

## CHAPTER 1

# Introductory & Administrative 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 Owen County Advisory Plan Commission (PC).
2. Intent. The intent of the UDO is to promote orderly development while aligning with the vision of the 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 Comprehensive Plan, including all of the plan components;
  - d. Define the powers and duties of administrative officers and bodies as provided herein, and to establish procedures for the implementation and enforcement of this UDO;
  - 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, 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 Subdivision Control Ordinance into a single document to reduce redundancies, provide a more predictable development review process, and provide a user-friendly document.
  - 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 1, 2, 3, 4, 8, 9, and 10. Relief from these provisions may be sought from the Board of Zoning Appeals (BZA) (see Chapter 5: Special Exception, Variance from Development Standards, and Variance of Use 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 5 and 6. Relief from these provisions in the form of a waiver may be sought from the PC (see Chapter 8: Waiver Procedures).
4. Defined Terms. Specific words and terms relative to this UDO are as defined in Chapter 10: Definitions. Words or terms used in this UDO that are not defined shall be as defined by a current dictionary.
5. Severability. If any provision of 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 any provisions within this ordinance are in conflict or are inconsistent with one another, the provision which is most restrictive shall control.
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 ordinances are hereby repealed and are replaced by the adoption of this UDO and the Official Zoning Map:
  - a. Ordinance Number ##, Zoning Ordinance, and
  - b. Ordinance Number ##, Subdivision Control Ordinance.
9. Effective Date. This ordinance shall be in full force and effect as of ##.

## **B. Applicability, Authority and Jurisdiction.**

1. Authority. This UDO is enacted by the Owen County Commissioners 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 Owen County Advisory PC.
3. Application. It is not intended by this UDO to interfere with, abrogate, or amend any existing easements, covenants, or other private 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 PC.
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 county, the State, or Federal Agency.

5. Administration. The Administrator shall have the primary responsibility of administering the UDO within the jurisdiction.

## C. Transition Policies.

1. Pending Applications and Permits.
  - a. Pending Applications. Applications that are received 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 Owen County Commissioners, the PC, and the BZA as well as applications for improvement location permits (ILP) and building permits (BP).
  - b. Permits Issued. A permit for an ILP or a BP that was issued prior to the adoption of this UDO shall remain valid for the timeframe and provisions established by the regulations that were in effect at the time of filing. If applicable, a valid permit may be renewed per the provisions established by the regulations that were in effect at the time of filing. Permits that have expired per the provisions established by the regulations that were in effect at the time of filing and need to be resubmitted shall now be subject to the regulations established by this UDO.
2. Approved Plats / Subdivisions. Because subdivisions are subject to approval for both the 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 (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 and 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 Owen County Commissioners, the PC, or the BZA or as part of an application for an ILP or BP 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 outline in Chapters 5 and 8 of this UDO and/or the applicable PC Rules and Procedures or BZA Rules and Procedures.
4. Property Not Included. Property that has not been specifically included within a district for some reason is hereby declared to be in the General Agricultural District (A1), except for property designated as limited-access or interstate highway right-of-way.

## **D. UDO Administration: Administrator.**

1. Duties. The Administrator shall be appointed by the Plan Commission in accordance with IC 36-7-4-311 and shall have the following duties:
  - a. Administer and enforce the provisions of this UDO in accordance with its literal terms and shall not have the power to permit any construction or any use or change of use which does not conform to this UDO;
  - b. Issue ILPs, BPs, and Certificates of Occupancy;
  - 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: Appeals.

## **E. UDO Administration: Advisory Plan Commission (PC).**

1. PC Establishment and Membership. The PC shall be established in accordance with IC 36-7-4-200 series. The PC for Owen County shall have membership in accordance with IC 36-7-4-207(b): Advisory Plan Commission.
2. PC Jurisdiction. The PC shall have jurisdiction over all land covered by the jurisdiction of this UDO.
3. PC Organization. The PC shall be organized in accordance with IC 36-7-4-300 Series.
  - a. Quorum. In accordance with IC 36-7-4-301, a quorum of the PC consists of a majority of the entire membership of the PC.
  - b. Official Action. In accordance with IC 36-7-4-302, action of the PC is not official unless it occurs at a regular or special meeting, by a majority of the entire voting membership of the PC.
  - c. President and Vice President. In accordance with IC 36-7-4-303, at the first regular meeting in each year, the PC shall elect a president and a vice president from its members.
  - d. Secretary. In accordance with IC 36-7-4-304, the PC shall appoint a secretary at the first regular meeting in each year. The secretary is not required to be a member of the commission.
4. PC Meeting and Minutes.
  - a. Regular Meetings. In accordance with IC 36-7-4-306, the PC 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 public record.

- b. Special Meetings. In accordance with IC 36-7-4-307, a special meeting of the PC may be called by the president or by two (2) members of the PC upon written request to the Administrator.
5. Employees. In accordance with IC 36-7-4-311, the PC may appoint, prescribe duties, and fix the compensation of employees as necessary for the discharge of the duties of the PC. This compensation must be in conformity with salaries and compensation fixed by the Owen County Council. The PC may contract for special or temporary services and professional counsel.
6. PC Powers and Duties. The PC shall have the following powers and duties as authorized in IC 36-7-4-400 series et. seq including the following.
- a. Executive Committee. Per IC 36-7-4-408, the PC may establish an executive committee of not less than three (3) nor more than nine (9) persons appointed by the PC 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 commission. A majority of the executive committee may act on behalf of the commission, but if there are any dissenting votes, a person voting in the minority may appeal the decision of the executive committee to the PC.
  - b. Fees. Per IC 36-7-4-411, the PC may establish a fee schedule to defray the administrative costs associated with PC and BZA petitions, issuing permits, and other permitted actions.
  - c. Rules and Procedures. The PC shall adopt rules for its administration.
  - d. Comprehensive Plan. The PC shall approve and make amendments to the Comprehensive Plan for the consideration by the Owen County Commissioners in accordance with IC 36-7-4-500 series.
  - e. Development Plans. The PC shall make decisions regarding development plans or delegate this authority to the Administrator in accordance with Chapter 5: Development Plans and IC 36-7-4-1400 series.
  - f. Planned Unit Developments (PUD). The PC shall make recommendations to the Owen County Commissioners concerning the adoption and amendment of a PUD in accordance with Chapter 5: Zone Map Changes & PUD Districts and IC 36-7-4-1500 series.
  - g. Streets and Addresses. The president of the Owen County Commissioners shall name or rename streets and assign addresses, however, this responsibility may be delegated to the PC, the Administrator, or another department by ordinance.
  - h. Subdivisions. The PC shall make decisions regarding plats, replats, and amendments to plats in accordance with Chapter 5: Administration and Procedures, the PC Rules and Procedures, and IC 36-7-4-700 series, including:
    - i. Primary Plat as described in IC 36-7-4-702; and
    - ii. Secondary Plat as described in IC 36-7-4-709. The PC may delegate the authority to approve secondary plats to the Administrator.

- i. Zone Map Changes. The PC shall make recommendations to the Owen County Commissioners concerning changes to the zoning map in accordance with Chapter 5: Zone Map Changes & PUD Districts, IC 36-7-4-600 series, and IC 36-7-4-1500 series.
- 7. PC Committees. The following are established as committees of the PC as outlined in the PC Rules and Procedures.
  - a. Technical Advisory Committee (TAC). The Technical Advisory Committee 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 Technical Advisory Committee may include, but not limited to, Administrator, Parks Department, Public Works Department, Engineer, Fire District(s), Water Utility(ies), Sewer Utility(ies), County Surveyor, County Drainage Board, County Health Department, and/or public school district(s), as appropriate.
    - ii. Duties. Checkpoint agencies may be used on an as-needed basis and have the following powers and duties to provide review and comment on:
      - (1) Primary and Secondary subdivision plats;
      - (2) Zoning Map Amendments (rezoning) and PUD Districts;
      - (3) Development Plans; and
      - (4) Variances, Variances of Use, and Special Exceptions.
  - b. Other Committees. RESERVED.

## **F. 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(a).
- 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. The secretary is not required to be a member of the board.
  - 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 public record.

- i. Regular Meetings. The BZA shall fix the time for holding regular meetings each month or as necessary, keep minutes of its proceedings, keep records of its examinations and other official acts, and shall record and vote on all actions taken. All minutes and records shall be filed in the Office of the Administrator and shall be public record.
  - ii. Special Meetings. A special meeting of the BZA may be called by the chairman or by two (2) members of the BZA upon written request to the Administrator.
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: Appeals and IC 36-7-4-918.1.
  - c. Special Exception. The BZA shall make decision regarding special exceptions in accordance with Chapter 5: Special Exceptions and IC 36-7-4-918.2.
  - d. Variance from Development Standards. The BZA shall make decisions regarding variances in accordance with Chapter 5: Variances from Development Standards and IC 36-7-4-918.5.
  - e. Variance of Use. The BZA shall make decisions regarding variances of use in accordance with Chapter 5: Variances of Use and IC 36-7-4-918.4.





**CHAPTER 2**

# Zoning Districts and Overlay Districts

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## A. General Provisions.

1. Zoning Districts. The jurisdictional area is hereby classified and divided into the zoning districts outlined below:

Zoning Districts		
Land Use Category	Name of Zoning District	Abbreviation
Agricultural	General Agricultural	A-1
	Intensive Agricultural	A-2
Residential	Rural Estate	R-1
	Rural Subdivisions	R-2
	Special Residential	R-3
Business	General Business	B-1
	Heavy Business	B-2
Industrial	Light Industrial	I-1
	Heavy Industrial	I-2
Institutional	Public/Institutional	P-1
Conservation	Conservation	C-1

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

Overlay Districts	
Name of Overlay District	Abbreviation
Floodplain Overlay District	FPO

3. Official Zoning Map. The Official Zoning Map is a geographic coverage layer that is maintained as part of the geographic information system (GIS) under the direction of the Administrator. 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 accompanies and 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 ##: Appeals 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 in the UDO. 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 by the Administrator as described in the process in Subsection 4.b: Land Uses Not Listed in the UDO) shall be prohibited unless a Use Variance is approved by the BZA.
  - b. Land Uses Not Listed in the UDO. For land uses not listed, the Administrator shall determine if the desired land use is similar to a listed land use based on the following:
    - i. Administrator Decisions for Unlisted Land Uses:
      - (1) 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.
      - (2) 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 unless a Use Variance is approved by the BZA.
      - (3) 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 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:
      - (1) Intensity. Is the unlisted use similar in the amount of activity and type of activity to a listed use?
      - (2) Residential, Public, and Office Uses. Intensity levels should compare the number of people using a space.
      - (3) 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.
      - (4) 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.

- iii. Character. Does the unlisted use have similar physical characteristics, structures, scale, operational hours, or other features similar to a listed use?
  - iv. 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?
  - v. Intent. Is the unlisted use compatible with the purpose of the subject zoning district and consistent with the Comprehensive Plan?
5. Development Standards. The following development standards are interpreted as follows:
- a. Lot Frontage. Lot frontage is the linear measurement of a lot line that touches a public right-of-way
  - b. Setbacks. Any property line abutting a public or private street 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.
    - i. Corner Lots. A corner lot will have two (2) front yard setbacks and two (2) side yard setbacks; it will not have a rear yard setback.
    - ii. Minimum Front Yard Setback. The minimum front yard setback is listed per the Development Standards table for each zoning district and is measured from the center of the road or the right-of-way, whichever is greater.
    - iii. 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 tables for each zoning district.
    - iv. 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 lowest ground level adjacent to the building at the front of the structure to the highest point of the structure. Building height does not include antennas, chimneys, steeples, or agricultural/industrial appurtenances.

## B. Zoning Districts

## 1. A-1, GENERAL AGRICULTURAL DISTRICT

- a. Purpose. The A-1, General Agricultural District is to provide for and protect substantial areas for a broad variety of agricultural uses where little or no urbanization has occurred or is planned to occur. Operation of any machinery, vehicles, and other uses customarily incidental to agricultural uses permitted on the premises is expected and allowed. A farmstead is the only residential development permitted; any additional residences are only allowed by special exception, which provides the opportunity for an in-depth review by the TAC for site suitability as well as to consider whether the dwelling is related to the operation and maintenance of agricultural uses in this district. It is the intent of this district to limit all non-farm residential uses to provide for large areas of contiguous farm land.
- b. General Standards.
  - i. All subdivisions require subdivision approval unless exempt (See Chapter 6: Exempt Subdivisions).
  - ii. All new primary structures require Development Plan approval except single-family and two-family residential dwellings on individual lots.
  - iii. All development may be subject to Drainage Board approval.
  - iv. One (1) primary use is permitted per parcel and one (1) primary structure/dwelling is permitted per parcel stated allowed otherwise.
- c. Use and Development Standards.
  - i. All applicants, developers, or landowners who develop any use in this district shall be required as part of the special exception process to sign the following agricultural clause and record it as a deed restriction to bind successive owners: "Grantee and their successors in title are on notice and understand that this residence is being built in a predominately agricultural area and that farming operations will be practiced in the area of this residence. With this understanding, the grantee and successors in title forego their right to bring claim against any farmer in the area who has not been negligent."

### Permitted Uses - General Agricultural District (A-1)

**ACCESSORY USES**

- farm equipment repair
- \*accessory dwelling unit
- child care home
- \*home occupation
- \*home-based business
- \*non-commercial livestock
- roadside agricultural produce stands

**AGRICULTURAL USES**

- row crops
- community garden
- livestock production not requiring IDEM permit
- grain elevator

**COMMERCIAL USES**

- farm supply store
- farm equipment dealer
- farm equipment repair
- greenhouse/nursery
- \*rural event venue (permanent or temporary)

**INSTITUTIONAL USES**

- governmental service (police, fire, EMS)
- school
- cemetery
- library

**RECREATIONAL USES**

- park and recreation facility, passive

**RESIDENTIAL USES**

- farmstead home

**UTILITY USES**

- essential services

### Special Exception Uses - General Agricultural District (A-1)

**ACCESSORY USES**

- \*short-term rental
- \*solar energy system (SES), accessory
- \*wind energy system, accessory

**AGRICULTURAL USES**

- \*animal feeding operation (AFO) (including confined feeding operation, and concentrated animal feeding operation)
- meat processing
- sawmill
- timber processing

**COMMERCIAL USES**

- kennel
- veterinary clinic and/or service
- airport/heliport

**INDUSTRIAL USES**

- chemical supply dealer

**INSTITUTIONAL USES**

- place of public assembly, indoor

**RECREATIONAL USES**

- \*agritourism
- \*campground & recreational vehicle park
- shooting/archery range, outdoor
- riding stable

**RESIDENTIAL USES**

- conservation residential subdivision
- single-family home
- minor residential subdivision
- farm worker housing

**UTILITY USES**

- \*wireless communication facility
- \*solar energy system (SES), primary
- \*wind energy system, primary

*\* Indicates that special development, operational, and/or procedural standards will apply to the use. See Chapter 4: Standards for Specific Uses.*

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

		Single-family and Two-family Residential	Multi-family Residential	Non-residential
Maximum height of structure*	Primary structure	30'	n/a	40'
	Accessory structure	20'	n/a	25'
Minimum living area (per unit)		900 sq. ft.	n/a	n/a
Maximum building area		n/a	n/a	n/a

\* Grain elevators, grain storage or other agricultural handling or processing equipment are exempt from this requirement.

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

Minimum lot frontage		50'	n/a	50'
Minimum lot area		2 acres	n/a	2 acres
Maximum lot area		n/a	n/a	n/a
Minimum front yard setback		50'	n/a	50'
Minimum side yard setback	Primary structure	10'	n/a	25'
	Accessory structure	10'	n/a	20'
Minimum rear yard setback	Primary structure	20'	n/a	20'
	Accessory structure	10'	n/a	15'
Maximum impervious surface coverage		25%	n/a	20%

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

Public water and sewer required	No	n/a	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>Bufferyard and Landscaping Standards</li> <li>Driveway and Access Management 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 and Dumpster Standards</li> </ul>
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## 2. **A-2, INTENSIVE AGRICULTURAL.**

- a. Purpose. The A-2, Intensive Agricultural District is intended to provide areas within the County for agricultural related industries and confined feeding operations. Operation of any machinery, vehicles, and other uses customarily incidental to agricultural uses permitted on the premises is expected and allowed. A farmstead is the only residential development permitted due to the intensive nature of the agricultural uses in this district. Intensive agricultural districts should be buffered from residential zoning districts by the A-1, General Agricultural District.
- b. General Standards.
  - i. All subdivisions require subdivision approval unless exempt (See Chapter 6: Exempt Subdivisions).
  - ii. All new primary structures require Development Plan approval except single-family and two-family residential dwellings on individual lots.
  - iii. All development may be subject to Drainage Board approval.
  - iv. One (1) primary use is permitted per parcel and one (1) primary structure/dwelling is permitted per parcel stated allowed otherwise.
- c. Use and Development Standards.
  - i. All applicants, developers, or landowners who develop any use in this district shall be required as part of the special exception process to sign the following agricultural clause and record it as a deed restriction to bind successive owners: "Grantee and their successors in title are on notice and understand that this residence is being built in a predominately agricultural area and that farming operations will be practiced in the area of this residence. With this understanding, the grantee and successors in title forego their right to bring claim against any farmer in the area who has not been negligent."

### Permitted Uses - Intensive Agricultural District (A-2)

**ACCESSORY USES**

- farm equipment repair
- accessory dwelling unit
- child care home
- \*home occupation
- \*home-based business
- \*non-commercial livestock
- roadside agricultural produce stands

**AGRICULTURAL USES**

- \*animal feeding operation (AFO) (including confined feeding operation, and concentrated animal feeding operation)
- meat processing
- sawmill
- timber processing
- row crops
- livestock production not requiring IDEM permit
- grain elevator
- community garden

**COMMERCIAL USES**

- farm supply store
- farm equipment dealer
- farm equipment repair
- greenhouse/nursery

**INSTITUTIONAL USES**

- governmental service (police, fire, EMS)

**RECREATIONAL USES**

- park and recreation facility, passive

**RESIDENTIAL USES**

- farmstead

**UTILITY USES**

- essential services

### Special Exception Uses - Intensive Agricultural District (A-2)

**ACCESSORY USES**

- \*accessory dwelling unit
- 
- \*solar energy system (SES), accessory
- \*wind energy system, accessory

**COMMERCIAL USES**

- kennel
- veterinary clinic and/or service
- \*rural event venue (permanent or temporary)
- airport/heliport

**INDUSTRIAL USES**

- chemical supply dealer

**INSTITUTIONAL USES**

- cemetery

**RECREATIONAL USES**

- \*agritourism
- riding stable
- shooting/archery range, outdoor

**RESIDENTIAL USES**

- conservation residential subdivision
- single-family home
- farm worker housing

**UTILITY USES**

- \*wireless communication facility
- \*solar energy system (SES), primary
- \*wind energy system, primary

*\* Indicates that special development, operational, and/or procedural standards will apply to the use. See Chapter 4: Standards for Specific Uses.*



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

		Single-family and Two-family Residential	Multi-family Residential	Non-residential
Maximum height of structure*	Primary structure	30'	n/a	40'
	Accessory structure	20'	n/a	25'
Minimum living area (per unit)		900sqft	n/a	n/a
Maximum building area		n/a	n/a	n/a

\* Grain elevators, grain storage or other agricultural handling or processing equipment are exempt from this requirement.

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

Minimum lot frontage		50'	n/a	50'
Minimum lot area		2 acres	n/a	20 acres
Maximum lot area		n/a	n/a	n/a
Minimum front yard setback		50'	n/a	50'
Minimum side yard setback	Primary structure	10'	n/a	35'
	Accessory structure	10'	n/a	25'
Minimum rear yard setback	Primary structure	20'	n/a	35'
	Accessory structure	10'	n/a	25'
Maximum impervious surface coverage		25%	n/a	25%

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

Public water and sewer required	No	n/a	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>Bufferyard and Landscaping Standards</li> <li>Driveway and Access Management 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 and Dumpster Standards</li> </ul>
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### **3. R-1, RURAL ESTATE DISTRICT**

- a. Purpose. The R-1, Rural Estate District allows a variety of less intensive agricultural uses, while accommodating limited low-density single-family dwellings and minor residential subdivisions in appropriate locations in the County. This district was created to accommodate and provide opportunities for rural development, including hobby farms, horse subdivisions, etc. while separating non-farm residential uses from adjacent agricultural districts to promote and protect the agricultural economy. Operation of any machinery, vehicles, and other uses customarily incidental to agricultural uses permitted on the premises is expected and allowed. minor residential subdivisions are preferred over single lot dwellings to encourage more compact and contiguous development. This district preserves the rural character of the County while also providing for large lot development.
- b. General Standards.
  - i. All subdivisions require subdivision approval unless exempt (See Chapter 6: Exempt Subdivisions).
  - ii. All new primary structures require Development Plan approval except single-family and two-family residential dwellings on individual lots.
  - iii. All development may be subject to Drainage Board approval.
  - iv. One (1) primary use is permitted per parcel and one (1) primary structure/dwelling is permitted per parcel stated allowed otherwise.
- c. Use and Development Standards.

Permitted Uses - Rural Estate District (R-1)	
<p><b>ACCESSORY USES</b></p> <ul style="list-style-type: none"> <li>● *accessory dwelling unit</li> <li>● *home occupation</li> <li>● *home-based business</li> <li>● *non-commercial livestock</li> <li>● child care home</li> <li>● roadside agricultural produce stands</li> <li>● *short-term rental</li> </ul> <p><b>AGRICULTURAL USES</b></p> <ul style="list-style-type: none"> <li>● row crops</li> <li>● community garden</li> </ul> <p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>● *adult day care facility</li> </ul>	<p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>● schools</li> <li>● library</li> <li>● governmental service (police, fire, EMS)</li> <li>● cemetery</li> </ul> <p><b>RECREATIONAL USES</b></p> <ul style="list-style-type: none"> <li>● park and recreation facility, passive</li> </ul> <p><b>RESIDENTIAL USES</b></p> <ul style="list-style-type: none"> <li>● farmstead</li> <li>● single-family home</li> <li>● duplex</li> <li>● minor residential subdivision</li> <li>● farm worker housing</li> <li>● single-family homes on metes and bounds lot splits of 10 acres or more, created after 01/01/25</li> </ul> <p><b>UTILITY USES</b></p> <ul style="list-style-type: none"> <li>● essential services</li> </ul>
Special Exception Uses - Rural Estate District (R-1)	
<p><b>ACCESSORY USES</b></p> <ul style="list-style-type: none"> <li>●</li> <li>● *solar energy system (SES), accessory</li> </ul> <p><b>*wind energy system, accessory AGRICULTURAL USES</b></p> <ul style="list-style-type: none"> <li>● livestock production not requiring IDEM permit</li> </ul> <p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>● farm supply store</li> <li>● kennel</li> <li>● *rural event venue (permanent or temporary)</li> <li>● veterinary clinic and/or service</li> </ul>	<p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>● place of public assembly, indoor</li> </ul> <p><b>UTILITY USES</b></p> <ul style="list-style-type: none"> <li>● *wireless communication facility</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>	

<b>Structure Standards - Rural Estate District (R-1)</b>				
		<b>Single-family and Two-family Residential</b>	<b>Multi-family Residential</b>	<b>Non-residential</b>
Maximum height of structure	Primary structure	30'	n/a	40'
	Accessory structure	20'	n/a	30'
Minimum living area (per unit)		900sqft	n/a	n/a
Maximum building area		n/a	n/a	n/a
<b>Lot Standards - Rural Estate District (R-1)</b>				
Minimum lot frontage		100'	n/a	100'
Minimum lot area		2 acres	n/a	2 acres
Maximum lot area		n/a	n/a	n/a
Minimum front yard setback		50'	n/a	50'
Minimum side yard setback	Primary structure	10'	n/a	25'
	Accessory structure	10'	n/a	10'
Minimum rear yard setback	Primary structure	20'	n/a	15'
	Accessory structure	10'	n/a	10'
Maximum impervious surface coverage		25%	n/a	80%
<b>Utility Standards - Rural Estate District (R-1)</b>				
Public water and sewer required		No	n/a	No
<b>Additional Site Development Standards</b>				
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>• Bufferyard and Landscaping Standards</li> <li>• Driveway and Access Management 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 and Dumpster Standards</li> </ul>		

#### 4. R-2, RURAL SUBDIVISIONS DISTRICT

- a. Purpose. The R-2, Rural Subdivisions District provides for low-density single-family and two-family dwellings with less agricultural uses within major or minor residential subdivisions in appropriate locations in the County. Subdivisions are to be located close to water and sewer systems where those utilities can be provided to the subdivision. This district was created to accommodate larger rural developments separate from the agricultural zoning districts, to promote and protect the agricultural economy. Major residential subdivisions or minor residential subdivisions are preferred over single lot dwellings to encourage more compact and contiguous development. Limited public uses are also allowed if they are compatible with the area and can be supported by available infrastructure.
- b. General Standards.
  - i. All subdivisions require subdivision approval unless exempt (See Chapter 6: Exempt Subdivisions).
  - ii. All new primary structures require Development Plan approval except single-family and two-family residential dwellings on individual lots.
  - iii. All development may be subject to Drainage Board approval.
  - iv. One (1) primary use is permitted per parcel and one (1) primary structure/dwelling is permitted per parcel stated allowed otherwise.
- c. Use and Development Standards.

Permitted Uses - Rural Subdivisions District (R-2)	
<p><b>ACCESSORY USES</b></p> <ul style="list-style-type: none"> <li>● *accessory dwelling unit</li> <li>● *home occupation</li> <li>● child care home</li> <li>● roadside agricultural produce stands</li> <li>● *short-term rental</li> </ul> <p><b>AGRICULTURAL USES</b></p> <ul style="list-style-type: none"> <li>● row crops</li> <li>● community garden</li> </ul> <p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>● *adult day care facility</li> <li>● day care facility</li> </ul>	<p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>● schools</li> <li>● library</li> <li>● governmental service (police, fire, EMS)</li> <li>● cemetery</li> </ul> <p><b>RECREATIONAL USES</b></p> <ul style="list-style-type: none"> <li>● community center or clubhouse</li> <li>● park and recreation facility, passive</li> <li>● park and recreation facility, active</li> </ul> <p><b>RESIDENTIAL USES</b></p> <ul style="list-style-type: none"> <li>● single-family home</li> <li>● duplex</li> <li>● major residential subdivision</li> <li>● minor residential subdivision</li> <li>● single-family homes on metes and bounds lot splits of 10 acres or more, created after 1/1/25</li> </ul> <p><b>UTILITY USES</b></p> <ul style="list-style-type: none"> <li>● essential services</li> </ul>
Special Exception Uses - Rural Subdivisions District (R-2)	
<p><b>ACCESSORY USES</b></p> <ul style="list-style-type: none"> <li>● *home-based business</li> <li>● *non-commercial livestock</li> <li>● *solar energy system (SES), accessory</li> <li>● *wind energy system, accessory</li> </ul>	<p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>● *rural event venue (permanent or temporary)</li> </ul> <p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>● place of public assembly, indoor</li> </ul> <p><b>UTILITY USES</b></p> <ul style="list-style-type: none"> <li>● *wireless communication facility</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>	

<b>Structure Standards - Rural Subdivisions District (R-2)</b>				
		<b>Single-family and Two-family Residential</b>	<b>Multi-family Residential</b>	<b>Non-residential</b>
Maximum height of structure	Primary structure	30'	n/a	40'
	Accessory structure	20'	n/a	30'
Minimum living area (per unit)		1,600sqft	n/a	n/a
Maximum building area		n/a	n/a	n/a
<b>Lot Standards - Rural Subdivisions District (R-2)</b>				
Minimum lot frontage		80'	n/a	100'
Minimum lot area		13,000sqft	n/a	2 acres
Maximum lot area		n/a	n/a	n/a
Minimum front yard setback		35'	n/a	50'
Minimum side yard setback	Primary structure	10'	n/a	25'
	Accessory structure	10'	n/a	25'
Minimum rear yard setback	Primary structure	20'	n/a	25'
	Accessory structure	10'	n/a	25'
Maximum impervious surface coverage		35%	n/a	40%
<b>Utility Standards - Rural Subdivisions District (R-2)</b>				
Public water and sewer required		yes	n/a	yes
<b>Additional Site Development Standards</b>				
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>• Bufferyard and Landscaping Standards</li> <li>• Driveway and Access Management 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 and Dumpster Standards</li> </ul>		

## **5. R-3, SPECIAL RESIDENTIAL DISTRICT**

- a. Purpose. The R-3, Special Residential District accommodates residential development with increased density in locations where there is adequate infrastructure capacity. This district is intended to allow more housing types in the County such as manufactured home parks, multi-family development, senior housing, and tiny home subdivisions. Limited public uses are also allowed if they are compatible with the area and can be supported by available infrastructure.
- b. General Standards.
  - i. All subdivisions require subdivision approval unless exempt (See Chapter 6: Exempt Subdivisions).
  - ii. All new primary structures require Development Plan approval except single-family and two-family residential dwellings on individual lots.
  - iii. All development may be subject to Drainage Board approval.
  - iv. One (1) primary use is permitted per parcel and one (1) primary structure/dwelling is permitted per parcel stated allowed otherwise.
- c. Use and Development Standards.



Permitted Uses - Special Residential District (R-3)	
<p><b>ACCESSORY USES</b></p> <ul style="list-style-type: none"> <li>● *home occupation</li> <li>● child care home</li> <li>● roadside agricultural produce stands</li> </ul> <p><b>AGRICULTURAL USES</b></p> <ul style="list-style-type: none"> <li>● row crops</li> <li>● community garden</li> </ul> <p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>● *adult day care facility</li> <li>● day care facility</li> </ul> <p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>● schools</li> <li>● library</li> <li>● governmental service (police, fire, EMS)</li> <li>● cemetery</li> </ul>	<p><b>RECREATIONAL USES</b></p> <ul style="list-style-type: none"> <li>● community center or clubhouse</li> <li>● park and recreation facility, passive</li> <li>● park and recreation facility, active</li> </ul> <p><b>RESIDENTIAL USES</b></p> <ul style="list-style-type: none"> <li>● single-family home</li> <li>● duplex</li> <li>● townhome</li> <li>● apartment</li> <li>● major residential subdivision</li> <li>● minor residential subdivision</li> <li>● single-family homes on metes and bounds lot splits of 10 acres or more, created after 1/1/25</li> </ul> <p><b>UTILITY USES</b></p> <ul style="list-style-type: none"> <li>● essential services</li> </ul>
Special Exception Uses - Special Residential District (R-3)	
<p><b>ACCESSORY USES</b></p> <ul style="list-style-type: none"> <li>● *home-based business</li> <li>● *solar energy system (SES), accessory</li> <li>● *wind energy system, accessory</li> </ul> <p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>● laundromat</li> <li>● convenience store</li> <li>● restaurant</li> <li>● *rural event venue (permanent or temporary)</li> </ul>	<p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>● place of public assembly, indoor</li> </ul> <p><b>RESIDENTIAL USES</b></p> <ul style="list-style-type: none"> <li>● senior housing</li> <li>● *manufactured home park</li> <li>● *tiny home</li> </ul> <p><b>UTILITY USES</b></p> <ul style="list-style-type: none"> <li>● *wireless communication facility</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>	

<b>Structure Standards - Special Residential District (R-3)</b>				
		<b>Single-family and Two-family Residential</b>	<b>Multi-family Residential</b>	<b>Non-residential</b>
Maximum height of structure	Primary structure	30'	50'	50'
	Accessory structure	20'	25'	35'
Minimum living area (per unit)		750sqft	600sqft	n/a
Maximum building area		n/a	n/a	n/a
<b>Lot Standards - Special Residential District (R-3)</b>				
Minimum lot frontage		50'	75'	100'
Minimum lot area		13,000sqft	20,000sqft	1 acre
Maximum lot area		n/a	n/a	n/a
Minimum front yard setback		50'	50'	50'
Minimum side yard setback	Primary structure	10'	10'	25'
	Accessory structure	10'	10'	15'
Minimum rear yard setback	Primary structure	20'	20'	25'
	Accessory structure	10'	10'	20'
Maximum impervious surface coverage		60%	60%	60%
<b>Utility Standards - Special Residential District (R-3)</b>				
Public water and sewer required		yes	yes	yes
<b>Additional Site Development Standards</b>				
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>• Bufferyard and Landscaping Standards</li> <li>• Driveway and Access Management 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 and Dumpster Standards</li> </ul>		

**6. B-1, GENERAL BUSINESS DISTRICT**

- a. Purpose. The B-1, General Business District accommodates small or medium-scale commercial uses with limitations on size in locations where there is adequate infrastructure capacity, and which create minimal detrimental impacts to the surrounding area. The businesses are envisioned to be a mix of storefront retail, restaurants, professional office, public, and service uses. Adjacent business properties should be connected via access easements, with driveways minimized to improve access management.
- b. General Standards.
  - i. All subdivisions require subdivision approval unless exempt (See Chapter 6: Exempt Subdivisions).
  - ii. All new primary structures require Development Plan approval except single-family and two-family residential dwellings on individual lots.
  - iii. All development may be subject to Drainage Board approval.

iv. One (1) primary use is permitted per parcel and one (1) primary structure/dwelling is permitted per parcel stated allowed otherwise.

c. Use and Development Standards.

<b>Permitted Uses - General Business District (B-1)</b>	
<p><b>ACCESSORY USES</b></p> <ul style="list-style-type: none"> <li>● automated teller machine (ATM)</li> </ul> <p><b>AGRICULTURAL USES</b></p> <ul style="list-style-type: none"> <li>● row crops</li> <li>● community garden</li> </ul> <p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>● *adult day care facility</li> <li>● bank, credit union, and financial services</li> <li>● bar/brewery</li> <li>● day care facility</li> <li>● drive-in or drive-through facility</li> <li>● drugstore</li> <li>● grocery</li> <li>● kennel</li> <li>● medical office/clinic</li> <li>● office, general</li> <li>● personal services</li> <li>● restaurant</li> <li>● retail sales</li> <li>● veterinary clinic and/or service</li> </ul>	<p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>● library</li> <li>● governmental service (police, fire, EMS)</li> <li>● cemetery</li> </ul> <p><b>RECREATIONAL USES</b></p> <ul style="list-style-type: none"> <li>● commercial recreation &amp; amusement services, indoor</li> <li>● park and recreation facility, passive</li> <li>● park and recreation facility, active</li> </ul> <p><b>UTILITY USES</b></p> <ul style="list-style-type: none"> <li>● essential services</li> </ul>
<b>Special Exception Uses - General Business District (B-1)</b>	
<p><b>ACCESSORY USES</b></p> <ul style="list-style-type: none"> <li>● *accessory dwelling unit</li> <li>● *solar energy system (SES), accessory</li> <li>● *wind energy system, accessory</li> </ul> <p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>● automobile/vehicle repair and service (no outdoor storage or operations)</li> <li>● automobile/vehicle sales and rental</li> <li>● car wash</li> <li>● hotel</li> <li>● refueling station</li> </ul>	<p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>● hospital/rehabilitative care</li> <li>● schools</li> <li>● place of public assembly, indoor</li> </ul> <p><b>RECREATIONAL USES</b></p> <ul style="list-style-type: none"> <li>● community center</li> </ul> <p><b>RESIDENTIAL USES</b></p> <ul style="list-style-type: none"> <li>● townhome</li> <li>● apartment</li> <li>● senior housing</li> </ul> <p><b>UTILITY USES</b></p> <ul style="list-style-type: none"> <li>● *wireless communication facility</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>	

<b>Structure Standards - General Business District (B-1)</b>				
		<b>Single-family and Two-family Residential</b>	<b>Multi-family Residential</b>	<b>Non-residential</b>
Maximum height of structure	Primary structure	n/a	50'	50'
	Accessory structure	n/a	25'	35'
Minimum living area (per unit)		n/a	600sqft	n/a
Maximum building area		n/a	n/a	50,000sqft
<b>Lot Standards - General Business District (B-1)</b>				
Minimum lot frontage		n/a	75'	100'
Minimum lot area		n/a	20,000sqft	20,000sqft
Maximum lot area		n/a	2 acres	2 acres
Minimum front yard setback		n/a	40'	50'
Minimum side yard setback	Primary structure	10'	10'	10'
	Accessory structure	10'	10'	10'
Minimum rear yard setback	Primary structure	20'	20'	30'
	Accessory structure	10'	10'	30'
Maximum impervious surface coverage		n/a	60%	60%
<b>Utility Standards - General Business District (B-1)</b>				
Public water and sewer required		n/a	yes	yes
<b>Additional Site Development Standards</b>				
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>• Bufferyard and Landscaping Standards</li> <li>• Driveway and Access Management 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 and Dumpster Standards</li> </ul>		

## 7. B-2, HEAVY BUSINESS DISTRICT

- a. Purpose. The B-2, Heavy Business District accommodates larger or more intensive commercial uses than the General Business District, in locations where there is adequate infrastructure capacity. Uses in this district may impact the surrounding area, including generating heavy truck traffic, higher volumes of automobile traffic, and having outside storage or operations. This district is meant to ensure that development has direct access to non-local streets. Businesses may be a mix of warehouse clubs, “Big Box” retail, contractors’ yards, auto dealers, equipment rental, etc. The B-2 District should have adequate access to collector-level streets and should avoid locations adjoining residentially zoned properties.
- b. General Standards.
  - i. All subdivisions require subdivision approval unless exempt (See Chapter 6: Exempt Subdivisions).
  - ii. All new primary structures require Development Plan approval except single-family and two-family residential dwellings on individual lots.
  - iii. All development may be subject to Drainage Board approval.
  - iv. One (1) primary use is permitted per parcel and one (1) primary structure/dwelling is permitted per parcel stated allowed otherwise.
- c. Use and Development Standards.

## Permitted Uses - Heavy Business District (B-2)

**ACCESSORY USES**

- automated teller machine (ATM)

**AGRICULTURAL USES**

- row crops
- community garden

**COMMERCIAL USES**

- \*adult day care facility
- automobile/vehicle repair and service (no outdoor storage or operations)
- automobile/vehicle sales and rental
- bank, credit union, and financial services
- bar/brewery
- building materials and hardware store
- car wash
- day care facility
- contractor shop/office
- drive-in or drive-through facility
- drugstore
- farm supply store
- farm equipment dealer
- farm equipment repair
- greenhouse/nursery
- grocery
- heavy equipment sales and rental
- hotel
- Industrial and Manufacturing Product Sales and Supply
- kennel
- landscaping supply store
- manufactured home sales
- medical office/clinic
- office, general

**BUSINESS USES (continued)**

- personal services
- refueling station
- repair service
- research laboratory
- restaurant
- retail sales
- self-storage, mini-warehouse
- travel center
- veterinary clinic and/or service

**INDUSTRIAL USES**

- chemical supply dealer

**INSTITUTIONAL USES**

- library
- governmental service (police, fire, EMS)
- cemetery

**RECREATIONAL USES**

- commercial recreation & amusement services, indoor
- commercial recreation & amusement services, outdoor
- park and recreation facility, passive
- park and recreation facility, active

**UTILITY USES**

- essential services

## Special Exception Uses - Heavy Business District (B-2)

**ACCESSORY USES**

- \*accessory dwelling unit
- \*solar energy system (SES), accessory
- \*wind energy system, accessory

**COMMERCIAL USES**

- \*adult-oriented business
- airport/heliport
- cargo terminal

**INDUSTRIAL USES**

- manufacturing, light

**INSTITUTIONAL USES**

- correctional institution
- hospital/rehabilitative care
- schools
- place of public assembly, indoor

**RECREATIONAL USES**

- park and recreation facility, passive
- \*campground & recreational vehicle park

**RESIDENTIAL USES**

- apartment

**UTILITY USES**

- \*wireless communication facility

*\* Indicates that special development, operational, and/or procedural standards will apply to the use. See Chapter 4: Standards for Specific Uses.*

<b>Structure Standards - Heavy Business District (B-2)</b>				
		<b>Single-family and Two-family Residential</b>	<b>Multi-family Residential</b>	<b>Non-residential</b>
Maximum height of structure	Primary structure	n/a	50'	50'
	Accessory structure	n/a	25'	35'
Minimum living area (per unit)		n/a	600sqft	n/a
Maximum building area		n/a	n/a	n/a
<b>Lot Standards - Heavy Business District (B-2)</b>				
Minimum lot frontage		n/a	100'	100'
Minimum lot area		n/a	20,000sqft	20,000sqft
Maximum lot area		n/a	n/a	n/a
Minimum front yard setback		n/a	50'	50'
Minimum side yard setback	Primary structure	n/a	10'	30'
	Accessory structure	n/a	10'	30'
Minimum rear yard setback	Primary structure	n/a	20'	30'
	Accessory structure	n/a	10'	30'
Maximum impervious surface coverage		n/a	60%	65%
<b>Utility Standards - Heavy Business District (B-2)</b>				
Public water and sewer required		n/a	yes	yes
<b>Additional Site Development Standards</b>				
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>• Bufferyard and Landscaping Standards</li> <li>• Driveway and Access Management 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 and Dumpster Standards</li> </ul>		

## **8. I-1, LIGHT INDUSTRIAL DISTRICT**

- a. Purpose. The I-1, Light Industrial District accommodates less-intensive industrial uses, including light production, assembly, warehousing, research & development facilities, and similar land uses. These may be stand-alone or part of a business park development, and shall mitigate potential negative impacts of noise, vibration and harmful air or water quality to surrounding properties. In keeping with this, only industrial uses completely contained within structures and not involving outdoor storage, or operations are allowed. The I-1 District should have adequate access to collector-level streets and should avoid locations adjoining residentially zoned properties.
- b. General Standards.
  - i. All subdivisions require subdivision approval unless exempt (See Chapter 6: Exempt Subdivisions).
  - ii. All new primary structures require Development Plan approval except single-family and two-family residential dwellings on individual lots.
  - iii. All development may be subject to Drainage Board approval.
  - iv. One (1) primary use is permitted per parcel and one (1) primary structure/dwelling is permitted per parcel stated allowed otherwise.
- 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>● manufacturer outlet store</li> </ul> <p><b>AGRICULTURAL USES</b></p> <ul style="list-style-type: none"> <li>● row crops</li> </ul> <p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>● automobile/vehicle repair and service</li> <li>● automobile/vehicle sales and rental</li> <li>● building materials and hardware store</li> <li>● car wash</li> <li>● contractor shop/office</li> <li>● farm supply store</li> <li>● Industrial and Manufacturing Product Sales and Supply</li> <li>● landscaping supply store</li> <li>● manufactured home sales</li> <li>● medical office/clinic</li> <li>● office, general</li> <li>● refueling station</li> <li>● research laboratory</li> <li>● restaurant</li> <li>● self-storage, mini-warehouse</li> <li>● travel center</li> </ul>	<p><b>INDUSTRIAL USES</b></p> <ul style="list-style-type: none"> <li>● chemical supply dealer</li> <li>● manufacturing, light</li> </ul> <p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>● governmental service (police, fire, EMS)</li> <li>● cemetery</li> </ul> <p><b>RECREATIONAL USES</b></p> <ul style="list-style-type: none"> <li>● park and recreation facility, passive</li> </ul> <p><b>UTILITY USES</b></p> <ul style="list-style-type: none"> <li>● essential services</li> </ul>
Special Exception Uses - Light Industrial District (I-1)	
<p><b>ACCESSORY USES</b></p> <ul style="list-style-type: none"> <li>● *solar energy system (SES), accessory</li> <li>● *wind energy system, accessory</li> </ul> <p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>● airport/heliport</li> </ul>	<p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>● school</li> </ul> <p><b>UTILITY USES</b></p> <ul style="list-style-type: none"> <li>● *solar energy system (SES), primary</li> <li>● *wind energy system, primary</li> <li>● *wireless communication facility</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>	

<b>Structure Standards - Light Industrial District (I-1)</b>				
		<b>Single-family and Two-family Residential</b>	<b>Multi-family Residential</b>	<b>Non-residential</b>
Maximum height of structure	Primary structure	n/a	n/a	50'
	Accessory structure	n/a	n/a	35'
Minimum living area (per unit)		n/a	600sqft	n/a
Maximum building area		n/a	n/a	n/a
<b>Lot Standards - Light Industrial District (I-1)</b>				
Minimum lot frontage		n/a	n/a	100'
Minimum lot area		n/a	n/a	1 acre
Maximum lot area		n/a	n/a	n/a
Minimum front yard setback		n/a	n/a	50'
Minimum side yard setback	Primary structure	n/a	n/a	50'
	Accessory structure	n/a	n/a	30'
Minimum rear yard setback	Primary structure	n/a	n/a	50'
	Accessory structure	n/a	n/a	30'
Maximum impervious surface coverage		n/a	n/a	65%
<b>Utility Standards - Light Industrial District (I-1)</b>				
Public water and sewer required		n/a	n/a	yes
<b>Additional Site Development Standards</b>				
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>• Bufferyard and Landscaping Standards</li> <li>• Driveway and Access Management 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 and Dumpster Standards</li> </ul>		

## 9. I-2, HEAVY INDUSTRIAL DISTRICT

- a. Purpose. The I-2, Heavy Industrial District accommodates more intensive industrial uses, including industrial manufacturing, production, assembly, warehousing, research and development facilities, and similar land uses. These shall mitigate the potential negative impacts of noise, vibration and harmful air or water quality to surrounding properties. The I-2 District should have adequate access to collector-level streets and should avoid locations adjoining residentially zoned properties.
- b. General Standards.
  - i. All subdivisions require subdivision approval unless exempt (See Chapter 6: Exempt Subdivisions).
  - ii. All new primary structures require Development Plan approval except single-family and two-family residential dwellings on individual lots.
  - iii. All development may be subject to Drainage Board approval.
  - iv. One (1) primary use is permitted per parcel and one (1) primary structure/dwelling is permitted per parcel stated allowed otherwise.
- c. Use and Development Standards.

**Permitted Uses - Heavy Industrial District (I-2)**

**ACCESSORY USES**

- manufacturer outlet store

**AGRICULTURAL USES**

- row crops

**COMMERCIAL USES**

- automobile/vehicle repair and service
- automobile/vehicle sales and rental
- bank, credit union, and financial services
- building materials and hardware store
- car wash
- cargo terminal
- contractor shop/office
- day care center
- drive-in or drive-through facility
- farm supply store
- farm equipment dealer
- farm equipment repair
- greenhouse/nursery
- heavy equipment sales and rental
- industrial and manufacturing product sales and supply
- landscaping supply store
- medical office/clinic
- office, general

**COMMERCIAL USES (continued)**

- refueling station
- repair service
- research laboratory
- restaurant
- self-storage, mini-warehouse
- travel center

**INDUSTRIAL USES**

- chemical supply dealer
- manufacturing, light
- manufacturing, heavy

**INSTITUTIONAL USES**

- governmental service (police, fire, EMS)
- cemetery

**RECREATIONAL USES**

- park and recreation facility, passive

**UTILITY USES**

- essential services

**Special Exception Uses - Heavy Industrial District (I-2)**

**ACCESSORY USES**

- \*solar energy system (SES), accessory
- \*wind energy system, accessory

**COMMERCIAL USES**

- \*adult-oriented business
- airport/heliport
- crematorium
- \*junkyard

**INDUSTRIAL USES**

- mineral extraction

**INSTITUTIONAL USES**

- correctional institutions
- schools

**UTILITY USES**

- \*solar energy system (SES), primary
- \*wind energy system, primary
- \*wireless communication facility

*\* Indicates that special development, operational, and/or procedural standards will apply to the use. See Chapter 4: Standards for Specific Uses.*

<b>Structure Standards - Heavy Industrial District (I-2)</b>				
		<b>Single-family and Two-family Residential</b>	<b>Multi-family Residential</b>	<b>Non-residential</b>
Maximum height of structure	Primary structure	n/a	50'	50'
	Accessory structure	n/a	25'	35'
Minimum living area (per unit)		n/a	600sqft	n/a
Maximum building area		n/a	n/a	n/a
<b>Lot Standards - Heavy Industrial District (I-2)</b>				
Minimum lot frontage		n/a	n/a	150'
Minimum lot area		n/a	n/a	1 acre
Maximum lot area		n/a	n/a	n/a
Minimum front yard setback		n/a	n/a	75''
Minimum side yard setback	Primary structure	n/a	n/a	50'
	Accessory structure	n/a	n/a	50'
Minimum rear yard setback	Primary structure	n/a	n/a	50'
	Accessory structure	n/a	n/a	50'
Maximum impervious surface coverage		n/a	n/a	65%
<b>Utility Standards - Heavy Industrial District (I-2)</b>				
Public water and sewer required		n/a	n/a	yes
<b>Additional Site Development Standards</b>				
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>• Bufferyard and Landscaping Standards</li> <li>• Driveway and Access Management 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 and Dumpster Standards</li> </ul>		

## **10. P-1, PUBLIC/INSTITUTIONAL DISTRICT**

- a. Purpose. The P-1, Public/Institutional District is intended to provide regulations for properties frequented by the community, whether owned by government, public or not-for-profit institutions, including but not limited to churches, parks, schools, hospitals, cemeteries, golf courses, and other similar facilities.
- b. General Standards.
  - i. All subdivisions require subdivision approval unless exempt (See Chapter 6: Exempt Subdivisions).
  - ii. All new primary structures require Development Plan approval except single-family and two-family residential dwellings on individual lots.
  - iii. All development may be subject to Drainage Board approval.
  - iv. One (1) primary use is permitted per parcel and one (1) primary structure/dwelling is permitted per parcel stated allowed otherwise.
- c. Use and Development Standards.

<b>Permitted Uses - Public/Institutional District (P-1)</b>	
<p><b>AGRICULTURAL USES</b></p> <ul style="list-style-type: none"> <li>● roadside agricultural produce stands</li> <li>● row crops</li> <li>● community garden</li> </ul> <p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>● bank, credit union, and financial services</li> <li>● day care center</li> <li>● drive-in or drive through facility</li> <li>● medical office/clinic</li> <li>● office, general</li> <li>● retail sales</li> <li>● refueling station</li> <li>● restaurant</li> <li>● *rural event venue (permanent or temporary)</li> </ul>	<p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>● cemetery</li> <li>● governmental service (police, fire, EMS)</li> <li>● library</li> <li>● museum</li> <li>● places of public assembly, indoor</li> <li>● schools</li> </ul> <p><b>RECREATIONAL USES</b></p> <ul style="list-style-type: none"> <li>● community center</li> <li>● park and recreation facility, passive</li> <li>● park and recreation facility, active</li> <li>● *campground &amp; recreational vehicle park</li> </ul> <p><b>UTILITY USES</b></p> <ul style="list-style-type: none"> <li>● essential services</li> </ul>
<b>Special Exception Uses - Public/Institutional District (P-1)</b>	
<p><b>ACCESSORY USES</b></p> <ul style="list-style-type: none"> <li>● *solar energy system (SES), accessory</li> <li>● *wind energy system, accessory</li> </ul> <p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>● airport/heliport</li> </ul> <p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>● correctional institution</li> <li>● hospital/rehabilitative care</li> </ul>	<p><b>RECREATIONAL USES</b></p> <ul style="list-style-type: none"> <li>● shooting/archery range, outdoor</li> </ul> <p><b>UTILITY USES</b></p> <ul style="list-style-type: none"> <li>● *solar energy system (SES), primary</li> <li>● *wind energy system, primary</li> <li>● *wireless communication facility</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>	

<b>Structure Standards - Public/Institutional District (P-1)</b>				
		<b>Single-family and Two-family Residential</b>	<b>Multi-family Residential</b>	<b>Non-residential</b>
Maximum height of structure	Primary structure	n/a	n/a	50'
	Accessory structure	n/a	n/a	35'
Minimum living area (per unit)		n/a	n/a	n/a
Maximum building area		n/a	n/a	n/a
<b>Lot Standards - Public/Institutional District (P-1)</b>				
Minimum lot frontage		n/a	n/a	200'
Minimum lot area		n/a	n/a	2 acres
Maximum lot area		n/a	n/a	n/a
Minimum front yard setback		n/a	n/a	50'
Minimum side yard setback	Primary structure	n/a	30'	30'
	Accessory structure	n/a	20'	20'
Minimum rear yard setback	Primary structure	n/a	30'	30'
	Accessory structure	n/a	20'	20'
Maximum impervious surface coverage		n/a	n/a	65%
<b>Utility Standards - Public/Institutional District (P-1)</b>				
Public water and sewer required		n/a	n/a	no
<b>Additional Site Development Standards</b>				
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>• Bufferyard and Landscaping Standards</li> <li>• Driveway and Access Management 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 and Dumpster Standards</li> </ul>		



## 11. C-1, CONSERVATION DISTRICT

- a. Purpose. The C-1, Conservation District is intended to preserve significant historic, cultural, or natural resource areas from future development, including land and water, whether publicly or privately held. Areas suitable for C-1 zoning include parks, burial areas, historic structures or areas, nature preserves, areas of steep slopes or unusual geologic formations, floodways and floodplains, riparian areas, wetlands, mature woods, and similar areas. Any development within this zoning district shall be supportive of the primary purpose of preserving the existing natural resources.
- b. General Standards.
  - i. All subdivisions require subdivision approval unless exempt (See Chapter 6: Exempt Subdivisions).
  - ii. All new primary structures require Development Plan approval except single-family and two-family residential dwellings on individual lots.
  - iii. All development may be subject to Drainage Board approval.
  - iv. One (1) primary use is permitted per parcel and one (1) primary structure/dwelling is permitted per parcel stated allowed otherwise.
- c. Use and Development Standards.

<b>Permitted Uses - Conservation District (C-1)</b>	
<p><b>AGRICULTURAL USES</b></p> <ul style="list-style-type: none"> <li>● community garden</li> <li>● roadside agricultural produce stands</li> <li>● row crops</li> </ul> <p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>● retail sales</li> </ul>	<p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>● cemetery</li> <li>● governmental service (police, fire, EMS)</li> </ul> <p><b>RECREATIONAL USES</b></p> <ul style="list-style-type: none"> <li>● park and recreation facility, active</li> <li>● park and recreation facility, passive</li> </ul> <p><b>UTILITY USES</b></p> <ul style="list-style-type: none"> <li>● essential services</li> </ul>
<b>Special Exception Uses - Conservation District (C-1)</b>	
<p><b>ACCESSORY USES</b></p> <ul style="list-style-type: none"> <li>● *solar energy system (SES), accessory</li> <li>● *wind energy system, accessory</li> </ul> <p><b>AGRICULTURAL USES</b></p> <ul style="list-style-type: none"> <li>● *agritourism</li> </ul> <p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>● greenhouse/nursery</li> <li>● restaurant</li> <li>● *rural event venue (permanent or temporary)</li> </ul>	<p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>● library</li> <li>● museum</li> <li>● place of public assembly, indoor</li> <li>● school</li> </ul> <p><b>RECREATIONAL USES</b></p> <ul style="list-style-type: none"> <li>● community center</li> <li>● *campground &amp; recreational vehicle park</li> <li>● shooting/archery range, outdoor</li> </ul> <p><b>UTILITY USES</b></p> <ul style="list-style-type: none"> <li>● *solar energy system (SES), primary</li> <li>● *wind energy system, primary</li> <li>● *wireless communication facility</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>	

<b>Structure Standards - Conservation District (C-1)</b>				
		<b>Single-family and Two-family Residential</b>	<b>Multi-family Residential</b>	<b>Non-residential</b>
Maximum height of structure	Primary structure	n/a	n/a	50'
	Accessory structure	n/a	n/a	35'
Minimum living area (per unit)		n/a	n/a	n/a
Maximum building area		n/a	n/a	n/a
<b>Lot Standards - Conservation District (C-1)</b>				
Minimum lot frontage		n/a	n/a	200'
Minimum lot area		n/a	n/a	2 acres
Maximum lot area		n/a	n/a	n/a
Minimum front yard setback		n/a	n/a	50'
Minimum side yard setback	Primary structure	n/a	n/a	10'
	Accessory structure	n/a	n/a	10'
Minimum rear yard setback	Primary structure	n/a	n/a	20'
	Accessory structure	n/a	n/a	10'
Maximum impervious surface coverage		n/a	n/a	50%
<b>Utility Standards - Conservation District (C-1)</b>				
Public water and sewer required		n/a	n/a	no
<b>Additional Site Development Standards</b>				
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>• Bufferyard and Landscaping Standards</li> <li>• Driveway and Access Management 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 and Dumpster Standards</li> </ul>		

## C. Overlay Districts.

1. Floodplain Overlay District.
  - a. Purpose. The Floodplain Overlay District (“FPO”) is intended to provide additional zoning controls that reflect the standards of the County’s flood ordinance.
  - b. Location. The Floodplain Overlay District (“FPO”) includes all FEMA Flood Map areas designated as the FP, Floodplain and the FW, Floodway on the most recent official maps.
  - c. General Standards.
    - i. All subdivisions require subdivision approval unless exempt (See Chapter 6: Exempt Subdivisions).
    - ii. All new primary structures require Development Plan approval except single-family and two-family residential dwellings on individual lots.
    - iii. All development may be subject to Drainage Board approval.
    - iv. One (1) primary use is permitted per parcel and one (1) primary structure/dwelling is permitted per parcel stated allowed otherwise.
  - d. Additional Development Standards: See the *Owen County Flood Hazard Area Ordinance*.
  - e. Use Standards.

<b>Permitted Uses - Floodplain Overlay District (FP)</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 – Floodplain Overlay District (FP)</b>	
The uses listed as “Special Exception Uses” in the underlying zoning district, unless specified as a Prohibited Use below.	
<p><b>ACCESSORY USES</b></p> <ul style="list-style-type: none"> <li>● *solar energy system (SES), accessory</li> <li>● *wind energy system, accessory</li> </ul> <p><b>AGRICULTURAL USES</b></p> <ul style="list-style-type: none"> <li>● *agritourism</li> <li>● sawmill</li> <li>● timber processing</li> </ul> <p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>● airport/heliport</li> <li>● restaurant</li> <li>● retail sales</li> <li>● *rural event venue (permanent or temporary)</li> </ul>	<p><b>INDUSTRIAL USES</b></p> <ul style="list-style-type: none"> <li>● manufacturing, light</li> </ul> <p><b>mineral extraction INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>● governmental service (police, fire, EMS)</li> </ul> <p><b>RECREATIONAL USES</b></p> <ul style="list-style-type: none"> <li>● shooting/archery range, outdoor</li> </ul> <p><b>UTILITY USES</b></p> <ul style="list-style-type: none"> <li>● *solar energy system (SES), primary</li> <li>● *wind energy system, primary</li> <li>● *wireless communication facility</li> </ul>
<b>Prohibited Uses – Floodplain Overlay District (FP)</b>	
<p><b>ACCESSORY USES</b></p> <ul style="list-style-type: none"> <li>● *accessory dwelling</li> <li>● *short-term rental</li> </ul> <p><b>AGRICULTURAL USES</b></p> <ul style="list-style-type: none"> <li>● *animal feeding operation (AFO) (including confined feeding operation, and concentrated animal feeding operation)</li> <li>● meat processing</li> </ul> <p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>● crematorium</li> <li>● day care center</li> <li>● hotel</li> <li>● *junkyard</li> <li>● kennel</li> <li>● *rural event venue (permanent or temporary)</li> <li>● self-storage, mini-warehouse</li> </ul> <p><b>INDUSTRIAL USES</b></p> <ul style="list-style-type: none"> <li>● chemical supply dealer</li> <li>● landfill</li> <li>● manufacturing, heavy</li> </ul> <p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>● correctional institution</li> <li>● hospital/rehabilitative care</li> <li>● cemetery</li> </ul>	<p><b>INSTITUTIONAL USES (Continued)</b></p> <ul style="list-style-type: none"> <li>● library</li> <li>● museum</li> <li>● places of public assembly, indoor</li> <li>● schools</li> </ul> <p><b>RECREATIONAL USES</b></p> <ul style="list-style-type: none"> <li>● community center</li> <li>● *campground &amp; recreational vehicle park</li> </ul> <p><b>RESIDENTIAL USES</b></p> <ul style="list-style-type: none"> <li>● farm worker housing</li> <li>● single-family home</li> <li>● duplex</li> <li>● townhome</li> <li>● apartment</li> <li>● senior housing</li> <li>● *manufactured home park</li> <li>● *tiny home</li> <li>● major residential subdivision</li> <li>● minor residential subdivision</li> </ul>
* Indicates that special development, operational, and/or procedural standards will apply to the use. See Chapter 4: Standards for Specific Uses.	

- f. Development Standards.
- i. All development standards established by any underlying zoning district shall also apply if that district is included in the overlay district unless alternate development standards are specified in this ordinance.
  - ii. Properties located in the overlay district shall also be subject to any additional development standards established in this ordinance.
  - iii. If the development standards for the underlying zoning district and the overlay district are inconsistent, the overlay district shall apply.

<b>Additional Site Development Standards</b>	
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>● Bufferyard and Landscaping Standards</li> <li>● Driveway and Access Management 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 and Dumpster Standards</li> </ul>

**CHAPTER 3**

# Site Development Standards

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## A. General Provisions.

1. Intent. It is 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 of Additional Site Development Standards.
  - a. The following site development standards address specific site components as they relate to each site’s conditions and are detailed in this chapter in alphabetical order and shall apply to all new structures, new land uses, land use changes, structural alterations (including additions, enlargements, remodels, relocations), site alterations, and demolitions that are constructed, created, established, or occur after the effective date of this UDO are subject to all of the development standards of this chapter as listed.
  - b. The site development 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 shall still apply.

<b>Additional Site Development Standards</b>
Accessory Structure Standards
Bufferyard and Landscaping Standards
Driveway and Access Management Standards
Lighting Standards
Parking and Loading Standards
Sign Standards
Storage Standards
Structure Standards
Trash and Dumpster Standards

## B. Accessory Structure Standards.

1. 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.
2. Applicability. Accessory structures shall be permitted in all zoning districts provided the following requirements have been met. Additionally, no regulations contained herein shall supersede Indiana Code regarding fences.
3. Location.
  - a. An accessory structure shall meet all setback and structure height requirements as listed in **Error! Reference source not found.**
  - b. No accessory building shall be located within five (5) feet of another accessory building.
  - c. Accessory structures shall not be located within any type of easement, including drainage easements.
  - d. Accessory structures within the R-1, R-2, and R-3 districts that require a permit shall be located at or behind the front building façade of the primary structure unless otherwise stated in this UDO. This does not include fences that comply with this UDO.
  - e. Accessory structures within the R-1, R-2, and R-3 districts that do not require a permit are allowed in the front yard except swing sets, trampolines, and similar play structures.
4. Subordinate in Nature.
  - a. Accessory structures shall be clearly subordinate in height, area, bulk extent, and purpose to the primary structure except in the A-1, A-2, I-1, and I-2 districts.
    - i. The total square footage of all accessory structures cannot exceed seventy-five percent (75%) of the total square footage of the primary structure in the R-1, R-2, and R-3 districts. Fences are not included in this calculation,
    - ii. No more than one (1) accessory structure is permitted on a parcel except in the A-1, A-2, I-1, and I-2 districts.
  - b. 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 and A-2 districts. 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
5. Permits for Accessory Structures.
  - a. Permits Required for Accessory Structures. The following accessory structures are permitted in all zoning districts, require an ILP, and shall meet all applicable requirements of the UDO.
    - i. Accessory structures that are greater than two hundred (200) square feet in area unless specifically noted otherwise. This includes but is not limited to pole barns, decks, garages, carports, enclosed



patios, bath houses, gazebos, shelter houses, cabanas, greenhouses, solar/wind structures (free standing, co-located, and attached), storage sheds, and stables.

- ii. Swimming pools as defined in Chapter 10: Definitions.
  - iii. Signs as set forth in this ordinance.
  - iv. Temporary storage containers as set forth in this ordinance.
  - v. Accessory wireless communications facilities both free-standing and those co-located upon an existing or pre-approved wireless communication facility.
  - vi. Accessory solar energy systems.
  - vii. Accessory wind energy conversion systems.
  - viii. Ponds as defined in Chapter 10: Definitions.
  - ix. All other accessory structures not specifically included in Subsection b below.
- b. Permits Not Required for Accessory Structures. The following accessory structures are permitted in all zoning districts (unless otherwise stated) and may be installed without an ILP. All accessory structures are still required to meet all applicable accessory structure standards and all other requirements of this UDO.
- i. Fences and retaining walls.
  - ii. Pavement, including slabs/patios, paved sports courts, and walks.
  - iii. Swing sets, children’s treehouses, and poles for basketball nets.
  - iv. Bird baths, bird houses, lamp posts, mailboxes, name plates, and housing for domestic pets (provided it is not larger than two hundred (200) square feet and does not constitute a kennel as defined in Chapter 10: Definitions).
  - v. Utility installation for local/home services (including cable, fiber, and Wi-Fi but excluding solar and wind).
  - vi. Farm buildings as defined in Chapter 10: Definitions.
6. 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.
- a. Placement.
- i. No fence or wall shall be constructed or designed so that it creates a traffic hazard or is hazardous or dangerous to persons or animals.
  - ii. Fences and walls shall not be located within any type of easement, including drainage easements.
  - iii. 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). All fences must be located at least five (5) feet from any public right-of-way.
  - iv. Temporary safety fencing for construction sites shall be exempt from these standards.

- b. Materials.
  - i. Permitted fence materials include: brick, stone, wood, vinyl fence panels, ornamental iron, wrought iron, chain link, vinyl-coated chain link, and wood split rail.
  - ii. Permitted wall materials include: brick, stone, masonry, and stucco.
  - iii. Prohibited materials include: fabric, sheet/scrap metal, plastic/fiberglass sheeting, plywood, concrete blocks, tires, pallet material, junk or discarded items, glass, sharpened spikes, or similarly hazardous or inappropriate materials determined by the Administrator. Razor wire, barbed wire, and electrified fences (excluding underground pet fence systems) are prohibited unless for agricultural, industrial, and utility purposes and uses.
- c. Design. Structural supports for any fence shall face inward and may exceed permitted fence height by four inches (4”).
- d. Height.
  - i. Front Yard.
    - (1) The maximum height of a fence in a front yard shall be four (4) feet. Note that corner lots have two (2) front yards.
    - (2) Fences located on a corner lot may comply with the maximum side yard fence height if ALL of the following are met:
      - (a) The parcel abuts a parcel that is also a corner lot, and the rears of both primary structures are facing;
      - (b) The fence is located behind the front elevation of the primary structure; and
      - (c) The fence complies with all other standards for fences in side yards.
  - ii. Side and Rear Yard.
    - (1) The maximum height of a residential fence in side and rear yards is six (6) feet.
    - (2) The maximum height of non-residential fences in side and rear yards is eight (8) feet.
    - (3) Fences surrounding recreational areas on private residential lots located in residential districts may be up to eight (8) feet in height. Fences used to enclose tennis courts, used as backstops for ball fields, or similar recreation facilities may be up to twelve (12) feet in height. These standards do not apply to public recreational facilities or recreational areas outside of a residential district.

## C. Bufferyard and Landscaping Standards.

1. Purpose. Bufferyards, including the physical separation with distance and the visual separation with planting, fences, and/or walls, are designed to minimize or eliminate nuisances between adjacent land uses. Bufferyard units or distances are intended to act as a buffer from nuisances such as or includes dirt, litter, noise, glare of lights, odor, signs, danger from fire or explosions, and unsightly buildings, parking areas, storage, waste, recycling, and outdoor operations.
2. Applicability. These standards shall apply to a parcel if any new primary structure is constructed after the initial adoption of this UDO.
3. General.
  - a. A landscape plan shall be submitted with each applicable application.
  - b. Each property owner is required to install and maintain a bufferyard, including all requirements, on their parcel with any new development, even if the developer on an adjacent parcel has also installed a bufferyard. If an adjacent property has already installed a bufferyard that includes a required wall or fence, then subsequent development shall only install the required plantings along this portion of property line.
  - c. Bufferyard requirements shall be applied to the side and rear sides of a parcel, including property lines abutting public rights-of-way. Fence and wall requirements shall not apply to front yards.
  - d. Bufferyard widths are not intended to be in addition to required setbacks. If required setbacks, as outlined in Chapter 2: Zoning Districts, are greater than the required bufferyard, the required setback shall still apply.
  - e. Any fraction of a bufferyard measurement shall be rounded up to the whole number.
  - f. If a parcel abuts a property outside the jurisdiction of the Plan Commission, the bufferyard requirements shall be based on the zoning district most comparable to that of this UDO and is at the discretion of the Administrator.
  - g. Bufferyards may contain natural water amenities or areas established for drainage, provided that planting requirements are still satisfied. Bufferyards may overlap with drainage and utility easements, but the required plantings and fences/walls must not be placed within the drainage and utility easements themselves.
4. Determination of Bufferyard Requirements. Bufferyards shall be required according to Table A: Minimum Bufferyard Requirements and Table B: Installation Requirements.

**Table A: Minimum Bufferyard Requirements**

Zoning District of Proposed Use / Structure	Zoning District(s) of Adjacent Parcel	Minimum Bufferyard Width Required <sup>1, 2</sup>	Minimum Plantings Required Per 100 Linear Feet <sup>3</sup>	Minimum Walls or Fences Required
A-1, A-2, R-1, R-2, and R-3	All Other Districts	N/A	N/A	N/A
B-1 and B-2	R-1, R-2, and R-3	20 feet	3 shade trees; 9 ornamental or evergreen trees; and 15 shrubs	N/A
	All Other Districts	N/A	N/A N/A	N/A
I-1 and I-2	R-1, R-2, and R-3	75 feet	10 shade trees; 20 ornamental or evergreen trees; and 50 shrubs	Fence or Wall (must be placed between the plantings and the proposed use/structure)
	All Other Districts	N/A	N/A	N/A

1 - The bufferyard width is measured from the property line or right-of-way inward. If right-of-way is dedicated by written, recorded document, the width along that portion of the property shall be measured from the edge of pavement.

2 - All bufferyard areas shall include groundcover (such as grass) or planting beds in all areas unless such ground cover is already established.

3 - The number of plant units required is stated per 100 linear feet and is measured along the property line (including driveways). Plants listed as invasive species by the Indiana Department of Natural Resources (IDNR) cannot be used to satisfy the minimum planting requirements.

**Table B: Installation Requirements**

Type	Minimum Size at Planting
Shade Tree	2" caliper
Ornamental or Evergreen Tree	5-foot height
Shrub	18-inch height
Fence	6-foot height, wood or vinyl, solid opaque material/design,
Wall	6-foot height, masonry (brick), solid opaque material/design

5. Substitutions and Modifications.

- a. Any existing plant material which otherwise satisfies the requirements of this section may be counted toward satisfying all such requirements at the request of the developer and at the discretion of the Administrator.
- b. If the development on the adjacent use is existing, planned, or deed-restricted for solar access, ornamental or evergreen trees may be substituted for canopy trees in locations where canopy trees would destroy solar access.
- c. The Administrator has discretion to modify the width of the bufferyard and the location of plantings to accommodate rights-of-way, drainage easements, and utility easements. While the

width of the bufferyard may include all or a portion of drainage easements, and utility easements, and plantings may be shifted or clustered so that they are not placed in these easements.

6. Maintenance.
  - a. All plant material that dies must be replaced within six (6) months so as to maintain the approved bufferyard and landscape plan.
  - b. All required elements of a bufferyard, width, plantings, fences, and/or walls must be maintained by the property owner at all times.
7. Use of Bufferyards. A bufferyard may be used for passive recreation. It may contain pedestrian, bike, or equestrian trails, provided that no plant material is eliminated, the total width of the bufferyard is not reduced, and all other regulations of the ordinance are met. In no event, however, shall permanent or temporary structures be permitted in bufferyards including ice-skating rinks, stables, swimming pools, and ball/tennis courts.
8. Ownership of Bufferyards. Bufferyards may remain in the ownership of the original developer of a parcel, or they may be subjected to deed restrictions and subsequently be freely conveyed, or they may be transferred to any consenting grantees, such as adjoining landowners, a park or forest preserve, or an open space or conservation group, provided that any such conveyance adequately guarantees the protection of the bufferyards for the purposes of this ordinance.
9. Bufferyard Between Like Uses. When a bufferyard is required, but the proposed use is similar to an existing, adjacent use in terms of land use, size, density, and lot size, the bufferyard may be reduced or omitted at the discretion of the Administrator. For example, a parcel is zoned commercial, but the existing use is residential. The Administrator's approval or denial to reduce or omit a bufferyard shall be made in writing, justifying the decision.
10. Parking Lot Landscaping. Parking lot landscaping shall be provided as outlined in Section F.9: Parking Lot Islands and Landscaping.

## D. Driveway and Access Management Standards.

1. Intent. 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.
2. Applicability. These standards apply to all zoning districts within the jurisdiction, unless otherwise noted.
3. Local Permits and Approvals Required.
  - a. All new driveways or access points onto local, state, and federally regulated roads must obtain a permit from the respective agency and shall coordinate with the county. However, a new driveway in a platted residential subdivision is exempt from this requirement.
  - b. All expanded or modified driveways or access points onto local, state, and federally regulated roads must obtain a permit from the respective agency and shall coordinate with the county.
  - c. All driveways must comply with the applicable Drainage Ordinance.
  - d. All driveways shall comply with the adopted standards for design and installation of culverts and mailboxes.
4. Dedication of Right-of-way. Right-of-way may be required to be dedicated as part of the establishment of any new primary structure at the discretion of the Highway Department.
5. 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 driveway shall comply with Table C: Driveway Separation.

<b>Table C: Driveway Separation</b>	
Road Classification <sup>1</sup>	Minimum Separation of Driveways <sup>2,3</sup>
Local Road/Another Driveway	80 feet
Major Collector/Minor Collector	120 feet
Principal Arterial or Minor Arterial	150 feet
<sup>1</sup> - Roadway classification shall be in accordance with the <u>Comprehensive Plan</u> . <sup>2</sup> - Measured from the intersection of the roadway pavement (or intersection of the back of curb extended if rounded property corner) at the intersection. <sup>3</sup> - 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.	

6. Driveway Standards Based on Land Use.
  - a. Agricultural Uses. Driveways serving agricultural uses, regardless of the zoning district, may be paved, gravel, or other compacted material.
  - b. Residential Uses.

- i. Individual Residential Driveways. Driveways serving one (1) single-family or two-family dwelling may be paved, gravel, or other compacted material.
  - ii. Shared Residential Driveways. Shared residential driveways may not serve more than two (2) single-family dwellings or two (2) two-family structures. Driveways that serve more than this shall be considered public roads and must be constructed in accordance with the residential road standards as outlined in the adopted Street Standards.
    - (1) Shared residential driveways may be paved, gravel, or other compacted material.
    - (2) Shared residential driveways shall have a thirty (30) foot minimum easement that is recorded and approved by the Administrator.
  - iii. Minimum Length. All residential driveways must 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 in order to accommodate adequate parking without a vehicle blocking the sidewalk or right-of-way.
- c. Multi-family, Commercial, and Industrial Uses.
- i. Multi-Family, commercial, and industrial uses in the A-1 and A-2 districts shall be graded and surfaced with an all-weather paving material, such as asphalt, concrete, brick pavers, or other material that will provide equivalent protection against potholes, erosion, and dust, for the first forty (40) feet from the right-of-way in order to reduce debris on the public road. Portions of driveways that are more than forty (40) feet from the right-of-way are not required to be paved.
  - ii. Multi-Family, commercial, and industrial uses in all other districts 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 in the adopted Street Standards.
  - iii. All access easements for multi-family, commercial, and industrial development shall be recorded, grant the general public the right of access, and be approved by the Administrator.
  - iv. All shared driveways for multi-family, commercial, and industrial uses shall have a written and recorded maintenance agreement with the parcels that access the private driveway and must be reviewed and approved by the Administrator.
7. Access Standards.
- a. All development shall comply with the Comprehensive Plan.
  - b. 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 adopted Street Standards and/or the Comprehensive Plan, the property 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 Comprehensive Plan during the Development Plan application or Secondary Plat.
  - c. At the discretion of the Administrator, the developer may be required to provide deceleration lanes, acceleration lanes, passing blisters, or other improvements to the public road system in order to mitigate impacts from their development when a development connects to an existing public road.
  - d. Public and private roads shall align and connect with 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, unless approved by the Administrator, to provide for normal circulation of traffic within the vicinity.

- e. Driveways cannot gain access directly from any Arterial or Collector roadway unless no other access is available.
- f. Developments must provide a vehicular connection with an access easement between adjacent lots or parcels, or stub connections if adjacent sites are not developed, in order to encourage and facilitate circulation without directly accessing public streets.
- g. Sidewalks shall be installed by the property owner and conform with the standards outlined in Chapter 6: Subdivision Design Standards if the following occur:
  - i. If a new primary structure is built within the business, commercial, and industrial districts;
  - ii. If a new primary single-family residential structure is built within the residential districts on a parcel that is less than one (1) acre in size; or
  - iii. If a new two-family or multi-family structure is built within any district.



## E. Lighting Standards.

1. Intent. The intent of these standards is to minimize the intrusion of lighting across property lines and to avoid disrupting the quality of life of residents.
2. Applicability. These standards apply to all zoning districts within the jurisdiction, unless otherwise noted.
3. Exemptions. The following are exempt from requirements of this section:
  - a. 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.
  - b. 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.
  - c. All hazard warning lighting required by Federal and State regulatory agencies.
  - d. All temporary emergency lighting required by local law enforcement, emergency service, and utility departments.
  - e. All traffic control and directional lighting.
  - f. 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.
  - g. All lighting for temporary festivals and carnivals.
4. General Lighting Standards.
  - a. All light fixtures shall be installed in compliance with Indiana Electrical Building Code.
  - b. In any district where provided, permanent outdoor structure lighting shall be of a design and size that is harmonious with the design of the building, the type of land use, and the type of adjacent land uses.
  - c. All street and sight lighting fixtures within a single development must be consistent in style, design, height, size, and color throughout the development.
  - d. 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.”
  - e. Lighting fixtures for parking lots must all be consistent in color, size, height, and design. Furthermore, fixtures shall not exceed twenty-five (25) feet in height and all lighting elements must have cutoff luminaires with “down lighting.”
  - f. Lighting from a property shall not cause significant illumination beyond the property line of that property.

- g. Excessive brightness, flashing lights, and brilliant colors are not permitted, excluding seasonal displays.
- 5. Lighting Plan Required. A lighting plan shall be submitted if a development plan is required.

## F. Parking and Loading Standards.

1. Intent. The purpose of these standards is to require minimal parking standards, minimize risk to the natural environment, and minimize pedestrian and vehicular conflict in order to ensure public health, safety, and welfare.
2. Applicability. These standards apply to all zoning districts within the jurisdiction, unless otherwise noted. All parking standards (both paved and gravel lots) within this section shall be met if an ILP for a new primary structure is obtained or a new parking lot or loading area is constructed.
3. Permit Required. All new parking lots (gravel or paved) or the expansion of existing parking lots (gravel or paved) for commercial and/or industrial uses shall require an ILP.
4. Required Parking Spaces.
  - a. The number of spaces required is intended to provide a minimal or low threshold; additional parking is permitted that exceeds these minimums to adequately serve the development and anticipated residents, employees, and/or visitors.
  - b. Any fraction of a required parking space shall be rounded up to the whole number.
  - c. Residential Uses. Two (2) parking spaces per dwelling unit shall be provided on-site for all residential uses.
  - d. Commercial, Industrial, and Institutional Uses. The minimum number of parking spaces required for commercial, industrial, and institutional uses shall be based on one (1) of the following options. The applicant shall provide written documentation at the time of development plan application or building permit (as applicable).
    - i. Option 1: Calculations showing the minimum number of spaces needed for the specific use by using the most recent version of the Institute of Transportation Engineers (ITE) "Parking Generation."
    - ii. Option 2: Documentation of the required parking for the specific use based on a reliable and reputable source that is approved by the Administrator.
5. Parking Lot and Loading Design.
  - a. All parking areas shall conform to state and federal requirements regarding handicap accessibility and must comply with all applicable ADA requirements.
  - b. With the exception of private/individual residential driveways and shared residential driveways from single-family and/or two-family dwellings, 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).
  - c. All parking spaces and loading areas shall maintain a setback of ten (10) feet from property lines and rights-of-way. Parking spaces and loading area may encroach into the required front, side, and rear yard setbacks.

- d. Parking areas and loading areas for commercial uses must be paved. Customer parking areas for industrial areas must be paved, but loading areas may be gravel or paved.
  - e. 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.
  - f. 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.
  - g. All paved parking areas and loading areas shall be striped and channelized as appropriate. Paved parking spaces shall be marked, and access lines clearly defined, including directional arrows to guide internal movement and directional signs, as necessary. Gravel parking spaces and lots are not required to be striped and channelized but shall provide directional indicators to guide internal movement.
  - h. 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 must be a minimum distance of one hundred (100) feet from the nearest residential use.
  - i. Lighting within parking or loading areas shall be in accordance with Section E: Lighting Standards of this Chapter.
6. Parking Dimensions. Parking dimensions shall conform with Table D: Parking Dimensions.

<b>Table D: Parking Dimensions</b>		
<b>Parking Space Type</b>	<b>Minimum Dimension</b>	
90 Degree Parking Minimum Space Size	10 feet x 20 feet Handicap spaces must conform with state/federal requirements	
Parallel Parking Minimum Space Size	9 feet x 22 feet	
Parking Aisles Minimum Size	0 Degrees	10 feet (One-Way) 18 feet (Two-Way)
	30 Degrees	11 Feet (One-Way) 20 Feet (Two-Way)
	45 Degrees	13 Feet (One-Way) 21 Feet (Two-Way)
	60 Degrees	18 Feet (One-Way) 23 Feet (Two-Way)
	90 Degrees	24 Feet (One-Way or Two-Way)

- 7. Shared Parking Lots.
  - a. Shared Parking Permitted.

- i. Shared parking lots are permitted only for commercial, industrial, and institutional uses. Shared parking may be provided for separate uses that are located on separate parcels, provided the total number of spaces is not less than the minimum number of spaces required for each use.
    - ii. Shared parking may be provided for separate uses that are located on separate parcels, provided the total number of spaces is not less than the minimum number of spaces required for each use.
  - b. Shared Parking Agreements Required.
    - i. 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.
    - ii. Shared parking agreements must be approved by the Administrator.
    - iii. If a shared parking agreement expires or otherwise terminates, each use must provide the minimum require parking on-site or through a new shared parking agreement.
- 8. Drive Through Stacking Design.
  - a. Uses that have a drive through for any reason shall provide off-street stacking areas in addition to the required parking spaces.
  - b. A minimum of four (4) stacking spaces per drive through lane shall be provided.
  - c. Each stacking space shall be a minimum of eight (8) feet in width and eighteen (18) feet in length. Stacking spaces cannot include or impede any driveway, aisle, or other circulation area.
  - d. All stacking shall occur on the same parcel. No vehicles shall be permitted to wait, stack, or idle within a public or private road or right-of-way.
  - e. .
- 9. Parking Lot Islands and Landscaping.
  - a. Parking lot islands and landscaping shall be provided for all parking lots with fifteen (15) or more parking spaces in accordance with Table E: Parking Lot Islands and Landscaping.
  - b. Plantings shall not impede traffic safety or obstruct driveways or public road sight distance, including any sight triangle.
  - c. All required landscape areas shall be covered in plantings, ground cover, or non-living permeable material, such as mulch.

<b>Table E: Parking Lot Islands and Landscaping</b>	
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>
<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 C: Bufferyard and Landscaping Standards of this Chapter.</p>	

10. Maintenance. All parking areas, loading areas, and landscape islands shall be maintained in good condition and free of mud, ruts, dust, potholes, weeds, dirt, trash, and debris.

## G. Sign Standards.

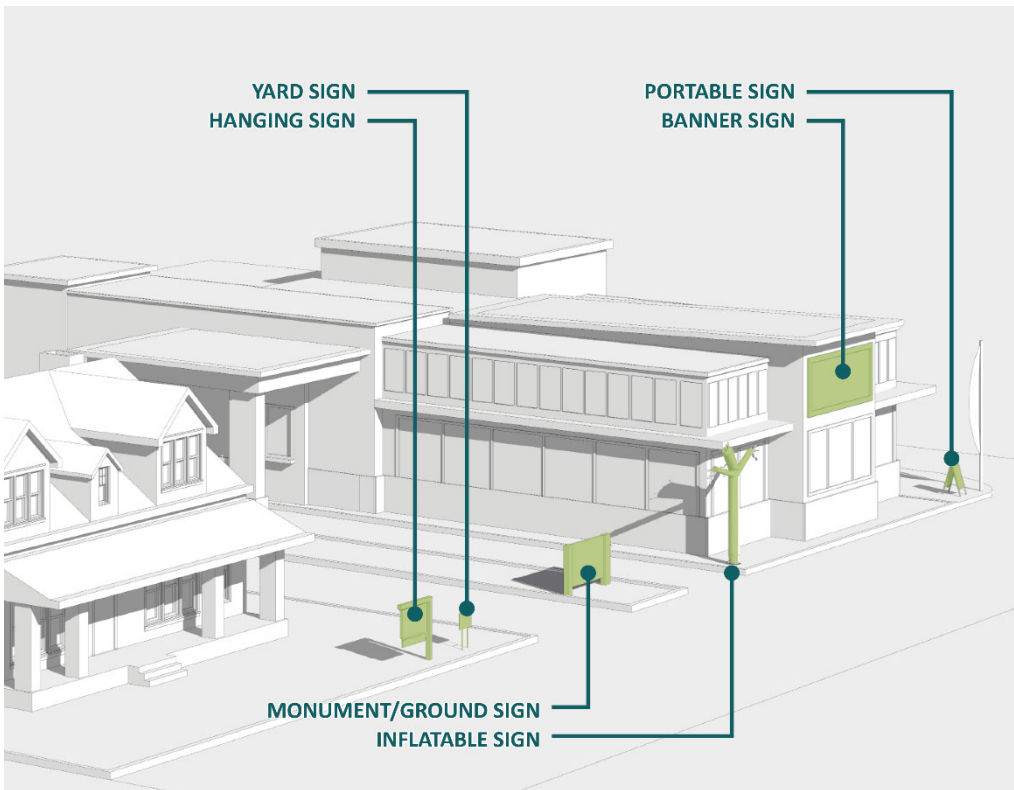
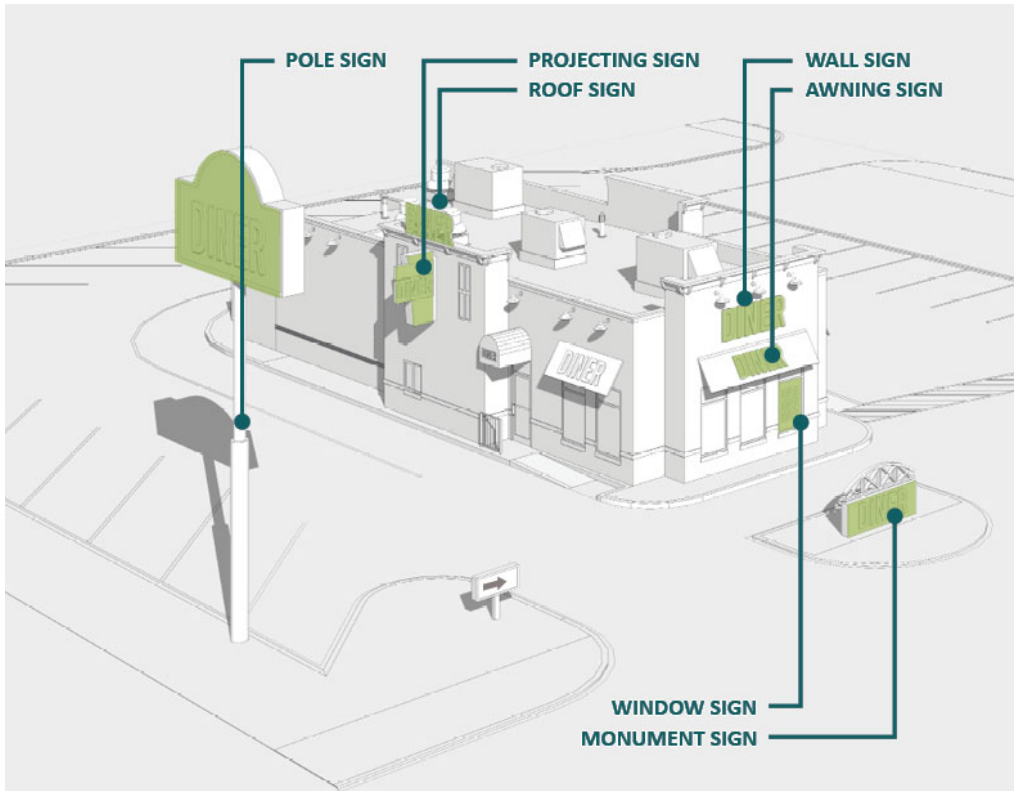
1. Intent. The intent of these sign standards is to avoid the proliferation of signage; to encourage signs to be compatible with the scale of buildings and the surrounding area; to maintain and enhance the aesthetic environment of the community; to eliminate potential hazards to motorists and pedestrians resulting from sign clutter; and to promote the health, safety, and welfare of the citizens.
2. Applicability. These standards apply to all new or expanded signs within all zoning districts. Routine maintenance does not require signs that are legally non-conforming after the adoption of this UDO to come into compliance. However, if a sign is modified, changed, or altered (other than routine maintenance), it shall then comply with all regulations of this UDO unless a variance is granted by the BZA.
3. Permit Required.
  - a. Except as otherwise provided herein, it shall be unlawful for any person to erect, construct, enlarge, move, or convert any sign structure without first obtaining an ILP.
  - b. Sign maintenance that replaces any portion of the sign that does not change any dimension, color, location, or other feature does not require an ILP. If an existing sign is replaced in whole, an ILP is required.
  - c. All signs located along or within state-owned right-of-way shall obtain proper permits and/or authorization from INDOT prior to obtaining an ILP from the jurisdiction.
4. Inspection. Any sign that requires an ILP may be inspected periodically by the Administrator for compliance with this UDO and other codes of the jurisdiction or state.
5. 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. 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. No notice shall be given for Temporary Signs or Portable Signs. The Administrator may remove a sign immediately and without notice if the condition of the sign presents an immediate threat to the safety of the public. Any cost associated with signs removed pursuant to the provisions of this UDO, shall be reimbursed by the property owner and/or owner of said sign. Should said sign not be claimed and retrieved within fifteen (15) days of its removal, it may be disposed of in any manner deemed appropriate by the Administrator.
6. Maintenance. All signs and sign components shall be kept in good repair and in safe, neat, clean, and attractive condition. If a sign is not maintained as determined by the Administrator, a written notice will be given to the owner, business operator, and/or lessee of the property and/or sign. Thirty (30) days' written notice shall be given to the owner, business operator, and/or lessee of the property to comply with the regulations. After thirty (30) days, if the owner/business operator fails to comply, penalties shall be imposed according to Chapter ##8: Enforcement.
7. Abandoned Signs.

- a. A sign shall be considered abandoned if it is located on a parcel with a use that has not been in operation for twelve (12) 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 fifteen (15) days of its removal, it may be disposed of in any manner deemed appropriate by the Administrator.
8. Sign Illumination. All sign illumination must meet the standards as specified in the State Electrical Code, as adopted, and amended by the State of Indiana. In addition, all illuminated signs shall comply with the following standards:
- a. 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 give such illusion.
  - b. All illuminating elements shall be kept in satisfactory working condition and immediately repaired or replaced if damaged or burned out.
  - c. All electrical wiring for permanent signs shall be in conduit.
  - d. 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.
  - e. The light from any illuminated sign shall be so shaded, shielded, or directed such that the light intensity or brightness does not negatively impact the surrounding properties.
9. Exempt Signs. The following are exempt from all provisions of the sign standards set forth in this section. If any exempt sign contains components that would otherwise be regulated in this section, they are not considered exempt signs.
- a. Street Address Signs. Street address sign to provide adequate property identification that does not exceed two (2) square feet in total sign structure size.
  - b. Flags. Flag of any country, state, unit of local government, institution of higher learning, or similar institutional flags.
  - c. Building or Site Identification Signs. Name 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 two (2) square feet in total sign structure size.
  - d. Public Notice, Regulatory, or 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 four (4) square feet in total sign structure size



- e. Decorations. Temporary decorations customarily associated with a national, local, or religious holiday and are displayed for not more than sixty (60) consecutive days.
  - f. Non-visible Signs. Signs that are not visible from any public or private right-of-way or any adjacent parcel.
  - g. Utility Signs. Marking utility locations, cables, lines, and similar notices for public and private utilities that are smaller than 2 sq ft in total sign structure size, except if determined to be a hazard by the Administrator.
10. Prohibited Signs. 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.
- a. 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.
  - b. Emitting Signs. Emit audible sound, odor, or visible matter.
  - c. Human Signs. Worn or held by a person, unless located on-premise, outside of the right-of-way, and during business hours.
  - d. Imitation Signs. Emulate emergency service vehicles, road equipment, or traffic signs (such as Stop, Slow, or Caution).
  - e. Obscene Signs. Display or convey obscene matter as defined in IC 35-49-2.
11. Prohibited Sign Locations. All signs are prohibited within the following locations unless otherwise stated in this UDO.
- a. Right-of-way: Within any right-of-way unless authorized by the Administrator and/or INDOT, including signs located on any traffic control device, street sign, tree, utility pole, or similar location (unless identified as an Exempt Sign in Subsection 9 of this Chapter).
  - b. Obstruction: 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.
  - c. Vision Clearance: Obstruct a sight clearance or be placed within the sight triangle of any intersection or driveway.
  - d. Setback: Within ten (10) feet of any property line. Signs are permitted to be located within a required front, side, or rear yard setback.
12. Election Period.
- a. The standards for maximum size and maximum number of signs contained in this chapter do not apply to any sign that does not exceed thirty-two (32) square feet in area during the election period, pursuant to IC 36-1-3-11. The election period is defined as the time period that begins sixty (60) days before an election until the 6th day after an election. Note that the statute applies to any election as defined in IC 3-5-1-2: primary and general elections, municipal elections, school district elections, and any special election as provided by law.

- b. Signs shall not be placed within the right-of-way or within ten (10) feet of the right-of-way.
- c. Permission must be obtained from the property owner before a sign is placed on private property.



Example of Sign Types

13. Permitted Temporary Signs. The following Temporary Signs shall be allowed, provided the respective development standards in Chapter 2: Zoning Districts are met.

<b>Table F: Permitted Temporary Signs in Residential Districts: R-1, R-2, and R-3</b>	
Permitted Types	<ul style="list-style-type: none"> <li>• Hanging</li> <li>• Monument</li> <li>• Yard</li> </ul>
Size	<ul style="list-style-type: none"> <li>• Maximum of 16 sq ft of sign face per sign per side</li> </ul>
Quantity	<ul style="list-style-type: none"> <li>• Maximum of 2 per parcel but cannot exceed a total 32 sq ft of sign face for all temporary signs</li> </ul>
Height	<ul style="list-style-type: none"> <li>• Maximum structure height of 5 feet</li> </ul>
	<ul style="list-style-type: none"> <li>•</li> </ul>
Additional Standards	<ul style="list-style-type: none"> <li>• EVMS or EVMS components are not permitted</li> <li>• Permit: No ILP is required</li> </ul>

<b>Table G: Permitted Temporary Signs in All Other Districts</b>			
Permitted Types	<ul style="list-style-type: none"> <li>• Awning</li> <li>• Banner</li> <li>• Hanging</li> <li>• Inflatable</li> <li>• Monument (Ground)</li> </ul>	<ul style="list-style-type: none"> <li>• Portable (Bench, Sidewalk/Sandwich Board, Vehicle)</li> <li>• Pole</li> </ul>	<ul style="list-style-type: none"> <li>• Projecting</li> <li>• Roof</li> <li>• Wall (Mural)</li> <li>• Window</li> <li>• Yard</li> </ul>
Size	<ul style="list-style-type: none"> <li>• Maximum of 16 sq ft of sign face per sign per side</li> </ul>		
Quantity	<ul style="list-style-type: none"> <li>• Maximum of 2 per parcel but cannot exceed a total 32 sq ft of sign face for all temporary signs</li> <li>• For multi-tenant buildings, the number of signs permitted shall be determined by the Administrator</li> </ul>		
Height	<ul style="list-style-type: none"> <li>• Maximum structure height of 15 feet</li> </ul>		
	<ul style="list-style-type: none"> <li>•</li> </ul>		
Additional Standards	<ul style="list-style-type: none"> <li>• EVMS or EVMS components permitted without flashing lights</li> <li>• Permit: No ILP is required</li> </ul>		

14. Permitted Permanent Signs. The following Permanent Signs shall be allowed, provided the respective development standards in Chapter 2: Zoning Districts are met. An ILP is required unless otherwise specified.

<b>Table H: Permitted Permanent Signs in Residential Districts: R-1, R-2, and R-3</b>	
Permitted Types	<ul style="list-style-type: none"> <li>• Monument (Ground)<sup>1</sup></li> <li>• Wall</li> </ul>
Size	<ul style="list-style-type: none"> <li>• Monument: Maximum of 32 sq ft of sign face per side</li> <li>• Wall: Maximum of 1 sq ft per parcel</li> </ul>
Quantity	<ul style="list-style-type: none"> <li>• Monument: Maximum of 2 signs per vehicular entrance to a subdivision or residential complex</li> <li>• Wall: Maximum of 1 sign per parcel</li> </ul>
Height	<ul style="list-style-type: none"> <li>• Monument: Maximum structure height of 6 feet</li> </ul>
Location	<ul style="list-style-type: none"> <li>• Monument:<sup>1</sup> Only located at vehicular entrance to subdivision or residential complex</li> <li>• Wall: Must be placed on primary structure</li> </ul>
Additional Standards	<ul style="list-style-type: none"> <li>• EVMS or EVMS components are not permitted</li> <li>• Wall: No illumination</li> <li>• Permit: ILP is required for Monument Signs; No ILP is required for Wall Signs.</li> </ul>
<p><sup>1</sup> – Monument signs are only permitted at each entrance for a residential development (such as single-family subdivision, townhome development, or apartment complex); monument signs are not permitted for individual dwellings or structures. They must be located in a dedicated easement or common area dedicated to homeowner’s association if located in residential subdivision.</p>	

<b>Table I: Permitted Permanent Signs in All Other Districts</b>		
Permitted Types	<ul style="list-style-type: none"> <li>• Awning</li> <li>• Hanging</li> <li>• Monument (Ground)</li> <li>• Pole</li> </ul>	<ul style="list-style-type: none"> <li>• Projecting</li> <li>• Wall (Mural)</li> <li>• Window</li> </ul>
Size	<ul style="list-style-type: none"> <li>• C-1, A-1, A-2, B-1, B-2, and P-1: Maximum of 200 sq ft cumulative area per parcel for all signs, but no single sign shall be more than 50sq ft<sup>1</sup></li> <li>• I-1 and I-2: Maximum of 400 sq ft cumulative area per parcel for all signs, but no single sign shall be more than 80 sq ft<sup>1</sup></li> </ul>	
Quantity	<ul style="list-style-type: none"> <li>• C-1, A-1, A-2, B-1, B-2, and P-1: Maximum of 4 per parcel with a maximum of 1 pole sign</li> <li>• I-1 and I-2: Maximum of 5 per parcel with a maximum of 1 pole sign</li> </ul>	
Height	<ul style="list-style-type: none"> <li>• Maximum structure height of 6 feet except pole and projecting shall be a maximum of 20 feet</li> </ul>	
Placement	<ul style="list-style-type: none"> <li>• Awning, Projecting, Wall, and Window: Must be placed on primary structure</li> </ul>	
Additional Standards	<ul style="list-style-type: none"> <li>• Awning, Projecting, Wall, and Window: EVMS or EVMS components are not permitted</li> <li>• Projecting: <ul style="list-style-type: none"> <li>○ Lowest point of sign shall be no less than 8.5 feet above grade level except for the supporting building, structure, or column.</li> <li>○ Sign shall not extend more than 4 feet beyond its supporting structure.</li> <li>○ Sign shall not extend into the right-of-way unless approved by the Administrator.</li> </ul> </li> <li>• Wall: No illumination</li> <li>• Permit: ILP is required except window sign if not illuminated and less than 50% of the window area</li> </ul>	
<p><sup>1</sup> – Maximum cumulative sign face only includes the sign face and excludes the total sign area/sign structure. See Chapter 10: Definitions.</p>		

## H. Storage Standards.

1. Intent. The standards in this section 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.
2. Applicability. These standards apply to outdoor storage in all zoning districts within the jurisdiction, unless otherwise noted.
3. Stored Vehicles.
  - a. Location. Stored vehicles, where permitted, shall not encroach on the right-of-way or setbacks, and shall not block or impede an access easement.
  - b. Inoperable. A maximum of two (2) automotive vehicles, recreational vehicles, or trailers of any type without current license plates or in an inoperable condition are permitted per parcel.
  - c. Recreational Vehicle (RV) Storage. See Chapter 10: Definitions for vehicles defined as a recreational vehicle.
    - i. Stored recreational vehicles shall not be hooked up to water, sewer/septic, or electricity except for the purpose of prepping the vehicle for use or cleaning the vehicle after use and for no more than seventy-two (72) hours. Stored RVs shall not be occupied for sleeping or living.
    - ii. A-1, A-2, R-1, R-2, and R-3 Districts. No more than two (2) recreational vehicles per parcel that are visible from any public right-of-way, private road, or adjacent parcel shall be stored outdoors. Additional recreational vehicles may be stored within an enclosed building or in areas that are not visible from the areas previously noted.
    - iii. All Other Districts. Recreational vehicles shall not be stored unless allowed as a Permitted Use or Special Exception Use as outlined in Chapter 2: Zoning Districts.
4. Temporary Storage Containers.
  - a. Applicability.
    - i. These standards apply to temporary storage structure/containers as defined in Chapter 10: Definitions that are on a site for six (6) months or less. Any structure or container that is attached or anchored to a permanent foundation in conformance with the appropriate building code(s) and in compliance with manufacture's installation specifications is considered an accessory structure (permanent) and not a temporary storage container.
    - ii. All storage containers that are placed for more than six (6) months shall be considered a permanent accessory structure unless used for active construction on-site, and therefore, shall be attached or anchored to permanent foundation in conformance with the appropriate building code(s) and in compliance with manufacture's installation specifications.
  - b. Permits. An ILP is not required for temporary storage containers.
  - c. District Standards.

- i. A-1 and A-2. The number of temporary storage containers associated with agricultural uses within the are not limited and the duration is not limited, but they must comply with all setbacks in Chapter 2: Zoning Districts and Chapter 4: Standards for Specific Uses.
- ii. R-1, R-2, and R-3. A maximum of one (1) temporary storage container per parcel is permitted if the following conditions are met.
  - (1) On-site for a maximum of sixty (60) consecutive days;
  - (2) Located on the driveway or to the rear or side of the primary structure; and
  - (3) Does not exceed one hundred and sixty (160) square feet in area.
- iii. All Other Districts.
  - (1) A maximum of two (2) temporary storage containers are permitted per parcel.
  - (2) Temporary storage containers are permitted in a front, side, and/or rear yard for no more than six (6) months in a calendar year or during active construction on-site.
  - (3) Each container cannot exceed three hundred and twenty (320) square feet in area.



## I. Structure Standards.

1. Intent. The purpose of these standards is to prevent unsafe conditions while encouraging compatible development to ensure the health, safety, and welfare of residents.
2. Applicability. These standards apply to all structures, unless legally non-conforming, in all zoning districts within the jurisdiction, unless otherwise noted.
3. General.
  - a. All new structures shall require an Improvement Location Permit (ILP), including primary structures, accessory structures that are larger than two hundred (200) square feet, all accessory structures with a permanent foundation (regardless of size), manufactured homes (permanent and temporary occupancy), and temporary structures.
  - b. All new structures shall be built to conform with all standards set forth in this UDO.
  - c. All new structures, excluding accessory structures, shall be oriented towards the highest classification of roadway unless within a minor platted residential subdivision.
4. Structure Height Exemptions. The following structures are exempt from the height standards of the underlying zoning district.
  - a. Agricultural structures as necessary for its operation;
  - b. Wind turbines;
  - c. Spires or church steeples;
  - d. Cellular towers; and
  - e. Industrial appurtenances.
5. 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.
6. Temporary Structures. Temporary construction trailers or similar structure may be permitted on a project site in a non-residential zoning district during the construction period for the use of security, storage, of office space. An Improvement Location Permit (ILP) is required and would be valid for twelve (12) months. It may be renewed up to two additional six (6) month time periods, if necessary, if construction has not concluded. Permit fees are applicable to renewals.
7. Manufactured Homes.
  - a. Permanent Occupancy. Manufactured homes may be permanently occupied when located in any district where a single-family dwelling is permitted provided the following requirements are met:
    - i. 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.

- ii. The development standards for the respective zoning district, including minimum square footage, are met as established in Chapter 2: Zoning Districts.
  - iii. The structure is attached and anchored to a permanent foundation in conformance with the appropriate building code and with manufacturer's installation specifications.
  - iv. 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.
  - v. The structure possesses all necessary building, water, and sewage disposal permits prior to placement of the structure upon the lot.
  - vi. The hitches are removed.
  - vii. The front door faces the primary street from which it gains access.
  - viii. The structure is covered with an exterior material and roof material customarily used on site-built structures.
  - ix. The manufactured home is no more than ten (10) years in age when structure is initially placed on the lot.
- b. Temporary Occupancy. Temporary residential occupancy of a manufactured home is permitted during construction of a single-family dwelling on the same parcel provided the following requirements are met:
- i. An ILP is obtained for placement of the manufactured home and an ILP for the single-family dwelling to be constructed on the same parcel has also been issued.
  - ii. Temporary occupancy of the manufactured home is limited to one (1) year and may be renewed for up to two (2) additional six (6) month periods if construction of the dwelling has been started but is not completed.
  - iii. 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.
  - iv. The manufactured home is served by the same address, water supply, and sewage facilities serving the dwelling under construction. If the dwelling under construction utilizes a septic system, approval shall be subject to the Health Department.
  - v. The manufactured home shall remain on its wheels and shall not be placed on a permanent foundation.
  - vi. Applicable development standards of the underlying zoning district are met with the exception of minimum living area.
  - vii. The manufactured home shall be tied down per the requirements of the Indiana One- and Two-Family dwelling code and the manufacturer's recommendation.
  - viii. The manufactured home must be removed from the property within thirty (30) days of the issuance of the primary structure's Certificate of Occupancy.
8. Recreational Vehicles (RV).

- a. **Permanent Occupancy Prohibited.** Recreational vehicles are designed only for recreational use and are not built to HUD manufactured home standards. Therefore, recreational vehicles are not permitted to be used for residential occupancy outside of a campground or an RV park approved by the Indiana State Department of Health (IDOH).
- b. **Recreational Occupancy.** A recreational vehicle may only be used for recreational purposes outside of a campground or RV park provided the following conditions are met:
  - i. **Primary Use of the Site.**
    - (1) **Residential.** When the primary use of the parcel is residential, the RV may be occupied for recreational purposes (no permanent occupancy) between April 1<sup>st</sup> and October 31<sup>st</sup>, but occupancy shall not exceed fourteen (14) consecutive days.
    - (2) **Vacant Property.** When the parcel is vacant and does not have a primary use, no more than two (2) RVs may be intermittently occupied for recreational purposes (no permanent occupancy), but occupancy shall not exceed fourteen (14) consecutive days. No electrical service is permitted.
  - ii. No more than one (1) RV may be occupied on a single parcel;
  - iii. All development standards in Chapter 2: Zoning Districts are met;
  - iv. The RV cannot be served by permanent utilities;
  - v. No permanent structures are attached to the RV; and
  - vi. 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. **Storage.** A recreational vehicle may be stored according to Section H: Storage Standards of this Chapter but shall not be connected to any utilities (electric, water, sewage, etc.) or occupied at any time while stored.

## J. Trash and Dumpster Standards.

1. Intent. The purpose of this district is to prevent access to and visibility of trash and recycling materials that are stored outside to ensure the health, safety, and welfare of residents.
2. Applicability. Any new outdoor, non-pedestrian trash receptacle, dumpster, compactor, or similar non-pedestrian trash containers placed after the effective date of this UDO shall meet the following standards.
3. Location. All outdoor trash and recycling containers governed by this section shall:
  - a. Comply with all development standards outlined in Chapter ##: Zoning Districts;
  - b. Be located on private property on which they serve and in no case shall be located in the public right-of-way; and
  - c. Be located in a side yard or rear yard (must be behind the front façade of the primary structure).
4. Screening. Non-pedestrian outdoor trash receptacles and dumpsters must be completely screened with vegetation, masonry wall, and/or opaque fencing 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.
5. Temporary Trash Receptacles. Dumpsters associated with demolition or construction shall remain on-site no longer than two (2) weeks prior to construction or demolition and no longer than two (2) weeks 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.

## CHAPTER 4

# Standards for Specific Uses

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### A. General Provisions.

1. This chapter shall apply to all parcels of land within the jurisdiction unless otherwise stated herein.
2. The development of the uses listed in this chapter shall meet the respective requirements of this chapter as well as all other chapters of this UDO, including the zoning district regulations and development standards.
3. In a district in which the specified use is allowed or permitted by right, the Administrator shall determine that the development standards of this chapter will be met.
4. In a district in which the specified use is allowed by Special Exception, the Administrator and the BZA shall determine that the development standards of this chapter will be met prior to approval of the Special Exception.
5. The uses listed in this chapter shall be permitted as outlined in Chapter 2: Zoning Districts.
6. An ILP is required to construct and/or establish all structures as required by this UDO in order to ensure that the structure meets all of the applicable building codes.

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

Uses With Additional Development Standards
• Accessory Dwelling Unit (ADU)
• Adult Day Care Facility
• Adult-Oriented Business
• Agritourism
• Animal Feeding Operation (AFO)
• Campground & Recreational Vehicle Park
• Home-Based Business
• Home Occupation
• Junkyard
• Manufactured Home Park
• Non-commercial Livestock
• Rural Event Venue (Permanent and Temporary)
• Short-Term Rental
• Solar Energy System (SES), Accessory
• Solar Energy System (SES), Primary
• Wind Energy System
• Wireless Communication Facility

## C. Accessory Dwelling Unit (ADU).

1. ADU 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, people with disabilities, 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.
2. ADU General Standards.
  - a. Approval of an accessory dwelling does NOT permit the accessory dwelling 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.
  - b. 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.
3. Development Standards.

ADU Structure Standards	
Minimum Area	▪ sqft300 sqft
Maximum Area	▪ 800 sqft or 50% of the primary dwelling unit living area footprint (whichever is less)
Maximum Height	▪ Governed by the zoning district but cannot exceed the height of the primary dwelling
Architecture and Building Materials	▪ Architectural style, form, materials, and colors shall match or be compatible with the style and form of the primary dwelling
Maximum Quantity	▪ 1 ADU per parcel
Permitted Structure Types	<ul style="list-style-type: none"> <li>▪ Detached or attached to the primary dwelling unit</li> <li>▪ Lawfully built structure that meets all building code requirements, including all requirements for a single-family dwelling</li> </ul>
Prohibited Structure Types	<ul style="list-style-type: none"> <li>▪ A recreational vehicle, travel trailer, motor vehicle, parts of a motor vehicle, or similar structure</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>ADU Site Standards</b>	
Address	<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>
Access	<ul style="list-style-type: none"> <li>▪ Accessory dwelling 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>
Location	<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 dwelling and comply with all site development standards (including setbacks) of the subject zone district</li> </ul>
Layout & Components	<ul style="list-style-type: none"> <li>▪ 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 (self-sufficient)</li> <li>▪ A unit 300 sqft or less may only contain 1 bedroom. A unit greater than 300 sqft may contain no more than 2 bedrooms.</li> <li>▪ Shall not have accessory structures</li> </ul>
Ownership	<ul style="list-style-type: none"> <li>▪ Accessory dwelling shall be under the same ownership as the primary dwelling</li> <li>▪ Primary dwelling shall be owner-occupied</li> </ul>
Parking	<ul style="list-style-type: none"> <li>▪ Minimum number and design of parking spaces shall comply with Chapter 3: Parking Standards</li> <li>▪ Parking may be shared with the primary dwelling provided the number of spaces complies with Chapter 3: Parking Standards</li> </ul>
<b>ADU Utility Standards</b>	
Water & Sewage Disposal	<ul style="list-style-type: none"> <li>▪ Governed by requirements of the zoning district</li> </ul>

4. Operational Standards. RESERVED.
5. Procedures. Accessory dwelling units are not required to obtain development plan approval; however, a site plan shall be submitted for review with any building permit application (or prior to occupancy if a building permit is not required) showing compliance with all regulations of this UDO.

## D. Adult Day Care Facility.

1. Adult Day Care Facility Purpose. The purpose of the adult day care facility standards is to provide additional assistance families and caregivers to allow residents in need to remain in the community and enable continued caregiving for an impaired individual at home.
2. Adult Day Care Facility General Standards.
  - a. Facility must meet commercial ADA requirements.
  - b. Must meet or exceed state and federal standards.
3. Adult Day Care Facility Development Standards.

Adult Day Care Site Standards	
Parking	▪ 1 space per staff member, plus 2 additional spaces
Fencing	▪ A 6-foot-tall privacy fence shall be installed to provide a secure outdoor area in the backyard for patients to enjoy.

4. Adult Day Care Facility Operational Standards.

Adult Day Care Operational Standards	
Patients	▪ No more than 6 adults
Staffing Ratio	▪ 1 staff member per each patient
Hours of Operation	▪ Daily 7:00am – 7:00pm

5. Adult Day Care Facility Procedures. An adult day care facility is required to obtain development plan approval, regardless if new construction is occurring.



## E. Adult-Oriented Business.

1. **Adult-Oriented Business Purpose.** The purpose of the adult business standards is to provide ample reasonable opportunities for these businesses to locate in the jurisdiction while also mitigating impacts to adjacent properties. Adult-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.
2. **Adult-Oriented Business General Standards.** These standards are supplemental to all other local or state regulations regarding adult businesses.
3. **Adult-Oriented Business Development Standards.**

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<b>Adult-Oriented Business Site Standards</b>	
Separation	<p>A minimum separation of at least 1,320 feet shall be provided between all adult-oriented businesses and the specific structures and/or uses as specified below. The distance shall be measured with a straight line from the nearest edge of the property line of the adult business to the nearest edge of the property line of the specified use.</p> <ul style="list-style-type: none"> <li>▪ Any parcel used as a school, park, church, or place of worship.</li> <li>▪ Any parcel with a residential use, residential zoning, or platted as a residential subdivision.</li> <li>▪ Any parcel used as a hotel, motel, transportation depot, or other adult-oriented business.</li> <li>▪ Any parcel used as a licensed day care facility.</li> <li>▪ Any premise licensed or governed by the alcoholic beverage control regulations of the state.</li> </ul>
Screening	<ul style="list-style-type: none"> <li>▪ A continuous, evergreen landscape buffer or opaque fencing, with a minimum height of 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>
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> <li>▪ Adult-oriented businesses shall comply with all regulations governing signs under Chapter 3: Sign Standards</li> </ul>

4. **Adult-Oriented Business Operational Standards.** RESERVED.
5. **Adult-Oriented Business Procedures.** All adult-oriented businesses are required to obtain development plan approval, regardless if new construction is occurring.

## F. Agritourism.

1. Agritourism 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 agritourism uses while also taking into consideration the health, safety, and general character of the surrounding neighborhood.
2. Agritourism General Standards. RESERVED.
3. Agritourism Development Standards.

<b>Agritourism Site Standards</b>	
Access	<ul style="list-style-type: none"> <li>▪ Access shall be approved by the Administrator and the Street/Highway Department</li> </ul>
Bufferyards and Fencing	<ul style="list-style-type: none"> <li>▪ Opaque screening, consisting of an earth berm, evergreen screen, or an obscuring wall or fence shall be provided near the primary public activity areas on those sides abutting or adjacent to an existing residential use. The use of natural landscape materials is encouraged. At a written request of the applicant, the Administrator and/or the BZA may grant relief of the screening requirement in specific cases where cause can be shown that the distance between the agritourism and residential use would not require screening</li> </ul>
Lighting	<ul style="list-style-type: none"> <li>▪ Any exterior lighting installed related to an agritourism use or activity shall be appropriately shielded and directed downwards to minimize light pollution</li> </ul>
Trash Receptacles	<ul style="list-style-type: none"> <li>▪ Trash receptacles shall be provided. If commercial dumpsters are provided, they shall be placed on a hard surface and shall be completely obscured from view by an opaque fence or wall</li> </ul>
<b>Agritourism Utility Standards</b>	
Sewage Disposal	<ul style="list-style-type: none"> <li>▪ Public restroom facilities, temporary or permanent, shall be provided on site and with approval of the Health Department if required</li> <li>▪ Year-round operations shall have permanent public restroom facilities</li> <li>▪ Seasonal operations are not required to have permanent public restroom facilities, unless required by the Health Department</li> </ul>

4. Agritourism Operational Standards.

Agritourism Operational Standards	
Hours of Operation	<ul style="list-style-type: none"> <li>▪ Hours of operation must be provided in writing by the applicant</li> <li>▪ Administrator and/or BZA may alter the requested hours of operation for the agritourism uses 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>
Permitted Uses	<ul style="list-style-type: none"> <li>▪ Uses 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> <li>▪ Typical farm-based uses may include: pumpkin picking patches, corn mazes, crop art, educational/demonstrative tours, walking/bicycling tours/trails, U-pick operations, hay rides, cut-your-own Christmas tree farm, agricultural museum, on-farm farmers' market and roadside stands, on-farm dining, nature viewing, etc.</li> </ul>
Prohibited Uses	<ul style="list-style-type: none"> <li>▪ Rural Event Venue (See Section N: Rural Event Venue of this Chapter)</li> <li>▪ Motorized off-road vehicle racing or other similar motor vehicle activities</li> <li>▪ Camping or overnight accommodations</li> <li>▪ Winery, brewery, or distillery not accessory to an active on-site agricultural use</li> <li>▪ Temporary festivals or other events open to the public</li> <li>▪ Other uses that the Administrator and/or BZA determines would disturb the general peace and enjoyment of the rural and/or residential character of the surrounding area due to excessive traffic, noise, smoke, odors, alcoholic consumption, visual clutter, or other nuisances</li> </ul>

5. Agritourism Procedures.

- a. **Development Plan Required.** A development plan is required to construct and/or establish an agritourism operation in order to ensure that it meets all of the applicable building codes and regulations. A preliminary layout of the development plan shall be submitted at the time of application for special exception approval.
- b. **Application Narrative.** Prior to the approval of any agritourism activity, a written narrative shall be submitted 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 other information describing the use and which will assist the Administrator and/or the BZA in determining whether the application meets the requirements. Reference other special uses in this Chapter that may be in conflict or have respective development standards, such as Campground & Recreational Vehicle Park, Home-Based Business, Home Occupation, Non-commercial Livestock, Rural Event Venue, Short-Term Rental, etc.

## G. Animal Feeding Operation (AFO).

1. 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.
2. Animal Feeding Operation General Standards.
  - a. Animal feeding operations are defined as those uses constituted as a Confined Feeding Operation (CFO) and Concentrated Animal Feeding Operations (CAFO).
  - b. 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.
  - c. Nothing herein shall prohibit the application of fertilizer from waste pits or lagoons by methods approved by the State Department of Environmental Management.
3. Animal Feeding Operation Development Standards. <sup>2,3</sup>
  - a. All farms existing as of the effective date of this chapter that expand to a CFO shall only be required to meet the general setbacks for agricultural buildings.
  - b. If proven odor reducing technology is implemented, the permit applicant may apply to the BZA for reduced setback under the same procedure and standards used for a dimensional variance under Chapter 5: Variance.
  - c. The setback distances from residences for an AFO may be reduced to the minimum allowed by the zoning district during the development plan review if the petitioner has notarized affidavits from all adjacent property owners stating their endorsement of the decrease in setback distance.

### Animal Feeding Operation Site Standards

Minimum Setback of any AFO Structure or Use <sup>1, 2, 3</sup>	<ul style="list-style-type: none"> <li>▪ Front, side, or rear yard: 140 feet <sup>4</sup></li> <li>▪ Parcel with a different zoning classification: 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> </ul>
Minimum Setback from Application of Liquid Animal Waste from a CFO/CAFO as Fertilizer	<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>
<p>1 – Setbacks measured from the closest edge of any structure with AFO operations.</p> <p>2 – Includes any confined feeding operation, CFO, or CAFO with deep pit manure storage and/or any silage storage that is not within an enclosed structure.</p> <p>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 200 sqft, and vehicle fuel storage tanks/apparatuses.</p> <p>4 – If any AFO requires an IDEM permit, the front, side, and rear setback shall be a minimum of 1,000 feet.</p>	

#### 4. Animal Feeding Operation Operational Standards.

### Animal Feeding Operation Operational Standards

Odor Abatement	<p>Odor Abatement for CFO/CAFO Building Permits Required. Applicants for building permits for a CFO or CAFO 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 PC (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 digesters ;</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>
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5. Animal Feeding Operation Procedures.
  - a. Development Plan Required. A development plan is required to construct and/or establish an animal feeding operation to ensure that it meets all of the applicable building codes and regulations. A preliminary development plan shall be submitted at the time of application for special exception approval. The development plan application shall include:
    - i. 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.
    - ii. The applicant shall submit a signed affidavit stating that there are no outstanding violations.
  - b. Bonding Required. The owner or operator a CFO or CAFO shall post a bond of five thousand dollars (\$5,000) conditioned on the faithful performance of the inspections and maintenance required of an AFO under this subsection. If the owner or operator fails to provide for the required maintenance and certification, then the county may arrange for the certification and maintenance by qualified personnel utilizing the bond. The cost of all inspections and certification shall be at the sole expense of the AFO owner or operator.
  - c. Permits Required.
    - i. All required permits shall be obtained before construction of a CAFO or CFO is commenced.
    - ii. Waste management systems shall be considered structures and shall require an ILP.

## H. Campground and Recreational Vehicle Park.

1. Campground and 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. As defined in Chapter 10: Definitions, a parcel with more than two (2) campsites constitutes a commercial campground, even if it is intended for private use.
2. Campground and 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.
3. Campground and Recreational Vehicle Park Development Standards.

<b>Campground &amp; RV 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> </ul>
Prohibited Structures	<ul style="list-style-type: none"> <li>▪ Campers permanently left in place</li> <li>▪ Any permanent structure that is located on an individual campsite</li> </ul>
<b>Campground &amp; RV Park Site Standards</b>	
Minimum Development Area	<ul style="list-style-type: none"> <li>▪ 10 acres</li> </ul>
Minimum Setback	<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>
Maximum Gross Density	<ul style="list-style-type: none"> <li>▪ 10 campsites per acre</li> </ul>
Minimum Separation of Campsites	<ul style="list-style-type: none"> <li>▪ 25 feet between campsites</li> </ul>
Minimum Campsite Area	<ul style="list-style-type: none"> <li>▪ 990 sqft per campsite</li> </ul>
Community Facility & Storm Shelter	<ul style="list-style-type: none"> <li>▪ At least 1 indoor community facility shall be provided for the 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 200 square feet or 100 sqft per campsite whichever is greater</li> </ul>
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>
Internal 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>
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 Stormwater Ordinance</li> </ul>
Location	<ul style="list-style-type: none"> <li>▪ Cannot be located in a floodplain or an area subject to periodic flooding</li> </ul>

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- Cannot be located adjacent to swamps, marshes, railroads, stockyards, industrial sites, or other such locations which would constitute a health or safety hazard
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4. Campground and Recreational Vehicle Park Operational Standards.

**Campground & RV Park Operational Standards**

Duration of Stay

- Maximum of 180 overnight stays within 12 consecutive months for any type of camping unit
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5. Campground and Recreational Vehicle Park Procedures. All campgrounds and RV parks shall be required to obtain development plan approval.



## I. Home-based Business (with outside employees).

1. Home-based Business Purpose. The purpose of regulating and limiting commercial activities 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.
2. Home-based Business General Standards. RESERVED.
3. Home-based Business Development Standards.

Home-Based Business Site Standards	
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>
Access	<ul style="list-style-type: none"> <li>▪ Existing and new access points and/or driveways shall be reviewed and approved by the Administrator and the Highway Department</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>
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>▪ Screened from view from the right-of-way and adjacent property lines with a fence or other opaque visual barrier;</li> <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, or continuous evergreen screen on all sides (excluding driveways) that is a minimum of 6 feet in height to provide screening from adjacent properties. Fences shall comply with all regulations of this UDO</li> </ul> </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. 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>
Parking	<ul style="list-style-type: none"> <li>▪ Parking shall comply with Chapter 3: Parking Standards</li> </ul>
Signs	<ul style="list-style-type: none"> <li>▪ Signs shall comply with Chapter 3: Sign Standards</li> </ul>

4. Home-based Business Operational Standards.

Home-Based Business Operational Standards	
Employees	<ul style="list-style-type: none"> <li>▪ Maximum 2 external employees allowed on site at one time</li> <li>▪ Does not include the resident(s)</li> <li>▪</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>

5. Home-based Business Procedures. All home-based businesses are required to obtain development plan approval.

## J. Home Occupation (no outside employees).

1. 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.
2. Home Occupation General Standards. RESERVED.
3. Home Occupation Development Standards.

Home Occupation Site Standards	
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>
Access	<ul style="list-style-type: none"> <li>▪ Existing and new access points and/or driveways shall be reviewed and approved by the Administrator and the Highway Department</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>
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>
Parking	<ul style="list-style-type: none"> <li>▪ Parking shall comply with Chapter 3: Parking Standards</li> </ul>
Signs	<ul style="list-style-type: none"> <li>▪ Signs shall comply with Chapter 3: Sign Standards</li> </ul>
Deliveries	<ul style="list-style-type: none"> <li>▪ No routine deliveries or pick-ups shall be allowed other than from commercial parcel delivery services (e.g., USPS, UPS, FedEx, DHL)</li> </ul>

4. Home Occupation Operational Standards.

Home Occupation Operational Standards	
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>
Clients and Customers	<ul style="list-style-type: none"> <li>▪ Maximum of 3 clients/business-related visitors allowed on site per day</li> <li>▪ No more than 1 present on the site at one time</li> </ul>

5. Home Occupation Procedures. Home occupations are not required to obtain development plan approval. A site plan for approval showing compliance with all regulations of this UDO shall be provided for review only if a building permit is required.

## K. Junkyard.

1. Junkyard Purpose. The purpose of the junkyard 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.
2. Junkyard General Standards.
  - a. Upon receiving an appliance, vehicle, or other material, the battery, lubricants, fluids, coolants, refrigerants, and the similar components and 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.
  - b. 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.
  - c. No junkyard shall be used as a dump by the public.
  - d. 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.
3. Junkyard Development Standards.

Junkyard Site Standards	
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, berm, masonry wall, fence, or similar so it is not visible from any public street or adjacent parcel year-round</li> </ul>
Fencing	<ul style="list-style-type: none"> <li>▪ All fencing shall be securely locked unless being actively supervised for ingress or egress</li> </ul>
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>

4. Junkyard Operational Standards. RESERVED.
5. Junkyard Procedures. A development plan is required to construct and/or establish a junkyard in order to ensure that it meets all applicable building codes and regulations. If applicable, the development plan shall be submitted at the time of application for use approval.

## L. Manufactured Home Park.

1. **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.
2. **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 regulations.
3. **Manufactured Home Park Development Standards.**

<b>Manufactured Home Park Structure Standards</b>	
Structure Types	<ul style="list-style-type: none"> <li>▪ Only manufactured homes are permitted as dwellings within a manufactured home park. No recreational vehicles (RVs), travel trailers, or similar vehicles shall be used as dwellings</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>
Structure Standards	<ul style="list-style-type: none"> <li>▪ All manufactured homes shall comply with the structure standards in Chapter 3: Manufactured Home Occupancy</li> <li>▪ The minimum residential living area requirement of the underlying zoning district shall NOT apply</li> </ul>
<b>Manufactured Home Park Site Standards</b>	
Minimum 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>
Minimum Lot Area (Overall Park/Site)	<ul style="list-style-type: none"> <li>▪ 10 acres</li> </ul>
Minimum Home Site Lot Area	<ul style="list-style-type: none"> <li>▪ 2,000 sqft or as determined by the zoning district, whichever is less</li> </ul>
Minimum Separation between Any Structures	<ul style="list-style-type: none"> <li>▪ 20 feet</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, 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 1 or more central storage structures available to all manufactured home sites</li> <li>▪ No more than 1 on-site storage structure for each manufactured home site shall be provided. 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 personal effects of persons occupying the park</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</li> </ul>

	required bufferyard (see Chapter 3: Bufferyard and Landscaping Standards) specifies a higher standard
Parking and Loading	<ul style="list-style-type: none"> <li>All parking areas shall be paved and comply with Chapter 3: Parking and Loading Standards</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 Chapter 3: Lighting Standards</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>
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 standards outlined in Standards and Specifications.</li> <li>All private roads shall be maintained by the property owner</li> </ul>
Drainage	<ul style="list-style-type: none"> <li>All drainage shall comply with the Drainage Ordinance</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 1,000 square feet or 100 sqft per home site, whichever is greater.</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>

4. Manufactured Home Park Operational Standards.

<b>Manufactured Home Park Operational Standards</b>	
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>
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</li><li>▪ The park owner shall provide the list, and any updates, to the Assessor's Office</li></ul>

5. Manufactured Home Park Procedures. All campgrounds and RV parks shall be required to obtain development plan approval.

## M. Non-commercial Livestock.

1. Non-commercial Livestock Purpose. The intent of these standard is to provide guidance for the residential use and enjoyment of animals and to ensure the protection of adjoining properties from the impacts of raising certain animals in a suburban environment on lots that are not zoned agriculturally (A-1 or A-2).
2. Non-commercial Livestock General Standards.
  - a. Non-commercial keeping of livestock is considered an accessory use for single-family residentially occupied properties and shall be subject to these regulations.
  - b. Nothing in these standards shall apply to domesticated dogs and cats.
  - c. Livestock structures (farm buildings, barns, coops, stables, etc.) shall be kept in a sanitary condition and free from unpleasant odors and from conditions contributing to the breeding of flies.
  - d. Animal feed that is not stored in the principal building shall be stored in sealed, rodent-proof containers.
3. Non-commercial Livestock Development Standards.

Non-Commercial Livestock Structure Standards	
Permitted Structures	<ul style="list-style-type: none"><li>▪ Pens, sheds, coops, cages, barns, and similar structures, including livestock enclosures</li><li>▪ Any structure or areas used to contain or house an animal shall allow for the free movement of the animals</li></ul>



### Non-Commercial Livestock Site Standards

Maximum Animal Density	<ul style="list-style-type: none"><li>▪ Large animals (e.g., horses, cows, llamas, mules, and other similar sized animals) shall not exceed 1 animal per acre of lot area that is set aside and used for the housing and pasturing of livestock</li><li>▪ Medium animals (including goats, swine, sheep, or other similar sized animals) shall not exceed 2 animals for each half acre of lot area that is set aside and used for the housing and pasturing of livestock</li><li>▪ Small animals (including chickens, fowl, game birds, rabbits, and any other animal which is similar in size and/or nature) shall not exceed 1 animal per 1,000 square feet of gross lot area that is set aside and used for the housing and pasturing of livestock</li><li>▪ If any livestock gives birth and thereby exceeds the maximum density allowed, the property owner shall comply with the maximum density within 6 months of the birth any large or medium animal(s) and 3 months of the birth for any small animal(s).</li></ul>
Setbacks	<ul style="list-style-type: none"><li>▪ All structures and/or areas used for non-commercial livestock shall located behind the front façade of the primary dwelling</li><li>▪ All structures used for large and medium animals shall be at least 35 feet from all property lines unless additional setback is required by the zoning district, bufferyard, or other section of this UDO</li><li>▪ All structures used for small animals shall meet the setback requirements for the primary structure within the zone district</li></ul>
Fencing	<ul style="list-style-type: none"><li>▪ All animals shall be kept within a livestock enclosure or confined area at all times unless leashed, haltered, or bridled and under the direct control of the owner</li><li>▪ The fence height shall be sufficient to keep the animal(s) within the enclosure and shall be adequately constructed to prevent the animal(s) from being able to escape from its confines</li><li>▪ All fences shall comply with Chapter 3: Accessory Structure Standards</li></ul>

#### 4. Non-commercial Livestock Operational Standards.

### Non-Commercial Livestock Operational Standards

Manure Management	<ul style="list-style-type: none"><li>▪ All animal waste shall be properly stored and disposed of, so the odor is not objectionable at the property line</li><li>▪ All containers used for animal waste shall be covered and cleaned on a regular basis</li></ul>
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#### 5. Non-commercial Livestock Procedures. Non-commercial livestock are not required to obtain development plan approval. A site plan for approval showing compliance with all regulations of this UDO shall be submitted only if a building permit is required.

## N. Rural Event Venue (Permanent & Temporary).

1. Rural Event Venue Purpose. The purpose of the Rural Event Facility standards is to ensure that the use and establishment of the event facility, either permanent or temporary, remains accessory to the residential or agricultural use of the property and does not have a negative impact on the surrounding agricultural or residential areas and/or uses.
2. Rural Event Venue General Standards.
  - a. Temporary Venues. Short-term activities or events that are not reoccurring, do not have permanent or semi-permanent structures, and/or similar temporary operations shall occur no more than three (3) consecutive days and not more than four (4) times per calendar year. Examples of temporary venues include, but are not limited to, fairs, rural races/rides, one-time weddings, etc.
  - b. Permanent Venues. Activities or events that are reoccurring and have operations that reflect a permanent business are not limited on the number of consecutive days of operation or number of occurrences per year. Examples of permanent venues include, but are not limited to, wineries, agricultural wedding venues, etc.
3. Rural Event Venue Development Standards.

Rural Event Venue Site Standards	
Minimum Lot Area	<ul style="list-style-type: none"> <li>▪ 3 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>
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> <li>▪ Parking areas may be gravel or paved and shall comply with all other standards of Chapter 3: Parking and Loading Standards</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 Chapter 3: Lighting Standards</li> </ul>
Rural Event Venue Utility Standards	
Sewage Disposal and Water Supply	<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>

4. Rural Event Venue Operational Standards.

<b>Rural Event Venue Operational Standards</b>	
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></ul>
Camping	<ul style="list-style-type: none"><li>▪ Camping may occur on site for no more than 3 consecutive days. More frequent occurrences may be classified as a campground and the standards of Section H: Campground and Recreational Vehicle Park shall apply.</li></ul>

5. Rural Event Venue Procedures.

- a. Development Plan Required. A development plan is required to construct and/or establish a permanent rural event venue in order to ensure that it meets all of the applicable building codes and regulations. The development plan shall include:
  - i. A plan for traffic, parking, sewage disposal/storage, and circulation plan.
  - ii. Documentation of all required state and local permits and licenses.
- b. Findings. In addition, the BZA may make specific findings and may establish conditions relative to:
  - i. The physical design and operating characteristics of the facility;
  - ii. The intensity of the proposed use and density of the surrounding area;
  - iii. The distance to surrounding sensitive elements, including residents and livestock;
  - iv. The type of sound potentially generated by the facility and what allowances for amplified sound may take place;
  - v. The allowed number of events per year and the frequency of events;
  - vi. Traffic, parking, and vehicle circulation;
  - vii. Sewage disposal and/or storage; and
  - viii. Compliance with all state and local permits and licenses.

## O. Short-Term Rental.

1. 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:
  - a. 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;
  - b. Ensure issues related to fire safety and life safety codes are met; and
  - c. Allow homeowners to benefit from added income.
2. Short-term Rental General Standards. RESERVED.
3. Short-term Rental Development Standards.

Short-term Rental Structure Standards	
Permitted Structure Types	<ul style="list-style-type: none"> <li>▪ Short-term rental units shall be located in lawfully built dwelling unit that meet all applicable building code requirements.</li> <li>▪ A short-term rental may be within a primary dwelling or within an accessory dwelling unit that conforms with Section C: Accessory Dwelling Units of this Chapter</li> </ul>
Prohibited Structure Types	<ul style="list-style-type: none"> <li>▪ A recreational vehicle, travel trailer, automobile, shipping container, or similar structure</li> <li>▪ A motor vehicle, or a part of a motor vehicle</li> <li>▪ Any structure not intended for permanent human occupancy</li> </ul>
Short-term Rental Site Standards	
Parking	<ul style="list-style-type: none"> <li>▪ Parking shall comply with Chapter 3: Parking and Loading Standards</li> </ul>
Signs	<ul style="list-style-type: none"> <li>▪ Signs shall comply with Chapter 3: Sign Standards</li> </ul>

4. Short-term Rental Operational Standards.

Short-term Rental Operational Standards	
Occupancy	Maximum overnight occupancy shall be 2 persons per sleeping area, but not to exceed the number of persons the unit is marketed for

5. Short-term Rental Procedures.

a. Development Plan. Short-term rentals are not required to obtain development plan approval.

b. Annual Registration Permit.

- i. Each short-term rental unit shall be registered individually on an annual basis with the Administrator in accordance with IC 36-1-24-11.
- ii. As part of the annual registration, an inspection may be required to ensure the structure/unit meets all of the applicable building codes and is safe and habitable.
- iii. Short-term rental owners who do not comply with the regulations may be subject to enforcement actions including inspections, citations, and/or revocations of registration.

## P. Solar Energy Systems (SES), Accessory.

1. Accessory SES Purpose. In addition to minimizing impacts on adjacent properties, the purpose of these standards is to allow for energy collection, storage, and distribution that is accessory to another use and intended to be used on-site.
2. Accessory SES General Standards.
  - a. Accessory SES are a permitted accessory use in all zoning districts where accessory structures are allowed, subject to certain requirements as set forth in this UDO.
  - b. Solar Carport SES and associated electric vehicle charging equipment are a permitted accessory use on surface parking lots in all districts regardless of the existence of another building.
  - c. Building-integrated SES and roof-mounted SES are permitted on any legally permitted structure, provided the structure is designed to adequately and safely accommodate the SES.
  - d. Solar collectors mounted on the sides of buildings and serving as awnings are considered to be building-integrated SES and are regulated as awnings under this UDO.
  - e. Ground-mounted SES shall not count toward the maximum number of accessory structures permitted.
3. Accessory SES Development Standards.

Accessory SES Site Standards	
Height	<ul style="list-style-type: none"> <li>▪ As allowed by the zoning district but cannot exceed 15 feet for ground-mounted and pole-mounted SES</li> <li>▪ Height is measured at maximum design tilt</li> </ul>
Setbacks	<p>All setbacks, measured at maximum design tilt, are determined by the zoning district except:</p> <ul style="list-style-type: none"> <li>▪ Ground-mounted SES. Ground-mounted SES cannot be located in front of the front facade of the primary structure and shall comply with setbacks except as otherwise allowed for building mechanical systems.</li> <li>▪ Building-integrated SES and roof-mounted SES.</li> <li>▪ The collector surface and mounting devices may only extend beyond the exterior perimeter of the building on which the system is mounted or built if designed to safely extend beyond the perimeter by a Professional Engineer licensed to practice in the State of Indiana and the minimum setbacks are met.</li> <li>▪ Exterior piping for solar hot water systems may extend beyond the perimeter of the building on a side or rear yard if the minimum setbacks are met.</li> </ul>
Screening & Visibility: Residential Districts	<ul style="list-style-type: none"> <li>▪ Accessory SES in residential districts shall be designed to minimize visual impacts from the public right-of-way, as described within this section, to the extent that it does not affect the cost or efficacy of the system, consistent with IC 36-7-2-8.</li> <li>▪ If reflectors are used, the glare impacting adjacent properties should be minimized.</li> <li>▪ Building-integrated SES are not required to comply with screening and visibility standards.</li> </ul>

	<ul style="list-style-type: none"> <li>▪ Roof-mounted systems on a pitched roof that have the same finished pitch as the roof and are no more than 10 inches above the finished roof do not have to comply with aesthetic standards.</li> <li>▪ Roof-mounted systems on a flat roof that are no more than 5 feet above the finished roof do not have to comply with aesthetic standards</li> </ul>
Screening & Visibility: Historic District	<ul style="list-style-type: none"> <li>▪ Accessory SES on buildings within designated historic districts or on locally designated historic buildings (exclusive of State or Federal historic designation) must receive a Certificate of Appropriateness from the Historic Review Board, consistent with the standards for solar energy systems on historically designated buildings published by the U.S. Department of the Interior</li> </ul>
Maximum Impervious Surface Coverage	<p>Maximum impervious surface coverage is determined by the zoning district except:</p> <ul style="list-style-type: none"> <li>▪ Ground-mounted SES do not count towards the maximum impervious surface coverage if the soil under the collector is maintained in vegetation and not compacted.</li> <li>▪ Solar carport SES in non-residential districts are exempt from the maximum impervious surface coverage</li> </ul>

4. Accessory SES Operational Standards. RESERVED.

5. Accessory SES Procedures.

- a. Development Plan. Accessory SES are not required to obtain development plan approval but shall submit a site plan for approval with any building permit application showing compliance with all regulations of this UDO.
- b. Compliance with Applicable Codes. All accessory use solar energy systems shall meet approval of local building code officials, consistent with the current State of Indiana Building Code and the National Electrical Code (NEC), and solar thermal systems shall comply with HVAC-related requirements of the Energy Code.
- c. Permit Required. All accessory SES are required to obtain a building permit prior to installation.
- d. Approved Solar Components. Electric solar energy system components must have an Underwriters Laboratory (UL), or equivalent listing, and solar hot water systems must have a Solar Rating & Certification Corporation (SRCC) or equivalent rating.
- e. Utility Notification. It is recommended that the interconnection application be submitted to the utility prior to applying for required permits. Grid-tied solar energy systems shall comply with interconnection requirements of the electric utility, if applicable. Off-grid systems are exempt from this requirement.



## Q. Solar Energy Systems (SES), Primary.

1. Primary SES Purpose. In addition to minimizing impacts on adjacent properties the purpose of these standards is to allow for energy collection, storage, and distribution that primarily intended for off-site use.
2. Primary SES General Standards. RESERVED.
3. Primary SES Development Standards.

Primary SES Structure Standards	
Foundation Design	<ul style="list-style-type: none"> <li>▪ A Professional Engineer licensed to practice in the State of Indiana shall certify that the foundation and design of the solar panel racking, foundations, and support is within accepted professional standards, given local soil and climate conditions prior to application for building permits.</li> </ul>
Primary SES Site Standards	
Height	<ul style="list-style-type: none"> <li>▪ Maximum of 20 feet in height, measured at maximum design tilt</li> </ul>
Setbacks	<p>All setbacks, measured from the nearest edge of the SES array at maximum design tilt (excluding fencing, screening, berms, and similar), are determined by the zoning district with the following exceptions:</p> <ul style="list-style-type: none"> <li>▪ Minimum of 150 feet from any parcel with a non-participating residential dwelling unless waived upon mutual agreement of all property owners</li> <li>▪ No minimum setback between separate parcels that are both participating property owners and waived upon mutual agreement of all property owners</li> <li>▪ Minimum of 50 feet from any public right-of-way</li> <li>▪ All setbacks may be reduced by fifty percent (50%), but shall not be less than thirty (30) feet, if the array has a continuous evergreen landscape buffer that fully screens the array from view at the setback line</li> </ul>
Fencing	<ul style="list-style-type: none"> <li>▪ If installed, perimeter fencing for the site shall not include barbed wire or woven wire designs and shall preferably use wildlife-friendly fencing standards that include clearance at the bottom. For sites incorporating agrivoltaics, alternative fencing can be used if approved by the Administrator.</li> </ul>
Screening & Visibility: Residential Districts	<ul style="list-style-type: none"> <li>▪ All primary SES shall be fully screened from view year-round, including across any street or right-of-way, from existing residential dwellings, residentially zoned parcels, or parcels platted for residential development.</li> <li>▪ Screening shall not be required along property lines within the same zoning district unless the adjoining parcel has an existing residential use or is platted for residential development</li> <li>▪ Screening may include continuous vegetation, fencing, and/or berms that fully screens the view of the solar panels and accessory equipment.</li> <li>▪ All screening shall comply with all standards of the UDO, including fence height</li> <li>▪ A landscape plan shall be submitted as part of the development plan approval that identifies the type and extent of proposed buffer and screening</li> <li>▪ Vegetation or another type of buffer can be proposed if it fully screens the SES</li> <li>▪ Additional screening may be required if there is a clear community interest in maintaining a viewshed or to mitigate the impact on an adjacent parcel</li> </ul>
Primary SES Utility Standards	
Power and Communication Lines	<ul style="list-style-type: none"> <li>▪ All power and communication lines on the site shall be buried underground. Exemptions may be granted by the BZA in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines or distance makes undergrounding infeasible</li> </ul>

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- Power and communication lines between the project and the point of interconnection with the transmission system can be overhead

### Primary SES Ground Cover Standards

Primary SES shall comply with one of the following for ground cover:

#### Alternative A: Perennial Ground Cover

Additional site-specific conditions may be required by the BZA as part of a Special Exception approval in addition to the following:

- The site around and under solar panels and within all setback or buffer areas shall be planted, established, and maintained for the life of the SES project in perennial ground cover. To the extent feasible for site conditions and height requirements so plantings do not interfere with solar equipment, perennial ground cover shall include a diverse seed mix of native species consistent with guidance specific to the local area provided by the Soil and Water Conservation District office or the Indiana Native Plant Society.
- The owner/operator shall outline site maintenance practices that are intended to manage and mitigate invasive or noxious plant species, as listed by the Indiana Invasive Species Council, without harming perennial ground cover.
- Insecticide and herbicide use is not permitted on the site except for within on-site buildings, in and around electrical boxes, spot control of noxious weeds, or as necessary to protect public health and safety.
- Plant material cannot be treated with systemic insecticides, particularly neonicotinoids.

#### Alternative B: Pollinator-friendly Ground Cover

Additional site-specific conditions may be required by the BZA as part of a Special Exception approval in addition to the following:

- The site around and under solar panels and within all setback or buffer areas shall be planted, established, and maintained for the life of the SES project in perennial ground cover that complies with the definition of Pollinator-Friendly Solar Energy.
  - Primary SES that are mounted on the ground that propose to install, establish, and maintain pollinator-friendly ground cover must demonstrate the quality of the proposed habitat based on guidance from sources such as Purdue University 2020 Indiana Solar Site Pollinator Habitat Planning Scorecard or other third party solar-pollinator scorecards designed for Midwestern eco-systems, soils, and habitat.
  - All applicants shall submit a completed pollinator-friendly solar scorecard such as the 2020 Indiana Solar Site Pollinator Habitat Planning Scorecard developed by Purdue University, or a similar third-party solar pollinator standard designed for Midwest eco-systems and conditions.
  - If the project does not qualify as pollinator-friendly, the applicant shall submit a landscaping plan detailing site conditions that prevent the site from being qualified and alternative means of meeting the water quality and habitat goals of the pollinator-friendly standard.
  - Projects certified and maintained as pollinator-friendly habitats are exempt from landscaping requirements and post-construction stormwater management controls (as stated in the Stormwater and NPDES section below) that may be otherwise required under these development regulations, unless required as a condition by the Plan Commission or BZA.
  - The owner/operator shall outline site maintenance practices that are intended to manage and mitigate invasive or noxious plant species, as listed by the Indiana Invasive Species Council, without harming perennial ground cover.
  - Insecticide and herbicide use is not permitted on the site except for within on-site buildings, in and around electrical boxes, spot control of noxious weeds, or as necessary to protect public health and safety.
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4. Primary SES Operational Standards. RESERVED.
5. Primary SES Procedures.
  - a. Development Plan. Primary SES shall be required to obtain development plan approval.
  - b. Stormwater and NPDES. Primary SES projects are subject to any stormwater management and erosion and sediment control provisions adopted by the jurisdiction as well as the Nonpoint Pollution Discharge Elimination System (NPDES) permit requirements. Solar collectors shall not be considered impervious surfaces if the project complies with ground cover standards as described in this ordinance.
  - c. Compliance with Applicable Codes. All Primary SES projects shall comply with all applicable local, state, and federal regulatory codes, including the current State of Indiana Uniform Building Code and the National Electric Code (NEC), and solar thermal systems shall comply with HVAC-related requirements of the Energy Code.
  - d. Aviation Protection. For Primary SES projects located within five hundred (500) feet of an airport or within any approach zones of an airport, the applicant must complete and provide the results of a glare analysis through a qualitative analysis of potential impact, field test demonstration, or geometric analysis of ocular impact in consultation with the Federal Aviation Administration (FAA) Office of Airports, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.
  - e. Decommissioning Plan and Surety. The project owner shall provide a decommissioning plan for all parcels and easements related to the project prior to any commercial solar energy devices being installed. The decommissioning plan shall be approved by the appropriate legislative body and shall be updated every five (5) years or if any of the property owner(s), operator, or project owner changes. Except as otherwise required by Indiana Code, the decommissioning plan shall include, at a minimum, the following:
    - i. Affidavit of Responsibility. A signed and notarized affidavit that is recorded with the County Recorder's Office shall be provided by all property owners acknowledging that the responsibility of decommissioning (including costs to decommission) is ultimately the responsibility of the property owner(s) even if that responsibility and cost is assigned to the operator through a separate agreement. If the operator fails to comply with any aspect of the decommissioning plan, the property owner(s) shall be ultimately responsible for all aspects of decommissioning and liable for all penalties for failure to comply.
    - ii. Commercial Liability Insurance Required. The owner and operator of a Commercial Solar Energy Facility shall maintain a commercial general liability policy covering death, bodily injury, and property damage, which may be combined with umbrella coverage. The owner and operator shall be required to name the specific jurisdiction as an additional insured solely to the extent of liabilities arising under this UDO. This policy shall carry dollar amounts satisfactory to the appropriate legislative body and with agreed upon dollar amount limits per occurrence, aggregate coverage, and deductible amounts, all of which shall be agreed upon by the owner and operator and the appropriate legislative body and provided in the Decommissioning Plan.

- iii. Continuity of Decommissioning Plan. The written terms of the decommissioning plan shall include that the decommissioning plan is binding upon the property owner and operator as well as any of their successors, assignees, or heirs.
- iv. Restoration of Site. This shall outline how the site will be restored to a natural state that includes adequate provisions for removal of all structures and foundations to a depth of forty-eight inches (48") and restoration of soil and vegetation.
  - (1) Decommissioning of the system, or a component or portion of the system, must be completed within twelve (12) months of the project, or component or portion of the system, not producing energy. An owner may petition for an extension of this period upon showing of reasonable circumstances that have caused the delay in the start of decommissioning.
  - (2) Disposal of structures, materials, waste, and/or foundations (both hazardous and non-hazardous materials) shall meet the provisions of all local, state, and federal ordinances.
- v. Estimated Decommissioning Costs. Decommissioning costs shall be calculated by a third-party licensed or registered engineer (or by another person with suitable experience in the decommissioning of solar energy system) and agreed upon by the project owner and the County Engineer.
  - (1) Prior to the issuance of an ILP (building permit) for any structure or component of a Commercial Solar Energy Facility.
  - (2) Every five (5) years at the anniversary of the approval of the initial decommissioning plan based upon the reevaluated decommissioning cost.
  - (3) If any of the property owner(s), operator, or project owner changes.
- vi. Failure to Comply with Decommissioning Plan. Any person or corporation who shall fail to comply with the decommissioning and/or bonding requirements herein shall for each, and every violation of non-compliance be liable for civil penalties to the Plan Commission of up to the maximum amount allowed by state law. Each day that the violation exists or continues shall be deemed a separate offense. The Plan Commission's Attorney shall have the right to commence proceedings for an injunction, to restrain a person from violating this UDO and/or for a mandatory injunction requiring that a structure in violation of this UDO be removed. The remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedy provided by law.
- f. Annual Compliance Permit. The project owner shall obtain an annual permit in order to operate a Commercial Solar Energy Facility within the jurisdiction. The project owner shall submit a complete application no later than March 15th of each calendar year that includes:
  - i. All required application information.
  - ii. Updated Certificate of Insurance with the appropriate jurisdiction listed as additional insured.
  - iii. Proof of surety bond or equivalent.

## R. Wind Energy Systems.

1. Wind Energy Systems Purpose. The purpose of these regulations is to create a set of basic standards regulating the development, operation, and decommissioning of wind power devices for both commercial and personal use.
2. Wind Energy Systems General Standards.
  - a. Wind energy systems, are defined in Chapter 10: Definitions, are classified as a mini, small, or commercial wind energy system.
  - b. The design and construction of all wind energy systems shall meet the following standards:
    - i. All applicants shall construct, operate, maintain, repair, provide for removal of, modify and/or restore the permitted system in strict compliance with all current applicable local, state, and federal technical and safety-related codes, including, but are not limited to, construction, building, electrical, fire, safety, health, and land use codes and regulations. In the event of a conflict between or among any of the preceding, the more restrictive shall apply.
    - ii. All applicants shall obtain, at their own expense, all permits and licenses required by applicable laws, rules, regulations, and/or codes, and the applicant must maintain the applicable permits and licenses, in full force and effect, for as long as required by the appropriate jurisdiction or any other governmental entity or agency having jurisdiction over the applicant.
    - iii. All applicants shall notify the Administrator of any intended modification of a mini, small, or commercial wind energy system and shall make application to modify the height, relocate or rebuild such structure.
    - iv. All wind energy systems shall conform to applicable industry standards of the American National Standards Institute (ANSI) and be approved by a wind certification program recognized by the American Wind Energy Association. All systems that are over twenty-five (25) feet in height must be designed by a Professional Engineer licensed to practice in the State of Indiana. The engineer must certify that the foundation and tower constructed for all structures is within acceptable code and industry standards—given local soil and climate conditions.

3. Wind Energy Systems Development Standards.

<b>ALL Wind Energy System Site Standards</b>	
These development standards apply to ALL wind energy systems	
Location	<p>Unless waived with written consent from the owner(s) of each impacted nonparticipating property and/or easement, all wind devices shall comply with all of the following minimum setbacks, with setback measured as a straight line from the vertical centerline of the device base and height measured from the ground elevation at the base of the device to the tip of the blade fully extended upward.</p> <ul style="list-style-type: none"> <li>▪ 1.1 times the height of the wind power device to the:               <ul style="list-style-type: none"> <li>○ Centerline of any runway (public use airport, private use airport, or municipal)</li> <li>○ Centerline of any public use highway, street, or road</li> <li>○ Centerline of any railroad, easement, or right-of-way</li> </ul> </li> <li>▪ Property line of any nonparticipating property</li> <li>▪ 1.2 times the height of the wind power device to the nearest edge of the right-of-way or easement for any utility transmission or distribution line</li> <li>▪ 2 times the height of the wind power device to the property line of any undeveloped land that is zoned or platted for residential use.</li> <li>▪ 3 times the height of the wind power device to the nearest point on the outer wall of a dwelling located on a nonparticipating property</li> </ul>
Height	<ul style="list-style-type: none"> <li>▪ With respect to the permitting, construction, installation, or siting of any wind power device within the jurisdiction, the jurisdiction may not limit the blade tip height, through a wind power regulation or otherwise, that is more restrictive than the standards of the FAA under 14 CFR Part 77 concerning the safe, efficient use and preservation of the navigable airspace.</li> </ul>

<b>Commercial Wind Energy System Development Requirements</b>	
These development standards only apply to commercial wind energy systems (they do not apply to mini or small wind energy systems)	
Impact on Communication Signals	<p>All wind power devices must be installed in a manner to minimize and mitigate impacts to:</p> <ul style="list-style-type: none"> <li>▪ television signals;</li> <li>▪ microwave signals;</li> <li>▪ agricultural global positioning systems;</li> <li>▪ military defense radar;</li> <li>▪ radio reception; and</li> <li>▪ weather and doppler radar</li> </ul>
Noise	<p>Unless waived with written consent from the owner(s) of each impacted non-participating property or as otherwise allowed by IC 36-7-4-1109, no wind power devices shall be installed without providing documentation that all devices will operate in a manner such that the sound attributable to the wind power device(s) will not exceed an hourly average sound level of fifty (50) A-weighted decibels, as modeled at the outer wall of an affected dwelling</p>
Lighting	<ul style="list-style-type: none"> <li>▪ As used in this section, "wind turbine light mitigation technology" means any technology used in connection with a wind power device to shield, limit, or otherwise mitigate the amount, intensity, character, or visibility of light emitted from the wind power device.</li> </ul>

	<ul style="list-style-type: none"> <li>▪ Except as otherwise allowed by IC 36-7-4-1109 after January 1, 2023, or to the extent permissible under federal law or regulations, all wind power devices must be equipped with a wind turbine light mitigation technology, unless: <ul style="list-style-type: none"> <li>○ The FAA denies the project owner's application to use a wind turbine light mitigation technology;</li> <li>○ The wind turbine light mitigation technology application is pending review by the appropriate federal agencies; or</li> <li>○ The project owner determines that the use of a wind turbine light mitigation technology is not economically feasible.</li> </ul> </li> </ul>
Drainage	<p>For all wind power devices that are constructed or installed after June 30, 2022 or as otherwise allowed by IC 36-7-4-1109, all damages to waterways, drainage ditches, field tiles, or other drainage related infrastructure caused by the construction, installation, or maintenance of a wind power device must be completely repaired by the project owner or remedied with the installation of new drainage infrastructure that does not impede the natural flow of water. All repairs are subject to applicable federal, state, and local drainage laws and regulations, must be completed within a reasonable period of time, and:</p> <ul style="list-style-type: none"> <li>▪ Completed to the satisfaction of the Administrator; and</li> <li>▪ Completed as stated in an applicable lease or another agreement with the landowner</li> </ul>
Signs	<ul style="list-style-type: none"> <li>▪ All commercial wind energy systems and their appurtenant structures shall contain a sign(s) no larger than four (4) square feet each that: <ul style="list-style-type: none"> <li>○ Provides the name(s) of the owner(s) and operator(s) of the commercial wind energy systems as well as emergency phone number(s) that are visible from the access point(s) of the site and not lighted, unless lighting is required by applicable law, rule, or regulation.</li> <li>○ Provides a warning concerning voltage that is placed at the base of all pad-mounted transformers and substations in a conspicuous location.</li> </ul> </li> <li>▪ No other signage, including advertising, shall be permitted.</li> </ul>

4. Wind Energy Systems Operational Standards.

<b>Commercial Wind Energy System Operational Standards</b>	
These operational standards only apply to commercial wind energy systems (they do not apply to mini or small wind energy systems)	
Shadow Flickering Modeling	<p>Unless waived with written consent from the owner(s) of each impacted nonparticipating property or as otherwise allowed by IC 36-7-4-1109, no wind power devices shall be installed without providing documentation that:</p> <ul style="list-style-type: none"> <li>▪ The project owner has used shadow flicker computer modeling to estimate the amount of shadow flicker anticipated to be caused by the wind power device; and</li> <li>▪ The wind power device(s) has been designed and documentation using industry standard computer modeling is provided that indicates that any dwelling on a nonparticipating property will not experience more than thirty (30) hours per year of shadow flicker under planned operating conditions for the wind power device(s).</li> </ul>

	<p>After any wind power device is installed or located, the project owner shall work with the property owner of any affected dwelling on a nonparticipating property to mitigate the effects of shadow flicker to the extent reasonably practicable.</p>
Decommissioning and Bonding	<p>Except as otherwise allowed by IC 36-7-4-1109, no wind power devices shall be installed unless the project owner:</p> <ul style="list-style-type: none"> <li>▪ Submits a decommissioning and site restoration plan to the Administrator that adequately outlines how the site would eventually be decommission.</li> <li>▪ Provides estimated decommissioning costs, including reevaluations of these costs at the timelines outlined below, that are calculated by a third party licensed or registered engineer (or by another person with suitable experience in the decommissioning of wind power devices) and agreed upon by the project owner and the permit authority. <ul style="list-style-type: none"> <li>○ The total estimated decommissioning costs shall be net of any estimated salvage value attributable to the wind power device(s) at the time of decommissioning unless the Administrator and the project owner agree to include any such value in the estimated cost.</li> </ul> </li> <li>▪ Posts a surety bond or an equivalent means of security acceptable to the permit authority, including a parent company guarantee or an irrevocable letter of credit but excluding cash, in an amount equal to the estimated cost of decommissioning the wind power device(s) in the following increments. The total amount of the bond or other security posted under this section shall be adjusted due to changes in costs after each reevaluation. <ul style="list-style-type: none"> <li>○ An amount equal to 25% of the total estimated decommissioning costs no later than the start date of the wind power device's full commercial operation. This amount shall be adjusted at the 5th anniversary and 10th anniversary of the start date of the wind power device's full commercial operation based on reevaluations.</li> <li>○ An amount equal to 50% of the total estimated decommissioning costs not later than the 15th anniversary of the start date of the wind power device's full commercial operation.</li> <li>○ An amount equal to 100% of the total estimated decommissioning costs not later than the 20th anniversary of the start date of the wind power device's full commercial operation. This amount shall be adjusted based on reevaluations at least once every 5 years after the 20th anniversary of the start date of the wind power device's full commercial operation.</li> </ul> </li> <li>▪ Any person or corporation who shall fail to comply with the decommissioning and/or bonding requirements herein shall for each, and every violation of non-compliance be liable for civil penalties to the Plan Commission of up to the maximum amount allowed by state law. Each day that the violation exists or continues shall be deemed a separate offense. The Plan Commission's attorney shall have the right to commence proceedings for an injunction, to restrain a person from violating this Ordinance, and/or for a mandatory injunction requiring that a structure in violation of this Ordinance be removed. The remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedy provided by law.</li> </ul>
Liability Insurance	<ul style="list-style-type: none"> <li>▪ The owner or operator of any commercial wind energy systems shall maintain a current general liability policy covering bodily injury and property damage and names the applicable jurisdiction as an additional</li> </ul>



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insured. The applicant shall provide proof of liability coverage in a form acceptable to the applicable jurisdiction's Attorney that includes dollar amount limits per occurrence, aggregate limits, and deductible amount.

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5. Wind Energy Systems Procedures.

- a. Mini or small wind energy system structures that are established to serve an existing agricultural use do not require development plan approval but shall submit a site plan for approval with any building permit application showing compliance with all regulations of this UDO. These structures may not exceed forty-five (45) feet in height and must be situated at least fifty (50) feet from all property lines and overhead utility easements to be exempt from the provisions set forth in this UDO. An ILP is required and must be applied for and approved prior to any site work.
- b. Applications for the modification of an existing structure that does not increase the overall height or appearance shall be considered a permitted use if it was legally permitted and/or approved previously.
- c. If it is determined that the application meets the purpose, intent, and standards of this ordinance, the application shall be approved. If it is determined that the application does not meet the purpose, intent, and/or standards of this ordinance, the application shall be denied with the specific reasons detailed.
- d. No wind system of any type shall be installed or constructed until the application is reviewed and approved by the Administrator, and a permit has been issued. The applicable jurisdiction may at its discretion delegate or designate other official agencies to accept, review, analyze, evaluate, and make recommendations with respect to the approval, or denial, of proposed wind systems.
- e. Any permit issued for wind system shall not be assigned, transferred, or conveyed without the express prior written notification to the Administrator.

## S. Wireless Communication Facility.

1. **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.
2. **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:
  - a. **Limitation on Fees.**
    - i. The Administrator may not require an applicant to pay a fee associated with the submission, review, processing, or approval of an application unless the payment of the same or a similar fee for applications for permits for similar types of commercial or industrial structures within the applicable jurisdiction.
    - ii. 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.
    - iii. 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.
  - b. **Non-discrimination.** The Administrator or the BZA may not discriminate among communications service providers or public utilities with respect to the following:
    - i. Approving applications, issuing permits, or otherwise establishing terms and conditions for construction of wireless or wireline communications facilities.
    - ii. Authorizing or approving tax incentives for wireless or wireline communications facilities.
    - iii. Providing access to rights-of-way, infrastructure, utility poles, river and bridge crossings, and other physical assets owned or controlled by the applicable jurisdiction.
  - c. **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.
  - d. **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.

- e. 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.
  - f. 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.
  - g. 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.
  - h. 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.
  - i. 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.
- 3. Wireless Communication Facility Development Standards. RESERVED.
  - 4. Wireless Communication Facility Operational Standards. RESERVED.
  - 5. Wireless Communication Facility Procedures.
    - a. Permits Required. Wireless facilities shall not be constructed, erected, placed, modified, or altered until an ILP has been obtained.
    - b. 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.
      - i. 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) Applicant Information.
          - (a) A statement that the applicant is a person that either provides wireless communications service or owns or otherwise makes available infrastructure required for each service; and
          - (b) The name, business address, and point of contact for the applicant.

- (2) Location.
    - (a) The location of the proposed or affected wireless support structure or wireless facility; and
    - (b) Evidence supporting the choice of the location for the proposed wireless support structure, including a sworn statement from the individual responsible for the choice of location demonstrating that collocation of wireless facilities on an existing wireless support structure was not a viable option because collocation:
      - (i) Would not result in the same wireless service functionality, coverage, and capacity;
      - (ii) Is technically infeasible; or
      - (iii) 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: Special Exception Procedures.
- ii. Review of Application.
    - (1) 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.
    - (2) Failure to Notify. If the Administrator fails to notify the applicant within ten (10) business days whether the application is complete shall be considered a non-final zoning decision in accordance with IC 36-7-4-1602(c), with the applicant consequently entitled to expedited judicial review of the non-final zoning decision.
  - iii. Public Hearing.
    - (1) 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.
    - (2) 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.
    - (3) Deadline for Final Action. For purposes of this section, “reasonable period of time” shall be determined as follows:
      - (a) 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.
      - (b) 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.

- (c) **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.
- c. **Additional Time for Application 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.
- d. **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.



## CHAPTER 5

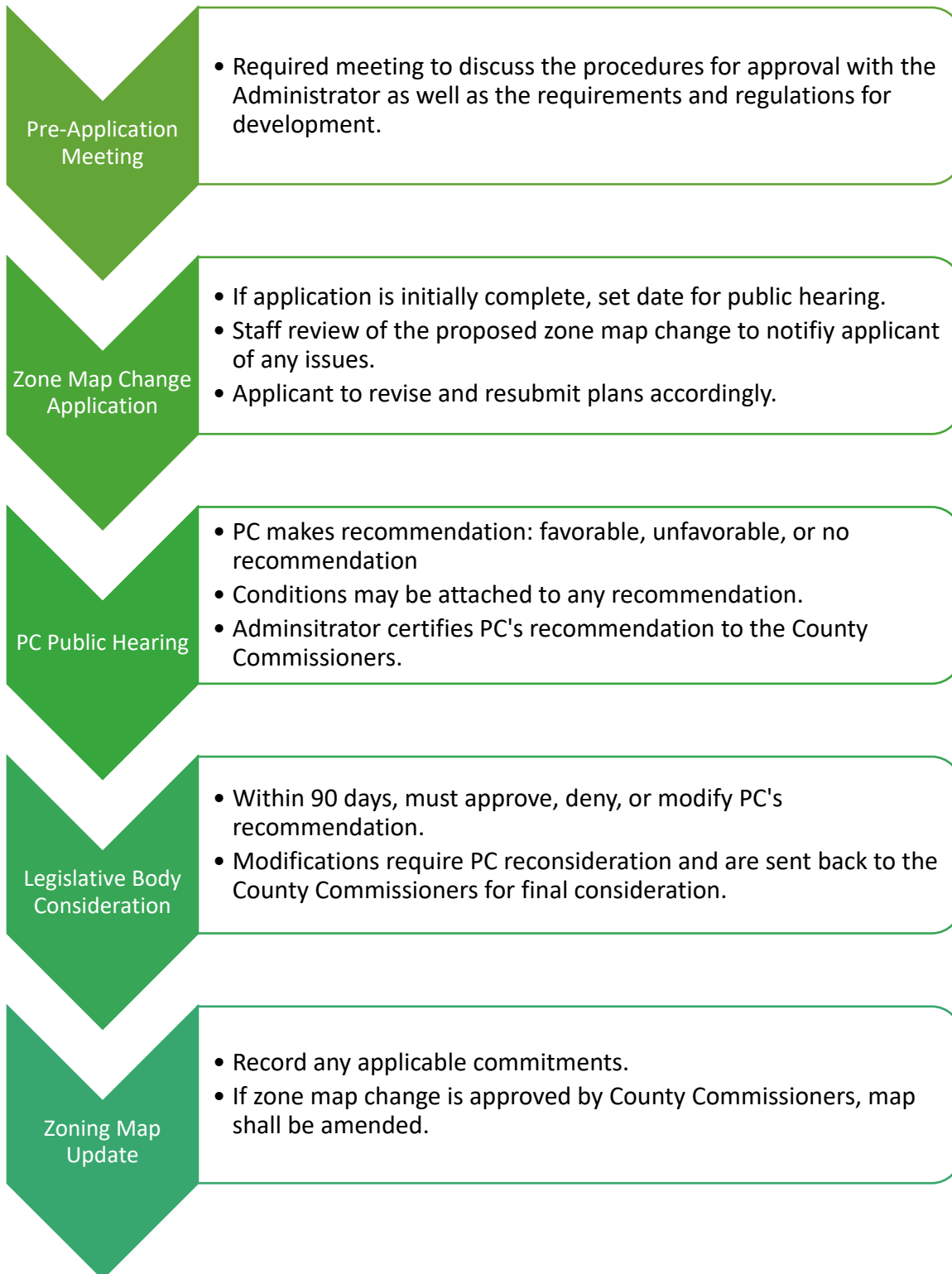
# Zoning Ordinance Provisions - Administration and Procedures

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## A. General Provisions.

1. Compliance with Procedures and Standards.
  - a. All development shall be carried out 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.

## B. Zone Map Change & PUD District Procedures.



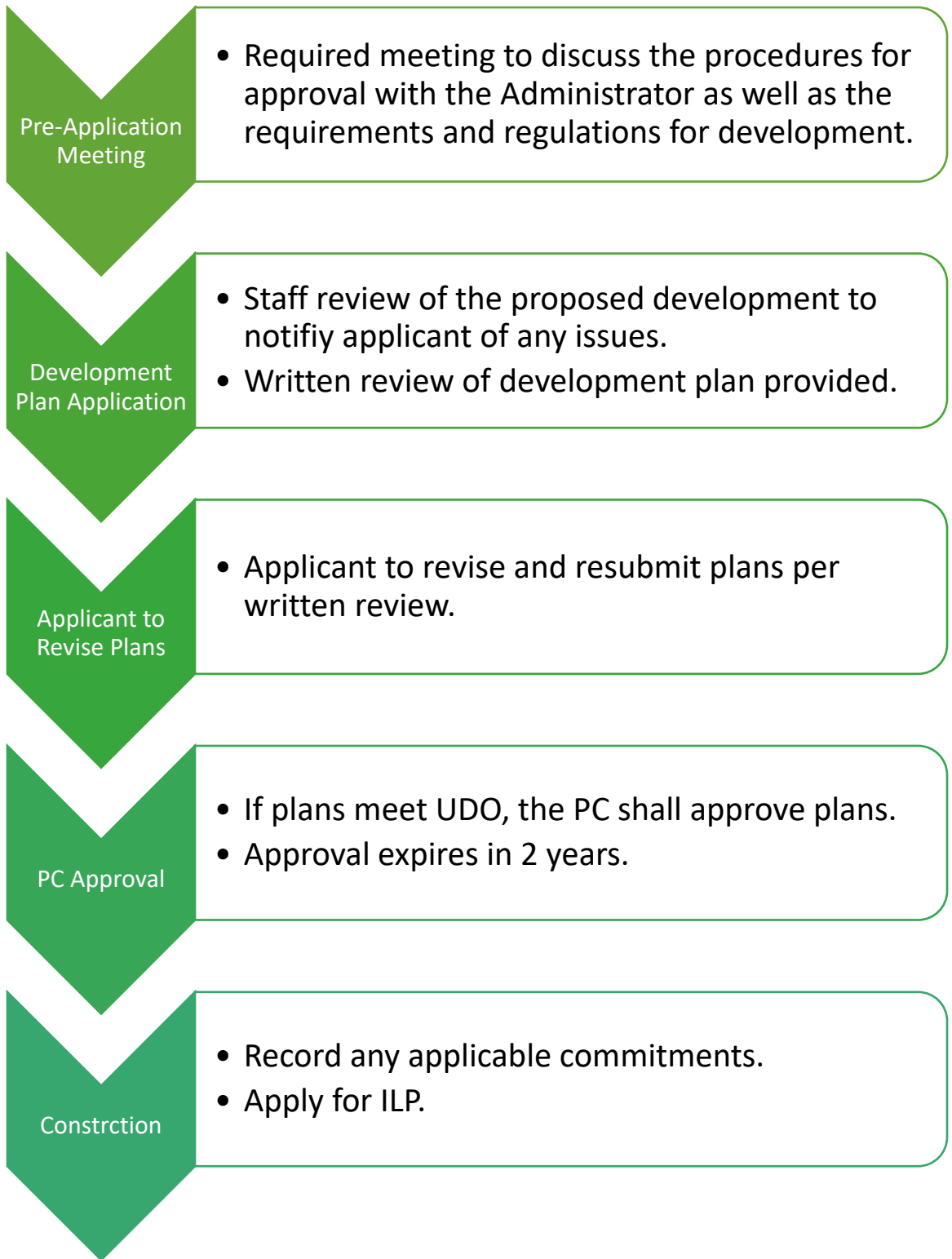


1. Applicability.
  - a. In accordance with IC 36-7-4-600 series for zone map changes, IC 36-7-4-1500 series for PUD Districts, and the PC Rules and Procedures, the PC shall hear and make recommendations regarding zone map changes and zone map changes to a PUD District.
  - b. Zone map changes and zone map changes to a PUD District may be initiated by the PC, County Commissioners, or by owners of fifty percent (50%) or more of the area involved in the petition.
2. STEP 1: Pre-Application Meeting.
  - a. Pre-Application Meeting Required. Prior to filing an application for a zone map change or zone map change to a PUD District, 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: Application Submittal.
  - a. Application Required. The applicant shall submit a complete application for zone map change or zone map change to a PUD District in accordance with the application requirements and prepared in accordance with the requirements of this UDO.
  - b. Additional Application Requirements for PUD District. In addition to the required application for a zone map change, the application for a zone map change to a PUD District shall also include:
    - i. PUD District Map. A PUD District Map shall define the overall area that is governed by the PUD District Ordinance. This map may also identify the location of “districts” that allow specific land uses that are described in the PUD District Ordinance.
    - ii. PUD District Ordinance. A PUD District Ordinance shall be submitted with the “detailed terms” for development in accordance with IC 36-7-4-1509(a)(2). For the purpose of administration and continuity, the proposed PUD District Ordinance must follow a uniform format and contain the following sections that mirror and parallel this UDO. Procedures and regulations that are not covered in the PUD District Ordinance shall default to the procedures and regulations contained in this UDO as interpreted by the Administrator.
      - (1) PUD Introductory Provisions and Administration. All of the enabling language for the PUD District Ordinance as well as purpose, intent, jurisdiction, administration, and effective date.
      - (2) PUD Districts. A profile of each land use district within the PUD and its purpose as well as a list of permitted land uses, special exception land uses, and development standards.
      - (3) PUD Use Development Standards. An alphabetical list of any uses that have additional standards above and beyond the minimums listed in this PUD Section.
      - (4) PUD Site Development Standards. An alphabetical list of the site standards that apply to development, such as accessory structures, architectural features, bufferyards, lighting, parking, setbacks, signs, etc.

- (5) PUD Procedures. The procedures for the PUD including zoning amendments, variances, and appeals. Note that procedures for the subdivision of land within the PUD shall follow Chapter 8: SCO Procedures of this UDO and shall not be varied unless a waiver is granted by the PC.
      - (6) PUD Definitions. Any terms that are specific to the PUD shall be listed to aid in the interpretation of the ordinance.
  - 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. The Administrator shall announce the tentative date for public hearing before the PC.
  - d. 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, PC, 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.
- 4. STEP 3: PC Public Hearing.
  - a. Public Notice by Applicant. Notice of public hearing shall be in accordance with the PC Rules and Procedures. In the event the hearing has been properly noticed, but the plans or application materials are not completed per Subsection 3.d: Internal Review above, then the Administrator may have the PC automatically continue the petition to their next regular meeting (or a properly noticed special meeting) without requiring additional notice by the petitioner.
  - b. PC Public Hearing. The PC shall consider the zone map change or PUD District Ordinance at a public hearing. The applicant or his/her representative shall be in attendance to present the application and address any questions or concerns of the PC.
  - c. Recommendation by PC.
    - i. Consideration. In accordance with IC 36-4-603, when considering a zone map change, or zone map change to a PUD District, the PC shall pay reasonable regard to:
      - (1) The Comprehensive Plan;
      - (2) Current conditions and the character of current structures and uses in each district;
      - (3) The most desirable use for which the land in each district is adapted;
      - (4) The conservation of property values throughout the jurisdiction; and
      - (5) Responsible development and growth.

- ii. Recommendation. After consideration, the PC shall make a favorable, unfavorable, or no recommendation to the County Commissioners. Any recommendation may include conditions and/or written commitments in accordance with IC 36-7-4-1015 and Section ##: Commitments.
  - iii. Certification of Recommendation. Within ten (10) business days after the PC recommendation, the PC shall certify their recommendation to the County Commissioners.
5. STEP 4: Final Decision – County Commissioners
- a. Decision. Upon receipt of said certification, the County Commissioners shall vote on the proposed zone map change or zone map change to a PUD District within ninety (90) calendar days. Final action by the County Commissioners shall be in accordance with IC 36-7-4-600 series.
    - i. If the proposal is adopted by the County Commissioners, the PC shall update the official zoning map accordingly.
    - ii. If the proposal is denied by the County Commissioners, the proposal cannot be resubmitted for six (6) months 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 specifies otherwise.
  - c. Amendment. Amendment of a zone map change shall be done in accordance with the IC 36-7-4-600 series for zone map changes and IC 36-7-1500 series for zone map changes to a PUD District. An amendment of an applicable condition or commitment shall be done in accordance with IC 36-7-4-1015 and Section ##: Commitments. Note that the BZA has no authority to grant variances to an approved PUD.

### C. Development Plan Procedures.



1. Applicability.
  - a. In accordance with IC 36-7-4-1400 series and the PC Rules and Procedures, the PC shall hear and make decisions regarding development plans.
  - b. 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.
2. STEP 1: Pre-Application Meeting. 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.
3. STEP 2: Application Submittal.
  - a. Application Required. The applicant shall submit a complete application for development plan approval in accordance with the application requirements.
  - b. 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.
  - c. Internal Review.
    - i. The Administrator shall forward the plans 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, PC, 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.
4. STEP 3: PC Public Meeting.
  - a. Public Notice. Public notice is not required for development plans.
  - b. Consideration. If the revised application has adequately addressed the valid comments from the TAC, the Administrator shall forward the application to the PC for consideration of the development plan. If the applicant disagrees with any comments from TAC, the Administrator shall note these contested comments when forwarding the application to the PC
  - c. Public Meeting. The PC shall consider the development plan at a public meeting. The applicant shall be in attendance to present their application and address any questions or concerns of the PC.
5. STEP 4: Final Decision.

- a. Decision by the PC. The PC shall consider any contested TAC comments before making a final decision on the development plan. The PC shall approve or deny the development plan.
    - i. Approval. If the PC determines that the development plan complies with the standards set forth in this UDO, the PC shall approve the plan. Within ten (10) days of the hearing, the Administrator shall notify the applicant of approval in writing or electronic transmission and itemize any changes or revisions deemed necessary by the PC as a term of its approval.
    - ii. Disapproval. If the PC disapproves the development plan, it shall make written findings of fact and the Administrator shall notify the applicant 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 plan that addresses the reason for disapproval.
  - 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.
  - 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.
6. STEP 5: 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 ##: Permits. Construction cannot occur and permits cannot be issued prior to development plan approval.

## D. Special Exception and Variance Procedures.



1. Applicability.
  - a. In accordance with IC 36-7-4-918.2 for special exceptions and IC 36-7-4-918.5 for variances from development standards, IC 36-7-4-918.4 for variances of use, and the BZA Rules and Procedures, the BZA shall hear and make recommendations regarding special exceptions, variances from development standards and variances of use. The BZA may require that impact studies be performed at the expense of the applicant prior to deciding upon said special exception or variance of use.
  - b. Uses permitted by special exception as listed in Chapter 2: Zoning Districts may be permitted by the BZA in the districts indicated in accordance with the procedures set forth in this section.
  - c. The BZA may vary the development standards or grant a variance of use in accordance with the procedures set forth in this section.
  - d. Any expansion of a legal non-conforming use, including the enlargement of the structures or land area devoted to such use, shall be subject to the respective procedures described in this section.
2. STEP 1: Pre-Application Meeting. Prior to filing an application for special exception, variance from development standards, or variance of use, 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: Application Submittal.
  - a. Application Required. The applicant shall submit a complete application for special exception, variance from development standards, or variance of use in accordance with the application requirements and prepared in accordance with the requirements of this UDO.
  - 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. 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, PC, 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.
4. STEP 3: BZA Public Hearing.
  - a. Public Notice by Applicant. Notice of public hearing 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 3.c: 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 petitioner.

- b. BZA Public Hearing. The BZA shall review the special exception, variance from development standards, or variance of use at a public hearing. The applicant or his/her representative shall be in attendance to present the application and address any questions or concerns of the BZA.
- c. Decision by the BZA.
  - 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:
    - (1) The establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health, safety, morals, or general welfare;
    - (2) The special exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted;
    - (3) 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;
    - (4) Adequate utilities, access road, drainage, and other necessary facilities have been or are being provided;
    - (5) 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
    - (6) The special exception will be located in a district where such use is permitted, and all other requirements set forth in this UDO that are applicable to such use will be met.
  - ii. 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:
    - (1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
    - (2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
    - (3) The strict application of the terms of the ordinance will result in a practical difficulty in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of or restriction of economic gain.
  - iii. Standards for Evaluation for Variance of Use. Per IC 36-7-4-918.4, when considering a variance of use, the BZA shall find that the following standards have all been satisfied:
    - (1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;

- (2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
- (3) The need for the variance arises from some condition peculiar to the property involved;
- (4) The strict application of the terms of this Ordinance shall result in an unnecessary hardship if they were applied to the subject property; and
- (5) The approval of this variance does not contradict the goals and objectives of the Comprehensive Plan.
- (6) The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
- (7) The approval does not interfere substantially with the Comprehensive Plan.

5. STEP 4: Final Decision.

- a. Approval. If the BZA finds all of the standards have been satisfied, it shall approve the request or approve the request with conditions and/or commitments. Approval shall be in the form of approved findings of fact.
- b. Denial. If the BZA does not find that all of the standards have been satisfied, it shall deny the special exception and findings of fact shall specify the reason for denial.
- c. Expiration. Approval of a special exception, variance from development standards, and variance of use shall run with the land, unless:
  - i. Construction of structures or occupancy of existing structures 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; or
  - ii. 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.
- d. 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.
- e. Amendment. A special exception, variance from development standards, or variance of use may only be amended by the BZA by submitting a revised application through the respective application process.

## E. Appeal of Administrative Decision Procedures.

1. Applicability.
  - a. 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.
  - b. 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:
    - i. An administrative official, hearing officer, or staff member under the UDO;
    - ii. Other body (except the PC) in relation to the enforcement of the UDO; or
    - iii. An administrative board or other body (except the PC) in relation to the enforcement of an ordinance adopted under this UDO requiring an ILP or BP.
  - c. Appeals to all other decision shall be made pursuant to and governed by IC 36-7-4-1000 thru 36-7-4-1020.
2. STEP 1: Application Submittal.
  - a. Application Required. The applicant shall submit a complete 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.
  - 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.
3. STEP 2: BZA Public Hearing.
  - a. Public Notice. Notice of public hearing shall be in accordance with the BZA Rules and Procedures.
  - b. 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
4. STEP 4: Final Decision.
  - a. 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.
  - b. Appeal. The decision of the BZA may be appealed to the Circuit or Superior Court of the applicable jurisdiction.

## F. Other Procedures.

1. Improvement Location Permits (ILP).
  - a. Authority. The Administrator, or their designee, shall be responsible for the issuance of ILPs in accordance with IC 36-7-4-800 series.
  - b. Applicability. An ILP, also known as a building permit, shall be required for the erection, alteration, or modification of all structures within the jurisdiction including, but not necessarily limited to:
    - i. Primary structures;
    - ii. Accessory buildings and structures, as set forth in Chapter ##: Accessory Structure Standards and Chapter ##: Structure Standards.
    - iii. Signs as set forth in this ordinance;
    - iv. Temporary storage containers as set forth in this ordinance; and
    - v. Wireless communication facilities both free-standing and those co-located upon an existing or pre-approved wireless communication facility.
    - vi. Temporary Use Permit. 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 not be issued for more than ninety (90) days or the duration of construction, whichever is greater.
  - c. Issuance of Improvement Location Permit (ILP) / Building Permit.
    - i. 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 Ordinance or upon written order from the BZA granting a variance, appeal, or special exception.
    - ii. All public improvements shall be installed and also inspected by the County (where applicable) in addition to the plat being recorded before an ILP is issued.
    - iii. No ILP shall be issued for a structure that is served by a septic system unless a septic permit has been issued by the County Health Department or the Health Officer has authorized an approved system.
    - iv. No ILP shall be issued for any commercial or industrial use without first having obtained any required state agency approvals and/or permits.
  - d. 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.

- e. Inspections 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.
  - f. Expiration.
    - i. An ILP shall be valid for a period of one (1) year from the date of issuance.
    - ii. An ILP for a manufactured home structure, accessory structure, or electrical work shall be valid for a period of one (1) year from the date of issuance.
    - iii. The Administrator may grant up to two additional six (6) month extension periods 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.
  - g. Amendment. An amendment to an approved ILP may be submitted at any time for review and consideration by the Administrator. Additional fees may be assessed if applicable.
  - h. Certificate of Occupancy.
    - i. 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 Certificate of Occupancy shall state that the proposed use of the building or land conforms to the requirements of this Ordinance and that the Administrator and/or their designee has inspected the property and attested to that fact.
    - ii. A Certificate of Occupancy shall not be issued until any required driveway has been properly installed and then inspected by the Administrator.
    - iii. No Certificate of Occupancy shall be issued until all work has been completed and all applicable inspections performed and completed.
2. Appeals of PC Decision.
- a. Decisions of the PC 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 PC 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 PC.
  - c. Nothing in this section expands the rights to review provided by Indiana law.
3. Commitments.

- a. **Form.** A commitment must be substantiated by the form set forth in the PC Rules and Procedures and must identify any specially affected persons or class of specially affected persons who may enforce the commitment. A commitment must authorize its recording by the Administrator in the County Recorder's Office.
- b. **Recording.** A commitment shall be recorded in the County Recorder's Office and takes effect upon the adoption of the proposal by the applicable body to which it relates. Following the recording of a commitment, the applicant shall return a copy of the original recorded commitment to the Administrator for PC's file.
- c. **Persons Bound.** Unless it is modified or terminated by the body who approved the commitment (PC 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. An unrecorded commitment is binding on the owner of the parcel who makes the commitment. An unrecorded commitment is binding on a subsequent owner of the parcel or a person acquiring an interest in the parcel only if the subsequent owner or the person acquiring the interest has actual notice of the commitment.
- d. **Modification or Termination by PC 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 PC or BZA as appropriate and made at a public hearing after notice of the hearing has been given under the PC 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 PC as part of the adopted PC Rules and Procedures. Complaint files are open to the public.
  - b. The complaint shall state fully the causes and basis thereof and shall be filed with the Administrator. The Administrator, or their designee, shall investigate the complaint, take immediate action within a reasonable timeframe, and may refer the matter to the PC, BZA, or their attorney for review.
  - c. The Administrator, or their designee, shall have authority to enter upon property at any time to investigate a written complaint.
2. Violations.
  - a. ILP Violations.
    - i. Any persons or corporation who shall initiate construction prior to obtaining an ILP, Certificate of Occupancy, Certificate of Completion, or any other permit or authorization required herein, shall pay the fine as set forth in the Fee Schedule.
    - ii. The owner or tenant of any building, structure, or premises and any other person who participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties prescribed by this section.
    - iii. 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.
  - b. UDO Violations.
    - i. 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 PC in accordance with the provisions of these regulations and filed with the Recorder's Office.
    - ii. No public board, agency, commission, official or other authority shall proceed with the construction of or authorize the construction of any of the public improvements required by these regulations until the proposed subdivision has been approved by the PC in accordance with these regulations and filed with the County Recorder except as outlined in this UDO.
    - iii. The Administrator shall enforce these regulations and bring to the attention of the PC Attorney any violations or lack of compliance herewith. The PC Attorney shall take steps necessary under the Indiana Code to civilly enjoin any violation of these regulations.
3. Remedies.
  - a. Penalties and Fines. Any person who violates or fails to comply with any provisions of this UDO shall be guilty of an ordinance violation and shall be fined no more than the maximum penalty

allowed per day, per violation by Indiana Law. Each day a civil violation remains uncorrected shall be a distinct and separate violation subject to an additional fine. 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.

- b. Civil Penalties. The seeking of a civil penalty under this chapter does not preclude the PC 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.
  - c. Suit for Injunction. The PC, the BZA, the Administrator, or any designated enforcement official, or any person or persons, firm, or corporation, jointly or severally, may institute a suit for injunction in the Circuit or Superior Courts of Hendricks County to restrain an individual, corporation, or government unit from violating the provisions of this ordinance. The PC or BZA may also institute the suit for mandatory injunction directing an individual or corporation or a governmental unit to remove a structure erected in violation of the provisions of this ordinance or the requirements thereof, or to enforce any other provision of this ordinance, and said violation being declared to be a common nuisance and as such may be abated in such a manner as nuisances are now or may hereinafter be abated under existing law.
4. Stay of Work Pending Appeals, Restraining Order, and Enforcement Stay.
- a. 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 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 ordinance may order the work stayed 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 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 County Commissioners.

## **H. Fee Schedule.**

1. **Applicability.** Applications and petitions filed pursuant to the provisions of this UDO shall be accompanied by the applicable fee(s) specified in the adopted Fee Schedule. Fees shall be collected by the Administrator and shall be made payable to the applicable entity identified by the Administrator.
2. **Collection of Fees.**
  - a. **Improvement Location Permits and Building Permits.** Fees will be calculated during the review process and shall be collected when the ILP is issued. Fees associated with re-inspections and additional inspections shall be collected prior to the next inspection, a final inspection, or issuance of a certificate of occupancy as required by the Administrator. ILP fees are non-refundable.
  - b. **Land Alteration Permit.** Fees will be calculated during the review process and shall be collected when the LAP is issued. LAP fees are non-refundable.
  - c. **PC and BZA Application Fees.** Fees 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.



# CHAPTER 6

# Subdivision Types

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## A. Purpose and Intent.

1. Purpose and Intent. The purpose of this Chapter is to:
  - a. Define, regulate, and control the different ways that land can be subdivided within the jurisdiction;
  - b. Secure 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 jurisdiction's Comprehensive Plan and UDO; and
  - e. Promote the orderly division, layout, and use of land for development by minimizing congestion on streets and highways; facilitating adequate provisions for water, sewerage, and other public utilities; and providing for proper ingress and egress of all types.

## 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 industrial uses as well as other 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 on to arterial streets shall be limited and frontage streets shall be utilized. 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 explained further in Chapter 7: SCO Procedures.
2. Development Standards.

<b>Development Standards for Commercial and Industrial Subdivisions</b>	
<b>Districts permitted</b>	<ul style="list-style-type: none"> <li>• B-1, B-2, I-1, I-2, and P-1</li> </ul>
<b>Minimum open space for overall development</b>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>
<b>Internal access</b>	<ul style="list-style-type: none"> <li>• Internal streets may be private but shall be constructed to the applicable Standards for street function.</li> </ul>
<b>Sidewalks</b>	<ul style="list-style-type: none"> <li>• Sidewalks are required along existing perimeter streets that are immediately adjacent to the subject property.</li> <li>• Sidewalks are optional on any new street within the subdivision unless required by the PC.</li> </ul>
<b>Development standards for individual lots</b>	<ul style="list-style-type: none"> <li>• The development standards for the subject zoning district shall apply to each lot within the subdivision. See Chapter 2: Zoning Districts.</li> </ul>
<b>Design standards for subdivision</b>	<ul style="list-style-type: none"> <li>• All design standards for the subdivision shall comply with applicable sections of Chapter 6: Subdivision Design Standards.</li> </ul>

## C. Homestead Subdivision.

1. Intent. A homestead subdivision, as defined in *Chapter 10: Definitions*, is an administrative process for subdividing off the original homestead and supporting property from the remaining farm ground with which it was originally affiliated. See Chapter 8: SCO Administration and Procedures.
2. Prerequisites and Criteria. In order to ensure that the homestead subdivision process is not used as a loophole to the minor residential subdivision process or any other required 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 development process in the future. If permitted, future subdivision for residential use must occur as a minor 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.
3. Development Standards.

Development Standards for Homestead Subdivisions	
Districts permitted	• Agricultural Districts (A-1 and A-2)
Minimum open space for overall development	• N/A
Internal access	• N/A
Sidewalks	• N/A
Development standards for individual lots	• The development standards for the subject zoning district shall apply to the new homestead lot being created.

Design standards for subdivision	• N/A
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## D. Residential Subdivision - Minor.

1. Intent. A minor residential subdivision, as defined in *Chapter 10: Definitions*, is intended to be an expedited process for subdividing four (4) or fewer lots exclusively for residential use that does not involve the opening or creation of new public rights-of-way. The purpose of this process is to guarantee that the lots are viable as building lots in advance of selling the property for residential development. The design shall still allow for adequate vehicular and pedestrian access as well as connections to adjacent parcels where necessary. A shared private driveway or private roadway may be required by the PC to provide safe access to/from public streets and to allow for alternative lot layouts.
2. Development Standards.

Development Standards for Minor Residential Subdivisions	
<b>Districts permitted</b>	<ul style="list-style-type: none"> <li>• Agricultural districts (A-1 and A-2)</li> <li>• Residential Districts (R-1, R-2, and R-3)</li> </ul>
<b>Minimum open space for overall development</b>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>
<b>Internal access</b>	<ul style="list-style-type: none"> <li>• A shared private driveway or private roadway may be utilized for internal access and shall comply with Chapter 7, Section ##: Roads, Public Roads, and Alleys and also be constructed to the applicable Standards for street function. The shared private driveway or private roadway must be contained within a common area (not an easement) and maintained jointly (with a recorded road maintenance agreement that identifies the party(s) responsible for maintenance)</li> </ul>
<b>Sidewalks</b>	<ul style="list-style-type: none"> <li>• Sidewalks or pathways may be required along existing perimeter streets that are immediately adjacent to the subject property at the discretion of the PC.</li> </ul>
<b>Development standards for individual lots</b>	<ul style="list-style-type: none"> <li>• The development standards for the subject zoning district shall apply to each lot within the subdivision. See Chapter 2: Zoning Districts.</li> <li>• All lots within the minor residential subdivision shall be re-deeded as part of this process</li> </ul>
<b>Design standards for subdivision</b>	<ul style="list-style-type: none"> <li>• All design standards for the subdivision shall comply with applicable sections of Chapter 6: Subdivision Design Standards.</li> </ul>

## E. Residential Subdivision - Traditional.

1. Intent. A traditional residential subdivision, as defined in *Chapter 10: Definitions*, is intended to provide development exclusively for more than four (4) lots for residential use 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 from individual lots onto arterial streets are prohibited.
2. Development Standards.

Development Standards for Traditional Residential Subdivisions		
<b>Districts permitted</b>	<ul style="list-style-type: none"> <li>Residential Districts R-1, R-2, and R-3</li> </ul>	
<b>Minimum open space for overall development based on average lot size</b>	Under 5,000 sqft	30%
	5,000-6,999 sqft	25%
	7,000-8,499 sqft	20%
	8,500-10,000 sqft	15%
	>10,000 sqft	10%
<b>Internal access</b>	<ul style="list-style-type: none"> <li>Internal streets must be public and shall be constructed to the applicable Standards for street function.</li> </ul>	
<b>Sidewalks</b>	<ul style="list-style-type: none"> <li>Sidewalks or pathways may be required along existing perimeter streets that are immediately adjacent to the subject property at the discretion of the PC.</li> <li>Sidewalks are required on both sides of any new street within the subdivision if served by sewer. An alternate pathway network may be substituted for sidewalks on one side of a new street at the discretion of the PC.</li> </ul>	
<b>Development standards for individual lots</b>	<ul style="list-style-type: none"> <li>The development standards for the subject zoning district shall apply to each lot within the subdivision. See Chapter 2: Zoning Districts.</li> </ul>	
<b>Design standards for subdivision</b>	<ul style="list-style-type: none"> <li>All design standards for the subdivision shall comply with applicable sections of Chapter 6: Subdivision Design Standards.</li> </ul>	
<b>Covenants</b>	<ul style="list-style-type: none"> <li>Covenants are required per Chapter 7, Section ##: Covenants.</li> </ul>	



## F. Residential Subdivision - Conservation.

1. Intent.

A conservation residential subdivision, as defined in *Chapter 10: Definitions*, is intended exclusively for single-family development. The purpose of the design is to provide density incentives in order to improve the preservation of sensitive environmental resources and enhance the rural community character. This is achieved by setting aside a substantial amount of the site as permanent common open space and then the homes are grouped as 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. Development Standards.

Development Standards for Conservation Residential Subdivisions	
<b>Districts permitted</b>	<ul style="list-style-type: none"> <li>• Agricultural Districts (A-1 and A-2)</li> <li>• Residential Districts (R-1, R-2, and R-3)</li> </ul>
<b>Minimum development size</b>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>
<b>Minimum open space for overall development</b>	<ul style="list-style-type: none"> <li>• 40%</li> </ul>
<b>Base density</b>	<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>
<b>Minimum lot size incentive</b>	<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 in Chapter 2: Zoning Districts.</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 in Chapter 2: Zoning Districts.</li> </ul>
<b>Bonus density incentive</b>	<ul style="list-style-type: none"> <li>• A bonus density incentive may be granted for qualifying criteria per item 4: Bonus Density Incentive in this section.</li> </ul>
<b>Development standards for individual lots</b>	<ul style="list-style-type: none"> <li>• The development standards for the subject zoning district shall apply to each lot within the subdivision. See Chapter 2: Zoning Districts.</li> </ul>
<b>Design Standards for subdivision</b>	<ul style="list-style-type: none"> <li>• All design standards for the subdivision shall comply with applicable sections of Chapter 7: Subdivision Design Standards.</li> </ul>
<b>Internal access</b>	<ul style="list-style-type: none"> <li>• Internal streets must be public and shall be constructed to the applicable Standards for street function.</li> </ul>
<b>Sidewalks</b>	<ul style="list-style-type: none"> <li>• Sidewalks or pathways are required along existing perimeter streets that are immediately adjacent to the subject property.</li> <li>• Sidewalks are required on both sides of any new street within the subdivision if served by sewer. An alternate pathway network may be substituted for sidewalks on one side of a new street at the discretion of the PC.</li> </ul>
<b>Covenants</b>	<ul style="list-style-type: none"> <li>• Covenants are required per Chapter 7, Section ##: Covenants</li> </ul>

3. 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 written 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. Owen County Government. A conservation easement recorded for open space in perpetuity may be granted to the Owen 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.

4. Bonus Density Incentive.

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 with PC approval:

Bonus Density Incentives for Conservation Subdivision Development		
Feature	Bonus Density	Requirements
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. (Maintenance and operation costs shall be covered by the developer or homeowners association.)</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. (Design must be approved and certified on behalf of the County by a licensed engineer .)</li> </ul>
		<ul style="list-style-type: none"> <li></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 PC as part of the Primary Plat application and approval process.</li> </ul>

## G. Exempt Subdivision.

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. Furthermore,

this exempt subdivision provision shall not be used as a means to bypass the subdivision process outlined in this UDO.

2. **Subdivider’s Responsibility.** It is the responsibility of the person subdividing land to verify with the Administrator regarding 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 an ILP.
3. **Applicability.** The following divisions of land are exempt from the provisions of this UDO.
  - a. 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 principal use building sites are created by the division.
  - b. A division of land by the Federal, State, or local government for the acquisition of right-of-way or an easement.
  - c. A division of land into cemetery plots for the purpose of burial of corpses.
  - d. 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 or is intended for residential development in the future.
  - e. A division of land that combines/reconstitutes property lines such that no new building lots are created.
  - f. An adjustment/shift of lot lines as shown on a recorded plat 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.
  - g. 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.
  - h. A division of land that is government or court ordered. The division must comply with the minimum lot requirements of the underlying zoning district.

## CHAPTER 7

# Subdivision Design Standards

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## A. Purpose.

1. These subdivision design standards are intended to provide predictability to subdividers and property owners while ensuring the residents of Owen 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.

## B. General Provisions.

1. Conformance to Applicable Rules and Regulations.
  - a. The subdivision site development 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, County 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 all Owen County boards, commissions, agencies, and officials (if applicable); and
    - v. All applicable requirements of the Owen County Stormwater Ordinance, Flood Hazard Ordinance, Standard Design and Specifications Manual, and other adopted or approved plans and ordinances, including all public roads, drainage systems, and parks (if applicable).
2. Extension of Infrastructure.
  - a. All public improvements and required easements shall be extended to the boundary lines of the parcel being subdivided.
  - 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.

3. Plats Straddling Municipal Boundaries.
  - a. Whenever access to the subdivision requires crossing land in another jurisdiction, the PC may request an affidavit from the subdivider stating that access is legally enabled by the outside jurisdiction.
  - b. In general, lot lines shall be laid out so as not to cross municipal boundary lines.



## C. Access and Connectivity.

1. General.
  - a. All subdivisions shall comply with all locally adopted Plans for connectivity, including thoroughfare plans, park plans, trail plans, etc.
  - b. All subdivisions of land shall have frontage on and access from 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 PC 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 Comprehensive 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 PC.
  - g. All public roads must be located above the 100-year FEMA flood elevation unless approved by the Floodplain Administrator.
2. Access to Freeways, Expressways, Arterials, and Collectors. Where a subdivision borders or contains an existing or proposed freeway/expressway, major/minor arterial, or major/minor collector, the PC may limit direct access of individual lots onto these roads by one or more of the following based on the recommendation of the PC:
  - a. 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 Owen County's Standard Design and Specifications Manual.

- b. 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.
- c. Shared Driveway. A shared private driveway with an adjacent parcel(s) that includes an access easement to a local road.
- d. 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.

### 3. 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.
    - (1) A minimum of two (2) entrances shall be provided with access to two (2) separate public roads.
    - (2) If the subdivision only abuts one public road, the subdivision shall be required to provide two (2) entrances onto the one public road.
    - (3) If there is not appropriate distance between entrances and/or other roadways and intersections (as determined by the PC), 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 PC.
  - iv. Access Installation. The timing of the installation of the second/additional point(s) of access and construction entrances shall be established at the time of primary plat consideration.
- c. Level of service. The subdivider shall construct 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.

### 4. Pedestrian Access.

- a. If a subdivision is adjacent to a park, state forest/park, school, or other public community facility, the PC 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 thoroughfare plan as a location for trails, the PC 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 Owen County's Standard Design and Specifications Manual.

## D. Blocks and Lots.

1. Lot Arrangement.
  - a. Blocks shall comply with the following dimensions unless the PC determines that a longer length will not be detrimental to local traffic flow.
  - b. Blocks. A minimum of four hundred (400) feet but shall not exceed two thousand six hundred (2,600) feet in length.
  - c. Cul-de-Sacs. A minimum of four hundred (400) feet but shall not exceed eight hundred (800) feet in length.
  - d. Temporary Dead-End Streets. A minimum of four hundred (400) feet but shall not exceed one thousand (1,000) feet in length.
  - e. The PC 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.
  - f. The layout of the lots shall be compatible with the topography and other physical conditions of the land in order to ensure that compliance with the UDO, Building Code, and other local, state, and federal regulations.
2. Lot Dimensions.
  - a. Lot dimensions shall comply with the minimum standards of the UDO for the subject zoning district.
  - 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 and two side 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 the front line. All lots shall face the front line.
- b. Wherever feasible, rear lot lines should not abut the side lot line of an adjacent lot.
- c. Double frontage, 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.

## E. Covenants.

1. Purpose. The purpose of the covenants drafted by the subdivider is typically to create a more consistent appearance 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 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.
  - b. These covenants are above and beyond the zoning and subdivision regulations required for the jurisdiction, but restrictions cannot supersede, contradict, or replace county, state, or federal regulations.
  - c. Covenants shall be reviewed by the Administrator or their designee prior to approval of the secondary plat to ensure there is no language that conflicts with the provisions of this UDO.
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 cross reference the recorded covenants 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. Enforcement. Only regulations specifically found in the UDO are enforceable by the PC and the Administrator. Restrictive covenants will not be enforced by the PC or the Administrator and must be enforced by the Homeowners Association (or the subject property owners) through the civil courts.
5. Required Covenant Language. See Section ##: Required Covenant Language Regarding Drainage for language that must be in the covenants and on the plat regarding drainage.

## F. Drainage, Stormwater, and Erosion Control.

1. General.
  - a. All drainage shall comply with all state requirements and the any ordinances regarding stormwater. All development is subject to review by the County Surveyor as well as state and local drainage approval and permits.
  - b. 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 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 reviewed and approved by the county and any other applicable entities.
2. Storm Drainage.
  - a. The subdivider shall provide the subdivision with an adequate storm water system. The system shall conform to any ordinances regarding stormwater. 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. Storm drains, if practicable, shall be laid in the south and east side of the street. Otherwise, storm sewers shall be laid in easements provided for that purpose.
  - c. The plans for the installation of a storm drainage system shall be provided by the subdivider and approved by the county. The as-built plans for the system shall be filed with the Administrator in the format(s) requested upon the completion of the storm sewer installation.
3. Drainage Easements.
  - a. 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 properly 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 proposed owner shall submit a signed copy of this covenant to be filed with the Administrator and the county at the time an application for an ILP is submitted.
  - a. "Drainage swales (ditches) along dedicated roadways and within the rights-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 county. Property owners must maintain these swales as sodded grassways or other non-eroding surfaces. Water from roofs, parking areas, or other impervious surfaces must be contained on the property long enough so that said drainage swales or ditches will not be damaged by such water. Driveways may be constructed over these

swales or ditches only when appropriately sized culverts are installed in accordance with 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 owner(s) 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 or other drains shall outlet onto the street.”



## **G. Emergency Warning Sirens.**

1. Coordinate with the Owen County EMS and Emergency Operations Center.

## H. Mailboxes for Residential Development.

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 county.
  - 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. While units may be free-standing, the Administrator may require that they be placed beneath a covered pavilion, a three-sided shelter, or inside a community center.
3. Installation and Maintenance. Owen County 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.

## **I. Monuments and Markers.**

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

## J. Open Space and Amenities.

1. General.
  - a. Proposed major residential subdivisions may be required to provide adequate areas for public parks, recreation, amenities, or open space as required by this UDO (see Chapter 5: Subdivision Types).
  - 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, comply with all requirements of this UDO, and comply with all other applicable health, flood control, and regulations of the jurisdiction 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 unless otherwise approved by the PC.
2. Ownership and Maintenance.
  - a. The PC shall require proof of the ownership and a maintenance agreement for the common areas (such as HOA covenants).
  - b. Unless approved by the PC and the [LEGISLATIVE BODY], the county as appropriate shall not assume responsibility for the maintenance and safety of common areas.
  - c. If 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. Open Space and Amenity 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.
    - 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 Owen County's **Standard Design and Specifications Manual**.

- iii. No open space shall be used as a reserve strip or prevent future access between adjacent properties and/or 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:
    - (1) 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).
    - (2) The protection of unique topographical features on the site (such as steep slopes).
    - (3) 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.
    - (4) The adaptability of the open space for future trails and/or shared-use paths.
    - (5) The relationship between the proposed open space and neighboring properties.
  - ii. Open Space Design Requirements.
    - (1) Open spaces shall be a minimum of twenty (20) feet in width to allow for access and maintenance.
    - (2) Open Spaces shall not be located within the public right-of-way.
    - (3) At least fifty percent (50%) of the park shall be 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. Amenity Standards for Residential Subdivisions.
- i. General. Amenities shall be installed in common areas in a reasonable timeframe established by the PC at the time of primary plat approval. These amenities may be considered for dedication to the County. The following requirements are cumulative:

<b>Amenity Standards for Major Residential Subdivisions</b>				
Number of Lots	Amenity Required			
	Trail System	Neighborhood Park	Clubhouse	Major Amenity Center
>4	yes			
Every 100 units	yes	yes		
Every 200 units	yes		yes	
Every 400 units	yes			yes

- (1) Trail System. A trail system in compliance with any adopted trail plan is required for every new subdivision, regardless of the area or number of lots.
- (2) Neighborhood Park. A neighborhood park is required in any residential subdivision with over one hundred (100) dwelling units. An additional neighborhood park is required per each additional one hundred (100) dwelling units. When an additional neighborhood park is required, one (1) of the following shall occur:
  - (a) A sport court may be substituted and located adjacent to the first park or on a unique site; or
  - (b) The second neighborhood park can be located adjacent to the first and integrate the minimum required amenities for both parks together as a single park; or
  - (c) The second neighborhood park can be located on a unique site.
- (3) Clubhouse. In addition to a neighborhood park, as described in Section ##: Neighborhood Park, a clubhouse is required in any residential subdivision with over two hundred (200) or more dwelling units. The clubhouse shall be maintained privately by the respective Homeowners Association.
- (4) Major Amenity Center. In addition to a neighborhood park, as described in Section ##: Neighborhood Park, and a clubhouse, as described in Section ##: Clubhouse, a major amenity center is required in any residential subdivision with a parent tract greater than four hundred (400) dwelling units. Said major amenity center may include a swimming pool, skate park, indoor playground, or equivalent as approved by the PC or Staff. A doubling of the minimum standards for a swimming pool may be substituted for a second major amenity center. The major amenity center shall be maintained privately by the respective Homeowners Association.

ii. Amenity Facility Standards.

- (1) Neighborhood Park.
  - (a) Passive Neighborhood Park. Park shall be at least one (1) acre in size and at least fifty percent (50%) of the lot shall be planted with canopy trees and understory trees.
  - (b) Active Neighborhood Park. Park shall be at least eighteen thousand (18,000) square feet in size, be surrounded by a decorative metal fence no more than four (4) feet in height, and contain commercial-grade playground equipment permanently affixed to the ground.
- (2) Sport Court. Sports courts shall be of regulation size and be constructed of appropriate materials for the subject sport. Fences may be required around the court at the discretion of the Administrator.
- (3) Clubhouse. Clubhouses shall be at least one thousand (1,000) square feet in area and be fully enclosed, heated, and air-conditioned. They shall have restrooms and kitchenette facilities.
- (4) Swimming Pool. Pools shall be at least one thousand two hundred (1,200) square feet in surface area and be surrounded by a decorative metal fence installed per building code. Men's and women's locker/changing/restroom facilities shall be provided in proximity to the pool. A hard surface area extending at least twelve (12) feet from the edge of the pool on all sides shall be provided.



## K. Roads and Driveways.

1. Purpose. The subdivision 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, and similar accessibility;
  - 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 Owen County's Standard Design and Specifications Manual 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 PC may require the subdivider to taper or match the width of the existing paved public road.
  - c. Roads shall be constructed to the 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. No trees or plantings shall be permitted within the public rights-of-way or easements.
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 Owen County's Standard Design and Specifications Manual,



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 jurisdiction prior to being accepted as a public right-of-way. Public roads shall be planned to meet the goals of the Comprehensive Plan. All roads shall be functionally classified by the jurisdiction.

4. Public Road Layout and Site Design.

- a. Building sites shall be at or above the grades 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 county. A combination of steep grades and curves shall be avoided.
- c. Configuration:
  - i. Local public roads shall be laid out to follow the site topography;
  - ii. Layout shall avoid long straight stretches that encourage high speeds;
  - iii. Design shall permit efficient drainage and utility systems; and
  - iv. Layout shall minimize the number of public roads necessary to provide convenient and safe access to property.

5. Public Road Intersections.

- a. All intersections, including minimum radii, shall adhere to Owen County's Standard Design and Specifications Manual.
- 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 Owen County's Standard Design and Specifications Manual 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 county and PC 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.

6. 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 county.
- b. The subdivider shall install all required road signs, street signs, and road name signs before the issuance of any building permits.
- c. The county 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 county 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 county.

7. Dead-end Public Road.

- a. Permanent Dead-end Public Road. If permitted by the PC, a permanent dead-end public road shall terminate in a circular right-of-way with a cul-de-sac turn-around that complies with Owen County's Standard Design and Specifications Manual. The PC 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 Owen County's Standard Design and Specifications Manual 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.

8. Public Road Streetlights.
  - a. Streetlights are optional and may be installed by the subdivider at their own expense.
  - b. All streetlight fixtures shall be approved by the county.
  - c. The county 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.
9. Additional Improvements Required. The PC may require the subdivider to provide deceleration lanes, acceleration lanes, passing blisters, or other improvements to the public roads within or immediately adjacent to the subdivision to allow for safe and efficient travel.
10. Bridges and Culverts. Bridges and/or culverts required to accommodate site access and circulation shall be approved by the county and constructed at the full expense of the subdivider without reimbursement from the county.
11. Limited Access Highways. In addition to any required setbacks or bufferyards, a buffer strip of an additional twenty-five (25) feet in depth shall be provided adjacent to the highway right-of-way. This buffer strip shall be designated on the plat: "Reserved as a highway buffer. The placement of structures on this land is prohibited."
12. Limited Access Railroads. In addition to any required setbacks or bufferyards, a buffer strip of an additional twenty-five (25) feet in depth shall be provided adjacent to the railroad right-of-way. This buffer strip shall be designated on the plat: "Reserved as a railroad buffer. The placement of structures on this land is prohibited."
13. Privately Shared Driveways.
  - a. Privately shared driveways may serve no more than three (3) parcels. Access to more than three (3) parcels shall be provided with a public road that meets Owen County's Standard Design and Specifications Manual.
  - b. All privately shared driveways shall have an easement of at least thirty (30) feet in width. An access and maintenance agreement shall be recorded with the Recorder's Office and a copy of the recorded agreement shall be filed with the Administrator before building permits are issued.
  - c. Privately shared driveways shall be graded and the first twenty (20) feet from the roadway must be surfaced with an all-weather paving material, such as asphalt, concrete, or other material,

which will provide equivalent protection against potholes, erosion, and dust. The remainder of the shared driveway may be gravel.

- d. All privately shared driveways shall be at least twenty (20) feet in length between 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.
- e. All privately shared driveways onto a public road (outside of a platted subdivision) shall obtain a driveway permit and shall comply with all county standards.

**TABLE XX: MINIMUM PUBLIC ROAD DESIGN REQUIREMENTS**

<b>Pavement Width &amp; Curb</b>	
Local Public Roads and Cul-de-Sacs	<ul style="list-style-type: none"> <li>• Residential: 30 feet, which includes a 2-foot barrier or roll curb</li> <li>• Non-Residential: 12-foot per travel lane plus a 2-foot barrier or roll curb</li> </ul>
Public Alley	20 feet (two-way) or 14 feet (one-way) plus 1-foot crushed stone shoulder or optional curb (barrier or roll)
<b>Right-Of-Way Width</b>	
Local Roads	40 feet <sup>1</sup>
Local Road Cul-de-sac	60-foot radius <sup>1</sup>
Collector or Arterial Roads	As determined by the county
<b>Local Road Pavement Design</b>	
Subgrade Compaction	90% standard proctor
Flexible Pavement <sup>3</sup>	<ul style="list-style-type: none"> <li>• 9-inch base, dense graded aggregate</li> <li>• 3-inch binder (HAC)</li> <li>• 1.5-inch surface (HAC)<sup>2</sup></li> </ul>
Rigid Concrete Pavement	<ul style="list-style-type: none"> <li>• 6-inch rock base</li> <li>• 6-inch concrete</li> <li>• 520 lb/cubic yard with water/cement ratio less than or equal to 0.53;</li> <li>• Slump test less than or equal to 4 inches</li> <li>• Joint Spacing following Portland Cement design manual</li> <li>• Opening to traffic: Minimum of 7 days at 3,000 PSI; generally, 28 days at 3,500 PSI</li> </ul>

<sup>1</sup> – Additional right-of-way may be required due to site conditions in order to provide a maximum earthen slope of 3:1.  
<sup>2</sup> – Surface shall not be applied until 80% of the homes are built.  
<sup>3</sup> – county may require greater standards based on site conditions.

## L. Sidewalks and Trails.

1. General.
  - a. Sidewalks and/or trails shall be required for residential, commercial, and industrial subdivisions in accordance with Chapter 6: Subdivision Types.
  - b. Construction shall comply with Owen County’s Standard Design and Specifications Manual.

**TABLE XX: SIDEWALK AND TRAIL DESIGN STANDARDS**

Minimum Setback from Road	<ul style="list-style-type: none"> <li>• Minimum of 4-foot setback from adjacent curb</li> <li>• Separated from curb by a strip of grass or landscaped area</li> <li>• No trees shall be planted between the sidewalk and road unless approved by the Highway Department</li> </ul>
Minimum Width	<ul style="list-style-type: none"> <li>• Sidewalk: 5 feet or the width of connecting sidewalks on adjacent parcels, whichever is greater</li> <li>• Trail: As determined by the county but no less than 8 feet</li> </ul>
Construction	<ul style="list-style-type: none"> <li>• Constructed of Portland cement concrete, not less than 4” thick, on 3” of compacted #53 aggregate</li> <li>• Slopes shall have run/rise of 12:1 longitudinal and 50:1 lateral or flatter</li> <li>• Terminations at streets and driveways shall be ADA-compliant</li> </ul>
Location	Within the dedicated, unpaved portions of rights-of-way
Maintenance	Maintenance shall be done by the adjacent property owner unless otherwise specified in the recorded covenants

## **M. Subdivision Names and Street Names.**

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 PC shall have the final authority to approve the name of the subdivision.
2. Street Names.
  - a. Proposed names for public streets shall be indicated on the primary plat.
  - b. The Administrator shall review and consult with the appropriate entities prior to consideration by the PC.
  - c. Names shall be sufficiently different in sound and spelling from other road names in the jurisdiction and surrounding areas to prevent confusion.
  - d. A road which is (or is planned) as a continuation of an existing road shall have the same name.
  - e. The PC shall approve the public road names at the time of primary plat approval.

## N. Utilities.

1. Location. All existing and proposed utility facilities and/or easements within the subdivision shall be shown on the primary and secondary plats, 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 Owen County, County 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 agencies.
  - c. Individual Waste Disposal System Requirements. If sanitary sewers are not available, the subdivider shall:
    - i. Receive a letter indicating the soils within the subdivision are generally acceptable for the proposed use from the County Health Department prior to making application for primary plat consideration. Before secondary plat approval, a letter shall be required from the County Health Department stating that all lots are viable for individual waste disposal systems.
    - ii. Comply with minimum lot area requirements for the design of the individual waste disposal system as well as the minimum lot area established by Chapter 2: Zoning Districts of the UDO, with the greater restriction applying.
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. Private Water Supply. Where a public water supply is not available within three hundred (300) feet of any boundary of the proposed subdivision, an existing water utility is not able to connect, the PC determines that the connection thereto would create a hardship for the subdivider, and/or the water company will not supply water, the subdivider shall:
  - i. Provide a community water supply system to each lot within the subdivision in accordance with the minimum requirements of IDEM; or
  - ii. Provide an individual water supply for each lot in the subdivision in accordance with the minimum requirements of the Indiana State Board of Health and approved by the County Health Department.
- d. 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 County 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).
- e. 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 outlets.



## CHAPTER 8

# Subdivision Ordinance Provisions - Administration and Procedures

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## A. General Provisions.

1. Applicability.
  - a. All development shall be carried out 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 PC or the Administrator shall not have the authority to approve any subdivision as a buildable lot unless
    - i. it complies with this UDO,
    - ii. a variance has been granted by the BZA, or
    - iii. a waiver has been granted by the PC.
  - e. Before any land is subdivided, the owner, or his authorized agent, shall apply for and secure approval of the proposed subdivision in accordance with the procedures of this chapter.
  - f. Compliance. Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the State of Indiana to the jurisdiction. Compliance with the terms of this UDO shall be a prerequisite for the use and development of real property within the jurisdiction.

## B. Procedures for Subdivisions.

1. Subdivisions – Major.
  - a. Applicability.
    - i. Subdivision Types. The following procedures apply to all subdivisions except for minor residential subdivisions and exempt subdivision. 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 PC as part of other approvals for the development.
    - ii. 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.
    - iii. 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 Owen County and/or the State of Indiana.
  - b. STEP 1: Pre-Application Meeting.
    - i. 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.
  - c. STEP 2: Concept Plan Review.
    - i. Concept Plan Application Required. The subdivider shall submit a complete application for concept plan review in accordance with the application requirements and prepared in accordance with the requirements in Section ##: Concept Plan Requirements.
    - ii. 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 Administrator shall announce the tentative date for a Technical Advisory Committee (TAC) Meeting.
    - iii. Internal Review.
      - (1) The Administrator shall forward the plans 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 committees. At the discretion of the Administrator, the TAC review can be held in-person, virtually (video conference), by phone, or by email.
      - (2) The Administrator shall compile a written report for the applicant, PC, and the public file with comments from the staff review, TAC, and/or any other reviews, as applicable.
      - (3) The Administrator shall have the right to forward the concept plan to the PC to discuss any required changes.

- iv. Decision. The concept plan review is not approved or denied. The comments from the internal review are intended to serve to guide the development of the primary plat application and address issues or concerns earlier in the subdivision process.
- d. STEP 3: Primary Plat Application and Traffic Analysis Review.
- i. Application Required. The applicant shall submit a complete application for primary plat approval in accordance with the application requirements and prepared in accordance with the requirements in Section ##: Primary Plat Requirements and Section ##: Traffic Impact Study Requirements.
  - ii. 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 Administrator shall announce the tentative date for a hearing before the PC.
  - iii. Internal Review.
    - (1) 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.
    - (2) The Administrator shall compile a written report for the applicant, PC, and the public file with comments from the staff review, TAC, and/or any other reviews, as applicable.
    - (3) 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.
  - iv. Public Notice by Applicant. Notice of public hearing shall be in accordance with the PC Rules and Procedures. In the event the hearing has been properly noticed, but the plans or application materials are not completed per Subsection ##: Internal Review above, then the Administrator may have the PC automatically continue the petition to their next regular meeting (or a properly noticed special meeting) without requiring additional notice by the petitioner.
  - v. PC Public Hearing. The PC shall review the traffic analysis and consider the primary plat at a public hearing. The applicant or his/her representative shall be in attendance to present the application and address any questions or concerns of the PC.
  - vi. Decision by the PC.
    - (1) Standards for Decision. Prior to approval, the PC 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) 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.
  - (2) Approval. If the PC determines that the primary plat complies with the standards set forth in this UDO, it shall grant primary 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 PC as a term of its approval.
  - (3) Approval with Conditions. In accordance with IC 36-7-4-702, the PC 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.
  - (4) Disapproval. If the PC 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.
- vii. Expiration of Primary Plat.
- (1) Approval of a primary plat shall be effective for two (2) years from the date of the PC decision.
  - (2) Failure to receive secondary approval for all or part of the plat before this period ends shall invalidate the primary plat approval.
  - (3) 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.
  - (4) Upon written request from the subdivider, and no less than thirty (30) days prior to the expiration date of the primary approval, the PC may extend approval of a primary plat up to a maximum of one (1) additional year without further notice, public hearing, or fees.
  - (5) Any partial secondary plat approval (sections) shall automatically extend the primary plat approval another two (2) years.
- viii. Primary Plat Amendment. All amendments to an approved primary plat shall be considered a primary plat application and follow the respective process.

- e. STEP 4: Construction Plan Approval and Secondary Plat Application.
  - i. Secondary Plats by Subdivision Type.
    - (1) Commercial or Industrial Secondary Plats. A secondary plat that only includes commercial or industrial uses may be done in one of three (3) ways:
      - (a) 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.
      - (b) Individual Lot with Development Plan. The subdivider may submit the secondary plat for an individual lot simultaneously with the application for development plan.
      - (c) 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.
    - (2) Residential Secondary Plats. A secondary plat that only includes residential uses may be done in one 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.
  - ii. Application Required. The applicant shall submit a complete application for secondary plat approval in accordance with the application requirements and prepared in accordance with the requirements in Section ##: Construction Drawings Requirements and Section ##: Secondary Plat Requirements.
  - iii. 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 Administrator shall announce the tentative date for a hearing before the PC.
  - iv. Internal Review.
    - (1) 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.
    - (2) The Administrator shall compile a written report for the applicant, PC, and the public file with comments from the staff review, TAC, and/or any other reviews, as applicable.
    - (3) 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.

- v. Other Approvals Required. Prior to approval of a secondary plat, the applicant shall obtain the following approvals:
  - (1) Construction plan approval for all public improvements that will be dedicated to the county shall be approved by the appropriate bodies or entities.
  - (2) Drainage approval shall be approved as required.
- vi. Decision by the PC. The PC shall consider the secondary plat at a PC 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.
  - (1) Approval. If the PC determines that the secondary plat complies with the standards set forth in this UDO and is in conformance with the primary plat, the PC 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 ##: Construction of Public Improvements.
  - (2) Disapproval. If the PC disapproves the secondary plat, the PC shall make written findings of fact 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 PC.
- vii. Secondary Plat Amendment (Replat).
  - (1) 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.
  - (2) All other amendments to an approved secondary plat shall be considered a secondary plat application and follow the respective process.
- f. STEP 5: Construction of Public Infrastructure and Recording of Plat.
  - i. 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 ##: Construct Improvements or Provide Performance Surety.
  - ii. Record Secondary Plat. The plat shall be recorded in accordance with the procedures set forth in Section ##: Record Secondary Plat.
  - iii. Provide Maintenance Surety. A maintenance surety shall be provided in accordance with Section ##: Provide Maintenance Surety.
  - iv. Dedicate Public Improvements. All required public infrastructure and improvements shall be dedicated in accordance with Section ##: Dedication of Public Infrastructure.

- v. Release of Sureties. The applicant may request the maintenance surety be released in accordance with Section ##: Provide Maintenance Surety. The county will not release funds without being requested by the applicant.
- g. STEP 6: Construction on Individual Lots.
  - i. 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.
  - ii. Required Permits. The construction of improvements shall occur in accordance with the procedures set forth in Chapter 5: Permits.
- 2. Residential Subdivisions – Minor.
  - a. Applicability.
    - i. The minor residential subdivision process is an expedited process for single-family residential subdivisions that:
      - (1) Results in the creation of four (4) or less lots (including the remnant or parent parcel);
      - (2) Does not involve improvements to or new public rights-of-way; and
      - (3) Complies in all other standards within this UDO.
    - ii. Any residential subdivisions that include new public rights-of-way shall be considered a Major Residential Subdivision.
    - iii. Further subdivision of a parcel that was previously subdivided with an approved minor plat must proceed through the major residential subdivision procedure outlined in Section ##: Major Subdivision Procedures.
    - iv. If the Administrator believes that the circumstances warrant the full review and consideration of a major subdivision, then the applicable process may be required.
  - b. STEP 1: Pre-Application Meeting.
    - i. Pre-application Meeting Required. Prior to filing an application for a minor 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.
  - c. STEP 2: Primary and Secondary Plat Application.
    - i. Application Required.
      - (1) For a minor subdivision, the primary plat and secondary plat shall be combined into one process.

- (2) The subdivider shall submit a complete application for secondary plat approval in accordance with the application requirements and prepared in accordance with the requirements in Section ##: Secondary Plat Requirements.
- ii. 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 Administrator shall announce the tentative date for a hearing before the PC.
- iii. Internal Review.
  - (1) 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.
  - (2) The Administrator shall compile a written report for the applicant, PC, and the public file with comments from the staff review, TAC, and/or any other reviews, as applicable.
  - (3) 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.
- iv. Public Notice by Applicant. Notice of public hearing shall be in accordance with the PC Rules and Procedures. In the event the hearing has been properly noticed, but the plans or application are not completed per Subsection ##: Internal Review above, then the Administrator may have the PC automatically continue the petition to their next regular meeting (or a properly noticed special meeting) without requiring additional notice by the petitioner.
- v. PC Public Hearing. The PC shall simultaneously consider the primary plat and secondary plat at a public hearing. The applicant or his/her representative shall be in attendance to present the plan and address any questions or concerns of the PC.
- vi. Decision by the PC.
  - (1) Standards for Decision. Prior to approval, the PC shall determine if the secondary 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 welfare; and
    - (c) 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.
  - (2) Approval. If the PC determines that the secondary plat complies with the standards set forth in this UDO, the PC shall grant secondary approval 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 PC as a term of its approval.

- (3) Approval with Conditions. In accordance with IC 36-7-4-702, the PC 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.

- vii. Disapproval. If the PC disapproves a 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 plat that addresses the reason for disapproval.

d. STEP 3: Recording Plat.

- i. Record Secondary Plat. The plat shall be recorded in accordance with the procedures set forth in Section ##: Record Secondary Plat.

e. STEP 4: Construction on Individual Lots.

- i. Required Permits. The construction of improvements on individual lots shall occur in accordance with the procedures set forth in Chapter 5: Permits.

3. Residential Subdivisions – Homestead.

a. Applicability.

- i. The homestead subdivision process is an expedited administrative process for separating an existing residential homestead from an agricultural parcel that:

- (1) Meets the terms of a homestead subdivision as described in Chapter 6: Subdivision Types;
- (2) Results in the creation of two (2) lots (including the remnant or parent parcel);
- (3) Does not involve improvements to or new public rights-of-way; and
- (4) Complies in all other standards within this UDO.

- ii. Further subdivision of a parcel that was previously subdivided with an approved homestead subdivision must proceed through the minor residential subdivision procedure as outlined in Section ##: Minor Residential Subdivision Procedures or major subdivision procedure outlined in Section ##: Major Subdivision Procedures.

- iii. If the Administrator believes that the circumstances warrant the full review and consideration of a minor subdivision or major subdivision, then the applicable process may be required at the discretion of the Administrator.

- b. STEP 1: Pre-Application Meeting.
  - i. Pre-application Meeting Required. Prior to filing an application for a homestead 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.
- c. STEP 2: Primary and Secondary Plat Application.
  - i. Application Required.
    - (1) For a homestead subdivision, the primary plat and secondary plat shall be combined into one process.
    - (2) The subdivider shall submit a complete application for secondary plat approval in accordance with the application requirements and prepared in accordance with the requirements in Section ##: Secondary Plat Requirements.
  - ii. 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.
  - iii. Internal Review.
    - (1) 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.
    - (2) The Administrator shall compile a written report for the applicant, PC, and the public file with comments from the staff review, TAC, and/or any other reviews, as applicable.
    - (3) 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.
  - iv. Public Notice by Applicant. Public notice is not required for a homestead subdivision.
  - v. PC Public Hearing. Public hearing is not required for a homestead subdivision.
  - vi. Decision by the Administrator.
    - (1) Standards for Decision. Prior to approval, the Administrator shall determine if the secondary 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 welfare; and
      - (c) 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.

- (2) Approval. If the Administrator determines that the secondary plat complies with the standards set forth in this UDO, the Administrator shall grant secondary approval to the plat. Within ten (10) days of approval, 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.
- (3) Disapproval. If the Administrator disapproves a 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 plat that addresses the reason for disapproval.

d. STEP 3: Recording Plat.

- i. Record Secondary Plat. The plat shall be recorded in accordance with the procedures set forth in Section ##: Record Secondary Plat. Note that both the homestead and the remaining parcel shall be included in the plat. A new deed shall be prepared for both parcels.

## C. Construction Procedures.

1. Construct Improvements or Provide Performance Surety.

- a. General. Once a primary plat and the associated construction plans have been approved by the Administrator or PC and other required agencies, as appropriate, the construction and development process may commence in one of two ways as follows:
  - i. Option 1: Construct Improvements then Record Plat.
    - (1) 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.
    - (2) Install Public Infrastructure. Infrastructure shall be installed per the approved construction plans except for the final coat of asphalt on the roadways and required sidewalks.
    - (3) Inspect Public Infrastructure. The improvements shall be reviewed and inspected by the County 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.
      - (a) The County does not inspect infrastructure not owned or managed by the county (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.

- (4) Provide Maintenance Surety. The applicant shall post a maintenance surety in accordance with Section ##: Provide Maintenance Surety.
  - (5) Execute and Record Plat. The plat shall be executed and recorded in accordance with Section ##: Record Secondary Plat.
  - (6) 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 County, the final coat of asphalt for the roadways shall be installed by the applicant.
  - (7) Release Maintenance Surety Funds. Maintenance surety funds shall be released in accordance with Section ##: Provide Maintenance Surety
- ii. Option 2: Post Performance Surety Then Record Plat.
- (1) Secondary Plat Review. Secondary plat should be reviewed prior to posting performance surety. However, the secondary plat shall not be executed prior to posting performance surety.
  - (2) Execute Performance and Escrow Agreement. The applicant shall submit an executed performance and escrow agreement to the County in a form created and approved by the County Attorney.
  - (3) Cost Estimate for Infrastructure Completion. The applicant shall submit a reliable estimate to the County 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.
  - (4) Provide Cash Escrow or Irrevocable Evergreen Bond. A cash escrow or irrevocable evergreen bond shall be paid to the County 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 County. The escrow shall:
    - (a) Be payable to the legislative body;
    - (b) Be in a sum which is at least one hundred twenty percent (120%) of the amount estimated to complete the improvements;
    - (c) Be in the form of immediately available cash funds or irrevocable evergreen bond.
  - (5) Execute and Record Plat. Once the performance surety has been posted and accepted to the satisfaction of the County, the secondary plat shall be executed and recorded in accordance with Section ##: Record Secondary Plat.

- (6) Install Public Infrastructure. Infrastructure shall be installed per the approved construction plans except for the final coat of asphalt on the roadways and required sidewalks.
  - (7) Inspect Public Infrastructure. Once complete, the improvements shall be reviewed and inspected by the County 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.
    - (a) The jurisdiction does not inspect infrastructure not owned or managed by the county (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.
  - (8) Release of Performance Surety Funds. The County, with the approval of the County Commissioners, 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 County will not release any funds without being requested by the applicant. The performance surety cannot be released in full before providing a maintenance surety.
  - (9) Provide Maintenance Surety. The applicant shall post maintenance surety in accordance with Section ##: Provide Maintenance Surety.
  - (10) 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 County, the final coat of asphalt for the roadways shall be installed by the applicant.
  - (11) Release Maintenance Surety Funds. Maintenance surety funds shall be released in accordance with Section ##: Provide Maintenance Surety.
2. Record Secondary Plat.
- a. Execute Plat. The plat shall be signed by the Administrator and every person having a security interest in the property before being recorded.
  - 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 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 PC 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 null and void. *COMMENT: This prevents “zombie subdivisions.”*
  - d. Recording Prohibition. Pursuant to IC 36-7-4-710, a plat of a subdivision for the purposes of development 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. Furthermore, at the discretion of the Administrator, building permits shall not be issued unless the creation of the subject lot has legally occurred through the appropriate subdivision process.
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 Owen County.
    - 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 County 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 County. The County also has the authority to collect on the bond and repair or maintain the affected facilities.
    - iii. Owen County may accept property functioning facilities in accordance with the county’s Standards and Specifications. Until such time as the County accepts maintenance, the developer must secure the property 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 approved by the County and 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 County.
  - 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 County Attorney.
  - c. Release of Maintenance Surety.



## 2. Commitments.

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

## 3. Vacations.

- a. **Authority.** Pursuant to IC 36-7-4-711, the PC 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 PC for approval.
  - ii. **Public Hearing Not Required.** The PC may consider and rule on the proposed instrument at a public meeting.
    - (1) The PC shall attach its written decision to the instrument before it is submitted for recording.
    - (2) 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.



- (3) If the PC 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 PC's denial, as provided in IC 36-7-3-15.

c. Vacations When All Owners are Not in Agreement.

- (1) 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 PC a petition to vacate all of the plat or that part of the plat that pertains to land owned by the petitioner(s).
- (2) Public Hearing. At the PC hearing, all other owners of land in the plat shall be allowed to comment on the petition.
  - (a) Approval. The PC may approve the petition only if it finds that the conditions below are met. The PC may impose reasonable conditions as part of any approval. The PC shall furnish a copy of its approval to the County Recorder for recording.
    - (i) Conditions in the platted area have changed to defeat the original purpose of the plat;
    - (ii) It is in the public interest to vacate all or part of the plat; and
    - (iii) 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 PC finds that the applicant does not meet the requirements above, it shall deny the petition. If the PC 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 one (1) year after the denial, as authorized by IC 36-7-4- 715.

4. Waivers Procedures.

a. General.

- i. The PC may grant a waiver can be granted 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 PC, because of topographical or other conditions particular to the site, a departure may be made without compromising the intent of such provisions. The PC may authorize a waiver pursuant to IC 36-7-4-702(c).
- ii. Pursuant to IC 36-7-4-702(c), the standards for subdivisions in Chapter 6: Subdivision Types and/or Chapter 7: Subdivision Design Regulations may be waived at the discretion of the PC. However, to be approved, the plat must still meet all applicable standards prescribed in the UDO. Variations from the zoning provisions or this UDO require a variance by the BZA (See Chapter 5: ZO Administration and Procedures).

- b. Application. A request for a waiver or waiver of conditions shall be submitted in writing by the subdivider at the time when the primary plat or secondary plat is filed. The petition shall state fully the grounds for the application and all the facts relied upon by the petitioner.
- c. PC Decision.
  - (1) Timing of Consideration. All waivers shall be considered during the primary plat or secondary plat approval. No public notice specific to the waiver(s) requested is required
  - (2) Basis for Consideration. The PC shall not approve waivers unless it finds, based upon the evidence presented to it in each specific case, that:
    - (3) Practical difficulties and unnecessary hardship may result from the strict application of this UDO, and
    - (4) The purpose and intent of this UDO may be better served by an alternative proposal.
    - (5) 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;
    - (6) 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;
    - (7) The relief sought will not contravene the other provisions of the UDO or the intent of the Comprehensive Plan and/or Thoroughfare Plan; and
    - (8) Where the waiver impacts on the design, construction, or maintenance obligations of public facilities, that the appropriate public agency has reviewed and approved the proposed development in writing or electronic transmission to the PC.
  - ii. Written Findings. The PC shall make written findings of fact on all waiver requests.
  - iii. Conditions of Waiver Approval. The PC 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 PC Rules and Procedures for governing commitments. Violation of any such condition shall be a violation of this UDO and subject to the provisions of Chapter 5: Enforcement.
  - iv. Waivers Concerning Public Improvements.
    - (1) With a favorable recommendation from the Administrator (with support of the applicable TAC members), the PC may defer or waive, at the time of secondary approval and subject to any appropriate conditions, the provision for any or all, public improvements that in its judgment are:
      - (a) Not required in the interests of the public health, safety, and general welfare,
      - (b) Inappropriate because of incompatible grades, future planning, inadequate or nonexistent connecting facilities, or
      - (c) Inappropriate for other reasons presented to and agreed on by the PC.

- (2) 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.
- (3) 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.



## CHAPTER 9

# Non-conforming Lots, Structures, and Uses

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## A. General Provisions.

1. Legal Non-conforming. 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. Illegal uses and/or structures existing at the time this UDO is enacted shall not be validated by virtue of its enactment.
3. 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.
4. Incompatible Use. Non-conforming uses are declared by this UDO to be incompatible with permitted uses in the districts in which said uses are located. A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of a structure and land in combination shall not be extended or enlarged after passage of this UDO by attachment on a building or premises of additional signs intended to be seen from off the premises or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.
5. Current Construction.
  - a. 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.
  - 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 exists at the effective date of adoption or amendment of this UDO that would not be permitted to be created by the regulations imposed by this UDO, the lot may be developed so long as it remains otherwise lawful, provided that:
  - a. The lot must be in separate record and have road frontage that is not shared with any existing lot(s) unless an easement exists for this purpose.
  - b. Development conforms with the applicable yard dimensions and development standards/requirements for the zoning district except for lot area and/or lot width.
  - c. All other provisions of this UDO are met or a variance from the BZA is obtained.

## C. Non-conforming Structures.

1. General Provisions.
  - a. 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:
    - i. 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.
    - ii. 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:
      - (1) The structure will continue to be used for residential purposes.
      - (2) 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. If a non-conforming structure or portion of a non-conforming structure is destroyed or damaged by any means where the damage is more 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 shall not be repaired or rebuilt except as permitted by this UDO or a previously granted variance.
      - (1) The reconstruction, or intent to reconstruct, must occur within twelve (12) months of when the damage occurred or at the discretion of the Administrator if additional time is needed for reason.
      - (2) The structure must be built equal to or less than the square footage as the previous building.

- iv. The requirements in subsections “ii” and “iii” above concerning the reconstruction, repair, or renovation of a damaged or destroyed legal non-conforming structure do not authorize the reconstruction, repair, or renovation of a damaged or destroyed non-conforming structure that is located within a flood plain (as defined in IC 14-8-2-99) (See the Owen County Flood Hazard Ordinance), or
  - v. Should such structure be moved for any reason, it shall conform to all the regulations for the district in which it is located after it is moved.
  - vi. 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 legal non-conforming sign.
  - b. Signs which existed prior to the time this ordinance was passed and were in conformance with previous ordinances will be legally non-conforming until such time as a major change is made to the sign. Major changes include:
    - i. Modification to the size, shape, or height of the sign,
    - ii. Adding lights or illumination to the sign,
    - iii. Structural alterations, and/or
    - iv. 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 damaged by any force whatsoever to the extent of fifty percent (50%) or more of the sign area, 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 at least thirty (30) days written notice to remove it. Upon failure to comply with this notice, the Administrator may remove the sign at cost to the property owner or lessee.

## D. Non-conforming Uses of Land.

1. General Provisions.
  - a. 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:
    - i. A legally non-conforming use may be continued but shall not be extended, expanded, or changed to another non-conforming use unless a variance of use is obtained from the BZA.
    - ii. 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.
    - iii. 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.
    - iv. A legally non-conforming use shall not be moved, 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.
    - v. If any such legally non-conforming use of land is discontinued or abandoned for any reason for more than six (6) 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 six (6) months unless a variance of use is granted by the BZA.
    - vi. 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.
2. Agricultural Uses.
  - a. 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 Uses and Structures in Combination.

1. General Provisions. Where a lawful structure that was occupied by a lawful use exists at the effective date of adoption or amendment of this UDO, and the lawful structure and/or lawful use, would not be permitted by the regulations imposed by this UDO, this combination of use and/or structure may be continued so long as they both remain otherwise lawful, provided that:



- a. Where non-conforming status applies to a structure and land use in combination, all provisions of Section ##: Non-Conforming Structures and Section ##: Non-Conforming Uses of Land of this chapter shall apply, respectively.
- b. 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.

## **F. 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 this 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.



# CHAPTER 10

# 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 use of the property or 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 County Commissioners to provide staff support to the PC and the BZA and to enforce the UDO under the supervision of the PC.

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

**AGRICULTURE.** See CROP PRODUCTION, LIVESTOCK/AQUACULTURE.

**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.

**AGRIVOLTAICS.** A solar energy system co-located on the same parcel of land as agricultural production, including crop production, grazing, apiaries, or other agricultural products or services. For the purposes of this UDO, this use shall be considered a solar energy system.

**AIRPORT RELATED USES.** [insert use definition and airport terms]

**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.

**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.

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

**ASSEMBLY HALL.** See STADIUM.

**AUDITOR.** The Auditor for Owen 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.

**AUTOMOTIVE AND VEHICLE REPAIR.** 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.

**AUTOMOTIVE AND VEHICLE 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.

**AUTOMOTIVE AND VEHICLE 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.

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

**BAR.** See TAVERN.

**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 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.

**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 INSPECTOR.** 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.

**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 (1) 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 in column ## of Table ##: Land Use Matrix to another land use classification. A change in ownership does not constitute a change in use.

**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 not more than twelve (12) (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 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 PC, 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.

**COMPREHENSIVE PLAN.** The 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.** 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.** 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 CONSTRUCTION OFFICE.** 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. For the purposes of this UDO, this use is considered professional services/business offices.

**COUNTY.** Owen 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.** Approval granted by the PC in accordance with IC 36-7-4-1400 series for a specific plan for the development of a parcel that:

- Requires approval by the PC (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, PRIVATE.** A single, shared private driveway serving no more than four (4) residential parcels. Access to five (5) or more residential parcels shall be provided with a public road.

**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 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, 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, 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.

**EASEMENT, RENEWABLE ENERGY.** See RENEWABLE ENERGY EASEMENT.

**EASEMENT, SOLAR ENERGY.** See SOLAR ENERGY EASEMENT.

**ESSENTIAL SERVICES.** Utilities such as electric power, water, sewer, and natural gas or other fuels for heating.

**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.

**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.** 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 or a shadowbox fence is not considered a solid fence.

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

**FLOOD HAZARD.** Refer to Owen County's flood hazard ordinance entitled, *Flood Damage Prevention Ordinance*.

**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.

**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.** Any 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.** Any 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 limited clients, guests, customers, or employees (other than the resident(s) of the dwelling) 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.

**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.** 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.

**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.

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

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

**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, machinery, brush, wood, and lumber.

**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 Owen County, Indiana.

**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 Owen County Commissioners.

**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.

**LIVING AREA, MINIMUM.** The minimum 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 2: Zoning Districts for minimum lot 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 compiles 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 purposed 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.

**INDUSTRIAL, 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, 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 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, or vehicles in the same place for more than twenty-four (24) hours 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.

**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;
- 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 (PC).** The Owen County Advisory Plan Commission.

**PLANNED UNIT DEVELOPMENT (PUD).** A planned unit development that is a zoning district established to allow development of an area of land as a single entity for a number of uses conforming to an approved development plan, which may not correspond with number of units, bulk, type of use, density, open space, parking, sign requirements, landscaping, or other standards required by other ordinances; a zoning district for which a PUD ordinance is required.

**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 PC to hold hearings on minor residential subdivisions and re-plats on behalf of the PC in accordance with the Rules and Procedures of the PC.

**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.

**PRODUCE STAND.** A temporary activity where a single vendor or property owner sells agricultural products (not including live animals) that are produced on the same property in an area or structure that does not exceed two hundred (200) square feet.

**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 Table ##: Land Use Matrix. 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 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 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. A recreational vehicle shall not be used as a primary residence or for permanent occupancy outside of a campground.

**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 EASEMENT.** An easement that limits the height or location, or both, of permissible development on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land.

**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 Table ##: Land Use Matrix. 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 Table ##: Land Use Matrix. 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 PC 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 CLASSIFICATIONS.** Road classifications are determined by the Comprehensive Plan.

**ROAD.** Property dedicated, intended, or used for vehicular travel.

**ROAD, PRIVATE.** A roadway that serves two (2) to four (4) residential parcels pursuant to access easements and all requirements of this UDO.

**ROAD, PUBLIC.** Any road or vehicular way, which includes the land between the street lines (whether improved or unimproved) and that is:

- Built to county standards;
- 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 Recorders Office; or
- Shown on the official map or adopted master plan.

**ROADSIDE PRODUCE STAND.** A temporary structure designed or used for the seasonal display or sale of agriculture-related products.

**RULES AND PROCEDURES.** The principles and regulations governing the conduct, action, procedures, arrangements, etc. of the PC and BZA.

**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.

**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 and the edge of pavement for front setbacks or lot line for side and rear setbacks. See Chapter 2: Zoning Districts for measurements of front, side, and rear yard setback.

**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.** See WASTE WATER.

**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 backlit 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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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 ACCESS.** Unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

**SOLAR ENERGY.** Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

**SOLAR ENERGY EASEMENT.** See RENEWABLE ENERGY EASEMENT.

**SOLAR ENERGY SYSTEM (SES).** A device, array of devices, or structural design feature, the purpose of which is to provide for generation or storage of electricity from sunlight, or the collection, storage, and distribution of solar energy for space heating or cooling, daylight for interior lighting, or water heating. For purposes of this ordinance, an SES is classified as Accessory SES or Primary SES.

**ACCESSORY SES.** A solar energy system that is an integral part of a primary or accessory building. Accessory SES include Building-Integrated SES, Ground-mounted SES, Pole-mounted SES, Roof-Mounted SES, and Solar Carport SES.

**BUILDING-INTEGRATED SES.** An accessory solar energy system that is an integral part of a primary or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include, but are not limited to, photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

**COMMUNITY-SCALE SES.** A primary solar energy system that covers less than ten (10) acres and converts sunlight into electricity for the primary purpose of serving electric demands off-site from the facility, either retail or wholesale.

**GRID-TIED SES.** A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.

**GROUND-MOUNTED SES.** An accessory solar energy system mounted on a rack that rests on or is attached to the ground.

**LARGE-SCALE SES.** A primary solar energy system that covers 10 acres or more and converts sunlight into electricity for the primary purpose of wholesale sales of generated electricity. It can include

collection and feeder lines, substations, ancillary buildings, solar monitoring stations and accessory equipment or structures thereto, that capture and convert solar energy into electrical energy, primarily for use in locations other than where it is generated.

**OFF-GRID SES.** A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company.

**PHOTOVOLTAIC SES.** A solar energy system that converts solar energy directly into electricity.

**POLE-MOUNTED SES.** An accessory solar energy system mounted on a pole.

**POLLINATOR-FRIENDLY SES.** A community- or large-scale solar energy system that meets the requirements of the 2020 Indiana Solar Site Pollinator Habitat Planning Scorecard (as amended) developed by Purdue University or another pollinator-friendly checklist developed by a third-party as a solar-pollinator standard designed for Midwestern eco-systems, soils, and habitat.

**PRIMARY SES.** A solar energy system that is free-standing and serves as the primary land use for the parcel(s) on which it is located. Primary SES include Community-scale SES and Large-scale SES.

**ROOF-MOUNTED SES.** An accessory solar energy system mounted on a rack that is fastened to or ballasted on a structure roof.

**SOLAR CARPORT SES.** An accessory solar energy system of any size that is installed on a carport structure that is accessory to a parking area, and which may include electric vehicle supply equipment or energy storage facilities.

**SOLAR COLLECTOR.** A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy. The collector does not include frames, supports, or mounting hardware.

**SOLAR HOT AIR SYSTEM.** A solar energy system that includes a solar collector to provide direct supplemental space heating by heating and re-circulating conditioned building air. The most efficient performance includes a solar collector to preheat air or supplement building space heating, typically using a vertically mounted collector on a south-facing wall. Can also be referred to as a Solar Air Heat or Solar Furnace.

**SOLAR HOT WATER SYSTEM.** A system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes. Can also be referred to as Solar Thermal.

**SOLAR MOUNTING DEVICES.** Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.

**SOLAR-READY DESIGNED STRUCTURES.** The design and construction of a building that facilitates and makes feasible the installation of rooftop solar.

**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.

**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 agricultural land designed, constructed, and used to house farm implements, livestock, or agricultural produce or products grown or raised on the premises, but not including dwellings used for human occupancy.

**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 having 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, minor residential subdivision, or major residential subdivision.

**SUBDIVISION, COMMERCIAL or INDUSTRIAL.** Approval granted by the PC in accordance with IC 36-7-4-700 series for the subdivision of a parcel for commercial or industrial development.

**SUBDIVISION, EXEMPT.** Divisions of existing parcels of land that are exempt from this UDO as determined by the Administrator and outlined in Chapter 6: Subdivision Types.

**SUBDIVISION, HOMESTEAD.** Approval granted administratively to separate the original homestead and supporting property from the remaining farm ground with which it was originally affiliated.

**SUBDIVISION, MAJOR RESIDENTIAL.** Approval granted by the PC in accordance with IC 36-7-4-700 series for any division of a parcel of land for residential development that is not considered an exempt subdivision.

**SUBDIVISION, MINOR RESIDENTIAL.** Approval granted by the PC in accordance with IC 36-7-4-700 series for a division of a parcel of land for residential development resulting in four (4) lots or less.

**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, composite, 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, PC, and BZA by providing technical and expert advice with regard to proposed development within the jurisdiction.

**TEMPORARY STORAGE STRUCTURE/CONTAINER.** A portable storage unit which does not have permanent foundation or footing, and which includes cargo containers, portable storage containers, truck trailers, and bulk solid waste containers. Such structures shall not be considered a building.

**THOROUGHFARE PLAN.** The portion of the 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.

**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 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.

**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.

**COMMERCIAL WECS (CWECS).** The system by which wind energy is converted to electricity using a wind turbine, tower, support system, blades, and associated control and conversion electronics which has a rated capacity of more than one hundred (100) kW or a system height of more than eighty (80) feet.

**MINI WECS (MWECS).** The system by which wind energy is converted to electricity using a wind turbine, tower, support system, blades, and associated control and conversion electronics which has a rated capacity less than ten (10) kW and a system height of less than forty-five (45) feet. For the purposes of this Ordinance, a roof-mounted structure shall be considered a Mini WECS if it meets the rated capacity and height requirements set forth in this Section. Only one (1) Mini Wind Energy Conversion System may be permitted per principal structure. Mini WECS shall be considered an accessory use in all zoning districts.

**SMALL WECS (SWECS).** The system by which wind energy is converted to electricity using a wind turbine, tower, support system, blades, and associated control and conversion electronics which has a rated capacity of less than or equal to one hundred (100) kW and a system height of less than eighty (80) feet. Only one (1) SWECS may be permitted per principal structure.

**WECS NONPARTICIPATING PROPERTY.** A lot or parcel of real property that is not owned by a project owner and the following conditions are met.



The project owner does not seek:

- To install or locate one (1) or more wind power devices or other facilities related to a wind power project (including power lines, temporary or permanent access roads, or other temporary or permanent infrastructure); or
- To otherwise enter into a lease or any other agreement with the owner of the property for use of all or part of the property in connection with a wind power project;

The owner of the property does not consent:

- To having one (1) or more wind power devices or other facilities related to a wind power project (including power lines, temporary or permanent access roads, or other temporary or permanent infrastructure) installed or located; or
- To otherwise enter into a lease or any other agreement with the project owner for use of all or part of the property in connection with a wind power project.

The owner of the property does not participate in a wind power project through:

- A neighbor agreement;
- A participation agreement; or
- Another similar arrangement or agreement with a project owner.

**WIND POWER DEVICE.** A device, including a windmill or a wind turbine, which is designed to use the kinetic energy of moving air to provide mechanical energy or to produce electricity.

**WINDOW.** [define]

**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 any structure and the front lot line measured perpendicular to the structure at the closest point to the front lot line.

**YARD, REAR.** A space extending across the full width of the parcel between the primary structure and the rear lot line and measured perpendicular to the structure to the closest point of the rear lot line.

**YARD, SIDE.** A space extending from the front yard to the rear yard between the primary structure and the side lot line and measured perpendicular from the side lot line to the closest point of the primary structure.

**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 PC.

