

# Posey County UDO

## Draft with Proposed Jurisdiction Amendments 2026-03-11

The noted jurisdictions added the following amendments to the draft for consideration and are shown as **\*redline and highlighted** in this draft:

Legislative Body	Page	Comments
Posey County Commissioners <i>(Cynthiana and Poseyville discussed and are also in agreement where applicable)</i>	23	<ul style="list-style-type: none"><li>In the R-1 District, in the unincorporated areas, reduce minimum lot width from 70 feet to 50 feet.</li><li>Increase impervious lot coverage from 30% to 40%</li></ul>
	26	<ul style="list-style-type: none"><li>In the R-2 District, in the unincorporated areas, reduce minimum lot width from 70 feet to 50 feet.</li><li>Increase impervious lot coverage from 30% to 40%</li></ul>
	28	<ul style="list-style-type: none"><li>In the R-3 District, in the unincorporated areas, reduce minimum lot width from 70 feet to 50 feet.</li></ul>
	218	<ul style="list-style-type: none"><li>Change the definition for IMPERVIOUS SURFACE COVER back to the old definition that only applies to structures under cover (not pavement or gravel)</li></ul>
City of Mount Vernon	69	<ul style="list-style-type: none"><li>300' setback for EVMS signs from residential districts does not apply</li></ul>
	98	<ul style="list-style-type: none"><li>Recreational vehicles (RVs) are not permitted inside manufactured home parks</li></ul>

Other edits shown as unhighlighted **redline** are requested by Staff for clarification or content errors:

- Chapter 2
  - Type 1 and Type 2 Agribusinesses were identified per the standards of Chapter 4.
- Chapter 3
  - For Accessory Structure Standards, clarified that accessory structures are not permitted between the front façade and right-of-way unless otherwise specified. Also clarified the provision for certain types of structures/fences that can be located in a front yard and under what conditions.
  - Under Structure Standards, text that was exclusive to “accessory structures” was moved to Section A.1 for Accessory Structure Standards in order to remove duplications. Also deleted text about lot coverage where applicable because legislative edits would make this provision unnecessary.
- Chapter 6
  - Clarified that Mini Residential Subdivisions follow the expedited subdivision process (where both the primary and secondary are heard simultaneously by the APC)
  - Clarified that Minor Residential Subdivisions follow the administrative subdivision process (reviewed and approved by Staff)
- Chapter 10
  - Added definition for GREENHOUSE, ACCESSORY

# Posey County Unified Development Ordinance

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# Introductory Provisions

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## A. General Provisions.

1. **Title.** This ordinance shall be formally known as the “Unified Development Ordinance,” or the “UDO” for the jurisdiction of the Posey County Area Plan Commission (APC).
2. **Intent.** The intent of the UDO is to promote orderly development while aligning with the vision of the applicable *Comprehensive Plan* to:
  - a. Accomplish the purposes of *IC 36-7-4 series: Local Planning and Zoning*; and further such other purposes as stated hereinafter within specific provisions of this UDO;
  - b. Protect and promote public health, safety, morals, and general welfare of the jurisdiction;
  - c. Guide the orderly, responsible, and sustainable development and redevelopment in accordance with the applicable *Comprehensive Plan*, including all of the plan components;
  - d. Define the powers and duties of administrative officers and bodies as provided herein, and establish procedures for the implementation and enforcement of this UDO;
  - e. Establish reasonable standards and procedures for subdivisions in order to further the orderly layout and use of land;
  - f. Protect the character and stability of residential, institutional, business, commercial, industrial, and natural areas;
  - g. Encourage compatibility between different land uses and to protect the scale and character of existing development from the encroachment of incompatible uses;
  - h. Facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public facilities; and
  - i. Establish corrective and punitive recourse for violations or noncompliance regarding the provisions of this UDO.
3. **Purpose.** The purpose of this UDO is to combine the Zoning Ordinance and the Subdivision Control Ordinance for the jurisdiction into a single document in order to reduce redundancy and improve efficiency in the application of land development laws for the jurisdiction.
  - a. **Zoning Ordinance Provisions.** The regulations established for the administration of a Zoning Ordinance under *IC-36-7-4-600 series* are covered specifically in this UDO by Chapters 2, 3, 4, 5, 9, and 10. Relief from these provisions in the form of a Variance may be sought from the Board of Zoning Appeals (BZA). See *Chapter 5, Section D: Special Exception and Variance Procedures*.
  - b. **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 6, 7, and 8. Relief from these provisions in the form of a Waiver may be sought from the APC. See *Chapter 8, Section E: Waiver Procedures*.

4. **Defined Terms.** Specific words and terms relative to this UDO are defined in *Chapter 10: Definitions*. Words or terms used in this UDO that are not defined shall be as defined by a current dictionary.
5. **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.
6. **Interpretation.** The provisions of this UDO are the minimum requirements necessary for the protection of the health, safety, comfort, morals, and general welfare of the people at large. If two (2) or more provisions within this UDO are in conflict or are inconsistent with one another, the provision which is most restrictive shall prevail.
7. **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.
8. **Repealer.** The following titles of the participating jurisdictions are hereby repealed and are replaced by the adoption of this UDO:
  - a. Zoning Regulations (insert ordinance names and numbers);
  - b. Subdivision Regulations (insert ordinance names and numbers).
  - c. Renewable Energy Ordinance (insert ordinance names and numbers).

## B. Applicability, Authority, and Jurisdiction.

1. **Authority.** This UDO is enacted by the Posey County Commissioners and the legislative body(s) of the participating municipalities, including the Mount Vernon City Council, the Cynthiana Town Council, and the Poseyville Town Council, pursuant to the authority granted in *IC 36-7-4-600 series* and other applicable state and federal statutes, as amended.
2. **Jurisdiction.** The UDO shall apply to all land within the jurisdiction of the APC except for wholly owned by State and Federal Governments.
3. **Application.** It is not intended by this UDO to interfere with, abrogate, or amend any existing easements, covenants, or other agreements between parties, nor is it intended by this UDO to repeal, abrogate, annul or in any way interfere with any existing provision of laws or ordinances not specifically repealed by this UDO, or any rules, regulations, or permits previously adopted or issued pursuant to law relating to the use of buildings or premises. This UDO shall not affect valid private covenants whose standards are above and beyond those of this UDO and which are not enforceable by the APC.
4. **Other Jurisdictions and Approvals.** Nothing in this ordinance shall eliminate the need for obtaining any other approval or entitlement required by other provisions of the jurisdiction, the State, or Federal Agency.
5. **Administration.** The Administrator shall have the primary responsibility of administering the UDO within the jurisdiction.



## D. Transition Policies.

### 1. Pending Applications and Permits.

- a. **Pending Applications.** Applications that are received and submitted completely 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 APC, the BZA, the Posey County Commissioners, the Mount Vernon City Council, the Cynthiana Town Council, and the Poseyville Town Council, as well as applications for Building Permits (BP) and Improvement Location Permits (ILP).
- b. **Permits Issued.** A BP or ILP 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 the permit was completely filed or issued. If applicable, a valid permit may be renewed per the provisions established by the regulations that were in effect at the time of filing. All permits that have expired per the provisions established by the regulations that were in effect at the time of filing shall be required to be resubmitted and shall be subject to the regulations established by this UDO.

### 2. **Approved Plats and 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, which has not expired, expired per any previous terms or conditions that were in place, 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 after the date 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 in the Zoning Ordinance and/or Subdivision Control Ordinance at the time the primary plat was approved shall apply to the secondary plat (all or in part) included in the primary plat approval.

### 3. **Commitments or Conditions.** Commitments or conditions (whether recorded or not) that were made as part of an approval before the APC, BZA, or a legislative body or part of an application for a BP or ILP 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 5: Zoning Administration and Procedures* of this UDO and/or the applicable *APC Rules and Procedures* or *BZA Rules and Procedures*.

### 4. **Property Not Included.** Property that, for whatever reason, has not been specifically included within a zoning district is hereby declared to be in the Agricultural District (A) except for property designated as limited-access or interstate highway right-of-way.

## E. UDO Administration: Administrator

1. **Duties.** The Administrator shall be appointed by the APC per *IC 36-7-4-311*. The Administrator shall have the following duties, which may be delegated to Staff or the Administrator's designee:
  - 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 BPs, ILPs, and Certificates of Occupancy in coordination with the Building Commissioner where applicable;
  - c. Maintain a permanent file of all permits and applications as public records; and
  - d. All other duties as outlined in the Administrator's job description.
2. **Administrative Decisions.** 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. Any such decision can be appealed to the BZA per *Chapter 5: Zoning Administration and Procedures*.

## F. UDO Administration: Area Plan Commission (APC).

1. **APC Establishment and Membership.** The APC shall be established in accordance with *IC 36-7-4-200 series*. The APC shall have membership in accordance with *IC 36-7-4-207(c)* and *IC 36-7-4-208(c)*.
2. **APC Jurisdiction.** The APC shall have jurisdiction over all land covered by the jurisdiction of this UDO.
3. **APC Organization.** The APC 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 APC consists of a majority of the entire membership of the APC.
  - b. **Official Action.** In accordance with *IC 36-7-4-302*, action of the APC is not official unless it occurs at a regular or special meeting, by a majority of the entire voting membership of the APC.
  - c. **President and Vice President.** In accordance with *IC 36-7-4-303*, at the first regular meeting in each year, the APC shall elect a president and a vice president from its members.
  - d. **Secretary.** In accordance with *IC 36-7-4-304*, the APC shall appoint a secretary at the first regular meeting each year, who is not required to be a member of the commission.
4. **APC Meeting and Minutes.**
  - a. **Regular Meetings.** In accordance with *IC 36-7-4-306*, the APC shall hold regular monthly meetings 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 on public record.
  - b. **Special Meetings.** In accordance with *IC 36-7-4-307*, a special meeting of the APC may be called by the president or by two (2) members of the APC upon written request to the Administrator.

5. **Employees.** In accordance with *IC 36-7-4-311*, with approval of the APC the Administrator may appoint, prescribe duties, and fix the compensation of employees as necessary for the discharge of the duties of the APC. This compensation must be in conformity with salaries and compensation fixed by the County Commissioners. The APC may contract special or temporary services and professional counsel.
6. **APC Powers and Duties.** The APC shall have the following powers and duties as authorized in *IC 36-7-4-400 series* including the following.
  - a. **Executive Committee.** Per *IC 36-7-4-408*, the APC may establish an executive committee of not less than three (3) or more than nine (9) persons appointed by the APC from its membership. The establishment of the executive committee, the naming of its individual members, and the adoption of rules governing its operation requires a two-thirds (2/3) majority vote of the entire membership of the APC. A majority of the executive committee may act on behalf of the APC, but if there are any dissenting votes, a person voting in the minority may appeal the decision of the executive committee to the APC.
  - b. **Fees.** Per *IC 36-7-4-411*, the APC may establish a fee schedule to defray the administrative costs associated with APC and BZA petitions, issuing permits, and other permitted actions.
  - c. **Rules and Procedures.** The APC shall adopt rules for its administration.
  - d. The APC shall approve and make amendments to the applicable *Comprehensive Plan* for the consideration by the appropriate legislative body in accordance with *IC 36-7-4-500 series*.
  - e. **Development Plans.** The APC shall make decisions regarding development plans or delegate this authority to the Administrator in accordance with *Chapter 5: Zoning Administration and Procedures* and *IC 36-7-4-1400 series*.
  - f. **Streets and Addresses.** The appropriate legislative body shall name or rename streets however; this responsibility may be delegated to the APC or the Administrator by ordinance. Addresses shall be assigned by the Administrator as part of Posey County's geographic information system (GIS).
  - g. **Subdivisions.** The APC shall make decisions regarding plats, replats, and amendments to plats in accordance with *Chapter 8: Subdivision Administration and Procedures*, the *APC Rules and Procedures*, and *IC 36-7-4-700 series*, including:
    - i. Primary Plat as described in *IC 36-7-4-702*; and
    - ii. Secondary Plat as described in *IC 36-7-4-709*. The APC may delegate the authority to approve secondary plats to the Administrator.
    - iii. Zone Map Changes. The APC shall make recommendations to the appropriate legislative body concerning changes to the zoning map in accordance with *Chapter 5: Zoning Administration and Procedures*, *IC 36-7-4-600 series*, and *IC 36-7-4-1500 series*.
7. **APC Committees.** The following are established as committees of the APC as outlined in the *APC Rules and Procedures*.
  - a. **Technical Advisory Committee.** The Technical Advisory Committee (TAC) may assist in the review of applications by providing expert advice with regard to technical specifications, adequate capacity, public safety, and/or other specifications.

- i. Membership. The TAC may include, but not limited to, Administrator, Parks Department, Public Works Department, Engineer, Fire District(s) and Departments, Water Utility(ies), Sewer Utility(ies), Street and Highway Departments, Police/Sheriff Department, Posey County Surveyor, Posey County Health Department, and/or public school district(s), as appropriate.
- ii. Duties. The TAC may be used on an as needed basis and have the following powers and duties to provide review and comment on:
  - (a) Primary and secondary subdivisions;
  - (b) Zoning map amendments (rezoning);
  - (c) Development plans;
  - (d) Variances; and
  - (e) Special Exceptions.

## G. UDO Administration: Board of Zoning Appeals (BZA).

1. **BZA Establishment and Membership.** The Advisory BZA shall be established in accordance with *IC 36-7-4-900 series*. The BZA shall have a membership in accordance with *IC 36-7-4-902(d)*.
2. **BZA Jurisdiction.** The BZA shall have jurisdiction over all land covered by the jurisdiction of this UDO.
3. **BZA Organization.** The BZA shall be organized in accordance with *IC 36-7-4-900 series*.
  - 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. **Chair and Vice Chair.** In accordance with *IC 36-7-4-912*, the BZA shall elect a chair and vice chair from its membership at its first regular meeting each year.
  - d. **Secretary.** In accordance with *IC 36-7-4-913*, the BZA shall appoint a secretary at the first regular meeting each year, who is not required to be a member of the commission.
  - 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 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 chairperson or by two (2) members of the BZA upon written request to the secretary.

4. **BZA Powers and Duties.** The BZA shall have the following powers and 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 5: Zoning Administration and Procedures* and *IC 36-7-4-918.1*.
  - c. **Special Exception.** The BZA shall make decision regarding special exceptions in accordance with *Chapter 5: Zoning Administration and Procedures* and *IC 36-7-4-918.2*.
  - d. **Variance from Development Standards.** The BZA shall make decisions regarding variances from development standards in accordance with *Chapter 5: Zoning Administration and Procedures* and *IC 36-7-4-918.5*.
  - e. **Employees.** In accordance with *IC 36-7-4-913*, the BZA may appoint such employees as necessary for the discharge of the duties of the BZA. This compensation must be in conformity with salaries and compensation fixed by the County Commissioners. The BZA may contract special or temporary services and professional counsel.



# Zoning Districts and Overlay Districts

## A. General Provisions.

- Zoning Districts Identified.** The jurisdictional area is hereby classified and divided into the zoning districts outlined below.

Zoning Districts		
Land Use Category	Name of District	Abbreviation
Agricultural	General Agricultural	A-1
	Intensive Agricultural	A-2
Community	Community Services	C-S
Residential	Low Density Residential <i>(formerly Residential Single-Family and Residential Townhouse)</i>	R-1 <i>(RS, R-1, and RT)</i>
	Medium Density Residential <i>(formerly Residential Two-family)</i>	R-2
	High Density Residential <i>(formerly Residential Multiple Family and Residential Mobile Home Park)</i>	R-3 <i>(RM, R-3, and RMH)</i>
Commercial	Central Business District	C-B
	Residential Office	R-O <i>(R-O and O)</i>
	Neighborhood Commercial <i>(formerly Neighborhood Commercial and Commercial Shopping)</i>	C-1 <i>(B-1, NC, B-1A, and CS)</i>
	General Commercial	C-2 <i>(B-2 and CG)</i>
	Heavy Commercial <i>(formerly Commercial High Intensity)</i>	C-3 <i>(B-3 and CH)</i>
Industrial	Light Industrial <i>(Manufacturing Light)</i>	I-1 <i>(M-1)</i>
	Heavy Industrial <i>(formerly Manufacturing Medium/Heavy)</i>	I-2 <i>(M-2)</i>

2. **Overlay Districts Identified.** The following overlay districts outlined below have been established for the purpose identified.

Overlay Districts		
Land Use Category	Name of District	Abbreviation
Environmental Overlay Districts	Flood Hazard Overlay <i>(formerly Flood Hazard / Flood Prone District)</i>	FHO <i>(FH and FP)</i>

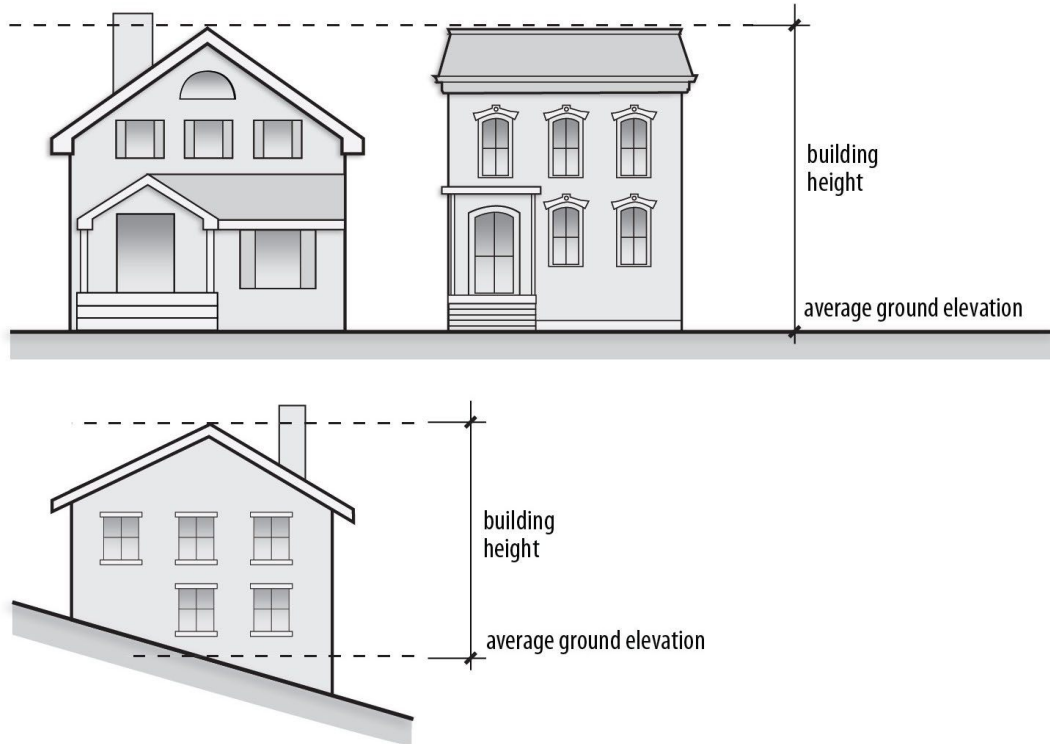
3. **Official Zoning Map.** The Official Zoning Map is a geographic coverage layer that is maintained by the Administrator of the Posey County Area Planning Department as part of Posey County’s geographic information system (GIS). This map shall be revised as changes are approved as permitted by this UDO (such as rezonings) or to correct drafting errors, clerical errors, or omissions on the map.
- a. **District Boundaries.** The location and boundaries of the zoning districts are hereby established on a map entitled “Official Zoning Map,” as it may be amended from time to time, which is hereby incorporated in and made a part of this UDO by reference.
  - b. **Interpretation of Boundaries.** All questions concerning the exact location of zoning district boundary lines shall be determined by the Administrator. An appeal of the Administrator’s interpretation may be filed with the BZA per *Chapter 5: Zoning Administration and Procedures*.
  - c. **Zoning Map Production.** The Administrator may authorize printed copies of the Official Zoning Map to be produced and shall maintain digital or printed copies of superseded versions of the Official Zoning Map for historical reference.
4. **Land Uses.**
- a. **Land Uses Listed.** The respective section for each zoning district and overlay district identifies the common land uses that are “permitted” or allowed by “special exception.” Any land use not listed for a particular zoning district (or not deemed sufficiently similar to a listed use as described in the processes below) shall be prohibited.
  - b. **Land Uses Not Listed in the UDO.** For land uses not listed, the Administrator shall attempt to determine if the desired land use is similar to a listed land use.
    - i. Administrative Decisions for Unlisted Land Uses.
      - (a) Unlisted Use is Similar to a Listed Use. If the desired land use is determined to be similar to a land use listed in the UDO, the respective process and development standards for the similar use shall be followed.
      - (b) Unlisted Use is Not Similar to a Listed Use. 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.

- (c) Uncertainty or Disagreement. In the case of uncertainty or disagreement of classifying a land use, the Administrator may refer the request for land use clarification or classification to the BZA for consideration and the final decision.
- ii. Criteria for Classifying Unlisted Land Uses. To determine whether an unlisted land use is similar to a listed use, the Administrator or the BZA shall examine the desired use by the following four (4) criteria:
  - (a) Intensity. Is the unlisted use similar in the amount of activity and type of activity to a listed use?
    - (1) Residential, Public, and Office Uses. Intensity levels are tied to the number of people using a space.
    - (2) Commercial Uses. Intensity levels should compare the gross commercial floor area associated with the primary structure as well as the operation of the business, such as hours of operation and anticipated customer volumes.
    - (3) Industrial Uses Intensity should compare the amount of noise, noxious exhaust, and public safety hazards generated on the site. In addition, the types of vehicles used, type of storage (indoor or outdoor), and hours of operation should be considered.
  - (b) Character. Does the unlisted use have similar physical characteristics, structures, scale, operational hours, or other features similar to a listed use?
  - (c) Accessory Uses and Structures. Does the unlisted use have similar potential for accessory uses and/or structures to a listed accessory use? Or if it is an accessory use, is it incidental to, necessary, and/or compatible with a permitted primary use?
  - (d) Intent. Is the unlisted use compatible with the purpose of the subject zoning district and consistent with the applicable Comprehensive Plan?

**5. Development Standards.** The following development standards are generally interpreted as follows:

- a. **Minimum Road Frontage.** Road frontage is measured where the subject property abuts the public right-of-way.
- b. **Setbacks.** Any property line abutting a public or private street or right-of-way shall be considered a front property line or yard. All edges of a property line that are considered a front property line or yard shall conform with the front yard setback standards of the applicable zoning district. Structures shall meet the required setbacks, even if adjacent properties are under the same ownership (i.e., a structure is not allowed to straddle a property line).
  - i. **Minimum Front Yard Setback.** The minimum front yard setback is measured from the centerline of the road and is determined by the Development Standards table for the subject zoning district unless established otherwise by a recorded platted subdivision.
  - ii. **Minimum Side Yard Setback.** The minimum side yard setback is measured from the property line, and the minimum setback is determined by the Development Standards table for the subject zoning district.

- iii. **Minimum Rear Yard Setback.** The minimum rear yard setback is measured from the property line, and the minimum setback is determined by the Development Standards tables for each zoning district.
- c. **Building Height.** The vertical distance measured from the average ground elevation adjacent to the building to the highest point of the structure. Building height does not include antennas, chimneys, or steeples.



- d. **Connection to Public Water and Sewer.** In order to preserve the public health, safety, and general welfare, this UDO requires that certain types of development be connected to public sewer and water. In addition, per *IC 36-9-23-30*, the jurisdiction may require connection to its sewer system and the discontinuance of the use of privies, cesspools, septic tanks, and similar structures if there is available sanitary sewer within three hundred (300) feet of the property line.

## A. Zoning Districts.

Permitted Land Uses and Development Standards are included in this chapter for the following zoning types:

### 1. **General Agricultural District (A-1).**

- a. **Purpose.** The General Agricultural District (A-1) has been established to minimize the conversion of farm land to non-farm uses, to protect agricultural areas from urban encroachment, and to reduce conflicts over competing land uses.
- b. **General Standards.**

- i. All subdivisions require subdivision approval unless exempt (See *Chapter 6: Subdivision Types*).
- ii. All new primary structures require Development Plan approval (except single-family and two-family residential dwellings when they are a permitted use in this district) (See *Chapter 5: Zoning Provisions and Procedures*).
- iii. All development may be subject to Drainage Board approval.
- iv. In order to regulate classification and development, one (1) primary use and one (1) primary structure may be identified and established per parcel by the Administrator. If there is disagreement, an Appeal can be filed with the BZA per *Chapter 5, Section B: Appeal of Administrative Decision Procedures*. One (1) primary use is permitted per parcel and one (1) primary structure/dwelling is permitted per parcel.

**c. Use and Development Standards.**

Permitted Uses – General Agricultural District (A-1)		
<p><b>ACCESSORY USES</b></p> <ul style="list-style-type: none"> <li>● *accessory dwelling</li> <li>● *agribusiness, <a href="#">type 1</a></li> <li>● *farm worker housing</li> <li>● *home occupation</li> <li>● *renewable energy generation system, SECS-2, SECS-3, WECS-2 &amp; WECS-3</li> <li>● *short-term rental, owner occupied</li> <li>● barn, agricultural</li> <li>● farmers market</li> <li>● hobby farm</li> <li>● roadside produce stand</li> <li>● skeet/target shooting range, personal</li> </ul>	<p><b>AGRICULTURAL USES</b></p> <ul style="list-style-type: none"> <li>● equestrian facility</li> <li>● forestry</li> <li>● grain elevator, non-commercial</li> <li>● greenhouse</li> <li>● livestock production (not requiring IDEM permit)</li> <li>● orchard</li> <li>● pasture</li> <li>● plant nursery</li> <li>● raising of livestock, private</li> <li>● row crop production</li> <li>● stable, private</li> <li>● tree farm</li> <li>● tree removal, clear cutting</li> <li>● vineyard</li> <li>● wildlife/nature preserve</li> </ul>	<p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>● *renewable energy generation system, SECS-1 &amp; WECS-1</li> <li>● *rural event venue (weddings, banquets)</li> <li>● *short-term rental, not owner occupied</li> <li>● airstrip, grass</li> <li>● fairgrounds</li> <li>● seed dealer</li> </ul> <p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>● cemetery</li> <li>● community garden</li> <li>● essential services</li> <li>● school</li> </ul> <p><b>RESIDENTIAL USES</b></p> <ul style="list-style-type: none"> <li>● dwelling, single-family</li> <li>● homestead</li> </ul>
Special Exception Uses - General Agricultural District (A-1)		
<p><b>ACCESSORY USES</b></p> <ul style="list-style-type: none"> <li>● *agribusiness, <a href="#">type 2</a></li> <li>● *home-based business</li> </ul>	<p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>● *animal feeding operation</li> <li>● *campground or RV park</li> <li>● *day care facility</li> <li>● animal hospital</li> <li>● boat launch, public</li> <li>● catering facility</li> <li>● contractor facility</li> <li>● farm equipment repair</li> <li>● golf course</li> <li>● golf driving range</li> <li>● gun club, public and private</li> <li>● kennel, public</li> <li>● outdoor storage</li> <li>● philanthropic institution</li> <li>● recreational facility, public and private</li> <li>● winery/brewery/distillery</li> </ul>	<p><b>INDUSTRIAL USES</b></p> <ul style="list-style-type: none"> <li>● farm chemical supply dealer</li> </ul> <p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>● *wireless communication facility</li> <li>● church or place of worship</li> <li>● marina</li> <li>● radio/TV tower</li> <li>● utility facility, public and private</li> </ul>
<p><i>* Indicates that special development, operational, and/or procedural standards will apply to the use. See Chapter 4: Standards for Specific Uses.</i></p>		

## Structure Standards - General Agricultural District (A-1)

		Single-family and Two-family Residential	Multi-family Residential	Non-residential
Maximum height of structure	Primary structure	35 feet	NA	45 feet
	Accessory structure <sup>4</sup>	35 feet	NA	45 feet <sup>4</sup>
Minimum living area		950 square feet	NA	NA
Minimum structure width		23 feet	NA	NA

## Lot Standards - General Agricultural District (A-1)

Minimum road frontage <sup>2</sup>		150 feet	NA	150 feet
Minimum lot area <sup>3</sup>		1 acre	NA	1 acre
Minimum front yard setback from centerline of street <sup>5</sup>	Local Street	45 feet	NA	45 feet
	Collector or Secondary Arterial	60 feet	NA	60 feet
	Primary Arterial	80 feet	NA	80 feet
	Divided Primary Arterial	95 feet	NA	95 feet
Minimum side yard setback	Primary structure	10 feet	NA	10 feet
	Accessory structure	10 feet	NA	10 feet
Minimum rear yard setback	Primary structure	25 feet	NA	25 feet
	Accessory structure	10 feet	NA	10 feet
Maximum impervious surface coverage		30%	NA	30%

## Utility Standards - General Agricultural District (A-1)

Public water and sewer required *See Chapt 2.A.5.d	no	NA	no
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## Additional Site Development Standards

The following site development standards may also apply to development in this district. See *Chapter 3: Site Development Standards*.

<ul style="list-style-type: none"> <li>● Accessory Structure Standards</li> <li>● Driveway and Access Management Standards</li> <li>● Landscaping and Buffer Standards</li> <li>● Lighting Standards</li> <li>● Parking and Loading Standards</li> </ul>	<ul style="list-style-type: none"> <li>● Sign Standards</li> <li>● Storage Standards</li> <li>● Structure Standards</li> <li>● Trash Receptacle and Dumpster Standards</li> </ul>
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2 – Road frontage may be via a recorded access easement.  
 3 – A larger lot area may be required by the Health Department to adequately support a sewage disposal system.  
 4 – Agricultural structures are exempt from the height and area limitations.  
 5 – Unless otherwise established on a recorded and platted subdivision.

## 2. Intensive Agricultural District (A-2).

- a. **Purpose.** The Intensive Agricultural District (A-2) is intended to provide areas within the county for intensive agricultural activities and confined feeding operations. It is anticipated that the operation of associated machinery, vehicles, and other uses customarily incidental to these intensive agricultural will occur. A homestead is the only residential use permitted due to the intensive nature of the agricultural uses in this area.
- b. **General Standards.**
  - i. All subdivisions require subdivision approval unless exempt (*See Chapter 6: Subdivision Types*).
  - ii. All new primary structures require Development Plan approval (except single-family and two-family residential dwellings when they are a permitted use in this district) (*See Chapter 5: Zoning Provisions and Procedures*).
  - iii. All development may be subject to Drainage Board approval.
  - iv. In order to regulate classification and development, one (1) primary use and one (1) primary structure may be identified and established per parcel by the Administrator. If there is disagreement, an Appeal can be filed with the BZA per *Chapter 5, Section B: Appeal of Administrative Decision Procedures*.

**c. Use and Development Standards.**

Permitted Uses – Intensive Agricultural District (A-2)		
<p><b>ACCESSORY USES</b></p> <ul style="list-style-type: none"> <li>● *accessory dwelling</li> <li>● *agribusiness, <a href="#">type 1</a></li> <li>● *farm worker housing</li> <li>● *home occupation</li> <li>● *renewable energy generation system, SECS-2, SECS-3, WECS-2, &amp; WECS-3</li> <li>● *short-term rental, owner occupied</li> <li>● barn, agricultural</li> <li>● farmers market</li> <li>● hobby farm</li> <li>● roadside produce stand</li> <li>● skeet/target shooting range, personal</li> </ul>	<p><b>AGRICULTURAL USES</b></p> <ul style="list-style-type: none"> <li>● equestrian facility</li> <li>● forestry</li> <li>● grain elevator</li> <li>● greenhouse</li> <li>● livestock production (not requiring IDEM permit)</li> <li>● orchard</li> <li>● pasture</li> <li>● plant nursery</li> <li>● raising of livestock</li> <li>● row crop production</li> <li>● stable, private</li> <li>● tree farm</li> <li>● tree removal, clear cutting</li> <li>● vineyard</li> <li>● wildlife/nature preserve</li> </ul>	<p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>● *animal feeding operation</li> <li>● *renewable energy generation system, SECS-1 &amp; WECS-1</li> <li>● *rural event venue (weddings, banquets)</li> <li>● *short-term rental, not owner occupied</li> <li>● airstrip, grass</li> <li>● fairgrounds</li> <li>● farm equipment repair</li> <li>● farm equipment sales</li> <li>● farm supply store</li> <li>● gun club, public and private</li> <li>● seed dealer</li> </ul> <p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>● cemetery</li> <li>● essential services</li> <li>● school</li> </ul> <p><b>RESIDENTIAL USES</b></p> <ul style="list-style-type: none"> <li>● homestead</li> </ul>
Special Exception Uses - Intensive Agricultural District (A-2)		
<p><b>ACCESSORY USES</b></p> <ul style="list-style-type: none"> <li>● *<a href="#">agribusiness, type 2</a></li> <li>● *home-based business</li> </ul> <p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>● animal hospital</li> <li>● boat launch, public</li> <li>● contractor facility</li> <li>● kennel, public</li> <li>● outdoor storage</li> <li>● philanthropic institution</li> <li>● recreational facility, public and private</li> <li>● winery/brewery/distillery</li> </ul>	<p><b>INDUSTRIAL USES</b></p> <ul style="list-style-type: none"> <li>● farm chemical supply dealer</li> </ul>	<p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>● *wireless communication facility</li> <li>● church or place of worship</li> <li>● marina</li> <li>● radio/TV tower</li> <li>● utility facility, public and private</li> </ul>
<p><i>* Indicates that special development, operational, and/or procedural standards will apply to the use. See Chapter 4: Standards for Specific Uses.</i></p>		

## Structure Standards - Intensive Agricultural District (A-2)

		Single-family and Two-family Residential	Multi-family Residential	Non-residential
Maximum height of structure	Primary structure	35 feet	NA	45 feet
	Accessory structure <sup>4</sup>	35 feet	NA	45 feet <sup>4</sup>
Minimum living area		950 square feet	NA	NA
Minimum structure width		23 feet	NA	NA

## Lot Standards - Intensive Agricultural District (A-2)

Minimum road frontage <sup>2</sup>		150 feet	NA	150 feet
Minimum lot area <sup>3</sup>		1 acre	NA	1 acre
Minimum front yard setback from centerline of street <sup>5</sup>	Local Street	45 feet	NA	45 feet
	Collector or Secondary Arterial	60 feet	NA	60 feet
	Primary Arterial	80 feet	NA	80 feet
	Divided Primary Arterial	95 feet	NA	95 feet
Minimum side yard setback	Primary structure	10 feet	NA	10 feet
	Accessory structure	10 feet	NA	10 feet
Minimum rear yard setback	Primary structure	25 feet	NA	25 feet
	Accessory structure	10 feet	NA	10 feet
Maximum impervious surface coverage		30%	NA	30%

## Utility Standards - Intensive Agricultural District (A-2)

Public water and sewer required *See Chapt 2.A.5.d	no	NA	no
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## Additional Site Development Standards

The following site development standards may also apply to development in this district. See *Chapter 3: Site Development Standards*.

<ul style="list-style-type: none"> <li>● Accessory Structure Standards</li> <li>● Driveway and Access Management Standards</li> <li>● Landscaping and Buffer Standards</li> <li>● Lighting Standards</li> <li>● Parking and Loading Standards</li> </ul>	<ul style="list-style-type: none"> <li>● Sign Standards</li> <li>● Storage Standards</li> <li>● Structure Standards</li> <li>● Trash Receptacle and Dumpster Standards</li> </ul>
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*2 – Road frontage may be via a recorded access easement.*  
*3 – A larger lot area may be required by the Health Department to adequately support a sewage disposal system.*  
*4 – Agricultural structures are exempt from the height limitations.*  
*5 – Unless otherwise established on a recorded and platted subdivision.*

### 3. Community Service District (C-S).

- a. **Purpose.** The Community Service District (C-S) is intended to provide areas suitable for public and non-profit uses as well as associated accessory uses. The development standards for this district are designed to support parks, community spaces, places of worship, hospitals, schools, government buildings, and similar uses either as a single structure or as part of a campus-type development.
- b. **General Standards.**
  - i. All subdivisions require subdivision approval unless exempt (*See Chapter 6: Subdivision Types*).
  - ii. All new primary structures require Development Plan approval (except single-family and two-family residential dwellings when they are a permitted use in this district) (*See Chapter 5: Zoning Provisions and Procedures*).
  - iii. All development may be subject to Drainage Board approval.
  - iv. In order to regulate classification and development, one (1) primary use and one (1) primary structure may be identified and established per parcel by the Administrator. If there is disagreement, an Appeal can be filed with the BZA per *Chapter 5, Section B: Appeal of Administrative Decision Procedures*.

c. Use and Development Standards.

Permitted Uses – Community Service District (C-S)		
<p><b>ACCESSORY USES</b></p> <ul style="list-style-type: none"> <li>● *short-term rental, owner occupied</li> <li>● barn, agricultural</li> <li>● roadside produce stand</li> </ul> <p><b>AGRICULTURAL USES</b></p> <ul style="list-style-type: none"> <li>● row crop production</li> </ul>	<p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>● *campground or RV park</li> <li>● *day care facility</li> <li>● *rural event venue (weddings, banquets)</li> <li>● bank, credit union, financial service</li> <li>● medical office/clinic</li> <li>● office, general</li> <li>● recreational facility, public and private</li> <li>● restaurant</li> <li>● water park</li> </ul>	<p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>● cemetery</li> <li>● church or place of worship</li> <li>● community center</li> <li>● community garden</li> <li>● essential services</li> <li>● governmental offices</li> <li>● hospital</li> <li>● kindergarten/preschool</li> <li>● library</li> <li>● marina</li> <li>● museum</li> <li>● park</li> <li>● park, skate</li> <li>● rehabilitative care</li> <li>● school</li> <li>● utility facility, public and private</li> </ul> <p><b>RESIDENTIAL USES</b></p> <ul style="list-style-type: none"> <li>● nursing home</li> </ul>
Special Exception Uses - Community Service District (C-S)		
<p><b>ACCESSORY USES</b></p> <ul style="list-style-type: none"> <li>● *renewable energy generation system, SECS-2 &amp; SECS-3</li> </ul>	<p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>● outdoor storage</li> <li>● shooting/archery range</li> </ul>	<p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>● correctional institution</li> <li>● *wireless communication facility</li> <li>● airport/heliport</li> </ul>
<p><i>* Indicates that special development, operational, and/or procedural standards will apply to the use. See Chapter 4: Standards for Specific Uses.</i></p>		

## Structure Standards - Community Service District (C-S)

		Single-family and Two-family Residential	Multi-family Residential	Non-residential
Maximum height of structure	Primary structure	NA	NA	50 feet
	Accessory structure	NA	NA	70 feet
Minimum living area		NA	NA	NA
Minimum structure width		NA	NA	NA

## Lot Standards - Community Service District (C-S)

Minimum road frontage		NA	NA	150 feet
Minimum lot area <sup>3</sup>		NA	NA	1 acre 7,000 square feet if serviced by sewer
Minimum front yard setback from centerline of street <sup>5</sup>	Local Street	45 feet	NA	45 feet
	Collector or Secondary Arterial	60 feet	NA	60 feet
	Primary Arterial	80 feet	NA	80 feet
	Divided Primary Arterial	95 feet	NA	95 feet
Minimum side yard setback	Primary structure	NA	NA	10 feet
	Accessory structure	NA	NA	10 feet
Minimum rear yard setback	Primary structure	NA	NA	25 feet
	Accessory structure	NA	NA	10 feet
Maximum impervious surface coverage		NA	NA	NA

## Utility Standards - Community Service District (C-S)

Public water and sewer required *See Chapt 2.A.5.d	no	no	no
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## Additional Site Development Standards

The following site development standards may also apply to development in this district. See *Chapter 3: Site Development Standards*.

- Accessory Structure Standards
- Driveway and Access Management Standards
- Landscaping and Buffer Standards
- Lighting Standards
- Parking and Loading Standards

- Sign Standards
- Storage Standards
- Structure Standards
- Trash Receptacle and Dumpster Standards

*1 – Accessory structures cannot exceed the height of the primary structure. 2 – Road frontage may be via a recorded access easement.*

*3 – A larger lot area may be required by the Health Department to adequately support a sewage disposal system.*

*5 – Unless otherwise established on a recorded and platted subdivision.*

**4. Low Density Residential District (R-1).**

- a. **Purpose.** The purpose of the R-1 district is intended to permit the development and conservation of detached dwellings on individual lots. The R-1 district is designed to permit the development of fee simple townhouse dwellings. This district is intended to provide suitable areas for attached single-family dwellings on individual lots at medium densities.
- b. **General Standards.**
  - i. All subdivisions require subdivision approval unless exempt (See *Chapter 6: Subdivision Types*).
  - ii. All new primary structures require Development Plan approval (except single-family and two-family residential dwellings when they are a permitted use in this district) (See *Chapter 5: Zoning Provisions and Procedures*).
  - iii. All development may be subject to Drainage Board approval.
  - iv. In order to regulate classification and development, one (1) primary use and one (1) primary structure may be identified and established per parcel by the Administrator. If there is disagreement, an Appeal can be filed with the BZA per *Chapter 5, Section B: Appeal of Administrative Decision Procedures*.
- c. **Use and Development Standards.**

Permitted Uses – Low Density Residential District (R-1)	
<p><b>ACCESSORY USES</b></p> <ul style="list-style-type: none"> <li>● *accessory dwelling</li> <li>● *home occupation</li> <li>● *short-term rental, owner occupied</li> <li>● child care home</li> </ul>	<p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>● essential services</li> <li>● governmental offices</li> <li>● park</li> <li>● park, skate</li> </ul> <p><b>RESIDENTIAL USES</b></p> <ul style="list-style-type: none"> <li>● dwelling, single-family</li> <li>● dwelling, single-family attached</li> <li>● group home</li> </ul> <p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>● school</li> </ul>
Special Exception Uses - Low Density Residential District (R-1)	
<p><b>ACCESSORY USES</b></p> <ul style="list-style-type: none"> <li>● *home-based business</li> <li>● *renewable energy generation system, SECS-2 &amp; SECS-3</li> </ul> <p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>● *day care facility</li> <li>● *short-term rental, not owner occupied</li> <li>● golf course</li> <li>● golf driving range</li> </ul>	<p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>● *wireless communication facility</li> <li>● church or place of worship</li> <li>● comprehensive care center</li> <li>● library</li> <li>● utility facility, public and private</li> </ul> <p><b>RESIDENTIAL USES</b></p> <ul style="list-style-type: none"> <li>● dwelling, two-family</li> </ul>
<p>* Indicates that special development, operational, and/or procedural standards will apply to the use. See Chapter 4: Standards for Specific Uses.</p>	

## Structure Standards - Low Density Residential District (R-1)

		Single-family and Two-family Residential	Multi-family Residential	Non-residential
Maximum height of structure	Primary structure	35 feet	NA	35 feet
	Accessory structure	no taller than the primary	NA	35 feet
Minimum living area		950 square feet	NA	NA
Minimum structure width		23 feet	NA	NA

## Lot Standards - Low Density Residential District (R-1)

Minimum road frontage	Unincorporated Areas	<del>70 feet</del> *50 feet	NA	100 feet
	Incorporated Areas	35 feet		
Minimum lot area	With sewers	7,000 square feet	NA	10,000 square feet
	Without sewers <sup>3</sup>	1 acre	NA	1 acre
Minimum front yard setback from centerline of street <sup>5</sup>	Local Street	45 feet	NA	45 feet
	Collector or Secondary Arterial	60 feet	NA	60 feet
	Primary Arterial	80 feet	NA	80 feet
	Divided Primary Arterial	95 feet	NA	95 feet
Minimum side yard setback	Primary structure	5 feet	NA	10 feet
	Accessory structure	5 feet	NA	10 feet
Minimum rear yard setback	Primary structure	25 feet	NA	25 feet
	Accessory structure	5 feet	NA	10 feet
Maximum impervious surface coverage	Unincorporated Areas	<del>30%</del> *40 %	NA	30%
	Incorporated Areas	60%		

## Utility Standards - Low Density Residential District (R-1)

Public water and sewer required *See Chapt 2.A.5.d	no	NA	NA
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## Additional Site Development Standards

The following site development standards may also apply to development in this district. See *Chapter 3: Site Development Standards*.

<ul style="list-style-type: none"> <li>• Accessory Structure Standards</li> <li>• Driveway and Access Management Standards</li> <li>• Landscaping and Buffer Standards</li> <li>• Lighting Standards</li> <li>• Parking and Loading Standards</li> </ul>	<ul style="list-style-type: none"> <li>• Sign Standards</li> <li>• Storage Standards</li> <li>• Structure Standards</li> <li>• Trash Receptacle and Dumpster Standards</li> </ul>
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2 – Road frontage may be via a recorded access easement.  
 3 – A larger lot area may be required by the Health Department to adequately support a sewage disposal system.  
 5 – Unless otherwise established on a recorded and platted subdivision.

## 5. Medium Density Residential District (R-2).

- a. **Purpose.** The Medium Density Residential District (R-2) is intended to provide for the development of residential neighborhoods that are compatible with existing patterns of development. New development is encouraged to contain a mix of residential densities and lot sizes to accommodate single-family and two-family housing as well as a high level of connectivity for vehicles and pedestrians.
- b. **General Standards.**
  - i. All subdivisions require subdivision approval unless exempt (*See Chapter 6: Subdivision Types*).
  - ii. All new primary structures require Development Plan approval (except single-family and two-family residential dwellings when they are a permitted use in this district) (*See Chapter 5: Zoning Provisions and Procedures*).
  - iii. All development may be subject to Drainage Board approval.
  - iv. In order to regulate classification and development, one (1) primary use and one (1) primary structure may be identified and established per parcel by the Administrator. If there is disagreement, an Appeal can be filed with the BZA per *Chapter 5, Section B: Appeal of Administrative Decision Procedures*.

c. Use and Development Standards.

Permitted Uses – Medium Density Residential District (R-2)	
<p><b>ACCESSORY USES</b></p> <ul style="list-style-type: none"> <li>● *home occupation</li> <li>● *short-term rental, owner occupied</li> <li>● child care home</li> </ul> <p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>● *short-term rental, not owner occupied</li> </ul>	<p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>● community garden</li> <li>● essential services</li> <li>● governmental offices</li> <li>● park</li> <li>● park, skate</li> <li>● school</li> </ul> <p><b>RESIDENTIAL USES</b></p> <ul style="list-style-type: none"> <li>● dwelling, single-family</li> <li>● dwelling, single-family attached</li> <li>● dwelling, two-family</li> <li>● multi-family dwelling, 3-unit structure</li> </ul>
Special Exception Uses - Medium Density Residential District (R-2)	
<p><b>ACCESSORY USES</b></p> <ul style="list-style-type: none"> <li>● *accessory dwelling</li> <li>● *home-based business</li> <li>● *renewable energy generation system, SECS-2 &amp; SECS-3</li> </ul> <p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>● *day care facility</li> <li>● golf course</li> <li>● golf driving range</li> </ul>	<p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>● *wireless communication facility</li> <li>● church or place of worship</li> <li>● comprehensive care center</li> <li>● library</li> <li>● utility facility, public and private</li> </ul> <p><b>RESIDENTIAL USES</b></p> <ul style="list-style-type: none"> <li>● *manufactured home park</li> <li>● group home</li> <li>● multi-family dwelling, 4-unit structure</li> </ul>
<p><i>* Indicates that special development, operational, and/or procedural standards will apply to the use. See Chapter 4: Standards for Specific Uses.</i></p>	

**Structure Standards - Medium Density Residential District (R-2)**

		Single-family and Two-family Residential	Multi-family Residential	Non-residential
Maximum height of structure	Primary structure	35 feet	35 feet	35 feet
	Accessory structure	no taller than the primary structure	15 feet	35 feet
Minimum living area per unit		950 square feet	650 square feet	NA
Minimum structure width		23 feet	23 feet	NA

**Lot Standards - Medium Density Residential District (R-2)**

Minimum road frontage	Unincorporated Areas	<del>70 feet</del> *50 feet	70 feet	100 feet
	Incorporated Areas	35 feet		
Minimum lot area	With sewers	7,000 square feet	14,000 square feet	10,000 square feet
	Without sewers <sup>3</sup>	1 acre	1 acre	1 acre
Minimum front yard setback from centerline of street <sup>5</sup>	Local Street	45 feet	45 feet	45 feet
	Collector or Secondary Arterial	60 feet	60 feet	60 feet
	Primary Arterial	80 feet	80 feet	80 feet
	Divided Primary Arterial	95 feet	95 feet	95 feet
Minimum side yard setback	Primary structure	5 feet	5 feet	10 feet
	Accessory structure	5 feet	5 feet	10 feet
Minimum rear yard setback	Primary structure	25 feet	25 feet	25 feet
	Accessory structure	5 feet	5 feet	10 feet
Maximum impervious surface coverage	Unincorporated Areas	<del>30%</del> *40%	30%	30%
	Incorporated Areas	60%		

**Utility Standards - Medium Density Residential District (R-2)**

Public water and sewer required *See Chapt 2.A.5.d	no	NA	NA
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**Additional Site Development Standards**

The following site development standards may also apply to development in this district. See *Chapter 3: Site Development Standards*.

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>• Accessory Structure Standards</li> <li>• Driveway and Access Management Standards</li> <li>• Landscaping and Buffer Standards</li> <li>• Lighting Standards</li> <li>• Parking and Loading Standards</li> </ul> | <ul style="list-style-type: none"> <li>• Sign Standards</li> <li>• Storage Standards</li> <li>• Structure Standards</li> <li>• Trash Receptacle and Dumpster Standards</li> </ul> |
|--|---|

2 – Road frontage may be via a recorded access easement.  
 3 – A larger lot area may be required by the Health Department to adequately support a sewage disposal system.  
 5 – Unless otherwise established on a recorded and platted subdivision.

**6. High Density Residential District (R-3).**

c. **Purpose.** The High Density Residential District (R-3) is established to allow high-density residential development and a mix of housing types in the county. This district encourages compact development patterns with multi-modal connections that is in proximity to incorporated areas with adequate public utilities and available infrastructure.

**d. General Standards.**

- i. All subdivisions require subdivision approval unless exempt (See *Chapter 6: Subdivision Types*).
- ii. All new primary structures require Development Plan approval (except single-family and two-family residential dwellings when they are a permitted use in this district) (See *Chapter 5: Zoning Provisions and Procedures*).
- iii. All development may be subject to Drainage Board approval.
- iv. In order to regulate classification and development, one (1) primary use and one (1) primary structure may be identified and established per parcel by the Administrator. If there is disagreement, an Appeal can be filed with the BZA per *Chapter 5, Section B: Appeal of Administrative Decision Procedures*.

**e. Use and Development Standards.**

<b>Permitted Uses – High Density Residential District (R-3)</b>		
<p><b>ACCESSORY USES</b></p> <ul style="list-style-type: none"> <li>● *home occupation</li> <li>● *short-term rental, owner occupied</li> <li>● child care home</li> </ul> <p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>● *short-term rental, not owner occupied</li> </ul>	<p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>● community garden</li> <li>● essential services</li> <li>● governmental offices</li> <li>● park</li> <li>● park, skate</li> <li>● school</li> </ul>	<p><b>RESIDENTIAL USES</b></p> <ul style="list-style-type: none"> <li>● *manufactured home park</li> <li>● dwelling, single-family (only if adjacent lots are developed single-family)</li> <li>● dwelling, single-family attached</li> <li>● dwelling, two-family</li> <li>● multi-family dwelling, 3-unit structure</li> <li>● multi-family dwelling, 4-unit structure</li> <li>● multi-family dwelling, 5+ unit structure</li> <li>● nursing home</li> </ul>
<b>Special Exception Uses - High Density Residential District (R-3)</b>		
<p><b>ACCESSORY USES</b></p> <ul style="list-style-type: none"> <li>● *renewable energy generation system, SECS-2 &amp; SECS-3</li> </ul> <p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>● *day care facility</li> <li>● golf course</li> <li>● golf driving range</li> </ul>	<p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>● *wireless communication facility</li> <li>● church or place of worship</li> <li>● comprehensive care center</li> <li>● library</li> <li>● utility facility, public and private</li> </ul>	<p><b>RESIDENTIAL USES</b></p> <ul style="list-style-type: none"> <li>● dwelling, single-family</li> <li>● group home</li> </ul>
<p>* Indicates that special development, operational, and/or procedural standards will apply to the use. See <i>Chapter 4: Standards for Specific Uses</i>.</p>		

## Structure Standards - High Density Residential District (R-3)

		Single-family and Two-family Residential	Multi-family Residential	Non-residential
Maximum height of structure	Primary structure	35 feet	50 feet	50 feet
	Accessory structure	no taller than the primary structure	35 feet	35 feet
Minimum living area per unit		950 square feet for single-family 650 square feet for two-family	400 square feet plus an additional 100sqft of living area per bedroom	NA
Minimum structure width		23 feet	23 feet	NA

## Lot Standards - High Density Residential District (R-3)

Minimum road frontage	Unincorporated Areas	70 feet <del>*50 feet</del>	70 feet	100 feet
	Incorporated Areas	35 feet		
Minimum lot area		7,000 square feet	1,500 sqft/unit	10,000 square feet
Minimum front yard setback from centerline of street <sup>5</sup>	Local Street	45 feet	45 feet	45 feet
	Collector or Secondary Arterial	60 feet	60 feet	60 feet
	Primary Arterial	80 feet	80 feet	80 feet
	Divided Primary Arterial	95 feet	95 feet	95 feet
Minimum side yard setback	Primary structure	5 feet	5 feet	10 feet
	Accessory structure	5 feet	5 feet	10 feet
Minimum rear yard setback	Primary structure	25 feet	25 feet	25 feet
	Accessory structure	5 feet	5 feet	10 feet
Maximum impervious surface coverage		50%	50%	50%

## Utility Standards - High Density Residential District (R-3)

Public water and sewer required *See Chapt 2.A.5.d	yes	yes	yes
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## Additional Site Development Standards

<p>The following site development standards may also apply to development in this district. See <i>Chapter 3: Site Development Standards</i>.</p>	
<ul style="list-style-type: none"> <li>Accessory Structure Standards</li> <li>Driveway and Access Management Standards</li> <li>Landscaping and Buffer Standards</li> <li>Lighting Standards</li> <li>Parking and Loading Standards</li> </ul>	<ul style="list-style-type: none"> <li>Sign Standards</li> <li>Storage Standards</li> <li>Structure Standards</li> <li>Trash Receptacle and Dumpster Standards</li> </ul>
<p>2 – Road frontage may be via a recorded access easement.                      3 – A larger lot area may be required by the Health Department to adequately support a sewage disposal system.                      5 – Unless otherwise established on a recorded and platted subdivision.</p>	

## 7. Central Business District (C-B).

- a. **Purpose.** The Central Business District (C-B) is intended to recognize and perpetuate the character of the existing downtown areas within the established communities in Posey County. These areas are to be maintained to serve as the primary community activity centers for these cities and towns. This district supports the continued use of existing structures while allowing compatible infill development and redevelopment. These areas are mixed-use in nature and support a variety of retail, entertainment, service, office, and residential uses that rely primarily on street parking. Preserving the unique physical pattern of these areas while ensuring pedestrian connectivity and comfort are a priority.
- b. **General Standards.**
  - i. All subdivisions require subdivision approval unless exempt (See *Chapter 6: Subdivision Types*).
  - ii. All new primary structures require Development Plan approval (except single-family and two-family residential dwellings when they are a permitted use in this district) (See *Chapter 5: Zoning Provisions and Procedures*).
  - iii. All development may be subject to Drainage Board approval.
  - iv. In order to regulate classification and development, one (1) primary use and one (1) primary structure may be identified and established per parcel by the Administrator. If there is disagreement, an Appeal can be filed with the BZA per *Chapter 5, Section B: Appeal of Administrative Decision Procedures*.

c. Use and Development Standards.

Permitted Uses – Central Business District (C-B)	
<p><b>ACCESSORY USES</b></p> <ul style="list-style-type: none"> <li>● *short-term rental, owner occupied</li> <li>● child care home</li> </ul> <p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>● *short-term rental, not owner occupied</li> <li>● professional/business offices</li> <li>● retail, general - &lt;7,000sqft</li> <li>● service-oriented retail</li> </ul>	<p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>● community garden</li> <li>● essential services</li> <li>● governmental offices</li> <li>● kindergarten/preschool</li> <li>● library</li> <li>● school</li> </ul> <p><b>RESIDENTIAL USES</b></p> <ul style="list-style-type: none"> <li>● dwelling on upper floor above business</li> <li>● multi-family dwelling, 4-unit structure</li> <li>● multi-family dwelling, 5+ unit structure</li> </ul>
Special Exception Uses - Central Business District (C-B)	
<p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>● *day care facility</li> <li>● animal hospital</li> <li>● bar/tavern/night club</li> <li>● hotel/motel</li> <li>● medical office/clinic</li> <li>● philanthropic institution</li> </ul>	<p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>● *wireless communication facility</li> <li>● church or place of worship</li> <li>● comprehensive care center</li> <li>● utility facility, public and private</li> </ul> <p><b>RESIDENTIAL USES</b></p> <ul style="list-style-type: none"> <li>● dwelling, single-family</li> <li>● dwelling, two-family</li> <li>● nursing home</li> </ul>
<p><i>* Indicates that special development, operational, and/or procedural standards will apply to the use. See Chapter 4: Standards for Specific Uses.</i></p>	

## Structure Standards - Central Business District (C-B)

		Single-family and Two-family Residential	Multi-family Residential	Non-residential
Maximum height of structure	Primary structure	75 feet	75 feet	75 feet
	Accessory structure	no taller than the primary structure	15 feet	15 feet
Minimum living area per unit		950 square feet for single-family 650 square feet for two-family	400 square feet plus an additional 100sqft of living area per bedroom	NA
Minimum structure width		23 feet	23 feet	NA

## Lot Standards - Central Business District (C-B)

Minimum road frontage	NA	NA	NA
Minimum lot area	5,000 square feet	1,500 sqft/unit	NA
Minimum front yard setback	NA	NA	NA
Minimum side yard setback	Primary structure	NA	NA
	Accessory structure	NA	NA
Minimum rear yard setback	Primary structure	NA	NA
	Accessory structure	NA	NA
Maximum impervious surface coverage	100%	100%	100%

## Utility Standards - Central Business District (C-B)

Public water and sewer required *See Chapt 2.A.5.d	yes	yes	yes
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## Additional Site Development Standards

<p>The following site development standards may also apply to development in this district. See <i>Chapter 3: Site Development Standards</i>.</p>	
<ul style="list-style-type: none"> <li>Accessory Structure Standards</li> <li>Driveway and Access Management Standards</li> <li>Landscaping and Buffer Standards</li> <li>Lighting Standards</li> <li>Parking and Loading Standards</li> </ul>	<ul style="list-style-type: none"> <li>Sign Standards</li> <li>Storage Standards</li> <li>Structure Standards</li> <li>Trash Receptacle and Dumpster Standards</li> </ul>
<p><i>2 – Road frontage may be via a recorded access easement.</i></p> <p><i>3 – A larger lot area may be required by the Health Department to adequately support a sewage disposal system.</i></p> <p><i>5 – Unless otherwise established on a recorded and platted subdivision.</i></p>	

## **8. Residential Office District (R-O).**

- a. **Purpose.** The Residential Office District (R-O) is intended as a transition area between residential districts and business/commercial districts. This district is often located where pre-existing residential uses and structures are transitioning to business uses. This district accommodates a variety of residential uses while the development standards permit land use and structure conversions that promote the development of efficient office facilities and maximize compatibility with other land uses. On-street parking may be utilized to meet the parking requirements at the discretion of the Administrator and/or the APC.
- b. **General Standards.**
  - i. All subdivisions require subdivision approval unless exempt (See *Chapter 6: Subdivision Types*).
  - ii. All new primary structures require Development Plan approval (except single-family and two-family residential dwellings when they are a permitted use in this district) (See *Chapter 5: Zoning Provisions and Procedures*).
  - iii. All development may be subject to Drainage Board approval.
  - iv. In order to regulate classification and development, one (1) primary use and one (1) primary structure may be identified and established per parcel by the Administrator. If there is disagreement, an Appeal can be filed with the BZA per *Chapter 5, Section B: Appeal of Administrative Decision Procedures*.

c. Use and Development Standards.

Permitted Uses – Residential Office District (R-O)	
<p><b>ACCESSORY USES</b></p> <ul style="list-style-type: none"> <li>● *home occupation</li> <li>● *short-term rental, owner occupied</li> <li>● child care home</li> <li>● farmers market</li> </ul> <p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>● *short-term rental, not owner occupied</li> <li>● philanthropic institution</li> <li>● professional/business offices</li> <li>● retail, general - &lt;7,000sqft</li> <li>● service-oriented retail</li> </ul>	<p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>● community garden</li> <li>● essential services</li> <li>● governmental offices</li> <li>● kindergarten/preschool</li> <li>● library</li> <li>● school</li> </ul> <p><b>RESIDENTIAL USES</b></p> <ul style="list-style-type: none"> <li>● dwelling on upper floor above business</li> <li>● dwelling, two-family</li> <li>● multi-family dwelling, 4-unit structure</li> <li>● nursing home</li> </ul>
Special Exception Uses – Residential Office District (R-O)	
<p><b>ACCESSORY USES</b></p> <ul style="list-style-type: none"> <li>● *home-based business</li> <li>● *renewable energy generation system, SECS-2 &amp; SECS-3</li> </ul> <p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>● *day care facility</li> <li>● animal hospital</li> <li>● medical office/clinic</li> </ul>	<p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>● *wireless communication facility</li> <li>● church or place of worship</li> <li>● comprehensive care center</li> <li>● park</li> <li>● park, skate</li> <li>● utility facility, public and private</li> </ul> <p><b>RESIDENTIAL USES</b></p> <ul style="list-style-type: none"> <li>● dwelling, single-family</li> <li>● multi-family dwelling, 5+ unit structure</li> </ul>
<p><i>* Indicates that special development, operational, and/or procedural standards will apply to the use. See Chapter 4: Standards for Specific Uses.</i></p>	

## Structure Standards - Residential Office District (R-O)

		Single-family and Two-family Residential	Multi-family Residential	Non-residential
Maximum height of structure	Primary structure	35 feet	35 feet	35 feet
	Accessory structure	no taller than the primary structure	15 feet	15 feet
Minimum living area per unit		950 square feet for single-family 650 square feet for two-family	400 square feet plus an additional 100sqft of living area per bedroom	NA
Minimum structure width		23 feet	23 feet	NA

## Lot Standards - Residential Office District (R-O)

Minimum road frontage		70 feet	70 feet	100 feet
Minimum lot area	With sewers	7,000 square feet	1,500 sqft/unit	10,000 square feet
	Without sewers <sup>3</sup>	1 acre	1 acre	1 acre
Minimum front yard setback from centerline of street <sup>5</sup>	Local Street	45 feet	45 feet	45 feet
	Collector or Secondary Arterial	60 feet	60 feet	60 feet
	Primary Arterial	80 feet	80 feet	80 feet
	Divided Primary Arterial	95 feet	95 feet	95 feet
Minimum side yard setback	Primary structure	5 feet	5 feet	10 feet
	Accessory structure	5 feet	5 feet	10 feet
Minimum rear yard setback	Primary structure	25 feet	25 feet	25 feet
	Accessory structure	5 feet	5 feet	10 feet
Maximum impervious surface coverage		50%	50%	50%

## Utility Standards - Residential Office District (R-O)

Public water and sewer required *See Chapt 2.A.5.d	no	no	no
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## Additional Site Development Standards

<p>The following site development standards may also apply to development in this district. See <i>Chapter 3: Site Development Standards</i>.</p>	
<ul style="list-style-type: none"> <li>• Accessory Structure Standards</li> <li>• Driveway and Access Management Standards</li> <li>• Landscaping and Buffer Standards</li> <li>• Lighting Standards</li> <li>• Parking and Loading Standards</li> </ul>	<ul style="list-style-type: none"> <li>• Sign Standards</li> <li>• Storage Standards</li> <li>• Structure Standards</li> <li>• Trash Receptacle and Dumpster Standards</li> </ul>
<p><i>2 – Road frontage may be via a recorded access easement.</i>  <i>3 – A larger lot area may be required by the Health Department to adequately support a sewage disposal system.</i>  <i>5 – Unless otherwise established on a recorded and platted subdivision.</i></p>	

## 9. Neighborhood Commercial District (C-1).

- a. **Purpose.** The Neighborhood Commercial District (C-1) is intended to provide for limited small-scale retail goods and service businesses that are required for the convenience of residents in nearby neighborhoods. Accommodations for non-vehicular connectivity between this district and area neighborhoods should be incorporated into the site design.
- b. **General Standards.**
  - i. All subdivisions require subdivision approval unless exempt (See *Chapter 6: Subdivision Types*).
  - ii. All new primary structures require Development Plan approval (except single-family and two-family residential dwellings when they are a permitted use in this district) (See *Chapter 5: Zoning Provisions and Procedures*).
  - iii. All development may be subject to Drainage Board approval.
  - iv. In order to regulate classification and development, one (1) primary use and one (1) primary structure may be identified and established per parcel by the Administrator. If there is disagreement, an Appeal can be filed with the BZA per *Chapter 5, Section B: Appeal of Administrative Decision Procedures*.

c. Use and Development Standards.

Permitted Uses – Neighborhood Commercial District (C-1)	
<p><b>ACCESSORY USES</b></p> <ul style="list-style-type: none"> <li>● *short-term rental, owner occupied</li> <li>● farmers market</li> </ul> <p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>● *short-term rental, not owner occupied</li> <li>● professional/business offices</li> <li>● retail, general - &lt;7,000sqft</li> <li>● service-oriented retail</li> </ul>	<p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>● community garden</li> <li>● essential services</li> <li>● governmental offices</li> <li>● kindergarten/preschool</li> <li>● library</li> <li>● school</li> </ul> <p><b>RESIDENTIAL USES</b></p> <ul style="list-style-type: none"> <li>● dwelling on upper floor above business</li> <li>● multi-family dwelling, 4-unit structure</li> <li>● multi-family dwelling, 5+ unit structure</li> </ul>
Special Exception Uses - Neighborhood Commercial District (C-1)	
<p><b>ACCESSORY USES</b></p> <ul style="list-style-type: none"> <li>● recycling/donation drop-off point</li> <li>● *renewable energy generation system, SECS-2 &amp; SECS-3</li> </ul> <p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>● *day care facility</li> <li>● animal hospital</li> <li>● gym/health club</li> <li>● medical office/clinic</li> <li>● outdoor storage</li> <li>● philanthropic institution</li> <li>● retail, general - 7,000-20,000sqft</li> </ul>	<p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>● *wireless communication facility</li> <li>● church or place of worship</li> <li>● comprehensive care center</li> <li>● marina</li> <li>● park</li> <li>● park, skate</li> <li>● utility facility, public and private</li> </ul> <p><b>RESIDENTIAL USES</b></p> <ul style="list-style-type: none"> <li>● dwelling, single-family</li> <li>● dwelling, two-family</li> <li>● nursing home</li> </ul>
<p><i>* Indicates that special development, operational, and/or procedural standards will apply to the use. See Chapter 4: Standards for Specific Uses.</i></p>	

## Structure Standards - Neighborhood Commercial District (C-1)

		Single-family and Two-family Residential	Multi-family Residential	Non-residential
Maximum height of structure	Primary structure	35 feet	35 feet	35 feet
	Accessory structure	no taller than the primary structure	15 feet	15 feet
Minimum living area per unit		950 square feet for single-family 650 square feet for two-family	400 square feet plus an additional 100sqft of living area per bedroom	NA
Minimum structure width		23 feet	23 feet	NA

## Lot Standards - Neighborhood Commercial District (C-1)

Minimum road frontage		70 feet	70 feet	100 feet
Minimum lot area	With sewers	7,000 square feet	1,500 sqft/unit	10,000 square feet
	Without sewers <sup>3</sup>	1 acre	1 acre	1 acre
Minimum front yard setback from centerline of street <sup>5</sup>	Local Street	45 feet	45 feet	45 feet
	Collector or Secondary Arterial	60 feet	60 feet	60 feet
	Primary Arterial	80 feet	80 feet	80 feet
	Divided Primary Arterial	95 feet	95 feet	95 feet
Minimum side yard setback	Primary structure	10 feet	10 feet	10 feet
	Accessory structure	5 feet	5 feet	10 feet
Minimum rear yard setback	Primary structure	20 feet	20 feet	20 feet
	Accessory structure	5 feet	5 feet	20 feet
Maximum impervious surface coverage		50%	50%	50%

## Utility Standards - Neighborhood Commercial District (C-1)

Public water and sewer required *See Chapt 2.A.5.d	no	no	no
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## Additional Site Development Standards

The following site development standards may also apply to development in this district. See *Chapter 3: Site Development Standards*.

<ul style="list-style-type: none"> <li>• Accessory Structure Standards</li> <li>• Driveway and Access Management Standards</li> <li>• Landscaping and Buffer Standards</li> <li>• Lighting Standards</li> <li>• Parking and Loading Standards</li> </ul>	<ul style="list-style-type: none"> <li>• Sign Standards</li> <li>• Storage Standards</li> <li>• Structure Standards</li> <li>• Trash Receptacle and Dumpster Standards</li> </ul>
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2 – Road frontage may be via a recorded access easement.  
 3 – A larger lot area may be required by the Health Department to adequately support a sewage disposal system.  
 5 – Unless otherwise established on a recorded and platted subdivision.

## **10. General Commercial District (C-2).**

- a. **Purpose.** The General Commercial District (C-2) is established to include areas suitable for a variety of commercial uses which offer many goods and services to the local community and those who travel through the area. This district is most appropriate to notable intersections along transportation corridors in the county.
- b. **General Standards.**
  - i. All subdivisions require subdivision approval unless exempt (See *Chapter 6: Subdivision Types*).
  - ii. All new primary structures require Development Plan approval (except single-family and two-family residential dwellings when they are a permitted use in this district) (See *Chapter 5: Zoning Provisions and Procedures*).
  - iii. All development may be subject to Drainage Board approval.
  - iv. In order to regulate classification and development, one (1) primary use and one (1) primary structure may be identified and established per parcel by the Administrator. If there is disagreement, an Appeal can be filed with the BZA per *Chapter 5, Section B: Appeal of Administrative Decision Procedures*.

c. Use and Development Standards.

Permitted Uses – General Commercial District (C-2)	
<p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>• *day care facility</li> <li>• funeral home</li> <li>• gym/health club</li> <li>• hotel/motel</li> <li>• mortuary</li> <li>• philanthropic institution</li> <li>• professional/business offices</li> <li>• recreational facility, public and private</li> <li>• retail, general - &lt;7,000sqft</li> <li>• service-oriented retail</li> <li>• water park</li> <li>• winery/brewery/distillery</li> </ul>	<p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>• church or place of worship</li> <li>• essential services</li> <li>• governmental offices</li> <li>• hospital</li> <li>• kindergarten/preschool</li> <li>• library</li> <li>• school</li> </ul> <p><b>RESIDENTIAL USES</b></p> <ul style="list-style-type: none"> <li>• dwelling on upper floor above business</li> </ul>
Special Exception Uses - General Commercial District (C-2)	
<p><b>ACCESSORY USES</b></p> <ul style="list-style-type: none"> <li>• recycling/donation drop-off point</li> <li>• *renewable energy generation system, SECS-2 &amp; SECS-3</li> </ul> <p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>• animal hospital</li> <li>• automobile gas station w/convenience store</li> <li>• bar/tavern/night club</li> <li>• boat/motorcycle/RV sales and repair</li> <li>• kennel, public</li> <li>• medical office/clinic</li> <li>• outdoor storage</li> <li>• retail, general - 7,000-20,000sqft</li> <li>• retail, general - &gt;20,000sqft</li> </ul>	<p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>• *wireless communication facility</li> <li>• bus station</li> <li>• comprehensive care center</li> <li>• marina</li> <li>• mausoleum</li> <li>• park</li> <li>• park, skate</li> <li>• utility facility, public and private</li> </ul> <p><b>RESIDENTIAL USES</b></p> <ul style="list-style-type: none"> <li>• nursing home</li> </ul>
<p><i>* Indicates that special development, operational, and/or procedural standards will apply to the use. See Chapter 4: Standards for Specific Uses.</i></p>	

## Structure Standards - General Commercial District (C-2)

		Single-family and Two-family Residential	Multi-family Residential	Non-residential
Maximum height of structure	Primary structure	NA	NA	75 feet
	Accessory structure	NA	NA	25 feet
Minimum living area per unit		NA	400 square feet plus an additional 100sqft of living area per bedroom	NA
Minimum structure width		NA	NA	NA

## Lot Standards - General Commercial District (C-2)

Minimum road frontage		NA	NA	100 feet
Minimum lot area	With sewers	NA	NA	10,000 square feet
	Without sewers <sup>3</sup>	NA	NA	1 acre
Minimum front yard setback from centerline of street <sup>5</sup>	Local Street	45 feet	NA	45 feet
	Collector or Secondary Arterial	60 feet	NA	60 feet
	Primary Arterial	80 feet	NA	80 feet
	Divided Primary Arterial	95 feet	NA	95 feet
Minimum side yard setback	Primary structure	NA	NA	10 feet
	Accessory structure	NA	NA	10 feet
Minimum rear yard setback	Primary structure	NA	NA	20 feet
	Accessory structure	NA	NA	10 feet
Maximum impervious surface coverage		NA	NA	50%

## Utility Standards - General Commercial District (C-2)

Public water and sewer required *See Chapt 2.A.5.d	NA	no	no
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## Additional Site Development Standards

The following site development standards may also apply to development in this district. See *Chapter 3: Site Development Standards*.

<ul style="list-style-type: none"> <li>● Accessory Structure Standards</li> <li>● Driveway and Access Management Standards</li> <li>● Landscaping and Buffer Standards</li> <li>● Lighting Standards</li> <li>● Parking and Loading Standards</li> </ul>	<ul style="list-style-type: none"> <li>● Sign Standards</li> <li>● Storage Standards</li> <li>● Structure Standards</li> <li>● Trash Receptacle and Dumpster Standards</li> </ul>
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*2 – Road frontage may be via a recorded access easement.*  
*3 – A larger lot area may be required by the Health Department to adequately support a sewage disposal system.*  
*5 – Unless otherwise established on a recorded and platted subdivision.*

## **11. Heavy Commercial District (C-3).**

- a. **Purpose.** The Heavy Commercial District (C-3) is established to provide areas suitable for intense commercial development that is adequately served by public utilities and infrastructure that serve a regional market and/or require convenient access to high-volume transportation routes. These automobile reliant businesses are typically located along major corridors and may be more intense and/or larger in scale than the other commercial districts. This district supports “big box” development, wholesale clubs, and similarly sized retail destinations.
- b. **General Standards.**
  - i. All subdivisions require subdivision approval unless exempt (See *Chapter 6: Subdivision Types*).
  - ii. All new primary structures require Development Plan approval (except single-family and two-family residential dwellings when they are a permitted use in this district) (See *Chapter 5: Zoning Provisions and Procedures*).
  - iii. All development may be subject to Drainage Board approval.
  - iv. In order to regulate classification and development, one (1) primary use and one (1) primary structure may be identified and established per parcel by the Administrator. If there is disagreement, an Appeal can be filed with the BZA per *Chapter 5, Section B: Appeal of Administrative Decision Procedures*.

c. Use and Development Standards.

Permitted Uses – Heavy Commercial District (C-3)		
<p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>● *day care facility</li> <li>● auditorium</li> <li>● automobile gas station w/convenience store</li> <li>● automotive sales, new</li> <li>● automotive sales, used</li> <li>● bar/tavern/night club</li> <li>● dance hall/club</li> <li>● funeral home</li> <li>● gym/health club</li> <li>● hotel/motel</li> <li>● mortuary</li> <li>● philanthropic institution</li> <li>● professional/business offices</li> <li>● recreational facility, public and private</li> <li>● retail, general - &lt;7,000sqft</li> <li>● retail, general - 7,000-20,000sqft</li> <li>● retail, general - &gt;20,000sqft</li> <li>● service-oriented retail</li> <li>● water park</li> <li>● winery/brewery/distillery</li> </ul>	<p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>● church or place of worship</li> <li>● essential services</li> <li>● governmental offices</li> <li>● hospital</li> <li>● kindergarten/preschool</li> <li>● library</li> <li>● school</li> </ul>	<p><b>RESIDENTIAL USES</b></p> <ul style="list-style-type: none"> <li>● dwelling on upper floor above business</li> </ul>
Special Exception Uses - Heavy Commercial District (C-3)		
<p><b>ACCESSORY USES</b></p> <ul style="list-style-type: none"> <li>● recycling/donation drop-off point</li> <li>● *renewable energy generation system, SECS-2 &amp; SECS-3</li> </ul>	<p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>● *sexually oriented business</li> <li>● animal hospital</li> <li>● automotive repair</li> <li>● boat/motorcycle/RV sales and repair</li> <li>● farm equipment sales</li> <li>● kennel, public</li> <li>● outdoor storage</li> <li>● medical office/clinic</li> <li>● race track</li> <li>● stadium/arena</li> </ul>	<p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>● *wireless communication facility</li> <li>● bus station</li> <li>● comprehensive care center</li> <li>● marina</li> <li>● park</li> <li>● park, skate</li> <li>● utility facility, public and private</li> </ul>
<p><i>* Indicates that special development, operational, and/or procedural standards will apply to the use. See Chapter 4: Standards for Specific Uses.</i></p>		

## Structure Standards - Heavy Commercial District (C-3)

		Single-family and Two-family Residential	Multi-family Residential	Non-residential
Maximum height of structure	Primary structure	NA	NA	75 feet
	Accessory structure	NA	NA	25 feet
Minimum living area per unit		NA	400 square feet plus an additional 100sqft of living area per bedroom	NA
Minimum structure width		NA	NA	NA

## Lot Standards - Heavy Commercial District (C-3)

Minimum road frontage		NA	NA	100 feet
Minimum lot area	With sewers	NA	NA	10,000 square feet
	Without sewers <sup>3</sup>	NA	NA	1 acre
Minimum front yard setback from centerline of street <sup>5</sup>	Local Street	45 feet	NA	45 feet
	Collector or Secondary Arterial	60 feet	NA	60 feet
	Primary Arterial	80 feet	NA	80 feet
	Divided Primary Arterial	95 feet	NA	95 feet
Minimum side yard setback	Primary structure	NA	NA	10 feet
	Accessory structure	NA	NA	10 feet
Minimum rear yard setback	Primary structure	NA	NA	20 feet
	Accessory structure	NA	NA	10 feet
Maximum impervious surface coverage		NA	NA	50%

## Utility Standards - Heavy Commercial District (C-3)

Public water and sewer required *See Chapt 2.A.5.d	NA	no	no
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## Additional Site Development Standards

The following site development standards may also apply to development in this district. See *Chapter 3: Site Development Standards*.

<ul style="list-style-type: none"> <li>● Accessory Structure Standards</li> <li>● Driveway and Access Management Standards</li> <li>● Landscaping and Buffer Standards</li> <li>● Lighting Standards</li> <li>● Parking and Loading Standards</li> </ul>	<ul style="list-style-type: none"> <li>● Sign Standards</li> <li>● Storage Standards</li> <li>● Structure Standards</li> <li>● Trash Receptacle and Dumpster Standards</li> </ul>
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*2 – Road frontage may be via a recorded access easement.*  
*3 – A larger lot area may be required by the Health Department to adequately support a sewage disposal system.*  
*5 – Unless otherwise established on a recorded and platted subdivision.*

## 12. Light Industrial District (I-1).

- a. **Purpose.** The Light Industrial District (I-1) is designed to provide areas that are conducive to the development and conservation of modern manufacturing and scientific research facilities. Additionally, it is to provide areas suitable for light production, manufacturing, wholesaling, warehousing, and other industrial activities which have no objectional environmental influences. All activities and material storage are to be entirely within a completely enclosed building.
- b. **General Standards.**
  - i. All subdivisions require subdivision approval unless exempt (See *Chapter 6: Subdivision Types*).
  - ii. All new primary structures require Development Plan approval (except single-family and two-family residential dwellings when they are a permitted use in this district) (See *Chapter 5: Zoning Provisions and Procedures*).
  - iii. All development may be subject to Drainage Board approval.
  - iv. In order to regulate classification and development, one (1) primary use and one (1) primary structure may be identified and established per parcel by the Administrator. If there is disagreement, an Appeal can be filed with the BZA per *Chapter 5, Section B: Appeal of Administrative Decision Procedures*.

c. Use and Development Standards.

Permitted Uses – Light Industrial District (I-1)		
<p><b>ACCESSORY USES</b></p> <ul style="list-style-type: none"> <li>● *renewable energy generation system, SECS-2, SECS-3, WECS-2, &amp; WECS-3</li> <li>● recycling/donation drop-off point</li> </ul>	<p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>● *renewable energy generation system, SECS-1 &amp; WECS-1</li> <li>● auditorium</li> <li>● automobile gas station w/convenience store</li> <li>● automotive repair</li> <li>● automotive sales, new</li> <li>● automotive sales, used</li> <li>● bar/tavern/night club</li> <li>● boat/motorcycle/RV sales and repair</li> <li>● farm equipment repair</li> <li>● farm equipment sales</li> <li>● funeral home</li> <li>● gym/health club</li> <li>● hotel/motel</li> <li>● mortuary</li> <li>● philanthropic institution</li> <li>● professional/business offices</li> <li>● retail, general - &lt;7,000sqft</li> <li>● retail, general - 7,000-20,000sqft</li> <li>● retail, general - &gt;20,000sqft</li> <li>● service-oriented retail</li> <li>● stadium/arena</li> </ul>	<p><b>INDUSTRIAL USES</b></p> <ul style="list-style-type: none"> <li>● manufacturing, light</li> <li>● research/development</li> <li>● *satellite parking</li> <li>● storage, non-hazardous</li> <li>● warehousing/distribution</li> </ul> <p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>● bus station</li> <li>● essential services</li> <li>● governmental offices</li> <li>● marina</li> <li>● school</li> </ul>
Special Exception Uses - Light Industrial District (I-1)		
<p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>● *sexually oriented business</li> <li>● animal hospital</li> <li>● contractor facility</li> <li>● dance hall/club</li> <li>● farm supply store</li> <li>● golf course</li> <li>● golf driving range</li> <li>● kennel, public</li> <li>● medical office/clinic</li> <li>● outdoor storage</li> <li>● race track</li> <li>● recreational facility, public and private</li> <li>● semi-trailer parking</li> <li>● truck stop w/convenience store</li> <li>● water park</li> <li>● winery/brewery/distillery</li> </ul>	<p><b>INDUSTRIAL USES</b></p> <ul style="list-style-type: none"> <li>● livestock auction stock pen</li> </ul>	<p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>● correctional institution</li> <li>● *wireless communication facility</li> <li>● airport/heliport</li> <li>● church or place of worship</li> <li>● hospital</li> <li>● library</li> <li>● park</li> <li>● park, skate</li> <li>● utility facility, public and private</li> </ul>
<p><i>* Indicates that special development, operational, and/or procedural standards will apply to the use. See Chapter 4: Standards for Specific Uses.</i></p>		

## Structure Standards - Light Industrial District (I-1)

		Single-family and Two-family Residential	Multi-family Residential	Non-residential
Maximum height of structure	Primary structure	NA	NA	75 feet
	Accessory structure	NA	NA	25 feet
Minimum living area per unit		NA	NA	NA
Minimum structure width		NA	NA	20 feet

## Lot Standards - Light Industrial District (I-1)

Minimum road frontage		NA	NA	150 feet
Minimum lot area	With sewers	NA	NA	NA
	Without sewers <sup>3</sup>	NA	NA	1 acre
Minimum front yard setback from centerline of street <sup>5</sup>	Local Street	45 feet	NA	45 feet
	Collector or Secondary Arterial	60 feet	NA	60 feet
	Primary Arterial	80 feet	NA	80 feet
	Divided Primary Arterial	95 feet	NA	95 feet
Minimum side yard setback	Primary structure	NA	NA	10 feet
	Accessory structure	NA	NA	10 feet
Minimum rear yard setback	Primary structure	NA	NA	20 feet
	Accessory structure	NA	NA	10 feet
Maximum impervious surface coverage		NA	NA	65%

## Utility Standards - Light Industrial District (I-1)

Public water and sewer required *See Chapt 2.A.5.d	NA	NA	no
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## Additional Site Development Standards

The following site development standards may also apply to development in this district. See *Chapter 3: Site Development Standards*.

<ul style="list-style-type: none"> <li>● Accessory Structure Standards</li> <li>● Driveway and Access Management Standards</li> <li>● Landscaping and Buffer Standards</li> <li>● Lighting Standards</li> <li>● Parking and Loading Standards</li> </ul>	<ul style="list-style-type: none"> <li>● Sign Standards</li> <li>● Storage Standards</li> <li>● Structure Standards</li> <li>● Trash Receptacle and Dumpster Standards</li> </ul>
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2 – Road frontage may be via a recorded access easement.  
 3 – A larger lot area may be required by the Health Department to adequately support a sewage disposal system.  
 5 – Unless otherwise established on a recorded and platted subdivision.

### **13. Heavy Industrial District (I-2).**

- a. **Purpose.** The Heavy Industrial District (I-2) is designed to provide areas for a wide range of industrial uses which may produce moderately objectional environmental influences in their operation and appearance. This area is suitable for industrial manufacturing, production, assembly, warehousing, research and development facilities, and similar land uses. All processes and activities are to be within an enclosed building and any associated outdoor storage must be completely screened from the public right-of-way and abutting properties. The development standards for this district are intended to mitigate the industrial impacts on adjacent properties.
- b. **General Standards.**
  - i. All subdivisions require subdivision approval unless exempt (See *Chapter 6: Subdivision Types*).
  - ii. All new primary structures require Development Plan approval (except single-family and two-family residential dwellings when they are a permitted use in this district) (See *Chapter 5: Zoning Provisions and Procedures*).
  - iii. All development may be subject to Drainage Board approval.
  - iv. In order to regulate classification and development, one (1) primary use and one (1) primary structure may be identified and established per parcel by the Administrator. If there is disagreement, an Appeal can be filed with the BZA per *Chapter 5, Section B: Appeal of Administrative Decision Procedures*.

c. Use and Development Standards.

Permitted Uses – Heavy Industrial District (I-2)		
<p><b>ACCESSORY USES</b></p> <ul style="list-style-type: none"> <li>● *renewable energy generation system, SECS-2, SECS-3, WECS-2, &amp; WECS-3</li> <li>● recycling/donation drop-off point</li> </ul>	<p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>● *renewable energy generation system, SECS-1 &amp; WECS-1</li> <li>● auditorium</li> <li>● automobile gas station w/convenience store</li> <li>● automotive repair</li> <li>● automotive sales, new</li> <li>● automotive sales, used</li> <li>● bar/tavern/night club</li> <li>● boat/motorcycle/RV sales and repair</li> <li>● contractor facility</li> <li>● farm equipment repair</li> <li>● farm equipment sales</li> <li>● farm supply store</li> <li>● funeral home</li> <li>● gym/health club</li> <li>● hotel/motel</li> <li>● mortuary</li> <li>● outdoor storage</li> <li>● philanthropic institution</li> <li>● professional/business offices</li> <li>● race track</li> <li>● retail, general - &lt;7,000sqft</li> <li>● retail, general - 7,000-20,000sqft</li> <li>● retail, general - &gt;20,000sqft</li> <li>● semi-trailer parking</li> <li>● service-oriented retail</li> <li>● stadium/arena</li> <li>● truck stop w/convenience store</li> </ul>	<p><b>INDUSTRIAL USES</b></p> <ul style="list-style-type: none"> <li>● *satellite parking</li> <li>● livestock auction stock pen</li> <li>● manufacturing, heavy</li> <li>● manufacturing, light</li> <li>● research/development</li> <li>● storage, non-hazardous</li> <li>● trucking terminal</li> <li>● vehicle impound lot</li> <li>● warehousing/distribution</li> </ul> <p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>● bus station</li> <li>● essential services</li> <li>● governmental offices</li> <li>● marina</li> <li>● school</li> </ul>
Special Exception Uses - Heavy Industrial District (I-2)		
<p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>● *sexually oriented business</li> <li>● animal hospital</li> <li>● golf course</li> <li>● golf driving range</li> <li>● kennel, public</li> <li>● medical office/clinic</li> <li>● recreational facility, public and private</li> <li>● water park</li> <li>● winery/brewery/distillery</li> </ul>	<p><b>INDUSTRIAL USES</b></p> <ul style="list-style-type: none"> <li>● hazardous waste storage/recycling</li> <li>● junkyard/salvage</li> <li>● mining</li> <li>● waste transfer facility</li> </ul>	<p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>● correctional institution</li> <li>● *wireless communication facility</li> <li>● airport/heliport</li> <li>● church or place of worship</li> <li>● hospital</li> <li>● landfill</li> <li>● library</li> <li>● park</li> <li>● park, skate</li> <li>● recycling facility, public and private</li> <li>● utility facility, public and private</li> </ul>
<p><i>* Indicates that special development, operational, and/or procedural standards will apply to the use. See Chapter 4: Standards for Specific Uses.</i></p>		

## Structure Standards - Heavy Industrial District (I-2)

		Single-family and Two-family Residential	Multi-family Residential	Non-residential
Maximum height of structure	Primary structure	NA	NA	100 feet
	Accessory structure	NA	NA	50 feet
Minimum living area per unit		NA	NA	NA
Minimum structure width		NA	NA	20 feet

## Lot Standards - Heavy Industrial District (I-2)

Minimum road frontage		NA	NA	200 feet
Minimum lot area	With sewers	NA	NA	NA
	Without sewers <sup>3</sup>	NA	NA	1 acre
Minimum front yard setback from centerline of street <sup>5</sup>	Local Street	45 feet	NA	45 feet
	Collector or Secondary Arterial	60 feet	NA	60 feet
	Primary Arterial	80 feet	NA	80 feet
	Divided Primary Arterial	95 feet	NA	95 feet
Minimum side yard setback	Primary structure	NA	NA	10 feet
	Accessory structure	NA	NA	10 feet
Minimum rear yard setback	Primary structure	NA	NA	20 feet
	Accessory structure	NA	NA	10 feet
Maximum impervious surface coverage		NA	NA	65%

## Utility Standards - Heavy Industrial District (I-2)

Public water and sewer required *See Chapt 2.A.5.d	NA	NA	no
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## Additional Site Development Standards

The following site development standards may also apply to development in this district. See *Chapter 3: Site Development Standards*.

- Accessory Structure Standards
- Driveway and Access Management Standards
- Landscaping and Buffer Standards
- Lighting Standards
- Parking and Loading Standards

- Sign Standards
- Storage Standards
- Structure Standards
- Trash Receptacle and Dumpster Standards

*2 – Road frontage may be via a recorded access easement.*

*3 – A larger lot area may be required by the Health Department to adequately support a sewage disposal system.*

*5 – Unless otherwise established on a recorded and platted subdivision.*

## B. Overlay Districts.

### 1. Flood Hazard Overlay District (FHO).

- a. **Purpose.** The Flood Hazard Overlay district is intended to provide additional development controls that reflect the standards of the jurisdiction's flood ordinance and correspond to the applicable flood maps. (See the *Posey County Flood Hazard Ordinance*.)
- b. **General Standards.** The development standards for the underlying zoning district shall apply as well as those established in the *Posey County Flood Hazard Ordinance* and by DNR.

c. Use Standards.

<b>Permitted Uses – Flood Hazard Overlay District (FHO)</b>		
The uses listed as “Permitted Uses” in the underlying zoning district unless specified as a Special Exception Use or a Prohibited Use in this table		
<b>Special Exception Uses - Flood Hazard Overlay District (FHO)</b>		
The uses listed as “Special Exception Uses” in the underlying zoning district, unless specified as a Prohibited Use in this table.		
<b>Prohibited Uses - Flood Hazard Overlay District (FHO)</b>		
These uses are prohibited in this overlay zoning district, regardless of what the underlying zoning district allows.		
<p><b>ACCESSORY USES</b></p> <ul style="list-style-type: none"> <li>● *accessory dwelling</li> <li>● *farm worker housing</li> <li>● *renewable energy generation systems</li> <li>● *short-term rental, owner occupied</li> <li>● child care home</li> </ul> <p><b>AGRICULTURAL USES</b></p> <ul style="list-style-type: none"> <li>● equestrian facility</li> <li>● livestock production (not requiring IDEM permit)</li> <li>● raising of livestock</li> <li>● stable, private</li> </ul> <p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>● *animal feeding operation</li> <li>● *campground or RV park</li> <li>● *day care facility</li> <li>● *renewable energy generation systems</li> <li>● *rural event venue (weddings, banquets)</li> <li>● *short-term rental, not owner occupied</li> <li>● animal hospital</li> <li>● automobile gas station w/convenience store</li> <li>● automotive repair</li> <li>● automotive sales, new</li> <li>● automotive sales, used</li> </ul>	<p><b>COMMERCIAL USES continued...</b></p> <ul style="list-style-type: none"> <li>● bar/tavern/night club</li> <li>● catering facility</li> <li>● contractor facility</li> <li>● farm equipment repair</li> <li>● farm equipment sales</li> <li>● funeral home</li> <li>● hotel/motel</li> <li>● kennel, public</li> <li>● medical office/clinic</li> <li>● mortuary</li> <li>● outdoor storage</li> <li>● semi-trailer parking</li> <li>● storage units</li> <li>● truck stop w/convenience store</li> </ul> <p><b>INDUSTRIAL USES</b></p> <ul style="list-style-type: none"> <li>● *junkyard/salvage yard</li> <li>● farm chemical supply dealer</li> <li>● hazardous waste storage/recycling</li> <li>● livestock auction stock pen</li> <li>● manufacturing, heavy</li> <li>● manufacturing, light</li> <li>● mining</li> <li>● storage, non-hazardous</li> <li>● trucking terminal</li> <li>● vehicle impound lot</li> <li>● warehousing/distribution</li> <li>● waste transfer facility</li> </ul>	<p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>● cemetery</li> <li>● correctional institution</li> <li>● airport/heliport</li> <li>● bus station</li> <li>● church or place of worship</li> <li>● columbaria/crematoria</li> <li>● comprehensive care center</li> <li>● hospital</li> <li>● kindergarten/preschool</li> <li>● landfill</li> <li>● mausoleum</li> <li>● recycling facility, public and private</li> <li>● rehabilitative care</li> <li>● school</li> </ul> <p><b>RESIDENTIAL USES</b></p> <ul style="list-style-type: none"> <li>● *manufactured home park</li> <li>● dwelling on upper floor above business</li> <li>● dwelling, single-family</li> <li>● dwelling, single-family attached</li> <li>● dwelling, two-family</li> <li>● group home</li> <li>● homestead</li> <li>● multi-family dwelling, 3-unit structure</li> <li>● multi-family dwelling, 4-unit structure</li> <li>● multi-family dwelling, 5+ unit structure</li> <li>● nursing home</li> </ul>



# Site Development Standards

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## Site Development Standards

- Accessory Structure Standards
- Driveway and Access Management Standards
- Landscaping and Buffer Standards
- Lighting Standards
- Parking and Loading Standards
- Sign Standards
- Storage Standards
- Structure Standards
- Trash Receptacle and Dumpster Standards

### A. Applicability of Site Development Standards.

1. **Intent.** The intent of these site development standards is to provide for site development needs while also protecting the health, safety, and welfare of the public.
2. **Applicability.** The site development standards in this section shall apply to all parcels, uses, and zoning districts unless otherwise stated. The site development standards included in this chapter shall be met in addition to all other applicable standards within this UDO.
3. **Thresholds Requiring Compliance with All Site Standards.** If any of the following occur, the site and/or development shall comply with all site standards of this UDO, unless otherwise stated:
  - a. New primary structure(s) is constructed;
  - b. New land use(s) or change in land use(s); and/or
  - c. Exterior structural alterations to the primary structure(s), including additions, enlargements, and relocations, or any exterior alterations that require an Indiana Construction Design Release (CDR) (note, internal remodel/renovations that do not alter the exterior of the structure are not considered exterior structure alterations).
4. **Thresholds Requiring Compliance with an Individual Site Standard.**
  - a. If a site standard that is regulated by this section is altered, expanded, added, removed, changed, the site and/or development shall fully comply with all requirements for that specific site standard. If one site standard is altered, it does not require compliance with all site standards unless one of the thresholds in *Section 3* above occur.
  - b. Regular maintenance does not require compliance with the site standards. For example, if a parking lot is resurfaced but does not alter the pavement area, layout, or number of spaces, the site would not be required to comply with the parking standards. However, if a parking area is expanded or changes are made in traffic circulation, all parking areas on the parcel (existing and new) shall comply with all of the parking standards in this UDO.

## B. Standards Required.

### 1. Accessory Structure Standards.

- a. **Purpose.** The purpose of accessory structures standards is to provide safe conditions and orderly development within a site and to protect the health, safety, and welfare of the public.
- b. **Permitted Districts.** Accessory structures shall be permitted in all zoning districts provided all requirements of this UDO have been met.
- c. **General.**
  - i. Accessory structures shall not be erected prior to the primary structure or the establishment of the associated primary use (in the event a primary structure is not applicable) except in the A-1 district, the A-2 district, and inside the municipal boundaries of the City of Mount Vernon. For accessory structures in the R-1, R-2, and R-3 Districts, a building permit may be issued at the discretion of the Administrator for an accessory structure at the same time as the primary structure, provided construction on the primary structure begins within one (1) year of the date of issuance of the accessory structure permit.
  - ii. If the primary use of a parcel is residential, a building permit may be issued at the discretion of the Administrator for an accessory structure at the same time as the primary structure, provided construction on the primary structure begins within one (1) year of the issuance of the accessory structure permit. In no case shall the accessory structure include living quarters unless it is in compliance with *Chapter 4, Section C.1: Accessory Dwelling Unit*.
  - iii. Context and Relationship to the Primary Structure.
    - (a) Context. In general, accessory structures shall be subordinate in height, area, bulk, and extent to the primary structure with the following provisions
      - (1) All Districts. The general contextual guidelines above do not apply to agricultural buildings and farm buildings as defined in this UDO.
      - (2) Residential Districts. No more than two (2) enclosed accessory structures designed for personal storage (i.e., barns, sheds, etc.) are permitted on one (1) parcel. The cumulative square footage of all accessory structures shall not exceed seventy-five percent (75%) of the footprint of the primary structure (including garage and attached structures).
      - (3) A-1, A-2, Commercial Districts, and Industrial Districts. The general contextual guidelines above do not apply to these districts provided the land use is permitted in the district.
    - (b) Use of Accessory Structure.
      - (1) An accessory structure shall be ancillary and complimentary to the use of the primary structure.
      - (2) When the primary use of the property is residential, the structure shall be for the sole purpose of storing the property owner's or tenant's personal property, unless otherwise allowed elsewhere in this UDO.

- (3) Living quarters shall not be located within accessory structures unless they conform to the standards of *Chapter 4, Section C.1: Accessory Dwelling Unit*. This includes accessory structures with permanent and/or roughed-in provisions for cooking and sanitation. Campers or recreational vehicles stored inside of an accessory structure shall not be occupied.

**d. Location.**

- i. An accessory structure shall meet all setback and height requirements as required by the applicable zoning district in *Chapter 2: Zoning Districts and Overlay Districts*.
- ii. Accessory structures shall not be constructed within any type of easement, including drainage, access, and utility easements.
- iii. Accessory structures cannot be located within five (5) feet of the primary structure or another accessory structure at their closest point.
- iv. Accessory structures that *do not* require a permit are required to be located behind the rear façade of the primary structure unless otherwise stated in this UDO.
- v. Accessory structures shall **not** be located ~~between at or behind~~ the front façade of the primary structure **and the right-of-way** and shall meet the lot coverage requirements. **However**, the following accessory structures may be located in front of the primary structure if all other applicable standards are met:
  - (a) On a parcel that is in the A-1, A-2, or R1 District where the primary use is residential, accessory structures may be located in front of the primary structure if the setback of the primary structure is at least one hundred (100) feet. The required **side-front** yard setback of the accessory structure shall be two times (2X) the minimum **side-front** yard setback for the zoning district where the parcel is located.

**e. Subordinate in Nature.**

- i. An accessory structure shall be ancillary and complementary to the use of the primary structure.
- ii. Accessory structures shall be subordinate in height, area, bulk, and extent to the primary structure except within the industrial districts.

**f. Permits for Accessory Structures.**

- i. Accessory Structures that Require a Permit. The following accessory structures are permitted in all zoning districts, require a BP, require an ILP, and shall meet all applicable requirements of the UDO.
  - (a) Accessory Structures two hundred (200) square feet or larger in area or structures that have a permanent foundation (regardless of size). This includes but is not limited to pole barns, decks, garages, carports, enclosed patios, above-ground swimming pools, in-ground swimming pools, bath houses, gazebos, shelter houses, cabanas, greenhouses, accessory solar/wind structures/systems (free standing, co-located, and attached), storage sheds, and stables.

- (b) Signs as required in *Section 6: Sign Standards*.
  - (c) Temporary storage containers as required in *Section 7: Storage Standards*.
  - (d) Accessory wireless communications facilities, both free-standing and those co-located upon an existing or pre-approved wireless communication facility structure.
  - (e) All other accessory structures not specifically included in *Subsection ii* below.
- ii. Accessory Structures that DO NOT Require a Permit. The following accessory structures are permitted in all zoning districts (unless otherwise stated in this UDO) and may be installed without a BP or an ILP. All accessory structures are required to meet all applicable development standards and requirements of this UDO.
- (a) Landscape vegetation.
  - (b) Swing sets, children’s treehouses, and poles for basketball nets.
  - (c) Bird baths, bird houses, lamp posts, mailboxes, name plates, and housing for domestic pets (provided it is not fifty (50) square feet or larger and does not constitute a kennel as defined in *Chapter 10: Definitions*).
  - (d) Utility installation for local/home services (including cable, fiber, and Wi-Fi, but excluding solar and wind).
  - (e) Small structures under two hundred (200) square feet in area.
- g. **Fences and Walls.** The following shall apply to all fences and walls unless otherwise regulated within this UDO. These standards do not apply to retaining walls whose purpose is to provide structural support in grading and elevation changes. Additionally, no regulations contained herein shall supersede Indiana Code regarding fences.
- i. Fence and Wall Placement.
- (a) 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.
  - (b) Fences and walls shall not be located within any type of easement, including drainage easements, access easements, and utility easements unless an affidavit for encroachment has been executed.
  - (c) Fences and walls do not need to comply with accessory structure setbacks and may be placed up to the property line or on the property line with written approval from the adjoining property owner(s), provided all fences are at least five (5) feet from any public right-of-way and comply with all other standards of this UDO.
- ii. Fence and Wall Design.
- (a) Razor wire, barbed wire, sharpened top spikes, and electrified fences (excluding underground pet fence systems) are prohibited unless for agricultural or industrial purposes and uses.
  - (b) Structural supports for any fence shall face inward.

- iii. Fence and Wall Height.
  - (a) Residential Districts. Fences and walls shall not exceed six (6) feet in height in a side yard or rear yard. Fences and walls shall not exceed four (4) feet in height when located ~~in front of the front façade of the primary structure~~between the structure facade and the right-of-way.
  - (b) Non-residential Districts. Fences in non-residential districts shall not exceed six (6) feet in height.

**h. Swimming Pools.**

- i. Swimming pools are subject to the setback requirements of the subject zoning district and must be located behind the front façade of the primary structure.
- ii. Swimming pools shall comply with all applicable state requirements and are subject to all requirements of the Indiana Swimming Pool Code as amended (675 IAC 20-4-7).

**2. Driveway and Access Management Standards.**

- a. **Purpose.** The purpose of these standards is to ensure adequate installation of driveways and access to public rights-of-way that prevent and reduce the possibility for vehicular conflict and prevent drainage issues as well as damage to the existing right-of-way.
- b. **Permit and Approvals Required.**
  - i. All new, expanded, or modified driveways or access points onto alleys, public roads, or INDOT roads must obtain a permit from the appropriate agency and shall coordinate their location with the Administrator.
  - ii. All driveways must comply with the applicable Drainage Ordinance.
  - iii. All driveways shall comply with the appropriate public standards for design and installation of culverts and mailboxes.
- c. **Driveway Separation and Location.** Driveways must be adequately separated from roadway intersections and other driveways and cannot create traffic or safety hazards. Unless approved by the Administrator, the minimum separation between an intersection and any new driveway shall comply with the following:

<b>Table 1: Required Driveway and Intersection Separation</b>	
<b>Road Classification<sup>1</sup></b>	<b>Minimum Separation of Driveway and Intersection<sup>2, 3</sup></b>
Local Road	80 Feet
Major Collector/Minor Collector	120 Feet
Principal Arterial or Minor Arterial	150 Feet
<p><i>1 - Roadway classification shall be in accordance with the applicable <u>Comprehensive Plan</u>.</i></p> <p><i>2 - Measured from the intersection of the roadway pavement (or intersection of the back of curb extended if rounded property corner) at the intersection.</i></p> <p><i>3 - If a driveway cannot meet the separation requirements from an intersection because of the parcel width, one (1) driveway is permitted at the furthest feasible point from the intersection.</i></p>	

- d. **Driveway Location.** The location of new, expanded, or modified driveways must be approved by the Administrator or their designee prior to construction.
- e. **Driveway Standards.**
  - i. Residential Use Standards.
    - (a) Driveways Serving One to Four Dwellings. The following standards shall apply to all private driveways that serve one (1) to four (4) dwelling units:
      - (4) Materials.
        - (a) Incorporated areas. In the incorporated areas, all driveways 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.
        - (b) Unincorporated Areas. Driveways may be gravel, however driveways connecting to paved roads shall be paved for the first six (6) feet or paved within the right-of-way, whichever is greater.
      - (5) Driveways shall be at least twenty feet (20) feet in length between the primary structure and the nearest edge of sidewalk (or edge of roadway if a sidewalk does not exist).
      - (6) The width of the driveway shall not exceed twenty (20) feet at the right-of-way. Driveways may widen after passing the back edge of the sidewalk or ten (10) feet from the right-of-way, whichever is greater.
      - (7) Shared residential driveways serving two (2) to four (4) dwelling units shall have a twenty (20) foot minimum easement that is approved by the Administrator and then recorded. In addition, a written road maintenance agreement with the parcel owners that access the private driveway must be reviewed and approved by the Administrator and then be recorded.
  - ii. Non-residential Use Standards.
    - (a) Driveways for all other 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, and must be constructed in accordance with the industrial and commercial road standards as outlined by the construction standards for the appropriate jurisdiction.
    - (b) All access easements for all non-residential development shall be recorded, include public access, and be approved by the Administrator.
    - (c) All shared driveways for non-residential uses shall have a written and recorded maintenance agreement with the parcels that access the private driveway and must be approved by the Administrator.
- f. **Public Right-of-way Access Standards.**

- i. All development shall comply with the applicable *Comprehensive Plan*.
- ii. If a parcel that adjoins or includes an existing public road that does not conform to the minimum right-of-way dimension as established by the construction standards for the appropriate jurisdiction and/or the applicable *Comprehensive Plan*, the property owner shall dedicate additional right-of-way width, regardless of if the parcel is subdivided or not, as required to meet this UDO and/or the applicable *Comprehensive Plan* at the time of the Development Plan process or the Secondary Plat process, whichever is appropriate.
- iii. When connecting to an existing public road, the developer may be required to provide deceleration lanes, acceleration lanes, passing blisters, and/or other improvements to the public road system to mitigate impacts from their development.
- iv. Public and private roads shall align with and connect to existing or planned roads and provide for connections with adjacent property. Proposed roads must extend to the boundary line of the parcel to be developed to provide for normal circulation of traffic within the vicinity unless approved by the Administrator.
- v. Driveways cannot gain access directly from any Arterial or Collector roadway unless no other access is available.
- vi. At the discretion of the Administrator, development must provide a vehicular connection between adjacent lots or parcels to encourage and facilitate circulation without directly accessing public streets. This does not apply to individual residential lots.

### 3. **Landscaping and Buffer Standards.**

- a. **Purpose.** The purpose of these standards is to maintain community character through quality design and visual appearance; minimize conflicts between land uses through buffers and screening higher-intensity land uses from lower-intensity land uses; and minimize potential nuisances such as dirt, noise, glare, and similar impacts between properties.
- b. **Applicability.** These standards shall apply to a parcel if any new primary structure is constructed after the initial adoption of this UDO,
- c. **General.**
  - i. A landscape plan shall be submitted with each applicable application.
  - ii. The final certificate of occupancy shall not be issued until the entire landscape plan is implemented as approved. If a temporary certificate of occupancy is requested prior to the installation of plantings, a surety bond of one hundred ten percent (110%) of the value of the landscape material and labor may be posted at the discretion of the Administrator. This bond shall be released when the final certificate of occupancy is issued.
  - iii. All bufferyard requirements shall be installed and maintained on their parcel as required by this section, even if an adjacent parcel has also installed a bufferyard. If an adjacent property has installed a wall or fence as part of a required bufferyard, the adjacent development does not have to install a fence and wall along that portion of the property line (if required) but shall still provide the required plantings along this portion of property line.
  - iv. Bufferyard requirements shall be applied to the side yards and rear yards of a parcel.

- v. Bufferyard widths may include any required setbacks outlined in *Chapter 2: Zoning Districts and Overlay Districts*.
  - vi. Any fraction of a bufferyard measurement shall be rounded to the whole number.
  - vii. Landscape and bufferyard plantings shall be installed so that mature plantings do not encroach into easements or rights-of-way.
  - viii. If a parcel abuts a property outside the jurisdiction of the APC, the bufferyard requirements shall be based on the apparent use, as determined by the Administrator.
  - ix. Plants listed as invasive species by the Indiana Department of Natural Resources (IDNR) cannot be used to satisfy the minimum planting requirements of this section. Planting invasive species is prohibited.
  - x. All areas within the required bufferyard width shall include groundcover (such as grass) or planting beds.
  - xi. No trees or plants shall be placed within utility easements or rights-of-way, but this does not negate the requirement for the buffer outside of these areas.
- d. Planting, Wall, Fence, and Berm Requirements.**
- i. All development shall install required plantings, walls, and/or fences and provide a bufferyard as outlined by *Table 2: Required Plantings, Walls, Fences, and Berms*. Development that requires a fence or wall may be exempt if the adjacent property owner has previously installed a wall or fence that complies with the standards in this section.
  - ii. Each property owner is required to install the required bufferyard and plantings on their parcel as it develops, even if the developer on an adjacent parcel has also installed a bufferyard.
  - iii. Required bufferyard widths are measured from the property line inward. Bufferyards may include the required front, side, or rear setback outlined in *Chapter 2: Zoning Districts and Overlay Districts* (bufferyards are not in addition to required setbacks).
  - iv. The number of plantings required is stated per one hundred (100) linear feet, as measured along the property line.
  - v. Any fraction of a required tree or shrub shall be rounded up to the nearest whole number.
  - vi. If the development borders a jurisdictional boundary outside that of this UDO, the plantings, wall, fence, and/or bufferyard requirements used shall be based on the zoning district most comparable to that of this UDO at the discretion and approval of the Administrator.
  - vii. If the subject property or adjacent zoning district is a PUD, the plantings, wall, fence, and/or bufferyard requirements used shall be based on the zoning district most comparable to that of this UDO at the discretion and approval of the Administrator.
  - viii. Planting requirements shall be applied to all sides of a parcel (front yard, side yard, and rear yard). Fence, wall, and berm requirements do not apply to front yards forward of the primary structure's front façade.

- ix. Plantings are not permitted to be located within drainage/utility easements, beneath utility lines, within rights-of-way, or within alleys.

<b>Table 2: Required Plantings, Walls, Fences, &amp; Berms</b>			
<b>Subject Property Zoning District</b>	<b>Adjacent Zoning District</b>	<b>Plantings Required</b>	<b>Minimum Required Bufferyard Width</b>
R-1, R-2, & R-3	A-2, I-1 & I-2	<ul style="list-style-type: none"> <li>• A mix of shade trees, evergreen trees, and shrubs</li> <li>• A Wall, Fence, or Berm<sup>2</sup></li> </ul>	20 feet
	C-2, C-B, R-O, C-1, C-2, C-3		
CB, R-0, C-1, C-2, & C-3	A-1	<ul style="list-style-type: none"> <li>• No plantings required</li> </ul>	30 feet
	R-1, R-2, R-3, A-2, I-1, & I-2	<ul style="list-style-type: none"> <li>• A mix of shade trees, evergreen trees, and shrubs</li> </ul>	
A-2, I-1, & I-2	A-1	<ul style="list-style-type: none"> <li>• No plantings required</li> </ul>	50 feet
	R-1, R-2, R-3, C-2, C-B, R-O, C-1, C-2, & C-3	<ul style="list-style-type: none"> <li>• A mix of shade trees, evergreen trees, and shrubs</li> <li>• A Wall<sup>2</sup>, Fence, or Berm<sup>2</sup></li> </ul>	

2 – Fence or wall: Must be solid and minimum of 6 feet in height;  
3 – Berm: Minimum 5 feet in height at peak and maximum 3:1 slope that is contained entirely inside the bufferyard.

- e. **Parking Lot Landscaping.** Parking lot landscaping shall be provided as outlined in Section 5.h: Parking Lot Islands and Landscaping.
- f. **Landscaping Location.**
  - i. Plantings may be grouped or clustered to provide a more natural appearance, improve site design, accommodate vehicular and pedestrian access, avoid utility infrastructure, and/or loading and maintenance areas.
  - ii. Plantings shall avoid interference with overhead and underground utilities and shall provide a five (5) foot minimum setback from water and sewer lines.
  - iii. Landscape materials shall not be planted in rights-of-way or easements without permission from the Administrator and the easement holder unless otherwise required by this UDO.
  - iv. Required plantings shall be located within the required bufferyard. If a bufferyard is not required, all plantings shall be located on the outer perimeter of a lot or parcel and shall not have any buildings or structures between the plantings and parcel boundary.
  - v. Plantings shall not obstruct driveways, sidewalks, or public road sight distances.
- g. **Landscaping Substitutions.**
  - i. Plant types may be arranged and/or substituted to accommodate rights-of-way, drainage easements, and utility easements at the discretion of the Administrator.
  - ii. Evergreen trees may be substituted for shade trees at the discretion of the Administrator.

**h. Landscaping Installation Requirements.**

- i. All plantings must be suitable for local soils, climatic conditions, and the plant’s solar exposure.
- ii. In cases where landscaping cannot be completed prior to the issuance of a certificate of occupancy due to weather or similar conditions, a temporary certificate of occupancy may be issued with a commitment the landscaping be installed within one hundred twenty (120) days of the issuance of the certificate.
- iii. At the time of installation, the minimum plant sizes shall include:

Plant Type	Minimum Size
Shade Trees	<ul style="list-style-type: none"><li>• 2” caliper</li><li>• 8’ height</li></ul>
Evergreen Trees	<ul style="list-style-type: none"><li>• 5’ height</li></ul>
Shrubs	<ul style="list-style-type: none"><li>• 18” height</li></ul>

**i. Landscaping and Bufferyard Maintenance.**

- i. The property owner is responsible for the regular maintenance of all landscaping materials to keep them in good condition. All landscape materials shall be alive, healthy, and free from disease and pests. All landscaped areas shall be properly drained, regularly maintained, and free of weeds, dirt, trash, and debris.
- ii. All plant material used to satisfy the requirements of this section that dies or is damaged must be replaced by the property owner within six (6) months to maintain the approved landscape plan. Failure to maintain compliance with the minimum requirements of this section is a violation of the UDO and subject to the provisions of *Chapter 5: Zoning Administration and Procedures*.

**4. Lighting Standards.**

- a. **Purpose.** The purpose of these standards is to minimize the intrusion of lighting across property lines and to avoid disrupting the quality of life of residents.
- b. **Lighting Plan Required.** A lighting plan shall be submitted if Development Plan approval is required.
- c. **Exemptions.** The following are exempt from requirements of this section:
  - i. Lighting used for landscaping, low wattage recessed lighting in eaves, low wattage carriage lights, ceiling mounted porch lights, and dusk-to-dawn lights no more than fifteen (15) feet above grade that are shielded downward.
  - ii. All low wattage residential accent and landscape lighting fixtures having a maximum output of 1600 lumens (equal to one 100-watt incandescent light) per fixture.
  - iii. All hazard warning lighting required by Federal and State regulatory agencies.
  - iv. All temporary emergency lighting required by local law enforcement, emergency service, and utility departments.

- v. All traffic control and directional lighting.
  - vi. All underwater lighting used for the illumination of swimming pools and water features is exempt from the lamp type and shielding standards of this UDO.
  - vii. All lighting for temporary events, festivals, and carnivals requires Board of Works review and approval.
- d. General Lighting Standards.**
- i. All light fixtures shall be installed in compliance with the National Electrical Code (NEC).
  - ii. If permanent outdoor lighting is provided in any district, it 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. All lighting fixtures within a single development must be consistent in style, design, height, size, and color throughout the development.
  - iii. All lighting must be shielded with opaque material to prevent direct lighting on streets, alleys, and adjacent properties. Furthermore, all lighting elements used to cast light on building facades, features of buildings, or signs must have cutoff luminaires with “down lighting.”
  - iv. Lighting fixtures for parking lots shall not exceed twenty-five (25) feet in height and all lighting elements must have cutoff luminaires with “down lighting.”
  - v. Lighting from a property shall not exceed one (1) foot-candle (measured at grade) beyond the property line of that property.
  - vi. Excessive brightness, flashing lights, and brilliant colors are not permitted, excluding seasonal displays.

**5. Parking and Loading Standards.**

- a. **Purpose.** The purpose of these standards is to require minimal parking standards, minimize risk to the natural environment, and minimize pedestrian and vehicular conflict to ensure public health, safety, and welfare.
- b. **Permit Required.** All new parking lots or the expansion of existing parking lots for commercial, industrial, and multi-family residential uses shall require an ILP.
- c. **Required Parking Spaces.**
  - i. The location and required minimum number of parking spaces shall comply with *Table 3: Minimum Parking Requirements*. The number of spaces required is intended to provide a minimal or low threshold; additional parking is permitted that exceeds these minimums.
  - ii. Any fraction of a required parking space shall be rounded up to the whole number.
- d. **Parking Reductions.**
  - i. All development shall comply with the minimum number of handicapped spaces required by state and federal regulations.
  - ii. The required minimum number of spaces for all residential uses, including multi-family dwellings, shall not be reduced without a variance.

- iii. For non-residential uses, the Administrator may reduce the minimum number of parking spaces required in *Table 3: Minimum Parking Requirements* if the applicant provides one of the following:
    - (a) Calculations showing the minimum number of spaces needed by using the most recent version of the Institute of Transportation Engineers (ITE) "Parking Generation."
    - (b) Documentation based on a reputable source that is approved by the Administrator that the required parking for the specific use exceeds the parking need.
- e. Shared Parking Permitted.**
- i. Where permitted in *Table 3: Minimum Parking Requirements*, shared parking may be provided for separate uses on separate parcels, provided the total number of spaces is not less than the minimum number of spaces required for each use.
  - ii. Parking for developments with uses that operate at different times may be credited to both uses.
  - iii. Shared Parking Agreements Required.
    - (a) Shared parking agreements must be approved by the Administrator.
    - (b) Any development or parcels with shared parking shall have a written and recorded shared parking agreement that is signed by all property owners. The agreement shall be perpetual and outline provisions for easements (if applicable), maintenance, snow removal, ownership, and liability.
    - (c) If a shared parking agreement expires or otherwise terminates, each use must provide the minimum required parking on-site or through a new shared parking agreement.

<b>Table 3: Minimum Parking Requirements</b>		
<b>Land Use Category</b>	<b>Permitted Location</b>	<b>Minimum Spaces Required</b> <i>(additional spaces may be required at the discretion of the Administrator)</i>
Residential Uses	On-site	<ul style="list-style-type: none"> <li>• Single-family and Two-family: 2 spaces per dwelling unit</li> <li>• Multi-family: 1.50 spaces per dwelling unit</li> </ul>
Commercial Uses	On-site or Shared Parking	<ul style="list-style-type: none"> <li>• 2.5 spaces per 1,000sqft of gross floor area, excluding storage areas;</li> <li>• 1 space per 4 people based on maximum building occupancy; or</li> <li>• 1.5 spaces per employee during largest shift</li> </ul>
Industrial Uses	On-site or Shared Parking	<ul style="list-style-type: none"> <li>• 1 space per 1,000sqft of gross floor area; or</li> <li>• 1 space per 3 employees during the largest shift</li> </ul>
Institutional Uses	On-site or Shared Parking	<ul style="list-style-type: none"> <li>• 2.5 spaces per 1,000sqft of gross floor area, excluding storage areas;</li> <li>• 1 space per 4 people based on maximum building occupancy;</li> <li>• 1 space per 4 beds / patient rooms; or</li> <li>• 1.5 spaces per employee during largest shift</li> </ul>
Accessory Uses	On-site	<ul style="list-style-type: none"> <li>• As determined by the Administrator based on similar uses, similar number of employees, or similar number of guests</li> </ul>

**f. Drive-through Stacking Design.**

- i. Uses that have a drive-through for any reason shall provide a minimum of six (6) off-street stacking spaces on the same parcel as the use per drive-through lane in addition to the required parking spaces.
- ii. Each stacking space shall be a minimum of ten (10) feet in width and twenty (20) feet in length.
- iii. Stacking spaces cannot include or impede any driveway, aisle, or other circulation area. No vehicles shall be permitted to wait, stack, or idle within a public or private road or right-of-way.
- iv. All accommodations for stacking shall occur on-site.

**g. General Parking and Loading Design.**

- i. All parking areas shall conform to state and federal requirements regarding handicap accessibility and must comply with all applicable ADA requirements.
- ii. Parking spaces and loading areas shall be located and constructed to prevent vehicles from maneuvering in the public right-of-way or backing into a public street, access way, or alley. No individual parking spaces shall gain direct access onto a public right-of-way.
- iii. All parking spaces, travel aisles, and loading areas shall maintain a setback of ten (10) feet from property lines and rights-of-way, or the width of the required setback for accessory structures, whichever is greater.
- iv. Parking areas, travel aisles, and loading areas, including all driving lanes and parking surfaces for vehicle, boat, RV, or similar use sales and/or storage, 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.
  - (a) At the written discretion of the Administrator, a gravel surface may be used for a period not exceeding six (6) months after the date of issuing a temporary and conditional certificate of occupancy where the ground conditions are not immediately suitable for permanent surfacing as specified in this section. The gravel surface shall be constructed of a base that is suitable for eventual paving. Performance surety may be required at the discretion of the Administrator to ensure that paving will still occur when necessary.
- v. Parking spaces shall be provided with curbing, bumper guards, or wheel stops along the perimeter of the parking area so that no part of a parked vehicle will extend beyond the boundary of the parking area.
- vi. In order to minimize curb cuts and points of conflict, 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 where feasible.
- vii. All parking areas and loading areas shall be striped and channelized as appropriate. Parking spaces shall be marked, and travel aisles clearly defined, including directional arrows to guide internal movement and directional signs, as necessary.
- viii. All uses that transport goods by truck delivery shall provide loading berth(s) that are a minimum of twelve (12) feet by forty-five (45) feet with a fourteen (14) foot height clearance. Loading and unloading berths shall not be located within the front yard and must be a minimum distance of one hundred (100) feet from the nearest residential use.

- ix. Lighting within parking or loading areas shall be in accordance with *Section 4: Lighting Standards*.
- h. **Design.** Parking spaces and aisles shall comply with the following standards:

Table 4: Minimum Parking Space and Aisle Dimensions		
Parking Space Type	Parking Space Width	Parking Space Length
Non-parallel Spaces	10 feet	20 feet
Parallel Spaces	9 feet	22 feet
Handicap Spaces	Comply with all state and federal requirements	
Parking Angle	One-way Traffic Aisle Width	Two-way Traffic Aisle Width
0 Degrees	10 feet	18 feet
30 Degrees	11 feet	20 feet
45 Degrees	13 feet	21 feet
60 Degrees	18 feet	23 feet
90 Degrees	24 feet	24 feet

- i. **Parking Lot Islands and Landscaping.** This standard applies to commercial and industrial uses whose parking lots are required to be paved. Parking lot islands and landscaping shall be provided for all parking lots with twenty (20) or more parking spaces in accordance with *Table 5: Parking Lot Islands and Landscaping*.

Table 5: Parking Lot Islands and Landscaping	
Minimum Island Number and Locations	<ul style="list-style-type: none"> <li>End of every parking row; and</li> <li>At least every 15 spaces (no more than 15 spaces in a row)</li> </ul>
Minimum Island Dimensions <sup>1</sup>	<ul style="list-style-type: none"> <li>8 feet by 16 feet; and</li> <li>Bordered by a concrete curb on at least 2 sides</li> </ul>
Minimum Island Landscaping <sup>2</sup>	<ul style="list-style-type: none"> <li>1 canopy tree and 3 shrubs per island; and</li> <li>Ground cover, mulch, or stone</li> </ul>
Perimeter Landscaping	<ul style="list-style-type: none"> <li>Perimeter landscaping beds shall be at least 5 feet wide.</li> <li><sup>3</sup>Parking lots adjacent to a public right-of-way or a residential zone or use shall provide 1 shade tree and 10 shrubs per 30 linear feet of frontage and shall meet the following conditions: <ul style="list-style-type: none"> <li>Shrubs shall be arranged in a manner to provide 100% screening of the edge of the parking lot spaces.</li> <li>Shrub species selections shall be able to reach a mature height of 42" and shall be maintained as a continuous hedge condition.</li> <li>Evergreen shrubs shall make up 50% of parking perimeter shrubs.</li> </ul> </li> <li>Parking drive lanes adjacent to a right-of-way or residential zone or use shall provide 1 shade tree and 5 shrubs per 30 linear feet of frontage.</li> <li>When parking lot edges are located within 50 feet of a bufferyard requirement area, the stricter requirement shall be provided.</li> </ul>
<p>1 – Landscape islands that are integrated into a perimeter area shall be considered a landscape island if bordered by parking on at least 1 side and a concrete curb on at least 2 sides</p> <p>2 – Plantings located in islands shall not count towards required plantings in Section 3: Landscaping and Buffer Standards.</p> <p>3 – Parking lots dedicated to the sale of motor vehicles or fronting on an interstate highway are exempt from this requirement.</p>	

- j. **Parking and Loading Area Maintenance.** All parking areas, loading areas, and landscape islands shall be maintained in good condition and free of weeds, dirt, trash, and debris. Vegetation shall be replaced when damaged or no longer living. Visibility shall be maintained, including in the sight triangle.

**6. Sign Standards.**

- a. **Purpose.** The purpose of these sign standards is to avoid the proliferation of signage; to encourage signs to be compatible with the scale of buildings and the surrounding area; to maintain and enhance the aesthetic environment of the community; to eliminate potential hazards to motorists and pedestrians resulting from sign clutter; and to promote the health, safety, and welfare of the citizens.
- b. **Applicability.** These standards apply to all new, relocated, enlarged signs, and/or structural modifications to any sign in all zoning districts within the jurisdiction, unless otherwise noted. Sign maintenance (as defined below in *Subsection e*) or changing of a sign copy shall not be considered modifying a sign for regulation applicability purposes.
- c. **Permit Required.**
  - i. An ILP is required for all permanent signs located, erected, constructed, reconstructed, moved, or structurally altered unless otherwise stated in this section. Temporary signs do not require a permit unless otherwise indicated.
  - ii. All signs located along state-owned right-of-way shall obtain proper sign permits or written authorization from INDOT (if required) prior to seeking approval for an ILP.
- d. **Sign Plan Required.** A sign plan shall be submitted if Development Plan approval is required.
- e. **Sign Inspection, Maintenance, and Removal.**
  - i. **Inspection.** Any sign that requires an ILP may be inspected periodically by the Administrator for compliance with this UDO and other codes of this or other jurisdictions.
  - ii. **Sign Maintenance.**
    - (a) All signs, including the frame, illumination, supporting structures, and all components, shall be professionally installed and be kept in a state of good repair. If failure to maintain a sign is determined by the Administrator, a written notice shall be given to the owner, business operator and/or lessee of the property giving a thirty (30) day notice for repair and compliance. Penalties shall be imposed after the thirty (30) day notice according to *Chapter 5: Zoning Administration and Procedures*.
    - (b) Sign maintenance that replaces any portion of the sign that does not change any dimension, location, or other feature does not require an ILP. If a sign is replaced in whole, an ILP is required.
  - iii. **Removal of Signs.** The Administrator may order the removal of any illegal sign erected or maintained in violation of this UDO or any previous ordinance. Any cost associated with sign removal pursuant to the provisions of this UDO, shall be reimbursed by the owner of said sign.

Should said sign not be retrieved within ten (10) days of its removal, it may be disposed of in any manner deemed appropriate by the Administrator.

- (a) Removal of Permanent Signs. A thirty (30) day written notice describing the violation and ordering either the removal of the sign or requiring the sign to be brought into compliance shall be given to the owner and/or business operator. The Administrator may remove a permanent sign immediately and without notice if the condition of the sign presents an immediate threat to the safety of the public.
- (b) Removal of Temporary Signs. No notice shall be given for the removal of temporary signs in violation of this UDO.

iv. Abandoned Signs.

- (a) A sign shall be considered abandoned if it is located on a parcel with a non-conforming use that has not been in operation for three (3) consecutive months or if the sign has not been adequately maintained or repaired.
- (b) All signs, their mountings, and related components shall be removed by the owner or lessee of the premises upon which the signs are located when a business is no longer conducted on the premises. If the owner or lessee fails to remove the sign, the Administrator shall give the owner thirty (30) days written notice to remove it. Upon failure to comply with this notice, the Administrator may remove the sign. Any cost associated with sign removal pursuant to the provisions of this UDO shall be reimbursed by the owner of said sign. Should said sign not be claimed and retrieved within ten (10) days of its removal, it may be disposed of in any manner deemed appropriate by the Administrator.

f. **Sign Illumination.**

- i. All permanent signs are permitted to be internally or externally illuminated unless otherwise specified in the UDO; temporary signs shall not be illuminated.
- ii. All illuminated signs must meet National Electrical Code (NEC), as amended, and all lighting requirements are outlined in *Section 4: Lighting Standards* in addition to the following standards:
  - (a) All illuminated signs shall be located, shaded, or shielded so that the light intensity is not impeding to surrounding properties. (Use the 1-foot candle threshold at the property line.)
  - (b) No sign shall have blinking, flashing, rotating, revolving, or fluttering lights, nor shall any device be utilized which has a changing light intensity, brightness of color, or gives such illusion.
  - (c) The direct or reflected light from a primary light source shall not create a traffic hazard to operators of motor vehicles on public and/or private roadways.
  - (d) All electrical wiring for permanent signs shall be in conduit.
  - (e) An exempt sign may be illuminated according to the provisions of this chapter and still considered exempt but may not be flashing or animated.

- g. **Electronic Variable Message Signs (EVMS).** In addition to the standards for Sign Illumination, all EVMS shall also comply with the following standards:
- i. No sign containing an EVMS as a component shall be located within one hundred (100) feet of any signalized intersection.
  - ii. No sign containing an EVMS as a component shall be located within three hundred (300) feet of a residence, any property with a residential use, or a residential zoning designation unless the sign is physically obstructed from view from the residence. **\*This provision does not apply to the jurisdiction of the City of Mount Vernon..**
  - iii. Automatic light intensity sensors shall be required to a brightness of no more than 250 NITS from dusk to dawn and no more than 8,000 NITS from dawn to dusk.
  - iv. The display shall change no more frequently than every eight (8) seconds.
  - v. Drive-thru menu boards that utilize EVMS are exempt from the above EVMS standards but shall comply with all other applicable sign standards.
- h. **Exempt Signs.** The following are exempt from all provisions of the sign standards set forth in this section unless specified otherwise. If any exempt sign contains components that would otherwise be regulated in this section, they are not considered exempt sign unless specified otherwise.

<b>Table 6: Exempt Signs</b>	
Address Signs	Street address sign to provide adequate property identification that does not exceed 2 square feet in total sign structure size
Building or Site Identification Signs	Names of buildings, date of erection, monumental citations, historical interest, commemorative or memorial tablets, and similar identification when carved into stone, concrete, or similar material or made of bronze, aluminum, or other permanent type construction that are smaller than 2 square feet in total sign structure size
Decorations	Temporary decorations customarily associated with a national, local, or religious holiday and are displayed for less than 30 consecutive days
Flags	Flag of any country, state, unit of local government, institution of higher learning, or similar institutional flags
Non-Visible Signs	Signs that are not visible from any public or private right-of-way or any adjacent parcel
Operational Signs	Operational information such as hours of operations, restroom identification, directional, visitor parking, menus, or similar information and do not exceed 2 square feet in total sign structure size
Political Signs	Political campaign signs in accordance with <i>IC 36-1-3-11</i>

Public Notice, Regulatory, & Safety Signs	Information for the public's interest that are erected by or on the order of a local, state, or federal law or intended to provide a public notice (such as rezoning, government) and regulatory or safety notices (such as no trespassing, directional, ingress/egress, and traffic)) that are smaller than 4 square feet in total sign structure size
Utility Signs	Utility locations, cables, lines, and similar notices for public and private utilities that are smaller than 2 square feet in total sign structure size, except if determined to be a hazard by the Administrator

- i. **Prohibited Sign Types.** The following types of signs are expressly prohibited in all zoning districts. Any sign that is not expressly permitted in this UDO is also considered prohibited.

<b>Table 7: Prohibited Signs</b>	
Animated Signs	Flashing, blinking, fluttering, or using any motion picture, laser, or visual projection of images or copy or that change light intensity or brightness
Emitting Signs	Emit audible sound, odor, or visible matter
Human Signs	Worn or held by a person, unless located outside of the right-of-way and only during business hours
Imitation Signs	Emulate emergency service vehicles, road equipment, or traffic signs (such as Stop, Slow, or Caution)
Moving Signs	Designed to revolve or move in a similar manner by means of electrical or wind power
Obscene Signs	Display or convey obscene matter as defined in <i>IC 35-49-2</i>
Roof Signs	Signs that extend above the roof line or parapet of a building or signs that are mounted to the roof of a structure
Vehicle Signs	Signs placed on vehicles or trailers that are parked on public or private property with the primary purpose of displaying the sign. This does not include vehicles lawfully parked: <ul style="list-style-type: none"> <li>• Overnight during non-business hours at a driver's residence or business;</li> <li>• While conducting lawful business; or</li> <li>• On a construction site in conjunction with construction operations</li> </ul>

- j. **Prohibited Sign Locations.** The following placement standards shall apply to all signs unless otherwise noted in this UDO.

<b>Table 8: Prohibited Sign Locations</b>	
Right-of-Way	Signs within any right-of-way unless authorized by the appropriate jurisdiction, Administrator, and/or INDOT, including

	signs located on any traffic control device, street sign, tree, utility pole, or similar location
Obstruction	Signs that obstruct any door, fire escape, stairway, or any opening intended to provide entry or exit from any building or structure or that hide from view any traffic or roadway sign, signal, or device
Vision Clearance	Signs that obstruct a sight clearance or be placed within the sight triangle of any intersection or driveway
Setback	Signs (measured from nearest edge) within ten (10) feet of any property line. Signs are permitted to be located within a required front, side, or rear yard setback.

**k. Permitted Temporary Signs.**

- i. The following Temporary Signs shall be permitted, provided the respective development standards in *Chapter 2: Zoning Districts and Overlay Districts* are met.
- ii. An ILP is NOT required.
- iii. EVMS is not permitted for temporary signs unless otherwise specified.
- iv. A total of two (2) temporary signs are permitted per parcel.

<b>Table 9: Permitted Temporary Signs</b> <i>(Total of 2 temporary signs permitted per parcel)</i>			
Sign Type	Permitted Districts	Maximum Size	Duration
Hanging Sign	All Districts	<ul style="list-style-type: none"> <li>16 sqft per sign</li> <li>5 feet in height</li> </ul>	<ul style="list-style-type: none"> <li>30 consecutive days but no more than twice in a calendar year</li> </ul>
Yard Sign			
Awning Sign	CB, LB, GB, IN, 11, & 12	<ul style="list-style-type: none"> <li>32 sqft per sign</li> <li>8 feet in height</li> </ul>	<ul style="list-style-type: none"> <li>30 consecutive days but no more than twice in a calendar year</li> </ul>
Banner Sign			
Ground Sign			
Inflatable Sign			
Wall Sign			
Window Sign			
Portable Sign	CB, LB, GB, IN, 11, & 12	<ul style="list-style-type: none"> <li>32 sqft per sign</li> <li>6 feet in height</li> </ul>	<ul style="list-style-type: none"> <li>Non-EVMS permitted during business hours</li> <li>*EVMS Permitted maximum of 2 days within a 6-month period and during business hours</li> </ul>

**l. Permitted Permanent Signs.**

- i. The following Permanent Signs shall be permitted, provided the respective development standards in *Chapter 2: Zoning Districts and Overlay Districts* are met.

- ii. An ILP is required unless otherwise specified.
- iii. EVMS is not permitted for permanent signs unless otherwise specified.

## Table 10: Permitted Permanent Signs

Maximum Cumulative Area of All Sign Faces <sup>1</sup>			
A-1, R-1, R-2, & R-3	2 square feet per parcel, except monument signs as permitted below		
C-1, C-B, R-O, C-1, C-2, C-3	1.5 square feet per 1 linear foot of primary building frontage (200 sqft maximum) <sup>2</sup>		
A-2, I-1 & I-2	2 square feet per 1 linear foot of primary building frontage (200 sqft maximum) <sup>2</sup>		
Permitted Permanent Signs			
Sign Type	Permitted Districts	Maximum Size	Maximum Number & Placement
Awning Sign	C-S, C-B, R-O, C-1, C-2, & C-3	<ul style="list-style-type: none"> <li>• 50sqft sign face, but cannot exceed 50% of awning area</li> </ul>	<ul style="list-style-type: none"> <li>• Must be placed on primary structure</li> </ul>
Mailbox Sign	All Districts	<ul style="list-style-type: none"> <li>• 1sqft per sign face</li> </ul>	<ul style="list-style-type: none"> <li>• Must be placed on a mailbox post</li> </ul>
Monument (Ground) Sign	R-1 <sup>3</sup> , R-2 <sup>3</sup> , & R-3 <sup>3</sup>	<ul style="list-style-type: none"> <li>• 32sqft per sign face</li> <li>• 6 feet in height</li> </ul>	<ul style="list-style-type: none"> <li>• 1 double-faced or 2 single-faced sign per vehicular entrance to a residential subdivision, residential complex, or other development<sup>3</sup></li> <li>• EVMS components are permitted in the C-S, C-B, C-2, and C-3 districts.</li> <li>• EVMS components are not permitted in the R-O and C-1 districts</li> </ul>
	C-S, C-B, R-O, C-1, C-2, & C-3	<ul style="list-style-type: none"> <li>• 50sqft per sign face</li> <li>• 8 feet in height</li> </ul>	
Pole Sign	C-2, C-3, I1, & I2	<ul style="list-style-type: none"> <li>• 50sqft per sign face</li> <li>• 20 feet in height</li> <li>• EVMS permitted</li> </ul>	<ul style="list-style-type: none"> <li>• 1 per parcel</li> </ul>
Projecting Sign	C-S, C-B, R-O, C-1, C-2, C-3, A-2, I1, & I2	<ul style="list-style-type: none"> <li>• 12sqft per sign face</li> </ul>	<ul style="list-style-type: none"> <li>• 1 per primary entrance</li> <li>• Minimum 8.5 feet clearance above grade</li> <li>• Maximum extension of 4 feet beyond supporting structure</li> <li>• EVMS components are permitted in the C-S, C-B, C-2, and C-3 districts.</li> <li>• EVMS components are not permitted in the R-O and C-1 districts</li> </ul>
Wall Sign	R-1, R-2, & R-3	<ul style="list-style-type: none"> <li>• 1sqft per sign face</li> </ul>	<ul style="list-style-type: none"> <li>• 1 per parcel</li> <li>• Must be placed on primary structure</li> </ul>
	C-S, C-B, R-O, C-1, C-2, & C-3	<ul style="list-style-type: none"> <li>• 50sqft per sign face</li> </ul>	<ul style="list-style-type: none"> <li>• Must be placed on primary structure</li> </ul>
	A-2, I-1 & I-2	<ul style="list-style-type: none"> <li>• 10% of the building facade</li> </ul>	<ul style="list-style-type: none"> <li>• Must be placed on primary structure</li> </ul>
Window Sign	C-S, C-B, R-O, C-1, C-2, C-3, I1, & I2	<ul style="list-style-type: none"> <li>• 50sqft sign face, but cannot exceed 50% of window area</li> <li>• 2sqft sign face if illuminated</li> </ul>	<ul style="list-style-type: none"> <li>• Must be within window on primary structure</li> </ul>
<p><i>1 – Maximum cumulative sign face only includes the sign face and excludes the total sign area/sign structure. See Chapter 10: Definitions.</i></p> <p><i>2 – Total square footage is calculated based on the length of the front elevation of the primary structure (that the structure is addressed off of); additional square footage is not permitted for secondary or side streets.</i></p> <p><i>3 – Must be located in a dedicated easement or common area dedicated to a homeowner's association in a residential subdivision.</i></p>			

## 7. **Storage Standards.**

- a. **Purpose.** These storage standards are intended to reduce visual obstruction and nuisance to nearby property owners as well as preventing unsafe conditions to ensure the health, safety, and welfare of residents.
- b. **General Storage.**
  - i. The outdoor storage of equipment, products, supplies, materials, machinery, building materials, waste or scrap, pallets, and similar materials shall be limited per these regulations or as otherwise stated in this UDO.
    - (a) The storage of farm equipment shall not be interpreted as prohibited unless deemed otherwise by the Administrator.
    - (b) Outdoor storage shall be permitted at the discretion of the Administrator and if all of the following conditions are met:
      - (1) The use associated with the outdoor storage is permitted in the subject zoning district, is permitted by a special exception or variance, is classified as a non-conforming situation, or is not otherwise expressly prohibited/regulated in this UDO.
      - (2) Outdoor storage areas are located in a side or rear yard and set back at least ten (10) feet from the property line.
      - (3) Outdoor storage areas shall be screened on all sides with either a solid fence or wall that is at least six (6) feet in height. Evergreen screening may be substituted for the solid fence or wall at the discretion of the Administrator.
  - ii. 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.
- c. **Stored Vehicles and Trailers.**
  - i. Location. Stored vehicles, where permitted, shall not encroach on the right-of-way or setbacks required by *Chapter 2: Zoning Districts and Overlay Districts*. Stored vehicles shall not block or impede an access easement.
  - ii. Recreational Vehicle (RV) Storage. See *Chapter 10: Definitions* for vehicles defined as a recreational vehicle. A recreational vehicle may only be occupied according to Section 8: Structure Standards. No RV shall be connected to any utilities (electric, water, sewage, etc.) or occupied at any time while stored except for the purpose of loading, unloading, or cleaning.
- d. **Temporary Storage Containers.** 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.

### Table 11: Temporary Storage Containers

Zoning District	Maximum Number
A-1, A-2	<ul style="list-style-type: none"> <li>• Building permit is required</li> <li>• 1 per parcel</li> <li>• Duration allowed shall be specified by the permit</li> <li>• Located on the driveway, to the rear/side of the primary structure, or approved by the Administrator if on a public road/right-of-way</li> <li>• Maximum of 530sqft</li> </ul>
R-1, R-2, & R-3	<ul style="list-style-type: none"> <li>• Building permit is required</li> <li>• 1 per parcel</li> <li>• Duration allowed shall be specified by the permit</li> <li>• Located on the driveway, to the rear/side of the primary structure, or approved by the Administrator if on a public road/right-of-way</li> <li>• Maximum of 200sqft</li> </ul>
C-S, C-B, R-O, C-1, C-2, C-3, I-1, & I-2	<ul style="list-style-type: none"> <li>• Temporary use permit required</li> <li>• 2 per parcel with the following conditions: <ul style="list-style-type: none"> <li>◦ Maximum of 4 consecutive months in a calendar year or the duration of construction (whichever is greater)</li> <li>◦ May be located in a parking lot as long as the minimum required number of parking spaces are provided, to the rear/side of the primary structure, or approved by the Administrator if on a public road/right-of-way</li> </ul> </li> <li>• Maximum of 320sqft per container</li> </ul>

**8. Structure Standards.**

- a. **Purpose.** The purpose of these standards is to prevent unsafe conditions while encouraging compatible development to ensure the health, safety, and welfare of residents.
- b. **General Structure Standards.**
  - i. All new primary structures shall be built to conform with all standards set forth in this UDO, including all standards in *Chapter 2: Zoning Districts and Overlay Districts*.
  - ii. Primary structures shall NOT be located within a sight triangle or constructed or designed so that it creates a traffic hazard or is hazardous or dangerous to persons or animals.
  - iii. Primary structures (including fences) shall not be constructed within any type of easement, including drainage easements.
  - iv. Shipping containers are not permitted to be used as primary structures.
- c. **Temporary Construction Trailers.** Temporary construction trailers or similar structure(s) may be permitted on a project site during the construction period for the use of security, storage, or office space. A building permit is required and shall be valid for the duration of the building permit issued on the same site.
- d. **Structure Height Exemptions.** The following structures are exempt from the height standards of the underlying zoning district:
  - i. Agricultural structures as necessary for its operation;
  - ii. Wind turbines;
  - iii. Spires or church steeples;

- iv. Cellular towers; and
- v. Industrial appurtenances.
- e. **Relocation of Structures.** Structures that are relocated from one parcel to another parcel shall not be moved unless the structure and placement of that structure conforms with the standards of the underlying zoning district and all standards of this UDO.
- f. **Building Permits for Structures.**
  - i. Building Permit Required. The following shall require a building permit, unless specifically stated otherwise in this UDO.
    - (a) All new primary structures.
    - (b) Manufactured homes for permanent and temporary occupancy.
    - (c) All temporary structures and uses unless stated otherwise.
    - (d) Temporary storage containers.
    - (e) Signs as outlined in *Chapter 3, Section B.6: Sign Standards*.
    - (f) Wireless communications facilities, including accessory structures, both free-standing and those co-located upon an existing or pre-approved wireless communication facility.
    - (g) All other primary structures not specifically included in Subsection ii below.
  - ii. Building Permits Not Required. The following structures are permitted in all zoning districts (unless otherwise stated) and may be installed without a building permit.
    - (a) Pavement, including slabs/patios, paved sports courts, and walks, **so long as maximum lot coverage is not exceeded.**
    - (b) Landscape vegetation.
    - (c) Fences and retaining walls.
    - ~~(d) Swing sets, children's treehouses, and poles for basketball nets.~~
    - ~~(e) Accessory structures that are less than two hundred (200) square feet and do not have a permanent foundation, such as bird baths, bird houses, lamp posts, mailboxes, name plates, and housing for domestic pets (provided it is and does not constitute a kennel as defined in Chapter 10: Definitions).~~
    - ~~(f)(d)~~ Flag poles (may not be placed within any setback, bufferyard, or public right-of-way).
    - ~~(g)(e)~~ Utility installation for local/home services (including cable, fiber, and Wi-Fi but excluding solar and wind).
- ~~g. **Accessory Structure Standards.**~~
  - ~~i. **General.**~~
    - ~~(a) Accessory structures shall not be erected prior to the primary structure or the establishment of the associated primary use (in the event a primary structure is not~~

- applicable) except in the A-1 district, the A-2 district, and inside the municipal boundaries of the City of Mount Vernon. For accessory structures in the R-1, R-2, and R-3 Districts, a building permit may be issued at the discretion of the Administrator for an accessory structure at the same time as the primary structure, provided construction on the primary structure begins within one (1) year of the date of issuance of the accessory structure permit
- (b) ~~If the primary use of a parcel is residential, a building permit may be issued at the discretion of the Administrator for an accessory structure at the same time as the primary structure, provided construction on the primary structure begins within one (1) year of the issuance of the accessory structure permit. In no case shall the accessory structure include living quarters unless it is in compliance with Chapter 4, Section C.1: Accessory Dwelling Unit.~~
  - (c) ~~Swimming pools shall be designed and installed in conformance with 675 IAC 20.~~
  - (d) ~~Shipping containers are not permitted to be used as accessory structures.~~
- ii. ~~Location. Accessory structures shall be located at or behind the front façade of the primary structure and shall meet the lot coverage requirements, unless otherwise stated in this UDO. The following accessory structures may be located in front of the primary structure if all other applicable standards are met:~~
- (a) ~~On a parcel that is in the A-1, A-2, or R1 District where the primary use is residential, accessory structures may be located in front of the primary structure if the setback of the primary structure is at least one hundred (100) feet. The required side yard setback of the accessory structure shall be two times (2X) the minimum side yard setback for the zoning district where the parcel is located.~~
- iii. ~~Context and Relationship to the Primary Structure.~~
- (a) ~~Use of Accessory Structure.~~
    - (1) ~~An accessory structure shall be ancillary and complimentary to the use of the primary structure.~~
    - (2) ~~When the primary use of the property is residential, the structure shall be for the sole purpose of storing the property owner's or tenant's personal property, unless otherwise allowed elsewhere in this UDO.~~
    - (3) ~~Living quarters shall not be located within accessory structures unless they conform to the standards of Chapter 4, Section C.1: Accessory Dwelling Unit. This includes accessory structures with permanent and/or roughed-in provisions for cooking and sanitation. Campers or recreational vehicles stored inside of an accessory structure shall not be occupied.~~
  - (b) ~~Context. In general, accessory structures shall be subordinate in height, area, bulk, and extent to the primary structure with the following provisions~~
    - (1) ~~All Districts. The general contextual guidelines above do not apply to agricultural buildings and farm buildings as defined in this UDO.~~

~~(2) Residential Districts. No more than two (2) enclosed accessory structures designed for personal storage (i.e., barns, sheds, etc.) are permitted on one (1) parcel. The cumulative square footage of all accessory structures shall not exceed seventy-five percent (75%) of the footprint of the primary structure (including garage and attached structures).~~

~~(3) A-1, A-2, Commercial Districts, and Industrial Districts. The general contextual guidelines above do not apply to these districts provided the land use is permitted in the district.~~

~~iv. Building Permit Required. The following shall require a building permit, unless specifically stated otherwise in this UDO.~~

~~(a) Accessory structures two hundred (200) square feet or larger in area or that have a permanent foundation (regardless of size). This includes, but is not limited to, pole barns, decks, garages, carports, enclosed patios, bath houses, gazebos, shelter houses, cabanas, greenhouses, storage sheds, and stables~~

~~(b) Above-ground swimming pools and in-ground swimming pools.~~

~~(c) Accessory solar energy systems and accessory wind energy conversion systems.~~

~~(d) Cluster box style mailboxes as required by the USPS and outlined in Chapter 7, Section F: Mailboxes for Residential Development.~~

~~(e) All temporary structures and uses unless stated otherwise.~~

~~(f) Temporary storage containers.~~

~~v. Building Permits Not Required. The following accessory structures are permitted in all zoning districts (unless otherwise stated) and may be installed without a building permit provided the development standards are met:~~

~~(a) Pavement, including slabs/patios, paved sports courts, and walks, so long as maximum lot coverage is not exceeded.~~

~~(b) Landscape vegetation.~~

~~(c) Fences and retaining walls.~~

~~(d) Swing sets, children's treehouses, and poles for basketball nets.~~

~~(e) Accessory structures that are less than two hundred (200) square feet in area and do not have a permanent foundation, such as bird baths, bird houses, lamp posts, mailboxes, name plates, and housing for domestic pets (provided it is and does not constitute a kennel as defined in Chapter 10: Definitions).~~

~~(f) Flag poles (may not be placed within any setback, bufferyard, or public right of way).~~

~~(g) Utility installation for local/home services (including cable, fiber, and Wi-Fi but excluding solar and wind).~~

#### h.g. **Manufactured Home and Recreational Vehicles.**

- i. Manufactured Homes. Manufactured homes may be permanently occupied when located in any district where a single-family dwelling is permitted provided the following requirements 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 living area and structure width, are met as established in *Chapter 2: Zoning Districts and Overlay Districts*.
  - (c) The structure is 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 is completely enclosed (skirted) 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 possesses all necessary building, water, and sewage disposal permits prior to placement of the structure upon the lot.
  - (f) The wheels, axles, and hitches are removed.
  - (g) The front door faces the primary street from which it gains access.
  - (h) The structure is covered with an exterior material and roof material customarily used on site-built structures.
- ii. Recreational Vehicles (RV).
  - (a) Permanent Occupancy Prohibited. Recreational vehicles are designed only for recreational use and are not built to HUD manufactured home standards for permanent occupancy. Therefore, recreational vehicles are not permitted to be used for permanent residential occupancy outside of a campground or an RV park approved by the Indiana State Department of Health (IDOH) or as permitted by this section.
  - (b) Temporary Occupancy for Recreation. A recreational vehicle may only be used for temporary occupancy for recreational purposes outside of an ISDH regulated campground or RV park provided the following conditions are met:
    - (1) The RV is occupied for recreational purposes only (no long-term or permanent occupancy) and shall not exceed fourteen (14) consecutive days;
    - (2) No more than one (1) RV may be occupied on a single parcel;
    - (3) All development standards in *Chapter 2: Zoning Districts and Overlay Districts* are met;
    - (4) The RV cannot be connected to sewerage facilities or a municipal water supply;
    - (5) The RV must be plugged in to a permanent electrical source (not a generator);
    - (6) No permanent structures shall be attached to the RV; and

- (7) The RV is fully licensed and ready for highway use (defined as being on its wheels or jacking system; is attached to the site only by quick disconnect type utilities and security devices; and has no permanently or semi-permanently attached additions or structures).
- (c) Temporary Occupancy of an RV During Primary Dwelling Construction or Remodeling. In the unincorporated areas, a recreational vehicle may be authorized by the Administrator to be used for temporary occupancy only during the construction or remodeling of a single-family dwelling on the same parcel provided the following requirements are met:
- (1) A temporary use permit is obtained for placement of the RV and a BP and ILP for the single-family dwelling to be constructed/remodeled on the same parcel has also been issued.
  - (2) Temporary occupancy of the RV is limited to one (1) year and may be renewed once for an additional six (6) month period if construction of the dwelling has started but is not completed.
  - (3) The RV shall be served by the same address, water supply, sewage facilities, and electrical service serving the single-family dwelling under construction. A generator may not be used.
  - (4) The RV shall not be placed on a permanent foundation and permanent structures may not be attached to the RV;
  - (5) All applicable development standards for the underlying zoning district shall be met except for the minimum living area; and
  - (6) Occupancy of the RV is restricted to the owner of the property who is constructing/remodeling the permanent dwelling and shall be discontinued within seven (7) calendar days of the issuance of the certificate of occupancy for the permanent dwelling.
- (d) RV Storage. A recreational vehicle may be stored according to *Section 7: Storage Standards*.

## 9. **Trash Receptacle and Dumpster Standards.**

- a. **Purpose.** The purpose of these standards is to prevent access to and visibility of trash that is stored outside to ensure the health, safety, and welfare of residents.
- b. **Applicability.** These standards apply to all outdoor, non-pedestrian trash receptacles, dumpsters, compactors, or similar non-pedestrian trash containers.
- c. **Location.** All outdoor trash containers governed by this section shall:
  - i. Comply with all development standards outlined in *Chapter 2: Zoning Districts and Overlay Districts*;
  - ii. Be located on private property on which they serve and in no case shall be in the public right-of-way; and
  - iii. Be in a side yard or rear yard (must be behind the front façade of the primary structure).

- d. **Screening.** Non-pedestrian outdoor trash receptacles and dumpsters must be completely screened with a masonry wall and/or opaque fencing or evergreen vegetation, so it is not visible from any public right-of-way or adjacent parcel during any time of the year. Gates must remain closed unless the receptacles are being accessed.
- e. **Temporary Trash Receptacles.** Dumpsters associated with demolition or construction shall remain on-site no longer than one (1) week prior to the beginning of construction or demolition and no longer than one (1) week following the completion of construction or demolition. Temporary trash receptacles shall meet all setback requirements and development standards of the underlying zoning district but do not require screening.
- f. **Uncontained Trash Collection.** Uncontained trash shall not be permitted to be collected or kept on-site.

# Standards for Specific Uses

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## A. Establishment of Development Standards for Specific Uses.

Standards for Specific Uses
<ul style="list-style-type: none"><li>• Accessory Dwelling Unit</li><li>• Agribusiness</li><li>• Animal Feeding Operation</li><li>• Day Care Facility</li><li>• Campground or Recreational Vehicle Park</li><li>• Home-Based Business (with employees)</li><li>• Home Occupation</li><li>• Junkyard/Salvage Yard</li><li>• Manufactured Home Park</li><li>• Renewable Energy Generation Systems</li><li>• Satellite Parking</li><li>• Sexually Oriented Business</li><li>• Short-term Rental</li><li>• Tiny Home Development</li><li>• Wireless Communication Facility</li></ul>

## B. General Provisions.

- 1. Applicability.** This chapter shall apply to all parcels of land within the jurisdiction of the APC unless otherwise stated herein.
- 2. Zoning District Regulations.**
  - a. The uses listed in this chapter shall meet the respective requirements of this chapter in addition to all regulations of the zoning district and this UDO. If any use development standard conflicts with the underlying zoning district standard, the more restrictive shall apply.
  - b. The uses listed in this chapter shall be permitted as outlined in *Chapter 2: Zoning Districts and Overlay Districts*.
- 3. Approval and Compliance.**
  - a. The Administrator and/or BZA shall verify that all uses outlined in this chapter comply with all applicable standards of the UDO prior to establishment of the use, approval of a special exception (if required), approval of a development plan (if required), or issuance of a building permit (BP) or improvement location permit (ILP).

## C. Uses.

- 1. Accessory Dwelling Unit.**
  - a. **Accessory Dwelling Unit Purpose.** It is the purpose of this section to regulate an accessory residential structure on a parcel where a primary residential structure exists to provide housing

options for family members, students, aging residents, in-home health care providers, the disabled, and others; promote a variety of housing opportunities in the community; and allow homeowners to benefit from added income and an increased sense of security.

**b. Accessory Dwelling Unit General Standards.**

- i. Approval of an accessory dwelling unit does NOT permit the accessory dwelling unit to be used as a short-term rental. If an accessory dwelling is used as a short-term rental, the short-term rental use shall comply with all applicable standards of this UDO and be approved as required by this UDO.
- ii. If an accessory structure (attached or detached) includes a bathroom, kitchen facilities, and/or living area for sleeping, it shall be considered an accessory dwelling unit and shall comply with all applicable standards unless a "Use Affidavit" stating the structure will not be used as a dwelling is filed with the Administrator and recorded with the County Recorder.

**c. Procedures for Establishing an Accessory Dwelling Unit.**

- i. An ILP is required to construct and/or establish an accessory dwelling unit in order to ensure that the structure meets all of the applicable building codes, is safe and habitable, and the use is in compliance with these standards.
- ii. Accessory dwelling units are not required to obtain development plan approval. A site plan shall be submitted for review with any ILP or building permit application (or prior to occupancy if a building permit is not required) showing compliance with all regulations of this UDO.

d. **Accessory Dwelling Unit Development Standards.**

<b>Accessory Dwelling Unit Structure Standards</b>	
<b>Architectural Standards</b>	<ul style="list-style-type: none"> <li>The architectural style, form, materials, and colors of the accessory dwelling unit shall match or be compatible with the style and form of the primary residential structure</li> </ul>
<b>Area</b>	<ul style="list-style-type: none"> <li>Minimum: The minimum area of the accessory dwelling unit shall be at least two hundred fifty (250) square feet</li> <li>Maximum: The maximum area of the accessory dwelling unit shall be fifty percent (50%) of the primary residential structure's footprint (this includes garages, porches and other attached additions)</li> </ul>
<b>Components</b>	<ul style="list-style-type: none"> <li>The accessory dwelling unit shall be an independent and complete dwelling unit with all amenities needed for safe and habitable living, including permanent provisions for sleeping, eating, cooking, sanitation, and ingress/egress</li> </ul>
<b>Height</b>	<ul style="list-style-type: none"> <li>The maximum height of the accessory dwelling unit shall be per the subject zoning district but cannot exceed the height of the primary residential structure</li> </ul>
<b>Quantity</b>	<ul style="list-style-type: none"> <li>No more than one (1) accessory dwelling unit per parcel shall be permitted</li> </ul>
<b>Permitted Structures</b>	<ul style="list-style-type: none"> <li>The accessory dwelling unit may be detached or attached to the primary residential structure</li> <li>The accessory dwelling unit shall be a lawfully built structure that meets all building code requirements, including all requirements for a single-family dwelling</li> </ul>
<b>Prohibited Structures</b>	<p>The accessory dwelling unit shall not be:</p> <ul style="list-style-type: none"> <li>A recreational vehicle, mobile home, travel trailer, motor vehicle, parts of a motor vehicle, shipping containers, storage sheds, or similar structures</li> <li>Any structure not intended for permanent human occupancy</li> <li>Any structure that does not meet all building code requirements for a dwelling or does not meet the use standards for an accessory dwelling unit (including layout and components)</li> </ul>
<b>Accessory Dwelling Site Standards</b>	
<b>Access</b>	<ul style="list-style-type: none"> <li>The accessory dwelling unit shall utilize the same driveway that serves the primary residential dwelling</li> <li>A separate driveway from any public right-of-way shall not be permitted</li> </ul>
<b>Accessory Structures</b>	<ul style="list-style-type: none"> <li>The accessory dwelling shall not have its own accessory structures</li> </ul>
<b>Address</b>	<ul style="list-style-type: none"> <li>Addresses for properties with an approved accessory dwelling unit shall be assigned and approved by the addressing entity</li> </ul>
<b>Location</b>	<ul style="list-style-type: none"> <li>Only allowed on lots where an existing, lawfully constructed, primary single-family dwelling exists.</li> <li>Must be located behind the front façade of the primary residential structure and comply with all site development standards (including setbacks) of the subject zoning district</li> </ul>
<b>Parking</b>	<ul style="list-style-type: none"> <li>The minimum number and design of parking spaces shall comply with the parking standards contained in <i>Chapter 3: Site Development Standards</i></li> <li>Parking may be shared with the primary residential structure provided the number of spaces complies with the parking standards contained in <i>Chapter 3: Site Development Standards</i></li> <li>The required parking spaces shall be on-site. Street parking shall not be counted towards the parking space requirements.</li> </ul>
<b>Accessory Dwelling Utility Standards</b>	
<b>Utilities</b>	<ul style="list-style-type: none"> <li>Water and sewage disposal shall comply with the requirements of the subject zoning district and may need to be re-evaluated based on the nature of the accessory dwelling unit</li> </ul>
<b>Accessory Dwelling Operational Standards</b>	
<b>Ownership</b>	<ul style="list-style-type: none"> <li>The accessory dwelling shall be under the same ownership as the primary residential structure.</li> <li>The primary residential structure shall be owner-occupied.</li> </ul>
<b>Occupancy</b>	<ul style="list-style-type: none"> <li>Maximum occupancy shall be no more than two (2) persons per designated bedroom area</li> </ul>

## 2. Agribusiness.

- a. **Agribusiness Purpose.** It is the purpose of this section to allow for the celebration of agriculture in the county, its continued sustainability, and its economic vitality. The regulations set forth in this ordinance allow for and regulate agribusinesses and agritourism uses while also taking into consideration the health, safety, and general character of the surrounding area.
- b. **Procedures for Establishing an Agribusiness.**
  - i. Agribusiness Type 1. Agribusiness Type 1 uses are not required to obtain development plan approval. A site plan shall be submitted for review with any ILP or building permit application (or prior to occupancy if a building permit is not required) showing compliance with all regulations of this UDO
  - ii. Agribusiness Type 2.
    - (a) Development Plan Required. A development plan is required prior to establishing an Agribusiness Type 2 use and/or issuance of an ILP and/or building permit in order to ensure that it meets all applicable building codes and regulations.
    - (b) Special Exception Requirements. A written narrative is required to be submitted with the special exception application describing the use in detail, including both agriculturally related and non-agriculturally related products and uses; proposed hours of operation; measures that are to be taken to assure that the operation of the use will take place only in a safe and convenient manner; special events; and any additional information describing the use.
      - (1) Findings. In addition, the BZA may make specific findings and may establish conditions relative to:
        - (a) The physical design and operating characteristics of the facility;
        - (b) The intensity of the proposed use and density of the surrounding area;
        - (c) The distance to surrounding sensitive elements, including residences and livestock;
        - (d) The type of sound potentially generated by the facility and what allowances for amplified sound may take place;
        - (e) The allowed number of events per year and the frequency of events;
        - (f) Traffic, parking, and vehicle circulation;
        - (g) Sewage disposal and/or storage; and
        - (h) Compliance with all state and local permits and licenses.

c. **Agribusiness Development Standards.**

<b>Agribusiness Type 1 Site Standards</b>	
Access	<ul style="list-style-type: none"> <li>• A driveway permit shall be required for all access locations</li> </ul>
Bufferyards and Fencing	<ul style="list-style-type: none"> <li>• Bufferyards are required if agribusiness activity is located within 200 feet from the property line of an established residential structure or residentially zoned property. Bufferyards may consist of landscape materials and either an earthen berm or an opaque fence or wall.</li> <li>• Bufferyard plantings require 2 deciduous canopy trees and 2 evergreen trees for every 50 feet of boundary between the activity and residential property. Shrubs shall be planted along 50% of the boundary. Deciduous trees shall be 1.5 inches DBH and evergreen trees shall be 6 feet in height at the time of installation. Shrubs shall be at least 18 inches in height at the time of installation.</li> <li>• Opaque fences/walls shall be constructed of wood, brick, stone, or other durable material as approved by the Administrator. Earthen berms shall be at least 5 feet tall with a maximum slope of 3:1 entirely contained on the subject property.</li> <li>• At least 75% of the required plantings shall be located outside of the fence, wall, or earthen berm.</li> </ul>
Parking	<ul style="list-style-type: none"> <li>• On-site parking areas are required, but are not required to be paved and shall comply with all other standards of <i>Chapter 3, Section 5: Parking and Loading Standards</i></li> </ul>
Trash Receptacles	<ul style="list-style-type: none"> <li>• Trash receptacles shall be provided, and trash collected in closed containers. All dumpsters that are visible from public roads or located within 100 feet of an existing residential structure or residentially zoned property shall be placed on a hard surface, shall be fully screened, and shall meet the standards in <i>Chapter 3, Section B.1: Accessory Structure Standards</i></li> </ul>
<b>Agribusiness Type 1 Utility Standards</b>	
Sanitation	<ul style="list-style-type: none"> <li>• Public restroom facilities shall be provided on site as required by the Health Department</li> <li>• Temporary public restroom facilities that are visible from public roads or located within 100 feet of an existing residential structure or residentially zoned property shall be screened unless otherwise approved by the Administrator.</li> <li>• Uses that operate more than 90 days per calendar year shall have permanent public restroom facilities</li> </ul>
<b>Agribusiness Type 1 Operational Standards</b>	
Hours of Operation	<ul style="list-style-type: none"> <li>• Operations involving patrons shall be limited to the hours of 7:00am and 10:00pm, except that seasonal activities and/or special events shall cease by midnight</li> <li>• Overnight camping associated with historical reenactments, involving fewer than 100 patrons</li> </ul>
Permitted Uses	<ul style="list-style-type: none"> <li>• Shall be accessory to an active agricultural use on the same site or adjoining site that is under the same ownership</li> <li>• Shall be located, designed, and operated so as not to interfere with normal agricultural practices on and off site. Poor agricultural soils or lands otherwise not suitable for agricultural purposes are recommended for building locations</li> </ul>
Prohibited Uses	<ul style="list-style-type: none"> <li>• Agribusinesses and uses associated with Agribusiness Type 2</li> </ul>

<b>Agribusiness Type 2 Site Standards</b>	
Access	<ul style="list-style-type: none"> <li>• A driveway permit shall be required for all access locations</li> </ul>
Bufferyards and Fencing	<ul style="list-style-type: none"> <li>• Bufferyards are required if agribusiness activity is located within 200 feet from the property line of an established residential structure or residentially zoned property. Bufferyards may consist of landscape materials and either an earthen berm or an opaque fence or wall.</li> <li>• Bufferyard plantings require 2 deciduous canopy trees and 2 evergreen trees for every 50 feet of boundary between the activity and residential property. Shrubs shall be planted along 50% of the boundary. Deciduous trees shall be 1.5 inches DBH and evergreen trees shall be 6 feet in height at the time of installation. Shrubs shall be at least 18 inches in height at the time of installation.</li> <li>• Opaque fences/walls shall be constructed of wood, brick, stone, or other durable material as approved by the Administrator. Earthen berms shall be at least 5 feet tall with a maximum slope of 3:1.</li> <li>• At least 75% of the required plantings shall be located outside of the fence, wall, or earthen berm.</li> </ul>
Dust Control	<ul style="list-style-type: none"> <li>• Dust shall be minimized by reducing vehicle speeds on driveways and parking areas. During dry conditions, the application of water or other approved dust controlling measure is required.</li> </ul>
Lighting	<ul style="list-style-type: none"> <li>• All outdoor lighting associated with the special event shall be turned off by 10:00pm (weekdays) or 11:00pm (weekends) and conform to <i>Chapter 3, Section B.4: Lighting Standards</i></li> </ul>
Minimum Lot Area	<ul style="list-style-type: none"> <li>• 2 acres</li> </ul>
Minimum Setbacks	<ul style="list-style-type: none"> <li>• Minimum setbacks for the zoning district apply to all permanent and temporary structures, including tents, canopies, stages, dance floors, and similar</li> </ul>
Parking	<ul style="list-style-type: none"> <li>• On-site parking areas are required, may be gravel or paved, and shall comply with all other standards of <i>Chapter 3, Section 5: Parking and Loading Standards</i></li> </ul>
Trash Receptacles	<ul style="list-style-type: none"> <li>• Trash receptacles shall be provided and collected in closed containers. All dumpsters that are visible from public roads or located within 100 feet of an existing residential structure or residentially zoned property shall be placed on a hard surface, shall be fully screened, and shall meet the standards in <i>Chapter 3, Section B.1: Accessory Structure Standards</i></li> </ul>
<b>Agribusiness Type 2 Utility Standards</b>	
Sewage Disposal	<ul style="list-style-type: none"> <li>• The facility shall provide a potable domestic water supply and an on-site sewage disposal/storage or sewer service connection necessary to accommodate the special event that is approved by the County Health Department</li> </ul>
<b>Agribusiness Type 2 Operational Standards</b>	
Permitted Uses	<ul style="list-style-type: none"> <li>• Shall be accessory to an active agricultural use on the same site or adjoining site that is under the same ownership</li> <li>• Shall be located, designed, and operated so as not to interfere with normal agricultural practices on and off site. Poor agricultural soils or lands otherwise not suitable for agricultural purposes are recommended for building locations</li> </ul>
Hours of Operation	<ul style="list-style-type: none"> <li>• All events shall be limited to the hours of 8:00am to 10:00pm (weekdays) or 11:00pm (weekends). All events shall comply with all applicable local nuisance and noise ordinances</li> <li>• Administrator and/or BZA may alter the requested hours of operation open to the public to be consistent with the character of the land uses in the vicinity and may require additional conditions to ensure adherence to the established hours of operation</li> </ul>

### 3. Animal Feeding Operation (AFO).

- a. **Animal Feeding Operation Purpose.** The purpose of regulating animal feeding operations is to encourage the flexibility in the development of land that may be necessary to permit adjustments to changing public and private needs; to foster the ability to provide development patterns which are more compatible with and effective in meeting those needs; to promote the more efficient use

of land to preserve and enhance the natural characteristics and unique features of a property; to improve the design, character, and quality of new development; to encourage integrated planning for the economical provision of streets, roads, infrastructures and other utilities to reduce the burden by more efficient development; and to conserve the value of land.

**b. Animal Feeding Operation General Standards.**

- i. These standards apply to all animal feeding operations defined as a Confined Feeding Operation (CFO) and a Concentrated Animal Feeding Operations (CAFO).
- ii. The regulations in this subsection are in addition to the rules established by the Indiana Department of Environmental Management (IDEM), the Environmental Protection Agency (EPA), or any other agency or board designated at the federal, state, or local level to monitor or regulate animal feeding operations either directly or indirectly. Any revision to the state or federal rules shall be accepted in these regulations, without an amendment and while printed revisions are updated. In the case of conflicting requirements, the more restrictive requirement shall apply.
- iii. Nothing herein shall prohibit the application of fertilizer from waste pits or lagoons by methods approved by IDEM.
- iv. Any applicant(s) who has or have had ownership in an animal feeding operation during the past five (5) years shall not have any outstanding unresolved violations with the IDEM or any other corresponding or comparable local, state, or federal regulatory agency. All outstanding violations must be resolved before a permit from the county will be issued. The application shall disclose and list all persons with an ownership interest in the AFO. The applicant shall submit a signed affidavit stating that there are no outstanding violations prior to any local approvals and/or permits being issued.
- v. Animal feeding operations existing as of the effective date of this chapter that expand to an AFO shall only be required to meet the general setbacks for agricultural buildings.

**a. Procedures for Establishing an Animal Feeding Operation.** Accessory dwelling units are not required to obtain development plan approval. A site plan shall be submitted for review with any ILP or building permit application (or prior to occupancy if a building permit is not required) showing compliance with all regulations of this UDO.

- i. **Development Plan Required.** A development plan is required for AFO's prior to establishing the use and/or issuance of an ILP and/or building permit in order to ensure that it meets all applicable building codes and regulations.
- ii. **Special Exception Requirements.** The following shall be submitted as part of the special exception application:
  - (a) A conceptual site layout.
  - (b) A written narrative describing the use in detail.
- iii. **Permits Required.**
  - (a) All required state permits shall be obtained before construction of a CAFO or CFO is commenced.

(b) Waste management systems shall be considered structures and shall require an ILP.

**c. Animal Feeding Operation Development Standards.**

<b>Animal Feeding Operation Site Standards</b>	
<p>Minimum Setback from any AFO - Structure or Use <sup>1, 2, 3</sup></p>	<ul style="list-style-type: none"> <li>● Front, side, or rear yard: 140 feet or 1,000 feet if the use requires an IDEM permit</li> <li>● Parcel with a zoning classification other than A-1 or A-2: 1,000 feet</li> <li>● Existing primary structure for a place of worship or school: 1,000 feet</li> <li>● Existing primary residential dwelling (not owned by AFO or occupied by operator): 1,000 feet</li> <li>● The setback distances between a dwelling and an AFO may be reduced to the minimum allowed by the zoning district if the petitioner has notarized affidavits from all adjacent property owners stating their agreement of the decrease in setback distance</li> </ul>
<p>Minimum Setback from Application of Liquid Animal Waste from a CFO/CAFO as Fertilizer</p>	<ul style="list-style-type: none"> <li>● Public Roads: 10 feet if injected or incorporated within 12 hours; 25 feet if surface applied</li> <li>● Existing primary residential dwelling (not owned by AFO or occupied by operator): 100 feet if injected or incorporated within 12 hours; 200 feet if surface applied</li> </ul>
<b>Animal Feeding Operation Operational Standards</b>	
<p>Odor Abatement</p>	<p>Odor Abatement for AFO Building Permits Required. Applicants for building permits for and AFO must adopt a minimum of one odor abatement strategy. Odor abatement strategies include those listed below. Alternative odor abatement strategies may be approved by the BZA (through special exception approval) and/or APC (through development plan approval).</p> <ul style="list-style-type: none"> <li>● Biofiltration or other effective filtration of pit air;</li> <li>● Vertically directed exhaust (high chimney or fan assist);</li> <li>● Soybean oil spray for dust control;</li> <li>● Electrostatic precipitation;</li> <li>● Ozonation;</li> <li>● Anaerobic digester;</li> <li>● Diet manipulation;</li> <li>● Manure drying methods;</li> <li>● Aerating the surface of a lagoon;</li> <li>● Windbreak walls;</li> <li>● Odor absorbing evergreen trees at least as tall as the exterior wall height and at least two trees deep around the entire perimeter of lagoon or building;</li> <li>● Chemical treatment of manure to reduce odor; and</li> <li>● Other proven strategies, designs or technologies that reduce odor</li> </ul>
<p><i>1 – Setbacks measured from the closest edge of any structure or area used for AFO operations.</i></p> <p><i>2 – Includes any CFO or CAFO with deep pit manure storage and/or any silage storage that is not within an enclosed structure.</i></p> <p><i>3 – Includes any primary and/or accessory structure or improvement utilized in carrying on of the operation, including any lagoon, open manure storage area, deep pit manure storage structure, silage storage area, silage storage building or structure, and deep pit manure storage area. Excludes fences, silos, structures less than 200sqft, and vehicle fuel storage tanks/apparatuses.</i></p>	

**4. Day Care Facility.**

- a. **Day Care Facility Purpose.** The purpose of these day care facility standards is to ensure that facilities adequately protect those who are cared for as well as ensuring compatibility with surrounding uses. These facilities are not intended to be a substitute for nursing homes or other comprehensive care facilities.
- b. **Day Care Facility General Standards.**

- i. The day care facility must comply with all applicable ADA requirements.
  - ii. Caregivers shall meet all applicable requirements.
- c. **Procedures for Establishing an Adult Day Care.** Development Plan approval and an ILP is required to construct and/or establish a day care facility in order to ensure that the structure meets all of the applicable building codes and to ensure the use is in compliance with these standards.
- d. **Day Care Facility Development Standards.**

<b>Day Care Facility Structure Standards</b>	
Area	<ul style="list-style-type: none"> <li>• Minimum: A minimum of one hundred fifty (150) square feet of living space per client shall be provided</li> </ul>
<b>Day Care Facility Site Standards</b>	
Fencing	<ul style="list-style-type: none"> <li>• A six (6) foot tall privacy fence shall be installed in the backyard in order to provide a secure outdoor area for clients to enjoy</li> </ul>
Parking	<ul style="list-style-type: none"> <li>• Shall meet the requirements of <i>Chapter 3, Section B.5: Parking and Loading Standards</i></li> </ul>
Zoning District Standards	<ul style="list-style-type: none"> <li>• All other development standards of the subject zoning district shall apply</li> </ul>
<b>Day Care Facility Utility Standards</b>	
Utilities	<ul style="list-style-type: none"> <li>• Water and sewage disposal shall comply with the requirements of the subject zoning district and may need to be re-evaluated based on the nature of the facility</li> </ul>
<b>Day Care Facility Operational Standards</b>	
Hours of Operation	<ul style="list-style-type: none"> <li>• The facility may operate between the hours of 6:00am to 9:00pm</li> </ul>
Staffing	<ul style="list-style-type: none"> <li>• There shall be a minimum of one (1) staff member per four (4) adult clients at all times</li> </ul>
<b>Day Care Facility Other Standards</b>	
Federal and State Regulations	<ul style="list-style-type: none"> <li>• The facility shall meet or exceed all federal and state standards as they become enacted</li> </ul>

## 5. Campground or Recreational Vehicle Park.

- a. **Campground or Recreational Vehicle Park Purpose.** The purpose of these regulations is to provide minimum requirements for the protection of the health and safety of the occupants of campgrounds, recreational vehicle parks, their associated recreation areas, and the general public.
- b. **Campground or Recreational Vehicle Park General Standards.** In addition to these standards, a facility accommodating ten (10) or more tents, recreational vehicles, or campsites are subject to the regulations established by state standards per 410 IAC 6-7.1.
- c. **Procedures for Establishing a Campground or Recreational Vehicle Park.** A development plan is required for campground and recreational vehicle parks prior to establishing the use and/or issuance of an ILP and/or building permit in order to ensure that it meets all applicable building codes and regulations.

d. **Campground or Recreational Vehicle Park Development Standards.**

<b>Campground or Recreational Vehicle Park Structure Standards</b>	
Permitted Structures	<ul style="list-style-type: none"> <li>• Temporary, non-permanent lodging structures, such as tents, recreational vehicles (RVs), camping trailers, and similar</li> <li>• Permanent shared facilities normally associated with a campground, such as a bathhouse or emergency shelter</li> <li>• Permanent structures for operation (such as office), maintenance, or storage facilities used in the campsite operations</li> <li>• Permanent or semi-permanent structures used or intended for dwellings or overnight accommodations, such as cabins, lean-tos, etc.</li> <li>• Any permanent structure that is located on an individual campsite, excluding those uses specifically listed as permitted above</li> </ul>
Prohibited Structures	<ul style="list-style-type: none"> <li>• Manufactured homes or mobile homes</li> </ul>
<b>Campground or Recreational Vehicle Park Site Standards</b>	
Access	<ul style="list-style-type: none"> <li>• An entrance roadway from a public road shall be provided that is at least 24 feet in width</li> <li>• Internal roads must be paved</li> </ul>
Area for Development	<ul style="list-style-type: none"> <li>• A minimum of 10 acres</li> </ul>
Area per Campsite	<ul style="list-style-type: none"> <li>• 990sqft per campsite</li> </ul>
Circulation	<ul style="list-style-type: none"> <li>• All campsites shall gain access through an internal, private roadway; campsites shall not gain access from any public road</li> <li>• All internal roads shall be at least 10 feet in width for one-lane roads and at least 20 feet in width for two-lane roads</li> <li>• Fire and EMS shall approve site plan for adequate accessibility</li> </ul>
Density	<ul style="list-style-type: none"> <li>• A maximum gross density of 10 campsites per acre</li> </ul>
Drainage	<ul style="list-style-type: none"> <li>• All areas shall be well-drained and designed to provide sufficient space for camping activities, vehicles, sanitary facilities, and appurtenant equipment</li> <li>• All development shall comply with the applicable Drainage Ordinances</li> </ul>
Location	<ul style="list-style-type: none"> <li>• Cannot be located in a floodplain or an area subject to periodic flooding</li> <li>• Cannot be located adjacent to swamps, marshes, railroads, stockyards, industrial sites, or other such locations which would constitute a health or safety hazard</li> </ul>
Separation of Campsites	<ul style="list-style-type: none"> <li>• 25 feet between campsites</li> </ul>
Setbacks	<ul style="list-style-type: none"> <li>• Governed by the subject zoning district but shall be at least 25 feet from local roads and 50 feet from all other roads.</li> </ul>
<b>Campground or Recreational Vehicle Park Utility Standards</b>	
Sewerage and Water Provisions	<ul style="list-style-type: none"> <li>• A plan for sewerage and water provisions shall be provided for review</li> </ul>
<b>Campground or Recreational Vehicle Park Operational Standards</b>	
Duration of Stay	<ul style="list-style-type: none"> <li>• Maximum of 180 overnight stays within 12 consecutive months</li> </ul>

**6. Home-based Business (with employees).**

- a. **Home-based Business Purpose.** The purpose of regulating and limiting commercial activities that utilize employees in residential dwellings or on residentially used parcels is to ensure that they are incidental and accessory to a legal residential dwelling, compatible with surrounding uses, and do not add significant traffic, noise, or other nuisances to the residential areas in which they are located.
- b. **Home-based Business General Standards.** Home-based businesses are not required to obtain development plan approval. A site plan shall be submitted for review with any ILP or building permit application (or prior to occupancy if a building permit is not required) showing compliance with all regulations of this UDO. The Administrator may refer the use for review and consideration by the BZA.
- c. **Procedures for Establishing a Home-based Business.** An ILP is required to construct and/or establish a home-based business in order to ensure that the structure(s) used meets all of the applicable building codes, utility standards are met, and the use is in compliance with these standards.
- d. **Home-based Business Development Standards.**

<b>Home-based Business Site Standards</b>	
Access	<ul style="list-style-type: none"> <li>● No additional access points and/or driveways shall be permitted</li> <li>● Adequate measures shall be taken to maintain safety for trucks and vehicles entering the public roadway at slower speeds, including but not limited to, deceleration/acceleration lanes or passing blisters</li> </ul>
Character	<ul style="list-style-type: none"> <li>● There shall be no evidence on the exterior of the premises that the property is used in any way other than for a residential dwelling</li> <li>● All structures shall retain a residential character</li> <li>● No mechanical equipment shall be used that creates any electrical or other interference, noise, or impacts that are not normally associated with a residential use</li> </ul>
Location	<ul style="list-style-type: none"> <li>● All business activity must be conducted entirely within the primary dwelling unit and/or entirely within a permitted accessory structure on the same parcel as the primary dwelling unit</li> </ul>
Outdoor Storage	<ul style="list-style-type: none"> <li>● Display of goods or products for sale is prohibited</li> <li>● All outdoor storage areas or areas used to park equipment or vehicles shall be:                             <ul style="list-style-type: none"> <li>○ Behind the rear elevation of the primary dwelling unit; and</li> <li>○ Within a fully enclosed structure or have a solid fence, masonry wall, and/or continuous evergreen screen on all sides (excluding driveways) that is a minimum of 6 feet in height to fully screen from adjacent properties year-round</li> </ul> </li> <li>● Fences shall comply with all regulations of this UDO</li> </ul>
Parking	<ul style="list-style-type: none"> <li>● Parking for customers and employees shall comply with <i>Chapter 3, Section B.5: Parking and Loading Standards</i></li> </ul>
<b>Home-based Business Utility Standards</b>	
Utilities	<ul style="list-style-type: none"> <li>● Water and sewage disposal shall comply with the requirements of the subject zoning district and may need to be re-evaluated based on the nature of the business</li> </ul>
<b>Home-based Business Operational Standards</b>	
Clients/Customers	<ul style="list-style-type: none"> <li>● Maximum of 10 clients/business-related visitors allowed on site per day</li> <li>● No more than 5 present on the site at any time</li> </ul>
Employees	<ul style="list-style-type: none"> <li>● Maximum 2 external employees are allowed on site at any time</li> <li>● Does not include the resident(s) of the dwelling</li> </ul>

Hours of Operation	<ul style="list-style-type: none"><li>• Business hours shall be limited to 7:00 am to 7:00 pm unless specified otherwise with the special exception approval or through an approved variance</li></ul>
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**7. Home Occupation.**

- a. **Home Occupation Purpose.** The purpose of regulating personal home occupations in residential dwellings is to ensure these activities are incidental and accessory to a legal residential dwelling, compatible with surrounding uses, and do not add traffic, noise, or other nuisances than would be normally encountered within the districts they are located.
- b. **Procedures for Establishing a Home Occupation.** Home occupations are not required to obtain development plan approval. A site plan shall be submitted for review with any ILP or building permit application (or prior to occupancy if a building permit is not required) showing compliance with all regulations of this UDO.
- c. **Home Occupation Development Standards.**

<b>Home Occupation Site Standards</b>	
Access	<ul style="list-style-type: none"> <li>• No additional access points and/or driveways shall be permitted</li> </ul>
Context	<ul style="list-style-type: none"> <li>• There shall be no evidence on the exterior of the premises that the property is used in any way other than for a residential dwelling.</li> <li>• All structures shall retain a residential character.</li> <li>• No mechanical equipment shall be used that creates any electrical or other interference, noise, or impacts that are not normally associated with a residential use</li> </ul>
Deliveries	<ul style="list-style-type: none"> <li>• No deliveries or pick-ups shall be allowed other than from commercial parcel delivery services (e.g., Amazon, USPS, UPS, FedEx, DHL)</li> </ul>
Location	<ul style="list-style-type: none"> <li>• All business activity must be conducted entirely within the primary dwelling unit or entirely within a permitted accessory structure upon the same parcel as the primary dwelling unit</li> </ul>
Outdoor Storage	<ul style="list-style-type: none"> <li>• Outdoor storage (including equipment parking) or display of goods or products is prohibited</li> </ul>
Parking	<ul style="list-style-type: none"> <li>• Parking shall comply with <i>Chapter 3, Section B.5: Parking and Loading Standards</i></li> </ul>
<b>Home Occupation Operational Standards</b>	
Employees	<ul style="list-style-type: none"> <li>• A home occupation shall not have any employees on-site other than the resident(s) of the dwelling.</li> </ul>
Customers	<ul style="list-style-type: none"> <li>• Customers are not permitted on site at any time</li> </ul>

**8. Junkyard/Salvage Yard.**

- a. **Junkyard/Salvage Yard Purpose.** The purpose of these standards is to ensure that both the operation and the existing land uses surrounding the operation are protected from the negative impacts that each may cause the other.
- b. **Junkyard/Salvage Yard General Standards.**
  - i. Upon receiving an appliance, vehicle, or other material, the battery, lubricants, fluids, coolants, refrigerants, and the similar components shall be removed and recycled or disposed of same in accordance with all applicable state and federal laws regarding disposal of waste and hazardous materials.
  - ii. Combustible material which can be ignited by an ordinary match shall be placed or stored at least ten (10) feet from any fence or structure. No burning of any material shall occur on site .
  - iii. No junkyard shall be used as a dump by the public.
  - iv. No material shall be placed in any junkyard in such a manner that it is capable of being transferred out of the junkyard by wind, water, or other natural causes. The storing of loose paper and the spilling of flammable or other liquids into the ground, streams, or sewers are prohibited
- c. **Procedures for Establishing a Junkyard/Salvage Yard.**
  - i. A development plan is required for junkyard/salvage yards prior to establishing the use and/or issuance of an ILP and/or building permit in order to ensure that it meets all applicable building codes and regulations.
  - ii. A conceptual site layout and a detailed, written narrative describing the use in detail are required to be submitted with the special exception application.
- d. **Junkyard/Salvage Yard Development Standards.**

<b>Junkyard/Salvage Yard Site Standards</b>	
Access	<ul style="list-style-type: none"> <li>● A fire lane of at least 15 feet in width shall be maintained from the main entrance to a public street throughout the junkyard, so that no point of the junkyard shall be more than 200 feet from a fire lane</li> <li>● Internal driveways and fire lanes may be paved or gravel</li> </ul>
Fencing	<ul style="list-style-type: none"> <li>● An 8-foot opaque fence shall surround junkyard/salvage yard area</li> <li>● All fencing shall be securely locked unless being actively supervised for ingress or egress</li> </ul>
Location	<ul style="list-style-type: none"> <li>● No portion of a junkyard, impound lot, or salvage yard shall be located within an area designated as a special flood hazard area</li> <li>● No portion of a junkyard used for storage of any materials shall be within 500 feet of the property line of an existing residential use or parcel platted for residential use</li> </ul>
Storage	<ul style="list-style-type: none"> <li>● All storage of any junk, materials, or similar activity shall be within an enclosed building or fully screened with vegetation, earthen berm, masonry wall, fence, or similar so it is not visible from any public street or adjacent parcel year-round</li> </ul>

**9. Manufactured Home Park.**

- a. **Manufactured Home Park Purpose.** The purpose of the Manufactured Home Park standards is to provide housing options for residents, ensure a high-quality living environment within a manufactured home park, and assist in providing alternative developments for single-family housing.
- b. **Manufactured Home Park General Standards.** Manufactured home parks are NOT exempt from the Flood Hazard Ordinance, DNR regulations, FEMA regulations, or any other state/federal regulation.
- c. **Procedures for Establishing a Manufactured Home Park.** A development plan is required for all manufactured home parks prior to establishing the use and/or issuance of an ILP and/or building permit in order to ensure that it meets all applicable building codes and regulations.
- d. **Manufactured Home Park Development Standards.**

Manufactured Home Park Structure Standards	
Structure Standards	<ul style="list-style-type: none"> <li>• All manufactured homes shall comply with the structure standards in <i>Chapter 3, Section B.8.h: Manufactured Homes and Recreational Vehicles</i>.</li> <li>• The minimum residential living area requirement of the underlying zoning district shall NOT apply</li> <li>• The relocation and/or placement of a manufactured home shall comply with IC 6-1.1-7 series</li> </ul>
Structure Types	<ul style="list-style-type: none"> <li>• Only manufactured homes are permitted as permanent dwellings within a manufactured home park.</li> <li>• Recreational vehicles (RVs), travel trailers, or similar vehicles may be used for occupancy in designated areas with proper connections to utilities and properly secured on the site per the Building Commissioner and the RV manufacturer’s design. <span style="background-color: yellow;">*This provision does not apply to the jurisdiction of the City of Mount Vernon.</span></li> <li>• No transient or non-permanent manufactured homes or travel trailers shall be located in a manufactured home park (except as allowed in this section)</li> <li>• Coin-operated laundries, recreational rooms, storm shelters, and similar amenities may be permitted in manufactured home parks</li> </ul>

<b>Manufactured Home Park Site Standards</b>	
Area (Home Site)	<ul style="list-style-type: none"> <li>• 2,500 sqft per lot or as determined by the zoning district, whichever is less</li> </ul>
Area (Overall Park/Site)	<ul style="list-style-type: none"> <li>• Minimum development area is 10 acres</li> </ul>
Bufferyards and Fencing	<ul style="list-style-type: none"> <li>• The perimeter of each manufactured home park shall be fully screened with a solid fence or wall that is a minimum of 6 feet in height unless the required bufferyard (see <i>Chapter 3, Section B.3: Landscaping and Buffer Standards</i>) specifies a higher standard</li> </ul>
Community Facility & Storm Shelter	<ul style="list-style-type: none"> <li>• At least 1 indoor community facility shall be provided for the park that provides recreational space for the park occupants as well as a storm shelter that meets the minimum requirements in the ICC 500 standard for occupants during severe weather</li> <li>• The area of the community facility shall be at least 500 square feet or 1% of the park's gross acreage, whichever is greater</li> </ul>
Drainage	<ul style="list-style-type: none"> <li>• All drainage shall comply with the applicable Drainage Ordinances</li> </ul>
Lighting	<ul style="list-style-type: none"> <li>• Each manufactured home park shall provide streetlights at the entrance and at least every 500 feet along internal roads.</li> <li>• Maintenance of all lighting and monthly services fees shall be the responsibly of the park owner</li> <li>• All lighting shall comply with <i>Chapter 3, Section B.4: Lighting Standards</i></li> </ul>
Lot Width (Overall Park/Site)	<ul style="list-style-type: none"> <li>• 120 feet or as determined by the zoning district, whichever is greater</li> </ul>
Parking and Loading	<ul style="list-style-type: none"> <li>• All parking areas shall be paved and comply with <i>Chapter 3, Section 5: Parking and Loading Standards</i></li> </ul>
Recreational Area	<ul style="list-style-type: none"> <li>• Each park shall provide and maintain a recreational area(s) (such as open space, playground, dry detention areas, etc.) equal in size to at least 20% of the area of the park in a central location(s). Maintenance of all recreational and public areas shall be enforced as allowed by this UDO and all applicable property maintenance ordinances</li> </ul>
Roads	<ul style="list-style-type: none"> <li>• Each home site shall have direct access to a public or private roadway</li> <li>• Design of all entrances and internal roads, public or private, shall provide for emergency vehicle access and be approved by the Fire Department and EMS</li> <li>• All internal roads shall be paved, installed by the applicant, and built to the applicable public standards. Performance and maintenance surety may be required at the discretion of the Administrator.</li> <li>• All private roads shall be maintained by the property owner</li> </ul>
Separation	<ul style="list-style-type: none"> <li>• Minimum separation between primary structures is 20 feet</li> </ul>
Sidewalks	<ul style="list-style-type: none"> <li>• Sidewalks that are a minimum of 4 feet in width shall be provided on at least one side of all internal roads</li> <li>• A minimum of a 3-foot-wide sidewalk shall be provided to each individual home site from the nearest public sidewalk, street, or parking area.</li> <li>• All sidewalk connections shall be paved with a suitable material for use in all weather conditions</li> </ul>
Storage	<ul style="list-style-type: none"> <li>• Wrecked, abandoned (unoccupied for more than 1 year and/or deemed unsafe by the Building Commissioner), damaged, untitled, or dilapidated manufactured homes shall not be kept or stored within the manufactured home park at any time</li> <li>• An open storage area may be provided within the park to store travel trailers, campers, and other recreational vehicles by residents. If open storage is provided, the minimum storage area shall be 200 square feet per home site and shall be fully screened with a solid fence or wall with a gate that is at least 6 feet in height</li> <li>• Campers shall not be occupied or stored on any home site</li> <li>• Each park shall provide either one or more central storage structures available to all manufactured home sites or a single storage structure for each manufactured home site. Such structures shall be waterproof, so they remain relatively unaffected by water and/or weather and are suitable for storage of goods and the usual effects of persons occupying the park</li> </ul>

<b>Manufactured Home Park Operational Standards</b>	
Park Resident Organization	<ul style="list-style-type: none"> <li>• A park resident organization shall be formally established for the park (similar to a Homeowners Association)</li> </ul>
Register of Residents	<ul style="list-style-type: none"> <li>• Every manufactured home park shall maintain a current register of all occupants, which shall include, at a minimum, the names of all persons residing in the manufactured home park; the make, type and serial or license number of each manufactured home; and a location of the space occupied, and copy of title and valid transport order as of the date the manufactured home was placed in the park.</li> <li>• The park owner shall provide the list, and any updates, to the Assessor's Office</li> </ul>
Resident Manager	<ul style="list-style-type: none"> <li>• A resident manager or park manager shall be required to oversee that the ordinances and laws regulating the manufactured home park are observed</li> <li>• The resident manager or park manager shall reside on-site, and a designated person shall be accessible to contact 24 hours a day and 7 days a week for emergencies</li> </ul>
Property Maintenance	<ul style="list-style-type: none"> <li>• The maintenance of the property and the individual home sites (mowing, tree trimming, etc.) shall be the responsibility of the park operator</li> </ul>
<b>Manufactured Home Park Other Standards</b>	
Home Registration	<ul style="list-style-type: none"> <li>• A manufactured home must be currently titled and registered with the applicable state agency. Any manufactured home must have a valid current transport permit fully executed prior to its placement in the manufactured home park</li> </ul>

**10. Renewable Energy Conversion Systems.**

- a. **Renewable Energy Generation System Purpose.** The purpose of these standards is to allow Posey County to regulate the use of land for the installation or expansion of renewable energy conversion systems, to control the placement of these systems, to preserve and protect public health and safety, to allow for the orderly development of land, and to protect property values throughout the county.
- b. **Renewable Energy Generation System General Standards.**
  - i. Applicability.
    - (a) These standards apply to ground-mounted wind energy and solar energy conversion systems and to vertical and horizontal wind energy conversion systems whether ground-mounted or building mounted.
    - (b) These standards do not apply to roof-top or integrated solar installations on buildings or facilities and all such installations remain subject to applicable building and safety codes.
    - (c) Any solar or wind energy system intended to be installed over, in or on water systems, natural or otherwise, are regulated in the same manner as similar ground-mounted systems with any additional applicable review due to the water-based installation
  - ii. No Preemption. Nothing in this section is intended to preempt other applicable state and federal laws and regulations, except to the extent this section provides higher or more stringent standards.
  - iii. Acreage. Acreage is measured from a perimeter fence surrounding the total wind or solar generation facilities including any substations, energy storage or electrical support buildings.
  - iv. Integrated Systems. Any solar or wind energy generation facilities intended to be operated as an integrated system shall be regulated according to the aggregate total acreage. Any subsequent phase of an approved project shall meet the criteria required of the total acreage of all phases.
- c. **Renewable Energy Generation System Types and Operational Standards.**
  - i. Permitted Systems. Only Photovoltaic and Thermal Solar energy conversion systems may be installed in the County. Concentrated Solar Power systems may not be installed in the County.
  - ii. System Type Classifications. The following systems are classified as follows:

<b>Renewable Energy Generation System Types and Operational Standards</b>		
<b>Type: Solar</b>	<b>Acreage</b>	<b>Operation</b>
<b>SECS-1</b>	Greater than 20 acres	Electricity sold to utility transmission lines
<b>SECS-2</b>	More than 1 acre up to 20 acres on one or more properties	Electricity used primarily for on-site use
<b>SECS-3</b>	1 acre or less and one landowner	Electricity exclusively behind the meter generation for single property owner
<b>Type: Wind</b>	<b>Acreage</b>	<b>Operation</b>
<b>WECS-1</b>	Greater than 20 acres	Electricity sold to utility transmission lines
<b>WECS-2</b>	More than 1 acre up to 20 acres on one or more properties	Electricity used primarily for on-site use

<b>WECS-3</b>	1 acre or less and one landowner	Electricity exclusively behind the meter generation for single property owner
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d. **Development Standards for Renewable Energy Generation Systems.**

<b>Solar Energy Conversion System Structural Standards (SECS)</b>	
<b>Building Code Compliance</b>	<ul style="list-style-type: none"> <li>• All installed equipment shall conform to applicable industry standards and the application shall include certificates of design compliance of the proposed equipment from nationally recognized third parties in the business of certifying compliance</li> <li>• All electrical components of the project shall conform to applicable local, state, and national codes, and relevant national and international standards</li> </ul>
<b>Height</b>	<ul style="list-style-type: none"> <li>• No solar panel may exceed 25 feet in height at its highest extended rotation</li> <li>• No Tier 3 SECS solar panel may exceed the height restriction in the underlying zoning district</li> </ul>
<b>Lighting</b>	<ul style="list-style-type: none"> <li>• All warning lights in the project shall conform to best industry practices to reduce impacts on migrating birds and other wildlife. No red pulsating incandescent lights or white strobe lights shall be installed. All lighting shall be in compliance with applicable Federal Aviation Administration regulations. All lighting shall be shielded so that no glare extends substantially beyond the boundaries of the project and installed lights shall be Dark Sky certified</li> </ul>
<b>Signage</b>	<ul style="list-style-type: none"> <li>• A visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations</li> </ul>
<b>Solar Energy Conversion System Location Standards (SECS)</b>	
<b>Setbacks and Separation</b>	<ul style="list-style-type: none"> <li>• Setbacks are measured from the property line to the fence line of the project area.</li> <li>• No part of the project shall be constructed in any dedicated public easement or dedicated public right-of-way without prior written authorization from the County Commissioners</li> <li>• Setbacks for SECS-1 shall be at least:               <ul style="list-style-type: none"> <li>○ 500 feet from any Non-Participating landowner property line or residential property line (residence, residentially platted, or residentially zoned) if on 1 or 2 sides;</li> <li>○ 1,000 feet if on more than 2 sides, and</li> <li>○ 50 feet from any other property line or public right-of-way.</li> </ul> </li> <li>• *Setbacks for SECS-2 shall be at least 100 feet from any Non-Participating landowner property line, at least 50 feet from any other property line, and at least 50 feet from a public right-of-way.</li> <li>• *Setbacks for SECS-3 shall be at least 25 feet from any property line.</li> <li>• *Separation for SECS-1 and SECS-2 shall be at least 500 feet from the leading edge of any public building, the property line of a public recreational area, or the property line of a public/private parochial school.</li> <li>• Setbacks for solar panels between participating landowners shall conform to the zoning district requirements or as agreed upon during the development plan review (ex. crossing participating property lines) .</li> </ul>
<p><i>* Variances may only be granted from these developmental standards. All other standards are mandatory.</i></p>	

<b>Wind Energy Conversion System Structural Standards (WECS)</b>	
<b>Building Code Compliance</b>	<ul style="list-style-type: none"> <li>• All installed equipment shall conform to applicable industry standards and the application shall include certificates of design compliance of the proposed equipment from nationally recognized third parties in the business of certifying compliance</li> <li>• All electrical components of the project shall conform to applicable local, state, and national codes, and relevant national and international standards</li> </ul>
<b>Color</b>	<ul style="list-style-type: none"> <li>• WECS Towers and blades shall be painted with non-reflective white or gray color. The Applicant shall comply with all applicable Federal Aviation Administration color requirements. No advertising or signage shall be allowed on a WECS Tower, except for manufacturer's name on the nacelle</li> </ul>
<b>Design</b>	<ul style="list-style-type: none"> <li>• All WECS Towers shall be installed with a tubular, monopole type tower. Meteorological towers may be guyed. All WECS Towers and solar panels shall be uniform in design and appearance</li> <li>• All WECS Tower designs must include features to deter climbing or be protected by anti-climbing devices such as: 1) fences with locking portals at least eight feet high, 2) anti-climbing devices 15 feet vertically from the base of the wind tower, and/or 3) locked wind tower doors. All solar panels and accessory buildings for the project must be fenced in with a fence not less than 7 feet in height, shall not include any barbed or high tensile wire, shall be of a type compatible with the character of the zoned area, and shall be compliant with applicable NEC standards.</li> <li>• All WECS Towers shall be equipped with a redundant braking system. This includes both aerodynamic over-speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over-speed protection</li> <li>• The minimum distance between the ground and any protruding blade(s) utilized on a WECS Tower shall be fifty (50) feet, as measured at the lowest point of the arc of the blades. The minimum distance shall be increased as necessary to provide for vehicle clearance in locations where over-sized vehicles might travel</li> </ul>
<b>Height</b>	<ul style="list-style-type: none"> <li>• No Tier 3 WECS Tower may exceed the height restriction in the underlying zoning district</li> </ul>
<b>Lighting</b>	<ul style="list-style-type: none"> <li>• All warning lights in the project shall conform to best industry practices to reduce impacts on migrating birds and other wildlife. No red pulsating incandescent lights or white strobe lights shall be installed. All lighting shall be in compliance with applicable Federal Aviation Administration regulations. All lighting shall be shielded so that no glare extends substantially beyond the boundaries of the project and installed lights shall be Dark Sky certified</li> </ul>
<b>Shadow Flicker</b>	<ul style="list-style-type: none"> <li>• The maximum WECS turbine shadow flicker experiences at a Non-Participating landowner dwelling shall be zero. Measurements to assess shadow flicker shall be for all Non-Participating landowner dwellings located within 0.6 miles or 3,168 feet of a turbine. If shadow flicker will exceed this level then a shadow flicker mitigation plan must be submitted for each affected Non-Participating dwelling which shall provide for zero shadow flicker for the affected Non-Participating dwelling</li> </ul>
<b>Signage</b>	<ul style="list-style-type: none"> <li>• A visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations</li> </ul>

<b>Wind Energy Conversion System Location Standards (WECS)</b>	
Setbacks and Separation	<ul style="list-style-type: none"> <li>• No part of the project shall be constructed in any required setback, dedicated public easement or dedicated public right-of-way without prior written authorization from the County Commissioners</li> <li>• *No WECS Tower may be located less than the greater of (a) 2.5 times the height of the WECS Tower including the blade at its highest point or (b) the manufacturer's recommended setback as determined by a blade throw study performed and certified by a professional engineer to any Non-Participating landowner property line</li> <li>• *No WECS Tower or permanent Meteorological Towers may be located less than 1.5 times the height of the WECS Tower including the blade at its highest point to any residential structure inside or outside the project boundaries</li> <li>• No WECS Tower may be located less than 1.5 times the height of the WECS Tower to a dedicated roadway, railroad right-of-way, overhead electrical transmission or distribution lines</li> <li>• Any WECS project proposed shall not have a boundary closer than one mile to any municipal boundary line.</li> <li>• Applicant shall give notice to the owner of any private certified landing strip. Setbacks will be determined based upon the agreement of the landing strip owner, Applicant, and the APC which shall take into consideration the guidelines provided in a U.S. Department of Transportation FAA Advisory Circular dated February 26, 2014, as may be updated. Proof of notice must be included with the Preliminary Development Plan</li> </ul>
<b>Solar Energy Conversion System Performance Standards (WECS)</b>	
Sound	<ul style="list-style-type: none"> <li>• At any Non-Participating Landowner's residential lot, public school, public library, or recreational area within one-quarter mile of the project boundaries, for a period of more than 10% out of every hour, the audible A-weighted sound pressure levels as a result of the sound emitted by the project shall not exceed either, the greater of 45 decibels or, 5 decibels above the Ambient Baseline Sound Pressure Level of the project at Critical Wind Speeds. The Ambient Baseline Sound Pressure Level, if used, shall be determined by a baseline acoustic emissions study conducted by the APC and funded by the Applicant. Measurement of sound and vibration levels shall be conducted adhering to best practices within the applicable industry and in compliance with all other applicable county, state and federal regulations</li> </ul>
* Variances may only be granted from these developmental standards. All other standards are mandatory.	

**e. Procedures for Establishing a Renewable Energy Generation System.**

- i. Special Exception Required. If a special exception is required per *Chapter 2: Zoning Districts and Overlay Districts*, the project must first be heard by the BZA to be granted approval of the use before applying for special development plan approval.
- ii. Variance Requested.
  - (a) Variances may only be requested for relief from the standards denoted with an "\*" identified in the tables under Subsection d: Development Standards for Renewable Energy Systems. The variance application must include an executed agreement between the applicant and all participating and non-participating landowners affected by the requested variance prior to being docketed before the BZA. If approved, the variance must be recorded on the property records with the County Recorder's Office.
  - (b) An applicant seeking a variance from any setback or height requirement must first be heard by the BZA to be granted approval before applying for special development plan approval.
- iii. Special Development Plan Approval.

- (a) Applicability.
  - (1) Tier 1 and Tier 2 Projects require preliminary and final special development plan approval by the APC.
  - (2) Tier 3 Projects only require final special development plan approval by the APC.
- (b) Preliminary Special Development Plan. A completed application for preliminary special development plan approval shall be filed with the APC on the required application forms. If the Applicant is not the owner of the real property on which the project is sited, all property owners of the real property where the project is to be located must be Co-Applicants. The application shall include the following items:
  - (1) Project Summary. An initial project summary including a description of the project stating the approximate total name plate generating capacity and the name plate generating capacity of each wind tower or solar panel, the total acreage included in the project and the GIS coordinates of the general outline of the project area, the potential equipment manufacturers and type of wind or solar energy conversion system to be used, the number of towers or solar panels, the maximum height of the wind towers and maximum diameter of the rotors, or the size and maximum height of solar panels, and description of substations, power inverters, maintenance structures, storage yards, permanent wind or solar resource monitoring structures and equipment, and other buildings that are a direct functional part of the project. If any part of the project will include battery storage, the kinds of batteries to be used, the manufacturer, and the type of installation shall also be included.
  - (2) Applicant and Co-Applicant(s). A description of the Applicant, Owner and Operator and any other responsible party and if applicable each of their intermediate and ultimate parent companies, listing experience in similar projects and gross capitalization. List names, addresses, email addresses, websites and phone numbers of the Applicants, Owners and Operators and all Co-Applicants.
  - (3) Maps. A map(s) of the project site and surrounding quarter-mile radius that shows the topography (at 2-foot contours), political and natural features of the project site. The map shall include the individual land parcels by state tax parcel number and clearly identify whether the property is participating in the project or not. The map shall also identify the zoning designations, all streets and roadways by classification, municipal and township boundaries, residential structures, public lands, public and private schools (including colleges and universities) existing utilities and transmission lines, public safety facilities, governmental boundaries, public recreational land, and any commercial or public structure such as stores, churches, airports or landing strips. If more than one map is submitted, all maps shall be drawn at the same scale. All maps shall be submitted in hard copy and electronic format as specified by the Administrator.
  - (4) Site Plan. The Applicant shall submit a site plan at an appropriate scale showing the proposed location of the project facilities; proposed access roads; substations; maintenance structures; storage yards; permanent wind or solar resource measuring or monitoring installations; electrical cabling; ancillary equipment; and any other

structures that are a direct functional part of the project. Each wind tower, contiguous row of solar panels and/or structure should be assigned a unique identification number on the site plan. In addition, the site plan shall show: primary structures within one quarter mile of any project; property lines, including identification of non-participating adjoining properties; setback lines; public roads; County regulated drains, open ditches or tiles including private tiles if located in a public right of way; location of all above-ground utility lines; location of all existing underground utility lines associated with the site; recognized historic or heritage sites as noted by the Indiana Department of Natural Resources; floodplains; and any wetlands based upon a delineation prepared in accordance with the applicable U.S. Army Corps of Engineer requirements and guidelines, and the location of any other condition or facility regulated by any other agency having jurisdiction of activity on the site. This site plan must also be distributed to emergency management agencies, fire departments serving any part of the project site, the County Sheriff, and the chief executive body of any municipal government whose boundary is within two (2) miles of the project site.

- (5) Landscape Plan. The Applicant shall include a Landscape Plan providing for installation of screening to mitigate the Project's impact on the viewshed(s) from any adjacent non-participating residence, public building, public recreational or state/local designated scenic areas or roads, and public, private/parochial school ("Viewshed Screening"). The Viewshed Screening shall consist of a mix of non-invasive evergreen and deciduous trees and hedges planted in at least two (2) offset rows at not less than six (6) feet in height at planting and with an expected growth height sufficient to accomplish the Viewshed Screening purpose. Setback areas required in this section ("Setback Buffers"), unless continued in a use permitted in the zoning district, shall be planted in native forbes and grasses and may include pollinator gardens as verified by the County Extension Agent. The Landscape Plan shall provide for the maintenance, including controlling invasive species, of the Viewshed Screening and Setback Buffers during the life of the Project. The Viewshed Screening may be located in the Setback Buffer within no less than twenty (20) feet on either side of the required fencing. Any Viewshed Screening located in the Setback Buffer of a public right-of-way or in a public or utility easement shall conform to safety standards set by the applicable regulatory body.
- (6) Preliminary Coordination with Applicable Entities. The Applicant shall submit a summary report identifying the entities the Applicant has communicated and coordinated with respect to the project. The report shall list the entity name, the primary contact person at the entity and contact information, the dates of coordination and list of documents submitted to each agency. The report shall also transmit any comments, suggestions, concerns, approvals, or disapprovals with respect to the project issued by the entity and/or communicated to the Applicant. See Table: Entities for Coordination for required comments and feedback in addition to any other entities identified by the Administrator.
- (7) Visual Impact Evaluation Report. The Applicant shall submit a Visual Impact Evaluation Report evaluating the visual impact of all turbines or solar panels on properties within certain distances of the project. The report shall assess the visual impact on all

properties within the visual impact zones identified below. The following shall be included in the Visual Impact Evaluation Report:

<b>Visual Impact Evaluation Report Components</b>	
Detailed Map of Site	<ul style="list-style-type: none"> <li>• dimensions of the proposed site,</li> <li>• names and addresses of adjoining property owners not participating in the project that clearly identifies the setbacks distance in feet from each of the proposed turbine locations and/or each Distal Solar Panel and adjoining property lines,</li> <li>• the site of each of the photographic simulations taken in the View Shed Area,</li> <li>• town and city boundaries,</li> <li>• historic sites/districts,</li> <li>• state and local designated scenic areas and roads,</li> <li>• recreational areas,</li> <li>• open space and conservation areas,</li> <li>• schools,</li> <li>• parks,</li> <li>• water resources,</li> <li>• military installations,</li> <li>• airports or landing strips,</li> <li>• cell towers,</li> <li>• weather and radar stations</li> </ul>
Detailed Descriptions	Potential visibility of each proposed turbine or Distal Solar Panel and the methodology used evaluate visibility within the following View Shed Areas and maps of the applicable View Shed Area identifying all of the bullets on the detailed map of site above.
Viewshed Areas Defined	<p>SECS:</p> <ul style="list-style-type: none"> <li>• ½ mile radius from each Distal Solar Panel adjacent to the project boundary</li> </ul> <p>WECS: turbine height</p> <ul style="list-style-type: none"> <li>• &lt;200 feet: 2 mile radius from each turbine foundation</li> <li>• 200-400 feet: 4 mile radius from each turbine foundation</li> <li>• 400-600 feet: 6 mile radius from each turbine foundation</li> <li>• &gt;600 feet: 8 mile radius from each turbine foundation</li> </ul>
Photographic Simulations	<ul style="list-style-type: none"> <li>• Viewshed Area in sufficient number to capture the general visibility of turbines and Distal Solar Panels and a map depicting the location for each photographic simulation</li> </ul>
Mitigation Measures	<ul style="list-style-type: none"> <li>• Any mitigation measures proposed to minimize the visual impact of the project</li> </ul>

(8) Noise Evaluation Report. The applicant shall submit a Noise Evaluation Report for each proposed wind turbine location or each grouping of solar panels and any substation or facility that emits noise in the project. The report shall state the daytime and nighttime base-line noise level at the primary dwelling on an adjoining non-participating parcel, in the event permission for the receptor to be located at the primary dwelling is not granted by the non-participant, then at a point on the property line closest to the primary dwelling; the potential noise level generated by each turbine and when all turbines are operating or the solar panels and inverters and any substation associated with the project; the manufacturer's technical documentation of the proposed turbines or solar generating equipment noise levels. The Noise Evaluation Report shall include the projected maximum levels of infrasonic sound, ultrasonic sound, impulsive noise and prominent discrete tones generated and measured at the primary dwelling on the non-participating parcel (or property line receptor if permission not given as set forth above). The report shall include a map depicting the noise study area radius, project boundaries, sound level monitoring

locations and the nearest receptor locations. The Noise Evaluation Report shall include any potential mitigation measures to minimize sound levels.

- (9) Shadow Flicker Evaluation Report (WECS). The Applicant for a WECS project shall submit a Shadow Flicker Evaluation Report for each of the proposed turbine locations that includes an analysis of conditions that may cause shadow flicker, the methodology used to evaluate shadow flicker and the manufacturer's technical documentation relating to shadow flicker. A study area map of the proposed site depicting the shadow flicker analysis area radius, locations of proposed turbines and all off-site (not in the project area) occupied structures and areas of shadow flicker occurrence identified by total annual hours. The Shadow Flicker Evaluation Report shall identify the following with respect to each turbine and any off-site occupied structure located within one mile of the project boundary: distance in feet to the closest turbine; shadow length and intensity, shadow flicker frequency, specific times shadow flicker is expected to occur, duration of shadow flicker in total annual hours. The Shadow Flicker Evaluation Report shall include any mitigation measures proposed to minimize the impact of shadow flicker.
- (10) Telecommunications and Wireless Signals Report. The Applicant shall submit a Telecommunications and Wireless Signals Report identifying any expected interference with over the air communications and information gathering and provide a verified statement that it will mitigate any such interference. The Applicant will coordinate its report with NOAA and any other agencies dependent on wireless communications that may be affected.
- (11) Natural Resource Impact Report. The Applicant shall submit a natural Resources Impact Report for the proposed project site. The Natural Resources Impact Report shall include a detailed description of the potential natural resource impacts as a result of the construction, operation, and maintenance of the WECS or SECS that includes identification and analysis of (a) topography, geology, vegetation, soil types, water resources including wetlands, avian, terrestrial, and marine wildlife habitats as applicable; (b) compliance with applicable air and water quality standards; (c) compliance with USFWS Land-Based Wind Energy Guidelines as applicable, and (d) compliance with any site specific recommendations made by IDNR or IDEM. The report shall include a study area map with identification of any areas of importance such as bat habitat, flood zones, wetlands and watercourses evaluated in the report. The report shall also include any potential mitigation measures such as open space, erosion control, and habitat replacement to reduce the identified impacts on the project area.
- (12) Cost Reimbursement. For Tier 1 projects only, an agreement and written undertaking with adequate surety, bond, or other accepted form of adequate financial assurance must be submitted to pay or reimburse the County, the APC, any impacted school corporation, and any other impacted municipal corporation for all expenses incurred by the County, the APC, any impacted school corporation or municipal corporation in evaluating the documents required to be submitted for preliminary and final development plan approval. The costs to be reimbursed shall include expenses and professional fees actually incurred including but not limited to all electrical, structural,

mechanical, acoustical and transportation engineers, aviary experts, financial consultants, attorneys and other professionals. Within thirty (30) days of submission of an invoice, the Applicant shall pay or reimburse all such expenses. This obligation for payment or reimbursement of professional fees shall continue so long as the WECS-1 or SECS-1 is in existence through the completion of decommissioning and its removal.

- (c) Final Special Development Plan Approval. A petition for Final Special Development Plan approval shall be submitted to the APC and shall include:
- (1) Revised Site Plan. A revised site plan indicating any changes to the site plan submitted for the Preliminary Development Plan Approval.
  - (2) Transportation Plan. A Transportation Plan recommended by the SECS or WECS Transportation Committee and approved by the County Commissioners including a form of financial assurance acceptable to the County Commissioners for the repair or replacement of all damaged roads, bridges, signage, or other transportation structures during construction, maintenance, and operation.
  - (3) Water Safety Plan. A Water Safety Plan shall be submitted that addresses all properties within the project area and immediately adjacent to the project area.
  - (4) Drainage Plan. Drainage Plan approved by the Posey County Soil and Water Conservation District Technician and including a form of financial assurance acceptable to the County for the repair or replacement of all damaged drains, ditches, and tiles (if in the public right-of-way). The Transportation Plan and the Drainage Plan shall state that any newly constructed access roads shall not impede the flow of water and will comply with the applicable drainage ordinance. Additional conditions may be required regarding the repair of community or private drainage structures on a case-by-case basis as part of an approval.
  - (5) Safety and Security Plan. A Safety and Security Plan which must include adequate provisions for site security and safety, including without limitation the specific protocol, times and contact information for shutting down a wind turbine. If the plan includes using County services, it should include signatures of the proper authorities indicating they are aware of their role and capable of performing it. Coordination with local emergency responders and area hospitals must be included.
  - (6) Final Coordination with Applicable Entities. The Applicant shall submit a summary report identifying the entities the Applicant has communicated and coordinated with respect to the project. The report shall list the entity name, the primary contact person at the entity and contact information, the dates of coordination and list of documents submitted to each agency. The report shall also transmit any comments, suggestions, concerns, approvals, or disapprovals with respect to the project issued by the entity and/or communicated to the Applicant. The Applicant shall verify that the reports submitted for preliminary review remain true and correct and there has been no change in the project design that would require the Applicant to resubmit the project for coordination with applicable entities. See Table: Entities for Coordination for required comments and feedback in addition to any other entities identified by the Administrator.

- (7) Decommissioning Plan. A Decommissioning Plan to ensure that the project is properly decommissioned. The Decommissioning Plan must be updated and approved by the APC every five (5) years after the approval of the initial Decommissioning Plan and after any material improvements are added to the project, in the same manner as the initial Decommissioning Plan. The Decommissioning Plan shall include financial assurance that the project facilities are properly decommissioned upon the end of the project life or abandonment consistent with this Ordinance. The financial assurance must be provided at the completion of construction and prior to the issuance of any improvement location permit. The obligations with respect to decommissioning shall include removal and proper disposal of all physical material pertaining to the project improvements to a depth of five (5) feet beneath the soil surface, and restoration of the area occupied by the project improvements such that it is suitable for an equivalent land use to what existed immediately before construction of such improvements. The Decommissioning Plan shall include a contractor cost estimate from a licensed engineer with experience in these matters for demolition and removal of similar facilities. The Decommissioning Plan must include proper disposal of all hazardous material and Operator must provide to the APC the certification of disposal issued by the entity providing the disposal service and/or the receiving disposal facility. All disposal must comply with local, state and federal law, rules and regulations in effect at the time of decommissioning
- (8) Construction and Operation Bond. A Construction and Operation Bond that runs from the date of commencement of construction through the tenth (10th) year of operation of the project. The Applicant shall demonstrate that it has the financial resources to construct and operate the project by providing evidence of: (1) adequate funding of one hundred percent (100%) of the estimated cost of construction of the project; (2) performance and payment bonds or other sureties from the Applicant and/or major equipment suppliers and contractors; (3) the existence of written warranties from contractors and/or manufacturers which have demonstrated financial ability to repair and/or replace defective work, materials, and equipment; and (4) adequate casualty, builders risk, business interruption, and liability insurance for the replacement of the project facilities and the individual components thereof. The Applicant may provide such cost estimates, bids, contracts, warranties, feasibility studies, engineering studies and reports, insurance certificates, loan and other financing commitments to provide the requested information.
- (9) For any project seeking tax abatement or other economic considerations for the project from government, the Applicant shall submit an Economic Development Agreement approved by the County Commissioners. The Economic Development Agreement must be developed in consultation with the Local Economic Development Organization ("LEDO") and the County Council. The Economic Development Agreement shall include, as applicable, estimated property taxes and any tax abatement, any economic development payments, estimated lease payments and overall cost and tax revenue impact on the County as well as the estimated current economic impact of the project area in its current use. The Economic Development Agreement may also include a Property Value Guarantee Agreement in the form

found in Subsection h: Property Value Guarantee Form for Renewable Energy Generation Systems.

(10) Additional Assurances. The Applicant shall provide a notarized statement acknowledging and affirming the following with respect to the project:

- All duties and obligations of each of the Applicant, Owner, and Operator shall be joint and several, and shall be binding upon all each of their heirs, successors in interest, and assigns. At least thirty (30) days prior to any transfer of any ownership interest in the project, written notice shall be given to the Executive of the municipality where the project is located and the APC. All bonds, sureties, letters of credit or other financial assurances provided under this Ordinance shall remain in full force and effect upon any transfer, assignment, or conveyance of an ownership interest until the successor in interest delivers an accepted replacement obligation. The transfer, assignment or conveyance of an ownership interest in the project without the advance approval of replacement bonds, sureties, letters of credit or other financial assurances shall constitute a default and shall not relieve the responsible party of liability. However, the transfer of the interest of the Owner(s) shall be allowed without advance approval so long as the bond, surety, letter of credit or other financial assurance posted by the Applicant or Operator covers the successors in interest of the Owner(s).
- An Owner, or Applicant, or Operator which violates any provision of this Ordinance (including violations by their agents, contractors or subcontractors) shall be subject to fines and all legal remedies under *Chapter 5, Section G: Complaints, Violations, and Remedies*. Any Owner, or Applicant, or Operator or a contractor or agent thereof who engages in any activity prohibited by or under the control of this Ordinance without first obtaining any required approval or permit including but not limited to an Improvement Location Permit or a Certificate of Occupancy shall be subject to fines and all legal remedies under *Chapter 5, Section G: Complaints, Violations, and Remedies*. Each day a violation occurs or continues constitutes a separate offense. The authority to assess fines rests only with the APC. The APC shall also have all recourse to address violations as provided by law.
- Enforcement of this Ordinance shall be in compliance with *Chapter 5, Section G: Complaints, Violations, and Remedies*, as it may be amended.

(11) Time Limitation. An application for Final Development Plan approval must be submitted no later than two years after the Preliminary Development Plan approval. If not submitted within two (2) years, the Applicant must re-submit its Preliminary Development Plan for approval before submitting its Final Development Plan. The Applicant may, but is not required, combine its Preliminary and Final Development Plan approval into one submission in that case. No project may exceed the total acreage approved in the Final Development Plan by more than two percent (2%) without further approval by the APC.

<b>Entities for Coordination</b>		
<b>Coordination for Preliminary Special Development Plan</b>		
<b>Authority</b>	<b>Purpose</b>	<b>Type of Documentation</b>
Federal Aviation Administration (FAA)	Coordinate to reduce any flight or airport interference	Compliance letters for each wind turbine or solar project
U.S. Department of Defense (DOD) Siting and National Oceanic and Atmospheric Administration (NOAA)	Coordinate siting to mitigate radar interference or any other interference. No wind turbine shall be installed in the "No Build, Mitigation, or Consultation zones as determined by NOAA."	Any recommendations or comments received submitted to APC
Environmental Protection Agency (EPA)	Compliance with air and water quality standards under NEPA	Any recommendations or comments submitted to APC

USFWS Indiana Field Office Migratory Bird Treaty Act (MBTA) Eagle Protection Act Endangered Species Act	Compliance with Land-Based Wind Energy Guidelines and any solar guidelines	Any recommendations or comments submitted to APC and part of Natural Resources Report
Army Corps of Engineers	Floodplain or wetlands involvement	Designations and comments and permit if required
Indiana Department of Natural Resources (IDNR)	Historic Preservation, Flood Plains	Comments
Indiana Department of Environmental Management (IDEM)	Endangered Species	Comments
Private airport authorities permitted by FAA and IAA	Coordinate siting process	Any recommendations or comments submitted to APC
Telecommunications Infrastructure Owners and Operators	All telecommunications owners and operators with infrastructure within 2 miles of a WECS project boundary shall be notified and consulted	Any comments or recommendations received from owners and operators shall be submitted to the APC
<b>Coordination for Final Special Development Plan</b>		
<b>Authority</b>	<b>Purpose</b>	<b>Type of Documentation</b>
Posey County Soil & Water Conservation District	Drainage Plan Approval	Drainage Plan
Highway Supervisor	Road Plan Approval (construction, maintenance, access cuts)	Transportation Plan
Local Emergency Response	Life Line access, safety protocols	Safety and Security Plan

**f. ILPs and Commencement of Construction of Renewable Energy Generation System.**

- i. General. After Final Development Plan approval is obtained, but before any construction commences or ILPs may be issued, all applicable state and federal permits, approvals and licenses must be obtained (with copies provided to the Administrator) and all state and federal statutes and regulations must be complied with and the following requirements satisfied:
  - (a) Insurance Requirements. The Owner or Operator of the project shall maintain liability policies covering (1) bodily injury and property damage and (2) environmental contamination arising from construction, operation, maintenance, and decommissioning of the project. Limits on the bodily injury and property damage policy shall be of at least \$2 million per occurrence and \$5 million in the aggregate with a deductible of no more than \$20,000 and on the environmental contamination policy shall be of at least \$1 million per occurrence and \$2 million in the aggregate with a deductible of no more than \$50,000. All such policies shall name the County and the municipality in which the project is located as an additional insured and a binder shall be provided annually to the County.
  - (b) Signage and Contact. The Applicant shall establish a 24-hour toll-free phone number for the registering of complaints and concerns. This number shall be posted at every project service road intersection with a public roadway throughout the project area before Improvement Location Permits are issued and before any construction or earth moving can commence. If legitimate complaints are not remedied within forty-eight (48) hours the county may address these complaints with any expenses incurred to be reimbursed by the Applicant.
  - (c) Pre-construction Meeting. The Applicant must attend a Pre-Construction Meeting between the Administrator, APC President, Building Commissioner, and any other public officer or official whose input is deemed appropriate to verify that all requirements in the

this section have been met. This meeting shall take place as the final step before construction and all other requirements should already have been met. Once reviewed, if all requirements have been met, the Applicant may then obtain Improvement Location Permits. If any requirements have not been met then further pre-construction meetings will be held until it can be verified that the identified issues have been resolved.

- (d) Fees. All ILP fees must be paid for the entire project before any IPLs will be issued. No improvement location permit shall issue if the Applicant has overdue amounts owed to the County.
- ii. Construction Standards. Prior to and during construction the Applicant, Owner and Operator shall be responsible for:
  - (a) Implementing reasonable dust control measures during construction.
  - (b) Complying with existing septic and well regulation as required by the County Health Department and the Indiana Department of Public Health.
  - (c) Repairing all damages to County owned or regulated or Non-Participating Landowners' waterways, drainage ditches, field tiles, or any other infrastructures caused by the construction or maintenance of the project. Damages must be completely repaired to original or better condition, and so as not to impede the flow of water. All repairs must be completed in a timely manner and the Owner, Operator, and/or Applicant shall be responsible for loss or damage proximately resulting from its impairment of such drainage structures. All repairs to County regulated drainage structures must be completed within seventy-two (72) hours.
  - (d) Using concrete armoring techniques at each and every location where County regulated drains and subsurface power transmission lines of any type cross. Unopened bags of premixed concrete shall be laid on top of the transmission lines to cover six (6) inches on both sides of the line and eight (8) feet to each side of the County regulated drain the line is crossing. Open drain and transmission line intersections where the line is below the invert of the open drain shall be armored using the same technique. Red warning tape (printed with "warning electrical line below" or similar language) shall be buried no closer than twelve (12) inches above the actual power line at all crossing locations. The County Surveyor or agent designated by the County Surveyor shall inspect every such crossing before backfilling. Concrete armoring techniques will not be required in cases where directional boring is used.
  - (e) Installing permanent, visible markers where directional boring is used. Markers shall be placed within the line of sight indicating directional changes and borings
  - (f) Submitting a weekly plan of work detailing where construction and transportation activities will occur to the APC staff, County Highway Supervisor, County Sheriff, County Surveyor, Soil & Water Conservation District, the Superintendent(s) of the School District(s) in which construction is occurring and to the emergency services with jurisdiction over the areas in which construction is occurring. This shall include notification of any oversize or overweight loads entering or exiting the project each day as well as any work on roads, drainage, or access roads.

- (g) Adhering to the approved Transportation Plan. The County Highway Superintendent and/or appropriate municipal road personnel shall conduct a pre-construction baseline survey to determine existing road conditions for assessing potential future damage. The County Highway Superintendent and/or appropriate municipal road personnel may choose to require remediation of road damage during or upon completion of the project and is authorized to collect fees for oversized load permits. If repairs are not made in a timely manner, the County Highway Superintendent and/or appropriate municipal road personnel is authorized to make repairs and charge the Applicant a fee to cover the costs of repair. Such fees shall be established at the start date of construction and may be revised at three-month intervals. Further, a corporate surety bond shall be required by the County Highway Superintendent and/or appropriate municipal road personnel to ensure the County or affected municipality that future repairs are completed to the satisfaction of the County or affected municipality. The bond shall not be released at the conclusion of construction of the project, but it may be reduced to cover any damages or losses from the operation and maintenance of the project. If the Applicant or its contractors require material changes from the approved Transportation Plan or if post completion repairs, improvements, or expansions require oversize and overweight loads or involve new routes, an Amended Transportation Plan must be approved in the same manner as the initial plan. Any violation of the approved Transportation Plan may be subject to fines as provided in *Chapter 5, Section G: Complaints, Violations, and Remedies* and in addition, may also be subject to fines established by the governing body having jurisdiction over the roadway(s) affected.
- (h) Adhering to the approved Development Plans. Any non-material proposed changes, modifications, or amendments to the Development Plans must be approved by the Administrator who shall thereafter make report of the non-material changes, modifications, or amendments to the APC. All material changes to the approved Development Plans must be approved by the APC. The Administrator shall have the authority and discretion, considering all relevant factors, to determine whether the proposed change is material.
- (i) Hours of Construction. Hours of construction shall be limited to the hours between 7:00am to 7:00pm (or dusk, whichever comes first).
- (j) Roadway Maintenance. During construction, all roadways shall remain free of debris. Wash stations shall be located at every exit onto a public road to remove mud and debris from vehicles, equipment, and machinery.

**g. Post Construction, Continued Maintenance, and Modifications of Renewable Energy Generation Systems.**

- i. Decommissioning Security. At the completion of construction but before any commercial operations begins, the Applicant shall secure and provide to the APC a performance bond, surety bond, letter of credit, or other form of financial assurance that is acceptable to the APC (the "Decommissioning Security") equal to one hundred twenty-five percent (125%) of the estimated cost of decommissioning the project pursuant to the Decommissioning Plan. The Decommissioning Security, in computing the estimated cost of decommissioning, shall consider and deduct up to thirty-five percent (35%) of the Net Salvage Value (as defined) of

the project. The amount of the Decommissioning Security shall be adjusted annually by January 31 by an amount equal to the increase in the CPI Index. "CPI Index" shall mean the Consumer Price Index for "All Urban Consumers, U.S. City Average, All items," issued by the Bureau of Labor Statistics of the United States Department of Labor, or, if discontinued or no longer published, such other governmental index that most closely matches the manner in which inflation had been previously tracked as selected by the APC. The Decommissioning Plan and Decommissioning Surety shall be re-evaluated every five (5) years commencing with the operation of the project by a licensed engineer approved by the APC and qualified to provide an estimate of the cost of decommissioning of the project and the Net Salvage Value of the project (the "Decommissioning Engineer"). A new Decommissioning Security in the revised amount, if any, shall be provided within sixty (60) days of the approval of the updated Decommissioning Plan.

- ii. Waste Removal. All solid waste whether generated from supplies, equipment, parts, packaging, or operation or maintenance of the facility, including old parts and equipment, shall be removed from the site in a timely manner. All hazardous waste generated by the operation and maintenance of the facility, including but not limited to lubricating materials, shall, be handled in a manner consistent with all local, state and federal rules and regulations
- iii. Modifications. Any physical modification to the project that alters the mechanical load, mechanical load path, nameplate generating capacity, size or location or major electrical components shall require a new improvement location permit and/or if there is more than a two percent (2%) increase in total acreage of the project. Like-kind replacements that do not have the effects listed above do not require new permitting. Prior to making any physical modification (other than a like-kind replacement), the Applicant shall confer with the Building Commissioner to determine whether the physical modification requires new permitting
- iv. Inspections. Upon request of the Building Commissioner of the affected governmental unit or the Executive of the affected governmental unit, Operator shall provide an annual inspection report for all facilities in the project to the Building Commissioner and Executive, at Operator's cost. In addition, the Building Commissioner, approved designees, along with licensed third party engineers/professionals retained by the County for the specific purpose of conducting inspections of the project shall have the right, at any reasonable time and with sufficient prior notice, to accompany the Applicant, or his agent, on the project premises to inspect the project and its construction and maintenance and to identify any necessary repairs. The Applicant of the project may retain a licensed third party professional engineer familiar with the applicable systems to prepare and submit to the County Building Commissioner a written report which addresses the repairs or alterations requested, and which suggest alternate methods for addressing the concerns or provides evidence that said repairs or alterations are unnecessary, within thirty (30) days after receiving notice from the County Building Commissioner that repairs or alterations are requested, or within a longer period of time mutually acceptable to both parties. The County Building Commissioner will consider any such written report and determine whether the repairs or alterations should be made as originally requested or as suggested in the written report. In the event of a dispute between the Building Commissioner and the Applicant or a third-party professional engineer retained by them, as to the repairs or alterations which are required, the decision of the Building Commissioner shall be final. These inspections do not relieve any liability of the Owner or Operator for damages or

injuries arising from or related to the project. The Administrator will inspect and determine compliance with zoning regulations and approved development plans and the Administrator shall thereafter make appropriate report(s) to the APC for action, if any action is necessary.

- v. Complaints. If, after construction, the Applicant receives a written complaint related to interference caused by WECS with local broadcast residential television, telecommunication, communication or microwave transmissions, the Applicant shall promptly resolve the complaint.
- vi. As-built Plans. The Applicant shall deliver to the Administrator and to all providers of emergency services serving the project area a copy of the as-built site map. Upon request by the local fire department, the Applicant shall cooperate with the local fire department to develop or update the fire department's emergency response plan. Nothing in this section shall alleviate the need to comply with all other applicable fire laws and regulations.
- vii. Record of Ground Disturbance and Road Usage. On completion of construction the Applicant shall submit to the County Surveyor a site map detailing all ground disturbed through construction activity, surface and subsurface as-built infrastructure and all routes over which trucks and equipment traveled. The scale and format of the submitted map shall conform to the County Surveyor's specifications.
- viii. Liability for Drainage. For a period of five (5) years following the completion of construction the Applicant shall be liable for all costs of repair to county drain tiles, regulated drains and ditches and other county regulated surface and subsurface structures and private tiles located in the public right of way within fifty (50) feet of the routes and disturbed ground. This period shall be extended for any damages occurring as a result of operations, replacement or maintenance of the project after the five year period.
- ix. Abandonment. A WECS or SECS or any individual WECS Tower or solar panel constituting a portion of the project is presumed at the end of its useful life and/or abandoned if the WECS or SECS or the individual WECS Turbine or solar panel generates no electricity for a continuing period of six (6) months. This presumption may be rebutted by submitting to the APC for approval and within ninety (90) days of submission obtaining approval thereof of a plan outlining the steps and schedules for returning the WECS, SECS or individual turbine or solar panel to service. Any WECS, SECS or individual turbine or solar panel which pursuant to the terms hereof is either reached the end of its useful life and/or abandoned pursuant to the terms hereof shall be subject to removal pursuant to the Decommissioning Plan.
- x. Unsafe Structures. Any WECS, WECS Tower, SECS or structure thereof declared to be unsafe by the Building Commissioner or the APC by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is hereby declared to be a public nuisance and shall be abated by repair or rehabilitation within six (6) months or be deemed abandoned and at the end of its useful life and subject to Decommissioning. Nothing herein prevents the Building Commissioner or the APC issuing an immediate cease use order as to any structure that he or she determines is unsafe during the repair or rehabilitation period.
- xi. Post-construction Modifications. Any post-construction proposed non-material modifications, alterations, expansions, or changes of any type or size to the Final Development Plan must be approved by the APC. All material post construction proposed changes must apply in the same

way as a new project. The APC shall have the authority and discretion, considering all relevant factors to determine whether the proposed post-construction change is material.

**h. Property Value Guarantee Form for Renewable Energy Generation Systems.**

- i. The following form of Property Value Guaranty shall be used by the County Commissioners as part of the Economic Development Agreement, if a Property Value Guaranty is included in the Agreement. The County Commissioners shall determine and complete the matters which are left blank in the following form:

PROPERTY VALUE GUARANTEE

Legal Name of Owner and Operator of the (Legal Name of WECS or SECS Project) and their assigns and successors in interest (hereinafter jointly and severally referred to as "Guarantor") agree to guarantee (the "Guarantee") the value of all owner-occupied residential dwellings owned by all Non-Participating Landowners owners of record (hereinafter referred to individually as "Owner" and collectively as "Owners") as of the date of the granting of secondary approval of the Development Plan for the [Legal Name] for properties which are located within one mile of a WECS tower or SECS solar panel as shown on the approved Site Plan contained within the Development Plan in all directions and to guarantee the value of all residential dwellings owned by Owners whose ownership is of record in the office of the Posey County Recorder on the date of the granting of secondary approval of the Development Plan.

The location of each Owner of a residential dwelling within one mile of a WECS tower or solar panel shall be noted on the Development Plan. Within thirty (30) days of the granting of secondary approval of the Development Plan, the Guarantor shall provide each eligible Owner with written notice by certified mail to the Owner's address as set forth in the property tax records of Posey County describing the terms of the Guarantee. To qualify for the Guarantee each Owner must notify the Guarantor within ninety (90) days of the mailing of the notice of his or her intent to participate, and Guarantor shall thereafter obtain and submit to Owner an M.A.I. appraisal of Owner's property within sixty (60) days following the date of the Guarantor's receipt of Owner's notice. Owner may accept the value of the property based on the appraisal or may obtain his or her own M.A.I. appraisal. If the Owner's appraisal is less than or within 5% above the Guarantor's appraisal, the guaranteed value ("Guaranteed Value") shall be the average of the two appraisals. If the Owner's appraisal is more than 5% above the Guarantor's appraisal and the Owner is not willing to accept the Guarantor's appraisal, the two appraisers shall agree upon a third M.A.I. appraiser, to be paid for 50% by Guarantor and 50% by the Owner, who shall appraise the property and whose appraised value shall become the Guaranteed Value for that property.

The period of the Guarantee shall be for a period of \_\_\_\_ years following the issuance of a Certificate of Occupancy for the operation of the [Legal Name]WECS or SECS system. The Guarantee shall extend only to Owners of record as of the date of the approval of the Secondary Development Plan for the WECS or SECS system and not to the assignees or subsequent owners or purchasers. In the event any property covered by this Guarantee is listed for sale by a licensed real estate broker for a period of not less than \_\_\_\_\_ and during such period, and Owner either does not receive an offer or receives an offer below the Guaranteed Value, Owner, subject to the restrictions below, shall notify Guarantor of the intent to exercise Owner's right under this Guarantee and within thirty (30) days of the receipt of this notice Guarantor shall do one of the following:

- A. Authorize Owner to accept the pending bona fide offer and to pay the Owner at closing of the sale the difference between the purchase price set forth in the offer and the guaranteed value.
- B. Immediately take steps to purchase the dwelling from Owner at the guaranteed value with such purchase to be completed within sixty (60) days of receipt by Guarantor of notice by Owner of Owner's failure to receive a bona fide offer for the guaranteed value after having listed the property for a period of \_\_\_\_\_ with a licensed real estate broker.

In any case in which there is a purchase offer pending for which Owner expects to make a claim under this Guarantee, Owner shall provide a copy of such offer to Guarantor. In the event Guarantor is required to purchase Owner's dwelling, Owner shall convey fee simple title to the property, free and clear of all liens and encumbrances by delivery of a Warranty Deed at closing. At closing Guarantor shall pay for preparation of the warranty deed, vendor's affidavit, and all title insurance fees, closing fees, and all survey expenses if it is necessary to subdivide the dwelling from other real estate of the Owner. Guarantor's obligations hereunder are hereby expressly made contingent upon Owner: performing routine maintenance and repairs on the dwelling; the dwelling or property being in the same condition on the date of sale as it was on the date first appraised hereunder; the delivery of the property free and clear of all liens and subject

only to such easements and other encumbrances commonly accepted in residential real estate transactions; and Owner conveying fee simple title to the dwelling or property to Guarantor by recordable Warranty Deed at closing. All notices to Owner and Guarantor shall be to the address of Owner and Guarantor as listed on the property tax records of Posey County.

**11. Satellite Parking.**

- a. **Satellite Parking Purpose.** The purpose of these standards is to allow for the use of off-site parking facilities to satisfy the off-street parking requirements of a primary use or building. This is intended to promote efficient land use, reduce traffic congestion, and ensure the availability of adequate parking, especially in commercial or industrial areas.
- b. **Satellite Parking General Standards.**
  - i. A satellite parking facility shall be permitted as a special exception in districts where the primary use is permitted and subject to the regulations contained in this section.
  - ii. Nothing in this section shall be interpreted to affect valid, existing shared parking agreements.
- c. **Satellite Parking Development Standards.**

<b>Satellite Parking Site Standards</b>	
Design	<ul style="list-style-type: none"> <li>• The number of satellite parking spaces requested cannot exceed 50% of the total required off-street parking for the primary use.</li> <li>• The parking lot shall be designed to provide safe and convenient pedestrian access to the primary use with which it is associated</li> <li>• All internal circulation and access drives must comply with the applicable development standards of this UDO</li> </ul>
Location	<ul style="list-style-type: none"> <li>• The parking lot shall be located within a maximum walking distance of 500 feet from the primary use lot, unless a transportation is approved by the BZA for greater distances</li> </ul>
Exemptions	<ul style="list-style-type: none"> <li>• The parking lot is not required to be paved or striped unless otherwise required by the BZA</li> <li>• The landscaping standards of this UDO do not apply unless otherwise required by the BZA</li> <li>• The parking lot is not required to be illuminated unless otherwise required by the BZA</li> <li>• As long as adequate handicap parking is provided on the site of the primary use, handicap parking is not required in the satellite parking lot</li> </ul>
<b>Satellite Parking Operational Standards</b>	
Easement or Agreement	<ul style="list-style-type: none"> <li>• The applicant shall submit a binding parking agreement or perpetual easement that guarantees the continued use of the satellite parking spaces for the primary use. The agreement must be recorded with the County Recorder and run with the land.</li> <li>• The agreement must address:               <ul style="list-style-type: none"> <li>○ The location of both the primary use and the satellite parking facility.</li> <li>○ A guarantee that the parking spaces will be maintained and reserved for the primary use.</li> <li>○ Provisions for transportation between sites if applicable.</li> <li>○ The duration of the agreement and conditions for termination.</li> <li>○ A clause that the termination of the agreement will result in a parking deficiency for the primary use, potentially revoking its special exception unless alternative parking is secured</li> <li>○ The use of the parking lot shall only be for parking associated with the primary use and not for storage of equipment, materials, or any other use.</li> </ul> </li> </ul>
Transportation Plan	<ul style="list-style-type: none"> <li>• If the distance between the primary use parking lot and the satellite parking lot exceeds 500 feet, the applicant must submit a transportation plan detailing how employees and/or customers will be safely transported between the lots</li> <li>• If shuttle service is required, the plan shall include the type and capacity of vehicles used; the frequency and hours of operation, and the routes and designated pick-up/drop-off locations.</li> </ul>

**d. Procedures for Establishing a Satellite Parking Lot.**

- i. Special Exception. The establishment of a satellite parking lot requires a special exception from the BZA to approve the use.
  - (a) Findings. In addition to the findings required to be satisfied for a special exception, the BZA shall also find that:
    - (1) The satellite parking will not create undue congestion or safety hazards on public streets.
    - (2) The parking agreement or easement ensures a long-term and enforceable arrangement for the parking spaces.
    - (3) The design of the parking lot and pedestrian access is adequate and safe.
    - (4) The proposed facility meets all applicable regulations for parking facilities including access and internal circulation.
    - (5) The satellite parking is reasonably necessary to meet the parking requirements of the primary use.
  - (b) Revocation of Approval. The special exception for a satellite parking facility may be revoked by the BZA if the applicant fails to comply with the terms of the special exception, the approved parking agreement, or any other applicable provision of the UDO.
- ii. Development Plan Required. A development plan is required to approve the site plan for the satellite parking lot.
  - (a) A detailed site plan of the satellite parking lot must be submitted showing: parking space layouts; access points; lighting; landscaping; signage indicating purpose, hours of use, and contact info; and any other relevant and applicable details.
  - (b) If shuttle service is required, a transportation

**12. Sexually Oriented Business.**

- a. **Sexually Oriented Business Purpose.** The purpose of the sexually oriented business standards is to provide ample reasonable opportunities for these businesses to locate in the jurisdiction while also mitigating impacts to adjacent properties. Sexually-oriented businesses require special supervision from the public safety agencies of the jurisdiction in order to protect and preserve the health, safety, morals, and welfare of the patrons and employees of the businesses as well as the citizens of the community. The regulations of this UDO are a legitimate and reasonable means of accountability to ensure that operators comply with reasonable regulations and ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation.
- b. **Sexually Oriented Business General Standards.** These standards are supplemental to all other local or state regulations regarding adult businesses and sexually oriented businesses.
- c. **Procedures for Establishing a Sexually Oriented Business General Standards.** A development plan is required for adult-oriented businesses prior to establishing the use and/or issuance of an ILP and/or building permit in order to ensure that it meets all applicable building codes and regulations.
- d. **Sexually Oriented Business Development Standards.**

<b>Sexually Oriented Business Site Standards</b>	
Screening	<ul style="list-style-type: none"> <li>● A continuous, evergreen landscape buffer or opaque fencing with a minimum height of six (6) feet, shall be maintained along the side and rear property lines for the purpose of screening the use from view of adjacent properties</li> </ul>
Separation	<p>A minimum separation of at least one thousand three-hundred twenty (1,320) feet shall be provided between all sexually-oriented businesses and the specific uses as specified below. The distance shall be measured with a straight line from the nearest edge of the property line that contains the adult business to the nearest edge of the property line of the specified use.</p> <ul style="list-style-type: none"> <li>● A school, park, church, or place of worship.</li> <li>● A residential use, residential zoning, or platted as a residential subdivision.</li> <li>● A hotel, motel, transportation depot, or other adult-oriented business.</li> <li>● A licensed day care facility.</li> <li>● Any premise licensed or governed by the alcoholic beverage control regulations of the state.</li> </ul>
<b>Sexually Oriented Business Operational Standards</b>	
Exterior Display	<ul style="list-style-type: none"> <li>● No adult-oriented business shall be conducted in any manner that permits the observation of any material depicting, describing, or relating to specified sexual activities or specified anatomical areas by display, decoration, sign, show window, or other opening from public view</li> </ul>

### **13. Short-term Rental.**

- a. **Short-term Rental Purpose.** The purpose of the short-term rental standards is to ensure compliance with the provisions of *IC 36-1-24* as well as:
  - i. Set an appropriate balance between the interests of the jurisdiction's residents, business owners, visitors to the community, and property owners wishing to engage in short-term rental of dwellings;
  - ii. Ensure issues related to fire safety and life safety codes are met; and
  - iii. Allow homeowners to benefit from added income.
- b. **Procedures for Establishing a Short-term Rental.**
  - i. An ILP is required to construct and/or establish a short-term rental unit in order to ensure that the structure meets all of the applicable building codes and is safe and habitable.
  - ii. Operation Information. The ILP shall be updated immediately if any changes in the information occurs. The ILP is not transferable. The applicant shall provide the following information:
    - (a) Owner/Operator/Manager Information.
      - (1) The owner's name, street address, mailing address, email address, and telephone number(s).
      - (2) If the owner is a corporation or partnership, the application must require the owner's:
        - (a) State of incorporation or organization; and
        - (b) Names, residence addresses, email addresses, and telephone numbers of the owner's principal officers or partners;
      - (3) If a property manager is used, the property manager's name, street address, mailing address, email address, and telephone number shall be provided.
    - (b) Proof of compliance with any covenants and/or restrictions that apply to the property.
    - (c) Marketing Information. A description of how the property is marketed or advertised, including:
      - (1) The advertised occupancy limits of the short-term rental;
      - (2) Whether the short-term rental is: an entire single-family home; a portion of a single-family home; a dwelling unit in a two-family structure or multi-family structure; a dwelling unit in a condominium, cooperative, or time share.
  - iii. Revocation of ILP.
    - (a) If three (3) or more citations for ordinance violations are issued to an owner for a permitted property within a calendar year, the matter shall be referred to the BZA for review at a public hearing. Upon review, the permit for the subject property may be revoked by the BZA for a period of not more than one (1) year after date of hearing.
    - (b) The BZA may assign fines to the violation per the adopted Fee Schedule.

- (c) If a permit was revoked for a short-term rental by the BZA, a subsequent new owner may apply for a permit for the same property. However, a new permit shall not be issued until all outstanding fines are paid and any ordinance violations have been remedied to the satisfaction of the BZA.

**c. Short-term Rental Development Standards.**

<b>Short-term Rental Structure Standards</b>	
Modifications	<ul style="list-style-type: none"> <li>• The residential structure shall not be altered in a manner to accommodate the short-term rental that is not consistent with other residential structures in the area</li> </ul>
Permitted Structures	<p>Short-term rental units shall only be allowed in lawfully built dwelling units that meet building code requirements. This includes:</p> <ul style="list-style-type: none"> <li>• All or a portion of the owner’s primary residence; or</li> <li>• An accessory dwelling unit in accordance with <i>Section C.1t: Accessory Dwelling Unit</i>.</li> </ul>
Prohibited Structures	<ul style="list-style-type: none"> <li>• Short-term rental units shall not be allowed in:               <ul style="list-style-type: none"> <li>○ A recreational vehicle, travel trailer, or similar structure (outside of a campground)</li> <li>○ A motor vehicle</li> <li>○ Any structure not intended for permanent human occupancy</li> </ul> </li> </ul>
<b>Short-term Rental Utility Standards</b>	
Utilities	<ul style="list-style-type: none"> <li>• Water and sewage disposal shall comply with the requirements of the subject zoning district and may need to be re-evaluated based on the nature of short-term rental</li> </ul>
<b>Short-term Rental Operational Standards</b>	
Enforcement	<ul style="list-style-type: none"> <li>• The establishment of a short-term rental without obtaining an ILP and an Annual Registration Permit constitutes a Class C infraction per IC 36-1-9.5-55</li> <li>• Short-term rental owners who do not comply with the regulations may be subject to enforcement consequences ranging from inspections, citations, and/or revocation of registration</li> </ul>
Occupancy	<ul style="list-style-type: none"> <li>• Maximum overnight occupancy shall be as identified in the listing</li> </ul>
Parking	<ul style="list-style-type: none"> <li>• One (1) off-street parking space is required for every two (2) sleeping areas.</li> <li>• At their discretion, the Administrator may allow street parking or an alternative parking plan with a written letter to the file</li> </ul>

#### **14. Tiny Home Development.**

- a. **Tiny Home Development Purpose.** The purpose of establishing development standards for tiny home developments is to ensure the safety and livability of their placement as well as managing potential impacts on the surrounding community, including aesthetics and property values
- b. **Tiny Home Development General Standards.** For the purposes of this UDO, the standards established in *Chapter 4, Section C.9: Manufactured Home Park* shall apply to tiny home development projects.
- c. **Tiny Home Development Operational Standards.** See *Chapter 4, Section C.9: Manufactured Home Park*.
- d. **Tiny Home Development Procedures.** See *Chapter 4, Section C.9: Manufactured Home Park*.

## 15. Wireless Communication Facility.

- a. **Wireless Communication Facility Purpose.** It is the purpose of this section to allow for the appropriate siting of new wireless communication facilities in the jurisdiction in compliance with current state statute procedures. The regulations set forth in this ordinance allow for and regulate wireless communication facilities while also taking into consideration the health, safety, and general character of the surrounding neighborhood.
- b. **Wireless Communication Facility General Standards.** 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 applications 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 is required for permits for similar types of commercial or industrial structures within the applicable jurisdiction.
    - (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 the 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 jurisdiction.
  - iii. Fall Zone Limitation: The Administrator or the 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 the 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 jurisdiction 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 jurisdiction 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.
- c. Procedures for Establishing a Wireless Communication Facility.**
- i. **Permits Required:** Wireless facilities shall not be constructed, erected, placed, modified, or altered until an ILP has been obtained.
  - ii. **Application Required:** In accordance with *IC 8-1-32.3*, the following procedures 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.
    - (a) **Complete 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:

(1) **Application Information.**

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

The name, business address, and point of contact for the applicant.

(2) Location.

The location of the proposed or affected wireless support structure or wireless facility; and

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:

Would not result in the same wireless service functionality, coverage, and capacity;

Is technically infeasible; or

Is an economic burden to the applicant.

(3) 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.

(4) 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 5: Zoning Administration and Procedures*.

iii. Review of Application:

(a) Prompt Review. 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.

(b) Failure to Notify. If the Administrator fails to notify the applicant within ten (10) business days whether the application is complete, it 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.

iv. Public Hearing:

(a) 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.

(b) 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.

(c) Deadline for Final Action. For purposes of this section, "reasonable period of time" shall be determined as follows:

(1) 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.

- (2) **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*.
  - (3) **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*.
- v. **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 above shall be extended for a corresponding amount of time.
  - vi. **Failure to Take Action:** Failure by the Administrator or the 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.

# Zoning Administration and Procedures

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## A. General Provisions.

1. Compliance with Procedures and Standards.
  - a. All development of land and uses of land shall be carried out in accordance with the following in order to achieve orderly, planned, efficient, and responsible growth:
    - i. All applicable regulations and procedures within this UDO;
    - ii. All requirements outlined in the applicable application packet(s), including submittal deadlines;
    - iii. All rules and procedures established by the APC Rules and Procedures and/or BZA Rules and Procedures, including meeting dates or schedule; and
    - iv. Any additional standards, conditions, or commitments that may have been required by the APC, BZA, legislative body, or other permitting entity as part of other or previous approvals for a parcel.
  - b. The regulations of this UDO shall be considered the minimum requirements for the protection of the health, safety, comfort, morals, convenience, and general welfare of the residents of the jurisdiction.
  - c. No building permit or improvement location permit shall be issued for any parcel that does not comply with all provisions of this UDO, including all standards and required procedures.
  - d. The APC and/or BZA may require a traffic impact study to be completed by the applicant when considering applications for zone map changes, development plans, or other applications if the APC determines traffic analysis is needed.

## B. Appeal of Administrative Decision Procedures.

### PROCESS AND PROCEDURES FOR APPEALS

(Any decision/interpretation/order/action made by Staff in applying the standards of the UDO)

#### 1 APPLICATION

- Explanation of decision and justification supplied by Staff and Applicant.

#### 2 BZA PUBLIC HEARING

- AFFIRM Staff's decision with or without conditions.
- REVERSE Staff's decision with or without conditions.
- MODIFY Staff's decision with or without conditions.

#### 1. **Applicability.**

- In accordance with *IC 36-7-4-918.1* and the *BZA Rules and Procedures*, the BZA shall hear and determine appeals as outlined in this section.
- As outlined by *IC 36-7-4-918.1*, the BZA shall hear appeals from and review an appeal to any order, requirement, decision, or determination made by:
  - An administrative official, hearing officer, or staff member under the UDO;
  - Other body (except the APC) in relation to the enforcement of the UDO; or
  - An administrative board or other body (except the APC) in relation to the enforcement of an ordinance adopted under this UDO requiring an ILP or BP.
    - Appeals shall be made pursuant to and governed by *IC 36-7-4-1000 thru 36-7-4-1020*.
    - Zoning decisions, as outlined in *IC 36-7-4-1016*, cannot be appealed to the BZA and are subject to judicial review by filing a petition for review in the appropriate court in accordance with the *IC 36-7-4-1600 series*. This includes, but is not limited to, final decisions of the BZA, specific decisions of the APC, and those specifically outlined in *IC 36-7-4-1016*.

#### 2. **STEP 1: Application Submittal.**

- Application Required. The applicant shall submit a complete written application for appeal in accordance with the application requirements. The application shall be submitted within thirty (30) days of the decision/interpretation that is the subject of the appeal. The application shall be filed in the APC Office.

- b. 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.
- c. Public Notice by Applicant. Notice of public hearing shall be in accordance with the BZA Rules and Procedures. The Administrator may have the BZA automatically continue the petition to their next regular meeting (or a properly noticed special meeting) without requiring additional notice by the applicant.

**3. STEP 2: BZA Public Hearing and Final Decision.**

- a. BZA 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.
- b. Final Decision by the BZA. The BZA may affirm, reverse, or modify the order, requirement, decision, or determination that is the subject of the appeal. The BZA may also add conditions to this decision.
- c. Appeal. The decision of the BZA may be appealed to the Circuit or Superior Court of the applicable jurisdiction.

## C. Development Plan Procedures.

### PROCESS AND PROCEDURES FOR DEVELOPMENT PLANS

(Administrative approval for the development of property for uses other than single-family or two-family residential prior to obtaining a building permit, in accordance with IC 36-7-4-1400 series)

#### 1 APPLICATION

- Internal review by Administrator.
- Revise and resubmit plans per TAC comments.

#### 2 PC PUBLIC MEETING

- PC makes final decision (or PC may delegate to Administrator.)



#### 3 CONSTRUCTION & DEVELOPMENT

##### 1. **Applicability.**

- In accordance with *IC 36-7-4-1400 series* and the *APC Rules and Procedures*, the APC shall consider and make decisions regarding development plans or they may be delegated to the Administrator.
- Development plan approval is not required for single-family, two-family, or agricultural uses (excluding confined feeding operations) unless otherwise stated in this UDO. For all other uses, development plan approval is required for all new primary structures or modifications of a parcel in all zoning districts as required by this UDO.

##### 2. **STEP 1: Pre-Application Meeting and Application Submittal.**

- Pre-Application Meeting Required.** Prior to filing an application for development plan, the applicant shall schedule a required pre-application meeting with the Administrator, which may be held in-person, virtually (video conference), or by phone. This step gives the applicant the opportunity to discuss the procedures for approval with the Administrator as well as the requirements and regulations for development.
- Application Required.** The applicant shall submit a complete written application for development plan approval in accordance with the application requirements.

- c. Public File. Once the Administrator determines that an application is complete and in proper form, they shall assign a file number and create a public file.
- d. Internal Review.
  - i. The Administrator shall forward the plans to the Technical Advisory Committee (TAC) for technical review and assign a deadline for receiving internal review comments from the TAC. At the discretion of the Administrator, the TAC review can be held in-person, virtually (video conference), by phone, or by email.
  - ii. The Administrator shall compile a written report for the applicant, APC, and the public file with comments from the staff review, TAC, and/or any other reviews, as applicable.
  - iii. After the internal review, the applicant shall make the necessary modifications to the application materials to satisfy the Administrator and resubmit the plans for review.
- e. Public Notice. No public hearing/comment or public notice is required for development plans. Development plans are administratively approved and do not require a public meeting.

**3. STEP 2: Final Decision**

- a. Decision by the Administrator.
  - i. Approval. If the revised plans adequately addressed the comments from the internal review and the development plan complies with the standards set forth in this UDO, the Administrator shall approve the plan.
  - ii. Denial. If the revised plans have not adequately addressed the comments from the internal review, the Administrator may require additional internal review and/or the resubmittal of revised plans before reconsidering the plans.
  - iii. Comments Contested – Request Decision by APC.
    - (a) Request Decision by APC. If the revised plans have not adequately addressed the comments from the internal review because the applicant disagrees with the comment(s), the applicant may submit a request for a public meeting before the APC in writing along with an explanation of disagreement. The Administrator shall also have the right to send a development plan to a public meeting of the APC for final consideration. Upon receipt of this written request, the Administrator shall set a date for a public meeting by the APC.
    - (b) Public Notice. Public notice is not required for a development plan decision by the APC.
    - (c) Public Meeting. The APC shall consider the development plan at a public meeting. A public hearing and public comment are not required. The applicant or their representative shall be in attendance to present their plan and address any questions or concerns of the APC. The Administrator may address any questions or concerns and make comment.
    - (d) Decision by the APC. The APC shall consider the contested comments before making a final decision on the development plan. The APC shall approve, approve with conditions, modify, or deny the development plan. If denied, the applicant shall wait twelve (12) months year before resubmitting a similar development plan.

- iv. Final Plans. 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 Administrator's or APC's decision.
  - b. Expiration. In accordance with IC 36-7-4-1109, approval of a development plan shall be valid for two (2) years from the date of approval. One (1) extension may be granted for a period of up to two (2) additional years at the discretion of the Administrator.
  - c. Amendment. An amendment to a development plan shall follow the same procedures for a new application as outlined in this section for development plan approval.
4. **STEP 3: Construction and Development Process.**
- a. Required Permits. After a development plan is approved, the construction of improvements shall occur in accordance with the procedures set forth in *Chapter 8, Section F.2: Permits*. Construction cannot occur and permits cannot be issued prior to development plan approval.

## D. Special Exception and Variance Procedures.

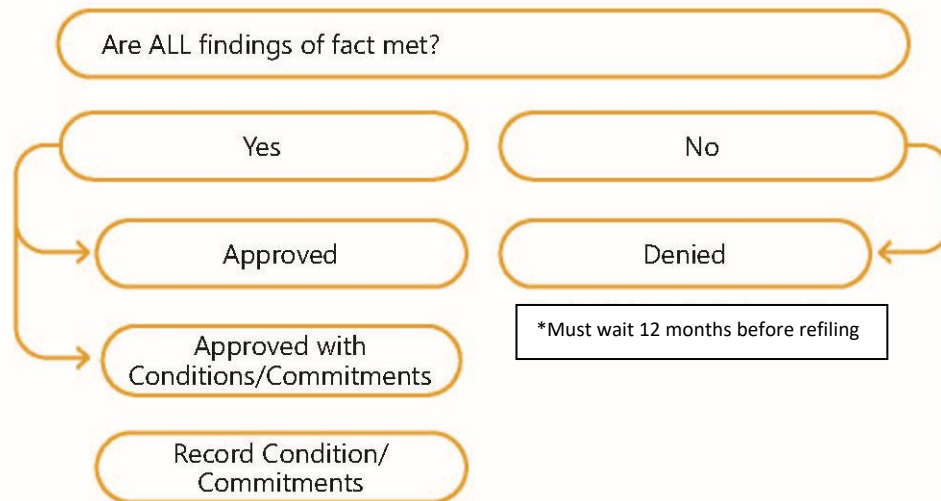
### PROCESS AND PROCEDURES FOR BZA PETITIONS

(Special Exceptions and Variances from Development Standards)

#### 1 APPLICATION

- Optional Internal review by TAC.

#### 2 BZA PUBLIC HEARING



#### 1. **Applicability.**

- In accordance with *IC 36-7-4-918.2* for special exceptions, *IC 36-7-4-918.5* for variances from development standards, and the *BZA Rules and Procedures*, the BZA shall hear and make decisions regarding special exceptions and variances from development standards. The BZA may require that impact studies be performed at the expense of the applicant prior to deciding upon a special exception.
- Uses permitted by special exception in the subject zoning district may be permitted by the BZA in the districts indicated in accordance with the procedures set forth in this section.
- The BZA may approve a variance from the required development standards in accordance with the procedures set forth in this section.

#### 2. **STEP 1: Pre-Application Meeting and Application Submittal.**

- Pre-Application Meeting Required. Prior to filing an application for special exception or variance from development standards, the applicant shall schedule a pre-application meeting with the Administrator, which may be held in-person, virtually (video conference), or by phone. This step

gives the applicant the opportunity to discuss the procedures for approval with the Administrator as well as the requirements and regulations for development.

- b. Application Required. The applicant shall submit a complete written application for a special exception or a variance from development standards in accordance with the application requirements and prepared in accordance with the requirements of this UDO.
- c. 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.
- d. Internal Review.
  - i. The Administrator shall forward the application to the Technical Advisory Committee (TAC) for technical review and assign a deadline for receiving internal review comments from the TAC. At the discretion of the Administrator, the TAC review can be held in-person, virtually (video conference), by phone, or by email.
  - ii. The Administrator shall compile a written report for the applicant, BZA, and the public file with comments from the staff review, TAC, and/or any other reviews, as applicable.
  - iii. After the internal review, the applicant shall make the necessary modifications to the application materials to satisfy the Administrator and resubmit the plans for review.
- e. Public Notice by Applicant. Public notice by the applicant for a public hearing is required and shall be in accordance with the BZA Rules and Procedures. In the event the hearing has been properly noticed, but the plans or application materials are not completed per Subsection d: Internal Review above, then the Administrator may have the BZA automatically continue the petition to their next regular meeting (or a properly noticed special meeting) without requiring additional notice by the applicant.

**3. STEP 2: BZA Public Hearing and Final Decision.**

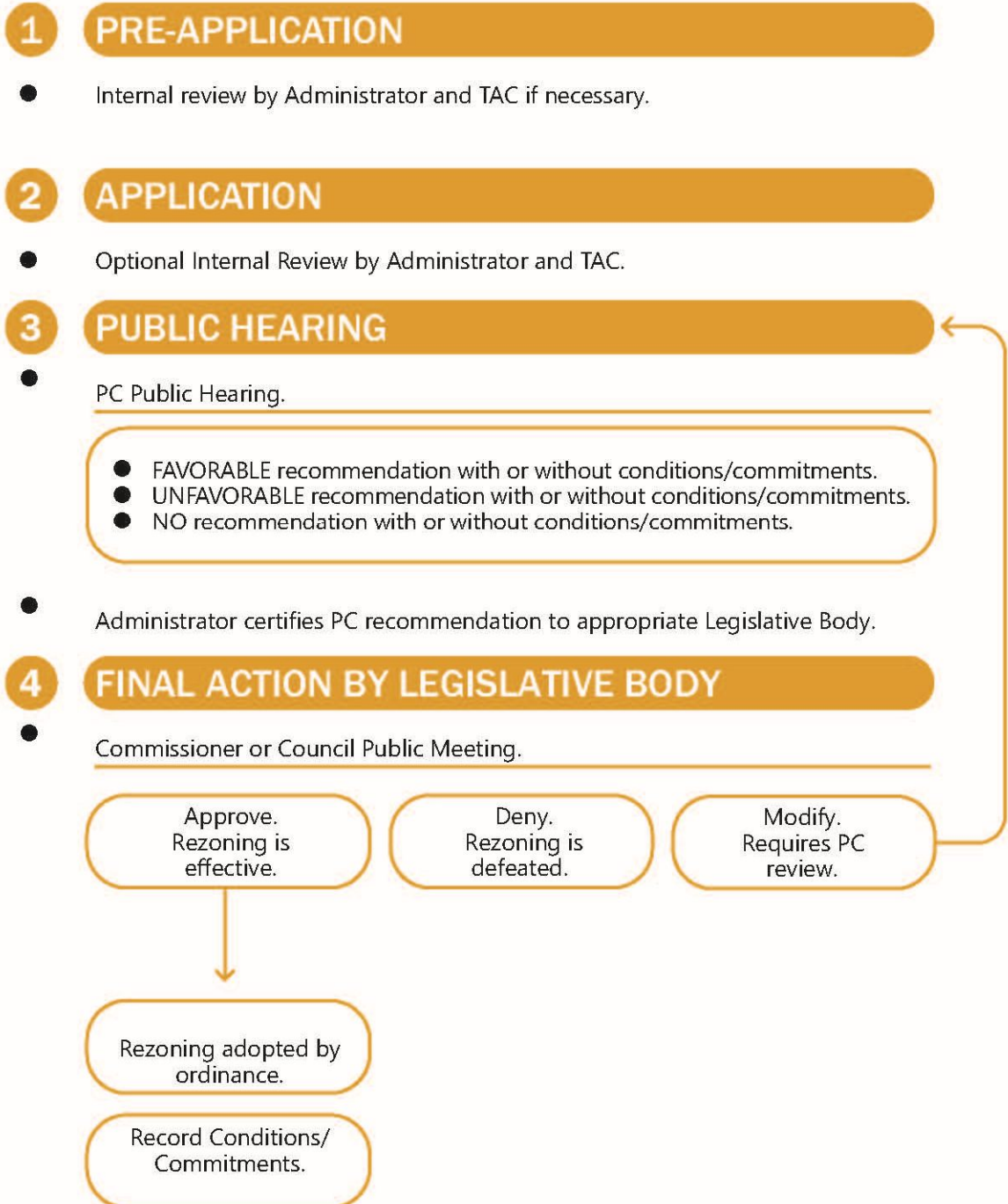
- a. BZA Public Hearing. The BZA shall review the special exception or variance from development standards at a public hearing. The applicant or their representative shall be in attendance to present the application and address any questions or concerns of the BZA.
- b. Basis of Decision by BZA. The BZA shall use the following standards as a basis for their decision:
  - i. Standards for Evaluation for Special Exception. When considering a special exception, the BZA shall find that the following standards have all have 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) All of the development standards set forth in this UDO that are applicable to such use and associated structures will be met unless the necessary variances have been granted by the BZA.
- ii. Standards for Evaluation for Variance from Development Standards. Per *IC 36-7-4-918.5*, 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;
    - (c) The strict application of the terms of the ordinance will result in a practical difficulty in the use of the property; and
    - (d) This situation necessitating the variance request shall not be self-imposed, nor be based on a perceived reduction of or restriction of economic gain.
- c. Decision by BZA.
    - i. Approval. If the BZA finds that ALL of the standards have been satisfied, it shall approve the request or approve the request with conditions and/or commitments. Approved findings of fact shall be included with any approval decision.
    - ii. Denial. If the BZA does not find that all of the standards have been satisfied, it shall deny the request and approve findings of fact that specify the reason for denial. The proposal cannot be resubmitted for one (1) year unless the Administrator determines there is a substantial change to the application.
    - iii. Conditions and/or Written Commitments. Any decision may include conditions and/or written commitments in accordance with *IC 36-7-4-1015* and Section F.2: Written Commitments of this Chapter.
  - d. Expiration. Approval of a special exception, variance from development standards, or variance of use shall run with the land, unless any of the following occur:
    - i. Construction of structures, occupancy of existing structures, and/or establishment of the use relevant to the approved special exception or variance has not commenced within two (2) years of approval by the BZA, the approval shall be void;
    - ii. The BZA places a condition or written commitment upon the approval that identifies an expiration, but such expiration shall not be less than one (1) year.
  - e. **Discontinuance.** If a special exception is discontinued or abandoned for any reason for more than six (6) months, it shall be deemed a non-conforming use of land. See *Chapter 9: Non-conforming Lots, Structures, and Uses*.
  - f. **Amendment.** A special exception or variance from development standards may only be amended by the BZA by submitting a revised application through the respective application process.

## E. Zone Map Change Procedures.

### PROCESS AND PROCEDURES FOR ZONE MAP CHANGES

(Can be initiated by the PC, the legislative body, or by property owner)



**1. Applicability.**

- a. In accordance with *IC 36-7-4-600 series* for zone map changes and the *APC Rules and Procedures*, the APC shall hear and make recommendations to the respective legislative body regarding zone map changes.
- b. Zone map changes may be initiated by the APC, legislative body, or by owners of fifty percent (50%) or more of the area involved in the petition.

**2. STEP 1: Pre-Application Meeting and Application Submittal.**

- c. Pre-Application Meeting Required. Prior to filing an application for a zone map change, the applicant shall schedule a required pre-application meeting with the Administrator, which may be held in-person, virtually (video conference), or by phone. This step gives the applicant the opportunity to discuss the procedures for approval with the Administrator as well as the requirements and regulations for development.
- d. Application Required. The applicant shall submit a complete written application for zone map change in accordance with the application requirements and prepared in accordance with the requirements of this UDO.
- e. Public File. Once the Administrator determines that an application is complete and in proper form, they shall assign a file number and create a public file. The Administrator shall announce the tentative date for public hearing before the APC.
- f. Internal Review.
  - i. The Administrator may forward the application to the Technical Advisory Committee (TAC) for technical review and assign a deadline for receiving internal review comments from the TAC. At the discretion of the Administrator, the TAC review can be held in-person, virtually (video conference), by phone, or by email.
  - ii. The Administrator shall compile a written report for the applicant, APC, and the public file with comments from the staff review, TAC, and/or any other reviews, as applicable.
  - iii. After the internal review, the applicant shall make the necessary modifications to the application materials to satisfy the Administrator and resubmit the plans for review.
- g. Public Notice by Applicant. Public notice by the applicant for a public hearing is required and shall be in accordance with the *APC Rules and Procedures*. In the event the hearing has been properly noticed, but the plans or application materials are not completed per Subsection d: Internal Review above, then the Administrator may have the APC automatically continue the petition to their next regular meeting (or a properly noticed special meeting) without requiring additional notice by the applicant.

**3. STEP 2: APC Public Hearing and Recommendation by APC.**

- a. APC Public Hearing. The APC shall consider the zone map change at a public hearing. The applicant or their representative shall be in attendance to present the application and address any questions or concerns of the APC.

- b. Considerations for Decision. In accordance with *IC 36-4-603*, when considering a zone map change, the APC shall pay reasonable regard to:
  - i. The applicable *Comprehensive Plan*;
  - ii. Current conditions and the character of current structures and uses in each district;
  - iii. The most desirable use for which the land in each district is adapted;
  - iv. The conservation of property values throughout the jurisdiction; and
  - v. Responsible development and growth.
- c. Recommendation by APC to Legislative Body. After consideration, the APC shall make a recommendation to the appropriate legislative body. The APC does not have the final decision on zone map changes.
  - i. Favorable. The APC recommends approval of the proposal to the legislative body.
  - ii. Unfavorable. The APC recommends denial of the proposal to the legislative body.
  - iii. No Recommendation. The APC does not have a recommendation of the proposal to the legislative body.
  - iv. Conditions and/or Written Commitments. Any recommendation may include conditions and/or written commitments in accordance with *IC 36-7-4-1015* and Section F.2: Written Commitments of this Chapter.
- d. Certification of Recommendation. Within ten (10) business days after the APC recommendation, the Administrator shall certify the APC recommendation to the appropriate legislative body.

**4. STEP 3: Final Decision.**

- a. **Decision by Legislative Body (County Commissioners or Town Council).** Upon receipt of certification of the APC's recommendation, the appropriate 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*.
  - i. Approval. If the proposal is adopted by the legislative body, the Administrator shall update the official zoning map accordingly.
  - ii. Denial. If the proposal is denied by the legislative body, the proposal cannot be resubmitted for one (1) year unless the Administrator determines there is a substantial change to the application.
- b. **Expiration.** Approval of a zone map change shall run with the land unless a condition or written commitment specifies otherwise.
- c. **Amendment.** A zone map change shall require a new application and only be amended in accordance with the *IC 36-7-4-600 series* for zone map changes. An amendment of an applicable condition or written commitment shall be done in accordance with *IC 36-7-4-1015* and Section F.2: *Written Commitments* of this Chapter.

## F. Other Procedures.

### 1. Appeals of APC Decision.

- a. Decisions of the APC under this UDO shall be subject to judicial review as provided in *IC 36-7-4-715, IC 36-7-4-1016, and IC 36-7-4-1600 et seq.*
- b. Pursuant to those statutes, a person with standing may seek judicial review of certain APC decisions by filing a petition for judicial review in the applicable County courts within thirty (30) days after the date of the decision at issue, but only after the person with standing has exhausted any and all available administrative remedies with the APC.
- c. Nothing in this section expands the rights to review provided by Indiana law.

### 2. Permits.

- a. **General.** The Administrator, or their designee, shall be responsible for the issuance of building permits, improvement location permits, and temporary use permits.
- b. **Building Permits (BP) and Improvement Location Permits (ILP).**
  - i. General.
    - (a) A BP and/or ILP shall be required for the erection, alteration, or modification of all structures within the jurisdiction including, but not necessarily limited to primary structures and accessory structures.
    - (b) No building or other structure shall be erected, moved, added to, or structurally altered unless the Administrator has issued an ILP (which includes building permit). No structural change in use of a building or land shall be made without an Improvement Location Permit issued by the Administrator. Building permits shall be issued only upon finding that the proposed use complies with the requirements of this UDO or upon written order from the BZA granting an appeal, special exception, or variance from development standards.
    - (c) All public improvements shall be installed and also inspected by the jurisdiction (where applicable) in addition to the plat being recorded before a BP/ILP is issued.
    - (d) No BP/ILP shall be issued for a structure that is served by a septic system unless a septic permit has been issued by the Posey County Health Department, or the Health Officer has authorized an approved system.
    - (e) No BP/ILP shall be issued for any commercial or industrial use without first having obtained any required state agency approvals and/or permits.
  - ii. Application. The applicant shall submit an application for an ILP in accordance with the required application and complete it in accordance with the format described therein. The filing fee for an ILP shall be paid in accordance with the adopted Fee Schedule. A public record of each ILP shall be retained by the Administrator in accordance with the retention rules established by the State Board of Accounts.
  - iii. Inspection(s) Required. All inspection(s) shall be completed for all ILPs that are constructed in compliance with all provisions of the UDO and other applicable codes. No structure shall be

occupied or used, in whole or part, for any purpose until a final inspection is completed and approved.

- iv. Expiration.
  - (a) An ILP shall be valid for a period of one (1) year from the date of issuance.
  - (b) An ILP for a manufactured home, accessory structure, or electrical work shall be valid for a period of one (1) year from the date of issuance.
  - (c) The Administrator may grant up to two (2) additional six (6)-month time period extensions at the request of the applicant stating the need for such extension. Once an ILP expires, a new application (including fees) shall be submitted for approval.
- v. 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.
- vi. Certificate of Occupancy.
  - (a) It shall be unlawful to use, occupy, or permit the use, or occupancy of any building, or premises, or both, or part thereof, hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use of structure until a certificate of occupancy has been issued by the Administrator, the Building Commissioner, or their designee. The certificate of occupancy shall state that the proposed use of the building or land conforms to the requirements of this UDO and that the Administrator, the Building Commissioner, or their designee has inspected the property and attested to that fact.
  - (b) A certificate of occupancy shall not be issued until the required driveway has been professionally installed and then inspected by the or the street department for the appropriate jurisdiction.
  - (c) No certificate of occupancy shall be issued until all work has been completed and all applicable inspections performed and completed.
- c. Temporary Use Permits. A temporary use permit may be granted by the Administrator for the construction and use of a permitted temporary use (such as a construction trailer, mobile sales office, vehicle, tent, booth, or other means). Temporary use permits shall be issued and assigned an expiration of up to ninety (90) days on a case-by-case basis at the discretion of the Administrator.

### **3. Written Commitments.**

- a. **Form.** A commitment must be substantiated by the form set forth in the *APC Rules and Procedures* or *BZA Rules and Procedures* and must specifically identify any persons/group/agency who may enforce the commitment. A commitment must be reviewed by the Administrator before it may be recorded.
- b. **Recording.** A commitment shall be recorded in the County Recorder's Office by the applicant and takes effect upon the adoption of the proposal by the applicable body to which it relates (even if the commitment is not recorded). Following the recording of a commitment, the applicant shall return a copy of the original recorded commitment to the Administrator for APC's or BZA's file.

**c. Persons Bound.**

- i. Unless it is modified or terminated by the body who approved the commitment (legislative body, APC, or BZA) in accordance with this section, a recorded commitment is binding on the owner of the parcel, all subsequent owners of the parcel, and any other person who acquires interest in the parcel.
  - ii. 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 Legislative Body, APC, or BZA.** 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 legislative body, APC, or BZA who required the commitment (as appropriate) and made at a public hearing after notice of the hearing has been given under the applicable *Rules and Procedures*.

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

**1. Complaints**

- a. Whenever a violation of this UDO occurs, or is alleged to have occurred, any person may file a written complaint on the form approved by the APC as part of the adopted *APC Rules and Procedures*.
- b. The complaint shall fully state the causes and basis of the alleged violation and shall be filed with the Administrator.
- c. The Administrator or their designee shall have authority to enter upon property at any time to investigate a written complaint.

**2. Investigation of Complaints**

- a. Upon receipt of a complaint that would constitute a violation of the UDO (which shall include adequate information to investigate), the Administrator or their designee, shall open a violation file and perform an investigation of the property alleged to be in violation within ten (10) calendar days. The Administrator may also refer the matter to the APC or BZA attorney, the BZA, or the local jurisdiction for review.
- b. Following this initial investigation, the Administrator shall note the findings of the investigation in the file and determine if there is a violation and provide notice as outlined in *Section G.5: Notice of Violation* of this Chapter. If the Administrator determines that no violation exists, the violation file shall be closed.

**3. ILP Violations**

- a. Any person or corporation who initiates construction prior to obtaining an ILP, Certificate of Occupancy, Certificate of Completion, or any other permit or authorization required herein, shall pay the fine as set forth in the Fee Schedule.

- b. 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.
- c. No ILP or Certificate of Occupancy shall be issued for any building, structure, or improvement unless the location of the building, structure, or improvement conforms to this UDO.

#### **4. UDO Violations.**

- a. No owner or agent of the owner of any parcel of the land located in a proposed subdivision shall transfer, sell, or convey any part of the parcel before a secondary plat of the subdivision has been approved by the APC in accordance with the provisions of these regulations and filed with the Recorder's Office.
- b. In accordance with *IC 36-1-6-2*, if a property is found to be in violation of this UDO, the Administrator or their designee may enter onto the property and take appropriate action to bring the property into compliance. Furthermore, continuous enforcement orders as defined in *IC 36-7-9-2* can be enforced and liens may be assessed.
- c. 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 this UDO.
- d. 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 APC in accordance with these regulations and filed with the County Recorder except as outlined in this UDO.
- e. The Administrator shall enforce these regulations and bring to the attention of the APC Attorney any violations or lack of compliance herewith. The APC Attorney shall take steps necessary under the Indiana Code to civilly enjoin any violation of these regulations. The Administrator may designate this enforcement to the local jurisdiction upon the local jurisdiction's acceptance of the enforcement action.

#### **5. Notice of Violation.**

- a. If the Administrator, or their designee, determines that a violation exists, they shall issue a written Notice of Zoning Violation to the legal owner of record, the current occupant/resident, any known mortgagee-in-possession, and any other known person believed to hold a possessory interest in the subject property.
  - i. The Notice of Zoning Violation shall first be provided by certified mail. If the certified letter is not picked up or returned undelivered, alternative notice shall be provided by both first class mail and by posting notice in a conspicuous location on the subject property. The alternative means of notification shall be deemed adequate, and no further notification shall be required.
- b. The Notice of Zoning Violation shall:
  - i. Detail the specific nature of the violation;
  - ii. Cite the section(s) of the UDO allegedly violated;
  - iii. State the penalty/fine that has been, or may be, assessed;

- iv. State that the Administrator will waive the fine if the violation is resolved through one of the options outlined in *Section G.6: Options to Remedy a Violation* of this Chapter;
  - v. Provide options for remedying the violation;
  - vi. Based on the nature of the violation, establish a date not less than fourteen (14) calendar days following the date of mailing of the Notice of Zoning Violation, by which resolution of the violation must occur; and
  - vii. Indicate the possible additional fines and penalties that may accrue if the violation remains unresolved.
6. **Options to Remedy a Violation.** Upon receipt of a Notice of Zoning Violation, the owner of the subject property shall take one of the following actions no later than the deadline established in the Notice:
- a. **Option 1: Take Corrective Action.**
    - i. The owner of the subject property may correct the violation by bringing the property into compliance with the standards of the UDO. Upon correction within the time allotted as stated in the Notice and following a site inspection by the Administrator or their designee confirming compliance, the Administrator shall close the Notice of Zoning Violation case, waive the fine, and notify the person who filed the complaint of the matter via first class mail.
    - ii. At the discretion of the Administrator, a written alternative timeline proposed by the subject property owner may be accepted by the Administrator if there are reasonable circumstances that necessitate additional time, but it shall provide for the full remedy of the zoning violation in a timely and reasonable manner. Examples could include, but are not limited to, paving when asphalt plants are closed for the winter, supply-chain delays in delivering necessary materials, or reasonable lead time to mobilize a contractor. Subsequent deviation from the approved alternative timeline shall result in continuing enforcement activity as prescribed by the UDO.
  - b. **Option 2: File a Land Use Petition or Appeal.**
    - i. The owner of the subject property may file a land use petition with the APC (zone map amendment) and/or BZA (special exception or variance from development standard). No additional enforcement actions shall be performed, and no additional fines shall be imposed while the petition is pending.
    - ii. If the land use petition is denied, withdrawn, or dismissed and the violation continues, enforcement activity shall continue as prescribed by the UDO.
    - iii. If the land use petition or the appeal is approved, the Administrator shall close the Notice of Zoning Violation case, waive the fine, and notify the owner and person who filed the complaint of the matter via first class mail.
  - c. **Option 3: File an Appeal of the Administrator's Decision.**
    - i. The owner of the subject property may file an Appeal of the Administrator's, or their designee's, decision with the BZA to attempt to remedy the violation. Any such petition must be filed in accordance with the applicable procedures by the date indicated on the Notice.

- ii. As established in *IC 36-7-4-1604*, a petition for judicial review of a BZA decision may be filed only after exhausting all administrative remedies available. Failure to timely object to a zoning decision or timely petition for review of a zoning decision within the period prescribed waives the right to judicial review.
  - iii. Judicial review of a BZA decision is prescribed and limited by *IC 36-7-4-1611*.
- d. Failure to Remedy and Ongoing Enforcement.**
- i. If at least ninety (90) days have elapsed from the mailing of a Notice of Zoning Violation and the violation has not been resolved, the Administrator shall record a statement tallying all outstanding fees and fines related to the Notice of Zoning Violation, as provided by *IC 36-1-6-2*. The statement shall include the name of the owner(s) of the parcel of real property on which fees are delinquent; the legal description of the subject property as shown on the records of the County Auditor; and the amount of the delinquent fees.
  - ii. The statement shall be recorded with the County Recorder, who shall charge a fee for recording the statement under the fee schedule established in *IC 36-2-7-10*.
  - iii. A lien shall then be placed on the property owner's tax duplicate. The total amount, including any accrued interest and/or recording fees, shall be collected in the same manner as delinquent taxes are collected and shall be distributed to the county general fund.
  - iv. If the violation is not corrected within thirty (30) days following the imposition of a lien as noted above, a lawsuit may be commenced by the designated enforcement entity in a court of general jurisdiction in Posey County, Indiana, as prescribed in this UDO, *IC 36-1-6*, and by other applicable laws and ordinances.
- e. Penalties and Fines.**
- i. Any person who violates or fails to comply with any provisions of this UDO shall be guilty of an ordinance violation.
  - ii. Upon the issuance of the Notice of Zoning Violation, the owner shall be liable for a fine of five hundred dollars (\$500.00). Each violation shall be considered a separate and distinct offense.
  - iii. If the jurisdiction is required to institute legal action to enforce this UDO, or to collect a fine thereunder, the violator shall also be responsible for the jurisdiction's reasonable attorney fees and all costs related to the enforcement or collection.
  - iv. In addition to the initial fine attached to the Notice of Zoning Violation, the owner of the subject property shall be additionally liable for an additional fine of five hundred dollars (\$500.00) per violation per day if the owner has not initiated one of the options to remedy the violation as outlined in this chapter.
  - v. All fines prescribed by the section for civil zoning violations shall be paid within fourteen (14) calendar days (or longer as prescribed by the Administrator) to the Office of the Administrator. All fine payments shall be remitted to the county general fund. Payment of a fine does not allow the violation to continue or constitute a correction of the violation.

- vi. Except as otherwise ordered by a court, the Administrator may, at their discretion and as prescribed in this UDO, waive some or all assessed fines following the full and timely correction of a violation.
  - vii. If there is an unresolved violation on a parcel, no building permit application or land use petition may be filed unless it is intended to remedy the violation as allowed by this UDO.
- f. **Civil Penalties.** The seeking of a civil penalty under this chapter does not preclude the APC from seeking alternative and additional relief from a court of competent jurisdiction in the same action or from seeking any other relief provided by law in a separate action for the enforcement of this UDO.
  - g. **Suit for Injunction.** The APC, the BZA, the Administrator, 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 Posey County to restrain an individual, corporation, or government unit from violating the provisions of this ordinance. The APC 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.
- 7. Stay of Work Pending Appeals, Restraining Order, and Enforcement Stay.**
- a. Stop Work during an Appeal of Administrative Decision.
    - i. 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 (stopped) 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.
    - ii. After the owner, or a person in charge of the work on the premises affected, has received notice that an appeal has been filed, the entity charged with the enforcement of the UDO may order the work stayed (stopped) and may call on the police power of the municipality to give effect to that order.
  - b. Restraining Order. 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 in which the premises affected are located may grant the restraining order.
  - c. 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 APC, BZA or the jurisdiction is required to utilize the services of the respective 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 jurisdiction 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 jurisdiction'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 legislative body.

## H. Fee Schedule.

8. **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 Posey County.
9. **Collection of Fees.**
  - a. **Improvement Location Permits and Building Permits.** Fees will be calculated and shall be collected per the procedures outlined in the applicable application packet. 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 and BP fees are non-refundable.
  - b. **Land Alteration Permit Fees.** Fees will be calculated and shall be collected per the procedures outlined in the applicable application packet. LAP fees are non-refundable.
  - c. **APC and BZA Application Fees.** Fees for all APC and BZA applications shall be collected at the time the application is filed. Application fees are non-refundable.
  - d. **Erroneously Paid Fees.** Fee paid in error may be refunded at the discretion of the Administrator.

# Subdivision Types

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Subdivision Types
<ul style="list-style-type: none"><li>• Commercial and Industrial Subdivision</li><li>• Traditional Residential Subdivision</li><li>• Conservation Residential Subdivision</li><li>• Mini Residential Subdivision</li><li>• Minor Residential Subdivision</li><li>• Homestead Subdivision</li><li>• Exempt Subdivision</li></ul>

## A. General Provisions.

1. **Purpose and Intent.** The purpose of this Chapter is to:
  - a. Define, regulate, and control the various ways that land can be subdivided for development within the jurisdiction;
  - b. Secure efficient and equitable handling of all subdivision plans by providing uniform procedures and standards;
  - c. Promote public health, safety, general welfare, and secure the most efficient use of land;
  - d. Take guidance from the *Comprehensive Plan*; and
  - e. Promote growth and development to further the orderly division, layout, and use of land by: minimizing congestion of the local roads, major roadways, highways; facilitating adequate provisions for water, sewerage, and other public utilities; and providing for proper ingress and egress.

## B. Commercial and Industrial Subdivisions.

1. **Intent.** Commercial Subdivisions and Industrial Subdivisions, as defined in *Chapter 10: Definitions*, are intended to provide development for primarily commercial and/or industrial uses and other compatible uses as permitted within the subject zoning district. The layout shall allow for adequate vehicular, pedestrian, and alternative transportation access as well foster connection to adjacent parcels and transportation networks. Driveway cuts on to arterial streets shall be limited and frontage streets shall be utilized.
2. **Process.** The process for a Commercial Subdivision or Industrial Subdivision can be found in *Chapter 8, Section B: Major Subdivision Procedures*. In order to allow for end-user flexibility, the secondary platting process may be done by full plat, individual lot, individual lot with development plan, or phase/section, as outlined in *Chapter 8, Section B: Major Subdivision Procedures*.
3. **Development Standards.**

Development Standards for Commercial and Industrial Subdivisions	
Permitted Districts	<ul style="list-style-type: none"> <li>• R-O, C-1, C-2, C-3, I-1, and I-2</li> </ul>
Minimum Development Size	<ul style="list-style-type: none"> <li>• N/A (must meet minimum lot standards in <i>Chapter 3: Site Development Standards</i>)</li> </ul>
Internal Access	<ul style="list-style-type: none"> <li>• Internal streets shall be private and shall be constructed to the applicable street function standards per the applicable street design and construction standards</li> </ul>
Development Standards for Individual Lots	<ul style="list-style-type: none"> <li>• All individual lots within the subdivision shall comply with the development standards for the subject zoning district as outlined in <i>Chapter 2: Zoning Districts and Overlay Districts</i>.</li> </ul>
Design Standards for Subdivisions	<ul style="list-style-type: none"> <li>• All applicable design standards for the subdivision shall comply with <i>Chapter 7: Subdivision Design Standards</i>.</li> </ul>

## C. Traditional Residential Subdivisions.

1. **Intent.** A Traditional Residential Subdivision, as defined in *Chapter 10: Definitions*, is intended to provide development exclusively for six (6) or more lots for residential uses as permitted within the subject zoning district. The layout shall allow for adequate vehicular, pedestrian, and alternative transportation access as well as connections to adjacent parcels and transportation networks. Driveway cuts onto arterial streets are prohibited.
2. **Process.** The process for a Traditional Residential Subdivision can be found in *Chapter 8, Section B: Major Subdivision Procedures*.
4. **Development Standards.**

Development Standards for Traditional Residential Subdivisions		
Permitted Districts	<ul style="list-style-type: none"> <li>• R-1, R-2, and R-3</li> </ul>	
Minimum Development Size	<ul style="list-style-type: none"> <li>• 5 acres</li> </ul>	
Minimum Open Space (based on the average lot size per dwelling unit of the entire development area)	Under 6,000 square feet	30%
	6,000-6,999 square feet	25%
	7,000-7,999 square feet	20%
	8,000-14,999 square feet	15%
	> 15,000 square feet	10%
Internal Access	<ul style="list-style-type: none"> <li>• All internal streets must be publicly dedicated and be constructed to the applicable street function standards per the applicable street design and construction standards</li> <li>• All individual driveways shall gain access from an internal road.</li> </ul>	
Development Standards for Individual Lots	<ul style="list-style-type: none"> <li>• All individual lots within the subdivision shall comply with the development standards for the subject zoning district as outlined in <i>Chapter 2: Zoning Districts and Overlay Districts</i>.</li> </ul>	
Design Standards for Subdivisions	<ul style="list-style-type: none"> <li>• All applicable design standards for the subdivision shall comply with <i>Chapter 7: Subdivision Design Standards</i>.</li> </ul>	

## D. Conservation Residential Subdivisions.

1. **Intent.** A Conservation Residential Subdivision, as defined in *Chapter 10: Definitions*, is intended exclusively for single-family development. The purpose of this unique type of subdivision is to offer density incentives in exchange for the preservation of sensitive environmental resources that will enhance the rural community character. This is achieved by setting aside a substantial amount of permanent common open space and then clustering residential lots into a compact neighborhood on the remaining portion of the site. The open space that is preserved can provide a variety of benefits to the community including continued cropland cultivation, the protection of water quality, creation of wildlife habitats, or even recreational opportunities.
2. **Process.** The process for a Conservation Residential Subdivision can be found in *Chapter 8, Section : Major Subdivision Procedures*.
4. **Development Standards.**

Development Standards for Conservation Residential Subdivisions	
Permitted Districts	<ul style="list-style-type: none"> <li>• A-2, R-1, R-2, and R-3</li> </ul>
Minimum Development Size	<ul style="list-style-type: none"> <li>• NA</li> </ul>
Minimum Open Space for the Overall Development	<ul style="list-style-type: none"> <li>• 40%</li> </ul>
Internal Access	<ul style="list-style-type: none"> <li>• All internal streets must be publicly dedicated and be constructed to the applicable street function standards per the applicable street design and construction standards</li> <li>• All individual driveways shall gain access from an internal road.</li> </ul>
Development Standards for Individual Lots	<ul style="list-style-type: none"> <li>• The development standards for the subject zoning district shall apply to each lot within the subdivision</li> </ul>
Design Standards for Subdivision	<ul style="list-style-type: none"> <li>• All design standards for the subdivision shall comply with applicable sections of <i>Chapter 7: Subdivision Design Standards</i></li> </ul>
Covenants	<ul style="list-style-type: none"> <li>• Covenants are required per <i>Chapter 7, Section D: Covenant Standards</i></li> </ul>

Density for Conservation Residential Subdivisions	
Base Density	<ul style="list-style-type: none"> <li>The maximum number of residential units permitted in the development is calculated by: Total area of the parcel to be developed divided by the minimum lot size for the subject zoning district (based on the sewerage designation). <i>(For example, if the parcel is 100 acres and the minimum lot size is 1 acre, then the total number of residential units permitted in the development is 100 units)</i></li> </ul>
Minimum Lot Size Incentive	<ul style="list-style-type: none"> <li>The minimum lot size for lots served by sanitary sewer may be reduced in size by up to 20% for the subject zoning district</li> <li>Lots not served by sanitary sewer may be the minimum necessary to support sewage disposal as approved by the Health Department, regardless of what the subject zoning district requires</li> </ul>
Bonus Density Incentive	<ul style="list-style-type: none"> <li>A bonus density incentive may be granted for qualifying criteria per item 6: Bonus Density Incentive in this section</li> </ul>

**5. Open Space Standards.**

- a. A minimum of forty percent (40%) of the development’s gross square footage must be dedicated in common area as Open Space.
- b. No portion of a proposed lot’s front yard, side yard, rear yard, right-of-way, roads, streets, median strips, parking area, and/or sidewalks can be used to satisfy the open space requirement.
- c. No portion of any dedicated, reserved, used, or in-use lands for cemetery interment can be used to satisfy the open space requirement.
- d. The required open space may be used for drainage which would include:
  - i. Detention and retention basins, and
  - ii. Bodies of water such as ponds and lakes.
- e. Open space shall have a minimum width of twenty (20) feet to allow for maintenance access.
- f. Phasing of development and open space is allowed.
- g. Open space conveyance shall be accomplished in one of the methods listed below. An applicant must provide a letter from the entity stating that it will accept the conveyance of the open space deed into perpetuity, or the open space may be platted as common area with a commitment that said common area cannot be vacated or developed. A conservation easement must be dedicated with the secondary plat.
  - i. Homeowners Association. A conservation easement recorded for open space in perpetuity may be granted to the homeowners association. Maintenance, if any, shall be the responsibility of the homeowners association. In the event the homeowners association is dissolved, the cost of necessary maintenance shall be shared equally among all of the lot owners within the development.

- ii. Land Trust. A conservation easement recorded for open space in perpetuity may be granted to a registered land trust. Maintenance shall be the responsibility of the land trust manager or the development's homeowners association as stipulated. If the homeowners association assumes maintenance and the homeowners association is dissolved, then the cost of necessary maintenance shall be shared equally among all of the lot owners within the development.
- iii. Not-for-profit Organization. A conservation easement recorded for open space in perpetuity may be granted to a not-for-profit organization. Maintenance shall be the responsibility of the not-for-profit organization or the development's homeowners association. If the homeowners association assumes maintenance and the homeowners association is dissolved, then the cost of necessary maintenance shall be shared equally among all of the lot owners within the development.
- iv. Posey County Government. A conservation easement recorded for open space in perpetuity may be granted to the Posey County Government (receiving entity) only if the entity agrees to accept the conveyance, and maintenance shall be the responsibility of the entity or the development's homeowners association as determined as determined in the conveyance. If the homeowners association assumes maintenance and the homeowners association is dissolved, then the cost of necessary maintenance shall be shared equally among all of the lot owners within the development.
- v. State or Federal Government. A conservation easement recorded for open space in perpetuity may be granted to the state and/or federal government only if the entity agrees to accept the conveyance, and maintenance shall be the responsibility of that respective government entity or the development's homeowners association as determined in the conveyance. If the homeowners association assumes maintenance and the homeowners association is dissolved, then the cost of necessary maintenance shall be shared equally among all of the lot owners within the development.

6. **Bonus Density Incentives.** With APC approval, a maximum bonus density of up to twenty percent (20%) of the base density may be granted for developments that incorporate any of the following elements:

<b>Bonus Density for Conservation Residential Subdivisions</b>		
<b>Feature</b>	<b>Bonus Density</b>	<b>Requirements</b>
Drainage	10%	<ul style="list-style-type: none"> <li>Reduce post-development run-off by a minimum of 25% for a 100-year storm even compared to pre-development.</li> </ul>
Agricultural	5%	<ul style="list-style-type: none"> <li>Dedicate 50% of the dedicated open space to agricultural production or agricultural use. <i>(A written agreement to the agricultural use must be obtained from the County Extension Agent.)</i></li> </ul>
Historic Structures	5%	<ul style="list-style-type: none"> <li>Maintain a historic homestead and/or accessory structures on site. <i>(A written letter of support must be obtained from the Historic Landmarks of Indiana. A maintenance agreement for the structure(s) must be included in the restriction and covenants.)</i></li> </ul>
Viewshed – Fence Row	5%	<ul style="list-style-type: none"> <li>Maintain and incorporate an existing fence row along the existing public right-of-way to preserve the rural character and viewshed of the area. Feature must be within common area</li> </ul>
Viewshed – Roadway Buffer	5%	<ul style="list-style-type: none"> <li>Provide a landscaped area between the existing public right-of-way and residential lots that back up to it to preserve the rural character and roadway viewshed of the area. Feature must be within common area.</li> </ul>
Public Access	5%	<ul style="list-style-type: none"> <li>Allow public access to any designated/future park/trail system within/along the development. <i>(Maintenance and operation costs shall be covered by the developer or homeowners association.)</i></li> </ul>
Dedicated Public Space	5%	<ul style="list-style-type: none"> <li>Solicit public service/emergency service entities that service the area of development to offer space to set aside for future public structure or facility (i.e., fire department, library, etc.). Structure or facility must be designated in a planning document. Applicant must provide support letter from the appropriate governmental entity(s) regarding the need and intent for a public structure. This density bonus element can only be used if entity agrees to accept the conveyance.</li> </ul>
Low-impact Storm Water Practices	5%	<ul style="list-style-type: none"> <li>Developer shall build and maintain green infrastructure storm water management practices. <i>(Design must be approved and certified on behalf of the County by a licensed engineer.)</i></li> </ul>
Unlisted Bonus	5%	<ul style="list-style-type: none"> <li>Propose an unlisted bonus that would improve the quality of place of the development for consideration by the APC as part of the Primary Plat application and approval process</li> </ul>

## E. Mini Residential Subdivision.

1. **Intent.** A Mini Residential Subdivision, as defined in *Chapter 10: Definitions*, is designed to minimize the consumption of agricultural land and limit access to public roads while allowing for planned residential development in the rural areas of the county.
  - a. No more than seven (7) lots plus the remnant parcel may be created for residential uses as permitted within the subject zoning district.
  - b. The subdivision standards establish a maximum lot size in order to minimize the consumption of agricultural ground.
  - c. A shared driveway is required to minimize the impact on existing roadways.
  - d. Parcels in existence prior to January 1, 2020, may be split by Mini Residential Subdivision only one (1) time. All subsequent requests to subdivide property that has been part of a mini residential plat shall be required to be subdivided through the major subdivision process and rezoning to a residential district.
  
2. **Process.** The process for a Mini Residential Subdivision can be found in *Chapter 8, Section C: ~~Minor Expedited Residential Subdivision Procedures~~*.
  
4. **Development Standards.**

Development Standards for Mini Residential Subdivisions	
Permitted Districts	<ul style="list-style-type: none"> <li>• A-1</li> </ul>
Minimum Development Size	<ul style="list-style-type: none"> <li>• NA</li> </ul>
Minimum Open Space	<ul style="list-style-type: none"> <li>• NA</li> </ul>
Internal Access	<ul style="list-style-type: none"> <li>• All lots shall gain access from a shared driveway built to the applicable specifications</li> <li>• Individual driveway access to the public road shall be prohibited</li> </ul>
Development Standards for Individual Lots	<ul style="list-style-type: none"> <li>• Maximum lot size is 2 acres (or larger if needed to adequately support a sewage disposal system)</li> <li>• All individual lots within the subdivision shall comply with the development standards for the subject zoning district as outlined in <i>Chapter 2: Zoning Districts and Overlay Districts</i>.</li> </ul>
Design Standards for Subdivisions	<ul style="list-style-type: none"> <li>• All applicable design standards for the subdivision shall comply with <i>Chapter 7: Subdivision Design Standards</i>.</li> </ul>

## F. Minor Residential Subdivision.

1. **Intent.** A Minor Residential Subdivision, as defined in *Chapter 10: Definitions*, is intended for subdividing a parcel into five (5) or fewer lots, including the remnant parcel, exclusively for single-family residential use that does not involve the opening or creation of new public rights-of-way or utility main extensions.
  - a. The design shall still allow for adequate vehicular and pedestrian access as well as foster connection to adjacent parcels where necessary.
  - b. A shared driveway may be required by the APC to provide safe access to streets and to allow for alternative lot layouts.
  - c. Parcels in existence prior to January 1, 2020, may be split by Minor Residential Subdivision only one (1) time. All subsequent requests to further subdivide property that has been part of a Minor Residential Subdivision shall be required to be subdivided through the Major Residential Subdivision process and rezoning to a residential district may be required.
2. **Process.** The process for a Minor Residential Subdivision can be found in *Chapter 8, Section C: Minor Administrative Residential Subdivision Procedures*.
3. **Development Standards.**

Development Standards for Minor Residential Subdivisions	
Permitted Districts	<ul style="list-style-type: none"> <li>• A-1, A-2, R-1, R-2, and R-3</li> </ul>
Minimum Development Size	<ul style="list-style-type: none"> <li>• N/A</li> </ul>
Minimum Open Space for Overall Development	<ul style="list-style-type: none"> <li>• N/A</li> </ul>
Internal Access and Driveways	<ul style="list-style-type: none"> <li>• No new public rights-of-way are permitted. If public rights-of-way are proposed, it shall be considered a Major Residential Subdivision and follow the applicable process</li> <li>• Private driveways and private roads are permitted and shall comply with the applicable street design and construction standards</li> </ul>
Development Standards for Individual Lots	<ul style="list-style-type: none"> <li>• All individual lots within the subdivision shall comply with the development standards for the subject zoning district</li> </ul>
Design Standards for Subdivisions	<ul style="list-style-type: none"> <li>• All applicable design standards for the subdivision shall comply with <i>Chapter 7: Subdivision Design Standards</i>.</li> </ul>

## G. Homestead Subdivisions.

1. **Intent.** A Homestead Subdivision, as defined in *Chapter 10: Definitions*, is established for subdividing off the original homestead and supporting property from the remaining farm ground with which it was originally affiliated.
2. **Process.** The process for a Homestead Subdivision can be found in *Chapter 8, Section D: Administrative Residential Subdivision Procedures*.
4. **Prerequisites and Criteria.** In order to ensure that the homestead subdivision process is not used as a loophole to the Expedited Residential Subdivision process or any other required subdivision process, the following criteria must be met.
  - a. Primary Residential Structure.
    - i. The primary residential structure must have been constructed prior to January 1, 2020.
    - ii. To prevent the misuse of this process or bypassing the Minor Residential Subdivision process, no more than one (1) homestead subdivision for the same parcel or resulting residual parcel may occur in a twenty (20) year period.
  - b. Parent Parcel.
    - i. The parent parcel may not be a part of or platted as part of any previously recorded subdivision.
    - ii. The remaining parent parcel may not utilize the Homestead Subdivision process in the future. If permitted, future subdivision for residential use must occur as a Minor Residential Subdivision, [Mini Residential Subdivision](#), Traditional Residential Subdivision, or Conservation Residential Subdivision.
  - c. Homestead Lot.
    - i. The homestead lot must contain all of the sewage and water facilities associated with the primary structure. Access to these facilities may not be allowed by easement.
    - ii. The homestead lot may contain existing accessory structures.
    - iii. The homestead lot may not be further subdivided.
    - iv. The homestead lot shall be re-deeded after approval.

5. **Development Standards.**

Development Standards for Homestead Subdivisions	
Permitted Districts	<ul style="list-style-type: none"> <li>• A-1 and A-2</li> </ul>
Minimum Development Size	<ul style="list-style-type: none"> <li>• N/A</li> </ul>
Minimum Open Space for Overall Development	<ul style="list-style-type: none"> <li>• N/A</li> </ul>
Internal Access and Driveways	<ul style="list-style-type: none"> <li>• No new public rights-of-way are permitted. If public rights-of-way are proposed, it shall be considered a Major Residential Subdivision and follow the applicable process.</li> <li>• Private driveways and private roads are permitted and shall comply with the applicable street design and construction standards</li> </ul>
Development Standards for Individual Lots	<ul style="list-style-type: none"> <li>• All individual lots within the subdivision shall comply with the development standards for the subject zoning district as outlined in <i>Chapter 2: Zoning Districts and Overlay Districts</i>.</li> </ul>
Design Standards for Subdivisions	<ul style="list-style-type: none"> <li>• All applicable design standards for the subdivision shall comply with <i>Chapter 7: Subdivision Design Standards</i>.</li> </ul>

## H. Exempt Subdivisions.

1. **Intent.** The intent of this section is to establish criteria that allows lot splits to occur that are not otherwise required to go through the other subdivision processes outlined in this UDO. This Exempt Subdivision provision shall not be used as a means to bypass the other subdivision processes outlined in this UDO.
2. **Subdivider's Responsibility.** It is the responsibility of the person subdividing land to consult with the Administrator to verify their subdivision exemption eligibility before recording lot splits. Lots created under this provision are not guaranteed to be buildable or guaranteed to qualify for the issuance of a BP or ILP.
3. **Applicability.** The following divisions of land are exempt from the provisions of this UDO:
  - a. A division of land that is government or court ordered.
  - b. A division of land for the transfer of a tract(s) to correct errors in an existing legal description, or the sale/exchange of tracts between adjoining landowners, provided that no additional primary use building sites are created by the division.
  - c. A division of land by the Federal, State, or local government for the acquisition of right-of-way or an easement.
  - d. A division of land into cemetery plots for the purpose of burial of corpses.
  - e. A division of land for agricultural uses not involving any new streets or easements of access, provided that the sale or exchange does not create additional residential building sites and are not intended for residential development in the future.
  - f. A division of land that combines/reconstitutes property lines such that no new building lots are created.
  - g. An adjustment/shift/removal of a lot line (whether in a recorded plat or not) provided there is no reduction in the area, frontage, width, depth, or building setback lines of each building site that would place it below the minimum requirements of this UDO.
  - h. The sale, exchange, or transfer of land between adjoining property owners which does not result in the change of the present land usage or create an additional building site.
  - i. A division of residentially used or residentially zoned land into two (2) parcels where:
    - i. All parcels, including the remnant parcel, are at least ten (10) acres in size,
    - ii. Have not been previously subdivided, and
    - iii. No public infrastructure or public right-of-way is proposed.

# Subdivision Design Standards

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## Subdivision Design Standards

- Access and Connectivity Standards
- Block and Lot Standards
- Covenant Standards
- Drainage, Stormwater, and Erosion Control Standards.
- Mailboxes for Residential Development Standards
- Monuments and Markers
- Open Space and Community Amenity Standards
- Road and Driveway Standards
- Sidewalk and Trail Standards
- Subdivision Name and Street Name Standards
- Utility Standards

## A. General Provisions.

1. **Purpose.** These subdivision design standards are intended to provide predictability to subdividers and property owners while ensuring the residents of Posey County benefit from quality residential neighborhood designs and commercial/industrial development that promotes the public health, safety, and general welfare and supports the goals of the *Comprehensive Plan*.
2. **Conformance to Applicable Rules and Regulations.**
  - a. The subdivision design standards included in this chapter are intended to be met in addition to all other applicable structure, lot, and/or site standards in other sections of this UDO which shall still apply.
  - b. All major and minor subdivisions shall comply with the requirements of this chapter and all other applicable laws, rules, and regulations. Secondary plat approval may be withheld if a subdivision does not comply with all requirements of this UDO and the following:
    - i. All applicable statutory provisions;
    - ii. All requirements of the UDO, zoning map, building codes, fire codes, Health Department, and all other applicable laws of the appropriate local, state, and/or federal jurisdictions;
    - iii. All regulations of INDOT, if the subdivision or any lot abuts a state highway or connecting public road;
    - iv. All standards and regulations adopted by the boards, commissions, agencies, and officials (if applicable); and
    - v. All requirements of the applicable stormwater ordinance, flood hazard ordinance, the applicable street design and construction standards, and other adopted or approved plans and ordinances, including all public roads, drainage systems, and parks (if applicable).

### 3. **Extension of Infrastructure.**

- a. All public improvements and required easements shall be extended to the boundary lines of the parcel being subdivided to allow for future connections.
- b. Public roads and easements for water lines, wastewater systems, electric lines, natural gas, telecommunications lines, and others shall be constructed to promote the logical extension of public infrastructure to adjacent parcels.

### 4. **Plats Straddling Municipal Boundaries.**

- a. Whenever access to the subdivision requires crossing land in another jurisdiction, the APC may request an affidavit from the subdivider stating that access is legally enabled by the applicable jurisdiction(s).
- b. In general, lot lines shall be laid out so as not to cross municipal boundary lines when possible.

## **B. Access and Connectivity Standards.**

### 1. General.

- a. All subdivisions shall comply with the locally adopted plans for connectivity, including comprehensive plans, thoroughfare plans, park plans, trail plans, etc.
- b. All lots resulting from the subdivision of land under this UDO shall have frontage on or access to an existing public (state, county, or local) road or private driveway as permitted by this UDO.
- c. No subdivision shall prevent an adjacent property from accessing a public road (such as using reserve strips) or create or perpetuate the land-locking of an adjacent parcel.
- d. The extension of roads to the exterior boundary of the subdivision or continuation of public roads between adjacent parcels for the effective movement of traffic, extension of utilities, and/or effective fire protection shall be required, unless the APC determines that such extension is:
  - i. Not feasible due to topography or other physical conditions; or
  - ii. Not necessary or desirable for the coordination of the subdivision based on future development of adjacent tracts.
- e. A partial right-of-way along an exterior boundary line of a subdivision shall be required based on the applicable thoroughfare plan, including the extension of arterial or collector roads.
- f. All easements and rights-of-way from a major or minor subdivision or a lot within a major or minor subdivision that provide access to a public road shall be approved by the APC.
- g. All public roads must be located above the 100-year FEMA flood elevation unless approved by the Floodplain Administrator.

### 2. **Subdivision Entrances.**

- a. **Minimum Number.** All residential subdivisions shall provide the following minimum number of required entrances onto a public road.

- i. Less than Twenty-five (25) Residential Units. A minimum of one (1) entrance shall be provided.
  - ii. Twenty-five (25) to Two Hundred (200) Residential Units.
    - (a) A minimum of two (2) entrances shall be provided with access to two (2) separate public roads.
    - (b) If the subdivision only abuts one public road, the subdivision shall be required to provide two (2) entrances onto the one public road.
    - (c) If there is not appropriate distance between entrances and/or other roadways and intersections (as determined by the APC), a single entrance with a median divider is allowed. Each travel lane shall be at least fourteen (14) feet wide excluding curbs and gutters to allow for emergency access if one travel lane is inaccessible. The median shall be at least twelve (12) feet in width to accommodate a separate left-turn lane if necessary or needed in the future. The median divider shall extend from the intersection with the public road to the first road intersection within the subdivision.
  - iii. More than Two Hundred (200) Residential Units. The number of separate entrances required, and the location of those entrances shall be determined by the APC.
  - iv. Access Installation. The timing of the installation of the second/additional point(s) of access shall be established at the time of primary plat consideration.
- b. **Level of Service.** The subdivider shall construct all required and approved traffic mitigation measures to provide adequate roadway capacity and access for the proposed development, such as acceleration lanes, deceleration lanes, or other similar improvements.
3. **Pedestrian Access.**
- a. If a subdivision is adjacent to a park, state forest/park, school, or other public community facility, the APC may require perpetual unobstructed easements that are at least twenty (20) feet in width in order to facilitate pedestrian access and connectivity. These easements shall be indicated on the primary and secondary plats.
  - b. Where future development includes land that has been identified by the Comprehensive Plan or other plan as a location for trails, the APC may require the subdivider to construct the trails within their development, whether or not such trails connect to existing trails outside of the development at the time of construction. All trails shall be constructed in accordance with applicable street design and construction standards.
4. **Access to Freeway/Expressway, Arterials, and Collectors.** Where a subdivision borders or contains an existing or proposed freeway/expressway, major/minor arterial, or major/minor collector, the APC may limit direct access of individual lots onto these roads by one or more of the following based on the recommendation of the APC:
- c. **Frontage or Service Roads.** Frontage or service roads that are separated from the arterial or collector by a planting area or grass strip. These roads shall have access at suitable points to the arterial or collector. All frontage or service roads shall be designed to comply with the applicable street design and construction standards.

- d. **No Access Easement.** A five (5) foot “no-access easement” along a freeway/expressway, arterial, or collector road for parcels that can gain access from an internal, local road.
- e. **Shared Driveway.** A shared private driveway with an adjacent parcel(s) that includes an access easement to a local road.
- f. **Other Treatments.** Other, similar treatments deemed necessary for the adequate preservation of the public roadway functionality, safety, protection of residential properties, and separation of through and local traffic.

## C. Block and Lot Standards.

### 1. **Block and Lot Arrangement.**

- a. Blocks shall comply with the following dimensions unless the APC determines that a longer length will not be detrimental to local traffic flow.
  - i. **Blocks.** A minimum of four hundred (400) feet but shall not exceed one thousand (1,000) feet in length.
  - ii. **Cul-de-Sacs.** A minimum of four hundred (400) feet but shall not exceed one thousand (1,000) feet in length.
  - iii. **Temporary Dead-End Streets.** A minimum of four hundred (400) feet but shall not exceed one thousand (1,000) feet in length.
- b. The APC may require pedestrian ways, easements, and/or cross walks through the center of blocks when deemed essential to provide pedestrian circulation, accommodate utilities and drainage facilities, or provide access to schools, playgrounds, shopping centers, transportation, or other community facilities.
- c. The layout of the lots shall be compatible with the topography and other physical conditions of the land in order to ensure compliance with the UDO, Building Codes, and other local, state, and federal regulations.
- d. Lot lines shall be as perpendicular to the streets as reasonably possible.

### 2. **Lot Dimensions.**

- a. Lot dimensions shall comply with the minimum standards of the UDO.
- b. Lots shall be suitable in size and dimensions for the type of development anticipated, and not result in insufficient areas to build on after building setback lines are established in accordance with the UDO.
- c. Side lot lines shall generally be at right angles to public road lines (or radial to curving public road lines) unless a variation from this rule will give a better public road or lot plan.
- d. Dimensions of corner lots shall be large enough to allow for erection of buildings, observing that corner lots have two front yards as outlined in this UDO.

- e. The depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide off-public road parking and loading facilities required for the type of use and development contemplated.
3. Lot Orientation.
- a. The lot line common to the public road right-of-way shall be considered the front line. All lots shall face the front line. Note that corner lots will have two (2) front lines.
  - b. Wherever feasible, rear lot lines should not abut the side lot line of an adjacent lot.
  - c. Double frontage lots, through lots, and reverse frontage lots shall be avoided except where necessary to accommodate perimeter lots (exterior lots) within a subdivision or to overcome difficulties of topography and orientation.

## D. Covenant Standards.

1. **Purpose.** The purpose of the covenants drafted by the subdivider is typically to create a more consistent appearance of structures as well as provide additional control over the activities that take place within the subdivision boundaries to protect the property values.
2. **General.**
  - a. Covenants are required for all new major subdivisions that include shared common areas, amenities, and infrastructure.
  - b. Covenants are generally a combination of restrictions on the use of property and affirmative obligations imposed by the subdivider on the owner of a property within a subdivision.
  - c. These covenants are above and beyond the zoning and subdivision regulations required for the jurisdiction, but restrictions cannot supersede, contradict, or replace town, city, county, state, or federal regulations.
  - d. Covenants shall be reviewed by the Administrator or their designee prior to approval of the secondary plat to ensure they do not conflict with the UDO.
  - e. A Homeowners Association (HOA) is required to be established for major subdivisions for the administration of the covenants and oversight of the subdivision. Officers of the HOA shall be identified and provided to the Administrator on an annual basis. An HOA is not required if there are no common areas, amenities, or privately maintained infrastructure.
  - f. Financial contributions (dues) shall be established in an amount appropriate to ensure that amenities, infrastructure, and common areas under the joint ownership of all property owners within the development will be properly maintained in perpetuity. The developer may be required to provide the financial study justifying the proposed financial contributions at the discretion of the Administrator or the APC.
3. **Self-imposed Restrictions.**

- a. If a subdivider or property owner places restrictions on any land contained within a subdivision that are more restrictive than those required by this UDO, such restrictions shall be indicated or referenced on the secondary plat.
  - b. All restrictive covenants shall be recorded with the County Recorder, and a copy of the recorded covenants with the appropriate stamp from the County Recorder's office shall be provided to the Administrator.
4. **Required Covenant Language.** See Section E.4: Required Covenant Language Regarding Drainage for language that must be in the covenants and on the plat regarding drainage.
  5. **Enforcement.** Only regulations specifically found in the UDO are enforceable by the APC and the Administrator. Restrictive covenants will not be enforced by the APC or the Administrator and must be enforced by the Homeowners Association (or the subject property owners) through the civil courts.

## E. Drainage, Stormwater, and Erosion Control Standards.

### 1. **General.**

- a. All drainage shall comply with state requirements and the applicable stormwater and drainage ordinance. All development is subject to state and local drainage approvals and permits.
- b. The maintenance of drainage facilities shall be the responsibility of the subdivider until it is turned over to the Homeowners Association (HOA).
- c. If drainage areas are supposed to be maintained by a Homeowners Association (HOA) or similar organization and said organization is dissolved, the maintenance and associated costs of any drainage facility shall be shared equally between the property owners within the platted subdivision.
- d. No secondary plat shall be approved until the drainage plan is approved by the appropriate jurisdiction.

### 2. **Storm Drainage.**

- a. The subdivider shall provide the subdivision with an adequate storm water system. The system shall conform to the applicable stormwater ordinance. A copy of the analysis shall be submitted to the Administrator with the secondary plat application and shall include with the drainage facility plans.
- b. The plans for the installation of a storm drainage system shall be provided by the subdivider and approved by the appropriate jurisdiction. The as-built plans for the system shall be filed with the Administrator upon the completion of the storm sewer installation in the electronic format requested.

### 3. **Drainage Easements.** All drainage easements shall be indicated on the primary plat and the secondary plat.

### 4. **Required Covenant Language Regarding Drainage.** In order to ensure the maintenance of a professionally designed and installed drainage system, the following paragraphs shall be required (verbatim) as a provision of the restrictive covenants for all secondary plats and shall be included in all

deeds written relative to said plats. The lot owner, proposed owner, or builder shall submit a signed copy of these covenant paragraphs to the Administrator and the appropriate jurisdiction at the time an application for an ILP is submitted.

- a. "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 appropriate jurisdiction. Property owners must maintain these swales as sodded grass ways 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 this UDO."
- b. "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 jurisdiction will cause said repairs to be accomplished, and the costs for such repairs will be billed to the affected property owners for immediate payment."
- c. "No sanitary structures, drainage structures, or water line appurtenances shall be located within driveway limits or sidewalks."
- d. "No sump pump drains, sanitary sewers, septic systems, or other drains shall outlet onto the street."

## F. Mailboxes for Residential Development Standards.

1. **Applicability.** In accordance with the United States Postal Service (USPS) National Delivery Planning Guide, all new residential development may be required to install centralized mail delivery at the direction of the local USPS Postmaster or the designated local USPS Growth Manager. Centralized delivery shall include the installation of cluster box units (CBU) or neighborhood delivery center (NDC) mailboxes.
2. **Design and Placement.**
  - a. All CBUs and NDCs and their location shall be approved by the local Postmaster or Growth Manager prior to approval of any secondary plat.
  - b. CBUs and NDCs must provide for handicap accessibility.
  - c. Units placed within the right-of-way require approval by the appropriate jurisdiction.
  - d. All CBUs and NDCs shall require a building permit prior to installation.
  - e. Because of their size, visibility, and exposure to the elements CBUs and NDCs must be aesthetically appealing, durable, and reflect the character of the overall development. Units may be free-standing and may be placed beneath a covered pavilion, a three-sided shelter, or inside a community center.
3. **Installation and Maintenance.** The applicable jurisdiction shall not be responsible for the installation, maintenance, or replacement of any mailboxes, cluster boxes, or delivery centers. All units shall be

installed by the subdivider and maintained and repaired by the property owners and/or homeowner's association.

## G. Monument and Marker Standards.

1. **General.** Monuments shall be installed on all lot corners to the standard as set forth under 865, IAC 1-12-18.

## H. Open Space and Amenity Standards.

1. **General.**
  - a. Proposed major subdivisions are required to provide open space which may include adequate areas for public parks, recreation, amenities, or open space as required by this UDO.
  - b. If a subdivision is not required by this UDO to provide open space and/or amenities, the subdivider may provide them if desired.
  - c. Each open space area or amenity shall be of suitable size, dimension, topography, and general character for the intended use and shall have adequate road and/or pedestrian access to adequately serve the purposes envisioned.
  - d. Any open space or amenity shall support the goals of the *Comprehensive Plan* or other plan, comply with all requirements of this UDO, and comply with all other applicable health, flood control, and regulations of the town, city, county, or state, as appropriate.
  - e. All open spaces and amenities shall be dedicated as common area unless otherwise allowed by this UDO. The common area shall be shown and labeled accordingly on the primary plat and secondary plat.
  - f. The phasing of development and open spaces/amenities is allowed, but the minimum open space/amenity shall be proportional to the developed area.
2. **Ownership and Maintenance.**
  - a. If open space areas and amenities are maintained by a Homeowners Association (HOA) or similar organization and said organization is dissolved, the maintenance and associated costs of any maintenance shall be shared equally between the property owners within the platted subdivision
  - b. The APC shall require proof of the ownership and a maintenance agreement for the common areas (such as HOA covenants).
  - c. Unless approved by the APC and accepted by the appropriate legislative body, the jurisdiction shall not assume responsibility for the maintenance and safety of common areas.
  - d. If areas or land is being dedicated to an entity other than a Homeowners Association, the respective entity accepting the land shall provide written documentation approving the dedication prior to approval of the secondary plat.
3. **Design Standards.** If a subdivision requires or voluntarily incorporates open space(s) or amenity(ies), it shall comply with the following standards:

- a. **General Design Standards.** The following apply to all types of open space and amenities:
  - i. All open space or amenity reserved under this UDO shall be accessible with an ADA-accessible sidewalk, footpath, or similar accessible connection from a public right-of-way or a dedicated easement. All easements used to provide access shall be a minimum of twenty (20) feet in width.
  - ii. If sidewalks or paved trails are required and/or provided within the open space or amenity, they shall comply with all ADA requirements and the standards in the applicable street design and construction standards.
  - iii. No open space shall be used as a reserve strip or prevent future access between adjacent properties and an existing or future public right-of-way.
  - iv. All open spaces and amenities shall be accessible by all residents of the subdivision without a rental fee or any qualifying requirements other than standard operational times (such as outdoor pools are not open during the winter, or a park is closed from dusk to dawn).
- b. **Open Space Standards.**
  - i. Open Space Guiding Criteria. The design of all open spaces shall be guided by the following criteria:
    - (a) The preservation of existing natural or historic features that add value to the development or to the jurisdiction (such as watercourses and falls, historic sites, and similar irreplaceable assets).
    - (b) The protection of unique topographical features on the site, such as steep slopes.
    - (c) When possible, the preservation of wooded areas and individual, healthy trees that are larger than thirty-six (36) inches in diameter or vegetation that is desirable to preserve wetlands or other environmentally sensitive areas, including the ability to protect vegetation during construction and changes of grade.
    - (d) The adaptability of the open space for future trails and/or shared-use paths.
    - (e) The relationship between the proposed open space and neighboring properties.
  - ii. Open Space Design Requirements. All open spaces shall:
    - (a) Be a minimum of twenty (20) feet in width to allow for maintenance.
    - (b) Not be located within the public right-of-way.
    - (c) Have at least fifty percent (50%) of the park left in a natural or undisturbed state or, if previously disturbed or degraded, restored to a natural state. This may include wetlands, wooded areas, prairies, or similar. Areas with maintained lawn/landscape elements or manicured detention/retention basins are not considered a natural state.
- c. **Neighborhood Park.**
  - i. Passive Neighborhood Park. All passive neighborhood parks shall:

- (a) Be a minimum of one (1) acre.
- (b) Provide at least one (1) open shelter or similar structure that is at least two hundred (200) square feet in area.
- (c) Provide seating areas throughout the park.
- (d) Provide maintained lawn/landscape areas that can be used in a passive nature.
- (e) Provide paved or soft-surface trails throughout the park.
- ii. Active Neighborhood Park. All active neighborhood parks shall:
  - (a) Be a minimum area of half (1/2) an acre.
  - (b) Include at least one (1) active recreation feature that meets the needs of the subdivision, such as a playground, sports court/field, indoor recreation center, swimming pool, or other feature approved by the Administrator. All equipment shall be commercial-grade and meet industry design standards.

## I. Road and Driveway Standards.

1. **Purpose.** The road design requirements are intended to:
  - a. Provide for roads that are suitable in location, width, and improvement to accommodate potential traffic;
  - b. Provide a safe, convenient, and functional system for vehicular, pedestrian, and bicycle circulation;
  - c. Provide adequate access to police, fire fighting, snow removal, sanitation, road-maintenance equipment;
  - d. Create a convenient traffic network;
  - e. Avoid undue hardships to adjoining properties;
  - f. Accommodate for the particular traffic characteristics of each proposed development; and
  - g. Be properly related to the goals of the Comprehensive Plan.
2. **General.**
  - a. All private and public roads, culverts, drains, bridges, shoulders, drainage improvements and structures, curbs, turnarounds, trails, and sidewalks shall comply with applicable street design and construction standards and shall be incorporated into the construction plans required of the subdivider for plat approval.
  - b. Where a proposed public road is an extension of an existing paved public road which exceeds the minimum dimension required by this UDO, the APC may require the subdivider to taper or match the width of the existing paved public road.
  - c. Roads shall be constructed to grades shown on plans, profiles, and cross-sections prepared by a registered Professional Land Surveyor and/or registered Professional Engineer that is licensed to

practice in the State of Indiana. Individual projects may warrant additional requirements that are dictated by sound engineering practices as determined by the jurisdiction and shall be made conditions of the approval for the primary and/or secondary plat.

- d. Only trees and/or plantings approved by the APC shall be permitted within the public rights-of-way or easements unless otherwise required or approved by the APC.

**3. Dedication of Public Roads.**

- a. If a subdivision adjoins or includes an existing public road that does not conform to the minimum right-of-way width as established by the applicable street design and construction standards, the subdivider shall dedicate additional right-of-way width as required to meet the minimum standards of this UDO.
- b. All public rights-of-way shall be inspected and approved by the applicable jurisdiction prior to being accepted as a public right-of-way by the jurisdiction.

**4. Road Classifications.** All public roads shall be planned to meet the goals of the applicable *Comprehensive Plan* or other plan. All roads shall be functionally classified by the applicable jurisdiction.

**5. Public Road Layout and Site Design.**

- a. Building pads shall be established above the centerline grade of the public roads, whenever possible.
- b. Grades of public roads shall not exceed six percent (6%) or be less than half percent (0.5%) unless approved by the applicable jurisdiction. A combination of steep grades and curves shall be avoided.
- c. Local public roads shall be laid out to follow, where possible, the site topography; shall avoid long, straight stretches that encourage high speeds; shall permit efficient drainage and utility systems; and shall minimize the number of public roads necessary to provide convenient and safe access to property.

**6. Public Road Intersections.**

- a. All intersections, including minimum radii, shall adhere to the applicable street design and construction standards.
- b. Right-angle intersections shall be used wherever practical. When local roads intersect arterial or collector roads, the angle of intersection of the road centerlines shall not be less than seventy-five degrees (75°) and the radii as required by the applicable street design and construction standards shall be increased by at least forty (40) feet.
- c. Proposed new intersections, wherever practicable, should align with any existing intersections on the opposite side of the public road. Intersections with more than four (4) approaches to the intersection should be avoided. Three-legged intersections may be used wherever appropriate, particularly in residential areas.

- d. No intersection shall create a traffic hazard by limiting visibility. Minimum sight distance at intersections (sight triangles) should be determined by a design professional and approved by the appropriate jurisdiction and APC as part of the primary plat.
- e. Intersections shall be designed with a relatively flat grade wherever practical. Where the grade exceeds six percent (6%), a leveling area shall be provided at the intersection approach with a maximum of two percent (2%) slope for a minimum distance of forty (40) feet, measured from the intersection of the centerline.
- f. At road intersections, property line corners shall be rounded by an arc at thirty (30) feet in radius or larger.

#### **7. Regulatory Road Signs.**

- a. The subdivider shall install all required regulatory signs on public roads that comply with the standards established in the Manual on Uniform Traffic Control Devices (MUTCD) and shall be approved by the appropriate jurisdiction.
- b. The subdivider shall install all required road signs, street signs, and road name signs before the secondary plat is recorded or the issuance of any BPs.
- c. The applicable jurisdiction may approve public road name signs, poles, or hardware outside of the MUTCD (Manual on Uniform Traffic Control Devices) regulatory sign standards if decorative signs, poles, and hardware are requested. The jurisdiction does not own or maintain decorative signs, poles, or hardware, and all maintenance and/or replacement shall be the responsibility of the Homeowners Association or all property owners within the subdivision equally if a Homeowners Association does not exist.
- d. Maintenance of all road signs and street signs is the responsibility of the subdivider, or the property owners within the development, until the road is dedicated and accepted for maintenance by the appropriate jurisdiction.

#### **8. Dead-end Public Road.**

- a. **Permanent Dead-end Public Road.** If permitted by the APC, a permanent dead-end public road shall terminate in a circular right-of-way with a cul-de-sac turn-around and shall comply with applicable street design and construction standards. The APC may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities.
- b. **Temporary Dead-end Public Road.** If the adjacent property is undeveloped and the public road must temporarily be a dead-end public road (stub street), the right-of-way shall be extended to the property line and a cul-de-sac or "eyebrow" that conforms with the applicable street design and construction standards shall be provided. A road terminus sign shall be erected by the subdivider that states, "Connection to future development" to make lot owners aware of the future road extension.

#### **9. Public Road Streetlights.**

- a. When required, streetlights shall be installed by the subdivider at their own expense.
- b. All streetlight fixtures shall be approved by APC and the appropriate jurisdiction.

- c. The jurisdiction does not own or maintain streetlight fixtures. Any and all electric bills or fees shall be paid by the Homeowners Association or all property owners within the subdivision equally if a Homeowners Association does not exist.

**10. Additional Improvements Required.** The subdivider may be required to provide deceleration lanes, acceleration lanes, passing blisters, or other improvements to the public roads within or immediately adjacent to the subdivision if required by the APC to allow for safe and efficient travel. Acquisition of property to accommodate these improvements is the responsibility of the subdivider.

**11. Bridges and Culverts.** Bridges and/or culverts required to accommodate site access and circulation shall be approved by the jurisdiction and constructed at the full expense of the subdivider without reimbursement from the jurisdiction.

**12. Limited Access Railroads.** A buffer strip of twenty-five (25) feet in depth in addition to any required building setback for the subject zoning district shall be provided adjacent to the railroad right-of-way or limited access highway. This buffer strip shall be designated on the plat: "Reserved as buffer. The placement of structures on this land is prohibited."

**13. Private and Shared Driveways.**

a. Private Individual Driveways.

- i. Unless the appropriate jurisdiction says otherwise, private driveways inside incorporated areas shall be graded and surfaced with an all-weather paving material, such as asphalt, or concrete which will provide equivalent protection against potholes, erosion, and dust. Private driveways in the unincorporated areas of the county may be gravel, however driveways connecting to paved roads shall be paved for the first six (6) feet or paved within the right-of-way, whichever is greater.
- ii. All private driveways shall be at least twenty (20) feet in length between the garage of the primary structure and the sidewalk or edge of roadway if a sidewalk does not exist in order to provide adequate space for parking without vehicles blocking sidewalk and/or road access.
- iii. All private driveways or curb cuts onto a public road (outside of a platted subdivision) shall obtain a driveway permit and shall comply with all applicable construction standards for the jurisdiction.

b. Shared Private Driveways.

- i. Shared private driveways may serve no more than seven (7) parcels and must be constructed to the appropriate standards and specifications. Access to more than seven (7) parcels shall be provided with a public road that meets all applicable construction standards.
- ii. All shared private driveways or curb cuts shall have an easement of at least thirty (30) feet in width. An access and maintenance agreement shall be recorded with the County Recorder and a copy of the recorded agreement shall be filed with the Administrator.
- iii. All shared private driveways onto a public road shall obtain a driveway permit.

## J. Sidewalk and Trail Standards.

### 1. Sidewalks.

- a. Sidewalks and/or trails shall be required for residential, commercial, and industrial subdivisions as identified in *Chapter 6: Subdivision Types*.
- b. Construction shall comply with applicable street design and construction standards.

## K. Subdivision Name and Street Name Standards.

### 1. Subdivision Names.

- a. The proposed subdivision name shall be indicated on the primary plat.
- b. The proposed subdivision name shall not duplicate or too closely sound like the name of any other subdivision or development within the jurisdiction and surrounding areas.
- c. The APC shall have final authority to approve the name of the subdivision, which shall be determined at primary plat approval.

### 2. Street Names.

- d. The proposed names of public road shall be indicated on the primary plat.
- e. The Administrator shall review and consult with the appropriate entities prior to consideration by the APC.
- f. Names shall be sufficiently different in sound and spelling from other road names in the jurisdiction and surrounding areas to prevent confusion.
- g. A road which is (or is planned) as a continuation of an existing road shall have the same name.
- h. The APC shall approve the public road names at the time of primary plat approval.

## L. Utility Standards.

1. **Location.** All existing and proposed utility facilities and/or easements within the subdivision shall be shown on the primary plat and secondary plat, including water, sewer, electric, and other utilities.
2. **Sanitary Sewer Facilities.**
  - a. **General.** The subdivider shall install public sanitary sewer facilities or an approved on-site sewage disposal system in accordance with the rules, regulations, and standards of the Health Department, IDEM, and/or other appropriate state and federal agencies.
  - b. **Public Sanitary Sewer Requirements.** Where a sanitary sewer system is available within three hundred (300) feet of any boundary of a proposed subdivision and easements and rights-of-way are in place to access said system, the subdivision shall connect to the public sanitary sewerage system unless the sewer district/provider does not accept or approve the connection. The subdivider shall be responsible for installing the required infrastructure to serve each lot to the specifications of the provider, and all sanitary sewerage facilities (including the installation of

laterals in the right-of-way) shall be subject to the specifications, rules, regulations, and guidelines of the sewer district/provider, Health Officer, participating jurisdiction, and appropriate state agency.

**3. Water Facilities.**

- a. **General.** All habitable buildings and buildable lots shall be connected to an approved water system (public water provider or private well) capable of providing water for health and emergency purposes, including adequate fire protection, where available.
- b. **Public Water Supply.** When a public water supply is available within three hundred (300) feet of any boundary of a proposed subdivision, the subdivider and/or water company/provider shall construct and install a system of water mains (including fire hydrants) to be connected to the public water supply unless the water district/provider does not accept or approve the connection. Each lot shall be provided with a connection to the water delivery system. The water delivery system shall be designed and constructed in conformance with the standards and specifications of state or local authorities, and in compliance with the rules and regulations of IDEM.
- c. **Existing Private Wells.** Any existing homes within the subdivision currently served by a private potable well water supply that will be connected to a new public water supply system shall adhere to the following:
  - i. The existing well and pumping unit shall be abandoned and the well properly plugged, in accordance with the rules and regulations of IDEM and IDNR; or
  - ii. If the homeowner chooses to keep an existing well in service, a physical disconnection (between the existing well supply plumbing and the new public water supply plumbing) must be completed by the homeowner and inspected by the Health Department. All disconnections of plumbing shall be completed by a plumbing contractor licensed in the State of Indiana and shall be made in accordance with the requirements of the American Backflow Prevention Association (ABPA).
- d. **Fire Protection.** The local fire authority having jurisdiction over the proposed subdivision shall review proposed subdivisions and provide comments on any proposed fire hydrants or other fire suppression systems, including their setting, number, separation, and size of outlet.

# Subdivision Administration and Procedures

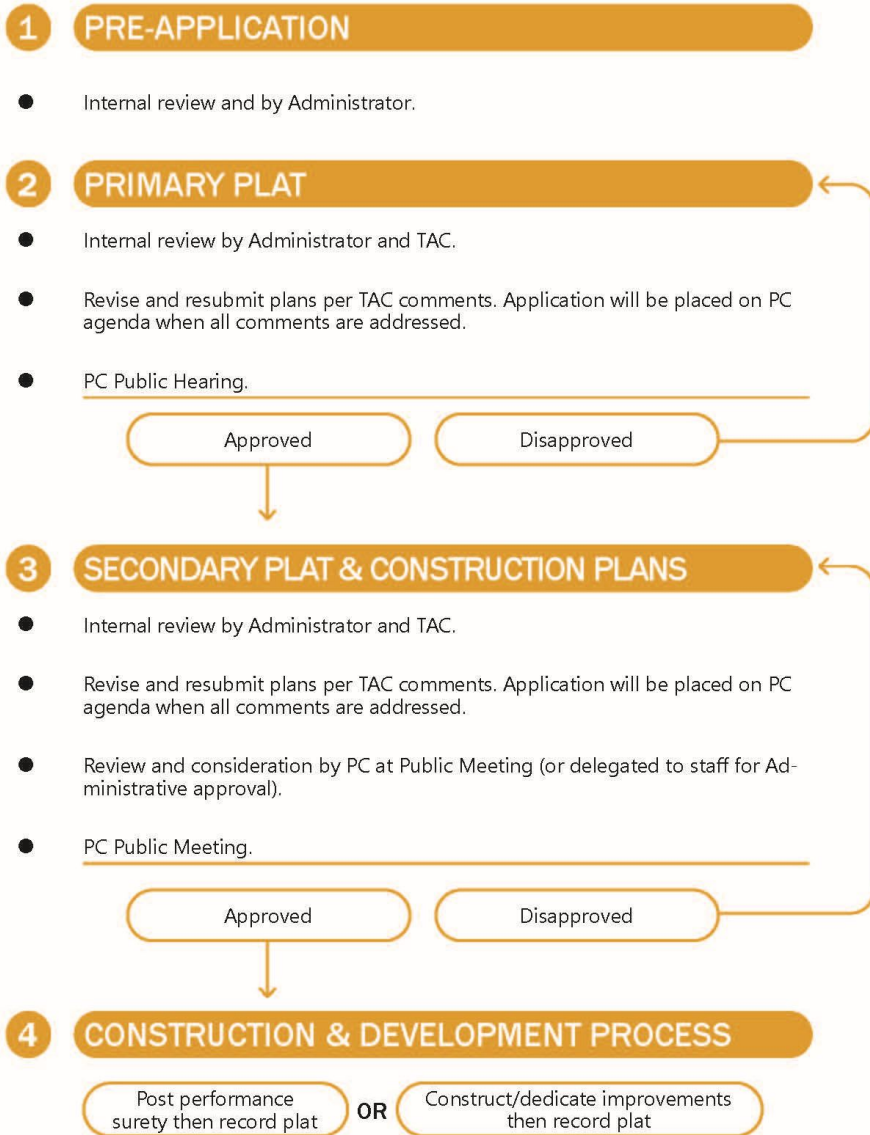
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## A. General Provisions.

1. **Compliance with Procedures and Standards.**
  - a. All development shall be conducted in accordance with the processes and procedures specified in the UDO in order to achieve orderly, planned, efficient, and responsible growth.
  - b. No building permit or improvement location permit shall be issued for any parcel that does not comply with all provisions of this UDO, including all standards and required procedures.
  - c. The provisions of this UDO shall be considered the minimum requirements for the protection of the health, safety, comfort, morals, convenience, and general welfare of the residents of the jurisdiction.
  - d. The APC or the Administrator shall not have the authority to approve any subdivision as a buildable lot unless it complies with this UDO or if a variance has been granted by the BZA or a waiver has been granted by the APC.
2. **Condominiums Exempt.** Pursuant to *IC 36-7-4-702*, condominiums which are regulated by *IC 32-35*, or as amended, are exempt from the subdivision process.

## B. Major Subdivision Procedures.

### PROCESS AND PROCEDURES FOR MAJOR SUBDIVISIONS



## 1. **Applicability.**

- a. **Subdivision Types.** The following procedures apply to all major subdivisions as specifically described in *Chapter 6: Subdivision Types*. The applicable subdivisions shall be subject to all requirements of this UDO, including but not limited to, the subject zoning district standards and any additional standards that may have been required by the APC as part of other approvals for the development.
- b. **Recorded Plat.** No owner or agent may sell or lease any lot within a subdivision before such plat has been approved and recorded in the manner prescribed in this UDO.
- c. **Public Road Construction.** No public road shall be laid out or constructed until the primary plat and construction documents are approved as outlined in this UDO, except public roads built and maintained by the Town, City, County, and/or the State of Indiana.

## 2. **STEP 1: Pre-Application Meeting.**

- a. **General.** Prior to filing an application for a major subdivision, the applicant shall schedule a required pre-application meeting with the Administrator, which may be held in-person, virtually (video conference), or by phone. This step gives the applicant the opportunity to discuss the procedures for approval with the Administrator as well as the requirements and regulations for development.

## 3. **STEP 2: Primary Plat Application.**

- a. **Application Required.** The applicant shall submit a complete written application for primary plat approval in accordance with the application requirements and prepared in accordance with the requirements in Section K.1: Primary Plat Requirements.
- b. **Public File.** Once the Administrator determines that an application is complete and in proper form, they shall assign a docket number and create a public file. In accordance with *IC 36-7-4-705*, within thirty (30) days of receiving a complete application, the tentative date for a hearing before the APC shall be determined.
- c. **Internal Review.**
  - i. The Administrator shall forward the application to the Technical Advisory Committee (TAC) for technical review, as required by the UDO, and assign a deadline for receiving internal review comments from the review committee(s). At the discretion of the Administrator, the TAC review can be held in-person, virtually (video conference), by phone, or by email.
  - ii. The Administrator shall compile a written report for the applicant, APC, and the public file with comments from the staff review, TAC, and any other reviews, as applicable.
  - iii. After the internal review, the applicant shall make the necessary modifications to the application materials to satisfy the Administrator and resubmit the plans for review.
- d. **Public Notice by Applicant.** Notice of public hearing shall be in accordance with the *APC Rules and Procedures*. In the event the hearing has been properly noticed, but the plans or application materials are not completed per Subsection c: Internal Review above, then the Administrator may

have the APC automatically continue the petition to their next regular meeting (or a properly noticed special meeting) without requiring additional notice by the petitioner.

- e. **APC Public Hearing.** The APC shall consider the primary plat at a public hearing. The applicant or their representative shall be in attendance to present the application and address any questions or concerns of the APC.
- f. **Decision by the APC.**
  - i. Standards for Decision. Prior to approval, the APC shall determine if the primary plat:
    - (a) Complies with the standards of this UDO;
    - (b) Uses all reasonable efforts to mitigate the impact of the proposed subdivision on public health, safety, and general welfare; and
    - (c) If applicable, received written verification that water supply and sewage disposal systems that can sufficiently serve the type of proposed subdivision by either the respective utility provider or that such systems will comply with federal, state, and local laws and regulations.
  - ii. Approval. If the APC determines that the primary plat complies with the standards set forth in this UDO, it shall grant approval to the primary plat. Within ten (10) days of the hearing, the Administrator shall notify the subdivider of approval in writing or electronic transmission and itemize any changes or revisions deemed necessary by the APC as a term of its approval.
  - iii. Approval with Conditions. In accordance with *IC 36-7-4-702*, the APC may introduce changes or revisions to the proposed plans as a condition of primary approval when necessary to facilitate the best interest and general welfare of the community, including, but not limited to:
    - (a) The manner in which public ways shall be laid out, graded, and improved;
    - (b) A provision for water supply, sanitary sewer facilities, and other utility services; and
    - (c) A provision for other services as specified in this UDO.
  - iv. Disapproval. If the APC disapproves a primary plat, it shall make written findings of fact and the Administrator shall notify the subdivider in writing or electronic transmission within ten (10) days of the hearing, stating the specific reasons for disapproval. The petitioner may then resubmit a revised primary plat that addresses the reason for disapproval.
- g. **Expiration of Primary Plat.**
  - i. Approval of a primary plat shall be effective for five (5) years from the date of the APC decision.
    - (a) Failure to receive secondary plat approval for all or part of the plat before this period ends shall invalidate the primary plat approval.
    - (b) 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.

- (c) Upon written request from the subdivider, and no less than thirty (30) days prior to the expiration date of the primary approval, the APC may extend approval of a primary plat up to a maximum of one (1) additional year without further notice, public hearing, or fees.
- (d) Any partial secondary plat approval (sections) shall automatically extend the primary plat approval another two (2) years.
- ii. Primary Plat Amendment. All amendments to an approved primary plat shall be considered a new primary plat application and follow the respective process.

**4. STEP 3: Secondary Plat and Construction Plan Application.**

- a. **Commercial or Industrial Secondary Plats.** A secondary plat that only includes commercial or industrial uses may be done in one (1) of three (3) ways:
  - i. Full Plat. The subdivider may submit the secondary plat for the entire subdivision, then seek to amend only the lot lines on the secondary plat as may be necessary as individual site users are defined. Any changes other than lot lines will constitute an amendment to the primary plat.
  - ii. Individual Lot with Development Plan. The subdivider may submit the secondary plat for an individual lot simultaneously with the application for development plan
  - iii. Phase/Section. The subdivider may submit the secondary plat for a phase or section of lots as laid out on the primary plat which will include all necessary infrastructure serving such lots.
- b. **Phases.** A secondary plat may be done in one (1) or more phases or sections. The subdivider may submit the secondary plat for a phase or section of lots as laid out on the primary plat which will include all necessary infrastructure serving such lots.
- c. **Application Required.** The applicant shall submit a complete written application for secondary plat and construction plan approval in accordance with the application requirements and prepared in accordance with the requirements in Section H.4: Construction Drawings Requirements and Section H.3: Secondary Plat Requirements.
- d. **Public File.** Once the Administrator determines that an application is complete and in proper form, they shall assign a docket number and create a public file. Within thirty (30) days of receiving a complete application, the tentative date for a meeting before the APC shall be held.
- e. **Internal Review.**
  - i. The Administrator shall forward the application to the Technical Advisory Committee (TAC) for technical review, as required by the UDO, and assign a deadline for receiving internal review comments from the review committee(s). At the discretion of the Administrator, the TAC review can be held in-person, virtually (video conference), by phone, or by email.
  - ii. The Administrator shall compile a written report for the applicant, APC, and the public file with comments from the staff review, TAC, and any other reviews, as applicable.
  - iii. After the internal review, the applicant shall make the necessary modifications to the application materials to satisfy the Administrator and resubmit the plans for review.

- f. **Other Approvals Required.** Prior to approval of a secondary plat, the applicant shall obtain the following approvals:
  - i. Construction plan approval for all public improvements that will be dedicated to the jurisdiction shall be approved by the appropriate bodies or entities.
  - ii. Drainage plan shall be approved as required.
- g. **Decision by the APC.** The APC shall consider the secondary plat at a public meeting. No public hearing or public notice is required for a secondary plat. Secondary plat approval may be granted to a plat only after expiration of the thirty (30) day appeal period of the Primary Plat as provided in *IC 36-7-4-710*.
  - i. Approval. If the APC determines that the secondary plat complies with the standards set forth in this UDO and is in conformance with the primary plat, the APC shall grant secondary approval to the plat. The secondary plat shall not be signed or executed until the construction of the public improvements are approved or performance surety is provided in accordance with *Section F.5: Construction Improvements or Provide Performance Surety*.
  - ii. Disapproval. If the APC disapproves the secondary plat, the APC shall make written findings, and the Administrator shall notify the applicant in writing or electronic transmission within ten (10) days of the decision stating the specific reasons for disapproval. The subdivider may then resubmit a revised secondary plat that addresses the reason for disapproval or appeal the decision to the APC.
- h. **Secondary Plat Amendment (Replat).**
  - i. If a secondary plat is approved (either recorded or not recorded), an amendment that complies with the exempt subdivision standards (*Chapter 6: Exempt Subdivisions*) and complies with all other standards set forth in this UDO may be approved administratively and without public notice.
  - ii. All other amendments to an approved secondary plat shall be considered a secondary plat application and follow the respective process.

**5. STEP 4: Construction of Public Infrastructure and Recording Plat.**

- a. Construct Public Improvements or Provide Performance Surety. All public improvements shall be completed, or a performance surety shall be provided in accordance with the procedures set forth in *Section F.5: Construction Improvements or Provide Performance Surety*.
- b. Record Secondary Plat. The plat shall be recorded in accordance with the procedures set forth in *Section F.2: Record Secondary Plat*.
- c. Provide Maintenance Surety. A maintenance surety shall be provided in accordance with *Section F.3: Provide Maintenance Surety*.
- d. Dedicate Public Improvements. All required public infrastructure, and improvements shall be dedicated in accordance with *Section F.4: Dedication of Public Infrastructure*.

- e. **Release of Sureties.** The applicant may request the maintenance surety be released in accordance with *Section F.3: Provide Maintenance Surety*. The appropriate legislative body will not release funds without being requested in writing by the applicant.

**6. STEP 5: Construction on Individual Lots.**

- a. **Development Plan.** Development Plan approval is not required for single-family, two-family, or agricultural uses (excluding confined feeding operations) unless otherwise stated in this UDO. For all other uses, development plan approval is required for all new primary structures or modifications of property or sites as required by this UDO.
- b. **Required Permits.** The construction of improvements shall occur in accordance with the procedures set forth in Section F.5: Obtain Improvement Location Permit (ILP) and Building Permit.

## C. Expedited Residential Subdivision Procedures.

### PROCESS AND PROCEDURES FOR EXPEDITED RESIDENTIAL SUBDIVISIONS

(no new right-of-way or public improvements)



1. Applicability.
  - a. **Subdivision Types.** The following procedures apply to all expedited residential subdivisions as specifically described in *Chapter 6: Subdivision Types*. The applicable subdivisions shall be subject to all requirements of this UDO, including but not limited to, the subject zoning district standards and any additional standards that may have been required by the APC as part of other approvals for the development.
  - b. Any residential subdivisions that include new public rights-of-way shall be considered a Major Residential Subdivision and follow the appropriate process.
  - c. If the Administrator believes that the circumstances warrant the full review and consideration of a major subdivision, then the applicable process may be required.
2. **STEP 1: Pre-Application Meeting.**
  - a. **Pre-application Meeting Required.**
    - i. Prior to filing an application for an expedited residential subdivision, the applicant shall schedule a pre-application meeting with the Administrator, which may be held in-person, virtually (video conference), or by phone. This step gives the applicant the opportunity to discuss the procedures for approval with the Administrator as well as the requirements and regulations for development.
3. **STEP 2: Primary and Secondary Plat Application.**
  - a. **Application Required.**
    - i. For an expedited residential subdivision, the primary plat and secondary plat shall be combined into one (1) process.
    - ii. The subdivider shall submit a complete written application for secondary plat approval in accordance with the application requirements and prepared in accordance with the requirements in Section H.3: Secondary Plat Requirements.
  - b. **Public File.** Once the Administrator determines that an application is complete and in proper form, they shall assign a docket number and create a public file. In accordance with *IC 36-7-4-705*, within thirty (30) days of receiving a complete application, the tentative date for a hearing before the APC shall be determined.
  - c. **Internal Review.**
    - i. The Administrator shall forward the application to the Technical Advisory Committee (TAC) for technical review, as required by the UDO, and assign a deadline for receiving internal review comments from the review committee(s). At the discretion of the Administrator, the TAC review can be held in-person, virtually (video conference), by phone, or by email.
    - ii. The Administrator shall compile a written report for the applicant, APC, and the public file with comments from the staff review, TAC, and any other reviews, as applicable.
    - iii. After the internal review, the applicant shall make the necessary modifications to the application materials to satisfy the Administrator and resubmit the plans for review.

- d. **Public Notice by Applicant.** Notice of public hearing shall be in accordance with the *APC Rules and Procedures*. In the event the hearing has been properly noticed, but the plans or application are not completed per Subsection c: Internal Review above, then the Administrator may have the APC automatically continue the petition to their next regular meeting (or a properly noticed special meeting) without requiring additional notice by the petitioner.
- e. **APC Public Hearing.** The APC shall simultaneously consider the primary plat and secondary plat at a public hearing. The applicant or their representative shall be in attendance to present the plan and address any questions or concerns of the APC.
- f. **Decision by the APC.**
  - i. Standards for Decision. Prior to approval, the APC shall determine if the primary and secondary plats:
    - (a) Comply with the standards of this UDO;
    - (b) Use all reasonable efforts to mitigate the impact of the proposed subdivision on public health, safety, and welfare; and
    - (c) If applicable, received written verification that water supply and sewage disposal systems that can sufficiently serve the type of proposed subdivision by either the respective utility provider or that such systems will comply with federal, state, and local laws and regulations.
  - ii. Approval. If the APC determines that the primary and secondary plats comply with the standards set forth in this UDO, the APC shall grant primary and secondary approvals to the plat. Within ten (10) days of the hearing, the Administrator shall notify the subdivider of approval in writing or electronic transmission and itemize any changes or revisions deemed necessary by the APC as a term of its approval.
  - iii. Approval with Conditions. In accordance with *IC 36-7-4-702*, the APC may introduce changes or revisions to the proposed plans as a condition of approval when necessary to facilitate the best interest and general welfare of the community, including, but not limited to:
    - (a) The manner in which any shared driveways shall be laid out, graded, and improved; and
    - (b) A provision for water supply, sanitary sewer facilities, and other utility services; and
    - (c) A provision for other services as specified in this UDO.
  - iv. Disapproval. If the APC disapproves a plat, it shall make written findings, and the Administrator shall notify the subdivider in writing or electronic transmission within ten (10) days of the hearing stating the specific reasons for disapproval. The petitioner may then resubmit a revised plat that addresses the reason for disapproval.

**4. STEP 3: Recording Plat.**

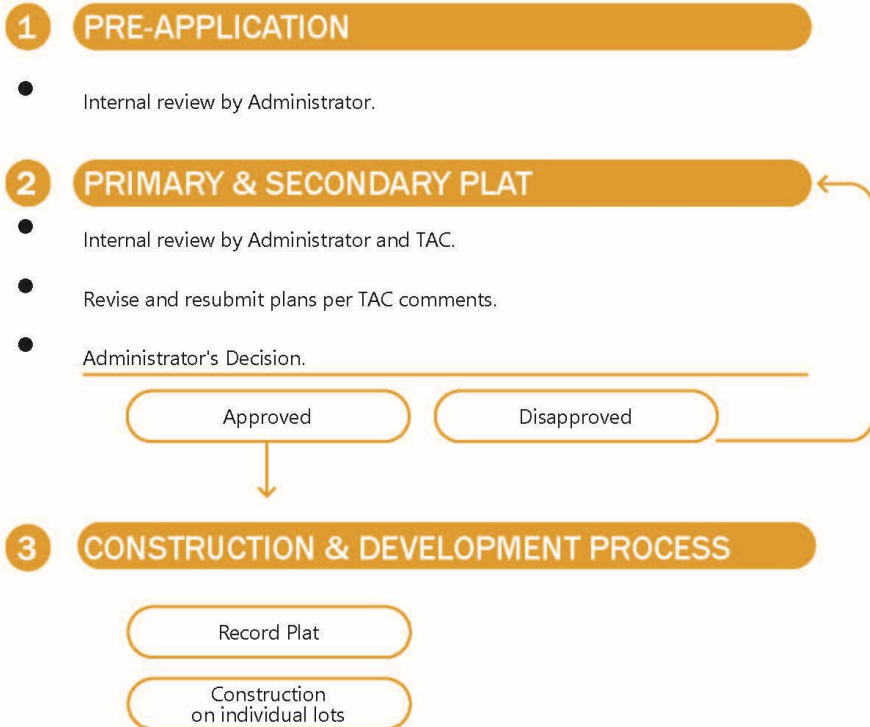
- a. **Record Secondary Plat.** The plat shall be recorded in accordance with the procedures set forth in Section F.2: Record Secondary Plat.

**5. STEP 4: Construction on Individual Lots.**

- b. **Required Permits.** The construction of improvements on individual lots shall occur in accordance with the procedures set forth in Section F.5: Obtain Improvement Location Permit (ILP) and Building Permit.

## D. Administrative Residential Subdivision Procedures.

### PROCESS AND PROCEDURES FOR ADMINISTRATIVE RESIDENTIAL SUBDIVISIONS



**1. Applicability.**

- a. **Subdivision Types.** The following procedures apply to all administrative residential subdivisions as specifically described in *Chapter 6: Subdivision Types*. The applicable subdivisions shall be subject to all requirements of this UDO, including but not limited to, the subject zoning district standards and any additional standards that may have been required by the APC as part of other approvals for the development.
- b. If the Administrator believes that the circumstances warrant the full review and consideration of a major or minor subdivision, then the applicable process may be required.

**2. STEP 1: Pre-Application Meeting.**

**c. Pre-application Meeting Required.**

- i. Prior to filing an application for an administrative residential subdivision, the applicant shall schedule a pre-application meeting with the Administrator, which may be held in-person, virtually (video conference), or by phone. This step gives the applicant the opportunity to discuss the procedures for approval with the Administrator as well as the requirements and regulations for development.

**3. STEP 2: Primary and Secondary Plat Application.**

**d. Application Required.**

- i. For an administrative residential subdivision, the primary plat and secondary plat shall be combined into one (1) process.
- ii. The subdivider shall submit a complete written application for secondary plat approval in accordance with the application requirements and prepared in accordance with the requirements in Section H.3: Secondary Plat Requirements.

**e. Public File.** Once the Administrator determines that an application is complete and in proper form, they shall assign a docket number and create a public file.

**f. Internal Review.**

- i. The Administrator shall forward the application to the Technical Advisory Committee (TAC) for technical review, as required by the UDO, and assign a deadline for receiving internal review comments from the review committee(s). At the discretion of the Administrator, the TAC review can be held in-person, virtually (video conference), by phone, or by email.
- ii. The Administrator shall compile a written report for the applicant and the public file with comments from the staff review, TAC, and any other reviews, as applicable.
- iii. After the internal review, the applicant shall make the necessary modifications to the application materials to satisfy the Administrator and resubmit the plans for review.

**g. Decision by the Administrator.**

- i. **Standards for Decision.** Prior to approval, the Administrator shall determine if the primary and secondary plats:

- (a) Comply with the standards of this UDO;
  - (b) Use all reasonable efforts to mitigate the impact of the proposed subdivision on public health, safety, and welfare; and
  - (c) If applicable, received written verification that water supply and sewage disposal systems that can sufficiently serve the type of proposed subdivision by either the respective utility provider or that such systems will comply with federal, state, and local laws and regulations.
- ii. Approval. If the Administrator determines that the primary and secondary plats comply with the standards set forth in this UDO, they shall grant primary and secondary approvals to the plat. Within ten (10) days of the decision, the Administrator shall notify the subdivider of approval in writing or electronic transmission and itemize any changes or revisions deemed necessary by the Administrator as a term of its approval.
  - iii. Disapproval. If the Administrator disapproves a plat, they shall make written findings and notify the subdivider in writing or electronic transmission within ten (10) days of the decision stating the specific reasons for disapproval. The petitioner may then resubmit a revised plat that addresses the reason for disapproval.

**4. STEP 3: Recording Plat.**

- a. **Record Secondary Plat.** The plat shall be recorded in accordance with the procedures set forth in Section F.2: Record Secondary Plat.

**5. STEP 4: Construction on Individual Lots.**

- a. **Required Permits.** The construction of improvements on individual lots shall occur in accordance with the procedures set forth in Section F.5: Obtain Improvement Location Permit (ILP) and Building Permit.

## **E. Waiver Procedures.**

**1. General.**

- a. The APC may grant a waiver for a provision in *Chapter 6: Subdivision Types* and/or *Chapter 7: Subdivision Design Standards* when the subdivider can show that practical difficulties and unnecessary hardship would result if strictly adhered to and where, in the opinion of the APC, because of topographical or other conditions particular to the site, a departure may be made without compromising the intent of such provisions. The APC may authorize a waiver pursuant to *IC 36-7-4-702(c)*.
- b. Pursuant to *IC 36-7-4-702(c)*, the standards for subdivisions in *Chapter 6: Subdivision Types* and/or *Chapter 7: Subdivision Design Standards* may be waived at the discretion of the APC. However, to be approved, the plat must still meet all applicable standards prescribed in the UDO. Variations from the zoning provisions or this UDO require a variance by the BZA (See *Chapter 5: Zoning Administration and Procedures*).

2. **STEP 1: Application.** A petition for a waiver 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 the facts relied upon by the petitioner.
3. **STEP 2: APC Decision.**
  - a. **Public Notice.** All waivers shall be considered by the APC during the primary plat or secondary plat approval, no public notice specific to the waiver(s) requested is required.
  - b. **Basis for Consideration.** The APC shall not approve waivers unless it finds, based upon the evidence presented to it in each specific case, that:
    - i. Practical difficulties and unnecessary hardship may result from the strict application of this UDO;
    - ii. The purpose and intent of this UDO may be better served by an alternative proposal.
    - iii. 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;
    - iv. The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable to other property;
    - v. The relief sought will not contravene the other provisions of the UDO or the intent of the applicable *Comprehensive Plan* and/or any other plans; and
    - vi. Where the waiver impacts the design, construction, or maintenance obligations of public facilities, that the appropriate public agency has reviewed and approved the proposed development standards in writing or electronic transmission to the APC.
  - c. **Written Findings.** The APC shall make written findings on the six (6) consideration criteria in Section b above on all waiver requests.
  - d. **Conditions of Waiver Approval.** The APC may, in approving waivers, require such conditions as will, in its judgment, secure the purposes of said waiver. Such conditions shall be expressly set forth in the order granting the waiver and be in accordance with the *APC 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 5: Complaints, Violations, and Remedies*.
  - e. **Waivers Concerning Public Improvements.**
    - i. With a favorable recommendation from the TAC, the APC 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 APC.

- ii. Any determination to defer or waive the provision of any public improvement must be made in accordance with this section 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 jurisdiction guaranteeing completion of the deferred improvements upon demand of the jurisdiction.

## F. Construction Procedures.

### 1. Construct Improvements or Provide Performance Surety.

- a. **General.** Once a primary plat, secondary plat, and the associated construction plans have been approved by the Administrator or the APC for a major subdivision and other required agencies, as appropriate, the construction and development process may commence in one (1) of two (2) ways as follows:
  - i. Option 1: Construct Improvements then Record Plat.
    - (a) Secondary Plat Approval. Secondary plat should be approved prior to installing infrastructure. Any construction or installation of infrastructure started or completed prior to approval of the construction plans and/or secondary plat is done at the risk of the applicant. If changes or revisions to the construction plans and/or secondary plat are required, any modifications to construction or installation of infrastructure shall be the responsibility of the applicant.
    - (b) Install Public Infrastructure. All infrastructure shall be installed per the approved construction plans except for the final coat of asphalt on the roadways and required sidewalks.
    - (c) Inspect Public Infrastructure. The improvements shall be reviewed and inspected at the direction of the appropriate jurisdiction throughout the construction process to ensure that they have been completed in a satisfactory manner. This includes, but is not limited to, roads, curbs, gutters, drainage facilities, and any other utilities as required by this UDO or any other applicable ordinance.
      - (1) The jurisdiction does not inspect infrastructure not owned or managed by the subject entity (such as fire hydrants and electric lines). All public infrastructure improvements and/or utilities required by this UDO shall be installed prior to recording the plat and any inspections of this infrastructure should be directly coordinated with the respective local providers.
    - (d) Provide Maintenance Surety. The applicant shall post a maintenance surety in accordance with Section F.3: Provide Maintenance Surety.
    - (e) Execute and Record Plat. The plat shall be executed and recorded in accordance with Section F.2: Record Secondary Plat.

- (f) Install Final Coat of Asphalt and Sidewalks. Sidewalks shall be installed as each lot is developed. Once development has occurred to the satisfaction of the appropriate jurisdiction, the final coat of asphalt for the roadways shall be installed by the applicant.
  - (g) Release Maintenance Surety Funds. Maintenance surety funds shall be released in accordance with Section F.3: Provide Maintenance Surety.
- ii. Option 2: Post Performance Surety Then Record Plat.
- (a) Secondary Plat Review. The secondary plat must be reviewed prior to posting performance surety. However, the secondary plat shall not be executed or recorded prior to posting performance surety.
  - (b) Execute Performance and Escrow Agreement. The applicant shall submit an executed performance and escrow agreement to the appropriate legislative body in a form created and approved by the jurisdiction's attorney.
  - (c) Cost Estimate for Infrastructure Completion. The applicant shall submit a reliable estimate to the applicable jurisdiction for review and approval of the cost estimate of completing all of the required infrastructure including, but not limited to the roads, public utilities, drainage structures, and all other work or improvements to the subdivision required by this UDO and the performance and escrow agreement.
  - (d) Provide Cash Escrow or Irrevocable Evergreen Bond. A cash escrow or irrevocable evergreen bond shall be paid to the appropriate jurisdiction in the required amount to ensure completion of the subdivision improvements in accordance with the executed performance and escrow agreement and in the amount approved by the jurisdiction. The escrow shall:
    - (1) Be payable to the appropriate legislative body;
    - (2) Be in a sum which is at least one hundred twenty-five percent (125%) of the amount estimated to complete the improvements;
    - (3) Be in the form of immediately available cash funds or irrevocable evergreen bond.
    - (4) Be in a format approved by the jurisdiction's Attorney.
  - (e) Execute and Record Plat. Once the performance surety has been posted and accepted to the satisfaction of the legislative body, the secondary plat shall be executed and recorded in accordance with *Section F.2: Record Secondary Plat*.
  - (f) Install Public Infrastructure. All infrastructure shall be installed per the approved construction plans except for the final coat of asphalt on the roadways and required sidewalks.
  - (g) Inspect Public Infrastructure. Once complete, the improvements shall be reviewed at the direction of the jurisdiction throughout the construction process to ensure that they have been completed in a satisfactory manner. This includes, but is not limited to roads, curbs, gutters, drainage facilities, and any other utilities as required by this UDO or any other applicable ordinance.

- (1) The jurisdiction does not inspect infrastructure not owned or managed by the entity (such as fire hydrants and electric). All public infrastructure improvements and/or utilities required by this UDO shall be installed prior to recording the plat and any inspections of this infrastructure should be directly coordinated with the respective local providers.
- (h) Release of Performance Surety Funds. The appropriate legislative body shall release all or a portion of the escrow to the applicant after satisfactory completion of all or a part of the improvements and installations of the subdivision after inspection and approval of the Administrator. Any such release shall occur no more frequently than once a month. The jurisdiction will not release any funds without being requested in writing by the applicant. The performance surety cannot be released in full before providing a maintenance surety.
- (i) Provide Maintenance Surety. The applicant shall post maintenance surety in accordance with Section F.3: Provide Maintenance Surety.
- (j) Install Final Coat of Asphalt and Sidewalks. Sidewalks shall be installed as each lot is developed. Once development has occurred to the satisfaction of the jurisdiction, the final coat of asphalt for the roadways shall be installed by the applicant.
- (k) Release Maintenance Surety Funds. Maintenance surety funds shall be released in accordance with Section F.3: Provide Maintenance Surety.

## 2. **Record Secondary Plat.**

- a. **Execute Plat.** The plat shall be signed by the President of the APC, the Administrator, and every person having a security interest in the property before being recorded. Signatures may be collected administratively and do not need to be collected at a public hearing/meeting.
- b. **Fees.** Prior to recording the plat, the applicant shall pay all applicable development fees to the appropriate bodies.
- c. **Record Plat.**
  - i. The subdivider shall be responsible for recording the executed secondary plat with the County Recorder's Office.
  - ii. Once recorded, the subdivider shall provide the Administrator with a copy of the recorded and stamped secondary plat in the format(s) required by the Administrator.
  - iii. All secondary plats must be recorded within two (2) years of being approved. Upon written request, the APC may extend the time limitation for two (2) years if a written request is received prior to the secondary plat expiring. If the applicant fails to record within this time period, the secondary plat shall be invalid.
- d. **Recording Prohibition.** Pursuant to *IC 36-7-4-710*, a plat of a subdivision may not be filed with the County Auditor, and the County Recorder may not record it, unless it has been granted secondary approval and signed and certified by the required parties. The filing and recording of the plat are without legal effect unless approved by the Administrator.

## 3. **Provide Maintenance Surety.**

**a. General.**

- i. A post construction surety/bond is required for subdivision plats and other projects for which maintenance of the drainage facilities, utilities, sidewalks, and/or roads is ultimately to be taken over by the appropriate jurisdiction.
- ii. After the final inspection and approval of construction and prior to release of any performance sureties, a post construction surety/bond must be provided and maintained by the project owner for a period of three (3) years. The maintenance surety/bond shall guarantee the storm water facilities, sidewalks (if required), and roads constructed under the permit against design defects and/or failures in workmanship and shall guarantee that the facilities constructed under the permit will be regularly and adequately maintained throughout the maintenance period. Prior to the expiration period, the jurisdiction will evaluate performance of the bonded facilities and, if not functioning as intended or designed, will require the project owner to fix to the satisfaction of the jurisdiction. The appropriate legislative body also has the authority to collect on the bond and repair or maintain the affected facilities.
- iii. The jurisdiction may accept properly functioning facilities in accordance with the applicable design standards and specifications. Until such time as the jurisdiction accepts maintenance, the developer must secure the properly functioning and maintenance of the facility, and such shall be a condition of secondary plat approval.
- iv. The amount of the maintenance surety/bond shall be twenty-five percent (25%) of the estimated construction cost of the storm water facilities and roads requiring maintenance, or \$50,000.00, whichever is greater. The construction costs of the facilities requiring maintenance shall be estimated by the project engineer, subject to the approval of the appropriate legislative body.

**b. Form of Maintenance Surety.** Maintenance surety shall be in the form of immediately available cash funds or irrevocable ever green bond that approved by the Attorney for the jurisdiction.

**c. Release of Maintenance Surety.**

- i. If a performance surety/bond was provided for the installation of public infrastructure, the applicant can request eighty percent (80%) of the cash funds from the performance surety for the installation of public infrastructure be released by the legislative body and/or returned to the applicant when the final coat of asphalt and sidewalks have been installed on the roadways to the satisfaction of the jurisdiction. The remaining balance will be applied to the Maintenance Surety.
- ii. Three (3) years after the maintenance surety is posted, the applicant can request that the legislative body release or return the maintenance surety. The jurisdiction will not release any funds without being requested in writing by the applicant.

**d. Use of Funds.**

- i. Any monies received by the jurisdiction shall be used only for making the required improvements and installations for which the surety was provided in the event the subdivider defaults on the agreement. This money may be used for these purposes without appropriation.

- ii. The improvements and installations for any improvements or installations by the jurisdiction shall conform to the standards of the UDO and the applicable standards and specifications.
- 4. **Dedication of Public Infrastructure.**
  - a. **As-builts.** After posting the required maintenance surety, the applicant shall provide:
    - i. As-built drawings for all improvements within the public right-of-way in the format required by the Administrator; and
    - ii. A GIS layer with locations of all public infrastructure, including but not limited to water and sewer line locations, edge of pavement for public roads, lot lines, and parcel boundaries.
  - b. **Dedication of Public Infrastructure.** All public infrastructure dedicated to the jurisdiction shall be approved by the appropriate legislative body with a signed Deed of Dedication in the required format. The jurisdiction shall only maintain public infrastructure after its dedication unless specified otherwise.
- 5. **Obtain Improvement Location Permit (ILP) and Building Permit.** See *Chapter 5, Section F: Permits.*

## G. Other Procedures.

- 1. **Appeals of APC Decisions.** See *Chapter 5, Section F.1: Appeals of APC Decision.*
- 2. **Written Commitments.** See *Chapter 5, Section 3: Written Commitments.*
- 3. **Vacations.**
  - a. **Authority.** Pursuant to *IC 36-7-4-711*, the APC has exclusive authority over the vacation of plats or parts of plats. Vacations may be pursued under either *IC 36-7-4-711* or *IC 36-7-3-10*.
  - b. **Vacation When All Owners Agree.**
    - i. **Applicability.** As provided in *IC 36-7-3-10*, if all owners of land in the plat agree on a proposed vacation of all or part of the plat, before recording a written instrument to vacate all or part of the plat, the owner(s) must submit the instrument to the APC for approval.
    - ii. **Public Hearing Not Required.** The APC may consider and rule on the proposed instrument at a public meeting.
      - (a) The APC shall attach its written decision to the instrument before it is submitted for recording.
      - (b) As provided in *IC 36-7-3-10*, an instrument recorded under this section terminates the effect of the plat or part of the plat declared to be vacated. It also terminates all public rights in the public ways and public places described in the plat or part of the plat. However, a public way that has been improved, or that is part of an improved plat, may be vacated only under *IC 37-7-3-12*. As provided in *IC 36-7-3-16*, platted easements may be vacated in this same manner as public ways and places.

- (c) If the APC denies a vacation request under this section, a subsequent vacation proceeding affecting the same property and asking for the same relief may not be initiated for two (2) years from the date of the APC's denial, as provided in *IC 36-7-3-15*.

**c. Vacation When All Owners Are Not in Agreement.**

- i. **Applicability.** As provided in *IC 36-7-4-711*, if not all owners of land in a plat agree on a proposed vacation, one (1) or more of the owners may file with the APC a petition to vacate all of the plat or that part of the plat that pertains to land owned by the petitioner(s).
- ii. **Public Hearing.** At the APC hearing, all other owners of land in the plat shall be allowed to comment on the petition.
  - (a) **Approval.** The APC may approve the petition only if it finds that the conditions below are met. The APC may impose reasonable conditions as part of any approval. The APC shall furnish a copy of its approval to the County Recorder for recording.
    - (1) Conditions in the platted area have changed to defeat the original purpose of the plat;
    - (2) It is in the public interest to vacate all or part of the plat; and
    - (3) The value of that part of the land in the plat not owned by the petitioner(s) will not be diminished by the vacation.
  - (b) **Denial.** If the APC finds that the applicant does not meet the requirements above, it shall deny the petition. If the APC denies a vacation request under this section, it shall not consider another vacation request which requests substantially similar relief concerning the same property for at least two (2) year after the denial, as authorized by *IC 36-7-4-715*.

## H. Document and Drawing Requirements.

**1. Primary Plat Requirements.**

**a. General.**

- i. The primary plat shall be prepared and sealed/stamped by a Registered Land Surveyor licensed to practice in the State of Indiana.
- ii. All sheets shall be formatted as 24" x 36," drawn to a convenient scale, and tied to state plane coordinates for horizontal controls.
- iii. The applicant is responsible for all title searches, recorded easements, recorded commitments, and any other items that may affect development. The applicant shall include a copy of such documents to the APC and also disclose to all buyers.

- b. **Checklist.** The following checklist of items should be provided for a primary plat, preferably on one (1) single sheet:

### Primary Plat Checklist

<b>Title Block</b>
<ul style="list-style-type: none"> <li>• The proposed legal and common name of the project.</li> <li>• Date of survey, scale, north point, and revision date(s).</li> </ul>
<b>Project Information</b>
<ul style="list-style-type: none"> <li>• A location map with north arrow at a scale of 1" = 400' or less showing the boundaries of the proposed project and the general area where it is located.</li> <li>• Boundaries of the tract with accurate dimensions and bearings, as determined by an accurate survey conforming with 865 IAC 1-12 in the field, which has been balanced and closed, as well as physically located by monumentation.</li> <li>• Location and description of all monuments with references by distance to bearings to both quarter section corners, section corners, grant corners, or recorded subdivisions.</li> <li>• Boundary lines of adjacent tracts of land, showing owners of record and names of adjoining developments.</li> <li>• Total acreage within the project and the number of lots.</li> <li>• Existing zoning of the subject property and all adjacent properties.</li> <li>• Name and address of the owner, developer, and land surveyor and/or engineer.</li> </ul>
<b>Existing Site Conditions</b>
<i>(shown for all parcels within the subdivision and all areas within 100 feet of the proposed subdivision)</i>
<ul style="list-style-type: none"> <li>• Existing contours based in NAVD 1988 datum with vertical intervals of 2 feet if the general slope of the site is less than 2% and vertical intervals of 5 feet if the general slope is greater than 2%. A benchmark, which is easily accessible and re-locatable, shall be shown. The benchmark shall be determined by use of NAVD 88 datum (vertical), which are based on sea level datum.</li> <li>• Existing buildings/structures and their placement on the lots.</li> <li>• 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.</li> <li>• Location, widths, and type of construction of all existing streets, street names, alleys, or other public ways and easements, street classifications as per the applicable <u>Comprehensive Plan</u> or other plan, railroad and utility rights-of-way or easements.</li> <li>• Parks, wooded areas, trails, and cemeteries</li> <li>• Watercourses, drainage ditches, designated wetlands, and bridges.</li> <li>• Other data may be added which is considered pertinent by the APC or the Administrator for the subject land.</li> <li>• The water elevation at the date of the survey of lakes, stream flow, or designated wetlands within the project or affecting it.</li> <li>• The regulatory flood (100-year flood) elevation based on NAVD 1988.</li> </ul>
<b>Proposed Development Information</b>
<ul style="list-style-type: none"> <li>• Basic layout of the proposed project/subdivision showing lot/block lines, lot/block numbers, and streets that show length, width, depth, and area of all lots.</li> <li>• Building and thoroughfare (if applicable) setback lines, showing dimensions.</li> <li>• Utility easements and/or proposed locations for all utilities.</li> <li>• All lots or blocks/outlots intended for sale or lease designated with boundary lines and identified with letters and in alphabetical order. Lots shall be numbered consecutively within each block.</li> <li>• Private areas, common areas, or other excluded parcels designated as such and clearly labeled on the plans.</li> <li>• Note stating: "No buildings, structures, fences, shrubs, or trees shall be placed in the public right-of-way without prior written review and approval by the appropriate agency."</li> <li>• Internal and perimeter sidewalk system/pedestrian circulation plan, if any.</li> <li>• Other such information as may be deemed necessary for proper review of the primary plat by the Administrator or APC.</li> </ul>

**2. Construction Drawings Requirements.**

- c. **Checklist.** All information and plans that are required by the construction standards for the applicable jurisdiction shall be provided.

- d. **IDEM.** All required MS4 General Permits and Rule 5 Permits (327 IAC 15-5) shall be submitted to the Administrator prior to approving a secondary plat.
- e. **Drainage Review.** Drainage plans shall be submitted to the Administrator for review. Drainage plans must be approved before recording the plat.
- f. **As-builts.** After all public improvements are constructed and inspected, the applicant shall provide as-builts for all improvements within the public right-of-way in appropriate digital formats with locations of all public infrastructure as outlined in Section F.4: Dedication of Public Infrastructure.

**3. Secondary Plat Requirements.**

**a. General.**

- i. The secondary plat sheet(s) shall be prepared and sealed/stamped by a Registered Land Surveyor licensed to practice in the State of Indiana.
- ii. All sheets shall be formatted as 24" x 36," drawn to a convenient scale, and tied to state plane coordinates for horizontal controls.
- iii. The secondary plat may be deemed to substantially conform to the primary plat if the geometrics of the secondary plat are substantially the same layout. Reductions in the number of buildable lots, the addition of common area(s), and/or the addition or removal of easements to accommodate utilities or drainage are not considered a substantial change in conformity.
- iv. If any of the following occur, the secondary plat shall not be deemed in conformance with the primary plat unless such changes were a condition of the primary plat approval:
  - (a) The addition, removal, or alteration of road patterns,
  - (b) Substantial change in lot sizes, and/or
  - (c) An increase in the total number of buildable lots.

**b. Covenants and Restrictions.** Covenants and restrictions shall be submitted to the Administrator prior to being recorded. They shall be recorded separately and not included on the plat.

- i. Covenants are not enforced by the APC, Town Council, City Council, or County Commissioners.
- ii. If there are conflicts between the covenants and the UDO or any other requirements, the more restrictive regulations shall apply.
- iii. Upon secondary plat approval, covenants and restrictions shall be recorded at the County Recorder's office, and an official copy noting the County Recorder's stamp, the date, and time of the recording provided to the Administrator for the public file.

**c. Checklist.** The following checklist of items should be provided for a secondary plat, preferably on one single sheet:

**Secondary Plat Checklist**

## Project Information

- Name of the project/subdivision.
- All lots or blocks/outlots intended for sale or lease shall be designated with boundary lines and identified with letters and be in alphabetical order. Lots shall be numbered consecutively within each block.
- Private areas, common areas, or other excluded parcels shall be designated as such and clearly labeled on the plans.
- Monument sign location, including dedicated easement or dedicated common area.
- Easements.

## Notes and Endorsements

- Note stating monuments shall be set on all lot corners in accordance with 865 IAC.
- "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 appropriate jurisdiction. Property owners must maintain these swales as sodded grass ways 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 this UDO."
- "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 jurisdiction will cause said repairs to be accomplished, and the costs for such repairs will be billed to the affected property owners for immediate payment."
- "No sanitary structures, drainage structures, or water line appurtenances shall be located within driveway limits or sidewalks."
- "No sump pump drains, or other drains shall outlet onto the street or public sidewalk."
- "Dedication Certification. By the Subdivider(s)/applicant(s) and/or any other owner(s) of record, a notarized statement that said Subdivider(s) and/or other landowner(s) is/are the owner(s) of the lands, and the platting of the subdivision is the Subdivider's and/or other owner's voluntary act and deed. The Subdivider(s) and/or owner(s) shall declare in this certificate by description or reference to the plat the purpose of all rights-of-way, easements, and other reservations shown on the plat."
- "Area Plan Commission Certification. Under authority provided by IC-36-7-4 enacted by the General Assembly of the State of Indiana, and all acts amendatory thereto, and by an ordinance adopted by the jurisdiction, this plat is hereby approved by the Posey County Area Plan Commission at a meeting held this \_\_\_\_ day of \_\_\_\_\_, 20\_\_."
- Notation of any self-imposed restrictions.
- Endorsement by the Area Plan Commission President and the Administrator.
- 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.
- For any plats with private roads or shared driveways, a note stating that roads not built to the applicable standards cannot and will not be accepted for dedication.
- A note stating that an individual erosion control plan is required for each lot in this subdivision prior to the issuance of any building permit or ILP.

# Non-conforming Lots, Structures, and Uses

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## A. General Provisions.

1. **Intent.** Within the districts established by this UDO or by amendments that may later be adopted, there are legally non-conforming lots; legally non-conforming structures; legally non-conforming uses of land; and/or legally non-conforming zoning districts (individually or in combination) that 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.
  - a. It is the intent of this UDO to permit these legal non-conformities to continue until they are removed but not to encourage their survival.
  - b. It is further the intent of this UDO that non-conformities shall not be enlarged upon, expanded, extended, or intensified, nor be used as grounds for adding other structures or uses which are prohibited elsewhere in the same district.
2. **Illegal Non-conforming vs. Legal Non-conforming.**
  - a. **Illegal Non-conforming.** A structure, lot, or use that is non-conforming and that was established or constructed without an approved improvement location permit or approval from the BZA or APC is considered illegal non-conforming. An illegal nonconforming property shall be subject to actions and penalties allowed by this UDO, and shall be altered to conform with all applicable standards and regulations of this chapter or discontinued.
  - b. **Legal Non-conforming.** A structure, lot, or use that was legally established prior to the adoption or amendment of this UDO, but would be prohibited, regulated, or restricted under the terms of this UDO are considered legally non-conforming. Legal nonconforming differs from illegal nonconforming in that the reason for the nonconformance is caused by the enactment of a zoning ordinance or a change to the zoning ordinance (including the official zoning map). Legal nonconforming lots, structures, uses, etc., may continue in the manner and to the extent that they existed or were used at the time the change in the zoning ordinance was enacted.
  - c. **Exemptions.** Structures, uses, and other property features that are nonconforming due to prior variance, special exception, or other approvals shall not be subject to the provisions of this subchapter, but shall conform to the terms of their approval.
3. **Repairs and Maintenance.** The following applies to legal non-conforming structures, uses, or uses of structures and land in combination:
  - a. **Ordinary Repairs.** Ordinary repairs or replacement of walls, heating, fixtures, wiring, plumbing, etc. may be done under the condition that the nonconforming features (setbacks, lot coverage, land use, etc.) are not increased.

- b. Structures Declared Unsafe. Nothing in this chapter shall be deemed to prevent the strengthening, repairing, or restoring to a safe condition of any structure that has been declared unsafe by the appropriate county official.
- 4. **Burden of Proof.** The burden of establishing the legality of a non-conformity that is lawfully existing under the provisions of this UDO is upon the property owner of the non-conformity and not upon the jurisdiction.
- 5. **Incompatible Use.** 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.
- 6. **Current Construction.**
  - a. As long as a valid ILP and/or BP has been issued, 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. Construction must be in accordance with the terms of the valid ILP and/or BP.
  - b. As long as a permit has been issued, where demolition or removal of an existing building has 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.
  - c. Actual construction is hereby defined, at a minimum, as having a valid ILP and/or BP upon the initial passage of this UDO.

## B. Non-conforming Lots of Record.

- 1. Where a lawful lot(s) of record was legally established and recorded with the Posey County Recorder's Office before the effective date of adoption or amendment of this UDO and such adoption or amendment would not permit the creation of the lot, the lot shall be deemed a legal non-conforming lot of record. Legally non-conforming lots of record may be developed so long as it remains otherwise lawful, provided that:
  - a. The lot must already be a lot of record with direct road frontage that is not shared with any other existing lot(s) unless a recorded easement exists for the purpose of access;
  - b. Development conforms with the applicable yard dimensions and development standards/requirements for the zoning district except for lot area and/or lot width; and
  - c. All other provisions of this UDO are met or a variance from the BZA is obtained.

## C. Non-conforming Structures.

- 1. Where a lawful structure(s) exists at the effective date of adoption or amendment of this UDO that could not now be built under the terms of this UDO because of restrictions on area, lot, height,

location on the lot, or other requirements concerning the structure, such structure(s) may be continued so long as it remains otherwise lawful, provided that:

- a. A non-conforming structure may not be enlarged, altered, or added on to in a way that increases its non-conformity unless a variance is obtained from the BZA. However, any structure, or portion thereof, may be altered to decrease its non-conformity.
- b. Whenever a legal non-conforming primary structure on a parcel of real property used for residential purposes is damaged or destroyed, the owner of the parcel shall be permitted to reconstruct, repair, or renovate the non-conforming structure if the reconstruction, repair, or renovation meets the following requirements:
  - i. The structure will continue to be used for residential purposes.
  - ii. The new foundation of the reconstructed, repaired, or renovated structure may not exceed the square footage of the foundation of the damaged or destroyed structure.
  - iii. It is not located within a floodplain as defined in *IC 14-8-2-99*.
  - iv. It is not subject to the jurisdiction of a Historic Preservation Commission per *IC 36-7-11*.
- c. If a non-conforming non-residential structure or portion of a non-conforming non-residential structure is destroyed or damaged by any means where the damage is less than fifty percent (50%) of its fair market value (as determined by assessed value or appraisal provided by the property owner, whichever is greater), it may be permitted to be reconstructed, repaired, or renovated if the reconstruction, repair, or renovation meets the following requirements:
  - i. The reconstruction must take place, or an ILP or BP must be secured within twelve (12) months of when the damage occurred or at the discretion of the Administrator if additional time is needed for a good and documented reason.
  - ii. The structure must be built equal to or less than the square footage of the previous building.
  - iii. It is not located within a floodplain as defined in *IC 14-8-2-99*.
  - iv. It is not subject to the jurisdiction of a Historic Preservation Commission per *IC 36-7-11*.
- d. Should such structure be moved for any reason, it shall conform to all the regulations of the UDO for the district in which it is located after it is moved.
- e. If any non-conforming structure is abandoned for any reason for more than one (1) year, such structure shall be required to conform with all regulations of this UDO unless a variance(s) is obtained from the BZA.

## **2. Non-Conforming Signs.**

- a. Any sign lawfully existing on the effective date of this ordinance, or amendment thereto that does not conform to all the standards and regulations of this ordinance is considered a non-conforming sign.

- b. Signs which existed prior to the time this ordinance was passed and were in conformance with previous ordinances will be considered legally non-conforming until such time as a major change is made to the sign. Major changes include:
  - i. Change in the land use category of the business per *Chapter 2: Zoning Districts and Overlay Districts*,
  - ii. A change in zoning for the subject property,
  - iii. Modification to the size, shape, or height of the sign structure,
  - iv. Adding lights or illumination to the sign,
  - v. Adding/moving electronic components the sign,
  - vi. Structural alterations, and/or
  - vii. Relocation or moving of the sign.
- c. All legal non-conforming signs shall be kept in good repair, safe, neat, clean, and attractive condition. In the event non-conforming signs are not kept in said condition or are demolished by any force whatsoever to the extent of fifty percent (50%) or more of the sign area or causes the sign to be moved from its location, said signs shall then be made to conform to this ordinance.
- d. A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises. If the owner or lessee fails to remove the sign, the Administrator shall give the owner thirty (30) days written notice to remove it. Upon failure to comply with this notice, the Administrator may obtain a court order to remove the sign at cost to the property owner or lessee.

## D. Non-conforming Uses of Land.

1. **General Provisions.** Where a lawful use(s) of land exists at the effective date of adoption or amendment of this UDO that would not be permitted by the regulations imposed by this UDO, this use(s) may be continued so long as they remain otherwise lawful, provided that:
  - a. A legally non-conforming use may be continued but shall not be extended, expanded, or changed to another non-conforming use.
  - b. A non-conforming use may be extended throughout any part of an existing structure if the structure was 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.
  - c. A legally non-conforming use shall not be enlarged, increased, intensified, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this UDO, except as permitted by the BZA as part of an approved special exception and/or variance as applicable.
  - d. A legal non-conforming single-family residence located in any commercial, industrial, or community services zoning district may be replaced or expanded for the purpose of continuing the residential use of the property. Required setbacks and lot coverage for the residence shall be

either those established by the most similar residential zoning district, or those provided by the pre-expansion structure, whichever is less restrictive.

- e. A legally non-conforming use shall not be moved or relocated, in whole or in part, to any portion of the lot or parcel that was not occupied by such use at the effective date of adoption or amendment of this UDO except as provided in Section D.1: General Provisions above.
- f. If any such legally non-conforming use of land is discontinued or abandoned for any reason for more than twelve (12) months, any subsequent use of such land shall conform to all regulations of this UDO. There shall be no return to the previous non-conforming use after it is discontinued or abandoned for more than twelve (12) months unless a variance of use is granted by the BZA, if permitted by IC 36-7-4-918.3.
  - i. Exception. Uses that are required to be discontinued due to governmental action that impedes access to the premises or damage from fire, flood, other natural disaster, or criminal act shall be exempt from this provision at the discretion of the Administrator.
- g. No additional structures shall be erected in connection with a non-conforming use of land that do not conform to all requirements of this UDO.
- h. Where non-conforming status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the use, in which case, both the structure and the use shall be brought into conformance with the provisions of this UDO.
- i. Consistent with *IC 36-7-4-616*, an agricultural use of land that constitutes an agricultural legally non-conforming use may be changed to another agricultural use of land without losing agricultural non-conforming use status. In addition, an agricultural non-conforming use shall not be restricted or required to obtain a variance of use or special exception so long as an agricultural legally non-conforming use has been maintained for three (3) years in a five (5) year period.

## E. Non-conforming Zoning Districts.

1. **General Provisions.** At the time of adoption or amendment of this UDO, if a zoning district(s) is no longer listed in the text of the UDO, property zoned under the discontinued district(s) will continue to be zoned as such until the property is rezoned to a conforming zoning district. The development standards and permitted uses previously associated with the non-conforming zoning district shall still apply until rezoning to a conforming zoning district occurs.

# Definitions

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## A. General Provisions.

1. The terms “shall” and “must” are always mandatory. The word “may” is allowed and/or recommended but not required.
2. Words used in the present tense include the future tense.
3. Any words not defined in this UDO shall be defined using the most recent version of the Merriam-Webster Dictionary. If a word or phrase is not defined within this dictionary, the Administrator shall provide a definition.

## B. Definitions.

**ABANDONED.** Abandonment or cessation of the established or legal use of the property or the structure for a period of six (6) consecutive months, by the owner or lessee without any discernable intention of transferring rights to the property to another owner or of resuming the use of the property.

**ACCESS.** A way or means of approach to provide vehicular or pedestrian physical entrance to a property.

**ACCESSORY DWELLING.** See DWELLING, ACCESSORY.

**ACCESSORY STRUCTURE.** See STRUCTURE, ACCESSORY.

**ACCESSORY USE.** See USE, ACCESSORY.

**ADDITION.** A structure added to the original structure at some time after the completion of the original, or an extension or increase in floor area or height of a building or structure.

**ADMINISTRATOR.** The person(s) appointed or designated by the APC to provide staff support to the APC and the BZA and to enforce the UDO under the supervision of the APC.

**ADULT BUSINESS.** See SEXUALLY ORIENTED BUSINESS.

**AGRIBUSINESS.** A type of business tourism that combines agricultural activities with recreational, educational, or entertainment experiences for the public. It involves visitor engaging with farms, ranches, or other agricultural businesses, often participating in activities like tours, picking crops, or attending events, while also supporting the farm’.

**AGRIBUSINESS, TYPE 1.** An agricultural operation that sells products grown on the premises directly to consumers and offers small-scale educational, recreational, and retail venues to the general public.

Such activities are considered to be consistent with the normal operations of a farm. This category may include the following:

- The production and sale of supplemental processed products, including but not limited to: bakery items, milk and cheese, concessions, crafts, flowers, and meat. Such production area(s) may not exceed five thousand (5,000) square feet of cumulative floor area unless otherwise approved by the BZA as a Special Exception.
- Indoor and outdoor activities such as, but not limited to: animal exhibit, consumer harvesting of products, educational tours, agricultural exhibit, food demonstration, hay rides, horseback riding, picnic/play area, sleigh rides, Easter egg hunt, gem mine, corn maze, private parties, farmer's market, historical reenactments not occurring more than twice annually (and lasting seven (7) days or less), and inflated playhouses and similar temporary recreational equipment.

**AGRIBUSINESS, TYPE 2.** An agricultural operation that accommodates and/or operates year-round attractions or facilities for the general public, including but limited to:

- Public venues such as: meeting/reception facilities, wedding venues, riding stables, bed and breakfast facility (i.e., farm-stay), tractor-pull competition, rodeo, turkey shoot, amplified music associated with an agribusiness event exceeding eight (8) days annually, and historical reenactments occurring more than twice annually.
- Commercial operations such as: restaurants, beverage/food processing, feed mill, gift shop, micro-brewery, grocery store, and wood mill.

**AGRICULTURAL STRUCTURE.** See BARN.

**AGRICULTURE.** See FARM or CROP PRODUCTION.

**AGRITOURISM.** An accessory activity at a working farm or an agricultural, horticultural, or agribusiness operation where the general public is allowed or invited to visit, participate in, or view, activities for the purposes of enjoyment, education, or active involvement in the activities of the farm or operation. For the purposes of this UDO, agritourism is considered retail. See AGRIBUSINESS.

**AIRSTRIP, GRASS.** A stretch of land that has been cleared for the purpose of a private-use facility designed for aircraft take-off and landing.

**ALLEY.** 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.

**ALTERATION.** 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.

**ALTERATION, INCIDENTAL.** Modifications to an existing structure that are of a cosmetic nature, replacement of utilities, or rearrangement of non-load-bearing partitions.

**ALTERATION, STRUCTURAL.** 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.

**ANTENNA.** A device or equipment used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based structures.

**APC.** See AREA PLAN COMMISSION.

**APPEAL.** In accordance with *IC 36-7-4-918.1*, 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 and/or modified.

**APPLICANT.** A person submitting an application to the APC or BZA for action or permits that would affect the subject real estate.

**AREA PLAN COMMISSION (APC).** The Posey County Area Plan Commission.

**ASSEMBLY HALL.** See STADIUM.

**AUDITOR.** The Auditor for Posey County.

**AUTOMOBILE.** A self-propelled, free-moving vehicle with four (4) wheels, designed for carrying ten (10) passengers or less and licensed by the appropriate state agency as a passenger vehicle.

**AUTOMOBILE SALES, NEW.** Business that sells or leases new and used vehicles including, but not limited to, automobiles, motorcycles, recreational vehicles (RV), trailers, boats, heavy equipment (such as bulldozers, backhoes, and similar), and similar vehicles.

**AUTOMOBILE SALES, USED.** Business that sells or leases used vehicles including, but not limited to, automobiles, motorcycles, recreational vehicles (RV), trailers, and heavy equipment (such as bulldozers, backhoes, and similar), and similar vehicles.

**AUTOMOTIVE REPAIR.** A business that provides service or repair to automobiles, motorcycles, recreational vehicles (RV), trailers, boats, heavy equipment (such as bulldozers, backhoes, and similar), and similar vehicles. All service must occur within an enclosed structure 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.

**AVERAGE SETBACK.** See SETBACK, AVERAGE.

**BAR.** See TAVERN.

**BARN.** With regard to agriculturally used properties, a structure used for various purposes, primarily for housing livestock, storing crops and equipment, or for other essential agricultural activities. See AGRICULTURAL STRUCTURE.

**BED AND BREAKFAST.** With regard to *IC 16-41-31-1*, an operator-occupied residence that meets the following conditions, and does not include hotels, motels, boarding houses, or food service establishments:

- Provides sleeping accommodations to the public for a fee;

- Has not more than fourteen (14) guest rooms;
- Provides breakfast to the guests as part of the fee;
- Provides sleep accommodations for not more than thirty (30) consecutive days to a particular guest.

**BERM.** An earthen mound designed to provide screening and buffering from undesirable views and adjacent incompatible uses.

**BOARDING HOUSE.** An establishment that offers rooms for rent, not available to transients, in which meals are regularly provided for compensation for at least three (3) inhabitants. Boarding houses do not include bed and breakfasts, multi-family residential dwellings, hotels, or motels.

**BOARD OF ZONING APPEALS (BZA).** 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, and grant special exceptions.

**BLOCK.** 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.

**BREWERY/WINERY/DISTILLERY.** A licensed building or property whose primary purpose is to produce and sell alcoholic beverages for distribution and may include accessory commercial facilities such as a tasting room, restaurant, and event facilities. For purposes of this UDO, this use is considered service-oriented retail.

**BUFFERYARD.** 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.

**BUILDING.** See STRUCTURE.

**BUILDING HEIGHT.** The vertical distance measured from lowest ground level adjacent to the building at the front of the structure to the highest point of the structure, roof, or peak. Building height does not include cellular towers, antennas, chimneys, steeples, or agricultural/industrial appurtenances.

**BUILDING COMMISSIONER.** 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.

**BUILDING LINE.** See SETBACK LINE.

**BULK SOLID WASTE CONTAINER.** A container intended for construction waste material or other refuse, excluding garbage, for the purpose of removing said material from a site.

**BUSINESS.** 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.

**BZA.** See Board of Zoning Appeals.

**CAMPGROUND AND RECREATIONAL VEHICLE (RV) PARK.** A publicly or privately-owned parcel on which three (3) 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 recreational vehicle that is occupied is considered a campground.

**CAMPSITE.** A piece of land, the location, shape, and size of which have been established in an approved recreational vehicle park and campground plan, to be rented for occupancy by a tent or recreational vehicle.

**CARGO CONTAINER.** A container intended for multi-modal transportation via sea-going vessel, train, and truck trailer. These containers are self-contained without axles or wheels.

**CEMETERY.** A parcel used for the burial of the dead (human or animal) and dedicated for cemetery purposes, including columbarium, and mausoleums. It may include mortuaries if operated in conjunction with and within the boundary of the cemetery.

**CHANGE IN USE.** A change from one land use classification to another land use classification. A change in ownership does not constitute a change in use.

**CHILD CARE CENTER.** 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).

**CHILD CARE HOME (IN-HOME CHILD CARE).** In accordance with *IC 12-17.2*, a residential structure in which at least six (6) children, but no more than twelve (12) 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 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. For the purposes of this UDO, a child care home includes both licensed and unlicensed providers. For the purposes of this UDO, this use is not considered a home-based business.

**CHURCH.** 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 and/or affiliated with a religious body organized to sustain religious ceremonies and purposes.

**CLINIC/OUTPATIENT SERVICES.** A structure where patients are admitted for examination and treatment on an outpatient basis by physicians, dentists, other medical professionals, psychologists, or social workers and where such examination and treatment require a stay of less than twenty-four

(24) hours. This use can include on-site administering of medication but does not include dispensing of medication for off-site use.

**CLUB, PRIVATE.** 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, food service, fitness center, or retail membership clubs.

**COLLOCATION.** 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.

**COMMERCIAL MESSAGE.** Any wording, logo, or other visual representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

**COMMITMENT.** 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 APC, BZA, or the legislative body.

**COMMON AREA.** Land within or related to a development, not individually owned, or dedicated for public use, which 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.

**COMPREHENSIVE CARE FACILITY.** See NURSING HOME/ASSISTED LIVING FACILITY.

**COMPREHENSIVE PLAN.** The applicable *Comprehensive Plan* for the jurisdiction as approved by the legislative body under *IC 36-7-4-500 series* and as amended from time to time.

**CONCENTRATED ANIMAL FEEDING OPERATION (CAFO).** As defined under *IC 11-2-38.3*, "a large CFO that requires a National Pollutant Discharge Elimination System (NPDES) for discharges or potential discharges of water contamination exceeds the animal threshold numbers below:

- Seven hundred (700) mature dairy cows
- One thousand (1,000) veal calves;
- One thousand (1,000) cattle other than mature dairy cows
- Two thousand five hundred (2,500) swine each weighing 55 pounds or more;
- Ten thousand (10,000) swine each weighing less than 55 pounds;
- Five hundred (500) horses;
- Ten thousand (10,000) sheep or lambs;
- Fifty-five thousand (55,000) turkeys;
- Thirty thousand (30,000) laying hens or broilers with a liquid manure handling system;
- One hundred twenty-five thousand (125,000) broilers with a solid manure handling system;
- Eighty-two thousand (82,000) laying hens with a solid manure handling system;
- Thirty thousand (30,000) ducks with a solid manure handling system;
- Five thousand (5,000) ducks with a liquid manure handling system."

**CONDOMINIUM.** 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*.

**CONFINED FEEDING (CF).** As defined under *IC 13-11-2-39*, "the confined feeding of animals for food, fur, or pleasure purposes in lots, pens, ponds, sheds, or buildings where:

- Animals are confined, fed, and maintained for at least forty-five (45) days during any twelve (12) month period; and
- Ground cover or vegetation is not sustained over at least fifty percent (50%) of the animal confinement area.

The term does not include the following:

- A livestock market where animals are assembled from at least two (2) sources to be publicly auctioned or privately sold on a commission basis; and that is under state or federal supervision.
- A livestock sale barn or auction market where animals are kept for not more than ten (10) days."

**CONFINED FEEDING OPERATION (CFO).** As defined under *IC 13-11-2-40*, "Any confined feeding of:

- At least three hundred (300) cattle;
- At least six hundred (600) swine or sheep;
- At least thirty thousand (30,000) fowl; or
- At least five hundred (500) horses.

Any animal feeding operation electing to be subject to *IC 13-18-10*; or

- Any animal feeding operation that is causing a violation of:
- Water pollution control laws;
- Any rules of the water pollution control board, or *IC 13-18-10*."

**CONTRACTOR FACILITY.** A structure(s), area(s), or parcel(s) used for conducting business and/or storing materials and/or equipment for contractors in the construction trades. Outdoor storage is only allowed if expressly permitted by the subject zoning district, see *Chapter 3: Site Development Standards* in accordance with *Chapter 3, Section B.7: Storage Standards*.

**COUNTY.** Posey County, Indiana.

**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.

**CREMATORY (CREMATORIUM).** A place where the bodies of the deceased are cremated. This use may include auxiliary uses, such as funeral homes, mortuaries, or cemeteries.

**CROP PRODUCTION.** The production, storage, keeping, and/or harvesting of plants and crops, including but not limited to forages and sod crops; grains and seed crops; trees and forest crops; fruits; vegetables; nursery or greenhouse plant products (without general retail sales); and lands

devoted to a soil conservation or forestry management program; or similar row, field, tree, or nursery crop production without general retail sales.

**DAY, BUSINESS.** As defined in *IC 1-1-9-1*, a day other than a Saturday, Sunday, or a legal holiday.

**DAY, CALENDAR.** Any day of the week, including weekends.

**DAY CARE FACILITY.** In accordance with *IC 12-17.2* (child care center), 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).

**DAY CARE, PET.** See KENNEL, PUBLIC.

**DEED.** A legal document conveying ownership of real property.

**DENSITY.** The number of dwelling units per unit of land.

**DENSITY, GROSS.** The density calculated using all land and areas within the development boundaries.

**DENSITY, NET.** The density calculated using only includes the developable areas within the development boundaries. Net density would exclude streets, easements, water areas, lands not development due to environmental constraints, parkland, common areas, and other undevelopable areas.

**DEVELOPER.** Any person engaged in developing a lot, group of lots, structures, or group of structures thereon for use or occupancy.

**DEVELOPMENT PLAN.** A plan submitted for approval granted by the APC in accordance with *IC 36-7-4-1400 series* for a specific development of a parcel that:

- Requires approval by the APC (or delegated to the Administrator);
- Includes a site plan;
- Satisfies the development requirements specified in the UDO regulating the development; and
- Contains the plan documentation and supporting information required by the UDO regulating development.

**DISTRICT, ZONING.** See ZONING DISTRICT.

**DOG BREEDER, COMMERCIAL.** In accordance with *IC 15-21*, a person who maintains more than nineteen (19) unaltered female dogs that are at least twelve (12) months of age; and engages in the sale of dogs resulting from the breeding. See KENNEL.

**DRAINAGE PLAN.** 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.

**DRIVEWAY.** A private access drive to a street or highway for a single residential parcel. See ROAD.

**DRIVEWAY, COMMERCIAL.** A private driveway serving a non-residential use.

**DRIVEWAY, INDIVIDUAL.** A private driveway serving a single residential use or lot.

**DRIVEWAY, SHARED.** A single, shared private driveway serving no more than seven (7) residential parcels.

**DUMP.** A parcel or portion of a parcel where garbage, sewage, trash, refuse, junk, discarded machinery, vehicles, and other waste, scrap, or discarded material of any kind are disposed of by dumping, burial, burning, or other means.

**DUMPSTER.** An exterior waste container designed to be mechanically lifted by and emptied into or carted away by a professional collection vehicle.

**DUPLEX.** See DWELLING, TWO-FAMILY.

**DWELLING.** A structure, or part of a building, which is used exclusively for human habitation, but not including a hotel, motel, lodging house, boarding house, or bed and breakfast as may be defined in this UDO.

**DWELLING, ACCESSORY.** An attached or detached dwelling unit that is smaller than the existing single-family structure and provides a separate means of access and complete independent living facilities for one (1) or more persons. An accessory dwelling unit provides permanent provisions for living, sleeping, eating, cooking, and sanitation on the same lot as the primary single-family dwelling unit.

**DWELLING, MULTI-FAMILY.** A structure(s) that is located on a single parcel containing three (3) or more dwelling units, including units that are located on one (1) or more stories.

**DWELLING, SINGLE-FAMILY.** A dwelling on a single parcel 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. This definition does not include attached single-family dwellings.

**DWELLING, SINGLE-FAMILY ATTACHED.** One (1) dwelling on a single parcel with ground-floor outside access, attached to two (2) or more single-family dwellings by common vertical walls without openings between dwellings (the dwelling is built to the lot line where it is attached or touching an adjacent single-family dwelling through a common or exterior wall). Examples include, but are not limited to, townhomes and patio homes.

**DWELLING, SINGLE-FAMILY TEMPORARY.** The temporary placement of a manufactured home permitted with a building permit for one (1) of the following purposes:

- Temporary residential occupancy for persons intending to build a permanent residence on the same property;
- Temporary residential occupancy of a manufactured home adjacent to the permanent residence of someone who is able to provide care or in need of care;

**DWELLING, TOWNHOME.** A single-family dwelling in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one (1) or more vertical common fire-resistant walls.

**DWELLING, TWO-FAMILY.** 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.

**DWELLING UNIT.** 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, sanitation, and cooking. The term shall include manufactured homes but shall not include RVs.

**EASEMENT.** 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.

**EASEMENT, UTILITY.** 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.

**EASEMENT, PERPETUAL UNOBSTRUCTED.** See PERPETUAL UNOBSTRUCTED EASEMENT.

**ESSENTIAL SERVICES.** The necessary infrastructure and facilities that support public health, safety, and welfare including, but not limited to utility lines, public safety buildings, water/sewer systems, police/fire stations, and sewage treatment facilities.

**ESTABLISHMENT OF A BUSINESS.** Any of the following:

- The opening or commencement of any use as a new business;
- The conversion of an existing business to any other business;
- The addition of any business other than the existing business; or
- The relocation of any business.

**EVERGREEN.** With regard to performance or other surety, a loan that is continually renewed rather than repaid until released by the legislative body.

**FARM.** A parcel where the primary use is for crop production, livestock, or aquaculture. See CROP PRODUCTION.

**FARM BUILDING.** A structure on active farm ground which hosts agricultural storage of livestock, poultry, grain, feed, hay, farm machinery, or other similar nonresidential storage. This definition does not include structures used for confined animal feeding.

**FARM WORKER HOUSING.** Housing units that can only be occupied by farm laborers and their immediate family members. Each unit shall be self-contained with sanitation, shower, lavatory facilities, heating and electrical, and a kitchen. Housing shall be maintained to meet the current building codes.

**FARMERS MARKET.** The seasonal selling or offering for sale at retail of vegetables or produce, animal products, 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.

**FARMSTEAD.** The portion of a farm designated for accessory dwellings and other buildings necessary to the farm's operation.

**FENCE.** An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

**FENCE, SOLID or OPAQUE.** A fence constructed of a substantial material, such as wood or vinyl, which prevents viewing from one side to the other. For purposes of this UDO, a chain link fence with slat inserts, mesh screening, or a shadowbox fence are considered a solid fence provided it is maintained.

**FLAG LOT.** See LOT, FLAG.

**FLOOD HAZARD.** See the flood hazard ordinance for the applicable jurisdiction.

**FLOOR AREA.** Area of all floors of all buildings or structures.

**FLOOR AREA, GROSS.** The sum of the gross horizontal areas of all enclosed floors of a structure, including stairwells, elevator shafts, 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.

**FLOOR AREA, GROUND.** The sum of the gross horizontal areas of all enclosed areas of the first or ground floor of a structure, measured from the outside dimensions of the ground floor of the structure. It does not include any exterior areas such as garage areas, crawl spaces, attic area, porches, patios, etc.

**FLOOR AREA, NET.** The total gross floor area excluding stairwells, elevator shafts, equipment rooms, interior parking/loading, and any floors below the first or ground floor that are not intended or used for human habitation or service to the public.

**FOUNDATION.** The supporting member of a wall or structure below or at ground level and includes footings.

**FRONTAGE.** That side of a parcel that abuts and has direct access to a dedicated street.

**FRONTAGE STREET.** 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.

**FUNERAL HOME.** 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.

**GARAGE SALE.** 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.

**GARAGE, PARKING.** Any garage, other than private garage, for the parking of vehicles.

**GARAGE, PRIVATE.** 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. Private garages shall not count towards the minimum living area of a dwelling.

**GENERAL RETAIL.** See RETAIL, GENERAL.

**GRADE.** Defined as:

- The average elevation of the land around a building;
- The percent of rise or descent of a sloping surface.

**GRADE, FINISHED.** The final elevation of the average ground level adjoining a building at all exterior walls after development.

**GREENHOUSE/NURSERY, COMMERCIAL.** Land, structures, or a combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for general retail sale or wholesale sale on the premises including products used for gardening and landscaping. For the purposes of this UDO, a commercial greenhouse may include nursery sales without a greenhouse structure.

**GREENHOUSE, ACCESSORY.** A detached, subordinate structure located on the same lot as a primary structure (like a residence), used for cultivating plants for non-commercial, personal enjoyment.

**GROSS FLOOR AREA.** See FLOOR AREA, GROSS.

**GROUND FLOOR AREA.** See FLOOR AREA, GROUND.

**GROUP HOME.** A non-profit or for-profit providing sheltered care of persons in need of care, support, or supervision, which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services, and transportation. Examples include but are not limited to residential treatment facilities, halfway houses, intermediate care facilities, youth homes/shelters, developmentally disabled care, and homeless shelters. For purposes of this UDO, a group home does not include a nursing home or an assisted living facility.

**GUARANTEE.** Cash, letters of credit, bonds, or similar financial instruments deposited with the municipality to ensure that required improvements will be constructed or installed.

**HARDSHIP.** 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.

**HAZARDOUS WASTE.** A waste or combination of wastes that, because of its quantity; concentration; or physical, chemical, and/or infectious characteristics; may

- cause or significantly contribute to an increase in mortality or increase in serious irreversible, or incapacitating reversible illness; or
- pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

**HISTORIC STRUCTURE.** Any structure that is:

- Listed individually on the National Register of Historic Places (a listing maintained by the Department of the Interior) or determined by the United States Secretary of the Interior as eligible for individual listing on the National Register; or
- Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district; or
- Listed on or determined eligible for the National Register of Historic Places as contributing to the significance of a historic district; or
- Individually listed on the Indiana Register of Historic Sites and Structures; or
- Located in an area designated as a local historic district.

**HOME OCCUPATION.** An activity carried out for economic gain by a resident and conducted entirely within the resident's dwelling unit or entirely within an accessory structure upon the same premises as the primary dwelling unit where no clients, guests, customers, or employees (other than the resident(s) of the dwelling) access the premises. For the purposes of this UDO, uses such as a short-term rental, child care, or other business activity where non-residents are accessing the site are not considered a home occupation.

**HOME-BASED BUSINESS.** An accessory use carried out for economic gain by a resident and conducted entirely within the resident's dwelling unit or entirely within an accessory structure upon the same premises as the primary dwelling unit where limited clients, guests, customers, or employees access the premises.

**HOMEOWNERS ASSOCIATION.** A community association, other than a condominium association, which is organized in a development in which individual owners share common interests and responsibilities for costs and upkeep of common area or facilities.

**HOMESTEAD.** A parcel of land designated for residential use, including a single-family dwelling and surrounding property, where the primary purpose is to live on the land and cultivate it, like growing crops or raising livestock.

**HOSPITAL.** 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.

**HOTEL.** 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.

**IMPERVIOUS SURFACE COVERAGE.** A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. Examples of impervious surfaces include

buildings, structures, sheds, patios, concrete, and asphalt. For the purposes of this UDO, gravel shall be considered an impervious surface. The area of the lot covered by structures. When determining lot coverage, only those structures which are enclosed space are to be considered. An enclosed space must have a roof and walls. Structures such as swimming pools, sidewalks, parking areas, fences, signs, and walls are not included in the calculation of lot coverage because they are not enclosed space and are open to the sky. An unenclosed porch is not included in lot coverage, however a screened-in porch would be considered enclosed space.

**IMPROVEMENT LOCATION PERMIT (ILP).** An improvement location 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.

**INFRASTRUCTURE.** Facilities and services needed to sustain all land use activities.

**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.

**IRREVOCABLE.** Not able to be changed, reversed, or recovered.

**JUNK.** 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, inoperable machinery, brush, wood, and lumber. Farm equipment or implements may not necessarily be included in this definition at the discretion of the Administrator.

**JUNKYARD.** Any lot, land, parcel, structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage, or disposal of junk.

**JURISDICTION.** The unincorporated areas of Posey County, IN, as well as the participating municipalities of Mount Vernon, Cynthiana, and Poseyville.

**KENNEL, PRIVATE.** The keeping, breeding, raising, showing, or training of five (5) or more dogs over six (6) months of age for personal enjoyment of the owner or occupant of the property. A private kennel does not include livestock, the sale of any animals, and/or breeding of animals that are sold.

**KENNEL, PUBLIC.** An establishment in which dogs or domesticated animals are housed, groomed, bred, boarded, trained, and/or sold for a fee or compensation. Any veterinary facility that provides overnight boarding as its primary service or any outdoor housing of animals is considered a public kennel. Dog or pet daycares are considered a public kennel. See DOG BREEDER, COMMERCIAL.

**LANDFILL.** 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.

**LANDFILL, SANITARY.** 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.

**LEGISLATIVE BODY.** The appropriate legislative body, including the Posey County Commissioners, the Mount Vernon City Council, the Cynthiana Town Council, and the Poseyville Town Council.

**LETTER OF CREDIT.** 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.

**LIGHTING PLAN.** 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.

**LIVESTOCK.** Animal husbandry activities (breeding and caring for farm animals) for the production of animals and/or animal products that will be consumed by others and/or sold, such as dairies, livestock farming, and similar uses that do not require an IDEM permit. This also includes pastureland and meadows used for livestock rearing as well as harvesting of aquatic animals and organisms.

**LIVING AREA.** The total interior habitable area of a structure on all floors or levels, measured from the interior faces of the exterior walls and does not include unfinished basements, unfinished attics, and attached garages that are not intended for human habitation.

**LOADING AREA.** An off-street space or berth used for the loading or unloading of cargo, products, or materials from vehicles.

**LODGE.** See CLUB, PRIVATE.

**LOT.** A designated parcel of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

**LOT, CORNER.** 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.

**LOT, FLAG.** A lot where the major portion of the parcel has access to a public road or street by means of a narrow strip of land called the "flagpole." See *Chapter 3: Site Development Standards* for Minimum road frontage, easement width, and frontage. The flagpole portion of the lot shall not be used in determining setbacks or in calculating lot size for zoning and building purposes.

**LOT, THROUGH.** 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.

**LOT AREA.** The total area within the lot lines of a parcel, excluding any rights-of-way.

**LOT COVERAGE.** That part of the parcel that is covered by impervious surfaces. See also IMPERVIOUS SURFACE.

**LOT DEPTH.** The average horizontal distance between the front lot line and rear lot line.

**LOT LINE.** 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.

**LOT LINE, FRONT.** 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.

**LOT LINE, REAR.** 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.

**LOT LINE, SIDE.** Any lot boundary-line other than a front lot line or rear lot line.

**LOT OF RECORD.** A lot that exists as shown or described on a plat or deed in the records of the County Recorder.

**LOT WIDTH.** The horizontal distance between side lot lines of a lot, measured at the required front setback line. See LOT, FLAG for lot width for a flag lot.

**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 complies with the standards established under the cited Federal chapter; and except that such term shall not include any RV.

**MANUFACTURED HOME PARK.** As defined in *IC 16-41-27-5*, a manufactured home park or community consists of one (1) or more parcels of land that contain individual lots that are leased or otherwise contracted and are owned, operated, or under the control of one (1) or more persons on which a total of at least five (5) manufactured homes are located for the purpose of being occupied as principal residences. The term includes the following:

- All real and personal property used in the operation of the manufactured home community;
- A single parcel of land;
- Contiguous but separately owned parcels of land that are jointly operated;
- Parcels of land jointly operated and connected by a private street;
- One (1) or more parcels of land, if at least two (2) of the manufactured homes or manufactured homes located on the land are accessible from a private street or interconnected private streets, served by a common water distribution system, or served by a common sewer system or SEPTIC system.

**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.

**MANUFACTURING.** Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials such as oils, plastics, resins, or liquors. See PROCESSING.

**MANUFACTURING, HEAVY.** An establishment engaged in basic processing and manufacturing of materials or products predominately from extracted or raw materials into new products, 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.

**INDUSTRIAL or MANUFACTURING, LIGHT.** An establishment engaged in the transformation of finished products or parts into new products, 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.

**MARKER or MONUMENT.** A pipe, rod, nail, or any other object which is intended to be a permanent survey point for record purposes.

**MEDICAL AND DOCTOR OFFICES.** Uses whose primary purpose is to provide diagnosis and treatment for medical, dental, and psychiatric outpatient care, where there is no dispensing of medication and patients/clients are not admitted. Uses include doctor office, dentist office, optician office, and similar uses not defined elsewhere in this UDO. For purposes of this UDO, medical offices and clinics are considered professional services/business offices.

**METES AND BOUNDS.** A method of describing the boundaries of land by distances (metes) and directions (bounds) from a known point of reference.

**MINIMUM LIVING AREA.** See LIVING AREA, MINIMUM.

**MOBILE HOME.** Now 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 *IC 16-41-27-4* as a dwelling, including the equipment sold that is a dwelling, which is:

- Factory assembled;
- Transportable;
- Intended for year-round occupancy;
- Designed for transportation on its own chassis; and
- Was manufactured before the effective date of the federal Manufactured Housing Construction and Safety Standards Law of 1974 (42 U.S.C. 5401 et seq.).

**MODULAR HOME.** A unit which is fabricated in one or more modules at a location other than the home site, by assembly-line type production techniques or by other construction methods unique to an off-site manufacturing process, designed for occupancy by one family unit. Every module shall bear the Indiana Modular seal certifying that it was built in compliance with the Rules of the Indiana Fire Prevention and Building Safety Commission. A modular home is placed on a permanent foundation and is built to the Indiana One- and Two-Family Dwelling Code.

**MOTEL.** See HOTEL.

**NON-CONFORMING LOT.** 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.

**NON-CONFORMING STRUCTURE.** 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.

**NON-CONFORMING USE.** 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.

**NUISANCE.** A condition or situation that results in an interference with the enjoyment and use of property.

**NURSERY.** See GREENHOUSE/NURSERY, COMMERCIAL.

**NURSING HOME/ASSISTED LIVING FACILITY.** A public or private residential facility (short or long-term) which houses patients suffering from disease, disabilities, or advanced age who require medical service and nursing service rendered by or under the supervision of a registered nurse. For purposes of this UDO, a comprehensive care facility is considered a nursing home.

**OPEN SPACE.** 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 not include areas denoted as drainage areas designed to constantly hold water or areas devoted to public or private streets or rights-of-way.

**OPEN SPACE, OVERALL DEVELOPMENT.** The minimum open space required based on the total or gross density. This includes all land and areas within the development boundaries, including proposed rights-of-way, drainage areas, non-buildable areas, and similar area or features.

**OUTPATIENT SERVICES.** See CLINIC/OUTPATIENT SERVICES.

**OUTDOOR STORAGE.** The keeping of any goods, junk, material, merchandise, equipment, or vehicles in the same place for more than fourteen (14) days that is not within an enclosed structure.

**OVERLAY DISTRICT.** A zoning district that encompasses one (1) or more underlying zones and that imposes additional requirements above that required by the underlying zone.

**PARCEL.** See LOT.

**PARCEL, PARENT.** 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.

**PARKING AREA.** 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.

**PARKING LOT.** An off-street, ground-level open area that provides temporary storage for motor vehicles.

**PARKING SPACE.** A space other than on a street or alley designed for use or used for the temporary parking of a motor vehicle.

**PARKING, SATELLITE.** A parking lot that serves a permitted use but is located on a non-contiguous or separate piece of property. It is commonly used for venues or businesses that require more parking than can fit on their primary site or for temporary/seasonal situations as needed.

**PERPETUAL UNOBSTRUCTED EASEMENT.** An easement that is self-perpetuating, runs with the land, and cannot be revoked or vacated without approval of all easement holders or parties. No structures can be placed within the easement that limit or impede ADA accessibility.

**PET, HOUSEHOLD.** An animal residing within a dwelling unit, not raised for the production of products or for sale, and limited to dogs, cats, rabbits, hamsters, gerbils, and guinea pigs.

**PLACE OF WORSHIP.** Defined as:

- A church, synagogue, temple, mosque, or other facility or area that is used for prayer by persons of similar beliefs; or

- A special-purpose building or area that is architecturally designed and particularly adapted for the primary use of conducting formal religious services on a regular basis.

**PLAN COMMISSION.** See AREA PLAN COMMISSION.

**PLANNED UNIT DEVELOPMENT (PUD).** 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.

**PLAT.** A map or chart indicating the subdivision or re-plat of land intended to be filed for record.

**PLAT, PRIMARY.** A drawing indicating the subdivision or re-subdivision of land, prepared in accordance with the requirements of this UDO and submitted by the subdivider as part of the subdivision plan.

**PLAT, SECONDARY.** A map indicating the subdivision of land, intended to be recorded and prepared in accordance with the requirements of this UDO.

**PLAT COMMITTEE.** In accordance with *IC 36-7-4-701(e)*, a subcommittee created by the APC to hold hearings on Expedited Residential Subdivisions and re-plats on behalf of the APC in accordance with the *APC Rules and Procedures*.

**PLOT PLAN.** A scaled, dimensional drawing of a parcel of land showing the actual measurements, the size and location of any existing buildings or any proposed buildings to be erected, the location of the lot in relation to abutting streets, and any other information as required.

**POND.** A body of standing water having a depth greater than two (2) feet and an area of two hundred and twenty-five (225) square feet. For the purposes of this UDO, a pond and lake are considered to be the same.

**PORTABLE STORAGE CONTAINER.** A self-storage container which is delivered to and retrieved from a home or business for off-site or on-site storage. Portable On Demand Storage (PODS) are a familiar trade name for such containers. These containers are not on a chassis and do not have axles or wheels.

**PROCESSING.** A series of operations, usually in a continuous and regular action or succession of actions, taking place or carried on in a definite manner. See MANUFACTURING.

**PROFESSIONAL SERVICES AND BUSINESS OFFICES.** Uses 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 *Chapter 2: Zoning Districts and Overlay Districts*. Examples of this use include, but are not limited to, the following:

- 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.

- Medical and doctor offices as defined by this UDO.
- Contractor construction office.

**PUBLIC AREA.** 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.

**PUBLIC HEARING.** A meeting announced and advertised in advance and open to the public, with the public given an opportunity to talk and participate.

**PUBLIC IMPROVEMENT.** 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.

**PUBLIC MEETING.** A meeting announced and advertised in advance and open to the public, where the public may observe, but is not required to be given an opportunity to talk and participate.

**PUBLIC SAFETY SERVICES.** Those services including, but not limited to Police, Fire, EMS, and Public Works departments.

**PUD DISTRICT.** A zoning district for which a PUD district ordinance is adopted.

**PUD DISTRICT ORDINANCE.** A zoning ordinance that meets the requirements of *IC 36-7-4-1500 series* and does the following:

- Designates one (1) or more parcels of real property as a PUD district;
- Specifies uses or range of uses permitted in the PUD district;
- Expresses in detailed terms the development requirements that apply in the PUD district;
- 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; and
- Specifies any limitation applicable to a PUD district; and 6) meets the requirements of *IC 36-7-4-1503*.

**QUALITY OF LIFE.** The attributes or amenities that combine to make an area a desirable place to live.

**RACE TRACK.** See STADIUM.

**RECREATION AREA.** An area designated, designed, and equipped for the conduct of sports and leisure-time activities.

**RECREATIONAL VEHICLE (RV).** A vehicular-type portable structure without a permanent foundation that can be towed, hauled, or driven and is designed as a temporary living accommodation for recreational and camping purposes. An RV may include, but is not limited to, campers, trailers, and other similar vehicles intended for overnight occupancy.

**RECREATIONAL VEHICLE PARK.** Any parcel upon which two (2) or more sites are located, established, or maintained for occupancy by recreational vehicles for a fee as temporary living quarters for recreation or vacation purposes.

**RECYCLING.** 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.

**RECYCLING FACILITY.** A place or area for the acceptance of recyclable materials from the public and may include the storage, separating, and/or processing of recyclable materials.

**REDEVELOPMENT.** The removal and replacement, rehabilitation, or adaptive reuse of an existing structure or structures, or of land from which previous improvements have been removed.

**REGULARLY.** The consistent and repeated doing of the act so described.

### **RENEWABLE ENERGY CONVERSION SYSTEMS.**

**AMBIENT BASELINE SOUND PRESSURE LEVEL.** The L90 A-weighted sound pressure emissions level (the level of sound exceeded 90% of the time) for a Project area prior to construction as determined by a baseline acoustics emissions study.

**APPLICANT FOR SECS OR WECS.** The person(s) and/or entity(s) which is/are the developer and/or owner of the Project which prepares and files the initial application to the applicable approval body, and the term shall include all successors and assigns of the initial Applicant. The term "Applicant" shall not include any person or entity which signs the application solely in the capacity as an owner of an interest in real property on which a Project shall be located. When used in this UDO to affix liability or for a binding agreement or obligation, Applicant shall include the owner or operator of the Project that intends to be legally liable or so bound.

**CO-APPLICANT FOR SECS OR WECS.** A person or entity which executes an application for a Project solely because of an ownership interest in real property to be used in connection with the Project.

**COLLECTOR.** Any power line that carries electrical power from: a) one or more wind turbines or individual transformers associated with individual wind turbines, or b) one or more solar panels or transformers or converters associated with solar panels to the point of interconnection with the electrical power grid, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the Project.

**CRITICAL WIND SPEED.** The wind speed at which WECS turbine sound pressure levels are at greatest variance with Ambient Baseline Sound Pressure Level.

**DISTAL SOLAR PANEL.** Each panel closest to an adjoining non-participating property line.

**ECONOMIC DEVELOPMENT AGREEMENT.** An agreement between the Applicant, Owner and/or Operator and the County setting forth the applicant, owner and/or operator's financial commitment to support economic development and/or provide other financial assistance in the County, or any portion thereof.

**LEDO.** Local Economic Development Organization.

**NET SALVAGE VALUE.** The net value of the all saleable parts and commodities which make up the WECS or SECS whether sold as used parts or on a commodity/scrap basis or any combination thereof (whichever is greater) after deducting all estimated costs and expenses of dismantling, removal, and

transportation and all costs and expenses of sale (including but not limited to all commissions and fees) and the amount necessary to pay and satisfy all liens, security interests, and other encumbrances attaching to the WECS or SECS. The commodity/scrap value shall be based on the prior five (5) years average scrap value of the commodity.

**NON-PARTICIPATING.** A property or the property-owner of land adjacent to a WECS-CS or SECS-CS Project that is not participating in the Project as a Co-Applicant.

**OPERATOR.** Any person or entity which has the primary involvement with or responsibility for the use, operation, or maintenance of all or a portion a Project.

**OWNER.** Any person or entity and his, her, or its assigns and successors in interest which has any ownership interest in any or all of the necessary devises to convert wind energy or solar energy into electricity. The term "Owner" does not include any person or entity whose ownership interest in a WECS or SECS is limited to an interest in real property which is used in a WECS or SECS.

**PHOTOVOLTAIC SES.** A solar energy system that converts solar energy directly into electricity.

**TRANSPORTATION PLAN.** The detailed route plan used for construction and maintenance by a Project.

**VIEWSHED AREA.** The areas of visual impact of a project..

**WECS TOWER.** The support structure to which the nacelle and rotor are attached and is a freestanding or guyed structure that supports a wind turbine generator.

**WECS TOWER HEIGHT.** The distance from the rotor blade at its highest point to adjacent grade.

**WIND ENERGY CONVERSION SYSTEM (WECS).** 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. Also, the generating equipment and all ancillary equipment used in the production of electrical energy from wind resources.

**RE-PLAT.** Defined as:

- 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; 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.

**RESEARCH AND DEVELOPMENT.** An establishment engaged in testing, research, analysis, and product development that could include limited light assembly or limited production of components. This type of use occurs within a building that typically resembles an office and/or laboratory setting.

**RESTAURANT.** Establishment that provides food service with the majority of sales being food (versus alcohol) and is open to all ages. For the purposes of this UDO, a restaurant is considered Service-Oriented Retail.

**RETAIL, GENERAL.** Uses whose primary purpose is the sale of goods and merchandise to a consumer. General retail does NOT include adult business, professional and business offices, service-oriented retail, automotive and vehicle sales, clinics and outpatient services, or any other uses

specifically defined by this UDO or separately listed in *Chapter 2: Zoning Districts and Overlay Districts*. Examples of general retail include, but are not limited to, the following:

- Department and superstores, such as clothing/apparel/shoes store;
- 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;
- Supermarkets and grocery stores, such as bakery (without dining), candy store, grocery store, and meat or fish market;
- Convenience stores, such as drug store, such as convenience or corner store, drug store, gas station, and pharmacy; and
- Discount stores, such as consignment and thrift store.

**RETAIL, SERVICE-ORIENTED.** Uses 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 *Chapter 2: Zoning Districts and Overlay Districts*.

Examples of service-oriented retail use include, but are not limited to, the following:

- 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;
- Food establishments and restaurants (see RESTAURANT), such as quick service and dine-in restaurants;
- service and repair, computer or phone repair, jewelry repair, oil change or car maintenance, and shoe repair;
- personal services, such as bank or credit union, beauty or barber shop, 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; and
- parking lots and garages as a primary use.

**REZONE.** Approval granted through the APC and the legislative body in accordance with *IC 36-7-4-608* to change the zoning classification of a particular parcel. Also referred to as a zone map change.

**RIGHT-OF-WAY.** Defined 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;
- Generally, the right of one to pass over the property of another.

**RIGHT-TO-FARM.** As established in *IC 32-30-6*, 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.

**ROAD.** Any vehicular way, right-of-way (improved or unimproved), or area between the street lines that is:

- An existing state, county, or municipal roadway;
- Shown upon a plat approved pursuant to law;
- Approved by other official action;
- Shown on a plat duly filed and recorded in the office of the Recorder; and/or
- Shown on the official map of the jurisdiction or their adopted *Comprehensive Plan*.

**ROAD CLASSIFICATIONS.** Road classifications as determined by the appropriate *Comprehensive Plan* and may include local road, major collector, minor collector, principal arterial, minor arterial, or similar classifications.

**ROAD, PRIVATE.** A privately maintained road. See ROAD.

**ROAD, PUBLIC.** Any publicly maintained road. See ROAD.

**ROADSIDE PRODUCE STAND or SALES.** A sales activity easily and clearly visible from the roadway or driveway that occurs in a structure or sales area that does not exceed two hundred (200) square feet where a single vendor or property owner sells agricultural products (not including live animals).

**RULES AND PROCEDURES.** The principles and regulations governing the conduct, action, procedures, arrangements, etc. of the APC and BZA.

**RURAL EVENT VENUE.** A facility where special events are permitted to occur generally with a use agreement between a private group or individual and the facility owner. For purposes of this definition, an event may include a celebration, ceremony, wedding, reception, corporate function, or similar activity for the benefit of someone other than the property owner that takes place on a periodic basis, involving the gathering of individuals assembled for the common purpose of attending a special event.

**SALVAGE YARD.** See JUNKYARD.

**SCHOOL.** Any building or part thereof that is designed, constructed, or used for education or instruction in any branch of knowledge.

**SCRAP YARD.** A general industrial use established independent or ancillary to and connected with another industrial use, which is concerned exclusively in new and salvaged metal pipes, wire, beams, angles, rods, machinery, parts, filings, clippings, and/or all other metal items of every type, and which acquires such items incidental to its connection with the other general industrial use or by purchase, consignment or bailment which stores, grades, processes, melts, cuts, dismantles, compresses, cleans, or in any way prepares said items for reuse by the connected other general industrial use or for storage, sale or shipment and/or use in other industries or businesses including open hearth,

electric furnaces and foundry operations. Such an establishment shall not include junkyards, dumps, or automobile or other vehicle graveyards. See DUMP, JUNK, JUNKYARD, RECYCLING, and RECYCLING FACILITY

**SELF STORAGE/MINI-STORAGE FACILITY.** A building(s) or area consisting of individual, self-contained units or spaces leased to individuals, organizations, or businesses for self-service storage of personal property, recreational vehicles (RV's), boats, or other similar items.

**SEPTIC SYSTEM.** An underground system with a septic tank used for the decomposition of domestic wastes.

**SERVICE-ORIENTED RETAIL.** See RETAIL, SERVICE-ORIENTED.

**SETBACK.** The distance between the foundation of the structure to the lot line, right-of-way, centerline of the road, or other feature. See *Chapter 2, Section A.5: Setbacks* for the criteria to determine the front, side, and rear setbacks.

**SETBACK, AVERAGE.** The average setback of primary structures on the same side of the street that are located within one hundred (100) feet of the property line of the proposed structure.

**SETBACK LINE.** A line drawn along the required minimum setback.

**SEWAGE TREATMENT PLANT, CENTRALIZED.** Any sewage treatment facility that requires an NPDES permit from the Indiana Department of Environmental Management (IDEM) to discharge treated effluent.

**SEWER.** 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.

**SEWER, SANITARY.** A system of pipes that carry domestic or commercial sanitary sewage and into which storm, surface, and ground waters are not intentionally admitted.

**SEWER AND WATER SYSTEM, PUBLIC.** 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.

**SEXUALLY ORIENTED BUSINESS.** An adult entertainment or service business that is part of the sex industry and is a site of erotic performance, erotic paraphernalia sales, and/or other sexually oriented places. Sexually oriented businesses may include an adult bookstore, adult cabaret, adult mini motion picture theater, adult motion picture theater, adult service establishment (*IC 12-7-2-1.8*), semi-nude model studio, sexual device shop, or a sexual encounter center as defined in this ordinance. The term "sexually oriented business" shall also include adult drive-in theater, adult live entertainment arcade, and adult motion picture arcade.

**SHIPPING CONTAINER.** See CARGO CONTAINER.

**SHORT-TERM RENTAL.** In accordance with *IC 36-1-24-6*, the rental of a single-family home, an accessory dwelling, a duplex, a multi-family dwelling, or a condominium for terms of less than thirty (30) days at a time through a short-term rental platform.

**SHORT-TERM RENTAL PLATFORM.** In accordance with *IC 36-1-24-7*, an entity that provides an online platform through which unaffiliated parties offer to rent a short-term rental to an occupant and collects fees for the rental from the occupant.

**SIDEWALK.** A paved, surfaced, or leveled area, paralleling and usually separated from the traveled way, used as a pedestrian walkway.

**SIGHT TRIANGLE.** 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.

**SIGN.** 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. 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.

**SIGN, ABANDONED.** A sign that is:

- Associated with an abandoned use;
- Remains after the termination of the business; and/or
- On its immediate premises but not adequately maintained or repaired.

**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, ELECTRONIC VARIABLE MESSAGE (EVMS).** A sign, or component of a sign, such as an electrically or electronically controlled message center, where the characters, letters, or illustrations can be changed or rearranged either in the field, or from a remote location, without physically altering the face or the surface of the sign.

**SIGN, FACE.** The surface intended for the display of information on the sign.

**SIGN, HEIGHT ABOVE GROUND.** 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.

**SIGN, ILLUMINATED.** Any sign lighted by or exposed to artificial lighting either by light on or in the sign or directed toward the sign.

**SIGN, LEGAL NON-CONFORMING.** 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.

**SIGN, PERMANENT.** 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.

**SIGN, STRUCTURE.** The supporting unit of a sign face, including but not limited to frames, braces cabinets, and poles.

**SIGN, TEMPORARY.** Any sign that is temporarily used for a specific and shorter 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 (such as property for sale, special events, grand openings, sales, etc.) or a short period of time.

**SIGN TYPES.** For the purposes of this UDO, the following sign types 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;
- Patterned illusionary movement in which animated signs or portions of signs whose illumination is characterized by simulated movement.

**AWNING SIGN.** A sign that is attached to an awning or other fabric that serves as a structural protective cover over a window or entrance.

**BANNER SIGN.** A sign made of flexible materials and supported by any combination of staples, tape, wires, ropes, strings, poles, posts or rods or other materials that are not built as a permanent foundation for the sign. Banner Signs include wave banner signs.

**HANGING SIGN.** A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface, such as a single post or the underside of a ceiling or canopy. Also known as a canopy or swing sign.

**INFLATABLE SIGN.** 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.

**MAILBOX SIGN.** A sign that is either mounted under a mailbox or placed on a mailbox surface but does not extend past the mailbox or mailbox supporting structure in any dimension.

**MONUMENT (GROUND) SIGN.** A freestanding sign in which the bottom edge of the sign is in contact with or is close to the ground. Also known as a ground, site, or pylon sign.

**MURAL SIGN.** A picture, scene, diagram, text, artwork, or graphic applied on the exterior of a building, wall, or structure. For the purposes of this UDO, a mural is considered a wall sign.

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

**BENCH SIGN.** A type of portable sign painted on, located on, or attached to any part of the surface of a bench, seat, or chair.

**HUMAN SIGN.** A type of portable sign held or worn by a human being for the purposes of advertising or otherwise drawing attention to an individual, business, commodity, service, activity, or product.

**SIDEWALK/SANDWICH BOARD SIGN.** A type of portable, temporary freestanding display located on the sidewalk or similar area that is typically adjacent to a roadway or storefront.

**VEHICLE SIGN.** A type of portable 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 it is painted directly on the body of a vehicle and/or applied as a decal on the body of a vehicle.

**POLE SIGN.** A sign anchored directly to the ground or supported by one (1) or more posts, columns, or other vertical structures or supports. The sign is not attached to or dependent for support from any building and the sign area is not in close proximity to the ground. Billboards would be considered Pole Signs.

**PROJECTING SIGN.** A sign that is wholly or partly dependent upon a building for support and that projects more than twelve (12) inches from that building. Also known as a blade sign.

**ROOF SIGN.** Any sign partially or fully erected on or above the roof line of a structure.

**WALL SIGN.** Any sign attached to, erected against, or painted on the wall, façade, or exterior of a structure with the exposed display surface of the sign in a plane parallel (or relatively parallel) to the plane of the structure. See also MURAL.

**WINDOW SIGN.** Any sign directly attached to the window of a structure or erected on the inside or outside of the window, which at the determination of the Administrator, is legible from any part of a public right-of-way or adjacent property. For purposes of this window sign definition, a "window" is defined as an opening in the wall or roof of a structure that is fitted with glass or other transparent material in a frame to admit light or air and to allow people inside to see out. Also known as a façade sign.

**YARD SIGN.** Small signs, typically under waist height that are usually supported by metal wire or small stakes driven directly into the ground.

**SITE PLAN.** 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.

**SOLAR ENERGY.** Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

**SPECIAL EXCEPTION.** Permission granted by the BZA in accordance with *IC 36-7-4-918.2* 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, PUBLIC.** An accessory structure/building/area in which horses are kept for commercial use including boarding, hire, riding, show, or sale. For the purposes of this UDO, this use shall be considered service-oriented retail.

**STADIUM.** A place or area (indoor or outdoor) that is primarily used for spectator sports, entertainment (such as concerts, amusement parks, and similar events), expositions, fairgrounds, or similar public gatherings or events. Stadiums may also have accessory uses, such as food vendors or on-site merchandise sales for the event. Examples include, but are not limited to, convention halls, sports arenas, amphitheaters, race tracks, and assembly halls. For the purposes of this UDO, this use does not include institutional uses (such as schools) that include a stadium on the same site or campus as the institutional use or those uses specifically defined as service-oriented retail.

**STATE.** The State of Indiana.

**STORAGE CONTAINER.** A box-like receptacle, often made of durable materials like steel, designed to hold, protect, and transport various items, including personal property, merchandise, construction materials, or supplies. Storage containers include cargo containers, portable storage containers, truck trailers, and bulk solid waste containers.

**STORAGE CONTAINER, PERMANENT.** A portable storage container that is placed in a fixed location or kept on a site for more than thirty (30) days. For purposes of this UDO, such containers are considered accessory structures and require the appropriate building permits and must meet the applicable development standards.

**STORAGE CONTAINER, PORTABLE.** A storage container which does not have a permanent foundation or footing.

**STORAGE CONTAINER, TEMPORARY.** A portable storage container that is kept temporarily (thirty (30) days or less) for short-term needs.

**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.

**STREET.** See ROAD.

**STREET CLASSIFICATION.** See ROAD CLASSIFICATION.

**STRUCTURE.** 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.

**STRUCTURE, ACCESSORY.** A structure detached from a primary structure (not attached to the foundation of the primary structure) located on the same parcel and customarily incidental and subordinate to the primary structure or use. For purposes of this UDO, a fence is considered an accessory structure.

**STRUCTURE, AGRICULTURAL.** A structure on agriculturally used 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.

**STRUCTURE, ATTACHED.** A structure which has any part of its exterior or bearing wall in common with another building or which is connected to another building by a roof.

**STRUCTURE, DETACHED.** A structure having no structural connection with another structure.

**STRUCTURE, ENCLOSED.** A structure with a roof/ceiling and at least two (2) walls.

**STRUCTURE, PORTABLE.** 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.

**STRUCTURE, PRIMARY.** 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.

**STRUCTURE, TEMPORARY.** 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.

**SUBDIVIDER.** Any person who has an interest in land that is the subject of an application for subdivision. Also, a person submitting an application for subdivision.

**SUBDIVISION.** 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. A subdivision includes the division or development of any land, whether by deed, metes and bounds description, or other recorded instrument. Subdivisions are further classified as commercial or industrial subdivision, traditional residential subdivision, conservation residential subdivision, mini residential subdivision, minor residential subdivision, homestead subdivision, and exempt subdivision.

**COMMERCIAL or INDUSTRIAL SUBDIVISION.** A subdivision where approval is granted by the APC in accordance with *IC 36-7-4-700 series* and as outlined in *Chapter 6: Subdivision Types* for the subdivision of a parcel for commercial or industrial development.

**TRADITIONAL RESIDENTIAL SUBDIVISION.** A subdivision where approval is granted by the APC in accordance with *IC 36-7-4-700 series* and as outlined in *Chapter 6: Subdivision Types* for any division of a parcel of land into six (6) or more lots for residential development.

**CONSERVATION RESIDENTIAL SUBDIVISION.** A subdivision where approval is granted by the APC in accordance with *IC 36-7-4-700 series* and as outlined in *Chapter 6: Subdivision Types* for a division of a

parcel of land into six (6) or more lots for residential development resulting in the clustering of residential lots in order to preserve open space.

**MINI RESIDENTIAL SUBDIVISION.** A subdivision where approval is granted by the APC in accordance with *IC 36-7-4-700 series* and as outlined in *Chapter 6: Subdivision Types* for a division of a parcel of land for into no more than seven (7) lots for residential development with specific standards designed to minimize the consumption of agricultural land and limit access to public roadways yet allowing for planned residential development in rural areas.

**SUBDIVISION, MINOR RESIDENTIAL.** A subdivision where approval is granted by the APC in accordance with *IC 36-7-4-700 series* and as outlined in *Chapter 6: Subdivision Types* for a division of a parcel of land into five (5) lots or less for residential development.

**SUBDIVISION, HOMESTEAD.** A subdivision granted to separate the original homestead and supporting property from the remaining farm ground with which it was originally affiliated as outlined in *Chapter 6: Subdivision Types*.

**SUBDIVISION, EXEMPT.** Divisions of existing parcels of land that are exempt from the subdivision procedures of this UDO as determined by the Administrator and as outlined in *Chapter 6: Subdivision Types*.

**SWIMMING POOL.** A self-contained body of water at least twenty-four (24) inches in depth used for recreational purposes. Such body of water may exist in a metal tank, plastic lined, fiberglass, 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.** See TECHNICAL ADVISORY COMMITTEE.

**TAVERN.** An establishment in which alcoholic beverages are served, primarily by the drink, where food or packaged liquors may also be served or sold.

**TECHNICAL ADVISORY COMMITTEE (TAC).** A committee that, because of their specialized knowledge and experience in their field of expertise, may review the technical aspects of a project and assist the Administrator, APC, and BZA by providing technical and expert advice with regard to proposed development within the jurisdiction.

**THOROUGHFARE PLAN.** The portion of the applicable *Comprehensive Plan* 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 *IC 36-7-4-506*.

**TOURIST CABINS.** See HOTEL.

**TOWNHOME.** See DWELLING, TOWNHOME.

**TRACT.** See LOT.

**TRANSPARENCY.** With regard to a building façade, the percentage of a street-facing building façade that is covered by glazed elements that are clear and non-reflective and may not be painted or tinted.

**TRUCK TERMINAL.** A freight or relay station for the transfer or exchange of cargo from one vehicle, form of transportation, or party to another. This does not include long-term or permanent storage.

**UNIFIED DEVELOPMENT ORDINANCE (UDO).** A unified development ordinance combines the jurisdiction's zoning and subdivision control ordinances into a single, legal document that is enabled by *IC 36-7-4-610* and adopted by the legislative body and which may be amended from time to time.

**USE.** 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.

**USE, ACCESSORY.** A use that:

- Is clearly incidental and customarily found in connection with a primary structure or use;
- Is subordinate to and serves the primary use;
- Is subordinate in area, extent, or purpose to the primary use served;
- Contributes to the comfort, convenience, or necessity of occupants, business, or industry of the primary use served; and
- Is located on the same parcel as the primary use served.

**USE, PRIMARY.** The predominant use of any lot or parcel or as determined by the primary structure.

**USE, TEMPORARY.** A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

**UTILITY.** Defined as 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; and is a closely regulated enterprise with a franchise for providing a needed service.

**UTILITY, PUBLIC.** As regulated by *IC 8-1-2*, 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 the:

- The conveyance of telegraph and telephone messages;
- The production, transmission, delivery, or furnishing of heat, light, water, or power; or
- Collection, treatment, purification, and disposal in a sanitary manner of liquid and solid waste, sewage, night soil, and industrial waste. The term does not include a municipality that may acquire, own, or operate any of the foregoing facilities.

**UTILITY MAIN EXTENSION.** The extension of utility infrastructure for future use by surrounding property owners including, but not limited to, water and sanitary sewer.

**VARIANCE.** Permission granted by the BZA in accordance with *IC 36-7-4-918.5* to depart from specific development standards for a zoning district within this UDO.

**VARIANCE OF USE.** Permission granted by the BZA in accordance with *IC 36-7-4-918.4* to allow a specific use that is not otherwise permitted in a zoning district.

**VEHICLE, INOPERABLE.** As defined by *IC 9-13-2-1*, or any vehicle that is partially disassembled, inoperable, or unlicensed, on any property not associated with a legal on-site automotive repair use

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, which is parked in areas zoned AG, and is used for parts replacement for machinery currently being used in the farming operation.

**WAIVER.** Permission to depart from specific development standards of the subdivision regulations and as specifically identified in the UDO.

**WAREHOUSING AND DISTRIBUTION.** An establishment engaged in the receipt, storage, and distribution of goods, products, cargo, and materials, including trans-shipment by boat, rail, air, or motor vehicle. Uses typically breakdown large orders from a single source into smaller orders and consolidation of several orders into a single large order for distribution to several recipients. Retail sales (on-site), assembly, or product processing are not considered distribution or warehousing. This does not include truck terminal.

**WHOLESALE BUSINESS.** An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, or professional business users, or to other wholesalers. For purposes of this UDO, wholesale businesses are not considered general retail.

**WILDLIFE AND NATURE PRESERVE.** Open space intended to remain in a predominately natural or undeveloped state to provide possible opportunities for passive recreation.

**WINDOW.** Any opening in a wall or roof which functions to admit light to a building or structure.

**WIRELESS COMMUNICATION FACILITY.** 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.

**YARD.** 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.

**YARD, FRONT.** A space extending across the full width of the parcel between the primary structure and the front lot line and measured perpendicularly from the front lot line to the nearest point of the primary structure.

**YARD, REAR.** A space extending across the full width of the parcel between the primary structure and the rear lot line and measured perpendicularly from the rear lot line to the closest point of the primary structure.

**YARD, SIDE.** A space extending from the front yard to the rear yard between the primary structure and the side lot line and measured perpendicularly from the side lot line to the closest point of the primary structure.

**ZONING DISTRICT.** 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.

**ZONING MAP.** The map or maps that are considered a part of the UDO and delineate the boundaries of zoning districts and any amendments thereto of the jurisdictional area of the APC.