moved for any reason, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
  - d. A non-conforming use may be extended throughout any parts of a building, which manifestly arranged or designed for such use at the time of adoption or amendment of this UDO, but no such use shall be extended to occupy any land outside such building.

### **D. Non-conforming Uses of Land.**

1. General Provisions. Where, at the time of adoption of this UDO, lawful uses of land exist which would not be permitted by the regulations imposed by this UDO, the uses may be continued so long as they remain otherwise lawful, provided that:
  - a. No such non-conforming uses shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this UDO.
  - b. No such non-conforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this UDO.
  - c. If any such non-conforming uses of land are discontinued or abandoned for any reason for more than one (1) year, any subsequent use of such land shall conform to the regulations specified by this UDO for the district in which such land is located.

- d. No additional structure not conforming to the requirements of this UDO shall be erected in connection with such non-conforming use of land.



## Chapter 10. Definitions

### A. General Provisions.

1. Terms. The terms and words defined in this Chapter shall have the meanings herein ascribed to them.
2. Undefined Terms. Any words not defined in this Chapter shall be construed as defined in normal dictionary usage.
3. Tense and Form. Words used or defined in one tense or form shall include other tenses and derivative forms.
4. Number. Words in the singular number shall include the plural number, and words in the plural number shall include the singular number.
5. Gender. The masculine gender shall include the feminine and neuter. The feminine gender shall include the masculine and neuter. The neuter gender shall include the masculine and feminine.
6. Person. The word “person” includes individuals, firms, partnerships, joint ventures, trusts, trustees, estates, corporations, associations, and any other similar entities.
7. Captions, Illustrations, and Tables. In case of any difference of meaning or implication between the text of this UDO and any caption, illustration, or table, the text shall control and no caption, illustration, or table shall be construed to limit the scope or intent of the text of this UDO.

#### **ABANDONED**

The relinquishment of property, or a cessation of the use of the property for a period of six (6) consecutive months, by the owner or lessee without any intention of transferring rights to the property to another owner or of resuming the use of the property.

#### **ABANDONED VEHICLE**

As defined by *IC 9-13-2-1*, or any vehicle that is partially disassembled, inoperable, or unlicensed, on any property in location visible from public property or adjoining private property for more than twenty (20) calendar days or on public property without being moved for three (3) calendar days. This shall not include tractors, combines, pickers, disks, plows, or other similar farm machinery that is owned by a farm operator, that is parked in areas zoned AG, and is used for parts replacement for machinery currently being used in the farming operation.

<b>ADMINISTRATOR</b>	The PC or a person designated by the PC to provide staff support to the PC and BZA and to enforce the UDO under the supervision of the PC.
<b>ADULT BUSINESS</b>	An establishment which provides as a substantial or significant portion of its business matters or performances which are deemed to be harmful to minors under <i>IC 35-49-2-2</i> .
<b>AGRICULTURE</b>	The production, storage, keeping, harvesting, grading, packaging, processing, boarding, or maintenance, for sale, lease, or personal use, of plants, animals useful to humans, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts, and berries; vegetables; nursery, floral, ornamental, and greenhouse products; or lands devoted to a soil conservation or forestry management program.
<b>AGRITOURISM</b>	Agricultural uses, such as farms, ranches, and vineyards that, through promotion and advertising, facilities, and activities, seek to attract visitors, guests, and vacationers. <i>Related terms: AGRICULTURE.</i>
<b>AIRPORT</b>	Any area which is used or intended to be used for the taking off and landing of aircraft and any appurtenance areas which are used or intended to be used for airport structures or facilities, including open spaces, taxiways, and tie-down areas.
<b>ALLEY</b>	A right-of-way other than a street or crosswalk designed to provide a secondary means of access to abutting property and not intended for general traffic circulation.
<b>ALTERATION</b>	Any change or rearrangement in the supporting members of an existing structure, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors, windows, means of ingress or egress, or any enlargement to or diminution of a structure, whether horizontally or vertically, or the moving of a structure from one location to another. <i>Related terms: ALTERATION, INCIDENTAL.</i>
<b>ALTERATION, INCIDENTAL</b>	Modifications to an existing structure that are of a cosmetic nature, replacement of utilities, or rearrangement of non-load-bearing partitions. <i>Related terms: ALTERATION.</i>
<b>AMENITY</b>	A natural or created feature that enhances the aesthetic quality or visual appeal or makes more attractive or satisfying a particular property, place, or area.



<b>ANIMAL DAY CARE FACILITY</b>	Any facility in which four (4) or more dogs or other small animals, commonly kept as household pets, which are at least three (3) months old, and where the primary use of the facility is to care for those animals during the day-time hours. Overnight boarding of the animals at the facility is prohibited. <i>Related terms: KENNEL, PUBLIC; KENNEL, PRIVATE.</i>
<b>ANIMAL SHELTER</b>	A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public body, established humane society, animal welfare society, or other non-profit organization devoted to the welfare, protection, and humane treatment of animals.
<b>ANSI</b>	The American National Standards Institute who oversees the development of voluntary consensus standards for products, services, processes, systems, and personnel in the United States.
<b>ANTENNA</b>	Any communications equipment that transmits or receives electromagnetic radio signals used in the provision of wireless communications service.
<b>APARTMENT</b>	One (1) or more rooms with private bath and kitchen facilities constituting an independent, self-contained dwelling unit in a structure containing three (3) or more dwelling units. <i>Related terms: DWELLING, MULTI-FAMILY.</i>
<b>APARTMENT, ACCESSORY</b>	An independent dwelling unit that has been added onto, or created within a single-family dwelling. <i>Related terms: DWELLING, ACCESSORY.</i>
<b>APPEAL</b>	In accordance with <i>IC 36-7-4-918.1</i> , the appeal of an order, requirement, decision, or determination made by the Administrator in the enforcement of this UDO that, upon application, the BZA may reverse or affirm, wholly or partially.
<b>APPLICANT</b>	A person submitting an application to the PC or BZA for action or permits that would affect the subject real estate.
<b>AQUACULTURE</b>	The propagation, rearing, and harvesting of aquatic organisms in controlled or selected environments, and the subsequent processing, packing, and marketing.
<b>ASSISTED LIVING FACILITY</b>	See <i>COMPREHENSIVE CARE FACILITY</i> .
<b>AUDITOR</b>	The Auditor of the applicable County.
<b>AUTO ORIENTED BUSINESS</b>	Businesses that deal with the servicing of passenger vehicles, including repair, garage services, body work, etc. This does not include gas stations or truck stops.

<b>AUTOMOBILE</b>	A self-propelled, free-moving vehicle, with four (4) wheels, usually used to transport not more than ten (10) passengers and licensed by the appropriate state agency as a passenger vehicle.
<b>AUTOMOTIVE AND VEHICLE REPAIR</b>	A business that provides service or repair to automobiles, motorcycles, recreational vehicles (RV), trailers, boats, and similar vehicles. After initial vehicle drop off, all service and all storage of wrecked or inoperable vehicles must occur and be located within an enclosed building or not be visible from any public right-of-way. Uses include, but are not limited to, tire sales and service, automobile washes, and oil change establishments.
<b>AUTOMOTIVE AND VEHICLE SALES, NEW</b>	A business that sells or leases new and used vehicles including, but not limited to, automobiles, motorcycles, recreational vehicles (RV), trailers, boats, and similar vehicles.
<b>AUTOMOTIVE AND VEHICLE SALES, USED</b>	A business that sells or leases used vehicles including, but not limited to, automobiles, motorcycles, recreational vehicles (RV), trailers, boats, and similar vehicles.
<b>AUTOMOTIVE TOWING SERVICE</b>	An establishment that provides for the removal and temporary storage of vehicles and may include the towyard area. Also, the removing of a motor vehicle by towing, carrying, hauling, or pushing from public or private property when such vehicle has been ordered to be impounded to a public or private impound lot. This use shall not include disposal, permanent disassembly, salvage, or accessory storage of inoperable vehicles. Furthermore, this use shall not include an automotive and vehicle repair service that has a tow truck and repairs vehicles on-site.
<b>BAR</b>	An establishment in which alcoholic beverages are served, primarily by the drink, where food or packaged liquors may also be served or sold.
<b>BASE STATION</b>	A station located at a specific site that is authorized to communicate with mobile stations. The term includes all radio transceivers, antennas, coaxial cables, power supplies, and other electronics associated with a station.
<b>BASEMENT</b>	A space having one-half (1/2) or more of its floor-to-ceiling height above the average level of the adjoining ground and with a floor-to-ceiling height of not less than six and a half (6.5) feet.
<b>BED AND BREAKFAST</b>	A residential dwelling, or portion thereof (other than a motel, hotel, or apartment) containing lodging rooms for accommodation of five (5) or more persons who are not members of the keeper's family and where lodging or meals or both are provided by pre-arrangement, for definite time periods, and for compensation.
<b>BEER GARDEN</b>	An outdoor area attached to a bar or tavern where beer is served.

<b>BERM</b>	A mound of earth or the act of pushing earth into a mound.
<b>BILLBOARD</b>	See <i>OFF-PREMISE SIGN</i> .
<b>BLOCK</b>	A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.
<b>BOOKSTORE</b>	A business established for the retail trade of books, magazines, or similar literature, excluding adult or sexually oriented materials.
<b>BP</b>	A building permit which is written permission issued by the Administrator for the construction, repair, alteration, or addition to a structure that complies with the applicable building codes and the regulations established by this UDO.
<b>BREW PUB</b>	See <i>MICROBREWERY</i>
<b>BUFFERYARD</b>	A unit of yard together with the planting thereon required to separate land uses from each other and mitigate the impact that a use may have on an adjacent use.
<b>BUILDABLE AREA</b>	The area of a parcel remaining after the minimum setbacks and open space requirements of the UDO have been met.
<b>BUILDING</b>	See <i>STRUCTURE</i> .
<b>BUILDING COVERAGE</b>	The ratio of the horizontal area, measured from the exterior surface of the exterior walls of the ground floor, of all primary structures and accessory structures on a lot to the total lot area.
<b>BUILDING HEIGHT</b>	The vertical distance measured from ground level to the highest point of the roof for a flat roof; to the deck line of a mansard roof; and to the mean height between eaves and ridges for gable, hip, and gambrel roofs.
<b>BUILDING INSPECTOR</b>	The Administrator or their designee who is empowered to review, approve, and inspect BPs, ILPs, and LAPs concerning the enforcement of the applicable building codes and the regulations established by this UDO.
<b>BUILDING LINE</b>	The line that establishes the minimum permitted distance on a parcel between the front line of a structure and the right-of-way line.
<b>BUILD-TO ZONE</b>	An area of a lot designated for placement of a structure façade along a street, located parallel to a front property line. The build-to zone defines an area in which the locations of structure fronts can vary within a specified range.

<b>BUSINESS</b>	The engaging in the purchase, sale, barter, or exchange of goods, wares, merchandise or services, the maintenance or operation of offices, or recreational and amusement enterprises for profit.
<b>BUSINESS SCHOOL</b>	See <i>TRADE SCHOOL</i> .
<b>BZA</b>	The Board of Zoning Appeals for the jurisdiction. An officially constituted body whose principal duties are to hear appeals and, where appropriate, grant variances from the strict application of the UDO.
<b>CAMPGROUND AND RECREATIONAL VEHICLE (RV) PARK</b>	A publicly or privately-owned parcel on which two (2) or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education, or vacation purposes, whether granted gratuitously or by a rental fee. A campground provides overnight occupancy by the owner or their guests in temporary, non-permanent lodging structures, such as tents, recreational vehicles, camping trailers, or similar means. This definition is not intended to include manufactured home parks. Any site with more than one (1) recreational vehicle that is occupied is considered a campground.
<b>CAMPING UNIT</b>	Any tent, travel trailer, cabin, lean-to, RV, or similar structure established or maintained and operated in a campground as temporary living quarters for recreation, education, or vacation purposes.
<b>CANOPY TREE</b>	A tree that has a canopy that grows to thirty-five (35) feet or higher at full maturity.
<b>CAR WASH</b>	A structure, or portion thereof, where automobiles, trucks, or other self-powered vehicles are washed by mechanical devices of any type.
<b>CELL FACILITY, SMALL</b>	Either a: <ul style="list-style-type: none"> <li>1) Personal wireless service facility (as defined by the Federal Telecommunications Act of 1996 as in effect on July 1, 2015); or</li> <li>2) Wireless service facility that satisfies the following requirements: <ul style="list-style-type: none"> <li>a) each antenna, including exposed elements, has a volume of three (3) cubic feet or less;</li> <li>b) all antennas, including exposed elements, have a total volume of six (6) cubic feet or less; and</li> <li>c) the primary equipment enclosure located with the facility has a volume of seventeen (17) cubic feet or less. For purposes of this clause c, the volume of the primary equipment enclosure does not include the following equipment that is located outside the primary equipment enclosure: electric meters; concealment equipment; telecommunications demarcation boxes; ground-based enclosures; back-up power systems; grounding equipment; power transfer switches; cut-off switches.</li> </ul> </li> </ul>

<b>CELL NETWORK, SMALL</b>	A collection of interrelated small cell facilities designed to deliver wireless service.
<b>CEMETERY</b>	A parcel used for the burial of the dead (human or animal) and dedicated for cemetery purposes, including columbarium, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.
<b>CERTIFICATE OF OCCUPANCY</b>	A document issued by the Administrator allowing the occupancy or use of a structure and certifying that the structure or use has been constructed and will be used in compliance with all applicable codes and ordinances.
<b>CFO</b>	As defined under <i>IC 13-11-2-40</i> , a confined feeding operation is: <ol style="list-style-type: none"> <li>1) the confined feeding of three hundred (300) or more cattle, six hundred (600) or more swine or sheep, thirty thousand (30,000) or more fowl, or five hundred (500) or more horses;</li> <li>2) any animal feeding operation electing to be subject to <i>IC 13-18-10</i>; or</li> <li>3) any animal feeding operation that violates water pollution control laws, any rules of the water pollution control board, or <i>IC 13-18-10</i>.</li> </ol>
<b>CHILD CARE CENTER</b>	With regard to <i>IC 12-17.2</i> , a non-residential structure where at least one child receives child care from a provider: <ol style="list-style-type: none"> <li>1) While unattended by a parent, legal guardian, or custodian;</li> <li>2) For regular compensation; and</li> <li>3) 3) For more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive calendar days per year, excluding intervening Saturdays, Sundays, and holidays.</li> </ol>
<b>CHILD CARE HOME (IN-HOME CHILD CARE)</b>	With regard to <i>IC 12-17.2</i> , a residential structure in which at least six (6) children (not including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative) at any time receive child care from a provider: <ol style="list-style-type: none"> <li>1) while unattended by a parent, legal guardian, or custodian;</li> <li>2) for regular compensation; and</li> <li>3) for more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive calendar days per year, excluding intervening Saturdays, Sundays, and holidays.</li> </ol> <p>This definition includes Class I Child Care Homes that serve any combination of full-time and part-time children under the age of seven (7) but not to exceed twelve (12) children at any one time; and Class II Child Care Homes that serve more than twelve (12) children but not more than any combination of sixteen (16) full-time and part-time children under the age of seven (7) at any one time.</p>

<b>CHURCH</b>	A structure, together with its accessory structures and uses, where persons regularly assemble for religious purposes and related social events and which structures, together with accessory structures and uses, is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes. <i>Related terms: PLACE OF WORSHIP.</i>
<b>CLEAN FILL SITE</b>	A facility or site specifically designed and restricted to the disposal, processing and/or reclamation of off-site generated, uncontaminated and untreated stone, bricks, or concrete; street demolition waste materials; natural growth including tree limbs and grass clippings; sawdust from untreated natural wood; and other items not included in the above definition if subsequently approved by the County Solid Waste Management District and the Indiana Department of Environmental Management. Clean Fill Sites shall be classified into one (1) of the following types: <ol style="list-style-type: none"> <li>1) long term permitted clean fill disposal site;</li> <li>2) temporary permitted clean fill disposal site;</li> <li>3) long term permitted clean fill processing site;</li> <li>4) temporary permitted clean fill processing site;</li> <li>5) temporary permitted clean fill land reclamation site.</li> </ol>
<b>CLINIC</b>	A structure where patients are admitted for examination and treatment on an outpatient basis by physicians, dentists, other medical personnel, psychologists, or social workers and where such examination and treatment require a stay of less than twenty-four (24) hours.
<b>CLUB</b>	A structure or portion thereof or premises owned or operated by a person or group for a social, literary, political, educational or recreational purpose primarily for the exclusive use of members and their guests excluding adult or sexually oriented activities. This does not include any use or activity rendering a service usually and ordinarily carried out as a business including restaurants or food service.
<b>COLLOCATION</b>	The placement or installation of wireless facilities on existing structures that include a wireless facility or wireless support structure, including water towers, and other structures. The term includes the placement, replacement, or modification of wireless facilities within an approved equipment compound.
<b>COMMERCIAL MESSAGE</b>	Any wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.
<b>COMMITMENT</b>	A covenant concerning the use or development of a parcel of real property which is made in writing by the owner of that parcel, either voluntarily or in accordance with an order or request of the PC, BZA, or the appropriate legislative body.

<b>COMMON AREA</b>	Land within or related to a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents of the development and their guests and that may include such complementary structures and improvements as are necessary and appropriate.
<b>COMMUNITY ASSOCIATION</b>	A homeowners association organized to own, maintain, and operate common facilities and to enhance and protect their common interests.
<b>COMPOST/DIGESTER FACILITY</b>	A specific type of composting facility.
<b>COMPOSTING</b>	A controlled process of degrading organic matter by microorganisms.
<b>COMPOSTING FACILITY</b>	A solid waste processing facility specifically designed and operated for the express purpose of composting.
<b>COMPREHENSIVE CARE FACILITY</b>	A health facility that provides nursing care, room, food, laundry, administration of medications, special diets, and treatments that may provide rehabilitative and restorative therapies under the order of an attending physician and regulated under 410 IAC 16. <i>Related terms: ASSISTED LIVING FACILITY.</i>
<b>COMPREHENSIVE PLAN</b>	The <i>Comprehensive Plan</i> for the jurisdiction as approved by the legislative body under IC 36-7-4-500 series and as amended from time to time.
<b>CONCEPT PLAN</b>	A schematic or conceptual design for land development, prepared for review purposes that carries no vesting rights or obligations on any person. As it relates to this UDO, a concept plan is an informal review of a proposed subdivision or development plan by the PC at a public hearing to alert applicants to problems and requirements prior to an official submission for the purpose of saving time and money for all parties.
<b>CONDITIONAL USE</b>	See <i>SPECIAL EXCEPTION</i>
<b>CONDOMINIUM</b>	A structure, or group of structures, in which dwelling units, offices, or floor area are owned individually and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis and subject to IC 32-1-6.

**CONSERVATION AREA**

Designated open space further defined as Primary Conservation Areas or Secondary Conservation Areas.

- 1) Primary Conservation Areas include wetlands, lands that are generally inundated, land within areas that have been identified on the community’s Flood Hazard Boundary Map (FHBM) as Zone A, and slopes exceeding twenty-five percent (25%).
- 2) Secondary Conservation Areas typically include parks and natural resources such as forests, meadows, farm fields, wildlife habitat, and water quality protection or other reasons. This area also typically includes all or part of the following kinds of resources: woodlands; aquifer recharge areas; poorly drained soils; significant wildlife habitat areas; prime farmland; historic, archaeological or cultural features listed (or eligible to be listed) on national, state, or county registers or inventories; scenic views into the property from existing public streets; or other features unique to the site. Secondary Conservation Areas therefore typically include forest, meadows, pastures, and farm fields, part of the ecologically connected matrix of natural areas significant for wildlife habitat, water quality protection or other reasons.

**CONSTRUCTION/DEMOLITION DISPOSAL SITE**

A solid-waste land disposal facility, or site, designed and operated to accommodate large volumes of solid waste, having minimal potential for ground water contamination. Further, in the County Solid Waste Management District, a Construction/Demolition Site is to be specifically designed and restricted to the disposal, processing, and/or reclamation of only construction or demolition waste to include bricks; concrete; stone; glass; wallboard; lumber; roofing materials; other items which are affixed to the structure being constructed or demolished including plumbing fixtures; wiring and non-asbestos insulation; and other items not included in the above definition if subsequently approved by the County Solid Waste Management District and the IDEM.

**CONTRACTOR'S STORAGE YARD**

A parcel used to store and maintain construction equipment and other materials and facilities customarily required in the building trade by a construction contractor.

**COUNTY**

The applicable County in which the subject property lies.

**COVENANT**

A restriction on the use of a parcel, usually set forth in the deed. Covenants are binding on subsequent owners and may run for specific periods of time.

**DAY CARE FACILITY**

A non-residential structure where at least one (1) person (children or adults) receives care from a provider while unattended by a parent, legal guardian, or custodian; for regular compensation; and for more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive calendar days per year, excluding intervening Saturdays, Sundays, and holidays This includes both licensed and unlicensed centers as well as child care ministries but excludes child



	care home (in-home child care).
<b>DAY, BUSINESS</b>	As defined in <i>IC 1-1-9-1</i> , a day other than a Saturday, Sunday, or a legal holiday.
<b>DAY, CALENDAR</b>	Any day of the week, including weekends.
<b>DBH</b>	The tree diameter measured at four and a half (4.5) feet above the ground (breast height).
<b>DEED</b>	A legal document conveying ownership of real property.
<b>DEED RESTRICTION</b>	See <i>COVENANT</i> .
<b>DENSITY</b>	The number of dwelling units per unit of land.
<b>DEVELOPABLE LAND</b>	Parcels or sites free of constraints to development such as, but not limited to, wetlands, steep slopes, water bodies, unstable soils, easements, and legal impediments and that have frontage on or access to an improved street and can be served by public utilities or private utilities and facilities such as sewer, water, electricity, and gas.
<b>DEVELOPER</b>	Any person engaged in developing a lot, group of lots, structures, or group of structures thereon for use or occupancy.
<b>DEVELOPMENT PLAN</b>	In accordance with <i>IC 36-7-4-1400 series</i> , approval granted by the PC for a specific plan for the development of a parcel that: <ol style="list-style-type: none"> <li>1) requires approval by the PC;</li> <li>2) includes a site plan;</li> <li>3) satisfies the development requirements specified in the UDO regulating the development; and</li> <li>4) contains the plan documentation and supporting information required by the UDO regulating development.</li> </ol>
<b>DEVELOPMENT REQUIREMENT</b>	Development standards plus any additional requirements which must be satisfied in connection with the approval of the development for a parcel. As it relates to a development plan: <ol style="list-style-type: none"> <li>1) for development of real property in a zoning district for which a development plan is required; and</li> <li>2) that conforms to <i>IC 36-74-1403</i>.</li> </ol> As it relates to PUD a requirement: <ol style="list-style-type: none"> <li>1) for development of real property in a PUD district that must be met; and</li> <li>2) that conforms to <i>IC 36-7-4-1508</i>.</li> </ol>
<b>DIAPER SERVICE</b>	A business that supplies and delivers both diapers as well as provides laundry services for soiled diapers in accordance with the applicable regulations.

<b>DISTRICT</b>	<i>See ZONING DISTRICT.</i>
<b>DRAINAGE PLAN</b>	The proposed drainage system designed to manage the amount and rate of the stormwater runoff from a site as well as the quality of the runoff discharged from the site.
<b>DRIVE-IN USE</b>	An establishment that by design, physical facilities, service, or packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.
<b>DRIVEWAY</b>	A private roadway providing access to a street or highway.
<b>DRIVEWAY, SHARED</b>	A single driveway that serves two (2) to four (4) adjacent lots pursuant to access easements.
<b>DRUG STORE</b>	A store where the principal part of business is the filling of medical prescriptions and the sale of drugs, medical devices and supplies, and non-prescription medicines but where non-medical products may be sold as well.
<b>DUMPSTER</b>	An exterior waste container designed to be mechanically lifted by and emptied into or carted away by a collection vehicle.
<b>DUPLEX</b>	<i>See DWELLING, TWO-FAMILY.</i>
<b>DWELLING</b>	A structure, or part of a structure, that is used exclusively for human habitation, but not including a hotel, motel, lodging house, boarding house, or bed and breakfast as defined in this ordinance.
<b>DWELLING UNIT</b>	A room or group of rooms designed and equipped exclusively for use as living quarters for only one (1) family and its household employees, including provisions for living, eating, sleeping and cooking. The term shall include manufactured homes but shall not include RVs.
<b>DWELLING UNIT, SEASONAL</b>	A dwelling unit that lacks one or more of the basic amenities or utilities required for all-year or all-weather occupancy.
<b>DWELLING, ACCESSORY</b>	A dwelling unit either attached to a single-family dwelling or located on the same parcel and having an independent means of access. <i>Related terms: APARTMENT, ACCESSORY.</i>
<b>DWELLING, MULTI-FAMILY</b>	A dwelling designed for or occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided.
<b>DWELLING, SINGLE-FAMILY</b>	A dwelling containing one (1) dwelling unit and that is not attached to any other dwelling by any means and is surrounded by open space or yards.

<b>DWELLING, TWO-FAMILY</b>	A dwelling on a single parcel containing two (2) dwelling units, each of which is totally separated from the other by an unpierced wall extended from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.
<b>EASEMENT</b>	A grant of one (1) or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.
<b>EASMENT, UTILITY</b>	The right-of-way acquired by a utility or governmental agency to locate utilities, including all types of pipelines, telephone and electric cables, and towers.
<b>ELECTRICAL TRANSMISSION TOWER</b>	A structure that physically supports high voltage overhead power lines. The term does not include a utility pole.
<b>ENTRANCE</b>	A passageway from a premises to a thoroughfare by which vehicles enter or leave.
<b>EPA</b>	The United States Environmental Protection Agency created for the purpose of protecting human health and the environment by writing and enforcing regulations based on laws passed by Congress.
<b>EQUIPMENT COMPOUND</b>	The area that surrounds or is near the base of a wireless support structure; and encloses wireless facilities.
<b>FAMILY</b>	A group of individuals not necessarily related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single housekeeping unit. For purposes of this UDO, a family does not include any society, club, fraternity, sorority, association, lodge, federation, or like organizations; or any group of individuals who are in a group living arrangement as a result of criminal offenses.
<b>FARM</b>	A parcel used for agricultural activities. <i>Related terms: AGRICULTURE.</i>
<b>FARMER'S MARKET</b>	The seasonal selling or offering for sale at retail of vegetables or produce, flowers, orchard products, and similar non-animal agricultural products, occurring in a predesignated area, where the vendors are individuals who have raised the vegetables or produce or have taken the same on consignment for retail sale.
<b>FEMA</b>	The United States Federal Emergency Management Agency that is responsible for coordinating the federal government's response to natural and manmade disasters.
<b>FENCE</b>	An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

<b>FENESTRATION</b>	The arrangement, proportioning, and design of windows and doors of a structure.
<b>FILLING STATION</b>	See <i>GAS STATION</i> .
<b>FLOOR AREA, GROSS</b>	The sum of the gross horizontal areas of all enclosed floors of a structure, including cellars, BASEMENTS, mezzanines, penthouses, corridors, and lobbies from the exterior walls, or from the centerline of a common wall separating two (2) buildings, but excluding any space with a floor-to-ceiling height of less than six and a half (6.5) feet.
<b>FLOOR AREA, NET</b>	The total of all floor areas of a structure, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when these are used or intended to be used for human habitation or service to the public.
<b>FOOD PROCESSING</b>	The preparation, storage, or processing of food products.
<b>FOOD TRUCK</b>	See <i>RETAIL FOOD ESTABLISHMENT, MOBILE</i> .
<b>FOOTCANDLE</b>	A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle.
<b>FRONTAGE</b>	That side of a parcel that abuts and has direct access to a dedicated street.
<b>FRONTAGE STREET</b>	A street that is parallel to and adjacent to a thoroughfare and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the thoroughfare so that it is not impeded by direct driveway access from a large number of abutting properties.
<b>FUNERAL HOME</b>	A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation.
<b>GARAGE SALE</b>	The sale or offering for sale to the general public of items of personal property by the owner or tenant of an improved residential lot or in a residential district, whether within or outside any building, occurring for no more than three (3) consecutive days and a maximum of four (4) times in a calendar year.
<b>GARAGE, PARKING</b>	Any garage, other than private garage, for the parking of vehicles.
<b>GARAGE, PRIVATE</b>	An accessory structure that is incidental to a primary structure and that is used for the parking and storage of vehicles owned and operated by the residents or occupants thereof and that is not a separate commercial enterprise available to the general public.

<b>GARAGE, TRUCK REPAIR</b>	A structure, other than a parking garage or private garage, used for the care, repair, or equipment of trucks, over one ton (2,000 pounds), or where such vehicles are parked or stored for remuneration, hire, or sale.
<b>GARBAGE</b>	Animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking, and service of foods. <i>Related terms: SOLID WASTE.</i>
<b>GAS STATION</b>	Any structure or parcel that is used primarily for the dispensing or sale of any automobile fuels, oils, or accessories. This does not include vehicle repair.
<b>GRADE</b>	The average elevation of the land around a building or the percent of rise or descent of a sloping surface.
<b>GRADE, FINISHED</b>	The final elevation of the average ground level adjoining a building at all exterior walls after development.
<b>GROUND FLOOR AREA</b>	The sum in square feet, at grade, computed from the outside dimensions of the ground floor of the structure. It does not include garage area, crawl space, attic area, porches, patios, elevator shafts, display windows, etc.
<b>GROUP HOME</b>	A non-profit or for-profit group home regulated under <i>IC 31-27</i> for the sheltered care of persons with special needs, which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services, and transportation.
<b>GUARANTEE</b>	Cash, letters of credit, bonds, or similar financial instruments deposited with the jurisdiction to ensure that required improvements will be constructed or installed.
<b>HARDSHIP</b>	An actual or perceived difficulty with regard to one's ability to improve land stemming from the application of the development standards of this UDO, which may or may not be subject to relief by means of a variance. In and of themselves, self-imposed situations and claims based on a perceived reduction of or restriction on economic gain shall not be considered hardships. Self-imposed situations include: the purchase of land with actual or constructive knowledge that, for reasons other than physical characteristics of the property, the development standards herein will inhibit the desired improvement; any improvement initiated in violation of the standards of this UDO; any result of land division requiring variance from the development standards of this UDO in order to render that site buildable.

<b>HAZARDOUS WASTE</b>	A waste or combination of wastes that, because of its quantity, concentration, or physical, chemical, and/or infectious characteristics, may: <ol style="list-style-type: none"> <li>1) cause or significantly contribute to an increase in mortality or increase in serious irreversible, or incapacitating reversible illness; or</li> <li>2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.</li> </ol>
<b>HAZARDOUS WASTE LANDFILL</b>	A landfill specifically used for the disposal of hazardous waste and regulated by <i>40 CFR 260</i> .
<b>HEALTH CLUB</b>	An establishment that provides facilities for activities such as aerobic exercises, running and jogging, exercise equipment, game courts, swimming facilities, saunas, showers, massage rooms, and lockers.
<b>HEAVY INDUSTRY</b>	See <i>INDUSTRY, HEAVY</i> .
<b>HELIPORT</b>	An area either at ground level or elevated on a structure, that is licensed by the federal government or an appropriate state agency and approved for the loading, landing, and takeoff of helicopters and including auxiliary facilities, such as parking, waiting room, fueling, and maintenance equipment. <i>Related terms: AIRPORT</i> .
<b>HOME OCCUPATION</b>	Any activity carried out for gain by a resident and conducted in the resident's dwelling unit.
<b>HOMEOWNERS ASSOCIATION</b>	A community association, other than a condominium association, that is organized in a development in which individual owners share common interests and responsibilities for costs and upkeep of common area or facilities.
<b>HOSPITAL</b>	An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including as an integral part of the institution related facilities, such as laboratories, outpatient facilities, training facilities, medical offices, and staff residences.
<b>HOTEL</b>	A facility offering transient lodging accommodations to the general public and which may include additional facilities and services, such as restaurants, meeting rooms, entertainment, personal services, and recreational facilities. <i>Related terms: BED AND BREAKFAST; BOARDING HOUSE; TOURIST HOME</i> .
<b>HOUSEHOLD</b>	A family living together in a single dwelling unit, with common access to and common use of all living and eating areas and all areas and facilities for the preparation and serving of food within the dwelling unit. <i>Related terms: FAMILY</i> .

<b>HOUSING, TEMPORARY</b>	A facility designed and intended to be used for a temporary period of time to house a variety of field-related workers, including construction and oil field workers. Such housing may not include RVs and/or campers.
<b>IC</b>	The Indiana Code of laws for the U.S. state of Indiana that are currently in effect. First codified in 1824, the code has been updated almost every year and is maintained and updated by the Office of Code Revision.
<b>IDEM</b>	The Indiana Department of Environmental Management who implements federal and state regulations to protect human health and the environment.
<b>IDNR</b>	The Indiana Department of Natural Resources is the agency of the state of Indiana charged with maintaining natural areas such as state parks, state forests, recreation areas, etc. In addition, IDNR manages Indiana's fish and wildlife, reclaims coal mine ground, manages forested areas, aids in the management of wildlife on private lands, enforces Indiana's conservation laws, etc.
<b>ILP</b>	An improvement location permit which is written permission issued by the Administrator for locating a structure, repair, alteration, or addition to a structure that complies with the development standards of the UDO. <i>Related terms: BUILDING PERMIT; LAND ALTERATION PERMIT.</i>
<b>IMPACT FEE</b>	A fee imposed on a development to help finance the cost of improvements or services.
<b>IMPERVIOUS SURFACE</b>	A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.
<b>INCINERATOR</b>	An engineered apparatus or solid waste processing facility designed for the burning of solid waste under the effect of controls of temperature, retention time, air, and other combustion factors.
<b>INDUSTRIAL PARK</b>	A parcel that is planned, developed, and operated as a coordinated and integrated facility for a number of separate industrial uses, with consideration for circulation, parking, signage, utility needs, aesthetics, and compatibility.
<b>INDUSTRY</b>	Those fields of economic activity including forestry, fishing, hunting, and trapping; mining; construction; manufacturing; transportation, communication, electric, gas, and sanitary services; and wholesale trade.

**INDUSTRY, HEAVY**

An establishment engaged in basic processing and manufacturing of materials or products predominately from extracted or raw materials into new products are performed either within enclosed buildings or outside of enclosed buildings, including assembling, converting, altering, finishing of component parts, or the manufacture of such products, and the storage and/or blending of large volumes of materials of a heavy nature, including but not limited to metal, concrete, plastic, petrochemicals, and heavy machinery. These uses can include highly flammable, toxic, or explosive materials needed in the process. Heavy manufacturing uses processes that ordinarily have greater than average impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, odors, glare or health and safety. Uses can include, but are not limited to, concrete batch plants; automobile, truck, or tire assembly; ammonia or chlorine manufacturing; metal casting or foundries; grain milling or processing; metal or metal ore production; refining, smelting, or alloying; boat, pool, and spa manufacturing, glass manufacturing; paper manufacturing; wood or lumber processing.

**INDUSTRY, LIGHT**

An establishment engaged in the transformation of finished products or parts into new products performed entirely within enclosed buildings and for which all loading and unloading facilities are enclosed, including assembling, converting, altering, and finishing of component parts; or the manufacturer of products and the blending of materials of a light nature, including paper, wood, or food products and light machinery. Light manufacturing is limited to manufacturing items from predominantly previously prepared or finished products or parts, including, electronic goods, food, and bakery products; nonalcoholic beverages; paper imprinting and publishing; household appliances assembly; and clothing apparel. All activities must take place within an enclosed building and does not include any use that produces noise, fumes, smoke, odors, glare, or health and safety concerns outside of the building or lot where such processes occur. Light manufacturing does not include industrial processing.

**INFRASTRUCTURE**

Facilities and services needed to sustain all land use activities.

**INOPERATIVE VEHICLE**

Any vehicle at present inoperable, but capable of being repaired to place it in operating condition without exceeding its present estimated value and repair cost.

**INSTITUTIONAL USE**

A nonprofit, religious, or public use, such as a religious structure, library, public or private school, hospital, or government-owned or government-operated structure, or parcel used for public purpose.

**INTERNAL ILLUMINATION**

A means of sign illumination in which the characters, letters, fixtures, designs or outlines are illuminated from the inside or behind the sign by electric lights or tubes.



<b>JUNK</b>	Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed of, or for other use or disposition. Examples of junk include: unregistered and inoperative vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, machinery, brush, wood, and lumber. <i>Related terms: GARBAGE, SOLID WASTE.</i>
<b>JUNK YARD</b>	Any lot, land, parcel, structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage, or disposal of junk.
<b>JURISDICTION</b>	The Town of Jamestown, Indiana.
<b>JURISDICTIONAL AREA</b>	The incorporated area within the municipal boundaries of the jurisdiction as well as the area of extended jurisdiction as amended from time to time by the legislative body.
<b>KENNEL</b>	An establishment in which dogs or domesticated animals are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation. <i>Related terms: ANIMAL DAY CARE FACILITY; KENNEL, PRIVATE.</i>
<b>KENNEL, PRIVATE</b>	The keeping, breeding, raising, showing, or training of four (4) or less dogs over six (6) months of age for personal enjoyment of the owner or occupant of the property. <i>Related terms: ANIMAL DAY CARE FACILITY; KENNEL.</i>
<b>LANDFILL</b>	A disposal site in which refuse and earth, or other suitable cover material, are deposited and compacted in alternating layers of specified depth in accordance with an approved plan and regulated by the applicable sections of 40 CFR.
<b>LANDSCAPE CONTRACTOR</b>	A person, partnership, or corporation involved in the business of growing, storing, planting, installing, and otherwise caring for live-trees, shrubs, flowers, etc.
<b>LAP</b>	A permit which is written permission issued by the Administrator to begin site work in preparation for an approved development plan or an approved subdivision. <i>Related terms: BUILDING PERMIT; IMPROVEMENT LOCATION PERMIT.</i>
<b>LEGISLATIVE BODY</b>	The Town Council for the jurisdiction.
<b>LETTER OF CREDIT</b>	A letter issued by a bank permitting the person or agency named in it to draw a certain amount of money from another specified bank, usually accepted in the same manner a cash or bonds to ensure the installation or construction of required improvements. <i>Related terms: PERFORMANCE GUARANTEE.</i>

<b>LIFE CARE FACILITY</b>	A facility for the housing and care of elderly residents that may or may not contain on-site health care facilities.
<b>LIGHT INDUSTRY</b>	<i>See INDUSTRY, LIGHT.</i>
<b>LIGHTING PLAN</b>	A plan showing the location, height above grade, type of illumination, type of fixture, the source lumens, and the luminous area for each source of light proposed. <i>Related terms: FOOTCANDLE.</i>
<b>LOADING SPACE</b>	An off-street space or berth used for the loading or unloading of cargo, products, or materials from vehicles.
<b>LOT</b>	A designated parcel of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.
<b>LOT AREA</b>	The total area within the lot lines of a parcel, excluding any rights-of-way.
<b>LOT AREA, MINIMUM</b>	The minimum amount of lot area allowable for development as established by this UDO.
<b>LOT COVERAGE</b>	That part of the parcel that is covered by impervious surfaces. <i>Related terms: BUILDING COVERAGE; IMPERVIOUS SURFACE.</i>
<b>LOT COVERAGE, MAXIMUM</b>	The maximum percentage of the lot area that is covered by impervious surfaces.
<b>LOT DEPTH</b>	The average horizontal distance between the front lot line and rear lot line.
<b>LOT LINE</b>	A line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space.
<b>LOT LINE, FRONT</b>	Any property line separating the lot from a street, or on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained.
<b>LOT LINE, REAR</b>	The lot line opposite and most distant from the front lot line. A lot bounded by only three (3) lot lines will not have a rear lot line.
<b>LOT LINE, SIDE</b>	Any lot boundary-line other than a front lot line or rear lot line.
<b>LOT OF RECORD</b>	A lot that exists as shown or described on a plat or deed in the records of the County Recorder.
<b>LOT WIDTH</b>	The horizontal distance between side lot lines of a lot, measured at the required front setback line or building line, whichever is less.

<b>LOT, CORNER</b>	A lot or parcel of land at the junction of or abutting two (2) or more intersecting streets. Corner lots have two (2) front yard setbacks and two (2) side yard setbacks.
<b>LOT, DEVELOPABLE</b>	See <i>DEVELOPABLE LAND</i> .
<b>LOT, DEVELOPED</b>	See <i>LOT, IMPROVED</i> .
<b>LOT, FLAG</b>	A lot not meeting minimum road frontage requirements and where access to the public road is by a private driveway.
<b>LOT, IMPROVED</b>	A parcel with structures.
<b>LOT, INTERIOR</b>	A lot other than a corner lot or a through lot.
<b>LOT, PERIMETER</b>	A subdivision lot that either: <ol style="list-style-type: none"> <li>1) has a lot line that abuts the right-of-way of a street or frontage street located on the perimeter of the subdivision; or</li> <li>2) is separated from the right-of-way of a street located on the perimeter of the subdivision by a common area.</li> </ol>
<b>LOT, THROUGH</b>	A parcel that fronts on two (2) parallel streets or that fronts on two (2) streets that do not intersect at the boundaries of the parcel.
<b>MAINTENANCE GUARANTEE</b>	Any security that may be required and accepted by a governmental agency to ensure that necessary improvements will function as required for a specific period of time. <i>Related terms: PERFORMANCE GUARANTEE.</i>
<b>MAJOR THOROUGHFARE</b>	All primary traffic corridors entering or leaving the jurisdiction,

**MANUFACTURED HOME**

Formerly known as a mobile home, a manufactured home is built to the Manufactured Home Construction and Safety Standards (HUD Code) and displays a red certification label on the exterior of each transportable section. A manufactured home was constructed after June 15, 1976, and is defined in *IC 16-41-27-3.5*, as a structure, transportable in one (1) or more sections, which, in traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and compiles with the standards established under the cited Federal chapter; and except that such term shall not include any self-propelled RV.

**MANUFACTURED HOME,  
TEMPORARY**

The temporary placement of a manufactured home permitted with a BP for one (1) or more of the following purposes:

- 1) temporary residence for persons intending to build a permanent residence on the same property;
- 2) temporary residence of a manufactured home adjacent to the permanent residence of someone who is able to provide care or in need of care; or
- 3) temporary use of a manufactured home, trailer, or van as a contractor's office, watchman's shelter, or tool and equipment storage on the project site and only during the period of construction.

**MANUFACTURED HOUSING  
CONSTRUCTION AND  
SAFETY STANDARDS CODES**

Title VI of the 1974 Housing and Community Development Act (42 USC 5401 et sequential), as amended (previously known as the Federal manufactured home Construction and Safety act), rules and regulations adopted there under (including information supplied by the home manufacturer, which has been stamped and approved by a Design Approval Primary Inspection Agency, an agent of the U.S. Department of Housing and Urban Development pursuant to HUD rules), and regulations and interpretations of said code by the Indiana Department of Fire and Safety, all of which became effective for manufactured home construction on June 15, 1976.

<b>MASSAGE</b>	Any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external parts of the human body with the hands or with the aid of any mechanical electrical apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointment, or other such similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his behalf will pay money or give any other consideration or any gratuity therefore. However, massage as used in this ordinance shall not apply to the activity of any person who is registered or licensed by the United States Government or any agency thereof, by the state or any agency thereof, by county or any agency thereof, or registered or licensed by any agency or association authorized to so register or license by any statute or ordinance of the United States, the state, or county, while such person so registered or licensed is performing the services for which the registration or license was issued and during the period of time said registration or license is in effect.
<b>MASSAGE ESTABLISHMENT</b>	Any establishment having a source of income or compensation derived from the practice of massage as herein defined and which has a fixed place of business where any person, firm, association, or corporation engages in, or carries on any of the activities as defined in a massage.
<b>MAXIMUM DENSITY</b>	A unit of measurement which represents the maximum number of residential units per acre of land on the aggregate total land to be developed, exclusive of rights-of-way of perimeter streets, floodway areas, and areas designated as Primary Conservation Areas or other non-developable areas.
<b>METES AND BOUNDS</b>	A method of describing the boundaries of land by distances (metes) and directions (bounds) from a known point of reference.
<b>MICROBREWERY</b>	A restaurant that prepares handcrafted natural beer intended for consumption on the premises as an accessory use.
<b>MINERAL EXTRACTION</b>	Activities including mining or quarrying, and the removal of earth materials.

<b>MOBILE HOME</b>	<p>Presently known as a manufactured home, a mobile home was constructed prior to June 15, 1976 and even with modifications, does not meet the HUD standards and cannot be accepted as compliant with the HUD Code. A mobile home is defined in <i>IC 16-41-27-4</i> as a dwelling, including the equipment sold that is a dwelling, that is:</p> <ol style="list-style-type: none"> <li>1) factory assembled;</li> <li>2) transportable;</li> <li>3) intended for year-round occupancy;</li> <li>4) designed for transportation on its own chassis; and</li> <li>5) was manufactured before the effective date of the federal Manufactured Housing Construction and Safety Standards Law of 1974 (<i>42 U.S.C. 5401 et seq.</i>)</li> </ol> <p><i>Related terms: MANUFACTURED HOME.</i></p>
<b>MOTEL</b>	<i>See HOTEL.</i>
<b>MULTI-FAMILY DWELLING</b>	<i>See DWELLING, MULTI-FAMILY.</i>
<b>NIGHTCLUB</b>	An establishment dispensing liquor and/or meals and in which music, dancing, or entertainment is conducted, excluding adult or sexually oriented activities.
<b>NON-CONFORMING LOT</b>	A parcel, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the UDO, but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.
<b>NON-CONFORMING STRUCTURE</b>	A structure, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the UDO but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the UDO.
<b>NON-CONFORMING USE</b>	A use or activity that was lawful prior to the adoption, revision, or amendment of the UDO but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the district.
<b>NRC</b>	The United States Nuclear Regulatory Commission is an independent agency of the United States Government whose role is to protect public health and safety related to nuclear energy.
<b>NUDITY OR STATE OF NUDITY</b>	The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple.
<b>NUISANCE</b>	A condition or situation that results in an interference with the enjoyment and use of property.

<b>OCCUPANCY PERMIT</b>	A permit which is written permission issued by the Administrator allowing the use of a structure after it has been determined that all the requirements of the applicable ordinances have been met.
<b>OFF-SITE or OFF-PREMISES</b>	Located outside the parcel lines of the parcel in question.
<b>ON-SITE or ON-PREMISES</b>	Located inside the parcel lines of the parcel in question.
<b>OPEN DUMP</b>	The consolidation of solid waste from one (1) or more resources or the disposal of solid waste at a single disposal site that does not fulfill the requirements of a sanitary landfill or other land disposal method as prescribed by law or regulations, and that is established and maintained without cover and without regard to the possibilities of contamination of surface or subsurface water resources.
<b>OPEN SPACE</b>	Common area that provides light and air and is designed for environmental, scenic, or recreational purposes. Cropland, forested areas, or pastureland qualifies as open space. Open space may include turf areas, decorative plantings, walkways, active and passive recreation areas, playgrounds, and wooded areas. Open space shall comprise Primary Conservation Areas and Secondary Conservation Areas. Open space shall not include areas devoted to public or private streets or rights-of-way.
<b>OUTDOOR SALES AREA</b>	An open area other than a street or public right-of-way, used for the display, sale, or rental of new or used motor vehicles, modular homes, travel trailers, farm implements and construction machinery.
<b>OUTDOOR STORAGE</b>	The keeping, in an unenclosed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours.
<b>OVERLAY DISTRICT</b>	A zoning district that encompasses one (1) or more underlying zones and that imposes additional requirements above that required by the underlying zone.
<b>PARCEL</b>	Any area of land formally described and recorded with block and lot numbers, by metes and bounds, by ownership, or in any other such a manner as to specifically identify the dimensions and/or boundaries.
<b>PARCEL, PARENT</b>	The parcel of land for which approval is sought to subdivide it into at least two (2) parcels, or other divisions of land for sale, development or lease.
<b>PARKING AREA</b>	Any public or private area, under or outside of a structure, designed and used for parking and maneuvering motor vehicles including garages, private driveways, and legally designated areas of public streets.

<b>PARKING LOT</b>	An off-street, ground-level open area that provides temporary storage for motor vehicles. <i>Related terms: PARKING AREA.</i>
<b>PARKING SPACE</b>	A space other than on a street or alley designed for use or used for the temporary parking of a motor vehicle.
<b>PARKING STRUCTURE</b>	A structure consisting of more than one (1) level and used to store motor vehicles.
<b>PARKING, SHARED</b>	Joint utilization of a parking area for more than one use.
<b>PATIO</b>	An area on grade that is covered with an impervious surface material such as masonry, stone, or pavers.
<b>PC</b>	The Plan Commission for the jurisdiction.
<b>PERFORMANCE GUARANTEE</b>	Any security that may be accepted by a municipality to ensure that improvements required as part of an application for development will be satisfactorily completed. <i>Related terms: MAINTENANCE GUARANTEE.</i>
<b>PERSON</b>	Any individual, corporation, firm, partnership, association, or organization, or any other group that acts as a unit.
<b>PET, EXOTIC</b>	A rare or unusual animal pet, or an animal kept within human households which is generally thought of as a wild species not typically kept as a household pet. <i>Related terms: HOUSEHOLD PET.</i>
<b>PET, HOUSEHOLD</b>	A domesticated animal, such as a dog, cat, bird, rodent (including a rabbit), fish, or turtle, that is traditionally kept in the home for pleasure rather than for commercial purposes. <i>Related terms: EXOTIC PET.</i>
<b>PLACE OF WORSHIP</b>	A church, synagogue, temple, mosque, or other facility that is used for prayer by persons of similar beliefs; and/or a special-purpose building that is architecturally designed and particularly adapted for the primary use of conducting formal religious services on a regular basis. <i>Related terms: CHURCH.</i>
<b>PLANT NURSERY</b>	Land, structures, or a combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail or wholesale sale on the premises including products used for gardening and landscaping.
<b>PLAT</b>	A map or chart indicating the subdivision or re-plat of land intended to be filed for record.
<b>PLAT COMMITTEE</b>	In accordance with <i>IC 36-7-4-701(e)</i> , a subcommittee created by the PC to hold hearings on minor residential subdivisions and re-plats on behalf of the PC in accordance with the <u><i>PC Rules and Procedures</i></u> of the PC.



**PRIME FARMLAND**

Land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is also available for these uses (land cannot be urban built-up land or water). It has the soil quality, growing season, and moisture supply needed to economically produce sustained high yields or crops when treated and managed, including water management, according to acceptable farming methods. In general, prime farmlands have an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, acceptable salt and sodium content, and few or no rocks. They are permeable to water and air. Prime farmlands are not excessively erodible or saturated with water for a long period of time, and they either do not flood frequently or are protected from flooding. These areas are defined and illustrated on the map Important Farmlands as defined in 1975 by Cartographic Division, Soil Conservation Service, USDA, of the applicable Indiana County as amended.

**PRINCIPAL PART OF BUSINESS**

A commercial establishment that:

- 1) has at least thirty-five percent (35%) of its displayed merchandise which consists of said items;
- 2) has at least thirty-five percent (35%) of the wholesale value of its displayed merchandise which consists of said items;
- 3) has at least thirty-five percent (35%) of the retail value of its displayed merchandise which consists of said items;
- 4) derives at least thirty-five percent (35%) of its revenues from the sale or rental, for any form of consideration of said items; or
- 5) maintains a section of at least thirty-five percent (35%) of its interior business space for the sale or rental of said items.

**PRIVATE SCHOOL**

A private primary, grade, high, or preparatory school or academy not supported by public tax dollars.

**PROFESSIONAL SERVICES AND BUSINESS OFFICES**

A use whose primary purpose is to provide professional services or advice that occurs within a business office setting. The majority of people accessing the site are typically employees but can also have customers or clients that access the business. This use does not include Adult Businesses, Service-Oriented Retail, General Retail, or other uses specifically defined within this UDO or separately listed in Appendix 1: Land Use Matrix. Examples of this use include, but are not limited to, the following:

- 1) Professional service or business offices, such as accounting or advertising, architectural or engineering, attorney or legal, communication or marketing, financial, insurance, investment, professional consulting, real estate, tax, trade association and travel agency services or offices, and similar service or repair that occurs within a business office setting.
- 2) Medical and doctor offices as defined by this UDO.
- 3) Contractor’s construction office.

<b>PUBLIC AREA</b>	Parks, playgrounds, trails, paths, and other recreational areas and open spaces; scenic and historic sites; schools and other structures; and other places where the public is directly or indirectly invited to visit or permitted to congregate.
<b>PUBLIC HEARING</b>	A meeting announced and advertised in advance and open to the public, with public given an opportunity to talk and participate.
<b>PUBLIC IMPROVEMENT</b>	Any improvement, facility, or service, together with its associated site or right-of-way, necessary to provide transportation, drainage, utilities, or similar essential services and facilities and that is usually owned and operated by a governmental agency.
<b>PUBLIC MEETING</b>	A meeting announced and advertised in advance and open to the public, where the public is not required to be given an opportunity to talk and participate.
<b>PUBLIC SAFETY SERVICES</b>	Those services including, but not limited to Police, Fire, EMS, and Public Works departments.
<b>PUBLIC SEWER AND WATER SYSTEM</b>	Any system other than an individual septic tank, tile field, or individual well, that is operated by a municipality, governmental agency, or a public utility for the collection, treatment, and disposal of wastes and the furnishing of potable water.
<b>PUBLIC UTILITY</b>	A closely regulated enterprise with a franchise for providing to the public a utility service deemed necessary for the public health, safety, and welfare.
<b>PUD</b>	In accordance with <i>IC 36-7-1500 series</i> , a planned unit development is a zoning district established to allow development of an area of land as a single entity for a number of uses conforming to an approved development plan, which may not correspond with number of units, bulk, type of use, density, open space, parking, sign requirements, landscaping, or other standards required by other ordinances; a zoning district for which a PUD ordinance is required.
<b>PUD DISTRICT</b>	A zoning district for which a PUD district ordinance is adopted.
<b>PUD DISTRICT ORDINANCE</b>	A zoning ordinance that meets the requirements of <i>IC 36-7-4-1500 series</i> and does the following: <ol style="list-style-type: none"> <li>1) designates one (1) or more parcels of real property as a PUD district;</li> <li>2) specifies uses or range of uses permitted in the PUD district;</li> <li>3) expresses in detailed terms the development requirements that apply in the PUD district;</li> <li>4) specifies the plan documentation and supporting information that must be supplied before an ILP or BP may be issued for development of real property in the PUD district;</li> <li>5) specifies any limitation applicable to a PUD district; and</li> <li>6) meets the requirements of <i>IC 36-7-4-1503</i>.</li> </ol>

<b>QUALITY OF LIFE</b>	The attributes or amenities that combine to make an area a desirable place to live.
<b>RECORDER</b>	The Recorder of the applicable County.
<b>RECOVERY</b>	Obtaining materials or energy for commercial or energy for commercial or industrial use from solid waste or hazardous waste.
<b>RECREATION AREA</b>	An area designated, designed, and equipped for the conduct of sports and leisure-time activities.
<b>RECREATION FACILITY, INDOOR</b>	A place primarily designed and equipped for the conduct of sports and leisure-time activities indoors.
<b>RECREATION FACILITY, OUTDOOR</b>	An area primarily designed and equipped for the conduct of outdoor sports and leisure-time activities. Such facility may be either public or private.
<b>RECREATION, ACTIVE</b>	Leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites, or fields.
<b>RECREATION, PASSIVE</b>	Activities that involve relatively inactive or less energetic activities, such as walking, sitting, picnicking, board games, and table games.
<b>RECREATIONAL VEHICLE</b>	<i>See RV.</i>
<b>RECREATIONAL VEHICLE PARK</b>	<i>See RV PARK.</i>
<b>RECYCLING</b>	A process by which materials that would otherwise become solid waste are collected, separated or processed, and converted into materials or products for reuse or sale.
<b>REDEVELOPMENT</b>	The removal and replacement, rehabilitation, or adaptive reuse of an existing structure or structures, or of land from which previous improvements have been removed.
<b>REGULARLY</b>	The consistent and repeated doing of the act so described.
<b>RELIGIOUS USE</b>	A structure or place in which worship, ceremonies, rituals, and education pertaining to a particular system of beliefs are held. <i>Related terms: PLACE OF WORSHIP.</i>

<b>REPLAT</b>	The further division of lots or the relocation of lot lines of any lot or lots within a subdivision previously approved and recorded according to law; and/or the alteration of any streets or rights-of-way or the establishment of any new streets or rights-of way within any subdivision made and approved or recorded according to law, but not including conveyances made so as to combine existing lots by deed or other instrument.
<b>RESOURCE RECOVERY</b>	The processing of solid waste into commercially valuable materials or energy.
<b>RESOURCE RECOVERY FACILITY</b>	A solid waste processing facility designed and operated for the express purpose of processing solid waste into commercially valuable materials or energy.
<b>RESOURCE RECOVERY SYSTEM</b>	A solid waste management system that provides for collection, separation, recycling, and recovery of solid and/or non-hazardous wastes including the disposal of non-recoverable waste residues.
<b>RESTRICTED WASTE SITE</b>	A solid waste land disposal facility designed and operated to accommodate specific types of waste as specified in 329 IAC 2-9.
<b>RE-SUBDIVIDE</b>	See <i>REPLAT</i> .
<b>RETAIL, GENERAL</b>	<p>A use whose primary purpose is the sale of goods and merchandise to a consumer. General retail does NOT include Adult Businesses, Professional and Business Offices, Service-Oriented Retail, Automotive and Vehicle Sales, Clinics and Outpatient Services, or any other use specifically defined by this UDO or separately listed in the Appendix 1: Land Use Matrix. Examples of general retail include, but are not limited to, the following:</p> <ol style="list-style-type: none"> <li>1) Department and superstores, such as clothing/apparel/shoes store</li> <li>2) Specialty retail stores, such as antique store, art gallery, art supply store (including framing services), book/stationary/newspaper store or stand, camera and photography supply store, collectible stores (cards, coins, comics, stamps, etc.), electronic/appliance store, fabrics and sewing supply store, flea market, floor covering store, furniture store, florist, gift store, greenhouse or nursery, hardware store, hobby shop, jewelry store, luggage and leather goods store, music or musical instrument store, office supply store, optic store (no medical exams), orthopedic supply store, paint store, pet store, sporting goods and recreation equipment store, bicycle and kayak rental/store, religious goods store, toy store, variety store, and video/game store.</li> <li>3) Supermarkets and grocery stores, such as bakery (without dining), candy store, grocery store, and meat or fish market.</li> <li>4) Convenience stores, such as drug store, such as convenience or corner store, drug store, gas station, and pharmacy.</li> <li>5) Discount stores, such as consignment and thrift store.</li> </ol>

<b>RETAIL, SERVICE-ORIENTED</b>	Use whose primary purpose is to provide or sell a service, entertainment, or experience rather than providing goods and merchandise that do not occur within a business office setting. The majority of people accessing the site are typically customers rather than employees. Service-oriented retail does NOT include Automotive and Vehicle Repair, Bed and Breakfasts, Convenience Stores with Gas Pumps (including Gas Stations), Child Care Home/Day Care Facility, Drive-In Theater, Hotel or Motel, Short-Term Rental, General Retail, Self-Storage, Clinics and Outpatient Services, Professional and Business Offices, Adult Businesses, and all other uses defined separately by this UDO or separately listed in Appendix 1: Land Use Matrix. Examples of service-oriented retail use include, but are not limited to, the following: <ol style="list-style-type: none"> <li>1) Hospitality, instructional, and entertainment services, such as art studio, dance, educational support services, employment services, reception halls, gymnastics or martial arts instruction, paintball, travel centers, and banquet/event facilities.</li> <li>2) Service and repair such as computer or phone repair, jewelry repair, oil change or car maintenance, and shoe repair.</li> <li>3) Personal services, such as bank or credit union, beauty or barber shop, tattoo parlor, dry cleaning or laundry receiving station (storefront only), fitness center or gym, nail or tanning salon, photography studio, print shop or copy shop, storage units (indoor and outdoor), and tailoring or dressmaking laundromat.</li> <li>4) Parking lots and garages as a primary use.</li> </ol>
<b>RETAIL FOOD ESTABLISHMENT, MOBILE</b>	A vehicle, usually a van, truck, towed trailer, or push-cart, from which food and beverages are sold.
<b>RETAIL FOOD ESTABLISHMENT, TEMPORARY MOBILE</b>	A mobile retail food establishment that operates for fourteen (14) calendar days or less in a given year.
<b>REZONE</b>	In accordance with <i>IC 36-7-4-608</i> , approval granted through the PC and the legislative body to change the zoning classification of a particular parcel.
<b>RIGHT-OF-WAY</b>	Generally, the right of one to pass over the property of another and characterized as a strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by a street, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, or other similar uses.
<b>RIGHT-TO-FARM</b>	As established in <i>IC 32-30-6</i> , public policy designed to protect farmers against private nuisance suits and unnecessary constraints on essential agricultural management practices, if these practices are consistent with federal and state law and are not a threat to the public health and safety.
<b>ROAD</b>	See <i>STREET</i> .

<b>ROADSIDE PRODUCE STAND</b>	A temporary structure designed or used for the display or sale of agriculture-related products.
<b>RULES AND PROCEDURES</b>	The principles and regulations governing the conduct, action, procedures, arrangements, etc. of the PC and BZA.
<b>RUMMAGE SALE</b>	The sale by a school, religious institution, trust association, fund or foundation, organized and operated for religious, charitable, scientific, community, or educational purposes, of tangible personal property to obtain money for some charitable purpose.
<b>RV</b>	A recreational vehicle is a vehicular-type portable structure without a permanent foundation that can be towed, hauled, or driven and is primarily designed as a temporary living accommodation for recreational and camping purposes.
<b>SALVAGE YARD</b>	A facility or area for storing, selling, dismantling, shredding, compressing, or salvaging scrap, discarded material, or equipment. <i>Related terms: JUNK; JUNK YARD.</i>
<b>SANITARY LANDFILL</b>	A solid waste land disposal facility designed to accommodate general types of solid waste as elsewhere defined in this ordinance, excluding waste regulated by 329 IAC 3, and operated by spreading the waste in thin layers, compacting it to the smallest practical volume, and covering it with cover material at the end of each working day. This definition does not include a clean fill site, or a construction/demolition site, which are defined elsewhere in the ordinance.
<b>SCHOOL</b>	Any building or part thereof that is designed, constructed, or used for education or instruction in any branch of knowledge.
<b>SCHOOL, ELEMENTARY</b>	Any school that is licensed by the state and meets the state requirements for elementary education.
<b>SCHOOL, PAROCHIAL</b>	A school supported, controlled, and operated by a religious organization. <i>Related terms: SCHOOL, PRIVATE.</i>
<b>SCHOOL, PRIVATE</b>	Any building or group of buildings, the use of which meets state requirements for elementary, secondary, or higher education and which does not secure the major part of its funding from any governmental agency.
<b>SCHOOL, SECONDARY</b>	Any school that is licensed by the state and authorized to award diplomas for secondary education.
<b>SCREENED-IN PORCH</b>	An attached, single-story structure architecturally incorporated into a primary structure, with a screened area in excess of sixty percent (60%) of the gross area of the structure's exterior walls.

<b>SEPTIC SYSTEM</b>	An underground system with a septic tank used for the decomposition of domestic wastes. <i>Related terms: ON-SITE WASTEWATER DISPOSAL SYSTEM.</i>
<b>SEPTIC SYSTEM, PRIVATE</b>	A septic tank, filtration field and subsurface drainage if required, which are located on an individual lot. Installations of such a system shall be based on the requirements of the County Sewage Disposal and Drainage Ordinance as administered by the County Health Department.
<b>SEPTIC TANK</b>	A watertight receptacle that receives the discharge of sewage from a building, sewer, or part thereof and is designed and constructed so as to permit settling of solids from this liquid, digestion of the organic matter, and discharge of the liquid portion into a disposal area.
<b>SETBACK</b>	The distance between the structure and any lot line.
<b>SETBACK LINE</b>	The line that is the required minimum distance from any lot line and that establishes the area within which a primary structure or accessory structure may be erected or placed.
<b>SEWER</b>	Any pipe or conduit used to collect and carry away sewage or stormwater runoff from the generating source to treatment plants or receiving water bodies.
<b>SEWER, SANITARY</b>	A system of pipes that carry domestic or commercial sanitary sewage and into which storm, surface, and ground waters are not intentionally admitted. <i>Related terms: COMBINED SEWERS; SEWER.</i>
<b>SIDEWALK</b>	A paved, surfaced, or leveled area, paralleling and usually separated from the traveled way, used as a pedestrian walkway.
<b>SIGHT TRIANGLE</b>	A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.
<b>SIGN</b>	Any name, number, symbol, identification, description, display, graphic, or illustration which is affixed to, painted on, or is represented directly or indirectly upon a structure or parcel, visible from any public right-of-way which directs attention to an object, product, place, activity, person, institution, organization, or business. Religious symbols on places of worship or structures owned and operated by religious organizations shall not be considered a sign unless accompanied with text. This definition includes backlighted plastic panels or strip lighting affixed to any wall or roof where any such panels or lighting serve to identify a business and attract attention rather than to illuminate space for human activity. For purposes of this ordinance, the following signs are defined:

- **Animated Sign** – Any sign that uses movement or change of artificial and natural lighting or noise to depict action or create a special effect or scene. This includes any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever. Different from an “electronic sign”, an animated sign produces the illusion of movement by means of electronic, electrical, or electro-mechanical input and/or illumination capable of simulating movement through using the characteristics of one (1) or both of the following classifications:
  - flashing, animated, or animated portions of a sign where the cyclical period between on-off phases of illumination is less than four (4) seconds; and/or
  - patterned illusionary movement in which animated signs or portions of signs whose illumination is characterized by simulated movement.
- **Awning** - A sign that is attached to an awning, canopy, or other fabric that serves as a structural protective cover over a door, entrance, window, or outdoor service area.
- **Banner** - A non-rigid cloth, plastic, paper, flag, or canvas sign typically related to a special event or promotion that is cultural, educational, charitable, or recreational in its function, under the sponsorship of a for-profit establishment or business, or a public, private non-profit, or religious organization. Banners also include streamers or ribbon-shaped or cord-like rope which may have pennants and/or banners attached and which is stretched or hung between two (2) or more points of support intended to attract attention.
- **Bench Sign** - Any sign painted on, located on, or attached to any part of the surface of a bench, seat, or chair placed on or adjacent to a public street.
- **Billboard** - A commercial sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.
- **Changeable Copy** - A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged by mechanical, electronic or manual means without altering the face or surface of the sign.
- **Electronic** - A sign activated by or illuminated by means of electrical energy whose variable message capability can be electronically programmed.
- **Hanging Sign** - A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.



- **Inflatable** - Any device which is capable of being expanded by any gas and used on a permanent or temporary basis to attract attention to a product or event. This definition includes both hot and cold-air balloons tethered or otherwise anchored to the ground.
- **Informational** - Any on-premise sign which contains no commercial message of any sort and which provides, for example, directions for control of traffic, enter/exit, hours of operation, no smoking, beware of dog, no trespassing, security system present, or other necessary regulatory information. Informational signs shall not contain the name or logo of an establishment or any type of advertising for products or services offered on site.
- **Marker** - A sign that:
  - indicates the name of a structure, date, or other incidental information about its construction that is cut into a masonry surface, cast in bronze, or made of other material; or
  - identifies a product in agricultural areas, typically used to identify seed types used in agricultural fields.
- **Monument** - A sign in which the bottom edge of the sign face is permanently affixed to the ground. Monument, freestanding, or pylon are other names for a monument sign.
- **Pole Sign** - Any sign supported by structures or supports that are placed on and anchored in the ground and that are independent from any structure. A pole sign uses said structures to raise the sign face above the ground more than four (4) inches.
- **Portable Sign** - Any sign not permanently attached to the ground, structure, or other permanent element. This includes signs that are designed to be:
  - moved/transported by means of wheels or other mechanisms;
  - trailer signs that are attached to, supported by, or part of a structure which is designed to move on trailer wheels, skids, or other similar devices, or transported, pushed, or pulled by a motor vehicle;
  - converted to A-frames or T-frames such as menu or sandwich board signs;
  - balloons used as signs;
  - umbrellas used for advertising; and/or other portable devices or structures used for signage.
- **Projecting Sign** - A sign that is wholly or partly dependent upon a structure for support or suspended from a pole attached to a structure. Such signs must be perpendicular to the structure face upon which they are attached.

- **Roof Sign** - Any sign partially or fully erected on or above the roof line of a structure.
- **Trailblazer Sign** - A series of signs directing the motoring public to a specific location on private property.
- **Unified Development Sign** - A sign that identifies the name of a shopping center, office park, industrial PARK, or other development that contains three (3) or more uses within a single development. A unified development sign is allowed in addition to the permitted signs of the individual tenants.
- **Vehicle Sign** - A sign that is permanently affixed to the body of, an integral part of, or a fixture of a motor vehicle that is parked or left standing so that it is visible from a public street for a period of more than seventy-two (72) continuous hours for the intent of being used as advertisement. For the purpose of this definition, "permanently affixed" shall mean any of the following:
  - painted directly on the body of a vehicle; applied as a decal on the body of a vehicle; and/or
  - placed in a location on the body of the vehicle that was specifically designed by a vehicle manufacturer.
- **Wall Sign** - Any sign attached to or erected against the inside or outside wall of a structure with the exposed display surface of the sign in a plane parallel (or relatively parallel) to the plane of the structure.
- **Wayfinding Sign** - A sign erected by the municipality or a multi-tenant development that displays necessary identification information for the convenience and safety of residents and visitors, and containing no advertising. This includes government-erected signs found along major streets that display company logos for lodging, gasoline stations, restaurants, and other such establishments. Also includes directional signs that provide information regarding location, instructions for use, or functional/directional information.
- **Window Sign** - Any sign, poster, symbol, or other type of identification or information about the use or premises directly attached to the window of a structure or erected on the inside or outside of the window, which is legible from any part of a public right-of-way or adjacent property. For purposes of this definition, a "window" is defined as an opening in the wall or roof of a structure or vehicle that is fitted with glass or other transparent material in a frame to admit light or air and allow people to see out.

**SIGN AREA**

The entire face of a sign, including the advertising surface and any framing, trim, or molding, but not including the supporting structure.

**SIGN FACE**

The surface intended for the display of information on the sign.

<b>SIGN HEIGHT ABOVE GROUND</b>	The vertical measurement from the ground to the top of the sign. The height of all signs shall be measured from the established grade line to the highest point of the sign or its frame/support.
<b>SIGN STRUCTURE</b>	The supporting unit of a sign face, including but not limited to frames, braces cabinets, and poles.
<b>SIGN, ABANDONED</b>	A sign that is: <ol style="list-style-type: none"> <li>1) associated with an abandoned use; and/or</li> <li>2) remains after the termination of the business; and/or</li> <li>3) on its immediate premises but not adequately maintained or repaired.</li> </ol>
<b>SIGN, ILLUMINATED</b>	Any sign lighted by or exposed to artificial lighting either by light on or in the sign or directed toward the sign.
<b>SIGN, LEGAL NON-CONFORMING</b>	A pre-existing, legally permitted sign, or portion thereof, which was designed, erected, or structurally altered such that it does not conform to the regulations of the zoning district in which it is located.
<b>SIGN, PERMANENT</b>	A sign attached to structure or the ground in a manner that enables the sign to resist environmental loads, such as wind, and precludes ready removal or movement of the sign. The use of anchor bolts, ropes, stakes, chains, glue, or similar anchoring are not methods recognized by this ordinance as a permanent foundation.
<b>SIGN, TEMPORARY</b>	Any sign that is temporarily used for a specific duration of time and is not affixed to a permanent foundation or structure. A temporary sign is used for the purpose of conveying information, knowledge, or ideas to the public about activities on the premises. These signs are intended to be on-site for the duration of an event (e.g. property for sale, special events, grand openings, sales, etc.).
<b>SINGLE-FAMILY DWELLING</b>	See <i>DWELLING, SINGLE-FAMILY</i> .
<b>SITE PLAN</b>	A plan for one or more parcels on which is shown the existing and proposed conditions of the lot, including topography, vegetation, drainage, floodplains, wetlands, and waterways; landscaping and open spaces; walkways; means of ingress and egress; circulation; utility services; structures; signs and lighting; berms; bufferyards, and screening devices; surrounding development; and any other information that reasonably may be required in order for an informed decision to be made by the approving authority.
<b>SITE PLAN REVIEW</b>	The review of the site plan for any public or private project by the designated review authority for the jurisdiction.

**SOLID WASTE**

Unwanted or discarded material, including waste material with insufficient liquid content to be free-flowing. Solid waste is categorized as follows:

- 1) Agricultural - solid waste that results from the raising and slaughtering of animals and the processing of animal products and from orchard and field crops.
- 2) Commercial - waste generated by stores, offices, and other activities that do not actually turn out a product;
- 3) Industrial - waste that results from industrial processes and manufacturing;
- 4) Institutional - waste originating from educational, health care, and research facilities;
- 5) Municipal - residential and commercial solid waste generated within a community;
- 6) Pesticide - the residue from the manufacturing, handling, or use of chemicals intended for killing plant and animal pests; or
- 7) Residential - waste that normally originates in a residential environment, sometimes called "domestic solid waste".

**SOLID WASTE PROCESSING FACILITY**

A solid waste facility upon which is located a solid waste incinerator, transfer station, solid waste baler, solid waste shredder, resource recovery system, composting facility, garbage grinding facility, and other facilities, or recycling facilities, not included in the above definition if subsequently approved by the County Solid Waste Management District and IDEM.

**SOLID WASTE TRANSFER STATION**

A facility for the collection, separation, compaction, processing and storage of solid waste until said waste can be transported or transferred to a sanitary landfill or other facility approved and licensed for the disposal of solid wastes by the state.

**SPECIAL EXCEPTION**

In accordance with *IC 36-7-4-918.2*, permission granted by the BZA to allow a use, designated as being permitted by special exception in the zoning district, when it is shown that such use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in the UDO.

**STABLE, PRIVATE**

An accessory structure in which horses are kept for private use and not for remuneration, hire, or sale.

**STABLE, PUBLIC**

An accessory structure in which horses are kept for commercial use including boarding, hire, riding, show, or sale.

**STATE**

The State of Indiana.

**STORY**

That portion of a structure between the surface of a floor and the ceiling immediately above; or if there is a floor above, the portion of a structure between the surface of any floor and the surface of the next floor above. A basement shall not be counted as a story.

<b>STREET</b>	Any vehicular way includes the land between the street lines, whether improved or unimproved and is: <ol style="list-style-type: none"> <li>1) an existing state, county, or municipal roadway;</li> <li>2) shown upon a plat approved pursuant to law;</li> <li>3) approved by other official action;</li> <li>4) shown on a plat duly filed and recorded in the Records Office; or</li> <li>5) shown on the official map or adopted master plan.</li> </ol>
<b>STRUCTURAL ALTERATION</b>	Any change in either the supporting members of a structure, such as bearing walls, columns, beams, and girders, or in the dimensions or configurations of the roof or exterior walls.
<b>STRUCTURE</b>	A combination of materials that form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water. Furthermore, any enclosed structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property of any kind.
<b>STRUCTURE, ACCESSORY</b>	A structure detached from a primary structure located on the same parcel and customarily incidental and subordinate to the primary structure or use.
<b>STRUCTURE, AGRICULTURAL</b>	A structure on agricultural land designed, constructed, and used to house farm implements, livestock, or agricultural produce or products grown or raised on the premises, but not including dwellings used for human occupancy.
<b>STRUCTURE, DETACHED</b>	A structure having no structural connection with another structure. <i>Related terms: STRUCTURE, ACCESSORY.</i>
<b>STRUCTURE, EXISTING</b>	A structure which is present, available, or in operation. An existing structure does not include a utility pole or an electrical transmission tower.
<b>STRUCTURE, PORTABLE</b>	Any structure not permanently attached to the ground or other permanent structure that is designed to be moved or transported by means of wheels or other mechanisms that are attached to the structure or the structure is mounted/placed upon. <i>Related terms: STRUCTURE, TEMPORARY.</i>
<b>STRUCTURE, PRIMARY</b>	A structure in which the primary use of the lot or premises on which it is located is conducted, including a structure that is attached to such a structure in a substantial way, such as by a roof. With respect to residential uses, the primary structure shall be the main dwelling.
<b>STUDENT HOUSING</b>	A structure used as group living quarters for a student body or religious order as an accessory use for a college, university, boarding school, convent, monastery, or other similar institutional use.

<b>SUBDIVIDER</b>	Any person having an interest in land that is the subject of an application for subdivision. Also, a person submitting an application for subdivision.
<b>SUBDIVISION</b>	The division of a lot or parcel of land into two (2) or more lots, parcels, or other divisions of land for sale, development, or lease. Subdivisions are further classified as commercial or industrial subdivision, minor residential subdivision, or major residential subdivision.
<b>SUBDIVISION, COMMERCIAL or INDUSTRIAL</b>	In accordance with <i>IC 36-7-4-700 series</i> , approval granted by the PC for the subdivision of a parcel for commercial or industrial development.
<b>SUBDIVISION, MAJOR RESIDENTIAL</b>	In accordance with <i>IC 36-7-4-700 series</i> , approval granted by the PC for the division of a parcel of land into five (5) or more residential parcels for sale, development or lease. The residual parent lot or parcel of land counts as one (1) of the subdivided lots or parcels or other subdivisions of land for the purpose of determining whether the application for approval is to be treated as a major residential subdivision or minor residential subdivision.
<b>SUBDIVISION, MINOR RESIDENTIAL</b>	In accordance with <i>IC 36-7-4-700 series</i> , approval granted by the PC for the division of a parcel of land into two (2) to four (4) residential parcels over a period of ten (10) years or less for sale, development, or lease. The residual parent lot or parcel of land counts as one (1) of the subdivided lots or parcels of land for the purpose of determining whether the application for approval is to be treated as a major residential subdivision or minor residential subdivision.
<b>SUBSTANTIAL</b>	At least thirty-five percent (35%) of the area or item(s) so described as applicable.
<b>SUBSTANTIAL IMPROVEMENT</b>	Any extension, repair, reconstruction, or other improvements of a property, the cost of which equals or exceeds thirty-five percent (35%) of the fair market value of a property either before the improvement is started or, if the property has been damaged and is being restored, before the damage occurred.

**SUBSTANTIAL  
MODIFICATION OF A  
WIRELESS SUPPORT  
STRUCTURE**

The mounting of a wireless facility on a wireless support structure in a manner that either:

- 1) Increases the height of the wireless support structure by ten percent (0%) of the original height of the wireless support structure, or twenty (20) feet, whichever is greater;
- 2) Adds an appurtenance to the wireless support structure that protrudes horizontally from the wireless support structure more than twenty (20) feet, or the width of the wireless support structure at the location of the appurtenance, whichever is greater; or
- 3) Increases the square footage of the equipment compound in which the wireless facility is located by more than two thousand five hundred (2,500) square feet.

However, notwithstanding subdivisions (1), (2), and (3) above, the term does not include any of the following:

- 1) Increasing the height of a wireless support structure to avoid interfering with an existing antenna;
- 2) Increasing the diameter or area of a wireless support structure to shelter an antenna from inclement weather, or to connect an antenna to the wireless support structure by cable; or
- 3) Any modification of a wireless support structure or base station that involves only collocation, removal of transmission equipment, or replacement of transmission equipment.

**SUBSURFACE DISPOSAL  
SYSTEM**

A collection of treatment tanks, disposal areas, holding tanks, and ponds, surface spray systems, cesspools, wells, surface ditches, alternative toilets, or other devices and associated piping designed to function as a unit for the purpose of disposing of wastes or wastewater on or beneath the surface of the ground. *Related terms: SEPTIC SYSTEM; WASTEWATER SYSTEM.*

**SURVEYOR**

The applicable County Surveyor.

**SWCD**

The applicable County Soil and Water Conservation District who assists landowners in the planned management of land and water.

**SWIMMING POOL**

A self-contained body of water at least thirty-six inches (36") in depth used for recreational purposes. Such body of water may exist in a metal tank, plastic lined, or masonry structure located either above-ground or below-ground level. Swimming pools may be either public or private in use. A private pool is considered an accessory structure.

**TAC**

The technical advisory committee for the jurisdiction that consists of one (1) or more skilled persons to review applications and provide expert advice with regard to proposed development. The TAC typically includes representatives from the local Planning Department, Building Department, Utilities, Police Department, Fire Department, County Surveyor, Schools, etc.

<b>TEMPLE</b>	See <i>CHURCH</i> .
<b>TEMPORARY STRUCTURE</b>	A structure that is erected without any foundation or footings and is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased. A temporary use usually does not involve the construction or alteration of any permanent structure, although the authorization of the temporary use does not necessarily preclude such construction. <i>Related terms: STRUCTURE, PORTABLE.</i>
<b>TEMPORARY USE</b>	A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.
<b>TEMPORARY USE PERMIT</b>	Authorization for a land-use activity for a limited period of time.
<b>THOROUGHFARE PLAN</b>	The portion of the <i>Comprehensive Plan</i> which identifies the existing and proposed locations of interstate highways, primary arterials, secondary arterials, feeders, local streets, streets, and rights-of-way within the jurisdictional area, as amended from time to time under <i>IC 36-7-4-506</i> .
<b>TINY HOUSE</b>	A compact, single-family structure typically less than four-hundred fifty (450) square feet on either wheels or a foundation. <i>Related terms: MANUFACTURED HOME; RV.</i>
<b>TRACT</b>	See <i>PARCEL</i> .
<b>TRADE SCHOOL</b>	A secretarial school or college when not publicly owned or not owned or conducted by or under the sponsorship of a religious, charitable, or non-profit organization, or a school conducted as a commercial enterprise for teaching music, dancing, barbering, hair dressing, drafting, or industrial or technical arts.
<b>TRANSFER STATION</b>	A solid waste processing facility at which solid waste is transferred from a vehicle or a container to another vehicle or container for transportation, but shall not include neighborhood recycling collection centers or transfer activities at generating facilities.
<b>TREE HOUSE</b>	A structure built above ground level, using a tree for part of its support, and not designed for continuous habitation.
<b>TRUCK GARDEN</b>	A farm where vegetables are grown for market.
<b>TRUCK SERVICE CENTER</b>	An occupancy, which provides especially for the servicing of trucks, with incidental operations similar to those permitted for an automotive and vehicle repair facility.
<b>TWO-FAMILY DWELLING</b>	See <i>DWELLING, TWO-FAMILY</i> .



<b>UDO</b>	A document that combines the jurisdiction's zoning and subdivision control ordinances into a single, legal document that is enabled by <i>IC 36-7-4-610</i> and adopted by the legislative body and which may be amended from time to time.
<b>USE</b>	The specific purpose or activity for which land and/or a structure is designated, arranged, intended, or for which it is or may be occupied or maintained.
<b>USE VARIANCE</b>	In accordance with <i>IC 36-7-4-918.4</i> , permission granted by the BZA to allow a specific use that is not otherwise permitted in a zoning district.
<b>USE, ACCESSORY</b>	A use that is: <ol style="list-style-type: none"> <li>1) clearly incidental and customarily found in connection with a primary structure or use;</li> <li>2) subordinate to and serves the primary use;</li> <li>3) subordinate in area, extent, or purpose to the primary use served;</li> <li>4) contributing to the comfort, convenience, or necessity of occupants, business, or industry of the primary use served; and</li> <li>5) is located on the same parcel as the primary use served.</li> </ol>
<b>USE, PRIMARY</b>	The predominant use of any lot or parcel or as determined by the primary structure.
<b>UTILITY</b>	Any agency that, under public franchise or ownership, or under certificate of convenience and necessity, or by grant of authority by a governmental agency, provides the public with electricity, gas, heat, steam, communication, transportation, water, sewage collection, or other similar service; or a closely regulated enterprise with a franchise for providing a needed service. <i>Related terms: UTILITY, PUBLIC.</i>
<b>UTILITY EASEMENT</b>	<i>See EASEMENT, UTILITY.</i>
<b>UTILITY POLE</b>	A structure (other than a wireless support structure or electrical transmission tower) that is: <ol style="list-style-type: none"> <li>1) Owned or owned or operated by a public utility, a communications service provider, a political subdivision, an electric membership corporation, or a rural electric cooperative; and</li> <li>2) Designed and used to carry lines, cables, or wires for telephony, cable television, or electricity, or to provide lighting.</li> </ol>

<b>UTILITY, PUBLIC</b>	<p>As regulated by <i>IC 8-1-2</i>, every corporation, company, partnership, limited liability company, individual, association of individuals, their lessees, trustees, or receivers appointed by a court, that may own, operate, manage, or control any plant or equipment within the state for:</p> <ol style="list-style-type: none"> <li>1) the conveyance of telegraph and telephone messages;</li> <li>2) the production, transmission, delivery, or furnishing of heat, light, water, or power; or</li> <li>3) collection, treatment, purification, and disposal in a sanitary manner of liquid and solid waste, sewage, night soil, and industrial waste.</li> </ol> <p>The term does not include a municipality that may acquire, own, or operate any of the foregoing facilities.</p>
<b>VARIANCE</b>	<p>In accordance with <i>IC 36-7-4-918.5</i>, permission granted by the BZA to depart from specific development standards for a zoning district within this UDO.</p>
<b>VARIANCE OF USE</b>	<p>See <i>USE VARIANCE</i></p>
<b>VETERINARY ANIMAL HOSPITAL OR CLINIC</b>	<p>A place where animals are given medical care and the boarding of animals is limited to short-term care that is incidental to the hospital use.</p>
<b>VIDEO STORE</b>	<p>A business where videos and associated visual home entertainment products are sold, rented, or otherwise distributed, excluding sexually oriented material.</p>
<b>WAIVER</b>	<p>Permission granted by the PC or the Administrator to depart from specific development standards and as specifically identified in the UDO.</p>
<b>WAREHOUSE</b>	<p>A structure used primarily for the storage and distribution of goods and materials.</p>
<b>WATERCOURSE</b>	<p>Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows in a definite direction or course, either continuously or intermittently; has a definite channel, bed, and banks; and includes any area adjacent thereto subject to inundation by reason of overflow or floodwater.</p>
<b>WECS</b>	<p>A wind energy conversion system where the equipment that converts and then stores or transfers energy from the wind into usable forms of energy and includes any base, blade, foundation, generator, nacelle, rotor, wind tower, transformer, turbine, vane, wind farm collection system, wire, or other component used in the system.</p>
<b>WELLHEAD</b>	<p>A drainage area that supplies water to a public well.</p>

<b>WINDOW</b>	An opening especially in the wall of a structure for admission of light and air that contains a transparent material (such as glass) and may or may not be capable of being opened and shut.
<b>WIRELESS COMMUNICATIONS FACILITY</b>	Any towers, poles, antennas or other structures intended for use in connection with transmission or receipt of radio or television signals, or any other spectrum-based transmissions/receptions.
<b>WIRELESS FACILITY</b>	The set of equipment and network components necessary to provide wireless communications service. The term does not include a wireless support structure.
<b>WIRELESS SUPPORT STRUCTURE</b>	A freestanding structure designed to support wireless facilities. The term does not include a utility pole or electrical transmission tower.
<b>YARD</b>	A space on the same parcel as the primary structure that is open, unoccupied, and unobstructed by structures, except as otherwise provided in this ordinance.
<b>YARD SALE</b>	See <i>GARAGE SALE</i> .
<b>YARD, FRONT</b>	A space extending across the full width of the parcel between the primary structure and the front lot line measured perpendicular to the structure at the closest point to the front lot line.
<b>YARD, REAR</b>	A space extending across the full width of the parcel between the primary structure and the rear lot line and measured perpendicular to the structure to the closest point of the rear lot line.
<b>YARD, SIDE</b>	A space extending from the front yard to the rear yard between the primary structure and the side lot line and measured perpendicular from the side lot line to the closest point of the primary structure.
<b>ZONE MAP</b>	The map or maps that are a part of the UDO and delineate the boundaries of zoning districts and any amendments thereto of the jurisdictional area of the PC.
<b>ZONING DISTRICT</b>	A specified zoning district within the jurisdictional area or extended jurisdiction for which uniform regulations governing the use, height, size, and intensity of use of structures and land, and open spaces around structures, are herein established.



# Appendix 1: Land Use Matrix



## Land Use Matrix

ACCESSORY USES	AG	R1	R2	MF	DT	CF	GC	HC	I1	I2
*dwelling, accessory	S	S								
*home occupation	S	S	S	S	S					
*satellite antenna/dish										
*wireless communication facility	S					X	S	S	S	S
agritourism	S									
apartment, accessory		S	S		X					
bed and breakfast	S	S			S					
farmers market	X				X	X	X			
retail food establishment, temporary mobile					X	X	S	S	X	S
wind turbine	S							S	S	S
AGRICULTURAL USES	AG	R1	R2	MF	DT	CF	GC	HC	I1	I2
agricultural product sales	X						X			
agricultural product storage	X								X	X
aquaculture	X									
confined feeding										
crop production	X									
farm										
forestry	X									
gardening, large-scale	X									
greenhouse	X						X			
mushroom cellar	X									
orchard	X									
plant nursery, wholesale	X							X		
raising of farm animals										
roadside produce stand	X	X								
stable (private)										
stable (public)										
tree farm	X									
truck garden	X									
vineyard	X									

X - use is permitted by right

S - use is permitted by special exception

\* - conditional use (See Chapter 4: Use Development Standards)

## Land Use Matrix

COMMERCIAL USES	AG	R1	R2	MF	DT	CF	GC	HC	I1	I2
*adult business									S	S
*campground	S									
agriculture supply store	S						X		X	X
animal day care facility	S						X			
animal grooming					X		X			
appliance sales					X		X	X		
automotive and vehicle sales, new							S			
automotive and vehicle sales, used							S			
bakery					X		X			
bank					X		X			
bank atm					X		X			
bar/tavern					X		X			
barber or beauty shop					X		X			
book store					X		X			
bus station					X		X	X	X	X
business, general					X		X	X		
clinic					X		X			
club/lodge	S						X			
coffee shop					X		X	X		
coin laundry					X		X			
computer service					X		X			
conservation club	S									
counseling center					X		X			
country club	S							X		
crematory							X			
day care		S	S		S		S			
delicatessen					X		X			
department store					X		X	X		
donation collection point					X	X	X			
driving range	S									
drug store					X		X	X		
dry cleaning					X		X			
equipment/tool rental								X	X	X
farm implements sales and service	S							X	X	X
farmers market	X				X	X	X			
florist					X		X	X		
funeral home					X		X			
gas station							X	X	X	X
golf course	S							S		
grocery store					X		X	X		

X - use is permitted by right

S - use is permitted by special exception

\* - conditional use (See Chapter 4: Use Development Standards)



## Land Use Matrix

COMMERCIAL USES...continued	AG	R1	R2	MF	DT	CF	GC	HC	I1	I2
hardware store					X		X	X	X	X
health club							X	X		
hotel/motel					S		S	X		
ice cream shop					X		X	X		
kennel, private	X	S								
kennel, public	S						S	S	S	S
landscape contractor	S							X	X	X
laundromat					X		X			
massage establishment							S			
medical clinic							S	X	X	X
microbrewery					X		X	X		
nightclub					S		S	X		
office, general					X		X	X	X	X
office, medical							S	X	X	X
paintball facility								S	X	X
physical fitness facility							X	X	X	X
plant nursery	S						X	X	X	X
plant nursery, retail							X	X	X	X
printer					X		X	X	X	X
recreation facility (indoor)							X	X	X	
recreation facility (outdoor)							X	X	X	
restaurant					X		X	X	X	
restaurant with drive-up window							X	X		
retail, agriculture							X	X	X	X
retail, general					X		X	X		
retail, service-oriented					X			X		
RV park	S							S		
self-storage facility								S	X	X
shooting range (indoor)								X	X	X
shooting range (outdoor)									X	X
sports field (indoor)						X		X	X	X
sports field (outdoor)						X		S	X	X
theater					X		X	X		
trade/business school							X	X	X	
travel agency					X		X			
truck stop								X	X	X
vape/hooks store							X	X		
veterinary clinic							X	X	X	
video store					X		X	X		
water park						X		X	X	
winery	S						S			

X - use is permitted by right

S - use is permitted by special exception

\* - conditional use (See Chapter 4: Use Development Standards)

## Land Use Matrix

INDUSTRIAL USES	AG	R1	R2	MF	DT	CF	GC	HC	I1	I2
animal slaughtering/processing										X
asphalt plant										X
assembly plant									S	X
automotive and vehicle repair							S		S	X
automotive towing service									S	X
bottling/canning facility										X
CFO										
chemical manufacturing										S
clean fill site										S
concrete plant										X
construction/demolition disposal site										X
diaper service									S	X
distribution facility									S	X
flammable fluids storage tanks										S
flammable/heavy material manufacture										S
food processing										X
freight terminal									S	X
heavy equipment repair									S	X
industrial park									X	X
junk yard										X
landfill										S
liquid fertilizer distribution										X
industry, heavy										X
industry, light									X	X
materials recycling										X
mineral extraction	S								S	S
outdoor storage									S	X
recycling facility										X
resource recovery facility										X
salvage yard										X
sanitary landfill										S
solid waste processing facility										S
solid waste transfer station										S
stone crushing/pulverizing										S
transfer station										X
truck terminal									X	X
warehouse									X	X
welding										X
wholesale establishment								S	X	X

X - use is permitted by right

S - use is permitted by special exception

\* - conditional use (See Chapter 4: Use Development Standards)

## Land Use Matrix

INSTITUTIONAL USES	AG	R1	R2	MF	DT	CF	GC	HC	I1	I2
*airport						X			S	S
*heliport						X			S	S
animal shelter						X			X	X
cell facility, small	S					X	S	X	X	X
cemetery	S					X				
church or place of worship						X				
community center						X				
electrical transmission tower						X		X	X	X
fairgrounds						X			S	X
fire/police station						X				
government offices						X				
hospital						X		X	X	X
jail/prison						X				
juvenile detention facility						X				
library						X				
mortuary						X				
museum						X				
nature center						X				
park						X				
parking lot, public						X				
philanthropic/charitable institution					X	X	X	S		
post office						X				
school (public or private)						X				
sewage treatment facility (public)						X				
sports stadium						X		X		
university or college						X				
water tower						X				
water treatment facility (public)						X				
wireless communication facility	S					X	S	X	X	X
RESIDENTIAL USES	AG	R1	R2	MF	DT	CF	GC	HC	I1	I2
*manufactured home	S	X		S						
assisted living facility				X	S					
bed and breakfast					S			S		
child care center					S					
child care home	S	S	S							
comprehensive care facility			S	X						
dwelling, multi-family			S	X	S					
dwelling, single-family	S	X	X	S	X					
dwelling, two-family			X	X	X					
farmstead	X									
group home			S	X	S					
life care facility			S	X						
nursing home			S	X	S					
student housing				X						

X - use is permitted by right

S - use is permitted by special exception

\* - conditional use (See Chapter 4: Use Development Standards)