

Johnson County UDO

Planning Commission Presentation and Public Hearing
July 22, 2024



AMERICAN
STRUCTUREPOINT
INC.

The Planning Workshop, Inc.



Communication + Education = Effective Planning



What is a Unified Development Ordinance (UDO)?

Zoning Ordinance + Subdivision Ordinance = UDO

- Efficient approach for local development regulations (1-stop shop)
- Shared sections (Definitions, Administration & Enforcement)
- Top way to Implement your Plans (plans are only guidelines/policies)
- UDO becomes law

How is the new UDO different?

- Tables where appropriate
- New land uses
- Updates for State/Federal Law & Case Law
- Modern Best Practices
- Implementation for Plan Recommendations
- Clarity

UDO Chapters

1. Introductory Provisions
 2. Zoning Districts
 3. Site Development Standards
 4. Use Development Standards
 5. Subdivision Types
 6. Subdivision Design Regulations
 7. Subdivision Administration
 8. Zoning Administration
 9. Nonconformities
 10. Enforcement, Violations, and Remedies
 11. Rules of Interpretation and Definitions
- Appendix A: Land Use Matrix**
- Appendix B: Dimensional Standards Chart**
- Appendix C: Zoning Adjustment Table**

Appendix C, Zoning Adjustment Table

Existing Base Zoning Districts	Revised Base Zoning District Structure
SPARK	PR, Parks and Recreation District
A-1, Agricultural District	AG, Agricultural District
RR, Rural Residential District	AR, Agricultural / Residential District
R-1, Single-Family Residential District	SR, Single-Dwelling Residential District
R-2, Single-Family Residential District	
R-3, One- and Two-Family Residential District	DR, Duplex Residential District
R-4, Multi-Family Residential District	MR, Multi-Dwelling Residential District
R-5, Mobile Home Park District	MH, Manufactured Home Park District
B-1, Neighborhood Business District	GC, General Commercial District
B-2, Community Business District	
I-1, Light Industrial District	HC, Heavy Commercial District
I-2, Heavy Industrial District	IN, Industrial District

Appendix A, Land Use Matrix

Table A.1, Land Use Matrix: Residential Uses										
-- = Prohibited; P = Permitted; US = Use Standards; SE = Special Exception										
Land Use	Parks / Agricultural			Residential				Commercial		Industrial
	PR	AG	AR	SR	DR	MR	MH	GC	HC	IN
Residential	PR	AG	AR	SR	DR	MR	MH	GC	HC	IN
Single Detached Dwelling	--	P	P	P	P	P	P	--	--	--
Duplex (2 du)	--	--	--	--	P	P	--	--	--	--
Townhouse (3 to 10 du)	--	--	--	--	--	P	--	SE	--	--
Apartment (> 3 du)	--	--	--	--	--	P	--	SE	--	--
Manufactured Home Park	--	--	--	--	--	--	US	--	--	--
Retirement Housing	--	--	--	--	--	SE	--	SE	--	--
Residential Accessory	PR	AG	AR	SR	DR	MR	MH	GC	HC	IN
Accessory Structure	US	US	US	US	US	US	US	US	US	US
Accessory Dwelling Unit, Attached	--	US	US	US	--	--	--	--	--	--
Accessory Dwelling Unit, Detached	--	US	US	US	--	--	--	--	--	--
Commercial Uses of the Home	PR	AG	AR	SR	DR	MR	MH	GC	HC	IN
Child Care Home	--	US	US	US	US	US	US	--	--	--
Home Business	--	US	US	US	--	--	--	--	--	--
Home Occupation	--	P	P	P	P	P	P	--	--	--
Short-Term Rental	--	US	US	US	US	US	--	--	--	--

Appendix B, Dimensional Standards

Table B.1, Dimensional Standards								
Zoning District	Lot and Building Standards					Setbacks		
	Min. Lot Size	Min. Lot Width	Max. Lot Coverage	Max. Building Height	Min. Dwelling Size	Front	Side	Rear
GC	20,000 square feet, or 87,120 square feet if the lot requires septic	100 feet	60%	50 feet	N/A	See Table B.2	10 feet	30 feet
HC	23,000 square feet, or 87,120 square feet if the lot requires septic	100 feet	65%	50 feet	N/A		30 feet	30 feet
IN	40,000 square feet, or 87,120 square feet if the lot requires septic	100 feet	65%	50 feet	N/A		50 feet	50 feet

Chapter 2: Zoning Districts

- A. General Provisions
- B. Base Zoning Districts
- C. Special Zoning Districts
 - Planned Unit Development (PUD)
 - Military – Camp Atterbury (MIL)
 - Edinburgh Extraterritorial (EDIN)
- D. Overlay Zoning Districts
 - Corridor Overlay District (COD)
 - Wellfield Protection Overlay District (WPOD)

Name of District	Abbreviation
Parks and Recreation District	PR
Agricultural District	AG
Agricultural / Residential District	AR
Single-Dwelling Residential District	SR
Duplex Residential District	DR
Multi-Dwelling Residential District	MR
Manufactured Home Park District	MH
General Commercial District	GC
Heavy Commercial District	HC
Industrial District	IN

Manufactured Home Park (MH) District Land Uses

Permitted Uses			
Community Garden	Essential Services	Governmental Service (Police, Fire, EMS) ¹	Home Occupation
Library ¹	Park and Recreation Facilities, Active	Park and Recreation Facilities, Passive	Passenger Terminal
Single Detached Dwelling			
Use Standards			
Accessory Structure	Child Care Home	Manufactured Home Park ¹	Place of Public Assembly, Indoor ¹
Temporary Structures			
Special Exceptions			
Cellular Communications Facilities (CCF) ¹	Solar Energy System, Accessory	Wind Energy System, Accessory	
Notes: 1. Requires a development plan to be submitted per <i>Sec. 8.B.9, Development Plan Process</i> , for the land use to be permitted.			

Manufactured Home Park (MH) District Dimensional Standards

Lot and Building Standards				
Min. Lot Size	Min. Lot Width	Max. Lot Coverage	Max. Building Height	Min. Dwelling Size
5,000 sq. ft. per dwelling unit	50 ft.	40%	35 ft.	750 sq. ft.
Front Setbacks				
Interstate / Principal Arterial	Minor Arterial	Collector	Local	
60 ft.	50 ft.	40 ft.	35 ft.	
Side Setback		Rear Setbacks		
10 ft.		<u>Primary Buildings:</u> 20 ft. <u>Accessory Structures:</u> 10 ft.		

Example: Single Dwelling Residential District (SR)

Land Uses

Permitted Uses			
Community Garden	Essential Services	Governmental Service (Police, Fire, EMS) ¹	Greenhouse / Nursery
Home Occupation	Library ¹	Park and Recreation Facilities, Active	Park and Recreation Facilities, Passive
Passenger Terminal	Schools ¹	Single Detached Dwelling	
Use Standards			
Accessory Structure	Accessory Dwelling Unit, Attached	Accessory Dwelling Unit, Detached	Cemetery ¹
Child Care Home	Home Business	Place of Public Assembly, Indoor ¹	Short-Term Rental
Special Events	Temporary Structures		
Special Exceptions			
Cellular Communications Facilities (CCF) ¹	Private Utilities	Solar Energy System, Accessory	Wind Energy System, Accessory
Notes: 1. Requires a development plan to be submitted per Sec. XXX, <i>Development Plan Process</i> , for the land use to be permitted.			

Example: Single Dwelling Residential District (SR)

Dimensional Standards

Lot and Building Standards				
Min. Lot Size	Min. Road Frontage	Max. Lot Coverage	Max. Building Height	Min. Dwelling Size
13,000 sq. ft. ¹	80 ft.	35%	35 ft. ²	1600 sq. ft.
Front Setbacks				
Interstate / Principal Arterial	Minor Arterial	Collector	Local	
60 ft.	50 ft.	40 ft.	35 ft.	
Side Setback		Rear Setbacks		
10 ft.		<u>Primary Buildings:</u> 20 ft. <u>Accessory Structures:</u> 10 ft.		
Notes: 1. If sewer is not available, then the minimum lot size shall be two acres. 2. A maximum building height of 50 ft. is allowed for structures associated with agricultural uses.				

Special Zoning Districts

Planned Unit Development (PUD)

- No new PUDs will be permitted.
- Existing PUDs are conforming.
- Special Terrain District was approved through a PUD process.
- Specific Provisions include:
 - Permitted Uses
 - Required Densities
 - Common Open Space
 - Development Standards
 - Utilities and Streets
 - Covenants and Maintenance Improvements

Camp Atterbury (MIL)

- The federal government has all permitting authority

Edinburgh Extraterritorial (EDIN)

- City of Edinburgh has zoning authority
- Johnson County has subdivision authority

Wellfield Protection Overlay District (WPOD)

- Additional language requested by County Health Department

Corridor Overlay District (COD)

Additional standards on top of base zoning district

- Provides for higher level of standards in high visible corridors – Interstates, SR 135, and proposing US 31 (portions in the county)
- Specific Provisions
 - Building Design Standards
 - Signage Standards
 - Landscaping
 - Parking Requirements
 - Lighting Requirements
 - Access Management
 - Outdoor Storage Prohibited
- **Additional standards for greenbelt width**

Chapter 3: Site Standards

- A. Residential Design Standards
- B. Parking, Loading, and Stacking
- C. Landscaping and Buffering
- D. Signs
- E. Lighting
- F. Property and Environmental Standards

Residential Design Standards

- Recently passed ordinance that has been brought over from existing regulations into the UDO
- Specific residential regulations:
 - Exterior Materials
 - Windows
 - Eaves
 - Roofs
 - Attached Garages
 - Architectural Diversity

Parking, Loading, and Stacking

- Specific parking requirements for each land use
- Parking Lot and Parking Space Dimensions
- Shared Parking
- ADA Requirements
- Loading Requirements
- Stacking Requirements

NONRESIDENTIAL USES	
Agricultural Uses	
Agritourism	1 space per 400 gross square feet dedicated to the use
Dairy	1 space per 1,500 sq. ft. gross square feet
Farm Equipment and Repair Store	1 space per 1,500 sq. ft. gross square feet
Grain Elevator	1 space per every employee of the largest shift
Greenhouse / Nursery	1 space per 1,500 sq. ft. gross square feet
Landscaping Supply Store	1 space per 1,500 sq. ft. gross square feet
Livestock Production	1 space per 1,500 sq. ft. gross square feet
Sawmill / Timber Processing	1 space per every employee of the largest shift
Automobile and Related Service Uses	
Automobile / Vehicle Sales and Rental	1 space per 300 gross square feet
Automobile / Vehicle Repair and Service	3 spaces per bay
Car Wash	1 space per 2 bays for self-service vehicle washes (not including the bays); 1 space per unattended automated wash; 5 spaces per attended, automated wash with detail or hand-finishing services

Landscaping and Buffering

- No major changes from the original ordinance
- Reorganized text
- Flexibility in arrangement and substitutions
- Credits and incentives to preserve existing features
- Applies to new and significantly expanded structures

Non-Residential Landscaping

Table 3.7, Minimum Non-Residential Foundation Plantings Required		
Street Façade Width	Front Facades	Side & Rear Facades
Street facade is 80' or less in width	3 shrubs	1 shrub per every 30'
Street facade is more than 80' in width	1 shrub or ornamental tree* per every 20'	1 shrub or ornamental tree* per every 40'
*Ornamental trees shall be used to meet this requirement when facades are greater than twenty-five (25) feet in height.		

Table 3.8, Minimum Non-Residential Yard Plantings Required:	
Lot Size	Plantings Required
Lot is 20,000 square feet or less	1 canopy tree
Lot is more than 20,000 square feet*	2 canopy trees + 1 additional canopy tree per every 25,000 sq. ft. above 40,000 sq. ft.
*Natural Landscape: A property owner may request substitution of a managed natural landscape containing native grass or wildflowers for other yard planting requirements on lots over 20,000 square feet. The property owner shall submit a landscape plan, including native plantings, for review and approval by the Administrator prior to installation.	

Residential Landscaping

Table 3.9, Minimum Residential Foundation Plantings Required	
AG, AR, SR & DR Zoning Districts	MR & MH Zoning District
None	2 shrubs per dwelling unit
None	1 ornamental tree per every 30'

Table 3.10, Minimum Residential Yard Plantings Required:	
AG, AR, SR & DR Zoning Districts	MR & MH Zoning Districts
1 deciduous tree per every 20,000 sq. ft. of lot area + 1 additional deciduous tree for each primary structure	2 deciduous trees per every 30,000 sq. ft. of lot area + 1 additional deciduous tree for every 10 dwelling sites

Buffering

Table 3.11, Bufferyard Types		
Bufferyard Type	Bufferyard Minimum Width	Bufferyard Minimum Plantings
Type 1 - Light	15'	4 deciduous trees + 10 evergreen trees per 100'
Type 2 - Medium	20'	2 deciduous trees + 5 evergreen trees + 54 evergreen shrubs per 100'
Type 3 - Heavy	30'	5 deciduous trees + 10 evergreen trees + 120 evergreen shrubs per 100'
Area within the buffer that is not planted with trees or shrubs shall be maintained in grass or other acceptable ground cover.		

Side & Rear Buffers are required to be installed if the subject property is rezoned to a higher intensity zoning district than the adjacent parcel

Buffering

Table 3.12, Bufferyard Type Required

Adjacent District	Zoning District of Subject Property									
	PR	AG	AR	SR	DR	MR	GR	GC	HC	IN
PR	--	--	--	--	--	--	--	2	2	3
AG	--	--	--	--	--	--	--	2	2	3
AR	--	--	--	--	--	1	1	2	2	3
SR	--	--	--	--	--	1	1	2	2	3
DR	--	--	--	--	--	1	1	2	2	3
MR	--	--	1	1	1	--	1	2	2	3
GR	--	--	1	1	1	1	--	2	2	3
GC	2	2	2	2	2	2	2	--	--	--
HC	2	2	2	2	2	2	2	--	--	--
IN	3	3	3	3	3	3	3	--	--	--

If the subject property is adjacent to a previously developed parcel with more intense zoning, no buffer yard is required to be installed on either lot.

Landscaping and Buffering Updates

Landscape Preservation Credits

- Preservation is encouraged but not required. Preserved mature landscape replaces new plantings:
 - 1 preserved deciduous trees = 2 – 4 new
 - 1 preserved evergreen tree = 2 – 3 new
 - Preserved shrubs = as approved by the Administrator
 - Preserved native grasses or other unique landscape = as approved by the Administrator

Signs

- No major changes from the original ordinance
- Requirements reformatted into tables
- Maintenance and abandonment
- Election exemption (IC 36-1-3-11)
- Permit for temporary signs
- Wayfinding structures
- Additional definitions
- Pole signs removed from previous draft presented on 5/30
 - Only permitted for multi-tenant centers

Outdoor Storage of Vehicles

Limitations on large vehicle parking in residential and agricultural districts

- PR, AG, AR, SR, DR, MR, and MH districts
- Only one large vehicle per lot at any time
 - Semi-tractors, semi-trailers, cargo vans, box trucks, etc.

Lighting and Property and Environmental Standards

Lighting

1. Lighting Design
2. Footcandle Measurements
3. Parking Lot Lighting
4. Canopy Lighting

Property and Environmental Standards

1. Outdoor Storage of Vehicles and Other Materials
2. Visual Clearance on Corner Lots
3. Fire Protection
4. Heat and Radiation
5. Electrical Disturbance and Vibration
6. Smoke and Particulate Matter
7. Noise
8. Water and Waste Pollution

Chapter 4: Use Standards

- Permitted uses
- Permitted uses with additional standards
- Special exceptions
- Standards are intended to make uses available in certain districts provided that additional requirements are met

Example Use Standards

13. Child Care Center.

- a. The use is in compliance with all State of Indiana licensing and certification requirements;
- b. No portion of a daycare center site may be located within three hundred (300) feet of gasoline pumps, underground gasoline storage tanks, or any other storage area for explosive or highly combustible materials.
- c. The facility shall have at least one (1) building entrance dedicated solely for its use.

17. Correctional Institution. The use shall be located no closer than five hundred (500) feet from any residential district or use as measured along a straight line from the closest lot lines.

Chapter 4: Use Standards - Updates

- Additional bufferyard requirements for the uses - Automobile / Vehicle Sales and Rental; Automobile / Vehicle Repair and Service; Heavy Equipment Sales and Rentals; and Manufactured Home Sales.
- Distance requirements for travel centers to be away from residential uses/districts
- Allowance for home businesses to operate in accessory structures
- Mineral extraction restrictions.
- Distance requirements to residential properties added for the uses of Farm Equipment Repair and Landscape Supply Store.
- Increased side setback requirements for townhouses and apartments.
- Use standards applicable to Accessory Dwelling Unit, Attached and Accessory Dwelling Unit, Detached in AG and AR districts

Chapter 5: Subdivision Types

- A. Major Residential Subdivision
- B. Traditional Residential Subdivision
- C. Conservation Residential Subdivision
- D. Commercial Subdivision
- E. Industrial Subdivision
- F. Minor Residential Subdivision
- G. Agricultural Subdivision

Chapter 6: Subdivision Design Regulations

- A. General Provisions
- B. Access and Connectivity
- C. Drainage, Stormwater, and Erosion Control
- D. Lots and Blocks
- E. Monuments and Markers
- F. Open Space and Areas for Public Dedication
- G. Private Covenants
- H. Sidewalks, Paths, and Trails
- I. Roads and Alleys
- J. Road and Subdivision Names
- K. Utilities

Subdivision Design Standards Updates

Updates

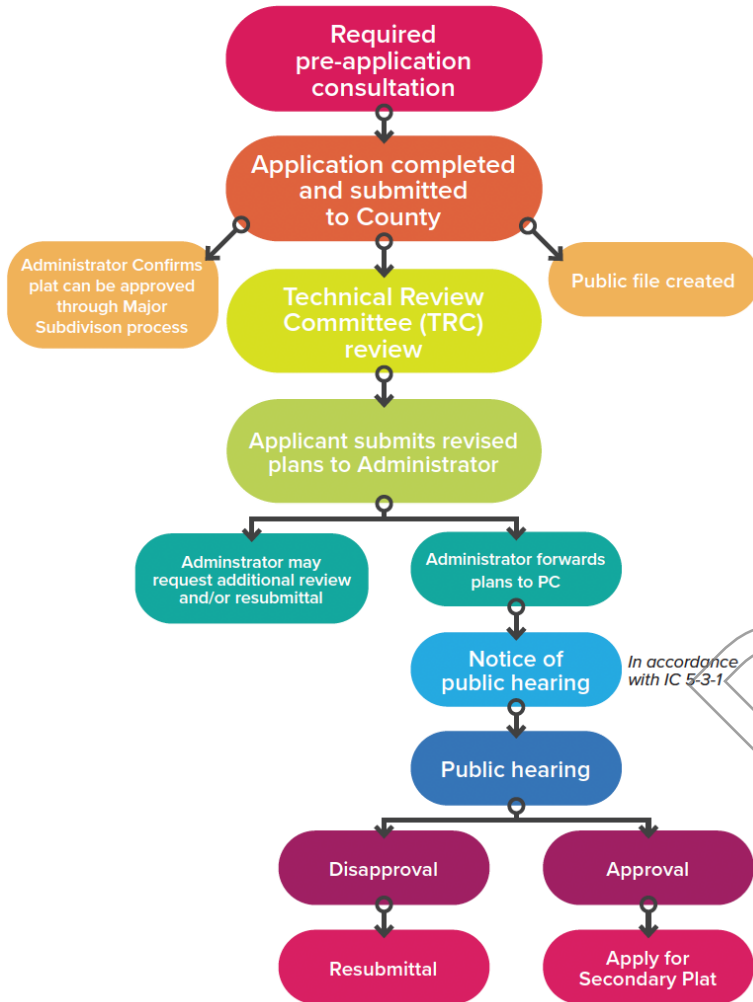
- Mostly a reorganization of standards by category and clarifications of current standards
- *Portion of Sec. 6.F, Common Open Space and Areas for Public Dedication have been moved to Chapter 7, Subdivision Administration and Procedures – procedural in nature*
- Coordinated with other County Departments on standards, cross-referenced when applicable
- *Appendix D, Johnson County Design Standards*

Chapter 7: Subdivision Administration

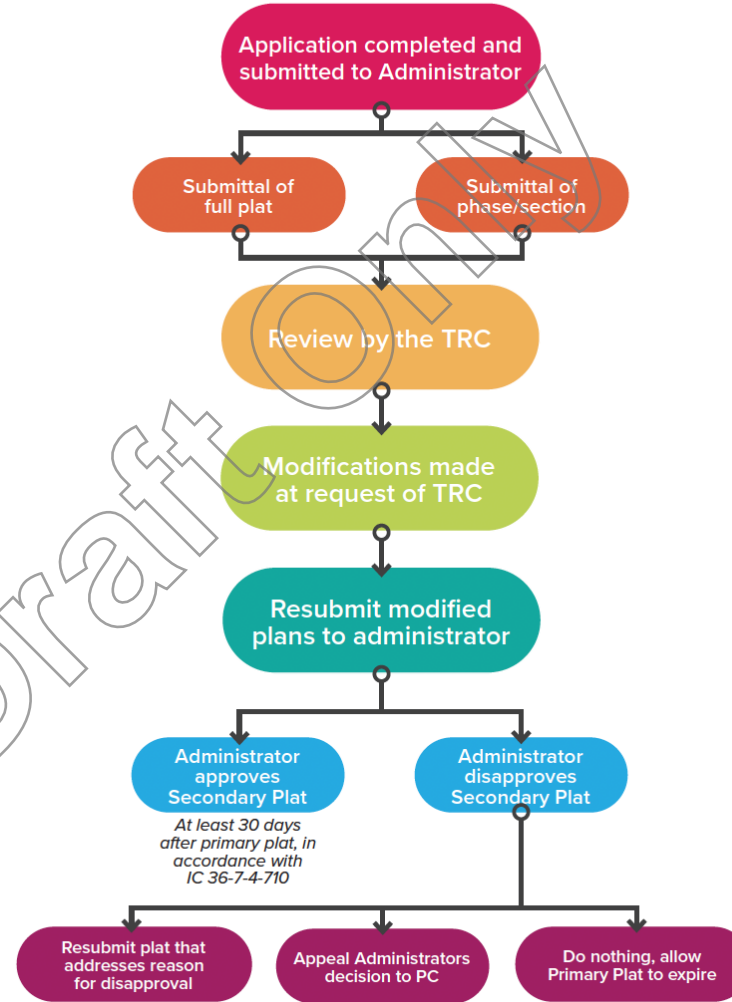
- A. General Provisions
- B. Plan Commission (PC)
- C. Plat Committee
- D. Administrator
- E. Technical Review Committee
- F. Document and Drawing Specifications for Major Subdivisions
- G. Document and Drawing Specifications for Minor Subdivisions
- H. Construction and Development Process

Major Subdivision Processes (Plan Commission)

MAJOR SUBDIVISION - PRIMARY PLAT PROCESS



MAJOR SUBDIVISION, SECONDARY PLAT PROCESS



Changes to process:

- Pre-submittal meeting
- Addition of Technical Review Committee (TRC)

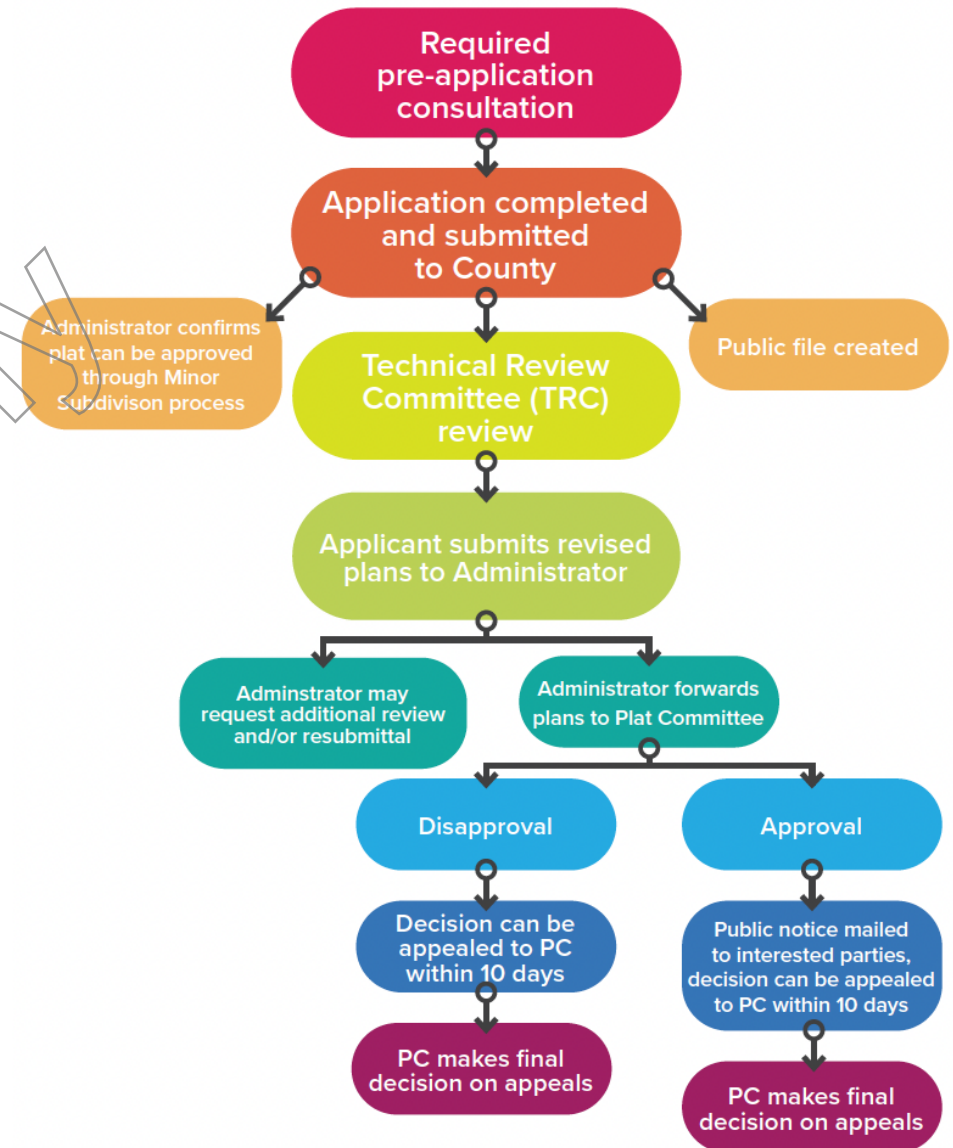
Minor Subdivision Process (Plan Commission)

- May combine Primary Plat and Secondary Plat into 1 step
- **Creates 3 or fewer lots**
 - No further subdivision of these lots allowed, except as Major Subdivision
- No new rights-of-way, extension of public facilities, or public improvements
- **Does not create common open space maintained in common ownership**

If a subdivision meets the standards in the UDO, you must approve it.

MINOR SUBDIVISION PROCESS

Primary and Secondary Plats may be Combined for Minor Subdivisions



*If only Primary Plat approval was sought,
Secondary Plat approval shall be by the Administrator*

Minor Subdivisions

Agricultural

- Required language restricting further subdivision and non-ag land uses
- Only in the AG district

Residential

- Required language on plat restricting further subdivision
 - All further subdivision is major
- AG, AR, SR Districts

Subdivision Waiver or Modification Process (Plan Commission)

Criteria set Locally in UDO

Criteria for Waivers or Modifications:

1. Unnecessary hardship would result from the strict application of this UDO;
2. The purposes and intent of this UDO may be better served by an alternative proposal that meets the intent of the UDO regulation(s), which is submitted for Plan Commission's consideration;
3. The granting of the waiver or modification will not be detrimental to the public safety, health, or welfare or injurious to other property;
4. The site conditions upon which the request is based are unique to the property for which the relief is sought and are not generally applicable to other property;
5. The reason for the waiver or modification is not due to an issue caused by the property owner, past or present;
6. The request is not primarily for the economic benefit of the petitioner;
7. The waiver or modification will not have a significant detrimental impact on adjacent properties;
8. The relief sought will not contravene the other provisions of the UDO or the intent of the Comprehensive Plan or its components; and
9. Where the waiver or modification impacts the design, construction, or maintenance obligations of public facilities, the appropriate public agency has reviewed and endorsed in writing the proposed waiver or modification. Said written endorsement may be by electronic transmission to the Administrator.

Subdivision Waiver or Modification Process (Plan Commission)

Criteria set Locally in UDO

Additional Criteria for Modifications or Waivers of Public Improvements

- Not required in the interests of the public health, safety, and general welfare;
- Inappropriate because of incompatible grades, future planning, inadequate or nonexistent connecting facilities; or
- Inappropriate for other reasons presented to and agreed on by the PC.

Subdivision Administration Updates

- New required pre-submittal meeting with staff; staff assigns correct process
- New Flow Charts
- New Plat Committee:
 - Subcommittee of Plan Commission - PC delegates Minor Subdivisions to them
 - Information on establishment, membership, duties, powers, and public records have been added.
 - Appeals of their decisions go to Plan Commission
 - Plat Committee may also forward application to PC for action instead

Exempt Subdivisions

The following exempt subdivisions do not require any application type:

- Allocation of land from a will
- Court decree for the distribution of property
- Eminent domain proceedings
- Cemetery plots

Administrative Subdivisions

Subdivisions may be reviewed and approved by the Administrator if they meet the following criteria:

- Acquiring street right-of-way
- Correcting errors in legal description
- Separate an existing lot by public right-of-way
- Sale or exchange of land between adjoining lots
- Final survey corrections for attached dwellings
- Consolidating parcels due to vacated easements

Exemption no Longer Applicable

The following subdivision of land is exempt under the existing version of the UDO. The current draft of the UDO recommends removing the exemption:

- Subdivision where each resulting parcel is twenty (20) acres

Chapter 8: Zoning Administration

- A. County Commissioners
- B. Plan Commission (PC)
- C. Board of Zoning Appeals (BZA)
- D. Administrator
- E. Technical Review Committee

Draft Only

Rezoning Process (Plan Commission & County Commissioners)

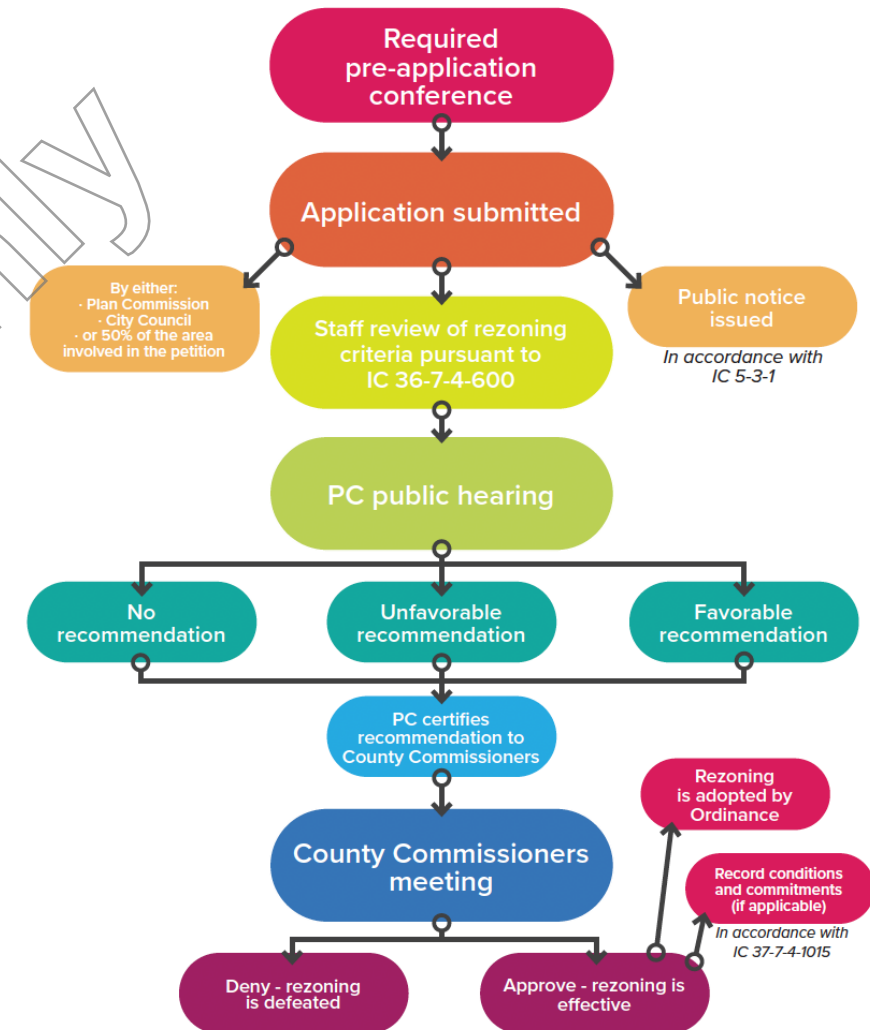
Criteria set in State Law – Must meet all 5

IC 36-7-4-603: when considering a rezoning, the Planning Commission and county commissioners shall pay reasonable regard to the following criteria:

- The Comprehensive Plan;
- Current conditions and the character of current structures and uses in each district;
- The most desirable use for which the land in each district is adopted;
- The conservation of property values throughout the jurisdiction; and
- Responsible development and growth.

Properties rezoned to Manufactured Home Park (MH) District must be provided with public sanitation and public water

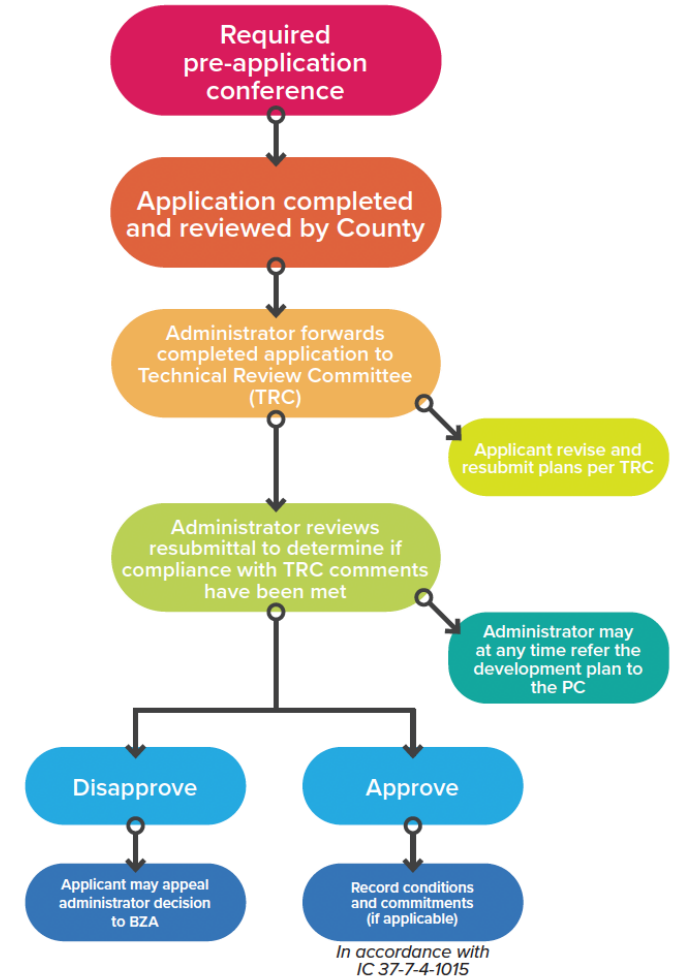
ZONE MAP AMENDMENT (REZONING) PROCESS



Development Plan (Site Plan) Process (Administrator)

- Optional under Indiana Code
 - Johnson County uses it
- **Additional standards written for Wellfield Protection Overlay District (WPOD)**
 - Standards focused on limiting hazardous materials within WPOD
 - Focus on protection of water quality
 - Additional documents required

DEVELOPMENT PLAN PROCESS

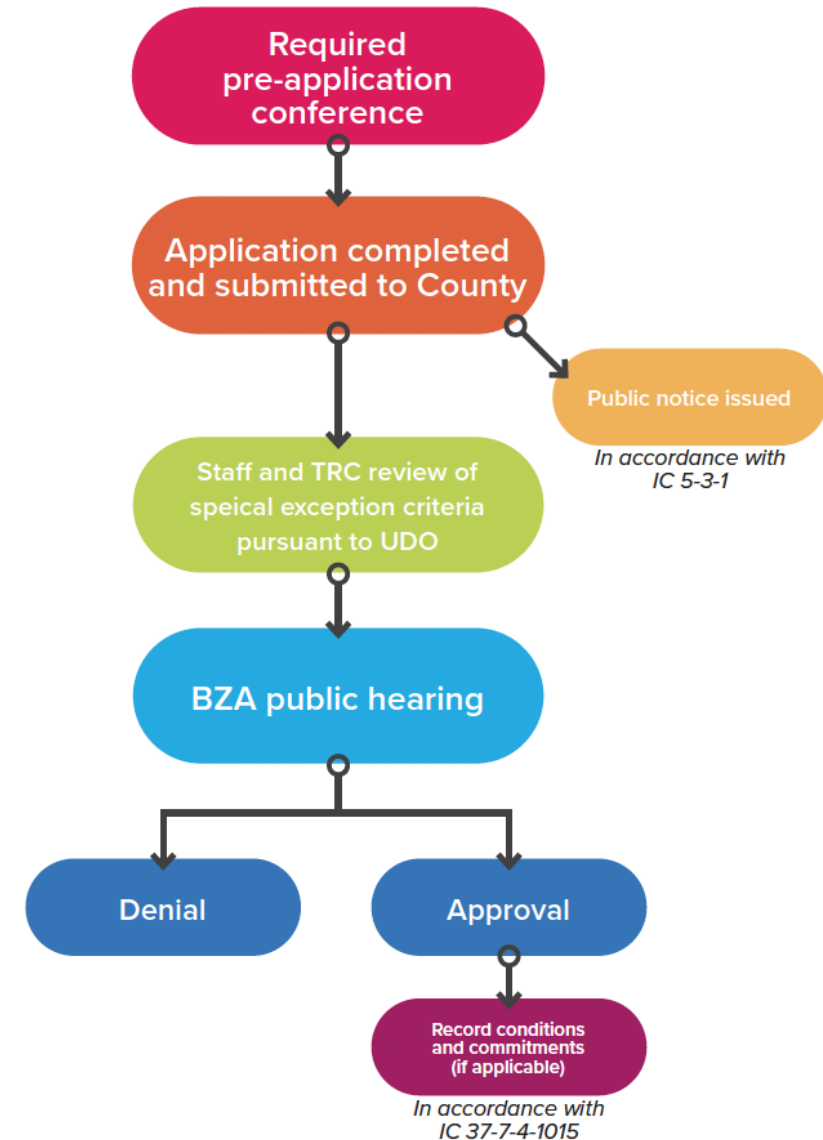


Special Exception Process (BZA)

Special Exception Criteria (Set Locally through UDO):

- The establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health, safety, morals, or general welfare;
- The special exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted;
- Adequate utilities, roads, drainage, and other necessary facilities and infrastructure have been or are being provided;
- 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
- The special exception will be 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.

SPECIAL EXCEPTION PROCESS

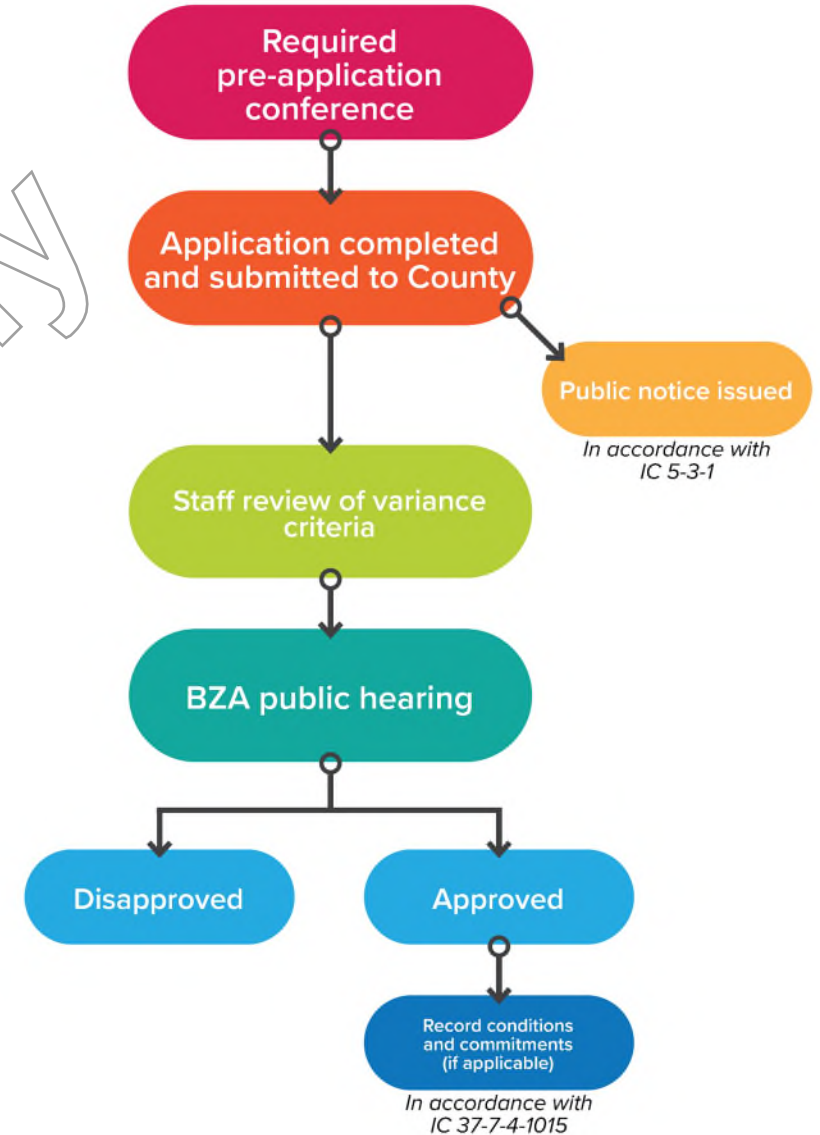


Variance Processes (BZA)

Same Process, two types of variances:

- Use Variance
- Development Standard Variance

VARIANCE REQUEST PROCESS



Use Variances (BZA)

Criteria for use variances set in State Law – Must meet criteria

IC 36-7-4-918.4:

- The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
- The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
- The need for the variance arises from some condition peculiar to the property involved;
- 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
- The approval does not interfere substantially with the Comprehensive Plan.

Development Standards Variances (BZA)

Criteria 1-3 set in State Law, local law permitted to add more (propose adding 4 & 5)
Must meet all criteria to receive variance

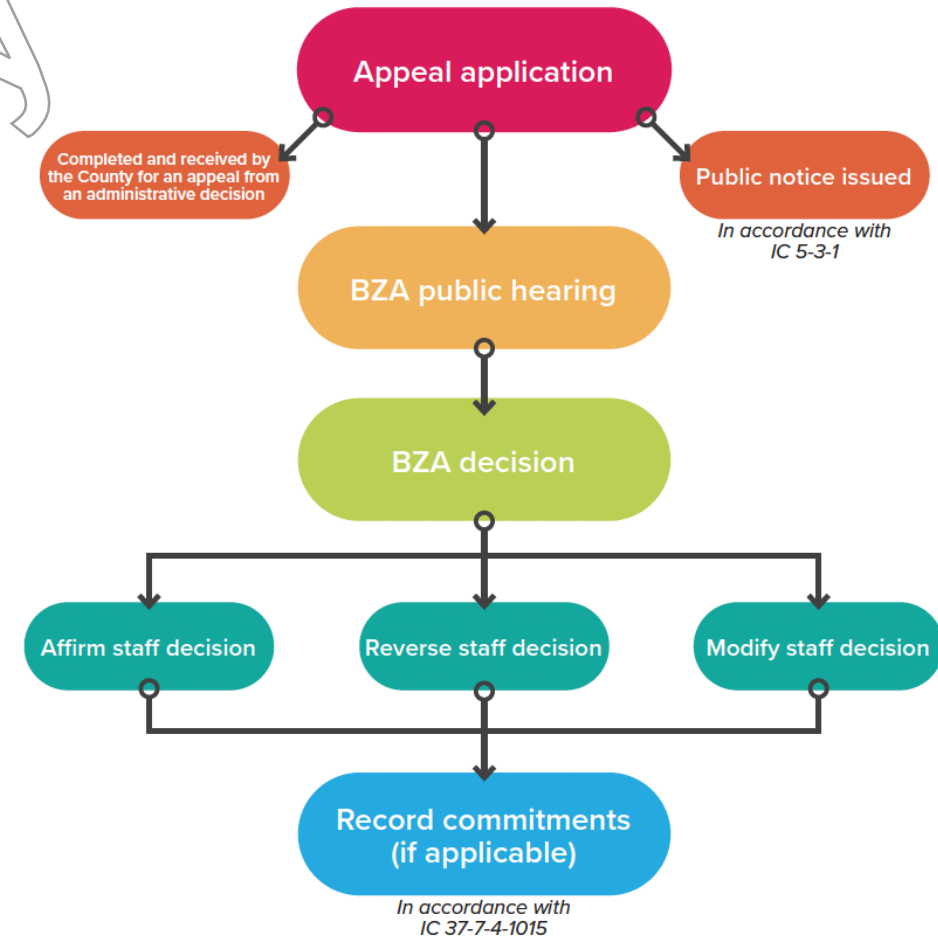
IC 36-7-4-918.5:

- The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
- The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
- The strict application of the terms of the ordinance will result in practical difficulties in the use of the property;
- The variance granted is the minimum necessary; and
- The variance granted does not correct a hardship caused by a former or current owner of the property.

Administrative Appeal Process (BZA)

- Appeal of any order, requirement, decision, determination, or enforcement action made by Administrator or another staff member
- Not for appeal of decision by Plan Commission, BZA or county commissioners → Courts

ADMINISTRATIVE APPEALS PROCESS



Chapter 9: Nonconformities

- A. Purpose
- B. General Provisions
- C. Nonconforming Lots of Record
- D. Nonconforming Structures
- E. Nonconforming Site Features
- F. Nonconforming Uses of Land
- G. Nonconforming Uses and Structures in Combination
- H. Nonconforming Zoning Districts

Nonconformity

What is a Nonconformity? Something that was legal when done, but no longer meets ordinance standards. May continue "as is" without coming into compliance with new requirements.

What Legally Nonconforming things does the UDO regulate?

- Lots
- Structures
- Site Features
- Land Use
- Zoning Districts

Nonconformities

New additions

- Nonconforming site features
 - Setbacks, landscaping, etc.
- Agricultural nonconformities
 - Allow for switching between ag land uses
- Nonconforming structures
 - Continue unless significantly rebuilt
- Nonconforming zoning districts
 - Removed from draft; provisions put in place to prevent rezoning to PUD
- Nonconforming subdivisions
 - Two years to record subdivisions approved prior to new UDO unless court judgment granted allowing for recordation.

Chapter 10: Enforcement, Violations, and Remedies

A. Enforcement

1. Purpose
2. Applicability
3. Inspections and Investigations
4. Complaints

B. Violations and Citations

1. Generally
2. Citations
3. Improvement Location Permit (ILP) Violations
4. Removal of Signs in Violation
5. Zoning Violations
6. Subdivision Control Violations

C. Remedies and Penalties

1. Noncompliance
2. Injunction
3. Stay of Work Pending Appeal and Restraining Order

D. Penalties

Chapter 11: Rules of Interpretation and Definitions

- **Definitions**
 - All land use categories have a land use definition.
 - New definitions and edits made for reasons of clarity.
 - Engineer defined to permit both County Highway Engineer and Planning Engineer to review as needed.

Remaining Project Schedule – Option # 1

With Planning Commission's Recommendation Today

Deliverables and Meetings	Date	Status
Plan Commission Recommendation	Mon. July 22	<i>In Progress</i>
Deliverable: <i>Sent to County Board of Commissioners</i> ○ Complete Draft of UDO	Mon. July 29	<i>Tentative</i>
County Commission Adoption (First Reading)	Mon. Aug 12	<i>Tentative</i>
County Commission Adoption (Second Reading)	Mon. Aug 26	<i>Tentative</i>
Deliverable: Final UDO	Late Aug – Early Sep	<i>Tentative</i>

Remaining Project Schedule – Option # 2

With Planning Commission's Recommendation at Next Month's Meeting

Deliverables and Meetings	Date	Status
Plan Commission Meeting	Mon. July 22	<i>In Progress</i>
Final Edit Requests to Planning and Zoning Office	Fri. Aug. 9	<i>Tentative</i>
Deliverable: Public Hearing Draft	Fri. Aug. 16	<i>Tentative</i>
Plan Commission Public Hearing Meeting	Mon. Aug. 26	<i>Tentative</i>
County Commission Adoption (First Reading)	Mon. Sept 9	<i>Tentative</i>
County Commission Adoption (Second Reading)	Mon. Sept 23	<i>Tentative</i>
Deliverable: Final UDO	Mon. Sept 30	<i>Tentative</i>

Thank you!

Questions / Discussion

Please don't hesitate to reach out with any questions!

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