

# Unified Development Ordinance (UDO)



**Johnson County,  
Indiana**

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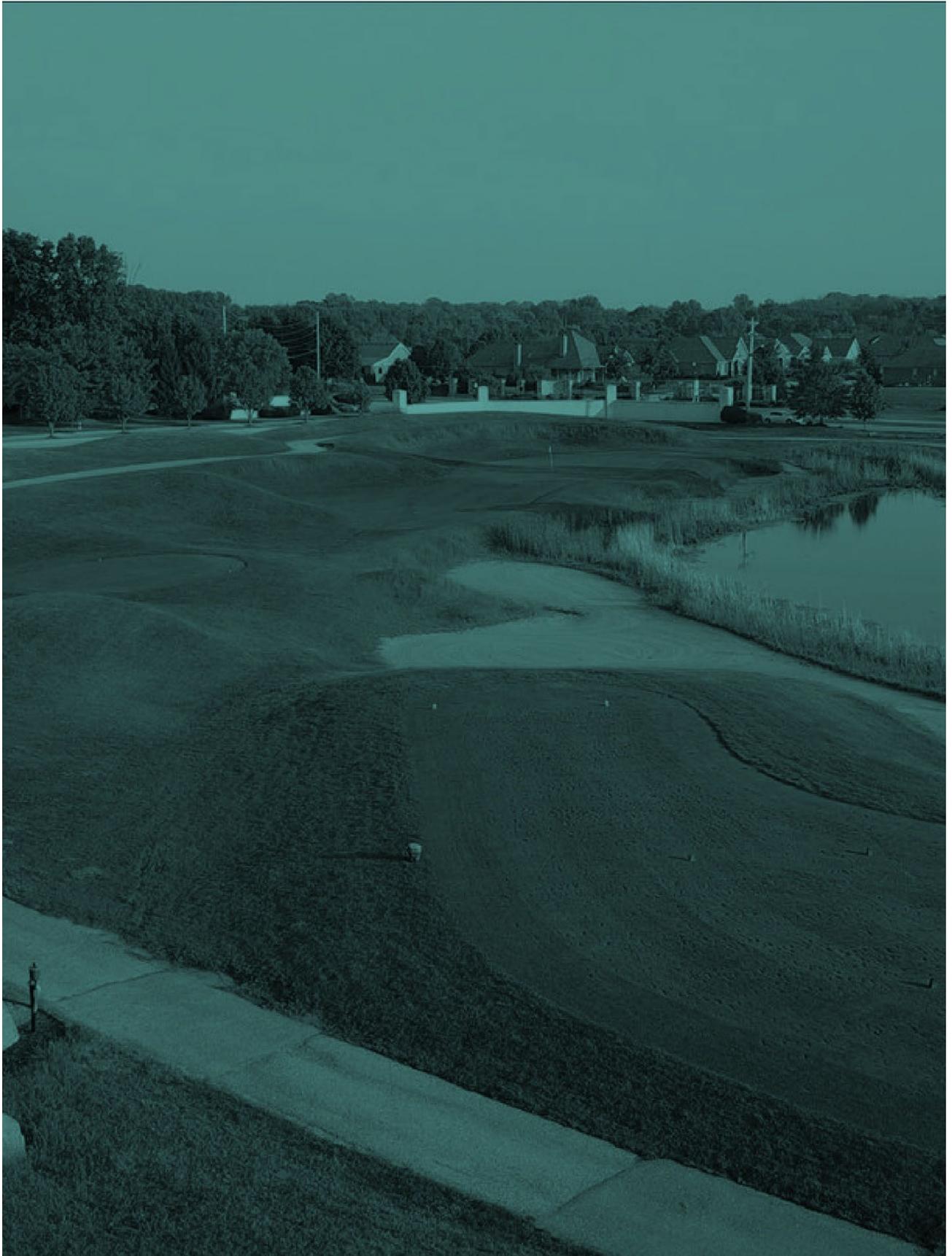
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# Chapter 1 – Introductory Provisions

- A. Title.** This ordinance shall be formally known as the “Unified Development Ordinance,” or the “UDO,” for the jurisdiction of Johnson County, Indiana.
- B. Authority.** This UDO is enacted by Johnson County pursuant to the authority granted in *IC 36-7-4* and other applicable state and federal statutes as amended from time-to-time.
- C. Purpose.** The purposes of this UDO are to:
1. Combine the Zoning Ordinance and the Subdivision Control Ordinance into a single document to reduce redundancy and improve efficiency in the application of the County’s land development regulations;
  2. Promote the public health, safety, morals, and general welfare of the jurisdiction;
  3. Guide future growth and development in accordance with the most recently adopted version of the comprehensive plan;
  4. Provide for adequate air, light, and privacy and to prevent undue congestion and overcrowding of the land;
  5. Protect and conserve the value of land, buildings, and other improvements upon the land, and to minimize the conflicts among the uses of land and buildings;
  6. Protect and conserve agricultural land, buildings, and soil to support Johnson County’s strong history as an agricultural hub;
  7. Guide public and private policy and action to assure adequate and efficient transportation, water, sewer, schools, parks, drainage, and other public requirements and facilities;
  8. Avoid scattered and uncontrolled subdivision of land that would result in an excessive expenditure of public funds for the supply of community services;
  9. Establish reasonable standards of design and minimum requirements for the creation, installation, and improvement of physical facilities which are, or will be, maintained for the benefit of the general public;
  10. Establish reasonable standards and procedures for subdivisions and resubdivisions, to further the orderly layout and use of land; and to ensure proper legal descriptions and marking of subdivided land;
  11. Prevent the pollution of air and water, including the safeguarding of the water table and drainage facilities; and the encouragement of wise use and management of natural resources to preserve the integrity, stability, natural beauty and topography, and the value of land; and
  12. Administer these regulations by defining the powers and duties of approval authorities, and the manner and form of the making, filing, and processing of any plat or other application.
- D. Compliance.** No structure shall be constructed, reconstructed, moved, converted or enlarged, nor shall any land be used or permits issued until there is full compliance with this UDO.

- E. Effective Date.** The UDO is effective upon adoption by the Johnson County Commissioners.
- F. Jurisdiction.** This UDO shall apply to land within Johnson County, Indiana, where no municipal jurisdiction has zoning powers and control as shown on the Jurisdictional Area Map, which is on file in the offices of the Johnson County Recorder and the Johnson County Department of Planning and Zoning.
- G. Repeal of Previous County Codes.** All previously adopted County ordinances and resolutions in conflict with this UDO are hereby repealed and replaced with the adoption of the UDO and official zoning map, including, but not limited to:
  - 1. Repeal of County Ordinance No. 2002-3, The Zoning Ordinance of Johnson County, Indiana; and all subsequent amendments; and
  - 2. Repeal of County Ordinance No. 2002-4, The Subdivision Control Ordinance of Johnson County, Indiana; and all subsequent amendments.

# Chapter 2 – Zoning Districts

## A. General Provisions.

### 1. Base Zoning Districts.

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

### 2. Special Zoning Districts.

Name of District	Abbreviation
Planned Unit Development	PUD
Camp Atterbury - Military	MIL
City of Edinburgh Extraterritorial Zoning District	EDIN

### 3. Overlay Zoning Districts.

Name of District	Abbreviation
Corridor Overlay District	COD
Wellfield Protection Overlay District	WPOD

- 4. Zoning District Adjustment Table.** The zoning districts which exist today are a function of the Zoning District Adjustment reflected in Appendix C, *Zoning District Adjustment Table*. This table outlines how the zoning districts were modified from the previous edition of the zoning ordinance.

## 5. Official Zoning Map.

- a. *Generally.* The Official Zoning Map is a geographic coverage layer that is maintained as part of Johnson County's geographic information system (GIS) under the direction of the Administrator. Specific boundaries which show precise locations for each zoning district are officially maintained through the GIS electronic file format.
  - b. *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.
  - c. *Undesignated Property.* It is the intent of this UDO for the entire area within the County to be assigned a zoning district. Should, however, it be determined that there is property within the County that does not have a zoning district assigned to it, then the zoning district of Agricultural (AG) shall apply.
  - d. *Interpretation of Boundaries.*
    - 1) *Boundaries to Follow Centerlines.* District boundaries shown within lines of streets, streams or shorelines, transportation rights-of-way, lot lines, or municipal corporation lines shall be deemed to follow their centerlines. The vacation of streets shall not affect the location of such district boundaries.
    - 2) *Split Zoned Lots.*
      - a) *Lots Two Acres or Less.* Whenever a single lot of two (2) acres or less in size is located within two (2) or more different zoning districts, the district regulations applicable to the district within which the larger portion of the lot lies shall apply to the entire lot.
      - b) *Lots Larger Than Two Acres.* Whenever a single lot larger than two (2) acres in size is located within two (2) or more different zoning districts, each portion of that lot shall be subject to all the regulations applicable to the district in which it is located.
    - 3) *Measurement of Boundary Lines.* Where a zoning district boundary line divides a lot and where distances from the boundary line to property lines are not specifically indicated on the zoning map, the exact boundary line location shall be determined by measurement, using the scale of the zoning map.
    - 4) *Administrator Referral to the BZA.* Should the Administrator be uncertain about the proper interpretation of zoning district boundaries, they may refer the matter to the BZA for a final judgment.
    - 5) *Appeal of Administrator's Interpretation.* An appeal of the Administrator's interpretation may be filed with the Board of Zoning Appeals (BZA) per *Sec. 8.C.6, Administrative Appeal Process.*
6. **Land Uses.** The following terms are used in *Sec. 2.B, Base Zoning Districts*, and in *Appendix A, Land Use Matrix*. The text below is intended to clarify the meaning of said terms as they relate to the aforementioned sections of the UDO.

- a. *Permitted Uses.* A permitted use is a land use that is allowed without any additional use-specific standards and can be approved administratively by the Administrator. Permitted uses are shown as a “P” in *Appendix A, Land Use Matrix*.
- b. *Use Standards.* Use standards are additional standards that apply to a specific land use in specific zoning districts as specified by this chapter. Any land use with this designation can be approved administratively, provided that the additional use standards can be met. Land uses with use standards are shown as “US” in *Appendix A, Land Use Matrix*.
- c. *Special Exception.* Land uses that require special exception approval must be approved by the BZA. The BZA shall review the use standards for each land use and may add additional standards if necessary. The specific procedures per *Sec. 8.C.7, Special Exception Process*, must be followed for special exception approval to be granted. Land uses approved through the special exception are shown as “SE” in *Appendix A, Land Use Matrix*.
- d. *Uses Not Listed.* Those uses not expressly listed as a permitted use or listed as eligible for special exception are prohibited; provided, however, it is recognized that this UDO may require interpretation to determine whether a use is consistent with a permitted use within a particular zoning district. Therefore, any use which is not specifically stated in this UDO may be reviewed by the Administrator to determine whether a particular applicant’s request is consistent with the intent of another predetermined use. In case of a disagreement with the determination of the Administrator in assigning a use to a proper land use definition or denying such use, any aggrieved party may file an appeal with the Board of Zoning Appeals pursuant to *Sec. 8.C.6, Administrative Appeal Process*.

## **7. Setbacks.**

- a. *Alternative Front Setback Compliance.* In any residential district where at least fifty percent (50%) of the lots fronting on a particular street section bounded by the nearest intersecting streets are occupied by existing residential structures, the minimum depth of a front yard for proposed new residential construction shall not be less than the average of the depths of the front yards of existing residential structures along that street. This aforementioned requirement shall apply regardless of the front setback that is designated according to the standards of *Sec. 2.B, Base Zoning Districts*, as listed below.
- b. *Front Setbacks.* Different front setbacks exist for primary buildings depending on the street functional classification as defined by the Indiana Department of Transportation (INDOT). The higher classification roads will have a greater setback than the lower classification roads.

## **8. Additional Standards.** The standards of this chapter are applied in addition to all other standards within this UDO, including but not limited to *Chapter 3, Site Standards; Chapter 4, Use Standards; Chapter 5, Subdivision Types; and Chapter 6, Subdivision Standards*.

**B. Base Zoning Districts**

**1. Parks and Recreation (PR).**

- a. *Purpose.* The purpose of this district is to provide space within the County for the preservation of green space and public recreation areas. The district focuses on uses that provide residents with opportunities for outdoor recreation and other public amenities.
- b. *Land Uses.*

Permitted Uses			
Automated Teller Machine (ATM)	Community Garden	Dairy	Essential Services
Governmental Service (Police, Fire, Emergency Medical Services) <sup>1</sup>	Library <sup>1</sup>	Livestock Raising	Museum / Gallery <sup>1</sup>
Park and Recreation Facilities, Active	Park and Recreation Facilities, Passive	Place of Public Assembly, Indoor <sup>1</sup>	Row Crops
Senior Services Care Center <sup>1</sup>			
Use Standards			
Accessory Structure	Cemetery <sup>1</sup>	Greenhouse / Nursery	Hotel <sup>1</sup>
Office, General <sup>1</sup>	Schools <sup>1</sup>	Shooting / Archery Range, Outdoor	Special Events
Recreational Vehicle Park and Campground <sup>1</sup>	Temporary Structures		
Special Exceptions			
Agritourism	Solar Energy System, Accessory	Solar Energy System, Commercial	Roadside Agricultural Produce Stands
Wind Energy System, Accessory	Wind Energy System, Commercial		
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.			

c. Dimensional Standards.

Lot and Building Standards				
Min. Lot Size	Min. Lot Width	Max. Lot Coverage	Max. Building Height	Min. Dwelling Size
2 acres	200 ft.	25%	50 ft.	N/A
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.		

**2. Agricultural District (AG).**

a. *Purpose.* The purpose of this 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. The district intentionally limits broad residential uses to provide for large areas of contiguous farm land.

b. *Land Uses.*

Permitted Uses			
Community Garden	Dairy	Essential Services	Governmental Service (Police, Fire, EMS) <sup>1</sup>
Grain Elevator	Home Occupation	Library <sup>1</sup>	Livestock Raising
Park and Recreation Facilities, Passive	Passenger Terminal	Roadside Agricultural Produce Stand	Row Crops
Schools <sup>1</sup>	Single-Family Detached Dwelling		
Use Standards			
Accessory Dwelling Unit, Attached	Accessory Dwelling Unit, Detached	Accessory Structure	Cemetery <sup>1</sup>
Child Care Home	Home Business	Greenhouse / Nursery	Kennel
Livestock Production	Place of Public Assembly, Indoor <sup>1</sup>	Short-Term Rental	Special Event
Temporary Structures	Veterinary Clinic and/or Service <sup>1</sup>		
Special Exceptions			
Airport / Heliport	Agritourism	Cellular Communications Facilities (CCF) <sup>1</sup>	Farm Equipment and Repair Store
Landfill	Landscaping Supply Store	Livestock Production	Recreational Vehicle Park and Campground <sup>1</sup>
Sawmill / Timber Processing	Shooting / Archery Range, Outdoor	Solar Energy System, Accessory	Solar Energy System, Commercial
Wind Energy System, Accessory	Wind Energy System, Commercial		
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.			

c. Dimensional Standards.

Lot and Building Standards				
Min. Lot Size	Min. Lot Width	Max. Lot Coverage	Max. Building Height	Min. Dwelling Size
2 acres	200 ft.	25%	50 ft.	900 sq. ft.
Front Setbacks				
Interstate / Principal Arterial	Minor Arterial	Collector	Local	
60 ft.	50 ft.	40 ft.	35 ft.	
Side Setback	Interior Setback <sup>1</sup>	Rear Setbacks		
10 ft.	10 ft.	<u>Primary Buildings:</u> 20 ft. <u>Accessory Structures:</u> 10 ft.		
Note: 1. Refers to the distance between a Single-Family Detached Dwelling and an Accessory Dwelling Unit, Detached.				

**3. Agricultural / Residential District (AR).**

- a. *Purpose.* The purpose of this district is to provide for a variety of less intensive agricultural uses, while accommodating some low-density single-family detached dwellings and subdivisions in appropriate locations. This district preserves the rural character of the County while also providing for large lot development.
- b. *Land Uses.*

Permitted Uses			
Community Garden	Essential Services	Governmental Service (Police, Fire, EMS) <sup>1</sup>	Home Occupation
Library <sup>1</sup>	Park and Recreation Facilities, Passive	Passenger Terminal	Roadside Agricultural Produce Stand
Row Crops	Schools <sup>1</sup>	Single-Family Detached Dwelling	
Use Standards			
Accessory Dwelling Unit, Attached	Accessory Dwelling Unit, Detached	Accessory Structure	Cemetery <sup>1</sup>
Child Care Home	Home Business	Greenhouse / Nursery	Kennel
Livestock Raising	Place of Public Assembly, Indoor <sup>1</sup>	Short-Term Rental	Special Event
Temporary Structures	Veterinary Clinic and/or Service <sup>1</sup>		
Special Exceptions			
Cellular Communications Facilities (CCF) <sup>1</sup>	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.			

c. Dimensional Standards.

Lot and Building Standards				
Min. Lot Size	Min. Lot Width	Max. Lot Coverage	Max. Building Height	Min. Dwelling Size
1 acre <sup>1</sup>	100 ft.	25%	35 ft. <sup>2</sup>	900 sq. ft.
Front Setbacks				
Interstate / Principal Arterial	Minor Arterial	Collector	Local	
60 ft.	50 ft.	40 ft.	35 ft.	
Side Setback	Interior Setback <sup>3</sup>	Rear Setbacks		
10 ft.	10 ft.	<u>Primary Buildings:</u> 20 ft. <u>Accessory Structures:</u> 10 ft.		
<p><b>Note:</b> 1. If a public sanitation system 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.            3. Refers to the distance between a Single-Family Detached Dwelling and an Accessory Dwelling Unit, Detached.</p>				

**4. Single-Family Dwelling Residential District (SR).**

a. *Purpose.* The purpose of this district is to provide for single-family detached dwelling subdivisions with a more compact development pattern and less agricultural uses than the Agricultural / Residential (AR) district. These districts should be located close by or adjacent to public water and sewer systems and close to the established boundaries of incorporated municipal governments within the County. Limited civic uses are also available, provided that they blend into the neighborhood.

b. *Land Uses.*

Permitted Uses			
Community Garden	Essential Services	Governmental Service (Police, Fire, EMS) <sup>1</sup>	Greenhouse / Nursery
Home Occupation	Library <sup>1</sup>	Park and Recreation Facilities, Active	Park and Recreation Facilities, Passive
Passenger Terminal	Schools <sup>1</sup>	Single-Family Detached Dwelling	
Use Standards			
Accessory Structure	Accessory Dwelling Unit, Attached	Accessory Dwelling Unit, Detached	Cemetery <sup>1</sup>
Child Care Home	Home Business	Livestock Raising	Place of Public Assembly, Indoor <sup>1</sup>
Short-Term Rental	Special Events	Temporary Structures	
Special Exceptions			
Cellular Communications Facilities (CCF) <sup>1</sup>	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.			

c. Dimensional Standards.

Lot and Building Standards				
Min. Lot Size	Min. Lot Width	Max. Lot Coverage	Max. Building Height	Min. Dwelling Size
13,000 sq. ft. <sup>1</sup>	80 ft.	35%	35 ft. <sup>2</sup>	1600 sq. ft.
Front Setbacks				
Interstate / Principal Arterial	Minor Arterial	Collector	Local	
60 ft.	50 ft.	40 ft.	30 ft.	
Side Setback	Interior Setback <sup>3</sup>	Rear Setbacks		
10 ft.	10 ft.	<u>Primary Buildings:</u> 20 ft. <u>Accessory Structures:</u> 10 ft.		
<b>Notes:</b> 1. If public sanitation system 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. 3. Refers to the distance between a Single-Family Detached Dwelling and an Accessory Dwelling Unit, Detached.				

**5. Duplex Residential District (DR).**

- a. *Purpose.* The purpose of this district is to provide for residential subdivisions that permit both single-family dwelling residential units and duplexes. This district provides for a subdivision with higher density than the Single-Family Dwelling Residential District (SR) while maintaining a traditional residential neighborhood look and feel. Duplexes and limited civic options are available, provided that they blend into the neighborhood.
- b. *Land Uses.*

Permitted Uses			
Community Garden	Duplex	Essential Services	Governmental Service (Police, Fire, EMS) <sup>1</sup>
Home Occupation	Library <sup>1</sup>	Park and Recreation Facilities, Active	Park and Recreation Facilities, Passive
Passenger Terminal	Schools <sup>1</sup>	Single-Family Detached Dwelling	
Use Standards			
Accessory Structure	Child Care Home	Place of Public Assembly, Indoor <sup>1</sup>	Short-Term Rental
Special Events	Temporary Structures		
Special Exceptions			
Cellular Communications Facilities (CCF) <sup>1</sup>	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.			

c. Dimensional Standards.

Lot and Building Standards				
Min. Lot Size	Min. Lot Width	Max. Lot Coverage	Max. Building Height	Min. Dwelling Size
13,000 sq. ft. <sup>1</sup>	70 ft.	35%	35 ft.	900 sq. ft.
Front Setbacks				
Interstate / Principal Arterial	Minor Arterial	Collector	Local	
60 ft.	50 ft.	40 ft.	30 ft.	
Side Setback	Interior Setback <sup>2</sup>	Rear Setbacks		
10 ft.	0 ft.	<u>Primary Buildings:</u> 20 ft. <u>Accessory Structures:</u> 10 ft.		
<b>Notes:</b> 1. If a public sanitation system is not available, then the minimum lot size shall be two acres. 2. Refers to the distance between duplex units.				

**6. Multi-Family Dwelling District (MR).**

a. *Purpose.* The purpose of this district is to provide for a variety of different residential options with higher density than the SR or DR districts permit. Such housing options include Single-Family Detached dwellings, duplex, and Multi-Family dwellings. Limited civic options are available, provided that they blend into the neighborhood.

b. *Land Uses.*

Permitted Uses			
Apartment <sup>1</sup>	Community Garden	Duplex	Essential Services
Governmental Service (Police, Fire, EMS) <sup>1</sup>	Home Occupation	Library <sup>1</sup>	Park and Recreation Facilities, Active
Park and Recreation Facilities, Passive	Passenger Terminal	Place of Public Assembly, Indoor <sup>1</sup>	Single-Family Detached Dwelling
Townhouse			
Use Standards			
Accessory Structure	Child Care Home	Short-Term Rental	Special Events
Temporary Structures			
Special Exceptions			
Cellular Communications Facilities (CCF) <sup>1</sup>	Retirement Housing	Solar Energy System, Accessory	Wind Energy System, Accessory
<p>Notes:</p> <p>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.</p>			

c. Dimensional Standards.

Lot and Building Standards				
Min. Lot Size	Min. Lot Width	Max. Lot Coverage	Max. Building Height	Min. Dwelling Size
13,000 sq. ft. <sup>1</sup>	50 ft.	60%	50 ft.	750 sq. ft.
Front Setbacks				
Interstate / Principal Arterial	Minor Arterial	Collector	Local	
60 ft.	50 ft.	40 ft.	35 ft.	
Side Setback	Interior Setback <sup>3</sup>	Rear Setbacks		
10 ft. <sup>2</sup>	0 ft.	<u>Primary Buildings:</u> 20 ft. <u>Accessory Structures:</u> 10 ft.		
<b>Notes:</b> 1. If a public sanitation system is not available, then the minimum lot size shall be two acres. Two acres is also the minimum lot size necessary for the construction of apartments. 2. A side setback of 20 ft. is required for apartments. 3. Refers to the distance between duplex units or townhouse units.				

**7. Manufactured Home Park District (MH).**

- a. *Purpose.* The purpose of this district is to provide for a district that permits manufactured home parks along with other housing options. Limited civic land use options are also available.
- b. *Land Uses.*

Permitted Uses			
Community Garden	Essential Services	Governmental Service (Police, Fire, EMS) <sup>1</sup>	Home Occupation
Home Occupation	Library <sup>1</sup>	Park and Recreation Facilities, Active	Park and Recreation Facilities, Passive
Passenger Terminal	Place of Public Assembly, Indoor <sup>1</sup>	Single-Family Detached Dwelling	
Use Standards			
Accessory Structure	Child Care Home	Manufactured Home Park <sup>1</sup>	Temporary Structures
Special Exceptions			
Cellular Communications Facilities (CCF) <sup>1</sup>	Solar Energy System, Accessory	Wind Energy System, Accessory	
<p>Notes:</p> <p>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.</p>			

c. 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.	30 ft.	
Side Setback		Rear Setbacks		
10 ft.		<u>Primary Buildings:</u> 20 ft. <u>Accessory Structures:</u> 10 ft.		

**8. General Commercial District (GC).**

a. *Purpose.* The purpose of this district is to provide a mix of commercial, office, and civic uses which meet the needs of a countywide market.

b. *Land Uses.*

Permitted Uses			
Automobile Parking Lot (Primary Use)	Automated Teller Machine (ATM)	Bank, Credit Union, and Financial Services <sup>1</sup>	Building Materials and Hardware Store <sup>1</sup>
Community Garden	Dairy	Drive-In or Drive-Through Facility <sup>2</sup>	Essential Services
Governmental Service (Police, Fire, EMS) <sup>1</sup>	Greenhouse / Nursery	Grocery <sup>1</sup>	Hospital / Rehabilitative Care <sup>1</sup>
Hotel <sup>1</sup>	Library <sup>1</sup>	Medical Office / Clinic <sup>1</sup>	Museum / Gallery <sup>1</sup>
Office, General <sup>1</sup>	Park and Recreation Facilities, Active	Park and Recreation Facilities, Passive	Passenger Terminal
Personal Services <sup>1</sup>	Place of Public Assembly, Indoor <sup>1</sup>	Repair Service <sup>1</sup>	Research Laboratory
Restaurant <sup>1</sup>	Retail Sales <sup>1</sup>	Schools <sup>1</sup>	Senior Services Care Center <sup>1</sup>
Veterinary Clinic and/or Service <sup>1</sup>			
Use Standards			
Accessory Structure	Automobile / Vehicle Repair and Service <sup>1</sup>	Automobile / Vehicle Sales and Rental <sup>1</sup>	Bar / Brewery <sup>1</sup>
Car Wash	Cemetery <sup>1</sup>	Child Care Center <sup>1</sup>	Commercial Recreation and Amusement Services <sup>1</sup>
Heavy Equipment Sales and Rentals	Industrial and Manufacturing Product Sales and Supply <sup>1</sup>	Kennel	Manufactured Home Sales
Refueling Station <sup>1</sup>	Self-Storage, Mini-Warehouse <sup>1</sup>	Special Events	Temporary Structures
Special Exceptions			
Apartment <sup>1</sup>	Townhouse	Airport/Heliport	Cellular Communications Facilities (CCF) <sup>1</sup>
Recreational Vehicle Park and Campground <sup>1</sup>	Retirement Housing	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.			
2. Requires compliance with <i>Sec. 3.B.11, Stacking Requirements</i> .			

c. Dimensional Standards.

Lot and Building Standards				
Min. Lot Size	Min. Lot Width	Max. Lot Coverage	Max. Building Height	Min. Dwelling Size
20,000 sq. ft. <sup>1</sup>	100 ft.	60%	50 ft.	N/A
Front Setbacks				
Interstate / Principal Arterial	Minor Arterial	Collector	Local	
60 ft.	50 ft.	40 ft.	40 ft.	
Side Setback		Rear Setbacks		
10 ft.		30 ft.		
<b>Note:</b> 1. If a public sanitation system is not available, then the minimum lot size shall be two acres.				

**9. Heavy Commercial District (HC).**

- a. *Purpose.* The purpose of this district is to provide a mix of commercial, office, and civic uses which meet the needs of a countywide market while also providing for limited industrial uses within the same zoning district.
- b. *Land Uses.*

Permitted Uses			
Automated Teller Machine (ATM)	Automobile Parking Lot (Primary Use)	Bank, Credit Union, and Financial Services <sup>1</sup>	Building Materials and Hardware Store <sup>1</sup>
Car Wash	Community Garden	Drive-In or Drive-Through Facility <sup>2</sup>	Essential Services
Farm Equipment and Repair Store	Governmental Service (Police, Fire, EMS) <sup>1</sup>	Greenhouse / Nursery	Heavy Equipment Sales and Rentals
Hospital / Rehabilitative Care <sup>1</sup>	Landscaping Supply Store	Library <sup>1</sup>	Medical Office / Clinic <sup>1</sup>
Museum / Gallery <sup>1</sup>	Office, General <sup>1</sup>	Park and Recreation Facilities, Active	Park and Recreation Facilities, Passive
Passenger Terminal	Personal Services <sup>1</sup>	Place of Public Assembly, Indoor <sup>1</sup>	Refueling Station <sup>1</sup>
Repair Service <sup>1</sup>	Research Laboratory	Restaurant <sup>1</sup>	Retail Sales <sup>1</sup>
Schools <sup>1</sup>	Senior Services Care Center <sup>1</sup>	Veterinary Clinic and/or Service <sup>1</sup>	Warehousing and Storage, Indoor <sup>1</sup>
Use Standards			
Accessory Structure	Automobile / Vehicle Sales and Rental <sup>1</sup>	Automobile / Vehicle Repair and Service <sup>1</sup>	Contractor's Shop
Commercial Recreation and Amusement Services <sup>1</sup>	Industrial and Manufacturing Product Sales and Supply <sup>1</sup>	Kennel	Manufactured Home Sales
Manufacturing, Light <sup>1</sup>	Hotel <sup>1</sup>	Self-Storage, Mini-Warehouse <sup>1</sup>	Special Events
Temporary Structures	Travel Center <sup>1</sup>		
Special Exceptions			
Adult Entertainment Business <sup>1</sup>	Airport / Heliport	Cargo Terminal <sup>1</sup>	Cellular Communications Facilities (CCF) <sup>1</sup>
Correctional Institution <sup>1</sup>	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.			
2. Requires compliance with <i>Sec. 3.B.11, Stacking Requirements</i> .			

c. *Dimensional Standards.*

Lot and Building Standards				
Min. Lot Size	Min. Lot Width	Max. Lot Coverage	Max. Building Height	Min. Dwelling Size
23,000 sq. ft. <sup>1</sup>	100 ft.	65%	50 ft.	N/A
Front Setbacks				
Interstate / Principal Arterial	Minor Arterial	Collector	Local	
60 ft.	50 ft.	40 ft.	40 ft.	
Side Setback		Rear Setbacks		
30 ft.		30 ft.		
<b>Note:</b> 1. If a public sanitation system is not available, then the minimum lot size shall be two acres.				

**10. Industrial District (IN).**

- a. *Purpose.* The purpose of this district is to accommodate a broad range of industrial activities, diverse in products, operational techniques, and size, which may have an impact on the surrounding environment. The uses permitted in this district generally include those manufacturing and industrial activities which cannot be operated economically without creating some conditions which may be objectionable to the occupants of adjoining properties and which, for that reason, must be grouped in areas where similar industrial uses are located.
- b. *Land Uses.*

Permitted Uses			
Automobile Parking Lot (Primary Use)	Building Materials and Hardware Store <sup>1</sup>	Car Wash	Cargo Terminal <sup>1</sup>
Essential Services	Governmental Service (Police, Fire, EMS) <sup>1</sup>	Heavy Equipment Sales and Rentals	Industrial and Manufacturing Product Sales and Supply <sup>1</sup>
Library <sup>1</sup>	Manufacturing, Light <sup>1</sup>	Outdoor Storage of Materials	Passenger Terminal
Park and Recreation Facilities, Passive	Place of Public Assembly, Indoor <sup>1</sup>	Refueling Station <sup>1</sup>	Repair Service <sup>1</sup>
Research Laboratory	Restaurant <sup>1</sup>	Schools <sup>1</sup>	Veterinary Clinic and/or Service <sup>1</sup>
Warehousing and Storage, Indoor <sup>1</sup>			
Use Standards			
Accessory Structure	Automobile / Vehicle Sales and Rental <sup>1</sup>	Automobile / Vehicle Repair and Service <sup>1</sup>	Commercial Recreation and Amusement Services <sup>1</sup>
Contractor's Shop and/or Service Yard <sup>1</sup>	Crematorium	Kennel	Manufactured Home Sales
Self-Storage, Mini-Warehouse <sup>1</sup>	Special Events	Temporary Structures	Travel Center <sup>1</sup>
Special Exceptions			
Airport / Heliport	Cellular Communications Facilities (CCF) <sup>1</sup>	Correctional Institution <sup>1</sup>	Junkyard / Salvage Yard <sup>1</sup>
Manufacturing, Heavy	Mineral Extraction	Solar Energy System, Accessory	Solar Energy System, Commercial
Wind Energy System, Accessory	Wind Energy System, Commercial		
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.			

c. *Dimensional Standards.*

Lot and Building Standards				
Min. Lot Size	Min. Lot Width	Max. Lot Coverage	Max. Building Height	Min. Dwelling Size
40,000 sq. ft. <sup>1</sup>	100 ft.	65%	50 ft.	N/A
Front Setbacks				
Interstate / Principal Arterial	Minor Arterial	Collector	Local	
60 ft.	50 ft.	40ft.	40 ft.	
Side Setback		Rear Setbacks		
50 ft.		50 ft.		
<b>Note:</b> 1. If a public sanitation system is not available, then the minimum lot size shall be two acres.				

## C. Special Zoning Districts.

### 1. Planned Unit Development (PUD).

- a. *Purpose.* The purpose of Planned Unit Development (PUD) regulations is to replace the usual development approval process with more flexible development standards to create a higher level of development for the community.
- b. *Applicability.* For property to be zoned to the PUD zoning district the following is required:
  - 1) The applicant must be able to justify that the proposed development needs to be placed into a PUD to create a higher standard of development. Under no circumstances will the PUD district be used as a mechanism to avoid the requirements of a specific zoning district.
  - 2) A threshold gross area of 25 acres or more is required. Additionally, the PUD zoning district may be applicable to any area where the applicant can demonstrate that the applicant's proposal will meet the objectives of this UDO.
  - 3) The entire tract of land involved in a PUD application must be under the control of the applicant, which may be a single person, entity, corporation, or a group of individuals, entities, or corporations. An application must be signed by the owner or owners of the land included in the tract. In the case of multiple ownership, the approved plan shall be binding on all owners.
  - 4) The development shall be approved through the rezoning process per Sec. 8.B.8, *Zoning Map Amendment (Rezoning) Process*, including the additional process for PUDs as stated in subsection (l) of Sec. 8.B.8, *Zoning Map Amendment (Rezoning) Process*.
- c. *Permitted Uses.* The following uses are permitted subject to Plan Commission approval:
  - 1) *Residential Uses:*
    - a) Areas not devoted to commercial or the required common open space (as calculated in this Chapter) may be devoted to residential uses.
    - b) Where a PUD borders an existing single-family detached dwelling or a district zoned as AG, AR, or SR; the duplex and multi-family dwelling portions of the PUD shall not be developed along the boundaries of the PUD adjacent to such use or district. Single-family detached dwelling or common open space shall border the adjacent single-family detached dwelling use or the AG, AR, or SR zoning district.
  - 2) Commercial and other non-residential uses may be included in a PUD. Such uses, their locations, and commercial area designs, shall be compatible with the residential uses proposed for the PUD.
  - 3) Industrial uses are prohibited in a PUD where residential uses are proposed.
- d. *Required Densities.*

- 1) *Residential Densities.*
    - a) *Overall.* The maximum residential density for the overall project should be no more than twenty-five percent (25%) greater than the density allowed in the zoning district which the property was previously zoned prior to its designation as a PUD (computed by comparing the total number of dwelling units to the gross land area of the project).
    - b) *Sections.* The maximum residential density for any particular section should be no more than fifteen (15) units per acre, computed by comparing the number of dwelling units within a particular section to the gross land area of that particular section.
  - 2) *Commercial Densities.* Commercial uses may occupy up to a maximum of ten (10) percent of the gross land area.
- e. *Common Open Space.* There should be at least twenty percent (20%) of the gross land area in a PUD that provides for common open space.
- 1) *Excluded from the Calculation of Common Open Space.* The following are not eligible for inclusion within the term common open space as used in this Section 2.C.1:
    - a) Street rights-of-way;
    - b) Parking areas (including any parking area required for a use that can be included within the calculation of common open space as shown below);
    - c) Slopes exceeding fifteen percent (15%)
    - d) Floodways; and
    - e) Structures (including any structure that is subordinate to a primary use that can be included within the calculation of common open space as shown below).
  - 2) *Included within the Calculation of Common Open Space.* The following are eligible for inclusion within the term common open space as used in this Section 2.C.1:
    - a) Agricultural uses, including horticulture, wholesale nurseries, the raising of crops, and buildings related to the same;
    - b) Neighborhood open spaces such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses;
    - c) Equestrian facilities provided that they consume more than three-quarters of the minimum required greenway land;
    - d) Woodlots, arboreta, and other similar silviculture uses;
    - e) Woodland preserves or other similar conservation uses;
    - f) Public park or recreation areas owned and operated by a public or private nonprofit agency, not to include business facilities, storage of materials, trucking or repair facilities, the housing of repair crews, or private or municipal sanitary landfills;

- g) Active non-commercial recreation areas, such as playing fields, playgrounds, courts and bikeways, provided such use does not consume more than half of the minimum required common open space. or five acres, whichever is less.
- h) Golf courses, provided that such use does not consume more than half of the minimum required common open space but shall not include driving ranges or miniature golf.
- i) Detention or retention ponds;
- j) Water bodies (excluding detention and retention ponds), provided that such use does not consume more than 40 percent of the required common open space.
- k) Easements for drainage, access, sewer or water lines, or other public purposes.
- l) Any other use of land that is commonly owned that is not expressly excluded or included within this Section 2.C of this UDO.

f. *Development Standards.*

- 1) There is no required standard for minimum or maximum lot size, setback, and lot width required for an application to be considered by the Plan Commission. Each application will be reviewed to ensure that the submitted plat and associated paperwork meets with quality planning practices.
- 2) Maximum building height shall be as set forth in the underlying zoning district.

g. *Utilities and Streets.* All utilities, including communication and electrical systems, shall be placed underground within the limits of a PUD. Appurtenances to these systems are permitted. The design and designation of all streets, public or private, shall be subject to the approval of the Plan Commission and in conformance with Chapter 6, *Subdivision Design Regulations*.

h. *Covenants and Maintenance.* There shall be established covenants and other similar deed restrictions which provide for the control and maintenance of all recreation facilities and common open spaces that meet the applicable requirements of subsection [e], *Common Open Space*, of this section.

i. *Improvements.* The applicant shall provide financial assurance for the satisfactory installation of all facilities in the form of bonds or such other assurances as are required in the normal procedures of platting pursuant to the provisions of Sec. 7.H, *Construction and Development Process*.

**2. Camp Atterbury – Military (MIL).**

- a. *Purpose.* The purpose of the Camp Atterbury Military District is to provide for a large area of land owned by the United States Government where military training and land uses can be housed away from the civilian population.
- b. *Applicability.* The United States Federal Government has all permitting authority within this zoning district. Johnson County does not review subdivision requests or permit requests within this zoning district.

### 3. City of Edinburgh Extraterritorial Zoning District.

- a. *Purpose.* The purpose of the City of Edinburg Extraterritorial Zoning District is to allow for the City of Edinburg to make zoning decisions within areas that are close to the City's boundaries, but not actually within the City limits.
- b. *Applicability.* The City of Edinburg has zoning authority within this zoning district. Johnson County maintains authority over subdivision regulation within this zoning district.

## D. Overlay Districts.

### 1. Corridor Overlay District (COD).

- a. *Purpose.* It is the purpose of the Corridor Overlay District (COD) to establish standards for the design of sites, buildings, structures, plantings, signs, street hardware, and such other improvements that are visible to the public and affect the physical development of land within highly trafficked and highly visible locations within the County.
- b. *Intent.* These standards are intended to:
  - 1) Promote high-quality creative development that will combine imagination, innovation, and variety in the appearance of buildings and sites in the overlay district.
  - 2) Preserve and enhance property values and to promote the public health, safety, and welfare by providing for consistent and coordinated treatment of the property encompassed by the established corridors.
  - 3) Create a setting that commands the highest standards of development, which encourages efficient use of land, promotes coordinated development, permits innovative site designs, establishes development standards, and preserves the integrity of the roadways within the corridors.
- c. *Boundaries.* The boundaries of the COD shall be one thousand (1,000) feet from the edge of the rights-of-way on both sides of the roadway for the Interstate 65, Interstate 69, US Highway 31, State Route 135, and State Route 252 corridors.
- d. *Significance.*
  - 1) Interstate 65 is a high-volume, four-lane, limited-access highway traversing eastern Johnson County through Blue River, Clark, Franklin, Needham, and Pleasant Townships. Interstate 65 is a principal regional transportation corridor linking Indianapolis with major metropolitan areas, including Chicago, Illinois and Louisville, Kentucky. Development along the corridor is expected to be at first centered on one of the three interchanges currently located in the County, and later along the corridor in general.
  - 2) Interstate 69 is a limited-access highway crossing Johnson County on a north/south axis on the west side of the County near the White River. The interstate has three interchanges that lie either in part or entirely within the County's jurisdiction of this UDO. The corridor lies in the path of the outward growth of the Indianapolis

metropolitan area and is expected to experience increased pressure for commercial development in the future. Specific design standards have been adopted for the Interstate 69 corridor.

- 3) US Highway 31 is a high-volume highway which serves as a primary roadway for both commuter traffic into Indianapolis and Marion County and as a primary roadway within the municipal limits of Greenwood, New Whiteland, Whiteland, Franklin, and Edinburgh. Although much of the highway is outside of the jurisdiction of this UDO, there are some areas that are within the County's jurisdiction. Due to the high-volume count and connection to multiple municipalities, this corridor is expected to experience increased pressure for both residential and commercial development.
  - 4) State Road 135 is a high-volume highway traversing Johnson County through White River, Union, and Hensley Townships that links the County to Indianapolis and Marion County. The northern portion of the corridor has experienced substantial commercial development, and this development pressure is expected to occur further south. Further development along State Road 135 will continue to change the rural character of this corridor into a more intense urban environment.
  - 5) State Road 252 is a high-volume highway that connects the town of Trafalgar to US Highway 31 near the community of Amity. The highway is located in the southern part of the County and is increasingly serving higher volumes of traffic, including traffic going to Franklin Flying Field. As the County's population continues to grow and becomes more developed in the southern portion of the County, this highway is expected to substantially increase in total traffic volume.
- e. *Applicability.* The standards in this district shall apply to:
- 1) All land uses within the jurisdiction of the County, with the exception of:
    - a) Agricultural uses; and
    - b) Single-family dwelling unit properties.
  - 2) All properties that are intersected by the one thousand (1,000) feet corridor from the roadway.
- f. *Prohibited Land Uses.* Regardless of whether the land use is permitted within the base zoning district in which it is located, the following land uses are prohibited within the COD:
- 1) Adult Entertainment Businesses
  - 2) Automobile / Vehicle Sales and Rental
  - 3) Automobile / Vehicle Repair and Service
  - 4) Junkyard / Salvage Yard
  - 5) Manufactured Home Parks
  - 6) Manufacturing, Heavy
  - 7) Mineral Extraction

- 8) Self-Storage, Mini-Warehouse
- 9) Warehousing and Storage, Indoor
- g. *Setbacks / Greenbelt.* Properties within the COD shall have specific corridor overlay district setbacks with the intention of creating a greenbelt. The width of the greenbelt for each COD is shown below. All widths are measured from the primary street right-of-way line.
  - 1) Interstate 65 = 50 ft.
  - 2) State Road 37 = 30 ft.
  - 3) State Road 135 = 20 ft.
  - 4) State Road 252 = 20 ft.
- h. *Building Design.*
  - 1) *Architectural Design Theme.* These architectural requirements are intended to provide consistent quality and cohesiveness of design among buildings and other improvements within the COD while providing flexibility that permits a variety of architectural design styles. All structures shall be thoughtfully designed in a manner that visually and functionally complements the character of the corridor.
  - 2) *Building Mass.* Multiple stories are encouraged, but not required. Building mass should be arranged to draw attention to main entrances and focal points of the building.
  - 3) *Building Facades.*
    - a) All building facades shall have a defined base or foundation, a middle or modulated wall, and a top formed by a pitched roof or articulated, three-dimensional cornice. Building facades over 90 feet in length shall have projecting or recessed offsets at intervals not exceeding 60 feet. Buildings less than 10,000 square feet in gross floor area shall be designed with offsets at intervals not exceeding 40 feet. Offsets shall extend the entire vertical plane of the building façade with a minimum depth of 4 feet. The aggregate length of the offset planes shall be a minimum of 20% of the length of the façade. Architectural elements, such as arcades, columns, or piers, may satisfy this requirement if they meet the minimum offset requirements.
    - b) Buildings shall be constructed with the same building material quality and level of architectural detail on all building facades (e.g. 360-degree architecture).
    - c) Design elements of the building façade shall be organized such that openings (including windows, doors, loading berths, faux windows and architectural or painted elements resembling openings) shall line up horizontally and vertically with other openings.
    - d) Openings in a building façade shall be arranged in a balanced, relatively uniform fashion. Exceptions may be permitted if openings are organized in an aesthetically pleasing manner and constitute an essential artistic design element appropriate for the building type, scale, orientation, location, and site.

- 4) *Main Entrances.* All buildings shall be designed with a main entrance and at least 2 window openings associated with the main entrance. Building entrances shall be clearly defined and articulated by multiple architectural elements such as lintels, pediments, pilasters, columns, awnings, porticos, and other design elements appropriate to the architectural theme and detailing of the building as a whole. The orientation, location, proportion, and style of the doors shall be cohesive with the architectural theme of the building.
- 5) *Building Height.* All principal structures within the COD shall have a minimum building height of 18 feet. There is no maximum building height.
- 6) *Pitched Roofs.* Pitched roofs shall be simply and symmetrically pitched and only in the configuration of gables and hips, with pitches ranging from 4:12 to 14:12. If standing seam panels are used then they shall be (1) gray, black, dark blue, dark green, barn red, or dark brown and (2) made of a non-reflective material.
- 7) *Flat Roofs.* Flat roofs are permitted if edged by a parapet wall with an articulated, three-dimensional cornice. Parapet walls shall be fully integrated into the architectural design of the building to create seamless design transitions between the main building mass and roof-mounted architectural elements (which may include screening elements for roof-mounted equipment).
- 8) *Roof Modulation.* Modulation of the roof planes and/or rooflines shall be required in order to eliminate the appearance of box-shaped buildings. Buildings shall comply with at least one of the following:
  - a) A building with a flat roof shall have varying roof height sections. A varied roof section shall have a minimum roof height difference of 5 feet from an adjacent roof section. The maximum horizontal roofline length without variation shall be 60 percent of the total length of the building facade's roof line.
  - b) A roofline modulation shall include a vertical change in the visible roofline of at least 4 feet with a minimum aggregate modulation length of 40 percent of each building façade. The maximum horizontal roofline length without modulation shall be 60 feet, or 40 feet for buildings with a gross floor area less than 10,000 square feet.
- 9) *Roof Elements.* Dormers and cupolas shall be designed with appropriate details, proportion, and style consistent with the overall building theme and roofed with symmetrical gable, hip, or barrel roofs. All visible vents, attic ventilators, turbines, flues, and other visible roof penetrations shall be either (1) painted to match the color of the roof or flat black, or (2) oriented to minimize their visibility from adjacent lots or rights-of-way.
- 10) *Gutters and Downspouts.* Gutters and downspouts shall be visually integrated with the architectural style of the structure. The color of gutters and downspouts shall be selected to complement or to be consistent with the building materials.
- 11) *Windows.* All window designs shall be compatible with the architectural theme of the building.

- a. The quantity of window panes and window openings, window trim detailing, and other design elements used to accent the windows shall be consistent with and complementary to the architectural theme of the building.
  - b. Window trim and other architectural enhancements designed to accent the windows shall be required for all windows. Acceptable design elements include shutters, keystones, masonry arches, awnings, decorative stone frames, masonry rowlock frames, or other trim or design elements as approved by the Administrator.
- 12) *Awnings*. Fixed or retractable awnings are permitted if they are compatible with the architectural theme of the building. Awnings shall be made of a non-reflective material and kept in good repair. Awnings used to comply with the architectural requirements of this district shall not be removed unless the building façade would otherwise comply with the architectural requirements without the awnings.
- 13) *Mechanical Screening*. Roof-mounted equipment on exposed roofs shall be screened from view. The appearance of roof screens shall be coordinated with the building to maintain a unified appearance. All building mechanical and electrical equipment located adjacent to the building and visible from a public right-of-way or a residentially zoned area shall be screened from view. Such screens and enclosures shall be treated as an integral element of the building's appearance.
- 14) *Accessory Buildings*. All accessory buildings which are permitted in the underlying zoning district shall be permitted within the COD, except that any detached accessory building on any lot shall be designed to be architecturally compatible with the primary structure with which it is associated. All accessory buildings shall have a roof.
- i. *Building Materials*.
- 1) *Permitted Materials*. Building facades may be constructed from masonry or glass, as defined below, or other materials or products which provide the same desired stability and quality, such as composite stone, plaster, or Exterior Insulation and Finish Systems (EIFS). Products other than those listed must be approved by the Plan Commission or Director.
- a. Masonry includes all masonry construction which is composed of solid, cavity, faced, or veneered-wall construction, unless otherwise approved by the Administrator. Stone material used for masonry construction may consist of granite, sandstone, slate, limestone, marble, or other hard or durable all-weather stone. Ashlar, cut stone, and dimensioned stone construction techniques are acceptable. Brick material used for masonry construction shall be composed of hard fired (Kiln-fired) all-weather standard size brick or other all-weather facing brick. Fiber cement siding is not considered masonry.
  - b. Glass includes glass curtain walls or glass block construction. A glass curtain wall shall be defined as an exterior wall which carries no floor or roof loads, and which may consist of a combination of metal, glass and other surfacing materials supported in a metal framework.
- 2) *Prohibited Materials*. Exterior metal walls, vinyl siding, and aluminum siding shall be prohibited on all buildings within the COD.

- 3) *Material Proportions.* Masonry materials are the preferred and primary building material used on buildings within the district. A minimum of 60 percent of each building façade exclusive of doors, windows (including faux windows and glazing), and loading berths, shall be covered with masonry. No more than 25 percent of each building façade exclusive of doors, windows (including faux windows and glazing), and loading berths, shall be covered with fiber cement siding, polymeric cladding, EIFS, or stucco.
  - 4) *Building Maintenance.* The exposed walls and roofs of buildings shall be maintained in a clean, orderly, and attractive condition, free of cracks, dents, punctures, breakage, and other forms of visible marring. Materials that become excessively faded, chalked or otherwise deteriorated shall be refinished, repainted or replaced.
- j. *Signage Standards.*
- 1) Signage shall be designed to be an integral part of the architectural and landscaping plans. The colors, materials, and style of signage shall be architecturally compatible and accentuate the buildings and landscaping on the site. The colors, materials, and lighting of every sign shall be restrained.
  - 2) All signs, with the exception of private traffic directional signs, are prohibited within the greenbelt.
  - 3) Private traffic directional signs and pavement markings for the direction and control of traffic into, out of, and within the site shall conform to the Manual on Uniform Traffic Control Devices (MUTCD), as published by the Indiana Department of Highways.
  - 4) Off-premises signs shall be prohibited in the COD, with the exception of the interstate corridors (I-65 and I-69). This prohibition includes properties that would otherwise be permitted to have an off-premise sign because of the property's underlying zoning district of either GC, HC, or IN.
  - 5) Within the interstate corridors, off-premise signs shall only be installed:
    - a) On properties zoned as GC, HC, or IN.
    - b) A minimum distance of one thousand (1000) feet of separation is maintained between another off-premise sign.
    - c) A minimum distance of one thousand (1,000) feet from a residential district, residential use, or local, state, or federally created historic district; and
    - d) A minimum distance of twenty (20) feet from any property line.
  - 6) Unless otherwise stated within this UDO, all on-premise signage shall conform to the standards and requirements of the underlying zoning district.
- k. *Landscaping.*
- 1) *Applicability.* Unless otherwise stated, the requirements of this Section 2.D.1.i shall be in addition to the general landscaping and buffering requirements of Sec. 3.C, *Landscaping, Buffering, and Fencing.*

- 2) *Landscaping Plans.* A landscaping plan as part of an overall development plan (see *Sec. 8.B.9, Development Plan Process*) is required to ensure that the requirements of the landscaping plan are followed.
  - 3) *Greenbelt.* The greenbelt shall be suitably landscaped. Mounding and other innovative treatments are to be especially encouraged in this area.
  - 4) *Landscaping Standards.* See *Sec. 3.C.2, Landscaping Requirements.*
- l. *Parking Requirements.* Parking is to be discouraged within the greenbelt when other suitable areas for parking exist on the property; however, a maximum of twenty percent (20%) private parking may be permitted in the area between the front yard setback and the building(s). Efforts to break up large expanses of pavement are to be encouraged by the interspersing of appropriate planting areas wherever possible. The number of parking spaces required is as established in *Sec. 3.B.2, Required Off-Street Parking*, depending upon the zoning and the intended land use. All parking standards shall comply with all provisions of *Sec. 3.B, Parking, Loading, and Stacking.*
- m. *Access Management.*
- 1) *Generally.* In order to provide safe and efficient traffic movement to and from adjacent lands and to protect the functional integrity of the corridor's primary thoroughfares, in many cases, frontage roads, access roads, and distributor roads will have to be built. Such roads shall be coordinated with those of continuous lots and designed to preserve the aesthetic benefits provided by the greenbelt areas. Access at the side or rear of buildings is encouraged. New access points onto the primary thoroughfares in the corridor shall be coordinated with existing access points whenever possible.
  - 2) *Distance Requirement.* Curb cuts shall be established no closer than one (1) for each four hundred (400) feet of frontage. No curb cuts shall be allowed within two hundred (200) feet of any intersection of public rights-of-way. Opposing curb cuts shall align squarely or be offset no less than two hundred (200) feet.
- n. *Outdoor Storage Prohibited.* No outside, unenclosed storage of refuse (whether or not in containers) shall be permitted on any lot. All refuse shall be contained completely within the principal or accessory building(s).
- o. *Loading Berth Requirements.* Loading berth requirements shall be as specified in the underlying zoning district, except that any loading or unloading berth or bay shall be screened from view beyond the site by landscaping or other screening.
- p. *Drive-Thru Facilities.* Drive-thru windows shall not be visible from right-of-way of a roadway that has been designated within the COD.

## **2. Wellfield Protection Overlay District (WPOD).**

- a. *Purpose.* It is the purpose of the Wellfield Protection Overlay District (WPOD) to create and establish regulations and a map for the Wellfield Protection Zones. The key findings and reasons for this purpose are listed below.

- 1) The safety and potability of the community's water supply requires that lands near wellfields used to supply water for public purpose be subject to land use controls designed to prevent site development that is injurious to the public water supply;
- 2) Commercial and industrial uses, if unregulated, have an immediate probability of permitting the introduction of toxic substances into the water supply;
- 3) Local water utilities, in compliance with Indiana Department of Environmental Management mandates for community public water systems, are presently establishing wellfield protection programs as a first step towards protecting their public water supply wellfields;
- 4) All public water supplies in Johnson County are totally dependent on groundwater as the source for public water supplies; and
- 5) Existing and future development in Johnson County is dependent on the availability of a safe and dependable supply of drinking water.

b. *Applicability.*

- 1) *Land Use Regulations.* The requirements of this Section 2.D.2 apply to all land within the Wellfield Protection Zones, as established in *Sec. 2.D.2.c, Establishment of Wellfield Protection Zones*, with the exception of the following land uses:
  - a) *Agricultural Uses.* The following agricultural uses are exempted from the WPOD:
    - (1) Community Garden;
    - (2) Dairy;
    - (3) Grain Elevator;
    - (4) Greenhouse / Nursery;
    - (5) Livestock Production;
    - (6) Livestock Raising; and
    - (7) Row Crops.
  - b) *Residential Uses.* The following residential uses are exempted from the WPOD when said uses are connected to a municipal sanitary and storm sewer.
    - (1) Single-Family Detached Dwelling;
    - (2) Duplex;
    - (3) Townhouse;
    - (4) Apartment;
    - (5) Manufactured Home Park;
    - (6) Accessory Dwelling Unit, Attached;
    - (7) Accessory Dwelling Unit, Detached;
    - (8) Child Care Home;

- (9) Home Business;
  - (10) Home Occupation; and
  - (11) Short-Term Rental.
- 2) *Application Required.* No building, structure, premises, or part thereof shall be constructed, erected, enlarged, extended, or relocated except in conformity with all provisions of this UDO. An application to develop on the proposed site, which includes a land use description, is required to be filed and approved by the Administrator prior to any work commencing.
- c. *Establishment of Wellfield Protection Zones.* For the purposes of this UDO, the following areas are designated as zones within the WPOD:
- 1) *Zone 1.* The area contained within a one (1) year time-of-travel to a public water supply well or wellfield, as defined by a modeled delineation performed in compliance with 327 IAC 8-4.1.
  - 2) *Zone 2.* The area contained within a five (5) year time-of-travel to a public water supply well or wellfield, as defined by a modeled delineation performed in compliance with 327 IAC 8-4.1.
- d. *Development Standards and Prohibitions within Zone 1 and Zone 2.*
- 1) *Sewer Connections.* Except for single-family detached dwellings [with sewage flows under seven-hundred and fifty (750) gallons per day], all development shall be connected to municipal sanitary sewers or combined sewers. Floor drains, if present, must be connected to sanitary sewers or combined or routed to a temporary holding area for removal.
  - 2) *Prohibitions.* No surface impoundments, pits (including borrow pits), ponds, dry wells, or lagoons shall be established except for:
    - a) Stormwater detention and retention ponds;
    - b) Recreation, landscaping, or public water supply purposes; and
    - c) Sand and gravel mining.
  - 3) *Above Ground Storage of Liquids in Excess of 40 Gallons.* All above-ground storage of liquids in excess of forty (40) gallons for more than twenty-four (24) hours must provide secondary containment which meets the following requirements:
    - a) Containment must be capable of containing one-hundred and ten percent (110%) of the volume of the tank or tanks;
    - b) Constructed to meet one of the following:
      - (1) Designed to prevent and control the escape of the contaminant(s) into groundwater for a minimum of seventy-two (72) hours before removal; or
      - (2) Designed and built with an outer shell and a space between the tank wall and outer shell that allows and includes interstitial monitoring.

- c) The secondary containment structure shall be properly maintained and shall be free of vegetation, cracks, open seams, open drains, siphons, or other openings that jeopardize the integrity of the structure; and
  - d) Secondary containment systems shall be designed so that the intrusion of precipitation is inhibited or that stormwater is removed to maintain system capacity.
- 4) *Class V Injection Wells.* All Class V Injection Wells (including but not limited to dry wells, large capacity cesspools, motor vehicle waste disposal wells, or other injection wells as defined at *40 CFR 146*) shall be prohibited with the exception of the following:
- a) Air conditioning return flow wells used to return to the supply aquifer the water used for heating or cooling in a heat pump, if non-contact;
  - b) Cooling water return flow wells used to inject water previously used for cooling, if non-contact;
  - c) Barrier recharge wells used to replenish the water in an aquifer or to improve groundwater quality, provided the injected fluid does not contain potential groundwater contaminants; and
  - d) Wells associated with the recovery of geothermal energy for heating, aquaculture, and production of electric power, if non-contact.
- 5) *Bulk Delivery of Liquids.* The transfer area for bulk delivery of liquids shall be required to accommodate and contain a release that occurs during loading and unloading of a tank as follows:
- a) The liquid transfer area shall be constructed in a manner to prevent a release in the transfer area from reaching the groundwater; and
  - b) The portion of the liquid transfer area intended to contain releases shall be maintained so that it is free of vegetation, cracks, open seams, open drains, siphons, or other openings that jeopardize the integrity of the area.
- 6) *Solid Waste Disposal.* No disposal of solid waste, as defined at *329 IAC 10-2-174*, or other hazardous materials, as defined at *40 CFR Part 355*, shall be permitted.
- e. *Development Standards and Prohibitions within Zone 1.*
- 1) *Detention and Retention Ponds.* Detention and retention ponds shall be constructed in a manner that provides an effective barrier to the migration of potential groundwater contaminants into groundwater, as demonstrated by sealing the bottom of the structure with clay or other approved low permeability material, excluding sand and gravel pits.
  - 2) *New Storage Areas.* The following restrictions apply to new storage areas.
    - a) No above-ground storage of fuel of greater than ten thousand (10,000) gallons in aggregate.

- b) No above-ground storage of liquid greater than one thousand (1,000) gallons in aggregate.
  - c) No storage of water-soluble solids of more than six thousand (6,000) pounds per container in any one (1) containment area.
  - d) No new underground storage tanks (USTs) are permitted.
  - e) All facilities with chemicals stored on-site of any volume greater than one (1) gallon or ten (10) pounds must submit a list of chemicals to local emergency planning committee (LEPC) and water utilities, make a hazard determination, ensure the containers of chemicals have labels, and have available a Safety Data Sheet (SDS) for each chemical used or produced on-site. These requirements are required to be met with any addition or removal of a chemical.
- 3) *Existing Fuel Dispensing Facilities.* The following requirements apply to existing fuel dispensing facilities and associated underground storage tanks (USTs) which are to be replaced or upgraded:
- a) All USTs shall be double-walled;
  - b) All USTs shall include the following three (3) methods of release detection:
    - (1) Inventory control as defined in *40 CFR 280.43(a)*;
    - (2) Monthly 0.2 in-tank leak test as defined in *40 CFR 280.43(d)*; and
    - (3) Interstitial monitoring of double-walled approved UST as defined by *40 CFR 280.43(g)*.
  - c) Connected piping must include the following three (3) methods of release detection:
    - (1) Inventory control;
    - (2) Continuous detection for three (3) gallon per hour line leak, as specified in *40 CFR 280.44(a)*, except that automatic shutoff is required at ninety-five (95%) tank capacity; and
    - (3) Double-walled line which is continuously monitored to detect the presence of liquid in the interstitial space and provided an alarm as specified in *40 CFR 280.44(c)* via *40 CFR 280.43(g)*.
- f. *Development Standards and Prohibitions Within Zone 2.* The requirements of *40 CFR Part 280* apply to all existing, registered USTs that are replaced or upgraded and USTs installed at new fuel dispensing facilities. In addition, the construction standards of *40 CFR Part 280*, applicable to non-petroleum USTs, shall be applicable to the following in Zone 2:
- a) A tank that is covered by State or Federal Hazardous Waste regulations; and
  - b) Heating oil tanks for on-site use.
- g. *Table of Standards and Prohibitions by Land Use Wellfield Protection Zones.*

Land Use	Zoning District	
	Zone 1 (One Year TOT)	Zone 2 (Five Year TOT)
Sanitary landfills	Prohibited	Prohibited
On-site Sewage Disposal (Commercial Facilities)	Prohibited	Prohibited
Sand and Gravel Mining	<p>Allowed</p> <ul style="list-style-type: none"> <li>• Must be “wet excavation”</li> <li>• Excavation can be filled only with clean fill</li> </ul>	<p>Allowed</p> <ul style="list-style-type: none"> <li>• Must be “wet excavation”</li> <li>• Excavation can be filled only with clean fill</li> </ul>
Surface Impoundments (e.g., pits, ponds & lagoons)	<p>Prohibited</p> <ul style="list-style-type: none"> <li>• Exceptions for stormwater, recreation, sand and gravel mining</li> </ul>	<p>Prohibited</p> <ul style="list-style-type: none"> <li>• Exceptions for stormwater, recreation, sand and gravel mining</li> </ul>
Detention and Retention Basins	<p>Allowed</p> <ul style="list-style-type: none"> <li>• Must be lined</li> </ul>	No Restrictions
New ASTs (Fuel, < 10,000 gallons)	Allowed	Allowed
New ASTs (> 1,000 gallons)	Prohibited	<p>Allowed</p> <ul style="list-style-type: none"> <li>• Must have secondary containment at 110% of volume</li> </ul>
New ASTs (< 1,000 gallons)	<p>Allowed</p> <ul style="list-style-type: none"> <li>• Must have secondary containment at 110% of volume</li> </ul>	<p>Allowed</p> <ul style="list-style-type: none"> <li>• Must have secondary containment at 110% of volume</li> </ul>
Existing ASTs	<p>Allowed</p> <ul style="list-style-type: none"> <li>• Must have secondary containment at 110% of volume</li> </ul>	<p>Allowed</p> <ul style="list-style-type: none"> <li>• Must have secondary containment at 110% of volume</li> </ul>
Storage of Water-Soluble Solids	<p>Prohibited (In excess of 6,000 lbs.)</p>	<p>Allowed</p> <ul style="list-style-type: none"> <li>• Must prevent release to ground, and</li> <li>• Be appropriately maintained</li> </ul>
New USTs	Prohibited	<p>Allowed</p> <ul style="list-style-type: none"> <li>• Must meet all requirements of 40 CFR Part 280</li> </ul>
Existing USTs	<p>Allowed</p> <ul style="list-style-type: none"> <li>• Must be double-walled</li> <li>• Must include leak detection (40 CFR 280.43)</li> <li>• Must have release detection on connection piping (40 CFR 240.44)</li> </ul>	<p>Allowed</p> <ul style="list-style-type: none"> <li>• Must meet all requirements of 40 CFR Part 280</li> </ul>
Class V Injection Wells (e.g., dry wells)	Prohibited	Prohibited

Land Use	Zoning District	
	Zone 1 (One Year TOT)	Zone 2 (Five Year TOT)
Liquid Transfer Areas	<p>Allowed</p> <ul style="list-style-type: none"> <li>• Must prevent release to ground, and</li> <li>• Must be appropriately maintained</li> </ul>	<p>Allowed</p> <ul style="list-style-type: none"> <li>• Must prevent release to ground, and</li> <li>• Must be appropriately maintained</li> </ul>

# Chapter 3 – Site Standards

## A. Residential Design Standards.

### 1. Purpose and Applicability.

- a. *Purpose.* The purpose of the residential design standards is to provide for a set of regulations above the building codes that have been enacted by the County to create a high-quality development that will be appealing to residents.
- b. *Applicability.* These design standards shall apply to all single-family detached dwelling and duplex residential development in all major residential subdivisions platted after the effective date of this UDO.

### 2. Exterior Materials. A primary dwelling's exterior materials, excluding windows, entry doors, overhead doors, and associated trim, shall include the following in any combination:

- a. Brick, stone, or other traditional masonry media laid individually and adhered by mortar;
- b. Wood siding, cement-based siding, resin-bound engineered wood siding, or an equivalent-quality siding material;
- c. Galvanized or galvalume metal panel or siding; glass, stucco, or pre-cast concrete panel; or
- d. Exterior Insulation and Finish System (EIFS) and heavy-grade vinyl siding (minimum 0.044-inch) which are permitted only on a dwelling's rear elevation and may account for no more than forty percent (40%) of that rear elevation's area. However, single-family detached dwellings in the DR and MR zoning districts may employ EIFS or heavy-grade vinyl siding on any of a dwelling's elevations but on no more than fifty percent (50%) of a dwelling's total elevation area.

### 3. Windows. There shall be at least two (2) windows per floor on building facades facing a street, a rear lot line, or common open space, and at least one (1) window per floor on building facades facing a side lot line. To count toward this requirement, a window must have an area of at least eight (8) square feet.

### 4. Eaves. Primary dwellings shall provide minimum twelve (12) inch eaves, measured from framing, along all facades.

### 5. Roofs.

- a. Roofs shall be surfaced with asphalt shingle, industry-approved synthetic shingle, slate, shake, standing seam metal, or tile.
- b. Sloped main roofs shall have a minimum pitch of 6/12 or greater. However, lower-pitched roofs historically associated with a clearly established architectural idiom, such as Craftsman, Prairie, Italianate, Federal, Spanish, and bungalow, shall be permitted at the Administrator's discretion.
- c. Flat roofs shall require parapet screening, which shall be completely obscured from ground view. All rooftop mechanical equipment and facilities shall be constructed of the same material as the primary façade.

## **6. Attached Garages.**

- a. No more than two (2) car bays may share a common garage door.
- b. A dwelling's aggregate garage door width may not exceed forty percent (40%) of the total width of the dwelling. However:
  - 1) There is no aggregate garage door width limitation for side entry (45- to 90-degree) attached garages, for attached garages offset twenty (20) feet or more behind the front façade of a dwelling, or for three-car attached garages.
  - 2) Aggregate garage door width may be up to fifty percent (50%) of the total width of the dwelling if at least two (2) of the following architectural elements are provided: decorative garage door, garage door windows, embellishing masonry, or similar enhancing architectural elements. Appropriate architectural elements shall be determined by the Administrator. The Administrator's decision may be formally appealed to the Board of Zoning Appeals (BZA).

## **7. Architectural Diversity.**

- a. Adjoining lots shall not be developed with the same primary dwelling building model. Here, "primary dwelling building model" shall refer to the dwelling's architectural elevations, rather than its interior floor plan.
- b. No more than thirty percent (30%) of the lots on a block may be developed with the same primary dwelling building model.
- c. Variety in primary dwelling building models shall be based on architectural articulation, fenestration, use of exterior materials and colors, massing, and silhouette with regard to all four (4) building elevations.
- d. The developer may propose an alternative method for meeting these architectural diversity regulations. Such method may be approved by the Administrator if it is deemed to meet or exceed the purpose of these regulations. The Administrator's decision may be formally appealed to the Board of Zoning Appeals.

## **B. Parking, Loading, and Stacking.**

### **1. Purpose and Applicability.**

- a. *Purpose.* The purpose of this Section 3.B is to ensure that:
  - 1) Adequate off-street parking is provided;
  - 2) Standards are established for the functional design of off-street parking facilities;
  - 3) Sufficient parking is provided in non-residential areas that are near residential neighborhoods so that the character and quality of life in the residential neighborhoods are protected from overflow parking;
  - 4) Adequate loading areas are provided that do not interfere with the function of other vehicular use areas;
  - 5) Adequate stacking areas are provided to ensure safe and efficient circulation within sites that contain drive-in or drive-through uses; and

- 6) Access to sites is managed to maintain the desired function and safety of the adjacent street(s).
- b. *Applicability.* Off-street parking and loading provisions of this Section 3.B shall apply as follows:
- 1) For all structures erected and all uses of land established after the effective date of this UDO, accessory parking and loading facilities shall be provided as required by these regulations.
  - 2) When the intensity of use of any structure or premises is increased through the addition of dwelling units, floor area, beds, seating capacity, or other unit of measurement, parking and loading facilities as required herein shall be provided for such increase in intensity or use.
  - 3) Whenever the existing use of a structure is changed to a new use, parking or loading facilities shall be provided as required for such new use.
  - 4) Off-street parking facilities required herein shall not be used for the repair, dismantling, or wrecking of any vehicles, equipment, or material.
  - 5) Off-street parking and loading spaces shall be provided on the same lot as the use served except as otherwise provided in the UDO. Adequate area shall be provided to permit any maneuvering necessary to reach off-street parking and loading areas.

## **2. Required Off-Street Parking.**

- a. *Number of Off-Street Parking Spaces.* The number of off-street parking spaces for each new use shall be provided in accordance with *Table 3.1, Off-Street Parking Requirements*.
- b. *Cumulative Calculation.* In determining the number of parking spaces required for more than one (1) use on a particular parcel of property, the Administrator may determine the total number of parking spaces required by adding the amount of spaces required for each specific activity as listed in *Table 3.1, Off-Street Parking Requirements*. Alternatively, the requirements of *Sec. 3.B.8, Shared Parking*, may also be used.
- c. *Rounding.* When computing the number of parking spaces, any fraction shall be rounded up to the next highest number.
- d. *Similar Uses.* The parking lot requirements for a use not specifically listed in *Table 3.1, Off-Street Parking Requirements*, shall be the same as for a listed use of similar parking demand generation, as determined by the Administrator.
- e. *Maximum Parking.* For all non-residential uses, a maximum amount of parking of one hundred thirty percent (130%) of the spaces, as indicated in accordance with *Table 3.1, Off-Street Parking Requirements*, may be provided for a particular use. This requirement does not apply to residential uses.
- f. *Variables for Calculating the Required Parking.* The variables used for parking calculations are measured as follows:

- 1) *Per Dwelling Unit (DU)*. The phrase "per DU" means that the number of parking spaces is calculated based on the number of dwelling units.
- 2) *Per Bedroom (BR)*. The phrase "per BR" means the number of parking spaces is calculated based on the number of bedrooms.
- 3) *Per Beds*. The phrase "per beds" means the number of beds provided in the space regardless of the number of bedrooms.
- 4) *Gross Square Feet*. The phrase "gross square feet" means the total amount of square footage within a building or buildings.
- 5) *Dedicated to the Use*. The phrase "dedicated to the use" means the total amount of property that is being maintained for a particular use regardless of whether that property is inside a building, surrounding a structure, or outside away from any structure.
- 6) *Usable Floor Area*. The phrase "usable floor area" means the total square footage within a building that is open to the public.

Table 3.1, Off-Street Parking Requirements	
Land Use	Parking Spaces Required
<b>RESIDENTIAL USES</b>	
<b>Residential – Primary</b>	
Single-Family Detached Dwelling	2 spaces per DU
Duplex (2 du)	2 spaces per DU
Townhouse (3 to 10 du)	2 spaces per DU
Apartment (> 3 du)	2 spaces per DU
Manufactured Home Park	1 space per BR + 1 space for each 5 manufactured homes
Retirement Housing	1 space per 2 beds
<b>Residential – Accessory</b>	
Accessory Dwelling Unit, Attached	1 space per BR
Accessory Dwelling Unit, Detached	1 space per BR
<b>Commercial Uses of the Home</b>	
Child Care Home	1 additional space in addition to those spaces required for the residential use
Home Business	1 space per employee not living in the home
Short-Term Rental	1 space per BR designated for the use in addition to those spaces required for the residential use
<b>NON-RESIDENTIAL USES</b>	
<b>Agricultural Uses</b>	
Agritourism	1 space per 400 gross square feet dedicated to the use
Dairy	1 space per 1,500 gross square feet
Farm Equipment and Repair Store	1 space per 1,500 gross square feet
Grain Elevator	1 space per every employee of the largest shift
Greenhouse / Nursery	1 space per 1,500 gross square feet
Landscaping Supply Store	1 space per 1,500 gross square feet

<b>Table 3.1, Off-Street Parking Requirements</b>	
<b>Land Use</b>	<b>Parking Spaces Required</b>
Livestock Production	1 space per 1,500 gross square feet
Sawmill / Timber Processing	1 space per every employee of the largest shift
<b>Automobile and Related Service Uses</b>	
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
<b>Civic, Institutional, and Health Care Uses</b>	
Cemetery	1 space per acre
Child Care Center	1 space per 4 clients at building's maximum capacity plus 1 per employee on the largest shift
Correctional Institution	1 per every employee on largest shift plus 1 per every 20 potential inmates
Governmental Service (Police, Fire, Emergency Medical Services)	1 space per every 300 square feet plus 1 per vehicle stored onsite plus 1 per employee on the largest shift
Hospital / Rehabilitative Care	2 spaces per every exam or outpatient/inpatient bed, procedure/operating room, plus 1 per laboratory or recovery room, plus 1 per every 2 employees on the largest shift
Library	1 space per 300 gross square feet
Museum / Gallery	1 space per 300 gross square feet
Medical and Dental Office / Clinic	1 space per 200 square feet of gross floor area
Park and Recreation Facilities, Active	12 spaces per athletic field plus 1 per 1,000 square feet of indoor or outdoor play area
Park and Recreation Facilities, Passive	12 spaces per acre
Place of Public Assembly, Indoor	1 space for each 2.5 guests allowed onsite – OR – 1 space per every 3 seats in the largest assembly area
Research Laboratory	1 space per 400 gross square feet
Schools (K-8)	2 spaces per classroom plus 1 space per 3 persons by seating capacity in the largest assembly area
Schools (9-12)	1 space per 3 persons by seating capacity in the largest assembly area – OR - 12 spaces per classroom if no assembly area
Senior Services Care Center	1 space per 4 clients at a building's maximum capacity plus 1 per employee on largest shift
<b>Commercial Uses</b>	
Adult Entertainment Business	1 space per 300 gross square feet
Bank, Credit Union, and Financial Services	1 space per 300 gross square feet
Bar / Brewery	1 space per every 4 seats

<b>Table 3.1, Off-Street Parking Requirements</b>	
<b>Land Use</b>	<b>Parking Spaces Required</b>
Building Materials and Hardware Store	1 space per 400 gross square feet
Grocery	1 space per 300 gross square feet
Heavy Equipment Sales and Rentals	1 space per 200 square feet of usable floor area in offices, waiting area, customer service area plus 1 per rental vehicle
Kennel	1 space per every 12 cages, plus 1 per employee on largest shift
Manufactured Home Sales	1 space per 800 square feet of usable floor area plus 2 per service bay
Motel / Hotel	1 space per room or suite in addition to 1 space per employee on the largest shift
Office, General	1 space per 200 square feet of gross floor area
Personal Services	1 space per every station, chair, or activity area or 1 per 300 square feet, whichever is greater
Recreational Vehicle Park and Campground	1 parking space located on each site, plus 1 off-street space for each employee on largest shift
Refueling Station	1 space per 4 pump stations or Level 3 charging stations, plus 3 spaces per service bay, plus 1 space per 200 square feet of gross floor area for an attached convenience store
Repair Service	1 space per 300 gross square feet
Restaurant	1 space per every 4 seats
Retail Sales	1 space per 300 gross square feet
Self-Storage, Mini-Warehouse	1 space per 25 storage units + 1 space per 300 square feet of office space
Shooting / Archery Range, Outdoor	1 space per station plus 1 space per employee on largest shift
Travel Center	1 space per 4 pump stations or Level 3 charging stations, plus 3 spaces per service bay, plus 1 space per 150 square feet of gross floor area for an attached convenience store or a facility that provides overnight truck parking, laundry facilities, and/or showers
Veterinary Clinic and/or Service	1 space per every 12 cages, plus 1 per employee on largest shift
<b>Commercial Recreation and Amusement Services Uses</b>	
Bowley Alley	3 spaces per lane
Driving Range (Outdoor)	2 spaces per platform plus 1 space per employee on largest shift
Miniature Golf (Outdoor)	2 spaces per hole plus 1 space per employee on largest shift
Skating Rink / Playground (Indoor)	1 space per 3 seats plus 1 space per employee on largest shift
Swimming Pool (Outdoor)	1 space per 100 square feet of swimming pool (surface of water)

<b>Table 3.1, Off-Street Parking Requirements</b>	
<b>Land Use</b>	<b>Parking Spaces Required</b>
Indoor Commercial Amusement (if not listed above)	1 space per 300 gross square feet
Outdoor Commercial Amusement (if not listed above)	12 spaces per acre
<b>Industrial and Manufacturing Uses</b>	
Contractor's Shop	1 space per 300 square feet of gross floor area plus 1 space per 500 square feet of storage yard
Industrial and Manufacturing Product Sales and Supply	1 space per 400 gross square feet
Junkyard / Salvage Yard	1 space per employee on the largest shift
Manufacturing, Heavy ( <i>includes handling of explosive and/or foul materials</i> )	1 space per 400 gross square feet
Manufacturing, Light ( <i>includes product assembly and processing</i> )	1 space per 400 gross square feet
Mineral Extraction	1 space per employee on the largest shift
Warehousing and Storage, Indoor	1 space per 400 gross square feet
<b>Transportation and Utility Uses</b>	
Airport / Heliport	1 square per 500 gross square feet of the terminal
Cargo Terminal	1 space per 400 gross square feet
Cellular Communications Facilities (CCF)	1 space per employee on largest shift
Communication, television, and radio towers	1 space per employee on largest shift
Landfill	1 space per employee on largest shift
Passenger Terminal	1 space per 300 gross square feet
Solar Energy System, Commercial	1 space per employee on largest shift
Wind Energy System, Commercial	1 space per employee on largest shift

### **3. Location of Parking Facilities.**

- a. The off-street parking areas required for residential buildings or uses shall be located on the same lot as the building or use served. In major residential subdivisions, the parking requirements for single-family detached dwelling and duplex residential uses may not occupy more than fifty percent (50%) of the front yard area.
- b. Off-street parking areas for any business, industrial, or institutional use shall not be located closer than thirty (30) feet to any lot or parcel located in a residential district or used for residential purposes.
- c. Parking spaces shall not be located within twenty (20) feet of the existing or proposed street right-of-way line. Increased setback distances from residential districts or uses are required, as indicated above.

#### **4. Surfacing.**

- a. *Generally.* Off-street parking and vehicular use areas shall be surfaced, graded, and constructed with Portland cement concrete (PCC) or asphalt. Such surface must protect against potholes, erosion, and dust and provide for adequate drainage.
- b. *Exceptions.*
  - 1) A permeable parking surface may be used on twenty percent (20%) of the total surface area of the required lot, provided that the location of the permeable surface is not used in a drive aisle.
  - 2) Properties in the IN district may provide less durable surfaces, such as gravel, provided that:
    - a) The perimeter of such areas is defined by curbing, bricks, stones, railroad ties, or other similar devices;
    - b) Surfaces with loose materials are set back at least twenty-five (25) feet from public street right-of-way;
    - c) The material does not generate an inordinate amount of dust;
    - d) The proposed location is proximate to onsite stormwater control devices; and
    - e) The area does not exceed twenty-five percent (25%) of the required parking area for the site.
  - 3) Properties in the AG and AR districts may provide less durable surfaces, such as gravel, provided that:
    - a) Surfaces with loose materials are set back at least twenty-five (25) feet from public street right-of-way; and
    - b) The material does not generate an inordinate amount of dust.

#### **5. Parking Lot and Parking Space Dimensions.**

- a. Required parking spaces for all uses shall be a minimum width of nine (9) feet and a minimum length of twenty (20) feet, except parallel parking spaces, which shall have a minimum length of twenty-two (22) feet.
- b. All parking lots for non-residential and multifamily residential uses shall be separated from adjoining non-paved surfaces with a continuous concrete curb at least six (6) inches in height.
- c. All parking lots shall be designed to provide adequate stormwater drainage, including onsite detention capabilities.
- d. Curbed traffic islands are to be located on both ends of each parking row to facilitate safe traffic circulation within the parking lot.
- e. Required off-street parking spaces shall be so designed, arranged, and regulated as to have individual spaces marked, be unobstructed, and have access to an aisle or driveway so that any vehicle may be moved without moving another and so that no

maneuvering directly incidental to entering or leaving a parking space shall be on any public right-of-way.

- f. All parking areas shall be provided with circulation aisles of adequate dimension to ensure efficient internal circulation. The following standards shall apply:

Table 3.2, Parking Space Dimensions		
Angle of Parking Relative to Circulation Aisle	Circulation Aisle Width	One- or Two-Way Circulation
0 degrees (parallel parking)	12 feet	One
30 degrees	12 feet	One
45 degrees	14 feet	One
60 degrees	18 feet	One
90 degrees (perpendicular parking)	24 feet	Two

- g. All signage within parking areas shall conform to the standards within *Sec. 3.D, Signs*.
- h. Lighting within parking areas shall conform to *Sec. 3.E, Lighting*.

**6. Maintenance.**

- a. Off-street driveways, parking surfaces, access aisles, and traffic control devices shall be kept in good condition and free of weeds, dirt, trash, and debris.
- b. All parking space lines or pavement markings on hard surfaced lots shall be kept clearly visible and distinct.

- 7. Parking for Persons with Disabilities.** All non-residential uses that are open to the general public shall be required to comply with all Americans with Disabilities Act (ADA) requirements for parking spaces, pedestrian amenities on the property, and entrances and exits to any buildings on the property. The number and dimensions of ADA compliant parking spaces are as follows:

Table 3.3, Americans with Disabilities Act (ADA)	
Number of Parking Spaces in Lot	Required Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,100	2 percent of total spaces
1,001 and over	20, plus 1 for each 100 spaces over 1,000 spaces
*For every 8 accessible spaces, at least 1 must be a van-accessible space.	

**8. Shared Parking.**

- a. *Calculation of Parking Spaces.* Shared parking allows a reduction of up to twenty-five percent (25%) in the total number of required parking spaces when a property is occupied by two (2) or more uses that typically do not experience peak use of parking areas at the same time. When any land or building is used for two (2) or more uses that are listed in *Table 3.4, Shared Parking Demand*, below, the minimum total number of required parking spaces may be determined by the following procedures, which are followed by *Table 3.5, Illustrative Shared Parking Credit Calculation*, showing an example of how to calculate shared parking reductions.
- 1) Determine the minimum parking requirements for each use as if it were a separate use;
  - 2) Multiply the sum of required parking spaces for each use by the corresponding percentages for each of the five (5) time periods set forth in *Table 3.4, Shared Parking Demand*;
  - 3) Calculate the total for each time period; and
  - 4) Select the column with the highest total to find the required number of shared spaces.

<b>Table 3.4, Shared Parking Demand</b>					
<b>Use Category</b>	<b>Weekday</b>		<b>Weekend</b>		<b>Night: Weekday and Weekend (midnight to 6am)</b>
	<b>Day (6am to 6pm)</b>	<b>Evening (6pm to midnight)</b>	<b>Day (6am to 6pm)</b>	<b>Evening (6pm to midnight)</b>	
Apartment	60%	90%	80%	90%	100%
Office, General	100%	10%	10%	5%	5%
Retail Sales	60%	90%	100%	70%	5%
Motel / Hotel	75%	100%	80%	100%	10%
Restaurant	50%	100%	80%	100%	10%
Commercial Recreation and Amusement Services	40%	100%	100%	100%	10%
All others	100%	100%	100%	100%	100%

Table 3.5, Illustrative Shared Parking Reduction Calculation Examples					
Use Category	Weekday		Weekend		Night (midnight to 6am)
	Day (6am to 6pm)	Evening (6pm to midnight)	Day (6am to 6pm)	Evening (6pm to midnight)	
Apartment: 50 spaces (for 25 DU)	60% x 50 = 30	90% x 50 = 45	80% x 50 = 40	90% x 50 = 45	100% x 50 = 50
Office, General: 100 spaces (for 20,000 square feet)	100% x 100 = 100	10% x 100 = 10	10% x 100 = 10	5% x 100 = 5	5% x 100 = 5
Retail Sales: 100 spaces (for 30,000 square feet)	60% x 100 = 60	90% x 100 = 90	100% x 100 = 100	70% x 100 = 70	5% x 100 = 5
Column totals:	190 <sup>2</sup>	145	150	120	60

TABLE NOTES:

1. EXAMPLE: A parking lot in the GC zoning district provides parking for an apartment with 25 dwelling units, 30,000 square feet of general office space, and 20,000 square feet of retail sales space. Separately, these uses would require a minimum of 250 parking spaces. However, using the shared parking calculation, they only require 190 spaces.
2. The largest number, 190, is the number of parking spaces required. This example is a 24 percent reduction compared to individual calculations.

**9. Site Access.**

- a. Driveway entrances and exits to parking lots shall be located a minimum of seventy (70) feet from the centerlines of intersecting streets to prevent hazards in the street and impeding the flow of traffic in the parking lot.
- b. Entrances shall be designed to allow vehicles entering the site to be stored to prevent backup on the adjacent street.
- c. Parking lot entrances and exits shall be consolidated, when possible, to limit the number of access points to the site.
- d. In instances where parking areas are one hundred (100) feet or wider, the parking lot entrance shall be a minimum of fifty (50) feet from the nearest existing access drive.
- e. Where feasible, cross access between two adjoining properties that have a commercial use shall be provided.

**10. Off-Street Loading.**

- a. *General Regulations.*

- 1) All required off-street loading facilities which serve a structure or use that has been erected, altered, enlarged, or intensified after the effective date of this UDO shall be located on the same lot as the structure or use of land to be served.
  - 2) All required off-street loading facilities shall be located according to front, side or rear yard requirements of the principal structure or use which it serves.
  - 3) Off-street loading facilities shall be located in a manner to prevent vehicle maneuvering in or blockage of rights-of-way.
- b. *Required Number of Parking Spaces.* All Non-residential Uses having at least 10,000 square feet of gross floor area shall provide and maintain off-street facilities for the loading and unloading of merchandise and goods within the building or on the lot adjacent to a private service drive. Where such loading space is located adjacent to a residential district, the space shall be enclosed on three (3) sides. Loading spaces shall be provided in accordance with *Table 3.6, Required Loading Spaces for Non-Residential Uses.*

Table 3.6, Required Loading Spaces for Non-Residential Uses	
Square Feet of Gross Floor Area	Minimum Required Spaces
0 to 10,000	None
10,000 to 50,000	1
50,000 to 100,000	2
100,000 to 200,000	3
Each additional 100,000	1 additional

- c. *Relationship to Parking Regulations.* Areas designated as off-street loading facilities shall not be used to satisfy the parking requirements established in *Table 3.1, Off-Street Parking Requirements.*
- d. *Loading Space Dimensions.* Each loading berth (excluding the required space within the industrial district) shall have minimum dimensions of not less than twelve (12) feet in width, eighteen (18) feet in length, and fifteen (15) feet vertical clearance, exclusive of access drives, aisles, and maneuvering space.
- e. *Pavement Requirements.* All open off-street loading berths shall be improved with concrete pavement or comparable hard surface pavement.

## 11. Stacking Requirements.

- a. *Generally.* Stacking spaces are used to measure the capacity of a drive-through lane to hold automobiles while transactions are taking place at drive-through stations, car washes, or other commercial uses. Stacking spaces measure eight (8) feet wide by twenty (20) feet long and provide direct access to a service window or wash bay. The position in front of a drive-through station (e.g., a service window, ATM, wash bay, or station at a drive-through bank) or automobile stall is counted as a stacking space.
- b. *Requirements.* Uses that include drive-through service or a car wash shall not have fewer than the following numbers of stacking spaces:

- 1) *Drive through restaurants:*
  - a) If two (2) service windows are provided (one (1) for payments and one (1) for pick-up):
    - (1) Four (4) stacking spaces to each menu board;
    - (2) Four (4) stacking spaces between the menu board and the first window (including the position at the first window); and
    - (3) Two (2) stacking spaces between the first window and the second window (including the position at the second window).
  - b) If one (1) service window is provided (for both payments and pick-up):
    - (1) Six (6) stacking spaces to each menu board; and
    - (2) Five (5) stacking spaces between the menu board and the service window.
- 2) *Car Wash:* Two (2) stacking spaces per drive-through station
- 3) *Other Commercial Uses:* Three (3) stacking spaces per drive-through station.

c. *Design.*

- 1) Stacking lanes shall be clearly marked and shall not interfere with on-site or off-site traffic circulation.
- 2) Stacking areas shall not be located between the façade of a building and the public street upon which the building fronts.
- 3) Stacking lanes shall be designed with an abutting eight (8) foot wide bypass lane.

**12. Large Vehicle Parking Limitations in Agricultural and Residential Districts.** Within the PR, AG, AR, SR, DR, MR, and MH districts, all parking or outdoor storage of any and all (a) semi-tractors, semi-trailers, or combination semi-tractor and semi-trailers; and (b) motor vehicles designed, used, or maintained primarily for the transportation of property and used a majority of the time for commercial purposes (including without limitation, cargo vans and box trucks), shall altogether be limited to one (1) per lot at any time; provided, however, those parked temporarily (no longer than sixteen (16) hours, and not overnight) for delivery of goods and services, and those with farm license plates, shall not be limited by this subsection.

**C. Landscaping, Buffering, and Fencing.**

**1. Purpose and Applicability.**

- a. *Purpose.* The landscape regulations within this UDO are intended to guide the development, preservation, and redevelopment of Johnson County for the following purposes:
  - 1) *Quality of Life:* To improve the overall quality of life for all of Johnson County's citizens by increasing the amount of living landscaping in the County.
  - 2) *Public Health:* To improve the public's mental and physical health by ensuring living landscapes are present throughout the County.

- 3) *Future Vision*: To use landscaping to help implement Johnson County's Comprehensive Plan and all of its elements.
  - 4) *Community Character*: To use landscaping to help create a sense of place for the County, including within corridors, subdivisions, gateways, and neighborhoods.
  - 5) *Environmental Impact*: To offset the impacts of development and redevelopment by requiring installation of living plants to improve air quality, decrease stormwater runoff, reduce erosion, and provide shade.
  - 6) *Preservation*: To identify and incentivize preservation of important landscapes and trees.
  - 7) *Aesthetics*: To preserve and enhance the scenic and natural beauty of the County's landscape.
  - 8) *Compatibility*: To use landscaping to increase compatibility between different land uses.
- b. *Applicability*. Landscape materials consistent with the requirements of this UDO shall be required when an Improvement Location Permit (ILP) is obtained for a new primary structure or the expansion of an existing primary structure by fifty percent (50%) or greater.

**2. Landscaping Requirements.** The landscaping requirements in this section apply to all zoning districts.

- a. *Positioning*.
  - 1) *Easements*. Landscape material shall not be planted in rights-of-way or easements without permission from the County.
  - 2) *Movement*: Landscape materials shall be located to avoid interference with vehicular and pedestrian movement. Specifically, plant materials shall not project into sidewalks, pedestrian paths, and the like between a height of two (2) feet and eight (8) feet from the top of the curb. Plant materials shall not project over street curbs or pavement within rights-of-way or access easements below a height of thirteen (13) feet six (6) inches.
  - 3) *Streetscape*. The unpaved portion of an adjacent right of way shall be fine-graded, planted and maintained with vegetative ground cover, and planted with trees. No walls, fences, or signs shall be permitted in a right-of-way.
- b. *Living Plants*. The use of artificial plant material is prohibited.
- c. *Landscape Design*. Plantings may be clustered or staggered for variety and a natural appearance or may be spaced in equal increments for a more formal appearance. In most circumstances, plant grouping is encouraged to provide a more naturalistic landscape appearance. The landscape design should make use of plant clusters to block undesirable views, glaring lights, etc.
- d. *Maintenance*. Plants are intended to grow, spread, and mature over time. Required plant material shall be kept alive and in good health. Plants and other landscape

material shall be maintained to match the approved landscape plan and shall use landscape industry best practices for trimming, mulching, fertilizing, watering, and treatment against disease and pests.

- 1) *Replacement.* If a tree or shrub that has been used to meet landscape requirements dies, becomes diseased, is severely damaged by a severe weather event, or is removed for any other reason, it shall be replaced in accordance with the approved landscape plan.
  - 2) *Pruning.* Plants used to fulfill requirements of this UDO may not be removed, pruned, or otherwise treated to reduce overall height or level of opacity. Excessive pruning, including limbing-up, topping, and other inhibiting measures, may only be practiced to ensure public safety or to preserve the relative health of the material involved.
- e. *Inspection.* A site is subject to landscape inspection by the Administrator at the time of installation and at any time in the future to confirm the accuracy of the installation, the health of plant materials, and the maintenance of the approved landscape plan. It is anticipated that inspections may occur one (1) year, three (3) years, and five (5) years from installation.
  - f. *Performance and Maintenance Bonds.* Where landscaping is required to be installed pursuant to this Section, a performance bond or other financial security shall be submitted in the amount of one hundred percent (100%) of the cost of the required landscaping. Such financial security shall be posted with the Department of Planning and Zoning as a prerequisite to obtaining permits for development of a site and shall be required for a period of two (2) years from the date of issuance of such permits. Upon completion of the landscaping improvements and inspection by the Administrator, the financial security shall be released. The Administrator shall require the posting of a maintenance bond or other financial security in the amount of five percent (5%) of the total cost of landscaping improvements, or a minimum of five hundred (500) dollars, whichever is greater, to guarantee the replacement of landscaping material, if necessary, for a period of two (2) years from the date of release of the performance security.
  - g. *Changes After Approval.* Any change or deviation to an approved landscaping plan shall require the approval of the Administrator. Changes that do not conform to this section shall be subject to the procedures for a variance as established in this UDO. Landscaping improvements made on a site that are not in conformance with the approved development plan shall be considered a violation of this section subject to the fines and penalties established herein, provided, however, that landscaping improvements may exceed the minimum requirements as shown on the approved plan.
  - h. *Plant Quality.* Plant material and ground covers shall be hardy and free of insects and diseases. All plants shall comply with the most recent version of *The American Standard for Nursery Stock (ANSI Z60.1)* published by the American Horticulture Industry Association.

- i. *Ground Cover Required.* Landscaped areas shall have appropriate ground cover, which stabilizes soil, reduces solar heat gain, and permits infiltration. All areas not landscaped with hedges or trees shall be provided with grass or other vegetative ground cover.
  - 1) *Non-Living Ground Cover Materials Limited:* Non-living ground cover materials, indicated below, shall be limited to planting beds and around individual plants and shall not exceed twenty-five percent (25%) of the total square footage of landscaped area:
    - a) Rocks, pebbles, or sand;
    - b) Mulch, including stone or bark;
    - c) Berms;
    - d) Lakes, ponds, streams, or fountains;
    - e) Ornamental fences or masonry walls, architecturally compatible with surrounding development; and
    - f) Other materials deemed acceptable by the Administrator.
  - 2) *Erosion Control Exception.* When necessary to meet erosion control requirements, as determined by the Administrator, the amount of non-living ground cover materials may exceed twenty-five percent (25%) of the total square footage of landscaped area.
- j. *Landscape Preservation.*
  - 1) *Intent.* The preservation of healthy, mature, native landscape, especially deciduous trees, is crucial to the quality of life and the health of the environment in Johnson County. As such, that preservation is incentivized in this section.
  - 2) *Preservation Encouraged.* Preservation of healthy, mature, non-invasive landscape plants is encouraged, but not required.
  - 3) *Credit for Preservation.*
    - a) *Credits for Deciduous Trees.* Preservation of healthy, mature, non-invasive deciduous trees shall earn credit toward meeting the landscape requirements in this UDO. Due to potential for removal or interference with the easement purpose, credits for preservation of healthy, mature, non-invasive deciduous trees within easements must be approved by the Administrator.
      - (1) For each preserved deciduous tree with caliper measurement of over four (4) inches but less than eight (8) inches, a credit for two (2) required deciduous trees shall be granted.
      - (2) For each preserved deciduous tree with caliper measurement of over eight (8) inches but less than twelve (12) inches, a credit for three (3) required deciduous trees shall be granted.
      - (3) For each preserved deciduous tree with caliper measurement of over twelve (12) inches, a credit for four (4) required deciduous trees shall be granted.

- (4) In no case shall credit for a preserved evergreen tree, shrub, or other landscape material be used toward a required deciduous tree.
  - b) *Credits for Evergreen Trees.* Preservation of healthy, mature, non-invasive evergreen trees shall earn credit toward meeting the landscape requirements in this UDO. Due to potential for removal or interference with the easement purpose, credits for preservation of healthy, mature, non-invasive evergreen trees within easements must be approved by the Administrator.
    - (1) For each preserved evergreen tree over six (6) feet tall but less than ten (10) feet tall, a credit for two (2) required evergreen trees shall be granted.
    - (2) For each preserved evergreen tree over ten (10) feet tall, a credit for three (3) required evergreen trees shall be granted.
  - c) *Shrubs.* Credits for preservation of healthy, mature, non-invasive shrubs may be approved by the Administrator if they determine that the existing shrub contributes to the intent of this section of the UDO.
  - d) *Native Grasses or Other Unique Landscape Area.* Credits for planting and/or preservation of healthy, mature, non-invasive grasses, native wildflowers, etc., may be approved by the Administrator if they determine that the native grass or landscape area contributes to the intent of this section of the UDO.
- 4) *Minimum Plant Size.*
- a) *Deciduous Trees.* All required deciduous trees shall be at least two and one-half (2 ½) inch caliper at the time of planting, measured at six (6) inches above the rootball. Each tree that is four (4) inch caliper or above at the time of planting shall receive double tree credit toward the required number of deciduous trees.
  - b) *Evergreen Trees.* All required evergreen trees shall be at least six (6) feet in height at the time of planting, measured from the top of the rootball. Each tree that is ten (10) feet in height or above at the time of planting shall receive double tree credit toward the required number of evergreen trees.
  - c) *Ornamental Trees.* All required ornamental trees shall be at least one and one-half (1 ½) inch caliper at the time of planting, measured at six (6) inches above the rootball. Each tree that is two (2) inch caliper or above at the time of planting shall receive double tree credit toward the required number of ornamental trees.
  - d) *Shrubs.* All required shrubs shall be at least eighteen (18) inches in height at the time of planting, measured from ground level.
- 5) *Diversity of Plants:* A mixture of plant species is encouraged to help protect against infestation or disease leading to mass die-off of plant material.
- 6) *Use of Native Grasses and Wildflowers.*
- a) *Intent.* The use of native grasses, wildflowers, and other native plants in managed landscape design can be economical, low-maintenance, effective in soil and water conservation, and may preclude the excessive use of pesticides, herbicides, and fertilizers. Furthermore, the County recognizes the desirability of

permitting and encouraging managed natural vegetation within Johnson County while maintaining public health and safety.

- b) *Managed.* The term "managed," as used in this UDO, means a planned and designed yard or landscape with the intent to control, direct, and maintain the growth of natural vegetation.
  - (1) Managed natural landscapes shall not include turf-grass lawns left unattended for the purpose of returning to a natural state. In establishing a natural landscape, turf grass shall be eliminated and the native vegetation shall be planted through transplanting or seed by human or mechanical means.
  - (2) Plants in managed natural landscapes may be grown to any heights as long as the location and manner of growth do not constitute a hazard to the public health and safety by blocking traffic visibility (see *Sec. 3.F.3.a, Site Line Obstructions*) or interfering with the use of easements.
  - (3) A maintenance plan shall be part of all approved landscape plans, which stipulates that the native plant landscape area shall be cut at least once annually between April 15 and July 15 to a height no greater than ten (10) inches. As an alternative, the area may be burned if appropriate permits are obtained through the Fire Department having jurisdiction.
- c) *Plants Prohibited.* Plant species shall not be used if they are:
  - (1) Defined as noxious weeds according to *IC 15-16-7-2*, or
  - (2) Managed as Plants of Regulatory Concern by the Indiana Department of Natural Resources, Division of Entomology and Plant Pathology, or
  - (3) Listed on the Invasive Plant Education List by the Indiana Department of Natural Resources, Division of Entomology and Plant Pathology.
- d) *Delay of Plant Installation.* Installation of required landscaping may be delayed due to weather upon written request to the Administrator. All landscaping required by the approved landscaping plan shall be installed prior to the issuance of a Certificate of Occupancy if said permit is issued during a planting season or within six (6) months of the date a Temporary Certificate of Occupancy is issued during a non-planting season. A Temporary Certificate of Occupancy shall automatically expire after six (6) months. No Full Certificate of Occupancy shall be issued until all required plants are installed.

- 3. Non-Residential Landscaping Standards.** The additional landscaping standards in this section apply to the PR, GC, HC, and IN zoning districts.
- a. *Quantity.* The quantities listed below are required in addition to landscape materials that may be required for parking lot planting, bufferyard planting, or other requirements specified in this UDO.
  - b. *Applicability.* This provision applies to all primary structures.
  - c. *Placement.*

- 1) *Foundation Plantings.* Foundation plantings shall be planted along all four (4) sides of the foundation (excluding drive-throughs, loading docks, and the front door) and be located as follows.
  - a) *Shrubs.* Within six (6) feet of the foundation.
  - b) *Ornamental Trees.* Within ten (10) feet of the foundation.
- 2) *Yard Plantings.* Yard plantings shall be planted in the front yard(s), but shall not be within two (2) feet of any property line.

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.	

4. **Residential Landscaping Standards.** The additional landscaping standards in this section apply to the AG, AR, SR, DR, MR, and MH zoning districts.
  - a. *Front Yard Impervious Surface Coverage.* No more than fifty percent (50%) of the total front yard area may be covered by impervious surface, including but not limited to driveways, sidewalks, and parking areas. The remainder shall be planted with grass or other suitable landscaping materials, as required in this section.
  - b. *Quantity.* The quantities listed below are required in addition to landscape materials that may be required for parking lot planting, bufferyard planting, or other requirements specified in this UDO.
    - 1) *Overall Development.* One (1) canopy tree shall be planted for every twenty thousand (20,000) square feet of lot area.
    - 2) *Additional Trees.* One (1) additional deciduous tree shall be planted for every primary structure constructed.
    - 3) *Foundation Planting.* Two (2) shrubs shall be planted for every dwelling unit.
  - c. *Applicability.* This provision does not apply to accessory structures.

d. *Placement.*

- 1) *Trees.* Required trees shall be planted anywhere on the lot but shall not be located within ten (10) feet of a primary structure, accessory structure, sidewalk, curb, paved surface, or driveway, nor within two (2) feet of a property line.
- 2) *Shrubs.* Required shrubs shall be planted within six (6) feet of the foundation.

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

**5. Parking Lot Landscaping Standards.** These additional landscaping standards apply to the PR, AG, AR, SR, DR, MR, MH, GC, HC, and IN zoning districts.

- a. *Plantings Not to be Double Counted.* Landscaping requirements for the perimeter of the parking lot shall not be counted toward this interior landscape requirement, and landscaping requirements for the interior of the parking lot shall not be counted toward the perimeter landscape requirement.
- b. *Permits.* Landscape materials consistent with the requirements of this UDO shall be required when an ILP is obtained for a new parking lot or the expansion of an existing parking lot by twenty-five percent (25%) or greater.
- c. *Perimeter Parking Lot Landscaping Requirements.*
  - 1) *Required Perimeter Landscaping.* All parking lots shall be separated from all planned public rights-of-way by a landscaping area that is a minimum of six (6) feet in width. Lots include parking spaces, interior drives, and loading areas. This perimeter parking lot landscape area shall be planted with one (1) deciduous or ornamental tree and ten (10) shrubs every forty (40) feet of the perimeter.
  - 2) *Optional Landscape Berm or Wall.* A maximum of seventy percent (70%) of the length of required perimeter parking landscaping within a side or rear yard may substitute a landscape berm or masonry wall instead of landscape plantings. Landscape berms shall not exceed a height of six (6) feet or a slope of thirty (30) degrees and shall be completely covered with shrubs, grass, or other living ground cover. A masonry wall shall not exceed a height of six (6) feet.
- d. *Interior Parking Lot Landscaping Requirements.*
  - 1) The minimum area required for interior landscaping shall be five percent (5%) of the gross vehicular area of the parking lot, with one (1) deciduous tree provided for each one hundred and twenty (120) square feet of that area.

- 2) All required landscaped areas shall consist of curbed islands or peninsulas that are surrounded on at least two (2) sides by pavement.
- 3) All landscape islands shall be a minimum of one hundred and eighty (180) square feet in area.
- 4) Interior parking lot landscaping shall generally be grouped to define entrances, indicate the end of aisles, and separate interior drives from parking aisles.
- 5) Interior parking lot landscaping shall limit unbroken rows of parking to a maximum of one hundred and fifty (150) lineal feet.

**6. Bufferyard Landscaping Standards.** These additional landscaping standards apply to the PR, AG, AR, SR, DR, MR, MH, GC, HC, and IN zoning districts.

- a. *Responsibility for Installation:* Installed bufferyards meeting the requirements in this section shall be required when:
  - 1) The subject property is rezoned to a higher intensity zoning district than one (1) or more of the adjacent parcels;
  - 2) An ILP is filed for a new primary structure on the subject property that is a higher intensity zoning district than one (1) or more of the adjacent parcels;
  - 3) An ILP is filed for an existing primary structure to be expanded by twenty percent (20%) or greater on the subject property, which is a higher intensity zoning district than one (1) or more of the adjacent parcels; or
  - 4) A use variance is granted.
- b. *Buffer Exception if Previously Developed Adjacent Lot.* When the subject property is being developed and is adjacent to a previously developed parcel which has a more intense zoning district, no bufferyard is required to be installed, either on the less intensely zoned lot (subject lot) or the more intensely zoned lot.
- c. *Location.*
  - 1) Bufferyard standards shall be located along all side and rear property lines when contiguous to a conflicting zoning district as indicated in *Table 3.12, Bufferyard Type Required.*
  - 2) Bufferyards are not in addition to the required setbacks.
  - 3) Perimeter parking landscaping can be included within a required bufferyard.
- d. *Arrangement.* Plant material shall be installed within the bufferyard such that views between two (2) conflicting land uses are disrupted. A natural pattern or irregular row of trees is preferred in the bufferyard.
- e. *Substitution Allowed for Existing Site Conditions.* Upon request and submission of a landscape plan showing existing site features and landscaping to be preserved or the creation of a berm, the Administrator may consider lessening or waiving the requirements in this section for the bufferyard width and/or plantings. The Administrator shall determine if unique natural topography and/or existing vegetation exists or the creation of a berm on the site to shield the adjacent property is sufficient to allow the substitution. The Administrator may specify the amount of additional

buffering, whether width or plant materials, that is necessary to supplement the existing site features.

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.		

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	--	--	--

- 7. Landscape Screening Standards.** These additional landscaping standards apply to the PR, AG, AR, SR, DR, MR, MH, GC, HC, and IN zoning districts.
- a. *Screening Requirements.* All outdoor storage areas, dumpsters, recycling and waste containers, and mechanical equipment areas shall be screened consistent with the requirements of this Section.
  - b. *Outdoor Storage of Inoperable Vehicles:* The outdoor storage of inoperable vehicles shall conform to the screening requirements of *Sec. 3.F.3, Outdoor Storage of Vehicles and Other Materials.*
  - c. *Dumpsters and Waste Containers.* Dumpsters and waste containers shall be completely enclosed by six (6) foot tall, one hundred percent (100%) opaque fence of wood, vinyl, brick, or stone construction, compatible with the primary facility on the property. Opaque, six (6) foot tall wooden gates shall be provided to access the facility if it is visible from the public right-of-way or an adjacent property. The gates shall remain closed except when immediate access to the area is required.

- d. *Mechanical Equipment.* Ground-level mechanical equipment in the front yard is prohibited unless unavoidable. If unavoidable, front yard locations for mechanical equipment and air conditioning compressors shall meet the following standards:
  - 1) *Landscaping.* A mix of evergreen shrubs, evergreen trees, and/or ornamental trees shall be provided around the area in a planting bed extending a minimum of fifteen (15) feet in all directions from the equipment. This planting bed shall not rely solely on evergreen shrubs to meet this landscape standard. Landscape plantings shall leave access to the equipment from the rear.
  - 2) *Wall.* A masonry wall shall be erected around the front and sides of the equipment, which is at least one (1) foot taller than the equipment. The wall shall leave access to the equipment from the rear.
- 8. Landscaping for Pole and Monument Signs.** A landscaping area equal to the total sign area shall be installed at the base of all permanent pole and monument signs, with the exception of off-premises signs. A landscaping plan shall be submitted with each sign permit application for a permanent freestanding sign. Such landscaping plan is to be approved by the Administrator.
- 9. Fencing.** Fences on lots zoned SR, DR, and MR must meet the following regulations:
  - a. *Height.*
    - 1) *Side or Rear Yard.* Fences in side or rear yards shall be no taller than six (6) feet.
    - 2) *Front Yards.* Fences in front yards shall be no taller than three and a half (3.5) feet. However, on a corner lot a front yard fence may be up to six (6) feet tall within one (1), but not both, of the required front yards
  - b. *Vision Clearance.* All fences must meet the clear sight requirements detailed in *Sec. 3.F.4, Visual Clearance on Corner Lots.*
  - c. *Prohibited Materials.* Barbed wire, razor wire, electrified wire, and similar materials are prohibited.
  - d. *Chain Link Fences.* Chain link fences must be vinyl-coated black or dark green and shall not be filled with slats.
  - e. *Easements.* A fence shall not be erected in any drainage and/or utility easement.

#### D. Signs

- 1. Purpose.** The sign regulations within this UDO are intended to provide a balanced system of signage to facilitate communication between people and their environment. Specifically, the sign regulations for Johnson County are adopted to:
  - a. Avoid visual clutter that is potentially harmful to the County’s appearance and property values;
  - b. Promote the economic vitality of Johnson County;
  - c. Maintain the County’s existing rural character;
  - d. Eliminate potential hazards to motorists and pedestrians resulting from sign clutter; and
  - e. Promote the health, safety, and welfare of the citizens.

2. **Permit Required.** Except as otherwise provided herein, it shall be unlawful for any person to erect, construct, enlarge, move, or convert any sign, or change the permanent copy on an existing sign structure, or cause the same to be done without first obtaining an ILP for each sign.
3. **Inspection.** A sign for which a permit is required may be inspected periodically by the Administrator for compliance with this UDO and other County codes.
4. **Damaged Conforming Sign.** If a conforming sign erected under a legally obtained permit is damaged or destroyed by wind, weather, or other accidental means beyond the control of the applicant, it may be replaced or restored to its original size, shape, and location (as prior to the accident) without obtaining a new ILP. Replacement of a damaged or destroyed sign with a new sign of a different size, shape, or location from the original sign shall require a permit.
5. **Abandoned Signs.** All signs, their mountings, and related components shall be removed by the owner of the premises upon which the signs are located within one (1) year of when a business is no longer conducted on the premises. If the owner fails to remove the sign, enforcement will commence in accordance with *Sec. 10.B.4, Removal of Signs in Violation*.
6. **Maintenance.** All signs and components thereof shall be kept in good repair and in safe, neat, clean, and attractive condition. Maintenance includes painting, repainting, cleaning, or other normal maintenance and repair of a sign or sign structure unless a structural change is involved. If failure to maintain a sign is determined by the Administrator, enforcement will commence in accordance with *Sec. 10.B.4, Removal of Signs in Violation*.
7. **Electronic Variable Message Signs (EVMS).** All EVMS signs must meet the standards as specified in the State Electrical Code, as adopted and amended by the State of Indiana. In addition, all signs containing an EVMS as a component in part or in whole shall comply with the following standards:
  - a. *No Movement, Flash, or Scroll.* The message on the sign cannot move, appear to move, flash, or scroll.
  - b. *Static Display.* The message on the sign must be constant for a minimum of eight (8) seconds.
  - c. *Automatic Dimmer.* The sign must have equipped an automatic dimmer control/photocell sensor to produce a distinct, stepped luminance change from a higher luminance level to a lower luminance level to comply with the luminance levels in *Sec. 3.D.8, Sign Illumination*, and to adjust sign brightness based on ambient lighting levels (i.e., cloudy days). The automatic dimmer control/photocell sensor must always be activated while the sign is in operation.
  - d. *Illuminance Not to Exceed.* The sign shall operate at a luminance level not to exceed seven hundred (700) nits thirty (30) minutes before sunset to thirty (30) minutes after sunrise and not to exceed ten thousand (10,000) nits at all other times.
  - e. *No Traffic Hazards.* 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.

- f. *Light Directed Away From Surrounding Properties.* The light from any sign shall be directed such that the light intensity or brightness will not be objectionable to the surrounding properties. No light shall shine directly onto adjacent property.
  - g. *Distance to Residential Zoning District.* No EVMS shall be located within three hundred (300) feet of a residential zoning district (AR, SR, DR, MR, MH).
  - h. *Maintenance.* All illuminated elements shall be kept in satisfactory working condition and immediately repaired or replaced if damaged or burned out.
  - i. *Immediate Threat to Public Safety.* All electrical wiring for permanent EVMS shall be in conduit. All electricity for signs shall have a disconnecting switch located in a readily accessible place to the Administrator in the event the sign must be shut off because it presents an immediate threat to the safety of the public or is in violation of other local ordinances.
- 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 Blinking, Flashing, or Fluttering.* No sign shall have blinking, flashing, or fluttering lights, nor shall any device have changing light intensity, brightness of color, or give such illusion.
  - b. *Maintenance.* All illuminating elements shall be kept in satisfactory working condition and immediately repaired or replaced if damaged or burned out.
  - c. *Electricity.* All electrical wiring for permanent signs shall be in conduit. All electricity for signs shall have a disconnecting switch located in a readily accessible place. In the event the sign must be shut off because it presents an immediate threat to the safety of the public or is in violation of any local ordinance, the Administrator is granted the authority to require that this occurs.
  - d. *Traffic Hazard.* 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. *No Light to Shine Directly on Surrounding Properties.* The light from any illuminated sign shall be so shaded, shielded, or directed such that the light intensity or brightness will not be objectionable to the surrounding properties. No light shall shine directly onto adjacent property.
  - f. *Internally Lit Signs.* Internally illuminated signs should be composed of individual letters or shapes, or light lettering, symbols, etc., on a dark background.
  - g. *Residential Area Restrictions.* Illuminated signs facing the side or rear lot line of an adjoining lot used for residential purposes shall not be located within fifty (50) feet of such side or rear lot line. All electronic signs within three hundred (300) feet and visible from a residential or agricultural property shall be turned off, and therefore emit no light, between the hours of 11:00 p.m. to 5:00 a.m. daily.

- 9. Exempt Signs.** The following are exempt from all provisions of *Sec. 3.D, Signs* of the UDO.
- a. *Street Address.* The posting of a street address to provide adequate property identification.
  - b. *Flags with Non-Commercial Message.* Flags with non-commercial messages, including flags of any country, state, unit of local government, institution of higher learning, or similar institutional flags.
  - c. *Historical Building Signs.* Names of buildings, date of erection, monumental citations, commemorative tablets, and the like when carved into stone, concrete, or similar material or made of bronze, aluminum, or other permanent type construction. No commercial messages or logos are permitted on such signs.
  - d. *Directional and Safety Signs.* Public and private signs of a non-commercial nature and in the public interest or erected by or on the order of public officer(s) in the performance of public duty (such as signs to promote safety, no trespassing, or traffic signs, memorial plaques, signs of historical interest, and signs directing people to public and quasi-public facilities.)
  - e. *Utility Signs.* Utility signs shall be used to mark cables and lines for public and private utilities except if determined to be a hazard by the Administrator.
  - f. *Interior Signs.* Signs located within a structure that are not visible outside said structure.
- 10. State Regulation of Signage.** *IC 8-23-20* provides that the State of Indiana may set standards for the size, lighting, and spacing of signs within six hundred and sixty (660) feet of the right-of-way of the interstate or primary highway system.
- 11. Exceptions During Election Timeframe.**
- a. *Exemptions for Maximum Size and Maximum Number.* During the election period, pursuant to *IC 36-1-3-11*, 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.
  - b. *Election Timeframe.* As of the date of this UDO, the election period is defined as the time period that begins sixty (60) days before an election until the sixth (6<sup>th</sup>) 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.
  - c. *Right of Way and Privately Ownership Requirements Still Apply.* Signs shall not be placed within right-of-way. Permission from a private property owner is required before a sign is placed on private property.
- 12. Murals.**
- a. *Generally.* All paintings on a wall, regardless of whether or not the intent is to advertise or not, shall be considered a mural.
  - b. *Permit Required and Limited Review.* Murals require a sign permit; however, the County has limited review in permitting. Approving or denying a proposed sign permit

considered to be a mural shall be limited to ensuring that the proposed mural is not an obscenity.

**13. Prohibited Signs.** The following types of signs are prohibited in all zoning districts.

- a. Signs in the public right-of-way.
- b. Signs that utilize any motion picture, laser, or visual projection.
- c. Signs that emit audible sound, odor, or visible matter.
- d. Signs that purport to be or are in imitation of or resemble an official traffic sign or signal or which bear the words "Stop," "Slow," "Caution," "Danger," "Warning," or similar words.
- e. Signs that are in imitation of or resemble the lighting of an emergency or road equipment vehicle.
- f. Signs that hide from view any traffic or roadway sign, signal, or device.
- g. Signs that interfere with the site line obstruction requirements of *Sec. 3.F.3.a, Site Line Obstructions*.
- h. Signs on vehicles or trailer frames, whether or not the trailer wheels have been removed, shall be prohibited, except for commercial vehicles that are lawfully and temporarily parked and otherwise moved and operated in the course of regular, routine, and reasonable use of such vehicle or trailer.
- i. Signs painted on, or attached to, any fence or wall that is not structurally a part of a building.
- j. Signs that extend above the roof line or parapet of a building or are mounted on or a part of the roof.
- k. Signs that have blinking, flashing, or fluttering lights or which have a changing light intensity, brightness, color, or give such illusion.
- l. Signs that obstruct any door, fire escape, stairway, or any opening intended to provide entrance or exit for any building or structure.
- m. Signs placed on inoperable vehicles or vehicles without current license plates parked on public or private property primarily for the purpose of displaying the sign. Prohibited signs do not include:
  - 1) Signs displayed on operable and licensed vehicles parked for the purpose of lawfully making deliveries or random sales or service.
  - 2) Signs displayed on operable and licensed vehicles which are customarily used for transporting persons or properties.
  - 3) Signs displayed on operable and licensed vehicles parked at a driver's place of residence during non-business hours or for incidental purposes.
- n. Inflatable, animated, or moving signs.

- o. Off-premise signs, including billboards, except those located along Interstate Highway 65 and zoned GC, General Commercial, HC, Heavy Commercial or IN, Industrial.
- p. Neon, LED, or similar tube-type lighted signs.
- q. Any sign that is not expressly permitted in this UDO.

**14. Nonconforming Signs.** See *Sec. 9.E, Nonconforming Signs*.

**15. Sign Structure Heights.**

- a. *Sign Heights Differ By Functional Street Classification.* Under no circumstances shall any sign structure support an on-premise sign that is higher than any of the following heights as measured from the ground to the bottom of a sign face.
  - 1) *Principal Arterial Street* – 30 feet.
  - 2) *Major Collector Street* - 20 feet.
  - 3) *Minor Arterial Street* - 15 feet.
  - 4) *Local Street* - 5 feet.
- b. *Reference to Sign Face Requirements.* The size requirements below for *Sec. 3.D.16, Temporary Signs in Residential Districts* – *Sec. 3.D.22, Permanent Signs in Heavy Commercial (HC) and Industrial (IN) Districts*, refer to the size of the sign face, not the maximum sign structure height as stated above.

**16. Temporary Signs in Residential Districts.** The temporary signs, as shown below in *Table 3.13, Temporary Signs in Residential Districts*, shall be permitted in residential districts (AR, SR, DR, MR, MH) provided the respective development standards are met. An ILP is not required.

<b>Table 3.13 Temporary Signs in Residential Districts</b>	
<b>Monument and Suspended</b>	
<b>Size of Sign Face</b>	Size of the sign face shall not exceed four (4) feet in height and four (4) square feet in area.
<b>Quantity</b>	One (1) sign permitted per lot
<b>Duration</b>	Signs may be displayed for a period of ten (10) days before or after a legally permitted special event.
<b>Placement</b>	Signs shall: <ul style="list-style-type: none"> <li>• Not be located in violation of <i>Sec. 3.F.3.a, Site Line Obstructions</i>.</li> <li>• Not be located within a right-of-way or easement unless it is an approved sign easement.</li> <li>• Be a minimum of one (1) foot from any property line.</li> </ul>

Table 3.13 Temporary Signs in Residential Districts	
<b>Additional Standards</b>	<ul style="list-style-type: none"> <li>• EVMS or EVMS components are not permitted.</li> <li>• Three (3) additional yard signs may be displayed on a previously undeveloped lot undergoing new construction. Such additional yard signs shall be subject to the yard sign dimensional and location restrictions stated above, except that one (1) sign may be as large as thirty-two (32) square feet in area and ten (10) feet in height. Such signs shall be removed upon completion of the construction project.</li> </ul>

**17. Temporary Signs in Non-Residential Districts.** The temporary signs as shown below in *Table 3.14, Temporary Signs in Non-residential Districts*, shall be permitted in non-residential districts (PR, AG, GC, HC, IN), provided the respective development standards are met. An ILP is required unless otherwise specified.

Table 3.14 Temporary Signs in Non-Residential Districts	
Temporary Attention Seeking Signs	
<b>Size of Sign Face</b>	Size of the sign face shall not exceed ten (10) feet in height and thirty-two (32) square feet in area.
<b>Quantity</b>	Two (2) signs are permitted per street frontage.
<b>Duration</b>	Unless the terms of the permit stipulate otherwise, signs shall not be used for more than fourteen (14) consecutive days, and no more than twice in a calendar year.
<b>Placement</b>	Signs shall: <ul style="list-style-type: none"> <li>• Not be located in violation of <i>Sec. 3.F.3.a, Site Line Obstructions</i>.</li> <li>• Be a minimum of ten (10) feet from any property line.</li> </ul>
<b>Additional Standards</b>	Signs: <ul style="list-style-type: none"> <li>• Are permitted to be displayed during grand openings or special promotions and shall be removed immediately at the end of the event.</li> <li>• Shall not contain any flashing lights at any time.</li> </ul>
Temporary Portable Signs	
<b>Size of Sign Face</b>	Size of the sign face shall not exceed six (6) feet in height and forty (40) square feet in area.
<b>Quantity</b>	<ul style="list-style-type: none"> <li>• One (1) sign is permitted per street frontage.</li> <li>• For multi-tenant buildings or sites, the number of signs permitted shall be determined by the Administrator.</li> </ul>
<b>Duration</b>	Unless the term of the permit stipulates otherwise, signs shall not be used for more than thirty consecutive (30) days, and no more than twice in a calendar year.
<b>Placement</b>	Signs shall: <ul style="list-style-type: none"> <li>• Not be located in violation of <i>Sec. 3.F.3.a, Site Line Obstructions</i>.</li> <li>• Be a minimum of ten (10) feet from any property line.</li> </ul>

Table 3.14 Temporary Signs in Non-Residential Districts	
<b>Additional Standards</b>	Signs: <ul style="list-style-type: none"> <li>• May be displayed during a legally permitted special event.</li> <li>• Shall not contain any flashing lights at any time.</li> </ul>
Temporary Portable EVMS	
<b>Size of Sign Face</b>	Size of the sign face shall not exceed six (6) feet in height and thirty-two (32) square feet in area.
<b>Quantity</b>	One (1) sign is permitted per street frontage.
<b>Duration</b>	Signs shall not be used for more than two (2) days in a six (6) month period.
<b>Placement</b>	Signs shall: <ul style="list-style-type: none"> <li>• Not be located in violation of <i>Sec. 3.F.3.a, Site Line Obstructions</i>.</li> <li>• Be a minimum of ten (10) feet from any property line.</li> </ul>
<b>Additional Standards</b>	Signs shall be subject to the standards of <i>Sec. 3.D.7, Electronic Variable Message Signs</i> .

**18. Permanent Signs in Residential Districts.**

- a. *Generally.* The permanent signs as shown below in *Table 3.15, Permanent Signs in Residential Districts*, shall be permitted in residential districts (AR, SR, DR, MR, MH), provided the respective development standards are met. An ILP is required unless otherwise specified.
- b. *Directional Signs.* The Administrator may approve the size and placement of directional signs. These structures are not considered signs and will not count towards the quantity or area of signage permitted in this section.

Table 3.15 Permanent Signs in Residential Districts	
Permanent Monument Signs	
<b>Size of Sign Face</b>	Size of the sign face shall not exceed four (4) feet in height and thirty-two (32) square feet in area.
<b>Quantity</b>	Two (2) signs per vehicular entrance to a subdivision or residential complex. One (1) sign per any other commercial permitted use.
<b>Placement</b>	Signs <ul style="list-style-type: none"> <li>• Shall not be located in violation of <i>Sec. 3.F.3.a, Site Line Obstructions</i>.</li> <li>• Are permitted only at the vehicular entrance to an agricultural operation, residential subdivision, or residential complex.</li> <li>• Shall be placed at least fifteen (15) feet from the right-of-way.</li> </ul>
<b>Additional Standards</b>	EVMS or EVMS components are not permitted.
Permanent Wall Signs	
<b>Size of Sign Face</b>	Size of the sign face shall not exceed four (4) feet in area.

Table 3.15 Permanent Signs in Residential Districts	
<b>Quantity</b>	One (1) wall sign is permitted per agricultural operation, residential subdivision, residential complex, or other commercial permitted use.
<b>Placement</b>	Sign must be placed on the primary structure.
<b>Additional Standards</b>	<ul style="list-style-type: none"> <li>No illumination is permitted.</li> <li>EVMS or EVMS components are not permitted.</li> </ul>

**19. Permanent Signs in the Parks and Recreation (PR) District.** The permanent signs, as shown below in *Table 3.16, Permanent Signs in the Parks and Recreation (PR) District*, shall be permitted in the district, provided the respective development standards are met along with all other standards of this *Sec. 3.D, Signs*. An ILP is required unless otherwise specified.

Table 3.16 Permanent Signs in the Parks and Recreation (PR) District	
<b>Permanent Monument Signs</b>	
<b>Size of Sign Face</b>	Size of the sign face shall not exceed ten (10) feet in height and thirty-two (32) square feet in message area per side.
<b>Quantity</b>	One (1) monument sign per each vehicular entrance on each street with direct site access.
<b>Placement</b>	Signs shall: <ul style="list-style-type: none"> <li>Not be located in violation of <i>Sec. 3.F.3.a, Site Line Obstructions</i>.</li> <li>Be placed a minimum of ten (10) feet from the right-of-way.</li> </ul>
<b>Additional Standards</b>	A sign containing an EVMS or an EVMS component shall not exceed a total of thirty percent (30%) of the total sign area.
<b>Permanent Wall Signs</b>	
<b>Size of Sign Face</b>	Size of the sign face shall not exceed fifty (50) square feet in area.
<b>Quantity</b>	One (1) per building.
<b>Placement</b>	Signs must be placed on the primary structure.
<b>Additional Standards</b>	EVMS or EVMS components are not permitted.
<b>Permanent Window Signs</b>	
<b>Size of Sign Face</b>	<ul style="list-style-type: none"> <li>Illuminated window signs containing a message that can be seen from the road shall be counted toward the total sign area and require an ILP.</li> <li>Non-illuminated window signs not exceeding twenty-five percent (25%) of each window area are permitted and do not count toward the total sign area. An ILP is not required.</li> </ul>
<b>Quantity</b>	One (1) sign per window frame.
<b>Additional Standards</b>	Signs must be placed on permanent structure.

**20. Permanent Signs in the Agricultural District.** The permanent signs, as shown below in *Table 3.17, Permanent Signs in Agricultural (AG) District*, shall be permitted in the Agricultural (AG) District provided the respective development standards are met along with all standards of this *Sec. 3.D, Signs*. An ILP is required unless otherwise specified.

Table 3.17 Permanent Signs in the Agricultural (AG) District	
Permanent Monument Signs	
<b>Size of Sign Face</b>	Size of the sign face shall not exceed ten (10) feet in height and thirty-two (32) square feet in area per side.
<b>Quantity</b>	One (1) monument sign per agricultural operation
<b>Placement</b>	Signs: <ul style="list-style-type: none"> <li>• Shall not be located in violation of <i>Sec. 3.F.3.a, Site Line Obstructions</i>.</li> <li>• Are permitted only at the vehicular entrance to an agricultural operation.</li> <li>• Shall be placed at least fifteen (15) feet from the right-of-way.</li> </ul>
<b>Additional Standards</b>	EVMS or EVMS components are not permitted.
Permanent Wall Signs	
<b>Size of Sign Face</b>	Size of the sign face shall not exceed one hundred (100) square feet in area.
<b>Quantity</b>	One (1) per building.
<b>Placement</b>	Signs must be placed on the primary structure.
<b>Additional Standards</b>	EVMS or EVMS components are not permitted.

**21. Total Number of Signs Permitted in the GC, HC, and IN Districts.**

- a. *Generally.* Non-residential uses in the GC, HC, and IN districts shall be permitted a maximum number of signs per individual business.
- b. *Requirements.* The business may choose a combination of any of the permitted sign types stated in either *Table 3.18, Permanent Signs in the GC District*, or *Table 3.19, Permanent Signs in the HC and IN Districts*, so long as no more than four (4) total signs are permitted unless a single tenant has a gross floor area (GFA) of more than one hundred thousand (100,000) square feet. In this case, an additional sign is permitted for each additional twenty thousand (20,000) square feet of GFA. Additionally, a business shall only be permitted one (1) sign per sign type unless the business has two (2) street frontages or one (1) street frontage and the primary entrance to the business does not face the street. In these circumstances, the businesses shall be granted a maximum of two (2) wall signs and two (2) monument signs.

**22. Permanent Signs in the General Commercial District.**

- a. *Permitted Signage.* The permanent signs, as shown below in *Table 3.18, Permanent Signs in the General Commercial (GC) District*, shall be permitted in the General

Commercial (GC) District provided the respective development standards are met along with the additional standards as shown in *Sec. 3.D, Signs*. Pole signs are permitted within the GC District only as multi-tenant center signs. An ILP is required unless otherwise specified.

- b. *Maximum Cumulative Sign Area*. The total square footage in message area of all combined sign facings per lot shall not exceed the lesser of two (2) times the length of building that faces the road or four hundred (400) square feet.
- c. *Directional Signs*. The Administrator may approve the size and placement of directional signs. These structures are not considered signs and will not count towards the quantity or area of signage permitted in this section.

<b>Table 3.18 Permanent Signs in the General Commercial (GC) District</b>	
<b>Permanent Monument Signs</b>	
<b>Size of Sign Face</b>	Size of the sign face shall not exceed ten (10) feet in height and forty-eight (48) square feet in message area per side.
<b>Quantity</b>	One (1) monument sign shall be permitted per lot, plus one (1) monument sign is allowed at each additional vehicular entrance on a public street.
<b>Placement</b>	Signs shall: <ul style="list-style-type: none"> <li>Not be in violation of <i>Sec. 3.F.3.a, Site Line Obstructions</i>.</li> <li>Be placed at least fifteen (15) feet from the right-of-way.</li> </ul>
<b>Additional Standards</b>	A sign containing an EVMS or an EVMS component shall not exceed a total of thirty percent (30%) of the total sign area.
<b>Permanent Pole Signs (for multi-tenant centers only)</b>	
<b>Size of Sign Face</b>	Size of the sign face shall not exceed twenty-five (25) feet in height and two hundred (200) square feet in area.
<b>Quantity</b>	<ul style="list-style-type: none"> <li>Single lot freestanding signs are prohibited on the same lot as multi-tenant center signs.</li> <li>If a multi-tenant center has more than six hundred (600) feet of public road frontage, one (1) additional freestanding multi-tenant center sign shall be permitted at each additional vehicular entrance on a public street.</li> </ul>
<b>Placement</b>	<ul style="list-style-type: none"> <li>Signs shall not be in violation of <i>Sec. 3.F.3.a, Site Line Obstructions</i>.</li> <li>Signs shall be placed a minimum of ten (10) feet from the right-of-way.</li> <li>The distance between multi-tenant center signs shall be at least five hundred (500) feet.</li> </ul>
<b>Additional Standards</b>	A sign containing an EVMS or an EVMS component shall not exceed thirty percent (30%) of the total sign area.

**Table 3.18 Permanent Signs in the General Commercial (GC) District**

<b>Permanent Wall Signs</b>	
<b>Size of Sign Face</b>	<ul style="list-style-type: none"> <li>• Sign area for all wall signs on one (1) building frontage shall be two (2) square feet in area for each lineal foot of building frontage.</li> <li>• Total sign area for all signs for a single establishment shall not exceed one hundred (100) square feet in area.</li> </ul>
<b>Quantity</b>	<ul style="list-style-type: none"> <li>• A corner tenant or a single building tenant with more than one (1) public street frontage may have wall signs on each street frontage.</li> </ul>
<b>Placement</b>	Signs must be placed on the primary structure.
<b>Additional Standards</b>	EVMS or EVMS components are not permitted.
<b>Permanent Projecting Signs</b>	
<b>Size of Sign Face</b>	Size of the sign face shall not exceed twelve (12) square feet in area per side.
<b>Quantity</b>	One (1) per awning or other attached overhang.
<b>Placement</b>	Signs: <ul style="list-style-type: none"> <li>• May project eighteen (18) inches beyond the building to which it is attached.</li> <li>• Shall maintain a clearance of ten (10) feet over pedestrian areas.</li> <li>• May not project beyond the lot line or public right-of-way line.</li> </ul>
<b>Additional Standards</b>	<ul style="list-style-type: none"> <li>• Projecting signs shall only be allowed in lieu of wall signs.</li> <li>• EVMS or EVMS components are not permitted.</li> </ul>
<b>Permanent Window Signs</b>	
<b>Size of Sign Face</b>	<ul style="list-style-type: none"> <li>• Illuminated window signs containing a message that can be seen from the road shall be counted toward the total sign area and require an ILP.</li> <li>• Non-illuminated window signs not exceeding fifty percent (50%) of each window area are permitted and do not count toward the total sign area. An ILP is not required.</li> </ul>
<b>Quantity</b>	One (1) per window frame
<b>Additional Standards</b>	EVMS or EVMS components are not permitted.

<b>Table 3.18 Permanent Signs in the General Commercial (GC) District</b>	
<b>Permanent Off-Premises Signs</b>	
<b>Size of Sign Face</b>	<ul style="list-style-type: none"> <li>• Maximum seven hundred and fifty (750) square feet for each side of the sign.</li> <li>• Extensions to the basic rectangular sign area shall not exceed a maximum of four (4) feet along the top and maximum of one (1) foot on the sides and bottom.</li> <li>• Thirty (30) feet maximum height.</li> </ul>
<b>Quantity</b>	Maximum one (1) off-premises sign per lot.
<b>Placement</b>	<ul style="list-style-type: none"> <li>• Minimum twenty (20) foot setback for all lot lines</li> <li>• Off-premises signs shall also be located a minimum of:               <ul style="list-style-type: none"> <li>○ Two thousand (2,000) feet from any residential zoning district or residential use.</li> <li>○ Two thousand (2,000) feet from any local, state, or federally created historic district.</li> <li>○ Six hundred and sixty (660) feet from the Interstate Highway 65 right-of-way.</li> <li>○ Five hundred (500) feet from an interchange or intersection, measured along the right-of-way of the interstate at the beginning or end of pavement widening at the primary access entrance or exit.</li> </ul> </li> </ul>
<b>Additional Standards</b>	<ul style="list-style-type: none"> <li>• The minimum distance between any off-premises signs shall be two thousand (2,000) feet.</li> <li>• An off-premises sign may be mounted with two (2) faces back-to-back, or “V-ed” at an angle not to exceed sixty (60) degrees.</li> <li>• Off-premises signs that are double stacked, one on top of the other, are prohibited.</li> <li>• EVMS or EVMS components are not permitted.</li> </ul>

**23. Permanent Signs in Heavy Commercial (HC) and Industrial (IN) Districts.** The permanent signs, as shown below in *Table 3.19, Permanent Signs in Heavy Commercial (HC) and Industrial (IN) Districts*, shall be permitted in the Heavy Commercial (HC) and Industrial District (IN) provided the respective development standards are met along with all of the applicable standards of this *Sec. 3.D, Signs*. An ILP is required unless otherwise specified.

<b>Table 3.19 Permanent Signs in Heavy Commercial (HC) and Industrial (IN) Districts</b>	
<b>Permanent Monument Signs</b>	
<b>Size of Sign Face</b>	Size of the sign face shall not exceed ten (10) feet in height and forty-eight (48) square feet in message area per side.
<b>Quantity</b>	One (1) monument sign shall be permitted per lot, plus one (1) additional monument sign is allowed at each additional vehicular entrance on a public street.
<b>Placement</b>	Signs shall: <ul style="list-style-type: none"> <li>• Not be in violation of Sec. 3.F.3.a, <i>Site Line Obstructions</i>.</li> <li>• Be placed a minimum of ten (10) feet from the right-of-way.</li> </ul>
<b>Additional Standards</b>	A sign containing an EVMS or an EVMS component shall not exceed a total of thirty percent (30%) of the total sign area.
<b>Permanent Wall Signs</b>	
<b>Size of Sign Face</b>	Size of the sign face shall not exceed fifty (50) square feet in area.
<b>Quantity</b>	A corner tenant or a single building tenant with more than one (1) public street frontage may have wall signs on each street frontage.
<b>Placement</b>	Signs must be placed on the primary structure.
<b>Additional Standards</b>	EVMS or EVMS components are not permitted.
<b>Permanent Window Signs</b>	
<b>Size of Sign Face</b>	<ul style="list-style-type: none"> <li>• Illuminated window signs containing a message that can be seen from the road shall be counted toward the total sign area and require an ILP.</li> <li>• Non-illuminated window signs not exceeding fifty percent (50%) of each window area are permitted and do not count toward the total sign area. An ILP is not required.</li> </ul>
<b>Quantity</b>	One (1) per window frame.
<b>Additional Standards</b>	EVMS or EVMS components are not permitted.
<b>Permanent Off-Premises Signs</b>	
<b>Size of Sign Face</b>	<ul style="list-style-type: none"> <li>• Maximum seven hundred and fifty (750) square feet for each side of the sign.</li> <li>• Extensions to the basic rectangular sign area shall not exceed a maximum of four (4) feet along the top and maximum of one (1) foot on the sides and bottom.</li> <li>• Thirty (30) feet maximum height.</li> </ul>

Table 3.19 Permanent Signs in Heavy Commercial (HC) and Industrial (IN) Districts	
<b>Quantity</b>	Maximum one (1) off-premises sign per lot.
<b>Placement</b>	<ul style="list-style-type: none"> <li>• Minimum twenty (20) foot setback for all lot lines</li> <li>• Off-premises signs shall also be located a minimum of:               <ul style="list-style-type: none"> <li>○ Two thousand (2,000) feet from any residential zoning district or residential use.</li> <li>○ Two thousand (2,000) feet from any local, state, or federally created historic district.</li> <li>○ Six hundred and sixty (660) feet from the Interstate Highway 65 right-of-way.</li> <li>○ Five hundred (500) feet from an interchange or intersection, measured along the right-of-way of the interstate at the beginning or end of pavement widening at the exit from or entrance to the main traveled way.</li> </ul> </li> </ul>
<b>Additional Standards</b>	<ul style="list-style-type: none"> <li>• The minimum distance between any off-premises signs shall be two thousand (2,000) feet.</li> <li>• An off-premises sign may be mounted with two (2) faces back-to-back, or “V-ed” at an angle not to exceed sixty (60) degrees.</li> <li>• Off-premises signs that are double stacked, one on top of the other, are prohibited.</li> <li>• EVMS or EVMS components are not permitted.</li> </ul>

## E. Lighting.

### 1. Purpose and Applicability.

- a. *Purpose.* The purpose of this Section is to provide regulations for outdoor lighting that will:
  - 1) Permit the use of outdoor lighting for valid purposes such as nighttime safety, security, enjoyment, and commerce while also ensuring that the light source emitted is not too bright;
  - 2) Minimize adverse off-site impacts of lighting, such as obtrusive light and light trespass;
  - 3) Conserve energy and resources to the greatest extent possible; and
  - 4) Assist in protecting the natural environment from the adverse impact of night lighting.
- b. *Applicability.*
  - 1) *Generally.* Unless exempted below in *Sec. 3.E.1.b.2, Exemption*, all outdoor lighting must comply with the requirements of this Section 3.E.
  - 2) *Exemption.* The following are not regulated by this Section:

- a) Lighting attached to or to better identify signage (See *Sec. 3.D, Signs*);
- b) Lighting within the public right-of-way for the principal purpose of illuminating streets;
- c) Temporary lighting used by law enforcement, fire, and other emergency services;
- d) Lighting required by law to be installed on motor vehicles;
- e) Lighting for public monuments and statues provide the lighting does not constitute a hazard for the operation of motor vehicles on a public street;
- f) Temporary lighting for theatrical, television, performance areas, and construction sites, provided the lighting does not constitute a hazard to the operation of motor vehicles upon a public street;
- g) Underwater lighting in swimming pools and other water features; and
- h) Temporary lighting and seasonal lighting, including fairs and firework displays, provided that individual lamps are less than seven watts and forty-five (45) lumens.

**2. Lighting Design.** All lighting shall be shielded so the source of illumination (bulb or direct lamp image) is not visible from the property line.

**3. Footcandle Measurements.**

- a. All exterior lighting shall have the following maximum footcandle requirements:
  - 1) Property that is zoned residential or is a residential use: 0.3 footcandle.
  - 2) Property that is zoned non-residential and not a residential use: 0.5 footcandle.
- b. The intensity of illumination shall be measured at the property line of any neighboring property.

**4. Parking Lot Lighting.** Parking facilities, including parking lots, spaces, drive aisles, entrances, and stairways, must provide an even distribution of lighting to illuminate the entire parking lot and reduce the number of dark spots and shadow creation for pedestrian and motorist safety. Light fixtures shall be designed and installed to prevent glare from being cast outside of any parking lot.

**5. Canopy Lighting.** Canopy lighting for uses that have sheltered outside work or service areas, such as vehicle gas and fueling stations, must recess all luminaries into the canopy so that they cannot be viewed off-site from an eye height of four (4) feet (to protect automobile drivers from glare).

**F. Property and Environmental Standards.**

**1. Purpose and Applicability.**

- a. *Purpose.* In the interest of protecting public health, safety, and welfare, and to lessen the risk of injury to property, the following standards have been established.

- b. *Applicability.* The requirements of this Section 3.F apply to all land uses within the County. No use shall be altered to conflict with these standards.
- 2. Dumping Prohibited.** No person shall dump or allow the accumulation of solid waste on his/her property with the exception of compost piles and materials defined as inert solid waste to be used during fill operations and not for long-term storage. No person shall dump any solid waste or inert solid waste along County roadways or within County property except in an approved and properly permitted solid waste disposal facility.
- 3. Outdoor Storage of Vehicles.**
- a. *Inoperable Vehicles.* No more than one (1) unlicensed, inoperable, or partially dismantled vehicle may be stored outside on a property in an agricultural, residential, or industrial zoning district. Inoperable vehicles are to be entirely screened from view.
  - b. *Semis, Trailers, and Recreational Vehicles.*
    - 1) *PR, AG, SR, DR, and MR Zoning Districts.* Within zoning districts PR, AG, SR, DR, and MR, all parking or outdoor storage of any and all (a) semi-tractors, semi-trailers, or combination semi-tractor and semi-trailers; and (b) motor vehicles designed, used, or maintained primarily for the transportation of property and used a majority of the time for commercial purposes (including without limitation, cargo vans and box trucks), shall all together be limited to one (1) per lot at any time; provided, however, those parked temporarily (no longer than sixteen (16) hours, and not overnight) for delivery of goods and services, and those with farm license plates, shall not be limited by this subsection.
    - 2) *No Connections Permitted.* Such vehicles, parked or stored, shall not be connected to water, gas, or sanitary sewer facilities and shall not be used for living or housekeeping purposes.
    - 3) *Vehicles Over One Ton.* Parking or outdoor storage of trucks and/or trailers over one (1) ton rated capacity, step vans, cargo vans, buses, recreational vehicles, mobile homes, or manufactured units, except temporary parking for the delivery of goods and/or services, shall not be permitted within any platted major residential subdivision.
    - 4) *Occupancy of Recreational Vehicles.* Except as otherwise provided under this UDO, recreational vehicles shall not be occupied in any location other than an approved recreational vehicle park and campground.
- 4. Visual Clearance on Corner Lots.**
- a. *Site Line Obstructions.* No fence, wall, hedge, tree, shrub, sign, or other object which obstructs sight lines and elevations between two and one-half (2½) and eight (8) feet above the street shall be placed, planted, or permitted to remain on any corner lot within the triangular area formed by the street right-of-way lines and a line connecting points thirty-five (35) feet from the intersection of said street lines, or in the case of a rounded property corner, from the intersection of the street right-of-way lines extended. The same sight line limitations as stated in this section shall apply to any area

within ten (10) feet of the intersection of a street right-of-way line with the edge of any driveway pavement or alley line.

- b. *Private Driveways.* No portion of a private driveway for a corner lot shall be permitted on dedicated rights-of-way within seventy (70) feet of the centerline intersections of streets adjacent to the corner lot.

## 5. Fire Protection.

- a. *Flammable or Explosive Materials.* When any activity involving the handling or storage of flammable or explosive materials is conducted, firefighting equipment and prevention measures acceptable to the local fire department shall be readily available and apparent.
- b. *Incombustible to Moderate Burning Materials.* The storage, utilization, or manufacture of materials or products ranging from incombustible to moderate burning, as determined for liquids by a closed cup flash point of not less than one hundred and eighty-seven (187) degrees Fahrenheit, is permitted subject to compliance with all other applicable standards of this Section 3.F.
- c. *Free Burning to Intense Burning Materials.* The storage, use, or manufacture of materials or products ranging from free or active burning to intense burning, as determined for liquids by a closed cup flash point of less than one hundred and eighty-seven (187) degrees Fahrenheit but not less than one hundred and five (105) degrees Fahrenheit, is permitted subject to compliance with all other applicable performance standards and provided the following conditions are met:
  - 1) Said materials or products shall be stored, used, or produced within completely enclosed buildings or structures having incombustible exterior walls; and
  - 2) All such buildings or structures shall be set back at least forty (40) feet from lot lines or, in lieu thereof, all such buildings or structures shall be protected throughout by an automatic sprinkler system complying with installation standards prescribed by the American Insurance Association; or, if the materials, goods, or products are liquids, the protection thereof shall be in conformity with standards prescribed by the American Insurance Association.
- d. *Flammable and Explosive Materials.* The use in manufacturing processes of materials which produce flammable or explosive vapors or gases, determined for liquids by a closed cup flash point of less than one-hundred five (105) degrees Fahrenheit, shall be permitted provided that:
  - 1) A final manufactured product does not itself have a closed cup flash point of less than one-hundred eight-seven (187) degrees Fahrenheit;
  - 2) The use and storage of such materials shall be in conformity with standards prescribed by the American Insurance Association and the requirements of any other ordinances;
  - 3) The storage of more than fifty thousand (50,000) gallons of materials or products having a closed cup flash point of less than one hundred five (105) degrees

Fahrenheit (exclusive of storage of finished products in original sealed containers) is prohibited; and

- 4) The storage of more than one hundred thousand (100,000) gallons of materials or products having a closed cup flash point of less than one hundred eighty (180) degrees Fahrenheit (exclusive of storage of finished products in original sealed containers) is prohibited.

**6. Heat and Radiation.**

- a. *Heat.* Any operation such as welding that produces intense heat that modifies solid materials to another shape and/or form shall be conducted within a completely enclosed building in such a manner so as not to create a public nuisance or hazard.
- b. *Radiation Hazards.* All operations using or storing radioactive materials, whether or not licensed by the Atomic Energy Commission, shall comply with all applicable Federal, State, and local statutes.

**7. Electrical Disturbance and Vibration.**

- a. *Electrical Disturbance.*
  - 1) In all districts, no use, activity, or process shall be conducted which produces electric and/or magnetic fields which adversely affect public health, safety, and welfare, including, but not limited to, interference with normal radio, telephone, or television reception off the premises where the activity is conducted.
  - 2) In all districts, no use, activity, or process shall be conducted which causes any interference with public safety communications.
  - 3) In all districts, structures, including communications facilities, shall be constructed and/or maintained so as to prevent interference with existing public safety communications.
  - 4) In all districts, structures, including communications facilities, shall be constructed and/or maintained so as to provide for in-building public safety communications coverage.
- b. *Vibration.* No use shall cause vibrations or concussions detectable beyond the property's boundary lines without the aid of instruments.

**8. Smoke and Particulate Matter.**

- a. *Danger to the Public.* The emission of smoke or particulate matter by established commercial or industrial land uses, in such manner or quantity as to endanger or be detrimental to the public health, safety, comfort, or welfare, is not permitted.
- b. *Density Greater than No. 2.* For the purpose of the grading the density of smoke, the Ringelmann Chart, published and used by the United States Bureau of Mines, shall be employed. The emission of smoke or particulate matter of a density greater than No. 2 on the Ringelmann Chart is prohibited at all times, except as otherwise provided hereinafter. The emission, from all sources within any lot area, of particulate matter

containing more than ten percent (10%) by weight of particles having a diameter larger than forty-four (44) microns is prohibited.

- c. *Pollution Amounts.* Dust and air pollution, within lot boundaries, shall be kept to a minimum by appropriate landscaping, paving, oiling, fencing, or other acceptable means. The emission of more than eight (8) smoke units (as defined by the United States Bureau of Mines) per hour per stack is prohibited, including smoke of a density in excess of Ringelmann No. 2. However, during one (1) hour long period in each day, each stack may emit up to sixteen (16) smoke units when blowing soot or cleaning flues. Only during fire-cleaning periods, however, shall smoke of Ringelmann No. 3 be permitted, and then for not more than three (3) minutes.

**9. Noise.**

- a. *Control of Noise Levels.* No use shall produce noise in such a manner as to be objectionable because of volume, frequency, intermittence, shrillness, or vibration, above the levels in *Table 3.20, Maximum Permitted Sound Level (Decibels)*, below. Said noise shall be muffled or otherwise controlled so as not to become detrimental, provided, however, that public safety sirens and related apparatus used solely for public purposes, as well as agricultural uses, athletic events, fairs, concerts, construction activities, fireworks displays, and like events, shall be exempt from this standard.

Table 3.20, Maximum Permitted Sound Level (Decibels)			
Octave Band (Frequency Cycles per Second)	Within Residential Districts	Within Business Districts	Within Industrial Districts
0 to 75	72	75	75
75 to 150	67	70	74
150 to 300	59	63	69
300 to 600	52	57	64
600 to 1200	46	52	58
1200 to 2400	40	45	52
2400 to 4800	34	40	47
Above 4800	32	38	43

- b. *Sound Levels.* Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American National Standards Institute, *ANSI S1.2-1962 "American Standards Meter for the Physical Measurement of Sound."* Measurements shall be made using the flat network of the sound level meter. Impulsive type noises shall be subject to the performance standards hereby prescribed, provided that such noises shall be capable of being accurately measured with such equipment.
- c. *Noises Measured.* Noises capable of being measured, for the purpose of this Section, shall be those noises which cause rapid fluctuations of the needle of the sound level meter, with a variation of no more than plus or minus two (2) decibels. Noises incapable of being so measured, such as those of an irregular or intermittent nature, shall be

controlled so as not to become a nuisance to adjacent uses. At no point on the boundary of a property in a particular zoning district shall the sound intensity level of any individual operation or plant exceed the decibel levels in the designated octave bands described in *Table 3.20, Maximum Permitted Sound Level (Decibels)*. Where the emitting and receiving premises are in different zoning districts, the limits governing the more restrictive district shall apply to any regulated noise entering that district.

**10. Water and Waste Pollution.** There shall be no discharge, at any point, into any sewerage system, stream, or into the ground of any materials in such a way or of such a nature or temperature as will contaminate or otherwise cause the emission of hazardous materials except in accordance with applicable State and local statutes.

## Chapter 4 – Use Standards

- A. Purpose.** The purpose of this Chapter is to promote compatibility among land uses by establishing additional standards, where necessary, to ensure that uses permitted can function for the benefit of a property owner without causing a disturbance for neighbors and/or the community at-large.
- B. Application.**
- 1. Generally.** The use standards of this Chapter apply to all land uses set out in *Chapter 2, Zoning Districts*, that are designated as a permitted use with additional standards or as a special exception.
  - 2. Permitted Uses with Additional Standards.** Permitted uses with additional standards are to be permitted by the Administrator and do not require an approval by the Board of Zoning Appeals (BZA).
  - 3. Special Exceptions.** Special Exceptions are permitted only with approval by the BZA after a public hearing has been heard on the matter, which grants members of the public the opportunity to speak regarding the proposed application. See *Sec. 8.C.7, Special Exception Process*.
  - 4. Approval of Uses.** Permitted uses with additional standards and special exception uses shall only be approved if in compliance with all of the requirements of this Chapter and all other relevant chapters of the UDO, including but not limited to *Chapter 3, Site Standards; Chapter 5, Subdivision Types; and Chapter 6, Subdivision Standards*.
  - 5. Timing of Compliance.** These standards apply at the time a use is requested for an existing or new structure or when an existing use is proposed to be expanded by more than twenty-five percent (25%) of the gross square footage currently devoted to the use.
  - 6. Expansion of Use.** This Chapter applies to an expansion of use, whether it is to or within an existing building or in an outdoor area devoted to the use.
- C. Standards.** This Section 4.C designates the land uses and associated land use standards that are required when a land use is designated within a specific zoning district as either a permitted use with additional standards or as a special exception use.
- 1. Accessory Dwelling Unit, Attached.**
    - a. Area.**
      - 1) Minimum area of the use shall be consistent with County Building Code regulations.
      - 2) Maximum area of the use shall be one thousand (1,000) square feet.
    - b. Addressing.** Properties with an approved accessory dwelling may be required to maintain a single physical address with separate “unit” number associated with each of the units in accordance with the rules of the applicable postmaster.
    - c. Quantity.** No more than one (1) attached accessory dwelling shall be permitted per primary dwelling unit.

- d. *Lawfully Constructed.* The attached accessory dwelling unit shall only be allowed on lots where an existing single-family detached dwelling is a legal conforming structure as defined by this UDO.
- e. *Ownership.* The attached accessory dwelling unit shall not be under separate ownership from the primary structure.
- f. *Driveway.* The attached accessory dwelling shall utilize the existing driveway that serves the primary dwelling.
- g. *Sanitation.* Connections or modifications to an existing septic system may be needed to accommodate the use. This requirement is at the County’s discretion as to when it is required.
- h. *Types of Structures Prohibited.* Attached accessory dwelling units shall only be allowed in lawfully built dwelling units that meet the County’s building code requirements. Attached accessory dwelling units shall not be allowed in any structure or portion of a structure that is not intended for permanent human occupancy.

**2. Accessory Dwelling Unit, Detached.**

- a. *Area.*
  - 1) Minimum area of the use shall be two hundred twenty (220) square feet.
  - 2) Maximum area of the use shall be one thousand (1,000) square feet.
- b. *Accessory Structures.* A detached accessory dwelling shall not be permitted to have its own accessory structures.
- c. *Addressing.* Properties with an approved detached accessory dwelling may be required to maintain a single physical address with separate “unit” number associated with each of the units in accordance with the rules of the applicable postmaster.
- d. *Quantity.* No more than one (1) detached accessory dwelling unit shall be permitted per parcel of property.
- e. *Lawfully Constructed.* The detached accessory dwelling unit shall only be allowed on lots where an existing single-family detached dwelling is a legal conforming structure as defined by this UDO.
- f. *Ownership.* The detached accessory dwelling unit shall not be under separate ownership from the primary structure.
- g. *Driveway.* The detached accessory dwelling shall utilize the existing driveway that serves the primary dwelling.
- h. *Sanitation.* Connections or modifications to an existing septic system may be needed to accommodate the use. This requirement is at the County’s discretion as to when it is required.
- i. *Height.* Maximum height of a detached accessory dwelling shall be twenty-five (25) feet or the height of the primary dwelling unit, whichever is less.

- j. *Location.* A detached accessory dwelling must be located behind the front façade of the primary residential structure, in the buildable area of the side yard or the rear yard.
  - k. *Architecture and Building Materials.* For properties zoned SR, architectural style, form, materials, and colors shall match or be compatible with the style and form of the primary dwelling unit. Properties zoned AG or AR are expressly excluded from this requirement, however, compatibility is encouraged.
- 3. Accessory Structures.** Accessory structures detached from or attached to the primary building by an enclosed or unenclosed structure may be permitted within the allowable building area of any lot defined by the required front, side, and rear building lines under the following conditions:
- a. *General Standards.* The following standards apply to accessory structures regardless of the zoning district which they are located in. These standards are required in addition to the district-specific standards, as shown in *Sec. 4.C.3.b, District Specific Standards*, below.
    - 1) Accessory structures shall not be permitted in any drainage, utility, or other platted or recorded easement.
    - 2) No accessory structure shall be allowed to encroach in an alleyway.
    - 3) Accessory structures shall not create additional lot coverage exceeding the maximum lot coverage as specified in *Chapter 2, Zoning Districts*.
    - 4) Accessory structures shall be placed on the same property as the principal structure.
  - b. *District Specific Standards.*
    - 1) *PR, AG, and AR Zoning Districts.*
      - a) Accessory structures may be permitted in the front yard, provided:
        - (1) The subject parcel has a minimum area of two (2) acres; and
        - (2) The accessory structure has a minimum front setback of one hundred (100) feet.
      - b) Accessory structures shall be permitted in rear and side yards, provided that the general standards of *Sec. 4.C.3.a, General Standards* are met.
    - 2) *SR, DR, MR, and MH Zoning Districts.*
      - a) Accessory structures shall not exceed twenty-five (25) feet in height.
      - b) Accessory structures may be permitted in the front yard, provided that:
        - (1) The accessory structure does not have a gross floor area that exceeds twenty-five percent (25%) of the gross floor area of the primary structure; and
        - (2) The accessory structure is not platted within a major subdivision.

- c) Accessory structures may be permitted in the rear and side yards, provided that the accessory structure does not have a gross floor area that exceeds one hundred percent (100%) of the gross floor area of the primary structure.

3) *GC, HC, and IN Zoning Districts.*

- a) Accessory structures shall not have a gross floor area that exceeds seventy-five percent (75%) of the gross floor area of the primary structure.
- b) Accessory structures shall be permitted in rear and side yards, provided that the general standards of *Sec. 4.C.3.a, General Standards* are met.

**4. Adult Entertainment Business.** An Adult Entertainment Business shall be located at least one thousand (1,000) feet (at the time of permitting) from a place of public assembly, indoor; school; child care center; commercial recreation and amusement services; funeral home; cemetery; hospital / rehabilitative care; nursing home; park; studio: art, music, dance; theater, movie; stadium; amphitheater; a residential use or residential district; library; museum, or gallery; recreational center; or another adult entertainment business. Measurements for purposes of this Section shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where an adult entertainment business is conducted to the nearest property line of the land uses listed above.

**5. Agritourism.**

- a. *Accessory to Active Agricultural Use.* All proposed uses related to agritourism shall be accessory to the active agricultural use and said agritourism uses shall either occur at the same site or an adjoining site that is under common ownership.
- b. *Building Code Compliance.* All buildings that meet the definition of Class 1 structure by the Indiana Building Code shall obtain any applicable state and local permits.
- c. *No Disturbance of Regular Agricultural Uses.* The proposed use shall be located, designed, and operated so as not to interfere with normal agricultural practices on and off of the site of the use.
- d. *Architecture.* All new buildings should incorporate a rural character with ties to the local historic heritage where possible with regard to style and design. This means new agritourism uses involving new structures shall complement and enhance the rural environment.
- e. *Plan of Operation.* A plan of operation is required to be submitted with an application for a special exception that will require recorded written commitments. See *Sec. 8.B.10, Written Commitment Process*. The plan of operation shall include, at a minimum, the number of employees; hours of operation; areas to be used for parking; and specifics as to the types of agritourism uses that will occur on the property.
- f. *Special Events.* The special event application process shall be followed for any and all activities that are not accounted for with the typical plan of operation as stated above. See the special event requirements within this Chapter.

- g. *Parking*. All parking surfaces shall be of a hard surface such as crushed stone, gravel, or pavement and be compliant with the Americans with Disabilities Act (ADA).
  - h. *Trash Receptacles*. Trash receptacles shall be provided. If dumpsters are provided, they shall be placed on a hard surface and shall be completely obscured from view by an opaque fence or wall.
  - i. *Sanitation*. Public restroom facilities, temporary or permanent, shall be provided on site and with approval of the State and/or County Health Department.
  - j. *Noise Ordinance*. All agrotourism activities shall be compliant with the County's Noise Ordinance.
- 6. Airport / Heliport.** Compliance with the Federal Aviation Administration (FAA) Airport Zoning Regulations is required.
- 7. Apartment.** Side setbacks for the use shall be at least 20 feet.
- 8. Automobile / Vehicle Sales and Rental.**
- a. All outdoor display areas for rental or sales of vehicles shall:
    - 1) Be located on an improved hard surface;
    - 2) Be located in areas that are outside of the minimum required parking spaces for the use;
    - 3) Be located a minimum of three hundred (300) feet from any residential district or residential use as measured from the closest two (2) points of the property;
    - 4) Have no cars displayed for sale or rental either in the right-of-way or within ten (10) feet of the right-of-way; and
    - 5) Include no more than one (1) elevated display which raises the vehicle no more than three (3) feet off the ground.
  - b. No inoperable vehicles or materials may be stored on-site unless within an enclosed building or otherwise totally screened from view.
  - c. When the use is located a distance of greater than three hundred (300) feet but not larger than one thousand (1,000) feet from any residential district or residential use, buffering consistent with at least a Type 2 Bufferyard per *Sec. 3.C.6, Bufferyard Landscaping Standards*, shall be required. Should the property be located with an adjacent parcel of property that, according to *Table 3.12, Bufferyard Type Required*, requires a Type 3 Bufferyard, then a Type 3 Bufferyard shall be required.
- 9. Automobile / Vehicle Repair and Service.**
- a. The use shall be located a minimum of three hundred (300) feet from any residential district or residential use as measured from the closest two (2) points of the property.
  - b. When the use is located a distance of greater than three hundred (300) feet but not larger than one thousand (1,000) feet from any residential district or residential use, buffering consistent with at least a Type 2 Bufferyard per *Sec. 3.C.6, Bufferyard Landscaping Standards*, shall be required. Should the property be located with an

adjacent parcel of property that, according to *Table 3.12, Bufferyard Type Required*, requires a Type 3 Bufferyard, then a Type 3 Bufferyard shall be required.

- c. No automobile shall be parked either within the right-of-way or within ten (10) feet of the right-of-way.
- d. No automobile shall be left on the premise that is inoperable for more than one (1) week.
- e. All work and/or repairs must happen within an enclosed structure, and all customer vehicles in the process of repairs or other work overnight must be stored indoors or otherwise totally screened from view. This paragraph does not apply to customer vehicles dropped off to be worked on, or customer vehicles waiting to be picked up after the work has been completed.

**10. Bar / Brewery.**

- a. The business must be properly licensed by multiple State of Indiana agencies to fully conduct the proposed use, including but not limited to obtaining a business license, food service license, seller's permit, and liquor license permit.
- b. The use shall be located a minimum of three hundred (300) feet from any residential district; residential use; schools; place of public assembly, indoor; library; hospital / rehabilitative care; correctional institution; cemetery; medical office/clinic; heavy equipment sales and rental; shooting / archery range; or childcare center.

**11. Cargo Terminal.** The use shall be located a minimum of three hundred (300) feet from any residential district or residential use as measured from the closest two (2) points of the property.

**12. Car Wash.** The use shall be located a minimum of three hundred (300) feet from any residential district or residential use as measured from the closest two (2) points of the property.

**13. Cemetery.** If applicable, all mausoleums shall be built and maintained in accordance with *I.C. § 23-14-38*.

**14. Cellular Communications Facilities (CCF).**

- a. *Standards for All Types of CCFs.*
  - 1) *Federal Requirements.* All CCFs shall meet the current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and any other agency of the federal government with the authority to regulate CCFs. If such standards and regulations are changed, then the owners of the CCF governed by this Section shall bring such facility into compliance with such revised standards and regulations within the time period mandated by the controlling federal agency. Failure to meet such revised standards and regulations shall constitute grounds for the removal of the CCF at the owner's expense.
  - 2) *Radio Frequency Standards.* All CCFs shall comply with federal standards for radio frequency emissions. If concerns regarding compliance with radio frequency

emissions standards for a CCF have been made to the County, the County may request that the owner or operator of the CCF provide information demonstrating compliance. If such information is not sufficient, in the reasonable discretion of the County, to demonstrate compliance, the County may request that the owner or operator of the CCF submit a project implementation report which provides cumulative field measurements of radio frequency emissions of all antennas installed at the subject site, and which compares the results with established federal standards. If, upon review, the County finds that the facility does not meet federal standards, the County may require corrective action within a reasonable period of time, and if not corrected, may require removal of the CCF pursuant to the procedures in this UDO. Any reasonable costs incurred by the County, including reasonable consulting costs to verify compliance with these requirements, shall be paid by the applicant.

- 3) *Signal Interference.* All CCFs shall be designed and sited so as not to cause interference with the normal operation of radio, television, telephone, and other communication services utilized by adjacent residential and non-residential properties; nor shall any such facilities interfere with any public safety communications. The applicant shall provide a written statement (“signal interference letter”) from a qualified radio frequency engineer, certifying that a technical evaluation of existing and proposed facilities indicates no potential interference problems and shall allow the County to monitor interference levels with public safety communications during this process.
- 4) *Legal Access.* In all applications for CCFs outside of the right-of-way, an applicant shall demonstrate that it owns or has lease rights to the site.
- 5) *Operation and Maintenance.* To ensure the structural integrity of CCFs, the owner of a CCF shall ensure that it is maintained in compliance with standards contained in applicable local building and safety codes. If, upon inspection, the County determines that a CCF fails to comply with such codes and constitutes a danger to persons or property, then, upon written notice being provided to the owner of the CCF, the owner shall have thirty (30) days from the date of notice to bring such CCF into compliance. Upon good cause shown by the owner, the County Administrator may extend such compliance period not to exceed ninety (90) days from the date of said notice. If the owner fails to bring such CCF into compliance within said time period, the County may remove such CCF at the owner's expense. No hazardous materials shall be permitted in association with CCFs, except those necessary for the operations of the CCF and only in accordance with all applicable laws governing such materials.
- 6) *Abandonment and Removal.* If a CCF has not been in use for a period of three (3) months, the owner of the CCF shall notify the County of the non-use and shall indicate whether re-use is expected within the ensuing three (3) months. Any CCF that is not operated for a continuous period of twelve (12) months shall be considered abandoned. The County, in its sole discretion, may require an abandoned CCF to be removed. The owner of such CCF shall remove the same

within thirty (30) days of receipt of written notice from the County. If such CCF is not removed within said thirty (30) days, the County may remove it at the owner's expense, and any approved permits for the CCF shall be deemed to have expired.

- 7) *Camouflage/Concealment.* All CCFs and any related accessory equipment shall, to the maximum extent possible, use concealment design techniques and, where not possible, utilize camouflage design techniques. Camouflage design techniques include, but are not limited to, using materials, colors, textures, screening, undergrounding, landscaping, or other design options that will blend the CCF into the surrounding natural setting and built environment. Design, materials, and colors of CCFs shall be compatible with the surrounding environment. Design elements shall be compatible with structures and vegetation on the same parcel and adjacent parcels.
  - a) Where CCFs are located in areas of high public visibility, they shall, where physically possible, be designed to be concealed, and where not possible to be concealed, to minimize the CCF profile through placement of equipment fully or partially underground, or by way of example and not limitation, behind landscape berms.
  - b) A concealment design may include the use of alternative tower structures should the Administrator determine that such design meets the intent of this Chapter and the community is better served thereby.
  - c) All CCFs, such as antennas, vaults, equipment rooms, equipment enclosures, and towers, shall be constructed of non-reflective materials (visible exterior surfaces only).
- 8) *Siting.*
  - a) No portion of any CCF may extend beyond the property line.
  - b) CCFs shall be required to be designed and constructed to permit the facility to accommodate CCFs from at least two wireless service providers on the same CCF unless the County approves an alternative design. No CCF owner or operator shall unfairly exclude a competitor from using the same facility or site.
  - c) CCFs shall be sited in a location that does not reduce the parking for the other principal uses on the parcel below UDO standards.
  - d) CCFs shall not encroach into any sight triangles.
- 9) *Lighting.* CCFs shall not be artificially lighted, unless required by the FAA or other applicable governmental authority, or the CCF is mounted on a light pole or other similar structure primarily used for lighting purposes. If lighting is required, the County may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. Lighting shall be shielded or directed to the greatest extent possible so as to minimize the amount of glare and light falling onto nearby properties, particularly residences.
- 10) *Landscape and Fencing Requirements.*

- a) CCFs shall be sited in a manner that does not reduce the landscaped areas for the other principal uses on the lot or parcel below any applicable standard within this UDO.
  - b) The site of the CCF shall be landscaped with a buffer of plant materials that effectively screens the view of the CCF from adjacent residential property. The standard buffer shall consist of the front, side, and rear landscaped setback on the perimeter of the site.
  - c) In locations where the visual impact of the CCF would be minimal, the landscaping requirement may be reduced or waived in whole or in part by the Administrator.
  - d) Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as CCFs sited on large, wooded lots, natural growth around the site perimeter may be sufficient to buffer.
  - e) No trees larger than four (4) inches in diameter measured at four and a half (4½) feet high on the tree may be removed unless authorized by the Administrator. To obtain such authorization, the applicant shall show that:
    - (1) Tree removal is necessary; and
    - (2) The applicant's plan minimizes the number of trees to be removed.
  - f) Any trees removed are replaced at a ratio of 2 (two) to 1 (one).
- b. *Standards by CCF Type.*
- 1) *Base Stations.*
    - a) Base Stations shall be architecturally compatible with respect to attachments and colored to match the building or structure to which they are attached.
    - b) The maximum protrusion of such facilities from the building or structure face to which they are attached shall be two (2) feet.
    - c) Wall-mounted CCFs shall not extend above the roofline unless mounted to a penthouse.
    - d) Roof-mounted CCFs shall be approved only where an applicant demonstrates a wall-mounted CCF is inadequate to provide service and shall be evaluated for approval based upon the following criteria:
      - (1) Roof-mounted whip antennas shall extend no more than twelve (12) feet above the parapet of any flat roof or ridge of a sloped roof or penthouse to which they are attached;
      - (2) Roof-mounted panel antennas shall extend no more than seven (7) feet above the parapet of a flat roof or ridge of a sloped roof to which they are mounted; and

- (3) Other roof-mounted accessory equipment shall extend no more than seven (7) feet above any parapet of a flat roof upon which they may be placed and shall not be permitted on a sloped roof.

2) *Alternative Tower Structures (ATS) and Small Cell Facilities Located Outside of the Right-of-Way.*

- a) ATS shall be designed and constructed to look like a building, facility, or structure typically found in the area, in order that the CCF is concealed.
- b) Height or size of the proposed ATS or small cell facility should be minimized as much as possible and shall be subject to the maximum height restrictions of the zoning district in which they are located, subject to a maximum height limit of sixty (60) feet.
- c) ATS shall be sited in a manner that is least obtrusive to residential structures and residential district boundaries.
- d) ATS should take into consideration the uses on adjacent and nearby properties and the compatibility of the facility to these uses.
- e) ATS and small cell facilities shall be compatible with the surrounding topography, tree coverage, and foliage.
- f) ATS and small cell facilities shall be designed utilizing design characteristics that have the effect of concealing where technically feasible and generally reducing or eliminating visual obtrusiveness.
- g) Visual impacts of the proposed ingress and egress shall be minimized.

3) *Alternative Tower Structures and Small Cell Facilities Located in the Right-of-Way.*

- a) No ATS pole shall be higher than thirty-five (35) feet.
- b) No pole or structure shall be more than ten (10) feet higher (as measured from the ground to the top of the pole or structure) than any existing utility or traffic signal within five hundred (500) feet of the pole or structure.
- c) Any new pole for ATS or small cell facilities shall be separated from any other existing CCF facility by a distance of at least six hundred (600) feet unless the new pole replaces an existing traffic signal, street light pole, or similar structure determined by the Administrator.
- d) With respect to pole-mounted components, small cell facilities shall be located on an existing utility pole serving another utility or be located on a new utility pole where other utility distribution lines are aerial if there are no reasonable alternatives.
- e) ATS must be concealed consistent with other existing natural or manmade features in the right-of-way near the location where the ATS will be located.
- f) When placed near a residential property, facilities must be placed in front of the common side yard property line between adjoining residential properties. In the case of a corner lot, the facility must be placed in front of the common side yard

property line adjoining residential properties or on the corner formed by two (2) intersecting streets.

g) Small Cell Facilities shall:

- (1) Be designed such that antenna installations on traffic signals are placed in a manner so that the size, appearance, and function of the signal will not be considerably altered;
- (2) Be designed such that all antennas, mast arms, equipment, and other facilities are sized to minimize visual clutter and, where possible, concealed within the structure;
- (3) Be consistent with the size and shape of the pole-mounted equipment installed by communications companies on utility poles near the ATS;
- (4) Require that any ground-mounted equipment be installed in an underground or partially underground equipment vault (projecting not more than thirty-six (36) inches above grade), or co-located within a traffic cabinet of a design approved by the Administrator, unless a use by special review is obtained subject to the requirements of this Section;
- (5) Not alter vehicular circulation or parking within the right-of-way or impede vehicular, bicycle, or pedestrian access or visibility along the right-of-way;
- (6) Comply with the federal ADA requirements and all applicable local, state, and federal law and regulations; and
- (7) Not be located or maintained in a manner that causes unreasonable interference. Unreasonable interference means any use of the right-of-way that disrupts or interferes with its use by the County, the general public, or other person authorized to use or be present upon the right-of-way when there exists an alternative that would result in less disruption or interference. Unreasonable interference includes any use of the right-of-way that disrupts vehicular or pedestrian traffic, any interference with public utilities, and any other activity that will present a hazard to public health, safety, or welfare.

4) *Towers.*

- a) Towers shall either maintain a galvanized steel finish or, subject to any applicable FAA standards, be painted a neutral color so as to reduce visual obtrusiveness as determined by the County;
- b) Tower structures should use existing landforms, vegetation, and structures to aid in concealing the facility from view or blending in with the surrounding built and natural environment;
- c) All towers shall be enclosed by security fencing or wall at least six (6) feet in height and shall also be equipped with an appropriate anti-climbing device. No security fencing or any portion thereof shall consist of barbed wire or chain link material;

- d) Towers shall be subject to the maximum height restrictions of the zoning district in which they are located, subject to a maximum height limit of sixty (60) feet;
- e) Towers should be sited in a manner that is least obtrusive to residential structures and residential district boundaries where feasible;
- f) Towers should take into consideration the uses on adjacent and nearby properties and the compatibility of the tower to these uses;
- g) Towers should be designed utilizing design characteristics that have the effect of reducing or eliminating visual obtrusiveness; and
- h) Visual impacts of the proposed ingress and egress shall be minimized.
- i) *New Towers Permitted.* No new Towers shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the County that no existing CCFs can accommodate the needs that the applicant proposes to address with its Tower application. Evidence submitted to demonstrate that no existing CCFs can accommodate these needs may consist of the following:
  - (1) No existing CCFs are of sufficient height and are located within the geographic area required to meet the applicant's engineering requirements;
  - (2) Existing CCFs do not have sufficient structural strength to support applicant's proposed CCF;
  - (3) The applicant's proposed CCF would cause electromagnetic interference with the CCFs on the existing CCFs, or the existing CCFs would cause interference with the applicant's proposed CCF; and
  - (4) The Applicant demonstrates that there are other limiting factors that render existing CCFs unsuitable for collocation.
- j) *Setbacks.* A Tower shall meet the greater of the following minimum setbacks from all property lines:
  - (1) The setback for a principal building within the applicable zoning;
  - (2) Twenty-five percent (25%) of the facility height, including CCFs and transmission equipment; or
  - (3) The Tower height, including antennas, if the tower is adjacent to a residential district or residential zoned property.
- k) *Height.* Towers over forty (40) feet in height shall not be located within one-quarter (¼) mile from any existing tower that is over forty (40) feet in height, unless the applicant has shown to the satisfaction of the County that there are no reasonably suitable alternative sites in the required geographic area which can meet the applicant's needs.
- l) *Right-of-Way.* No Towers shall be permitted in the right-of-way.
- m) *Related Accessory Equipment.* Related accessory equipment for all CCFs shall meet the following requirements:

- (1) All buildings, shelters, cabinets, and other accessory components shall be grouped as closely as technically possible;
- (2) The total footprint coverage area of the CCF's related accessory equipment shall not exceed three hundred and fifty (350) square feet;
- (3) No Related accessory equipment or accessory structure shall exceed twelve (12) feet in height; and
- (4) Located out of sight whenever possible by locating behind parapet walls or within equipment enclosures. Where such alternate locations are not available, the related accessory equipment shall be camouflaged or concealed.

**15. 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.

**16. Child Care Home.**

- a. The use is in compliance with all State of Indiana licensing and certification requirements;
- b. No internal or external alterations inconsistent with the residential use of the dwelling are allowed;
- c. The use shall have no more than one (1) employee per shift who does not reside on the premises; and
- d. Signage will be limited to a single non-illuminated placard or nameplate with a maximum size of two (2) square feet that must be affixed securely and flat.

**17. Commercial Recreation and Amusement Services.**

- a. The minimum area of the parcel proposed for development is one (1) acre;
- b. Amphitheater stages and drive-in screens shall face away from the nearest residential uses (if any residential uses exist within 1,000 ft.) and any street of a classification of collector or higher;
- c. For activities such as midget auto-track or a go-cart track, and if the use is in any way powered by an internal combustion engine, then such shall provide adequate mufflers on all vehicles; and
- d. If the use is located within five hundred (500) feet from a residentially zoned property or residential use then the commercial amusement shall be prohibited from operating between 12:30 AM and 8:00 AM.

**18. Contractor's Shop.**

- a. The only storage permitted shall be the storage necessary for the primary use to store operable equipment, materials, and associated items, which must be stored within an enclosed building or totally screened from view. This may include the storage of liquids, gels, and pastes (e.g., paints, sealers, etc.) provided that the use is stored only in enclosed buildings.
- b. The use shall not be used to dispose of inoperable machine waste or to rent storage space out to those not working regularly on the premises.

**19. 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.

**20. Crematorium.** The use shall be in compliance with all federal, state, and local environmental regulations.

**21. Farm Equipment and Repair.** 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.

**22. Greenhouse / Nursery.** All sales must be products created and/or produced on-site. Off-site shipments of products to the site are expressly prohibited.

**23. Heavy Equipment Sales and Rentals.**

- a. All equipment stored outside the principal business shall:
  - 1) Be located on an asphalt or concrete surface;
  - 2) Not be located on any minimum required parking spaces for the use; and
  - 3) Located outside of the right-of-way and outside of any required landscaping area.
- b. No inoperable materials are stored on-site, unless within an enclosed building, or otherwise totally screened from view.
- c. The use is permitted provided that a Type 3 - Heavy Bufferyard is required if the use is adjacent to a residential use or residential district. The Type 3 – Heavy Bufferyard (See *Table 3.11, Bufferyard Types*, is required for this use when next to a residential use or residential district regardless of whether it would otherwise be required per *Table 3.12, Bufferyard Type Required*).

**24. Home Business.**

- a. *Area.* The maximum area of the home business shall be no greater than twenty-five percent (25%) of the gross floor area of the dwelling unit. Properties which have a legally permitted accessory building or buildings are permitted to meet this requirement by adding the square footage of this building or buildings to the calculation.
- b. *Structural Improvements.* No internal or external alterations inconsistent with the residential use of the dwelling are allowed.

- c. *Location.* In the SR, DR, and MR zoning districts, the home business must be conducted entirely within the primary dwelling unit, with the exception of the storage of materials within an accessory building.
- d. *Nuisances.* A home business must not produce any offensive noise, vibration, smoke, dust, odors, heat, gas, glare, electrical or audible interference, or otherwise create a risk to health, safety, or property of adjacent neighbors.
- e. *Prohibited Businesses.* Prohibited home businesses include but are not limited to food vendors who have customers pick up or eat the food on the property (food vendors such as caterers who deliver food that is prepared on-site are permitted as a home business); equipment and vehicle repair; appliance and small mechanical repair; kennel; veterinary clinic; funeral home; commercial cabinetry shop; welding; trucking, adult entertainment business; warehousing; vehicle sales; and other similar uses.
- f. *Employees.* No home business shall have more than one (1) employee who does not reside on the premises commuting to work on the premises. Additional employees may not come to the residence for work purposes, including pick-up of materials, vehicles, assignments, or similar purposes.
- g. *Clients by Appointment Only.* Clients or business-related visitors shall be by appointment only.
- h. *Hours of Delivery.* Hours of operation for clients to be on the premises are limited to 8:00 AM to 8:00 PM.

**25. Hotel.** All hotels shall meet the following standards:

- a. Incorporate an attached, covered drive-through area adjacent to the main building entry and lobby area for the temporary parking of vehicles during guest check-in and check-out.
- b. Be located on a site of no less than three (3) acres; and
- c. Management staff shall be on-site for twenty-four (24) hours a day, seven (7) days a week;
- d. Hotels that provide direct access to guest rooms from exterior doorways are prohibited; and
- e. All guest rooms are accessed from an interior corridor, which is accessible primarily from an interior lobby area, and no guest room has any direct exterior doorway.

**26. Industrial and Manufacturing Product Sales and Supply.**

- a. All activities shall take place entirely within an enclosed building;
- b. Loading bays shall be located behind the principal building unless it is demonstrated that front-facing bays would have less impact on the function of the surrounding land uses, including but not limited to traffic circulation and sight visibility; and
- c. The use shall be fully screened through the use of vegetation, berm masonry wall, or fence so that it is not visible from any public street or adjacent parcel.

**27. Junkyard / Salvage Yard.**

- a. 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.
- b. Upon receiving an appliance, vehicle, or other material, the battery, lubricants, fluids, coolants, refrigerants, and similar components shall be removed and recycled or disposed of in accordance with all applicable state and federal laws regarding disposal of waste and hazardous materials.
- c. 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.
- d. No junkyard shall be used as a dump by the public.
- e. 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.
- f. No portion of a junkyard, impound lot, or salvage yard shall be located within an area designated as a special flood hazard area.
- g. The use shall be fully screened through the use of vegetation, berm masonry wall, or fence so that it is not visible from any public street or adjacent parcel.
- h. All fencing shall be securely locked unless being actively supervised for ingress or egress.
- i. A fire lane of at least fifteen (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 two hundred (200) feet from a fire lane.

**28. Kennel.**

- a. Any building, kennel, or exercise runway for said use shall be located a minimum of one hundred (100) feet from any residential use or district; a place of public assembly, indoor; or a child-care center;
- b. Any building, kennel, or exercise runway for said use shall be located a minimum of twenty-five (25) feet from any lot line; and
- c. Other than the aforementioned exercise runway, all activities shall be wholly enclosed within a building.

**29. Landfill.**

- a. The use shall be located no closer than one thousand (1,000) feet from any residential district or use as measured along a straight line from the closest lot lines.
- b. The refuse and earth, or other suitable cover material, are deposited and compacted in alternating layers of specified depth in accordance with the applicable sections of federal law per *40 Code of Federal Regulations (CFR)*; and

- c. A site plan showing how the land will be managed to ensure compliance with federal law is required to be submitted prior to the issue being scheduled for discussion with the BZA.

**30. Landscape Supply Store.** 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.

**31. Livestock Production.**

- a. A minimum lot size of twenty (20) acres is required;
- b. The use shall be setback at least eight hundred and fifty (850) feet from all residential uses and at least seven hundred and fifty (750) feet from all other uses; and
- c. The use shall meet or exceed all Indiana Department of Environmental Management (IDEM) regulations, including but not limited to regulations on Confined Feeding Operations (CFO) and Concentrated Animal Feeding Operations (CAFO).

**32. Livestock Raising.** The use shall be fully enclosed to ensure that all livestock do not wander off of the premises. Revocation of the permission to engage in this use may occur should a property owner be in violation of this requirement.

**33. Manufacturing, Heavy.**

- a. *Screening.* The use shall be fully screened through the use of vegetation, berm masonry wall, or fence so that it is not visible from any public street or adjacent parcel.
- b. *Access.* The use must take access from a collector street or any other higher classification of roadway.
- c. *Truck Routing Plan.* A truck routing plan must be created showing the ingress and egress locations to the site.
- d. *Distance Separation.* The use shall be separated from the following uses by at least five hundred (500) feet:
  - 1) Any residential zoning district or use;
  - 2) Places of public assembly, indoor;
  - 3) Child care home;
  - 4) Child care center;
  - 5) Hospital / rehabilitative care;
  - 6) Library;
  - 7) Museum or gallery; and
  - 8) Medical / diagnostic laboratory.
- e. *Smoke Generation.* For uses that generate smoke emissions, smoke generation shall be limited to no more than ten (10) smoke units per hour per stack of smoke in excess of Ringleman No. 2. However, once during any twenty-four (24) hour period, each stack

may emit an additional ten (10) smoke units for soot blowing, process purging, and fire cleaning, and during that period it may emit smoke up to and including Ringleman No. 3.

- f. *Odor.* No use may release an odor that is detectable at the lot line.
- g. *Toxic Materials.* No gases or fumes toxic to persons or injurious to property shall be permitted to escape beyond the building in which it occurs.
- h. *Glare and Heat.* No use may cause heat at the property line so intense as to be a public nuisance or hazard. No glare shall be seen from any street or residential area.

**34. Manufacturing, Light.** All activities shall take place entirely within an enclosed building.

**35. Manufactured Home Park.**

- a. *Maintenance.* Wrecked, damaged, or dilapidated homes shall not be kept or stored within the manufactured home park at any time. With the assistance of a building inspector, the Administrator shall determine if a home is damaged or dilapidated to a point which makes the home unfit for human occupancy. Whenever such a determination is made, the home shall be vacated and removed from the premises.
- b. *Utilities.* The manufactured home park shall be provided with a complete sanitary sewer system, which shall connect with an existing approved sanitary sewer outlet or shall be provided with a separate treatment plant to be provided by the developer in accordance with and approved by the Indiana State Board of Health (see *IC 16-41-27-8, IC 16-41-27-11, and regulation HSE 14, Indiana State Board of Health*).
- c. *Sidewalks.*
  - 1) Paved pedestrian sidewalks shall be provided in a continuous arrangement throughout the park. Where possible, walks leading to frequently used public facilities should be through interior areas removed from the vicinity of streets. Public pedestrian sidewalks shall be at least five (5) feet in width and paved with a suitable material for use in all weather conditions.
  - 2) Individual sidewalks shall be provided from a public sidewalk, street, or parking area to the individual mobile home stands. These walks shall be at least five (5) feet in width and should be paved with a suitable material for use in all weather conditions.
- d. *Streets.*
  - 1) Streets shall be provided on the development site where necessary to furnish principal traffic ways for convenient access to the mobile home stands and other important facilities on the property.
  - 2) Streets shall be privately owned and maintained.
  - 3) The street system shall provide convenient circulation. Dead-end or cul-de-sac streets shall be provided with adequate paved vehicular turning or backing space. A turning circle shall have a paved surface of at least eighty (80) feet in diameter. Dead-end streets shall not exceed five hundred (500) feet in length measured from the center point of the turning circle to the intersection of the centerline of a dead-end and a through street.

- 4) Pavements shall be of adequate width to accommodate the expected parking and traffic load in accordance with the type of street, with twelve (12) feet minimum moving lane widths and eight (8) feet minimum lane widths for parallel parking.
- 5) Single-lane streets are prohibited.
- 6) Streets shall be adapted to the topography and shall have suitable alignment and gradient for safety of traffic, satisfactory surface and groundwater drainage, and proper functioning of sanitary and storm sewers.
- 7) Street intersections shall generally be at right angles. Offsets at intersections and intersections of more than two (2) streets at one (1) point shall be avoided.
- 8) The street improvements shall extend continuously from the existing improved street system to provide suitable access to the manufactured home stands and other important facilities on the property, to provide adequate connections to existing or future streets at the boundaries of the property, and to provide convenient circulation of vehicles.
- 9) Curbs and gutters along all streets are required.
- 10) Street base and pavement shall be constructed in accordance with the standards established in *Chapter 6, Subdivision Standards*.
- 11) *Permits*. Individual permits are required for the placement of individual manufactured homes and their accessory structures.

**36. Manufactured Home Sales.** The use is permitted provided that a Type 3 - Heavy Bufferyard is required if the use is adjacent to a residential use or residential district. The Type 3 – Heavy Bufferyard (See *Table 3.11, Bufferyard Types*, is required for this use when next to a residential use or residential district regardless of whether it would otherwise be required per *Table 3.12, Bufferyard Type Required*.

**37. Mineral Extraction.**

- a. *Separation Requirements*. The use shall be located no closer than fifteen hundred (1,500) feet from any residential district or use as measured along a straight line from the closest lot lines.
- b. *Timeframe Permitted for the Use*. Events may only occur at the use during the hours of 7:00 AM and 9:00 PM.
- c. *Requirements for the Removal of Sand and Gravel Materials*. The following requirements apply to all excavation activities associated with the removal of sand and gravel materials:
  - 1) *Removal of Materials Below Normal Groundwater Level*. If the extraction of sand and gravel involves the removal of materials below the normal groundwater level, the work shall be performed by means of dragline, floating dredge, or an alternative “wet” excavation method.
  - 2) *No De-Watering Sites*. There shall be no de-watering of sites utilized for sand and gravel extraction.

- 3) *No Solid Waste.* No form of solid waste (as defined in 329 IAC 10-2-174) or any other form of waste material of any kind, including but not limited to construction/demolition debris, shall be used on the site. Clean natural earth fill materials may be used without restriction as to origin or placement on-site. All fill must be uncontaminated.
  - 4) *Secondary Containment.* All fuels, oils, lubricants, hydraulic fluids, petroleum products, or other similar materials on site shall have appropriate secondary containment, as specified in Sec. 2.D.2.d.3, *Above Ground Storage of Liquids in Excess of 40 Gallons.*
  - 5) *Groundwater Analysis.* Operators shall collect and analyze groundwater samples for regulated drinking water metals to include lead and copper, and organic and inorganic primary and secondary drinking water parameters regulated by IDEM under 327 IAC 8 and the Environmental Protection Agency for Public Water Supply Systems, and any other contaminants required by the Administrator. The analysis shall be by a laboratory certified to perform the analysis utilizing the most recent test methods and regulatory limits. If a detection of a contaminant is at or above half the regulated Maximum Contaminant Level (MCL) set by the Environmental Protection Agency, then additional sampling will be required, as agreed upon by the Johnson County Wellhead Protection Committee, the Administrator, and the gravel mining operation.
- d. *Sampling and Analysis Plan.* Sand and Gravel mining operations shall submit a sampling and analysis plan for review by the Planning and Zoning Department and any Public Drinking Water System with an intake or wells within three thousand (3,000) feet of the proposed sand and gravel mining pit. The sampling and analysis plan shall contain specific information, including:
- 1) Site Background;
  - 2) Sample Location Points;
  - 3) Monitoring parameters (at a minimum, this should include regulated drinking water metals and organic and inorganic primary and secondary drinking water parameters regulated by IDEM under 327 IAC 8 and the Environmental Protection Agency for Public Water Supply Systems, and any other contaminants required by the Johnson County Planning Department);
  - 4) Analytical methods (analysis shall be by a laboratory certified to perform the analysis utilizing the most recent test methods and regulatory limits);
  - 5) Detection limits;
  - 6) Sampling personnel;
  - 7) Decontamination procedures;
  - 8) Water level measurement and purging;
  - 9) Sample collection procedures and preservation;

- 10) Quality control;
- 11) Sample management;
- 12) Chain of custody; and
- 13) Sampling event reporting

e. *Reclamation Plan.* A reclamation plan which outlines the scope, scale, and cost of associated remediation to enable the affected land use to be reused.

**38. Office, General.** In the PR District, the use is limited to office space secondary to another land use that is allowed within the PR District.

**39. Place of Public Assembly, Indoor.** A minimum lot size of two (2) acres shall be required for the use to locate on the property.

**40. Recreational Vehicle Park and Campground.**

- a. *State Standards.* In addition to the standards of this UDO, a facility accommodating ten (10) or more tents, recreational vehicles, or campsites is subject to the regulations established by state standards per *410 IAC 6-7.1*.
- b. *Area.* Each campsite shall be at least nine hundred (900) square feet in area and clearly marked and identified.
- c. *Density.* Maximum density shall be twenty-five (25) campsites per acre.
- d. *Occupancy.* No permanent or semi-permanent structures, such as cabins, lean-tos, or other habitable buildings, shall be erected on the use.
- e. *Entrance Road.* The entrance to the campground shall be at least twenty-four (24) feet in width.
- f. *Internal Circulation.* Internal road widths shall be at least ten (10) feet in width for one-lane roads and at least twenty (20) feet in width for two-lane roads.
- g. *Drainage.* All areas shall be well-drained and designed to provide sufficient space for camping activities, vehicles, sanitary facilities, and appurtenant equipment.
- h. *Sanitation System.* Sanitation facilities are required and shall be designed, constructed, and maintained in compliance with the standards approved by the Health Department or the sewer provider as appropriate.
- i. *Water Supply.* A potable water supply system shall be designed, constructed, and maintained in compliance with the standards approved by the Health Department or the water provider as appropriate.

**41. Refueling Station.**

- a. Any lighting apparatus installed on the property must be properly shielded in accordance with *Sec. 3.E, Lighting*, so as to prevent the direct glare of beams onto any abutting residential district or use;
- b. The use must be located at least two hundred (200) feet from any residential use or residential zoning district; and

- c. Access to the site will not occur from a local residential street.

**42. Retirement Housing.**

- a. A staff member is required to be on-site twenty-four (24) hours a day.
- b. The facility is required to meet or exceed all the proper local, state, and federal license requirements.

**43. Roadside Agricultural Produce Stand.** All sales must be products created and/or produced on-site. Off-site shipments of products to the site are expressly prohibited.

**44. Sawmill / Timber Processing.**

- a. Take access from a collector street or any other higher classification of roadway;
- b. Have a truck routing plan created showing the ingress and egress locations to the site that shows how the site will not be accessed by a local street; and
- c. The use shall be separated from the following uses by at least one thousand (1,000) feet:
  - 1) Any residential zoning district or use;
  - 2) Places of public assembly, indoor;
  - 3) Child care home;
  - 4) Child care center;
  - 5) Hospital / rehabilitative care;
  - 6) Library;
  - 7) Museum, or gallery; and
  - 8) Medical / diagnostic laboratory.

**45. School.** In the PR District, the use is limited to an institution or organization that provides, in part, educational opportunities that involve outdoor activities to the general public and visitors to the site.

**46. Self-Storage, Mini-Warehouse.**

- a. External overhead doors shall not face residential property or a public right-of-way unless screened from view.
- b. All driveways within the facility shall be:
  - 1) Designed to accommodate appropriate fire fighting vehicles and be approved by the fire marshal;
  - 2) A minimum width of thirty (30) feet; and
  - 3) Located on an improved hard surface capable of holding stripping of parking spaces and fire lanes.
- c. Outdoor storage is prohibited, with the exception of recreational vehicle (RV) or boat storage, which must meet the following:

- 1) Have a setback of at least twenty (20) feet from any property line;
- 2) Be screened from view by a fence or wall meeting all standards within this Chapter of the UDO; and
- 3) Any and all onsite sales of merchandise stored within the mini-warehouse is prohibited.

**47. Shooting / Archery Range, Outdoor.**

- a. *Distance Requirements.* The use shall be separated from the following uses by at least fifteen hundred (1,500) feet:
  - 1) Any residential zoning district or use;
  - 2) Places of public assembly, indoor;
  - 3) Child care home;
  - 4) Child care center;
  - 5) Hospital / rehabilitative care;
  - 6) Library;
  - 7) Museum, or gallery; and
  - 8) Medical / diagnostic laboratory.
- b. *PR District.*
  - 1) Archery ranges are permitted within the PR District, provided that the distance requirements in *Sec. 4.C.43.a, Distance Requirements*, are met.
  - 2) Shooting ranges are prohibited within the PR District.

**48. Short-Term Rental.**

- a. *Permitted.* Short-term rental units shall only be allowed in lawfully built residential dwelling units that meet building code requirements. This includes:
  - 1) All or a portion of the owner's primary residence;
  - 2) Any accessory dwelling that exists in accordance with this UDO.
- b. *Prohibited.* Short-term rental units shall not be allowed:
  - 1) Within a recreational vehicle, motor vehicle, travel trailer, or similar structure (outside of a campground);
  - 2) Within any structure not intended for permanent human occupancy; or
  - 3) For the use of any property as an event space, meeting venue, or wedding venue.
- c. *Occupancy.* Maximum overnight occupancy shall be two (2) persons per sleeping area (excluding children five and younger), not to exceed ten (10) people, regardless of the number of sleeping areas.

- d. *Sign Posted with Information about the Use.* A sign shall be prominently posted on site that displays:
- 1) That the structure is a registered short-term rental;
  - 2) The address of the property;
  - 3) The approved maximum occupancy;
  - 4) That quiet hours are from 10:00 PM to 7:00 AM every day; and
  - 5) A twenty-four (24) hour telephone number where the owner can be reached.

**49. Solar Energy System (SES), Accessory.**

a. *Roof-Mounted SES.*

- 1) Roof-mounted SES maximum height overall (including building structure and SES equipment together) is to not exceed the maximum height per the zoning district.
- 2) Roof-mounted SES must conform to the slope of the roof and not project more than six (6) inches from the roof surface for residential properties and ten (10) feet from the roof surface for non-residential properties.
- 3) Roof-mounted SES must not exceed the footprint of the principal building or accessory structure.
- 4) Roof-mounted SES to provide smoke ventilation opportunities and located in accordance with the Indiana Fire Code.
- 5) Roof-mounted SES shall provide emergency access to the roof and cannot be located within three (3) feet of any peak, eave, valley, edge, and/or perimeter of the roof to maintain pathways of accessibility.
- 6) Roof-mounted SES must provide a Roof Stability Report prior to approval.
- 7) Roof-mounted solar energy systems shall be placed only on the roof of a conforming structure. Should accessory panels' total size exceed three thousand (3,000) square feet, they must be roof mounted.

b. *Ground-Mounted SES.*

- 1) Ground-mounted SES are not permitted in the front yard.
- 2) Ground-mounted SES must conform with the set-back per the zoning district and must be properly screened by a fence and cannot exceed six (6) feet in height or height of the fence, whichever is less for residential; cannot exceed fifteen (15) feet in height for non-residential.
- 3) Ground-mounted SES cannot be located over septic field, legal easement, ROW, or County Drain without proper approval; ground-mounted SES must be a minimum of three (3) feet from any easement.
- 4) Ground-mounted SES shall be placed behind the front facade of the primary structure.

- c. *Wall-Mounted SES.* Wall-mounted SES is permitted, but not on the front wall of the structure, and cannot project more than five (5) feet from the building.
- d. *Location.* Ground-mounted solar energy systems shall be placed behind the front facade of the primary structure.
- e. *Nuisances.* Any accessory solar energy system, structure, or portion thereof declared to be unsafe by the Administrator by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, damage, or abandonment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition, or removal in accordance with best practices.

**50. Solar Energy System, Commercial.**

- a. *Structure Standards.*
  - 1) The height of any ground-mounted solar equipment is limited to fifteen (15) feet, as measured from the natural grade below each panel to the top of each panel at its maximum tilt in the vertical direction.
  - 2) Roof-mounted SES must provide a Roof Stability Report prior to approval.
  - 3) A clear sight triangle must be maintained at all ingress/ egress locations.
  - 4) Ground-mounted SES cannot be located over septic field, legal easement, ROW, or County Drain without proper approval; ground-mounted SES must be a minimum of three (3) feet from any easement.
- b. *Setbacks.* Setbacks for commercial SES shall be measured from the edge of the SES array, excluding security fencing, screening, or berm.
  - 1) All ground-mounted SES must be at least one-hundred fifty (150) feet from any property line of a non-participating landowner's property line. Property line setbacks between separate parcels both of which are participating in the project may be waived upon agreement of the landowner(s).
  - 2) When the solar facilities for a single project encompass multiple parcel, there is no required setback from a property line for the internal property lines in the project.
  - 3) All ground-mounted SES must be at least one hundred (100) feet from the edge of any public right-of-way.
  - 4) All ground-mounted SES must be at least two hundred (200) feet from the property line if adjoined by property that is zoned agricultural which has a single-family dwelling within five hundred (500) feet of the SES.
  - 5) When the solar facilities for a single project encompass multiple parcels, the SES must be at least one-hundred fifty (150) feet from any existing participating dwelling unit.
- c. *Decommissioning Plan.* A decommissioning plan shall be provided indicating the method and payment of the anticipated cost of removing the commercial solar energy system at the end of their serviceable life or upon their becoming a discontinued or abandoned

use to ensure that the commercial solar energy systems are properly decommissioned. The decommissioning plan shall include, at a minimum, the following:

- 1) *Assurance*. Written assurance that the commercial solar energy system will be properly decommissioned upon the expiration of its serviceable life or in the event of their discontinuance or abandonment.
- 2) *Cost Estimates*. For all commercial solar energy systems, an estimate of the costs of decommissioning and removing the commercial solar energy system upon the expiration of their useful life or in the event of their discontinuance or abandonment. The cost estimates shall be made by a professional engineer, contractor, or other person with expertise or experience in decommissioning and removal of commercial solar energy systems.
- 3) *Financial Assurances*. The cost of removal and site restoration is the full responsibility of the applicant and/or owner/operator. In order to provide the greatest possible financial assurance that there will be sufficient funds to remove the commercial solar energy system and to restore the site, the following steps shall be followed:
  - a) For each commercial solar energy system, the applicant, owner, and/or operator shall determine an amount of money equal to the estimated removal and restoration cost.
  - b) The Administrator shall independently verify the adequacy of this amount.
  - c) This money shall be deposited in an escrow account specified by the jurisdiction, which may be an interest-bearing account. Alternatively, a bond may be posted for the amount.
- 4) *Discontinuation and Abandonment*.
  - a) *Abandonment*. All easements and/or leases for the commercial solar energy system shall contain terms that provide financial assurances to the property owner to ensure that the commercial solar energy system is properly decommissioned within one (1) year of the expiration of their serviceable life or in the event of their discontinuance or abandonment.
  - b) *Discontinuation*. Any commercial solar energy system shall be considered abandoned and discontinued use after six (6) months without energy production unless a plan is developed by the owner or applicant and approved by the Administrator outlining the steps and a schedule for returning the commercial solar energy system to service.
  - c) *Removal*. An applicant's obligations shall include removal of all physical material pertaining to the project improvements to no less than a depth of four (4) feet below ground level. Said work shall be completed within one (1) year of the discontinuation or abandonment of the commercial solar energy system. The restoration of the project area shall result in as near as practicable the condition of the site immediately before construction of such improvements.

- d) *Written Notices.* Prior to implementing procedures to resolve any alleged failure to comply with the decommissioning plan, the appropriate jurisdictional body shall first provide written notice to the owner and/or operator, setting forth the alleged default(s). Such written notice shall provide the owner and/or operator with a reasonable time period, not to exceed sixty (60) days, to resolve the alleged default(s).
  - e) *Costs Incurred by the Jurisdiction.* If the jurisdiction removes a commercial solar energy system and/or appurtenant facilities, it may sell the salvage to defray the costs of removal. Each permittee, by virtue of the issuance of its construction permit or inspection certificate, grants a license to the jurisdiction to enter the property and to remove all commercial solar energy systems and/or appurtenant facilities pursuant to the terms of its approved decommissioning plan.
- d. *Nuisances.* Any commercial solar energy system, structure, or portion thereof declared to be unsafe by the Administrator or Building Inspector by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, damage, or abandonment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the approved decommissioning plan.
  - e. *Access.* The operator of a commercial solar energy system must provide an emergency key box, with keys to the site and equipment lockers on site at the main entrance or an alternative emergency access solution to the site approved by the Administrator.
  - f. *Emergency Contact.* Emergency contact information shall be posted on the SES.
  - g. *Bufferyards and Fencing.*
    - 1) *Visual Buffers.* A commercial solar energy system shall have a minimum six (6) foot earth berm with heavy buffer, as defined by *Table 3.11, Bufferyard Types*, along the entire perimeter of the SES property; the bufferyard is to be located outside of required fencing. The existing natural tree growth and natural landforms along the solar energy system perimeter may create a sufficient buffer and shall be preserved when reasonably practicable. Any visual buffer must be established and maintained in accordance with the most recent visual buffer plan approved by the Administrator.
    - 2) *Fencing.* All sites must have a completely fenced perimeter with fencing that is at least six (6) feet in height.
    - 3) *Easements.* If an easement is required for the location of a commercial solar energy system on the property, the easement shall be staked by a licensed and registered Indiana land surveyor so as to provide proof the facility has been constructed within the easement.
    - 4) *Lighting.* Exterior lighting for a commercial solar energy system site shall be limited to that required for safety and operational purposes.

- 5) *Glare*. Solar panels must be oriented/screened year-round to direct glare away from adjacent properties, structures, and roadways.
- 6) *Noise*. Cannot exceed noise of fifty (50) decibels measured at the property line.
- 7) *Utilities*. All electrical wires and utility connections for a commercial solar energy system shall be installed underground, except for transformers, inverters, substations, and controls.
- 8) *Signage*. Limited to one(1) sign per commercial SES. Sign standards are set forth by the zoning district the SES is located in. An emergency contact sign must be provided at each gate. The SES will be given an address to allow 911 services to locate it. There will be no advertisement banners/signage allowed on SES fencing, but warning signs are allowable per applicable law.

**51. Special Event.** An applicant for a special event shall submit a plan of operation which at a minimum address the following:

- a. *Location*. The size of the site shall be large enough to accommodate the expected attendance in a manner that is safe for the site, neighborhood, street, or other infrastructure.
- b. *Hours*. The hours of the special event shall be limited to 7:00 AM to 9:00 PM on weekdays and 8:00 AM to 10:00 PM on weekends.
- c. *Duration*. The event shall not be held on a parcel more than four (4) times per calendar year and shall be limited to no more than five (5) consecutive days, not including set-up and tear-down.
- d. *Operational Requirements*. The County may request that a building code inspection occur prior to the event that could include a review of parking, security, noise trespass, and accessibility.
- e. *Traffic and Parking*. A plan for routing traffic to the property and where parking of vehicles will occur.
- f. *Lighting*. All outdoor lighting associated with the special event shall be turned off by 10:00 PM.
- g. *Licensure*. Documentation of any required federal, state, or local permits or licenses shall be required to be submitted with an application.

**52. Temporary Structures.**

- a. *Location*. All temporary structures must be set back at least ten (10) feet from all lot lines.
- b. *Duration*. Shall be removed prior to final permitting of the permanent structure.
- c. *Occupancy Approval*. Administrator may permit temporary occupancy of a temporary structure in any zoning district provided that the applicant intends to build a permanent home on the premises within twelve (12) months. The applicant, in demonstrating an

intent to construct a permanent home and as a condition of receiving a temporary occupancy permit, must:

- 1) Obtain approval from the Johnson County Health Department for a septic system, or supply a copy of a sewer hook-up permit from the appropriate jurisdiction;
- 2) Obtain a building permit for the permanent home;
- 3) Pay fees for all permits according to the fee schedule approved by the Johnson County Board of County Commissioners.

**53. Townhouse.** Side setbacks for the use shall be at least 20 feet.

**54. Travel Center.**

- a. Any lighting apparatus installed on the property must be properly shielded in accordance with Section 3.E, *Lighting*, so as to prevent the direct glare of beams onto any abutting residential district or use;
- b. The use must be located at least two hundred (200) feet from any residential use or residential zoning district;
- c. Access to the site will not occur from a local residential street; and
- d. A truck routing plan that shows the ingress and egress to the site shall be submitted.

**55. Veterinary Clinic or Service.**

- a. Any building, kennel, or exercise runway for said use shall be located a minimum of one hundred (100) feet from any residential use or district; a place of public assembly, indoor; or a child-care center;
- b. Any building, kennel, or exercise runway for said use shall be located a minimum of twenty-five (25) feet from any lot line; and
- c. Other than the aforementioned exercise runway, all activities shall be wholly enclosed within a building.

**56. Wind Energy System (WES), Accessory and Wind Energy System (WES), Commercial.**

- a. *Structural Standards.*
  - 1) *Construction Codes.* The facility shall comply with all applicable state construction and electrical codes as well as local building permit requirements.
  - 2) Roof-mounted WES and ground-mounted WES shall not exceed maximum accessory structure height for the zoning district. Height shall be calculated as the distance from grade to the top of the WES at greatest incline.
  - 3) Roof-mounted WES shall not be permitted on the front wall of the structure.
  - 4) Roof-mounted WES shall be located in such a manner as to ensure emergency access to the roof and provide smoke ventilation opportunities and cannot be located within three (3) feet of any peak, eave, valley, edge, and/or perimeter of the roof to maintain pathways of accessibility.

- 5) Roof-mounted WES must provide a Roof Stability Report.
  - 6) Ground-mounted WES shall not be permitted in the front yard or street side yard.
- b. *Setbacks.*
- 1) Ground-mounted WES shall conform with the side and rear setbacks per the zoning district or a distance from any property line by the total height of the WES (to the highest vertical), whichever is greater.
  - 2) For wind energy systems mounted on an existing, conforming principal structure or existing conforming accessory structure, the distance between an on-site use wind energy system and the owner's property lines shall be equal to or greater than the height of the wind energy system tower, including the top of the blade in its vertical position as measured from where the system is attached to the structure.
  - 3) The distance between an anemometer tower and the owner's property lines shall be equal to the height of the tower.
  - 4) No part of the wind energy system structure, including guy wire anchors, may extend closer than ten (10) feet to the owner's property lines.
- c. *Use and Operational Standards.*
- 1) *Electromagnetic Interference.* No on-site wind energy system shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the wind energy system. No on-site wind energy system shall be installed in any location within the line of sight of an existing microwave communications link where operation of the wind energy system is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.
  - 2) *Safety.* An on-site use wind energy system shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six (6) feet above the guy wire anchors. The minimum vertical blade tip clearance from grade shall be twenty (20) feet for a wind energy system employing a horizontal axis rotor.
  - 3) *Sound Pressure Level.* On-site use wind energy systems shall not exceed fifty-five (55) dB(A) at any property line. This sound pressure level may be exceeded during short term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds fifty-five (55) dB(A), the standard shall be ambient dB(A) plus five (5) dB(A).
  - 4) *Maximum Kilowatt.* All accessory uses must have less than a ten (10) KW System.
  - 5) *Lighting.* Limited to what is required for safety and operational purposes.

- 6) *Glare*. Must be oriented/screened year-round to direct glare away from adjacent properties, structures, and roadways.
  - 7) *Utility Location*. Ground-Mounted WES cannot be located over a septic field, legal easement, ROW, or County Drain without proper approval; Ground-Mounted WES must be a minimum of three (3) feet from any easement. Roof-mounted WES cannot be located under utility powerlines.
- d. *Nuisances*. Any WES, structure, or portion thereof declared to be unsafe by the Administrator or the Building Inspector, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, damage, or abandonment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal in accordance with best practices.
  - e. *Emergency Contact*. Emergency contact information shall be posted on the WES.

# Chapter 5 – Subdivision Types

## A. Major Residential Subdivision.

1. **Purpose.** A Major Residential Subdivision is intended to provide development exclusively for uses permitted within the zoning districts for which they are expressly permitted.
2. **Applicability.** The Major Subdivision process involves the subdivision of lots into five (5) or more lots and must be served by utilities. The layout shall allow for adequate vehicular, pedestrian, bicycle, and bus access as well as connection to adjacent parcels and the overall transportation network. Major residential subdivision types shall be approved through the requirements of *Sec. 7.B.7, Major Subdivision, Primary Plat*, and *Sec. 7.D.2, Major Subdivision, Secondary Plat*.
3. **Development Standards.**

Table 5.1, Development Standards for Major Residential Subdivisions		
<b>Districts permitted</b>	SR, DR, MR, MH, GC, HC, IN	
<b>Minimum green space for overall development based on average lot size</b>	Under 5,000 sq. ft.	30%
	5,000 – 6,999 sq. ft.	25%
	7,000 – 12,999 sq. ft.	20%
	13,000 sq. ft. – 1 acre	15%
	More than 1 Acre	10%
<b>Internal access</b>	Internal streets must be public, unless a waiver is granted, and shall be constructed per the <i>Street Design and Construction Manual</i> .	
<b>External access</b>	Driveway cuts onto arterial streets are prohibited unless there is no other feasible alternative to provide a parcel road access. A driveway cut directly onto an arterial street is, however, a preferred option over the use of an easement.	
<b>Sidewalks</b>	Required along existing streets that are immediately adjacent to the subject property.	
	Required on both sides of any new street. An internal multi-use path may be constructed outside of the right-of-way provided that the infrastructure is privately maintained.	
<b>Development standards for individual lots</b>	The development standards for the subject zoning district shall apply to each lot within the subdivision.	

**B. Traditional Residential Subdivision.**

1. **Purpose.** A Traditional Residential Subdivision is intended to provide development exclusively for residential uses.
2. **Applicability.** The design shall incorporate smaller lot sizes and utilize a gridded street layout. The layout shall allow for adequate vehicular, pedestrian, bicycle, and bus access as well as connection to adjacent parcels and the overall transportation network. Traditional Residential Subdivision types may be approved through the major subdivision procedural process as outlined in *Sec. 7.B.7, Major Subdivision, Primary Plat*, and *Sec. 7.D.2, Major Subdivision, Secondary Plat*.
3. **Development Standards.**

Table 5.2, Development Standards for Traditional Residential Subdivisions	
<b>Districts permitted</b>	SR, DR, MR, and MH
<b>Minimum green space for overall development</b>	25%
<b>Internal access</b>	Internal streets must be public and shall be constructed per the <i>Street Design and Construction Manual</i> .
<b>External access</b>	Driveway cuts onto arterial streets are prohibited unless there is no other feasible alternative to provide a parcel road access. A driveway cut directly onto an arterial street is, however, a preferred option over the use of an easement.
<b>Sidewalks</b>	Required along existing streets that are immediately adjacent to the subject property.
	Required on both sides of any new street.
<b>Buffer</b>	External Landscape buffer required. See <i>Sec. 3.C, Landscaping, Buffering, and Fencing</i> .
<b>Development standards for individual lots</b>	The development standards for the subject zoning district shall apply to each lot within the subdivision.

### C. Conservation Residential Subdivision.

- 1. Purpose.** A Conservation Residential Subdivision is intended exclusively for single-family detached dwellings and duplex development. The purpose of the design is to provide density incentives to improve the preservation of sensitive environmental resources and enhance the rural community character. The open space that is preserved can provide a variety of benefits, such as the protection of agricultural land, protection of water quality, creation of wildlife habitats, or provision of recreational opportunities.
- 2. Applicability.** The purpose of the Conservation Residential Subdivision is achieved by setting aside a percentage of the overall acreage of the site as permanent common open space and then grouping the homes as a compact neighborhood on the remaining portion of the site. Conservation Residential Subdivision types may be approved through the major subdivision procedural process as outlined in *Sec. 7.B.7, Major Subdivision, Primary Plat*, and *Sec. 7.D.2, Major Subdivision, Secondary Plat*.

**3. Development Standards.**

<b>Table 5.3, Development Standards for Conservation Residential Subdivisions</b>	
<b>Districts permitted</b>	SR and DR
<b>Minimum development size</b>	N/A
<b>Minimum common open space for the overall development</b>	10%
<b>Minimum green space for the overall development</b>	25% (the 10 percent common open space requirement can be included within the acreage necessary to achieve this requirement)
<b>Maximum number of lots</b>	The maximum number of lots shall be calculated by the total area within the subdivision divided by the minimum lot area for the subject zoning district(s) as outlined in <i>Chapter 2, Zoning Districts</i> . Lots served by public sanitation and public water may be reduced for the subject zoning district(s), but no lot shall be smaller than 10,000 sq. ft.
<b>Internal access</b>	Internal streets must be public and shall be constructed per the <i>Street Design and Construction Manual</i> .
<b>External access</b>	Driveway cuts onto arterial streets are prohibited unless there is no other feasible alternative to provide a parcel road access. A driveway cut directly onto an arterial street is, however, a preferred option over the use of an easement.
<b>Sidewalks</b>	Required on both sides of any new street for developments served by sewer. An alternate internal pathway network (trail system) may be substituted for sidewalks on one side of a new street at the discretion of the PC. Pedestrian access must be provided to any dedicated open space.
<b>Development standards for individual lots</b>	Unless otherwise stated, all other development standards for the subject zoning district shall apply to each lot within the subdivision. See <i>Chapter 2, Zoning Districts</i> .

**4. Common Open Space Standards.**

- a. No portion of a proposed lot’s front, side, or rear yard(s), right-of-way, roads, streets, median strips, parking area, and/or sidewalks can be used to satisfy the common open space requirement.
- b. No portion of any dedicated, reserved, used, or in-use lands for cemetery interment can be used to satisfy the common open space requirement.
- c. The required common open space may be used for drainage, which would include:
  - 1) Detention and retention basins, and

- 2) Bodies of water such as ponds and lakes.
- d. Common open space shall have a point of access from the right-of-way that is a minimum width of twenty (20) feet to allow for maintenance access.
- e. All common open space shall have pedestrian access and all homeowners must have the right to access all common open space.
- f. All Conservation Residential Subdivisions must have a homeowner's association and recorded covenants.
- g. Phasing of development and common open space is allowed.
- h. Common open space conveyance shall be accomplished in one (1) of the methods listed below. An applicant must provide a letter from the entity stating that either:
  - 1) The applicant will accept the conveyance of the common open space deed into perpetuity; or
  - 2) The common open space may be platted with a written commitment, and that said common area cannot be vacated or developed.
- i. If the common open space is conveyed through a written commitment, such commitment shall include that each lot within the subdivision shall have access to and use of the common area as well as an undivided interest in the title. A conservation easement must be dedicated with a secondary plat.
  - 1) *Homeowner's Association.* A conservation easement recorded for common open space in perpetuity may be granted to a homeowner's association. Maintenance, if any, shall be the responsibility of the homeowner's association. In the event the homeowner's association is dissolved, or the homeowner's association does not carry out maintenance for any reason, the County Representative has the legal authority to take appropriate action to bring the property into compliance, and the expenses incurred will be the shared responsibility of all property owners within the subdivision under IC 36-1-6-2.
  - 2) *Land Trust.* A conservation easement recorded for common open space in perpetuity may be granted to a registered land trust. Maintenance shall be the responsibility of the land trust manager.
  - 3) *Local, State, or Federal Government.* A conservation easement recorded for open space in perpetuity may be granted to a city or town, to Johnson County, to the State of Indiana, and/or to the federal government only if the entity agrees to accept the conveyance, and maintenance shall be the responsibility of that respective government entity. The decision shall occur at a public meeting of the Board of Commissioners. If a homeowner's association is dissolved or a homeowner's association does not carry out maintenance for any reason, the County Representative has the legal authority to take appropriate action to bring the property into compliance, and the expenses incurred will be the shared responsibility of all property owners within the subdivision under IC 36-1-6-2.

**D. Commercial Subdivision.**

1. **Purpose.** A Commercial Subdivision is intended to provide development for primarily commercial uses and other uses as permitted within the subject zoning district.
2. **Applicability.** The layout shall allow for adequate truck, automobile, pedestrian, bicycle, and bus access, as well as connection to adjacent parcels and the overall transportation network. Commercial Subdivision types may be approved through the major subdivision procedural process as outlined in *Sec. 7.B.7, Major Subdivision, Primary Plat*, and *Sec. 7.D.2, Major Subdivision, Secondary Plat*.
3. **Development Standards.**

Table 5.4, Development Standards for Commercial Subdivisions	
<b>Districts permitted</b>	GC, HC
<b>Minimum development size</b>	10 acres
<b>Minimum green space for overall development</b>	15%
<b>Internal access</b>	Internal streets shall be private unless otherwise approved by the Johnson County Highway Department. These private streets shall be constructed to the applicable street function standards per the County's <i>Street Design and Construction Manual</i> .
<b>External access</b>	Driveway cuts onto arterial streets shall be limited, and frontage streets shall be utilized.
<b>Sidewalks</b>	Required along existing streets that are immediately adjacent to the subject property.
	Required on both sides of any new street.
<b>Development standards for individual lots</b>	The development standards for the subject zoning district shall apply to each lot within the subdivision.

**E. Industrial Subdivision.**

- 1. Purpose.** An Industrial Subdivision is intended to provide development for primarily industrial uses and other uses as permitted within the subject zoning district.
- 2. Applicability.** The layout shall allow for adequate truck, vehicular, pedestrian, bicycle, and bus access, as well as connection to adjacent parcels and the overall transportation network. Industrial Subdivision types may be approved through the major subdivision procedural process as outlined in *Sec. 7.B.7, Major Subdivision, Primary Plat*, and *Sec. 7.D.2, Major Subdivision, Secondary Plat*.
- 3. Development Standards.**

Table 5.5, Development Standards for Industrial Subdivisions	
<b>Districts permitted</b>	HC, IN
<b>Minimum development size</b>	15 acres
<b>Minimum green space for overall development</b>	15%
<b>Internal access</b>	Internal streets shall be private and must be constructed to the applicable street function standards per the <i>Street Design and Construction Manual</i> .
<b>External access</b>	Driveway cuts onto arterial streets shall be limited, and frontage streets shall be utilized.
<b>Sidewalks</b>	Required along existing streets that are immediately adjacent to the subject property.
	Required on both sides of any new street.
<b>Development standards for individual lots</b>	The development standards for the subject zoning district shall apply to each lot within the subdivision.

**F. Minor Residential Subdivision.**

1. **Purpose.** A Minor Residential Subdivision is intended to provide an expedited review for the subdivision of property consistent with the process outlined in *Sec. 7.C.5, Minor Subdivision Process*. Minor Subdivisions are meant exclusively for agricultural or limited low-density residential uses permitted within the subject zoning district resulting in four (4) or fewer lots, and not creating any new public or private rights-of-way, extension of public services, or any public improvements. The Minor Subdivision design shall allow adequate but limited access.
2. **Development Standards.**

Table 5.6, Development Standards for Minor Subdivisions		
<b>Districts permitted</b>		AG, AR, SR
<b>Minimum green space for overall development based on average lot size</b>	13,000 sq. ft. – 1 Acre	15%
	More than 1 Acre	10%
<b>Internal access</b>		A shared driveway may be utilized for internal access and shall be constructed per the <i>Street Design and Construction Manual</i> . The shared driveway must be contained within a common area and maintained jointly by all property owners utilizing access. The dimensions of a shared driveway cannot be counted towards any minimum road frontage or minimum lot width requirement.
<b>External access</b>		Driveway cuts onto arterial streets are prohibited unless there is no other feasible alternative to provide a parcel road access. A driveway cut directly onto an arterial street is, however, a preferred option over the use of an easement.
<b>Sidewalks</b>		Required along existing streets that are immediately adjacent to the subject property.
<b>Development standards for individual lots</b>		The development standards for the subject zoning district shall apply to each lot within the subdivision.
<b>Depth-to-Width Ratio</b>		Lots designed for single-family detached dwellings shall not be greater than two (2) to one (1) for any lot smaller than five (5) acres. For purposes of calculating depth-to-width ratio only, the width shall be measured perpendicular to the lot depth measurement line and shall be the shortest straight-line distance between lot lines with the furthest separation.

**G. Agricultural Subdivision.**

1. **Purpose.** An Agricultural Subdivision is intended to provide an expedited review for the subdivision of property consistent with the process outlined in *Sec. 7.C.5, Minor Subdivision Process*. The design shall still allow for adequate farm vehicle access.
2. **Applicability.** A subdivision may be submitted for review and approval as an Agricultural Subdivision Plat when all the following are true:
  - a. The lots created by the subdivision are intended to be used for agricultural purposes only.
  - b. The subdivision contains no new buildable lot.
  - c. The subdivision includes no land set apart for new streets, alleys, parks, school property, or public use.
  - d. The subdivision lies wholly within the AG, Agricultural Zoning District.
  - e. No other Major or Minor Subdivision Plats have been approved for the parent tract after the effective date of this UDO.
3. **Development Standards.**

Table 5.7, Development Standards for Minor Agricultural Subdivisions	
<b>Permitted districts</b>	AG
<b>Minimum green space for overall development based on average lot size</b>	10%
<b>Internal access</b>	A shared driveway may be utilized for internal access and shall be constructed per the <i>Street Design and Construction Manual</i> . The shared driveway must be contained within a common area and maintained jointly by all property owners utilizing access. The dimensions of a shared driveway cannot be counted towards any minimum road frontage or minimum lot width requirement.
<b>External access</b>	Driveway cuts onto arterial streets are prohibited unless there is no other feasible alternative to provide a parcel road access. A driveway cut directly onto an arterial street is, however, a preferred option over the use of an easement.
<b>Development standards for individual lots</b>	The development standards for the AG zoning district shall apply to each lot within the subdivision.

**4. Additional Standards.**

- a. *Required Plat Notation.* The plat shall contain the following notation: “Additional divisions of the lots created with this Agricultural Subdivision Plat are not permitted unless the entire subdivision is approved as another subdivision type as permitted within *Chapter 5, Subdivision Types*, of the UDO.”
- b. *Rezoning to Non-Agricultural District.* If any lot within the Agricultural Subdivision Plat is rezoned to a non-agricultural zoning district, development of the lot shall not be permitted unless the entire subdivision is approved as another subdivision type as permitted within this *Chapter 5, Subdivision Types*, of the UDO.
- c. *Discontinuance of Agricultural Use.* If any lot within the Agricultural Subdivision Plat ceases to be used primarily for agricultural use or for farm, ranch, wildlife management, or timber production use, a non-agricultural use shall not occur unless the entire subdivision is approved as another subdivision type as permitted within this *Chapter 5, Subdivision Types*, of the UDO.

# Chapter 6 – Subdivision Standards

## A. General Provisions.

### 1. Purpose.

- a. In determining whether an application for approval shall be granted, the Plan Commission (PC) shall determine if the plat conforms to the principles and standards required herein, which are deemed minimal; and whenever applicable requirements of other County ordinances are higher or more restrictive, those requirements shall control any application for plat approval.
- b. In the subdividing of any land, due regard shall be shown for all natural features such as tree growth, watercourses, historic spots, or similar amenities which, if preserved, will add attractiveness and value to the proposed development.
- c. Due consideration shall be given to the prevention of air and stream pollution, proper treatment and disposal of refuse and other waste, and the elimination of other blighting characteristics. Major subdivisions filed under the terms of this UDO shall be required to install sanitary sewers.
- d. The subdivision layout shall be of such character that it protects the health, safety, and general welfare of the County and its residents.

### 2. Applicability. In addition to the requirements established in this Chapter, all plats shall comply with the following laws, rules, and regulations:

- a. All applicable statutory provisions;
- b. The UDO, Zoning Map, and building and fire codes;
- c. The County's Comprehensive Plan;
- d. The standards and regulations adopted by the County Commissioners;
- e. Any rules of the Johnson County Health Department and/or other applicable state or local agencies;
- f. The rules of the Indiana Department of Transportation (INDOT) if the subdivision or any lot contained therein abuts a state highway or connecting road;
- g. Appendix D, Johnson County Design Standards;
- h. Johnson County Comprehensive Stormwater Management Ordinance;
- i. Stormwater Technical Standard Manual (STSM); and
- j. All other applicable laws of Johnson County.

### 3. Services and Facilities. Plat approval may be withheld if a subdivision is not in conformity with the above laws, regulations, guidelines, and policies, as well as the purposes of this UDO.

- a. *Standard for Approval.* No primary plat shall be approved unless the Plan Commission (PC) determines that services and facilities will be adequate to support and service the area of the proposed subdivision.

- b. *Submittal of Additional Information.* At the request of the PC or staff, the subdivider shall submit sufficient information and data on the proposed subdivision to demonstrate the expected impact on and use of any services and facilities by the subdivision.
  - c. *Facilities to be Examined.* Public facilities and services to be examined for adequacy will include roads, sanitary sewage disposal, potable water service, stormwater, schools, and emergency services, including police and fire facilities.
4. **Extension Policies.** All public improvements and required easements shall be extended along the entire length of the boundary line of the parcel on which new development is proposed. Roads, water lines, wastewater systems, stormwater, electric lines, gas lines, and telecommunications lines shall be constructed to promote the logical extension of services to adjacent parcels. The PC may request that the subdivider extend off-site improvements or oversize required public facilities to serve anticipated future development where applicable.
  5. **Plat Crossing Municipal Boundaries.** Lot lines in a subdivision shall be laid out so as not to cross into a municipal boundary unless the PC deems that there is no other viable alternative.
  6. **Lot Access.** Access to a subdivision shall be on public roads within Johnson County's jurisdiction. If access is proposed across land in another local government's jurisdiction, the PC shall require assurance by affidavit from the subdivider that access is legally established. The PC shall also request assurance from the other local government that the public road used for access is adequately improved, or that a guarantee has been duly executed in sufficient amount to assure the construction of the public road to be used for access.

## B. Access and Connectivity.

### 1. Access.

- a. *Generally.* In designing a street system, the subdivider shall be guided by the following principles:
  - 1) No subdivision shall be approved unless the area to be subdivided shall have frontage on and access from an existing public road, including:
    - a) An existing state, County, or municipal roadway; or
    - b) A road shown upon a plat approved and recorded in the County Recorder's Office. Such road or highway must be suitably installed and improved as required by the rules, regulations, specifications, or orders or be secured by performance surety required under this UDO and/or County Code of Ordinances.
  - 2) Adequate vehicular and pedestrian access shall be provided to all parcels.
  - 3) Local residential street systems shall be designed to minimize through-traffic movement, but street connections into and from adjacent areas may be required in order to promote connectivity with the overall thoroughfare system.
  - 4) Local street patterns shall provide reasonable direct access to the primary circulation system of collector and arterial roadways.
  - 5) Local circulation systems and land development patterns shall not conflict with the efficiency of bordering arterial routes.

- 6) Elements in the local circulation system should be designed with the least amount of interruptions possible in order to function effectively and safely.
  - 7) Traffic generators within residential areas shall be considered in the design of the circulation pattern.
  - 8) Planning and construction of residential streets shall clearly relate to their local function.
  - 9) Local streets shall be designed to discourage excessive speeds.
  - 10) Pedestrian-vehicular conflict points shall be minimized.
  - 11) The space devoted to street uses shall be minimized.
  - 12) The number of intersections shall be minimized.
  - 13) Local streets shall be related to the topography.
- b. *Access to a Principal Arterial Street or Major Roadway.* The creation of private driveways connecting to principal arterial streets or other major roadways is highly discouraged. Collector streets should be introduced to reduce demand for access to arterial streets and major roadways.
- c. *Adjacency to Principal Arterial Street or Major Roadway.* Where a subdivision borders on or contains an existing or proposed principal arterial street or major roadway, the PC may require access to such road be limited by one (1) of the following:
- 1) *Frontage Road.* Utilization of frontage roads constructed and separated from the principal arterial street;
  - 2) *No-Access Easement and Landscape Screen.* Individual lots that gain access from a local road but back up to another exterior roadway of any classification shall provide a five (5) foot no-access-easement along the exterior roadway to prohibit access to said exterior roadway. In addition, a landscape screen shall be provided along the exterior roadway, as required by *Sec. 3.C, Landscaping, Buffering, and Fencing*; or
  - 3) *Other Plan Commission Approved Proposal.* Another proposed solution for consideration by the PC that may be deemed necessary for the adequate protection of properties within the subdivision from through-traffic.
- d. *Two Access Points.* Residential subdivisions that will house fifty (50) or more dwelling units shall provide no less than two (2) access points to/from existing streets in accordance with this Section of the UDO.
- 2. Connectivity.** The coordination of roads, sidewalks, trails, and pathways from one subdivision to another is essential to provide a continuation of vehicular and pedestrian access, transportation, and distribution lines for most utilities, such as water, sanitary sewer, storm sewer, gas, electricity, and telephone systems. Therefore, the PC may require the subdivider to construct collector or other roads and pathways to adjoining vacant undeveloped properties.

### **3. Level of Service.**

- a. *No Adverse Effect.* No development shall be approved if such development, at full occupancy will have an adverse effect on public health or safety.
- b. *Traffic Mitigation Measures.*
  - 1) *Subdivider.* The subdivider may propose and construct approved traffic mitigation measures to provide adequate roadway capacity for the proposed development.
  - 2) *County.* The County Highway Department may require any traffic mitigation measures in accordance with County regulations.
- c. *Traffic Impact Analysis.* A traffic impact analysis, which follows the Indiana Department of Transportation's Applicant's Guide to Traffic Study, may be required by the Administrator or the Engineer at the time of primary plat review should one of the following circumstances arise:
  - 1) Single-Family Detached Dwellings or duplex subdivisions with more than fifty (50) lots in the total development; or
  - 2) Any commercial or industrial development deemed by the County Highway Department to be capable of significantly increasing traffic.

## **C. Drainage, Stormwater, and Erosion Control.**

### **1. Storm Drainage.**

- a. The subdivider shall provide the subdivision with an adequate stormwater system. The system shall conform with the Johnson County Comprehensive Stormwater Management Ordinance and the Stormwater Technical Standard Manual (STSM). A copy of the analysis shall be submitted to the County Surveyor and the Department of Planning and Zoning with the drainage facility plans.
- b. The plans for the installation of a storm drainage system that shall become a legally regulated drain per *IC 36-9-27-15* must be provided by the subdivider and approved by the County Surveyor. The plans for the system as built shall be filed with the County Surveyor upon the completion of the storm sewer installation as required by the Johnson County Stormwater Ordinance.

### **2. Easements.**

- a. All drainage easements shall be indicated on the primary plat and the secondary plat.
- b. All drainage easements (public and private) shall be a minimum of twenty (20) feet in width and shall be located at the rear or side lot lines. One-half (1/2) of the width of an easement shall be taken from each lot for interior lots.
- c. When topographical or other conditions make it impractical to include utilities within the rear lot lines, perpetual unobstructed easements at least twenty (20) feet in width shall be provided alongside lot lines with satisfactory access to the road or rear lot lines. One-half (1/2) of the width of an easement shall be taken from each lot for interior lots.

This subsection does not apply to the sanitary sewer system, which is required by County ordinance to be within the road right-of-way.

3. **Required Covenant Language for Drainage.** To ensure the maintenance of a properly designed and installed drainage system, the following paragraphs shall be required as a provision of the restrictive covenants for all secondary plats and shall be included in all deeds written relative to said plats. The proposed owner shall submit a signed copy of this covenant to be filed with the PC and the County Surveyor at the time an application for an ILP is submitted.
  - a. "Drainage swales (ditches) along dedicated roads and within the right-of-way, or on dedicated drainage easements, are not to be altered, dug out, filled in, tiled, or otherwise changed without the establishment of a drain system which meets all applicable requirements and the written approval of the County Surveyor. Should the drainage swale option be used, 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 such that drainage swales or ditches will not be damaged by such water. Driveways may be constructed over these swales or ditches only when culverts are in compliance with all applicable regulations."
  - b. "No sanitary structures, drainage structures, or water line appurtenances shall be located within driveway limits or sidewalks without written approval of the Engineer. No sump pump drains or other drains shall outlet onto the road."

#### D. Lots and Blocks.

##### 1. Arrangement.

- a. *Compatible with Topography.* The layout of a subdivision's lots and blocks shall be compatible with the topography and other physical conditions of the land to ensure that compliance with the UDO, Building Code, and other local, state, and federal regulations can be achieved.
- b. *Public Road Access Required.* Every lot and block shall have sufficient and adequate access to a public road constructed, or to be constructed, in accordance with this UDO.
- c. *Access to Potential Future Lots Required.* The PC may require that lots and blocks be arranged to allow further subdivision and the opening of future roads where necessary to serve potential future or existing lots.

##### 2. Design.

- a. *Lot Requirements.* Lot dimensions shall comply with the minimum standards of the applicable zoning district in the UDO. See *Chapter 2, Zoning Districts*.
- b. *Calculation of Lot Areas.* Land reserved for any proposed road, drainage structure (retention or detention), lake, river, stream, or wetlands shall not be counted in satisfying the minimum lot area requirements of the UDO.
- c. *Right Angle Requirement.* Side lot lines shall be at right angles to right-of-way lines (or radial to curving road lines) unless the PC determines that a variation from this rule will

give a better road or lot plan. Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum front yard setbacks from both roads.

- d. *Block Length.* Blocks shall not exceed nine hundred (900) feet in length.
- e. *Lot Line Determination.* The lot or block line common to the road right-of-way shall be the front property line. All lots and blocks shall face the front property line and a similar line across the road. Wherever feasible, lots and blocks shall be arranged so that the rear lot line does not abut the side lot line of an adjacent lot.
- f. *Through Lot Prohibition.* Through lots or shall be prohibited except where necessary to provide separation of development from arterial streets or to overcome specific disadvantages of topography and orientation. The decision as to whether or not a through lot meets this standard shall be made by the BZA through an application submitted for a variance.
- g. *Off-Street Parking and Loading.* The depth and width of lots or blocks reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide off-street parking and loading facilities required for the type of use and development contemplated, as established in the UDO. See *Chapter 3, Site Standards.*

## **E. Monuments and Markers.**

### **1. Generally.**

- a. *Precision Required.* All U.S., State, County, municipal, or other official benchmarks, monuments, or triangulation stations in or adjacent to the property shall be preserved in a precise position by a registered land surveyor.
- b. *Reference Points.* The plat and legal description of subdivisions shall be referenced to two (2) known section corners. The basis of bearing shall be the Indiana Geospatial Coordinate System Johnson Zone.
- c. *Placement.* Monuments and markers shall be placed so that the center of the bar, or marked point, shall coincide exactly with the intersection of lines to be marked, and shall be set so that the top of the monument or marker is level with the finished grade.
- d. *Permanency.* A permanent monument in each Section of a subdivision shall be installed by the subdivider to establish elevation control throughout the subdivision.
- e. *Vertical Datum.* The vertical datum shall be NAVD 88, or the current datum established by the National Geodetic System.

### **2. Monuments.** Monuments shall be:

- a. Set at the intersection of all lines forming angles in the boundary of the subdivision; and
- b. Set at the intersection or curves of road property lines. Not more than two (2) monuments shall be required at any intersection.
- c. Concrete with minimum dimensions of four inches by four inches by thirty-six inches (4" x 4" x 36"), set vertically in place with an iron or copper dowel three-eighths of one inch

(3/8") in diameter, with an identification cap including Surveyor Firm or identification number.

- d. At a minimum, two and one-half inches (2 ½") in length embedded so that the top of the dowel shall be not more than one-fourth of one inch (1/4") above the surface and at the center of the monument.

**3. Markers.** Markers shall:

- a. Consist of galvanized or wrought iron pipe or iron or steel bars at least two feet in length, and not less than a half inch (½") in diameter;
- b. Be set at the beginning and ending of all curves along road property lines;
- c. Be located at all points where lot lines intersect front or rear curves;
- d. Be located at all angles in property lines of lots; and
- e. Be located at all other lot corners not established by a monument.

**F. Common Open Space and Areas for Public Dedication.**

**1. Common Open Space.**

- a. *Accessibility.* All common open space reserved under this UDO shall be accessible to the residents or property owners within the subdivision and their guests by sidewalk, trail, or combined bikeways and walkways.
- b. *Common Open Space Preservation.* When possible, common open space required under this UDO should be preserved in its natural state.

**2. Preservation of Existing Features.** Existing features that would add value to the development or to the County as a whole (such as trees, watercourses and falls, historic sites, and similar irreplaceable assets) shall be preserved in the design of the subdivision when feasible.

**3. Retention/Detention Ponds within Common Open Space.**

- a. *Pond Installation.* Ponds shall be installed in accordance with the Johnson County Comprehensive Stormwater Ordinance and the Stormwater Technical Standard Manual (STSM).
- b. *Applicability to Lot Area Requirements.* If a tract being subdivided contains a pond or portion thereof, it shall be either set aside as common open space or ownership shall be maintained by the developer. The pond shall not be included as part of a lot or in satisfying the individual lot area requirements of the UDO.

**4. Ownership and Maintenance of Common Open Space.**

- a. *Equal Responsibility.* Responsibility, maintenance, and ownership of ponds and common open space shall be distributed equally among all property owners within the development, either jointly through a homeowners association or individually, in the event a homeowners association is dissolved or does not exist.

- b. *Proof of Agreement.* The PC may require proof of an “ownership and maintenance agreement” for the common open space within a subdivision.
- c. *County Not Responsible for Maintenance or Safety.* The County shall not assume responsibility for the maintenance and safety of the common open space.

**5. Areas Set Aside for Public Dedication.**

- a. *Land Proposed for Dedication.* Land proposed to be dedicated to a county, municipality, school system, or other public entity shall be considered on a case-by-case basis and approved by the appropriate legislative body or bodies.
- b. *Public Park or School.* Proposed subdivisions may allocate areas for public parks, schools, or other public purposes. Land area dedicated above the location of the actual school building shall meet the acreage requirements for common open space of required by this UDO.
- c. *Public Agency.* The acquisition of land reserved for a public agency on the secondary plat shall be initiated by the public agency within five (5) years of approval of the secondary plat. Failure on the part of the public agency to initiate acquisition within the prescribed time shall result in the removal of the "reserved" designation from the property involved and the freeing of the property for development in accordance with this UDO. If the applicable government agency passes a resolution expressing its intent to acquire the land, the PC shall extend the reservation period for an additional one (1) year.
- d. *Recreation.* Land reserved for active recreational purposes shall be of a character and location suitable for use as a playground, athletic field, or for other active recreational purposes, and shall be relatively level and dry.

**G. Private Covenants.**

- 1. Purpose.** Private 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 that are above and beyond the development standards for the jurisdiction. These covenants may be used by a developer to create a more standard appearance as well as maintain control over activities that take place within its boundaries so that enforcement by the subdivider (and subject property owners) uniformly protects property values.
- 2. Self-imposed Restrictions.** If an owner of property places restrictions on any land contained in a subdivision that are more restrictive than those required by this UDO, such restrictions shall be indicated or referenced on the subdivision plat. The PC may also require that all restrictive covenants be recorded with the Recorder in a form approved by the County Attorney. Generally, covenants “run with the land,” meaning that the restriction stays in effect with subsequent property owners.
- 3. Enforcement.** Only regulations specifically found in the UDO are enforceable by the County. Restrictive private covenants must be enforced by the Homeowners Association (or the subject property owners) through civil court proceedings.

## H. Sidewalks, Paths, and Trails.

1. **Generally.** Sidewalks and Americans with Disabilities Act (ADA) compliant ramps shall be included within the dedicated, non-pavement right-of-way of all roads.
2. **Basic Design.**
  - a. *Sidewalks.*
    - 1) Sidewalks shall be installed per *Appendix D, Johnson County Design Standards.*
    - 2) Sidewalks (including multi-use paths) are to be at least five (5) feet in width and are required to be installed on both sides of the road in a subdivision.
    - 3) The surface of any sidewalk shall, when completed, have a sufficient slope to drain away from the lot and to the center of the road. The subgrade of a sidewalk shall be constructed to a depth below the finished surface and shall be thoroughly compacted to a firm, smooth surface.
    - 4) All sidewalks shall be compliant with ADA requirements.
  - b. *Paths and Trails.*
    - 1) All asphalt paths and trails must be at least ten (10) feet wide and meet the applicable standards for thickness and base requirements.
    - 2) All paths and trails shall be constructed in accordance with the adopted standards or the American Association of State Highway and Transportation Officials (AASHTO) standards.
3. **Connectivity.**
  - a. *Easements.* To facilitate pedestrian access and connectivity, the PC may require perpetual unobstructed easements, at least twenty (20) feet in width, from the proposed development to adjacent property (whether developed or not), neighborhoods, schools, parks, playgrounds, churches, government buildings, facilities, other community amenities, or any other points of social, environmental, economic, or historical interest. Every such easement shall be indicated on the secondary plat.
  - b. *Trail Construction.* Where future development includes land that has been identified by the appropriate, adopted plan as a location for trails, the PC may require that the subdivider construct the trails within their development, whether or not such trails connect to existing trails outside of the development at the time of construction.
  - c. *Commonly Owned Property.* All commonly owned property adjacent or abutting public right-of-way shall have sidewalks constructed in accordance with this Chapter of the UDO and all other County requirements at the same time of construction of other infrastructure by the developer.

## I. Roads and Alleys.

1. **Purpose.** The requirements set forth herein are designed to provide for roads that:
  - a. Are suitable in location, width, and improvement so that they may accommodate prospective traffic;

- b. Afford satisfactory access to police, fire fighting, snow removal, sanitation, road-maintenance equipment; and
  - c. Compose a convenient traffic system and avoid undue hardships to adjoining properties.
- 2. Overall Design.** Proposed roads shall:
- a. Provide a safe, convenient, and functional system for vehicular, pedestrian, and bicycle circulation;
  - b. Be appropriate for the specific traffic characteristics of each proposed development; and
  - c. Be in conformance with *Appendix D, Johnson County Design Standards*.
- 3. Roadway Development Standards.**
- a. The arrangement, character, extent, width, grade, and location of all roads shall conform to the *Appendix D, Johnson County Design Standards*.
  - b. The requirements set forth in the *Appendix D, Johnson County Design Standards* are minimum requirements. Individual projects, particularly commercial and industrial subdivisions, may warrant additional requirements dictated by best-practice engineering design. Where additional requirements are necessary, they shall be recorded as conditions of approval for the primary plat.
- 4. Additional Improvements Required.** The subdivider may be required by the County to provide traffic signalization, deceleration lanes, acceleration lanes, passing blisters, or other improvements to the road system using the following considerations:
- a. Number of lots;
  - b. Proposed use;
  - c. Road classification;
  - d. Traffic generation;
  - e. Existing or proposed conditions; and
  - f. Sound engineering design.
- 5. Traffic Study.** A traffic impact study may be required by the PC. If the traffic impact study determines that improvements to the road system are necessary, per the requirements of *Sec. 6.B.3.c, Traffic Impact Analysis*, then such improvements shall be a condition of approval of the primary plat.
- 6. Roads.**
- a. *Road Classification.* All roads shall be functionally classified by the Engineer and be consistent with the County's Future Transportation Component of the Comprehensive Plan. In classifying roads, the Engineer shall consider projected traffic demands after ten (10) years of development.
  - b. *Road Layout.*
    - 1) *Traffic Generation.* All roads shall be properly built to handle specific traffic generators such as industries, business districts, schools, churches, shopping

centers, and population densities, as well as the pattern of existing and proposed land uses.

- 2) *Efficient Use of Property.* All roads shall be arranged to obtain as many building sites as possible at or above the grades of the roads. Grades of roads shall conform as closely as possible to the original topography. Roads shall also be laid out to permit efficient drainage and utility systems and to result in the minimum number and length of roads to provide convenient and safe access to property. See *Appendix D, Johnson County Design Standards* for specific requirements.
  - 3) *Non-Residential Subdivisions.* For non-residential subdivisions, the roads shall be planned to minimize conflict of movement between various types of traffic, including pedestrian. Road layouts should consider the grouping of buildings, railway location, the presence of alleys, truck loading and maneuvering areas, and interior walks and parking areas.
- c. *Road Connectivity.*
- 1) *Continuation of Proposed Road.* A proposed road shall provide for the continuation of existing, planned, or platted roads on adjacent property.
  - 2) *Centerline Connection.* Where a wider right-of-way connects with a narrower right-of-way, the centerlines of the two roads shall be aligned.
  - 3) *Extension to Boundary Line.* Proposed roads shall be extended to the boundary lines of the parcel to be subdivided unless, in the opinion of the PC, such extension is not feasible due to the physical conditions of the property or not necessary or desirable for the coordination of the subdivision with the future development of adjacent parcels.
  - 4) *Required Connectivity.* The arrangement of roads shall provide for the continuation of roads between adjacent properties when the continuation is necessary for convenient movement of traffic, effective fire protection, efficient provision of utilities, and effective emergency services.
  - 5) *Temporary Dead-end Roads.* If the adjacent property is undeveloped and the road must temporarily be a dead-end road, the right-of-way shall be extended to the property line. A temporary cul-de-sac, T-, or L-shaped turn-around shall be provided on all temporary dead-end roads, with the notation on the secondary plat that land outside the normal road right-of-way shall revert to the adjoining landowners when the road is continued. The subdivider shall provide barriers and signage for any temporary dead-end road. The PC may limit the length of temporary dead-end roads in accordance with the *Appendix D, Johnson County Design Standards*.
  - 6) *Permanent Dead-end Roads.* Where a road does not extend beyond the boundary of the subdivision, and its continuation is not required by the PC for access to adjoining property, its terminus shall not be nearer to such boundary than fifty (50) feet. However, the PC may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. A cul-de-sac turn-around shall be provided at the end of a permanent dead-end road. For greater

convenience to traffic and more effective police and fire protection, permanent dead-end roads shall be limited in length to eight hundred (800) feet.

d. *Road Rights-of-Way.*

1) *Width.*

- a) *Right-of-Way Width.* The road right-of-way width shall be in accordance with the *Appendix D, Johnson County Design Standards.*
- b) *Paved Width.* The paved width of all roads shall be in accordance with the *Appendix D, Johnson County Design Standards.* Where a proposed road is an extension of an existing paved road which exceeds the minimum required dimension, the PC may require the subdivider to match the width of the existing paved road.
- 2) *Dedication.* In a subdivision that adjoins or includes an existing road that does not conform to the minimum right-of-way dimension as established by *Appendix D, Johnson County Design Standards,* the subdivider shall dedicate additional right-of-way width as required to meet this UDO.
- 3) *Excess Right-of-way.* Rights-of-Way wider than the standards designated in this UDO shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes.
- 4) *Slope Requirement.* Such slopes shall not be more than three-to-one (3:1).

e. *Road Intersections.*

- 1) *Generally.* All intersections shall adhere to the *Appendix D, Johnson County Design Standards.*
- 2) *Right Angles.* Roads shall be laid out to intersect as nearly as possible at right angles. Under no circumstances shall the angle of intersection of two (2) roads be less than seventy (70) degrees unless otherwise approved by the PC.
- 3) *Road Alignment.* Proposed new intersections along one (1) side of an existing road shall, wherever practicable, align with any existing intersections on the opposite side of such road. No more than two (2) roads shall intersect at one (1) point.
- 4) *Curb Radius.* Minimum curb radius at the intersection shall be controlled by *Appendix D, Johnson County Design Standards.*
- 5) *Visibility.* No intersection shall create a traffic hazard by limiting visibility. The visibility and sight distances at intersections shall be controlled by *Appendix D, Johnson County Design Standards.*
- 6) *Dedication.* In a subdivision that adjoins or includes an existing road that does not conform to the minimum right-of-way dimension as established by *Appendix D, Johnson County Design Standards,* the subdivider shall dedicate additional right-of-way width as required to meet this UDO.

- 7) To ensure the safe movement of both vehicular and pedestrian traffic, see *Sec. 6.1.12, Required Covenant Language Regarding Visibility*.
- f. *Curb and Gutter*. Curb and gutter shall be constructed by the subdivider on both sides of all roads. Curbs shall be constructed as one of the standard curbs as directed by the *Appendix B, Johnson County Design Standards*.
- g. *Road Grade*.
  - 1) *Grade Requirement*. The grade of all roads shall not exceed the requirements of *Appendix D, Johnson County Design Standards* except where, in the opinion of the PC, an unusual topographic condition justifies a waiver of the requirements of this UDO.
  - 2) *Approval of Plan*. Roads shall be graded, improved, and conform to *Appendix D, Johnson County Design Standards* and in accordance with the construction plans required to be submitted prior to secondary plat approval.
- h. *Private Roads*.
  - 1) *Residential Development*. Private roads for residential development are prohibited and a waiver from this requirement is not permitted.
  - 2) *Commercial and Industrial Development*. Roads within commercial and industrial development shall be public unless private roads are approved by the PC.
  - 3) *Construction*. Private roads must be constructed to meet or exceed the standards in the *Appendix D, Johnson County Design Standards*. A waiver from this requirement is not permitted.
  - 4) *Maintenance*. Maintenance of private roads is the responsibility of the subdivider or property owners as outlined in the recorded covenants, on the plat, and in the written commitments.
- i. *Improvements to Adjacent Roads*.
  - 1) *Realignment or Widening of Road*. A proposed subdivision is required to address improvements and/or dedications whenever a subdivision borders an existing narrow road or when the Comprehensive Plan or other policy document of the jurisdiction indicates plans for the realignment or widening of a road that requires use of some of the land in the proposed subdivision. Unless waived by the PC, the subdivider shall be required to improve and dedicate at its expense those areas so designated for widening or realignment.
  - 2) *Dedication*. Frontage roads shall be improved and dedicated by the subdivider at their own expense to the full width as required by this UDO when the subdivider's development activities contribute to the need for the road expansion. Land reserved for any road purposes may not be counted in satisfying yard or area requirements of the UDO.
- j. *Roadside Drainage Swales*.
  - 1) *New Roads*. No new subdivision roads shall have roadside drainage swales.

- 2) *Existing Roads.* Roadside drainage swales shall be placed along existing roads in accordance with the *Appendix D, Johnson County Design Standards.*

**7. Access Roads, Limited Access Roads, and Railroads.**

- a. *Limited or Improved Access.*
  - 1) *Potential Hazard.* Access roads from a proposed development onto an existing or proposed public right-of-way may be restricted or denied where such a road presents a potential hazard to public safety.
  - 2) *Improvements may be Required.* Where such potential hazard to the public safety is determined to be present, the PC may require the subdivider to make improvements to an existing or proposed public right-of-way as a condition of allowing access.
  - 3) *Traffic Impact Analysis.* Prior to making its primary plat decision, the PC may require that the subdivider submit a traffic impact study at the subdivider's expense per Sec. 6.B.3.c, *Traffic Impact Analysis.*
- b. *Access Roads.* The number of access roads required for a proposed subdivision shall be based upon the number of lots, engineering design best-practice, and continuity of the public road system. If the PC determines that an additional access road is necessary, it will advise the subdivider at the time of primary plat consideration.
- c. *Distance Requirements.* Railroad rights-of-way and limited access highways that may affect the subdivision of adjoining lands shall be treated as follows:
  - 1) *Residential Districts.* In residential districts, a buffer strip at least twenty-five (25) feet in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to railroad right-of-way or a limited access highway. This strip shall be in common open space or part of the platted lot(s) and shall be designated on the plat: "This strip is reserved as a buffer. The placement of structures on this land is prohibited."
  - 2) *Commercial or Industrial Subdivisions.* In commercial or industrial subdivisions, the nearest road extending parallel or approximately parallel to a railroad right-of-way shall, wherever practicable, be at a sufficient distance from the railroad right-of-way to ensure suitable depth for commercial or industrial sites.
  - 3) *Intersecting Roads.* When roads parallel to a railroad right-of-way intersect a road which crosses the railroad right-of-way at grade, they shall, to the extent practicable, be at a distance of at least one hundred fifty (150) feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.
- d. *Parallel Road Required.* Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the PC may require a road approximately parallel to and on each side of such right-of-way at a spacing suitable for the appropriate use of the intervening land. Such spacing shall also be determined with due

regard for the requirements of the approach grade of any future grade separation structure.

- 8. Street Lights.** Street Lights shall be installed in accordance with the requirements of the applicable authority and will have illumination levels that are appropriate for the road type and surrounding land uses.
- 9. Street Signs.**
  - a. *MUTCD Requirement.* Each installed sign shall comply with the urban standards established by the State of Indiana.
  - b. *Subdivider Expense.* The subdivider shall be responsible for the installation of all street signs required by the County or INDOT, as applicable.
  - c. *Installation Timeframe.* The subdivider shall install all street signs before issuance of any certificates of occupancy for any primary structure within the subdivision.
  - d. *Placement of Signs.* Street name signs are to be placed at all intersections within or abutting the subdivision as approved by the Engineer.
  - e. *Maintenance.* Sign maintenance is the responsibility of the subdivider or the property owners within the development, as outlined in the recorded covenants, on the plat, and in the written commitments until the time of dedication to the County.
  - f. *Aesthetic Signs and Sign Posts.* If desired, HOAs have the option to purchase and install aesthetic sign posts for their subdivision. Johnson County Highway Department will provide the appropriate street signs per the MUTCD. The HOAs are responsible for ownership and maintenance of the aesthetic sign posts.
- 10. Alleys.** The minimum right-of-way width of alleys, where platted, shall be twenty (20) feet and shall be privately maintained.
- 11. Required Covenant Language Regarding Visibility.** To ensure the safe movement of both vehicular and pedestrian traffic, the following paragraphs shall be required as a provision of the restrictive covenants for all secondary plats and shall be included in all deeds written relative to said plats. The proposed owner shall sign a copy of this covenant and it shall be filed with the County Recorder's Office.
  - a. "No fence, wall, hedge, tree or shrub planting which obstructs sight lines with elevations between two and one-half feet (2.5') and eight feet (8') above the road surface elevation shall be placed or permitted on any corner lot within the triangular area formed by the road right-of-way lines and a line connecting points forty feet (40') from the intersection of said road right-of-way lines for neighborhood and local roads, and seventy-five feet (75') for arterial streets, or in the case of a rounded property corner, from the road right-of-way lines extended."
  - b. "The same site line limitations shall apply to any lot within ten feet (10') of the intersection of a road right-of-way line with the edge of a driveway pavement or alley line. No driveway shall be located within seventy feet (70') of the intersection of two (2) road right-of-way lines."

**12. Location of Driveways on Corner Lots.** The County reserves the right, when necessary for safety reasons, to dictate the location of private driveways on corner lots.

**J. Road and Subdivision Names.**

**1. Subdivision Name.**

- a. *PC Approval.* The PC shall have final authority to approve the name of the subdivision, which shall be determined at the time of primary plat approval.
- b. *No Closely Related or Duplicate Names.* The proposed name of a subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision within the jurisdiction and surrounding areas.

**2. Road Names.**

- a. *PC Approval.* Proposed road names shall be submitted with and indicated on the primary plat and the PC shall approve the road names at the time of primary plat approval.
- b. *No Closely Related or Duplicate Names.* Road names shall be sufficiently different in sound and spelling from other road names in the jurisdiction so as not to cause confusion.
- c. *Continuation of Existing Roadway.* A road which is (or is planned as) a continuation of an existing road shall bear the same name.
- d. *Directional Change.* A road may be required to have a different name at the point at which it significantly changes direction.

**K. Utilities.**

**1. Generally.**

- a. *Placement of Utilities.* All new utility facilities, including but not limited to gas, electric power, telephone, and CATV cables, shall be located underground throughout major subdivisions. Where existing utility facilities are located above ground in the area to be subdivided, except when existing on public roads and rights-of-way, they shall be removed and placed underground for a major subdivision unless this requirement receives a waiver from the PC.
- b. *Approval of Placement.* The local public utility companies shall approve the location of easements for the installation of their services prior to the establishment of such easement.
- c. *Shown on Plat.* All utility facilities existing and proposed throughout the subdivision shall be shown on a minor plat or the primary plat of a major subdivision.
- d. *Service Connection.* Underground service connections to the property line of each platted lot shall be installed at the subdivider's expense.
- e. *Easements.* The subdivider shall be responsible for proper coordination of utility easements from block to block and from his/her subdivision to that of other adjoining properties.

## **2. Electric Power.**

- a. *System Approval.* The subdivider shall provide the subdivision with an electric power distribution system, which shall meet the approval of the Administrator, and which shall be connected to a public electric utility system.
- b. *Placement.* When placed on a public right-of-way, electrical underground cables or wires shall, if practicable, be laid in accordance with the *Appendix D, Johnson County Design Standards*. Otherwise, electric distribution lines shall be placed in easements provided for that purpose.
- c. *Submittal of Plans.* The plans for the installation of an electric power distribution system shall be furnished by the subdivider. All plans for the system shall be as built and shall be filed with the Administrator upon the completion of the electric system installation.

## **3. Telephone and Gas Utilities.** Telephone underground cables and gas lines shall, if practicable, be laid out in accordance with the *Appendix D, Johnson County Design Standards*. Otherwise, telephone and gas service lines shall be placed in easements provided for that purpose.

## **4. Sanitary Sewer Systems.**

- a. *Installation of Facility.* The phrase “the subdivider shall provide” shall be interpreted to mean that the subdivider shall install the facility referred to, or whenever a private sewage disposal system or an individual water supply is to be provided, that the subdivider shall require, as a condition of the sale of each lot or parcel in the subdivision, that the facilities referred to in this Section 6.K.4 shall be installed by the subdivider of the lots in accordance with these regulations.
- b. *Public Sanitary Sewer Facilities for Major Subdivisions.*
  - 1) *Complete System.* The subdivider shall provide a major subdivision with a complete sanitary sewer system, which shall connect to a sanitary sewer outlet approved by the County. Minor subdivisions may be constructed without being on a public sanitary system, but each lot shall be served in a way acceptable to the County Health Department.
  - 2) *Placed in Easements.* Public sanitary sewers shall be laid in easements provided for that purpose.
  - 3) *Construction Standards.* The construction of the sanitary sewer shall be in accordance with the applicable sanitary district with approval authority.
  - 4) *Installation of Laterals.* Service laterals shall be installed between the sewer collector and the property line before the road is paved.
  - 5) *Submittal of Plans.* The plans for the installation of a sanitary sewer system shall be provided by the subdivider and approved by the County. All plans for the system shall be as built and shall be filed with the PC upon the completion of the sanitary sewer installation.

## 5. Water Facilities.

- a. *Connection to System.* The subdivider shall provide a major subdivision with a complete water system capable of providing water for health and emergency purposes, including adequate fire protection. Water systems shall connect to a water source approved by the County. Minor subdivisions may be constructed without being on a public water system, but each lot shall be served by potable water acceptable to the County Health Department and shall meet fire protection requirements.
- b. *Public Water Facilities.*
  - 1) *Construction Standards.* The construction of the public water facility shall be in accordance with the applicable water utility district with approval authority.
  - 2) *Proximity Requirement.* When a public water supply is available within three hundred (300) feet of any boundary of a proposed major subdivision, the subdivider shall construct and install a system of water mains (including fire hydrants) to be connected to the public water supply.
  - 3) *Connection per Lot.* Each lot shall be provided with a connection to the water delivery system in accordance with the *Appendix D, Johnson County Design Standards*.
  - 4) *Submittal of Plans.* The plans for the installation of a water main supply system shall be provided by the subdivider and approved by IDEM and the applicable water company. The plans for such systems shall be as built and shall be filed with the Administrator upon the completion of the water supply installation.
- c. *Private Water Supply.*
  - 1) *Proximity Requirement.* Where a public water supply is not available within three hundred (300) feet of any boundary of a proposed minor subdivision, the subdivider must provide each lot with a community or individual water supply, provided the installation conforms to the *Appendix D, Johnson County Design Standards*.
  - 2) *Existing Private Wells.* All existing homes currently being served by a private potable well water supply that are to be connected to a new public water supply system shall adhere to the following:
    - a) *Abandonment.* The existing well and pumping unit shall be abandoned and the well properly plugged in accordance with Rule 312 IAC 13-10 - Landowner Responsibility for Abandonment and Plugging of Wells.
    - b) *Continuance of Existing Private Wells.* If the homeowner chooses to keep their 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).
- d. *Fire Hydrants.*

- 1) *Required.* Fire hydrants shall be required for all developments served by a public water utility or where public water utilities are reasonably accessible as determined by the Administrator.
- 2) *Approval.* The applicable fire protection unit shall approve fire hydrants, including their setting, number, and size of outlets.
- 3) *Spacing Requirements.* Unless otherwise specified by local fire and/or building regulations, fire hydrants shall be located no more than five hundred (500) feet apart and within three hundred (300) feet of any structure and shall be approved by the local fire protection unit.
- 4) *Water Supply.* Adequate water supply, as determined by the Administrator, shall be provided to all fire hydrants prior to any building construction.
- 5) *Street Markers.* Plowable street markers may be required by the PC on major arterial streets.
- 6) *Dry Hydrants.* Dry hydrants may be required in retention/detention ponds. Placement and design must be approved by the Administrator.
- 7) *Plan Submittal.*
  - a) The location of all existing and proposed fire hydrants shall be shown on minor subdivisions and on the primary plat and the construction drawings of major subdivisions.
  - b) As built plans, where required, shall be provided to the County's GIS Department.
- 8) *Cost and Surety.* The cost of installing the system shall be borne by the subdivider. The subdivider may be required to provide surety for installing such improvements.

# Chapter 7, Subdivision Administration and Procedures

## A. General Provisions.

1. **Applicability.** A subdivider shall follow the applicable procedures contained in this Chapter for the type of subdivision for which approval is sought. The specific subdivision classification as defined herein shall be made by the Administrator.
2. **Authority.** The authority to subdivide property within the State of Indiana is granted by *IC 36-7-4-700 Series*.
3. **Compliance with UDO.** The platting of land, when required by the UDO, shall be done in compliance with the provisions of this UDO. Land required by the UDO to be platted may not be subdivided by any legal description other than with reference to a plat approved in accordance with this UDO.
4. **Drainage Board Approval.** Per the stormwater ordinance, drainage plan approval is a prerequisite to the approval of any plat per this UDO with the exception of the replat process per *Sec. 7.D.4, Replat*.
5. **Exemptions.** The following subdivisions of property are exempt from this Chapter. All other circumstances involving the subdivision of land shall require one or more of the application types found within this Chapter.
  - a. A division of land pursuant to an allocation of land in the settlement of a decedent's estate or a court decree for the distribution of property;
  - b. A division which is proposed to be legally effectuated by eminent domain proceedings;
  - c. A division of land approved by a court of competent jurisdiction for any other reason than those listed in either subsection (a) or (b) above; or
  - d. A division of land into cemetery plots for the purpose of burial of corpses.
6. **Approval of Subdivision Types.** *Chapter 5, Subdivision Types*, details the different types of subdivisions within the UDO. *Table 7.1, Subdivision Types Approvals*, details which types of subdivisions can be approved through the major subdivision and minor subdivision processes as detailed within this Chapter.

Table 7.1, Subdivision Type Approvals		
Subdivision Type	Major Subdivision Approval Process Necessary	Minor Subdivision Approval Process Available
Major Residential	Yes	No
Traditional Residential	Yes	No
Conservation Residential	Yes	No
Commercial	Yes	No
Industrial	Yes	No
Minor Residential	No	Yes
Agricultural	No	Yes

**B. Plan Commission (PC).**

1. **Establishment and Membership.** See Article I, Section 3, Membership, Article II, Section 1, Commission Officers, and Article II, Section 2, Duties of Commission Officers in the Plan Commission Rules of Procedure.
2. **Duties and Powers.** See Article I, Section 2, Duties in the Plan Commission Rules of Procedure.
3. **PC Authority.** See Article I, Section 1, Authority in the Plan Commission Rules of Procedure.

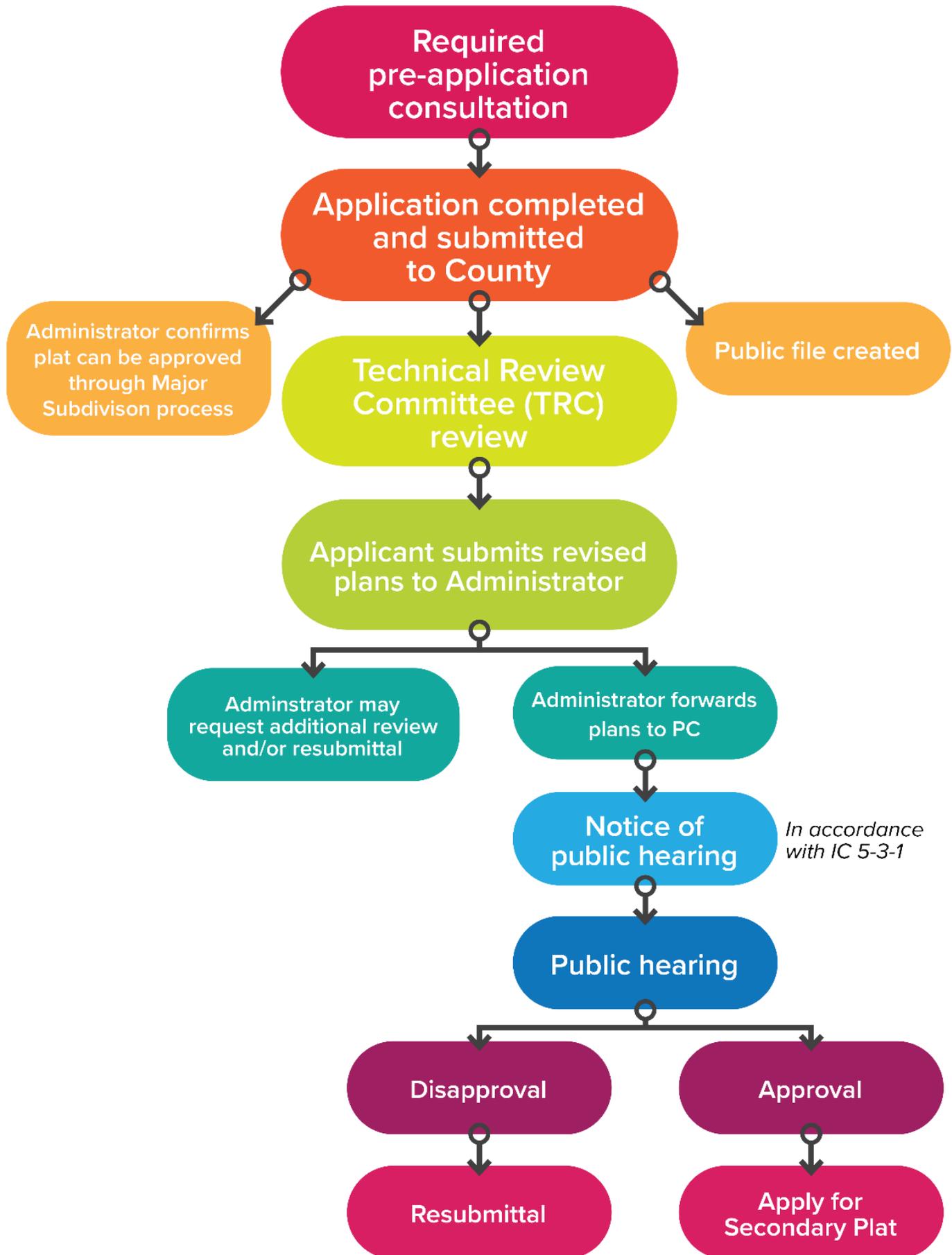
Table 7.2, Plan Commission (PC) Authority			
APPLICATION TYPE	PC'S ACTION	UDO PROCESS	APPLICABLE INDIANA CODE (IC)
Major Subdivision, Primary Plat	Final	Sec. 7.B.7	IC 36-7-4-700 Series
Major Amendment, Primary Plat	Final	Sec. 7.B.8	IC 36-7-4-700 Series
Plat Vacation	Final	Sec. 7.B.9	IC 36-7-4-711
Subdivision Standards Waiver or Modification	Final	Sec. 7.B.10	IC 36-7-4-702(c)
Minor Subdivision <sup>1</sup>	N/A	Sec. 7.C.5	IC 36-7-4-700 Series
Notes: 1. The minor subdivision process allows for consolidation of the primary plat and secondary plat and is delegated by the Plan Commission to a Plat Committee. N/A – Not Applicable			

4. **PC Meetings, Public Records, Quorum and Actions.** See Article III, Conduct of Meetings, Article IV, Public Hearings, and Article IX, Commission Records, in the Plan Commission Rules of Procedure.
5. **PC Processes for All Application Types.** See Sec. 8.B.5, PC Process for All Application Types and Article VI, Filing Procedures in the Plan Commission Rules of Procedure.
6. **Pre-Application Submittal Consultation.** This pre-application step is a required part of the subdivision process. This step gives the subdivider the opportunity to discuss the process with the Administrator as well as the County’s requirements for subdivisions, including, but not limited to the reservation of land, dedication of right-of-way, and utility service requirements. In addition, the applicant receives feedback from the Administrator about their proposal before investing time and energy into the plat process. After the pre-application submittal consultation, the Administrator shall direct the subdivider to the appropriate subdivision process.
7. **Major Subdivision - Primary Plat Process.** The development or modification of property requires subdivision plat approval. In accordance with IC 36-7-4-700 Series and the Plan Commission Rules of Procedure, the PC shall hear and make decisions regarding applications for major subdivisions in accordance with the following:

- a. *Applicability.* All subdivisions are required to complete the major subdivision process unless the Administrator determines that the criteria are met for the subdivision to be completed through the minor subdivision process found within this UDO.
- b. *Application Submittal.* The subdivider shall submit an application for the primary plat process in accordance with the application requirements adopted by the PC as part of the *Plan Commission Rules of Procedure* and prepared in accordance with the formats, including *Sec. 7.F, Document and Drawing Specifications for Major Subdivisions; Sec. 7.H, Construction and Development Process*, and according to the application requirements adopted as part of the *Plan Commission Rules of Procedure*.
- c. *Technical Review.* After receiving a complete application and creating a public file, the Administrator shall forward the proposed subdivision plat and supporting information to the Technical Review Committee (TRC) for review. For an application to be deemed complete, the submittal must include all land described in the parcel's parent tract. The Administrator shall compile the TRC's written comments for the applicant and include them in the public file. The TRC does not regularly meet to discuss comments for this process. However, at the Administrator's discretion a meeting may occur if a discussion is necessary between all committee members.
- d. *TRC Revisions.* The subdivider shall address all the comments from the TRC members and submit a written response explaining how each comment was addressed, revised reports, and revised plans to the Administrator per the adopted schedule. The Administrator may request additional internal review and/or the resubmittal of additional revisions before forwarding the subdivision plat.
- e. *Public Notice.* Notice of public hearing for the primary plat process shall be made in accordance with *IC 5-3-1 and Article VII, Notice Requirements*, in the *Plan Commission Rules of Procedure*. In the event the hearing has been properly noticed, but the plans are not finished per *Sec. 7.B.7.d, TRC Revisions*, 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 subdivider.
- f. *Public Hearing.* The PC shall consider the primary plat of a major subdivision at a public hearing. The subdivider or their representative shall be in attendance to present it and address any questions or concerns of the PC.
- g. *Approval Process.*
  - 1) *Grant of Approval.* If the PC determines that the primary plat complies with the standards set forth in this UDO, it shall grant primary approval.
  - 2) *Notification of Approval.* Within ten (10) days of the hearing, the Administrator shall notify the subdivider of approval in writing or electronic transmission and itemize any conditions, written commitments, changes, or revisions required by the PC's approval.
  - 3) *Effect of PC's Plat Approval.* Approval of a primary plat by the PC signifies:
    - a) The general acceptability of the layout submitted;
    - b) Assurances have been made that potable water is sufficient in terms of quantity, dependability, and quality to provide an appropriate supply of water for the type of subdivision proposed;

- c) Assurances have been made that sanitary sewage disposal complies with federal, state, and local laws and regulations; and
  - d) The subdivider has taken all reasonable efforts to mitigate the impact of the proposed subdivision on public health, safety, and welfare.
- h. *PC Requested Revisions.* Per IC 36-7-4-702, the PC may require changes or revisions to the proposed subdivision plat as a condition of primary approval to ensure the best interest and general welfare of the County, including, but not limited to the layout, grading, and improvement of public ways or other services.
- i. *Expiration.* Approval of a primary plat shall be effective for two (2) years from the date of the PC decision. Failure to receive secondary approval for all or a minimum of one (1) section of the plat before this (2) two-year period ends shall void the primary plat approval. Once primary approval has expired, a new application for a primary plat shall be submitted in conformance with all applicable ordinances in effect at the time the new application is submitted.
- j. *Extension.*
  - 1) *Automatically by Secondary Plat Approval.* Secondary Plat approval of at least one (1) section of the approved primary plat shall automatically extend the approval for the entire primary subdivision plat for two (2) years.
  - 2) *Request to Plan Commission.* Upon written request by 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.
- k. *Disapproval.*
  - 1) *Notification.* If the PC disapproves a primary plat, it shall make written findings of fact, and the Administrator shall notify the subdivider in writing or by electronic transmission within ten (10) days of the public hearing, stating the specific reasons for disapproval.
  - 2) *Resubmittal.* After disapproval, the petitioner may only resubmit a revised primary plat application if there is a significant change that addresses the reason for disapproval.
- l. *Flowchart.* The following flowchart is for illustrative purposes only to show the steps associated with the major subdivision, primary plat application process.

# MAJOR SUBDIVISION - PRIMARY PLAT PROCESS



- 8. Primary Plat Amendments.** At any time after major subdivision primary plat approval, the subdivider may request that an amendment be made to the primary plat. The amendment process shall not apply to an expired or voided primary plat.
- a. *Major Amendments.* Plan Commission approval after a public hearing is required for major amendments to a previously approved primary plat. A major amendment is required for the following:
- 1) An increase in the total number of lots;
  - 2) Increases or decreases in lot area for one or more lots;
  - 3) Reduction in or substantial redesign of perimeter buffer, subdivision amenities, common open space, or green space;
  - 4) Modification of street design resulting in relocation of an intersection by more than five (5) feet, shortening or lengthening a street segment by more than five percent (5%) of its original design length, or adding more than fifty (50) lineal feet of new streets;
  - 5) Modification of pedestrian and/or bicycle facility design resulting in the removal of sidewalks, trails, or paths along a segment of street, reducing the width of a sidewalk, trail, or path, or removing a mid-block crossing.
  - 6) Notable realignment of streets;
  - 7) Relocation of an entrance by more than five (5) feet from its approved location;
  - 8) Any change that would result in noncompliance with the design standards in the subdivision regulations or a written commitment;
  - 9) A proposed minor amendment that adds to previously approved minor amendments to cumulatively comprise a major change to the approved primary plat; or
  - 10) Any proposed deviation from a provision determined by the Administrator or Engineer to be essential for protecting health, safety, and welfare.
- b. *Minor Amendments.* See Sec. 7.D.5, *Primary Plat, Minor Amendment*.

**9. Plat Vacation Process.**

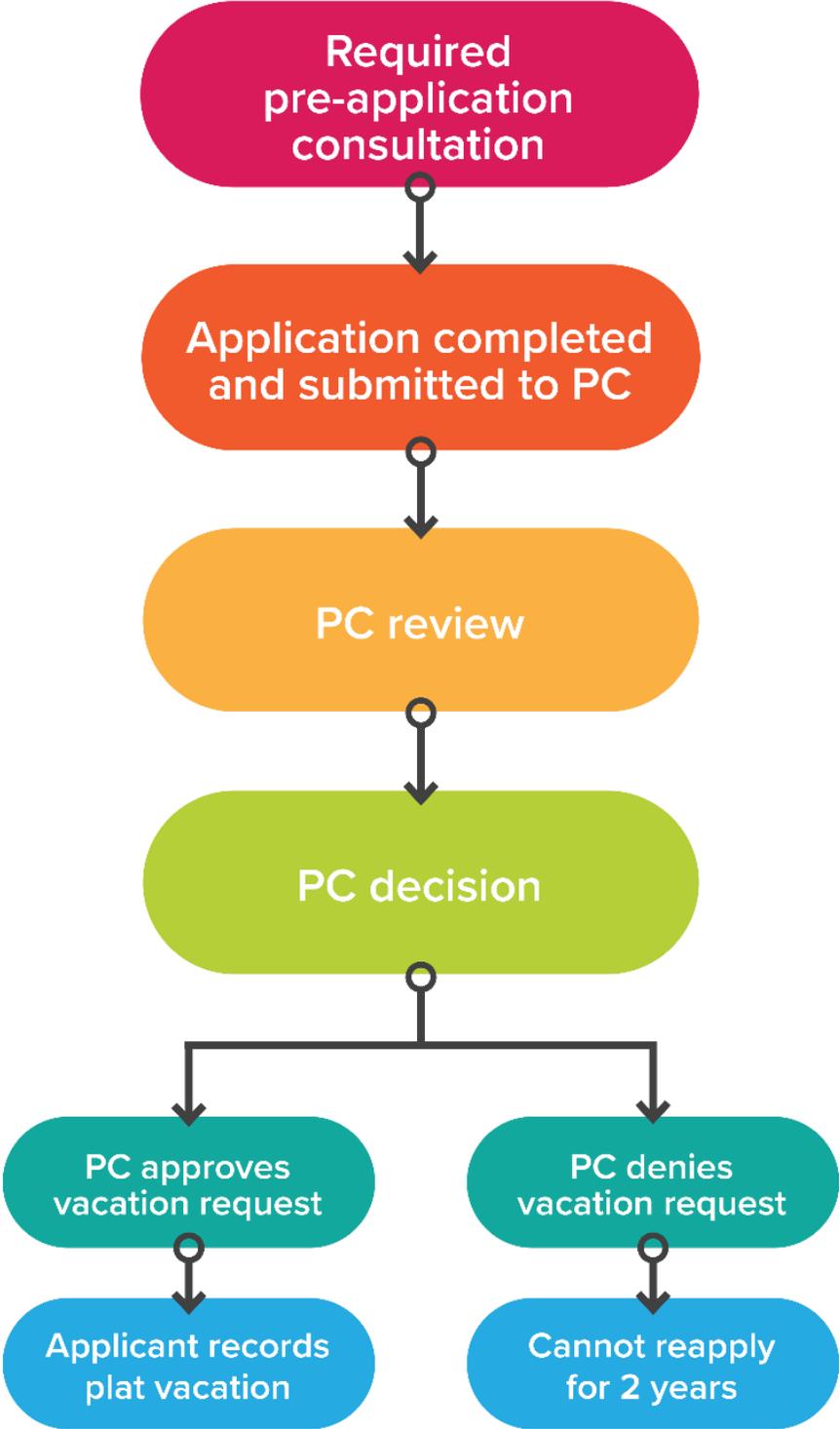
- a. *Generally.* The PC has exclusive authority over the vacation of plats or parts of plats. Vacations may be pursued under either IC 36-7-4-711 or IC 36-7-3-10.
- b. *Vacation When All Owners Agree.*
- 1) *Submittal.* As provided in IC 36-7-3-10, if all the owners of land agree on a proposed vacation of all or part of the plat, the owner(s) must first submit the instrument to the PC for approval prior to recordation.
  - 2) *PC Decision.* The PC may consider and rule on the proposed instrument without notice or a public hearing. The PC shall attach its written decision before the vacation is submitted for recording. The PC may impose conditions in giving its approval.
  - 3) *Effect of Vacation Approval.* As provided in IC 36-7-3-10, an instrument approved for vacation and recorded under this Section terminates the effect of the plat or part of

the plat declared to be vacated. Vacation approval also terminates all public rights in the public ways and public places described in the plat or part of the plat.

- 4) *Effect of Vacation Denial.* 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*.
- 5) *Utility Easements.* Regardless of whether the plat is vacated or not vacated through this plat vacation process, nothing in this plat vacation process shall alter the existing rights of utility easement holders within the platted right-of-way.
- 6) *Flowchart.* The following flowchart is for illustrative purposes only to show the steps associated with the plat vacation application process when all owners are in agreement.

# PLAT VACATION PROCESS

*When Owners Agree*

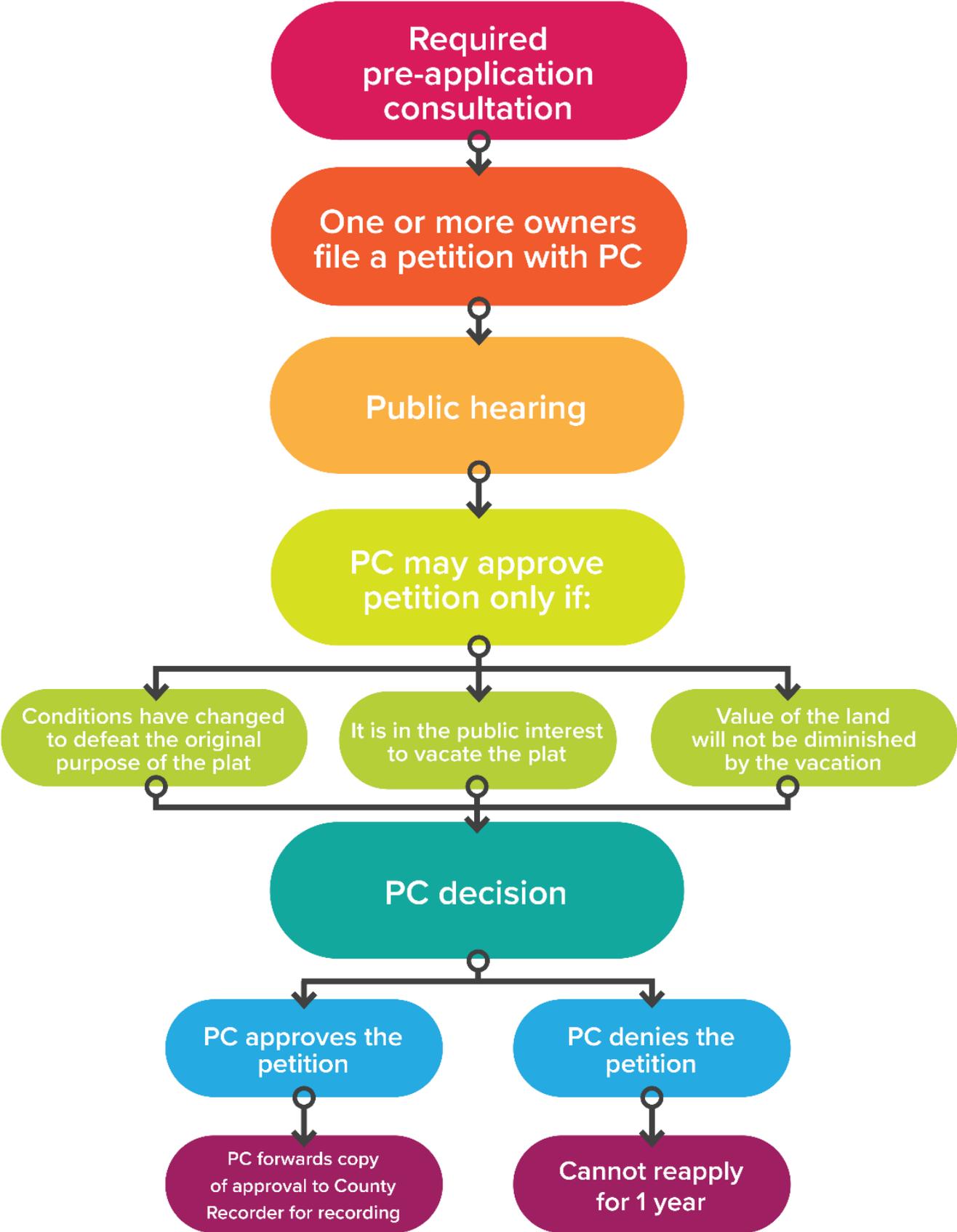


*In accordance with  
IC 36-7-3-15*

- c. *Vacations When All Owners Are Not in Agreement.* As provided in IC 36-7-4-711, if all the owners of land in a plat do not agree to a proposed vacation, one (1) or more of the owners may file with the PC a petition to vacate all the plat or that part of the plat that pertains to land owned by the petitioner(s).
- 1) *Public Hearing.* At the PC hearing, all other owners of land in the plat shall be allowed to comment on the petition.
  - 2) *Conditions for Approval.* The PC may approve the petition only if it finds that the conditions below are met.
    - a) Conditions in the platted area have changed to defeat the original purpose of the plat;
    - b) It is in the public interest to vacate all or part of the plat; and
    - c) The value of that part of the land in the plat not owned by the petitioner(s) will not be diminished by the vacation.
  - 3) *Approval Conditions.* The PC may impose conditions in giving its approval.
  - 4) *Recording.* The PC shall furnish a copy of its approval to the County Recorder for recording.
  - 5) *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.
  - 6) *Utility Easements.* Regardless of whether the plat is vacated or not vacated through this plat vacation process, nothing in this plat vacation process shall alter the existing rights of utility easement holders within the platted right-of-way.
  - 7) *Flowchart.* The following flowchart is for illustrative purposes only to show the steps associated with the plat vacation application process when all owners are not in agreement.

# PLAT VACATION PROCESS

*When Owners Are Not in Agreement*



*In accordance with  
IC 36-7-4-715*

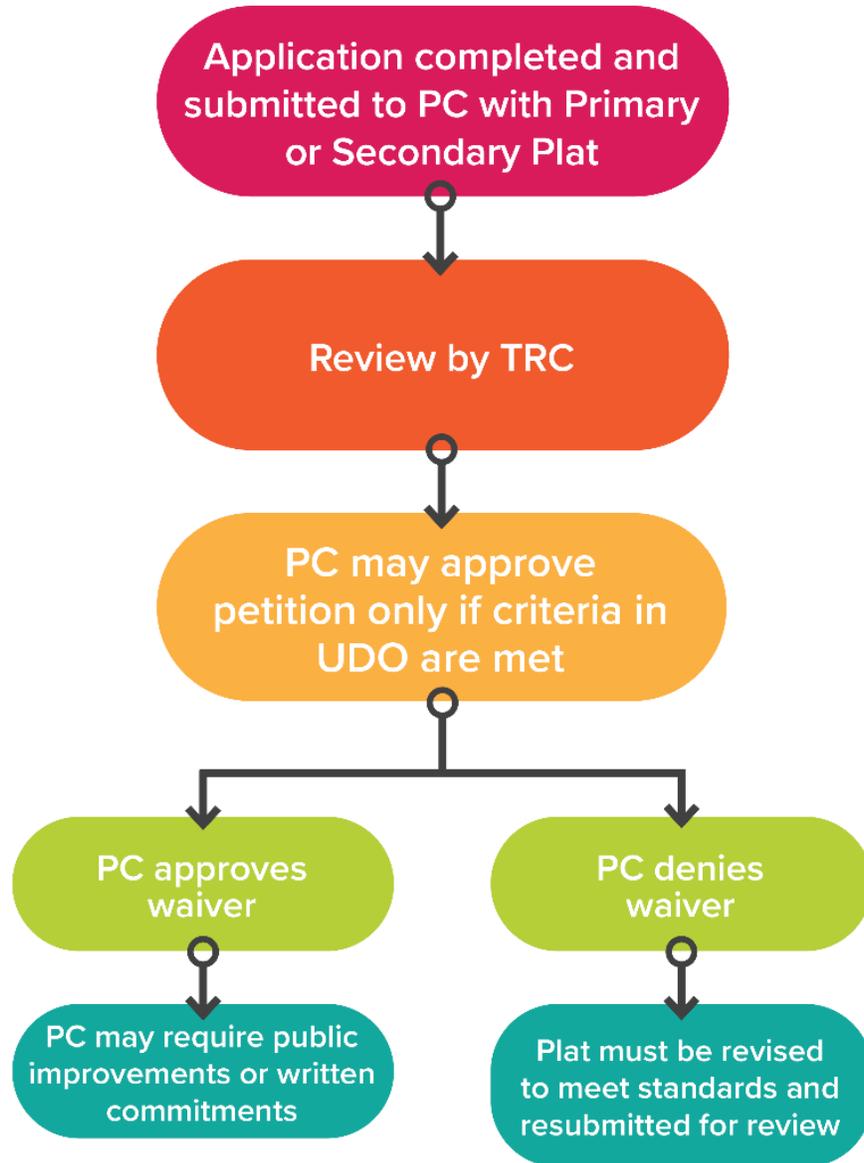
- d. *Vacation of Plats with Public Right-of-Way.* Persons who own property and want to vacate all or part of a public way or public place in or contiguous to those lots or parts of lots may file a petition for vacation with the County Commission if all or the only part of the public way or public place to be vacated is located outside the corporate boundaries of a municipality provided that such filing is consistent with *IC 36-7-3-12*.
- e. *Vacation of Platted Easements.* Platted easements may be vacated in the same manner as public ways and public places, in accordance with *IC 36-7-3-12* or *IC 36-7-4-12* See *IC 36-7-3-16*.

#### **10. Waiver or Modification Process.**

- a. *Generally.* Pursuant to *IC 36-7-4-702(c)*, a waiver or modification may be granted by the PC for a provision in *Chapter 5, Subdivision Types, Chapter 6, Subdivision Standards*, and this Chapter provided that the plat meets all other standards of the criteria of this Section and all other standards of the UDO are met. Any variations from the standards in *Chapter 2, Zoning Districts, Chapter 3, Site Standards*, and/or *Chapter 4, Use Standards*, require a variance by the BZA (See *Chapter 8, Zoning Administration and Procedures*).
- b. *Application.* A petition for a waiver or modification shall be submitted in writing by the subdivider prior to or at the time when the primary plat is filed. The petition shall state fully the grounds for the application and all the facts relied upon by the petitioner.
- c. *Criteria for Waivers or Modifications.* The PC shall not approve waivers or modifications unless it finds, based upon the evidence presented to it in each specific case, that all the following criteria are met:
  - 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;
  - 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.
- d. *Public Improvements.*

- 1) *Adjustments*. The PC may waive or modify at the time of primary approval and, subject to any appropriate conditions, the provision for any or all public improvements that, in the judgment of the County Surveyor or Engineer, as appropriate, 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) *Deference*. Improvement and/or installations may be deferred in accordance with *Sec. 7.H.3.b, Option 2: Post Performance Surety then Record Plat*.
- e. *Written Findings*. The PC shall make written findings of fact on all waiver or modification requests.
  - f. *Conditions of Waiver Approval*. In approving waivers or modifications, the PC may require conditions or written commitments as part of said waiver or modification. Such conditions or written commitments shall be expressly set forth in the action granting the waiver or modification and be in accordance with the County's process and format for written commitments. Violation of any condition or written commitment shall be a violation of this UDO and subject to the provisions of *Chapter 10, Enforcement*.
  - g. *Flowchart*. The following flowchart is for illustrative purposes only to show the steps associated with the subdivision waiver application process.

# SUBDIVISION WAIVER PROCESS



### C. Plat Committee.

1. **Establishment and Membership.** The Plat Committee will be a standing committee as authorized by *Article VIII, Section 2, Standing Committees* in the *Plan Commission Rules of Procedure*. Members of the Plat Committee say all serve on the Plan Commission, however not all members of the Plan Commission shall be designated for the Plat Committee. The exact number of members to serve on the Plat Committee may vary is to be determined on a bi-yearly basis by the Plan Commission.
2. **Duties and Powers.** The Plat Committee is hereby authorized to perform those powers specified in IC 36-7-4, Local Planning and Zoning, and other applicable chapters and sections of Indiana law which have been specifically delegated by the Plan Commission. These responsibilities include but are not limited to the process set out in *Sec. 7.C.5, Minor Subdivision Process*.
4. **Plat Committee Authority. Plat Committee Meetings, Public Records, Quorum and Actions.** It is the responsibility of County staff to maintain records in the same manner as authorized by *Article IX, Commission Records*, in the *Plan Commission Rules of Procedure*. The Plat Committees proceedings are open to the public and as such are subject to open meeting law.
5. **Minor Subdivision Process.** The development or modification of property requires subdivision plat approval. In accordance with *IC 36-7-4-700 Series* and the *Plan Commission Rules of Procedure*, the Plat Committee shall hear and make decisions regarding applications for minor subdivisions in accordance with the following:
  - a. **Purpose.** The minor subdivision platting process is intended to allow the subdivision of land with a reduction of approval time and filing procedure. It is not the intent to allow the minor subdivision process to circumvent the County's subdivision requirements or the intent of the County's comprehensive plan and its components. A minor subdivision shall be subject to all the requirements of the County's UDO and the subject zoning district for the project.
  - b. **Applicability.** The minor subdivision platting process shall only be used for subdivisions that the Administrator determines:
    - 1) Results in the creation of four (4) or fewer lots;
    - 2) Does not create any new public or private rights-of-way, extension of public facilities, or create any public improvements;
    - 3) Complies in all other respects with this UDO; and
    - 4) Unless the Administrator requests the issue be reviewed by the Plat Committee, does not meet any of the eligibility criteria for an administrative subdivision as set out in *Sec. 7.D.7.b, Eligibility*.
  - c. **Minor Subdivision Combined Primary and Secondary Plat.** The primary plat and secondary plat may be combined by the subdivider into one single process for a minor subdivision.
  - d. **Discretion to Shift to Major Subdivision Process.** If, at any time, the Administrator or Plat Committee believes that the circumstance of the application warrants the full review and consideration of a major subdivision, then the Administrator or Plat Committee shall

provide in writing to the subdivider one (1) or more reasons as to why the major subdivision process will be required for their application.

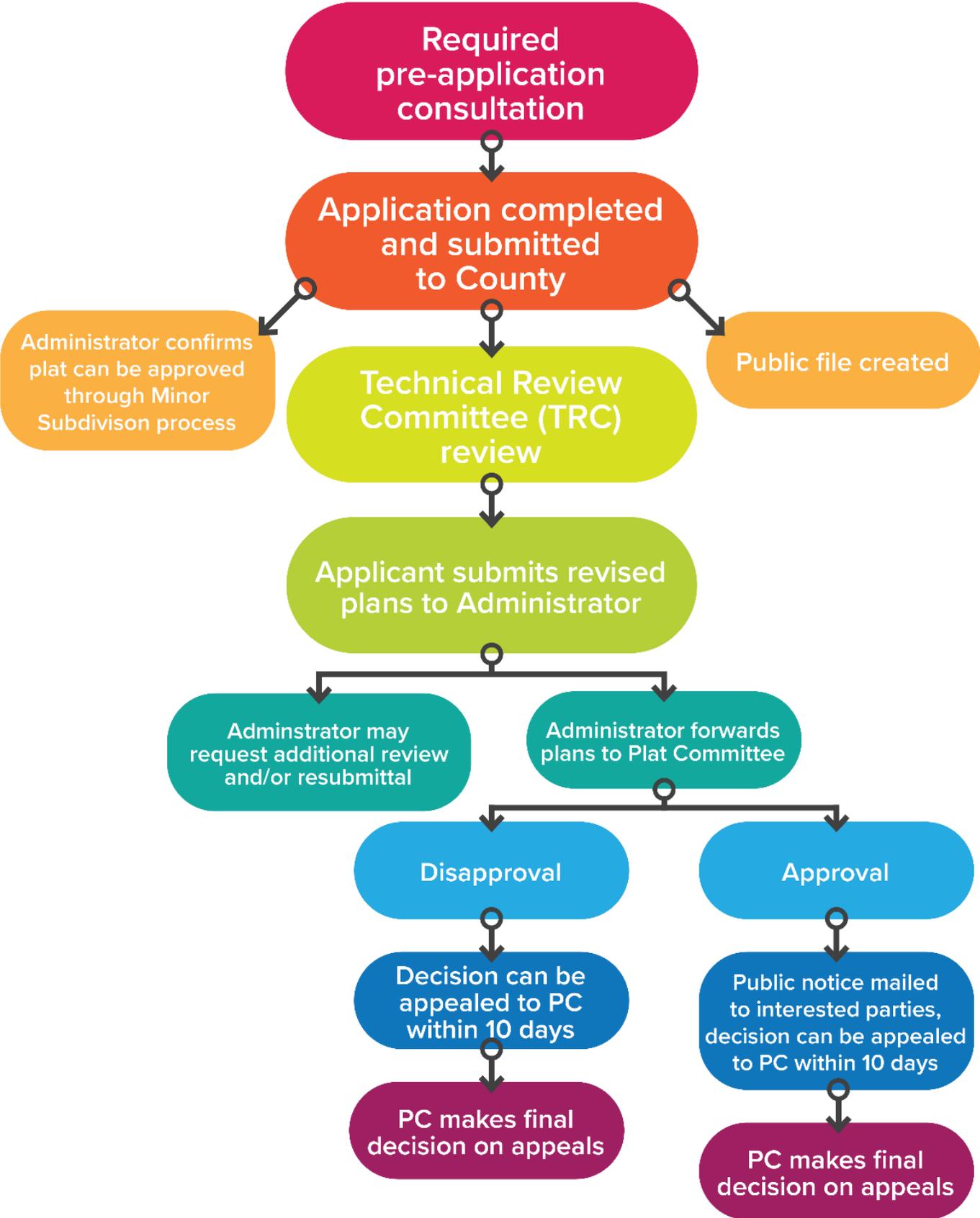
- e. *Minor Subdivision Limit.* A maximum of one (1) minor subdivision is permitted per parent tract that was in existence at the time this UDO was adopted. Any additional subdivisions of the parent tract will be considered a major subdivision and shall follow the major subdivision process set forth in this ordinance. Any additional subdivision of a lot in a minor plat that would result in more than three (3) lots total for that minor subdivision shall be considered a major subdivision and shall follow the major subdivision process set forth in this ordinance.
- f. *Application Submittal.* The subdivider may apply concurrently for both the minor subdivision primary plat and the minor subdivision secondary plat in accordance with the *Plan Commission Rules of Procedure* and prepared in accordance with the formats described in *Sec. 7.G, Document and Drawing Specifications for Minor Subdivisions*, and *Sec. 7.H, Construction and Development Process*.
- g. *Technical Review.* After receiving a complete application and creating a public file, the Administrator shall forward the proposed minor subdivision plat and supporting information to the TRC for review. For an application to be deemed complete, the submittal must include all land described in the parcel's parent tract. The Administrator shall compile the TRC's written comments for distribution to the applicant and shall also include them in the public file. The TRC does not regularly meet to discuss comments for this process. However, at the Administrator's discretion a meeting may occur if a discussion is necessary between all committee members.
- h. *TRC's Revisions.* The subdivider shall address all the comments from the TRC members and submit a written response explaining how each comment was addressed, revised reports, and revised plans to the Administrator per the adopted schedule. The Administrator may request additional internal review and/or the resubmittal of additional revisions.
- i. *Plat Committee.* The Plan Commission hereby delegates the review and decision on minor subdivisions to the Plat Committee.
  - 1) *Review.* The committee shall review the plat for compliance with the UDO.
  - 2) *Representation.* The subdivider or their representative may attend the Plat Committee's meeting to present the minor plat and address any questions or concerns from the Plat Committee.
  - 3) *Action.* Action by the Plat Committee shall be by a majority vote.
    - a) *Approval.*
      - (1) *Generally.* If the PC determines that the proposed minor subdivision plat complies with the standards set forth in this UDO, the Plat Committee shall grant approval to the plat.
      - (2) *Notification to Subdivider.* Within ten (10) days of the hearing, the Administrator shall notify the subdivider of approval in writing or electronic transmission and shall list any changes or revisions deemed necessary by the Plat Committee as a term of its approval.

- (3) *Changes or Revisions to Proposed Plat.* In accordance with IC 36-7-4-702, the Plat Committee may introduce changes or revisions to the proposed plat 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 way any shared driveways shall be laid out, graded, and/or improved;
    - (b) The provision for potable water supply, sanitary sewage disposal, and other utility services; and
    - (c) The provision for other services as specified in this UDO.
  - (4) *Approval Certificate.* The Chairman and Secretary of the Plat Committee are authorized to sign the approved plat after the expiration of the comment period.
- b) *Disapproval.*
- (1) *Notification.* If the Plat Committee disapproves the proposed primary or combined primary and secondary minor subdivision plat, then the Plat Committee shall make written findings of fact, and the Administrator shall notify the subdivider in writing or by electronic transmission within ten (10) days of the deadline for receiving internal review comments from the TRC members, stating the specific reasons for disapproval.
  - (2) *Resubmittal.* After disapproval by the Plat Committee, the subdivider may resubmit a new minor subdivision plat application only if the new application addresses the reason for disapproval.
- 4) *Public Notification.* Approval for a minor subdivision plat may be granted by the Plat Committee without public notice and hearing. Within ten (10) days after approval, the applicant shall provide due notification by mail of the Plat Committee's decision to interested parties. Such notice shall include a notification of the right to appeal the Plat Committee's decision.
  - 5) *Comment Period.* A notice of appeal must be filed with the Administrator within twenty-one (21) days after a copy of notice is mailed.
  - 6) *Appeals.* Appeals of the Plat Committee's decision by an interested party shall be governed in accordance with *Sec. 8.C.6, Administrative Appeal Process.*
  - 7) *Approval of Secondary Minor Plat:* If the subdivider chooses to separate the primary and secondary plat processes, instead of combining the processes, secondary approval shall be by the Administrator.
  - 8) *Expiration.* Approval of a minor subdivision plat shall be effective for one (1) year from the date of the Plat Committee decision. If approval was for a primary minor plat, failure to receive secondary approval before this one (1) year period ends shall void the primary minor plat approval. Once primary minor plat approval has expired, a new application for a minor plat shall be submitted in conformance with all applicable ordinances in effect at the time the new application is submitted.

- 9) *No Minor Plat Amendment.* After Minor Subdivision Plat approval, the subdivider may not request that an amendment be made to the minor plat. If changes are desired, a new plat shall be filed.
- j. *Flowchart.* The following flowchart is for administrative purposes only to show the steps associated with the Minor Subdivision application process.

# MINOR SUBDIVISION PROCESS

*Primary and Secondary Plats may be Combined for Minor Subdivisions*



**D. Administrator.**

1. Duties and Powers. See *Sec. 8.D.1, Duties and Powers.*

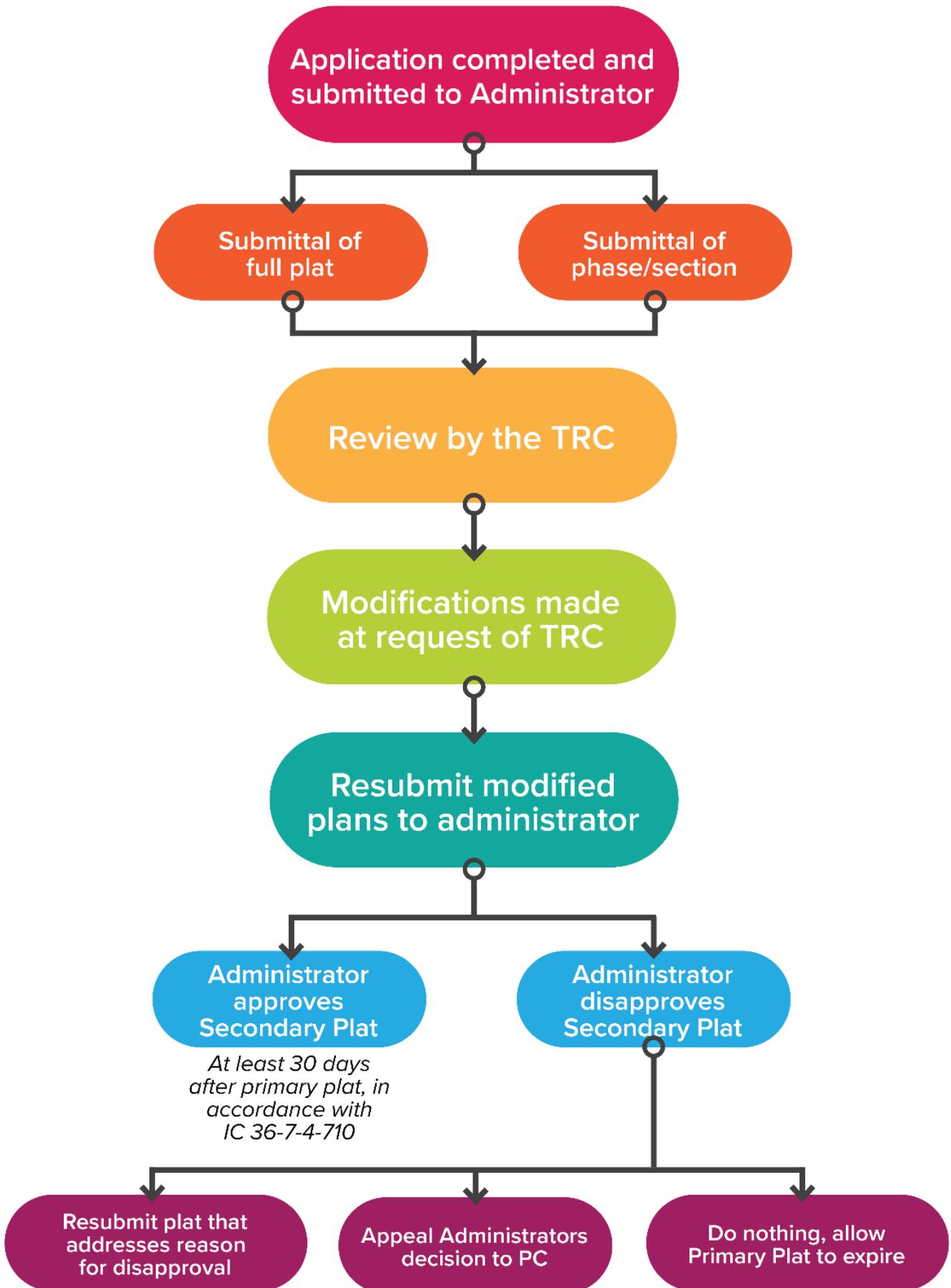
Table 7.3, Administrator Authority			
APPLICATION TYPE	PC'S ACTION	UDO PROCESS	APPLICABLE INDIANA CODE (IC)
Major Subdivision, Secondary Plat	Administrator	<i>Sec. 7.D.2</i>	<i>IC 36-7-710</i>
Minor Subdivision, Secondary Plat	Administrator	<i>Sec. 7.D.3</i>	<i>IC 36-7-710</i>
Replat	Administrator	<i>Sec. 7.D.4</i>	<i>IC 36-7-4-700 Series</i>
Primary Plat, Minor Amendment	Administrator	<i>Sec. 7.D.5</i>	<i>IC 36-4-705</i>
Secondary Plat Amendment	Administrator	<i>Sec. 7.D.6</i>	<i>IC 36-4-703</i>
Administrative Subdivision	Administrator	<i>Sec. 7.D.7</i>	<i>IC 36-7-4-700 Series</i>

**2. Major Subdivision, Secondary Plat.**

- a. *Application.* The subdivider shall submit an application for a secondary plat prepared in accordance with the format described in this UDO, including *Sec. 7.F, Document and Drawing Specifications for Major Subdivisions; Sec. 7.H, Construction and Development Process*, and according to the application requirements adopted as part of the *Plan Commission Rules of Procedure.*
- b. *Format of Submittal.* To allow for flexibility, a major subdivision, secondary plat may be submitted in one of the following ways:
  - 1) *Full Plat.* The subdivider may submit the secondary plat for the entire subdivision.
  - 2) *Phase/Section.* The subdivider may submit the secondary plat for a phase or section of lots as laid out on the primary plat, which shall include all necessary infrastructure serving such lots.
- c. *Technical Review.* After receiving a complete application and creating a publicly available file, the Administrator shall forward the proposed secondary plat and supporting information to the TRC for technical review. For an application to be deemed complete, the submittal must include all land described in the parcel's parent tract. The Administrator shall compile the TRC's written comments for the applicant and include them in the publicly available file. The TRC does not regularly meet to discuss comments for this process. However, at the Administrator's discretion a meeting may occur if a discussion is necessary between all committee members.
- d. *Secondary Plat Standards.* The subdivider shall address the comments from the TRC members and submit a written response explaining how each comment was addressed, revised reports, and revised plans to the Administrator. The Administrator shall then determine if the proposed secondary plat meets the principles and standards set forth in this UDO.

- e. *Plat Approval.* If the Administrator determines that the secondary plat complies with the standards set forth in this UDO and is in conformance with the primary plat, the Administrator shall grant secondary approval to the 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*.
- f. *Plat Disapproval.* If the Administrator disapproves the secondary plat, then the Administrator shall make written findings of fact and shall notify the subdivider in writing or electronic transmission within ten (10) days of the deadline for receiving internal review comments from the TRC committee members. After disapproval by the Administrator, the subdivider may:
  - 1) Resubmit a revised final plat that addresses the reason for disapproval;
  - 2) Appeal the Administrator's decision to the PC; or
  - 3) Do nothing and allow the approved primary plat to expire.
- g. *Flowchart.* The following flowchart is for illustrative purposes only to show the steps associated with the major subdivision, secondary plat application process.

# MAJOR SUBDIVISION - SECONDARY PLAT PROCESS

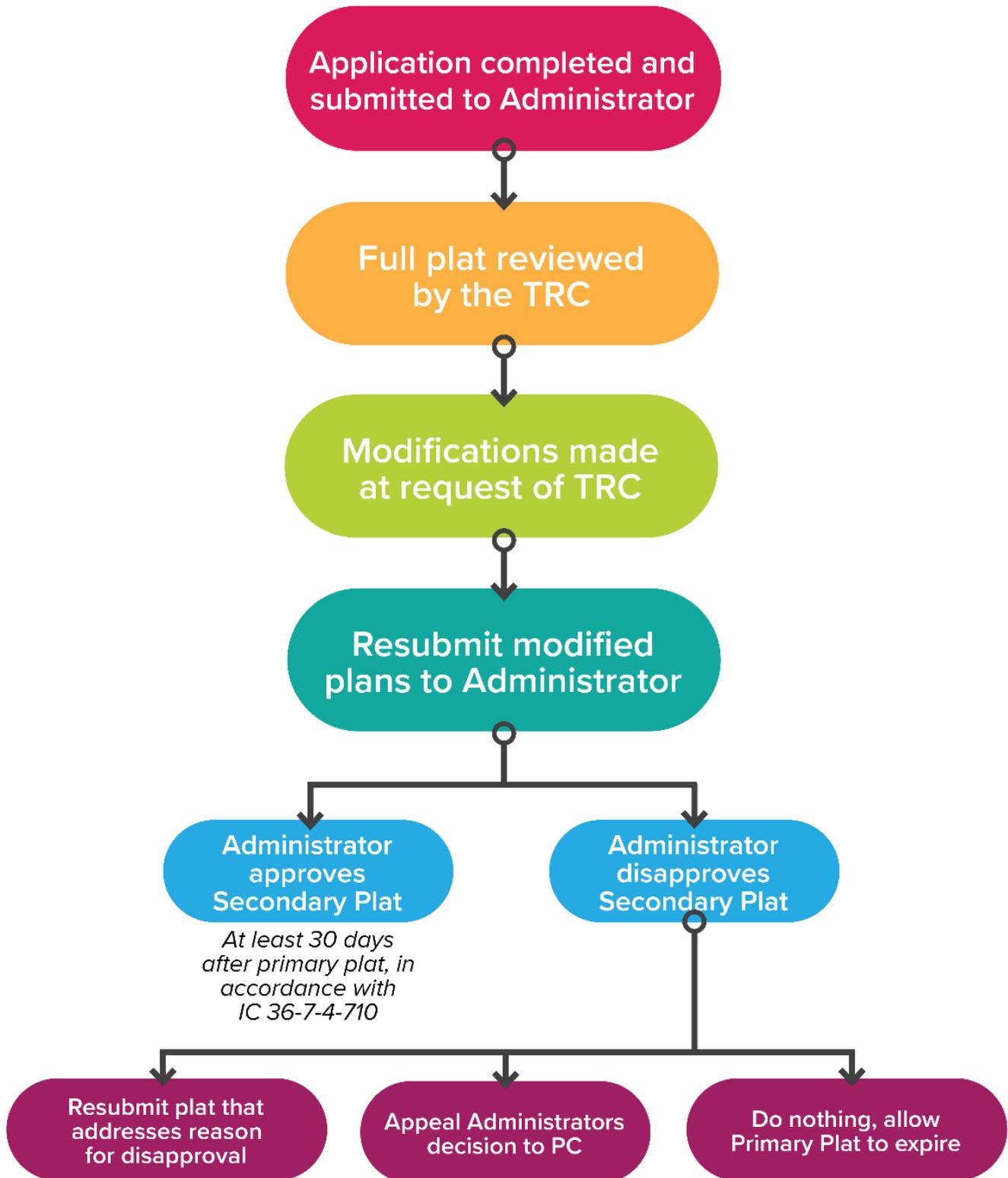


### 3. Minor Subdivision, Secondary Plat.

- a. *Application.* If the subdivider chooses to separate the minor subdivision primary and secondary plat processes, instead of using the combined process, as allowed by *Sec. 7.C.5, Minor Subdivision Process*, then the subdivider shall submit an application for a secondary plat prepared in accordance with the format described in this UDO, including *Sec. 7.G, Document and Drawing Specifications for Minor Subdivisions*; and *Sec. 7.H, Construction and Development Process* according to the application requirements adopted as part of the *Plan Commission Rules of Procedure*.
- b. *Format of Submittal.* A minor subdivision secondary plat shall be submitted as a full plat for the entire subdivision.
- c. *Technical Review.* See *Sec. 7.D.2.c, Technical Review*.
- d. *Secondary Plat Standards.* The subdivider shall address the comments from the TRC members and submit a written response explaining how each comment was addressed, revised reports, and revised plans to the Administrator. The Administrator shall then determine if the proposed secondary plat meets the principles and standards set forth in this UDO.
- e. *Plat Approval.* If the Administrator determines that the secondary plat complies with the standards set forth in this UDO and is in conformance with the primary plat, the Administrator shall grant secondary approval to the 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*.
- f. *Plat Disapproval.* If the Administrator disapproves the secondary plat, then the Administrator shall make written findings of fact and shall notify the subdivider in writing or electronic transmission within ten (10) days of the deadline for receiving internal review comments from the TRC members. After disapproval by the Administrator, the subdivider may:
  - 1) Resubmit a revised final plat that addresses the reason for disapproval;
  - 2) Appeal the Administrator's decision to the PC; or
  - 3) Do nothing and allow the approved primary plat to expire.
- g. *Flowchart.* The following flowchart is for administrative purposes only to show the steps associated with the minor subdivision, secondary plat application process.

# MINOR SUBDIVISION - SECONDARY PLAT PROCESS

*Only Required if Minor Subdivision Primary Plat was Approved Separately*

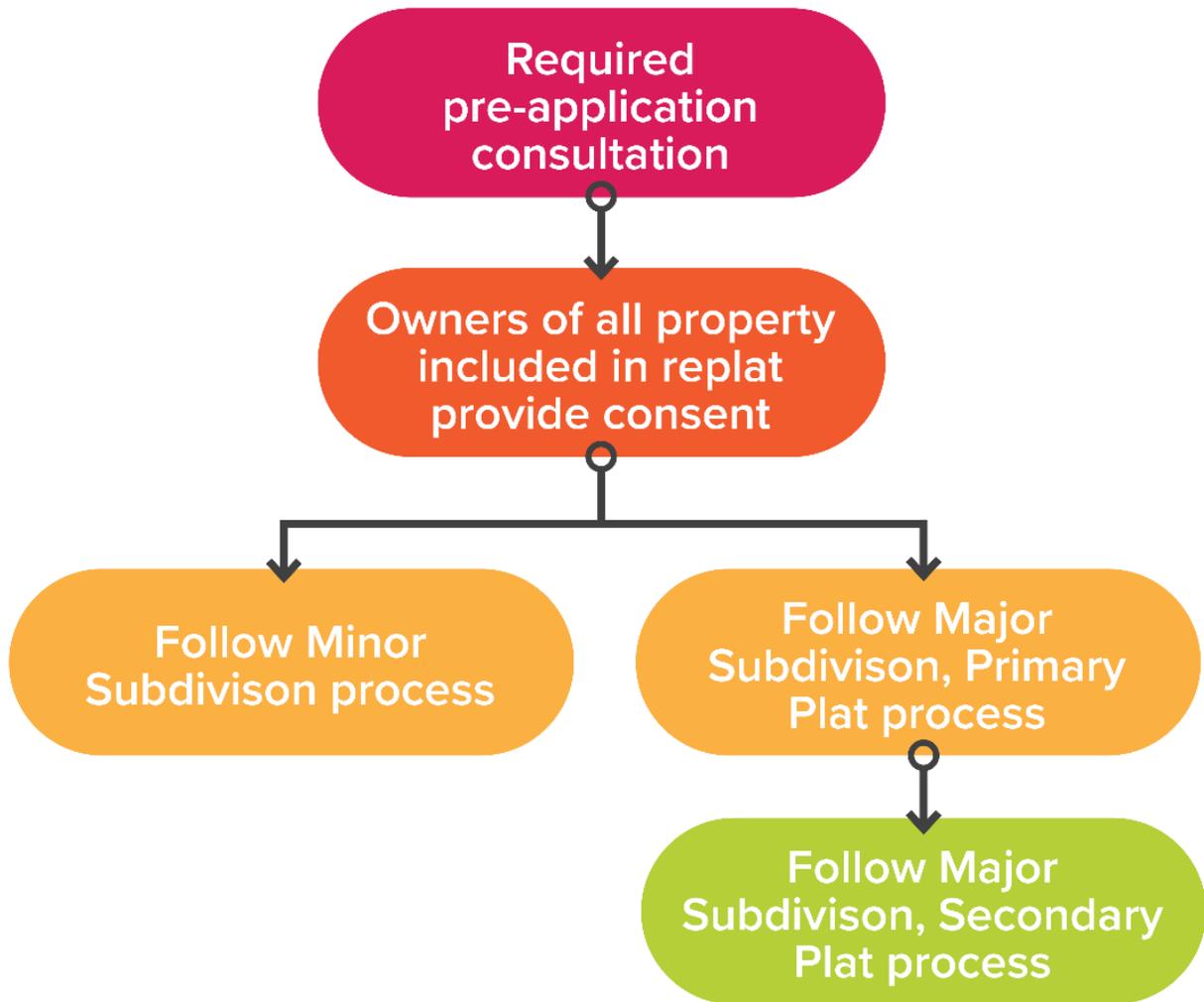


#### 4. Replat.

- a. *Prerequisite for Replat.*
  - 1) The secondary plat shall have been approved and recorded.
  - 2) All property owners within the area for the replat shall provide written consent.
- b. *Circumstances for a Replat.* For the purposes of this UDO, a replat shall include:
  - 1) Any change in any street layout or any other public improvement;
  - 2) Any change in any lot line; and
  - 3) Any change in the amount of land reserved for public use or the common use of lot owners.
- c. *Process for Replat Approval.* Whenever an owner of land desires to replat, the owner shall obtain approval for the replat by the same procedures prescribed for the subdivision of land set in this Chapter of the UDO. When obtaining a replat for a minor subdivision, the replat is not subject to public notice or public hearing as per Indiana state statute. For minor subdivision public notice standards see *Sec. 7.C.5.i.4, Public Notification.*
- d. *Flowchart.* The following flowchart is for illustrative purposes only to show the steps associated with the replat application process.

# REPLAT PROCESS

*Available Only After Secondary Plat Has Been Approved and Recorded*



**5. Primary Plat, Minor Amendment.**

- a. *Applicant Process.* An applicant may seek minor amendments to an approved primary plat that do not adversely impact the integrity of the approved primary plat, and that does not require a major amendment approval, as outlined in the previous section.
- b. *Approval.* A minor amendment to a primary plat may be approved by the Administrator without a public hearing. A minor amendment authorized by the Administrator shall be reported in writing to the Plan Commission at their next regular meeting.

**6. Secondary Plat Amendment.**

- a. *Request.* At any time after secondary plat approval, the subdivider may request that an amendment be made to a secondary plat.
- b. *Plat Review.* The Administrator shall solicit comments from the appropriate TRC members on the proposed amendment in accordance with the same requirements for the respective secondary plat approval process. See *Sec. 7.D.2.c, Technical Review.*
- c. *Withdrawal.* The subdivider may withdraw the proposed amendment at any time prior to the Administrator's decision.
- d. *Approval / Disapproval.* The Administrator shall approve or disapprove any proposed amendment, as applicable, per the requirements of *Sec. 7.D, Administrator.*
- e. *Recording of Plat.* If a secondary plat is approved, the Administrator shall coordinate the required PC signatures and seal on the document. The subdivider shall record the approved secondary plat and any associated documents but shall not do so until the Administrator releases it for recording in accordance with the procedures set forth in this UDO.

**7. Administrative Subdivision.**

- a. *Eligibility.* The administrative subdivision process is only available when one of the following circumstances are met:
  - 1) A division of land for the acquisition of street right-of-way or easement;
  - 2) A division of land for the sale or exchange of tracts to correct errors in an existing legal description, provided that no additional building lots are created by the division;
  - 3) A division of land where the only change being requested is to separate an existing lot by public road right-of-way;
  - 4) A division of land for the sale or exchange of tracts between adjoining land owners, provided that:
    - a) No additional building lots are created by the division;
    - b) The land is not part of a platted subdivision (See *Sec. 7.D.4, Replat*); and
    - c) The land is deemed a lawful tract of land;
  - 5) Final survey corrections of property lines for townhouses, duplexes, and other attached dwellings which have already been constructed and meet the required interior setback line requirements (if applicable), provided that the perimeter

boundaries of the affected parcels are in conformance with the previously recorded plan; or

- 6) Consolidation of more than one (1) parcel into a single parcel, provided that:
  - a) Prior easements are vacated when such easements were recorded along property lines to be eliminated; and
  - b) Parcels are not part of a platted subdivision (See *Sec. 7.D.4, Replat*).
- b. *Application*. The following materials shall be submitted by an applicant for approval of an administrative subdivision:
  - 1) A statement, signed by the owner(s) of record of all property involved in the administrative subdivision;
  - 2) A copy of the deed, containing a complete legal description, for each parcel of property for which ownership is transferred within said administrative subdivision;
  - 3) A survey and legal description, as prepared by a land surveyor registered by the State of Indiana, along with new lot number of the proposed subdivided property; and
  - 4) Any and all encumbrances on the property, including but not limited to restrictive covenants, easements, or other clouds on the title of the properties involved within the proposed administrative subdivision.
- c. *Review of Administrative Subdivisions*. For the approval of all administrative subdivisions the Administrator shall review all relevant provisions of the UDO to ensure that all resulting parcels will be consistent with all provisions of said UDO.
- d. *Recordation*. The approved administrative subdivision and any deeds shall be recorded in the County Recorder's Office within ninety (90) days of certification of the administrative subdivision. Any such administrative subdivision not recorded within that period shall become null and void.
- e. *Alternative Plan Review Procedure*. Any administrative subdivision not approved by the Administrator under this Section shall be subject to review by the PC pursuant to the provisions of this Chapter.

**E. Technical Review Committee.** See *Sec. 8.E, Technical Review Committee*.

**F. Document and Drawing Specifications for Major Subdivisions.** Major subdivisions shall submit separate primary plat and secondary plat drawings. A minor subdivision may combine the required primary and secondary plat drawings into one (1) submission.

**1. Primary Plat Specifications – Major Subdivision**

- a. *Prepared by Surveyor*. The primary plat shall be prepared by a Professional Land Surveyor licensed to practice in the State of Indiana. The sheet shall be signed by the professional preparing it and shall be tied to state plane coordinates for horizontal controls.
- b. *Scale and Format*. All sheets shall be formatted as twenty-four by thirty-six inches (24" x 36") and drawn to a convenient scale no smaller than 1" = 100'.
- c. *Applicant Responsibilities*. The applicant is responsible for all title searches, recorded

easements, mail delivery provisions, and any other items that may affect development. The applicant shall include a copy of such documents to the PC and disclose this fact to all buyers.

- d. *Project Information.* The following project information shall be submitted with a primary plat:
- 1) Name of the project/subdivision followed by "Primary Plat."
  - 2) Location of the property by street, block, and adjacent subdivisions (with block and lot numbers) or section, township, range, and County if adjacent property is not subdivided.
  - 3) Total acreage within the project and the number of lots.
  - 4) Boundary lines of adjacent tracts of land, showing owners of record and names of adjoining developments.
  - 5) Existing zoning of the subject property and all adjacent properties.
  - 6) Name and address of the owner, developer, and land surveyor and/or engineer.
  - 7) Listing of any covenants on the parcel(s).
  - 8) A location map with north arrow at a scale of one inch equals four hundred feet (1":400') or less showing the boundaries of the proposed project, road names, any water features, and covering the general area within which it is to be located.
  - 9) Boundaries of the tract with accurate dimensions and bearings, as determined by an accurate survey conforming with *Rule 865 IAC 1-12*, in the field which has been balanced and closed, as well as physically located by monumentation.
  - 10) Location and description of all monuments with references by distance to bearings to both quarter ( $\frac{1}{4}$ ) section corners, section corners, grant corners, or recorded subdivisions.
  - 11) A traffic impact analysis or study, if required. See *Chapter 6, Subdivision Standards*.
- e. *Site Conditions.* The following site condition information shall be submitted with a primary plat:
- 1) Existing buildings/structures and their placement on the lots.
  - 2) Existing water mains, fire hydrants, storm sewers, sanitary sewers, culverts, bridges, and other utility structures or facilities within, adjacent to, or serving the subject land, including pipe sizes, grades, and exact locations, as can best be obtained from public or private records.
  - 3) The water elevation at the date of the survey of lakes, stream flow, or designated wetlands within the project or affecting it.
  - 4) The regulatory flood (0.1 percent chance flood and 0.02 percent chance flood) elevation based on NAVD 1988. Also, include all FEMA floodplain designations in addition to notes about the site's location and the FIRM map number and revision date.
  - 5) General site conditions, including aerial map, topography, utilities, flood elevations,

available mapping, parcel data, etc.

- 6) General proposed street layout, if applicable, and general lot layout drawn to a scale. Note if driveway closures or additional access points are expected.
- 7) Existing contours based in NAVD 1988 datum with vertical intervals of one (1) foot if the general slope of the site is less than or equal to 10 percent (10%) and vertical intervals of two (2) feet if the general slope is greater than ten percent (10%) but less than twenty percent (20%), and five (5) feet, if the general slope is greater than 20%. A benchmark, which is easily accessible and re-locatable, shall be shown. The benchmark shall be determined by use of NAVD 88 datum.
- 8) Location, widths, and type of construction of all existing access easements, private roads, rights-of-way, alleys, or other public ways, street classifications as per the Thoroughfare Plan, street names, railroad and utility rights-of-way or easements, parks, trees ( provided that the credits for Sec. 3.C.2.j.3, *Credits for Preservation*, are being requested per the applicant), trails, cemeteries, watercourses, drainage ditches, designated wetlands, floodplain per FEMA/DNR maps, and bridges. Other structures shall be located by dimensions on the plans, in relation to surrounding physical features. Other data may be added which is considered pertinent by the PC or the Administrator for the subject land. Existing site conditions shall include all land within five hundred (500) feet of the proposed project.
- 9) Layout of the proposed project/subdivision showing lot/block lines, lot/block numbers, and streets that show length, width, depth, and area of all lots.
- 10) Building and thoroughfare (if applicable) setback lines, showing dimensions.
- 11) All lots or blocks intended for sale or lease shall be:
  - a) Designated with boundary lines;
  - b) Identified with letters;
  - c) In alphabetical order; and
  - d) Lots shall be numbered consecutively within each block.
- 12) General location of proposed water mains, fire hydrants, storm sewers, sanitary sewers, culverts, bridges, detention/retention ponds, and other utility structures or facilities within, adjacent to, or serving the subject land.
- 13) Private areas, common open space areas, or other excluded parcels shall be designated as such and clearly labeled.
- 14) Internal and perimeter sidewalk system/pedestrian circulation plan, if required.
- 15) External access and circulation plan, identifying existing roadways and any future collector or other connecting roadways in accordance with the Thoroughfare Plan and/or the Access Management and Control Ordinance.
- 16) For major residential subdivisions, a perimeter buffer landscape plan.
- 17) Such other information as may be deemed necessary for proper review of the primary plat by the Administrator, Engineer, County Surveyor, or PC.

- f. *Title Block.* The following information within a title block shall be submitted with a primary plat:
  - 1) The proposed name by which the project shall be legally and commonly known;
  - 2) Date of survey, scale, and north point; and
  - 3) Revision dates.
- g. *Endorsements and Explanations.* The following endorsements and explanations shall be submitted with a primary plat:
  - 1) Form for endorsement by Owner.
  - 2) Description of drainage easements, site easements, reservations, etc.
  - 3) Surveyors certificate.
  - 4) Deed of dedication.
  - 5) Description of real estate/property.
  - 6) Stormwater narrative.

**2. Secondary Plat Specifications.**

- a. *Prepared by Surveyor.* The plat sheet(s) shall be prepared by a Professional Land Surveyor licensed to practice in the State of Indiana. The sheet shall be sealed and signed by the professional preparing it and shall be tied to state plane coordinates for horizontal controls.
- b. *Form and Scale.* All sheets shall be formatted as twenty-four by thirty-six inches (24"x36") and drawn to a convenient scale.
- c. *Conformity to Primary Plat.* The secondary plat may be deemed to substantially conform to the primary plat if the geometrics of the secondary plat are substantially the same layout. The addition, removal, or alteration of road patterns, lot sizes, and total number of lots shall result in a resubmission of the plat for approval by the PC rather than the Administrator unless such changes were a condition of the primary plat approval. The addition or removal of easements to accommodate utilities or drainage shall not constitute a substantial change in conformity.
- d. *Monuments.* Monuments shall be set on all lot corners in accordance with *Rule 865 of IAC 1-12.*
- e. *Project Information.* The following project information shall be submitted with a secondary plat:
  - 1) Name of the project.
  - 2) All lots or outlots intended for sale or lease shall be designated with boundary lines and numbered or labeled for identification purposes.
  - 3) Proposed water mains, fire hydrants, storm sewers, sanitary sewers, culverts, bridges, and other utility structures or facilities within, adjacent to, or serving the subject land, including pipe sizes, grades, and locations.
  - 4) Private areas, common open space areas, or other excluded parcels shall be designated as such and clearly labeled on the plat and plans.

- 5) Building setback lines, showing dimensions.
  - 6) Street sign locations and monument sign location, including dedicated easement or dedicated common open space.
  - 7) Easements.
- f. *Endorsements and Explanations.* The following endorsements and explanations shall be submitted with a secondary plat:
- 1) Form of endorsements by PC President and Administrator;
  - 2) Form for recording data;
  - 3) Form for endorsement by every person having a security interest in the property that they are subordinating their liens to all covenants, servitudes, and easements imposed on the property;
  - 4) Notation of any self-imposed restrictions;
  - 5) Surveyors certificate;
  - 6) Deed of dedication;
  - 7) Description of real estate/property; and
  - 8) By the subdivider(s)/landowner(s) and/or any other owner(s) of record, a notarized statement that said subdivider(s) and/or other landowner(s) is/are the owner(s) of the land, and the platting of the subdivision is the subdivider's and/or other owner's voluntary act and deed. The subdivider(s) and/or landowner(s) shall declare in this certificate by description or reference to the plat the purpose of all rights-of-way, easements, and other reservations shown on the plat.
- g. *Record Drawings.* Record drawings shall be submitted in the current format required by the jurisdiction.
- h. *Construction Drawings.* As part of the submittal of a construction drawing, the following shall be provided:
- 1) *Applicant Responsibilities.* All items required for the primary plat in *Sec. 7.F.1.c, Applicant Responsibilities*, of this Chapter of the UDO.
  - 2) *Project Information.* All items required for the primary plat in *Sec. 7.F.1.d, Project Information*, of this Chapter of the UDO.
  - 3) *Site Conditions.* All items required for the primary plat in *Sec. 7.F.1.e, Site Conditions*, of this Chapter of the UDO, as well as full landscape, signage, and lighting plans.
  - 4) *Additional Plans.* Any additional plans as required by the County Engineer shall be required as part of an application.
- G. Document and Drawing Specifications for Minor Subdivisions.** A minor subdivision may combine the required primary and secondary plat drawings into one (1) submission.
- 1. Plat Specifications – Minor Subdivision**
- a. *Prepared by Surveyor.* The minor subdivision plat shall be prepared by a Professional Land Surveyor licensed to practice in the State of Indiana. The sheet shall be signed by

the professional preparing it and shall be tied to state plane coordinates for horizontal controls.

- b. *Scale and Format.* All sheets shall be formatted as twenty-four by thirty-six inches (24" x 36") and drawn to a convenient scale.
- c. *Applicant Responsibilities.* The applicant is responsible for all title searches, recorded easements, mail delivery provisions, and any other items that may affect development. The applicant shall include a copy of such documents to the PC and disclose this fact to all buyers.
- d. *Project Information.* The following project information shall be submitted with a minor plat:
  - 1) Name of the project/subdivision followed by type (e.g., "Agricultural Minor Plat" or "Residential Minor Plat."
  - 2) Location of the property by street, block, and adjacent subdivisions (with block and/or lot numbers) or section, township, range, and County if adjacent property is not subdivided.
  - 3) Total acreage within the project and the number of lots.
  - 4) Boundary lines of adjacent tracts of land, showing owners of record and names of adjoining developments.
  - 5) Existing zoning of the subject property and all adjacent properties.
  - 6) Name and address of the owner, developer, and land surveyor and/or engineer.
  - 7) Listing of any covenants on the parcel(s).
  - 8) A location map with north arrow at a scale of one inch equals four hundred feet (1":400') or less showing the boundaries of the proposed project, road names, any water features covering the general area within which it is to be located.
  - 9) Boundaries of the tract with accurate dimensions and bearings, as determined by an accurate survey conforming with *Rule 865 of IAC 1-12*, in the field which has been balanced and closed, as well as physically located by monumentation.
  - 10) Location and description of all monuments with references by distance to bearings to both quarter ( $\frac{1}{4}$ ) section corners, section corners, grant corners, or recorded subdivisions.
  - 11) A traffic impact analysis or study, if required. See *Chapter 6, Subdivision Standards*.
  - 12) Easements.
- e. *Minor Plat Site Conditions.* The following site condition information shall be submitted with a minor plat:
  - 1) Existing buildings/structures and their placement on the lots.
  - 2) Existing utility easements, water mains, fire hydrants, storm sewers, sanitary sewers, septic systems, water wells, culverts, bridges, and other utility structures or facilities within, adjacent to, or serving the subject land, including pipe sizes, grades, and exact locations, as can best be obtained from public or private records.

- 3) The water elevation at the date of the survey of lakes, stream flow, or designated wetlands within the project or affecting it.
- 4) The regulatory flood (100-year flood and 500-year flood) elevation based on NAVD 1988. Also, include all FEMA floodplain designations in addition to notes about the site's location.
- 5) General site conditions, including aerial map, topography, utilities, flood elevations, available mapping, parcel data, etc.
- 6) Any driveway closures or proposed access points.
- 7) Existing contours based in NAVD 1988 datum with vertical intervals of two (2) feet if the general slope of the site is less than two percent (2%) and vertical intervals of five (5) feet if the general slope is greater than two percent (2%). A benchmark, which is easily accessible and re-locatable, shall be shown. The benchmark shall be determined by use of NAVD 88 datum (vertical), which are based on sea level datum.
- 8) Existing site conditions shall include all land within five hundred (500) feet of the proposed project:
  - a) Location, widths, and type of construction of all existing access easements, private roads, public rights-of-way with classifications per the Thoroughfare Plan, trails, and other public ways;
  - b) Railroad and utility rights-of-way or easements;
  - c) Parks, trees (four (4) inches in diameter or greater) shall be located and identified, cemeteries, watercourses, drainage ditches, designated wetlands, floodplain per FEMA/DNR maps, and bridges;
  - d) Other data may be added which is considered pertinent by the PC or the Administrator for the subject land.
  - e) Layout of the proposed project/subdivision showing lot lines and lot numbers that show length, width, depth, and area of each lot.
  - f) Building and thoroughfare (if applicable) setback lines, showing dimensions.
  - g) General location of proposed water mains, fire hydrants, storm sewers, sanitary sewers, septic fields, water wells, culverts, bridges, and any other utility structures or facilities within, adjacent to, or serving the subject land.
  - h) Common open space shall be designated as such and clearly labeled.
  - i) Remainders of parent tract parcels shall be designated as such and clearly labeled.
  - j) Such other information as may be deemed necessary for proper review of the Minor Plat by the Administrator, Engineer, County Surveyor, or PC.
- f. *Title Block.* The following information within a title block shall be submitted with a minor plat:
  - 1) The proposed name by which the project shall be legally and commonly known;

- 2) Date of survey, scale, and north point; and
  - 3) Revision dates.
- g. *Endorsements and Explanations.* The following endorsements and explanations shall be submitted with a minor plat:
- 1) Form of endorsements by PC President and Administrator;
  - 2) Form for recording data;
  - 3) Form for endorsement by every person having a security interest in the property that they are subordinating their liens to all covenants, servitudes, and easements imposed on the property;
  - 4) Notation of any self-imposed restrictions;
  - 5) Surveyors certificate;
  - 6) Deed of dedication;
  - 7) Description of real estate/property;
  - 8) Stormwater narrative; and
  - 9) By the subdivider(s)/landowner(s) and/or any other owner(s) of record, a notarized statement that said subdivider(s) and/or other landowner(s) is/are the owner(s) of the land, and the platting of the subdivision is the subdivider's and/or other owner's voluntary act and deed. The subdivider(s) and/or landowner(s) shall declare in this certificate by description or reference to the plat the purpose of all easements, and other reservations shown on the plat.
- h. *Record Drawings.* Record drawings shall be submitted in the current format required by the jurisdiction.
- i. *Construction Drawings.* As part of the submittal of a construction drawing any additional plans as required by the County Engineer shall be required as part of an application.

#### H. Construction and Development Process.

1. **Generally.** Once primary and secondary plats and the associated construction plans have been approved by the Administrator, the PC and/or any other required agencies, as appropriate, the construction and development process may commence.
2. **Bond Determination Letter.** Per each development, a bond determination letter will be sent to the developer to determine how much and which performance/maintenance bonds will be required. Bonds include but are not limited to water, stormwater, street, sidewalk, monumentation, signage, landscaping, electric, pavement erosion control, fire hydrants, etc. Any infrastructure or public works installed by the County that requires reimbursement must be bonded by the developer regardless of which construction option is chosen below in *Sec 7.H.3, Construction Process Options*, of this Chapter of the UDO.
3. **Construction Process Options.** A developer may choose to construct the improvements and then record the plat, or they may post performance surety and then record the plat. Shown below is the process required for each of the two (2) different options.
  - a. *Option 1: Construct Improvements then Record Plat.*

- 1) *Install Infrastructure.* Infrastructure shall be installed per the approved construction plans except for the final coat of asphalt on the roadways.
  - 2) *Inspect Infrastructure.* Once complete, the improvements shall be reviewed and inspected by the Engineer to ensure that they have been completed in a satisfactory manner. This includes, but is not limited to, roads, curbs, gutters, street signs, sidewalks, drainage facilities, water facilities, sewer facilities, electric facilities, and any other utilities as required by this UDO or any other applicable ordinance. The Engineer does not inspect public infrastructure not owned or managed by the County. Utilities are inspected by each respective utility. All infrastructure improvements and/or utilities required by this UDO shall be installed prior to recording the plat, and any inspections of these should be directly coordinated with the respective local providers.
  - 3) *Cost Estimate and Deposit for Final Coat of Asphalt.* The applicant shall submit a reliable estimate for the cost of completing the final coat of asphalt on the roadways to the satisfaction of the Engineer. Once approved by the Engineer, the applicant shall pay cash funds to the County in an amount equal to one hundred and twenty percent (120%), or amount as approved by the County, of the approved estimate amount.
  - 4) *Execute and Record Plat.* The plat shall be executed and recorded in accordance with *Sec. 7.H.5, Recording of Secondary Plats*, of this Chapter of the UDO.
  - 5) *Complete Final Coat of Asphalt.* Once development has occurred to the satisfaction of the Engineer and at least eighty percent (80%) of the lots are developed, the final coat of asphalt for the roadways shall be installed by the applicant. Base and subbase courses of asphalt shall not be exposed to a freeze-thaw cycle. In all cases, the base and subbase courses of asphalt pavement shall be covered with a surface course by November 1 of each calendar year. A sealant may be used in lieu of a surface course if approved by the Administrator.
  - 6) *Post Maintenance Surety and Release Funds.* The applicant shall post maintenance surety for the roadways and/or other determined sureties, in accordance with *Sec. 7.H.4, Maintenance Surety*, of this Chapter of the UDO. When the final coat of asphalt has been installed on the roadways to the satisfaction of the Engineer and County Commissioners, the applicant can request eighty percent (80%) of the cash funds from the performance surety for the final coat of asphalt be released by the County and returned to the applicant. The remaining funds will be applied to the maintenance surety. The Engineer will not release any funds without being requested by the applicant.
- b. *Option 2: Post Performance Surety then Record Plat.*
- 1) *Post Performance Surety.* Once the secondary plat and the associated construction plans have been approved by required agencies, as appropriate, the developer can choose to post performance surety and then immediately record the plat.
  - 2) *Bond Determination and Cost Estimates.* The developer is required to provide a certified estimate of cost from a professional engineer for the County to review. It should include estimated amounts for both performance and maintenance bonds as determined by the bond determination letter.

- 3) *Delivery of Performance Bonds.* Once bonds have been determined and cost estimates approved, the developer will provide the required performance bonds.
- 4) *Recording Plat.* The plat shall be signed by necessary required parties before being recorded. It shall be the responsibility of the subdivider to record the signed secondary plat with the Johnson County Recorder's Office. Once recorded, the subdivider shall provide the Administrator with the recorded and stamped secondary plat in the format(s) required by the Administrator. A plat or replat of the subdivision must be recorded within two (2) years of being executed or within two (2) years of completion of infrastructure. Upon written request, the PC may extend the time limitation for two (2) years. If the subdivider fails to record within this time period, the plat shall be null and void.
- 5) *Post Maintenance Surety and Release Performance Surety.* The applicant shall post maintenance surety for the roadways and/or other determined sureties, in accordance with *Sec. 7.H.4, Maintenance Surety*, of this Chapter of the UDO. When the final coat of asphalt has been installed on the roadways to the satisfaction of the Engineer and County Commissioners, the applicant can request eighty percent (80%) of the cash funds from the performance surety for the final coat of asphalt be released by the County and returned to the applicant. The remaining funds will be applied to the maintenance surety. The Engineer will not release any funds without being requested by the applicant.

#### **4. Maintenance Surety.**

- a. *Generally.* Maintenance surety shall be posted by the applicant in an amount not less than one hundred twenty percent (120%) of the estimated cost of completion of required public improvements to ensure that the improvements have been properly installed for the development. The amount of surety shall be approved by the Engineer and in a form to the satisfaction of the County Attorney. The period within which required public improvements must be completed shall not exceed two (2) years from the date of final plat approval.
- b. *Form of Surety.* Maintenance surety shall be a bond satisfactory to the county attorney, or cash deposit.
- c. *Release of Surety for Cash Deposits.* When the final coat of asphalt has been installed on the roadways to the satisfaction of the Engineer, the applicant can request eighty percent (80%) of the cash funds from the performance surety be released by the County and/or returned to the applicant. The remaining balance will be applied to the maintenance surety. Performance security related solely to stormwater management systems and features for earlier sections of a phased subdivision shall remain in effect, and shall not be released or reduced, until release or reduction of performance security for the last section of that subdivision.
- d. *County Use of Funds.* Any monies received by the County shall be used only for making the required improvements and installations for which the surety was provided in the event the subdivider defaults on the agreement. This money may be used for these purposes without appropriation. The improvements and installations must conform to the standards of this UDO and any other County standards.

- e. *Determination of Improvement Installation Compliance.* Two months prior to the expiration of the Security, the Board of Commissioners shall determine if the public improvements have been installed consistent with County standards and special conditions and requirements, if any, established by the Commission in approving the plat. If improvements have not been installed to the satisfaction of the Board, the Board shall notify the subdivider of their intent to secure the funds pledged by such Security, or, at their discretion, to grant an extension for a period not to exceed one (1) year, and the subdivider shall file with the Board a new Security within the period so fixed. The Board may, upon proof of difficulty, grant an extension of the completion date set forth in such Security for a maximum period of one (1) additional year, provided that the Security submitted for this extension period meets all other requirements herein.
  - f. *Failure to Complete Public Improvements.* In cases where Security has been posted and the required public improvements have not been installed within the terms of such Security, or if the Board finds upon inspection that any of the improvements have not been constructed in accordance with the approved construction plans, the Board may thereupon declare the Security to be in default and cause all public improvements to be installed according to final plat approval regardless of the extent of the building development at the time the Security is declared to be in default.
- 5. Fee-in-Lieu Program for Sidewalk Construction.** Regardless of whether an applicant chooses to use option #1 or option #2 to satisfy the requirement of Sec. 7.H.3, *Construction Process Options*, the applicant may pay into a fee-in-lieu program instead of the construction of sidewalks provided that:
- a. The fee paid into the fee-in-lieu program is the current estimated cost of the required sidewalk;
  - b. The fee-in-lieu program has been set up by Johnson County's Office of the Treasurer and meets all local, state, and federal requirements; and
  - c. Prior to the County acceptance of fee-in-lieu funds, a specific location is selected for construction to occur that is within the same geographic area of the County (to ensure compliance with federal law).
- 6. Recording of Secondary Plats.**
- a. *Plat Execution.* Prior to recordation at the Recorder's Office, the plat shall be signed by the necessary required parties.
  - b. *Plat Recordation.*
    - 1) *Subdivider Responsibilities.* It shall be the responsibility of the subdivider to record the signed secondary plat with the Recorder's Office. Once recorded, the subdivider shall provide the Administrator with the recorded and stamped secondary plat in the format(s) required by the Administrator.
    - 2) *Timeframe to Record.* A plat or replat of a subdivision must be recorded within two (2) years of being executed or within two (2) years of completion of infrastructure. Upon written request, the PC may extend the time limitation for two (2) years. If the subdivider fails to record within this timeframe, the plat shall be deemed to be null and void.

- c. *Recordation Prohibition.* Pursuant to IC 36-7-4-710, a plat of a subdivision for the purposes of development may not be filed with the Johnson County Auditor, and the Johnson County Recorder may not record it unless it has been granted secondary approval, signed, and certified by the Administrator. The filing and recording of the plat are without legal effect unless approved by the Administrator.

**7. Recording Minor Subdivisions.**

- a. *Recording Minor Plat.* The minor plat shall be signed by all necessary required parties before being recorded. It shall be the responsibility of the subdivider to record the signed minor plat with the Johnson County Recorder's Office. Once recorded, the subdivider shall provide the Administrator with the recorded and stamped minor plat in the format(s) required by the Administrator.
- b. *Minor Plat Expiration.* A minor plat must be recorded within one (1) year of being executed. Upon written request, the PC may extend the time limitation for two (2) years. If the subdivider fails to record within this time period, the minor plat shall be null and void.

## Chapter 8 – Zoning Administration and Procedures

- A. County Commissioners.** The Johnson County Board of Commissioners shall have the following authority subject to the provisions of this Unified Development Ordinance (UDO), the Johnson County, IN Code of Ordinances, and the applicable provisions of Indiana Code (IC):

Table 8.1, County Commissioners' Authority			
Process	County Commissioner's Action	UDO Cross Reference	Applicable Indiana Code
Comprehensive Plan: Adoption or Amendment	Final - Adopts by Resolution	<i>Sec. 8.B.6.d</i>	<i>IC 36-7-4-500 Series</i>
Unified Development Ordinance (UDO): Adoption or Amendment	Final – Adopts by Ordinance	<i>Sec. 8.B.7.e</i>	<i>IC 36-7-4-600 Series</i>
Zoning Map: Adoption or Amendment (Rezoning)	Final - Adopts by Ordinance	<i>Sec. 8.B.8.i</i>	<i>IC 36-7-4-600 Series</i>
Written Commitment	Final – Adopts by Resolution <sup>1</sup>	Sec. 8.B.10	<i>IC 36-7-4-1015</i>

Note: 1. Written commitments related to a zoning map amendment or an annexation are approved by the County Commissioners. Other types of written commitments are approved by either the Planning Commission or the Board of Zoning Appeals.

### B. Plan Commission (PC).

#### 1. Establishment and Membership.

- a. *PC Establishment.* The Johnson County Plan Commission (PC) has been established in accordance with *IC 36-7-4-200 Series*. The PC has chosen to establish itself as an Advisory Plan Commission as provided for in *IC 36-7-4-202(a)*.
- b. *PC Membership and Organization.* The PC shall be composed in accordance with *IC 36-7-4-207(b)* and *Article I, Section 3, Membership*, in the *Plan Commission Rules of Procedure*.
- c. *Composition.* All citizen members of the PC shall meet the qualifications outlined in *IC 36-7-4-216* and *Article III, Officers and Staff*, in the *Plan Commission Rules of Procedure*.
- d. *PC Alternate Members.* In accordance with *IC 36-7-4-220*, the appointing authority may also appoint an alternate member to participate with the PC in a hearing or decision if the regular member appointed by the appointing authority has a disqualification due to conflict of interest. An alternate member has all the powers and duties of a regular member while participating in the hearing or decision.

- e. *Officers.* The PC shall elect officers from among its membership in accordance with *IC 36-7-4-300 Series and Article II, Section 1, Commission Officers, in the Plan Commission Rules of Procedure.*
- 2. Duties and Powers.** The PC shall have all duties and powers as specified in *IC 36-7-4, Local Planning and Zoning, and Article I, Section 2, Duties, in the Plan Commission Rules of Procedure.* These powers and duties include, but are not limited to the power to:
- a. Certify all official acts;
  - b. Adopt rules for the administration and conduct of the PC and its business, including uniform rules pertaining to investigations and hearings;
  - c. Adopt and maintain a schedule of uniform fees for permits and processes;
  - d. Delegate responsibilities relating to ordinance administration and enforcement to the Administrator and to other appropriate committees, departments, and personnel;
  - e. Keep a complete record of all proceedings, and to record and file all bonds and contracts, and assume responsibility for the custody and preservation of all papers and documents;
  - f. Prepare, publish, and distribute reports, plans, ordinances, and other materials relating to the activities authorized under this Chapter;
  - g. Permit, require, modify, and terminate commitments, in accordance with *IC 36-7-4-1015, Commitments; enforcement;*
  - h. Approve the assignment of street numbers to lots and structures and the naming of streets, including renumbering or renaming pursuant to *IC 36-7-4-405;* and
  - i. Establish advisory and review committees as necessary, and determine the powers and duties, authority, and membership of said committees.
  - j. Appoint a Hearing Officer for the Board of Zoning Appeals as provided in *IC-36-7-4-923.*
- 3. PC Authority.** The PC is hereby authorized to perform those duties and functions specified in *IC 36-7-4, Local Planning and Zoning, and other applicable chapters and sections of Indiana law.* The PC shall have the following authority:

Table 8.2, Plan Commission (PC) Authority			
Application Type	PC's Action	UDO Process	Applicable Indiana Code
Comprehensive Plan: Adoption or Amendment	Recommendation after Public Hearing to County Commissioners	<i>Sec. 8.B.6</i>	<i>IC 36-7-4-500 Series</i>
Unified Development Code (UDO) Adoption or Amendment	Recommendation after Public Hearing to County Commissioners	<i>Sec. 8.B.7</i>	<i>IC 36-7-4-600 Series</i>
Zoning Map Amendment (Rezoning)	Recommendation after Public Hearing to County Commissioners	<i>Sec. 8.B.8</i>	<i>IC 36-7-4-600 Series</i>

Table 8.2, Plan Commission (PC) Authority			
Application Type	PC's Action	UDO Process	Applicable Indiana Code
Development Plan	Final	<i>Sec. 8.B.9</i>	<i>IC 36-7-4-1400 Series</i>
Written Commitment	Final <sup>1</sup>	<i>Sec. 8.B.10</i>	<i>IC 36-7-4-1015</i>

Note: 1. Written commitments are to be finalized by the PC for any action related to a development plan that is unrelated to a zoning map amendment or an annexation. There are other types of written commitments that are approved and/or modified by both the County Commissioners and the Board of Zoning Appeals.

**4. PC Meetings, Public Records, Quorum, and Actions.**

a. *Meetings.*

- 1) Regular meetings of the PC shall be held monthly at a regularly fixed time in accordance with the County's *Planning Commission Rules of Procedure*.
- 2) Special meetings of the PC may be called as provided by *IC 36-7-4-307*.

b. *Record.* The minutes, all applications, exhibits, and papers filed in any proceeding before the Plan Commission, the staff report, and the decision of the Plan Commission shall constitute the record. The record shall be maintained for public inspection in the Department of Planning and Zoning.

c. *Quorum.* No official action shall be taken by the PC without a quorum being present. A quorum is defined by *IC 36-7-4-301* as a majority of the entire membership of the PC, who are qualified to vote by both this UDO and *IC 36-7-4-300 Series*. Pursuant to *IC 36-7-4-302, Official Action, and Article III, Conduct of Meetings, in the Plan Commission Rules of Procedure*, official action of the PC requires authorization by a majority of the entire membership of the Plan Commission at a regular or special meeting.

d. *Recordation of Actions.* Every recommendation or decision of the PC upon an application filed pursuant to this ordinance shall be repeated in the summary minutes. Where required by law, such actions shall include written findings of fact based upon criteria used in making the decision. The minutes shall expressly set forth any limitations, written commitments, or conditions recommended or imposed by the PC.

**5. PC Processes for All Application Types.**

a. *Pre-Application Conference.* Prior to filing an application for any PC process, an applicant shall schedule a required pre-application meeting with the Administrator, which may be held in-person or virtually (via video conference). This step gives the applicant the opportunity to discuss the procedures for approval with the Administrator as well as the requirements and regulations for development.

b. *Application.* The applicant shall submit the appropriate official application in complete form. A complete application includes all the required supporting documentation in addition to the official application form.

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

- d. *Additional Information.* The Administrator or the PC may require additional information be provided at the expense of the applicant to enable review and assessment of the application. Such additional information may include impact studies, assessments, etc.
- e. *Appeals.* Any decision of the PC may be appealed to any court of competent jurisdiction provided that the person has exhausted all available administrative remedies. However, nothing in this UDO expands the right to judicial review as provided by Indiana law.

**6. Comprehensive Plan Adoption or Amendment Process.**

- a. *Public Notice.* Notice of public hearing shall be in accordance with *IC 36-7-4-507* and *Article VII, Notice Requirements*, in the *Plan Commission Rules of Procedure*.
- b. *Public Hearing.* The PC shall consider the adoption or amendment of the Comprehensive Plan or any of its components after a public hearing has been held and in accordance with *IC 36-7-4-508*.
- c. *Certification of Recommendation.* Within ten (10) business days after the PC determination, the PC shall certify their recommendation to the County Commissioners.
- d. *Final Action by County Commissioners.* Upon receipt of PC's certification, the County Commissioners shall vote on the proposed Comprehensive Plan adoption or amendment. Final action by the County Commissioners shall be in accordance with *IC 36-7-4-509*, *IC 36-7-4-510*, and *IC 36-7-4-511*.

**7. UDO Adoption or Amendment Process.**

- a. *Public Notice.* Notice of public hearing shall be in accordance with *IC 36-7-4-604*, *IC 36-7-706*, and *Article VII, Notice Requirements*, in the *Plan Commission Rules of Procedure*.
- b. *Public Hearing.* The PC shall consider the adoption or amendment of the UDO at a public hearing in accordance with *Article IV, Public Hearings*, in the *Plan Commission Rules of Procedure*.
- c. *Recommendation.* After consideration, the PC shall make a favorable, unfavorable, or no recommendation to the County Commissioners.
- d. *Certification of Recommendation.* Within ten (10) business days after the PC determination, the PC shall certify their recommendation to the County Commissioners.
- e. *Final Action by County Commissioners.* Upon receipt of PC's certification, the County Commissioners shall vote on the proposed UDO adoption or amendment. Final action by the County Commissioners shall be in accordance with *IC 36-7-4-600 Series* and *IC 36-7-4-700 Series*.

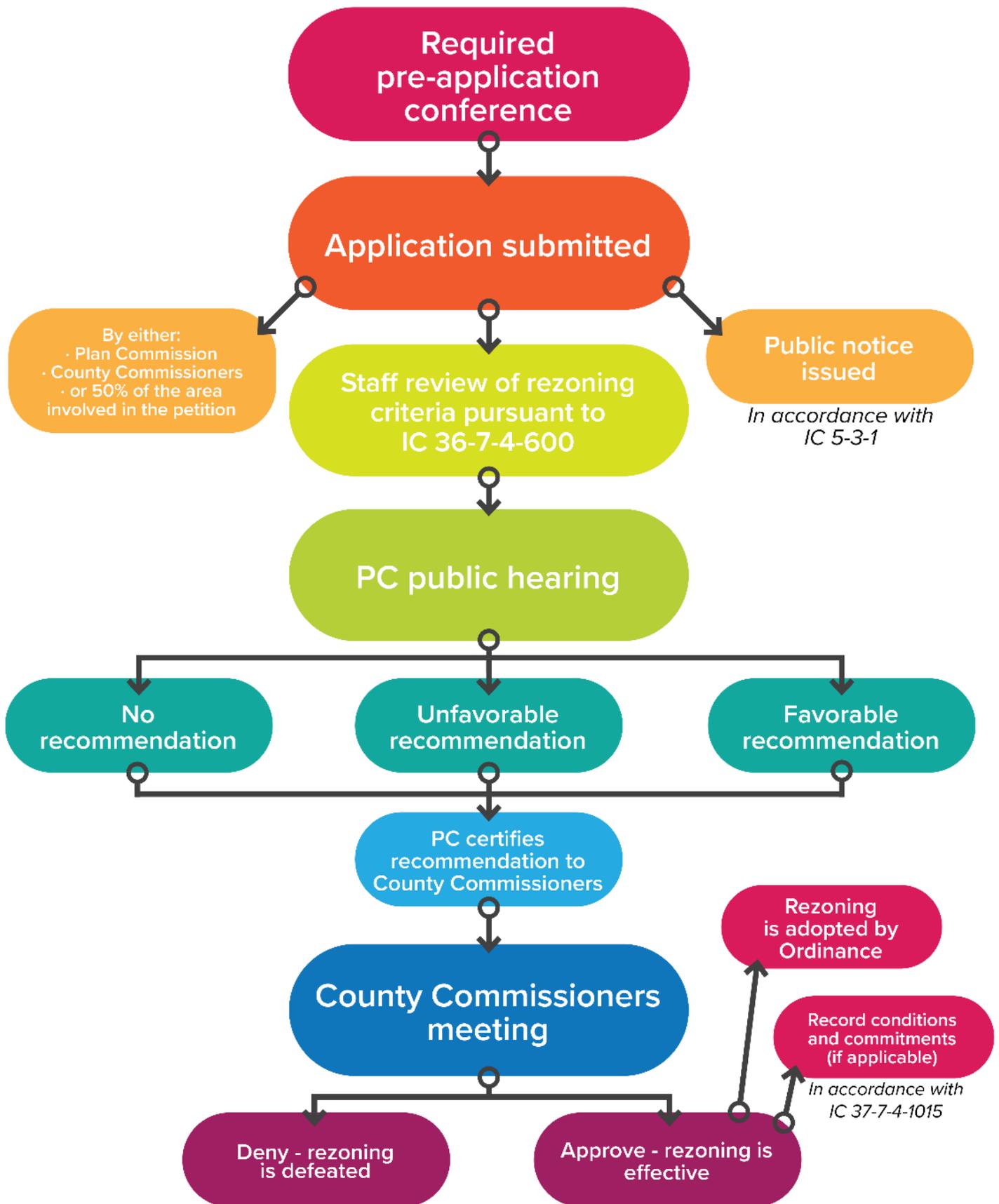
**8. Zone Map Amendment (Rezoning) Process.** In accordance with *IC 36-7-4-600 Series* for zone map changes and *Article V, Disposition of Petitions*, in the *Plan Commission Rules of Procedure*, the PC shall hear and make recommendations regarding zone map changes.

- a. *Rezoning Initiation.* In accordance with *IC 36-7-4-602(c)(1)*, rezoning may be initiated by the PC, by the County Commissioners, or by owners of fifty percent (50%) or more of the area involved in the petition.
- b. *Rezoning Public Notice.* Notice of public hearing shall be in accordance with *IC 7-4-604* and *Article VII, Notice Requirements*, in the *Plan Commission Rules of Procedure*.

- c. *Rezoning Public Hearing.* The PC shall consider the zone map change at a public hearing. The applicant shall be in attendance to present their application, address the criteria, and answer any questions or concerns of the PC.
- d. *Districts Prohibited for Rezoning.* As of the effective date of this UDO, no new properties within this UDO's jurisdiction may be rezoned to the Planned Unit Development (PUD) zoning district. All properties currently zoned PUD are deemed to be conforming properties.
- e. *Rezoning Criteria.* Per IC 36-7-4-603, when considering a rezoning, the Plan Commission and County Commissioners shall pay reasonable regard to the following criteria:
  - 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) The responsible development and growth.
- f. *Additional Requirements to Rezone to Manufactured Home Park District (MH).* In addition to considering the factors outlined in *Sec. 8.B.8.e, Rezoning Criteria*, any applicant wishing to rezone property to the MH district is required to prove to the County's satisfaction that public sanitation and public water will be provided to the site at a standard acceptable to the County.
- g. *Rezoning Recommendation.* After consideration, the PC shall make a favorable, unfavorable, or no recommendation to the County Commissioners. Any of the said recommendations may include conditions and/or written commitments in accordance with IC 36-7-4-1015 and *Section 8.B.10, Written Commitments*.
- h. *Certification of Recommendation.* Within ten (10) business days after the PC determination, the PC shall certify their recommendation to the County Commissioners.
- i. *Rezoning Final Action by County Commissioners.* Upon receipt of PC's certification, the County Commissioners shall vote on the proposed zone map change within ninety (90) calendar days. Final action by the County Commissioners shall be in accordance with IC 36-7-4-600 Series.
  - 1) If the rezoning proposal is adopted by the County Commissioners, the PC shall update the zone map accordingly.
  - 2) If the rezoning proposal is denied by the County Commissioners, the proposal cannot be resubmitted for one (1) year unless the Administrator determines there is a substantial change to the application.
- j. *No Rezoning Expiration.* Approval of a zone map change shall run with the land and shall not be subject to expiration.
- k. *Rezoning Amendment.* Any amendment of a zone map change shall be done in accordance with the IC 36-7-4-600 Series for zone map changes, using the same process as that for a zone map change. An amendment of an imposed condition or commitment shall be done in accordance with IC 36-7-4-1015 and *Sec. 8.B.10, Written Commitments*.

- l. *Rezoning to a Planned Unit Development (PUD)*. An application to rezone a property to a Planned Unit Development (PUD) must be accompanied with specific plans for the parcel of property that:
  - 1) Meets the requirements of Sec. 2.C.1, *Planned Unit Development (PUD)*; and
  - 2) A vote to rezone any property to a PUD by the County Commission shall not occur until after the site plan for the PUD has been fully approved.
- m. *Flowchart*. The following flowchart is for illustrative purposes only to show the steps associated with the zone map amendment application process.

# ZONE MAP AMENDMENT (REZONING) PROCESS



- 9. Development Plan Process.** In accordance with IC 36-7-4-1400 Series and the *Plan Commission Rules of Procedure*, the PC shall hear and make decisions regarding development plans that are required by this UDO.
- a. *Land Uses that Require a Development Plan.* Land uses that always require a development plan, regardless of the scale at which the use is requested for, are listed as such in Chapter 2, *Zoning Districts*. If in the discretion of the Administrator, a land use not listed as requiring a development plan, is submitted that is at a size where a development plan is necessary, then the Administrator has the authority to request a development plan from the applicant.
  - b. *No Public Notice.* Pursuant to IC 36-7-4-1404(b), public notice is not required for development plans.
  - c. *Technical Review.* After receiving a complete application and creating a public file, the Administrator shall forward the development plan to the Technical Review Committee (TRC) for review. At the discretion of the Administrator, the TRC review may be held in person or remotely (virtually, by telephone, or by email). The Administrator shall compile the TRC's written comments for the applicant and include them in the public file.
  - d. *Development Plan Revision.* After the technical review, the applicant shall make the necessary modifications to the plans and resubmit to the Administrator. The Administrator may require additional internal review and/or the resubmittal of additional revised plans before reconsidering the development plan.
  - e. *Administrator Development Plan Approval.* If the revised plans have adequately addressed the comments from the TRC, and meet all standards of this UDO, the Administrator shall approve the development plan.
  - f. *Administrator Development Plan Disapproval.* If the revised plans have not adequately addressed the comments from the TRC, or do not meet all standards of this UDO, the Administrator shall disapprove the development plan.
  - g. *Action by Plan Commission.* The Administrator may, for any reason and at any time before taking any action on a development plan submittal, refer the development plan to the PC for review and action.
    - 1) *Written Request by Applicant.* The applicant may submit a written request for a public meeting with the Plan Commission to the Administrator, before the Administrator takes action, if the applicant disagrees with any TRC comment(s). This request shall be submitted along with applicant's written explanation of the technical disagreement. Upon receipt of this written request, the Administrator shall set a date for a PC public meeting.
    - 2) *Public Meeting.* The PC shall consider the development plan at a public meeting. The applicant shall be in attendance to present their plan and address any questions or concerns of the PC.
    - 3) *Decision by the PC.* The PC shall consider any contested TRC comments before making a final decision on the development plan. The PC shall approve, approve with conditions or written commitments, or deny the development plan.

- 4) *Final Approval Action.* A development plan is not considered final and ready for construction until revised plans have been received and approved by the Administrator per the terms of the PC's decision, including execution of any required conditions or written commitments.
- h. *Development Plan Expiration.* A development plan approval, whether by the Administrator or the PC, shall be valid for three (3) years from the date of approval, as long as all applicable permits have been obtained and construction has begun within one (1) year of the date of final approval action. If this does not happen, the development plan approval is automatically voided.
- i. *Development Plan Amendment.* An amendment to a development plan may be approved by the Administrator after internal review by the TRC members. As with the initial development plan, the Administrator may, for any reason, send the requested amendment to a public meeting of the PC for review and action.
- j. *Additional Wellfield Protection Overlay District (WPOD) Submittal Requirements.* Any proposed land use within a WPOD shall submit the following additional items as listed within this Sec. 8.B.9.i unless an exemption is provided for in *Sec. 8.B.9.i.1, Exemptions*, below.
- 1) *Exemptions.*
- a) *Zone 1 District.* Any land use, in the ordinary course of their business, that has or will have, less than the threshold amount of one (1) gallon of liquids in the aggregate or six (6) pounds of water-soluble solids.
  - b) *Zone 2 District.* Any land use, in the ordinary course of their business, that has or will have, less than the threshold amount of one hundred (100) gallons of liquid in the aggregate or six hundred (600) pounds of water-soluble solids in the aggregate.
  - c) *Thresholds.* In determining thresholds, the following substances shall be exempted:
    - (1) Reasonable quantities of substances used for routine building and yard maintenance stored inside a facility;
    - (2) Liquids required for normal operation of a motor vehicle in use in that vehicle;
    - (3) Substances contained within vehicles for bulk deliveries to the site;
    - (4) Beverages and food at restaurants, supermarkets, convenience stores, and other retail food establishments;
    - (5) Uncontaminated public water supply water, groundwater, and/or surface water;
    - (6) Substances, which are packaged in pre-sealed containers, sold at retail establishments;
    - (7) Substances utilized for the production and treatment of public water supply; and

- (8) Substances which, due to their inherent chemical or physical properties, are determined to pose no significant threat to groundwater quality.

2) *Plan Review.*

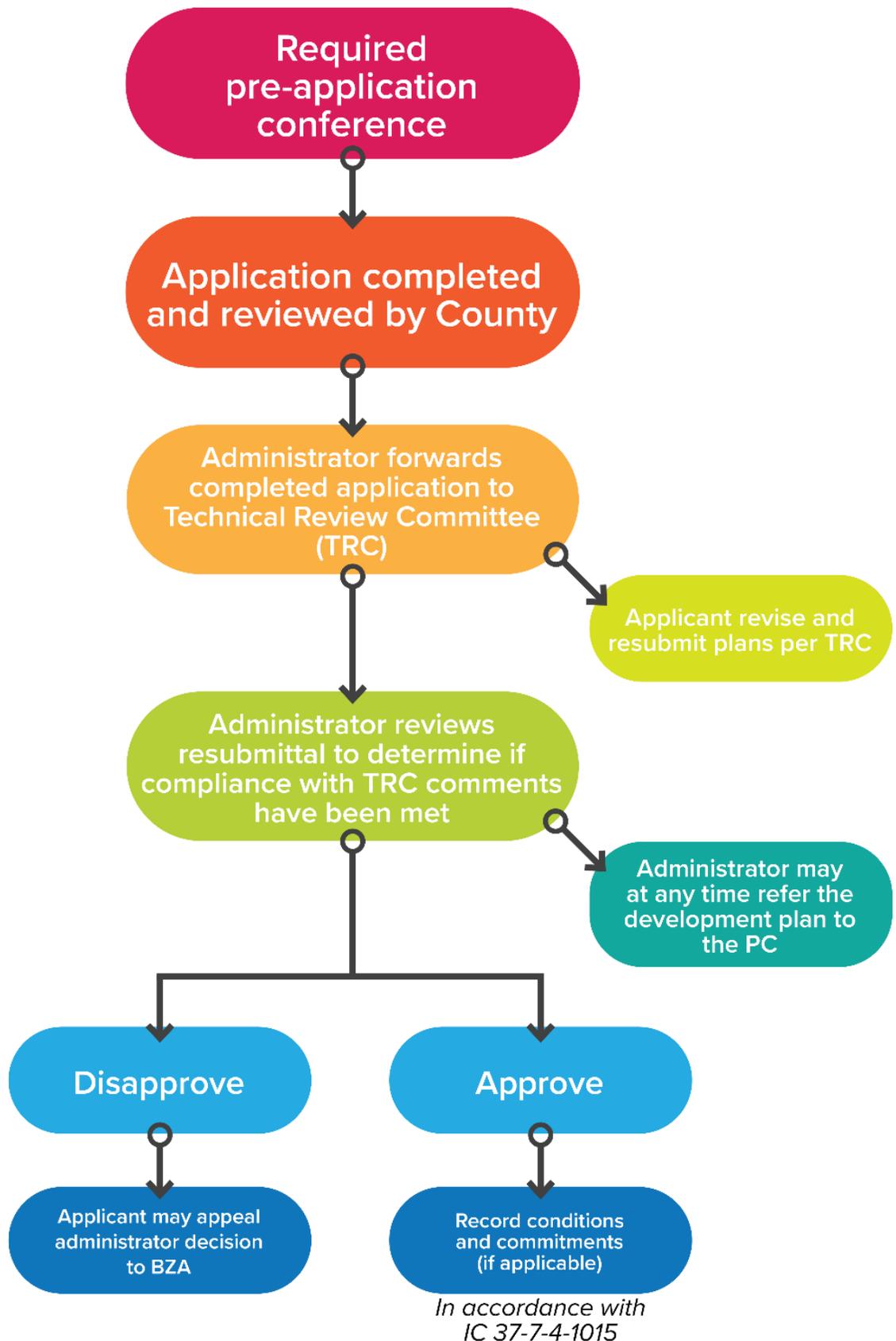
- a) *Description of Site and Land Use.* Property located within Zones 1 and 2 proposed for new construction or expansion of existing facilities shall prepare and submit a description of said construction or expansion and the new or expanded use of the property. The site description shall be submitted to the Administrator for review and either approval, disapproval, or approval with conditions. The Administrator will solicit comments from the Johnson County Health Department (JCHD) and the applicable water utilities on the site and development plan.
- b) *Assessment of Site and Land Use.* In reviewing the site and land use description, the JCHD and the appropriate water utility agency shall assess whether the site and proposed land use:
  - (1) Will prevent potential groundwater contamination associated with human activity from interfering with each community public water supply system's ability to produce drinking water that meets all applicable Federal and State drinking water standards after undergoing conventional groundwater treatment, as employed by the public water supply system. These treatment processes include, but are not limited to aeration, detention, pressure filtration, and disinfection;
  - (2) Will not unreasonably endanger the quality of groundwater in a designated wellhead protection area. An unreasonable risk includes, but is not limited to, the inappropriate storage, handling, use, and/or production of metals, inorganic compounds, volatile organic compounds, semi-volatile compounds, or other substances listed at *40 CFR Part 355* within a wellhead protection area; and
  - (3) The site complies with the standards and prohibitions listed in *Sec. 2.D.2, Wellfield Protection Overlay District.*

3) *Plan Documentation and Supporting Information.* Development plans for land within the WPOD shall include the following:

- a) A narrative report of the proposed site, including:
  - (1) A narrative description of the site, including any existing uses, setbacks, available sewage disposal facilities, and a brief history of the site (including any former uses, historical environmental concerns, abandoned wells, underground storage tanks, septic systems, etc.);
  - (2) Description of the proposed operations, including chemical/products used or generated, chemical/product storage area descriptions, waste generation quantities, and equipment cleaning/maintenance procedures;
  - (3) Methods and locations of receiving, handling, storing, and shipping chemicals/products and wastes;
  - (4) Spill or release response measures and reporting; and

- (5) Description of slopes near containment vessels and waste storage areas;
- b) A vicinity map (USGS quadrangle preferred);
- c) A site map (drawn to scale) depicting:
  - (1) All existing and proposed structures;
  - (2) Paved and non-paved areas;
  - (3) Utility lines (inside and outside structures) including sanitary sewers, storm sewers, storm retention ditches/basins/french drains, etc. (both proposed and existing);
  - (4) Floor drain locations and outlet;
  - (5) Chemical/product storage locations;
  - (6) Waste storage locations;
  - (7) Liquid transfer area;
  - (8) Site surface water bodies (streams, rivers, ponds);
  - (9) Underground Storage Tanks (and associated piping);
  - (10) Aboveground Storage Tanks (and associated piping);
  - (11) Slope and contours of finished grade at two (2) foot intervals;
  - (12) Regulated drains; and
  - (13) Any and all easements.
- d) If applicable, proposed containment area detail drawings, including area, heights, materials, and specifications.
- k. *Flowchart*. The following flowchart is for illustrative purposes only to show the steps associated with the development plan application process.

# DEVELOPMENT PLAN PROCESS



## 10. Written Commitment Process.

- a. *Form.* A written commitment shall follow the format set forth by the County Attorney and must identify any specially affected persons or class of specially affected persons who may enforce the written commitment. The written commitment form must be approved by the Administrator before it is recorded.
- b. *Recording.* An approved written commitment shall be recorded by the applicant in the Johnson County Recorder's Office and takes effect upon the adoption of the proposal to which it relates. Following the recording of a written commitment, the applicant shall return a stamped copy of the recorded written commitment to the Administrator for the associated file.
- c. *Written Commitment Binds Owner.* Unless it is modified or terminated in accordance with this Section, a recorded written commitment is binding on the owner of the parcel, all subsequent owner(s) of the parcel, and any other person who acquires an interest. An unrecorded written commitment is still binding on the owner of the parcel who made the commitment as part of an application process.
- d. *Modification or Termination.* Except for a written commitment modified or automatically terminated in accordance with this Section, a written commitment may be modified or terminated only by a decision of the approving authority.

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

### 1. Establishment and Membership.

- a. *BZA Establishment.* The Board of Zoning Appeals (BZA) shall be established in accordance with IC 36-7-4-900 Series and the *Board of Zoning Appeals Rules of Procedure*.
- b. *BZA Membership and Organization.* The BZA shall have membership in accordance with IC 36-7-4-902(a) and Article I, Section 3, *Membership*, and Article III, *Officers and Staff*, in the *Board of Zoning Appeals Rules of Procedure*.
- c. *Alternate Members.* In accordance with IC 36-7-4-909, the BZA may also appoint an alternate member to participate in a hearing or decision if the regular member appointed by the appointing authority has a disqualification due to conflict of interest. An alternate member has all the powers and duties of a regular member while participating in the hearing or decision.

### 2. Duties and Powers.

The BZA shall have all duties and powers as specified in IC 36-7-4-900 Series, Article I of the *Board of Zoning Appeals Rules of Procedure*, and this UDO. These powers and duties include, but are not limited to the power to:

- a. Adopt rules for the administration and conduct of the BZA and its business, including uniform rules pertaining to investigations and hearings;
- b. Keep a complete record of all proceedings, and to record and file all bonds and contracts, and assume responsibility for the custody and preservation of all papers and documents of the BZA;
- c. Prepare, publish, and distribute reports, plans, ordinances, and other materials relating to the activities authorized under this Chapter; and

d. Permit, require, modify, and terminate commitments in accordance with *IC 36-7-4-1015*.

- 3. BZA Authority.** BZA is hereby authorized to perform those duties and functions specified in *IC 36-7-4-900* Series and other applicable sections of Indiana law. The BZA shall have the following authority:

<b>Table 8.3, Board of Zoning Appeals (BZA) Authority</b>			
<b>Authority</b>	<b>BZA's Action</b>	<b>UDO Cross Reference</b>	<b>Applicable Indiana Code</b>
Administrative Appeal	Final after Public Hearing - Adopts Findings	<i>Sec. 8.C.6</i>	<i>IC 36-7-4-918.1</i>
Special Exception	Final after Public Hearing - Adopts Findings <sup>1</sup>	<i>Sec. 8.C.7</i>	<i>IC 36-7-4-918.2</i>
Variance of Use	Final after Public Hearing - Adopts Findings <sup>1</sup>	<i>Sec. 8.C.8</i>	<i>IC 36-7-4-918.4</i>
Variance of Development Standards	Final after Public Hearing - Adopts Findings <sup>1</sup>	<i>Sec. 8.C.9</i>	<i>IC 36-7-4-918.5</i>
Written Commitment	Final <sup>2</sup>	<i>Sec. 8.B.10</i>	<i>IC 36-7-4-1015</i>
<p>Note:</p> <p>1. An alternate hearing officer process may also be used as provided by <i>IC 36-7-4-923</i>. See <i>Sec. 8.C.10, Alternate Hearing Officer Process</i>.</p> <p>2. Written commitments are to be finalized by the BZA for any action related to a special exception, variance of use, or variance of development standards that are unrelated to a zoning map amendment or an annexation. There are other types of written commitments that are approved and/or modified by both the County Commissioners and the Planning Commission.</p>			

**4. BZA Meetings, Public Records, Quorums, and Actions.**

- a. *Meetings.*
- 1) Regular meetings of the BZA shall be held as provided by a schedule adopted annually as an addendum to the *Board of Zoning Appeals Rules of Procedure*.
  - 2) Special meetings of the BZA may be called by the chairman or by two (2) members of the BZA upon written request to the secretary.
- b. *Record.* The minutes; all applications, exhibits, and papers filed in any proceeding before the BZA; the staff report; and the decision of the BZA shall constitute the record. In accordance with *IC 36-7-4-915*, the record shall be maintained for public inspection in the Department of Planning and Zoning.
- c. *Quorum.* No official action shall be taken by the BZA without a quorum being present. A quorum is defined by *IC 36-7-4-910* and *Article III, Section 1, Quorum*, of the *Board of Zoning Appeals Rules of Procedure* as a majority of the entire membership of the BZA, who are qualified by *IC 36-7-4-902*.
- d. *Action.* Every recommendation or decision of the BZA shall be repeated in the summary minutes. Where required by law, such actions shall include written findings of fact based upon criteria used in making the decision. The minutes shall expressly set forth any

limitations, written commitments, or conditions recommended or imposed by the BZA.

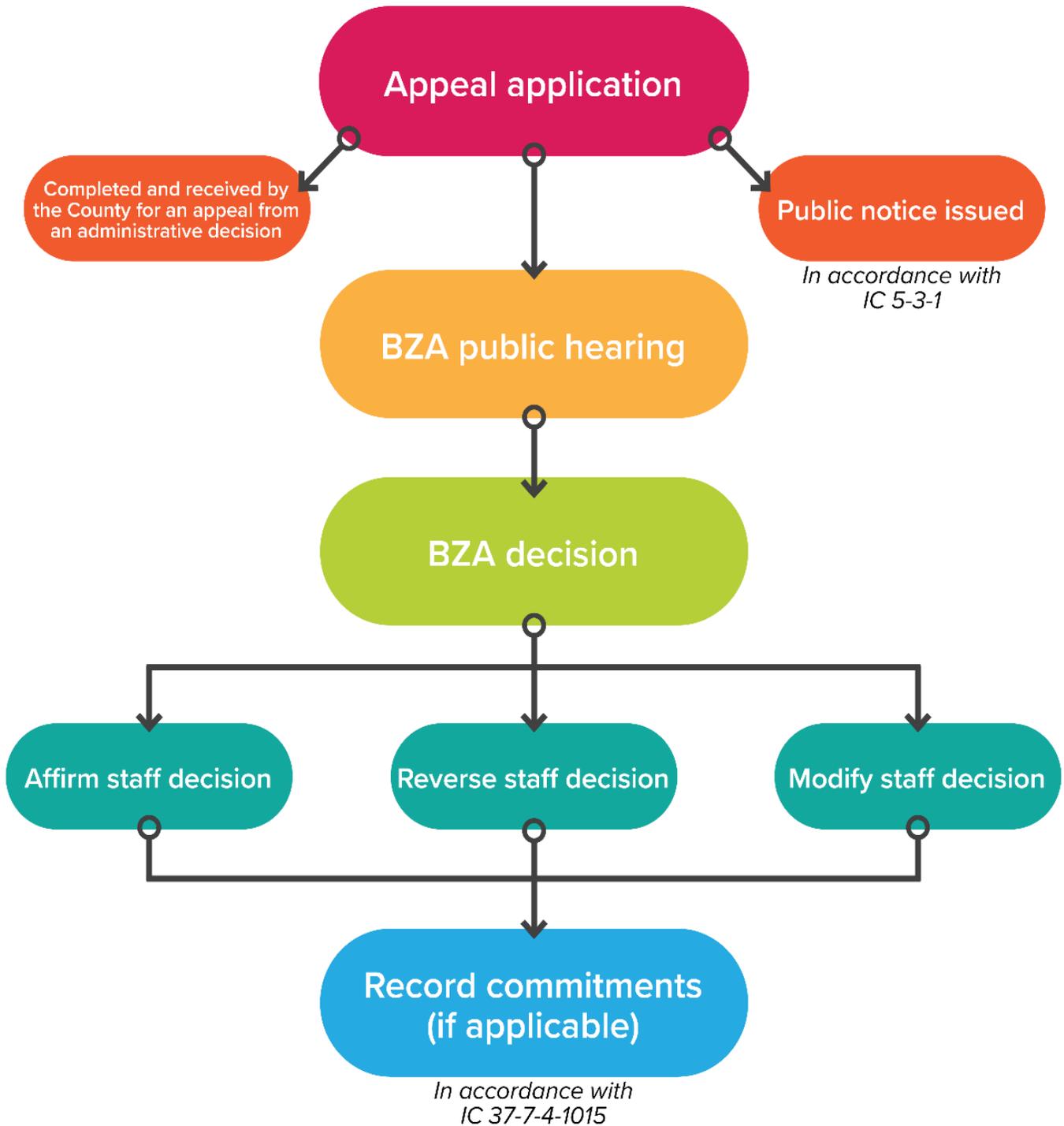
**5. BZA Processes for All Application Types.**

- a. *Pre-Application Conference.* Prior to filing an application for any BZA process, the applicant shall schedule a required pre-application meeting with the Administrator, which may be held in-person or virtually (via video conference). This step gives the applicant the opportunity to discuss the procedures for approval with the Administrator as well as the requirements and regulations for development.
- b. *Application.* The applicant shall submit to the Administrator a completed application in accordance with the requirements of this UDO. A complete application includes all the required supporting documentation in addition to the official application form.
- c. *Public File.* Once the Administrator determines that an application is complete and in proper form, a file number shall be assigned to create a public file.
- d. *Additional Information.* The Administrator or the BZA may require additional information to be provided at the expense of the applicant, to enable review and assessment of the application. Such additional information may include impact studies, assessments, etc.
- e. *Appeals.* Any decision of the BZA may be appealed to any court of competent jurisdiction provided that the person has exhausted all available administrative remedies. However, nothing in this UDO expands the right to judicial review as provided by Indiana law.

**6. Administrative Appeal Process.** In accordance with *IC 36-7-4-918.1* and *Article V, Section 8, Administrative Appeals*, of the *Board of Zoning Appeals Rules of Procedure*, the BZA shall hear and determine appeals from and review the decisions below. In addition, all appeals shall be made pursuant to *IC 36-7-4-1000 Series*.

- a. *Applicability.* The BZA shall hear appeals to any order, requirement, decision, determination, or enforcement action made by the Administrator, another administrative official, hearing officer, or staff member under the UDO.
- b. *Public Notice.* Public notice is not required for appeals.
- c. *Public Hearing.* The BZA shall consider the appeal at a public hearing. The applicant shall be in attendance to present their appeal and address any questions or concerns of the BZA.
- d. *Final Decision.* The BZA may affirm, reverse, or modify the decision, interpretation, order, or action that is the subject of the appeal. The BZA may also add conditions or written commitments to their decision.
- e. *Flowchart.* The following flowchart is for administrative purposes only to show the steps associated with the administrative appeals process.

# ADMINISTRATIVE APPEALS PROCESS

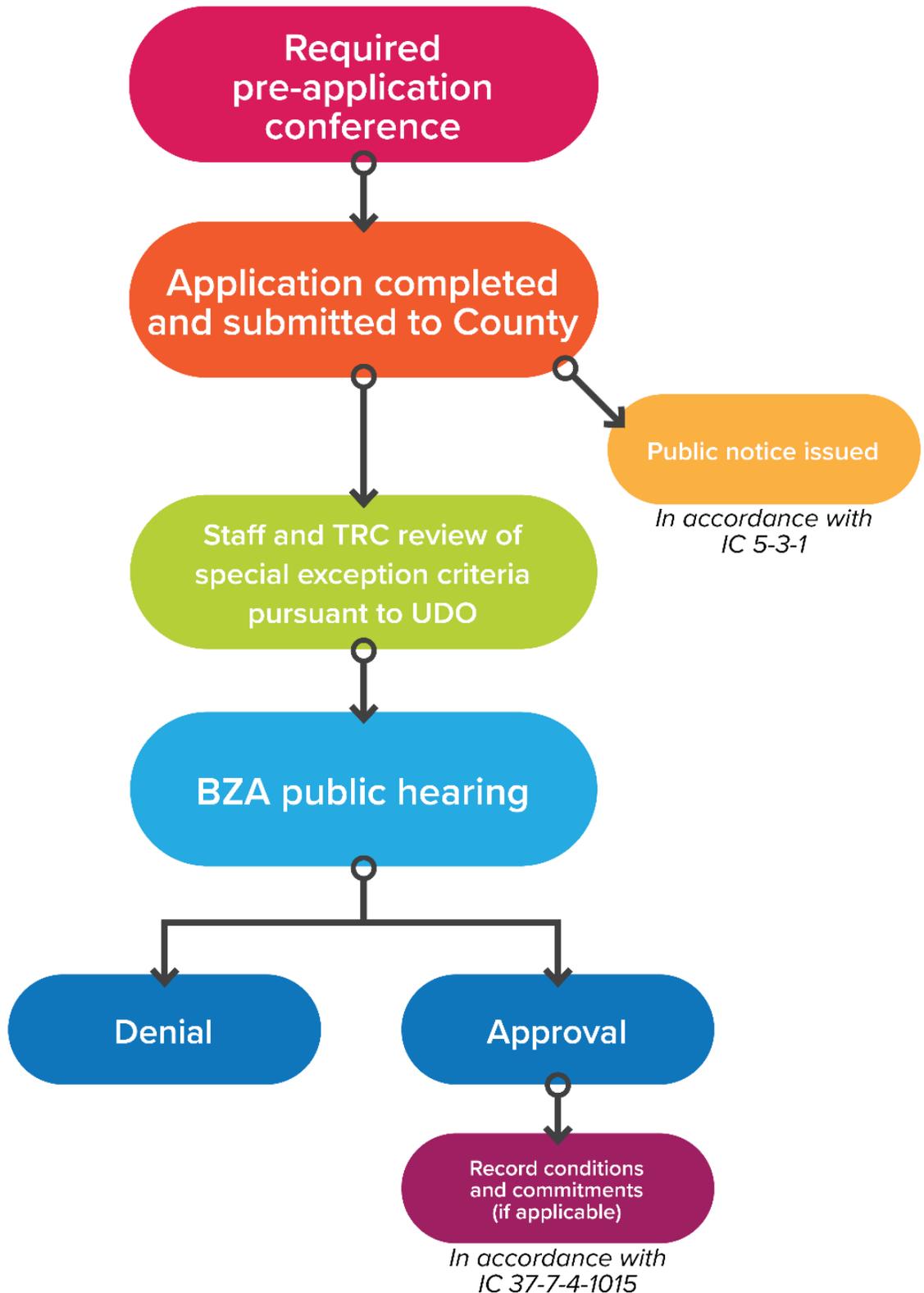


- 7. Special Exception Process.** In accordance with *IC 36-7-4-918.2* for special exceptions, and *Article V, Disposition of Petitions*, of the *Board of Zoning Appeals Rules of Procedure*, the BZA shall hear and make decisions regarding applications for special exceptions.
- a. *Applicability.* Uses 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 standards and procedures set forth in this UDO.
  - b. *Public Notice.* Notice of public hearing shall be in accordance with *Article VIII, Notice Requirements*, in the *Board of Zoning Appeals Rules of Procedure*.
  - c. *Public Hearing.* The BZA shall decide on whether to grant a special exception at a public hearing. The applicant shall be in attendance to present their case and address the decision criteria and any questions or concerns of the BZA.
  - d. *Decision Criteria.* When considering a special exception, the BZA shall find that the following criteria have all 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) Adequate utilities, roads, drainage, and other necessary facilities and infrastructure have been or are being provided;
    - 4) 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
    - 5) 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.
  - e. *Final Decision.*
    - 1) *Approval.* If the BZA finds all the special exception criteria have been satisfied, it shall approve or approve with conditions and/or written commitments the request. Approval may be in the form of a general statement.
    - 2) *Denial.* If the BZA does not find that all the special exception criteria have been satisfied, it shall deny the special exception and shall adopt findings that specify the reason(s) for denial, including the criterion not met.
  - f. *Expiration.* Approval of a special exception shall run with the land, except for the following:
    - 1) *Expiration for Failure to Begin New Construction.* All applicable permits shall be obtained, and any new construction relevant to the special exception shall begin within three (3) years of the BZA's approval, or that approval shall expire.
    - 2) *Expiration for Failure to Occupy Existing Structures.* All applicable permits shall be obtained, and any existing structures relevant to the special exception shall be

occupied within two (2) years of BZA approval, or that approval shall expire.

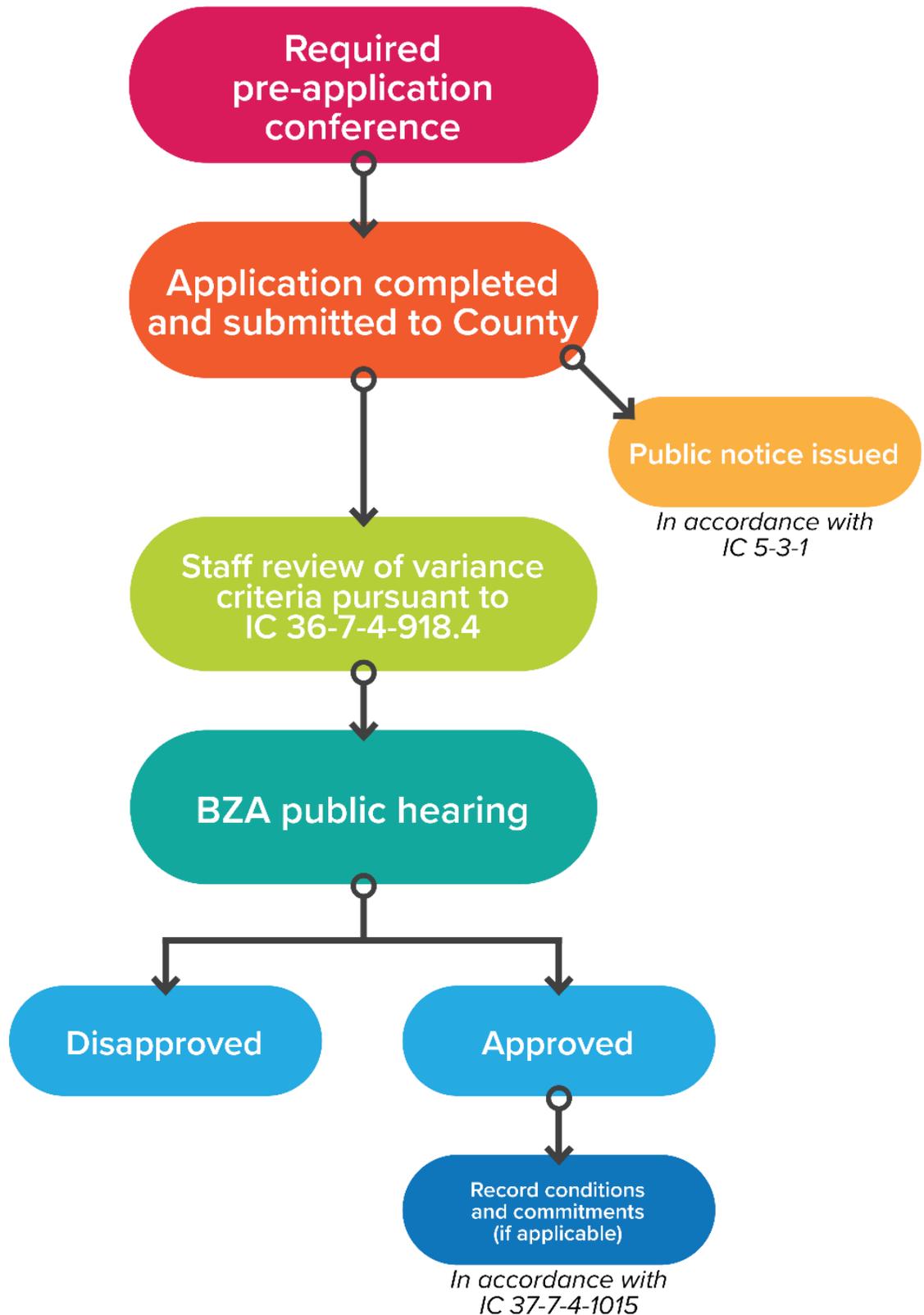
- 3) *Expiration for Unmet Conditions.* Approvals which include one (1) or more conditions by the BZA shall be met within one (1) year of BZA approval, or that approval shall expire.
- g. *Amendment.* A special exception may only be amended by the BZA if the property owner submits a revised application and that application follows the same process as the original application while meeting all the applicable standards.
- h. *Flowchart.* The following flowchart is for illustrative purposes only to show the steps associated with the special exception application process.

# SPECIAL EXCEPTION PROCESS



- 8. Variance of Use Process.** In accordance with *IC 36-7-4-918.4* for variances of use, and *Article V, Disposition of Petitions, of the Board of Zoning Appeals Rules of Procedure*, the BZA shall hear and make decisions regarding applications for variances of use.
- a. *Public Notice.* Notice of public hearing shall be in accordance with *Article VIII, Notice Requirements, in the Board of Zoning Appeals Rules of Procedure.*
  - b. *Public Hearing.* The BZA shall consider the variance of use at a public hearing. The applicant shall be in attendance to present their case and address the decision criteria and any questions or concerns of the BZA.
  - c. *Decision Criteria.* Per *IC 36-7-4-918.4*, when considering a variance of use, the BZA shall find that the following criteria 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 the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
    - 5) The approval does not interfere substantially with the Comprehensive Plan.
  - d. *Final Decision.*
    - 1) *Approval.* If the BZA finds all the variance of use criteria has been satisfied, it shall approve or approve with conditions and/or written commitments the request. Approval may be in the form of a general statement.
    - 2) *Denial.* If the BZA does not find that all of the variance of use criteria has been satisfied, it shall deny the use variance and shall adopt findings that specify the reason(s) for denial, including the criterion not met.
  - e. *Expiration.* Use variances granted by the Board of Zoning Appeals are not transferrable from the owner of property petitioning for the use variance to subsequent property owners.
  - f. *Amendment.* A variance of use may only be amended by the BZA if the property owner submits a revised application and that application follows the same process as the original application while meeting all the applicable standards.
  - g. *Flowchart.* The following flowchart is for administrative purposes only to show the steps associated with the variance of use application process.

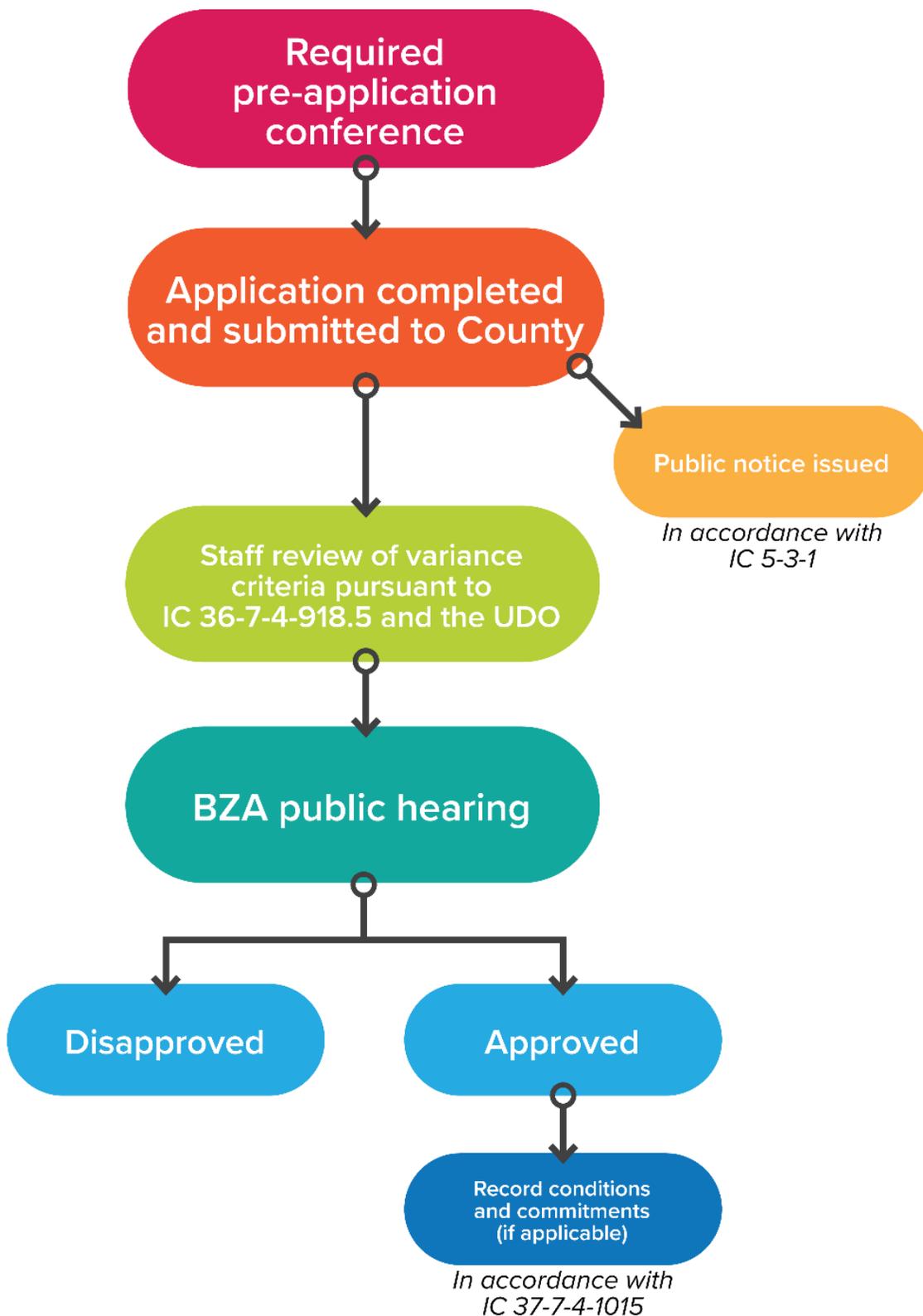
# VARIANCE OF USE PROCESS



- 9. Variance from Development Standards Process.** In accordance with *IC 36-7-4-918.5* for variances from development standards, and *Article V, Disposition of Petitions*, of the *Board of Zoning Appeals Rules of Procedure*, the BZA shall hear and make decisions regarding applications for variances from development standards.
- a. *Applicability.* The BZA may vary the development standards in accordance with the procedures set forth in this Section.
  - b. *Public Notice.* Notice of public hearing shall be in accordance with *Article VIII, Notice Requirements*, in the *Board of Zoning Appeals Rules of Procedure*.
  - c. *Public Hearing.* The BZA shall consider the variance from development standards at a public hearing. The applicant shall be in attendance to present their case and address the decision criteria and any questions or concerns of the BZA.
  - d. *Decision Criteria.* Per *IC 36-7-4-918.5*, when considering a variance of development standards, the BZA shall find that the following criteria 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 strict application of the terms of the ordinance will result in practical difficulties in the use of the property;
    - 4) The variance is not primarily for the economic benefit of the petitioner;
    - 5) The variance granted is the minimum necessary; and
    - 6) The variance granted does not correct a hardship caused by a current owner of the property.
  - e. *Final Decision.*
    - 1) *Approval.* If the BZA finds all the development standards variance criteria have been satisfied, it shall approve or approve with conditions and/or written commitments the request. Approval may be in the form of a general statement.
    - 2) *Denial.* If the BZA does not find that all the development standards variance criteria have been satisfied, it shall deny the development standards variance and shall adopt findings that specify the reason(s) for denial, including the criterion not met.
  - f. *Expiration.* Approval of a developmental standards variance shall run with the land, except for the following:
    - 1) *Expiration for Failure to Begin New Construction.* All applicable permits shall be obtained, and any new construction relevant to the development standards variance shall begin within three (3) years of the BZA's approval, or that approval shall expire.
    - 2) *Expiration for Failure to Occupy Existing Structures.* All applicable permits shall be obtained, and any existing structures relevant to the development standards variance shall be occupied within two (2) years of BZA approval, or that approval shall expire.

- 3) *Expiration for Unmet Conditions.* Approvals which include one (1) or more conditions by the BZA shall be met within one (1) year of BZA approval, or that approval shall expire.
- g. *Amendment.* A developmental standards variance may only be amended by the BZA if the property owner submits a revised application and that application follows the same process as the original application while meeting all the applicable standards.
- h. *Flowchart.* The following flowchart is for illustrative purposes only to show the steps associated with the variance from development standards application process.

# VARIANCE OF DEVELOPMENT STANDARDS PROCESS



- 10. Alternate Hearing Officer Process.** In accordance with *IC 36-7-4-923*, and the *Board of Zoning Appeals Rules of Procedure*, a Hearing Officer may hear and make decisions on development standards applications. The Hearing Officer shall not hear appeals of administrative decisions.
- a. *Applicability.* The Hearing Officer may vary development standards in accordance with the procedures set forth in this Chapter.
  - b. *Assignment to Hearing Officer.* The Administrator may assign an application to the Hearing Officer after the pre-submittal conference has been held and a complete application has been submitted. Applications assigned to the Hearing Officer shall follow the guidelines established in the *Board of Zoning Appeals Rules of Procedure*.
  - c. *Public Notice.* Notice of public hearing shall be in accordance with *Article VIII, Section 6, Notice for Hearing Before the Variance Hearing Officer*, in the *Board of Zoning Appeals Rules of Procedure*.
  - d. *Public Hearing.* The Hearing Officer shall consider all applications at a public hearing. The applicant shall be in attendance to present their case and address the decision criteria and any questions or concerns of the Hearing Officer.
  - e. *Transfer to BZA.* The Hearing Officer shall transfer an application to the BZA before making a decision, under the following circumstances:
    - 1) County Staff, including the Administrator, the Technical Review Committee, or other County Department Heads object to the request in writing.
    - 2) County Staff, as defined above, request conditions or written commitments in writing that the applicant does not accept.
    - 3) The Hearing Officer imposes conditions or written commitments in writing that the applicant does not accept.
    - 4) The Hearing Officer otherwise determines that it is in the best interest of the County to transfer the application to the full BZA for consideration.
  - f. *Decision Criteria.* The Hearing Officer shall use the same applicable approval criteria as required for the BZA, as prescribed in Indiana Code and this UDO.
  - g. *Final Decision.*
    - 1) *Approval.* If the Hearing Officer finds all the required criteria have been satisfied, they shall approve or approve with conditions and/or written commitments the request. Approval may be in the form of a general statement.
    - 2) *Denial.* If the Hearing Officer does not find that all the required criteria have been satisfied, they shall deny the request and shall adopt findings that specify the reason(s) for denial, including the criterion not met.
  - h. *Appeals.* Appeals of the Hearing Officer's decision by an interested party shall be to the BZA and shall be governed in accordance with *IC 36-7-4-924(g)*.
  - i. *Expiration.* Approvals shall follow the same expiration criteria as prescribed for BZA decisions in this Chapter.

- j. *Amendment.* An approved variance or special exception may only be amended by the Hearing Officer if the property owner submits a revised application and that application follows the same process as the original application, while meeting all the applicable standards, and the Administrator assigns it to the Hearing Officer.
- k. *Written Commitments.* In accordance with IC 36-7-4-924(f), a Hearing Officer may require written commitments, but only the BZA may modify or terminate a written commitment.

#### D. Administrator.

1. **Duties and Powers.** The Administrator shall be charged with the administration of this UDO and shall have the jurisdiction, authority, and duties described in this Section:
  - a. *Assistance to the PC and the BZA.* The Administrator shall provide such technical assistance as the PC and BZA including, but not limited to:
    - 1) Attending the meetings of the PC, BZA, and County Commissioners as needed;
    - 2) Informing each of the following bodies listed above of all the facts and information at the Department of Planning and Zoning's disposal with respect to any application brought before them; and
    - 3) Assisting each body by performing research, preparing staff reports, and making recommendations on applications brought before them.
  - b. *Information to the Public.* The Administrator shall provide and maintain public information for matters of the PC, the BZA, this UDO, the Comprehensive Plan, and related County ordinances, plans, and policies.
  - c. *Interpretation.* The Administrator shall interpret specific provisions as prescribed by this UDO.
  - d. *Receipt of Applications.* The Administrator shall receive all applications for any petition, permit, or process required to be filed pursuant to the UDO. Upon receipt of any such application, the Administrator shall see to its processing, which may include its prompt referral to and retrieval from officials, departments, committees, board, or commission of the County or any other governmental unit or agency with any interest or duty with respect to such application.
  - e. *Enforcement.* The Administrator shall ensure enforcement of this UDO as prescribed by Chapter 10, Enforcement.
  - f. *Inspections.* The Administrator shall conduct inspections to determine compliance with this UDO.
  - g. *Calendar.* The Administrator shall prepare and maintain an annual Calendar of Meeting and Filing Dates for the Plan Commission and BZA to approve.
  - h. *Records.* The Administrator shall maintain all records necessary for the Department of Planning and Zoning.
  - i. *Fees.* The Administrator shall maintain a schedule of fees for all applications, permits, and other processes outlined in this UDO, including those requirements listed below. Until all applicable fees have been paid in full, no action shall be taken on any application or petition.

- j. *General Requirements.* 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 Johnson County.
  - k. *Collection of Fees.*
    - 1) *Fees for Improvement Location Permit (ILP).* Non-refundable fees for an ILP shall be calculated during the review process and shall be collected before the ILP is issued. Any fees associated with re-inspections and additional inspections are non-refundable and shall be collected before a final inspection is scheduled, or a certificate of occupancy is issued.
    - 2) *Fees for Applications to Plan Commission and BZA.* Non-refundable fees shall be collected at the time any application is filed.
    - 3) *Erroneously Paid Fees.* A fee paid in error may be refunded at the discretion of the Administrator.
- 2. Improvement Location Permit (ILP) Procedures.** The Administrator, or their designee, shall be responsible for the issuance of ILPs in accordance with *IC 36-7-4-800* Series.
- a. *Applicability.* An ILP shall be required for the erection, alteration, or modification of all structures within the jurisdiction, including, but not necessarily limited to:
    - 1) Primary structures;
    - 2) Accessory buildings and structures as set forth in this UDO;
    - 3) All fences, decks, patios, and slabs as set forth in this UDO;
    - 4) Signs as set forth in this UDO (excluding temporary signs found within Table 3.13, *Temporary Signs in Residential Districts*; and Table 3.14, *Temporary Signs in Non-Residential Districts*;
    - 5) Temporary storage containers as set forth in this UDO;
    - 6) Wireless communication facilities both free-standing and those co-located upon an existing or pre-approved wireless communication facility.
  - b. *Application.* The applicant shall apply for an ILP in accordance with the application packet adopted by the PC as part of the *Plan Commission Rules of Procedure* and shall be submitted in 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 in the Department of Planning and Zoning in accordance with the retention rules established by the State Board of Accounts.
  - c. *Final Inspection and Certificate of Occupancy.* A final inspection 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 a Certificate of Occupancy has been issued where required.
  - d. *Expiration.* An ILP shall be valid upon issuance.
  - e. *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.

#### **E. Technical Review Committee.**

- 1. Generally.** A regulatory body to be known as the Technical Review Committee (TRC) is hereby established for the purpose of:
  - a. Administering the requirements of this UDO;
  - b. Providing an avenue for the Administrator to ensure that all necessary agencies are contacted and have the ability to comment on a proposed application prior to the approval of said application;
  - c. Providing the Administrator a complete view of all agency comments prior to creating a staff recommendation for the approving body; and
  - d. Providing cohesive and timely review of applications.
- 2. Membership.**
  - a. The TRC shall be comprised of the County staff designated by the Administrator and representatives from each referral agency that reviews development projects in conjunction with the County.
  - b. Based on the nature of a development, the distribution of review of who needs to be contacted within the TRC can be limited to those staff and agencies affected by the development or can be expanded to include additional agencies or staff with review responsibilities.
- 3. Powers.** The TRC shall have the role to review and provide technical recommendations concerning any application specified in this UDO. It does not have the power to grant a variance or change zoning classification.
- 4. Meetings.** The TRC does not regularly meet to discuss comments for this process. However, at the Administrator's discretion a meeting may occur if a discussion is necessary between all committee members.

## Chapter 9, Nonconformities

**A. Purpose.** It is the purpose of this UDO to permit legal nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this UDO that nonconformities 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.

### **B. General Provisions.**

1. Within the districts established by this UDO or by amendments that may later be adopted, there exist individually or in combination: legally nonconforming lots; legally nonconforming structures; legally nonconforming site features; legally nonconforming uses of land; and legally nonconforming zoning districts, which were lawful before this UDO was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this UDO or future amendments.
2. It is the intent of this UDO to permit these legal nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this UDO that nonconformities 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.
3. Illegal uses existing at the time this UDO is enacted shall not be validated by virtue of its enactment.
4. The burden of establishing the legality of a nonconformity that is lawfully existing under the provisions of this UDO is upon the property owner of the nonconformity and not upon the jurisdiction.
5. Nonconforming uses are declared by this UDO to be incompatible with permitted uses in the districts in which such uses are located. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this UDO by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.
6. 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.
7. Where demolition or removal of an existing building has been substantially begun prior to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried on diligently. Actual construction is hereby defined, at a minimum, as having a valid ILP upon the initial passage of this UDO.

### **C. Nonconforming Lots of Record.**

1. **Compliance Required.** No person may use, occupy, or develop land, buildings, or other structures or permit the use, occupancy, or development of land, buildings, or other structures except in accordance with all the provisions of this UDO. This includes the subdivision of property, which shall be approved by the PC in accordance with the

provisions of this UDO and filed with the Johnson County Recorder.

**2. General Provisions.** Where, at the time of adoption of this UDO, lawful lots of record exist which 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 not of continuous frontage with existing lots. This provision shall apply even though such lots fail to meet the requirements for area or width, or both, that are generally applicable in the district provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.
- b. All other provisions of this UDO are met, or a variance from the BZA is obtained.

**3. Subdivisions of Land.** Any subdivision of land that was legally approved prior to the enactment of the UDO and has not been recorded within two (2) years of the enactment of this UDO shall be deemed null and void unless deemed by a court of competent jurisdiction to be a legally binding agreement that is required to be honored by the County.

**D. Nonconforming Structures.** Where a lawful structure exists at the effective date of adoption or amendment of this UDO that could not now be built under the terms of this UDO by reason of restrictions on area, lot, height, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. A nonconforming structure may not be enlarged, altered, or added on to in a way that increases its nonconformity unless a variance is obtained from the BZA. However, any structure or portion thereof may be altered to decrease its nonconformity.
2. Should a nonconforming structure or nonconforming portion of structure be intentionally demolished to the extent of more than fifty percent (50%) of its area immediately prior to the damage, it shall not be reconstructed except in conformity with the provisions of this UDO. This regulation does not apply to structures that are destroyed by an act of nature, such as a tornado or another natural disaster.
3. Should such structure be moved for any reason, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
4. A nonconforming use may be extended throughout any parts of a building, which was manifestly arranged or designed for such use at the time of adoption or amendment of this UDO, but no such use shall be extended to occupy any land outside such building.
5. If any such nonconforming structure is abandoned for any reason for more than one (1) year, such structure shall be required to conform to the regulations specified by this UDO for the district in which such structure is located unless appropriate developmental standards variances are obtained from the BZA.

**E. Nonconforming Signs.** Any sign lawfully established prior to the effective date of this Ordinance that does not conform to the regulations herein shall be deemed a legally established, nonconforming sign and may be continued except under the following provisions:

1. If there is an increase in the size of the sign area or an increase in the height of the sign;

2. If the sign is relocated from its original place of installation;
3. If there is a complete replacement of the structural elements of the sign;
4. If the sign is covered by a variance granted by the Board of Zoning Appeals, that has expired;
5. If the sign is destroyed to an extent equal to or greater than fifty percent (50%) of its value; and/or
6. If a sign becomes definable as an off premises sign due to the change in use of the lot.

#### F. Nonconforming Site Features.

1. **Generally.** Where a lawful site feature exists at the effective date of adoption or amendment of this UDO that would not now be permitted by the regulations imposed by this UDO, such site feature may be continued so long as it remains otherwise lawful, subject to the provisions of this section.
2. **Continuation of Legal Nonconforming Site Features.** The continuation and modification of legal nonconforming site features shall be consistent with the following requirements.
  - a. *Increases in Nonconformity.* No legal nonconforming site feature shall be altered, removed, or otherwise modified in a manner that increases the amount of nonconformity. Site features may be modified in a manner that maintains or lessens the extent of the nonconformity.
  - b. *Property Redevelopment.* The removal and replacement of the primary structure on a lot to the extent that either its use must be discontinued for any period of time or a phased removal and replacement results in a completely new structure shall require all site features to be brought into compliance with all requirements of this UDO. For lots containing multiple primary structures, this provision shall apply if a structure or structures totaling more than seventy-five (75%) of the pre-demolition building area (cumulative from the effective date of this UDO) is removed and replaced with new development.
  - c. *Use and/or Structure Expansion.* If the use of, or structure present on, a property is expanded, the corresponding site features shall be required to be modified to an extent which is proportional to the expansion. In addition, the screening of all refuse and recycling areas shall be updated to meet requirements of this UDO. Site features that are proportional to use and structures on a property include, but are not limited to, the number of parking spaces, lot interior landscaping, etc. Parking spaces shall also be brought into compliance with Americans with Disabilities Act (ADA) standards, as required by the applicable local building code. All modifications to site features shall comply with the applicable requirements of this UDO.
  - d. *Change of Use.* The change of use of a property shall require that all site features that are directly related to use be brought into compliance with this UDO. The primary site feature related to use is the number of parking spaces required. However, if the change of use results in a decrease in the extent of the nonconformity, compliance shall not be required. For example, if a new use requires fewer parking spaces than its predecessor, but more than are available on site, that use shall be permitted without additional

parking being constructed.

#### **G. Nonconforming Uses of Land.**

- 1. General Provisions.** Where, at the time of adoption of this UDO, lawful uses of land exist which would not be permitted by the regulations imposed by this UDO, the uses may be continued so long as they remain otherwise lawful, provided that:
  - a. A nonconforming use may be continued, but shall not be extended, expanded, or changed to another nonconforming use, unless a use variance is obtained from the BZA.
  - b. A nonconforming use shall not be enlarged, increased, or intensified, nor 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.
  - c. A nonconforming use shall not be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this UDO.
  - d. If any such nonconforming use of land is discontinued or abandoned for any reason for more than one (1) year, any subsequent use of such land shall conform to the regulations specified by this UDO for the district in which such land is located. There shall be no return to the previous nonconforming use after it is discontinued or abandoned for more than one (1) year unless a use variance is obtained from the BZA.
  - e. No additional structures not conforming to the requirements of this UDO shall be erected in connection with such nonconforming use of land.
- 2. Provisions for Agricultural Uses.** Consistent with *IC 36-7-4-616*, an agricultural use of land that constitutes an agricultural nonconforming use may be changed to another agricultural use of land without losing agricultural nonconforming use status. In addition, an agricultural nonconforming use shall not be restricted or required to obtain a variance or special exception so long as an agricultural nonconforming use has been maintained for three (3) years in a five (5) year period.

**H. Nonconforming Uses and Structures in Combination.** Where a lawful use occupied by a lawful structure existed prior to the effective date of this UDO, as amended from time to time, where one or the other, or both, do not comply with the requirements imposed by this UDO, nonconforming combination of use and structure may be continued so long as they both remain otherwise lawful. Such a combination shall also be subject to the following provisions:

- 1.** Where nonconforming status applies to a structure and land use in combination, neither shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered, except to change the use from a legally nonconforming use to a conforming use, in which case, such modifications shall be subject to the provisions of this UDO.
- 2.** Where nonconforming status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the use, in which case, both the structure and the use shall be brought into conformance with the provisions of this UDO.

# Chapter 10 – Enforcement

## A. Purpose and Applicability.

### 1. Purpose. This Chapter:

- a. Establishes the procedures that the County may use to ensure compliance and enforcement of the provisions of this Unified Development Ordinance (UDO); and
- b. Sets out the remedies and penalties that the County may use to seek to correct violations. The provisions of this Chapter are intended, when possible, to encourage the voluntary correction of violations.

### 2. Applicability.

- a. *Compliance Required.* No person may use, occupy, or develop land, buildings, or other structures or permit the use, occupancy, or development of land, buildings, or other structures except in accordance with all the provisions of this UDO. This includes the subdivision of property, which shall be approved by the PC in accordance with the provisions of this UDO and filed with the Johnson County Recorder.
- b. *Continuation of Prior Enforcement Actions.* Nothing in this UDO shall prohibit the continuation of previous enforcement actions undertaken by the County pursuant to regulations in effect before the effective date of this UDO. Enforcement actions initiated before the effective date of this UDO, and subsequent amendments, may be continued to completion or settlement under the terms of the regulations in effect prior to the effective date of this UDO.

## B. Violation Process.

### 1. Report of Violation. Any person, including but not limited to, the Administrator, may allege violation[s] of this UDO, whether in person, by telephone, in writing, or electronically.

### 2. Investigation.

- a. *Performance of Investigation.* Upon receipt of information alleging facts that would constitute a violation of this UDO shall open a violation file and within ten (10) calendar day perform an investigation of the property alleged to be in violation.
- b. *Findings.* Following an investigation, the Administrator shall note the findings of the investigation in the violation file and determine whether a violation exists. If the Administrator determines that no violation exists, the violation file shall be closed.

### 3. Notice of UDO Violation.

- a. *Issuance of Notice.* If the Administrator determines that a violation exists, the Administrator shall issue a written Notice of UDO Violation to the legal owner of record, the current occupant / resident, any known mortgagee-in-possession, and any other person believed to hold a possessory interest in the property where the violation exists. The Notice of UDO Violation shall be delivered via certified mail.
- b. *Contents of Notice.* The Notice of UDO Violation shall:

- 1) Detail the specific nature of the violation;
  - 2) Cite the section of the UDO allegedly violated;
  - 3) Provide options for remedying the violation;
  - 4) Establish a date not more than fourteen (14) calendar days following the date of mailing of the Notice of UDO Violation, by which resolution of the violation must occur, and;
  - 5) Indicate the possible additional fines and penalties that may accrue if the violation remains unresolved.
- c. *Notice Recipient Liability.* Upon the issuance of the Notice of UDO Violation, the owner shall be liable for a fine of one hundred dollars (\$100). The Notice of UDO Violation shall state that the Administrator will waive the fine if the violation is resolved within the time allowed as stated in Sec. 10.A.5.b.4 above or if the violation becomes legally established by grant of a subsequent land use petition.
- d. *Notice is Not Properly Delivered.* If the certified letter containing the Notice of UDO Violation is returned undelivered, or if the Administrator is otherwise unable to contact the owner of the property where the violation exists, additional written notice shall be posted in a conspicuous location at said property. No further notification shall be required.

#### **4. Remedying Options.**

- a. *General Options.* Upon receipt of a Notice of UDO Violation, the owner of said property may, not later than the deadline established in the Notice of UDO Violation:
- 1) Take corrective action (See Sec. 10.B.4.b, *Corrective Action*);
  - 2) File an appeal of the Notice of UDO Violation with the BZA, which appeal shall be docketed for the next available regularly scheduled hearing of the BZA (See Sec. 10.B.4.c, *Appeal*) or;
  - 3) File for a variance, special exception, rezoning, or other land use petition to resolve the violation, (See Sec. 10.B.4.d, *Petition for Variance, Rezoning, or Special Exception to Correct the Violation*).
- b. *Corrective Action.*
- 1) *Immediate Action.* The owner or other party receiving a Notice of UDO Violation may correct said violation by bringing the property into compliance with the requirements of this UDO. Upon correction of the violation within the time allowed within Sec. 10.A.5.b.4 above and following an Administrator site inspection confirming the same, the Administrator shall close the Notice of UDO Violation case, waive the fine, and notify the owner of the disposition of the matter via First Class US Mail.
  - 2) *Corrective Plan.* At the discretion of the Administrator, a written alternative corrective plan may be accepted to provide for the full remedy of the violation in a

timely manner. Subsequent deviation from that approved alternative corrective plan shall result in continuing enforcement activity as prescribed in this UDO.

- c. *Appeal.* If a person believes that a Notice of received is, in fact, an incorrect interpretation of the UDO by the Administrator or any other county official, then said person may file an administrative appeal of the decision for a hearing to be set with the Board of Zoning Appeals (BZA). Any person electing this option must include full payment of the required filing fees per this UDO. See Sec. 8.C.6, *Administrative Appeal Process*. A person who elects to file such an appeal shall do so with the Administrator within ten (10) business days after issuance of a citation. Any monetary fines shall be stayed until a decision on the appeal is made. A person who files the appeal within the aforementioned time period shall pursue the approval of the appeal in accordance with the application schedule or other adopted schedule. If the appeal is denied or withdrawn and the civil zoning violation continues at the location, then the issue may be brought before a court of competent jurisdiction.
  - d. *Petition for Variance, Rezoning, or Special Exception to Correct the Violation.* If applicable, a person who receives a citation may file an application for a variance, special exception, or rezoning to correct the violation. A person who elects to file such an application shall do so with the Administrator within fourteen (14) calendar days after issuance of a citation. Any monetary fines shall be stayed until a decision on the application is made. A person who files the application within the aforementioned time period shall pursue the approval of the application in accordance with the application schedule or other adopted schedule. If the application is denied, withdrawn, or dismissed and the civil zoning violation continues at the location, then the issue shall be brought before a court of competent jurisdiction. Filing a petition for a variance, rezoning, or special exception to correct a violation has the legal effect of waiving the appeal of the interpretation of the citation in Sec. 10.B.2.b, *Appeal of Citation*.
  - e. *No additional options.* No other corrective action, appeal, or petition other than those listed within this Sec. 10.B.4, *Remedying Options*, may be filed relative to any property that is the subject of an unresolved violation.
- 5. Sign Violations.** The Administrator may order the removal of any permanent or temporary sign erected or maintained in violation of this UDO without adherence to Sec. 10.B.3, *Notice of Violation*, as it relates to enforcement of sign provisions within this UDO.
- a. *Threat to Public Safety.* 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.
  - b. *Cost Borne by Owner.* Any cost associated with signs removed pursuant to the provisions of this UDO shall be reimbursed by the owner of said sign.
  - c. *Permanent Signs.*
    - 1) *Notice.* For permanent signs, a thirty (30) day written notice describing the violation and ordering either the removal of the sign or requiring the sign to be brought into compliance shall be given to the owner and/or business operator.

- 2) *Sign Disposal*. Should said sign not be retrieved within forty-five (45) days of its removal, it may be disposed of in any manner deemed appropriate by the Administrator.
- d. *Temporary/Portable Signs*.
- 1) *Notice*. No Notice of UDO Violation will be given for temporary signs or portable signs prior to removal.
  - 2) *Sign Disposal*. Should said sign not be retrieved within fifteen (15) days of its removal, it may be disposed of in any manner deemed appropriate by the Administrator.

## 6. UDO Violations.

- a. *Properties Found in Violation*. In accordance with IC 36-1-6-2 if a property is found to be in violation of this UDO, the Administrator may enter onto the property and take appropriate action to bring the property into compliance. Furthermore, continuous enforcement orders as defined in IC 36-7-9-2 can be enforced and liens may be assessed.
- b. *Property Owner Liability*. The property owner shall be held liable for any:
  - 1) Person, tenant, or occupant who violates any of the provisions of this UDO; or
  - 2) Violations of conditions or written commitments established in connection with any development plans, variances, special exceptions, rezonings, or any structural alterations that are in violation of any approved plans.

## C. Remedies and Penalties.

1. **Noncompliance**. In addition to the initial one hundred dollar (\$100) fine attached to the Notice of UDO Violation (See Sec. 10.B.3.c, *Notice Recipient Liability*), any person who violates any of the provisions of this UDO, fails to fully comply with any of the requirements, or builds, reconstructs, or structurally alters any building or site without approval shall be fined not more than three hundred dollars (\$300.00) per violation.. Each day a violation(s) and/or noncompliance exists shall constitute a separate offense.
2. **Payment of Fines**.
  - a. *Timeframe for Payment*. All fines prescribed by this UDO shall be paid within three (3) business days to the Department of Planning and Zoning, which shall render to the person making payment a receipt stating the amount and purpose for which the fine has been paid. All fine payments shall be remitted to the county general fund.
  - b. *Fine Waiver*. Except as otherwise ordered by a court of competent jurisdiction, the Administrator may, at the Administrator's discretion and as prescribed in this UDO, waive some or all assessed fines following the full and timely correction of the violation.
3. **Injunction**. The PC, the BZA, the Administrator, any designated enforcement official, or any person may jointly or severally institute a suit for injunction in any court of competent jurisdiction to restrain a person from violating the provisions of this UDO or to declare a public or private nuisance be abated in an appropriate manner.

**4. Stay of Work Pending Appeal and Restraining Order.** 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.

**D. Attorney's Fees.** If the PC, BZA, or the County is required to utilize the services of any attorney in investigating a possible violation of this UDO or enforcing the provisions of this UDO before any board or court, and such investigation results in a determination that a violation has occurred or if the PC, BZA, or the County 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 County's reasonable attorney fees, expenses, and all court costs related to the investigation of the violation and/or the enforcement of this UDO.

# Chapter 11 – Rules of Interpretation and Definitions

## A. Rules of Interpretation

1. **Provisions are Minimum Requirements.** In the interpretation and application of the UDO, the provisions of this ordinance shall be held to be the minimum requirements for the purposes of promoting the public health, safety, comfort, morals, convenience, and general welfare of the residents of the County.
2. **Conflicting Provisions.**
  - a. *Greater Restriction Applies.* Where this UDO imposes a greater restriction upon the use of a building, structure, or premises than is imposed or required by such existing provisions of law, the provisions of this UDO shall control. Should there be determined to be a conflict between two (2) provisions with the UDO, then the stricter provision shall apply.
  - b. *Private Agreements.* It is not the intent of this UDO to interfere with, abrogate, or amend any existing easements, covenants, or other private agreements between parties. Where private agreement imposes a greater restriction than is imposed by this UDO, enforcement of those private restrictions shall be between the parties. The County shall not enforce any private agreement.
  - c. *Text, Tables, and Illustrations.*
    - 1) In case of any difference of meaning or implication between the text of this UDO and any illustrations, the text shall control.
    - 2) In case of a conflict between the text and a table, the text shall control.
    - 3) In case of a conflict between a table and an illustration, the table shall control.
  - d. *Main Code Chapters and Appendices.* In the case of a conflict between the main code chapter and the appendix, the main code chapter shall control.
3. **Delegation of Authority.** The Administrator shall have the primary responsibility of administering the UDO within the jurisdiction. However, whenever a provision requires a county employee to do some act or perform some duty, it is to be construed to authorize the employee to delegate a subordinate to perform the required act or duty unless the terms of the provision specify otherwise.
4. **References to Governmental Authority.** Where this UDO references a local, state, or federal regulation or publication, the reference is to the most recent edition or version unless otherwise noted. If the referenced document has been repealed and not replaced by another regulation or publication, the requirement of compliance is no longer in effect.
5. **Other Requirements.** Nothing in this UDO shall eliminate the need for obtaining any other approval or entitlement required by other provisions of the County, the state, or any federal agency.
6. **Statutory Changes.** If any Indiana Code (IC) cited in this UDO has been amended, this UDO shall be deemed amended in reference to that new or revised provision of law.

- 7. Severability.** If any provision or the application of any provision of this UDO is held unconstitutional or invalid by a court of competent jurisdiction, the remainder of the UDO or the application of such provision to other circumstances shall not be affected.
- 8. Nontechnical and Technical Words.** Words and phrases not defined in this UDO shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.
- 9. Defined Terms.**
- a. *UDO Terms.* Specific words and terms relative to this UDO are as defined in *Sec. 11.B, Definitions.*
  - b. *Code of Ordinance Terms.* Words not defined in this UDO but defined in any other parts of the County's Code of Ordinances shall be deemed to have the meaning provided in the County's Code of Ordinances. Should a term not be defined in either the UDO or the County's Code of Ordinances then the term shall be defined as the most appropriate meaning provided in a dictionary of common usage.
  - c. *Dates and Time.*
    - 1) "Day" means a calendar day.
    - 2) "Month" means a calendar month.
    - 3) "Year" means a calendar year.

**10. Additional Rules of Interpretation.**

- a. The use of the terms "including," "such as," or similar language are intended to provide examples, not to be exhaustive lists of all possibilities and not a limitation.
- b. The term "and" indicates that all items being referred to are connected, inclusive, and applicable. The term "or" indicates that one or more of the items being referred to shall apply.
- c. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and vice versa.
- d. Words used in the plural number include the singular and vice-versa.
- e. "Person" includes an individual, a corporation, a partnership, and an incorporated association of persons such as a club.
- f. The term "building" includes a "structure"; a "building" or "structure" includes any part of the building. A structure is, however, not necessarily a building.
- g. The term "lot" includes parcels, plots, and tracts.
- h. The terms "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."
- i. The words "shall," "must," and "will" are always mandatory.
- j. The words "should" and "may" are discretionary.

## B. Definitions

**ABANDONMENT:** The cease or discontinuance of a use or activity without intent to resume as distinguished from short term interruptions such as during periods of remodeling, maintenance, or normal periods of vacation or seasonal closure.

**ABUTTING:** Two (2) lots sharing the same or common property lines. This definition does not include lots that are separated by an alley, street, or another right-of-way.

**ACCESSORY BUILDING:** A building detached from a principal building located on the same lot and which is incidental and subordinate to the principal building.

**ACCESSORY DWELLING UNIT, ATTACHED:** A dwelling unit that is structurally attached to a principal building which has separate front and/or rear access and separate kitchen facilities; and is no larger than one thousand (1,000) square feet.

**ACCESSORY DWELLING UNIT, DETACHED:** A separate and secondary dwelling unit which has its own living area and kitchen facilities that exists on the same parcel of property as the primary dwelling, and said dwelling unit does not share a common wall with the primary dwelling.

**ACCESSORY STRUCTURE:** A structure which (1) is subordinate to and serves a principal building or use; (2) is subordinate in area, extent or purpose to the principal building to be served; (3) contributes to the comfort, convenience or necessity of occupants of the principal building or use served; and (4) is located on the same lot with the building or use served, with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and should be designed to have minimal flood damage potential. Examples of accessory structures include, but are not limited to, detached garages, carports, storage sheds, pole barns, and hay sheds.

**ACCESSORY SOLAR ENERGY SYSTEM:** A solar energy system whose primary purpose is to offset part or all of the beneficiary's utility needs and is an accessory use to the principal structure or use.

**ACCESSORY USE:** A use incidental to and customarily associated with a specific principal use located on the same lot or parcel.

**ADJACENT:** Two (2) lots sharing the same or common property lines. Lots separated by a right-of-way and not included within this definition.

**ADJOINING:** Two (2) lots that either share the same or common property lines or are directly connected with only an alley, street, or another right-of-way between the two (2) lot lines.

**ADMINISTRATOR:** The Director of Planning and Zoning or his or her designee, who shall enforce and interpret the provisions of this UDO.

**ADULT DAY SERVICES CENTER:** A facility that provides services on a daily or regular basis, but not overnight, to four (4) or more elderly or handicapped persons who are not related by blood, marriage, or adoption to the owner of the facility.

**ADULT ENTERTAINMENT BUSINESS:** Any establishment involved in the sale of services or products characterized by the exposure or presentation of "specified sexual activities,"

“specified anatomical areas,” or physical contact of live males or females, and which is characterized by salacious conduct appealing to prurient interest for the observation or participation by patrons. Services or products included within the scope of adult entertainment business are photography, dancing, reading, massage, and similar functions which utilize activities as specified above.

**ADVISORY PLAN COMMISSION:** A Plan Commission serving a single local government jurisdiction, established as defined by *IC 36-7-1-2*, as amended.

**AGRITOURISM:** A commercial business operation designed for a parcel of property with at least two (2) acres where the general public is allowed or invited to participate in, view, or enjoy agriculturally based activities for recreational, entertainment, or educational purposes, including farming, ranching, dining, sale of agricultural products, historic and cultural agricultural activities, or natural resource-based activities. This term does in no way include places of public assembly (either indoor or outdoor) that could be used for events such as private wedding venues; any motorized off-road vehicle racing or other similar motor vehicle activities; or any overnight accommodations including, but not limited to recreational vehicle parks and/or campgrounds.

**AIRPORT / HELIPORT:** Any area of land or water designed and set aside for the landing and take-off of aircraft and utilized, or to be utilized, in the interest of the public for such purposes.

**ALLEY:** A minor right-of-way dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public purposes.

**ALTERNATIVE TOWER STRUCTURE:** Any man-made trees, clock towers, bell steeples, light poles, water towers, farm silos, or similar alternative design mounting structures that conceal, where technically feasible, the presence of CCFs to make them architecturally compatible with the surrounding area pursuant to this UDO. A stand-alone pole in the right-of-way that accommodates small cell facilities is considered an alternative tower structure, provided it meets the concealment standards of this UDO. Alternative tower structures are not considered towers for the purposes of this UDO.

**ANTENNA:** Any device used to transmit and/or receive radio or electromagnetic waves such as, but not limited to, panel antennas, reflecting discs, microwave dishes, whip antennas, directional and non-directional antennas consisting of one (1) or more elements, multiple antenna configurations, or other similar devised configurations.

**APARTMENT:** A building containing three (3) or more dwelling units, not including hotels, motels, and similar group accommodations.

**APPLICANT:** Anyone who submits for a permit and/or approval through this UDO.

**AUTOMATED TELLER MACHINE (ATM):** An automated mechanized consumer banking device operated by a financial institution for the convenience of its customers, whether inside or outside of a financial institution, or located in a structure unrelated to the financial institution operating it.

**AUTOMOBILE PARKING LOT (PRIMARY USE):** An area established for short- or long-term off-street storage of operable vehicles when the owner of the vehicle is not the same party who owns the property.

**AUTOMOBILE / VEHICLE SALES AND RENTAL:** Premises on which new or used passenger automobiles, trailers, recreational vehicles, or light trucks in operating condition are displayed for sale, lease, or rental. This includes used car sales or storage lots, and automobile or trailer display and sales rooms.

**AUTOMOBILE / VEHICLE REPAIR AND SERVICE:** Any land, building, structure, or premises used for the general repair of automobiles including but not limited to engine rebuilding or reconditioning of motor vehicles; upholstery, painting, or reconditioning of any automobile; engine steam cleaning; transmission welding or rebuilding and installation; collision service such as body, frame and fender straightening and repair; and painting of motor vehicle after a collision, fire damage, water damage, or other natural disaster or for the purpose of restoration.

**BANK, CREDIT UNION, AND FINANCIAL SERVICES:** Any business, regardless of whether said business is located in a freestanding building, kiosk, or automated teller machines; that provides financial services and the transmission of funds.

**BAR / BREWERY:** An establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where sandwiches and light snacks may also be available for consumption on the premises.

**BASE ZONING DISTRICT:** The standard zoning district where the parcel or tract of land is located and the standards of which apply when the overlay district regulations are silent on any given point.

**BASE STATION:** A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The definition of base station does not include or encompass a tower as defined herein or any equipment associated with a tower.

**BEEKEEPING:** The keeping of bees on a residential property with no more than five (5) hives per allowable beekeeping residences.

**BERM:** An elongated earthen mound typically designed or constructed on a site to separate, screen, or buffer adjacent uses.

**BILLBOARD:** Any sign that advertises a business, person, activity, goods, products, or services not located on the premises where the sign is installed and maintained or that directs persons to a location other than the premises where the sign is installed and maintained.

**BLOCK:** An area enclosed by streets or other physical boundaries, including waterways, and occupied by or intended for buildings.

**BOARD OF COMMISSIONERS:** The Board of Commissioners of Johnson County, Indiana.

**BOND:** A form of surety or guaranty agreement which contains the promise of a third party, usually a bonding company, to complete or pay for the cost of completion of public improvements if the developer defaults.

- BOX TRUCK:** A chassis cab truck with an enclosed cuboid-shaped cargo area.
- BUFFERYARD:** A strip of land on the periphery of a property created to separate one type of land use or zoning district from another when they are incompatible or in conflict.
- BUILDING:** Any structure having a roof supported by columns or walls, and designed, built, and used for the shelter, protection, or enclosure of persons, animals, or property, and having an ascertainable stationary location on or in land or water, whether or not affixed to the land. A building is also a structure.
- BUILDING HEIGHT:** The vertical distance from the average level of the highest and lowest point of that portion of a lot covered by the building to the topmost point of the roof.
- BUILDABLE AREA:** The area internal of the property line setbacks where a primary building or accessory structure may be built.
- BUILDING LINE:** A line parallel or approximately parallel to the right-of-way at a specified distance, therefrom establishing the minimum distance from the right-of-way that a building may be erected.
- BUILDING MATERIALS AND HARDWARE STORE:** The retail sale, rental, or lease of durable consumer goods, or in the retail sale, rental, or lease of such goods in combination with repair and maintenance services and the sale of replacement parts and accessories. Stores which include in part the sale of raw materials such as lumber and/or brick are included within this definition and land use category. This includes lumber and building materials yards.
- CAMOUFLAGE:** Measures used in the design and siting of Wireless Communication Facilities (CCFs) with the intent to minimize or eliminate the visual impact of such facilities to surrounding uses.
- CARGO VAN:** A van that has seats for only a driver or a driver and a front passenger, and in which the area behind the driver does not include any seating.
- CARGO TERMINAL:** A facility used for the loading and unloading of materials to be distributed by either truck or train.
- CAR WASH:** An establishment primarily engaged in cleaning or detailing motor vehicles, whether self-service, automatic, or by hand.
- CELLULAR COMMUNICATIONS FACILITIES (CCF):** A facility used to provide personal wireless services as defined at *47 U.S.C. Section 332(c)(7)(C)*; or wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies; or wireless utility monitoring and control services. A CCF does not include a facility entirely enclosed within a permitted building where the installation does not require a modification of the exterior of the building; nor does it include a device attached to a building, used for serving that building only and that is otherwise permitted under other provisions of the UDO. A CCF includes an antenna or antennas, including, without limitation, directions, omni-directions and parabolic antennas, base stations, support equipment, small cell facilities, alternative tower structures, and towers. It does not include the support structure to which the CCF or its components are

attached if the use of such structures for CCFs is not the primary use. The term does not include mobile transmitting devices used by wireless service subscribers, such as vehicle or handheld radios/telephones and their associated transmitting antennas, nor does it include other facilities specifically excluded from the coverage of this UDO.

**CEMETERY:** Land primarily used or dedicated for the burial of the dead. As used within this UDO, the land use of cemetery includes properties with mausoleums.

**CERTIFICATE OF OCCUPANCY:** A certificate stating that the occupancy and use of the land or a building or structure referred to therein complies with the provisions of this UDO.

**CHILD CARE CENTER:** A facility licensed by the State of Indiana where at least seventeen (17) children receive childcare from a provider while unattended by a parent, legal guardian, or custodian for regular compensation for more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.

**CHILD CARE HOME:** A residential structure licensed by the State of Indiana in which at least six (6) children (not including the children for whom the provider is a parent, stepparent, guardian, or other relative) at any time receive child care from a provider while unattended by a parent, legal guardian, or guardian; for regular compensation; and for more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays. The use does not involve and/or is not in combination with any form of overnight lodging, medical treatment, counseling, or rehabilitative services.

**COLLECTOR STREET:** A street that serves or is designed to serve as the connection from local streets to arterial streets, such as the main entrance street of a residential development. This type of street typically serves travel of primarily intracounty trips rather than trips statewide. There are major collector and minor collector streets, with the distinction between the two types determined by capacity and traffic volume.

**COLLOCATION:** The mounting or installation of transmission equipment on an Eligible Support Structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

**COMMERCIAL CABINETRY SHOP:** A commercial facility that provides indoor and outdoor carpentry workspace, as well as areas where finished products are sold to the general public.

**COMMERCIAL RECREATION AND AMUSEMENT SERVICES:** Uses that provide for-profit commercial amusement indoors or outdoors including, but not limited to, miniature golf, gymnasiums, athletic clubs, swimming pools, ice skating, roller skating (blades), bowling, pool parlors, bathhouse, amusement parks, go-cart tracks, stadiums, amphitheater, and riding stables.

**COMMERCIAL SOLAR ENERGY SYSTEM:** A solar energy system facility and all associated components whose primary purpose is to collect, store, convert, and distribute solar energy to utility companies.

**COMMERCIAL VEHICLE:** A vehicle that is classified by the State of Indiana as either a Combination Vehicle or Heavy Straight Vehicle. A combination vehicle has a gross combination weight rating or gross combination weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 4,536 kilograms (10,000 pounds), whichever is greater. A heavy straight vehicle has a gross vehicle weight rating or gross vehicle weight of 11,794 or more kilograms (26,001 pounds or more), whichever is greater. Any commercial licensed vehicle that does not meet the requirements of either combination vehicle or heavy straight vehicle as defined above is not considered a commercial vehicle for the purposes of this UDO.

**COMMON OPEN SPACE:** An outdoor area of land or water designated and intended for the common use and enjoyment of residents or occupants of an attached development or other members of a controlling association.

**COMMUNITY GARDEN:** A private or public area of land that is used for the noncommercial cultivation of fruits, herbs, flowers, vegetables, or ornamental plants by more than one (1) person or dwelling unit.

**COMPREHENSIVE PLAN:** The inclusive physical, social, and economic plans and policies, in graphic and verbal statement forms, for the development of the County, prepared and adopted by the County Board of Commissioners pursuant to State law, and including any part of such plan and/or policies separately adopted, and any amendment to such plan and/or policies or parts thereof.

**CONCEALMENT:** Utilization of elements of stealth design in a facility so that the facility looks like something other than a wireless tower or base station. Language such as “stealth,” “camouflage,” or similar in any permit or other document (required under this UDO) is included in this definition to the extent such permit or other document reflects an intent at the time of approval to condition the site’s approval on a design that looks like something else. Concealment can further include a design which mimics and is consistent with the nearby natural or architectural features (such as an artificial tree) or is incorporated into (including, without limitation, being attached to the exterior of such facility and painted to match it) or replaces existing permitted facilities (including, without limitation, stop signs or other traffic signs or freestanding light standards) so that the presence of the CCF is not apparent. This definition does not include conditions that merely minimize visual impact but do not incorporate concealment design elements so that the facility looks like something other than a wireless tower or base station.

**CONSTRUCTION PLANS:** The maps or drawings accompanying a subdivision plat showing the specific location and design of improvements to be installed for the subdivision in accordance with the requirements of this UDO.

**CONTRACTOR’S SHOP:** Electrical contractors, general contractors or construction offices, home remodeling companies, septic system contractors, heating and cooling contractors, painting contractors, landscaping contractors, and plumbing contractor offices, and the like, where such use includes more than one (1), some, or all of the following aspects: storage of product for sale or for installation, storage of materials related to the business, storage of equipment or other implements, office space, parking of company vehicles, service areas for equipment and vehicles, warehouse space, showroom space, and/or retail sales.

**CORRECTIONAL INSTITUTION:** Any establishment that manages and operates jails, prisons, and other similar institutions for the confinement, correction, and rehabilitation of offenders.

**CORRIDOR OVERLAY GREENBELT:** The portion of a corridor overlay district where landscaping shall be provided and signs are prohibited from being located.

**COVENANT:** A private restriction on the use of land contained in the deed to the property.

**CREMATORIUM:** A facility for the burning of corpses, human or animal, to ashes either as a principal use or as an accessory use. Crematoriums do not include establishments where incinerators are used to dispose of toxic or hazardous materials, infectious materials or narcotics.

**CUL-DE-SAC:** A local street with only one (1) outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement, including public safety vehicles.

**CULVERT:** A drain that channels water under a bridge, street, or driveway.

**CURB:** A continuous concrete boundary with a minimum height of four (4) inches and a maximum height of six (6) inches, which provides for a change in grade between a street surface or another paved area and the adjacent area, which may either be paved or unpaved.

**DAIRY:** A structure or building in which dairy products are processed, packaged, and/or stored for shipment. The word "dairy" does not include dairy farms and related facilities for milking dairy cows.

**DENSITY:** The number of dwelling units per acre of land divided by the buildable area of land. This includes any land devoted to recreational amenities and common open space. This does not include floodplains that have not been mitigated, wetlands, or any other amount of land that is undevelopable.

**DETACHED ACCESSORY BUILDING:** A structure on the premises that does not share a wall, roof, or another structural component with the primary building on the property and that is not a habitable space. Typical examples include, but are not limited to, sheds and barns.

**DETACHED BUILDING:** A building that has no structural connection with another building.

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

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

**DEVELOPMENT:** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

**DEVELOPMENT PLAN:** A specific plan for the development of real property that meets the requirements of *IC 36-7-1-6*.

**DRIVE-IN OR DRIVE-THROUGH FACILITY:** An accessory use that exists alongside the retail sale of food and other goods, services, or entertainment wherein patrons may be served or otherwise conduct their business while remaining in their automobiles.

**DRIVEWAY:** A private accessway, primarily for vehicles, leading from a street to a dwelling unit, parking lot, parking garage, or loading area.

**DUPLEX:** A detached building having separate accommodations for two (2) dwelling units and that is constructed without an additional dwelling unit, excluding an accessory dwelling, on any specific lot, tract, or parcel of land.

**DWELLING:** A habitable space or spaces occupied or intended for occupation as a single housekeeping unit with facilities which are used or intended for living, sleeping, cooking, and eating.

**DWELLING, SINGLE-FAMILY DETACHED:** See Single-Family Detached Dwelling.

**EASEMENT:** An authorization grant by a property owner for the use by another of any part of his or her property for a clearly specified purpose or purposes.

**ENGINEER:** For determination for areas of County responsibility, the County Highway Engineer has authority for infrastructure improvements within the existing county rights-of-way, including additional right-of-way required for existing roadway improvement. The Planning Engineer has authority for all other infrastructure improvements with the proposed subdivision. The use of the term "Engineer" hereinafter can refer to either engineer as appropriate.

**ESSENTIAL SERVICES:** The erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, telephone, cable television, internet, sewer, water transmission drains, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs and other similar equipment, for the furnishing of adequate services by such public utilities or municipal or other governmental agencies, but not including buildings. This definition is not intended to include private commercial enterprises such as cellular communications facilities, but only those public facilities necessary for the health, safety, and general welfare of the community. In addition, this definition shall not apply to sewage treatment plants or similar facilities.

**FARM EQUIPMENT AND REPAIR STORE:** A business that principally provides equipment and supplies for farming, ranching, equestrian, or any other use related to agriculture, including feed and seed. This business may also sale and repair agricultural equipment and vehicles.

**FENCE:** A structure, including entrance and exit gates, designed and constructed for enclosure or screening.

**FUNERAL HOME:** A building used primarily for human funeral services. Such building may contain space and facilities for embalming, preparation of the dead for burial, casket storage, and undertaking services.

**GOLF COURSE:** A tract of land that is designed for the game of golf, including tees, fairways, greens, and hazards. Such use may also include a clubhouse, pro shop, golf equipment rental, and incidental food vending.

**GOVERNMENTAL SERVICE (POLICE, FIRE, EMERGENCY MEDICAL SERVICES):** A local government facility for public safety and emergency services, including fire and police protection services, emergency medical and ambulance services, and police services.

- GRAIN ELEVATOR:** Any structure that is used to store grain and contains equipment for conveying grain to the top of a storage bin or bins.
- GREENBELT:** A type of setback that is different from the general definition of setback in that term applies to a distance in which no building, accessory building, or structure is permitted to be built. The term does not preclude steps, walks, terraces, driveways, lighting standards, and other similar structures and site features. Parking lots are discouraged within this area. They are, however, permitted in limited locations. See *Sec. 2.D.1.j, Parking Requirements*.
- GREENHOUSE/NURSERY:** The use of land and buildings (e.g., greenhouse) for the growing or production of fruits, vegetables, flowers, nursery stock, including ornamental plants and trees, and cultured sod as a business activity that then sells as retail and/or wholesale only the plants that are grown on the lot. This definition does not include uses that are categorized within the definition of agritourism or contractor shop.
- GREEN SPACE:** An area of land covered by grass or other natural vegetation that can serve as a passive recreational site for members of the community or as privately owned land. The term does not include buildings, parking areas, accessory uses, water features (such as swimming pools or ponds) and street rights-of-way. Unlike the term common open space, the term green space can include property owned individually by one property owner regardless of whether said owner is a public or private entity.
- GROCERY:** An establishment engaged in retail and/or wholesale sale of food, foodstuffs, sundries, or other common household items to members of the public. This use includes bakeries and delicatessens.
- GROSS FLOOR AREA:** The total square footage of a building measured along outside enclosing walls, including all floors of a multistory building, whether finished or unfinished.
- GROSS LAND AREA:** All land contained within the boundaries of a particular lot or tract of legally described property. This calculation does not include existing or proposed rights-of-way.
- GROSS PARKING AREA:** The total area of land, regardless of whether it is publicly or privately owned, that is used for the parking of motor vehicles. This includes all drive aisles and landscape islands.
- GROSS RESIDENTIAL DENSITY:** The calculation of residential units per acre within a subdivision, including the calculation of the area of parks and roads within the subdivision or on an individually platted lot.
- GROUND FLOOR AREA:** The area of a building in square feet, as measured in a horizontal plane at the ground floor level within its largest outside dimensions, exclusive of open porches, breezeways, terraces, garages, and exterior or interior stairways.
- GROUP HOME:** A non-profit or for-profit group home regulated under *IC 31-27* for the sheltered care of persons with special needs, which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services, and transportation.
- GUARANTEE:** Cash, bonds, or similar financial instruments deposited with the County to ensure that required improvements will be constructed or installed.

**HEAVY EQUIPMENT SALES AND RENTALS:** A business engaged in the rental or sales of powered heavy mechanical equipment.

**HEIGHT:** The distance from the ground where the structure stands to the highest point of the structure.

**HOME BUSINESS:** A lawful activity conducted for financial gain, where such use does not include the sale of goods to customers on the premises or opening of the home to the public for the sale of goods or services without an invitation or appointment. The use differs from a home occupation in that mechanical equipment related to the use may be stored outside of the building provided that proper screening is provided. Minimal traffic shall be required to occur on the property so that there is minimal disruption to the neighborhood.

**HOME OCCUPATION:** An occupation, profession, domestic craft, or economic enterprise which is customarily conducted in a residential dwelling. The use differs from a home business in that there shall be no outside indication that a business is operated on the site.

**HOMEOWNER'S ASSOCIATION:** A formally constituted non-profit association or corporation made up of the property owners and/or residents of a defined area; who collectively may take permanent responsibility for costs and upkeep of commonly owned or designated community property.

**HOSPITAL / REHABILITATIVE CARE:** An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, disability, and other 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. This includes a clinic, hospital, or sanitarium, except a criminal, mental, or animal hospital; and nursing or convalescent home.

**HOTEL:** A commercial building in which lodging is provided and offered to the public for compensation.

**IMPROVEMENT LOCATION PERMIT (ILP):** A certificate issued under this UDO permitting a person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure within its jurisdiction or to change the use or condition of the land.

**INDUSTRIAL AND MANUFACTURING PRODUCT SALES AND SUPPLY:** The sale and supply of petroleum products and large-scale industrial and manufacturing products typically sold and shipped in large quantities. This includes petroleum storage.

**INTEGRATED CENTER:** An area of commercial development of one (1) or more lots comprised of:

1. Two (2) or more individual, unrelated, and separately operated uses in one (1) building sharing common-site facilities;
2. One (1) or more buildings containing unrelated and separately operated uses occupying a common site, that utilizes one (1) or a combination of common site facilities, such as driveway entrances, parking areas, driving lanes, signs, maintenance, and similar common services; or

3. One (1) or more buildings containing unrelated and separately operated uses occupying individual sites, that are interrelated by the utilization of one (1) or a combination of common facilities, driveway entrances, public or private street network, parking areas, maintenance, and other services.

**INTERSTATE:** All presently designated routes of the United States Interstate Highway System.

**JUNKYARD / SALVAGE YARD:** A place or a business that owns junk and/or salvage, and is operated to store, buy, or sell said junk and/or salvage. Typically, all or part of the junk and/or storage is stored outdoors.

**KENNEL:** Any premises, or portion thereof, on which more than four (4) dogs, cats, or other household domestic animals over (4) four months of age are kept or on which more than two (2) such animals are maintained, boarded, bred, or cared for, in return for remuneration, or are kept for the purpose of sale.

**LANDFILL:** An industrial use where refuse is disposed of and promptly covered with sufficient earth.

**LANDSCAPING SUPPLY STORE:** A place of business where retail and wholesale products and produce are sold. The items sold may include, but are not limited to, plants, nursery products, potting soil, and gardening tools.

**LANDSCAPE ISLAND:** An area completely surrounded by a parking area and/or a vehicular use area.

**LIBRARY:** A building or structure owned, operated, or occupied by a governmental agency, school, or charitable organization to provide literary, musical, artistic, and reference materials, along with computer and internet access to the public.

**LIVESTOCK AUCTION:** The sale of livestock animals at a public event to the highest bidder.

**LIVESTOCK PRODUCTION:** Any form of livestock production that requires a permit through the Indiana Department of Environmental Management (IDEM), including but not limited to Confined Feeding Operations (CFO) and Concentrated Animal Feeding Operations (CAFO). Livestock auctions are permitted within this land use category.

**LIVESTOCK RAISING:** Any form of livestock production or raising that does not require a permit through the Indiana Department of Environmental Management (IDEM).

**LOCAL STREET:** A street that provides access to individual lots or land uses, which does not normally carry through traffic, and is designed for short distances of travel.

**LOT:** An undivided tract or parcel of land having frontage on a public street and which is, or in the future, may be offered for sale, conveyance, transfer, or improvement; which is designated as a distinct or separate tract; and which may be identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly filed.

**LOT AREA:** The square feet area within the lot lines of a lot.

**LOT, CORNER:** A lot abutting upon two (2) or more streets at their intersection.

- LOT COVERAGE, MAXIMUM:** The total percentage of property that can be developed. The figure includes all principal and accessory buildings and uses.
- LOT, INTERIOR:** A lot other than a corner lot or through lot.
- LOT DEPTH:** The horizontal linear distance of a property. The lot depth shall be measured by the shortest straight-line distance from the plane of the right-of-way line to the plane of the lot line furthest from the right-of-way line.
- LOT SIZE:** Lot area multiplied by lot width.
- LOT, THROUGH:** A lot having a frontage on two (2) nonintersecting streets as distinguished from a corner lot.
- LOT WIDTH:** The horizontal linear distance across the lot between side lot lines at the building line. The measurement of lot width shall be in a line parallel to the right-of-way line.
- MANUFACTURED HOME:** A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one (1) or more sections, which, in the 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 and twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. The term does not include a recreational vehicle as that term is defined by *24 CFR 3282.8(g)*.
- MANUFACTURED HOME PARK:** An area of land under single ownership used for the parking of two (2) or more occupied manufactured homes that meets or exceeds all of the requirements of this UDO.
- MANUFACTURED HOME SALES:** A business engaged in the sales or rental of manufactured homes.
- MANUFACTURING, HEAVY:** The manufacturing of products from raw or unprocessed materials. Normal operations might include the use of heat, noise, or odor-generating/producing processes. Examples of this use include, but are not limited to, bulk fuel storage, concrete mixing, manufacture and processing of explosive material, stockyards, and slaughterhouses.
- MANUFACTURING, LIGHT:** Establishments engaged in the manufacture or processing of finished products from previously prepared materials, including processing, fabrication, assembly, treatment, and packaging of such products, as well as incidental storage, sales, and distribution. These establishments are characterized by having no major external environmental effects across property lines and include no unscreened or unenclosed outdoor storage or operations.
- MAUSOLEUM:** A building containing above-ground tombs.
- MEDICAL OFFICE / CLINIC:** A use where medical, dental, psychiatric, psychological, chiropractic, and other outpatient services are performed.

**MINERAL EXTRACTION:** The storage and operation of heavy machinery to extract minerals from the earth.

**MINOR ARTERIAL STREET:** A street intended to collect and distribute traffic in a manner similar to principal arterial streets, except that these streets service minor traffic-generating areas such as community-commercial areas, primary and secondary educational facilities, hospitals, major recreational areas, churches, and offices, and/or designated to carry traffic from collector streets to the system of principal arterial streets.

**MOUNDING:** The landscaping practice of shaping the earth to create mounds for visual interest and screening purposes.

**MULTI-FAMILY DWELLING:** A building containing three (3) or more dwelling units, not including hotels, motels, and similar group accommodations. The land uses of townhouse and apartment are considered multi-family dwelling residential units for this UDO.

**MULTI-TENANT CENTER:** One or more buildings, located on a single premise, containing two (2) or more separate and distinct businesses or activities which occupy separate portions of the building with separate points of entrance, and which are physically separated from each other by walls, partitions, floors or ceilings.

**MUSEUM / GALLERY:** An institution for the collection and display of objects of art or science and which facilities are open to the general public.

**NATURE PRESERVE:** A property that is protected from development either by a private conservation easement or governmental restriction, with that restriction being either from the local, state, or federal government.

**NONCONFORMING LOT:** A lot, tract, or parcel of land that lawfully existed at the effective date of this UDO but no longer conforms with a provision or provisions of this ordinance.

**NONCONFORMING SIGN:** See Sign, Nonconforming.

**NONCONFORMING SITE FEATURE:** A site feature that lawfully existed at the effective date of this UDO but no longer conforms with a provision or provisions of this ordinance.

**NONCONFORMING STRUCTURE:** A structure, other than a sign, that lawfully existed at the effective date of this UDO but no longer conforms with a provision or provisions of this ordinance.

**NONCONFORMING USE:** A use that lawfully existed at the effective date of this UDO but no longer conforms with a provision or provisions of this ordinance.

**NONCONFORMITY:** A lot, structure, sign, or use of the land that is now prohibited under the terms of this ordinance but was lawful at the time it was established.

**NON-FARMABLE LAND:** Land that cannot be easily farmed for a variety of reasons, including, but not limited to, extreme slope, non-fertile land, or nearby toxic uses.

**NONRESIDENTIAL:** Any use that is not one of the following: single-family detached dwelling, manufactured home park, duplex, townhouse, apartment, detached accessory dwelling unit, or attached accessory dwelling unit.

**NURSING HOME:** An establishment that provides continuous day and night room and board, personal services, and medical care for compensation, for two (2) or more elderly or infirm persons who are not related to the owner/operator of the home.

**OFFICE, GENERAL:** A room or group of rooms used for the provision of executive, management, or administrative services. Typical uses include administrative offices and services, including real estate, insurance, property management, investment, personnel, travel, and secretarial services. This definition does not include uses that are categorized within the definition of medical office/clinic or contractor shop.

**OUTDOOR STORAGE OF MATERIALS:** The storage of any materials that are stored for a period greater than twenty-four (24) hours, including but not limited to items used in business operations, production, awaiting shipment, or repair (including vehicles) that are not in an enclosed structure and are totally screened from view.

**OVERLAY ZONING DISTRICT:** A zoning district that overlays one (1) or more base zoning districts and imposes additional requirements to those of the base district or modifies the standards otherwise applicable in the base district.

**PARK AND RECREATION FACILITIES, ACTIVE:** Any facility or location devoted to active sports or recreation, such as sport fields, which may or may not feature spectator seating. Horse stables and horse jumping courses are included within this definition. Any use that is commercial in nature does not fall within this category, instead is classified under the category of "Commercial Recreation and Amusement Services."

**PARK AND RECREATION FACILITIES, PASSIVE:** Any facility or location that provides outdoor recreational opportunities that are neither commercial nor active in nature, such as walking trails or child playground equipment.

**PASSENGER TERMINAL:** A facility that receives and discharges passengers and at which facilities and equipment required for their operation are provided.

**PERMANENT COPY:** Any hard copy graphic or print that meets the requirements of this UDO and that is affixed to a permanent sign face which is connected to a permanent sign structure.

**PERSON:** An individual, corporation, firm, partnership, association, organization, or any other groups that acts as a unit.

**PERSONAL SERVICES:** An establishment primarily engaged in providing services generally involving the care of the person or his or her apparel.

**PLACE OF PUBLIC ASSEMBLY, INDOOR:** A building in which people assemble for civic, educational, religious, or cultural purposes. This use includes, but is not limited to, funeral homes, churches, private clubs, stadiums, auditoriums, arenas, and theaters.

**PLAN COMMISSION:** The Johnson County Plan Commission.

**PLAT:** A map or chart that shows a division of land and is intended to be filed for record.

**PLAT, FINAL:** The map, drawing, or plan of a subdivision described in the UDO and any accompanying material submitted for final approval, which, if approved and signed by the designated officials, may be submitted to the County Recorder for recording.

**PLAT, PRELIMINARY:** The preliminary drawing or drawings, described in this UDO, indicating the proposed manner or layout of the subdivision to be submitted for approval, with or without conditions imposed, in a public hearing complying with the standards prescribed in the UDO.

**PRACTICAL DIFFICULTIES:** Significant economic injury that:

- a. Arises from the strict application of zoning regulations in this ordinance to the conditions of a particular, existing parcel of property;
- b. Is not as significant as the injury associated with hardship; that is, it does not deprive the parcel owner of all reasonable economic use of the parcel; and
- c. Is clearly more significant than compliance cost.

**PREMISE:** Any real property, including a building or structure and every separate living unit or place of business contained therein.

**PRIMARY PLAT:** A drawing or drawings indicating the proposed manner or layout of a subdivision to be submitted to the Plan Commission for approval.

**PRIMARY STREET:** The street to which the front façade of the building faces.

**PRINCIPAL ARTERIAL STREET:** A street that connects major activity areas and moves traffic from one community to another. These streets typically serve travel having trip length and trip density characteristics indicative of substantial statewide travel.

**PRIVATE CLUB:** A building in which members of a community or association may gather for social, educational, or cultural activities.

**PRIVATE STREET:** Any roadway pertaining to the subdivision of land, for vehicular travel, which is privately owned and maintained, that does not meet the definition of driveway and serves as the principal means of access to three or more abutting properties.

**PRIVATE UTILITIES:** Utilities that are not subject to County acceptance for operation and maintenance. For purposes of this UDO, private utilities include natural gas line, power lines, telephone lines, cable television lines, and any components thereof, and the utility companies' operation maintenance, repair, and replacement of the same.

**PROFESSIONAL / BUSINESS OFFICE:** A room or group of rooms used for the provision of executive, management, or administrative services. Typical uses include administrative offices and services, including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, and business offices of public utilities, organizations, and associations, but excluding medical offices.

**PUBLIC IMPROVEMENT:** Any drainage ditch, roadway, parkway, storm sewer, sanitary sewer, water main, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the County may ultimately assume the responsibility for maintenance and operation or that may affect an improvement for which city responsibility is established.

**PUBLIC UTILITIES:** Any type of infrastructure that supplies goods and services that are considered essential, including but not limited to water, waste disposal, gas, electricity, telephone, and any other type of communication system.

**RECREATIONAL VEHICLE PARK AND CAMPGROUND:** A parcel in single ownership on which two (2) or more recreational vehicle (RV) sites and/or camping sites are located, established, or maintained for occupancy by recreational vehicles or camp units as temporary living for recreation, education, or vacation purposes.

**RECREATIONAL VEHICLE OCCUPANCY:** The use of a recreational vehicle for living and residing outside of a designated recreational vehicle park or campground.

**REFUELING STATION:** Any building, land area, premises, or portion thereof where petroleum-based fuels or alternative refueling options such as electricity are sold. Light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning may be conducted, and convenience goods or services may be offered. This use does not include businesses that provide any of the following services: overnight truck parking, laundry facilities, or showers.

**REPAIR SERVICE:** Establishments primarily engaged in the provision of repair services to individuals and households, rather than businesses, but excluding automotive repair use types. Typical uses include jewelry, clock, radio and television repair, small appliance repair, bicycle repair, and services of a similar nature.

**REPLAT:** See definition for resubdivision.

**RESEARCH LABORATORY:** A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

**RESTAURANT:** A building or portion of a building, not operated as a dining room in connection with a hotel or boarding house, where food is served for pay and for consumption in the building, and where provisions may be made for serving food on the premises outside the building. This includes, but is not limited to, bakeries and bakers.

**RESUBDIVISION:** A change of any previously recorded subdivision plat if such change affects any street layout, lot line, or setback, or if it affects any legally recorded requirement prior to the adoption of any controlling subdivision regulation.

**RETAIL SALES:** Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

**RETIREMENT HOUSING:** A facility for the residency of elderly and disabled persons ranging from independent living, congregate living where residents share common meals, and a full health and continuing care nursing home facility.

**RIGHT-OF-WAY:** A strip of land occupied or intended to be occupied by a street, sidewalk, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, special landscaping, or for another special use that is dedicated to public use.

**ROADSIDE AGRICULTURAL PRODUCE STANDS:** A small, sometimes temporary or seasonal establishment from which a farmer, gardener, or other person sells, delivers, or peddles any fruits, vegetables, flowers, honey, berries, butter, eggs, fish, milk, poultry, meat, or other garden produce.

**ROOF, EXPOSED:** The portion of a roof visible from ground level of any right-of-way, residentially zoned, or residentially used location.

**ROW CROPS:** The cultivation of any agricultural crop that is planted in rows wide enough to allow for it to be tilled or otherwise cultivated by agricultural machinery.

**SAWMILL / TIMBER PROCESSING:** Any facility where logs are cut into lumber and/or transformed from lumber to finished products such as paper or furniture.

**SCHOOL:** Any entity which provides instruction and classes on a regular basis to either youth or adults. This use includes public, parochial, and commercial schools. This use includes uses such as music and dance schools.

**SECONDARY PLAT:** The map, drawing, or plan described in this UDO of a subdivision and any accompanying material submitted to the Plan Commission, and if approved and signed by the designated officials, may be submitted to the County Recorder for recording.

**SELF-STORAGE, MINI-WAREHOUSE:** A building or group of buildings that are used for the storage of personal property or records, where individual owners or tenants control individual storage spaces.

**SENIOR SERVICES CARE CENTER:** A facility that provides care for elderly and/or disabled adults in a protective setting for a portion of a twenty-four (24) hour day in a place that does not offer overnight accommodations.

**SETBACK:** A line established by this UDO, generally parallel with and measured from lot lines, defining the limits of a yard in which no building other than a permitted accessory building or structure may be located above ground, except as may be otherwise provided in said UDO.

**SETBACK, FRONT:** The required amount of distance to build a primary building on a lot from the front lot line.

**SETBACK, INTERIOR:** A type of setback that determines the required amount of distance between a single-family detached dwelling and an accessory detached dwelling or between duplex or townhouse units. See *Chapter 2, Zoning Districts*, for specific information on interior setbacks for each zoning district.

**SETBACK, REAR:** The required amount of distance to build a primary building on a lot from the rear lot line.

**SETBACK, SIDE:** The required amount of distance to build a primary building on a lot from the side lot lines.

**SHOOTING / ARCHERY RANGE, OUTDOOR:** An outdoor area designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, archery, or any other similar sport shooting.

- SHORT-TERM RENTAL:** Any lease of a residential dwelling for twenty-nine (29) days or less.
- SIDE YARD DEPTH:** The distance measured from the edge of the side yard lot line to the nearest point of the building foundation.
- SIGN:** A single or multi-faced structure or device designed for the purpose of informing or attracting the attention of persons typically not on the premises on which the structure or device is located.
- SIGN, ABANDONED:** A sign pertaining to or associated with an event, business, or purpose which is no longer ongoing on the premises, and which has been inactive or out of business for a period of one hundred and eighty (180) consecutive days or longer.
- SIGN AREA:** The area of a sign composed of characters or words attached directly to a large, uniform building wall surface and shall be the smallest combination of rectangles that enclose the whole group, including any loops or special symbols.
- SIGN, ATTENTION-SEEKING:** Any device that is erected, placed, or maintained outdoors so as to attract attention to any business, or any goods, products, or services available on the premises of a business, including but not limited to the following items or devices: banners; cut out figures; discs; festooning, including tinsel, strings of ribbons, and pinwheels; inflatable objects or characters, including balloons; air animated objects, non-governmental flags; pennants; propellers; steam or smoke-producing devices; streamers; whirligigs; wind devices; blinking, rotating, moving, chasing, flashing, glaring, strobe, scintillating, search, flood or spot lights; or similar devices or items, and of which are located or employed in connection with the conduct of a business.
- SIGN, DIRECTIONAL:** A sign indicating a direction or a location to which traffic, whether pedestrian or vehicular, is requested to move within the parcel for the purpose of traffic control and public safety.
- SIGN, ELECTRONIC VARIABLE MESSAGE:** A variable message sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs include displays using incandescent lamps, LEDs, LCDs, or a flipper matrix, and may also enable changes to be made to messages from locations other than at the sign.
- SIGN, FREESTANDING:** A sign that is completely or principally self-supported by posts or other supports independent of any building or other structure. Monument signs are considered free-standing signs for the purpose of this UDO.
- SIGN, INFLATABLE:** Any temporary sign designed to be inflated and attached to a building or any part of the lot by means of a tether to float freely in the air; or a similar sign anchored to a building or lot in any manner.
- SIGN, MONUMENT:** A sign supported by structures or supports that are placed on, or anchored in, the ground that are independent from any building or other structure.
- SIGN, MURAL:** All graphics on an exterior building wall, regardless of whether or not the intent is to advertise or not, shall be considered a mural.

- SIGN, NONCONFORMING:** A sign that lawfully existed at the effective date of this UDO but no longer conforms with a provision or provisions of this ordinance.
- SIGN, OFF-PREMISE:** Any sign, including billboards, that advertises a business, person, activity, goods, products, or services not located on the premises where the sign is installed and maintained, or that directs persons to a location other than the premises where the sign is installed and maintained.
- SIGN, PERMANENT:** A sign constructed or installed to remain indefinitely.
- SIGN, PORTABLE:** A sign that, by its design and construction, is readily movable from one location to another, mounted on wheels or on a small trailer frame, or mounted on a supportive frame that is designed to sit on top of the ground or to be temporarily staked or tied to the ground.
- SIGN, POLE:** A free-standing sign that is supported by a pole(s), or post(s) with said pole or poles being separate from buildings.
- SIGN, PROJECTING:** A sign erected on or attached to the outside wall of a building and which projects out at an angle from said wall.
- SIGN, SUSPENDED:** A sign hanging down from a marquee, canopy, awning, or porte-cochere that would exist without the sign.
- SIGN, TEMPORARY:** Any sign that is not a permanent sign, that is intended for short-term display, and that is not affixed to a building, structure, or the ground. This includes but is not limited to banners and flags.
- SIGN, WALL:** Any sign shall be affixed to the wall or painted on the wall of any building in such a manner as to read parallel to the wall on which it is mounted; however, said wall sign shall not project above the top of the wall or beyond the end of the building.
- SIGN, WINDOW:** A sign painted on, attached, or affixed to the interior or exterior surface of a window or door of a building, or designed to be seen through a window or door.
- SIGN, YARD:** A temporary free standing sign accessory to the primary use of land that is located in the yard of a lot. For illustrative purposes only, examples may include signs posted by a realtor or home improvement company, signs expressing an opinion, and garage sale advertising.
- SIGN FACE:** The area of the surface of the sign upon, against, or through which the message is displayed or illustrated, including the outward extremities of all letters, figures, characters, and delineations, excluding any frame or border.
- SINGLE-FAMILY DETACHED DWELLING:** A building designed for one (1) dwelling unit. This term does not include any additional dwelling unit (whether attached or detached) on any specific lot, tract, or parcel of land. This definition does include manufactured homes in compliance with *IC 36-7-4-1106*.
- SITE FEATURE:** Includes the following site standards: landscaping, dumpster enclosures, parking space dimensions, number of parking spaces, fencing, screening, vehicle access points, and

other similar requirements of this UDO. Site features shall not include any building setback or other similar requirements that address the structure(s) on a property.

**SITE PLAN:** A plan for one (1) 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.

**SMALL CELL FACILITY:** A CCF where each antenna is located inside an enclosure of no more than three (3) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three (3) cubic feet; and primary equipment enclosures are no larger than seventeen cubic feet in volume. The following associated equipment may be located outside of the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation box, ground-based enclosure, back-up power systems, grounding equipment, power transfer switch, and cut-off switch.

**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.

**SOLAR ENERGY SYSTEM, ACCESSORY:** A SES that is part of the structure of a residence or business or part of the permitted yard of a residence or business and which is designed to provide electrical power, heating or cooling, or water heating only for the residence or business.

**SOLAR ENERGY SYSTEM, COMMERCIAL:** A SES which has a nameplate capacity of at least ten (10) megawatts; and captures or converts solar energy into electricity for the purpose of selling the electricity for use in locations other than where it is generated.

**SPECIAL EVENT:** The short-term use of property, signage, or promotional devices not otherwise included as a permitted or accessory use by this UDO.

**SPECIAL ZONING DISTRICT:** A zoning district where a special set of standards apply which are not expressly stated within the text of this UDO. A special zoning district may be either a Planned Unit Development (where a process is set forth in this UDO for approval of a development) or a location within the County that is outside of a municipal city limit and where the County Government does not have jurisdiction to permit or deny a development application. In this scenario, another governing body, such as the United States Military or the City of Edinburgh, IN, has jurisdiction and permitting power over the property.

**SPECIFIED ANATOMICAL AREAS:** Less than completely and opaquely covered human genitals, pubic region, buttocks, and female breasts below a point immediately above the top of the areola; and human male genitals in a discernibly turgid state even if completely and opaquely covered.

- SPECIFIED SEXUAL ACTIVITIES:** Human genitals in a state of sexual stimulation or arousal; acts, real or simulated, of human masturbation, sexual intercourse, sodomy, cunnilingus, or fellatio; and fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts.
- STREET:** A right-of-way that is owned or controlled by a governmental unit or is established by a recorded plat and is publicly maintained to provide the principal means of access to abutting property.
- STRUCTURE:** Anything constructed or erected that requires location on the ground or attached to something having a location on the ground.
- STUDIO: ART, MUSIC, AND DANCE:** A place designed to be used, or used as, both a dwelling place and a place of work by an artist, artisan, or craftsman, including persons engaging in the application, teaching, or performance of fine arts such as but not limited to drawing, vocal or instrumental music, painting, sculpture, and writing.
- SUBDIVISION:** The division or resubdivision of a tract of land into two (2) or more lots, plats, sites, or other divisions of land; or the consolidation of parcels for the purpose, whether immediate or future, of transfer of ownership or building development.
- TEMPORARY STRUCTURE:** Any structure that is used during the construction process that is intended to be removed after the permanent structure is fully built. This includes, but is not limited to, temporary residential occupancy of a structure such as a recreational vehicle limited to the time of construction of a permanent dwelling.
- THEATER, MOVIE:** An establishment for showing motion pictures in an enclosed building.
- TOWER:** As used in relation to a CCF, means any structure that is designed and built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications facilities including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. The term includes radio and television transmission towers, self-supporting lattice towers, guy towers, monopoles, microwave towers, common carrier towers, cellular telephone towers, and the like. Alternative tower structures and small cell facilities in the rights-of-way are not towers.
- TOWNHOUSE:** Dwelling units constructed in a group of three (3) or more attached units in which each unit extends from the foundation to the roof and with open space on at least two (2) sides.
- TRAFFIC MITIGATION MEASURES:** Any plan that addresses traffic control, parking management, and traffic movement to and from the arterial street system and that, when required, helps mitigate traffic impacts.
- TRANSMISSION EQUIPMENT:** Used in relation to a CCF, means equipment that facilitates transmission for any FCC licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless

communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

**TRAVEL CENTER:** Any business that provides any of the following services: overnight truck parking, laundry facilities, or showers combined with the goods and services typically available for a refueling station as defined by this UDO.

**UNNECESSARY HARDSHIP:** Significant economic injury that:

- a. Arises from the strict application of zoning regulations in this ordinance to the conditions of a particular, existing parcel of property;
- b. Effectively deprives the parcel owner of all reasonable economic use of the parcel; and
- c. Is clearly more significant than compliance cost or practical difficulties.

**VARIANCE:** Permission granted by the BZA in accordance with *IC 36-7-4-918.5* to depart from specific development standards of this UDO.

**VETERINARY CLINIC AND/OR SERVICE:** Any establishment maintained and operated by a licensed veterinarian for the diagnosis and treatment of disease and injury of household pets or for large or livestock animals.

**WAREHOUSING AND STORAGE, INDOOR:** A building used primarily for the storage of goods and materials. This includes, but is not limited to, warehouses, wholesale businesses, and the assembly, warehousing, and distribution of previously prepared material.

**WIND ENERGY CONVERSION SYSTEM (WECS):** All necessary devices that together convert wind energy into electricity, including the blade, rotor, nacelle, generator, WECS tower, electrical components, turbine, WECS foundation, transformer, electrical cabling from the WECS tower to the substation(s); and all other components.

**WIND ENERGY SYSTEM, ACCESSORY:** Any small-scale unit used to generate electric power from wind utilizing wind turbine generators, including the turbine, blades, and tower as well as related electrical equipment that is accessory to a legal principal use and intended to primarily serve the needs of the electric power consumer at that site.

**WIND ENERGY SYSTEM, COMMERCIAL:** A land use for generating electric power by the use of wind utilizing wind turbine generators, including the turbine, blades, and tower as well as related electrical equipment at one (1) or multiple tower locations and that is designed and built to provide said electric power to an electric utility grid rather than an electric power consumer on-site.

**YARD:** A space on the same lot, tract, or parcel of land with a principal building, such space being open, unoccupied, and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted.

### C. Abbreviations

**ABPA:** American Backflow Prevention Association

**ADA:** Americans with Disabilities Act

**ANSI:** American National Standards Institute

**AASHTO:** American Association of State Highway and Transportation Officials

**BZA:** Board of Zoning Appeals

**CCF:** Cellular Communications Facilities

**CFR:** Code of Federal Regulations

**EIFS:** Exterior Insulation and Finish Systems

**FAA:** Federal Aviation Administration

**FCC:** Federal Communications Commission

**IAC:** Indiana Administrative Code

**IC:** Indiana Code

**IDEM:** Indiana Department of Environmental Management

**ILP:** Improvement Location Permit

**INDOT:** Indiana Department of Transportation

**IDNR:** Indiana Department of Natural Resources

**PC:** Plan Commission

**SES:** Solar Energy System

**TRC:** Technical Review Committee

**UDO:** Unified Development Ordinance

**WES:** Wind Energy System

# Appendix A, Land Use Matrix

## Residential Uses by Zoning District

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
<b>Residential</b>	<b>PR</b>	<b>AG</b>	<b>AR</b>	<b>SR</b>	<b>DR</b>	<b>MR</b>	<b>MH</b>	<b>GC</b>	<b>HC</b>	<b>IN</b>
Single-Family 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	--	--
<b>Residential Accessory</b>	<b>PR</b>	<b>AG</b>	<b>AR</b>	<b>SR</b>	<b>DR</b>	<b>MR</b>	<b>MH</b>	<b>GC</b>	<b>HC</b>	<b>IN</b>
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	--	--	--	--	--	--
<b>Commercial Uses of the Home</b>	<b>PR</b>	<b>AG</b>	<b>AR</b>	<b>SR</b>	<b>DR</b>	<b>MR</b>	<b>MH</b>	<b>GC</b>	<b>HC</b>	<b>IN</b>
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	--	--	--	--

## Nonresidential Uses by Zoning District

Table A.2, Land Use Matrix: Nonresidential 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
<b>Agricultural Uses</b>	<b>PR</b>	<b>AG</b>	<b>AR</b>	<b>SR</b>	<b>DR</b>	<b>MR</b>	<b>MH</b>	<b>GC</b>	<b>HC</b>	<b>IN</b>
Agritourism	SE	SE	--	--	--	--	--	--	--	--
Community Garden	P	P	P	P	P	P	P	P	P	--
Dairy	P	P	--	--	--	--	--	P	--	--
Farm Equipment and Repair Store	--	SE	--	--	--	--	--	--	P	--
Grain Elevator	--	P	--	--	--	--	--	--	--	--
Greenhouse / Nursery	US	US	US	P	--	--	--	P	P	--
Landscaping Supply Store	--	SE	--	--	--	--	--	P	P	--
Livestock Production	--	SE	--	--	--	--	--	--	--	--
Livestock Raising	P	P	US	US	--	--	--	--	--	--
Row Crops	P	P	P	--	--	--	--	--	--	--
Sawmill / Timber Processing	--	SE	--	--	--	--	--	--	--	--
<b>Automobile and Related Service Uses</b>	<b>PR</b>	<b>AG</b>	<b>AR</b>	<b>SR</b>	<b>DR</b>	<b>MR</b>	<b>MH</b>	<b>GC</b>	<b>HC</b>	<b>IN</b>
Automobile Parking Lot (Primary Use)	--	--	--	--	--	--	--	P	P	P

**Table A.2, Land Use Matrix: Nonresidential 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
Automobile / Vehicle Sales and Rental	--	--	--	--	--	--	--	US	US	US
Automobile / Vehicle Repair and Service	--	--	--	--	--	--	--	US	US	US
Car Wash	--	--	--	--	--	--	--	US	P	P
<b>Civic, Institutional, and Health Care Uses</b>	<b>PR</b>	<b>AG</b>	<b>AR</b>	<b>SR</b>	<b>DR</b>	<b>MR</b>	<b>MH</b>	<b>GC</b>	<b>HC</b>	<b>IN</b>
Cemetery	US	US	US	US	--	--	--	US	--	--
Child Care Center	--	--	--	--	--	--	--	US	--	--
Correctional Institution	--	--	--	--	--	--	--	--	SE	SE
Governmental Service (Police, Fire, Emergency Medical Services)	P	P	P	P	P	P	P	P	P	P
Hospital / Rehabilitative Care	--	--	--	--	--	--	--	P	P	--
Library	P	P	P	P	P	P	P	P	P	P
Museum / Gallery	P	--	--	--	--	--	--	P	P	--
Medical Office / Clinic	--	--	--	--	--	--	--	P	P	--
Park and Recreation Facilities, Active	P	--	--	P	P	P	P	P	P	--
Park and Recreation Facilities, Passive	P	P	P	P	P	P	P	P	P	P
Place of Public Assembly, Indoor	P	US	US	US	US	P	P	P	P	P
Research Laboratory	--	--	--	--	--	--	--	P	P	P
Schools	US	P	P	P	P	--	--	P	P	P
Senior Services Care Center	P	--	--	--	--	--	--	P	P	--
<b>Commercial Uses</b>	<b>PR</b>	<b>AG</b>	<b>AR</b>	<b>SR</b>	<b>DR</b>	<b>MR</b>	<b>MH</b>	<b>GC</b>	<b>HC</b>	<b>IN</b>
Adult Entertainment Business	--	--	--	--	--	--	--	--	SE	--
Bank, Credit Union, and Financial Services	--	--	--	--	--	--	--	P	P	--
Bar / Brewery	--	--	--	--	--	--	--	US	--	--
Building Materials and Hardware Store	--	--	--	--	--	--	--	P	P	P
Commercial Recreation and Amusement Services	--	--	--	--	--	--	--	US	US	US
Grocery	--	--	--	--	--	--	--	P	--	--
Heavy Equipment Sales and Rentals	--	--	--	--	--	--	--	US	P	P
Hotel	US	--	--	--	--	--	--	P	US	--
Kennel	--	US	--	--	--	--	--	US	US	US
Manufactured Home Sales	--	--	--	--	--	--	--	US	US	US
Office, General	US	--	--	--	--	--	--	P	P	--
Personal Services	--	--	--	--	--	--	--	P	P	--
Recreational Vehicle Park and Campground	US	SE	--	--	--	--	--	SE	--	--
Refueling Station	--	--	--	--	--	--	--	US	P	P
Repair Service	--	--	--	--	--	--	--	P	P	P

**Table A.2, Land Use Matrix: Nonresidential 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
Restaurant	--	--	--	--	--	--	--	P	P	--
Retail Sales	--	--	--	--	--	--	--	P	P	--
Self-Storage, Mini-Warehouse	--	--	--	--	--	--	--	US	US	US
Shooting / Archery Range, Outdoor	US	SE	--	--	--	--	--	--	--	--
Travel Center	--	--	--	--	--	--	--	--	US	US
Veterinary Clinic and/or Service	--	US	--	--	--	--	--	P	P	P
<b>Industrial and Manufacturing Uses</b>	<b>PR</b>	<b>AG</b>	<b>AR</b>	<b>SR</b>	<b>DR</b>	<b>MR</b>	<b>MH</b>	<b>GC</b>	<b>HC</b>	<b>IN</b>
Contractor's Shop	--	--	--	--	--	--	--	--	US	US
Crematorium	--	--	--	--	--	--	--	--	--	US
Industrial and Manufacturing Product Sales and Supply	--	--	--	--	--	--	--	US	US	P
Junkyard / Salvage Yard	--	--	--	--	--	--	--	--	--	SE
Manufacturing, Heavy ( <i>includes handling of explosive and/or foul materials</i> )	--	--	--	--	--	--	--	--	--	SE
Manufacturing, Light ( <i>includes product assembly and processing</i> )	--	--	--	--	--	--	--	--	US	P
Mineral Extraction	--	--	--	--	--	--	--	--	--	SE
Warehousing and Storage, Indoor	--	--	--	--	--	--	--	--	P	P
<b>Transportation, Utility, and Communication Uses</b>	<b>PR</b>	<b>AG</b>	<b>AR</b>	<b>SR</b>	<b>DR</b>	<b>MR</b>	<b>MH</b>	<b>GC</b>	<b>HC</b>	<b>IN</b>
Airport / Heliport	--	SE	--	--	--	--	--	SE	SE	SE
Cargo Terminal	--	--	--	--	--	--	--	--	SE	P
Cellular Communications Facilities (CCF)	--	SE	SE	SE	SE	SE	SE	SE	SE	SE
Landfill	--	SE	--	--	--	--	--	--	--	--
Passenger Terminal	--	P	P	P	P	P	P	P	P	P
Solar Energy System, Commercial	SE	SE	--	--	--	--	--	--	--	SE
Wind Energy System, Commercial	SE	SE	--	--	--	--	--	--	--	SE
<b>Accessory Uses</b>	<b>PR</b>	<b>AG</b>	<b>AR</b>	<b>SR</b>	<b>DR</b>	<b>MR</b>	<b>MH</b>	<b>GC</b>	<b>HC</b>	<b>IN</b>
Automated Teller Machine (ATM)	P	--	--	--	--	--	--	P	P	--
Drive-In or Drive-Through Facility	--	--	--	--	--	--	--	P	P	--
Essential Services	P	P	P	P	P	P	P	P	P	P
Outdoor Storage of Materials	--	--	--	--	--	--	--	--	--	P
Roadside Agricultural Produce Stand	SE	P	P	--	--	--	--	--	--	--
Solar Energy System, Accessory	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
Wind Energy System, Accessory	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
<b>Temporary Uses</b>	<b>PR</b>	<b>AG</b>	<b>AR</b>	<b>SR</b>	<b>DR</b>	<b>MR</b>	<b>MH</b>	<b>GC</b>	<b>HC</b>	<b>IN</b>
Special Events	US	US	US	US	US	US	--	US	US	US
Temporary Structures	US	US	US	US	US	US	US	US	US	US

# Appendix B, Dimensional Standards

## Dimensional Standards by Zoning District

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
<b>PR</b>	2 acres	200 feet	25%	50 ft.	N/A	See Table B.2	10 feet	Primary Buildings: 20 feet Accessory Structures: 10 feet
<b>AG</b>	2 acres	200 feet	25%	50 feet	900 square feet		10 feet	Primary Buildings: 20 feet Accessory Structures: 10 feet
<b>AR</b>	1 acre; unless a public sanitation system is not available. In these circumstances the requirement is 2 acres	100 feet	25%	35 feet; or 50 feet for structures associated with agricultural uses	900 square feet		10 feet	Primary Buildings: 20 feet Accessory Structures: 10 feet
<b>SR</b>	13,000 square feet; unless a public sanitation system is not available. In these circumstances the requirement is 2 acres	80 feet	35%	35 feet; or 50 feet for structures associated with agricultural uses	1600 square feet		10 feet	Primary Buildings: 20 feet Accessory Structures: 10 feet
<b>DR</b>	13,000 square feet; unless a public sanitation system is not available. In these circumstances the requirement is 2 acres	70 feet	35%	35 feet	900 square feet		10 feet	Primary Buildings: 20 feet Accessory Structures: 10 feet
<b>MR</b>	Apartment: 87,120 square feet Other Land Uses: 13,000 square feet	50 feet	60%	50 feet	750 square feet per dwelling unit		Apartment: 20 feet Other Land Uses: 10 feet	Primary Buildings: 20 feet Accessory Structures: 10 feet
<b>MH</b>	5,000 square feet per dwelling	50 feet	40%	35 feet	750 square feet		10 feet	Primary Buildings: 20 feet Accessory Structures: 10 feet

**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
<b>GC</b>	20,000 square feet, or 87,120 square feet if the lot requires septic	100 feet	60%	50 feet	N/A		10 feet	30 feet
<b>HC</b>	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
<b>IN</b>	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

## Required Front Yard Setback by Zoning District and Functional Street Classification

Table B.2, Required Front Yard Setback by Functional Street Classification <sup>1</sup>				
Zoning District	Interstate / Principal Arterial <sup>2</sup>	Minor Arterial	Collector <sup>3</sup>	Local
PR	60	50	40	35
AG	60	50	40	35
AR	60	50	40	35
SR	60	50	40	30
DR	60	50	40	30
MR	60	50	40	35
MH	60	50	40	30
GC	60	50	40	40
HC	60	50	40	40
IN	60	50	40	40

Notes:

1. All dimensions in this table are to be measured as lineal feet.
2. Interstate / Principal Arterial includes all three of the following road functional classifications per the Indiana Department of Transportation: Interstate, Principal Arterial – Other Freeways or Expressways, and Principal Arterial – Other.
3. Collector includes both the Major Collector and Minor Collector functional classifications per the Indiana Department of Transportation.

## Appendix C, Zoning District 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-Family 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-Family 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